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PENNSYLVANIA BULLETIN

Volume 34

Number 30

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Pages 3853—4004

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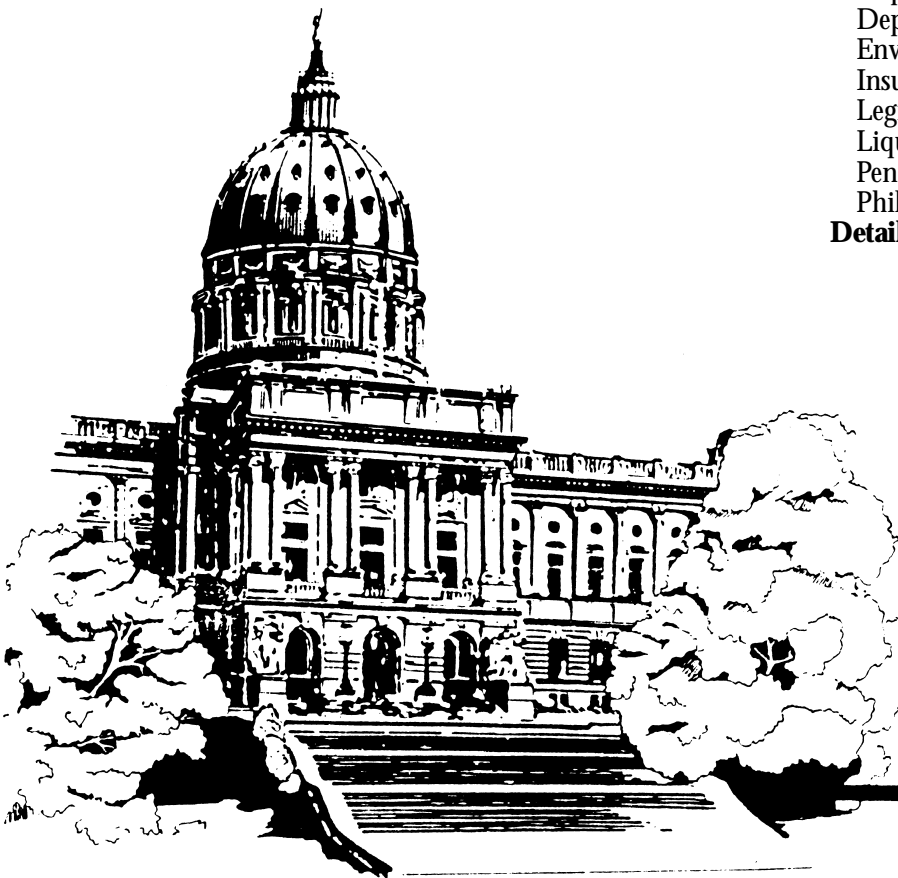
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**Latest Pennsylvania Code Reporter
(Master Transmittal Sheet):**

No. 356, July 2004

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Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Documents

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

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

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

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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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THE COURTS

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

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

Amendments to the Pennsylvania Rules of Disciplinary Enforcement Relating to the Confidentiality of Disciplinary Proceedings; Notice of Change in Comment Due Date

Notice is hereby given that The Disciplinary Board of the Supreme Court of Pennsylvania previously published a notice of proposed rulemaking in the *Pennsylvania Bulletin* on June 26, 2004, Vol. 34, No. 26, concerning amending the Pennsylvania Rules of Disciplinary Enforcement to provide that disciplinary proceedings will not be confidential after the filing and service of a petition for discipline and the filing of an answer or the time to file an answer has expired or after the filing of a petition for reinstatement.

Interested persons were invited to submit written comments regarding the proposed amendments to the Office of the Secretary, The Disciplinary Board of the Supreme Court of Pennsylvania, First Floor, Two Lemoyne Drive, Lemoyne, PA 17043, on or before July 30, 2004.

In order to provide interested parties with additional time to submit written comments regarding these proposed amendments, The Disciplinary Board has determined that the period to respond shall be extended to August 31, 2004.

By The Disciplinary Board of the Supreme Court of Pennsylvania

ELAINE M. BIXLER,
Executive Director and Secretary

[Pa.B. Doc. No. 04-1336. Filed for public inspection July 23, 2004, 9:00 a.m.]

Title 210—APPELLATE PROCEDURE

PART I. RULES OF APPELLATE PROCEDURE [210 PA. CODE CH. 15]

Order Amending Pa.R.A.P. 1501—1571; No. 155 Appellate Procedural Rules; Doc. No. 1

Amended Order

Per Curiam:

And Now, this 8th day of July, 2004, upon the recommendation of the Appellate Court Procedural Rules Committee, this recommendation having been published before adoption at 33 Pa.B. 2259 (May 10, 2003).

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that the proposed amendments to Pa.R.A.P. 1501—1571 are adopted in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. 103(b) and shall be effective 60 days after adoption.

Annex A

TITLE 210. APPELLATE PROCEDURE

PART I. RULES OF APPELLATE PROCEDURE

ARTICLE II. APPELLATE PROCEDURE

CHAPTER 15. JUDICIAL REVIEW OF GOVERNMENTAL DETERMINATIONS

IN GENERAL

Rule 1501. Scope of Chapter.

(a) *General rule.* Except as otherwise prescribed by Subdivisions (b) and (c) of this rule, this chapter applies to:

* * * * *

(3) [**Objections to a determination by a government unit**] **Original jurisdiction actions** heretofore cognizable in an appellate court by [**an action**] **actions** in the nature of equity, replevin, mandamus or quo warranto or for [**a**] **declaratory judgment**, or upon writs of certiorari or prohibition.

(4) **Matters designated by general rule, e.g., review of orders refusing to certify interlocutory orders for immediate appeal, release prior to sentence, appeals under Section 17(d) of Article II of the Constitution of Pennsylvania and review of special prosecutions or investigations.**

(b) *Appeals governed by other provisions of rules.* This chapter does not apply to any appeal within the scope of:

* * * * *

(3) Chapter 13 (interlocutory appeals by permission), except that the provisions of this chapter and ancillary provisions of these rules applicable to practice and procedure on petition for review, so far as they may be applied, shall be applicable: (a) **where required by the Note to Rule 341 and the Note to Rule 1311;** and (b) after permission to appeal has been granted from a determination which, if final, would be subject to judicial review pursuant to this chapter.

* * * * *

Official Note:

* * * * *

Subdivision (a)(4) was added in 2004 to recognize the references in various appellate rules and accompanying notes to petition for review practice. For example, the Notes to Rules 341 and 1311 direct counsel to file a petition for review of a trial court or government agency order refusing to certify an interlocutory order for immediate appeal. Similarly, Rule 1762 directs the filing of a petition for review when a party seeks release on bail before judgment of sentence is rendered. See Rule 1762(b). A petition for review is also the proper method by which to seek judicial review pursuant to Rule 3321 (regarding legislative reapportionment commission) and Rule 3331 (regarding special prosecutions or investigations). The 2004 amendments clarify the use of petitions for review in these special situations.

Subdivision (b) of this rule is necessary because otherwise conventional appeals from a court (which is included in the scope of the term "government unit") to an appellate court would fall within the scope of this chapter under the provisions of Paragraph (a)(2) of this rule.

Subdivision (c) expressly recognizes that some statutory procedures are not replaced by petition for review practice. Thus, matters brought pursuant to Section 137 of the Associations Code governing judicial review of documents rejected by the Department of State or pursuant to the Election Code are controlled by the applicable statutory provisions and not by the rules in Chapter 15. See 15 Pa.C.S. § 137; Act of June 3, 1937, P. L. 1333, as amended 25 P. S. §§ 2600—3591.

[Rule 1561 (disposition of petition for review) makes clear that this chapter does not apply to ordinary tort, contract and post hearing conviction matters.

Where] In light of Subdivision (d), where the court in which a petition for review is filed lacks subject matter jurisdiction (e.g., a petition for review of a local government question filed in the Commonwealth Court), Rules 741 (waiver of objections to jurisdiction), 751 (transfer of erroneously filed cases) and 1504 (improvident petitions for review) will be applicable. See also 42 Pa.C.S. § 5103.

The 2004 amendments are made to petition for review practice to address the evolution of judicial responses to governmental actions. As indicated in the Note to Rule 1502, when the Rules of Appellate Procedure were initially adopted, there was a "long history in the Commonwealth . . . of relatively complete exercise of the judicial review function under the traditional labels of equity, mandamus, certiorari and prohibition." While such original jurisdiction forms of action are still available, their proper usage is now the exception rather than the rule because appellate proceedings have become the norm. Thus, the need to rely on Rule 1503 to convert an appellate proceeding to an original jurisdiction action and vice versa arises less often. Moreover, the emphasis on a petition for review as a generic pleading that permits the court to simultaneously consider all aspects of the controversy is diminished. The primary concern became making the practice for appellate proceedings more apparent to the occasional appellate practitioner. Accordingly, the rules have been amended to more clearly separate procedures for appellate proceedings from those applicable to original jurisdiction proceedings.

The responsibility of identifying the correct type of proceeding to be used to challenge a governmental action is initially that of counsel. Where precedent makes the choice clear, counsel can proceed with confidence. Where the choice is more problematic, then counsel should draft the petition for review so as to satisfy the directives for both appellate and original jurisdiction proceedings. Then the court can designate the proper course of action regardless of counsel's earlier assessment.

[Explanatory Comment—1976

It is made clear that where permission to appeal is granted under Chapter 13 from a determination, which, if final, would be subject to the petition for

review procedures of Chapter 15 (e.g. permission to appeal from an interlocutory order of the Public Utility Commission) the further proceedings in the appellate court are governed by Chapter 15.]

Rule 1502. Exclusive Procedure.

The appeal[, the] and the original jurisdiction actions of equity, replevin, mandamus and quo warranto, the action for a declaratory judgment, and the writs of certiorari and prohibition are abolished insofar as they relate to matters within the scope of a petition for review under this chapter. The petition for review, insofar as applicable under this chapter, shall be the exclusive procedure for judicial review of a determination of a government unit.

Official Note: This chapter recognizes that the modern label "appeal" has little significance in connection with judicial review of governmental determinations in light of the long history in this Commonwealth of relatively complete exercise of the judicial review function under the traditional labels of equity, mandamus, certiorari and prohibition. If the simple form of notice of appeal utilized in Chapter 9 (appeals from lower courts) were extended to governmental determinations without any requirement for the filing of [exceptions] motions for post-trial relief, a litigant who incorrectly selected the appeal label, rather than the equity, mandamus, replevin, or prohibition, etc. label, would probably suffer dismissal, [since] because the court would be reluctant to try a proceeding in the nature of equity, mandamus, replevin, or prohibition, etc. in the absence of a proper pleading adequately framing the issues.

The solution introduced by these rules is to substitute a new pleading (the petition for review) for all of the prior types of pleading which seek relief from a governmental determination (including governmental inaction). Where the reviewing court is required or permitted to hear the matter de novo, the judicial review proceeding will go forward in a manner similar to an equity or mandamus action. Where the reviewing court is required to decide the questions presented solely on the record made below, the judicial review proceeding will go forward in a manner similar to appellate review of an order of a lower court. However, experience teaches that governmental determinations are so varied in character, and generate so many novel situations, that [frequently] on occasion it is only at the conclusion of the judicial review process, when a remedy is being fashioned, that one can determine whether the proceeding was in the nature of equity, mandamus, prohibition, or statutory appeal, etc. The petition for review will eliminate the wasteful and confusing practice of filing multiple "shotgun" pleadings in equity, mandamus, prohibition, statutory appeal, etc., and related motions for consolidation, and will permit the parties and the court to proceed directly to the merits unencumbered by procedural abstractions.

Rule 1551 (scope of review) makes clear that the change in manner of pleading does not change the scope or standard of review of governmental determinations or otherwise affect the [substantial] substantive rights of the parties.

* * * * *

Rule 1503. Improvident Appeals or [Plenary] Original Jurisdiction Actions.

If an appeal is taken from an order of a government unit, or if a complaint in the nature of equity, replevin,

mandamus, or quo warranto, or a petition for a declaratory judgment or for a writ in the nature of certiorari or prohibition is filed against a government unit or one or more of the persons for the time being conducting its affairs[, as such,] objecting to a determination by any one or more of them, this alone shall not be a ground for dismissal[, but the]. The papers whereon the improvident matter was commenced shall be regarded and acted upon as a petition for review of such governmental determination and as if filed at the time the improvident matter was commenced. The court may require that the papers be clarified by amendment.

* * * * *

Rule 1504. Improvident Petitions for Review.

If a petition for review is filed against any person, where the proper mode of relief is an **original jurisdiction** action in equity, replevin, mandamus or quo warranto, or a petition for a declaratory judgment or for a writ of certiorari or prohibition, this alone shall not be a ground for dismissal, but the papers whereon the improvident matter was commenced shall be regarded and acted upon as a complaint or other proper process commenced against such person and as if filed at the time the improvident matter was commenced. The court may require that the papers be clarified by amendment.

Official Note: Based on 42 Pa.C.S. § 102 (definitions) (which includes petition for review proceedings within the statutory definition of “appeal”) and 42 Pa.C.S. § 708(b) (appeals). When the moving party files [his] a clarifying amendment, the amendment will operate to specify that one form of action which the party elects to proceed on.

PETITION FOR REVIEW

Rule 1512. Time for Petitioning for Review.

* * * * *

(b) *Special appellate provisions.* A petition for review of:

(1) A determination of the Department of Community [Affairs] and Economic Development in any matter arising under the Local Government Unit Debt Act, 53 Pa.C.S. §§ 8001—8271, shall be filed within 15 days after entry of the order or the date the determination is deemed to have been made, when no order has been entered.

* * * * *

(4) A determination of a Commonwealth agency under section 1711 of the Commonwealth Procurement Code, 62 Pa.C.S. § 1711, shall be filed within 14 days of receipt of the decision.

(c) [Other governmental determinations] *Original jurisdiction actions.* A petition for review of a determination of a government unit not within the scope of Subdivisions (a) or (b) of this rule may be filed with the prothonotary of the appellate court within the time, if any, limited by law.

Official Note: The note to Rule 903 (time for appeal) addresses the development of the standard 30 day appeal period. Rule 102 defines a “quasijudicial order” as “an order of a government unit, made after notice and opportunity for hearing, which is by law reviewable solely upon the record made before the government unit, and not upon a record made in whole or in part before the reviewing court.”

* * * * *

Subdivision (c) relates to matters [which are original in nature] addressed to the original jurisdiction of an appellate court. For example, equitable matters are governed by existing principles of laches, etc. Other matters, such as petitions for review raising issues formerly cognizable by action in mandamus or quo warranto, etc., are governed by the time limits, if any, applicable under the prior procedure. See generally 42 Pa.C.S. §§ 1702 (regarding the Supreme Court’s rulemaking procedures), 1722(c) (Time limitations), 5501—5574 (Limitations of time).

Rule 1513. Petition for Review.

[(a) *Content.* The petition for review shall contain a statement of the basis for the jurisdiction of the court; the names of the parties seeking review; the name of the government unit (see Rule 503 (description of public officers)) which made the determination sought to be reviewed; reference to the order or other determination sought to be reviewed; a general statement of the objections to the order or other determination; and a short statement of the relief sought. The statement of objections will be deemed to include every subsidiary question fairly comprised therein. It shall not be necessary for the petition to include or have annexed thereto a copy of the text, if any, of the order or other determination sought to be reviewed.

(b) *Caption and parties.* The government unit which made the determination sought to be reviewed, and no other party, shall be named as a respondent, except where the petition seeks review of an order of a government unit which is in fact disinterested in the subject matter of the order, in which case all real parties in interest before such government unit shall be named as respondents and the government unit shall not be named as a respondent. Where a public act or duty is required to be performed by an executive or administrative department, by a departmental administrative board or commission or by an independent administrative board or commission of this Commonwealth, or other board or body, it shall be sufficient to name the department, board, commission or body in the petition for review, without naming or joining as a respondent the head of the department or the members of the board, commission or body. Where necessary in order to join an indispensable party to the matter, the petition for review may name as a respondent a person who is not a government unit.

(c) *Alternative objections.* Objections to a determination of a government unit and the related relief sought may be stated in the alternative, and relief of several different types may be demanded.

(d) *Notice to plead.* If under the applicable law the questions raised by the petition for review may be determined in whole or in part upon the record made before the court, the petition shall contain or have endorsed upon it a notice to plead.

(e) *Verification.* A petition for review which contains or has endorsed upon it a notice to plead shall be verified either by oath or affirmation or by verified statement. Otherwise a petition for review need not be verified.

(f) *Form.* The petition for review shall be divided into paragraphs numbered consecutively, each containing as nearly as may be a single allegation of fact or other statement.

Official Note: This rule supersedes former Commonwealth Court Rules 20A, 20B and 21. Subdivision (b) is based in part upon Pa.R.Civ.P. 1094.

Examples of government units which are not ordinarily "interested" in the subject matter of a petition for review of their action for the purposes of Subdivision (b) of this rule are the Environmental Hearing Board, the Department of Education (with respect to tenure appeals under Section 1132 of the Public School Code of 1949 (24 P.S. § 11-1132)) and the State Civil Service Commission. With respect to the last sentence of Subdivision (b) see *Bruhin v. Commonwealth*, 14 Pa. Commonwealth Ct. 300, 320 A.2d 907 (1974) and 42 Pa.C.S. § 761(d) (ancillary matters) (last sentence), which provides that to the extent prescribed by general rule the Commonwealth Court shall have ancillary jurisdiction over any claim or other matter which is related to a claim or other matter otherwise within its exclusive original jurisdiction.

The inclusion or omission of a notice to plead in the petition for review is the signal which the petition gives to the opposing parties and the court as to the position which the petitioner will take on the issue of going beyond the record made below. If a notice to plead is included, the fact issue may be resolved by the subsequent pleadings permitted by Rules 1515 (answer to petition) and 1516 (other pleadings allowed), but if not the matter will under Rule 1542 (oral argument and evidentiary hearing) move either to summary judgment or to trial.

The 1997 amendment to subdivision (d) remedies what had been an inconsistency between the former heading and the text of the rule.

Explanatory Note—1979

The note is expanded to reflect the fact that the Department of Education does not defend its decisions in teacher tenure appeals from local school districts.]

(a) *Caption and parties on appeal.* In an appellate jurisdiction petition for review, the aggrieved party or person shall be named as the petitioner and, unless the government unit is disinterested, the government unit and no one else shall be named as the respondent. If the government unit is disinterested, all real parties in interest, and not the government unit, shall be named as respondents.

(b) *Caption and parties in original jurisdiction actions.* The government unit and any other indispensable party shall be named as respondents. Where a public act or duty is required to be performed by a government unit, it is sufficient to name the government unit, and not its individual members, as respondent.

(c) *Form.* Any petition for review shall be divided into consecutively numbered paragraphs. Each paragraph shall contain, as nearly as possible, a single allegation of fact or other statement. When petitioner seeks review of an order refusing to certify an interlocutory order for immediate appeal, numbered paragraphs need not be used.

(d) *Content of appellate jurisdiction petition for review.* An appellate jurisdiction petition for review shall contain: (1) a statement of the basis for the jurisdiction of the court; (2) the name of the party or person seeking review; (3) the name of the government unit that made the order or other determination sought to be reviewed; (4) reference to the order or other determination sought to be reviewed, including the date the order or other determination was entered; (5) a general statement of the objections to the order or other determination; and (6) a short statement of the relief sought. A copy of the order or other determination to be reviewed shall be attached to the petition for review as an exhibit. The statement of objections will be deemed to include every subsidiary question fairly comprised therein. No notice to plead or verification is necessary.

Where there were other parties to the proceedings conducted by the government unit, and such parties are not named in the caption of the petition for review, the petition for review shall also contain a notice to participate, which shall provide substantially as follows:

If you intend to participate in this proceeding in the (Supreme, Superior or Commonwealth, as appropriate) Court, you must serve and file a notice of intervention under Rule 1531 of the Pennsylvania Rules of Appellate Procedure within 30 days.

(e) *Content of original jurisdiction petition for review.* A petition for review addressed to an appellate court's original jurisdiction shall contain: (1) a statement of the basis for the jurisdiction of the court; (2) the name of the person or party seeking relief; (3) the name of the government unit whose action or inaction is in issue and any other indispensable party; (4) a general statement of the material facts upon which the cause of action is based and (5) a short statement of the relief sought. It shall also contain a notice to plead and be verified either by oath or affirmation or by verified statement.

(f) *Alternative objections.* Objections to a determination of a government unit and the related relief sought may be stated in the alternative, and relief of several different types may be requested.

Official Note: The 2004 amendments to this rule clarify what must be included in a petition for review addressed to an appellate court's appellate jurisdiction and what must be included in a petition for review addressed to an appellate court's original jurisdiction. Where it is not readily apparent whether a "determination" (defined in Rule 102 as "[a]ction or inaction of a government unit) is reviewable in the court's appellate or original jurisdiction, compliance with the requirements of Subdivisions (d) and (e) is appropriate.

Subdivisions (a) and (b) reflect the provisions of Rule 501 (Any Aggrieved Party May Appeal), Rule 503 (Description of Public Officers), Section 702 of the Administrative Agency Law, 2 Pa.C.S. § 702 (Appeals), and Pa.R.C.P. 1094 (regarding parties defendant in mandamus actions).

Government units that are usually disinterested in appellate jurisdiction petitions for review of their determinations include:

- the Board of Claims,
- the Department of Education (with regard to teacher tenure appeals from local school districts pursuant to section 1132 of the Public School Code of 1949, 24 P. S. § 11-1132),
- the Environmental Hearing Board,
- the State Charter School Appeal Board,
- the State Civil Service Commission, and
- the Workers' Compensation Appeal Board.

The provision for joinder of indispensable parties in original jurisdiction actions reflects the last sentence of section 761(c) of the Judicial Code, 42 Pa.C.S. § 761(c), providing for the implementation of ancillary jurisdiction of the Commonwealth Court by general rule.

Subdivisions (d) and (e) reflect the differences in proceeding in a court's original and appellate jurisdiction, while preserving the need for sufficient specificity to permit the conversion of an appellate document to an original jurisdiction pleading and vice versa should such action be necessary to assure proper judicial disposition. See also the notes to Rules 1501 and 1502. The paragraph regarding the notice to participate was formerly found in Rule 1514(c).

Rule 1514. Filing and Service of the Petition for Review.

(a) *Filing with the prothonotary.* The petition for review, with proof of service required by Subdivision (c) of this rule, shall be filed with the prothonotary of the appellate court in person or by first class or certified mail.

If the petition for review is [transmitted to the prothonotary] filed by [means of] first class or certified mail, the petition shall be deemed received by the prothonotary for the purposes of Rule 121(a) (filing) on the date deposited in the United States mail, as [shown] stamped by post office personnel on a U. S. Postal Service Form 3817, certificate of mailing, or U. S. Postal Service Form 3800. The certificate of mailing shall show the docket number of the matter in the government unit, and shall be either enclosed with the petition or separately mailed to the prothonotary.

Upon actual receipt of the petition for review, the prothonotary shall immediately:

(1) stamp it with the date of actual receipt. That date, or the date of earlier deposit in the United States mail as prescribed in this subdivision, shall constitute the date [when review was sought, which date shall be shown on the docket. The prothonotary of the appellate court shall immediately note the docket number assignment in the appellate court upon] of filing;

(2) assign a docket number to the petition for review; and

(3) give written notice of the docket number assignment in person or by first class mail to the government unit [which] that made the determination sought to be reviewed, to the petitioner, and to the other persons named in the proof of service accompanying the petition.

(b) *Fee.* The petitioner, upon filing the petition for review, shall pay any [fee] fees therefor [prescribed

by Chapter 27 (fees and costs in appellate courts and on appeal)] as set by law or general rule.

(c) *Service.* A copy of the petition for review shall be served by the petitioner in person or by certified mail on the government unit [which] that made the determination sought to be reviewed. In matters involving the Commonwealth, the petitioner shall similarly serve a copy upon the Attorney General of Pennsylvania. [When the government unit is comprised of a plurality of persons, each of whom is to be joined individually, or where there is otherwise a plurality of persons named as respondents] Where there is more than one respondent, the petitioner shall separately serve each [such person] one. All other parties before the government unit [which] that made the determination sought to be reviewed shall be served as prescribed by Rule 121(b) (service of all papers required). [Whenever any such other parties are served, unless they have been named as respondents under Rule 1513(b) (caption and parties), the petition for review shall contain or have endorsed upon it a statement substantially as follows: "If you intend to participate in this proceeding in the (Supreme, Superior or Commonwealth, as appropriate) Court, you must serve and file a notice of or application for intervention under Rule 1531 of the Pennsylvania Rules of Appellate procedure within 30 days."]

(d) *Entry of appearance.* Upon the filing of the petition for review, the prothonotary shall note on the [record] docket as counsel for the petitioner the name of [his] counsel, if any, set forth in or endorsed upon the petition for review, and, as counsel for other parties, counsel, if any, named in the proof of service. The prothonotary shall, upon praecipe of any such counsel for other parties, filed within 30 days after filing of the petition, strike off or correct the record of appearances. Thereafter a counsel's appearance for a party may not be withdrawn without leave of court, unless another lawyer has entered or simultaneously enters an appearance for the party.

Official Note: [This rule supersedes former Commonwealth Court Rules 20C, 21, 22 and 24.] See the note to Rule 1112 (appeals by allowance) for an explanation of the procedure when Form 3817 is used.

The petition for review must be served on the government unit that made the determination in question. Rule 102 defines "government unit" as including "any court or other officer or agency of the unified judicial system." Thus, a petition for review of a trial court order must be served on the judge who issued the order.

Service on the Attorney General shall be made at: Strawberry Square, Harrisburg, PA 17120.

* * * * *

Rule 1515. [Answer to Petition] (Rescinded).

[Where under the applicable law the questions raised by the petition for review may be determined in whole or in part upon the record made before the court, and the right to an evidentiary hearing has been claimed by inclusion or endorsement of a notice to plead as prescribed by Rule 1513(d) (notice to plead), any adverse party may file an answer to the petition controverting any factual allegation of the petition.

Official Note: When the question is one of law, the denial of the contentions made in the petition for review will appear in the briefs of the parties. However, where for example the petition for review raises a question which formerly would have been determined in an action in equity, mandamus, etc., the petition may allege facts which the adverse party will desire to controvert at an evidentiary hearing before the reviewing court, and the factual issues should be properly framed for the court.]

Official Note: Rule 1515 formerly provided for an answer to a petition for review addressed to an appellate court's original jurisdiction. Answers to such petitions are now discussed in Rule 1516.

Rule 1516. Other Pleadings Allowed.

[(a) **General rule.** The pleadings on petition for review are limited to the petition, an answer thereto if permitted by Rule 1515 (answer to petition), a reply if the answer contains new matter or a counterclaim, a counter-reply if the reply to a counterclaim contains new matter, a preliminary objection and an answer thereto.

(b) **Effect of absence of answer.** A further pleading may be filed only in a matter in which an answer is permitted to be or has been filed.

(c) **Time for filing.** Every pleading subsequent to the petition for review shall be filed within 30 days after service of the preceding pleading, but no pleading need be filed unless the preceding pleading is endorsed with a notice to plead.

Official Note: Patterned after Pa.R.Civ.P. 1017 (a) and 1026. The ten additional days in the pleading period is in recognition of the time required for agency coordination where the Commonwealth is a party. Under Rule 1972 (dispositions on motion) a party may move to dispose of the matter on a number of grounds without reaching the merits.]

(a) **Appellate jurisdiction petitions for review.** No answer or other pleading to an appellate jurisdiction petition for review is authorized, unless the petition for review is filed pursuant to the Notes to Rules 341 or 1311 (seeking review of a trial court or other government unit's refusal to certify an interlocutory order for immediate appeal), Rule 1762 (regarding release in criminal matters), Rule 3321 (regarding appeals from decisions of the Legislative Reapportionment Commission) or Rule 3331 (regarding review of special prosecutions and investigations). Where an answer is authorized, the time for filing an answer shall be as stated in Rule 123(b).

(b) **Original jurisdiction petitions for review.** Where an action is commenced by filing a petition for review addressed to the appellate court's original jurisdiction, the pleadings are limited to the petition for review, an answer thereto, a reply if the answer contains new matter or a counterclaim, a counter-reply if the reply to a counterclaim contains new matter, a preliminary objection, and an answer thereto. Every pleading filed after an original jurisdiction petition for review shall be filed within 30 days after service of the preceding pleading, but no pleading need be filed unless the preceding pleading is endorsed with a notice to plead.

Official Note: The 2004 amendments made clear that, with five limited exceptions, no answer or

other pleading to a petition for review addressed to an appellate court's appellate jurisdiction is proper. With regard to original jurisdiction proceedings, practice is patterned after Rules of Civil Procedure 1017(a) (Pleadings Allowed) and 1026 (Time for Filing, Notice to Plead). The ten additional days in which to file a subsequent pleading are in recognition of the time required for agency coordination where the Commonwealth is a party. See Rule 1762(b)(2) regarding bail applications.

Rule 1517. Applicable Rules of Pleading.

Unless otherwise prescribed by these rules, the practice and procedure under this chapter relating to pleadings in original jurisdiction petition for review practice shall be in accordance with the appropriate Pennsylvania Rules of Civil Procedure, so far as they may be applied.

Official Note: See Rule 1762(b)(2) regarding bail applications. See also Rule 3331 regarding Review of Special Prosecutions or Investigations.

Rule 1531. Intervention.

(a) [**Notice of intervention**] **Appellate jurisdiction petition for review proceedings.** A party to a proceeding before a government unit [**which**] that resulted in a quasijudicial order may intervene as of right in a proceeding under this chapter relating to such order by filing a notice of intervention (with proof of service on all parties to the matter) with the prothonotary of the appellate court within 30 days after notice of the filing of the petition for review. [**In the case of a person for whom an appearance has been entered pursuant to Rule 1514(d) (entry of appearance) the failure to file a timely notice of intervention under this rule shall operate to strike off the appearance of such person in the appellate court.**] The notice of intervention may be in substantially the following form:

* * * * *

After 30 days after notice of filing of an appellate petition for review, permission to intervene may be sought by application pursuant to Rule 123.

(b) [**Application for intervention**] **Original jurisdiction petition for review proceedings.** A person not named as a respondent in [**the**] an original jurisdiction petition for review, who desires to intervene in a proceeding under this chapter, [**and who is not entitled to file a notice of intervention under Subdivision (a) of this rule,**] may seek leave to intervene by filing an application for leave to intervene (with proof of service on all parties to the matter) with the prothonotary of the court [**within 30 days after the filing of the petition for review**]. The application shall contain a concise statement of the interest of the applicant and the grounds upon which intervention is sought.

Official Note: A nonparty may file a brief as of right under Rule 531 (participation by amicus curiae) and, therefore, intervention is not necessary in order to participate in the appellate court where the petition for review is filed. However, except as provided in Rule 521(b) (status of Attorney General) and Rule 522(b) (status of Court Administrator), the mere filing of a brief does not confer party status. Where, for example, a nonparty to a petition for review proceeding in the Commonwealth Court desires to be in a position to seek further review in the Supreme Court of Pennsylvania or the Supreme Court of the United States of [**the**] an order of the

Commonwealth Court disposing of the petition for review, the nonparty should intervene or seek leave to intervene in the Commonwealth Court at the outset, since under Rule 501 (any aggrieved party may appeal), party status is a prerequisite to the right to further review.

See Rule 3331 regarding Review of Special Prosecutions or Investigations.

Rule 1532. Special and Summary Relief.

(a) *Special relief.* At any time after the filing of a petition for review, the court may, on application, order the seizure of property, dispose of seized property, [grant relief in the nature of peremptory mandamus,] issue a preliminary or special injunction, appoint a temporary receiver or grant other interim or special relief required in the interest of justice and consistent with the usages and principles of law.

(b) *Summary relief.* At any time after the filing of a petition for review in an appellate or original jurisdiction matter the court may on application enter judgment if the right of the applicant thereto is clear.

Official Note: Subdivision (a) [of this rule, which incorporates Rule 123(a) (contents of application for relief), makes clear that a request for two or more types of relief, including alternative relief] provides examples of specific types of interim relief that may be sought using the procedures set forth in Rule 123 (application for relief). Thus, multiple forms of relief, including those in the alternative, may be combined in the same application, [notwithstanding the fact that] even though separate actions might otherwise be necessary under the Pennsylvania Rules of Civil Procedure. Compare Rule 106 (original jurisdiction matters)[. See also]; 42 Pa.C.S. § 708(e) (single form of action).

[Subdivision (b) of this rule is a generalization of Pa.R.Civ.P. 1098 (peremptory judgment). Cf. Pa.R. Civ. P. 1035(a) (motion for summary judgment), which is not available until after the pleadings are closed.]

Subdivision (b) authorizes immediate disposition of a petition for review, similar to the type of relief envisioned by the Pennsylvania Rules of Civil Procedure regarding judgment on the pleadings and peremptory and summary judgment. However, such relief may be requested before the pleadings are closed where the right of the applicant is clear.

See Rule 3331 regarding Review of Special Prosecutions or Investigations.

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Rule 1541. Certification of the Record.

[When under the applicable law the questions raised by the petition for review may be determined by the court in whole or in part upon the record before the government unit] Upon notice from the appellate court of the filing of a petition for review addressed to the appellate jurisdiction of an appellate court, the government unit shall prepare and transmit the record as provided by Chapter 19 (preparation and transmission of record and related matters).

Official Note: [Based in part on former Pa.R.Civ.P. 5 and former Commonwealth Court Rule

23.] Rule 102 defines “government unit” to include “any court or other officer or agency of the unified judicial system.” Thus, if the order to be reviewed was filed by a trial court, that court shall certify the record. This occurs when the petition for review was filed pursuant to Rule 1762, 3321 or 3331, or the note to Rules 341 or 1311.

See Rule 3331 regarding Review of Special Prosecutions or Investigations.

Rule 1542. [Oral Argument and] Evidentiary Hearing.

[(a) *General rule.* Except as otherwise ordered by the court on its own motion or on application of any party, after the pleadings are closed the matter may be listed for argument before or submission to the court. At argument or on briefs any party may urge in support of its position any factual ground appearing of record or any legal ground not theretofore waived.

(b) *Evidentiary Hearing.*] In any matter [where under the applicable law the questions raised by the petition for review may be determined by the court in whole or in part upon the record made before the court and where, before or at final hearing,] addressed to the appellate court’s original jurisdiction, where it appears that a genuine issue as to a material fact has been raised by the pleadings, depositions, answers to interrogatories, stipulations of fact, admissions on file and supporting verified statements, if any, the court on its own motion or on application of any party shall, after notice to the parties, hold an evidentiary hearing for the development of the record.

Official Note: In view of Rule 106 (original jurisdiction matters) and Rule 1532 (special and summary relief), motions for judgment on the pleadings, Pa.R.C.P. 1034, summary relief and [for] summary judgment [under], Pa. R. [Civ.] C. P. [1034 and] 1035, will be available where a petition for review [with notice to plead] invoking the appellate court’s original jurisdiction has been filed. The procedure under this rule is intended to be flexible, although subject to the control of the appellate court by either rule of court adopted pursuant to Rule 104(a)(3) (rules of court) or by order[, and is necessarily experimental. The rule permits the case to pass directly from the evidentiary hearing before a single judge to a panel or the court en banc without the necessity of a preliminary decision by the hearing judge.]

See Rule 3331 regarding Review of Special Prosecutions or Investigations.

Rule 1543. [Trial by Jury] (Rescinded).

[An issue of fact shall be tried to a jury where the right to such trial is secured either by the Constitution or statutes of this Commonwealth or by the Constitution of the United States. Any right to trial by jury shall be deemed waived unless expressly reserved in the petition for review or an answer thereto.]

Official Note: * * *

See Rule 3331 regarding Review of Special Prosecutions or Investigations.

Rule 1551. Scope of Review.

(a) [Review of quasijudicial orders] Appellate jurisdiction petitions for review. Review of

quasijudicial orders shall be [**heard**] **conducted** by the court on the record **made before the government unit**. No question shall be heard or considered by the court which was not raised before the government unit except:

* * * * *

(b) [**Other matters**] **Original jurisdiction petitions for review**. The court shall hear and decide [**all other matters raised by petition**] **original jurisdiction petitions** for review [**with the scope of review provided by**] **in accordance with law**. This chapter is not intended to modify [**or**], enlarge [**the scope of judicial review of determinations of government units as heretofore existing**] or **abridge the rights of any party to an original jurisdiction petition for review**.

Official Note: Subdivision (a) is a generalization of former Pa.R. [**Civ.**] C.P. 8 and makes no change in substance except to provide that procedural issues not raised below are waived—unless excused under Paragraph (a)(3). Compare Rule 302 (requisites for reviewable issue). [**Paragraph 3 of the Order amending Subdivision (a)(1) provides that where an administrative proceeding was commenced prior to September 1, 1976, a petitioner for review of a quasijudicial order entered in such proceeding may raise in the appellate court questions involving procedure before the government unit notwithstanding the fact that the questions were not raised before the government unit below.**]

Subdivision (b) is based on Section 10(c) of Article V of the Constitution of Pennsylvania, which prevents this chapter from enlarging the [**substantial**] **substantive** rights of the petitioner or abridging the [**substantial**] **substantive** rights of the government unit named in the petition. Under the new practice, the appellate judge should inquire: "Assuming that this case had been properly brought before me by a complaint in equity (or in mandamus, replevin, quo warranto, etc., or by two or more of such actions properly consolidated for hearing and disposition) containing the factual allegations of the petition for review, to what relief, if any, would the moving party have been entitled under the prior practice?" This rule makes clear that the moving party is entitled to the same relief, and no more, under the new practice, since only the procedural requirement for separately labeled papers has been eliminated.

* * * * *

See Rule 3331 regarding Review of Special Prosecutions or Investigations.

Rule 1561. Disposition of Petition for Review.

(a) [**General rule**] **Appellate jurisdiction petitions for review**. The court may affirm, modify, vacate, set aside or reverse any order brought before it for review, and may remand the matter and direct the entry of such appropriate order, or require such further proceedings [**to be had,**] as may be just under the circumstances.

(b) [**Other relief**] **Original jurisdiction petitions for review**. Where the petition for review raises questions [**which**] that formerly were determinable in an action in equity, replevin, mandamus, quo warranto or for a declaratory judgment or upon a petition for a writ of certiorari or prohibition, or in another similar plenary

action or proceeding, the court may grant the relief heretofore available in any such plenary action or proceeding.

* * * * *

(d) **Review of detention**. Except as prescribed by Rule 1762(a)(2) (release [**prior to sentence**] **in criminal matters**) or by Rule 3331 (review of special prosecutions or investigations), review in the nature of criminal habeas corpus or post conviction [**hearing**] relief may not be granted under this chapter.

Official Note: * * *

Subdivision (b) is based on 42 Pa.C.S. § 708(e) (single form of action) (which provides that 1 Pa.C.S. § 1504 (statutory remedy preferred over common law) does not limit the jurisdiction of a court over a petition for review proceeding, but to the extent applicable shall limit the relief available) and 42 Pa.C.S. § 5105(d)(2) (scope of appeal). Under 42 Pa.C.S. § 102 (definitions), statutory references to "appeal" include proceedings on petition for review. The subdivision is intended to make clear that the petition for review is a generic pleading which will permit the court to consider simultaneously all aspects of the controversy.

Subdivision (c) is intended to make clear that the petition for review does not encompass trespass or assumpsit actions, but that an appeal may reach tort or contract matters adjudicated by a government unit as contemplated by Section 2(h) of the Judiciary Act Repealer Act (42 P. S. § 20002(h)). As to ancillary statutory damages, see 42 Pa.C.S. § 8303 (action for performance of a duty required by law).

Subdivision (d) is intended to make clear that the scope of this chapter is essentially civil in nature. The application of the petition for review to questions of release prior to sentence in criminal matters and in questions arising out of special prosecutions or investigations is merely a recognition of the technical need for a plenary filing to bring the question within the appellate jurisdiction of the appropriate court. **See Rule 1762(b)(2) regarding bail applications.**

REVIEW OF DETERMINATIONS OF THE BOARD OF FINANCE AND REVENUE

Rule 1571. Determinations of the Board of Finance and Revenue.

* * * * *

(f) **Record**. No record shall be certified to the court by the Board of Finance and Revenue. After the filing of the petition for review, the parties shall take appropriate steps to prepare and file a stipulation of such facts as may be agreed to and to identify the issues of fact, if any, which remain to be tried. See Rule 1542 [**(b)**] (evidentiary hearing).

(g) **Oral argument**. Except as otherwise ordered by the court on its own motion or on application of any party, after the record is closed, the matter may be listed for argument before or submission to the court.

(h) **Scope of review**. Rule 1551(a) [**(review of quasijudicial orders)**] (appellate jurisdiction petitions for review) shall be applicable to review of a determination of the Board of Finance and Revenue except that:

* * * * *

(i) *Exceptions.* Any party may file exceptions to an initial determination by the [**trial**] court under this rule within 30 days after the entry of the order to which exception is taken. Such timely exceptions shall have the effect, for the purposes of Rule 1701(b)(3) (authority of lower court or agency after appeal) of an order expressly granting reconsideration of the determination previously entered by the court. Issues not raised on exceptions are waived and cannot be raised on appeal.

Official Note: Subdivision (b) represents an exercise of the power conferred by 42 Pa.C.S. § 5105(a) (right to appellate review) to define final orders by general rule [, and is derived from the provisions of Section 1104(a) of the Fiscal Code (72 P.S. § 1104(a)), which are suspended absolutely by these rules]. The following statutes expressly require the Board of Finance and Revenue to act within six months in certain cases:

Section 1103 of [**the**] **The Fiscal Code** (72 P.S. § 1103).

[**Act of May 21, 1931 (P.L. 149, No. 105), known as The Liquid Fuels Tax Act, § 7 (72 P.S. § 2611g).**]

Act of May 5, 1933 (P.L. 284, No. 104), known as the Malt Beverage Tax Law, § 4 (47 P.S. § 106).]

Act of December 5, 1933, (**Sp. Session 1933-34**), (P.L. 38, No. 6), known as the Spirituous and Vinous Liquor Tax Law, § 5 (47 P.S. § 749).

* * * * *

Sections 234 (sales and use tax) [**and**], 341 (personal income tax), and 2005 (malt beverage tax), act of March 4, 1971 (P.L. 6, No. 2), known as The Tax Reform Code of 1971 (72 P.S. §§ 7234, 7341, 9005). **The following statute requires the Board of Finance and Revenue to act within twelve months in certain tax refund matters:**

Section 3003.5 of the Tax Reform Code of 1971, Act of March 4, 1971, P.L. 6, No. 2, 72 P.S. § 10003.5. Section 3003.5 was added by Section 41 of the Act of June 16, 1994, P.L. 279, No. 48.

The following statutes are covered by Section 1103 of The Fiscal Code (**petition to Board of Finance and Revenue for review**):

[**Section**] Sections 809 (various insurance taxes) and 1001 (miscellaneous settlements, e.g., under the act of May 17, 1921 (P.L. 789, No. 285), known as The Insurance Department Act of 1921, § 212 (40 P.S. § 50) (retaliatory insurance taxes) [; with respect to district justice collections; etc.]) of The Fiscal Code (72 P.S. §§ 809 and 1001).

* * * * *

Act of June 22, 1935 (P.L. 414, No. 182), known as the State Personal Property Tax Act, § 18(b) (72 P.S. § 3250-11a(b)) (corporate loans tax). See [**act**] Act of April 25, 1929 (P.L. 669, No. [**228**] **288**), § 1.

* * * * *

[**Act of December 27, 1951 (P.L. 1742, No. 467), known as The Realty Transfer Tax Act, § 10.1 (72 P.S. § 3291.1).**]

Act of June 19, 1964 (P.L. 7, No. 1), known as the Motor Carriers Road Tax Act, § 20 (72 P.S. § 2617.20).

Act of June 22, 1964 (P.L. 16, No. 2), known as The Mutual Thrift Institutions Tax Act, § 4 (72 P.S. § 1986.4).]

Act of January 24, 1966 ([**1965**] P.L. (1965) 1509, No. 531), § 11 (40 P.S. § 1006.11) (surplus lines tax).

Sections 407 (corporate net income tax), [**503 (corporation income tax),**] 603 (capital stock—franchise tax), 702 (bank shares tax), 802 (title insurance and trust companies shares tax), 904 (insurance premiums tax) [**and**], 1102 (utilities gross receipts tax), **1111-C (realty transfer tax) and 1503 (mutual thrift institutions tax)** of [**The**] the Tax Reform Code of 1971 (72 P.S. §§ 7407, [**7503,**] 7603, 7702, 7802, 7904 [**and**], 8102, **8111-C and 8503**).

75 Pa.C.S. § 9616(f) (motor carriers road tax).

The basis of jurisdiction of the court under this rule will ordinarily be 42 Pa.C.S. § 763 (direct appeals from government agencies). Subdivision (c) is not intended to change the practice in connection with the review of orders of the Board of Finance and Revenue insofar as the amount of detail in the pleadings is concerned. What is required is that the petitioner raise every legal issue in the petition for review which the petitioner wishes the court to consider. The legal issues raised need only be specific enough to apprise the respondent of the legal issues being contested (e.g. "valuation," "manufacturing," "sale for resale," etc.). See generally *House of Pasta, Inc. v. Commonwealth*, 37 Pa. Cmwlth. Ct. 317, 390 A.2d 341 (1978).

Subdivision (e) is based on Section 1104(e) of The Fiscal Code [(72 P.S. § 1104(e))], which [**is**] was suspended absolutely by these rules, and subsequently repealed.

* * * * *

Subdivision (h) is based on Section 1104(d) of The Fiscal Code [(72 P.S. § 1104(d))], which [**is**] was suspended absolutely by these rules and subsequently repealed, and is intended as a continuation of the prior law, except, of course, that the separate specification of objections has been abolished by these rules.

Subdivision (i) is intended to make clear that the failure to file exceptions will result in waiver by [**an appellant**] a petitioner of any issues previously presented to the Commonwealth Court. [**Compare note to Rule 343 (order determining challenge to plea of guilty).**]

See also [**rule**] **Rule 1782** (security on review in tax matters).

[Pa.B. Doc. No. 04-1337. Filed for public inspection July 23, 2004, 9:00 a.m.]

[210 PA. CODE CHS. 17 AND 33]
Order Amending Pa.R.A.P. 1762 and 3331; No. 156
Appellate Procedural Rules; Doc. No. 1

Amended Order

Per Curiam:

And Now, this 8th day of July, 2004, upon the recommendation of the Appellate Court Procedural Rules Com-

mittee, the proposal having been published before adoption at 33 Pa.B. 3603 (July 26, 2003).

It Is Ordered, pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Pennsylvania Rules of Appellate Procedure 1762 and 3331 are amended in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. 103(b) and shall be effective 60 days after adoption.

Annex A

TITLE 210. APPELLATE PROCEDURE

PART I. RULES OF APPELLATE PROCEDURE

ARTICLE II. APPELLATE PROCEDURE

CHAPTER 17. EFFECT OF APPEALS; SUPERSEDEAS AND STAYS

STAY IN CRIMINAL MATTERS

Rule 1762. Release in Criminal Matters.

[(a) *Release prior to sentence.*

(1) Application for release prior to sentence shall be governed by the applicable provisions of the Pennsylvania Rules of Criminal Procedure.

(2) An order granting or denying release or modifying the conditions of release prior to sentence shall be subject to review pursuant to Chapter 15 (judicial review of governmental determinations). Service of a petition for review under Rule 1514(c) (service) shall be upon the district attorney in lieu of the Attorney General of Pennsylvania. Any answer to the petition shall conform to Rule 123(b) (answer) in lieu of Rule 1516 (other pleadings allowed). Rule 1517 (applicable rules of pleading) and Rule 1531 (intervention) through Rule 1551 (scope of review) shall not be applicable to a petition for review filed under this paragraph.

(b) *Release pending appeal.* Application for release pending appeal in criminal matters shall be governed by the applicable provisions of the Pennsylvania Rules of Criminal Procedure and must ordinarily be made in the first instance to the lower court.

(c) *Contents and service of application for release.* An application in an appellate court for release, or for modification of the conditions of release, shall set forth specifically and clearly the rulings complained of and the amount of bail which the defendant was under in the lower court, and shall be accompanied by a copy of the information or indictment. A copy of the application shall be served on the judge of the court below. All other parties below shall be served as prescribed by Rule 121(b) (service of all papers required).

(d) *Entry of bail.* Bail shall be entered in the lower court pursuant to the Pennsylvania Rules of Criminal Procedure.

(e) *Extradition matters.* Release in extradition matters shall be governed by the procedures prescribed by this rule, except that it shall not be necessary for a copy of an information or indictment to accompany an application under this subdivision.

(f) *Opinion by lower court.* Upon receipt of a copy of an application to an appellate court under this

rule the judge who entered the order in the court below, if the reasons for the order do not already appear of record, shall forthwith file of record at least a brief statement, in the form of an opinion, of the reasons for the order, or shall specify in writing the place in the record where such reasons may be found.]

(a) Applications relating to bail when an appeal is pending shall ordinarily first be presented to the lower court, and shall be governed by the Pennsylvania Rules of Criminal Procedure. If the lower court denies relief, a party may seek relief in the appellate court by filing an application, pursuant to Rule 123, ancillary to the pending appeal.

(b) Applications relating to bail when no appeal is pending:

(1) Applications relating to bail when no appeal is pending shall first be presented to the lower court, and shall be governed by the Pennsylvania Rules of Criminal Procedure.

(2) An order relating to bail shall be subject to review pursuant to Chapter 15 (judicial review of governmental determinations). Any answer shall be in accordance with Rule 1516 (other pleadings allowed), and no other pleading is authorized. Rule 1517 (applicable rules of pleading) and Rule 1531 (intervention) through 1551 (scope of review) shall not be applicable to a petition for review filed under this paragraph.

(c) *Content.* An application for relief under subdivision (a) or a petition for review under subdivision (b) shall set forth specifically and clearly the matters complained of and a description of any determinations made by the lower court. Any order and opinions relating to the bail determination shall be attached as appendices.

(d) *Service.* A copy of the application for relief or the petition for review and any answer thereto shall be served on the judge of the lower court. All parties in the lower court shall be served in accordance with Rule 121(b) (service of all papers required). The Attorney General of Pennsylvania need not be served in accordance with Rule 1514(c) (service), unless the Attorney General is a party in the lower court.

(e) *Entry of Bail.* Bail shall be entered in the lower court pursuant to the Pennsylvania Rules of Criminal Procedure.

(f) *Extradition matters.* Relief relating to bail in extradition matters shall be governed by the procedures prescribed by this rule.

(g) *Opinion of lower court.* Upon receipt of a copy of an application for relief under subdivision (a) or a petition for review under subdivision (b) that does not include an explanation for the bail determination, the judge who made the bail determination below shall forthwith file of record a brief statement of the reasons for the determination or where in the record such reasons may be found.

* * * * *

[Explanatory Note—1979

At the request of the Criminal Procedural Rules Committee, a copy of the application in the appel-

late court for release in criminal matters is required to be served upon the lower court judge, and a requirement (similar to Rule 1925) is added that the lower court judge indicates on the record the reasons for the order.]

Explanatory Note—2004

The 2004 amendments establish a simple dichotomy in procedures for seeking appellate review of lower court orders relating to bail: If an appeal is pending, an application for relief ancillary to the appeal is the proper method for invoking appellate court consideration. If no appeal is pending, the party seeking relief must file a petition for review.

ARTICLE III. MISCELLANEOUS PROVISIONS

CHAPTER 33. BUSINESS OF THE

SUPREME COURT

REVIEW OF SPECIAL PROSECUTIONS OR INVESTIGATIONS

Rule 3331. Review of Special Prosecutions or Investigations.

(a) *General rule.* [Any] Within the time specified in Rule 1512(b)(3) (special provisions), any of the following orders shall be subject to review pursuant to Chapter 15 (judicial review of governmental determinations):

* * * * *

The petition shall [also] conform to Rule 123(a) (contents of application for relief) and any answer to the petition shall conform to [Rule 123(b) (answer) in lieu of] Rule 1516(a) ([other pleadings allowed] general rule). A party entitled to file an answer under this rule who does not intend to do so shall, within the time fixed by these rules for the filing of an answer, file a letter stating that an answer to the petition for review will not be filed. [Rule 1516,] Rule 1517 (applicable rules of pleading) [and Rule 1519 (form of petition for review with notice to plead)] through Rule 1551 (scope of review) shall not be applicable to a petition for review filed under this rule. Seven copies of any papers filed under this rule shall be filed with the original. Rule 3309 (applications for extraordinary relief) shall not be applicable to an order reviewable under this rule.

(b) *Briefs and record.* [The petitioner shall serve and file his brief not later than 14 days after the entry of the order sought to be reviewed. Any other party shall serve and file his brief within seven days after service of the brief of the petitioner.] The petitioner may file and serve a brief in support of the petition for review with the petition for review. Any other party may file and serve an answer and supporting brief within 14 days of service of the petition. Each party shall append to the petition or answer as much of the record below as the party desires to bring to the attention of the court. The Supreme Court on its own initiative may direct that the lower court comply with Rule 1925 (opinion in support of order) or that the record be otherwise corrected or supplemented.

(c) *Distribution and disposition.* Upon receipt of the last paper [which] that a party is entitled to file under

this rule, the papers filed under this rule shall be distributed by the Prothonotary to the Supreme Court for its consideration. The Supreme Court may thereafter dispose of the petition or set it down for argument.

(d) *Interlocutory matters.* The interlocutory or final nature of an order shall not be affected by this rule and, unless independent grounds appear for the review of an interlocutory order, the interlocutory nature of the order will be a sufficient reason for denying the petition. The denial of a petition shall be deemed a disposition on the merits unless otherwise ordered or unless the petition expressly seeks permission to appeal from an interlocutory order and asserts no other basis of jurisdiction on appeal.

(e) *Remand of record.* Unless otherwise ordered:

(1) A certified copy of the judgment of the Supreme Court and the opinion of the court, if one has been filed, shall be transmitted to the lower court forthwith upon entry, notwithstanding the pendency of any application for reargument or other proceeding affecting the judgment[, which]. This transmission shall be in lieu of the remand of the record.

* * * * *

Official Note: This rule is intended to provide a simple and expeditious method for Supreme Court supervision of special prosecutions and investigations, e.g., orders of the supervising judge of an investigating grand jury, findings of contempt (whether civil or criminal) by witnesses called before such a grand jury, etc. Rule 702[(b)](c) (supervision of special prosecutions or investigations) and 42 Pa.C.S. § 722(5) (direct appeals from courts of common pleas) vest jurisdiction over such matters in the Supreme Court. However, this rule is not applicable to review of investigating grand jury issues [which] that collaterally arise in a plenary criminal prosecution initiated by complaint, information or indictment. Rule 1512(b)(3) (special provisions) requires that review be sought within ten days. Essentially, the procedure is analogous to the review of a bail order under Rule 1762 (release in criminal matters). [The last brief is due not later than 21 days after the entry of the order sought to be reviewed.] There is no delay for certification of the record, oral argument is ordinarily not available, and the matter is ready for final disposition by the Supreme Court immediately upon completion of the briefing schedule. The term “investigating grand jury” in Subdivision (a) includes a “multicounty investigating grand jury” convened under 42 Pa.C.S. § 4544 (convening multicounty investigation grand jury).

* * * * *

Under Rule 1702(a) (stay ancillary to appeal), the Supreme Court or a justice thereof will not entertain an application for relief under Rule 1781 (stay pending action on petition for review) in connection with a special prosecution or investigation order until a petition for review has been filed under this rule.

[Pa.B. Doc. No. 04-1338. Filed for public inspection July 23, 2004, 9:00 a.m.]

Title 255—LOCAL COURT RULES

DELAWARE COUNTY

Adoption of Local Rule 206.1(a)(c) Petition. Definition. Form. Content

Order

And Now, to wit, this 28th day of June, 2004, it is hereby *Ordered* that Delaware County Local Rule 206.1(a) related to petitions is *Adopted* and shall read as follows:

The following applications are defined as “petitions” and are to be governed by Rule 206.1, et seq.

The following petitions are scheduled for a hearing upon filing

- (1) Petition for adjudication of local agency
- (2) Petition for appointment of CPA as auditor
- (3) Petition for appointment of private police officer
- (4) Petition for appointment of a receiver
- (5) Petition for approval of bond
- (6) Petition to approve increase in municipal tax levy
- (7) Petition for attachment of bank accounts
- (8) Petition for change of name pursuant to 54 Pa.C.S.A. § 701 et seq.
- (9) Petition to change school district election districts
- (10) Petition to compromise, settle, or discontinue minor’s action pursuant to Pa.R.Civ.P. 2039
- (11) Petition to disapprove a private sale by the Tax Claim Bureau
- (12) Petition to evict
- (13) Petition for expunction
- (14) Petition to fix fair market value of real property sold pursuant to Pa.R.Civ.P. 3282
- (15) Petition to issue certificate of title
- (16) Petition for judicial review of revocation of firearms license
- (17) Petition to levy taxes exceeding 30 mills for general municipal purposes
- (18) Petition nunc pro tunc—license suspension appeal
- (19) Petition for objection and exception to upset tax sale
- (20) Petition for private detective license
- (21) Petition for release of property from levy pursuant to Pa.R.Civ.P. 3119
- (22) Petition for return of firearms
- (23) Petition for sale of school district real estate
- (24) Petition to sell real estate at private sale
- (25) Petition to set aside tax sale of real estate
- (26) Petition to set tax millage for police benefits

- (27) Petition to stay tax sale
- (28) Petition to strike off nomination petition
- (29) Petition for supplemental relief in aid of execution pursuant to Pa.R.Civ.P. 3118
- (30) Petition to transfer liquor license
- (31) Petition for vehicle registration suspension

The following petitions are referred directly to a Judge.

- (32) Petition to direct the Sheriff to relist Sheriff’s sale
- (33) Petition for emergency relief—stay all proceedings
- (34) Petition for emergency relief—stay public sale of real property
- (35) Petition for emergency relief—set aside Sheriff’s sale
- (36) Petition for ex parte writ of seizure
- (37) Petition for liquor license appeal
- (38) Petition nunc pro tunc—liquor license appeal
- (39) Petition to postpone Sheriff’s sale
- (40) Petition to proceed in forma pauperis
- (41) Petition to set aside Sheriff’s sale
- (42) Petition to stay Sheriff’s sale
- (43) Petition to stay suspension
- (44) Petition for zoning hearing—remand to Hearing Board

The following petitions require an answer within twenty (20) days.

- (45) Petition to amend answer
- (46) Petition to amend caption
- (47) Petition to amend complaint
- (48) Petition to amend new matter
- (49) Petition to appoint arbitrator
- (50) Petition to appoint Board of View pursuant to 56 P. S. § 1-504
- (51) Petition to approve settlement of wrongful death and survival action
- (52) Petition to approve disbursement of funds
- (53) Petition to approve settlement
- (54) Petition for change of venue
- (55) Petition to confirm arbitration award
- (56) Petition for confirmation of the sale of real property
- (57) Petition for contempt
- (58) Petition for counsel fees
- (59) Petition for counsel fees and costs
- (60) Petition to disburse proceeds of escrow fund
- (61) Petition to disqualify attorney from representing client
- (62) Petition to disqualify the Board of Judges of Delaware County

- (63) Petition to dissolve or terminate supersedeas
- (64) Petition to enforce settlement
- (65) Petition for interpleader pursuant to Pa.R.Civ.P. 2302
- (66) Petition to intervene pursuant to Pa.R.Civ.P. 2328
- (67) Petition to issue order of possession
- (68) Petition to issue subpoena
- (69) Petition to join additional defendant
- (70) Petition for leave to join third party
- (71) Petition to mark judgment satisfied
- (72) Petition to merge judgments
- (73) Petition nunc pro tunc—appeal from district justice judgment
- (74) Petition nunc pro tunc—join additional defendant
- (75) Petition to open confessed judgment
- (76) Petition to open judgment of non pros
- (77) Petition to open order to settle, discontinue and end
- (78) Petition to open safe deposit box
- (79) Petition to open sealed record
- (80) Petition to open and/or strike judgment
- (81) Petition to pay judgment in installments
- (82) Petition to quash appeal and vacate supersedeas
- (83) Petition to quash writ to join additional defendant
- (84) Petition for reassessment of damages
- (85) Petition to reduce order to judgment
- (86) Petition to reinstate appeal
- (87) Petition to remand to arbitration modify judgment
- (88) Petition to remand for clarification of arbitrator's award
- (89) Petition to remove satisfaction and reinstate judgment
- (90) Petition to return writ of execution
- (91) Petition for settlement of survival action
- (92) Petition for stay of execution
- (93) Petition to stay mortgage foreclosure
- (94) Petition to strike appeal
- (95) Petition to strike lis pendens
- (96) Petition to strike mechanic's lien
- (97) Petition to strike non pros
- (98) Petition to strike and/or set aside garnishment
- (99) Petition to strike writ of certiorari
- (100) Petition to substitute party

- (101) Petition to take depositions
- (102) Petition to take depositions for preparation of pleadings
- (103) Petition to transfer to major case status
- (104) Petition to vacate arbitration award
- (105) Petition to vacate judgment
- (106) Petition to vacate, set aside and/or modify arbitrator's award
- (107) Petition to vacate and strike off order to settle, discontinue and end
- (108) Petition to withdraw appearance
- (109) Petition for writ of habeas corpus
- (a) Petitions filed pursuant to Rule 206.1 shall be processed as follows:
 - (1) *Cases not yet assigned to a judge*
 - (a) The originals of all petitions shall be filed with the Office of Judicial Support.
 - (b) Service shall be contemporaneously made by the moving party in conformity with Pa.R.C.P. 440, or in the case of petitions that constitute initial process, in conformity with the Pennsylvania rules of Civil Procedure governing the manner of service of original process (see Pa.R.C.P. 400ff).
 - (c) Each petition shall be accompanied by the following:
 - i. A cover sheet pursuant to Rule 205.2(b) clearly indicating the filing date and advising that an answer to the petition must be filed within twenty (20) days from that date.
 - ii. A certification that service in conformity with Pa.R.C.P. 440 or, in the case of original process, in conformity with the Pennsylvania Rules of Civil Procedure governing the service of original process is being contemporaneously made.
 - iii. A form of proposed order fairly encompassing the relief requested.
 - (d) Each answer to petitions filed pursuant to this Rule shall be accompanied by the following:
 - i. A cover sheet pursuant to Rule 205.2(b) clearly indicating that they are being filed pursuant to Rule 206.1; and
 - ii. A form or proposed Order fairly encompassing the relief requested.
 - (i) On the 21st day after filing the Office of Judicial Support shall send the record papers to the Court Administrator for reference by the Court Administrator to the appropriate judge.
 - (ii) The moving party shall promptly advise the Court Administrator in writing if a matter has been resolved or withdrawn.
 - (iii) Requests for an extension of the 20-day period in which to respond to a motion must be made in writing to the Court Administrator. The request shall indicate whether or not it is opposed by all other parties. No agreement entered into by the parties to extend the 20-day period shall be honored by the court without written notice to and the consent of the Court Administrator.

(2) *Cases assigned to a judge*

(i) All applications that would otherwise be the subject of a petition will be processed by the assigned judge and should be directed to his or her chambers. The moving party shall contemporaneously notify all parties affected by the application.

(ii) The form of all such applications and the time in which to respond thereto shall be determined by the judge on an ad hoc basis as circumstances and the exercise of his or her sound discretion shall warrant.

(iii) Where the application takes the form of a formal petition, the original shall be filed with the Office of Judicial Support. The face sheet shall clearly indicate that a copy of the motion or petition has contemporaneously been submitted to the assigned judge, who shall be identified on the notice.

(iv) The original of a formal response to a petition shall also be filed with the Office of Judicial Support, and a copy shall be contemporaneously submitted to the assigned judge.

(3) *Emergency Matters or Stays of Proceedings in Non-Family Matters*

(i) Petitions seeking relief in emergency situations or stay of proceedings shall first be taken to the Office of Judicial Support to be time-stamped and docketed and then immediately brought by the party seeking the emergency relief or the stay of proceedings to the Court Administrator for reference to the appropriate judge.

(ii) After the request for emergency relief or stay of proceedings has been either granted or denied by the court, the motion shall be returned to the Office of Judicial Support for filing of the Order.

(iii) Hearing dates, where required, shall be set by the judge to whom the matter has been referred, or, where that judge will not also be the hearing judge, by the Court Administrator.

(iv) The moving party shall make a good faith effort to give all parties affected by the application as much advance notice as reasonably possible of the date and time he/she intends to present his/her application and shall attach to the application a certification of the good faith effort that has been made. This certification shall provide the specific details of the moving party's efforts to comply with the advance notice requirement of this section, including, but not limited to, the method(s) by which notice was sought to be given, the date(s) and time(s) when notice was sought to be given, the address(es) and/or phone number(s) and/or fax number(s) at which notice was sought to be given and the identity(ies) of the party(ies) to whom notice was sought to be given. When the court fixes a hearing date following the submission of an application under this Rule, a second certification shall be filed by the moving party providing similar specific information setting forth the efforts that have been made to give to all affected parties as much notice as possible of the date, time and place set by the court for the hearing.

(v) Except in emergency situations, no stay of proceedings shall be granted without actual prior notice to all parties affected thereby.

By the Court

KENNETH A. CLOUSE,
President Judge

[Pa.B. Doc. No. 04-1339. Filed for public inspection July 23, 2004, 9:00 a.m.]

DELAWARE COUNTY**Adoption of Local Rule 208.1 Motions. Non-Family Matters****Order**

And Now, to wit, this 28th day of June, 2004, it is hereby *Ordered* that Delaware County Local Rule 208.1 is *Adopted* as follows:

(a) The originals of all Motions shall be filed with the Office of Judicial Support.

(b) Service shall be contemporaneously made by the moving party in conformity with Pa. R.C.P. 440.

By the Court

KENNETH A. CLOUSE,
President Judge

[Pa.B. Doc. No. 04-1340. Filed for public inspection July 23, 2004, 9:00 a.m.]

DELAWARE COUNTY**Adoption of Local Rule 208.2 Motions. Form. Content****Order**

And Now, to wit, this 29th day of June, 2004, it is hereby *Ordered* that Delaware County Local Rule 208.2 is *Adopted* as follows:

(a) All Motions shall be:

(1) In conformity with Pa.R.C.P. 208.2 and

(2) Include a cover sheet pursuant to Local Rule 205.2(b) clearly indicating the filing date and advising that any response to the Motion must be filed within twenty (20) days from that date.

All responses to Motions filed under Rule 208.1 shall be accompanied by a cover sheet pursuant to Local Rule 205.2(b) and shall include a form of proposed Order.

By the Court

KENNETH A. CLOUSE,
President Judge

[Pa.B. Doc. No. 04-1341. Filed for public inspection July 23, 2004, 9:00 a.m.]

DELAWARE COUNTY

Adoption of Local Rule 208.2(d) Uncontested Motions. Certifications

Order

And Now, to wit, this 28th day of June, 2004, it is hereby *Ordered* that Delaware County Local Rule 208.2(d) is *Adopted* as follows:

If counsel for the moving party determines that a motion is uncontested by all parties involved in the case, counsel shall file a certification that the motion is uncontested. The moving party must complete the cover sheet pursuant to 205.2 and check the appropriate box, and include the certification with the motion.

By the Court

KENNETH A. CLOUSE,
President Judge

[Pa.B. Doc. No. 04-1342. Filed for public inspection July 23, 2004, 9:00 a.m.]

DELAWARE COUNTY

Adoption of Local Rule 208.3(a) Simplified Procedure

Order

And Now, to wit, this 28th day of June, 2004, it is hereby *Ordered* that Delaware County Local Rule 208.3(a) is *Adopted* as follows:

The following "Motions" may be submitted for consideration by the Court without written responses or briefs.

1. Motion to compel discovery in aid of execution
2. Motion to break and enter
3. Motion requiring a supersedeas appeal board
4. Motion for writ of seizure
5. Motion for return of personal property
6. Motion for reconsideration
7. Motion for peremptory judgment

The foregoing motions, after filing with the Office of Judicial Support shall be presented to the Court Administrator's Office, which shall promptly deliver the motion to the appropriate Judge or schedule the case for a hearing before the Court. The moving party shall include a cover sheet pursuant to Rule 205.2(b) and shall promptly notify all parties affected of the hearing date, if so advised by the Court.

If a hearing date has been assigned, requests for a continuance shall be made on a fully completed continuance application form, available in the Court Administrator's Office and then submitted to the Court Administrator. Stamped envelopes, pre-addressed to all parties in interest, shall accompany the continuance application form. Requests for continuance received by the Court

Administrator within one (1) week of the hearing date may be referred to the appropriate Judge for review.

By the Court

KENNETH A. CLOUSE,
President Judge

[Pa.B. Doc. No. 04-1343. Filed for public inspection July 23, 2004, 9:00 a.m.]

DELAWARE COUNTY

Adoption of Local Rule 208.3(b) Alternative Procedures

Order

And Now, to wit, this 28th day of June, 2004, it is hereby *Ordered* that Delaware County Local Rule 208.3(b) is *Adopted* as follows:

(a) Motions filed pursuant to Rule 208.1 and 208.2 shall be processed as follows:

(1) *In cases that are not assigned to a judge,*

(i) on the 21st day after filing the Office of Judicial Support shall send the record papers to the Court Administrator for reference by the Court Administrator to the appropriate judge.

(ii) The moving party shall promptly advise the Court Administrator in writing if a matter has been resolved or withdrawn.

(iii) Requests for an extension of the 20-day period in which to respond to a motion must be made in writing to the Court Administrator. The request shall indicate whether or not it is opposed by all other parties. No agreement entered into by the parties to extend the 20-day period shall be honored by the court without written notice to and the consent of the Court Administrator.

(2) *In cases that are assigned to a judge,*

(i) all applications that would otherwise be the subject of a motion or petition will be processed by the assigned judge and should be directed to his or her chambers. The moving party shall contemporaneously notify all parties affected by the application.

(ii) The form of all such applications and the time in which to respond thereto shall be determined by the judge on an ad hoc basis as circumstances and the exercise of his or her sound discretion shall warrant.

(iii) Where the application takes the form of a formal motion or petition, the original shall be filed with the Office of Judicial Support. The face sheet shall clearly indicate that a copy of the motion or petition has contemporaneously been submitted to the assigned judge, who shall be identified on the notice.

(iv) The original of a formal response to a motion or petition shall also be filed with the Office of Judicial Support, and a copy shall be contemporaneously submitted to the assigned judge.

(3) *Emergency Matters or Stays of Proceedings in Non-Family Matters.*

(i) Motions seeking relief in emergency situations or stay of proceedings shall first be taken to the Office of Judicial Support to be time-stamped and docketed and then immediately brought by the party seeking the emergency relief or the stay of proceedings to the Court Administrator for reference to the appropriate judge.

(ii) After the request for emergency relief or stay of proceedings has been either granted or denied by the court, the motion shall be returned to the Office of Judicial Support for filing.

(iii) Hearing dates, where required, shall be set by the judge to whom the matter has been referred, or, where that judge will not also be the hearing judge, by the Court Administrator.

(iv) The moving party shall make a good faith effort to give all parties affected by the application as much advance notice as reasonably possible of the date and time he/she intends to present his/her application and shall attach to the application a certification of the good faith effort that has been made. This certification shall provide the specific details of the moving party's efforts to comply with the advance notice requirement of this section to include, but not limited to, the method(s) by which notice was sought to be given, the date(s) and time(s) when notice was sought to be given, the address(es) and/or phone number(s) and/or fax number(s) at which notice was sought to be given and the identity(ies) of the party(ies) to whom notice was sought to be given. When the court fixes a hearing date following the submission of an application under this Rule, a second certification shall be filed by the moving party providing similar specific information setting forth the efforts that have been made to give to all affected parties as much notice as possible of the date, time and place set by the court for the hearing.

(v) Except in emergency situations, no stay of proceedings shall be granted without actual prior notice to all parties affected thereby.

By the Court

KENNETH A. CLOUSE,
President Judge

[Pa.B. Doc. No. 04-1344. Filed for public inspection July 23, 2004, 9:00 a.m.]

DELAWARE COUNTY

Adoption of Rule 208.2(e) Motion. Certification

Order

And Now, to wit, this 28th day of June, 2004, it is hereby *Ordered* that Delaware County Local Rule 208.2(e) is hereby *Adopted* and shall read as follows:

(a) All motions relating to discovery shall include a certificate signed by counsel for the moving party that counsel for that party has conferred or at-

tempted to confer with all interested parties in order to resolve the matter without Court action, and shall set forth the nature of the efforts made to resolve the matter. Failure to comply with the foregoing shall result in the refusal of the Court to hear the motion.

By the Court

KENNETH A. CLOUSE,
President Judge

[Pa.B. Doc. No. 04-1345. Filed for public inspection July 23, 2004, 9:00 a.m.]

DELAWARE COUNTY

Amendment of Local Rule 205.2 Filing Legal Papers with the Office of Judicial Support

Order

And Now, to wit, this 28th day of June, 2004, it is hereby *Ordered* that Delaware County Local Rule 205.2 is *Amended* and shall read as follows:

(a) All papers filed with the Office of Judicial Support shall include the following:

1. The facing page of all pleadings, petitions, and motions, and all other matters filed in the Office of Judicial Support shall provide a space three (3") inches in height, on the top right under the docket number for use of the Office of Judicial Support in affixing the date and time of filing.

2. Attorneys of record shall indicate their identification number and their business telephone number on all papers filed with the Office of Judicial Support.

(b) A cover sheet is to be completed and attached to the following:

The moving party is to check the appropriate box on the form.

1. Petitions filed pursuant to Rule 206.1

2. Motions filed pursuant to Rule 208.1

3. Responses to Motions or Petitions

4. Motions for Judgment on the Pleadings pursuant to Rule 1034(a)

5. Summary Judgment Motions pursuant to Rule 1035.2 (a)

6. Family Law Petitions and Motions file pursuant to Rule 206.8

See Cover Sheet for Motions/Petitions Notice

7. Writs of Summons or Complaints

See Civil Cover Sheet Form

8. Preliminary Objections pursuant to Rule 1028 (c)

See Notice Pursuant to Rule 1028(c) Form

By the Court

KENNETH A. CLOUSE,
President Judge

IN THE COURT OF COMMON PLEAS OF DELAWARE COUNTY, PENNSYLVANIA

COVER SHEET—NOTICE OF FILING OF MOTION OR PETITION UNDER LOCAL RULES OF CIVIL PROCEDURE

CASE CAPTION:

CIVIL CASE NO.

NATURE OF MATTER FILED: (please check one)

- Petition Pursuant to Rule 206.1 Response to Petition Motion for Judgment or Pleadings Pursuant to Rule 1034(a)
- Motion Pursuant to Rule 208.1 Response to Motion Summary Judgment Pursuant to 1035.2
- Family Law Petition/Motion Pursuant to Rule 206.8

A motion or petition was filed in the above captioned matter on the ____ day of _____, _____, which:

Requires you, Respondent, to file an Answer within twenty (20) days of the above date to this notice, or risk the entry of an Order in favor of the Petitioner. Answers must be filed and time stamped by the Office of Judicial Support by 4:30 PM on the following date _____, _____, _____.

Requires you, Respondent, to appear at a hearing/conference on the ____ day of _____, _____, at ____ in Courtroom _____, Delaware County Courthouse, Media, Pennsylvania. At this hearing/conference you must be prepared to present all testimony and/or argument, and must ensure that your witnesses will be present.

Was timely answered, thus requiring the scheduling of the following hearing in the above captioned matter on: _____, _____, _____ at 10:00 AM in Courtroom _____.

You, Petitioner/Movant, are responsible for notifying all interested responding parties of this hearing date at least ten (10) days prior thereto.

At this hearing, all parties must be prepared to present all testimony and/or argument and must ensure that their witnesses will be present.

Qualifies as an Uncontested Motion or Petition, and as such requires neither an answer from the Respondent nor the scheduling of a hearing in this matter.

Has been assigned to Judge _____.

FOR OFFICE USE ONLY

Mailing date: _____

Processed by: _____

IN THE COURT OF COMMON PLEAS OF DELAWARE COUNTY, PENNSYLVANIA

CIVIL ACTION LAW

NO. _____

_____ Plaintiff

vs.

_____ Defendant

NOTICE PURSUANT TO RULE 1028(c)

To: PLAINTIFF AND DEFENDANT

The filing date of the preliminary Objections of _____ to _____ Complaint is _____.

You are advised that a Reply Memorandum of law must be filed within twenty (20) days of that date, on or by _____.

Attorney of Record or Party

IN THE COURT OF COMMON PLEAS OF DELAWARE COUNTY, PENNSYLVANIA
 CIVIL COVER SHEET AND ENTRY OF APPEARANCE

1. Case Caption:

Court Term & No.

- ___ Jury
- ___ Non Jury
- ___ Arbitration
 (\$0-\$50,000)

2a. Plaintiff(s)
 (Name and address)

2b. Defendant(s)
 (Name and address)

3a. Related Cases? ___ Yes ___ No
 If yes, show Caption and Case Numbers

3b. Case Subject to Coordination Order? ___ Yes ___ No
 If yes, show Caption and Date of Order

4. Entry of Appearance

To the Office of Judicial Support:

Kindly enter my appearance on behalf of _____, (a) plaintiff in this action. Papers may be served at the address set forth below.

 Attorney for party named above (Please print)

Address: _____

 Attorney I.D. Number

Telephone: (____) _____
 Fax: (____) _____

 Attorney Signature

 Date

Choose only the one description which best reflects the principal type of case or relief sought from the list.

Case Description

APPEAL		
Minor Court		Intentional Tort
Money Judgement	___	Assault and Battery
Landlord and Tenant	___	Libel and Slander
Code Enforcement	___	Defamation
Personal Injury	___	Employment/Wrongful Discharge
Breach of Contract	___	False Imprisonment
Other _____	___	Fraud
Local Agency		Malicious Prosecution
Civil Service	___	Negligence
Motor Vehicle	___	Motor Vehicle
Licenses and Inspections	___	Real Property
Liquor Control Board	___	Premises Liability
Tax Assessment Boards	___	Product Liability
Zoning Board	___	Toxic Tort
Other _____	___	Asbestos
Proceedings Commenced by Petition		DES
		Implant
		Toxic Waste
		Other _____

Appointment of Arbitrators _____	Professional Malpractice _____
Change of Name _____	Dental _____
Compel Medical Examination _____	Legal _____
Election Matters _____	Medical _____
Eminent Domain _____	Other _____
Leave to Issue Subpoena _____	Equity _____
Mental Health Proceedings _____	Real Property _____
Other _____	Stockholders Derivative Action _____
	Waste Prevention _____
ACTIONS COMMENCED BY WRIT OF	Other _____
SUMMONS OR COMPLAINT	Declaratory Judgement _____
	Ground Rent _____
Abuse of Process _____	Mandamus _____
Action of Wrongful Death _____	Real Property _____
Class Action _____	Ejectment _____
Confession of Judgement/Money _____	Quiet Title _____
Confession of Judgement/ Real Property _____	Mortgage Foreclosure _____
Contract _____	Mechanics Lien _____
Construction _____	Partition _____
Insurance/Bad Faith _____	Prevent Waste _____
Negotiable Instruments _____	Replevin _____
Other _____	Saving Action Um/Uim _____
	Quo Warranto _____
	Other _____

[Pa.B. Doc. No. 04-1346. Filed for public inspection July 23, 2004, 9:00 a.m.]

DELAWARE COUNTY

Amendment of Local Rule 1018.1 Notice to Defend. Form

Order

And Now, to wit, this 28th day of June, 2004, it is hereby *Ordered* that Delaware County Local Rule 1018.1 is *Amended* and shall read as follows:

(c) Pursuant to Pa. R.C.P. 1018.1(c), the Lawyers' Reference Service, Front & Lemon Streets, Media, Pennsylvania 19063, (610) 566-6625, is designated as the agency to be named in the notice from whom legal help can be obtained.

By the Court

KENNETH A. CLOUSE,
President Judge

[Pa.B. Doc. No. 04-1347. Filed for public inspection July 23, 2004, 9:00 a.m.]

DELAWARE COUNTY

Amendment of Local Rule 1910.21(a)3 Civil Contempt

Order

And Now, to wit, this 28th day of June, 2004, it is hereby *Ordered* that Delaware County Local Rule 1910.21(a)3 is *Amended* and shall read as follows:

(3) The Lawyers' Reference Service, Front & Lemon Streets, Media, Pennsylvania 19063, (610) 566-6625, is designated as the agency to be named in the notice.

By the Court

KENNETH A. CLOUSE,
President Judge

[Pa.B. Doc. No. 04-1348. Filed for public inspection July 23, 2004, 9:00 a.m.]

DELAWARE COUNTY

Rescission of Local Rule 206B Related to Non-Family Matters—Motion Hearing, and Trial Divisions

Order

And Now, to wit, this 28th day of June, 2004, it is hereby *Ordered* that Delaware County Local Rule 206B related to Non-Family matters—Motion Hearing and Trial Divisions is *Rescinded*.

By the Court

KENNETH A. CLOUSE,
President Judge

[Pa.B. Doc. No. 04-1349. Filed for public inspection July 23, 2004, 9:00 a.m.]

DELAWARE COUNTY

Rescission of Local Rule 207 Petition to Change Name**Order**

And Now, to wit, this 28th day of June, 2004, it is hereby *Ordered* that Delaware County Local Rule 207 is hereby *Rescinded*.

By the Court

KENNETH A. CLOUSE,
President Judge

[Pa.B. Doc. No. 04-1350. Filed for public inspection July 23, 2004, 9:00 a.m.]

DELAWARE COUNTY

Rescission of Local Rule 208 Medical Malpractice. Health Care Provider. Affidavit of Noninvolvement**Order**

And Now, to wit, this 29th day of June, 2004, it is hereby *Ordered* that Delaware County Local Rule 208 relating to Medical Malpractice, Health Care Provider, and Affidavit of Noninvolvement is *Rescinded*.

By the Court

KENNETH A. CLOUSE,
President Judge

[Pa.B. Doc. No. 04-1351. Filed for public inspection July 23, 2004, 9:00 a.m.]

DELAWARE COUNTY

Rescission of Local Rule 1025 Use of Backers. Endorsement of Pleadings

And Now, to wit, this 28th day of June, 2004, it is hereby *Ordered* that Delaware County Local Rule 1025 is *Rescinded*.

By the Court

KENNETH A. CLOUSE,
President Judge

[Pa.B. Doc. No. 04-1352. Filed for public inspection July 23, 2004, 9:00 a.m.]

DELAWARE COUNTY

Rescission of Local Rule 206A and Adoption of Local Rule 206.8 Petitions. Rules. Answers. Motions in Family Matters**Order**

And Now, to wit, this 28th day of June, 2004, it is hereby *Ordered* that Delaware County Local Rule 206A is *Rescinded*, and *Adopted* as Delaware County Local Rule 206.8 Petitions, Rules, Answers, and Motions in Family Matters which shall read as follows:

I. Cases not yet Assigned to a Judge

(a) The original of all family law motions or petitions, including divorce, custody, or equitable distribution shall be filed in the Office of Judicial Support, which shall docket the pleading and forward to the Court Administrator by either the moving party or the Office of Judicial Support to obtain a hearing or conference date. All matters involving support are to be filed directly with the Domestic Relations Office pursuant to Pa.R.C.P. 1910.4. All family law motions or petitions are initially listed for a hearing and/or conference.

(b) Service shall be contemporaneously be made by the moving party in conformity with Pa.R.C.P. 440, or in the case of motions or petitions that constitute initial process, in conformity with the Pennsylvania Rules of Civil Procedure governing the matter of service of original process. (See Pa.R.C.P. 400 ff.)

(c) All motions or petitions shall be accompanied by the following:

i. A cover sheet, pursuant to Local Rule 205.2(b), plainly appearing on the face thereof indicating the filing date and the nature of the matter listed.

ii. A proposed order page encompassing the relief requested.

iii. A certification that service of the hearing/conference date in conformity with Pa.R.C.P. 440 or, in the case of original process, in conformity with the Pennsylvania Rules of Civil Procedure governing the service of original process is being contemporaneously made.

If one of the above items is not included in the motion or petition, the Court Administrator shall send notice to the moving party to refile the original motion or petition.

(d) Answers to a motion or petition filed prior to the hearing pursuant to this Rule shall be accompanied by the following:

i. A cover sheet, pursuant to Rule 205.2(b), clearly indicating that they are being filed pursuant to Rule 206.8 and

ii. A proposed order fairly encompassing the relief requested.

(e) Upon receipt of the motion or petition, the Court Administrator shall promptly schedule a hearing. The moving party shall promptly notify all parties affected of the hearing date. In the event that the moving party does not appear to file the motion or petition and obtain a hearing date, the moving party shall file an original and include a copy of the motion or petition with a self addressed stamped envelope with sufficient postage for return of the hearing date, which upon receipt by the moving party shall notify all affected parties of the hearing date.

(f) The moving party shall file a certificate setting forth that notice was given to all affected parties of the date, time and place set by the court for the hearing/conference.

(g) Matters that are uncontested at the time of filing shall be so certified by the moving party and shall follow the procedure set forth in rule 208.2(d). The Office of Judicial Support shall promptly refer them to the Court Administrator.

(h) Where a matter is to be withdrawn, a Praecepto to Withdraw Motion or Petition must be filed with the Office of Judicial Support, which shall promptly forward it to the Court Administrator. If the case has been referred to a Judge, the Court Administrator shall promptly forward the Praecepto to the judge.

(i) After a hearing date has been assigned, requests for a continuance must be made on a continuance application form (available in the Court Administrator's Office) and submitted along with a stamped envelope preaddressed to the party requesting the continuance. Requests for a continuance may be referred to the appropriate Judge for review. After review of the continuance, the Court Administrator shall forward the result of the request of the continuance to the party who applied for the continuance. The requesting party must notify all parties affected of the result of the continuance request and the new hearing date, if applicable.

II. *Emergency Matters or Stays or Proceedings in Cases not yet Assigned to a Judge*

(a) Motions or petitions seeking relief in emergency situations or stay of proceedings shall be brought first to the Office of Judicial Support to be docketed and time-stamped and then immediately brought by the party seeking the emergency relief or the stay of proceedings to the Court Administrator for reference to the appropriate Judge. The motion or petition shall be accompanied by the items required in 206.8(1)(c).

(b) The motion or petition shall be accompanied by a certification that the moving party has made a good faith effort to give all parties affected by the application as much advance notice as reasonably possible of the date and time that the application will be presented to the Court. This certification shall provide the specific details of the moving party's efforts to comply with the advance notice requirement of this section including, but not limited to, the method(s) by which notice was sought to be given, the address(s) and/or phone number(s) and/or fax number(s) at which notice was sought to be given, and the identity(s) of the party(s) to whom notice was sought to be given.

(c) Hearing dates, where required, shall be set by the Judge to whom the matter has been referred by the Court Administrator or, where that Judge will not also be the hearing Judge, by the Court administrator. The moving party shall promptly notify all parties affected of the hearing date and shall file a certification providing specific information setting forth the efforts that have been made to give to all affected parties as much notice as possible of the date, time and place set by the Court for the hearing. Such specific information includes, but not limited to, the method(s) by which notice was sought to be given, the address(s) and/or phone number(s) and/or fax numbers(s) at which notice was sought to be given and the identity(s) of the party(s) to whom notice was sought to be given.

(d) After the Court has decided the request for emergency relief or stay of proceedings, the motion or petition shall be returned to the Court Administrator who shall then forward it to the Office of Judicial Support for filing of the Order.

(e) Except in emergency situations, no stay of proceedings shall be granted without actual prior notice to all parties affected thereby.

III. *Cases Assigned to a Judge*

(a) All applications, to include emergency matters, that would otherwise be subject of a motion or petition will be processed by the assigned Judge and should be directed to his/her chambers. The moving party shall contemporaneously notify all parties affected by his or her application.

(b) The form of all such applications and the time in which to respond thereto shall be determined by the Judge on an ad hoc basis as circumstances and the exercise of the Judge's sound discretion shall warrant.

(c) Where the application takes the form of a formal motion or petition, the original shall be filed with the Office of Judicial Support. The cover sheet, pursuant to Rule 205.2(b) shall clearly indicate that a copy of the motion or petition has contemporaneously been submitted to the assigned Judge, who shall be identified on the notice.

(d) The original of a formal response to a motion or petition shall also be filed with the Office of Judicial Support, and a copy shall be contemporaneously submitted to the assigned Judge.

Comment:

1. The following applications are not governed by Rule 206.8, et seq. but rather are governed by the provisions of the general rule(s) governing the particular matter: Protection From Abuse Petitions pursuant to 23 Pa.C.S.A. 6101 et seq.

By the Court

KENNETH A. CLOUSE,
President Judge

[Pa.B. Doc. No. 04-1353. Filed for public inspection July 23, 2004, 9:00 a.m.]

DELAWARE COUNTY

Rescission of Local Rule 206.6 and Renumbered as Local Rule 206.4(c) Rule to Show Cause. Alternative Procedures

Order

And Now, to wit, this 28th day of June, 2004, it is hereby *Ordered* that Delaware County Local Rule 206.6 is *Rescinded* and *Renumbered* as Delaware County Local Rule 206.4(c) Rule to Show Cause Alternative Procedures which shall read as follows:

Rules to show cause shall issue as of course with the filing of any Petition or Motion requiring a response in family and non-family matters.

Explanatory Comment: In non-family matters governed by Rule 206.1(a), the notice requirement serves the identical purpose of a rule to show cause, and no paper formally designated "Rule to Show Cause" shall be necessary.

In family matters, governed by 206.8, present practice shall continue with rules issuing as of course pursuant to Rule 206.4(c)

By the Court

KENNETH A. CLOUSE,
President Judge

[Pa.B. Doc. No. 04-1354. Filed for public inspection July 23, 2004, 9:00 a.m.]

DELAWARE COUNTY

Rescission of Local Rule 1028 and Renumbered as Local Rule 1028(c) Disposition of Preliminary Objections, Motions for Summary Judgment and Motions for Judgment on the Pleadings

Order

And Now, to wit, this 28th day of June, 2004, it is hereby *Ordered* that Delaware County Local Rule 1028 is hereby *Rescinded* and *Renumbered* as Delaware County Local Rule 1028(c) which shall read as follows:

1. Procedure Defined

(a) Preliminary objections, motions for summary judgment and motions for judgment on the pleadings shall be accompanied by a memorandum of law in support thereof.

(b) Service shall be made in conformity with Pa.R.C.P. 440.

(c) All such motions shall be accompanied by a notice, plainly appearing on the face thereof, of the date the motion was filed with the Office of Judicial Support and advising that a reply memorandum of law must be filed within twenty (20) days from that date, except that in the case of summary judgment motions the notice shall advise that a reply memorandum must be filed within thirty (30) days from that date. The moving party shall also file with his motion a certification of service in conformity with Pa.R.C.P. 405(b). This certification shall state that the notice required by this Rule has been given.

(d) If any motion subject to this Rule is filed without an accompanying memorandum, the Office of Judicial Support shall send the record papers to the Court Administrator. Otherwise, the Office of Judicial Support shall not send the record papers to the Court Administrator until the opposing party has filed his reply memorandum or until twenty (20) days after the motion was filed (or in the case of summary judgment motions, thirty (30) days), whichever occurs first. Upon receiving the record papers from the Office of Judicial Support the Court Administrator shall then refer the matter to the appropriate judge. All requests for an extension of the prescribed time in which to answer such motions must be approved by the Court. Such approval shall be sought by a letter addressed to the Court Administrator. No agreement entered into solely by the parties will be honored by the Court.

(e) Any motion subject to this rule which is filed without accompanying memorandum may be dismissed. If a reply memorandum has not been filed pursuant to the notice required by section (c) of this rule, the Court may dispose of the matter without such memorandum.

(f) If any matter is settled or withdrawn prior to disposition, the Court Administrator shall be promptly advised, and the moving party shall file an appropriate praecipe with the Office of Judicial Support.

(g) The Court in its discretion may grant additional time in which to file a reply memorandum, request additional memoranda, or call for oral argument, or advance the time for filing.

2. Matters Requiring Factual Supplement to the Record

(a) In the case of preliminary objections based on facts not presently a part of the record, a memorandum of law and notice to opposing parties to file a reply memorandum of law within twenty (20) days need not be filed contemporaneously with the preliminary objections. Instead, the face sheet notice shall indicate the date the preliminary objections were filed with the Office of Judicial Support and shall be endorsed with a notice to plead pursuant to Pa.R.C.P. 1361.

(b) If an answer is filed and served, the moving party shall undertake to supplement the record with the necessary facts by affidavit, deposition or testimony, as the case may require, within sixty (60) days from the filing of the answer.

(c) Within two (2) weeks from the completion of the supplementation of the record, whether by the adverse party's failure to file an answer to the preliminary objections or by affidavit, deposition or testimony, the moving party shall file a memorandum of law. This memorandum shall be processed in accordance with Section 1 of this Rule.

By the Court

KENNETH A. CLOUSE,
President Judge

[Pa.B. Doc. No. 04-1355. Filed for public inspection July 23, 2004, 9:00 a.m.]

DELAWARE COUNTY

Rescission of Local Rule 1034 and Renumbered as Local Rule 1034(a) Motion for Judgment on the Pleadings

Order

And Now, to wit, this 28th day of June, 2004, it is hereby *Ordered* that Delaware County Local Rule 1034 is *Rescinded* and *Renumbered* as Delaware County Local Rule 1034(a) which shall read as follows:

(a) The procedure for Motion for judgment on the pleadings shall be set forth in Rule 1028(c).

By the Court

KENNETH A. CLOUSE,
President Judge

[Pa.B. Doc. No. 04-1356. Filed for public inspection July 23, 2004, 9:00 a.m.]

DELAWARE COUNTY

Rescission of Local Rule 1035.2 and Renumbered as Local Rule 1035.2(a) Motion for Judgment**Order**

And Now, to wit, this 28th day of June, 2004, it is hereby *Ordered* that Delaware County Local Rule 1035.2 is hereby *Rescinded* and *Renumbered* as Delaware County Local Rule 1035.2(a) which shall read as follows:

(a) The procedure for summary judgment motions shall be set forth in Rule 1028(c) except that respondent shall have thirty (30) days from the filing date of the motion in which to file a reply memorandum.

By the Court

KENNETH A. CLOUSE,
President Judge

[Pa.B. Doc. No. 04-1357. Filed for public inspection July 23, 2004, 9:00 a.m.]

LACKAWANNA COUNTY

Repeal and Adoption of Rules of Civil Procedure; 94 CIV 102**Order**

And Now, this 9th day of July, 2004, it is hereby *Ordered* and *Decreed* that the following Lackawanna County Rules of Civil Procedure are amended as follows:

1. Lacka. Co. R.C.P. 205, 206, 206.1, 206.2, 285, 295, 1018.2, 1028, 1501, 1511, 1530 and 4010.1 as implemented between January 1, 1994 and November 22, 2003, are repealed;

2. Lacka. Co. R.C.P. 210, 211(a), 212(a) and (d), 212.5(a), 213, 214(a), 240, 250 and 430.3 are amended as reflected in the following rules;

3. New Lacka. Co. R.C.P. 205.2, 206.1, 206.4, 208.2, 208.3, 230.2, 1028(c), 1034(a) and 1035.2(a) are adopted as reflected in the following rules;

4. Pursuant to Pa. R.Civ.P. 239(c) and 239.8(b)—(d) (as amended June 30, 2004), the following Local Rules shall be disseminated and published as follows:

(a) Seven certified copies of the Local Rules shall be filed with the Administrative Office of the Pennsylvania Courts;

(b) Two certified copies of the Local Rules and a computer diskette containing the text of the Local Rules in MS-DOS, ASCII, Microsoft Word, or WordPerfect format and labeled with the court's name and address and computer file name shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*;

(c) One certified copy of the Local Rules and a computer diskette containing the text of the Local Rules in MS-DOS, ASCII, Microsoft Word, or WordPerfect format and labeled with the court's name and address and computer file name shall be filed with the Civil Procedural Rules Committee which shall then forward a copy to the Administrative Office of the Pennsylvania Courts (AOPC) for publication on the AOPC web site;

(d) The Local Rules shall be kept continuously available for public inspection and copying in the Office of the

Clerk of Judicial Records, Civil Division, and upon request and payment of reasonable costs of reproduction and/or mailing the Clerk of Judicial Records shall furnish to any person a copy of the requested Local Rule(s);

(e) A computer diskette containing the text of the following Local Rules in either MS/DOS, ASCII, Microsoft Word or WordPerfect format and labeled with the court's name and address and computer file name shall be distributed to the Lackawanna Bar Association;

(f) The Local Rules shall be published on the web site of the Lackawanna Bar Association (www.lackawannabar.com) and the web site of the Administrative Office of the Pennsylvania Courts (<http://ujportal.pacourts.us/>);

5. The following repeals, amendments and new adoptions to Local Rules 211(a), 212(a) and (d), 215.5(a), 213, 214(a), 230.2, 240, 250, 285, 295, 430.3, 1501, 1511, 1530, and 4010.1 shall become effective thirty (30) days after the date of their publication in the *Pennsylvania Bulletin* as per Pa.R.Civ.P. 239(d); and

6. The following repeals, amendments and new adoptions to Local Rules 205, 205.2, 206, 206.1, 206.2, 206.4, 208.2, 208.3, 210, 1018.2, 1028(c), 1034(a) and 1035.2(a) shall become effective upon publication on the web site of the Administrative Office of the Pennsylvania Courts pursuant to Pa. R.Civ.P. 239.8(d).

By the Court

CHESTER T. HARHUT,
President Judge

RULES OF CONSTRUCTION**Rule 51. Title and Citation of Rules.**

All rules adopted by the Court of Common Pleas of Lackawanna County pertaining to Civil Procedure shall be known as the Lackawanna County Court of Common Pleas Rules of Civil Procedure and may be cited as "Lacka. Co. R.C.P. _____."

Rule 52. Effective Date of Rules.

Each rule adopted by the Court of Common Pleas of Lackawanna County, whether civil, criminal, orphans', or governing district justices, shall become effective upon the date specified by the court in promulgating the rule; but, no rule shall be effective until notice of its promulgation is published in the "Lackawanna Jurist." The content of each rule promulgated shall be made available through the Lackawanna County Bar Association and as mandated by law or rule of the Pennsylvania Supreme Court.

Rule 76. Definitions.

Unless the context clearly indicates otherwise, each word or phrase when used in any rule promulgated by the Court of Common Pleas of Lackawanna County shall have the same meaning as that word or phrase is given in the Pennsylvania Rules of Civil Procedure, with the exception of the following:

(a) "court" or "the court" shall mean the Court of Common Pleas of Lackawanna County;

(b) "rule" shall mean any rule of civil procedure promulgated by the Court of Common Pleas of Lackawanna County;

(c) "party" or "parties" shall mean the party or parties appearing in a civil action pro se, or the attorney or attorneys of record for such party or parties, where appropriate.

Rule 101. Principles of Interpretation.

In the construction of any rule, the principles set forth in the chapter of the Pennsylvania Rules of Civil Procedure designated "Rules of Construction" shall be observed unless the application of such principles would result in a construction inconsistent with the manifest intent of the court.

Rule 127. Construction of Rules.

(a) The object of all interpretation and construction of the Rules of Civil Procedure of the Court of Common Pleas of Lackawanna County is to ascertain and effectuate the intention of this court.

(b) Each rule shall be construed, if possible, to give effect to all its provisions. When the words of a rule are clear and free from all ambiguity, the letter of the rule is not to be disregarded under the pretext of pursuing its spirit.

(c) When the words of a rule are not explicit, the intention of the Court of Common Pleas of Lackawanna County may be ascertained by considering, among other matters:

- (1) the occasion and necessity for rule;
- (2) the circumstances under which the rule was promulgated;
- (3) the purpose for which the rule was promulgated and the object to be attained;
- (4) the prior practice, if any, upon the same or similar subjects;
- (5) the consequences of a particular interpretation;
- (6) the history of the rule; and,
- (7) the practice followed under the rule.

Rule 128. Presumptions and Ascertaining the Intent of the Court of Common Pleas of Lackawanna County.

In ascertaining the intention of the Court of Common Pleas of Lackawanna County in the promulgation of a rule of civil procedure, all seeking to interpret the rule should be guided by the following presumptions:

- (a) that the Court of Common Pleas of Lackawanna County does not intend a result that is absurd, impossible of execution, or unreasonable;
- (b) that the Court of Common Pleas of Lackawanna County intends that the entire rule or chapter of rules is to be effective and certain;
- (c) that the Court of Common Pleas of Lackawanna County does not intend to violate the Constitution of the United States or of this Commonwealth or any rule promulgated by the Supreme Court of Pennsylvania;
- (d) that the Court of Common Pleas of Lackawanna County intends to favor the public interest as against any private interest; and,
- (e) that no rule shall be construed to confer a right to trial by jury where such right does not otherwise exist.

Rule 130. Construction of Rules and Derogation of the Common Law.

The principle that laws in derogation of the common law are to be strictly construed shall have no application to any rule of civil procedure promulgated by the Court of Common Pleas of Lackawanna County.

Rule 151. Effective Date of Amendments.

An amendment to a rule of procedure, whether civil, criminal, orphans', or governing district justices, shall be effective upon the date specified by the court in promulgating the amendment; but, no amendment shall be effective until notice of its promulgation is published in the "Lackawanna Jurist." The content of each amendment promulgated shall be made available through the Lackawanna County Bar Association and as mandated by law or rule of the Pennsylvania Supreme Court.

THE BUSINESS OF THE COURT**Rule 171. Sessions of Court.**

The court shall annually, by order, prescribe the official Judicial Calendar of the Court of Common Pleas of Lackawanna County for the next calendar year following said annual order, and shall in said order prescribe the sessions of court to be held during the year and designate the time for each. Such order shall be published in the "Lackawanna Jurist."

Rule 172. Holidays

The Court of Common Pleas of Lackawanna County shall not be in session on any day designated by the laws of Pennsylvania or by any proper authority as a legal holiday within the commonwealth of Pennsylvania. Whenever the initial day of any session of court or any return day shall fall on any legal holiday, the next succeeding secular weekday shall be considered the initial day of said session or the return day as the case may be. Motion court due to be held on a legal holiday will be postponed to the next regular day of hearing motions.

Rule 188. Professional Conduct.

The Code of Professional Responsibility, as adopted by the Supreme Court of Pennsylvania, is hereby adopted as the standard of conduct for members of the bar of this court.

Any attorney of this court who shall be found to have violated any of the standards of conduct established for attorneys of this court or to have been disbarred from practice or disciplined in any court of record of this Commonwealth, of the United States, or of any other state, territory or insular possession of the United States may be suspended or disbarred from practice in this court or otherwise disciplined as the court shall determine.

PRACTICE AND PROCEDURE GENERALLY**Rule 200. Attorneys Practicing Before This Court.**

- (a) Any person of good moral and professional character who is learned in the law and has been formally admitted to the bar of this court or of the bar of the Supreme Court of Pennsylvania may practice law in this court.
- (b) Attorneys of record of other counties of Pennsylvania, who have yet to be admitted to the bar of the Supreme Court of Pennsylvania but who are eligible for admission on motion to said bar, and attorneys of record from other states, who have been admitted to the general practice of law in such other states, may be admitted to practice pro hac vice in this court for a particular case or proceeding on oral motion of an associate attorney of record appearing in the case or proceeding who is a member of the bar of this court.

(c) Any attorney admitted to the bar of this court under this rule shall file with the Clerk of Judicial Records of Lackawanna County an address for the service or receipt of all pleadings, motions, notices and other papers served

or sent in pursuance of the rules of this court. Any changes of address shall be reported promptly to the Clerk of Judicial Records.

Rule 200.1. Appearances and Withdrawals.

(a) The signing of a pleading or motion by an attorney shall be deemed an entry of appearance. Appearance by an attorney or a party not signing pleadings or motions shall be by praecipe filed with the Clerk of Judicial Records.

(b) Appearance of counsel shall not be withdrawn except by leave of court or by stipulation of counsel representing all parties to the action. If at the time that withdrawal is sought, the case has been assigned to a judge for trial or has been tried, a motion to withdraw shall be presented to the trial judge for determination. Otherwise, such motion shall be presented at motion court and a rule to show cause shall issue to the client represented by the movant and to all other parties in the litigation.

Rule 201. Agreements of Attorneys.

All agreements of attorneys pertaining to the business of the Court of Common Pleas of Lackawanna County shall be in writing signed by all parties to the agreement or shall be entered on the record if made in the course of a court proceeding; otherwise, such agreements shall have no validity if disputed by any party to the alleged agreement.

Rule 205.2. Civil Filing Requirements

(a) All new civil actions are to be filed on 8 1/2" x 11" paper in the Office of the Clerk of Judicial Records, Lackawanna County Courthouse, 200 N. Washington Avenue, Scranton, PA 18503.

(b) No summons, complaint, pleading or other document used to commence a new civil action will be accepted for filing by the Clerk of Judicial Records unless it is accompanied by a duly completed Civil Cover Sheet in the format set forth in Form 1 of the Appendix.

206.1. Definition of Petition.

(a) In addition to an application to open a default judgment or a judgment of non pros, a party seeking relief from the court shall proceed by petition and rule when the party is seeking an order which is not otherwise covered by any statute or rule of civil procedure governing motions, including an order:

- (1) imposing sanctions for failure to obey a discovery order;
- (2) holding a party or witness in contempt;
- (3) granting relief from any other judgment, including judgments entered by confession; or
- (4) granting a preliminary injunction

(b) Any party presenting a petition seeking the issuance of a rule to show cause must follow the procedures set forth in Lacka. Co. R.C.P. 206.4(c).

Rule 206.4. Issuance of Rule to Show Cause.

(a) Any petition presented pursuant to Lacka. Co. R.C.P. 206.1(a) shall proceed upon a rule to show cause.

(b) The procedure following the issuance of the rule to show cause shall be in accordance with Pa. R.Civ.P. 206.7.

(c) In conformity with Pa. R.Civ.P. 206.6, a rule to show cause shall be issued as of course upon the filing and presentment of the petition. To secure a rule to show cause, the petition shall be presented to the Motions

Court judge under Lacka. Co. R.C.P. 208.3(a) and shall be accompanied by a proposed order in the format prescribed by Pa. R.Civ.P. 206.6(c) and the Official Note thereto. The court may grant a stay of execution or stay of the proceedings only upon request by the petitioner and for cause shown. Following presentment of the petition to the Motions Court judge, the petitioner shall proceed pursuant to Lacka. Co.R.C.P. 211 and secure a rule returnable date and a hearing date, if necessary, from the Court Administrator and shall thereafter file the original petition and rule to show cause with the Clerk of Judicial Records, with copies of the same being served upon all counsel and unrepresented parties in accordance with the Pennsylvania Rules of Civil Procedure and Lacka. Co. R.C.P. 440. The petitioner shall file a certificate of service with the Clerk of Judicial Records verifying that the petition and rule have been duly served upon all counsel and unrepresented parties.

Rule 208.2. Motion. Form. Content.

(c) In addition to the form and content requirements set forth in Pa. R.Civ.P. 208.2, a motion shall include a brief statement of the applicable authority with citations to the official reports. If a moving party relies upon an unpublished opinion as authority, a copy of the unpublished opinion must accompany the motion as an attachment.

(d) All motions shall contain a certification by counsel for the movant that counsel has sought concurrence in the motion from each party and, when appropriate, that the motion being presented is uncontested.

(e) Any motion relating to discovery shall include a certification signed by counsel for the moving party certifying that counsel has conferred or attempted to confer with all interested parties in a good faith effort to resolve by agreement the issues raised by the motion without court intervention, together with a detailed explanation why such agreement could not be reached. If part of the issues raised by the motion have been resolved by agreement, the statement shall specify the issue(s) so resolved and the issue(s) remaining unresolved.

(f) A party seeking relief from the court by way of motion shall serve all counsel and unrepresented parties with a copy of the motion, together with notice that the motion will be presented to the court on a date certain, at least three (3) business days (excluding Saturdays, Sundays and holidays) prior to the date of presentation.

Rule 208.3. Motion Procedure.

(a) (1) Except for discovery motions which are governed by Lacka. Co. R.C.P. 4000, 4000.1, 4012, 4013 and 4019, any motion as defined by Pa. R.Civ.P. 208.1 shall be presented in Motion Court which shall be held daily by the designated Motions Court judge on Monday through Thursday at 9:00 a.m. and by the Court en banc on Friday at 9:30 a.m. Counsel and pro se litigants who desire to make motions or to present petitions at Motion Court shall write their names legibly in the motion book maintained for such purposes. Unless otherwise directed by the Motions Court judge, all motions shall be heard in the order in which the names appear in the motion book. Motion court involving domestic relations and orphans' court matters shall be held by the judges assigned to the family court division and the orphans court division at the times and on the days designated by the Court Administrator pursuant to Lacka. Co. R.C.P. 1915.5, 1915.12—1915.14, and 1920.22 and Lacka. Co. O.C.R. 1.2(2).

(a) (2) Whenever practicable, emergency motions shall likewise be presented in Motion Court pursuant to Lacka. Co.R.C.P. 208.3(a)(1). In the event that an emergency motion cannot be presented in Motion Court, the party or counsel presenting an emergency motion shall submit the motion to the Court Administrator who will assign the emergency motion to an available judge under Pa. R.Civ.P. 249 for disposition.

(b) The Motions Court judge may dispose of the motion at the time of initial consideration or may defer any ruling and, in the interim, either (i) set forth procedures for disposition of the motion pursuant to Pa. R.Civ.P. 208.4(a)(2) or (b)(1), or (ii) direct the parties to proceed under Lacka. Co. R.C.P. 211.

Rule 210. Submission and Form of Briefs.

(a) A copy of any brief which is submitted to the court or to any judge of the court shall be filed to the docket number of the case to which the brief pertains in the office of the Clerk of Judicial Records.

(b) All briefs shall be typewritten and printed or otherwise duplicated on 8 1/2 by 11 paper and shall be endorsed with the name of the case, the court, the docket number of the case, and the name and the address of the attorney filing same. Briefs shall contain an accurate citation to all official authorities relied upon, and shall contain a photocopy of any unofficial authority or any authority not found within the Lackawanna County Law Library. The brief of the moving party shall contain a procedural history of the case, a statement of facts, a statement of questions involved, and an argument. The brief of each party, if more than fifteen pages in length, shall contain an index and table of citations of the cases, statutes and other authorities referred to within the brief, with references to the pages at which they are cited.

Rule 210.1. Transcription Required for Argument.

(a) If in the opinion of counsel for any party a transcription of testimony or of a prior court proceeding is necessary for the just disposition of a matter to be argued to the court or to an individual judge of the court, that counsel shall serve upon the office of the court reporters and upon all other parties to the action a written notification that such transcription shall be required. Such notice shall be provided as soon as practicable and, in any event, not later than five (5) days after the filing of motion or petition which is to be argued. Said notice shall contain:

- (1) the full caption of the case;
- (2) the date(s) of the proceedings(s) for which a transcription is deemed necessary;
- (3) the type of proceeding for which the transcription is deemed necessary; and,
- (4) the date on which the transcription is required, which date should be no later than seven (7) days prior to the scheduled date of argument.

(b) As soon as can be determined after receipt of the notice required by paragraph (a), the office of the court reporters shall advise all parties and the court of the approximate date on which said transcription shall be available, so that the parties and the court can consider alternative argument dates if such appears necessary or desirable.

Rule 211. Disposition of Motions and Petitions.

(a) To assign a motion or petition to a judge for disposition or to schedule a motion or petition for argument where a rule returnable does not set a schedule, a

party shall file with the Clerk of Judicial Records and the Court Administrator a Praeceptum for Assignment. See Appendix, Form 2.

(b) Prior to filing a Praeceptum for Assignment, the moving or petitioning party shall contact counsel for all other parties of record to determine whether an opposing party or lawyer wishes to present oral argument. The moving or petitioning party shall indicate on the Praeceptum for Assignment whether the matter is being submitted on briefs and without the necessity of oral argument or is to be scheduled for argument by the Court Administrator. No Praeceptum for Assignment will be accepted by the Clerk of Judicial Records or the Court Administrator unless the moving or petitioning party has indicated in writing whether the matter is to be submitted on briefs or scheduled for oral argument.

(c) The Court Administrator shall assign motions and petitions to the judges of the court on a rotating basis and shall establish a briefing schedule for the parties.

(d) The original of a party's brief shall be filed with the Clerk of Judicial Records and copies shall be provided to the assigned judge and all opposing counsel in accordance with the schedule set by the Court Administrator.

(e) If the moving or petitioning party fails to timely file and serve a brief, or fails to appear at oral argument, if requested, the matter may be dismissed by the court as of course. The judge to whom the matter has been assigned may grant additional time for the filing of briefs or may require supplemental briefing by the parties.

(f) If any party other than the moving or petitioning party fails to timely file and serve a brief, that party may be deemed not to oppose the motion or petition and may not be allowed to present oral argument.

(g) No case listed for argument will be continued except for good cause shown to the satisfaction of the court.

Rule 212. Pre-Trial Procedure and Conference.

It is the intent of this rule that, in all civil actions, a pre-trial proceeding may be instituted at various stages for specific purposes.

(a) Prior to Filing of Certificate of Readiness

After a complaint alone has been filed or after a complaint and answer have been filed, all parties may jointly praecipite a case for a preliminary pre-trial settlement conference if it is the joint consensus of the parties that the case may be settled as a result of such a conference, and it is the intention of the parties to avoid ordinary pre-trial procedures leading to the filing of a certificate of readiness.

At such a conference, the basis for the joint consensus that a settlement may be effected at this preliminary stage shall be stated in a joint presentment entitled: "PLAINTIFF/DEFENDANT PRELIMINARY PRE-TRIAL SETTLEMENT STATEMENT." See Appendix, Form 3.

(b) After Filing Certificate of Readiness

Upon the filing of a Certificate of readiness, the Court Administrator shall assign a case to an individual judge to conduct a status conference, schedule a pre-trial conference and establish a date for trial.

(c) If the court determines at the time of the status conference that a party has not fully complied with Lacka. Co. R.C.P. 214(b), the court may strike the original certificate of readiness and remove the case from the

judge's individual calendar or may take such other action as it deems appropriate under the circumstances. At the status conference, the court will also schedule the pre-trial conference and the trial date.

(d) For the pre-trial conference, each party shall submit to the court and serve on all other parties at least seven (7) days prior to the scheduled time of the conference, a pre-trial statement substantially in the form set forth in Plaintiff/ Defendant Pre-Trial Statement or such other form as shall be required by the assigned judge. See Appendix, Form 4. The court may in its discretion require the parties to submit a pre-trial order in the format contained in former Lacka. Co. R.C.P. 212.1. See Appendix, Form 5.

(e) Except for good cause shown, trial counsel with complete settlement authority must attend the pre-trial conference in person. The designated representatives for the plaintiff and defendant, including duly authorized representatives of the primary and excess liability insurers and statutorily created funds, must be available by telephone during the entire course of the pre-trial conference. The court may in its discretion order the designated representatives for the plaintiff and the defendant and the duly authorized representatives of the primary and excess liability insurers and statutorily created funds to attend the pre-trial conference in person. To ensure that full settlement authority has been secured by the date of the pre-trial conference, the primary and excess liability insurers and statutorily created funds are required to have the matter at issue investigated, evaluated and reviewed by all necessary representatives and committees prior to the date of the pre-trial conference.

(f) At some time prior to the filing of Plaintiff/ Defendant Pre-Trial Statement, all parties shall confer to discuss settlement. It shall be the responsibility of the plaintiff to schedule the conference required by this subparagraph. The parties shall certify in writing in their pre-trial statements that such a settlement conference was held and shall identify the date of the conference, the individuals who participated and the results of the conference.

(g) If a party or counsel fails to attend the pre-trial conference or fails to participate in a settlement conference pursuant to Lacka. Co. R.C.P. 212(f), the court may make such order or impose such sanctions as it deems proper under the circumstances.

Rule 212.2. Miscellaneous Instructions Pertaining to Trial.

(a) In all non-jury trials, the appropriate waiver of a jury trial shall be executed and filed no later than the day trial commences.

(b) In all jury trials, requests for instructions to the jury, together with citations to legal authorities in support thereof, proposed voir dire questions, and jury interrogatories shall be submitted in duplicate at chambers. Such materials shall be filed when the judge may direct, but in the absence of any specific direction, not later than the day when trial commences.

(c) Except upon stipulation by affected counsel or by order of the judge, no statement contained in preliminary pre-trial memoranda or the pre-trial order shall be made the subject of comment to the jury by any party at the trial of the case.

(d) Any counsel needing special equipment, device, personnel, or courtroom arrangements shall be responsible for assuring that such items are available at the

time they are needed. Personnel assigned to the judge shall not be expected or depended upon to provide service for any party or counsel in the absence of a notation contained in the final pre-trial order.

212.5. Mediation.

(a) *Submission to mediation.* Except as otherwise provided by Pa. R.Civ.P. 1042.21, the court administrator or a judge may submit a civil case to the court-annexed Mediation Program only with the consent of all parties.

(b) *Certification of Mediators.* The President Judge shall certify as many mediators as determined to be necessary under this Rule. An individual may be certified as a mediator only if [s]he has been admitted to practice law in Pennsylvania for at least ten years and has been determined by the President Judge to be competent to perform the duties of a mediator. The Court Administrator shall maintain a list of all persons who have been certified as mediators.

(c) *Compensation of Mediators.* The services of the mediators shall be provided *pro bono* and no mediator shall be called upon more than twice in a single calendar year to act as a mediator without prior approval of the mediator.

(d) *Application for Mediation.* The parties may request mediation by submitting a written application to the Court Administrator in the form attached as Form No. 6.

(e) *Assignment for Mediation.* If the parties have jointly requested mediation, the Court Administrator shall designate the assigned mediator, and shall direct the mediator to establish the date, time and place for the initial mediation session within thirty days from the date of the referral order. The Clerk of Judicial Records shall make the original case file available to the mediator for purposes of the mediation session.

(f) *Mediation Session.* The mediator shall establish the date, time and place of the mediation session. Unless specifically requested by the mediator, the parties shall not contact or forward documents to the mediator. Counsel who are primarily responsible for the case and any unrepresented party shall attend the mediation session. All parties, insurers and principals of parties with decision-making authority must attend the mediation session in person, unless their attendance is excused by the mediator for good cause shown, in which event they must be available by telephone during the entire mediation session. All parties, insurers, principals and counsel must be prepared to discuss all liability and damage issues and to participate in meaningful settlement negotiations.

(g) *Confidentiality.* All mediation proceedings, including any statement made or writing submitted by a participant, shall not be disclosed to any person who is not directly involved with the mediation session. The parties' settlement positions and statements during mediation shall not be disclosed to the trial judge unless mutually agreed to by the parties, but in the event that the case involves a non-jury trial, under no circumstances shall the parties' settlement positions and statements be disclosed to the assigned judge. No transcript or other recording may be made of the mediation session and the mediation proceedings shall not be used by any adverse party for any reason in the litigation at issue.

(h) *Mediation Report.* The mediator shall submit a confidential report to the assigned judge indicating whether a settlement has been reached. In the event that a settlement has not been achieved, the mediator's report

shall include a recommendation as to whether further mediation should be ordered.

Rule 213. Motions for Consolidation or Severance of Actions and Issues.

A motion to consolidate or sever actions or issues pursuant to Pa. R.C.P. 213 shall be made in accordance with Lacka. R.C.P. 208.3.

Rule 214. Listing Cases for Hearing or Trial.

(a) The Court Administrator shall assign a case for hearing or trial upon the filing of a Certificate of Readiness in the form attached to the Appendix of these Local Rules as Form 7. The Certificate of Readiness should identify the judge who has decided any case dispositive motion under Lacka. Co. R.C.P. 1028, 1034 or 1035.2, and whenever practicable, the Court Administrator shall assign the case for hearing or trial to the judge who has decided that case dispositive motion.

(b) No Certificate of Readiness may be filed until all discovery in the case has been completed and all depositions for use at trial have been scheduled or completed. Nor may a Certificate of Readiness be filed if any case dispositive motion is pending for disposition by the court. The filing of a Certificate of Readiness shall constitute a verification that no case dispositive motions are pending nor does any party or attorney contemplate filing such a case dispositive motion.

(c) No party or lawyer may file more than one Certificate of Readiness on any single day.

Rule 214.1. Hearing and Trial Terms.

(a) The judicial calendar of the court shall establish hearing and trial terms each year for the conducting of arbitration hearings, equity and non-jury trials, jury trials, and protracted case trials.

(b) While the composition of the judicial calendar may vary and should therefore be consulted, generally the court schedules terms as follows:

(1) arbitration hearings—one week each month every month, except July and August;

(2) equity and non-jury trials—one week each month every month, except July and August;

(3) jury trials—three weeks each month every month, except July and August;

Rule 214.3. Notice of Hearing or Trial.

(a) Notice of trial in a jury case will be provided by the judge to whom the case has been assigned for trial.

(b) Notice of hearing in arbitration cases will be provided by the Court Administrator by mail to all counsel of record and pro se parties.

Rule 216. Application for Continuance.

(a) An application for continuance of a hearing or trial must be submitted to the assigned judge at least seven (7) days before the first day of the hearing or trial term for which the case is listed.

(b) The grounds for continuance shall be those set forth in Pa. R.Civ.P. 216.

(c) The grant or denial of an application for continuance shall be in the discretion of the judge giving due consideration to the timeliness of the application, any prejudice to the opposing party or counsel, the reasons offered for the continuance, and any other factors deemed relevant by the judge.

Rule 223. Civil Trials.

(a) Schedule of Commencement of Trial

During a trial session, cases shall be called for trial in the order in which they were scheduled for trial by the assigned judge.

(b) Openings and Closings

The opening addresses and closing arguments of counsel engaged in trial shall be in accordance with the following principles:

(1) Unless the trial judge shall otherwise direct, only one attorney may present an opening address or a closing argument for any party;

(2) Opening remarks shall consist only of a succinct statement, without argument, of the positions and contentions of the party represented by the speaker and a brief recital of the evidence intended to be introduced in support of the same;

(3) Counsel for the party having the affirmative of the issue on the pleadings shall open the case and shall be followed by opposing counsel, and by third parties, in the order in which each appears in the caption of the action;

(4) Counsel for the defendant or any third party defendant may elect to make the opening address prior to the taking of any testimony or immediately prior to the presentation of evidence by the defense, unless the trial judge in a particular case required such opening addresses by the defense counsel to be made at a particular time;

(5) At the conclusion of the evidence, closing arguments shall be presented by counsel in the reverse order in which counsel was entitled to open under subparagraph (3), so that counsel for the party having the affirmative of the issue shall close last;

(6) In actions involving more than one plaintiff, defendant, or third-party defendant, not covered under subparagraph (3), if the attorneys are unable to agree, the trial judge shall determine the order of presentation of the opening addresses and closing arguments.

(c) Conduct of Trial

The party calling a witness shall, upon motion of another party or when required to do so by the court, state briefly the matter proposed to be established by the testimony of that witness and the legal purpose for presenting such evidence. The entire examination of a witness shall be conducted by only one attorney for each party unless otherwise permitted by the trial judge.

Rule 223.1. Trial Briefs.

Prior to the commencement of trial, counsel shall furnish to the court a trial brief which shall contain a succinct statement of the evidence to be presented, the position of the party filing the same with respect to anticipated legal issues to be encountered, and citation of legal authorities relief upon to support the legal positions of the party and to support any requests for rulings which the party anticipates seeking from the court.

Rule 223.2. Additional Submission for Non-Jury Trials.

In all civil actions tried by a judge without a jury, counsel for the respective parties shall each present to the trial judge requests for findings of fact and conclusions of law. These requests shall be filed with the Clerk of Judicial Records and shall thereby become part of the record of the court in the case.

Rule 226. Points for Charge and Jury Interrogatories.

Points upon which the trial judge is requested to charge the jury in civil litigation shall not exceed twelve (12) in number without leave of court. Points to be requested shall be framed so that each constitutes a single request which may be completely answered by a single affirmation or negation. Counsel for each party shall furnish that party's requested points for charge to the judge and to opposing counsel at the beginning of the trial unless otherwise allowed or directed by the court. Such requests may be supplemented for matters arising during the trial that could not have been reasonably anticipated at the beginning of the party's case in chief.

For each requested point for charge, counsel shall cite the legal authority as the basis for which that particular point is requested which citation shall be made immediately following the particular request to which it applies.

Any special interrogatories which are to be requested shall also be framed so that each constitutes a single request which may be answered by simple affirmation or negation.

Rule 227.1. Post-Trial Motions in Jury Trials.

(a) All post-trial motions after trial pursuant to Pa. R.C.P. 227.1 shall be filed within ten days after nonsuit or verdict or disagreement of the jury.

(b) All post-trial motions must be written and the movant and respondent of each post-trial motion shall serve copies of each document which they file with reference to any such motion upon the trial judge and all other parties. Such service shall be made prior to or immediately after the time the document is filed in the office of the Clerk of Judicial Records.

(c) All motions of the type set forth in paragraph (a) above shall contain specific references to the alleged errors which form the basis of the motion. A post-trial motion will be dismissed as of course as dilatory and in needless expense to the county and to the litigants if the reasons set forth are mere conclusions, are captious, or are not supported by the record.

(d) Whenever a post-trial motion is based upon matters not appearing of record, it shall be made in the form of a petition for rule to show cause and shall be supported by affidavits or depositions upon argument thereof.

(e) A motion for a new trial on the ground of after-discovered evidence must be made on petition, verified by affidavit, setting forth the names of the witnesses or sources of evidence which have been discovered, a reasonable expectation as to what is to be proved by such evidence, and an assertion that the movant did not know of the evidence before or during the trial. In the event that the rule to show cause is granted, all of the foregoing matters shall be established by deposition or by testimony presented in court at the time that the motion is considered.

(f) Unless for good cause shown the court orders otherwise, post-trial motions may be decided without the transcript of testimony having been prepared.

(g) Where it is determined that a transcript or a portion thereof is necessary, counsel shall have as a matter of right ten additional days to submit additional allegations of error following receipt of the transcript.

Rule 229. Discontinuance.

Leave of court is required for a plaintiff to discontinue an action as to less than all defendants. Such leave of court shall be sought by petition and rule to show cause.

Rule 230.2. Termination of Inactive Cases

The termination of inactive cases in which there has been no activity of record for two years or more shall be governed by the procedure set forth in Pa. R.Civ.P. 230.2 (effective July 1, 2003).

Rule 238. Notice of Settlement Offer.

Each settlement offer made pursuant to Pa. R.C.P. 238(b) and each response given to such offer shall be in writing and dated.

Rule 240. Proceeding In Forma Pauperis in Civil Cases.

(a) Any party who is represented by counsel who certifies on the application or by separate document that the plaintiff is indigent, or any party who is represented by court-appointed counsel or by counsel furnished from a non-profit legal services organization providing free legal services to the indigent may apply to the court for leave to proceed in forma pauperis.

(b) If the party is represented by an attorney, the Clerk of Judicial Records shall allow the party to proceed in forma pauperis upon the filing of a praecipe in the form prescribed by Pa. R.Civ.P. 240(d)(1) and (i). In all other cases, the party seeking to proceed in forma pauperis shall file a petition and an affidavit in the form prescribed by Pa. R.Civ.P. 240(c) and (h).

(c) Parties eligible to apply for leave to proceed in forma pauperis, as set forth in subsection (a) above, may also apply to the court for relief from payment of special or unusual expenses, i.e., those costs not related to filing and service of process.

(d) The right to apply for leave to proceed in forma pauperis shall likewise be available to parties in any civil action commenced before the minor judiciary. Applications in such cases shall be brought to the presiding District Justice for disposition in the manner set forth in subparagraph (a) above.

Rule 248. Modification of Time.

The time prescribed by any rule herein for the doing of any act may be extended or shortened by written agreement of the parties or by order of court.

Rule 250. Scope of Chapter.

(a) The rules contained within this chapter entitled "Practice and Procedure Generally" shall apply to all civil actions and proceedings unless otherwise designated in a particular rule and as limited by subsection (b) below.

(b) The rules contained within this chapter shall apply to class actions only to the extent that they do not conflict with Pa. R.C.P. 1701-1716, Lacka. Co. R.C.P. 1703-1713, and such other rules as may be promulgated by this court with respect to class actions.

Rule 250.1. Suspension of Rules.

The court may suspend one or more of these rules in individual cases by written order. When a judge of this court issues any order in a specific case which is not consistent with these rules, such order shall constitute a suspension of these rules for such case only and only to the extent that it is inconsistent.

Rule 261. Court Records.

(a) The Clerk of Judicial Records shall endorse upon all papers filed the date and time of filing the same, and note the same in the continuance docket. No parol

evidence shall be received to contradict such endorsement, unless upon an allegation, verified by affidavit, of fraud or mistake.

(b) No person other than the Clerk of Judicial Records or his or her deputy or designee shall make any entry upon the docket or records of the court.

(c) The Clerk of Judicial Records shall allow no papers to be taken from his or her office, except when specially allowed by the court or one of the judges thereof, unless the same be called for trial or a hearing before a referee, board of arbitrators, auditor, or master, and then only upon receipt of the person or persons authorized to take such records.

(d) In cases where tax or municipal liens shall be divested without having been paid in full, by reason of any order of this court or of the United States Court in Bankruptcy, either by compromising said liens or directing the sale of the lien premises free and clear of such liens, the Clerk of Judicial Records may, upon praecipe of the solicitor for the municipal sub-division which filed the lien, enter upon the record of each lien thus divested in the municipal lien docket and judgment index an annotation to the effect that the lien has been divested under order of court, making specific reference to the number and term of this court or to the number and bankruptcy court under which the lien was divested.

Rule 262. Court Records (Transcripts).

In order to implement Supreme Court Order No. 35 and subject to Lacka. Co. R.C.P. 261, counsel shall not be permitted to take any court records out of the Clerk of Judicial Records' office, by order of court or otherwise, for the purpose of photocopying transcripts.

Only in an emergency situation may counsel be permitted to photocopy a transcript, but the court reporter still must be paid the copy rate since counsel is not entitled to a free transcript indirectly off the court reporter's services and since counsel cannot receive a free transcript directly from the reporter.

Rule 263. Ordering of Transcripts.

Counsel for the moving party shall serve a formal request for transcript on the court stenographer. The court stenographer will then provide counsel for the moving party with an estimate of the transcript fee for an original and one copy. Upon receipt of at least one half of said transcript fee, transcription will commence. However, filing of the original transcript and delivery of a copy to counsel shall not be made until full payment is made.

Delivery of copies ordered by opposing counsel will be made only after the moving party has made full payment for the original and one copy and payment in full is made by opposing counsel for any copies so ordered.

Rule 275. Costs.

(a) Taxation of Bill of Costs

A bill of costs, accompanied by an affidavit of their correctness and the necessity for the number of witnesses in attendance, shall be taxed by the Clerk of Judicial Records.

(b) Notice

Any party requesting taxation of costs by the Clerk of Judicial Records shall give the Clerk and all other parties ten (10) days written notice of such request. The Clerk shall fix the time for taxation and notify the parties or their counsel.

(c) Exceptions

Any party desiring to challenge the correctness of a bill of costs may do so by filing with the Clerk of Judicial Records within ten (10) days after service of the bill of costs written exceptions thereto, accompanied by an affidavit attesting to the truth of the facts asserted within the exceptions. Exceptions to a bill of costs shall particularize the items objected to in detail unless the exceptions are to the whole bill for any particular reason.

(d) Clerk's taxation

The clerk of Judicial Records shall tax the costs upon consideration of the bill of costs and any exceptions presented thereto, which taxation shall be subject to appeal to the court.

(e) Appeal

An appeal taken to the court from the Clerk of Judicial Records' taxation of a bill of costs must be taken within thirty (30) days from the date of filing of the Clerk's taxation.

(f) Security for Costs

The defendant in any case, upon entering an appearance or upon filing a responsive pleading, may petition for a rule on plaintiff to give security for costs. Such petition and rule shall be in accordance with Lacka. Co. R.C.P. 206.

Rule 290. Appellate Court Filing Fees.

When an appeal is brought by filing a notice of appeal in the office of the Clerk of Judicial Records and for which a filing fee is required by the Court of Common Pleas of Lackawanna County and an additional filing fee is required by the appellate court to be collected by the clerk of Judicial Records of Lackawanna County, such appellate court filing fee shall be paid by a separate check or money order made payable to the prothonotary of the appellate court involved. It shall be the obligation of the Clerk of Judicial Records to forward said filing fee to the appellate court, consistent with the Pennsylvania Rules of Appellate Procedure.

SERVICE OF ORIGINAL PROCESS AND OTHER LEGAL PAPERS

Rule 400.1. Notice to Serve.

(a) Any document or process issued out of the office of the Clerk of Judicial Records, other than a complaint, shall contain a notice to serve directed to the sheriff of the appropriate county to serve the process on or before a day certain, which shall be not less than five days in advance of any return date set with respect to the process, or to otherwise return the process marked "Not Found."

(b) The form of such notice to serve will read:

TO THE SHERIFF of _____ COUNTY:

You are hereby authorized and directed to effect service of the within process on or before _____.

If you are unable to do so, return said process marked "Not Found" with reasons therefore.

Attorney for

Rule 430. Service by Publication in Actions in Ejectment.

Service upon a defendant by publication in an action in ejectment shall be made by publishing once in the "Lackawanna Jurist" and once in a daily newspaper of

general circulation within Lackawanna County, a notice which shall be substantially in the following form:

Commonwealth of Pennsylvania
County of Lackawanna

(CASE CAPTION)

To _____
(Name of defendant)

You are notified that _____
(Name of plaintiff)

the plaintiff, has commenced an action in ejectment against you, which you are required to defend, to recover possession of land described as follows:

NOTICE

If you wish to defend you must enter a written appearance personally or by attorney and file your defenses or objections in writing with the court. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you without further notice for the relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS NOTICE TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

(Offices to be listed are set forth in
Lacka. Co. R.C.P. 1018.1)

(Attorney for plaintiff)

(Address of Attorney for plaintiff)

(b) When service is to be made by publication in accordance with subsection (a) above, if an affidavit is filed that the heirs and assigns of a named former owner of the property are unknown, the publication shall be directed for the former owner and his heirs and assigns generally.

Rule 430.2. Service by Publication in Actions in Replevin.

(a) Service upon a defendant by publication in an action in replevin shall be made by publishing once in the "Lackawanna Jurist" and once in a daily newspaper of general circulation in Lackawanna County a notice which shall be substantially in the following form:

Commonwealth of Pennsylvania
County of Lackawanna

(CASE CAPTION)

To _____
(Name of defendant)

You are notified that _____ has
(Name of plaintiff)

commenced an action in replevin, which you are required to defend, and in which the following property may be seized:

NOTICE

If you wish to defend, you must enter a written appearance personally or by attorney and file your defenses or objections in writing with the court. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you

without further notice for the relief requested by the plaintiff. You may lost money or property or other rights important to you.

YOU SHOULD TAKE THIS NOTICE TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

(Offices to be listed are set forth in
Lacka. Co. R.C.P. 1018.1)

(Attorney for plaintiff)

(Address of Attorney for plaintiff)

(b) When service is to be made by publication in accordance with subsection (a) above, if an affidavit is filed that the heirs and assigns of a named former owner of the property are unknown, the publication shall be directed to the former owner and his heirs and assigns generally.

Rule 430.3. Service by Publication in Action Requesting Equitable Relief

(a) Service upon a defendant by publication in an action seeking equitable relief shall be made by publishing once in the "Lackawanna Jurist" and once in a daily newspaper of general circulation within Lackawanna County a notice which shall be substantially in the following form.

Commonwealth of Pennsylvania
County of Lackawanna

(CASE CAPTION)

To _____
(Name of defendant)

You are notified that _____ has
(Name of plaintiff)

commenced an action in equity against you which you are required to defend.

NOTICE

If you wish to defend, you must enter a written appearance personally or by attorney and file your defenses or objections in writing with the court. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you without further notice for the relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS NOTICE TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

(Offices to be listed are set forth in
Lacka. Co. R.C.P. 1018.1)

(Attorney for plaintiff)

(Address of Attorney for plaintiff)

(b) When service is made by publication upon the heirs and assigns of a named former owner or party in interest and said heirs and assigns are unknown, the publication shall be directed to the heirs and assigns generally if within the complaint or by separate affidavit it is stated that the heirs and assigns are unknown.

Rule 430.4. Service by Publication for the Enforcement of Judgments for Payment of Money.

When service by publication may be had under Pa. R.C.P. 3112(c), the plaintiff may cause service to be made by publication once in the "Lackawanna Jurist" and once in a daily newspaper of general circulation in Lackawanna County a notice which shall be in substantially the following form:

Commonwealth of Pennsylvania
County of Lackawanna

(CASE CAPTION)

NOTICE IS HEREBY GIVEN TO _____ that on _____ a writ of execution issued against _____ (date) real property of _____ held in your name and described as follows:

(In addition to the description, see Lacka. Co. R.C.P. 3129.1)

Said writ issued on judgment No. _____, 20 ____.

You are directed to notify _____ that the plaintiff issued an attachment execution against you which _____ is/are required to defend.

Rule 430.5. Service by Publication of Actions Pursuant to 41 P. S. Section 407.

Service upon a defendant by publication of actions commenced in accordance with the requirements of Section 407 of Act No. 6 of 1974, 41 P. S. Section 407, when authorized pursuant to Pa. R.C.P. 430, shall be made by publishing once in the "Lackawanna Jurist" and once in a daily newspaper of general circulation within Lackawanna County a notice which shall be substantially in the following form:

Commonwealth of Pennsylvania
County of Lackawanna

(CASE CAPTION)

To _____ (Name of defendant)

You are notified that _____ (Name of plaintiff)

has commenced an action to execute on residential real property pursuant to a judgment entered by confession in the Court of Common Pleas of Lackawanna County, which judgment is entered to docket number _____ 20 ____.

You are required to defend this action, which seeks to obtain possession of real estate which you own or in which you reside, which real estate is located at

(Street Address)

(City and State)

and is described as follows:

(In addition to the description, see Lacka. Co. R.C.P. 3129.1)

NOTICE

If you wish to defend, you must enter a written appearance personally or by attorney and file your defenses or objections in writing with the court. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you without further notice for the relief requested by the plaintiff. You may lost money or property or other rights important to you.

YOU SHOULD TAKE THIS NOTICE TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

(Offices to be listed are set forth in Lacka. Co. R.C.P. 1018.1)

(Attorney for plaintiff)

(Address of Attorney for plaintiff)

Rule 440. Service of Legal Papers Other Than Original Process.

(a) Service

Unless otherwise provided by statute or by rule of the Supreme Court of Pennsylvania or of this court, a copy of all pleadings, petitions, motions, rules, answers to rules to show cause, notices, or other papers required to be served on another party shall be served in the manner provided by Pa. R.C.P. 440 or 441 or as otherwise directed by order of this court within five (5) days from the filing thereof. If timely service is not effected in accordance with this rule, the legal paper shall be considered void and of no effect. Upon affidavit filed setting forth such failure of timely service, the party upon whom the paper should have been served may proceed as though said legal paper had never been filed.

(b) Certificate of Service

The party serving the paper(s) shall file in the office of the Clerk of Judicial Records a certificate or affidavit of service showing the date, manner of service, and person upon whom service was made. Such certificate or affidavit of service shall be filed immediately upon effecting service, and a copy of same shall be served on all parties.

(c) Service by Publication

Unless otherwise specifically provided by statute, court rule, or order of court, whenever service by publication may be made pursuant to Pa. R.C.P. 430, said service shall be accomplished by publication once in the "Lackawanna Jurist" and once in a daily newspaper of general circulation within Lackawanna County. Such publication is to be made in such a manner that the person so served thereby shall have at least five (5) days after publication to answer the legal paper which is served in that fashion.

ACTIONS AT LAW

Rule 1018.1. Notice to Defend.

The agencies to be designated on the notice to defend which is required by Pa. R.C.P. 1018.1 to appear in every complaint filed in the Court of Common Pleas of Lackawanna County by a plaintiff or by a defendant against an additional defendant shall be as follows:

Northern Pennsylvania Legal Services
507 Linden Street, Suite 300
Scranton, PA 18503-1631
Telephone (570)342-0184

and

Lawyer Referral Service
Lackawanna Bar Association
204 Wyoming Avenue, Suite 205
Scranton, PA 18503-1010
Telephone (570) 969-9600

Rule 1019. Contents of Pleadings, General and Specific Averments.

Whenever any right, claim, or defense is asserted to be founded upon a specific statute of this or another jurisdiction or upon an ordinance, governmental regulation, Pennsylvania Rule of Civil Procedure, or rule herein, the first pleading in which such right, claim, or defense is asserted shall cite for the information of the court the statute, ordinance, regulation, or rule so relied upon.

Rule 1021. Claims for Relief-Accounting.**(a) Time for filing Account**

When a judgment has been entered directing the defendant to account to the plaintiff, the defendant shall, within thirty (30) days, unless the court shall for cause shown allow a longer time, state the account and file the statement thereof in the office of the Clerk, of Judicial Records, and shall at the same time serve a copy of said account upon all adverse parties to whom the defendant has been ordered to account.

(b) Exceptions

Within thirty (30) days after such notification, any adverse party who has received the accounting, if dissatisfied with the statement of account filed by the defendant, shall file exceptions thereto and move for the appointment of an auditor to hear and report upon the questions of fact and law raised by the exceptions.

(c) Failure to File Account

If the defendant shall for any reason fail to file a statement of account within thirty (30) days or such longer period as the court may fix, the court shall, on motion of an adverse party to whom the defendant has been ordered to account, appoint an auditor to state the account between the parties upon the basis of such evidence as may be submitted to the auditor.

(d) Auditor's Report Exceptions

The auditor shall give two weeks notice in writing to the parties on their attorneys of record of the time and place fixed for the hearing on the matter. When the auditor has prepared his report, notice that it is ready for filing shall be given to the parties or their attorneys. Exceptions thereto must be filed with the auditor within ten (10) days after such notice has been received. If exceptions are filed, the auditor shall, with his report as originally prepared, report supplementally on the exceptions. When the auditor's report has been filed, the court, after hearing argument on the exceptions thereto, will enter such order for judgment as the case may require.

Rule 1021.1. Claim for Relief.

In actions for injury to persons or property where some or all of the damages are not liquidated, the claims for relief in the complaint, in specifying the amounts of damages to which the party deems himself entitled, shall state only that said damages are in excess of, or not in excess of the amount below which cases are required to be presented to arbitration.

Rule 1028. Preliminary Objections.

(c) (1) A party filing preliminary objections shall file the original preliminary objections with the Clerk of Judicial Records and shall deliver a copy of the same to the Court Administrator together with a praecipe for assignment in accordance with Lacka. Co.R.C.P. 211. The party filing a praecipe for assignment shall comply with the requirements of Lacka. Co.R.C.P. 211(b) prior to filing the praecipe for assignment.

(2) The filing of briefs, assignment of preliminary objections, and scheduling of oral argument, if necessary, shall be governed by Lacka. Co. R.C.P. 211(c)—(g).

Rule 1033. Amendments to Pleadings

When an amendment to a pleading is allowed or is made prior to trial, the whole pleading, as amended, shall be executed, verified, and filed, provided that, exhibits attached to prior pleadings need not be recopied into the amended pleadings

Amendments to pleadings allowed at the trial need not be executed, verified, and filed if the amendment is made a part of the trial record.

Rule 1034. Motion for Judgment on the Pleadings.

(a) (1) A party filing a motion for judgment on the pleadings shall file the original motion for judgment on the pleadings with the Clerk of Judicial Records and shall deliver a copy of the same to the Court Administrator together with a praecipe for assignment in accordance with Lacka. Co.R.C.P. 211. The party filing a praecipe for assignment shall comply with the requirements of Lacka. Co.R.C.P. 211(b) prior to filing the praecipe for assignment.

(2) The filing of briefs, assignment of motion for judgment on the pleadings, and scheduling of oral argument, if necessary, shall be governed by Lacka. Co. R.C.P. 211(c)—(g).

Rule 1035.2. Motion for Summary Judgment

(a) (1) A party filing a motion for summary judgment shall file the original motion for summary judgment with the Clerk of Judicial Records and shall deliver a copy of the same to the Court Administrator together with a praecipe for assignment in accordance with Lacka. Co.R.C.P. 211. The party filing a praecipe for assignment shall comply with the requirements of Lacka. Co.R.C.P. 211(b) prior to filing the praecipe for assignment.

Rule 1037. Judgment Upon Default for Repair of Property.

(a) In all actions in which the only damages to be assessed are the cost of repairs theretofore made to property, the plaintiff may seek judgment upon default assessing damages for the cost of repairs by filing, with a praecipe waiving any other damages under such judgment, the affidavits required by subsection (b) of this rule and, by sending to the defendant by registered mail directed to his or her last known address, a copy of the repair bill and the affidavit of the person who performed the repairs required by subsection (b) of this rule, together with a notice setting forth the date of the intended assessment of damages, which date shall be not less than ten (10) days from the date of mailing of the notice. Said notice shall contain a statement that damages will be assessed in the amount of the repair bill unless, prior to the date of intended assessment, the defendant files a written praecipe with the Clerk of Judicial Records requesting trial on the issue of such damages.

(b) Together with the praecipe waiving any damages other than the cost of repairs, the plaintiff shall file an affidavit indicating the date of the mailing to defendant of the notice of the intended assessment of damages and an affidavit of the person who performed the repairs containing an itemized repair bill setting forth the charges for labor and material used in the repair of the property and a statement indicating the qualifications of the person who made or supervised the repairs, that the repairs

were necessary, and that the prices for labor and material were fair and reasonable and those customarily charged.

(c) If the defendant fails to file with the Clerk of Judicial Records prior to the date of intended assessment of damages a praecipe requesting a trial on the issue of such damages, the plaintiff on or after the date of intended assessment of damages may file a praecipe directing the Clerk of Judicial Records to enter judgment in plaintiff's favor in the amount of the repair bill, which the Clerk of Judicial Records shall promptly do.

(d) In the event that the defendant does file a praecipe requesting a trial on the issue of such damages, the case shall proceed as any civil action and shall be subject to arbitration if the amount in controversy is an amount requiring arbitration.

Rule 1054. Abstracts of Title.

Abstracts of title shall contain a specification of all facts or equitable matter on which the party relies, a reference to all records, an abstract thereof, and, as to deeds, mortgages, or contracts, shall give their date, the date of acknowledgment, and if recorded, when and where recorded.

Rule 1075. Seizure of Property Before Judgment in Actions in Replevin.

(a) A return of service required by Pa. R.C.P. 1075.1(d) or Pa. R.C.P. 1075.2(c), pertaining to service of motions for writ of seizure and notice of hearings made by one other than the sheriff, shall indicate the manner in which service was made and, if service was accomplished in a manner other than those provided in Pa. R.C.P. 402, the affidavit shall indicate why service could not be made in a manner indicated in that rule.

(b) A petition to vacate a writ of seizure as provided in Pa. R.C.P. 1075.1(g) shall be accompanied by a rule to show cause and shall follow the procedure set out in Lacka. Co. R.C.P. 206.

Rule 1098. Peremptory Judgment in Actions in Mandamus.

(a) A plaintiff in an action in mandamus seeking a peremptory judgment shall do so by motion and in compliance with the notice provision of Lacka. Co. R.C.P. 206.1(c), unless the urgency of the case is such as to require action before notice can reasonably be given.

(b) The court at the time such motion is presented shall determine whether the motion can be acted upon forthwith or whether it requires additional consideration. If additional consideration is required, the court shall schedule presentation of any documentary or testimonial evidence which it desires as soon as practicable and shall thereafter rule on said motion and either grant or deny peremptory judgment.

(c) The pendency of a motion for peremptory judgment in a mandamus action does not excuse or relax the defendant's responsibility to timely file a responsive pleading to the plaintiff's complaint.

Rule 1301. Arbitration.

(a) All civil actions brought in the Court of Common Pleas of Lackawanna County in which the amount in controversy is \$30,000.00 or less shall first be submitted to arbitration and heard by a panel of three arbitrators selected from members of the bar of this court in accordance with the provisions of this rule, with the exception of:

- (1) cases involving title to real estate; and,

(2) cases which have been consolidated for trial with cases in which the amount in controversy exceeds \$30,000.00.

(b) All members of the bar of this court shall constitute the Board of Arbitrators and all members shall act as arbitrators unless excused by the court. Each attorney engaged in active practice in this court shall file with the Court Administrator information indicating whether he or she is practicing alone, is associated with one or more attorneys, or is a member of a firm, and further indicating the length of time he or she has actively engaged in the practice of law. Upon any change in his or her status of practicing or being associated with any other lawyer, he or she shall immediately notify the Court Administrator of such change.

(c) The Court Administrator shall appoint arbitration panels consisting of three attorneys each, taken from the list of eligible attorneys which the Court Administrator shall maintain on the basis of the information provided pursuant to subsection (b) of this rule. Each member of the bar, other than those excused from service, shall serve on only one arbitration panel per year unless the number of panels so chosen is insufficient to conveniently dispose of all of the arbitration cases within the year. In such circumstance, the Court Administrator shall appoint to additional arbitration panels those attorneys who have indicated their availability for such service. No more than one member of a family, firm, or association shall serve on an arbitration panel. The members of each arbitration panel shall have a cumulative experience of, at least, ten (10) years, dating from their admission to practice in Pennsylvania.

(e) Each arbitration panel shall sit in session one day during the calendar year and on that day shall hear as many arbitration cases as the Court Administrator has scheduled for that panel. More than one action or controversy may be scheduled for a single arbitration panel if, in the judgment of the Court Administrator, such panel can conveniently dispose of more than one case during its day of arbitration. In the event that a scheduled case cannot be heard, it shall be reassigned to the next available arbitration panel by the Court Administrator.

(f) The Court Administrator shall notify all arbitrators of the day on which they shall serve, which notification shall be made as soon as the arbitration panel is selected. For each arbitration panel, the member with the earliest admission to practice in Pennsylvania shall serve as chairperson. Arbitrators so appointed to a specific panel may be excused or transferred to another panel by the Court Administrator, but only for good cause shown, in which instance the Court Administrator shall designate a successor to that arbitrator as soon as practical.

(g) The arbitration panel shall file its findings and award, if any, as well as any written opinion as in its discretion it may choose to submit, within seven days from the conclusion of the hearing in each case. If a member of the panel dissents from the majority's findings or award, that arbitrator shall so state on the award form and may, in his or her discretion, submit an opinion indicating the reason(s) for such dissent.

(h) Any party may appeal from the findings or award of the arbitration panel to the Court of Common Pleas of Lackawanna County in the same manner as appeals de novo are commenced before the court.

(i) In any instance where all parties in an arbitration case agree to a settlement prior to the taking of any testimony at the arbitration hearing the parties shall sign

a stipulation stating the exact form of any desired arbitration award, which stipulation shall be furnished to the Court Administrator or to the arbitration panel.

(j) If a stenographic record of an arbitration hearing is desired by any party, such party shall provide the Court Administrator with a written request for same no later than five (5) days prior to the date fixed for the hearing and shall at the time of the submission of such request pay a fee in the amount set by the court, which fee shall be considered the stenographer's appearance fee. The Court Administrator shall arrange for stenographic service and shall forward the aforesaid appearance fee to the stenographer. All parties requesting a transcript of the record shall compensate the stenographer at the rate prescribed by the court.

(k) Each member of an arbitration panel who actually hears testimony in one or more arbitration cases on the day of the panel's service shall receive a fee in an amount set by the court. Arbitrators may petition the court for additional compensation in protracted or complex arbitration cases. The court in its discretion shall determine the amount of additional compensation, if any, that the arbitrators shall receive.

INJUNCTIONS

Rule 1531. Injunctions.

No application for an injunction will be considered by the court unless the factual reasons are set forth specifically and in detail. The pleading of conclusions will not be sufficient. If an application for an injunction is considered, the court will issue an order for a hearing to be scheduled by the Court Administrator pursuant to Pa. R.Civ.P. 1531. Requests for immediate hearings will be granted upon approval of the court if it finds that extraordinary and urgent circumstances exist which require an immediate hearing.

Rule 1531.1. Contempt Proceedings on Injunctions.

Unless the president Judge directs otherwise for reasons of manifest necessity, contempt proceedings on injunction matters shall be heard and decided by the judge whose order is involved.

CLASS ACTION RULES

Rule 1703. Commencement of Action; Assignment of Judge.

(a) Upon the proper filing of a class action in the office of the Clerk of Judicial Records, counsel for the plaintiff(s) shall notify the Court Administrator and the President Judge that a class action complaint has been filed and shall forward to the President Judge a copy of said complaint.

(b) Upon notification that a class action complaint has been filed and upon receipt of said complaint, the President Judge shall assign a judge of the Court of Common Pleas of Lackawanna County to preside over the case for all purposes in conformity with Pa. R.C.P. 1703.

Rule 1707. Discovery Pertaining to Class Action Issues.

In any case in which the judge assigned to a class action permits discovery with respect to the class action issues, the order granting such limited discovery shall also indicate the period of time during which discovery with respect to the class action issues shall be permitted. All parties are required to complete such discovery within that time period.

Rule 1710. Determination of Class Action Certification Hearing.

The judge to whom a class action is assigned may request the parties to submit proposed findings of fact and conclusions of law pertaining to the question of whether or not the case should be certified as a class action. In a case in which proposed findings of fact and conclusions of law are requested, the judge shall determine the time when they are to be submitted.

Rule 1712. Order and Notice of Certification as Class Action.

(a) After the entry of an order of certification of a class action, the judge to whom the case has been assigned shall in the usual course conduct a class action notice conference at which all parties shall be represented for the purpose of considering the matters set forth in Pa. R.C.P. 1712.

(b) If at the time of the class action notice conference the court determines that individual notice is to be given, a uniform statement shall be drafted by which each individual who is to receive notice may opt for inclusion or exclusion from the class.

(c) The proposed form of notice required by Pa. R.C.P. 1712(c) must be submitted for approval by the plaintiff to the court and to all named defendants no later than fifteen (15) days prior to the class action notice conference.

Rule 1713. Pre-Trial of Class Actions.

In addition to the normal matters to be considered at pre-trial conferences, as set forth within these rules, a pre-trial conference conducted in a class action case shall consider the matters set forth in Pa. R.C.P. 1713.

ACTIONS FOR SUPPORT

Rule 1910.10. Alternative Support Proceedings.

In accordance with Pa. R.C.P. 1910.10, the hearing procedure of Pa. R.C.P. 1910.12 is hereby adopted in this judicial district.

Rule 1910.12. Office Conference. Cost and Fees. Hearing Record. Exceptions Order.

(a) Any party or parties, who do not agree with the recommendation of a domestic relations officer made pursuant to Pa. R.C.P. 1910.11(d), shall be required to pay a permanent hearing officer's or master's hearing fee within ten (10) days of the issuance of the recommendation. Otherwise, a hearing pursuant to Pa. R.C.P. 1910.12(b)(1) will not be scheduled and the recommendation shall be entered as an order of court as where agreement is reached under Pa. R.C.P. 1910.11(d).

(b) If the fee is timely paid pursuant to (a), a permanent hearing officer's or master's hearing shall be scheduled for a date at least three (3) weeks from the date of the notice of hearing.

(c) Any request for a continuance of a permanent hearing officer's or master's hearing must be in writing and received by the domestic relations office at least fourteen (14) days prior to the date of hearing. Any requests for continuance, received within fourteen (14) days of a scheduled hearing for whatever reason, shall be subject to rescheduling fees.

(d) Exceptions to the report and proposed order of the permanent hearing officer or master shall be accepted only if accompanied by a required filing fee. When a final order is entered, it shall be retroactive to the date on which the temporary support order was signed.

(e) If exceptions are filed to the proposed order of support recommended by the master, the said proposed order shall be entered as a temporary support order. The court shall hear arguments on exceptions and enter an appropriate final order.

(f) When exceptions to the report and proposed order of the permanent hearing officer or master are filed, a bill for the hearing transcript shall issue to the excepting party or parties. If payment is not made within fourteen (14) days of the date of billing, the exceptions will be dismissed.

(g) If payment for the transcript is timely received, the entire record, upon receipt of the transcript, shall be provided to the Court Administrator for an argument date.

(h) All fees referred to in this rule shall be in an amount which is periodically set forth in a schedule issued by the court and available in the domestic relations office.

ACTIONS FOR CUSTODY, PARTIAL CUSTODY AND VISITATION OF MINOR CHILDREN

Rule 1915.1. Scope; Definitions.

(a) (1) These rules govern local practice and procedure in all actions for custody, partial custody, visitation, modification of existing orders, and contempt of court, including all actions heretofore commenced by petition for writ of habeas corpus and all claims for custody, partial custody, or visitation asserted in an action of divorce or for support.

(2) If a claim for custody, partial custody, visitation, or modification of an existing order is raised during the course of an action of divorce or for support, the court shall enter an order directing that the determination of the claim shall be referred to a hearing officer appointed by the court for an expeditious resolution of the claim.

(b) As used in these rules, unless the context of a rule indicates otherwise,

“conference” means a pre-hearing negotiating session conducted under the auspices of the court by a hearing officer appointed by the court at which all counsel shall be present;

“de novo hearing” means a hearing before a judge of the court upon exceptions to the report of the hearing officer;

“hearing officer” means an attorney engaged in the practice of law before the Court of Common Pleas of Lackawanna County who is duly licensed to practice law in the Commonwealth of Pennsylvania; shall conduct pre-hearing conferences at such times and places as the court shall direct; shall encourage and supervise the formulation of consent orders; shall, in cases where consent orders cannot be obtained, conduct evidentiary hearings at which the hearing officer may examine the parties and all other witnesses whom the hearing officer may have reason to believe have knowledge of any facts relevant and material for the just and proper examination of the case; may recommend counseling and conduct oral examination of the child(ren) who is (are) the subject of the action and request investigation reports from social services agencies; shall submit a report to the court which shall include a comprehensive opinion reflecting a thorough analysis of the record as a whole and specifying the reasons for the hearing officer’s recommended order; and, shall perform such other duties relating to actions involving custody of children and visitation rights as the court may from time to time direct;

“joint custody” in the context of any report or opinion and orders shared custody as that term is defined in Pa. R.C.P. 1915.1(b).

Rule 1915.2. Venue.

In conjunction with the assumption of jurisdiction and venue, the court may direct the taking of testimony by or before other competent tribunals as set forth more fully in the Uniform Child Custody Jurisdiction Act, 23 Pa.C.S.A. §§ 5341 et seq.

Rule 1915.3. Prosecution of Action.

(a) Except as otherwise provided by subdivisions (c) and (d) of this rule, an action shall be commenced by filing a verified complaint.

(b) A completed order shall be attached to the complaint directing the defendant and any interested parties to appear at the time and place and for the purpose specified. The order shall be substantially in the form provided by Pa. R.C.P. 1915. The order shall be completed by the Court Administrator prior to filing the complaint.

(c) (1) A claim for custody, partial custody, visitation, or modification of an existing order, which is joined with an action of divorce or for support shall be asserted:

(i) by the plaintiff in the complaint or in a subsequent petition filed to the same term and number as the original action;

(ii) by the defendant, as a counterclaim in the original action or in a subsequent petition filed to the same term and number as the original action.

(2) The complaint, petition, or counterclaim shall be substantially in the form required by Pa. R.C.P. 1915.

(3) An order shall be affixed as provided by subdivision (b) of this rule.

(d) An action for attachment for contempt for failure to obey an existing court order shall be commenced by petition and rule to show cause and shall be prosecuted before a judge of this court only and in the manner provided by Pa. R.C.P. 1915.12.

Rule 1915.4. Service, Proof of Service.

(a) Original service shall be made pursuant to Pa. R.C.P. 412.

(b) Where an attorney has entered an appearance on behalf of a party, service of all subsequent pleadings may be made on the attorney.

(c) Where service is made on an attorney of record, proof of service shall be by an affidavit of service of the party making service or by acceptance of service executed by the attorney receiving it.

Rule 1915.5. Jurisdiction and Venue. Responsive Pleadings. Discovery Motion Practice.

(a) A party must raise questions of personal jurisdiction or venue by preliminary objection filed within twenty (20) days of service of the pleading to which objection is made or at the time of hearing, whichever first occurs. Failure to raise those questions shall constitute a waiver of any underlying rights related to personal jurisdiction and/or venue.

(b) Other than a verified complaint or petition and preliminary objection, no other pleading shall be required.

(c) Counterclaims under Lacka. Co. R.C.P. 1915.3(c)(ii) shall be asserted within twenty (20) days of service of the initial adversary pleading upon the party asserting the claim or at the time of hearing, whichever first occurs.

Failure to timely assert such a claim shall not delay the hearing, but shall not preclude a party from seeking such relief

(d) (1) Discovery shall be limited to the following motions practice unless authorized by special order of court:

(i) motions authorized by the Uniform Child Custody Jurisdiction Act, 42 Pa.C.S. § 5341 et seq.;

(ii) motion for physical or mental examinations; and,

(iii) motion for home study.

(2) All discovery motions shall be in writing and filed with the court no later than five (5) days after the pre-hearing conference. All motions shall be supported or opposed according to the practice followed on motion for summary judgment under Pa. R.C.P. 1035(d).

(3) Motion for continuance and for home study shall be determined, in the first instance, by the hearing officer. All other motions shall be raised to and addressed expeditiously by the court in the manner customary for motion practice and shall be given calendar priority. In no event shall motion practice be permitted to retard or delay the hearing, unless otherwise provided by court order.

The appropriate procedure for appealing a denial of a motion for home study and/or continuance is to seek relief under Pa. R.C.P. 1915.13.

(e) Upon application showing extraordinary circumstances and undue prejudice, the court may authorize additional discovery by special order.

Rule 1915.6. Joinder of Parties.

Where a grandparent or great-grandparent of the child(ren) has a statutory right to visitation, the plaintiff or petitioner shall notify that person of the pendency of the action and of the right to intervene in the manner provided by Pa. R.C.P. 1915.16.

Rule 1915.7. Consent Order.

(a) A consent order shall be entered only upon stipulation of the parties, either orally in open court upon the record or by written agreement. When the stipulation is entered upon the record in open court, all parties affected by it shall be present and shall note their agreement on the record. When the stipulation is by a written agreement, it shall be signed by all parties affected by it and witnessed by their counsel. A proposed consent order substantially in the form provided by Lacka. Co. R.C.P. 1915.17(d) shall be attached to the stipulation or agreement.

(b) A consent order may include:

(1) a provision for counseling under 32 Pa.C.S.A. § 5305;

(2) the submission of a plan under 23 Pa.C.S.A. § 5306; and,

(3) a provision for visitation under 23 Pa.C.S.A. §§ 5311—5313.

Rule 1915.8. Physical and Mental Examination of Person.

Where a physical or mental examination of a child or a party is requested, costs shall be borne by the party requesting the examination(s) unless otherwise ordered by the court or agreed by parties.

Rule 1915.9. Default Judgment, Summary Judgment.

No judgment may be entered prior to, during or subsequent to an evidentiary hearing:

(a) by default for want of an answer;

(b) on the pleadings;

(c) by summary judgment; or,

(d) by nonsuit.

Rule 1915.10. Decision.

(a) The court may issue a written decision and order before the record or any part of it is transcribed.

(b) The cost of transcription shall not be at the expense of the court or the county unless otherwise ordered by court.

Rule 1015.11. Presence of Child Required at Hearing. Interrogation of Child at Time of Hearing.

(a) The person having custody of the child(ren) on the day of the hearing shall be responsible for assuring the child's(ren's) presence at the hearing.

(b) Interrogation of the child(ren) shall be in camera in the presence of the court, court personnel, and counsel of record only, unless there are compelling reasons to do otherwise. The order of interrogations shall be, first, by the court and then by the parties in the order of their burden of proof.

Rule 1915.12. Civil Contempt for Disobedience of Custody Order.

A petition for civil contempt shall be assigned only to a judge of the court, who shall take testimony, make a decision, and specify the conditions which must be fulfilled to purge the contempt. The petition shall be substantially in the form provided by Pa. R.C.P. 1915.12.

Rule 1915.13. Special Relief.

(a) At any time after commencement of the action, the court may, on application of any party or ex parte on the application of a hearing officer, grant appropriate interim or special relief. Such relief may include issuance of a writ of ne exeat directed to the present custodian of the child(ren) where flight to evade jurisdiction is imminent.

(b) when relief is sought on application of a party, the court shall grant appropriate interim or special relief only after written notice and hearing unless it appears to the satisfaction of the court that immediate and irreparable injury will be sustained before notice can be given or a hearing held, in which case the court may issue a preliminary or special injunction without a hearing or without notice. In determining whether a preliminary or special injunction should be granted and whether notice of a hearing should be required, the court may act on the basis of the averments of the pleadings or petition and may consider affidavits of parties or third persons, or any other proof which the court may require.

(c) Special relief and/or interim relief granted without notice to the opposing party shall be deemed dissolved unless a hearing on the continuance of the special and/or interim relief is held within five (5) days after granting such relief or within such other time as the parties may agree or as the court upon cause shown shall direct.

Rule 1915.14. Disobedience of Order Other Than For Custody.

The court may issue a bench warrant for the arrest of any person who fails to obey any court order related to a

custody proceeding and shall cause that person to be produced in open court to show cause why he or she should not be adjudged in contempt for willful disobedience.

Rule 1915.17. Pre-Hearing Conference and Consent Order.

(a) A pre-hearing conference shall be scheduled no sooner than ten (10) days after the pleading under these rules commencing the action has been filed. All actions commenced under these rules shall be scheduled for conference.

(b) The pre-hearing conference shall be held to focus issues of fact and law and to explore the possibility of a negotiated settlement and consent order.

(c) A continuance may be granted upon good cause shown to afford a party reasonable opportunity to obtain counsel and to prepare a defense.

(d) A consent order shall be in substantially the following form:

(Case Caption)

CONSENT ORDER

NOW THIS, ____ day of _____, 20____, the attached stipulation of the parties is incorporated herein by reference and made an Order of this Court with the same full force and effect.

BY THE COURT:

_____ J.

Rule 1915.18. Notice of Hearing and Order.

(a) A hearing shall be scheduled no sooner than twenty (20) days after the pre-hearing conference has been held and no sooner than twenty (20) days after the service of the order setting the time and date for hearing, unless for cause shown, the court orders an earlier hearing.

(b) Hearings shall be stenographically recorded. Witnesses may be sequestered.

(c) A continuance may be granted by the hearing officer upon good cause shown to afford a party reasonable opportunity to obtain counsel and to prepare a defense.

(d) Written notice of the hearing in the form required by Pa. R.C.P. 1915.15 shall be given no less than twenty days prior to hearing to each attorney of record and/or the parties by the plaintiff or petitioner. Service shall be by the means set forth in Pa. R.C.P. 412.

(e) The rules of evidence shall govern the taking of testimony and the admission of exhibits, except that all material and relevant evidence which has substantial probative value may be received and evaluated notwithstanding technical objections to its admissibility.

Rule 1915.19. Appointment of Hearing Officer. Report.

(a) The court may appoint standing hearing officers to hear the testimony and return the record to the court, together with a report and recommendation.

(b) The hearing officer shall file the report and recommendation no later than thirty (30) days after the record is closed. The hearing officer shall immediately send notice of the filing of the report to each party or the attorneys of record together with a copy of the report and recommendation. The notice shall be dated with the date of mailing.

(c) The hearing officer's report shall contain findings of fact, conclusions of law, and a recommendation. The

report may be in narrative form and shall state the reasons for the recommendation. The conclusions of law shall include a discussion of the law and the facts and the legal conclusions reached by the hearing officer.

Rule 1915.20. Exceptions to Hearing Officer's Report. De Novo Hearings. Final Order.

(a) Within ten (10) days after notice of the filing of the hearing officer's report has been mailed, exceptions may be filed by any party to the report or any part thereof, to ruling on objections to evidence, to statements or findings of fact, to conclusions of law, or to any other matters occurring during the hearings. Each exception shall set forth a separate objection precisely and without discussion. Matters not covered by exceptions are deemed waived unless, prior to the entry of the final order, leave is granted to file exceptions raising those matters.

(b) If no exceptions are filed to the hearing officer's report within the ten (10) day period, the plaintiff or petitioner shall prepare and file a praecipe to transmit the entire record and a proposed order. The Clerk of Judicial Records shall then transmit the entire record and proposed order to the court which shall review the record and, if approved, shall enter a final order.

(c) A final order shall be in substantially the following form:

(Case Caption)

FINAL ORDER

NOW, this ____ day of _____, 20____, the attached report and recommendation is incorporated herein by reference and made the order of this court with the same full force and effect.

BY THE COURT:

_____ J.

(d) If exceptions are filed, the court shall hear arguments, take testimony, and enter an appropriate final order. No exceptions may be filed to the final order.

(e) Exceptions shall be served upon the hearing officer and all opposing counsel.

(f) All costs associated with the exceptions, including transcription costs, shall be borne by the party or parties taking the same, unless otherwise ordered by court.

ACTIONS OF DIVORCE OR FOR ANNULMENT OF MARRIAGE

Rule 1920.3. Commencement of Action.

(a) Initial Pleading

Every complaint, counterclaim, or petition, in an action for divorce or annulment, shall be filed with the Clerk of Judicial Records.

(b) Child or Spousal Support

Any party filing with the Clerk of Judicial Records a claim for child or spousal support in a complaint, counterclaim, or petition in a divorce action shall, simultaneously therewith, file a conformed copy thereof in the domestic relations office of this court where it shall proceed in accordance with the practice and procedure of the domestic relations section of this court.

Rule 1920.22. Discovery.

(a) Motion

A party seeking a special order of court for discovery pursuant to Pa. R.C.P. 1920.22(a) shall request the same by written motion in accord with Lacka. Co. R.C.P. 206.1

(b) Compliance

All requests for discovery shall be complied with within the time period established by the order therefore or, if no order is required or no period is established by the order, then within thirty (30) days from the date of service thereof.

(c) Motion for Compliance

If a party fails to comply with requested discovery within the time period provided by Lacka. Co. R.C.P. 1920.22(b), the requesting party may, upon expiration of said time period, file a motion for compliance and serve a copy thereof on the attorney for the noncomplying party or, if no attorney is of record, then on the noncomplying party. Upon service thereof, the noncomplying party shall comply with the requested discovery within fifteen (15) days, unless additional time is granted by the court.

(d) Sanctions

If a motion for compliance is filed and served and the opposing party fails to comply with Lacka. Co. R.C.P. 1920.22(c) the court shall impose the following sanctions as additional sanctions to those which the court deems appropriate:

(1) Counsel fees. Require the noncomplying party to pay reasonable counsel fees of the requesting party.

(2) Monetary sanctions. Require the noncomplying party to pay to the requesting party a sum to be set by the court for each day of noncompliance.

Rule 1920.33. Inventory and Appraisalment.

Failure to File

If a party fails to comply with the filing requirements of Pa. R.C.P. 1920.33(a), the opposing party may file a motion for compliance in accordance with Lacka. Co. R.C.P. 1920.22(c) which shall proceed in accordance with said rule and shall be subject to the imposition of sanctions in accordance with Lacka. Co. R.C.P. 1920.22(d). In addition thereto, the court may order that, if the opposing party has fully complied with the requirements of Pa. R.C.P. 1920.33(a), the same shall be taken to be established for the purposes of the action.

Rule 1920.51. Hearing by the Master.

(a) Preliminary Conference

The appointed master shall schedule a preliminary conference within twenty (20) days from the date of assignment. Such preliminary conference shall be for the purpose of attempting to effectuate a settlement of all matters in dispute and shall be attended by the attorneys for both parties and, unless otherwise excused by the master, by both parties. Each party shall, at least five (5) days prior to the preliminary conference, supply to opposing counsel and to the master a preliminary conference memorandum which shall contain:

(1) as attachments thereto, all filings required by Pa. R.C.P. 1920.31 and 1920.33(b); and,

(2) a list of the legal issues which are present and the proposed resolution thereof including the authority which is the basis of such proposed resolution.

(b) Sanctions

If a party or his attorney willfully violates the requirements hereof or fails to attend the preliminary conference without good cause shown to the master, the master may recommend and the court may impose appropriate sanctions as prescribed by Pa. R.C.P. 4019 and, in addition thereto, may bar the offending party from offering any

testimony or introducing any evidence in support of or in opposition to the claims for the matters to be included in the preliminary hearing memorandum in accordance herewith.

(c) Masters Hearing

If the matter cannot be resolved at the preliminary conference, the master shall schedule a hearing on all unresolved items. The date and time of such hearing or hearings shall be established by the master.

(d) (1) Continuances. No hearing or preliminary conference shall be continued without agreement by both parties or good cause shown to the master.

(2) Opposition to continuance. If the master grants a continuance requested by one of the parties and opposed by the other party, the grant of such continuance shall be made by the master in writing and shall include the reason for which such continuance was granted.

(3) Repeated continuances. In the event of repeated continuances, either party may petition the court in accordance with Lacka. Co. R.C.P. 206, for appropriate relief.

MINORS AND INCOMPETENT PARTIES**Rule 2032. Filing Affidavit as to Age.**

(a) A party, who files and serves on another party a rule to file of record an affidavit indicating whether that party is an adult or a minor, shall at the time of filing such rule also file a certificate of service indicating the manner of service of said rule and the date on which such service was made.

(b) The rule filed and served by a party shall advise the recipient party who is directed to file the affidavit of the date of filing of rule in the office of the Clerk of Judicial Records.

(c) The party who is to file the affidavit shall do so within ten (10) days from the date of service of the rule.

Rule 2039. Compromise, Settlement, Discontinuance or Distribution in Action Involving a Minor.

Notwithstanding the provisions of any rule of this court to the contrary, if a petition is presented to the court pursuant to Pa. R.C.P. 2039 for the compromise, settlement, or discontinuance of, or distribution of a fund resulting from an action to which a minor is a party, the court, if it so chooses, may act upon said petition immediately upon its presentation.

Rule 2056. Notice to Guardian of Incompetent.

In a case in which a defendant is incompetent, the notice required by Pa. R.C.P. 2056(b) may be given by personal service or by registered mail. If registered mail is utilized for this purpose, the plaintiff, the plaintiff's attorney, or any competent adult acting on behalf of the plaintiff shall send a registered letter to the last known address of the guardian of the incompetent defendant requiring a receipt signed by the guardian. If the letter is returned by the post office without a receipt signed by the guardian but with a notation by the postal authorities that the guardian refused to accept the letter, the plaintiff shall have the right of service by ordinary mail addressed to the guardian of the incompetent at the same address with the return address of the sender appearing thereon.

Rule 2059. Notice to Incompetent of Application for Guardian Ad Litem.

In every case in which a petition is filed for the appointment or removal of a guardian ad litem for an

incompetent party, a copy of the petition and the rule to show cause or stay order issued thereon shall be served personally on the incompetent immediately upon the filing of the petition.

Rule 2064. Compromise, Settlement, Discontinuance and Distribution in Action Involving an Incompetent.

The practice upon the presentation of a petition pursuant to Pa. R.C.P. 2064 shall be the same as that prescribed under Lacka. Co. R.C.P. 2039.

ACTIONS FOR WRONGFUL DEATH

Rule 2205. Notice to Persons Entitled to Damages.

(a) The notice prescribed in Pa. R.C.P. 2005 shall name the decedent and state the court, term and number of the action. If the person to whom it is addressed objects to the authority of the plaintiff to maintain the action, such person may petition the court to remove the plaintiff and to substitute as a new plaintiff any person entitled by law to recover damages in the action or the personal representative of the decedent.

(b) An affidavit of service by registered mail of such notice shall be filed in the office of the Clerk of Judicial Records within five (5) days after service or as soon thereafter as the registered return receipt, signed by the person to whom it is addressed, is returned to the plaintiff.

JOINDER AND SUBSTITUTION OF PARTIES

Rule 2227. Compulsory Joinder.

Application under Pa. R.C.P. 2227(b) to join an unwilling co-owner of a solely joint cause of action as a defendant or an involuntary plaintiff in an action shall be by petition and rule to show cause; the petition shall set forth the substantive grounds for such joinder.

Rule 2232. Defective Joinder. Change of Parties.

(a) In any case in which the defendant is required by Pa. R.C.P. 2232(a) to give notice of the pendency of an action to recover damages for any injury, not resulting in death, inflicted upon the person of a husband or wife or a minor, such notice shall be given by registered mail within twenty (20) days after service upon the defendant of the complaint.

(b) The notice shall state the court, term, and number of the action, the parties thereto, and its nature, and that the person to whom it is addressed is required to join therein within twenty (20) days after the receipt of such notice or his or her cause of action will be barred and the action will proceed without him or her.

(c) Application under Pa. R.C.P. 2232(b) to drop from the record a party who has been misjoined or against whom no claim for relief is asserted in the action shall be by petition and rule to show cause directed to all other parties. Alternatively, a defendant in an action against whom no claim for relief is asserted may seek dismissal of the action as it pertains to him by demurrer.

(d) An application under Pa. R.C.P. 2232(c) to join as a party any other person who could have joined or have been joined as such in the action shall be by petition and rule to show cause.

Rule 2253. Extension of Time Limits to Join Additional Defendants.

Application to the court for an extension of time in which to file a praecipe or compliant to join an additional defendant shall be by motion, duly verified, if facts not

appearing of record are averred. The court, if it so chooses, may act upon said motion immediately upon its presentation.

Rule 2352. Praecipe for Rule for Substitution of Successor.

The praecipe filed with the Clerk of Judicial Records pursuant to Pa. R.C.P. 2352(b) to show cause why the successor should not be substituted as a party shall set forth the last known address of the successor. Said address shall then be set forth in the rule.

Rule 2353. Service by Publication of Rule Concerning Substitution of Parties.

Service by publication of the rule to show cause why the successor should not be substituted as a party shall be made by publishing said rule, together with a notation of the nature and number of the action in which the rule is issued and the relief demanded, and that, if said successor does not appear in this court within twenty (20) days after the last publication, said rule may be made absolute in his absence. Said publication shall be made as prescribed by Lacka. Co. R.C.P. 440(c).

EXECUTION AND ENFORCEMENT OF JUDGMENTS

Rule 2959. Return Day for Rules Pertaining to Judgment by Confession.

The return day for a rule to show cause why relief from a judgment by confession should not be granted shall be determined in accordance with Lacka. Co. R.C.P. 206 unless the court directs a different return day at the time the petition is presented.

Rule 3128. Notice of Resale of Personal Property by Sheriff.

No resale shall be scheduled without first giving notice to all bidders who appeared at the originally scheduled sale. The resale date cannot be sooner than seventy-two (72) hours from the original sale date.

Rule 3129.1. Notice of Sale. Real Property.

(a) Whenever a sale of real property is governed by Pa. R.C.P. 3129.1, all handbills, written notices, and publications shall include, as part of the location of the property, a street address.

(b) Street address is defined as the street number and street name where a number exists. Where no street number exists, the street address is defined as the land and/or portion of land between the nearest two street numbers and/or intersecting streets which do exist and the street name.

Rule 3130. Notice of Sale of Securities.

When notice to a defendant of the sale of securities is required by Pa. R.C.P. 3130, such notice may be given by the sheriff by ordinary mail, first class postage prepaid, addressed to the defendant at his or her last known residence and by the posting of handbills in the sheriff's office, which mailing and which handbills shall contain a description of the securities to be sold, the name and place of the business of the broker through whom such sale will be made, and the date when the securities will be offered for sale.

Rule 4000. Motion Practice for Discovery and Scheduling Matters.

(a) Any court order regarding discovery, including orders involving sanctions and pre-trial deadlines for the completion of discovery, the exchange of expert reports,

the filing of case dispositive motions, and other scheduling matters prior to the filing of a Certificate of Readiness, which a party seeks pursuant to any provisions of Pa. R. Civ. P. 4001 through 4020 or any provisions of the Rules of Civil Procedure of the court of common pleas of Lackawanna County pertaining to discovery or scheduling orders shall be sought by the presentation of a motion in compliance with the provisions of Lacka. Co. R.C.P. 206.1, 400.1 and 4019.

Rule 400.1. Motion for Presentation before a Special Trial Master.

(a) Presentation to the court of a motion pursuant to Lacka. Co. R.C.P. 4000 shall in all circumstances be initially presented to and decided by a Special Trial Master appointed by the Court who shall follow the same procedures set forth in Lacka. Co. R.C.P. 4000.

(b) An order of the Special Trial Master may be appealed *de novo* by presentation of an appeal motion to the court, together with proof of payment of the Clerk of Judicial Records of an appeal cost of an amount to be set by the court from time to time. The appeal motion shall be filed within ten days of the order of the Special Trial Master and shall be considered by the court pursuant to Lacka. Co. R.C.P. 4000.

(c) Motions practice before the Special Trial Master shall be conducted in compliance with Lacka. Co. R.C.P. 206.1 and the Master shall hear motions in the Lackawanna County courthouse on Monday and Thursday at 9:30 a.m., unless otherwise agreed by counsel and the Master or by order of the Master.

(d) Presentation of a motion in any case in which the Special Trial Master is involved shall be presented to the court rather than through the procedure set forth in this Rule.

Rule 4007.1. Objections During Oral Depositions; Speaking Objections

(a) Counsel making an objection during an oral deposition shall state the word, "objection," and briefly state the legal basis for the objection without argument.

(b) If there is to be any discussion, amplification or argument on the objection, the witness shall be excused from the room at the request of any party. Such discussion, amplification or argument shall be made on the record unless all parties agree otherwise.

(c) An instruction by counsel to a witness that the witness shall not answer a question shall be sufficient basis for other counsel to suspend the deposition and present the question for resolution under Lacka. Co. R.C.P. 4012. Every reasonable effort shall be made to resolve the matter under Lacka. Co. R.C.P. 4012 during the deposition.

Rule 4012. Protective Orders.

(a) If a deposition is being taken within the Lackawanna County courthouse and demand is made for its suspension, a motion for a protective order under Pa. R.C.P. 4012(b) shall be made immediately to the Special Trial Master for Discovery, if available, in which event the motion may be oral and heard. If the Special Trial Master for Discovery is not available, the motion for a protective order may be oral and shall be presented to the Special Trial Master for Discovery within forty-eight (48) hours of the suspension of the taking of the deposition. Otherwise, the objecting party or deponent will be deemed to have waived the objection and the taking of the deposition shall be immediately resumed on notice to all interested parties and the deponent.

(b) In all other cases, the motion must be in writing and presented to the Special Trial Master for Discovery as provided in Lacka. Co. R.C.P. 4000 herein except that, upon failure to present such motion within fifteen (15) days of the suspension of the taking of the deposition, the objecting party or deponent will be deemed to have waived the objection whereupon the taking of the deposition shall be resumed on reasonable notice to all interested parties and the deponent.

Rule 4013. Stay of Proceedings by Discovery.

(a) If a party seeks a stay of discovery pending disposition of a motion for a protective order, the basis for such a request shall be stated with particularity in the motion and shall be called to the attention of the Special Trial Master for Discovery at the time of presentation of the motion.

(b) If during the pendency of an action a party desires a general stay of the proceedings for purposes of deposition and discovery, the court upon motion and for cause shown may enter an appropriate order staying the proceedings.

Rule 4017.1. Objections During Videotape Depositions.

(a) Counsel making an objection during a videotape deposition shall simply state "objection" upon which the video operator shall stop the videotape. Further argument or discussion shall be made off camera but on the written transcript.

(b) During any discussion or argument, the witness shall be excused from the room at the request of any party.

(c) An instruction by counsel to a witness that the witness shall not answer a question shall be sufficient basis for other counsel to suspend the deposition and present the question for resolution under Lacka. Co. R.C.P. 4012. Every reasonable effort shall be made to resolve the matter under Lacka. Co. R.C.P. 4012 during the deposition.

Rule 4019. Petitions for Sanctions before a Special Trial Master.

(a) Any party seeking sanctions pursuant to Pa. R.C.P. 4019 for violation of an order of the Special Trial Master pursuant to Lacka. Co. R.C.P., of an order of the court pursuant to Lacka. Co. R.C.P. 4000, or otherwise pursuant to Pa. R.C.P. 4019 shall, in all circumstances, initially do so by motion to the Special Trial Master pursuant to Lacka. Co. R.C.P. 4000.1.

(b) Any order of the Special Trial Master granting or denying a sanction may be appealed *de novo* by presentation of an appeal motion to the court, together with proof of payment to the clerk of Judicial Records of an appeal cost of an amount to be set by the court from time to time, and said appeal motion shall be considered by the court pursuant to Lacka. Co. R.C.P. 4000.

Rule 4020. Use of Deposition at Trial.

(a) If all or part of a deposition is offered in evidence as substantive evidence of its contents because of the unavailability of the witness, whether or not a party, the counsel offering said deposition shall first submit to the court such evidence as will enable the court to find that the appropriate facts under Pa. R.C.P. 4020(a)(3) exist.

(b) An application to the court to use all or part of a deposition of a witness, whether or not a party, as substantive evidence pursuant to Pa. R.C.P. 4020(a)(3) shall be made upon reasonable notice to all parties.

Rule 4021. Assignment of Judge for Discovery Proceedings.

In an appropriate case, the court upon its own motion or upon motion of any party may elect to designate one judge to direct all discovery proceedings in that case and to hear and rule upon all motions and petitions relating to discovery. Such designation shall be made by the President Judge.

FORM 1

Court of Common Pleas of Lackawanna County
Civil Cover Sheet

FOR CLERK OF JUDICIAL RECORDS USE ONLY
Docket Number:

PLAINTIFF'S NAME		DEFENDANT'S NAME
PLAINTIFF'S ADDRESS		DEFENDANT'S ADDRESS
PLAINTIFF'S NAME		DEFENDANT'S NAME
PLAINTIFF'S ADDRESS		DEFENDANT'S ADDRESS
PLAINTIFF'S NAME		DEFENDANT'S ADDRESS
PLAINTIFF'S ADDRESS		DEFENDANT'S ADDRESS
TOTAL NUMBER OF PLAINTIFFS	TOTAL NO. OF DEFENDANTS	COMMENCEMENT OF ACTION Complaint Petition Action Notice of Appeal Writ of Summons Transfer from other jurisdictions
AMOUNT IN CONTROVERSY In Excess of Jurisdictional Amount? Yes No	COURT PROGRAMS Arbitration Jury Non-Jury Petition Minor Court Appeal Statutory Appeals Other:	
CASE TYPE AND CODE (SEE INSTRUCTIONS)		
STATUTORY BASIS FOR CAUSE OF ACTION (SEE INSTRUCTIONS)		
REMARKS:		
TO THE CLERK OF JUDICIAL RECORDS: Please enter my appearance on behalf of Plaintiff; Papers may be served at the address set forth below:		
NAME OF PLAINTIFF'S ATTORNEY OR PRO SE PLAINTIFF		ADDRESS
PHONE NUMBER	FAX NUMBER	
SUPREME COURT IDENTIFICATION NO.		E-MAIL ADDRESS
SIGNATURE		DATE

LACKAWANNA COUNTY COURT OF COMMON PLEAS CIVIL COVER SHEET INSTRUCTIONS

An attorney or pro se party filing a document commencing any type of civil action shall file a properly completed Civil Cover sheet. Copies of the Civil Cover Sheet shall be attached to service copies of the document commencing the action.

PARTIES

Regardless of the type of action, the initiating party or parties shall be designated as Plaintiff or Plaintiffs and the responding party or parties shall be designated as Defendant or Defendants. Names of individuals shall be listed as last name, first name, middle initial. Full names of agencies and corporations shall be provided. Spouses shall be listed as separate parties unless the claim of one spouse is limited to a claim for consortium in which case the designation, et ux. or et vir shall be used. Where there are more than three plaintiffs or defendants, a supplemental form listing the additional parties shall be attached to the Cover Sheet.

The section labeled "Remarks" is for procedural matters only. These may include such matters as related cases where consolidation might be advisable. Matters such as expected difficulty with service of process or the status of settlement discussions do not belong in this section.

CASE TYPE AND CODE DESIGNATION

FAM	Family Court	TORT/BF	Tort Bad Faith
FAM/CUST	Custody	TORT/WCP	Wrongful Use of Civil Process
FAM/DIV	Divorce	TORT/O	Other torts
MCT	Minor Court Appeal	NGL/MVA	Motor Vehicle Accident
LAG	Local Agency Appeal	NGL/NF	No-Fault Benefits
LAG/MVS	Motor Vehicle Suspension	NGL/PI	Personal Injury
LAG/ZB	Zoning Board Appeal	NGL/PREM	Premises Liability
LAG/O	Other Agency Appeals	NGL/PROD	Product Liability
PCP/VAL	Validation of Tax Title	NGL/TT	Toxic Tort
PCP/TS	Tax Sale	NGL/O	Other Negligence Action
PCP/OBJ	Objection to Tax Sale	MLP/D	Dental Malpractice
PCP/PRIV	Petition to set aside private sale	MLP/L	Legal Malpractice
PCP/O	Other Proceedings commenced by Petition	MLP/M	Medical Malpractice
CJ	Confession of Judgment	MLP/O	Other Malpractice
CLASS	Class Action	EQ	Equity
CNT	Contract cases	REPL	Replevin
DECL	Declaratory Judgment	RP	Real Property
COND/DT	Condemnation/Declaration of Taking	RP/EJ	Ejectment
TORT/AB	Assault & Battery	RP/QT	Quiet Title
TORT/LS	Libel & Slander	RP/MF	Mortgage Foreclosure
TORT/FR	Fraud	RP/ML	Mechanic's Lien
		RP/PRT	Partition
		PP	Personal Property Actions

STATUTORY CAUSE OF ACTION

If the action is commenced pursuant to statutory authority, the specific statute must be identified with full citation.

PENDING CASES

Previously filed related cases must be identified by caption and docket number whether or not consolidated.

FORM 2

IN THE COURT OF COMMON PLEAS
OF LACKAWANNA COUNTY

Plaintiff(s)
vs.
Defendant(s)

:
:
:
:
:
:
:
:
:
:
:

NO. _____ -CV- _____

PRAECIPE FOR ASSIGNMENT

TO: Lackawanna County Court Administrator

Please be advised that the Plaintiff/Defendant has filed _____
(identify motion, petition or preliminary objection)

in the above-captioned case.

- All parties have agreed to submit this matter on briefs without the necessity of oral argument.
- Please schedule this matter for oral argument.

(Attorney for Plaintiff)

(Attorney for Defendant)

Address

Address

Telephone Number

Telephone Number

Respectfully submitted:

Date: _____

By: _____

FORM 3

PLAINTIFF/DEFENDANT PRE-TRIAL
SETTLEMENT STATEMENT

Case Caption

Court Term & No.

- I. Facts in brief detail:
- II. Contentions of the parties as to liability and pertinent legal issues:
- III. A statement of settlement negotiations to date, including plaintiff's most recent demand and the defendant's most recent offer:
- IV. Plaintiff's contentions as to injuries and special damages:
 - (a) Injuries sustained:
 - (b) Special damages:
 - (1) Medical:
 - (2) Loss of earnings:
 - (3) Out-of-pocket expenses (type and amount):
 - (4) Other:
- V. Nature and extent of loss suffered by plaintiff, or the right sought to be enforced (non-personal injury cases):
- VI. Any other factor which should aid in disposing of the action:

FORM 4

PLAINTIFF/DEFENDANT PRE-TRIAL CONFERENCE STATEMENT

Case Caption

Court Term & No.

- I. Version of the facts in brief detail:
- II. Contentions as to liability and/or legal issues pertinent:
- III. List of requested stipulations of fact or authenticity (admissibility of documents):
- IV. Estimated trial time:
- V. A list of all documents or exhibits other than those a party expects to use for impeachment or rebuttal purposes. The list should be specific enough to enable the judge and opposing counsel to identify each document or exhibit. A party may, at his option, produce copies of all documents or exhibits at the pretrial conference in lieu of listing them in the pretrial statement:
- VI. A list by name and address of all witnesses the party intends to call at trial, except those who may be used for rebuttal or impeachment purposes. If the parties learn the names of any additional witnesses after the pretrial conference, they will promptly exchange names and addresses:
- VII. A statement of settlement negotiations to date, including the plaintiff's most recent demand and the defendant's most recent offer:
- VIII. All legal issues or other questions which counsel reasonably anticipate will arise during selection of the jury or during trial:
 - IX. Plaintiff's contentions as to injuries and special damages:
 - (a) The injuries sustained are as follows:
 - (b) The special damages are as follows:
 - (1) Medical—(here set forth names of doctors, hospitals, etc., and amount of bills for same):
 - (2) Loss of earnings—including amount of time lost, occupation and employer rate of pay:
 - (3) Any other out-of-pocket expenses (type and amount):
 - (4) Other:
 - (c) Nature and extent of loss suffered by plaintiff (primary or counterclaim) or the right sought to be enforced (non-personal injury cases):
 - X. Any additional issues you feel should be considered as an aid in disposing of this action:

Attorney_____
Party Represented

FORM 5

Pre-Trial Order

- (1) Jurisdiction. A statement as to the nature of the action and the authority under which the jurisdiction of the court is invoked.
- (2) Facts. A comprehensive written stipulation of all uncontested facts in such form that it can be read to the jury as the first evidence at trial.
 - (a) These facts should include all matters capable of ascertainment, such as ownership, agency, dimensions, physical characteristics, weather conditions, road surfaces, etc. Approximations and estimates which are satisfactory to counsel will be accepted by the judge.
 - (b) No facts should be denied unless opposing counsel expects to present contrary evidence on the point at trial, or genuinely challenges the fact on credible grounds.
 - (c) The facts relating to liability and to damages are to be separately stated.
 - (d) The parties shall reach agreement on uncontested facts even though relevancy is disputed; if such facts are ruled admissible, they need not be proved.
 - (e) The parties shall also set forth their respective statements of facts which are in dispute, separating those referring to liability from those referring to damages.

(3) Damages or Other Relief. A statement of damages claimed or relief sought.

(a) A party seeking damages shall list each item claimed under a separate descriptive heading (personal injury, wrongful death, loss of profits, survival, loss of wages, deprivation of civil rights, punitive damages, false imprisonment, libel, slander, property damage, pain, suffering, past and future medical expense, balance due under contract, performance due under a contract, interest, etc.) shall provide a detailed description of each item, and state the amount of damages claimed.

(b) A party seeking relief other than damages shall list under separate paragraphs the exact form of relief sought with precise designations of the persons, parties, places, and things expected to be included in any order providing relief.

(4) Legal Issues. Under separate paragraphs, each legal issue that must be decided and the principal constitutional, statutory, regulator, and decisional authorities relied upon.

(5) Witnesses. Under separate headings, and under separate headings for liability and damages, the names and addresses of all witnesses whom the plaintiff, defendant, and third-parties actually intend to call at trial.

(a) Witnesses shall be listed in the order they will be called. Each witness shall be identified and there shall be a brief statement of the evidence which the witness will give.

(b) A detailed summary of the qualifications of each expert witness shall be submitted. This summary shall be in such form that it can be read to the jury when the expert takes the stand to testify.

(c) Only those witnesses listed will be permitted to testify at trial, except to prevent manifest injustice.

(d) Failure to call at trial any listed witness shall not be a proper subject of jury argument unless justified by the record of the case exclusive of pre-trial conference statements or the pre-trial order.

(e) Whenever practicable, a hypothetical question to be propounded to any expert witness shall be prepared in advance for submission to the court and parties in sufficient time as not to delay the trial. If impracticable at this stage, counsel shall arrange for its submission at a later time during trial.

(6) Exhibits. A schedule of all exhibits to be offered in evidence at trial, together with a statement of those agreed to be admissible and the grounds for objection to any not so agreed upon.

(a) The exhibits shall be serially numbered without any designation as to whether they are being offered by plaintiff or defendant. The exhibits shall be physically marked before trial in accordance with the schedule.

(b) Where testimony is expected to be offered as to geographical location, building, structure, waterway, highway, road, walkway, or parcel of real estate, plaintiff shall furnish an exhibit in such form that it can be used in the courtroom as an aid to oral testimony.

(i) Except in those cases where the issues require the use of exact scale, the exhibit may be a simple single-line, hand-drawn sketch.

(ii) In most instances, it will not be necessary that the exhibit be to scale or contain other than reasonably accurate features of the geographical characteristics involved.

(iii) If of adequate size and clarity, this exhibit may be an existing drawing, plan, or blueprint.

(c) Except for unusual circumstances, it is expected that the authenticity or genuineness of all exhibits, including non-documentary items, documents, photographs, and data from business records from sources other than parties to the litigation will routinely be stipulated to and will be received in evidence if relevant. Counsel likewise are expected to agree upon the use of accurate extracts from or summaries of such records. Life expectancy tables, actuary tables, and other similar statistical tabular data routinely and regularly used in litigation in the Commonwealth's courts should also normally be stipulated to.

(d) At trial, counsel shall furnish a copy of each exhibit to the judge.

(7) Legal Issues and Pleadings. Special comments regarding the legal issues or any amendments to the pleadings not otherwise set forth.

(8) Trial Time. An estimate of the number of trial days required, separately stated for liability and damages.

(9) Discovery Evidence and Trial Depositions. Each discovery items and trial deposition to be offered into evidence.

(a) Where the videotape or deposition of a witness is to be offered in evidence, counsel shall review it so that there can be eliminated irrelevancies, side comments, resolved objections, and other matters not necessary for consideration by the trier of fact. Counsel shall designate by page the specific portions of deposition testimony and by number the interrogatories which shall be offered in evidence at the trial. To serve this end all videotape depositions will be accompanied by a typewritten deposition of the same testimony.

(b) Depositions and interrogatories to be used for cross-examination or impeachment need not be listed or purged.

THE COURTS

FORM NO. 6

REQUEST FOR MEDIATION

PLAINTIFF(S): _____

DEFENDANT(S): _____

INSURER(S): _____

PLAINTIFF'S ATTORNEY: _____

DEFENDANT'S ATTORNEY: _____

ASSIGNED JUDGE: _____

TYPE OF CASE: _____

STATUS OF CASE: _____

THE REASON THE PARTIES REQUESTING MEDIATION BELIEVE THIS CASE IS APPROPRIATE FOR MEDIA-
TION: _____

Respectfully submitted,

Counsel for _____

FORM 7

Court of Common Pleas County of Lackawanna	CERTIFICATE OF READINESS CIVIL TRIAL LISTING ACTION	NUMBER <hr/> ACTION
ALL CIVIL CASES SHALL BE ASSIGNED TO A JUDGE FOR TRIAL BY THE COURT ADMINISTRATOR UPON THE FILING OF A CERTIFICATE OF READINESS IN THE FOLLOWING FORM:		
TYPE OF TRIAL REQUESTED <input type="checkbox"/> Jury <input type="checkbox"/> Non-Jury <input type="checkbox"/> Arbitration	ESTIMATED TIME _____ DAYS	DATE PREPARED _____
PLAINTIFF(S)		
DEFENDANT(S)		
ADDITIONAL DEFENDANTS(S)		
I CERTIFY THAT ALL DISCOVERY IN THE CASE HAS BEEN COMPLETED; ALL NECESSARY PARTIES AND WITNESSES WILL BE AVAILABLE; SERIOUS SETTLEMENT NEGOTIATIONS HAVE BEEN CONDUCTED; ALL DEPOSITIONS FOR USE AT TRIAL HAVE BEEN COMPLETED OR SCHEDULED; NO CASE DISPOSITIVE MOTIONS ARE PENDING NOR DOES ANY PARTY CONTEMPLATE THE FILING OF SAME; NO CERTIFICATE OF READINESS HAS BEEN FILED WITHIN THE PAST 24 HOURS BY ANY PARTY OR LAWYER OF RECORD IN THIS CASE; THE CASE IS READY IN ALL RESPECTS FOR TRIAL; THAT A COPY OF THIS CERTIFICATE OF READINESS HAS BEEN SERVED ON ALL COUNSEL HAVING AN INTEREST IN THE CASE NO LESS THAN 15 DAYS PRIOR TO THE FILING; NO PARTY OR COUNSEL OBJECTS TO THE FILING OF THIS CERTIFICATE OF READINESS.		
DATE SERVED _____	SIGNATURE OF TRIAL COUNSEL _____	
COUNSEL WHO WILL ACTUALLY TRY THE CASE		
FOR THE PLAINTIFF(S) ADDRESS	TEL. NUMBER	
FOR THE DEFENDANT(S) ADDRESS	TEL. NUMBER	
FOR THE ADDITIONAL DEFENDANT(S)	TEL. NUMBER	
IDENTIFY ANY JUDGE WHO HAS DECIDED A CASE DISPOSITIVE MOTION IN THIS CASE PURSUANT TO LACKA. CO. R.C.P. 1028, 1034 OR 1035.2: _____		
CASE ASSIGNED TO JUDGE _____ STATUS CONFERENCE SCHEDULED FOR _____ AT _____ .M.		
IMPORTANT NOTICE: FILE CERTIFICATE WITH THE CLERK OF JUDICIAL RECORDS, LACKAWANNA COUNTY COURTHOUSE, SCRANTON, PA		
CJR-CV-2		

[Pa.B. Doc. No. 04-1358. Filed for public inspection July 23, 2004, 9:00 a.m.]

LANCASTER COUNTY

Amended Rule of Civil Procedure No. 208.3(a)

Administrative Order

The following is Amended Lancaster County Rule of Civil Procedure No. 208.3(a). Alternative Procedure, which will be effective July 26, 2004.

By the Court

MICHAEL A. GEORGELIS,
President Judge

Rule 208.3(a). Alternative Procedures

A. Praecept for Assignment. Any party may file a praecipe to assign a motion for disposition at the expiration of the briefing schedule set forth in Local Rule 208.3(b). The Prothonotary shall assign the matter to a judge for disposition and shall deliver the file to the assigned judge.

B. Oral Argument. Any party may request oral argument by filing a praecipe. Oral argument shall be held at such time and place as the judge shall direct.

C. Emergency Motions. Emergency motions must be presented to the Business Judge, who will advise the parties how to proceed.

D. Discovery Motions. Discovery motions shall be governed by Local Rule 208.3(c) which can be accessed on the Court's webpage at www.co.lancaster.pa.us/courts.

[Pa.B. Doc. No. 04-1359. Filed for public inspection July 23, 2004, 9:00 a.m.]

LYCOMING COUNTY

Amendments to the Orphan's Court Rules; No. 04-00130

Order

And Now, this 6th day of July, 2004, it is hereby *Ordered and Directed* as follows:

1. Lycoming County Orphan's Court Rule L6.3 is revised as follows. (Bold face is new language; strikeout is removed language.)

2. The Clerk of the Orphan's Court is directed to:

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

b. Forward two (2) certified copies of this order to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

c. Forward one (1) copy of this order to the *Lycoming Reporter* for publication therein.

d. Forward one (1) copy to the chairman of the Lycoming County Customs and Rules Committee.

e. Keep continuously available for public inspection copies of this order.

3. The rule revision approved by this order shall become effective 30 days after publication in the *Pennsylvania Bulletin*.

By the Court

KENNETH D. BROWN,
President Judge

L6.3. Notice of Filing an Account and Statement of Proposed Distribution.

A. Written notice of the filing of an account other than the periodic, and not final, account of a guardian of the estate of an incapacitated person, and, unless an audit has been requested, of the filing of a statement of proposed distribution shall be given by the accountant **on the day that the account is filed** at least thirty-nine (39) days prior to the date of their confirmation by the clerk to all those required to be given notice by Pa.O.C. Rule 6.3. A copy of the account and statement of proposed distribution and a verified inventory of all real and personal estate of the decedent shall be attached to the notice.

B. Immediately upon the filing of the account and statement of proposed distribution, the clerk shall give notice of the filing by publication in the *Lycoming Reporter* and in one (1) newspaper of general circulation within the county, once a week, for four (4) successive weeks immediately prior to the date of confirmation.

C. Forms. The written notice of the filing of the account and statement of proposed distribution shall be substantially in the form prescribed in Lyc. Co. O. C. R. L17.2. The written notice of the filing of the account and request for the appointment of an auditor shall be substantially in the form prescribed by Lyc. Co. O. C. R. L17.3.

D. An affidavit which sets forth the names and addresses of those who were given written notice and the method of service of the notice shall be filed by the accountant and attached to the account or account and statement of proposed distribution.

E. The notice requirements pertaining to the periodic accounts of a guardian of the estate of an incapacitated person and the notice requirements pertaining to the periodic reports of a guardian of the person of an incapacitated person, shall be such notice as the court shall determine for the particular appointment.

[Pa.B. Doc. No. 04-1360. Filed for public inspection July 23, 2004, 9:00 a.m.]

WASHINGTON COUNTY

Local Civil Rules; Rescinded: 200.8, 200.9, 200.10 and 212.4; Amended: 1303(a) and 1901; Renumbered: 210 to 810, 211 to 812 and 223.2 to 220.1; Adopted: 1028(c), 1034(A), 1035.2(a), 208.2(c), 208.2(d), 208.2(e), 210, 206.4(C) and 208.3(a); No. 2004-1

Amended Order

And Now, this 6th day of July, 2004, The Court Order dated June 28th on the previously captioned matter is amended to read: *It Is Hereby Ordered* that the previously-stated Washington County Local Civil Rules be rescinded, amended, renumbered, and adopted.

The Washington County Local Civil Rule changes shall become effective July 26, 2004.

DAVID L. GILMORE,
President Judge

[Pa.B. Doc. No. 04-1361. Filed for public inspection July 23, 2004, 9:00 a.m.]

YORK COUNTY
Amendment to Local Rules; No. 765 MA 2004

Administrative Order

And Now, To Wit, this 12th day of July, 2004, it is Ordered that the York County Local Rules of Court are amended as per the following provisions.

By the Court

JOHN H. CHRONISTER,
President Judge

Amendment to York County Local Rules of Court

The York County Local Rules of Court are hereby amended by adding the following provisions. These changes are being made to bring the York County Local Rules of Court into compliance with the Pennsylvania Rules of Civil Procedure. The Amended Rules identify the local procedure by which the statewide rules are implemented.

Rule 206. Petitions. Definition. Content. Form.

All Civil Petitions proceeding under Pa.R.Civ.P. No. 206.1 et seq. shall be filed and presented to the Court pursuant to Local Rules 6030 through 6034.

Rule 208. Motions. Presentation to Appropriate Motions Court Judge.

A. All Civil Motions proceeding in accordance with Pa.R.Civ.P. No. 208.1(b)(2)(iv) shall be filed and presented to the District Court Administrator for assignment to the appropriate Motions Court Judge.

B. Any other Civil Motions proceeding in accordance with Pa.R.Civ.P. No. 208.1 et seq. shall be filed and

presented in accordance with Local Rules 6030 through 6034 unless the parties have participated in a Pre-Trial Conference after which time the Motion shall be filed and presented to the Judge who conducted the Pre-Trial Conference.

Rule 1042.21. Motion for settlement conference or mediation.

All motions for a settlement conference or mediation pursuant to Rule 1042.21 shall be assigned to a Judge pursuant to Local Rules 6030 through 6034.

Rule 4012. Protective Orders.

Any Motion for a Protective Order shall be filed and presented in accordance with Local Rule 6034.

Rule 4019. Sanctions.

All Motions for Sanctions proceeding in accordance with Pa.R.Civ.P. No. 4019 shall be filed and presented in accordance with Local Rule 6034.

Rule 6031(a)(2). Listing and Disposition.

(i) The information required by the Prothonotary shall include a statement as to whether a Judge was previously assigned to the case (other than for a Motions Court matter), and if so, the name of the Judge. This information shall be included for all Pre-Trial Motions and when a request is made for a Pre-Trial Conference.

[Pa.B. Doc. No. 04-1362. Filed for public inspection July 23, 2004, 9:00 a.m.]

STATEMENTS OF POLICY

Title 52—PUBLIC UTILITIES

PENNSYLVANIA PUBLIC UTILITY COMMISSION

[52 PA. CODE CH. 41]

[M-00041796]

Motor Carrier Fitness Guidelines

The Pennsylvania Public Utility Commission, on April 1, 2004, adopted a final policy statement revising evidentiary criteria used to review applications to provide limousine service and adding factors to be considered in evaluating an applicant's fitness.

Public Meeting held
April 1, 2004

Commissioners Present: Terrance J. Fitzpatrick, Chairperson; Robert K. Bloom, Vice Chairperson; Glen R. Thomas; Kim Pizzingrilli; Wendell F. Holland

Policy Statement re Motor Carrier Fitness Guidelines; Doc. No. M-00041796

Policy Statement

By the Commission:

By order entered March 23, 2001, the Commission adopted a final policy statement to revise the evidentiary criteria used to review applications to provide limousine service. That order was published in the *Pennsylvania Bulletin* on May 5, 2001, and eliminated two evidentiary requirements contained in 52 Pa. Code § 41.14. In particular, the order informed the public that individual limousine applicants were no longer required to prove public need/demand for the proposed service, 52 Pa. Code § 41.14(a), and that the Commission would no longer consider the effect that increased competition will have on existing carriers, 52 Pa. Code § 41.14(c).

This policy statement regarding evidentiary standards for limousine applicants was first applied in *Application of J. Perry Carmerlengo, Jr.*; at Docket No. A-0011560F003 (Order adopted June 6, 2001). However, due to a subsequently filed appeal to Commonwealth Court, further application of this policy statement for limousine carriers was voluntarily stayed by the Commission during the pendency of the litigation. Given the decision of the Pennsylvania Supreme Court in *Elite Industries, Inc., v. Pa. PUC*, 832 A.2d 428 (Pa. 2003), which held that public need is not an indispensable statutory requirement for approval of applications under 66 Pa.C.S. § 1103(a), we are now free to lawfully apply this policy statement. Therefore, effective immediately, the Commission will apply this existing policy statement regarding evidentiary standards to all pending and future limousine application cases.

Fitness Guidelines

At the same time, with the elimination of 52 Pa. Code § 41.14(a) (regarding public need/demand) and 52 Pa. Code § 41.14(c) (regarding effect on existing carriers) from the evidentiary for limousine carriers, it becomes appropriate for the Commission to place greater emphasis on the factors to be considered in evaluating an applicant's fitness under 52 Pa. Code § 41.14(b). Therefore, in order to provide guidance to the industry, as well as our staff, the Commission hereby provides notice that it will consider the following factors in regard to fitness under 52 Pa. Code § 41.14(b) for limousine applicants:

(1) Whether the applicant has sufficient capital, equipment, facilities and other resources necessary to serve the territory requested;

(2) Whether the applicant and its employees have sufficient technical expertise and experience to serve the territory requested;

(3) Whether the applicant has or is able to secure sufficient and continuous insurance coverage for all vehicles to be used or useful in the provision of service to the public;

(4) Whether the applicant has an appropriate plan to comply with the Commission's driver and vehicle safety regulations and service standards contained in Chapter 29, 52 Pa. Code Ch. 29.

(5) The applicant's record of compliance with Commission orders and regulations if any; and

(6) Whether the applicant or its drivers have been convicted of a felony or crime of moral turpitude and remains subject to supervision by a court or correctional institution.

In addition, we note that, as guidelines, these listed factors do not represent a hard and fast set of rules that must be considered in every application. However, as with the several factors used to evaluate the allocation of rail crossing costs, see *AT&T v. Pa. PUC*, 737 A.2d 201 (Pa. 1999), these are the factors that we intend to ordinarily examine in making our determination of fitness under 52 Pa. Code § 41.14(b). These guidelines will apply to all limousine operators on a case by case basis. Moreover, since these guidelines are general in nature, they are relevant to the issue of fitness for all motor carriers and, accordingly, will be used as guidelines for our evaluation of motor carrier applications, where applicable.¹

In conclusion, the existing policy statement adopted at our March 28, 2001 public meeting regarding reduced evidentiary criteria for limousine applicants will be effective immediately and applicable to all pending and future limousine applications. In addition, the Commission is adopting, as guidelines, the various fitness factors described herein and set forth in Annex A for determining an applicant's fitness under 52 Pa. Code § 41.14(b); the guidelines shall be effective upon publication in the *Pennsylvania Bulletin*. Accordingly, pursuant to 66 Pa.C.S. §§ 501, 1103, the Commonwealth Documents Law, (45 P.S. §§ 1201, et. seq.), and regulations promulgated thereunder at 1 Pa. Code §§ 7.1—7.4, the Commission issues this policy statement as set forth in Annex A: *Therefore*,

It Is Ordered That:

1. The existing policy statement regarding evidentiary criteria for limousine applicants, previously adopted by the Commission on March 23, 2001, shall be effective and applicable to all pending and future limousine applications after the adoption date of this order.

2. The Commission hereby adopts the policy statement set forth in Annex A by amending 52 Pa. Code § 41.14. The statement of policy provides guidelines as to the factors to be addressed and considered in determining a motor carrier's fitness under § 41.14(b).

¹ For example, due to Federal deregulation, Federal Aviation Administration Authorization Act of 1994, 49 U.S.C. § 14501, factors (1) and (2) would not be applicable to property carriers and group and party carriers of passengers of 16 or more people.

3. The Secretary shall submit this order and Annex A to the Governor's Budget Office for review of fiscal impact.

4. The Secretary shall certify this order and Annex A and deposit them with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*. The policy statement shall be effective upon publication. The contact person is Rhonda L. Daviston, Assistant Counsel, Law Bureau, (717) 787-6166.

JAMES J. MCNULTY,
Secretary

Fiscal Note: 57-235. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 52. PUBLIC UTILITIES

PART I. PUBLIC UTILITY COMMISSION

Subpart B. CARRIERS OF PASSENGERS OR PROPERTY

CHAPTER 41. GENERAL ORDERS, POLICY STATEMENT AND GUIDELINES ON TRANSPORTATION UTILITIES

TRANSPORTATION

§ 41.14. Evidentiary criteria used to decide motor common carrier applications—statement of policy.

(a) An applicant seeking motor common carrier authority has a burden of demonstrating that approval of the application will serve a useful public purpose, responsive to a public demand or need.

(b) An applicant seeking motor common carrier authority has the burden of demonstrating that it possesses the technical and financial ability to provide the proposed service. In addition, authority may be withheld if the record demonstrates that the applicant lacks a propensity to operate safely and legally. In evaluating whether a motor carrier applicant can satisfy these fitness standards, the Commission will ordinarily examine the following factors, when applicable:

(1) Whether an applicant has sufficient capital, equipment, facilities and other resources necessary to serve the territory requested.

(2) Whether an applicant and its employees have sufficient technical expertise and experience to serve the territory requested.

(3) Whether an applicant has or is able to secure sufficient and continuous insurance coverage for all vehicles to be used or useful in the provision of service to the public.

(4) Whether the applicant has an appropriate plan to comply with the Commission's driver and vehicle safety regulations and service standards contained in Chapter 29 (relating to motor carriers of passengers).

(5) An applicant's record, if any, of compliance with 66 Pa.C.S. (relating to the Public Utility Code), this title and the Commission's orders.

(6) Whether an applicant or its drivers have been convicted of a felony or crime of moral turpitude and remains subject to supervision by a court or correctional institution.

(c) The Commission will grant motor common carrier authority commensurate with the demonstrated public need unless it is established that the entry of a new carrier into the field would endanger or impair the operations of existing common carriers to an extent that, on balance, the granting of authority would be contrary to the public interest.

(d) Subsections (a) and (c) do not apply to an applicant seeking authority to provide motor carrier of passenger service under §§ 29.331—29.335 (relating to limousine service.)

[Pa.B. Doc. No. 04-1363. Filed for public inspection July 23, 2004, 9:00 a.m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Application Period for the Agricultural and Rural Youth Grant Program

The Department of Agriculture (Department) announces the opening of the application period for funding from the Agricultural and Rural Youth Grant (grant) Program for 2004-2005. Grant applications will be accepted from August 30, 2004, to October 8, 2004, in Room 310, Department of Agriculture, 2301 North Cameron Street, Harrisburg, PA 17110-9408. Applications must be postmarked by October 8, 2004, to be considered for funding. Fax and e-mail submissions are not acceptable.

The objective of the grant program is to encourage projects that will increase knowledge and awareness of

agricultural issues and other issues specific to rural areas in this Commonwealth. This educational effort is directed toward the youth of this Commonwealth.

For this application year, the grant program will award direct grants of up to \$2,500 and matching grants up to \$10,000.

Obtaining Applications

Applications and program guidelines are available upon request by contacting G. Carl Muller, Department of Agriculture, Room 310, 2301 N. Cameron St., Harrisburg, PA 17110-9408, (717) 783-3181, gmuller@state.pa.us. Applications and program guidelines are also available on the Department's website: www.agriculture.state.pa.us.

DENNIS C WOLFF,
Secretary

[Pa.B. Doc. No. 04-1364. Filed for public inspection July 23, 2004, 9:00 a.m.]

DEPARTMENT OF BANKING

Action of 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 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 July 13, 2004.

BANKING INSTITUTIONS

Holding Company Acquisitions

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
7-7-04	Yardville National Bancorp, Trenton, NJ, to acquire up to 19.9% of the outstanding common stock of Bucks County Bank (In Organization), Doylestown, PA	Trenton, NJ	Filed

New Charters

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
7-8-04	Meridian Bank Berwyn Chester County	1436 Lancaster Avenue Berwyn Chester County	Began Operations

Consolidations, Mergers, and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
7-7-04	Northwest Savings Bank, Warren, and First Carnegie Deposit, Carnegie Surviving Institution—Northwest Savings Bank, Warren	Warren	Filed

Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
7-7-04	Citizens & Northern Bank Wellsboro Tioga County	2 East Mountain Avenue South Williamsport Lycoming County	Approved

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<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
7-12-05	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	Eight branch offices in Giant Food Stores at the following locations: 3935 Perkiomen Avenue Reading Berks County 550 Centerville Road Lancaster Lancaster County 32nd Street and Trindle Road Camp Hill Cumberland County 255 South Spring Garden Street Carlisle Cumberland County 450 East Main Street Middletown Dauphin County 3175 Cape Horn Road Red Lion York County 2415 East Market Street York York County 1750 Loucks Road York York County	Approved

Branch Consolidations/Relocations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
7-7-04	Northside Bank Pittsburgh Allegheny County	<i>Into:</i> 100 Federal Street Pittsburgh Allegheny County <i>From:</i> 701 Liberty Avenue Pittsburgh Allegheny County	Approved
7-7-04	S & T Bank Indiana Indiana County	<i>To:</i> 220 New Castle Road Butler Butler County <i>From:</i> 181 New Castle Road Butler Butler County	Approval

SAVINGS INSTITUTIONS

No activity.

CREDIT UNIONS

Articles of Amendment

<i>Date</i>	<i>Name of Credit Union</i>	<i>Purpose</i>	<i>Action</i>
6-18-04	Yorkco School Employees Credit Union York York County	Amendment to Article 8 provides for the addition of students to the field of membership.	Filed Approved and Effective 7-8-04

<i>Date</i>	<i>Name of Credit Union</i>	<i>Purpose</i>	<i>Action</i>
6-21-04	The Altoona Postal Employees Credit Union Altoona Blair County	Amendment to Article 1 provides for a change in name to American Pride Credit Union.	Filed Approved and Effective 7-8-04
6-25-04	Philadelphia Telco Credit Union Trevose Bucks County	Amendment to Article 1 provides for a change in name to TruMark Financial Credit Union.	Filed Approved and Effective 7-8-04

A. WILLIAM SCHENCK, III,
Secretary

[Pa.B. Doc. No. 04-1365. Filed for public inspection July 23, 2004, 9:00 a.m.]

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Nominations for the Pennsylvania Recreational Trails Advisory Board

The Department of Conservation and Natural Resources (Department) is accepting nominations through September 1, 2004, for three new appointments to the Pennsylvania Recreational Trails Advisory Board (Board). The Board was created on October 29, 1992, under the Transportation Equity Act for the 21st Century (TEA 21).

The Board consists of one member from each of the following nine recreational trail user organizations: hiking, cross-country skiing, off-highway motorcycling, snowmobiling, horseback riding, all-terrain vehicle driving, bicycling, four-wheel driving and water trails. One member also represents physically challenged individuals.

The Board's main responsibilities include advising the Department on the use of Federal trails funding in this Commonwealth, reviewing and ranking trail project applications and presenting an annual report to the Secretary

of the Department (Secretary) on the accomplishments of the preceding Federal fiscal year, including recommendations for changes.

Nominations for the three new appointees are to be made from individuals representing the following trail user organizations: cross-country skiing, four-wheel driving and horseback riding.

Nominations must be submitted to the Department by September 1, 2004. Appointments will be made by the Secretary. Appointees will serve for 3 consecutive years.

To obtain a nomination form, contact the Pennsylvania Recreational Trails Program, P. O. Box 8475, Harrisburg, PA 17105-8475, (717) 787-2316, vtierney@state.pa.us.

For more information, visit the Department's website: www.dcnr.state.pa.us.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Marlene Long at (717) 787-7672 or through the AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

MICHAEL F. DIBERARDINIS,
Secretary

[Pa.B. Doc. No. 04-1366. Filed for public inspection July 23, 2004, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

THE CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

APPLICATIONS FOR NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS AND WATER QUALITY MANAGEMENT (WQM) PERMITS

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

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

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

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

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

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

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

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

I. NPDES Renewal Applications

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

<i>NPDES Permit No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N ?</i>
PA0008231	Gold Mills, Inc. 1 Penn Dye Street Pine Grove, PA 17963	Schuylkill County Pine Grove Borough	Swatara Creek 7D	N
PA0036102	Lehigh County Authority P. O. Box 3348 Allentown, PA 18106	Lehigh County Heidelberg Township	Unnamed tributary to Mill Creek 2C	Y

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

<i>NPDES Permit No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N ?</i>
PA0034304 IW	Cambridge Lee Industries, LLC Reading Tube Division P. O. Box 14026 Reading, PA 19612-4026	Berks County Ontelaunee Township	Schuylkill River 3C	Y
PA0043494 SEW	Loysville Village Municipal Authority P. O. Box 133 Loysville, PA 17047	Perry County Tyrone Township	Muddy Run 7A	Y
PA0021636 SEW	Fleetwood Borough 110 W. Arch St., Suite 104 Fleetwood, PA 19522	Berks County Richmond Township	Willow Creek 3B	Y

<i>NPDES Permit No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N ?</i>
PA0082937 IW	RR Donnelly & Sons Co. 1375 Harrisburg Pike Lancaster, PA 17601-2612	Lancaster County Lancaster City	UNT Little Conestoga Creek 7J	Y
PA0040860 IW	Delaware County Solid Waste Authority Rolling Hills Landfill 1521 N. Providence Road Media, PA 19063	Berks County Earl Township	Manatawny Creek 3C	Y

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

<i>NPDES Permit No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N ?</i>
PA0008036 IW	Ingersoll-Rand Company 101 North Main Street Athens, PA 18810	Bradford County Athens Borough	Chemung River 4B	Y
PA0114138 Sewerage	Athens Township Authority 379 Pennsylvania Ave. Sayre, PA 18840-2825	Athens Township Bradford County	Chemung River 4B	Y
PA0208914 Sewerage	Great Dane Limited Partnership 70 Strick Road Danville, PA 17821	Limestone Township Montour County	UNT County Line Branch 10-D	Y

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

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

PA0020397, Sewage, SIC 4952, **Bridgeport Borough**, 4th and Mill Streets, Bridgeport, PA 19405. This facility is in Upper Merion Township, **Montgomery County**.

Description of Proposed Activity: Renewal of an NPDES permit to discharge treated sewage from a wastewater treatment plant.

The receiving stream, the Schuylkill River, is in the State Water Plan watershed 3F and classified for WWF, aquatic life, water supply and recreation. The nearest downstream public water supply intake for the Philadelphia Water Department is on the Schuylkill River, 10.2 miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.9 mgd.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	40		50
Total Suspended Solids	30	45		60
NH ₃ -N	20			40
Fecal Coliform	200#/100 ml			
Dissolved Oxygen	Monitor			
pH (Std. Units)	6.0 Instantaneous Minimum			
Total Residual Chlorine	0.5			9.0
Copper	Monitor			1.2
Lead	Monitor			
Zinc	Monitor			

In addition to the effluent limits, the permit contains the following major special conditions: CSO requirement to implement nine minimum controls and long term control plan; and special test methods for certain pollutants.

The EPA waiver is in effect.

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

PA212214, Industrial, **Gustin Stone Supply, Inc.**, R. R. 2, Box 2790, Lakewood, PA 18439. This proposed facility is in Preston Township, **Wayne County**.

The receiving streams, unnamed tributary to Meshoppen Creek and unnamed tributary to Equinunk Creek, are in the State Water Plan watershed no. 1A and classified for HQ-CWF.

The proposed effluent limits for Outfall 001:

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

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

PA0247405, Sewage, **David Stup**, 5394 Big Creek Road, Clearville, PA 15535. This facility is in Monroe Township, **Bedford County**.

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

The receiving stream, a UNT to West Branch Sidling Hill Creek, is in Watershed 13-B and classified for EV, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Hancock, MD is on the Potomac River. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.0004 mgd are:

Parameter	Average Monthly (mg/l)	Instantaneous Maximum (mg/l)
CBOD ₅	25	50
Total Suspended Solids	30	60
Total Residual Chlorine	Monitor and Report from 6.0 to 9.0 inclusive	
pH		
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric average	
(10-1 to 4-30)	2,000/100 ml as a geometric average	

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

The EPA waiver is in effect.

PA0026549, SIC Code 4952, Sewage, **City of Reading**, 815 Washington Street, Reading, PA 19601-3690. This application is for renewal of an NPDES permit for an existing discharge of treated sewage to the Schuylkill River in Watershed 3-C in Reading City, **Berks County**.

The receiving stream is classified for WWF, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water supply intake considered during the evaluation was the Pottstown Borough on the Schuylkill River. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 001 for a design flow of 28.5 mgd are:

Parameter	Average Monthly (mg/l)	Average Average (mg/l)	Instantaneous Weekly (mg/l)
CBOD ₅ (5-1 to 10-31)	20	30	40
(11-1 to 4-30)	25	40	50
Suspended Solids	30	45	60
NH ₃ -N (5-1 to 10-31)	6.0	XXX	12
(11-1 to 4-30)	18	XXX	24
Total Mercury	0.00023	XXX	0.00046
Total Residual Chlorine	0.40	XXX	1.31
Dissolved Oxygen	minimum of 5.0 at all times		
pH	from 6.0 to 9.0 inclusive		
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric average		
(10-1 to 4-30)	10,000/100 ml as a geometric average		
Color	186	XXX	465

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

The EPA waiver is in effect.

PA0247502, Sewage, **David and Mona Ketner**, 308 Steeleastown Road, Newville, PA 17241. This facility is in North Newton Township, **Cumberland County**.

Description of activity: Issuance of an NPDES permit for new discharge of treated sewage.

The receiving stream, an unnamed tributary to Conodoguinet Creek, is in Watershed 7-B and classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Carlisle Borough is on the Conodoguinet Creek, approximately 19.9 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.0004 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	50
Total Suspended Solids	30	60
Total Residual Chlorine	Monitor and Report	XXX
pH	from 6.0 to 9.0 inclusive	
Fecal Coliform	200/100 ml as a geometric average	
(5-1 to 9-30)	100,000/100 ml as a geometric average	
(10-1 to 4-30)		

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

The EPA waiver is in effect.

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

PA0110582, Sewage, SIC 4952, **Eastern Snyder County Regional Authority**, P. O. Box 330, Selinsgrove, PA 17870. This existing facility is in Penn Township, **Snyder County**.

Description of Proposed Activity: The Authority is applying to renew the existing NPDES permit. Certain changes are anticipating the Authority's plans to upgrade its treatment plant to incorporate nutrient reduction technology. The permit has been amended to include monitoring requirements for Total N and Total P (Report). The annual average design flow will be reduced from the current 2.8 mgd to 2.0 mgd once the new facilities are operational. The maximum monthly design flow will be 3.0 mgd.

The receiving stream, Susquehanna River, is in the State Water Plan watershed 6B and classified for WWF. The nearest downstream public water supply intake for United Water Pennsylvania is on the Susquehanna River, 39 river miles below the point of discharge at Dauphin.

The existing effluent limits for Outfall 001 are based on a design flow of 2.8 mgd, for the period of permit issuance to the completion of upgrade construction:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
TSS	30	45		60
CBOD ₅	25	40		50
Total Chlorine Residual	0.50			1.6
pH	within the range 6.0 to 9.0			
Fecal Coliform	200 per 100 mL as a geometric average			
(5-1 to 9-30)	2,000 per 100 mL as a geometric average			
(10-1 to 4-30)				
Total Nitrogen	Report			
Total Phosphorus	Report			

The proposed effluent limits for Outfall 001 are based on a design flow of 2.0 mgd, for the period of completion of upgrade construction to permit expiration:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
TSS	30	45		60
CBOD ₅	25	40		50
Total Chlorine Residual	0.50			1.6
pH	within the range 6.0 to 9.0			
Fecal Coliform	200 per 100 mL as a geometric average			
(5-1 to 9-30)	2,000 per 100 mL as a geometric average			
(10-1 to 4-30)				
Total Nitrogen	Report			
Total Phosphorus	Report			

In addition to the effluent limits, the permit contains the following major special conditions: BNR upgrade; and Phase II stormwater coverage.

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

PA0000507, Industrial Waste, SIC, 2821, **Eastman Chemical Resins, Inc.**, SR 837, P. O. Box 567, West Elizabeth, PA 15088-0567. This application is for renewal of an NPDES permit to discharge untreated cooling water, stormwater and groundwater from the Jefferson Plant in Jefferson Borough, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, Monongahela River and an unnamed tributary to the Monongahela River, classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is the Pennsylvania American Water Company at Mile 4.4—Monongahela River, approximately 19.12 miles below the discharge point.

Outfall 001: existing discharge, design flow of 0.1 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow	Monitor and Report				
Temperature (°F)					110
Oil and Grease			15		30
Suspended Solids			30		60
Phenols (4AAP)			0.016	0.032	
Fluoride			Monitor and Report		
Zinc			0.117	0.234	
pH	not less than 6.0 nor greater than 9.0				

Outfall 002: existing stormwater discharge, design flow of variable mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow	Monitor and Report				
Zinc					Monitor and Report
Aluminum					Monitor and Report
Xylene					Monitor and Report
Styrene					Monitor and Report

The previous monitoring requirements are in effect for the first 3 years of the permit.

Outfall 002: existing stormwater discharge, design flow of variable mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow	Monitor and Report				
Zinc					0.117
Aluminum					0.75
Xylene					0.033
Styrene					0.016

The previous limits are in effect for the last 2 years of the permit.

Outfalls 004: existing stormwater discharge, design flow of variable mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow	Monitor and Report				
Zinc					Monitor and Report
Aluminum					Monitor and Report

The previous monitoring requirements are in effect for the first 3 years of the permit.

Outfalls 004: existing stormwater discharge, design flow of variable mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow	Monitor and Report				
Zinc					0.117
Aluminum					0.75

The previous limits are in effect for the last 2 years of the permit.

Outfalls 005: existing stormwater discharge, design flow of variable mgd.

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

The previous monitoring requirements are in effect for the first 3 years of the permit.

Outfalls 005: existing stormwater discharge, design flow of variable mgd.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow	Monitor and Report				
Zinc	Monitor and Report				
Aluminum	Monitor and Report				
					0.117
					0.75

The previous limits are in effect for the last 2 years of the permit.

Outfalls 008: existing stormwater discharge, design flow of variable mgd.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow	Monitor and Report				
BOD ₅	Monitor and Report				
Zinc	Monitor and Report				
Aluminum	Monitor and Report				
Ethylbenzene	Monitor and Report				
Xylene	Monitor and Report				

The previous monitoring requirements are in effect for the first 3 years of the permit.

Outfalls 008: existing stormwater discharge, design flow of variable mgd.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow	Monitor and Report				
BOD ₅	Monitor and Report				
Zinc	Monitor and Report				
Aluminum	Monitor and Report				
Ethylbenzene	Monitor and Report				
Xylene	Monitor and Report				
					30
					0.117
					0.75
					0.033

The previous limits are in effect for the last 2 years of the permit.

Outfalls 009: existing stormwater discharge, design flow of variable mgd.

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

The previous monitoring requirements are in effect for the first 3 years of the permit.

Outfalls 009: existing stormwater discharge, design flow of variable mgd.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow	Monitor and Report				
Zinc	Monitor and Report				
Aluminum	Monitor and Report				
Xylene	Monitor and Report				
					0.117
					0.75
					0.033

The previous limits are in effect for the last 2 years of the permit.

Outfalls 011: existing stormwater discharge, design flow of variable mgd.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow	Monitor and Report				
Nitrate-Nitrite	Monitor and Report				
Zinc	Monitor and Report				
Aluminum	Monitor and Report				
Xylene	Monitor and Report				

The previous monitoring requirements are in effect for the first 3 years of the permit.

Outfalls 011: existing stormwater discharge, design flow of variable mgd.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow	Monitor and Report				
Nitrate-Nitrite					
Zinc	0.68				
Aluminum	0.117				
Xylene	0.750				
	0.033				

The previous limits are in effect for the last 2 years of the permit.

Outfalls 012: existing stormwater discharge, design flow of variable mgd.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow	Monitor and Report				
Nitrate-Nitrite	Monitor and Report				
Zinc	Monitor and Report				
Aluminum	Monitor and Report				
Toluene	Monitor and Report				

The previous monitoring requirements are in effect for the first 3 years of the permit.

Outfalls 012: existing stormwater discharge, design flow of variable mgd.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow	Monitor and Report				
Nitrate-Nitrite					
Zinc	0.68				
Aluminum	0.117				
Toluene	0.75				
	0.033				

The previous limits are in effect for the last 2 years of the permit.

Outfalls 013: existing stormwater discharge, design flow of variable mgd.

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

The previous monitoring requirements are in effect for the first 3 years of the permit.

Outfalls 013: existing stormwater discharge, design flow of variable mgd.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow	Monitor and Report				
Zinc	0.117				

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<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Aluminum					0.75
Toluene					0.033

The previous limits are in effect for the last 2 years of the permit.

Outfalls 014a: existing stormwater discharge, design flow of variable mgd.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow	Monitor and Report				
Oil and Grease				Monitor and Report	
Zinc				Monitor and Report	
Aluminum				Monitor and Report	
Xylene				Monitor and Report	

The previous monitoring requirements are in effect for the first 3 years of the permit.

Outfalls 014a: existing stormwater discharge, design flow of variable mgd.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow	Monitor and Report				
Oil and Grease					15
Zinc					0.117
Aluminum					0.75
Xylene					0.033

The previous limits are in effect for the last 2 years of the permit.

Outfalls 014b: existing stormwater discharge, design flow of variable mgd.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow	Monitor and Report				
Oil and Grease				Monitor and Report	
Zinc				Monitor and Report	
Aluminum				Monitor and Report	
Xylene				Monitor and Report	

The previous monitoring requirements are in effect for the first 3 years of the permit.

Outfalls 014b: existing stormwater discharge, design flow of variable mgd.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow	Monitor and Report				
Oil and Grease					15
Zinc					0.117
Aluminum					0.75
Xylene					0.033

The previous limits are in effect for the last 2 years of the permit.

Outfalls 014c: existing stormwater discharge, design flow of variable mgd.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow	Monitor and Report				
Oil and Grease				Monitor and Report	
Zinc				Monitor and Report	
Aluminum				Monitor and Report	
Xylene				Monitor and Report	

The previous monitoring requirements are in effect for the first 3 years of the permit.

Outfalls 014c: existing stormwater discharge, design flow of variable mgd.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow	Monitor and Report				
Oil and Grease					15
Zinc					0.117
Aluminum					0.75
Xylene					0.033

The previous limits are in effect for the last 2 years of the permit.

Outfalls 015: existing stormwater discharge, design flow of variable mgd.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow	Monitor and Report				
Oil and Grease				Monitor and Report	
Nitrate-Nitrite				Monitor and Report	
Zinc				Monitor and Report	
Aluminum				Monitor and Report	
Xylene				Monitor and Report	
Styrene				Monitor and Report	

The previous monitoring requirements are in effect for the first 3 years of the permit.

Outfalls 015: existing stormwater discharge, design flow of variable mgd.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow	Monitor and Report				
Oil and Grease					15
Nitrate-Nitrite					0.68
Zinc					0.117
Aluminum					0.75
Xylene					0.033
Styrene					0.016

The previous limits are in effect for the last 2 years of the permit.

Outfalls 016: existing stormwater discharge, design flow of variable mgd.

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

The previous monitoring requirements are in effect for the first 3 years of the permit.

Outfalls 016: existing stormwater discharge, design flow of variable mgd.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow	Monitor and Report				
Zinc					0.117
Aluminum					0.75

The previous limits are in effect for the last 2 years of the permit.

Outfalls 017: existing stormwater discharge, design flow of variable mgd.

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

The previous monitoring requirements are in effect for the first 3 years of the permit.

Outfalls 017: existing stormwater discharge, design flow of variable mgd.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow	Monitor and Report				
Aluminum					0.75

The previous limits are in effect for the last 2 years of the permit.

Outfalls 019: existing stormwater discharge, design flow of variable mgd.

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

The previous monitoring requirements are in effect for the first 3 years of the permit.

Outfalls 019: existing stormwater discharge, design flow of variable mgd.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow	Monitor and Report				
Aluminum					0.75

The previous limits are in effect for the last 2 years of the permit.

Outfalls 020: existing stormwater discharge, design flow of variable mgd.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow	Monitor and Report				
Nitrate-Nitrite				Monitor and Report	
Zinc				Monitor and Report	
Aluminum				Monitor and Report	

The previous monitoring requirements are in effect for the first 3 years of the permit.

Outfalls 020: existing stormwater discharge, design flow of variable mgd.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow	Monitor and Report				
Nitrate-Nitrite					0.68
Zinc					0.117
Aluminum					0.75

The previous limits are in effect for the last 2 years of the permit.

Outfalls 023a: existing stormwater discharge, design flow of variable mgd.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow	Monitor and Report				
BOD ₅				Monitor and Report	
Nitrate-Nitrite				Monitor and Report	
Zinc				Monitor and Report	
Aluminum				Monitor and Report	
Toluene				Monitor and Report	

The previous monitoring requirements are in effect for the first 3 years of the permit.

Outfalls 023a: existing stormwater discharge, design flow of variable mgd.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow	Monitor and Report				
BOD ₅					30
Nitrate-Nitrite					0.68
Zinc					0.117
Aluminum					0.75
Toluene					0.033

The previous limits are in effect for the last 2 years of the permit.

Outfalls 023b: existing stormwater discharge, design flow of variable mgd.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow	Monitor and Report				
Nitrate-Nitrite				Monitor and Report	
Zinc				Monitor and Report	
Aluminum				Monitor and Report	
Toluene				Monitor and Report	

The previous monitoring requirements are in effect for the first 3 years of the permit.

Outfalls 023b: existing stormwater discharge, design flow of variable mgd.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow	Monitor and Report				
Nitrate-Nitrite					0.68
Zinc					0.117
Aluminum					0.75
Toluene					0.033

The previous limits are in effect for the last 2 years of the permit.

Outfalls 024: existing stormwater discharge, design flow of variable mgd.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow	Monitor and Report				
Oil and Grease				Monitor and Report	
Nitrate-Nitrite				Monitor and Report	
Zinc				Monitor and Report	
Aluminum				Monitor and Report	

The previous monitoring requirements are in effect for the first 3 years of the permit.

Outfalls 024: existing stormwater discharge, design flow of variable mgd.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow	Monitor and Report				
Oil and Grease					15.0
Nitrate-Nitrite					0.68
Zinc					0.117
Aluminum					0.75

The previous limits are in effect for the last 2 years of the permit.

Outfalls 025: existing stormwater discharge, design flow of variable mgd.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow	Monitor and Report				
Oil and Grease				Monitor and Report	
Nitrate-Nitrite				Monitor and Report	

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Zinc					Monitor and Report
Aluminum					Monitor and Report
Xylene					Monitor and Report

The previous monitoring requirements are in effect for the first 3 years of the permit.

Outfalls 025: existing stormwater discharge, design flow of variable mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow	Monitor and Report				
Oil and Grease					15.0
Nitrate-Nitrite					0.68
Zinc					0.117
Aluminum					0.75
Xylene					0.033

The previous limits are in effect for the last 2 years of the permit.

Outfalls 006, 007a, 007b, 010a, 010b, 021 and 022: existing discharge, design flow of variable mgd.

The discharge from these outfalls shall consist uncontaminated stormwater runoff only.

The EPA waiver is not in effect.

PA0013820, Industrial Waste, SIC 3312, **Allegheny Ludlum Corporation**, 100 River Road, Brackenridge, PA 15014. This application is for renewal of an NPDES permit to discharge treated process water and untreated noncontact cooling water and stormwater from the Brackenridge facility in Brackenridge, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, Allegheny River classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the Brackenridge Water Works in Brackenridge, 0.2 mile below the discharge point.

Outfall 001: existing discharge, design flow of 0.80 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)		Monitor and Report			
Temperature (°F)				110	
Iron				Monitor and Report	
Manganese				Monitor and Report	
Aluminum				Monitor and Report	
pH	not less than 6.0 nor greater than 9.0				

Outfall 002: existing discharge to Allegheny River.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow(mgd)	Monitor and Report				
Temperature (°F)				110	
Iron				Monitor and Report	
Manganese				Monitor and Report	
Aluminum				Monitor and Report	
pH	not less than 6.0 nor greater than 9.0				

Outfall 103: existing discharge to Outfall 003.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow	Monitor and Report				
Total Suspended Solids	1,689.55	4,506.2	30	70	87.5
Oil and Grease		1,868		10	12.5
Total Residual Chlorine			0.5		1.25
Cyanide	2.11	3.11	0.13	0.29	0.36

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Lead	0.33	0.54	0.20	0.42	0.53
Zinc	12.95	20.92	0.61	1.46	1.83
Ammonia	31.75	72.77	58.6	133.3	166.6
Fluoride	14.31	32.31	26.4	59.5	74.4
Titanium			0.41	0.94	1.17
Total Residual Chlorine			0.5	1.0	1.25
pH	not less than 6.0 nor greater than 9.0				

Outfall 003: existing discharge to the Allegheny River.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Temperature (°F)				110	
Oil and Grease				Monitor and Report	
Iron				Monitor and Report	
Aluminum				Monitor and Report	
Zinc				Monitor and Report	
Total Residual Chlorine				1.0	1.25
pH	not less than 6.0 nor greater than 9.0				

Outfall 104: existing discharge to Outfall 004.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Total Suspended Solids	1,350	3,146	30	70	87.5
Chromium	20.29	42.62	0.4	1.0	1.25
Nickel	13.49	40.42	0.3	0.9	1.13
Iron			7.3	14.6	
Temperature (°F)				110	
Total Residual Chlorine			0.5	1.0	1.25
pH	not less than 6.0 nor greater than 9.5				
Nitrate-Nitrate				Monitor and Report	
Total Dissolved Solids				Monitor and Report	

Outfall 004: existing discharge to the Allegheny River.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Temperature (°F)				110	
Aluminum					0.75
Zinc				Monitor and Report	
Total Residual Chlorine			0.5	1.0	1.25
pH	not less than 6.0 nor greater than 9.0				
Nitrate-Nitrate				Monitor and Report	
Total Dissolved Solids				Monitor and Report	

Outfall 005: existing discharge to the Allegheny River.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	Monitor and Report				
Temperature (°F)				110	
Iron				Monitor and Report	
Manganese				Monitor and Report	
Aluminum				Monitor and Report	
pH	not less than 6.0 nor greater than 9.0				

Outfall 106: existing discharge to Outfall 006. (Permit issuance through 3 years after issued date.)

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (mgd)	Monitor and Report				
Total Suspended Solids	61.12	183.89	50	150	187.5
Lead	0.36	1.1	0.3	0.9	1.13
Zinc	0.55	1.65	0.45	1.35	1.7
Total Residual chlorine			0.5	1.0	1.25
Temperature (°F)				110	
pH	not less than 6.0 nor greater than 9.0				

Outfall 006: existing discharge to the Allegheny River.

This outfall is submerged.

Outfall 007: existing discharge to the Allegheny River.

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

Outfall 008: existing discharge to the Allegheny River.

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

Outfalls 901B, 902, 904 and 908: existing discharges to the Allegheny River.

These discharges consist solely of stormwater runoff.

Outfall 906: existing discharge to the Allegheny River.

This discharge shall consist solely of river water intake overflow. Debris collected on the strainer shall not be returned to the waterway.

Outfall 907: existing discharge to the Allegheny River.

This discharge shall consist solely of river water intake strainer overflow. Debris collected on the strainer shall not be returned to the waterway.

The EPA waiver is not in effect.

PA0092223, Industrial Waste, SIC 2822 and 2821, **BASF Corporation**, 370 Frankfort Road, Monaca, PA 15061. This application is for renewal of an NPDES permit to discharge treated process water, sewage, untreated cooling water and stormwater from BASF in Potter Township, **Beaver County**.

The following effluent limitations are proposed for discharge to the receiving waters, Ohio River and Raccoon Creek, classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is the Midland Borough Water Authority on the Ohio River, approximately 6.6 miles below the discharge point.

Outfall 101: existing discharge, flow of 0.066 mgd (Basoplast Production) total discharge flow of 0.133 mgd.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Acenaphthene	0.012	0.0325	0.022	0.059	
Acrylonitrile	0.053	0.132	0.096	0.242	
Benzene	0.021	0.076	0.037	0.0136	
Carbon Tetrachloride	0.01	0.021	0.018	0.038	
Chlorobenzene	0.008	0.015	0.015	0.028	
1,2,4 Trichlorobenzene	0.037	0.077	0.068	0.140	
Hexachlorobenzene	0.008	0.015	0.015	0.028	
1,2 Dichloroethane	0.037	0.116	0.068	0.211	
1,1,1 Trichloroethane	0.011	0.029	0.021	0.054	

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Hexachloroethane	0.011	0.029	0.021	0.054	
1,1 Dichloroethane	0.012	0.032	0.022	0.059	
1,1,2 Trichloroethane	0.011	0.029	0.021	0.054	
Chloroethane	0.058	0.148	0.104	0.268	
Chloroform	0.011	0.025	0.021	0.046	
2 Chlorophenol	0.018	0.055	0.031	0.098	
1,2 Dichlorobenzene	0.042	0.09	0.077	0.163	
1,3 Dichlorobenzene	0.018	0.024	0.031	0.044	
1,4 Dichlorobenzene	0.008	0.015	0.015	0.028	
1,1 Dichloroethylene	0.008	0.014	0.016	0.025	
1,2 Trans Dichloroethylene	0.011	0.029	0.021	0.054	
2,4 Dichlorophenol	0.021	0.061	0.039	0.112	
1,2 Dichloropropane	0.084	0.127	0.153	0.23	
1,3 Dichloropropylene	0.016	0.024	0.029	0.44	
2,4 Dimethylphenol	0.01	0.02	0.018	0.36	
2,4 Dinitrotoluene	0.063	0.156	0.113	0.285	
2,6 Dinitrotoluene	0.145	0.35	0.255	0.641	
Ethyl benzene	0.018	0.06	0.032	0.11	
Fluoranthene	0.014	0.037	0.025	0.068	
Methylene chloride	0.023	0.048	0.040	0.089	
Methyl chloride	0.048	0.096	0.086	0.19	
Hexachlorobutadiene	0.011	0.027	0.020	0.049	
Naphthalene	0.013	0.032	0.022	0.059	
Nitrobenzene	0.014	0.037	0.027	0.068	
2 Nitrophenol	0.023	0.037	0.041	0.068	
4 Nitrophenol	0.04	0.068	0.072	0.124	
2,4 Dinitrophenol	0.04	0.068	0.071	0.123	
4,6 Dinitro-o-cresol	0.043	0.153	0.078	0.272	
Phenol	0.008	0.014	0.15	0.026	
Bis(2 ethylhexyl)phthalate	0.056	0.153	0.103	0.279	
Di-n-butyl phthalate	0.014	0.031	0.027	0.057	
Diethyl phthalate	0.045	0.111	0.081	0.203	
Dimethyl phthalate	0.01	0.025	0.019	0.047	
Benzo(a)anthracene	0.013	0.032	0.022	0.059	
Benzo(a)pyrene	0.013	0.034	0.023	0.061	
3,4 Benzofluoranthene	0.013	0.034	0.023	0.061	
Benzo(k)fluoranthene	0.013	0.032	0.022	0.059	
Chrysene	0.013	0.032	0.022	0.059	
Acenaphthylene	0.013	0.032	0.022	0.059	
Anthracene	0.013	0.032	0.022	0.059	
Fluorene	0.013	0.032	0.022	0.059	
Phenanthrene	0.013	0.032	0.022	0.059	
Pyrene	0.013	0.032	0.025	0.067	
Tetrachloroethylene	0.013	0.031	0.022	0.056	
Toluene	0.014	0.043	0.026	0.080	
Trichloroethylene	0.011	0.029	0.021	0.054	
Vinyl Chloride	0.058	0.148	0.104	0.268	
Total Chromium	0.612	1.52	1.11	2.77	
Total Copper (WQ)			0.5	1.0	
Total Cyanide	0.23	0.66	0.42	1.20	
Total Lead	0.18	0.37	0.32	0.69	
Total Nickel	0.93	2.19	1.69	3.98	
Total Zinc	0.58	1.43	1.05	2.61	
BOD ₅	70	124	24	64	
TSS	135	242	40	130	
COD	1,442	2,155	624	1,660	
Oil and Grease	57	89	15	30	
Benzidine* (WQ)			0.003	0.06	
Iron (T)			2	4	
Aluminum (T)			4	8	
Manganese (T)			1	2	
pH	not less than 6.0 nor greater than 9.0				

Outfall 201: existing discharge, design flow of 0.007 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	Monitor and Report				
CBOD ₅			25	50	
TSS			30	60	
Fecal Coliform (5-1 to 9-30)		200/100 ml as a geometric mean			
(10-1 to 4-30)		2,000/100 ml as a geometric mean			
Total Residual Chlorine			1.4	3.5	
pH	not less than 6.0 nor greater than 9.0				

Outfall 001: existing discharge, design flow of 0.72 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	Monitor and Report				
Total Residual Chlorine			0.5	1.0	
Temperature (°F)				110	
Benzidine	not detectable using EPA test method no. 605				
pH	not less than 6.0 nor greater than 9.0				

Outfalls 002—004: existing discharge, design flow of N/A mgd—stormwater.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
NO ₂ -NO ₃			Monitor and Report		
TSS			Monitor and Report		
Zinc			Monitor and Report		
Aluminum			Monitor and Report		
Mercury			Monitor and Report		
BOD ₅			Monitor and Report		

The EPA waiver is not in effect.

PA0033642, Sewage, **West Greene School District**, 1367 Hargus Creek Road, Waynesburg, PA 15370. This application is for renewal of an NPDES permit to discharge treated sewage from the Graysville Elementary School Sewage Treatment Plant in Gray Township, **Greene County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Grays Fork, which are classified as a HQ WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Waynesburg Water Treatment Plant.

Outfall 001: existing discharge, design flow of 0.008 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD ₅	10			20
Suspended Solids	10			20
Ammonia Nitrogen (5-1 to 10-31)	1.5			3.0
(11-1 to 4-30)	4.5			9.0
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	0.4			0.8
Dissolved Oxygen	not less than 5.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

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

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

WQM Permit No. 0904411, Sewerage, **Warrington Township**, 1585 Turk Road, Warrington, PA 18976. This proposed facility is in Warrington Township, **Bucks County**.

Description of Proposed Action/Activity: Proposed retail, residential and office center with stormwater management infiltration beds.

WQM Permit No. 1504201, Sewerage, **Rick's Mushroom Service**, P. O. Box 797, Avondale, PA 19311. This proposed facility is in New Garden Township, **Chester County**.

Description of Proposed Action/Activity: Construction and operation of an agricultural runoff storage lagoon and spray irrigation field.

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

WQM Permit No. 2204404, Sewerage, **Lenker Estates Homeowners Association, Donco Construction, Inc.**, P. O. Box 123, Dauphin, PA 17018. This proposed facility is in Halifax Township, **Dauphin County**.

Description of Proposed Action/Activity: Construction of a sewage treatment plant to serve Lenker Estates Phases I and II.

WQM Permit No. 6703407, Amendment 04-1, Sewerage, **Dillsburg Area Authority**, P. O. Box 370, Dillsburg, PA 17019. This proposed facility is in Dillsburg Borough, **York County**.

Description of Proposed Action/Activity: Modifications to the collection and conveyance portion to include the construction of gravity sewer to convey the wastewater to the Authority's wastewater treatment plant. In addition to the force main, the pump station portion has also been modified, rather than submersible pumps the Authority plans to use suction lift pumps and to also install odor control facilities (a blower to agitate the wet well and magnesium hydroxide feed equipment).

WQM Permit No. 2204405, Sewerage, **South Hanover Township Sewer Authority**, 111 West Third Street, Hershey, PA 17033. This proposed facility is in South Hanover Township, **Dauphin County**.

Description of Proposed Action/Activity: Construction of the Whippoorwill pump station submersible pump station to serve the Meadows of Hanover Phases 9 and 13.

WQM Permit No. 2104409, Sewerage, **North Middleton Township Authority**, 2051 Spring Road, Carlisle, PA 17013-1059. This proposed facility is in North Middleton Township, **Cumberland County**.

Description of Proposed Action/Activity: Seeking approval to construct a residential subdivision consisting of 187 townhouse units and 6 commercial building lots in the northeastern corner of Post Road and SR 0011 Carlisle Pike in Middlesex and North Middleton Townships.

WQM Permit No. 2104408, Sewerage, **Middlesex Township Municipal Authority**, 350 North Middlesex Road, Suite No. 2, Carlisle, PA 17013-8422. This proposed facility is in Middlesex Township, **Cumberland County**.

Description of Proposed Action/Activity: Seeking approval to construct a residential subdivision consisting of 187 townhouse units and 6 commercial building lots in the northeastern corner of Post Road and SR 0011 Carlisle Pike in Middlesex and North Middleton Townships.

WQM Permit No. 2104410, Sewerage, **Middlesex Township Municipal Authority**, 350 North Middlesex Road, Suite No. 2, Carlisle, PA 17013-8422. This proposed facility is in Carlisle Borough, **Cumberland County**.

Description of Proposed Action/Activity: Construction of a traditional development including residential, multifamily residential rental, commercial and civic establishments on a 503.6-acre site.

WQM Permit No. 3604412, Sewerage, **Northwestern Lancaster County Authority**, 97 North Penryn Road, Manheim, PA 17545. This proposed facility is in Penn Township, **Lancaster County**.

Description of Proposed Action/Activity: Upgrade/relocation of pump station no. 3.

WQM Permit No. WQMG013501, Sewerage, **Donald E. Weaver, Jr.**, 221 Pleasant Street, Hanover, PA 17331. This proposed facility is in Heidelberg Township, **York County**.

Description of Proposed Action/Activity: Construction of a small flow treatment facility to serve a residence on Smith Station Road, Spring Grove.

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

WQM Permit No. 4104402, Sewerage 4952, **Jersey Shore Borough**, 232 Smith Street, Jersey Shore, PA 17740. This proposed facility is in Jersey Shore Borough, **Lycoming County**.

Description of Proposed Action/Activity: Replacement of 14-inch pipe with a new 18-inch line and a new bypass pipe with metering manhole at the Jersey Shore Borough wastewater treatment plant.

WQM Permit No. 1795408A45, Sewerage 4952, **Gospel Chapel Church**, 300 Pleasant Valley Road, P. O. Box 165, Woodland, PA 16881. This proposed facility is in Bradford Township, **Clearfield County**.

Description of Proposed Action/Activity: Construction of a small flow sewage treatment system to serve the Gospel Church of Clearfield County.

WQM Permit No. 1404405, Sewage, **Spring-Benner-Walker Joint Authority**, 170 Irish Hollow Road, Bellefonte, PA 16823. This proposed facility is in Walker Township, **Centre County**.

Description of Proposed Action/Activity: The applicant proposes to construct and operate a sewerage collection and conveyance system for the Springfield Subdivision.

WQM Permit No. 4904401, Sewerage, **Noah and Rebecca Peachey**, 3350 SR 54, Turbotville, PA 17772. This proposed facility is in Lewis Township, **Northumberland County**.

Description of Proposed Action/Activity: Construction and operation of a small flow treatment facility to serve a residence. The treatment facility will discharge to an unnamed tributary to Beaver Run (WWF).

WQM Permit No. 1404406, Sewage 7261, **Centre Hall-Potter Sewer Authority**, P. O. Box 497, Centre Hall, PA 16828. This proposed facility is in Potter Township, **Centre County**.

Description of Proposed Action/Activity: The applicant proposes to construct and operate a sewer extension and pump station to Ashford Manor.

1804201, Industrial Waste, SIC 2621, **First Quality Tissue, LLC**, 599 South Highland Street, Lock Haven, PA 17745-3431. This existing facility is in Castanea Township, **Clinton County**.

Description of Proposed Action/Activity: Applicant seeks a permit which will authorize the renovation and operation of the existing industrial waste treatment system serving the new papermaking process at the facility. Discharge will be to Bald Eagle Creek (WWF).

6004401, Sewerage, SIC 4952, **Lewisburg Area Joint Sewer Authority**, P. O. Box 305, Lewisburg, PA 17837. This existing facility is in East Buffalo Township, **Union County**.

Description of Proposed Action/Activity: Applicant seeks a permit to authorize the upgrades and operation of the existing sewage treatment facilities. Upgrades include replacement of the aeration diffusers, modifications to the aeration tanks, installation of blowers and installation of an anaerobic selector zone.

1404404, Sewerage, SIC 4952, **Spring-Benner-Walker Joint Authority**, 170 Irish Hollow Road, Bellefonte, PA 16823. This proposed facility will be in Spring Township, **Centre County**.

Description of Proposed Action/Activity: Applicant seeks a permit to authorize the construction and operation of a new suction lift pump station to (initially) serve 76 units in the Rosewood Cove Residential Subdivision. The project will also include the construction of a gravity sewer and force main.

IV. NPDES Applications for Stormwater Discharges from MS4

V. Applications for NPDES Waiver Stormwater Discharges from MS4

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

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

NPDES Permit No.	Applicant Name and Address	County	Municipality	Receiving Water/Use
PAI011504041	The Percheron Group Preserve at Valley Forge 48 George Warren Blvd., Suite 102 Malvern, PA 19355	Chester	Tredyffrin Township	Little Valley Creek EV
PAI011504042	Harvest Development, LLC Filman Road 4 Lot Subdivision P. O. Box 704 Pottstown, PA 19464	Chester	Uwchlan Township	Shamona Creek HQ-TSF
PAI011504043	Dan Scott Fellowship Road, LP Lexus of Chester Springs 568 West Lancaster Avenue Haverford, PA 19041	Chester	Upper Uwchlan Township	Brandywine Creek HQ-TSF

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

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

NPDES Permit No.	Applicant Name and Address	County	Municipality	Receiving Water/Use
PAI023904029	Vincent Palumbo 1612 West Allen St. Allentown, PA 18102	Lehigh	Upper Macungie Township	Little Lehigh Creek HQ-CWF

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

Lycoming County Conservation District: 542 County Farm Road, Suite 202, Montoursville, PA 17754, (570) 433-3003.

NPDES Permit No.	Applicant Name and Address	County	Municipality	Receiving Water/Use
PAI044104003	Thomas and Linda Dunlop 914 Pine Creek Ave. Jersey Shore, PA 17740	Lycoming	Porter Township	UNT Pine Creek HQ-TSF

Potter County Conservation District: 107 Market St., Coudersport, PA 16915, (814) 274-8411.

NPDES Permit No.	Applicant Name and Address	County	Municipality	Receiving Water/Use
PAI045304002	Roulette Township R. R. 1 Roulette, PA 16746	Potter	Roulette Township	Fishing Creek CWF Laninger Creek HQ-CWF Allegheny River CWF

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

Warren County Conservation District: 609 Rouse Avenue, Suite 203, Youngsville, PA 16371.

Lawrence County Conservation District: Lawrence County Government Center, 430 Court Street, New Castle, PA 16101.

NPDES Permit No.	Applicant Name and Address	County	Municipality	Receiving Water/Use
PAI006204001	Eldred Township R. D. 2 Box 123A Pittsfield, PA 16340	Warren	Eldred Township	Caldwell Creek HQ CWF
PAI063704001	Sean Doran, General Partner D & D Development Brian Herr, Operator Linton Industries	Lawrence	New Castle City	Shenango River WWF

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

- PAG-12 CAFOs
- PAG-13 Stormwater Discharges from MS4

**PUBLIC WATER SUPPLY (PWS)
PERMIT**

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

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

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

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

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

SAFE DRINKING WATER

Applications Received under the Pennsylvania Safe Drinking Water Act

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

Permit No. 1504506, Public Water Supply.

Applicant **Westtown School**
 Township Westtown
 Responsible Official George Schaab
 P. O. Box 1799
 Westtown, PA 19395
 Type of Facility PWS
 Consulting Engineer Richard M. Johnson
 Walter B. Satterthwaite
 Associates, Inc.
 720 Old Fern Hill Road
 West Chester, PA 19380

Application Received July 1, 2004
 Date

Description of Action Permitting of an existing water supply system that serves the Westtown School and 15 homes. Also, modification to extend the chlorine contact time to a minimum of 20 minutes.

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

Permit No. 4804503, Public Water Supply.

Applicant **Hometown America Communities**
 Township or Borough Lehigh Township, **Northampton County**

Responsible Official Patrick Brennan, President
1161 Valley Stream Drive
Perkiomenville, PA 18074
(215) 234-8809

Type of Facility Community Water System

Consulting Engineer Douglas N. Kern, P. E.
1161 Valley Stream Drive
Perkiomenville, PA 18074
(215) 234-8809

Application Received Date June 21, 2004

Description of Action This application provides for modification of the community water system serving the community of Mountain View (PWS ID 3480075). The modification will provide for installation of a pressure pump package unit for maintaining system pressure, with conversion of the existing 8,000-gallon hydropneumatic tank to serve strictly as a system storage tank.

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

Permit No. 3204506, Public Water Supply.

Applicant **Little Mahoning Bible Camp**
1065 Alabran Road
Smicksburg, PA 16256

Township or Borough North Mahoning

Responsible Official Leonard Kinney, Camp Missionary
Little Mahoning Bible Camp
1065 Alabran Road
Smicksburg, PA 16256

Type of Facility Water Treatment Plant

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

Application Received Date June 29, 2004

Description of Action Water treatment facilities that include reverse osmosis, air stripper, chlorinator, filtration, water conditioner, pressure tank and storage tanks.

Central Office: Bureau Director, Water Supply and Wastewater Management, P. O. Box 8467, Harrisburg, PA 17105-8467.

Permit No. 9996286, Public Water Supply.

Applicant **Mountainwood Spring Water Company**

Township or Borough Blairstown, NJ

Responsible Official William Egan, President

Type of Facility Out-of-State Bottled Water System

Application Received Date June 29, 2004

Description of Action Applicant requesting Department approval to sell bottled water in this Commonwealth under the brand name Mountainwood Natural Spring Water.

MINOR AMENDMENT

Applications Received under the Pennsylvania Safe Drinking Water Act

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

Application No. Minor Amendment (PWS ID 2520044).

Applicant **Matamoras Municipal Authority**
304 Pennsylvania Avenue
Matamoras, PA 18336

Township or Borough Matamoras Borough, **Pike County**

Responsible Official Norman Krause, Chairperson

Type of Facility PWS

Consulting Engineer McGoey, Hauser and Edsall
507 Broad Street
Milford, PA 18337

Application Received Date June 18, 2004

Description of Action Replacement of a 100,000-gallon finished water storage reservoir.

Application No. Minor Amendment.

Applicant **Aqua Pennsylvania, Inc.**

Township or Borough Hazle Township, **Luzerne County**

Responsible Official Mark J. Kropilak, Vice President
Corporate Development
Aqua Pennsylvania, Inc.
762 West Lancaster Avenue
Bryn Mawr, PA 19010

Type of Facility PWS

Application Received Date June 28, 2004

Description of Action The applicant requests the transfer of PWS Permit No. 5499503 issued on January 4, 2000, from Eagle Rock Utility Corporation to Aqua Pennsylvania, Inc.

Application No. Minor Amendment.

Applicant **Aqua Pennsylvania, Inc.**

Township or Borough East Union Township, **Schuylkill County**

Responsible Official Mark J. Kropilak, Vice President
Corporate Development
Aqua Pennsylvania, Inc.
762 West Lancaster Avenue
Bryn Mawr, PA 19010

Type of Facility PWS

Application Received Date June 28, 2004

Description of Action The applicant requests the transfer of PWS Permit No. 5498508 issued on July 2, 1999, from Eagle Rock Utility Corporation to Aqua Pennsylvania, Inc.

Application No. Minor Amendment.

Applicant **Aqua Pennsylvania, Inc.**
 Township or Borough East Union Township, **Schuylkill County**
 Responsible Official Mark J. Kropilak, Vice President
 Corporate Development
 Aqua Pennsylvania, Inc.
 762 West Lancaster Avenue
 Bryn Mawr, PA 19010
 Type of Facility PWS
 Application Received Date June 28, 2004
 Description of Action The applicant requests the transfer of PWS Permit No. 5498507 issued on July 1, 1999, from Eagle Rock Utility Corporation to Aqua Pennsylvania, Inc.

Application No. Minor Amendment.

Applicant **Aqua Pennsylvania, Inc.**
 Township or Borough East and North Union Townships, **Schuylkill and Luzerne Counties**
 Responsible Official Mark J. Kropilak, Vice President
 Corporate Development
 Aqua Pennsylvania, Inc.
 762 West Lancaster Avenue
 Bryn Mawr, PA 19010
 Type of Facility PWS
 Application Received Date June 28, 2004
 Description of Action The applicant requests the transfer of PWS Permit No. 5474501 issued on October 16, 1974, from the Oneida Water Company to Aqua Pennsylvania, Inc.

Application No. Minor Amendment.

Applicant **Fox Ledge, Inc.**
 R. R. 1 Box 1230
 Honesdale, PA 18431
 Township or Borough Mount Pleasant Township, **Wayne County**
 Responsible Official Alfred A. Alessi, Jr., President
 Type of Facility Bottling Plant
 Consulting Engineer Keystone Consulting & Associates
 34 Brown Street
 Honesdale, PA 18431
 Application Received Date July 6, 2004
 Description of Action The replacement of a finished water storage tank.

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

Application No. 5604503, Minor Amendment.

Applicant **H Manor LLC**
 1379 Peninsula Drive
 Central City, PA 15626
 Responsible Official Jeffry Griffith, President
 H Manor LLC
 1379 Peninsula Drive
 Central City, PA 15626
 Type of Facility Hillcrest Manor
 Application Received Date July 8, 2004
 Description of Action Transfer from Hillcrest Manor Mobile Estates to H Manor LLC.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 1

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

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

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

period, the municipality may request that the person identified as the remediator of the site develop and implement a public involvement plan. Requests to be involved and comments should be directed to the remediator of the site.

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

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

Southeast Region: Environmental Cleanup Program Manager, 2 East Main Street, Norristown, PA 19401.

Church Parking Lot, City of Philadelphia, **Philadelphia County**. John Luxford, Apex Environmental, Inc., 269 Great Valley Parkway, Malvern, PA 19355 on behalf of Thomas Roberts, Church of the Lord Jesus Christ of the Apostolic Faith, 701 South 22nd Street, Philadelphia, PA 19146 has submitted a Notice of Intent to Remediate. Soil quality at the south end of the tanks indicates residual ethylbenzene remains at a depth of 7 feet at concentrations above the Statewide Health Standard, soil-to-groundwater medium specific concentration. The current and future use of the site is a parking lot for the adjacent church. The remediation will be to the Site Specific Standard.

Northeast Regional Field Office: Joseph A. Brogna, Environmental Cleanup Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.

PPL—Quarry Substation (East Market Street), City of Bethlehem, **Northampton County**. PPL Electric Utilities, 2 North Ninth Street, Allentown, PA 18101 has electronically submitted a Notice of Intent to Remediate concerning the remediation of site soils found or suspected to be contaminated with polychlorinated biphenyls. The applicant proposes to meet the Residential Statewide Health Standard. A summary of the Notice of Intent to Remediate is expected to be published in a local newspaper serving the general area sometime in the near future.

Hazleton Oil and Environmental, Banks Township, **Carbon County** and Kline Township, **Schuylkill County**. Jeremy Bolyn, Senior Environmental Scientist, Patriot Environmental Management, LLC, P. O. Box 629, Douglasville, PA 19518 has electronically submitted a Notice of Intent to Remediate (on behalf of Hazleton Oil and Environmental, 300 South Tamaqua Street, Hazleton, PA 18201) concerning the remediation of soils and/or groundwater found or suspected to have been contaminated with benzene, toluene, ethyl benzene, xylenes, MTBE, naphthalene, cumene, fluorene and phenanthrene as the result of historic site operations as a petroleum distribution facility. The applicant proposes to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate is expected to be published in a local newspaper serving the general area sometime in the near future.

Geyer Residence (Page Lake), New Milford Township, **Susquehanna County**. Marjory Rinaldo-Lee, P. G., GeoLogic NY, Inc., P. O. Box 5080, Cortland, NY 13045 18013 has submitted a Notice of Intent to Remediate (on behalf of Leonora Geyer, Hill Road, Salisbury Mills, NY 12577) concerning the remediation of soils and/or ground-

water found or suspected to have been contaminated with no. 2 fuel oil constituents as the result of an accidental aboveground storage tank release. The applicant proposes to meet the Residential Statewide Health Standard. A summary of the Notice of Intent to Remediate was expected to have been published in the *Susquehanna County Transcript* on or about June 20, 2004. A Final Report was also submitted.

Estate of Pauline Kime (12 Oteyakwa Lake Drive), Franklin Township, **Susquehanna County**. Kevin Van Kuren, P. G., Hydrocon Services, Inc., 16 East Minor Street, Emmaus, PA 18049 has submitted a Notice of Intent to Remediate (on behalf of Attorney Myron DeWitt, 249 Main Street, Susquehanna, PA 18847) concerning the remediation of soils and/or groundwater found or suspected to have been contaminated with no. 2 fuel oil constituents as the result of an underground storage tank release. The applicant proposes to meet the Residential Statewide Health Standard. A summary of the Notice of Intent to Remediate was published in the *Susquehanna County Independent* on June 23, 2004. A Final Report was also submitted.

Former Antigas Service Station, City of Bethlehem, **Lehigh County**. Matthew Malhame, MEA, Inc., 1365 Ackermanville Road, Bangor, PA 18013 has electronically submitted a Notice of Intent to Remediate (on behalf of Wawa, Inc., 207 West Baltimore Pike, Wawa, PA 19063) concerning the remediation of soils found or suspected to have been contaminated with heating oil, waste oil, hydraulic oil and possibly gasoline constituents. The applicant proposes to meet the Residential Statewide Health Standard. A summary of the Notice of Intent to Remediate is expected to be published in a local newspaper serving the general area sometime in the near future. A Final Report was also submitted.

Godshalk Residence (2460 North Delaware Drive), Upper Mount Bethel Township, **Northampton County**. Kevin Keat, Senior Environmental Scientist, MEA, Inc., 1365 Ackermanville Road, Bangor, PA 18013 has submitted a Notice of Intent to Remediate (on behalf of Valerie Godshalk, P. O. Box 102, Swiftwater, PA 18370) concerning the remediation of soils and/or groundwater found or suspected to have been contaminated with no. 2 fuel oil constituents as the result of an accidental aboveground storage tank release. The applicant proposes to meet the Residential Statewide Health Standard. A summary of the Notice of Intent to Remediate is expected to be published in a local newspaper serving the general area sometime in the near future. A Final Report was also submitted.

Jaggard Residence, Borough of Stroudsburg, **Monroe County**. Rebecca Gross, MEA Inc., 1365 Ackermanville Road, Bangor, PA 18013 has submitted a Notice of Intent to Remediate (on behalf of Doreen Jaggard, Village Drive, Stroudsburg, PA 18360) concerning the remediation of soils found to be contaminated with no. 2 fuel oil constituents as the result of an overflow of an aboveground storage tank. The applicant proposes to meet the Residential Statewide Health Standard. A summary of the Notice of Intent to Remediate was published in the *Pocono Record* on June 17, 2004. A Final Report was simultaneously submitted.

Michelman Cancelliere Iron Works, Inc., East Allen Township, **Northampton County**. Douglas H. Sammak, P. G., American Analytical & Environmental, Inc., 738 Front Street, Catasauqua, PA 18032 has submitted a Notice of Intent to Remediate (on behalf of John Cancelliere, Michelman Cancelliere Iron Works, P. O. Box 40,

7230 Beth-Bath Pike, Bath, PA 18104) concerning the characterization of groundwater found or suspected to have been contaminated as the results of historic structural steel fabricating site operations. The applicant proposes to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate is expected to be published in the near future in a newspaper serving the local area.

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

Invensys Metering Systems, North Union Township, **Fayette County**. Mathew C. Plautz, P. E., Blasland, Bouck & Lee, Inc., 600 Waterfront Drive, Pittsburgh, PA 15222 (on behalf of Fayette Industrial Fund, P. O. Box 487, Uniontown, PA 15401 and Gary Ballesteros, Rockwell Automation, Inc., 777 East Wisconsin Avenue, Suite 1400, Milwaukee, WI 53202) has submitted a Final Report concerning remediation of site groundwater contaminated with heavy metals and VOCs. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Triangle Fastener, City of Pittsburgh, **Allegheny County**. Greg Hilty, Delta Environmental Consultants, Inc., 1418 Brice Road, Suite 205, Reynoldsburg, OH 43068 (on behalf of Charles Friday, Partners Investment LP, 1925 Preble Avenue, Pittsburgh, PA 15223 and Tara Popik, Group Environmental Management Co. (A BP Affiliated Company), 4850 East 49th Street, MBC 1, Cuyahoga Heights, OH 44125) has submitted a Risk Assessment Report concerning remediation of site soil and groundwater contaminated with diesel fuel and leaded gasoline. The report is intended to document remediation of the site to meet the Site Specific Standard.

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

Crossett Spill Site Allegheny National Forest, Corydon Township, **McKean County**. David J. Birchard, Environmental Remediation & Recovery, 5719 Rt. 6N, Edinboro, PA 16412, on behalf of Jerry White, Crosett Inc., P. O. Box 946, Warren, PA 16365 has submitted a Notice of Intent to Remediate. Remediation measures included soil removal, interceptor trenches, boom containment and use of sorbent material.

American Refinery Group, North Kendall Ave., City of Bradford, Foster Township, **McKean County**. James Kay, Conestoga-Rovers & Associates, 2055 Niagara Falls Blvd., Niagara Falls, NY 14304 on behalf of Harry Halloran, American Refinery Group, 100 Four Falls, Suite 215, West Conshohocken, PA 19428 has submitted a Notice of Intent to Remediate. Soil and groundwater contamination are present as a result of operating a petroleum storage, processing and refining facility. Primary contaminants are volatile hydrocarbons and polycyclic aromatic hydrocarbons attributable to petroleum products and metals. Public notice of the NIR was published in the *Bradford Eon* May 10, 2004.

Intl. Paper, 1540 East Lake Rd., City of Erie, **Erie County**. William F. Staph, Atlantic Env. Group Inc., 20990 Neiltown Rd., Pleasantville, PA 16341 on behalf of Jeffrey L. Shumaker, International Paper Co., 6400 Poplar Ave., Memphis, TN 38197 has submitted a Notice of Intent to Remediate. Known contaminants are VOCs, semi-VOCs, diesel fuel, no. 2 fuel oil, inorganics, leaded and unleaded gasoline, PAHs and PCBs. Proposed use of the site will be development and operation of a horse race track, gaming and entertainment complex, including club-

house, hotel and amenities, exhibition hall, restaurants, retail outlets, boating and related facilities. The NIR is being submitted jointly by IP (current owner of site) and Presque Isle Downs, Inc. (future owner). The NIR will be published in the *Erie Times* on July 10, 2004.

INFECTIOUS AND CHEMOTHERAPEUTIC WASTE TRANSPORTER LICENSES

Applications received or withdrawn under the Solid Waste Management (35 P. S. §§ 6018.101—6018.1003), the act of July 13, 1988 (P. L. 525, No. 93) (35 P. S. §§ 6019.1—6019.6) and regulations to transport infectious and chemotherapeutic waste.

Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.

New Applications Received

Environmental Waste Minimization, Inc., 14 Brick Kiln Court, Northampton, PA 18067. Received on June 10, 2004.

MARCOR Remediation, Inc., 540 Trestle Place, Downingtown, PA 19355. Received on June 1, 2004.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

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

Southeast Region: Regional Solid Waste Manager, 2 East Main Street, Norristown, PA 19401.

Permit Application No. 101680. Waste Mgmt. Dspl. Svc. of Pa. Inc., 1121 Bordentown Rd., Morrisville, PA 19067, Falls Township, **Bucks County**. Application for a new 124-acre landfill to be known as GROWS North Landfill received under 25 Pa. Code § 271.202. An alternative project timeline of 500 days was negotiated for the review of the Phase I and II components of the application. The application was received by the Southeast Regional Office on July 7, 2004.

Permit Application No. 101494. Waste Mgmt. of Pa. Inc., 1121 Bordentown Rd., Morrisville, PA 19067, Falls Township, Borough of Tullytown, **Bucks County**. Application for a 35-acre eastern expansion to the Tullytown Resource Recovery Facility Landfill received under 25 Pa. Code § 271.202. An alternative project timeline of 500 days was negotiated for the review of the Phase I and II components of the application. The application was received by the Southeast Regional Office on July 7, 2004.

AIR QUALITY

PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

NEW SOURCES AND MODIFICATIONS

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

time, affords an opportunity for public input and provides for sequential issuance of the necessary permits.

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

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

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

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodation to participate should contact the regional office identified before the application. TDD users should 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.

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

43-196A: General Electric Transportation Systems—Grove City Plant (1503 West Main Street Extension, Grove City, PA 16127) for increase in the allowed fuel consumption in the test cells while maintaining the underlying NO_x emission limitation in Grove City Borough, **Mercer County**. This is a Title V facility.

24-131H: SGL Carbon LLC (900 Theresia Street, St., Marys, PA 15857) for use of freon 134a as a process gas for its vacuum out gas furnace in the City of St. Marys, **Elk County**. This is a Title V facility.

33-155B: Trail King Industries (147 Industrial Park Road, Brookville, PA 15825-9798) for installation of a grit blasting system with 14,000 cfm Torrit Downflow air filtration system in Brookville Borough, **Jefferson County**. This is a State-only facility.

62-017J: United Refining (Bradley and Dobson Streets, Warren, PA 16365) for modification of Plan Approval 62-302-010A to reflect the CO emission limits based on stack tests rather than AP-42 emission factor estimates at the Warren Refinery in Warren, **Warren County**. The refinery is a Title V Facility.

16-132C: Aconcagua Timber Corporation (143 Fiberboard Road, Box 340, Shippensville, PA 16245). Replacement of an existing prefilter with a Turbo Venturi Scrubber in Paint Township, **Clarion County**. The facility is a Title V facility.

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

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

54-399-029B: Silberline Manufacturing Co., Inc. (130 Lincoln Drive, Tamaqua, PA 18252-0420) for modification of a vacuum metalize aluminum pigment manufacturing process at their Tidewood facility at 36 Progress Avenue, Rush Township, **Schuylkill County**. This facility is a non-Title V facility. The modification will incorporate the removal and replacement of some of the process equipment. There will be no increase in potential VOC emissions from the modification. The plan approval will include all appropriate monitoring, recordkeeping and reporting requirements designed to keep the source operating within all applicable air quality requirements.

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

21-05021D: Arnold Fuel Oil Inc. (P. O. Box 2621, Harrisburg, PA 17105-2621) for installation of a carbon adsorption vapor recovery unit at the Mechanicsburg North Terminal, 127 Texaco Road, Silver Spring Township, **Cumberland County**. The primary emissions from the facility are VOCs. This unit will replace an existing unit that controls the VOC emissions.

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

17-314-001F: Sensus Metering Systems—North America, Inc. (805 Liberty Blvd., DuBois, PA 15801) for installation of an air cleaning device (a fiber bed mist eliminator system) on three existing natural gas-fired rubber gas meter diaphragm drying/curing ovens in the City of DuBois, **Clearfield County**.

The proposed fiber bed mist eliminator system will be used to remove an oil/organic mist or aerosol which is driven off of the rubber in the ovens and will replace an existing scrubber system. The resultant particulate matter emissions are expected to be no greater than .332 ton per year, which is believed to be less than the particulate matter emission rate currently existing.

The Department's review of the information submitted by Sensus Metering Systems—North America, Inc. indicates that following the installation of the fiber bed mist eliminator system, the drying/curing ovens will comply with all applicable air quality regulations pertaining to air contamination sources and the emission of air contaminants, including the PM emission requirements of 25

Pa. Code § 123.13 and the visible air contaminant emission requirements of 25 Pa. Code § 123.41. Based on this finding, the Department intends to issue plan approval for the installation of the proposed fiber bed mist eliminator system. Additionally, if the Department determines that the drying/curing ovens are operating in compliance with all applicable plan approval conditions and regulatory requirements following the installation of the fiber bed mist eliminator system, the conditions established in the plan approval will be incorporated into Operating Permit 17-314-001B through administrative amendment under 25 Pa. Code § 127.450.

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

1. The fiber bed mist eliminator system shall be equipped with instrumentation to continuously monitor the pressure differential across the system's prefilter and the pressure differential across the fiber bed elements. Prefilters shall be replaced when the differential pressure reaches 5 inches of water and the fiber bed elements shall be replaced when the differential pressure reaches 20 inches of water.

2. Spare prefilters and fiber bed elements shall be kept onsite.

3. Whenever the curing of a batch of diaphragms has been completed, the oven access doors shall remain closed until the oven operating temperature falls to 175°F or less.

4. The drying/curing ovens shall not be used to process any material other than acrylonitrile-butadiene unless Department approval has first been obtained.

19-310-002D: Hanson Aggregates Pennsylvania, Inc. (2200 Springfield Pike, Connellsville, PA 15425) for the construction of a vertical shaft impact crusher in a stone crushing and screening plant at the Bloomsburg Quarry in Hemlock Township, **Columbia County**.

The proposed crusher will replace an existing crusher. The fugitive particulate matter emissions from the proposed crusher will be controlled by an existing fabric collector. The resultant PM emissions are expected to be no greater than 2.6 tons per year.

The Department's review of the information submitted by Hanson Aggregates Pennsylvania, Inc. indicates that the proposed crusher will comply with all applicable air quality requirements pertaining to air contamination sources and the emission of air contaminants, including the requirements of Subpart OOO of the Federal Standards of Performance for New Stationary Sources, 40 CFR 60.670–60.676, and the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12. Based on this finding, the Department intends to issue plan approval for the construction of the proposed crusher. Additionally, if the Department determines that the crusher is operating in compliance with all applicable plan approval conditions and regulatory requirements after it is constructed, the conditions established in the plan approval will be incorporated into Operating Permit 19-310-002C through administrative amendment under 25 Pa. Code § 127.450.

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

1. The crusher shall not be operated without the simultaneous operation of the fabric collector.

2. The PM emissions from the exhaust of the fabric collector shall not exceed .01 grain per dry standard cubic foot of exhaust.

3. The fabric collector shall be equipped with instrumentation to monitor the pressure differential across the collector on a continuous basis.

4. The air compressor supplying compressed air to the fabric collector shall be equipped with an air dryer and an oil trap.

5. Spare bags shall be kept onsite for the fabric collector.

6. Dust shall only be removed from the fabric collector dust hopper by loading it into a tarp covered truck bed via an enclosed loadout chute.

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

24-012C: C/G Electrodes LLC—St. Marys Plant (800 Theresia Street, St. Marys, PA 15857-1898) for installation of graphite machining operations in Building 607 and two dust collectors in St. Marys City, **Elk County**. This is a Title V facility. The public notice is required for sources required to obtain a Plan Approval at Title V facilities in accordance with 25 Pa. Code § 127.44. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the Title V operating permit through an administrative amendment at a later date. The source shall comply with the following conditions, which will satisfy the requirements of 25 Pa. Code § 127.12b (pertaining to plan approval terms and conditions) and will demonstrate Best Available Technology for the source:

1. The source shall comply with 25 Pa. Code §§ 123.1, 123.13, 123.31 and 123.41 for fugitive matter, PM, odor and visible emissions.

2. The permittee shall perform a daily operational inspection of the control device. The operational inspection shall include, at a minimum, recording the pressure drop across the control device and a visual inspection of the system for leaks, and the like. In the event that the pressure drop is out of specification, the baghouse will be inspected by the use of a black light and all defective filters replaced.

3. The permittee shall maintain a manometer or similar device to measure the pressure drop across the control device.

4. The permittee shall operate the control device at all times that the source is operation.

5. The permittee shall maintain and operate the source and control device in accordance with the manufacturer's specifications and in accordance with good air pollution control practices.

6. The permittee shall maintain a record of all preventative maintenance inspections of the control device. These records shall, at a minimum, contain the dates of the inspections, any problems or defects, the actions taken to correct the problem or defects and any routine maintenance performed.

37-304B: Heraeus Electro-Nite (3 Fountain Avenue, Ellwood City, PA 16117) for addition of a Skiving machine and replacement of the existing baghouse with a larger baghouse in Ellwood City Borough, **Lawrence County**.

This is a State-only Title V facility. The public notice is required for sources required to obtain a Plan Approval at Title V facilities in accordance with 25 Pa. Code § 127.44. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the Title V operating permit through an administrative amendment at a later date. The source shall comply with the following conditions, which will satisfy the requirements of 25 Pa. Code § 127.12b (pertaining to plan approval terms and conditions) and will demonstrate Best Available Technology for the source:

- Source 101 (Skiving machine).
- The source shall comply with 25 Pa. Code §§ 123.1, 123.31 and 123.41 for fugitive matter, odor and visible emissions.
 - PM emissions shall not exceed 0.02 grain per dry standard cubic foot.
 - Throughput for each Skiving machine shall not exceed 400,000 ft/yr.
 - Stack test for PM compliance.
 - The permittee shall maintain a record of all preventative maintenance inspections of the control device. These records shall, at a minimum, contain the dates of the inspections, any problems or defects, the actions taken to correct the problem or defects and any routine maintenance performed.
 - The permittee shall maintain daily records of the throughput for each Skiving machine (ft/day).
 - The permittee shall maintain monthly records of the throughput for each Skiving machine (ft/month).
 - The permittee shall maintain monthly records of the throughput for each Skiving machine (ft/yr).
 - The permittee shall perform a daily operational inspection of the control device. The operational inspection shall include, at a minimum, recording the pressure drop across the control device.
 - The permittee shall operate the control device at all times that the source is operation.
 - The permittee shall maintain a magnehelic gauge to measure the pressure drop across the control device. The pressure drop range shall be maintained between 0.5 inch and 4 inches wg. The pressure drop shall be monitored and recorded daily.
 - Ten percent of the total number of bags in the baghouse must be on hand as replacements.
 - The permittee shall maintain and operate the source and control device in accordance with the manufacturer's specifications and in accordance with good air pollution control practices.

37-011C: Dairy Farmers of America, Inc.—Farmers Cheese Plant (Routes 208 and 18, New Wilmington, PA 16142) for revision of the pressure drop range across the collector from Plan Approval PA-37-011B in Wilmington Township, **Lawrence County**. This is a State-only V facility. The public notice is required for sources required to obtain a Plan Approval at Title V facilities in accordance with 25 Pa. Code § 127.44. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the Title V operating permit through an administrative amendment at a later date. The source shall comply with the following conditions, which will satisfy the requirements of 25 Pa. Code § 127.12b (pertaining to plan approval terms and conditions) and will demonstrate Best Available Technology for the source:

- The source shall comply with 25 Pa. Code §§ 123.1, 123.21, 123.31 and 123.41 for fugitive matter, sulfur, odor and visible emissions.
- PM emissions shall not exceed 0.02 grain per dry standard cubic foot.
- Opacity shall not exceed 10% for a period or periods aggregating more than 3 minutes in any 1 hour or 30% at any time.
- The permittee shall maintain a magnehelic gauge to measure the pressure drop across the control device. The new pressure drop range shall be maintained between 1 inch and 3 inches wg. The pressure drop shall be monitored and recorded daily.
- Ten percent of the total number of bags in the baghouse must be on hand as replacements.

37-248F: United States Can Co. (1902 Old Butler Road, New Castle, PA 16101) for temporary bypassing of the RTO when using compliant coatings during periods of RTO maintenance and malfunctions for Sources 101 and 102 in Shenango Township, **Lawrence County**. This installation will not result in NSR or PSD applicability. This is a Title V facility. The public notice is required for sources required to obtain a Plan Approval at Title V facilities in accordance with 25 Pa. Code § 127.44. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the Title V operating permit through an administrative amendment at a later date. The source shall comply with the following conditions, which will satisfy the requirements of 25 Pa. Code § 127.12b (pertaining to plan approval terms and conditions) and will demonstrate Best Available Technology for the source:

- During periods of bypassing the RTO, the source will comply with all requirements in their most recent Title V permit except for conditions that deal with the RTO and its operation. The permittee shall use compliant coatings (25 Pa. Code § 129.52, Table 1) during this temporary period.
- The VOC emissions from the sources shall not exceed 35.54 tpy (this remains unchanged).

16-132C: Aconcagua Timber Corporation (143 Fiberboard Road, Box 340, Shippensburg, PA 16245) in Paint Township, **Clarion County**. The facility is a Title V facility. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the Title V operating permit through an administrative amendment at a later date.

The permit will not increase any emissions from the currently permitted levels in existing Plan Approval 16-132B. The Plan Approval contains conditions for testing to verify compliance with the existing emission limits, monitoring of the pH and pressure drop across the new scrubber and additional recordkeeping and reporting to keep the facility operating within all applicable air quality requirements.

OPERATING PERMITS

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

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

06-05069E: East Penn Manufacturing Co., Inc. (P. O. Box 147, Lyon Station, PA 19536-0147) for construc-

tion and modification of various sources used in the manufacturing of lead/acid storage batteries controlled by various fabric collectors and mist eliminator at Assembly Plant A-2 in Richmond Township, **Berks County**. Some of the sources are subject to 40 CFR Part 60, Subpart KK, Standards of Performance for New Stationary Sources. The proposed sources will result in minor increases in the potential emissions from the facility. The plan approval will include monitoring, recordkeeping, work practices and reporting requirements designed to keep the sources operating within all applicable air quality requirements. The facility is presently covered by the Title V Operating Permit Application No. 06-05069. The plan approval will be incorporated into this application in accordance with 25 Pa. Code § 127.450.

36-05017: Conestoga Wood Specialties Corp. (245 Reading Road, East Earl, PA 17519-0518) for a Title V Operating Permit Renewal in East Earl Township, **Lancaster County**. The facility's major sources of emissions include woodworking operations controlled by dust collectors and coating booths, which primarily emit VOCs. The Title V operating permit will contain VOC emission limits, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

V95-006: Exelon Generation Co.—Schuylkill Generating Station (2800 Christian Street, Philadelphia, PA 19146) for operation of an electric utility in the City of Philadelphia, **Philadelphia County**, to modify testing requirements for its oil-fired 1,530 mmBtu/hr boiler and to modify contact information. The facility currently must test the boiler for NOx emissions annually at one load. After the modification, the boiler will be tested under the requirements of 40 CFR Part 75, Appendix E for oil-fired peaking units, which requires NOx testing every 3,000 hours or 5 years under four different loads. The Title V operating permit was originally issued on December 28, 2001.

The operating permit will be reissued under 25 Pa. Code, Philadelphia Code Title 3 and Air Management Regulation XIII. Permit copies and other supporting information are available for public inspection at the AMS, 321 University Ave., Philadelphia, PA 19104. For further information, contact Edward Wiener, (215) 685-9426.

Persons wishing to file protest or comments on the operating permit must submit the protest or comments within 30 days from the date of this notice. Protests or comments filed with the AMS must include a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based. Based upon the information received during the public comment period, the AMS may modify the operating permit or schedule a public hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a local newspaper at least 30 days before the hearing.

V03-003: ThyssenKrupp Budd Co. (2450 Hunting Park Avenue, Philadelphia, PA 19129) for operation of a transportation equipment manufacturing facility in the City of Philadelphia, **Philadelphia County**. The facility's air emissions' sources include a 97 mmBtu/hr boiler and an 87 mmBtu/hr boiler.

The operating permit will be reissued under 25 Pa. Code, Philadelphia Code Title 3 and Air Management

Regulation XIII. Permit copies and other supporting information are available for public inspection at the AMS, 321 University Ave., Philadelphia, PA 19104. For further information, contact Edward Wiener, (215) 685-9426.

Persons wishing to file protest or comments on the operating permit must submit the protest or comments within 30 days from the date of this notice. Protests or comments filed with the AMS must include a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based. Based upon the information received during the public comment period, the AMS may modify the operating permit or schedule a public hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a local newspaper at least 30 days before the hearing.

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

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

46-00122: Unisys Corp. (Township and Union Meeting Roads, M/S E2-127 Unisys Way, Blue Bell, PA 19424) for operation of four boilers, four emergency generators and a heater at the Blue Bell central office in Whitpain Township, **Montgomery County**. The permit is for a non-Title V (State-only) facility. The facility has elected to cap NOx to less than 25 tons per year each; therefore, the facility is a Synthetic Minor. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

04-00705: Pittsburgh Coatings (8105 Perry Highway, Pittsburgh, PA 15237) for operation of a blasé and surface coating plant in Ambridge Borough, **Beaver County**.

03-00196: National Fuel Gas Supply Corp. (1100 State Street, Erie, PA 16512) a renewal for operation of a natural gas compressor station in Sugar Creek Township, **Armstrong 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.

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

30841317. Consol Pennsylvania Coal Company (1525 Pleasant Grove Road, P. O. Box J, Claysville, PA 15323), to revise the permit for the Enlow Fork Mine in East Finley Township, **Washington County**, ACOE Pittsburgh District (Claysville, PA Quadrangle N: 6.9 inches; W: 4.1 inches to N: 7.5 inches; W: 3.5 inches). Application received June 30, 2004.

This is a Chapter 105 Water Obstruction and Encroachment permit application (Stream Module 15) and 401 Water Quality Certification request, if applicable, submitted as part of the mining permit revision application to authorize the stream restoration of Templeton Fork at East Finley Township Park to eliminate water pooling that may result from mine subsidence.

Written comments or objections on the request for Section 401 Water Quality Certification or to the issuance of the Water Obstruction and Encroachment Permit (Stream Module 15) may be submitted to the Department within 30 days of the date of this notice to the previous district mining office. Comments should contain the name, address and telephone number of the person commenting, identification of the request for 401 Water Quality Certification and Chapter 105 permit application (Stream Module 15) to which the comments or objections

are addressed and a concise statement of comments, objections or suggestions including relevant facts upon which they are based. The Water Obstruction and Encroachment permit application is available for review at the California District Mining Office, by appointment.

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

10010101 and NPDES Permit No. PA0241873. Ancient Sun, Inc. (P. O. Box 129, Shippenville, PA 16254), transfer of an existing bituminous surface strip operation in Muddy Creek Township, **Butler County** affecting 38.2 acres. Receiving streams: unnamed tributaries to Cheeseman Run (CWF). There are no potable surface water supply intakes within 10 miles downstream. Transfer from Ben Hal Mining Company. Application received July 2, 2004.

1307-10010101-E-1. Ancient Sun, Inc. (P. O. Box 129, Shippenville, PA 16254), application for stream encroachment to conduct support activities within 25 feet of and remove coal to within 50 feet of an unnamed tributary to Cheeseman Run in Muddy Creek Township, **Butler County**. There are no potable surface water supply intakes within 10 miles downstream. Application received July 2, 2004.

16763035 and NPDES Permit No. PA0121657. Terry Reddinger (P. O. Box 58, Distant, PA 16223), renewal of

an existing bituminous surface strip and auger operation in Redbank Township, **Clarion County**, affecting 230.6 acres. Receiving streams: unnamed tributary to Town Run to Redbank Creek; and unnamed tributary to Pine Creek (CWF). The first downstream potable water supply intake from the point of discharge is the Hawthorn Water Authority. Application for reclamation only. Application received July 6, 2004.

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

56040104 and NPDES Permit No. PA0249599. AMFIRE Mining Company, LLC (One Energy Place, Suite 7500, Latrobe, PA 15650), commencement, operation and restoration of a bituminous surface mine in Jenner Township, **Somerset County**, affecting 96.4 acres. Receiving streams: unnamed tributaries of Flat Run to Flat Run and unnamed tributaries to Gum Run to Gum Run to Roaring Run to Quemahoning Creek to Stonycreek River (CWF). The first downstream potable water supply intake from the point of discharge is the Quemahoning Reservoir. Application received July 1, 2004.

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

26910108 and NPDES Permit No. PA0592366. Dunkard Disposal (P. O. Box 229, Mt. Braddock, PA 15465), application received for transfer of permit currently issued to Stash Mining Company for continued reclamation only of a bituminous surface mining site in Georges Township, **Fayette County**, affecting 64.0 acres. Receiving streams: unnamed run to North Branch of Browns Run to Browns Run to the Monongahela River (WWF). The first downstream potable water supply intake from the point of discharge is greater than 10 miles from the site. Transfer application received June 29, 2004.

65990106 and NPDES Permit No. PA0202649. Ralph Smith & Son, Inc. (R. R. 1, Box 185A, Derry, PA 15627), permit renewal for reclamation only to an existing bituminous surface mine in Salem Township, **Westmoreland County**, affecting 82.5 acres. Receiving streams: unnamed tributaries to Porters Run (CWF). There is no potable water supply intake within 10 miles from the point of discharge. Renewal application received July 6, 2004.

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

17040902 and NPDES Permit No. PA0243761. Blue Mountain Coal Company (753 Richards Road, Irvona, PA 16656), commencement, operation and restoration of an incidental coal extraction permit in Chest Township, **Clearfield County**, affecting 15.6 acres. Receiving streams: Holes Run and unnamed tributary A to Hockenberry Run, both to North Witmer Run to Clearfield Creek (CWF). There is no potable water supply intake within 10 miles from the point of discharge. Application received June 23, 2004.

17930127 and NPDES Permit No. PA0219703. River Hill Coal Company, Inc. (P. O. Box 141, Kylertown, PA 16847), renewal and transfer of an existing bituminous surface mine permit from Jerry C. Bowman Coal Company. The permit is in Woodward Township, **Clearfield County** and affects 186.2 acres. Receiving streams: unnamed tributary to Moshannon Creek (CWF), Moshannon Creek (TSF), Whiteside Run, unnamed tributaries to Whiteside Run (CWF). Application received June 9, 2004.

17703032 and NPDES Permit No. PA0610291. River Hill Coal Company, Inc. (P. O. Box 141, Kylertown, PA 16847), renewal and transfer of an existing bituminous surface mine permit from W. C. Bowman. The permit is in Woodward Township, **Clearfield County** and affects 116.3 acres. Receiving streams: Moshannon Creek (TSF). Application received June 8, 2004.

17860122 and NPDES Permit No. PA0115410. AMFIRE Mining Company, LLC (One Energy Place, Latrobe, PA 15650), revision to an existing bituminous surface mine permit for a stream variance. The proposed variance entails the construction and maintenance of a haul road stream crossing on an unnamed tributary to Wallace Run, situated at a point 1,450 feet upstream from the unnamed tributary's confluence with Wallace Run. The permit is in Lawrence Township, **Clearfield County** and affects 490.5 acres. Application received June 10, 2004.

Noncoal Applications Received

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

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

* The parameter is applicable at all times.

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

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

64002801. Wayco, Inc. (P. O. Box Y, Waymart, PA 18472), Stages I and II bond release for a quarry operation in South Canaan Township, **Wayne County**, affecting 5.0 acres on property owned by Chauncey and Ann Frazee. Application received July 1, 2004.

58020848. Matt VanDeMark (4 Joan Drive, Tunkhannock, PA 18657), Stages I and II bond release for a quarry operation in Auburn Township, **Susquehanna County**, affecting 1.0 acre on property owned by James Kernan. Application received July 2, 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 should contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

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

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E09-876. Bensalem Township, 2400 Byberry Road, Bensalem, PA 19067, Bensalem Township, **Bucks County**, ACOE Philadelphia District.

To remove the existing Bristol Pike (SR 0013) bridge, a 35-foot long, 14-foot wide by 6-foot high structure and replace with a 72.3-foot long, 24-foot wide by 8-foot high arch bridge across an unnamed tributary of Neshaminy Creek (WWF-MF). The proposed modification and realignment of Bristol Pike (SR 0013) is associated with road improvements for the Deluca Homes, St. Francis Residential Development at the intersection of Street Road (SR 0132) and Bristol Pike (SR 0013). The site is approximately 2,000 feet northeast of intersection of Street Road and Bristol Pike (Beverly, PA-NJ USGS Quadrangle N: 15.84 inches W: 8.4 inches).

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

E22-475: 84 Lumber Co./Pierce Hardy LP, 1019 Route 519, Bldg. 5, Eighty Four, PA 15330 in Highspire Borough, **Dauphin County**, ACOE Baltimore District.

To construct and maintain a one-span bridge attaching to an existing masonry arch crossing extending the crossing an additional 35 linear feet across Laurel Run (WWF), for the purpose of widening the access road leading to the proposed 84 Lumber facility, approximately 1/4 mile downstream of the current Interstate 76 river bridge and about 600 feet southwest of Route 230 (Steelton, PA Quadrangle N: 15.0 inches; W: 6.5 inches) in Highspire Borough, Dauphin County.

E06-592: Earl Township, 19 Schoolhouse Road, Boyertown, PA 19512 in Earl Township, **Berks County**, ACOE Philadelphia District.

To remove an existing corrugated metal pipe and to construct and maintain a single cell box culvert with the purpose of providing more conveyance capacity over Furnace Run (CWF) (Boyertown, PA Quadrangle N: 18.6 inches; W: 14.3 inches) in Earl Township, Berks County.

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

E14-464. Paul Fisher, 168 Beiler Drive, Rebersburg, PA 16872. Fisher Farm bridge in Miles Township, **Centre County**, ACOE Baltimore District (Millheim, PA Quadrangle N: 12.3 inches; W: 6.6 inches).

To remove an existing silted-in multicultvert stream crossing and the associated fill, then to construct and maintain a 24-foot clear span concrete/I-beam bridge with the associated concrete wingwalls to allow Elk Creek to restore a natural cross-section at the farm lane stream crossing that is 1.2 miles east of the SR 192 and SR 880 intersection. This project proposes to permanently impact a 40 linear feet of Elk Creek (HQ-CWF).

E18-376. John R. Cottoni, 129 Crestmont Drive, Lock Haven, PA 17745. Pavilion construction in Woodland Township, **Clinton County**, ACOE Baltimore District (Lock Haven, PA Quadrangle N: 5.63 inches; W: 4.25 inches).

To: (1) construct and maintain a 32-foot by 42-foot open pavilion on a 5-inch concrete/fiber mix pad; (2) place a 12-foot by 16-foot by 16-foot storage shed on skids; and (3) regrade an area 125 linear feet by 35 feet wide of the site in the 100-year floodway of the West Branch Susquehanna River (WWF) on a private lot off Eden Lane immediately west of the intersection of Eden Lane with Water Valley Road. The project will not impact wetlands or waterways while disturbing approximately 0.09 acre of earth.

E41-539. Department of Transportation, Engineering District 3-0, P. O. Box 218, Montoursville, PA 17754-0218. SR 0284 Block House Creek bridge replacement in Pine Township, **Lycoming County**, ACOE Susquehanna River Basin District (Hughesville, PA Quadrangle N: 17.9 inches; W: 14.7 inches).

To remove an existing single span steel truss bridge and construct and maintain a single span prestressed concrete box beam bridge having a clear span of 92 feet, with a minimum underclearance of 9.85 feet on a skew of 84° over Blockhouse Creek, along SR 0284, 4.5 miles east of the intersection of SR 0015 South and SR 0284 in Pine Township, Lycoming County. This project proposes to have a minimal impact on Blockhouse Creek (CWF). This project proposes to impact 0.01 acre of jurisdictional wetlands.

E53-402. Kenneth W. Deboer, 8 Maple Road, Roulette, PA 16746-1536. Deboer private road crossing Trout Brook in Roulette Township, **Potter County**, Pittsburgh ACOE District (Coudersport, PA Quadrangle N: 5.57 inches; W: 16.25 inches).

To modify, operate and maintain a private road crossing Trout Brook (CWF) to provide access for a single dwelling residence. The private road crossing shall be constructed with a single corrugated metal culvert pipe having minimum diameter of 5.3 feet and a depression of 1 foot below the existing streambed elevations. The private road crossing Trout Brook shall also include concrete slab headwalls. Since Trout Brook is a wild trout fishery, no construction or future repair work shall be done in the stream channel between October 1 and December 31 without the prior written approval of the Fish and Boat Commission. All modification and future maintenance work shall be conducted at stream low flow. As proposed, the project will not impact wetlands while impacting 50 feet of waterway. The Deboer private road crossing project is along the northern right-of-way of SR 0006 approximately 3,800 feet north of T-323 and SR 0006 intersection. This permit does not authorize any temporary or permanent wetland impacts and as such, the permittee shall ensure no wetland impacts result from any modifications of the private road crossing.

E55-197. Department of Transportation, Engineering District 3-0, P. O. Box 218, Montoursville, PA 17754-0218. Water Obstruction and Encroachment permit application in Chapman Township, **Snyder County**, ACOE Susquehanna River Basin District (Dalmatia, PA Quadrangle N: 11.4 inches; W: 1.8 inches).

To remove an existing reinforced concrete I-beam bridge and construct and maintain a reinforced concrete box culvert measuring 20 feet wide by 7 feet high in Chapman Creek along SR 2013, Segment 0020 at offset 0000. This project proposes to have a minimal impact on Chapman Creek (WWF). The project does not propose to impact any jurisdictional wetlands.

E59-458. Nelson Township Authority, P. O. Box 100, Lakeview Drive, Nelson, PA 16940. Nelson water treatment facility in Nelson Township, **Tioga County**, ACOE Baltimore District (Elkland, PA Quadrangle N: 19 inches; W: .75 inch).

The permit application proposes to construct a river intake structure that would be submerged under the existing bed of the Cowanesque River, construction of a wet well within the floodway of the Cowanesque River and to construct a 35-foot by 60-foot pump station in the floodway of the Cowanesque River. The project will impact 270 square feet the Cowanesque River (WWF). This project does not propose any wetland impacts.

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

E02-1472. Verona Borough, 736 Railroad Avenue, Verona, PA 15147. Construction of boat dock in Verona Borough, **Allegheny County**, Pittsburgh ACOE District (Braddock, PA Quadrangle N: 22.0 inches; W: 13.6 inches) (Latitude: 40° 29' 46" and Longitude: 79° 50' 52"). The applicant proposes to construct and maintain a boat dock along the left bank of the Allegheny River (WWF) near River Mile 10.5. This permit will replace the applicants existing General Permits GP020204203 and GP030204206 and cancel the submerged lands license agreement for the general permit for the boat dock.

E02-1473. Tech 21 Partners, LP c/o C. B. Richard Ellis, 600 Grant Street, Suite 1400, Pittsburgh, PA

15219-2703. Construction of technology/residential park in Marshall Township, **Allegheny County**, Pittsburgh ACOE District (Mars, PA Quadrangle N: 5.5 inches; W: 14.3 inches) (Latitude: 40° 39' 12" and Longitude: 80° 6' 9"). The applicant proposes to remove the existing structures, to construct and maintain a 12 foot wide by 6 foot high concrete box culvert approximately 120 feet long in a tributary to Brush Creek (WWF), to place and maintain fill in eight wetlands: Wetland B: 1.09 acres, Wetland E: 0.01 acre, Wetland F: 0.01 acre, Wetland G: 0.05 acre, Wetland I: 0.03 acre, Wetland L: 0.002 acre, Wetland M: 0.001 acre and Wetland N: 0.07 acre for a total impact of 1.26 acres (PEM/PSS), to temporarily impact various tributaries to Brush Creek and 0.21 acre of wetlands for utility line crossings, to construct various outfalls to tributaries to Brush Creek, to fill or culvert approximately 975 feet of tributaries to Brush Creek which meets the Department's waiver 105.12(a)(2). To compensate for the stream impacts the applicant proposes to construct and maintain 725 feet of stream enhancements within two tributaries to Brush Creek and to construct and maintain 430 feet of stream relocation/restoration within three tributaries to Brush Creek. To compensate for the wetland impact the applicant proposes to construct and maintain 1.6 acres of replacement wetlands. The proposed impacts are part of a proposed technology park to be known as Tech 21 Research Park in the northwest corner of the Warrendale/Bayne Road and Brush Run Road intersection. The total proposed impacts are 1,095 feet of stream impacts to tributaries to Brush Creek, 1.26 acres of permanent wetland impacts and 0.21 acre of temporary wetland impacts.

E63-560. Alex-Canonsburg LP, 219D Grandview Avenue, Pittsburgh, PA 15211. To construct a new retail development in Canonsburg Borough, **Washington County**, Pittsburgh ACOE District (Canonsburg, PA Quadrangle N: 1.3 inches; W: 11.0 inches) (Latitude: 40° 15' 26" and Longitude: 80° 12' 14"). The applicant proposes to remove existing structures, to construct and maintain a retail development and its associated parking along the left bank flood way of Chartiers Creek (WWF) for approximately 250 feet and along the right bank of a tributary to Chartiers Creek (WWF) for approximately 230 feet to replace and maintain approximately 14 feet of an existing 24-inch diameter culvert with 36-inch diameter culvert in the same tributary and to construct and maintain an outfall to the same tributary. The project is part of a 13,824 square foot retail development.

E65-851 Department of Transportation, Engineering District 12-0, P. O. Box 459, Uniontown, PA 15401. Replace culvert in Upper Burrell Township, **Westmoreland County**, Pittsburgh ACOE District (New Kensington East, PA Quadrangle N: 2.85 inches; W: 9.0 inches) (Latitude: 40° 30' 57" and Longitude: 79° 41' 23"). The applicant proposes to remove the existing structures and to: (1) construct and maintain a precast reinforced concrete box culvert having a single waterway opening 16.0 feet wide and 8.0 feet high (1-foot depressed invert) and 46.1-foot long with concrete wing walls in an unnamed tributary to Pucketa Creek (TSF); (2) construct and maintain a temporary crossing consisting of five 72-inch diameter corrugated metal pipes and upstream of the proposed bridge in an unnamed tributary to Pucketa Creek; and (3) temporarily place and maintain fill in 0.0068 acre of PFO wetland for the purpose of constructing the temporary crossing. The bridge construction project proposes to directly affect 70 linear feet of perennial stream temporarily affect 0.0068 acre of wetland and 75 linear feet of stream.

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

E24-218, Albert Prechtel, 1300 Brussels Street, St. Marys, PA 15857. North Branch Elk Creek crossing culvert amendment in City of St. Marys, **Elk County**, ACOE Pittsburgh District (St. Marys, PA Quadrangle N: 11.9 inches; W: 7.4 inches).

To amend Permit E24-218 which authorizes Albert Prechtel to install and maintain twin 30-foot long, 60-inch diameter concrete culverts in North Branch Elk Creek on a private driveway extending east from Washington Road approximately 1 mile north of SR 1001.

The proposed amendment is to install and maintain two additional twin 30-foot long, 60-inch diameter concrete culverts in North Branch Elk Creek (CWF, perennial) for a commercial driveway extending east from Washington Road approximately 1 mile north of SR 1001. The project proposes to directly affect a total of approximately 70 linear feet of stream channel.

E25-685, Amity Township Supervisors, 15030 Casler Road, Union City, PA 16438. T-490 (Sammons Road Bridge) over UNT Hubbel Run in Amity, **Erie County**, ACOE Pittsburgh District (Union City, PA Quadrangle N: 22.1 inches; W: 7.4 inches).

The applicant proposes to remove the existing structure and to construct and maintain a 40-foot long, 10.67-foot wide by 6.9-foot high structural metal plate pipe arch

culvert in an unnamed tributary to Hubbel Run (WWF, perennial) on T-490 Sammons Road approximately 0.3 mile east of the intersection of SR 8 and SR 89. The project includes construction of wingwalls. The project proposes to directly affect a total of approximately 60 linear feet of stream channel.

ENVIRONMENTAL ASSESSMENTS

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

EA43-06-004, Whittaker Corporation, 1955 N. Surveyor Ave., Simi Valley, CA. Mercer Alloys (Whittaker) Site remediation in Pymatuning Township, **Mercer County**, ACOE Pittsburgh District (Sharpsville, PA Quadrangle N: 19.8 inches; W: 3.7 inches).

Restoration plan provided under 25 Pa. Code § 105.12(a)(16) for the remediation of the Mercer Alloys (Whittaker) Site at the Reynolds Industrial Park. Restoration includes the removal of radioactive slag and slag-like material from the floodway of the Shenango River based on onsite characterization and hand removal of chunks of radioactive slag from wetlands in the floodway of the Shenango River based on onsite characterization. The site is a waste and slag storage area regulated under United States Nuclear Regulatory Commission Source Material License No. SMA-1018 for the possession of source material and the performance of specified surveillance, maintenance and control activities in support of decontamination and decommissioning.

STORAGE TANKS

SITE-SPECIFIC INSTALLATION PERMITS

The following Storage Tank Site-Specific Installation Permit application has been received by the Department of Environmental Protection (Department) and is currently under review. Persons wishing to comment on the proposed permit are invited to submit a statement to the Bureau of Land Recycling and Waste Management, Division of Storage Tanks, P. O. Box 8763, Harrisburg, PA 17105-8763 within 30 days from the date of this publication. Comments received within this 30-day period will be considered in the formulation of the final determinations regarding this application. Responses should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of the comment and the relevant facts upon which it based.

The following applications have been received for Storage Tank Site-Specific Installation Permits under the authority of the Storage Tank Spill Prevention Act (35 P. S. §§ 6021.304, 6021.504, 6021.1101—6021.1102) and 25 Pa. Code Chapter 245, Subchapter C.

SSIP

Application No.	Applicant Name and Address	County	Municipality	Tank Type	Tank Capacity
04008	Scott W. Welsh Penn-Mar Ethanol, LLC 140 Roosevelt Ave. Suite 208 York, PA 17404	Lancaster	Conoy Township	2 ASTs storing ethanol	165,000 gallons each
				1 AST storing unleaded gasoline	75,000 gallons
				2 ASTs storing fuel ethanol	750,000 gallons each
				1 AST storing sulfuric acid	7,000 gallons

ACTIONS

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

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

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

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

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

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

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

I. NPDES Renewal Permit Actions

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

<i>NPDES Permit No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N ?</i>
PA0062961 IW	Laminations, Inc. 1008 S. Irving Avenue Scranton, PA 18505	Lackawanna County Scranton	Stafford Meadow Brook 5A	Y

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

<i>NPDES Permit No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N ?</i>
PA0114545 IW	Troy Schoenly c/o Troy's Suds Depot P. O. Box 156 Sylvania, PA 16945	Troy Township Bradford County	South Branch Sugar Creek 4-C	Y
PA0044245 Sewage	Department of Conservation and Natural Resources Parker Dam State Park 28 Fairview Road Penfield, PA 15849	Huston Township Clearfield County	Laurel Run 8A	Y

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

<i>NPDES Permit No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N ?</i>
PA0031291 Sewage	YMCA of Pittsburgh Deer Valley Camp 254 Deer Valley Drive Fort Hill, PA 15540-2116	Somerset County Elk Lick Township	Cove Run	Y

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

<i>NPDES Permit No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N ?</i>
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 15	Y

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

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

NPDES Permit No. PA0042617, Industrial Waste, **Uniform Tubes, Inc.**, 200 West Seventh Avenue, Collegeville, PA 19426. This proposed facility is in Trappe Borough, **Montgomery County**.

Description of Proposed Action/Activity: Applicant granted approval for the renewal to discharge from the facility into an unnamed tributary to Perkiomen Creek, in Watershed 3E.

NPDES Permit No. PA0012637, Industrial Waste, **ConocoPhillips Company, Trainer Oil Refinery**, 4101 Post Road, Trainer, PA 19061. This proposed facility is in Trainer Borough, **Delaware County**.

Description of Proposed Action/Activity: Applicant is granted approval for the renewal to discharge from the facility into Marcus Hook Creek, Stony Creek and Delaware Estuary Zone 4 in Watershed 3G.

NPDES Permit No. PA0052094, Sewage, **Montgomery Sewer Company, Inc.**, P. O. Box 851, Montgomeryville, PA 18936. This proposed facility is in Montgomery Township, **Montgomery County**.

Description of Proposed Action/Activity: Applicant granted approval for the renewal to discharge from a facility known as Orchard Dev. STP into Little Neshaminy Creek in Watershed 2F.

NPDES Permit No. PA0051004, Sewage, **Lower Salford Township Authority**, P. O. Box 243, Harleysville, PA 19438. This proposed facility is in Lower Salford Township, **Montgomery County**.

Description of Proposed Action/Activity: Applicant grant approval for the renewal to discharge from a facility known as Indian Hill STP into the West Branch of Skippack Creek in Watershed 3E.

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

NPDES Permit No. PA0085502, Sewage, **DeAnn Corporation, Manada Creek Mobile Home Park, RVG Management and Development Company**, 1000 North Front Street, Suite 240, Wormleysburg, PA 17043. This proposed facility is in East Hanover Township, **Dauphin County**.

Description of Proposed Action/Activity: Authorization to discharge to an unnamed tributary of Manada Creek in Watershed 7-D.

NPDES Permit No. PA0247081 Amendment No. 1, Sewage, **Hopewell Township Supervisors, Tatesville Wastewater Treatment Plant**, 2759 Raystown Road, Hopewell, PA 16650. This proposed facility is in Hopewell Township, **Bedford County**.

Description of Proposed Action/Activity: Authorization to discharge to Pipers Run in Watershed 11-D.

NPDES Permit No. PA0246760, Industrial Waste, **Franklin County General Authority, Cumberland Valley Business Park Water Treatment Plant**, 5121A Coffey Avenue, Chambersburg, PA 17201. This proposed facility is in Greene Township, **Franklin County**.

Description of Proposed Action/Activity: Authorization to discharge to a dry swale to an unnamed tributary of the Conococheague Creek in Watershed 13-C.

NPDES Permit No. PA0085928, Industrial Waste, **Eldorado Properties Corporation, Highspire Petroleum Storage Terminal**, 900 Eisenhower Boulevard, P. O. Box 2621, Harrisburg, PA 17105. This proposed facility is in Lower Swatara Township, **Dauphin County**.

Description of Proposed Action/Activity: Authorization to discharge to an unnamed tributary of Laurel Run in Watershed 7-C.

NPDES Permit No. PA0082457, Industrial Waste, **Alexandria Borough Water Company**, P. O. Box 336, Alexandria, PA 16611. This proposed facility is in Porter Township, **Huntingdon County**.

Description of Proposed Action/Activity: Authorization to discharge to Robinson Run in Watershed 11-A.

NPDES Permit No. PA0084468, Amendment, Industrial Waste, **Dura-Bond Pipe, LLC**, 2716 South Front Street, Steelton, PA 17113. This proposed facility is in Steelton Borough, **Dauphin County**.

Description of Proposed Action/Activity: Permit transfer.

NPDES Permit No. PA0088285 Amendment No. 1, CAFO, **Kreider Farms, Kreider Dairy Farm**, 1461 Lancaster Road, Manheim, PA 17545. This proposed facility is in Penn Township, **Lancaster County**.

Description of Size and Scope of Proposed Operation/Activity: Authorization to operate a dairy and poultry operation in Watershed 7-G.

Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701, (570) 327 3666.

PA0034576, Sewerage SIC, 4952, **Towanda Municipal Authority**, 724 Main Street, Towanda, PA 18848. This existing facility is in Towanda Borough, **Bradford County**.

Description of Proposed Activity: This proposed action is for amendment of an NPDES permit to expand an existing discharge of treated sewage wastewater and add stormwater best management practices.

The receiving stream, Susquehanna River, is in the State Water Plan watershed 4C and classified for WWF. The nearest downstream public water supply intake for the Danville Municipal Authority is on the Susquehanna River, 133 miles below the point of discharge.

The proposed effluent limits for the expansion of Outfall 001 based on a design flow of 1.74 mgd.

Parameter	Average Monthly (mg/l)	Average Weekly (mg/l)	Daily Maximum (mg/l)	Instantaneous Maximum (mg/l)
CBOD ₅	25	40		50
TSS	30	45		60
% UV Transmittance	Report Daily Minimum			
Fecal Coliform				
(5-1 to 9-30)	200 col/100 ml as a geometric mean			
(10-1 to 4-30)	2,000 col/100 ml as a geometric mean			
pH	6.0 to 9.0 at all times			

In addition to the effluent limits, the permit contains Part C 8 that requires reporting of sanitary sewer overflows and Part C 9 Stormwater Management.

PA0228796, SIC 4952, **Matthew M. Barr**, 667 Marjorie Mae Street, State College, PA 16803. This proposed action is for a new NPDES permit for discharge of treated sewage to Halfmoon Creek in Halfmoon Township, **Centre County**.

The receiving stream is in the Little Juniata Watershed (11-A) and classified for HQ, CWF and aquatic life, water supply and recreation.

For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the downstream potable water supply considered during the evaluation is the Pennsylvania American Water Company below the discharge on the West Branch Susquehanna River.

Outfall 001: The proposed effluent limits, based on a design flow of 0.0006 mgd, are:

Parameter	Average Monthly (mg/l)	Instantaneous Maximum (mg/l)
CBOD ₅	10	20
Suspended Solids	10	20
Free Chlorine Residual	Monitor	
Fecal Coliform		
(5-1 to 9-30)	200/100 ml as a geometric average	
(10-1 to 4-30)	200/100 ml as a geometric average	
pH	6.0—9.0 SU at all times	

The EPA waiver is in effect.

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

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

WQM Permit No. 0503404 Amendment 04-1, Sewerage, **Hopewell Township Supervisors**, 2759 Raystown Road, Hopewell, PA 16650. This proposed facility is in Hopewell Township, **Bedford County**.

Description of Proposed Action/Activity: Approval for the construction/operation of sewage treatment facilities, sewers and appurtenances and pump stations.

WQM Permit No. 2104406, Sewerage, **Hampden Township Sewer Authority**, 230 South Sporting Hill Road, Mechanicsburg, PA 17055. This proposed facility is in Hampden Township, **Cumberland County**.

Description of Proposed Action/Activity: Approval for the construction/operation of sewerage facilities consisting of an upgrade of pump station no. 8 by installing three new pumps and a new channel grinder.

WQM Permit No. 2104402, Sewerage, **Silver Spring Township Authority**, 6415 Rear Carlisle Pike, Mechanicsburg, PA 17050. This proposed facility is in Silver Spring Township, **Cumberland County**.

Description of Proposed Action/Activity: Approval of construction/operation of a pump station and force main serving the new Golden Triangle Industrial Park and the existing Leiby Mobile Home Park.

WQM Permit No. 3804201, Industrial Waste, **CHP Acquisition, LLC**, 220 North Center Street, Fredericksburg, PA 17026. This proposed facility is in Bethel Township, **Lebanon County**.

Description of Proposed Action/Activity: Approval of the construction of operation facilities consisting of equalization tank, two forward flow pumps, coarse bubble diffusers and three blowers.

WQM Permit No. 2804201, Industrial Waste, **Franklin County General Authority**, 5121-A Coffey Avenue, Chambersburg, PA 17201. This proposed facility is in Greene Township, **Franklin County**.

Description of Proposed Action/Activity: Approval of the construction/operation of industrial wastewater facilities consisting of a circular gravity setting tank/clarifier will be added to process the backwash from the rapid sand filters and the solids from the primary settling and flocculation tanks.

WQM Permit No. 3104201, Industrial Waste, **Alexandria Borough Water Authority**, P. O. Box 336, Alexandria, PA 16611. This proposed facility is in Porter Township, **Huntingdon County**.

Description of Proposed Action/Activity: Approval for the construction and operation of industrial wastewater facilities.

WQM Permit No. 3602401, Industrial Waste, **Frey Brothers, Inc.**, 372 Puseyville Road, Quarryville, PA 17566. This proposed facility is in East Drumore and Little Britain Township, **Lancaster County**.

Description of Proposed Action/Activity: Construction/operation of a 324,255 cf (2.4 mg) impoundment with a double liner and leak detection system to collect stormwater runoff from hardwood mulch piles.

WQM Permit No. 0104201, CAFO, **Mason Dixon Farms, Inc.**, 1750 Mason Dixon, Gettysburg, PA 17325. This proposed facility is in Freed and Cumberland Townships, **Adams County**.

Description of Proposed Action/Activity: Construction/operation of manure storage facilities for a 4,207 AEU CAFO at the location identified in Part B. The facilities approved for construction and operation under this permit are as follows: construction of circular concrete manure storage tank to be used to transfer manure from a free stall barn to the manure digester.

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

WQM Permit No. 1204401, Sewerage 4952, **Mid-Cameron Authority**, 421 North Broad Street, Emporium, PA 15834. This existing facility is in Shippen Township, **Cameron County**.

Description of Proposed Action/Activity: Mid-Cameron Authority is approved for treatment upgrades and an increase in design flow of their wastewater treatment plant in Shippen Township, Cameron County. The treatment upgrades will provide for the existing needs as identified in the Act 537 Plan and will also reduce the number of combined sewer overflow events.

WQM Permit No. 1703404, Sewerage 4952, **Westover Borough**, P. O. Box 199, Westover, PA 16692-0199. This proposed facility is in Westover Borough, **Clearfield County**.

Description of Proposed Action/Activity: Applicant granted Part II permit for the construction of 0.051 mgd wastewater treatment plant, approximately 21,000 feet of gravity sewer, 550 feet of force main, two grinder pumps and one wastewater pumping station.

WQM Permit No. 1404402, Sewerage 4952, **Matthew M. Barr**, 667 Marjorie May Street, State College, PA 16803. This proposed facility is in Halfmoon Township, **Centre County**.

Description of Proposed Action/Activity: Construction of small flow sewage treatment system.

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

WQM Permit No. 0490403-A3, Sewage, **Center Township Sewer Authority**, 224 Center Grange Road, Aliquippa, PA 15001. This proposed facility is in Center Township, **Beaver County**.

Description of Proposed Action/Activity: Installation of approximately 4,700 feet of 15-inch interceptor sewer and appurtenances.

WQM Permit No. 1104403, Sewerage, **Cambria Township Sewer Authority**. This proposed facility is in Cambria Township, **Cambria County**.

Description of Proposed Action/Activity: Construction and modification of the Colver Wastewater Treatment Plant and sewer improvements.

WQM Permit No. 1185402-A4, Sewerage, **Municipal Authority of the Borough of Ebensburg**, 300 West High Street, Ebensburg, PA 15931. This proposed facility is in Cambria Township, **Cambria County**.

Description of Proposed Action/Activity: Construction and modification of the Ebensburg Borough wastewater treatment plant and sewer improvements.

WQM Permit No. 6598406-A1, Sewage, **John Edward Schmidt**, R. R. 2, Box 164A, Route 66, Pfeffer Road, Export, PA 15632-9412. This proposed facility is in Washington Township, **Westmoreland County**.

Description of Proposed Action/Activity: Construction of a 3,000-gallon equalization tank at the head of the existing sewage treatment plant.

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

WQM Permit No. 3704405, Sewerage, **North Beaver Township Municipal Authority**, 861 Mt. Jackson Road, New Castle, PA 16102. This proposed facility is in North Beaver Township, **Lawrence County**.

Description of Proposed Action/Activity: This project is for the construction of a sewer extension to serve the William Gwin five-lot subdivision.

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI011504003	Custom Woodworking Levis Stoltzfus Furniture Retail Store 3400 Horseshoe Pike Honey Brook, PA 19344-8647	Chester	Honeybrook Township	West Branch Brandywine Creek HQ-TSF-MF
PAI011504016	Calvary Baptist Church of Pottstown Development 2096 Schuylkill Road Pottstown, PA 19465	Chester	East Coventry Township	Unnamed tributary Schuylkill River HQ-TSF

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI025204004	Nemanie Village, Inc. P. O. Box 77 Hawley, PA 18428	Pike	Palmyra Township	Wallenpaupack Creek HQ-CWF
PAI025403001	Ringtown Valley Sunrise Enterprises 401 West Preston Ave. Girardville, PA 17935	Schuylkill	Ringtown Borough Union Township	Little Catawissa Creek HQ-CWF Dark Run HQ-CWF
PAI026603001	Department of Transportation Engineering District 4-0 P. O. Box 111 Scranton, PA 18501	Wyoming	Monroe Township	Bowman Creek HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS101718-1	Dennis Raybuck President International Custom Products Inc. Oklahoma-Salem Road DuBois, PA 15801	Clearfield	Sandy Township	Reisinger Run CWF

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

Beaver County Conservation District: 1000 Third Street, Suite 202, Beaver, PA 15009-2026, (724) 774-7090.

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI050404002 (previously published as application PAI050403001)	NVR Building Products Darlington Plant 189 Little Beaver Rd. Enon Valley, PA 16120	Beaver	Darlington Township	North Fork of Little Beaver Creek HQ-CWF

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

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

List of NPDES and/or Other General Permit Types

PAG-1	General Permit for Discharges from Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated with Construction Activities (PAR)
PAG-3	General Permit for Discharges of Stormwater from Industrial Activities
PAG-4	General Permit for Discharges from Single Residence Sewage Treatment Plants
PAG-5	General Permit for Discharges from Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges from Combined Sewer Systems
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application

PAG-8	General Permit for Beneficial Use of Nonexceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines
PAG-11	(To Be Announced)
PAG-12	CAFOs
PAG-13	Stormwater Discharges from MS4

General Permit Type—PAG-2

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Doylestown Township Bucks County	PAR10D445-R	Doylestown Commerce Center, LP c/o Penn's Grant Corporation 2005 South Easton Road Doylestown, PA 18901	Unnamed tributary Neshaminy Creek TSF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
New Britain Township Bucks County	PAG20009031442	Central Bucks School District Simon Butler Elementary School 320 West Swamp Road Doylestown, PA 18901	Unnamed tributary West Branch Neshaminy Creek WWF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Upper Makefield Township Bucks County	PAG2000904045	S. Marc Flannery Lot 12—Eagle Farms 40 Woodhill Road Newtown, PA 18940	Jericho Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Warrington Township Bucks County	PAG2000903149	Katz Builders and Developers Lamplighter Village II 1800 Street Road Warrington, PA 18976	Little Neshaminy Creek WWF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
East Rockhill Township Bucks County	PAG2000904008	Walter and Helen Buck Buck Subdivision 8043 Richlandtown Road Quakertown, PA 18951	Tohickon Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
East Rockhill Township Bucks County	PAG2000904027	DRP Partners, LLC Cliff's Auto Body 1074 Natallie Lane Coopersburg, PA 18036	Tohickon Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Bristol Borough Bucks County	PAG2000904065	Ralph Diguissepe Walnut Hill Development 518 Lafayette Street Bristol, PA 19007	Delaware River WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Nockamixon Township Bucks County	PAG2000903085	Edward and Deborah Litzenberger Litzenberger Minor Subdivision P. O. Box 357 8919 Easton Road Ottsville, PA 18942	Gallows Run— Delaware River WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900

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>
Richland and Springfield Townships Bucks County	PAG2000904042	Columbia Gas Transmission Corp. Gas Replacement 1278 Line 1700 MacCorkle Avenue SE Charleston, WV 25314	Unnamed tributary Tohickon Creek/Delaware River TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Upper Makefield Township Bucks County	PAG2000904022	Heritage Conservancy Rapuano Tract 85 Old Dublin Pike Doylestown, PA 18901	Delaware River WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Wrightstown Township Bucks County	PAG2000904104	Donald Schaffer Tract 77 Richboro Road Newtown, PA 18940	Unnamed tributary Neshaminy Creek WWF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Warrington Township Bucks County	PAG2000903153	Pickertown Hickory Associates Windsong 1243 Easton Road Warrington, PA 18976	Unnamed tributary Neshaminy Creek WWF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
London Grove Township Chester County	PAG2001504022	Ronald and Elizabeth Ford Ford Autobody 703 West State Road West Grove, PA 19390-9401	Middle Branch White Clay Creek TSF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Pennsbury Township Chester County	PAG2001504011	Conner Cumins McFadden Road Subdivision 5208 West Chester Pike Newtown Square, PA 19073	Ring Run WWF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Upper Darby Township Delaware County	PAG2002303054	Vincent Pennoni One Drexel Plaza 3001 Market Street Philadelphia, PA 190104	Darby Creek WF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Bethel Township Delaware County	PAG2002303064	Arters, Grease and Brown, Inc. 29 Wellfleet Drive Media, PA 19063	West Branch Naamans Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Upper Chichester Township Delaware County	PAG2002303076	Michael Golde 401 Cherry Tree Road Aston, PA 19061	Tributary to Naamans Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Lower Providence Township Montgomery County	PAG2004603238	Edwin Saslow Subdivision 1030 Broadmoor Road Bryn Mawr, PA 19010	Eagleville Run TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Upper Providence Township Montgomery County	PAG2004604080	Heritage Building Group Nace Tract 3326 Old York Road Suite A-100 Furlong, PA 18929	Crossmans Run WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900

<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>
Montgomery Township Montgomery County	PAG2004603249	The Cutler Group, Inc. Heather Lea Phase II 5 Sentry Parkway West Suite 100 Blue Bell, PA 19422	Little Neshaminy Creek WWF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Lower Gwynedd Township Montgomery County	PAG2004604003	McNeillab, Inc. Ortho McNeil Springhouse Welsh and McKean Road Spring House, PA 19477	Oak Terrace WWF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Towamencin Township Montgomery County	PAG2004604083	Union National Bank t/a Univest 14 North Main Street P. O. Box 197 Souderton, PA 18964	Skippack Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Lansdale Borough Montgomery County	PAG2004604011	Elm Terrace Gardens 660 North Broad Street Lansdale, PA 19446	El Terrace Gardens TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Franconia Township Montgomery County	PAG2004603187	Macoby Run, LP Club View at Indian Valley 404 Sumneystown Pike Suite 200 North Wales, PA 19454	Unnamed tributary Indian Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Perkiomen Township Montgomery County	PAG2004604049	Mask Trust, Inc. 11 West Skippack Pike Broad-Axe, PA 19002	Landis Run TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Upper Hanover Township Montgomery County	PAG2004604081	Ike Heckler Brooke Run—Phases 6 and 7 2278 East Bucks Road Pennsburg, PA 18073	Unnamed tributary Macoby Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Upper Hanover Township Montgomery county	PAG2004603182	Heritage Building Group, Inc. Kistler Tract 3326 Old York Road Suite A-100 Furlong, PA 18925	Macoby Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Cheltenham Township Montgomery County	PAG2004604043	East Cedarbrook Plaza, LLC 370 Seventh Avenue Suite 1700 New York, PA 10001	Unnamed tributary Frankford Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Upper Mt. Bethel Township Northampton County	PAG2004804009	Paul Tomasello 101 Sandy Shore Dr. Mt. Bethel, PA 18343	Delaware River (UNT) WWF, MF	Northampton County Conservation District (610) 746-1971
Upper Nazareth Township Northampton County	PAG2004804011	Dr. Victor Lesky Nazareth Area School District One Education Plaza Nazareth, PA 18064	Shoeneck Creek WWF	Northampton County Conservation District (610) 746-1971
Allen Township Northampton County	PAG2004804013	Mike Horwith Horwith Leasing Co. 1449 Nor-Bath Blvd. Northampton, PA 18067	Dry Run and Hokendauqua Creek CWF	Northampton County Conservation District (610) 746-1971

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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>
Centre County Ferguson Township	PAR10F139	Foxpoint Subdivision Carl Bankert S & A Custom Built Homes 501 Rolling Ridge Drive, Suite 200 State College, PA 16801	UNT Big Hollow CWF	Centre County Conservation District 414 Holmes Ave. Suite 4 Bellefonte, PA 16823 (814) 355-6817
Centre County Spring Township	PAG2001404008	Spring Benner Walker Joint Authority 170 Irish Hollow Road Bellefonte, PA 16823	UNT Spring Creek CWF	Centre County Conservation District 414 Holmes Ave. Suite 4 Bellefonte, PA 16823 (814) 355-6817
Snyder County Monroe Township	PAG2005504005	Northumberland National Bank Loni Lane Selinsgrove, PA 17870	UNT Susquehanna River WWF	Snyder County Conservation District 403 West Market St. Middleburg, PA 17842 (570) 837-0007, Ext. 112
Union County Buffalo Township	PAG2006004008	Wenger Market Mark Wenger 962 Orchard Rd. Milmont, PA 17845	Buffalo Creek CWF	Union County Conservation District 88 Bull Run Crossing Suite 5 Lewisburg, PA 17837 (570) 523-8782
Union County Kelly Township	PAG2006004009	James Horning 208 Warren Road Lewisburg, PA 17837	UNT Buffalo Creek CWF	Centre County Conservation District 414 Holmes Ave. Suite 4 Bellefonte, PA 16823 (814) 355-6817
Armstrong County South Bend Township	PAG2000304004	T. W. Phillips Gas & Oil Co. 205 North Main Street Butler, PA 16001	Tributary to Big Run (tributary to Blacklegs Creek) CWF	Armstrong County Conservation District (724) 548-3425
Beaver County Hopewell Township	PAR100260-R	Bet-Tech International, Inc. c/o Richard W. Dorothy 1150 Brodhead Road Monaca, PA 15061	Ohio River WWF	Beaver County Conservation District (724) 774-7090
Beaver County Brighton Township	PAG2000404009	Anthony Cocca Cocca Development, Ltd. 100 Debartolo Place Suite 400 Boardman, OH 44512	Six Mile Run WWF	Beaver County Conservation District (724) 774-7090
Cambria County Richland Township	PAG2001104010	University of Pittsburgh 3400 Forbes Avenue Pittsburgh, PA 15260	Unnamed tributary to Little Paint Creek CWF	Cambria County Conservation District (814) 472-2120
Fayette County Dunbar Township	PAG2002604019	Fayette County Airport Authority 874 Airport Road Lemont Furnace, PA 15456	Unnamed tributary to Gist Run TSF	Fayette County Conservation District (724) 438-4497
Indiana County Green Township	PAG2003204002	Ronald Homer Cherry Tree Borough Municipal Authority Box 156 Cherry Tree, PA 15724	West Branch Susquehanna River Peg Run Cush Cushion Creek Unnamed tributaries WWF, CWF, HQ-CWF	Indiana County Conservation District (724) 463-8547

<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 Hempfield Township	PAG2006503060	Hempfield School District R. R. 6, Box 76 Greensburg, PA 15601	Little Sewickley Creek TSF	Westmoreland County Conservation District (724) 837-5271
Elk County Horton Township	PAG2002404004	Toby Creek Watershed Association, Inc. P. O. Box 247 Brockway, PA 15824	Brandy Camp Creek CWF	Elk County Conservation District (814) 776-5373
Forest County Hickory and Tionesta Townships	PAG2062703001	Forest Area School District 210 Vine Street Tionesta, PA 16353	Allegheny River WWF	NWRO (814) 332-6942
Lawrence County Mahoning Township	PAG2003703007	Thomas Dickson Subdivision 1229 Mohawk School Road Edinburg, PA 16116	UNT to Mahoning River WWF	Lawrence County Conservation District (724) 652-4512

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>
City of Philadelphia Philadelphia County	PAR800126	Onyx Waste Services 310 Washington St. Norristown, PA 19404	Stony Creek/Schuylkill River 3F Watershed	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5970
Hazle Township Luzerne County	PAR232241	Continental PET Technologies Inc. 12 Maplewood Drive Hazleton, PA 18202	Unnamed tributary to Catawissa Creek	NERO Water Management Program 2 Public Square Wilkes-Barre, PA 18711-0790 (570) 826-2511
Kingston Borough Luzerne County	PAR802240	United States Postal Service Kingston Post Office 435 Wyoming Avenue Kingston, PA 18704-3698	Susquehanna River WWF	NERO Water Management Program 2 Public Square Wilkes-Barre, PA 18711-0790 (570) 826-2511
Palmer Township Northampton County	PAR802237	United States Postal Service Easton Post Office—Palmer Branch 650 S. Greenwood Ave. Easton, PA 18045-9998	Lehigh River WWF	NERO Water Management Program 2 Public Square Wilkes-Barre, PA 18711-0790 (570) 826-2511
Scranton City Lackawanna County	PAR802221	United States Postal Service Vehicle Maintenance Facility 2800 Stafford Avenue Scranton, PA 18505-9603	Stafford Meadow Brook WWF	NERO Water Management Program 2 Public Square Wilkes-Barre, PA 18711-0790 (570) 826-2511
Allentown City Lehigh County	PAR802238	United States Postal Service Allentown Post Office—Airport Branch 1000 Postal Road Allentown, PA 18109-8900	Lehigh River WWF	NERO Water Management Program 2 Public Square Wilkes-Barre, PA 18711-0790 (570) 826-2511

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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>
Bethlehem City Northampton County	PAR802239	United States Postal Service Bethlehem Post Office 535 Wood Street Bethlehem, PA 18016-9998	Lehigh River WWF	NERO Water Management Program 2 Public Square Wilkes-Barre, PA 18711-0790 (570) 826-2511
Berks County Reading City	PAR153504	Rohm & Haas Powder Coatings P. O. Box 15209 Reading, PA 19612-5209	Tulpehocken Creek WWF	SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Wilmington Township Bradford County	PAR604813	Vernon Ambrosius Ambrosius Auto Parts R. D. 1, Box 145 New Albany, PA 18833	UNT North Fork Mehoopany Creek CWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666
Monroe Township Snyder County	PAR704805	Sunbury Generation LLC Old Trail General Delivery Shamokin Dam, PA 17876	Rolling Green Run WWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666

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>
Lancaster County Caernarvon Township	PAG043611	Jacob L. Smucker 6397 Division Highway Narvon, PA 17555	7J	SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
York County Heidelberg Township	PAG043719	Donald E. Weaver, Jr. 221 Pleasant Street Hanover, PA 17331	UNT Oil Creek WWF	SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Concord Township Erie County	PAG048965	Stanley J. Butcher Gingerbread House 21089 Lindsey Hollow Road Corry, PA 16407-7507	Unnamed tributary to Winton Run Watershed 16-B	NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

General Permit Type—PAG-7

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
East Hanover Township Dauphin County	PAG07003 PAG07005	Synagro Mid-Atlantic, Inc. 1605 Dooley Rd. P. O. Box B Whiteford, MD 21160	Haldeman Farm	SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707

General Permit Type—PAG-8

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
East Hanover Township Dauphin County	PAG080002 PAG080003 PAG080006 PAG080008 PAG082201 PAG082203 PAG083501 PAG083502 PAG083506 PAG083515 PAG083517 PAG083518 PAG083522 PAG083535 PAG083540 PAG083542 PAG083547 PAG083551 PAG083825	Synagro Mid-Atlantic, Inc. 1605 Dooley Rd. P. O. Box B Whiteford, MD 21160	Haldeman Farm	SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707
Route 144, 0.25 mile north of Bellefonte Spring Township Centre County	PAG084814 Renewal	Borough of Bellefonte 236 West Lamb Street Bellefonte, PA 16823	Bellefonte WWTP	NCRO (570) 327-3655

General Permit Type—PAG-8 (SSN)

<i>Facility Location and Municipality</i>	<i>Applicant Name and Address</i>	<i>Contact Office and Telephone No.</i>
Kuckuck Farm Biosolids Site Conemaugh Township Indiana County	City of Johnstown WWTP 241 Asphalt Road Johnstown, PA 15906	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

General Permit Type—PAG-9 (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>
Intersection of Elkhorn Road and Farmington Hill Road Farmington Township Tioga County	PAG094808	B & L Portable Toilet Rental, Inc. R. R. 1, Box 112 Tioga, PA 16946	Larry Gee Farm 1	NCRO (570) 327-3655

General Permit Type—PAG-13

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAG130161	Tullytown Borough 500 Main St. Tullytown, PA 19007	Bucks	Tullytown	Delaware River—South
PAG130163	South Coatesville Borough 136 Modena Rd. Coatesville, PA 19320	Chester	South Coatesville	3H Watershed

PUBLIC WATER SUPPLY (PWS) PERMITS

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

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the

Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available

in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

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

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

SAFE DRINKING WATER

Actions taken under the Pennsylvania Safe Drinking Water Act.

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

Permit No. 1504503, Minor Amendment. Public Water Supply.

Applicant	Pennsylvania American Water Company 800 W. Hersheypark Drive Hershey, PA 17033
Township	Valley
County	Chester
Type of Facility	PWS
Consulting Engineer	Scott M. Thomas Pennsylvania American Water Company 800 W. Hersheypark Drive Hershey, PA 17033
Permit to Construct Issued	July 8, 2004

Permit No. 1504502, Minor Amendment. Public Water Supply.

Applicant	MISA Corporation 1007 Appleville Road West Chester, PA 19380
Township	East Brandywine
County	Chester
Type of Facility	PWS
Consulting Engineer	Evans Mill Environmental, Inc. 101 Fellowship Road Uwchland, PA 19408
Permit to Operate Issued	July 12, 2004

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

Operations Permit issued to **Aqua Pennsylvania, Inc.**, 762 West Lancaster Avenue, Bryn Mawr, PA 19010, PWS ID 2400067, Exeter Township, **Luzerne County** on June 14, 2004, for the operation of facilities approved under Construction Permit N/A.

Operations Permit issued to **Aqua Pennsylvania, Inc.**, 762 West Lancaster Avenue, Bryn Mawr, PA 19010, PWS ID 2400053, Exeter Township, **Luzerne County** on June 14, 2004, for the operation of facilities approved under Construction Permit N/A.

Operations Permit issued to **Aqua Pennsylvania, Inc.**, 762 West Lancaster Avenue, Bryn Mawr, PA 19010, PWS ID 2400085, Exeter Township, **Luzerne County** on June 16, 2004, for the operation of facilities approved under Construction Permit No. 167W002 by the Department of Health.

Operations Permit issued to **Bowmanstown Borough Authority**, P. O. Box 127, Bowmanstown, PA 18030, PWS ID 3130021, Bowmanstown Borough, **Carbon County** on June 23, 2004, for the operation of facilities approved under Construction Permit No. 1301501.

Operations Permit issued to **Municipal Authority of the Borough of Minersville**, 2 East Sunbury Street, Minersville, PA 17954, PWS ID 3540035, Cass Township, **Schuylkill County** on June 24, 2004, for the operation of facilities approved under Construction Permit N/A.

Operations Permit issued to **Nathan's Hamlet c/o J. Jeffrey Maitland**, Box 303, HCR 1, Sciota, PA 18354, PWS ID 3130052, Franklin Township, **Carbon County** on June 24, 2004, for the operation of facilities approved under Construction Permit No. 1398501

Operations Permit issued to **Auburn Municipal Authority**, P. O. Box 296, Auburn, PA 17922, PWS ID 3540015, Borough of Auburn, **Schuylkill County** on June 29, 2004, for the operation of facilities approved under Construction Permit Minor Amendment of July 14, 2003.

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

Permit No. Minor Amendment, Public Water Supply.

Applicant	Hidden Valley Mobile Home Park
Township or Borough	Woodward Township
County	Lycoming
Responsible Official	Vernon S. Pettengill Hidden Valley Mobile Home Park Box 133 Linden, PA 17744
Type of Facility	Public Water Supply—Construction.
Consulting Engineer	Richard W. Marcinkevage, P. E. 431 South Jones Street Lock Haven, PA 17745
Application Issued Date	July 2, 2004
Description of Action	Authorizing construction of well no. 1.

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

Permit No. 3204503, Public Water Supply.

Applicant	Crystal Waters, Inc. 4639 Route 199 North Home, PA 15747
Borough or Township	Rayne Township
County	Indiana

Type of Facility Personal Care Home
 Consulting Engineer Musser Engineering, Inc.
 7785 Lincoln Highway
 Central City, PA 15926
 Permit to Construct July 8, 2004
 Issued

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

Permit No. 3303501, Public Water Supply
 Applicant **Reynoldsville Water Authority**
 Borough or Township Reynoldsville Borough
 County **Jefferson**
 Type of Facility PWS
 Consulting Engineer Mark A. Zemaitis, P. E.
 Partridge Venture Engineering
 PC
 Permit to Construct July 6, 2004
 Issued

Permit No. 4389503-MA1, Minor Amendment.
 Applicant **Leesburg Comm Water Assn.**
 Borough or Township Springfield Township
 County **Mercer**
 Type of Facility PWS
 Consulting Engineer Kevin L. Szakelyhidi, P. E.
 Bankson Engineers, Inc.
 Permit to Construct July 7, 2004
 Issued

SEWAGE FACILITIES ACT PLAN APPROVAL

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

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Herrick Township	R. R. 1, Box 41 Thompson, PA 18465	Susquehanna

Plan Description: The approved plan provides for the upgrade of the existing wastewater pumping station and an increase in the capacity of the existing wastewater treatment plant from 28,000 gpd to 60,000 gpd. Installation of the following units are planned: an aerated equalization tank, two sequencing batch reactor units, blowers and an ultraviolet light disinfection unit. The treated effluent will be discharged into the East Branch of the Tunkhannock Creek, a tributary of the Tunkhannock Creek and the Susquehanna River. The approved plan also includes making any needed improvements to the sewage collection and conveyance system. The Department's review of the plan 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.

HAZARDOUS SITES CLEANUP UNDER THE ACT OF OCTOBER 18, 1988

Prompt Interim Response

Keystone Ordnance Works Site, Greenwood Township, Crawford County

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act (HSCA) (35 P. S. §§ 6020.101—6020.1305), has conducted an investigation and has determined that further response action is appropriate for the Keystone Ordnance Works Site (Site). The Site is in the former Keystone Ordnance Works military munitions manufacturing facility near the Town of Geneva, Greenwood Township, Crawford County. Since the closure of the facility in 1946, much of the facility has been redeveloped for industrial usage by various entities. The Site includes a wastewater treatment plant where media from the trickling filter accumulated mercury from a trickling filter distribution arm seal. A significant release of elemental mercury has occurred within the trickling filter. In addition to the observable release, it is likely that mercury has been lost from the trickling filter distribution arm during the operation of the facility through attrition. It is equally likely that mercury was released into downstream components of the wastewater treatment plant and beyond the treatment plant outfall into the tributary to the Conneaut Marsh, an assumption supported by mercury observed in a sediment sample collected from an unnamed tributary.

For this prompt interim response, the Department considered two alternatives for the Site: (1) no action with ongoing monitoring; and (2) collection/excavation of mercury contaminated trickling filter materials and wastewater sludge, offsite disposal or recycling of those materials and restoration of the treatment plant trickling filter unit.

Each alternative was evaluated with respect to four comparison criteria of: (1) effectiveness; (2) implementability; (3) ability to meet State and Federal requirements; and (4) cost. Furthermore, this comparative analysis evaluated the relative performance of each alternative in relation to each specific comparison criterion. The comparative analysis identified advantages and disadvantages of each alternative, so that tradeoffs between the alternatives could be determined.

Based on the comparative analysis the Department chose to implement Alternative 2 (collection/excavation of mercury contaminated trickling filter materials and wastewater sludge before offsite disposal or recycling and restoration of the treatment plant trickling filter unit) as the prompt interim response for the Site. This alternative was proposed because it would, in the more cost-effective manner, protect the public and environmental receptors from direct contact with Site-related mercury and eliminate the ongoing release and threat of release of mercury into the environment.

This notice is being provided under section 506(b) of the HSCA (35 P. S. § 6020.506(b)). The administrative record, which contains the information that forms the basis and documents the selection of this response, is available for public review and comment. The administrative record is at the Department's Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335 and is available for review Monday through Friday from 8 a.m. to 4 p.m. To make an appointment, call (814) 332-6648.

The administrative record will be open for comment from July 24, 2004, until October 22, 2004. Persons may submit written comments into the record, during this time only, by sending them to Gary Mechtly, Project Manager, Northwest Regional Office or by delivering them to the office in person.

In addition, persons may present oral comments, for inclusion in the administrative record at a public hearing. Persons wishing to present comments must register with Gary Mechtly before September 22, 2004. Persons interested in finding out if anyone has registered should contact Gary Mechtly. If no one registers to present oral comments before September 22, 2004, the public meeting will not be held.

Persons with a disability who wish to attend the hearing and require auxiliary aid, service or other accommodations to participate in the proceedings, should call Gary Mechtly at (814) 332-6648 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 2

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

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

For further information concerning plans or reports, contact the Environmental Cleanup Program manager in the Department regional office after which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the Community Relations Coordinator at

the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

Southeast Region: Environmental Cleanup Program Manager, 2 East Main Street, Norristown, PA 19401.

Montgomery Commons Shopping Center, Montgomery Township, **Montgomery County**. Jeffrey Goudswaard, Penn E & R, Inc., 2755 Bergey Road, Hatfield, PA 19440 on behalf of Donald Cafiero, Montgomery Commons Associates, LP c/o Pennmark, 1000 E. Germantown Pike, Suite A-2, Plymouth Meeting, PA 19462 has submitted a Remedial Investigation/Final Report concerning remediation of site soil contaminated with dry cleaning fluid. The report is intended to document remediation of the site to meet the Site Specific Standard.

Tioga Pipe Supply Co., City of Philadelphia, **Philadelphia County**. Darryl Borrelli, Manko, Gold, Katcher & Fox, LLP, 401 City Avenue, Suite 500, Bala Cynwyd, PA 19004 on behalf of David Keiser, Geaux Investment, Inc./Keiser General Partnership, 2450 Wheatshaf Ln., Philadelphia, PA 19137 has submitted a Remedial Investigation/Risk Assessment/Cleanup Plan Report concerning remediation of site soil and groundwater contaminated with no. 2 fuel oil. The report is intended to document remediation of the site to meet the Site Specific Standard.

Northeast Regional Field Office, Joseph A. Brogna, Environmental Cleanup Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.

Estate of Pauline Kime (12 Oteyakwa Lake Drive), Franklin Township, **Susquehanna County**. Kevin Van Kuren, P. G., Hydrocon Services, Inc., 16 East Minor Street, Emmaus, PA 18049 has submitted a Final Report (on behalf of Attorney Myron DeWitt, 249 Main Street, Susquehanna, PA 18847) concerning the remediation of soils and/or groundwater found or suspected to have been contaminated with no. 2 fuel oil constituents as the result of an underground storage tank release. The report was submitted to demonstrate attainment of the residential Statewide Health Standard. A Notice of Intent to Remediate was also submitted.

Godshalk Residence (2460 North Delaware Drive), Upper Mount Bethel Township, **Northampton County**. Kevin Keat, Senior Environmental Scientist, MEA, Inc., 1365 Ackermanville Road, Bangor, PA 18013 has submitted a Final Report (on behalf of Valerie Godshalk, P. O. Box 102, Swiftwater, PA 18370) concerning the remediation of soils and/or groundwater found or suspected to have been contaminated with no. 2 fuel oil constituents as the result of an accidental aboveground storage tank release. The report was submitted to demonstrate attainment of the Residential Statewide Health Standard. A Notice of Intent to Remediate was also submitted.

Former Antigas Service Station, City of Bethlehem, **Lehigh County**. Matthew Malhame, MEA, Inc., 1365 Ackermanville Road, Bangor, PA 18013 has submitted a Final Report (on behalf of Wawa, Inc., 207 West Baltimore Pike, Wawa, PA 19063) concerning the remediation of soils found or suspected to have been contaminated with heating oil, waste oil, hydraulic oil and possibly gasoline constituents. The report was submitted to demonstrate attainment of the Statewide Health Standard. A Notice of Intent to Remediate was also submitted.

Geyer Residence (Page Lake), New Milford Township, **Susquehanna County**. Marjory Rinaldo-Lee, P. G., GeoLogic NY, Inc., P. O. Box 5080, Cortland, NY 13045 has submitted a Final Report (on behalf of Leonora Geyer, Hill Road, Salisbury Mills, NY 12577) concerning the remediation of soils and/or groundwater found or suspected to have been contaminated with no. 2 fuel oil constituents as the result of an accidental aboveground storage tank release. The report was submitted to demonstrate attainment of the Residential Statewide Health Standard. A Notice of Intent to Remediate was also submitted.

Jaggard Residence, Borough of Stroudsburg, **Monroe County**. Rebecca Gross, MEA Inc., 1365 Ackermanville Road, Bangor, PA 18013 has submitted a Final Report (on behalf of Doreen Jaggard, Village Drive, Stroudsburg, PA 18360) concerning the remediation of site soils found to be contaminated with no. 2 fuel oil constituents as the result of an overflow of an aboveground storage tank. The report was submitted to demonstrate attainment of the Residential Statewide Health Standard. A Notice of Intent to Remediate was simultaneously submitted.

Bald Mountain Transect, Newton Township, **Lackawanna County**. Hazem Hijazi, P. E., Vice President, EMS Environmental, Inc., 4550 Bath Pike, Bethlehem, PA 18017 has submitted a Final Report (on behalf of Buckeye Pipeline Company, LP, 5002 Buckeye Road, Emmaus, PA 18049) concerning the remediation of soils impacted by petroleum hydrocarbons as the result of a release of hydrostatic test water. The report was submitted to demonstrate attainment of the Statewide Health Standard.

Former Penn Fuel Gas Manufactured Gas Plant—Pottsville Site, City of Pottsville, **Schuylkill County**. RETEC Group, Inc., 3040 William Pitt Way, Pittsburgh, PA 15238 has submitted a Final Report (on behalf of PPL Gas Utilities, Two North Ninth Street, Allentown, PA 18101) concerning the remedy design of the subject site for residual contaminants in soil, groundwater and adjacent surface water found or suspected to have been contaminated with metals, polycyclic aromatic hydrocarbons, phenolics, cyanides and BTEX compounds related to historic manufactured gas plant operations. The report was submitted in partial fulfillment of a combination of both the Statewide Health and the Site-Specific Standards.

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

Lancaster Laboratories, Inc., Upper Leacock Township, **Lancaster County**. ARM Group, Inc., P. O. Box 797, Hershey, PA 17033-0797, on behalf of Lancaster Laboratories, Inc., 2425 New Holland Pike, P. O. Box 12425, Lancaster, PA 17605-2425, submitted a Final Report concerning remediation of site soils and groundwater contaminated with VOCs, SVOCs, PCBs, pesticides and metals. The report is intended to document remediation of the site to the Statewide Health Standard.

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

Scientific Systems, Inc.—Carolean Drive Property, College Township, **Centre County**. Blazosky Associates, Inc. on behalf of Scientific Systems, Inc., 349 North Science Park Road, State College, PA 16803, has submitted a Final Report concerning soil and groundwater contaminated with chlorinated solvents. This Final Report is intended to demonstrate attainment of the Site-Specific Standard.

Americana, Inc.—Truck Spill, South Centre Township, **Columbia County**. Marshall Miller & Associates, Inc., on behalf of American, Inc., P. O. Box 71, Wolcott, IN 47994, has submitted a Final Report concerning soil contaminated with diesel fuel. This Final Report is intended to demonstrate attainment of the Statewide Health Standard.

Pennsylvania American Water—White Deer Treatment Facility, White Deer Township, **Union County**. Molesevich Environmental Services, P. O. Box 654, Lewisburg, PA 17837, has submitted a Final Report concerning soil contaminated with diesel fuel. 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 man-

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

The Department has received the following plans and reports:

Southeast Region: Environmental Cleanup Program Manager, 2 East Main Street, Norristown, PA 19401.

Barnes Residence, Lower Makefield Township, **Bucks County**. Staci Nelson-Cottone, American Resource Consultants, Inc., P. O. Box 579, Quakertown, PA 18951 on behalf of Elaine Barnes, 41 North Homestead Road, Lower Makefield, PA 19067 has submitted a Final Report concerning the remediation of site soil contaminated with fuel oil. The Final Report demonstrated attainment of the Statewide Health Standards was approved by the Department on July 2, 2004.

Phoenixville High School Site, Phoenixville Borough, **Chester County**. Richard D. Trimpi, Trimpi Associates, Inc. 1635 Old Plains Rd., Pennsburg, PA 18073 on behalf of Phoenixville Area School District, David Noyes has submitted a Final Report concerning the remediation of site soil contaminated with no. 2 fuel oil. The Final Report demonstrated attainment of the Statewide Health Standards and was approved by the Department on July 1, 2004.

Northeast Region: Joseph A. Brogna, Environmental Cleanup Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.

Jaggard Residence, Borough of Stroudsburg, **Monroe County**. David Everitt, Senior Environmental Scientist, President, MEA Inc., 1365 Ackermanville Road, Bangor, PA 18103 submitted a Final Report (on behalf of Doreen Jaggard, Village Drive, Stroudsburg, PA 18603) concerning the remediation of soils found or suspected to have been contaminated with fuel oil no 2. The report demonstrated attainment of the Residential Statewide Health Soil Standard and was approved on July 8, 2004.

Bald Mountain Transect, Newton Township, **Lackawanna County**. Hazem Hijazi, P. E., Vice President, EMS Environmental, Inc., 4550 Bath Pike, Bethlehem, PA 18017 submitted a Final Report (on behalf of Buckeye Pipeline Company, LP, 5002 Buckeye Road, Emmaus, PA 18049) concerning the remediation of soils impacted by petroleum hydrocarbons as the result of a release of hydrostatic test water. The report demonstrated attainment of the Statewide Health Standard and was approved on June 30, 2004.

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, Marcia Coe and Robert Dowdy, Jr., 246 West Ridge Road, Dillsburg, PA 17019, submitted a Final Report concerning remediation of site soils and groundwater contaminated with fuel oil no. 2. The final report demonstrated attainment of a combination of the Statewide Health and Background Standards and was approved by the Department on July 12, 2004.

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

Wise Foods, Inc.—Berwick, Berwick Borough, **Columbia County**. Gannett Fleming, Inc. on behalf of Wise Foods, Inc., 228 Raseley Street, Berwick, PA 18603, has submitted a Final Report concerning groundwater contaminated with 1,1,1-Trichloroethane, 1,1-Dichloroethane and 1,1-Dichloroethene. This Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on July 8, 2004.

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

Diesel Fuel Spill I-90, Summit Township, **Erie County**. Ed Layton, Blazosky Associates, One David Rd., Suite 200, P. O. Box 987, Valley Forge, PA 19482 on behalf of Steven Owen, Robert Owen Trucking, P. O. Box 28, Navarre, OH 44662 has submitted a Final Report concerning the remediation of site soil contaminated with diesel fuel. The Final Report was approved by the Department on July 7, 2004.

American Refinery Group, North Kendall Ave., City of Bradford, Foster Township, **McKean County**. James Kay, Conestoga-Rovers Associates, 2055 Niagara Falls Blvd., Niagara Falls, NY 14304 on behalf of Harry Halloran, American Refinery Group, 100 Four Falls, Suite 215, West Conshohocken, PA 19428 has submitted a Remedial Investigation Report and a Risk Assessment Report concerning the remediation of site soil and groundwater contaminated with volatile hydrocarbons and polycyclic aromatic hydrocarbons. The report is intended to document remediation of the site to meet the Site-Specific Standards.

HAZARDOUS WASTE TRANSPORTER LICENSE

Actions on applications for Hazardous Waste Transporter License received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations to transport hazardous waste.

Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.

Hazardous Waste Transporter License Issued

Univar USA, Inc., 6100 Carillon Point, Kirkland, WA 98033. License No. PA-AH-0711. Effective June 16, 2004.

Hazardous Waste Transporter License Renewed

AllState Power Vac, Inc., 928 E. Hazelwood Avenue, Rahway, NJ 07065. License No. PA-AH0339. Effective June 23, 2004.

Aqua-Tex Transport, Inc., 219 N. White Horse Pike, P. O. Box 1204, Hammonton, NJ 08037. License No. PA-AHS179. Effective July 2, 2004.

ChemClene Corp., 258 N. Phoenixville Pike, Malvern, PA 19355-1126. License No. PA-AH0150. Effective July 7, 2004.

Enpro Services, Inc., 12 Mulliken Way, Newburyport, MA 01950. License No. PA-AH0696. Effective June 24, 2004.

Hydrochem Industrial Services, Inc., 900 Georgia Avenue, Deer Park, TX 77536. License No. PA-AH0694. Effective June 18, 2004.

Industrial Marine Service, Incorporated, P. O. Box 1779, Norfolk, VA 23501. License No. PA-AH0593. Effective June 3, 2004.

Page E. T. C. Inc., P. O. Box 1290, Weedsport, NY 13166. License No. PA-AH0338. Effective June 29, 2004.

S & M Management Inc., P. O. Box 1429, Milford, PA 18337-1429. License No. PA-AH0412. Effective July 2, 2004.

Suttles Truck Leasing, Inc., P. O. Box 129, Demopolis, AL 36723. License No. PA-AH0332. Effective June 18, 2004.

West Central Environmental Corp., P. O. Box 83, Rensselaer, NY 12144-0083. License No. PA-AH0422. Effective June 21, 2004.

INFECTIOUS AND CHEMOTHERAPEUTIC WASTE TRANSPORTER LICENSE

Actions on applications for Infectious and Chemotherapeutic Waste Transporter License received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the act of July 13, 1988 (P. L. 525, No. 93) (35 P. S. §§ 6019.1—6019.6) and regulations to transport infectious and chemotherapeutic waste.

Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.

Infectious and Chemotherapeutic Waste Transporter License Issued

Environmental Waste Minimization, Inc., 14 Brick Kiln Court, Northampton, PA 18067. License No. PA-HC0219. Effective July 1, 2004.

MARCOR Remediation, Inc., 540 Trestle Place, Downingtown, PA 19355. License No. PA-HC0218. Effective June 17, 2004.

Infectious and Chemotherapeutic Waste Transporter License Voluntarily Terminated

American Waste Industries, Inc., 508 E. Indian River Road, Norfolk, VA 23523. License No. PA-CH0210. Effective June 14, 2004.

HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES

Draft permits issued, revised or withdrawn under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations to operate a hazardous waste treatment, storage or disposal facility.

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

This notice reflects changes from the notice published at 34 Pa.B. 3759 (July 17, 2004). The company name was incorrect. The correct version of the company name is as follows, with ellipses referring to the existing text of the notice.

Permit No. PAD002330165. East Penn Manufacturing Company, Deka Road, Lyon Station, PA 19536, Richmond Township, Berks County.

* * * * *

MUNICIPAL WASTE GENERAL PERMITS

Permits Issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and municipal waste regulations for a general permit to operate municipal waste processing facilities and the beneficial use of municipal waste.

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

General Permit Application No. WMGM024. Riverside Materials, Inc., 2870 East Allegheny Avenue, Philadelphia, PA 19134. General Permit No. WMGM024 is for the processing and beneficial use of highway construction and demolition waste (that is, concrete and asphalt) as: (1) an aggregate, a subgrade or a sub-base for roadway construction; (2) a cold and hot-mix asphalt material for roadway and shoulder applications; and (3) being blended with other virgin aggregate as a sub-base for roadway construction. The general permit was issued by the Central Office on July 9, 2004.

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

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

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

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

Permit ID No. 101619. Joseph J. Brunner Inc., 278 Brunner Road, Zelienople, PA 16063. Operation of a municipal waste processing facility in Harmony Township, **Beaver County**. Permit modification approving a radioactive materials monitoring and protection plan issued in the Regional Office on July 9, 2004.

AIR QUALITY

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

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

GP5-17-24: Petroleum Development Corp. (103 East Main Street, Bridgeport, WV 26330) on June 18, 2004, to authorize the construction and operation of a 145 horsepower natural gas-fired reciprocating internal combustion compressor engine, equipped with a catalytic converter and a 150,000 Btu per hour glycol dehydrator under the General Plan Approval and General Operating Permit for Natural Gas Production Facilities (BAQ-GPA/GP-5) at the Tate/Hepburnia Extension site in Penn Township, **Clearfield County**.

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

62-168: Great Lakes Energy Partners—Trisket Station (Carrier Hanna Road, Grand Valley, PA 16420) on

July 2, 2004, to operate a natural gas production facility in Columbus Township, **Warren County**.

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

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

46-0029: Glasgow Inc. (Route 309 and Hartman Rd., Montgomeryville, PA 18936) on July 13, 2004, to operate a hot mix asphalt plant in Montgomery Township, **Montgomery County**.

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

54-322-004: Pine Grove Landfill, Inc. (P. O. Box 307, Pine Grove, PA 17963) on June 29, 2004, to install and operate one 5,000 scfm capacity enclosed flare for the combustion of landfill gas at their facility in Pine Grove Township, **Schuylkill County**. This action does not represent any additional waste being introduced into the landfill, or an expansion of the landfill, merely the installation of a control device.

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

06-05069D: East Penn Manufacturing Co., Inc. (P. O. Box 147, Lyon Station, PA 19536-0147) on July 8, 2004, to install fabric collectors and HEPA filters to control two lead oxide storage silos (industrial plant), modification of their no. 2 industrial plant pasting line controlled by a fabric collector; construction of a COS machine and modification of six Dynamac machines all controlled by a fabric collector and HEPA filter and the relocation of a concasting machine and lead pot controlled by a fabric collector in Richmond Township, **Berks County**.

28-05030A: Industrial Power Generating Corp. (2250 Dabney Road, Richmond, VA 23230) on July 9, 2004, to expand their existing electric generating facility from 12 to 16 megawatts with the addition of two engine groups of six engines each in Peters Township, **Franklin County**.

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

41-318-047A: Reynolds Iron Works, Inc. (157 Palmer Industrial Road, Williamsport, PA 17701) on June 1, 2004, to modify a surface coating operation by increasing the allowable VOC emission rate from 6.0 tons in any 12 consecutive month period to 14.87 tons in any 12 consecutive month period in the City of Williamsport, **Lycoming County**.

49-00054A: Meckley's Limestone Products, Inc. (R. R. 1, Box 1682, Herndon, PA 17830) on June 8, 2004, to install an air cleaning device (fabric collector) on a dust storage bin (dust bunker) in Lower Mahanoy Township, **Northumberland County**.

41-310-012A: Glenn O. Hawbaker, Inc. (711 East College Avenue, Bellefonte, PA 16823) on June 15, 2004, to install an air cleaning device (a water spray dust

suppression system) on a sandstone processing facility in Armstrong Township, **Lycoming County**.

59-00005E: Dominion Transmission, Inc. (625 Liberty Avenue, Pittsburgh, PA 15222) on June 15, 2004, to install an air cleaning device (a high pressure fuel injection system) on a 2,000 horsepower natural gas-fired reciprocating internal combustion compressor engine (Engine 6) at their Sabinsville Compressor Station in Clymer Township, **Clinton County**.

17-305-050: Penfield Collieries, LLC (301 Market Street, Kittanning, PA 16201) on June 29, 2004, to reactivate their coal preparation plant in Huston Township, **Clearfield County**.

55-318-010: Schreck's Painting (P. O. Box 6, Mount Pleasant Mills, PA 17853) on June 29, 2004, to construct a modular/mobile home parts surface coating operation in Perry Township, **Snyder County**.

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

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

09-0063A: New Hope Crushed Stone (P. O. Box 248, New Hope, PA 18938) on July 8, 2004, to operate a stone crushing plant in Solebury Township, **Bucks County**.

09-0155: Milton Roy Co. (201 Ivyland Road, Ivyland, PA 18974) on July 7, 2004, to operate two paint booths in Ivyland Borough, **Bucks County**.

23-0014C: Kimberly-Clark PA LLC (Front Street and Avenue of the States, Chester, PA 19103) on July 7, 2004, to operate a wet scrubber dust control system in City of Chester, **Delaware County**.

46-0069B: Highway Materials, Inc. (1750 Walton Road, Blue Bell, PA 19422) on July 8, 2004, to operate a dryer burner in Whitemarsh Township, **Montgomery County**.

23-0098: SAP America, Inc. (3999 West Chester Pike, Newtown Square, PA 19073) on July 9, 2004, amended four electric generators and three boilers in Newtown Township, **Delaware County**.

46-0222: Bostik Findley, Inc. (1500 Parker Road, Conyers, GA 30094) on July 9, 2004, amended an adhesive and sealant manufacturing process in Upper Moreland Township, **Montgomery County**.

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

21-05031B: Waste Systems International, Inc. (620 Neville Road, Newburg, PA 17240) on May 24, 2004, to install a portable stone processing plant controlled by wet suppression at the Sandy Run, Mostoller and Cumberland County landfills in **Bedford, Somerset and Cumberland Counties**. This plan approval was extended.

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

41-399-026: Penn Recycling, Inc. (2525 Trenton Avenue, Williamsport, PA 17701) on July 7, 2004, to operate an automobile/metal shredding system and associated air cleaning devices (a foam injection system and a cyclone

collector) on a temporary basis, until November 4, 2004, in the City of Williamsport, **Lycoming County**. The plan approval has been extended.

60-303-003: Eastern Industries, Inc. (220 Park Road, Winfield, PA 17889) on July 7, 2004, to operate a drum mix asphalt plant and associated air cleaning device (a fabric collector) on a temporary basis, until November 4, 2004, in Buffalo Township, **Union County**. The plan approval has been extended.

41-00010B: Andritz, Inc. (35 Sherman Street, Muncy, PA 17756) on July 7, 2004, to operate a thermal foundry sand reclamation system and associated air cleaning devices (two fabric collectors) on a temporary basis until November 4, 2004, in Muncy Borough and Muncy Creek Township, **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.

04-00013B: Jewel Acquisition, LLC (100 River Road, Brackenridge, PA 15014-1597) on July 12, 2004, to install two pickling tanks and DRAP Boiler at their Midland Facility in Midland Borough, **Beaver County**. This plan approval was extended.

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

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

15-00005: West Chester University (University Avenue, West Chester, PA 19383) on July 7, 2004, renewal of a facility Title V operating permit in West Chester Borough, **Chester County**.

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

65-00634: Dominion Transmission Inc.—Token Compressor Station (625 Liberty Avenue, Pittsburgh, PA 15222) on July 1, 2004, to renew a TV facility in Murrysville Borough, **Westmoreland County**. The facility's major source of emissions include two internal combustion engines and a space heating boiler which primarily emit NOx. There are also small quantities of fugitive VOX emissions from facility pumps, valves, flanges, and the like.

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

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

46-00167: Montgomery County Geriatric and Rehabilitation Center (1600 Black Rock Road, Upper Providence, PA 19468) on July 7, 2004, to operate a synthetic minor operating permit in Upper Providence Township, **Montgomery County**.

23-00064: Lawn Croft Cemetery (P. O. Box 1287, Linwood, PA 19061) on July 12, 2004, to operate a natural

minor operating permit in Lower Chichester Township, **Delaware County**.

09-00057: Ametek, Inc.—U. S. Gauge Division (900 Clymer Avenue, Sellersville, PA 18960) on July 12, 2004, to operate a synthetic minor operating permit in Sellersville Borough, **Bucks County**.

46-00101: United States Can Co. (431 Privet Road, Horsham, PA 19044) on July 12, 2004, to operate a synthetic minor operating permit in Horsham Township, **Montgomery County**.

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

31-05013: New Enterprise Stone and Lime Co. (P. O. Box 77, New Enterprise, PA 16664) on July 7, 2004, to operate an asphaltic concrete batch plant (controlled by a cyclone in series with a fabric collector) at their Tyrone Blacktop Plant in Warriors Mark Township, **Huntingdon County**.

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

24-00025: Alpha Sintered Metals, Inc. (95 Mason Run Road, Ridgway, PA 15853) on July 8, 2004, for a Natural Minor Operating Permit for a powdered metal mixing process and associated powder metal sintering processes in Ridgway Township, **Elk County**.

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

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

36-03135: Shared Mail Acquisitions, LLC (72 Industrial Circle, Lancaster, PA 17601-5928) on July 8, 2004, to operate presses at their printing facility in Upper Leacock Township, **Lancaster County**. The State-only operating permit was administratively amended to incorporate Plan Approval 36-03135B into the facility's Natural Minor operating permit. This is Revision No. 1 of the operating permit.

67-05005: PPL Generation, LLC (Two North Ninth Street, Allentown, PA 18101-1179) on July 9, 2004, issued the Phase II Acid Rain Permit to operate their Brunner Island generation plant in East Manchester Township, **York County**.

67-05052: New York Wire Co. (441 East Market Street, P. O. Box 1749, York, PA 17405) on July 2, 2004, for operations to include the weaving and coating of steel, aluminum and bronze screen products which primarily emit VOCs. The Title V operating permit was amended due to a typographical error. Condition No. 004 of Section D was erroneously inserted in the operating permit. This is Revision No. 2 of the operating permit.

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

04-00695: Norfolk Southern Railway Co. (425 Holiday Drive, Pittsburgh, PA 15220) on July 7, 2004, for an

administrative amendment to incorporate conditions from Plan Approval 04-00695A into the State-only operating permit for the Conway Classification Yard in Conway Borough, **Beaver County**.

63-00624: Golden Eagle Construction Co. (P. O. Box 945, Uniontown, PA 15401) on July 8, 2004, for their Eighty Four Asphalt Plant in North Strabane Township, **Washington County**. The operating permit will be modified to include the following changes:

Section C: Site Level

1. Section C, Site Level Requirements, Restrictions: Updated 123.1 language.
2. Section C, Site Level Requirements, Restrictions: Updated 123.2 language.
3. Section C, Site Level Requirements, Restrictions: Relocated 25 Pa. Code § 123.41 to Source Level Requirements, Source ID No. 101.
4. Section C, Site Level Requirements, Restrictions: Relocated 25 Pa. Code § 123.42 to Source Level Requirements Source ID No. 101.
5. Section C, Site Level Requirements, Restrictions: Relocated the asphalt production restriction of 400,000 tpy to Site Level.
6. Section C, Site Level Requirements, Restrictions: Relocated 25 Pa. Code § 123.43 to Source Level Requirements, Source ID No. 101.
7. Section C, Site Level Requirements, Restrictions: New condition for waste derived liquid fuel contaminant constituents, maximum acceptable levels and analytical techniques: waste derived liquid fuel usage shall not exceed the following limitations and shall be analyzed by the following techniques (25 Pa. Code § 127.12b):

<i>Constituent</i>	<i>Maximum Acceptable Levels (PPM)</i>	<i>Analytical Technique**</i>
Arsenic	5	Atomic Absorption
Cadmium	2	Atomic Absorption
Chromium	10	Atomic Absorption
Lead	100	Atomic Absorption
Total Halides	1,000	ASTM D-808-81
PCB	10	H ₂ S ₀₄ Extraction/GC with Electron Capture

**An alternate analytical technique may be used with prior, written Department approval.

8. Section C, Site Level Requirements, Restrictions: New condition for authorized fuel usage at the facility has been relocated from Source Level, Source ID 101, Requirements. "Natural gas, propane, No. 2, No. 4, No. 5, No. 6 fuel oil and/or (on spec) waste derived liquid fuel may be used at this facility."
9. Section C, Site Level Requirements Restrictions: New Condition for the applicable requirement of 25 Pa. Code § 129.14.
10. Section C, Site Level Requirements, Restrictions: This fuel content restriction has been relocated from the Source Level, Source ID 101, Requirements. "The sulfur content of any fuel used to fire the burner shall not exceed 0.5% by weight."

11. Section C, Site Level Requirements, Testing Requirements: Addition of 40 CFR Part 60.8 Testing Requirements.

12. Section C, Site Level Requirements, Monitoring Requirements: New condition combining the weekly monitoring requirements for malodors, visible emissions and fugitive emissions.

13. Section C, Site Level Requirements, Recordkeeping Requirements: New recordkeeping condition for fuel analysis and usage, asphalt production and associated emissions.

The owner/operator shall keep and maintain onsite for 5 years, records of the following:

- a. Monthly records of gallons and type of liquid fuel used.
- b. Daily, monthly and 12-month rolling total of asphalt production from both plants.
- c. The 12-month rolling total of fuel usage and associated emissions.
- d. Fuel Analysis records

14. Section C, Site Level Requirements, Recordkeeping Requirements: New recordkeeping condition for emission surveys.

15. Section C, Site Level Requirements, Reporting: Updated Address for the EPA.

16. Section C, Site Level Requirements, Reporting: Updated Malfunction reporting requirement.

17. Section C, Site Level Requirements, Work Practice Standard: Updated language for 25 Pa. Code § 123.1.

18. Section C, Site Level Requirements, Work Practice Standard: New Condition for source operation.

Section D: Source Level

19. Section D, Source Level Requirements, Source ID No. 101, Restrictions: The hourly emission restrictions of 16 tpy, 37.5 tpy and 9.5 tons per year have been transmuted to annual emission restrictions of 13 tons of NOx per consecutive 12-month period, 60 tons of CO per consecutive 12-month period and 8 tons VOC per consecutive 12-month period.

20. Section D, Source Level Requirements, Source ID No. 101, Restrictions: Asphalt production restrictions have been relocated to Site Level.

21. Section D, Source Level Requirements, Source ID No. 101, Recordkeeping: A maintenance log for the burner shall be kept and maintained onsite for 5 years.

22. Section D, Source Level Requirements, Source ID No. 101, Recordkeeping: The asphalt production records and method of compliance has been relocated to Site Level Monitoring and Recordkeeping Requirements.

63-00624: Golden Eagle Construction Co. (P. O. Box 945, Uniontown, PA 15401) on July 8, 2004, for their Eighty Four Asphalt Plant in North Strabane Township, **Washington County**. The operating permit will be amended to identify the new permit contact person.

11-00356: Dominion Peoples (625 Liberty Avenue, Pittsburgh, PA 15222) on July 8, 2004, for the Rager Mountain/Laurel Ridge Compressor Station in Jackson Township, **Cambria County**. The facility's major source of emissions include five internal combustion engines, three pipeline heaters, three glycol dehydrators, miscellaneous combustion and process equipment and a methanol storage tank which primarily emit NOx and VOCs.

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.

54940201R2. White Pine Coal Co., Inc. (P. O. Box 119, Ashland, PA 17921), renewal of an existing coal refuse reprocessing operation in West Mahanoy Township, **Schuylkill County**, affecting 56.3 acres. Receiving streams: None. Application received April 28, 2004. Renewal issued July 7, 2004.

19980101R. Kovalchick Coal Company (10 Archery Club Road, New Ringgold, PA 17960), renewal of an existing anthracite surface mine operation in Conyngham Township, **Columbia County**, affecting 215.0 acres. Receiving streams: None. Application received April 27, 2004. Renewal issued July 7, 2004.

49871304R2 and NPDES Permit No. PA0595306. West Cameron Mining (R. R. 2, Box 630, Shamokin, PA 17872), renewal of an existing anthracite underground mine operation in West Cameron Township, **Northumberland County**, affecting 6.0 acres. Receiving streams: unnamed tributary to Mahanoy Creek. Application received October 29, 1997. Renewal issued July 7, 2004.

49871304R3 and NPDES Permit No. PA0595306. West Cameron Mining (R. R. 2, Box 630, Shamokin, PA 17872), renewal of an existing anthracite underground mine operation in West Cameron Township, **Northumberland County**, affecting 6.0 acres. Receiving streams: unnamed tributary to Mahanoy Creek. Application received May 8, 2003. Renewal issued July 7, 2004.

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

30831303. RAG Cumberland Resources, LP (148 Portal Road, P. O. Box 1020, Waynesburg, PA 15370), to revise the permit for the Cumberland Mine in Whiteley Township, **Greene County**, ACOE Pittsburgh District (Oak Forest, PA Quadrangle N: 15.2 inches; W: 1.3 inches to N: 15.4 inches; W: 1.8 inches; and N: 16.2 inches; W: 4.0 inches to N: 16.1 inches; W: 4.2 inches and N: 15.7 inches; W: 12.0 inches to N: 15.9 inches; W: 1.9 inches and N: 16.4 inches; W: 4.1 inches to N: 16.6 inches; W: 4.1 inches and N: 16.1 inches; W: 3.4 inches to N: 16.1 inches; W: 3.6 inches). This is a Chapter 105 Water Obstruction and Encroachment permit

application (Stream Module 15) and 401 Water Quality Certification request, if applicable, submitted as part of the mining permit revision application to authorize the Dryers Fork Stream Restoration Project over Longwall Panels 45—47. Permit issued July 7, 2004.

The permit applicant has met the wetland replacement requirement by participating in the Pennsylvania Wetland Replacement Project. The Water Obstruction and Encroachment permit application is available for review at the California District Mining Office, by appointment.

56910701 and NPDES Permit No. PA0213560. PBS Coals, Inc. (P. O. Box 260, Friedens, PA 15541), to renew the permit for the Job 10 CRDA in Brothersvalley and Somerset Townships, **Somerset County** and related NPDES permit. Receiving streams: tributary to Kimberly Run (CWF). No additional discharges. Permit issued July 7, 2004.

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

03793072 and NPDES Permit No. PA061237. Keystone Coal Mining Corporation (P. O. Box 219, 400 Overview Drive, Shelocta, PA 15774), permit renewal issued for continued reclamation and discharge treatment only at a bituminous surface mine in Kiskiminetas Township, **Armstrong County**, and Young Township, **Indiana County**, affecting 302 acres. Receiving streams: Big Run and unnamed tributary to Long Run. Renewal application received March 2, 2004. Renewal permit issued July 2, 2004.

Noncoal Permit Actions

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

13032801. Douglas D. Eckhart (3560 Hahn's Dairy Road, Palmerton, PA 18071), commencement, operation and restoration of a quarry operation in Lower Towamensing Township, **Carbon County**, affecting 5.0 acres. Receiving streams: None. Application received May 6, 2003. Permit issued July 8, 2004.

58040812. Frank A. Newhart, Jr. (R. R. 1, Box 109B, Wyalusing, PA 18853), commencement, operation and restoration of a quarry operation in Middletown Township, **Susquehanna County**, affecting 5.0 acres. Receiving streams: None. Application received March 1, 2004. Permit issued July 8, 2004.

58040817. Stanley Bennett (R. R. 4, Box 121C, Montrose, PA 18801), commencement, operation and restoration of a quarry operation in Rush Township, **Susquehanna County**, affecting 3.0 acres. Receiving streams: None. Application received March 19, 2004. Permit issued July 8, 2004.

58040819. Panzitta Stone Co., Inc. (215 North Main Street, Wilkes-Barre, PA 18702), commencement, operation and restoration of a quarry operation in Oakland Township, **Susquehanna County**, affecting 5.0 acres. Receiving streams: None. Application received March 24, 2004. Permit issued July 8, 2004.

66040803. Ernest C. Lynn (225 SR 1002, Tunkhannock, PA 18657), commencement, operation and restoration of a quarry operation in Tunkhannock Township, **Wyoming County**, affecting 1.0 acre. Receiving streams: None. Application received April 9, 2004. Permit issued July 8, 2004.

58040831. Paul A. Kelly (25 Public Avenue, Montrose, PA 18801), commencement, operation and restoration of a

quarry operation in Bridgewater Township, **Susquehanna County**, affecting 5.0 acres. Receiving streams: None. Application received May 12, 2004. Permit issued July 8, 2004.

66040805. Charles A. Kern (1029 Lower Demunds Road, Dallas, PA 18612), commencement, operation and restoration of a quarry operation in Tunkhannock Township, **Wyoming County**, affecting 5.0 acres. Receiving streams: None. Application received May 27, 2004. Permit issued July 8, 2004.

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

Permit No. 05920301 and NPDES Permit No. PA0212261. New Enterprise Stone & Lime Company, Inc. (P. O. Box 77, New Enterprise, PA 16664), renewal of NPDES permit in Snake Spring Township, **Bedford County**. Receiving streams: Cove Creek and Raystown Branch of the Juniata River (EV and TSF). There are no potable water supply intakes within 10 miles downstream. Application received May 3, 2004. Permit issued July 2, 2004.

ACTIONS ON BLASTING ACTIVITY APPLICATIONS

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

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

45044028. Hayduk Enterprises (P. O. Box 554, Dalton, PA 18414), construction blasting at Jonah's Estates in Polk and Penn Forest Townships, **Monroe and Carbon Counties**, with an expiration date of June 12, 2005. Permit issued July 2, 2004.

48044025. Allan A. Myers, L. P. (P. O. Box 98, Worcester, PA 19490), construction blasting at Fox Run Housing Development in Palmer Township, **Northampton County**, with an expiration date of July 22, 2005. Permit issued July 2, 2004.

39044009. AMROC (7531 Chestnut Street, Zionsville, PA 18092), construction blasting at Queen City Airport in the City of Allentown, **Lehigh County**, with an expiration date of July 22, 2005. Permit issued July 2, 2004.

48044028. Allan A. Myers, L. P. (P. O. Box 98, Worcester, PA 19490), construction blasting at Mill Race Housing Development in Palmer Township, **Northampton County**, with an expiration date of August 2, 2005. Permit issued July 2, 2004.

54044004. J. Roy's, Inc. (Box 125, Bowmansville, PA 17505), construction blasting at Fountain Springs County Club in Butler Township, **Schuylkill County**, with an expiration date of June 30, 2005. Permit issued July 2, 2004.

35044009. Holbert Explosives, Inc. (237 Masthope Plant Road, Lackawaxen, PA 18435), construction blasting at Leggett Creek Development in the City of Scranton, **Lackawanna County**, with an expiration date of August 1, 2005. Permit issued July 2, 2004.

21044050. Hall Explosives, Inc. (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting at

Marckcrete, Inc. in Silver Spring Township, **Cumberland County**, with an expiration date of July 31, 2005. Permit issued July 2, 2004.

38044011. Keystone Blasting Services (381 Reifsnnyder Road, Lititz, PA 17543), construction blasting for Cornwall Hill Development in Cornwall Borough, **Lebanon County**, with an expiration date of July 28, 2005. Permit issued July 6, 2004.

45044029. Holbert Explosives, Inc. (237 Masthope Plank Road, Suite A, Lackawaxen, PA 18435), construction blasting at Great Wolf Lodge in Pocono Township, **Monroe County**, with an expiration date of August 1, 2005. Permit issued July 7, 2004.

44044002. Ameron Construction Company, Inc. (2501 North Atherton Street, State College, PA 16803) and **Douglas Explosives, Inc.** (P. O. Box 77, Philipsburg, PA 16866), construction blasting at Edge Wood Estates Phase 3 in Brown Township, **Mifflin County**, with an expiration date of December 31, 2004. Permit issued July 7, 2004.

15044027. Horst Drilling & Blasting, Inc. (141 Ranck's Church Road, New Holland, PA 17557), construction blasting at Links at Knob Hill in Honey Brook Township, **Chester County**, with an expiration date of July 30, 2005. Permit issued July 7, 2004.

21044052. John W. Gleim, Jr., Inc. (625 Hamilton Street, Carlisle, PA 17013), construction blasting at Giant Food Fuel Tank in Mechanicsburg Borough, **Cumberland County**, with an expiration date of September 30, 2004. Permit issued July 7, 2004.

21044051. John W. Gleim, Jr., Inc. (625 Hamilton Street, Carlisle, PA 17013), construction blasting at Bent Creek in Silver Spring Township, **Cumberland County**, with an expiration date of November 30, 2004. Permit issued July 7, 2004.

36044065. Keystone Blasting Service (381 Reifsnnyder Road, Lititz, PA 17543), construction blasting at Weaverland Mennonite Church and Mose Sensenig Project in East Earl Township, **Lancaster County**, with an expiration date of August 30, 2004. Permit issued July 8, 2004.

28044026. David H. Martin, Inc. (4961 Cumberland Highway, Chambersburg, PA 17201), construction blasting at Valley Townhouses (Franklin Housing Authority) in Waynesboro Borough, **Franklin County**, with an expiration date of July 31, 2005. Permit issued July 8, 2004.

15044028. Explo-Craft, Inc. (P. O. Box 1332, West Chester, PA 19380), construction blasting at Electronics Boutique in Sadsbury Township, **Chester County**, with an expiration date of July 30, 2005. Permit issued July 8, 2004.

21044053. Brubacher Excavating, Inc. (P. O. Box 528, 825 Reading Road, Bowmansville, PA 17507), construction blasting at Lot 3 at 3605R Hartzdale Drive in Lower Allen Township, **Cumberland County**, with an expiration date of July 31, 2005. Permit issued July 8, 2004.

15044029. Brubacher Excavating, Inc. (P. O. Box 528, 825 Reading Road, Bowmansville, PA 17507), construction blasting at Meadowbrook in Valley Township, **Chester County**, with an expiration date of August 8, 2005. Permit issued July 8, 2004.

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

07044005. T. L. Long Excavating Contractor, Inc. (R. D. 1, P. O. Box 667, Martinsburg, PA 16662), construction blasting—Homewood stormwater system, Martinsburg Borough, **Blair County**. Duration of blasting: July 6, 2004, through September 30, 2004. Permit issued July 2, 2004.

07044004. Grannas Brothers Stone & Asphalt Company (P. O. Box 488, Hollidaysburg, PA 16648-9802), construction blasting—Logan Town Centre Mall, Logan Township, **Blair County**. Duration of blasting: July 1, 2004, through December 31, 2004. Permit issued July 2, 2004.

32044003. Precision Blasting, Inc. (2415 Caroline Road, Flatwoods, KY 41139), industrial blasting—Homer City Generation L. P. safety deslag of boiler, Center Township, **Indiana County**. Duration of blasting: July 1, 2004, through June 30, 1995. Permit issued July 2, 2004.

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

65044003. Brentzel Contracting, Inc. (217 Fifth Street, Irwin, PA 15642). Blasting activity permit for construction of sewer line in Hempfield Township, **Westmoreland County**. Expected duration of blasting is 14 days. Permit issued July 6, 2004.

65044004. Atlas Services, Inc. (1600 Rt. 136, Washington, PA 15301), blasting activity permit for construction at Arnold Palmer Airport in Unity Township, **Westmoreland County**. Expected duration of blasting is 180 days. Permit issued July 6, 2004.

65044006. Great Lakes Geophysical, Inc. (P. O. Box 127, Williamsburg, MI 49690), blasting activity permit for construction of sewer/gas line in South Huntingdon Township, **Westmoreland County**. Expected duration of blasting is 10 days. Permit issued July 6, 2004.

26044006. Great Lakes Geophysical, Inc. (P. O. Box 127, Williamsburg, MI 49690), blasting activity permit for construction of sewer/gas line in Springfield, Dunbar and Connellsville Townships, **Westmoreland County**. Expected duration of blasting is 10 days. Permit issued July 6, 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 should contact the Environmental Hearing Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

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

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once.

Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department of Environmental Protection (Department) has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with the applicable provisions of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

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

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

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

Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and The Clean Streams Law (35 §§ 691.1—691.702) and Notice of Final Action for Certification under section 401 of the FWPCA (33 U.S.C.A. § 1341).

Permits, Environmental Assessments and 401 Water Quality Certifications Issued

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E40-630. The Ice Lakes Limited, 220 Pine Ridge Road, Tunkhannock, PA 18657. Rice Township, **Luzerne County**, Army Corps of Engineers Baltimore District.

To construct and maintain road crossings, access paths, boat launch ramps, docks and utility line crossings as

follows for the purpose of constructing building lots, roads, utilities and lake access facilities for the Ice Lakes Subdivision:

(1) A road crossing (A) of a tributary to Little Wapwalopen Creek (CWF) and 0.08 acre of adjacent wetlands, consisting of a stream enclosure utilizing 118 linear feet of 14.0-foot by 5.6-foot open-bottomed corrugated metal arch culvert, including approximately 45 linear feet of R-7 riprap channel protection downstream of the culvert.

(2) A road crossing (B) of a tributary to Little Wapwalopen Creek and 0.08 acre of adjacent wetlands, consisting of 80 linear feet of 13.0-foot by 5.1-foot open-bottomed corrugated metal arch culvert.

(3) A road crossing (C) of a tributary to Little Wapwalopen Creek and 0.003 acre of adjacent wetlands, consisting of 50 linear feet of 30-inch SLCPP culvert with its invert depressed 1.0 foot below streambed elevation, including 30 linear feet of R-5 riprap channel protection extending upstream and downstream of the culvert.

(4) A road crossing (D) of a tributary to Little Wapwalopen Creek and 0.01 acre of adjacent EV, PFO wetlands, consisting of 38 linear feet of 30-inch SLCPP culvert with its invert depressed 1.0 foot below streambed elevation, including 30 linear feet of R-5 riprap channel protection extending upstream and downstream of the culvert;

(5) Placement of fill in 0.37 acre of EV, PFO wetlands for construction of 9-foot wide stone access paths for each of 31 lakefront parcels and 2 3-foot wide stone paths within greenway areas.

(6) Two 15-foot wide stone boat launch ramps (one at the upper lake and one at the lower lake), each extending approximately 20 feet lakeward from the shoreline, impacting 0.01 acre of EV, PFO wetlands.

(7) Two pile-supported docks having maximum areas of 750 square feet each and maximum lengths of 50 feet (one at the upper lake and one at the lower lake).

(8) Two 6-inch PVC dry hydrant intake structures, one in the upper lake and one in the lower lake, each extending approximately 25 feet lakeward from the shoreline.

(9) A directional-drilled sanitary sewer line crossing of approximately 50 linear feet of the upper lake.

(10) A sanitary sewer line crossing of a tributary to Little Wapwalopen Creek at the outlet of the lower lake.

(11) Placement of fill in a 0.01-acre isolated PFO wetland along the proposed Ice Harvest Drive.

The project will impact a total of 0.56 acre of wetlands. The permittee is required to provide 0.56 acre of replacement wetlands. The project is along the south side of Nuangola Road (SR 2042), approximately 1 mile east of SR 0081 (Wilkes-Barre West, PA Quadrangle N: 2.3 inches; W: 8.5 inches) (Subbasin 5B).

E52-194. John E. and Cheryl L. Crozier, P. O. Box 546, Birdsboro, PA 19508. Delaware Township, **Pike County**, Army Corps of Engineers Philadelphia District.

To construct and maintain a single-span bridge, having a span of approximately 35 feet and an underclearance of approximately 3.5 feet, across Adams Creek (EV), for the purpose of providing access to a private residence. The project is on the east side of Spencer Road (T-335), approximately 1.3 miles northwest of the intersection of

T-335 and SR 2001 (Milford Road) (Edgemere, PA Quadrangle N: 4.2 inches; W: 4.0 inches) (Subbasin 1D).

E66-132. Department of Transportation, Engineering District 4-0, P. O. Box 111, Scranton, PA 18501. Monroe Township, **Wyoming County**, Army Corps of Engineers Baltimore District.

To remove the existing structure and to construct and maintain a single span prestressed concrete adjacent box beam bridge having a clear span of approximately 115 feet on a 45 degree skew and an average underclearance of approximately 12.8 feet across Bowman Creek (HQ-CWF). The project also includes the construction of a temporary bridge having a single clear span of approximately 100 feet and an underclearance of approximately 8.5 feet, 40 feet downstream from SR 0029. The project will permanently impact 44 LF of stream with an additional 75 LF of temporary impacts to Bowman Creek (HQ-CWF). The project is along SR 0029, Section 770, approximately 0.1 mile northwest of its intersection with SR 0309 (Noxen, PA Quadrangle N: 11.4 inches; W: 2.8 inches) (Subbasin 046).

E52-195. Birchwood Lakes Community Association, P. O. Box 222, Dingmans Ferry, PA 18328. Army Corps of Engineers Philadelphia District.

To remove the existing structures and to: (1) construct and maintain five SLCPP culverts varying from 18 to 24 inches in diameter at road crossings of tributaries to Dingmans Creek (HQ-CWF) and/or PFO and PEM wetlands; (2) construct and maintain approximately 200 to 425 linear feet of 15-inch CMP stream enclosure of a tributary to Dingmans Creek, extending downstream from and including the outlet of a nonjurisdictional dam known as the Middle Birchwood Lake Dam; (3) maintain a 24-inch SLCPP culvert in a tributary to Dingmans Creek along Aspen Road; and (4) maintain approximately 170 linear feet of rock-lined channel in a tributary to Dingmans Creek, between the Aspen Road culvert and a water body known as East Birchwood Lake. The project impacts a de minimis area of PFO and PEM wetlands equal to approximately 0.01 acre and a total of 843.5 linear feet of tributaries to Dingmans Creek (HQ-CWF). Issuance of this permit also constitutes approval of the environmental assessment associated with replacement of the outlet pipe from a nonjurisdictional dam. The project is within the Birchwood Lakes Community on the western side of SR 0739 (Lake Maskenozha, PA-NJ Quadrangle N: 22.1 inches; W: 5.3 inches) in Delaware Township, Pike County (Subbasin 01D).

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

E05-321: Jeff Lesak, 321 Leonard Road, Alum Bank, PA 15521 in West Saint Clair Township, **Bedford County**, ACOE Baltimore District.

To construct and maintain a stream rehabilitation project on an unnamed tributary to Ryot Run (WWF, perennial), beginning at a point (Ogeltown, PA Quadrangle N: 5.95 inches; W: 6.3 inches) approximately 2,300 feet upstream of SR 4024 and extending to a point (Ogeltown, PA Quadrangle N: 6.2 inches; W: 6.5 inches) 1,158 feet upstream using a natural stream channel design approach involving floodway excavation, filling and grading, the placement of log and rock cross vanes, log and rock J-hook vanes, log vanes and step-pool structures for the purpose of improving channel stability and aquatic habitat in West Saint Clair Township, Bedford County. The project proposes to directly affect 1,158 linear feet of the unnamed tributary to Ryot Run.

E22-469: West Hanover Township, 7171 Allentown Boulevard, Harrisburg, PA 17112 in West Hanover Township, **Dauphin County**, ACOE Baltimore District.

To: (1) place fill within the delineated floodway of Beaver Creek (WWF); and (2) remove an existing 27-inch by 45-inch corrugated metal pipe arch (CMPA) culvert and install and maintain a 57-inch by 38-inch CMPA replacement culvert crossing of an unnamed tributary to Beaver Creek (WWF), all for the purpose of super-elevating and widening Picketown Road starting at a point approximately 1,000 feet north of Interstate 81 and proceeding for 775 linear feet to the north (Harrisburg East, PA Quadrangle N: 15.35 inches; W: 1.15 inches) in West Hanover Township, Dauphin County.

E07-385: Ansley RV, Inc., P. O. Box 239, Duncansville, PA 16635 in Allegheny Township, **Blair County**, ACOE Baltimore District.

To construct and maintain 93 linear feet of 48-inch SWPP culvert with a 13-foot by 9-foot rock apron all depressed a minimum of 6 inches below the existing streambed elevation and parallel to the existing streambed slope, two 15-inch SWPP stormwater outfalls with 10-foot by 7.75-foot rock aprons and the placement of fill material in the floodway of an unnamed tributary to Gillians Run (CWF) at a point (Hollidaysburg, PA Quadrangle N: 10.8 inches; W: 9.0 inches) southwest of the intersection of Kuhn Lane and SR 764 for the purpose of expanding Ansley RV, Inc. in Allegheny Township, Blair County. The project will result in 121.5 feet of direct permanent impacts to the channel of the unnamed tributary to Gillians Run.

E22-453: Lower Paxton Township, 75 S. Houcks Road, Harrisburg, PA 17109 in Lower Paxton Township, **Dauphin County**, ACOE Baltimore District.

To place fill in 0.51 acre of wetland and to construct and maintain a 51-foot long, 3-foot by 6-foot bottomless box culvert road crossing and a 590-foot long by 36-inch stream enclosure in and along a tributary to Beaver Creek (WWF) at a point along Nyes Road for the purpose of constructing a public recreational park (Harrisburg East, PA Quadrangle N: 12.25 inches; W: 4.45 inches) in Lower Paxton Township, Dauphin County. The permittee is required to provide a minimum of 0.52 acre of replacement wetland.

E36-767: City of Lancaster c/o Charlotte H. Katzenmoyer, 120 North Duke Street, Lancaster, PA 17608 in Lancaster Township, **Lancaster County**, ACOE Philadelphia District.

To construct and maintain an 8-foot by 6-foot precast concrete sewer overflow that is to outfall along the Conestoga River (WWF), at a point approximately 550 feet south of the intersection of SR 0324 and SR 0222 (Lancaster, PA Quadrangle N: 3.9 inches; W: 7.7 inches) in Lancaster Township, Lancaster County.

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

E14-457. Thistlewood Association, 2300 South Atherton Street, State College, PA 16801. Thistlewood in Ferguson Township, **Centre County**, ACOE Baltimore District (McAlevys Fort, PA Quadrangle N: 20.7 inches; W: 16.8 inches).

Construct and maintain the following encroachments, as a result of channel work in intermittent streams of Slab Cabin Run that are not waived in accordance with 25 Pa. Code § 105.12(a)(2) include the following:

<i>Type of Activity</i>	<i>Length (feet)</i>	<i>Latitude/Longitude</i>
Minor Road	20	40°44'21"/77°52'35"
Stream Crossing 5, one 24-inch HDPE Pipe	51	40°44'20"/77°52'33"
Stream Crossing 2, one 24-inch HDPE Pipe	42	40°44'25"/77°52'32"
Stream Crossing 3, one 18-inch HDPE Pipe	57	40°44'18"/77°52'17"
Stream Crossing 4, one 18-inch HDPE Pipe	47	40°44'21"/77°52'15"
Stream Crossing 1, two 36-inch HDPE Pipes	75	40°44'34"/77°52'23"
Total	292	

Place and maintain a total of 3,250 cubic yards of clean fill material within 50 feet of the left and right top of bank of Slab Cabin Run to facilitate residential home and road construction above the 100-year flood elevation. Latitude/Longitude 40°44'24"/77°52'39".

The following is information regarding the stream enclosure and removal of the existing structure:

<i>Type of Activity</i>	<i>Length (feet)</i>	<i>Latitude/Longitude</i>
Crossing 6, 11-foot 5-inch by 7-foot 3-inch Corrugated Metal Arch Stream Enclosure	100	40°44'25"/77°52'37"
Existing Culvert Removal	16	40°44'24"/77°52'39"
Total	116	

In addition to the construction and removal of structures, the following utilities will be installed across Slab Cabin Run at the location of the culvert removal:

<i>Type of Activity</i>	<i>Length (feet)</i>	<i>Latitude/Longitude</i>
Water Line Main	10	40°44'24"/77°52'39"
Sanitary Sewer	10	40°44'24"/77°52'39"
Elect./Cable	10	40°44'24"/77°52'39"
Total	30	

The following is a list of stormwater management facilities that are included in the permit that encroach on regulated waterways.

<i>Type of Activity</i>	<i>Length (feet)</i>	<i>Latitude/Longitude</i>
Detention Basin 4, on intermittent stream	350	40°44'25"/77°52'32"
Detention Basin 2 R-5 riprap wetland outfall	15	40°44'34"/77°52'28"
Total	365	

The following table lists all wetland impacts associated with the project.

<i>Type of Activity</i>	<i>Impact</i>	<i>Square Feet</i>
Temp. Diversion Pipe	Temporary	94
Sewer Main	Temporary	211

Type of Activity	Impact	Square Feet
Stream Crossing 4	Permanent	833
Driveway	Permanent	574
Water line lateral	Temporary	30
Sanitary line	Temporary	30
Elect./Cable	Temporary	30
Driveway	Permanent	579
Water line lateral	Temporary	30
Sanitary line	Temporary	30
Elect./Cable	Temporary	30
Total	Temporary = 485 (0.0110 acre)	
	Permanent = 1,986 (0.0456 acre)	

The following table outlines portions of the project where water obstructions are waived in accordance with 25 Pa. Code § 105.12(a)(2).

Type of Activity	Length (feet)	Latitude/Longitude
Stream Crossing 5	222	40°44'20"/77°52'33"
Elect./Cable	10	40°44'21"/77°52'35"
Elect./Cable	10	40°44'21"/77°52'33"
Sanitary Sewer Line	10	40°44'20"/77°52'33"
Stream Crossing No. 2	90	40°44'25"/77°52'32"
Elect./Cable	10	40°44'25"/77°52'24"
Sanitary Sewer Line	10	40°44'25"/77°52'24"
Water Line	10	40°44'25"/77°52'24"
Sanitary Sewer Line	10	40°44'27"/77°52'29"
Stream Crossing No. 3	103	40°44'18"/77°52'17"
Elect./Cable	10	40°44'18"/77°52'17"
Water Line	10	40°44'18"/77°52'17"
Sanitary Sewer Line	10	40°44'18"/77°52'17"
Stream Crossing No. 4	106	40°44'21"/77°52'15"
Elect./Cable	10	40°44'21"/77°52'15"
Water Line	10	40°44'21"/77°52'15"
Sanitary Sewer Line	10	40°44'21"/77°52'15"
Driveway	15	40°44'22"/77°52'13"
Water line laterals	10	40°44'22"/77°52'13"
Sewer Line lateral	10	40°44'22"/77°52'13"
Sewer Line lateral	10	40°44'22"/77°52'16"
Driveway	15	40°44'24"/77°52'15"
Water line laterals	10	40°44'23"/77°52'14"
Sewer Line lateral	10	40°44'23"/77°52'14"
Water line laterals	10	40°44'24"/77°52'16"
Sewer Line lateral	10	40°44'24"/77°52'16"
Elect./Cable	10	40°44'24"/77°52'15"
Elect./Cable	10	40°44'24"/77°52'15"
Driveway	15	40°44'26"/77°52'17"
Water line laterals	10	40°44'25"/77°52'16"
Sewer Line lateral	10	40°44'24"/77°52'17"
Water line laterals	10	40°44'27"/77°52'18"
Sewer Line lateral	10	40°44'27"/77°52'18"

Type of Activity	Length (feet)	Latitude/Longitude
Elect./Cable	10	40°44'26"/77°52'17"
Elect./Cable	10	40°44'26"/77°52'17"
Driveway	15	40°44'27"/77°52'18"
Water line laterals	10	40°44'27"/77°52'18"
Sewer Line lateral	10	40°44'28"/77°52'19"
Elect./Cable	10	40°44'28"/77°52'18"
Intake	10	40°44'34"/77°52'21"
Total	911	

The project is in the Slab Cabin Run drainage in the Spring Creek watershed on the eastern edge of Pine Grove Mills in Ferguson Township, Centre County (McAleveys Fort, PA Quadrangle N: 20.7 inches; W: 16.8 inches).

E17-398. International Custom Products, Inc. (ICP), Oklahoma-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 approximately 6,700 linear feet of private sanitary sewer line which will extend from an existing City of DuBois manhole to the ICP site. Installing the sewer line will involve ten wetland crossings, a temporary wetland encroachment around the City of DuBois manhole and crossing an intermittent stream. This project will temporarily impact 1,577 linear feet of wetlands through the permitted crossings and 0.21 acre of wetland for connection to the City of DuBois manhole. The project site is in Sandy Township and the City of DuBois in Clearfield County (Luthersburg, PA Quadrangle N: 19.38 inches; W: 14.75 inches).

E49-276. Department of Transportation, Engineering District 3-0, P. O. Box 218, Montoursville, PA 17754-0218. SR 0225 unnamed tributary to Mahantango Creek bridge replacement in Lower Mahanoy Township, **Northumberland County**, ACOE Susquehanna River Basin District (Pillow, PA Quadrangle N: 5.6 inches; W: 9.5 inches).

To remove an existing and existing concrete slab bridge having a length of 14 feet and construct and maintain a 16-foot long by 5-foot high concrete box culvert over an unnamed tributary to Mahantango Creek (WWF). The project is along SR 0225 approximately 3.25 miles south of SR 0225 and SR 0147 intersection in Lower Mahanoy Township, Northumberland County. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E53-399. Roydew W. Knowlton and Verda W. Knowlton, 143 Willis Road, Roulette, PA 16746-1215. Aspenwood Tree Farm road crossing Trout Brook in Roulette Township, **Potter County**, Pittsburgh ACOE District (Coudersport, PA Quadrangle N: 7.25 inches; W: 13.75 inches).

To construct, operate and maintain a private road crossing Trout Brook to provide access for the agricultural activities of Aspenwood Tree Farm. The private road crossing shall be constructed with a single corrugated metal culvert pipe. The corrugated metal culvert pipe shall have a minimum rise of 5.6 feet, minimum span of 7.9 feet and a depression of 1 foot below the existing

streambed elevations. The private road crossing Trout Brook shall also include concrete slab headwalls. Since Trout Brook is a wild trout fishery, no construction or future repair work shall be done in or along the stream channel between October 1 and December 31 without the prior written approval of the Fish and Boat Commission. All construction and future work shall be conducted at stream low flow. The Aspenwood Tree Farm road crossing project is along the northern right-of-way of SR 0006 approximately 1.6 miles north of T-323 and SR 0006 intersection. This permit does not authorize any temporary or permanent wetland impacts and as such, the permittee shall ensure no wetland impacts result from the construction of the proposed road crossing. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E55-196. Middleburg Municipal Authority, 13 North Main Street, Middleburg, PA 17842. Water Obstruction and Encroachment Permit application in Middleburg Borough, **Snyder County**, ACOE Susquehanna River Basin District (Middleburg, PA Quadrangle N: 6.16 inches; W: 6.88 inches).

To construct and maintain 680 linear feet of 8-inch sewer line in the floodplain of the Middle Creek along the southern right-of-way of Edmund Avenue in Middleburg Borough, Snyder County. This permit was issued under section 105.13(e) "Small Projects."

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

E03-424. Armstrong County Commissioners, Administration Building, Courthouse Annex, 450 Market Street, Kittanning, PA 16201. Box culvert in Roaring Run in Kiskiminetas Township, **Armstrong County**, Pittsburgh ACOE District. To remove the existing structures and to construct and maintain an 85-foot long twin cell 14-foot wide by 7-foot high concrete box culvert (the invert's depressed 1 foot below existing streambed) in Roaring Run (CWF) (Vandergrift, PA Quadrangle N: 12.3 inches; W: 2.2 inches) (Latitude: 40°34'04" and Longitude: 79°30'57"); to construct and maintain a 6-foot high by 84-foot long gabion wall along the right downstream bank of Roaring Run (CWF) (Vandergrift, PA Quadrangle N: 12.3 inches; W: 2.2 inches) (Latitude 40°34'04" and Longitude: 79°30'57"); and to construct and maintain an 18-inch diameter RCP outfall in Roaring Run (CWF) (Vandergrift, PA Quadrangle N: 12.3 inches; W: 2.2 inches) (Latitude: 40°34'04" and Longitude: 79°30'57"). The project will impact 175 linear feet of perennial stream; no vegetated wetlands wetland will be impacted. The project is on SR 2051 near its intersection with Township Road T-460 (McCartney Road).

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

E20-535. Crawford County Commissioners. Leimbach Road (T-658) County Bridge No. 44 Replacement in Woodcock Township, **Crawford County**, ACOE Pittsburgh District (Blooming Valley, PA Quadrangle N: 21.4 inches; W: 7.4 inches).

The applicant proposes to remove the existing structure and to construct and maintain a 21.67-foot long, 24-foot wide by 5.33-foot high precast concrete arch (Crawford County Bridge No. 44) in Gravel Run (WWF, perennial) (Blooming Valley, PA Quadrangle N: 21.4 inches; W: 7.4 inches) in Woodcock Township, Crawford County on T-658 (Leimbach Road) approximately 800 feet south of the intersection of Gravel Run Road and T-658 (Leimbach

Road). The project includes riprap rock protection, wing walls and a direct impact (de minimis) of 0.014 acre of PEM and 0.02 acre of PSS wetland. The project proposes to directly affect a total of approximately 40 linear feet of stream channel and 0.034 acre of wetland (de minimis): 0.014 acre of PEM and 0.02 acre of PSS wetland.

E25-687. Department of Transportation, District 1-0, 255 Elm Street, P. O. Box 398, Oil City, PA 16301-1412. SR 0090, Section B07, Segment 0110, Offset 2082 (EB) and Segment 0111, Offset 2153 (WB) bridge replacement in Girard Township, **Erie County**, ACOE Pittsburgh District (Albion, PA Quadrangle N: 18.2 inches; W: 8.1 inches).

The applicant proposes remove the existing structures and to construct and maintain two dual three-span steel plate girder bridges each having a spans of 115 feet, 169 feet and 169 feet and an average underclearance of 61.5 feet on a 70 degree skew across Halls Run (CWF, MF, perennial) on SR 0090 (Interstate 90—Eastbound and Westbound Lanes), Section B07, Segment 0110, Offset 2082 (EB) and Segment 0111, Offset 2153 (WB) approximately 1.8 miles northeast of the intersection of Interstate 90 and SR 18. The project proposes to directly affect a total of approximately 160 linear feet of stream channel.

E62-397. Robert Brace, Robert Brace & Sons, Inc., 1131 Route 97, Waterford, PA 16441. Blue Eye Run bridge reconstruction project in Pittsfield Township, **Warren County**, ACOE Pittsburgh District (Pittsfield, PA Quadrangle N: 11.85 inches; W: 6.52 inches).

To repair and maintain two of the existing reinforced concrete abutments and to construct and maintain a pre-engineered steel bridge having a clear span of 75 feet a maximum rise of 13.5 feet and an instream length of 20 feet across Blue Eye Run (CWF) at a point approximately 6,000 feet due east of Garland along Old Kane Road.

WATER QUALITY CERTIFICATIONS

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

Except as otherwise noted, on July 14, 2004, the Department, under section 401(a) of the Federal Clean Water Act (act) (33 U.S.C.A. § 1341(a)), certifies that the construction and operation herein described will comply with the applicable provisions of sections 301, 302, 303, 306 and 307 of the act and that the construction will not violate applicable Federal and State water quality standards, provided the following requirements are met: only clean nonpolluting materials may be used in the construction and maintenance of the fishing pier; and proper erosion and sedimentation controls are used during the project construction.

Final or proposed action on certain other certification requests for projects which require both a Water Obstruction and Encroachment permit and either a U. S. Army Corps of Engineers individual permit or a Nationwide Permit 14, 18 or 26 will be published with Actions of Applications filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27).

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

Certification Request Initiated by: U. S. Army Corps of Engineers

Date of Initial *Pennsylvania Bulletin* Notice: May 15, 2004

Project Description: To construct and maintain a 125-foot long by 11.5-foot wide pile supported handicap accessible fishing pier and a 30-foot wide by 30-foot long parking area along the right (north) bank of the Allegheny River immediately downstream of the Kinzua Dam stilling basin (Clarendon, PA Quadrangle N: 16.6 inches; W: 0.5 inch).

Location: Glade Township, Allegheny County

Final Action on Request: Approved

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

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

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

SPECIAL NOTICES

Certified Emission Reduction Credits in this Commonwealth's ERC Registry

Emission reduction credits (ERCs) are surplus, permanent, quantified and Federally enforceable emission re-

ductions used to offset emission increases of NOx, VOCs and the following criteria pollutants: CO, lead, SOx, PM, PM10 and PM10 precursors.

The Department of Environmental Protection (Department) maintains an ERC registry in accordance with the requirements of 25 Pa. Code § 127.209. The ERC registry system provides for the tracking of the creation, transfer and use of ERCs. Prior to registration of the credits, ERC registry applications are reviewed and approved by the Department to confirm that the ERCs meet the requirements of 25 Pa. Code §§ 127.206—127.208. Registration of the credits in the ERC registry system constitutes certification that the ERCs satisfy applicable requirements and that the credits are available for use. The following registered and certified ERCs in the ERC Registry are currently available for use as follows:

- (1) To satisfy new source review (NSR) emission offset ratio requirements.
- (2) To "net-out" of NSR at ERC-generating facilities.
- (3) To sell or trade the ERCs for use as emission offsets at new or modified facilities.

The following certified ERCs, expressed in tons per year (tpy), satisfy the applicable ERC requirements in 25 Pa. Code §§ 127.206—127.208. ERCs created from the curtailment or shutdown of a source or facility expires for use as offsets 10 years after the emission reduction occurs. ERCs generated by the overcontrol of emissions by an existing facility do not expire for use as offsets. However, credits in the registry that are not used in a plan approval will be discounted if new air quality requirements are adopted by the Department or the EPA.

For additional information concerning the listing of certified ERCs, contact Virendra Trivedi, Bureau of Air Quality, Division of Permits, Department of Environmental Protection, 12th Floor, Rachel Carson State Office Building, P. O. Box 8468, Harrisburg, PA 17105-8468, (717) 787-4325. This ERC registry report, ERC registry application and instructions are on the Department's website: www.dep.state.pa.us (Subjects/Air Quality/Business/Permits/Emission Reduction Credit registry System).

<i>Facility information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration Date</i>	<i>Intended Use of ERCs</i>
R. R. Donnelley & Sons Co. County: Lancaster Ozone Nonattainment Status: Moderate Contact Person: Frederick Shaak, Jr.	VOCs	54.00		Internal Use
R. R. Donnelley & Sons Co. County: Lancaster Ozone Nonattainment Status: Moderate Contact Person: Frederick Shaak, Jr.	VOCs	25.00	3/30/2011	Internal Use
Kurz Hastings Inc. County: Philadelphia Ozone Nonattainment Status: Severe Contact Person: George Gornick, (215) 632-2300	VOCs	137.45		Trading
Kurz Hastings Inc. County: Philadelphia Ozone Nonattainment Status: Severe Contact Person: George Gornick, (215) 632-2300	NOx VOCs	8.01 64.55	Varies from 3/28/2013 to 1/9/2014	Trading

<i>Facility information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration Date</i>	<i>Intended Use of ERCs</i>
ConAgra Grocery Products Company Source Location: Milton Borough County: Northumberland Ozone Nonattainment Status: Moderate Contact Person: Karl Henschel, (570) 742-6644	NOx VOCs	24.45 12.88	4/1/2006	Trading
Metallized Paper Corporation of America Recipient/Holder: PNC Bank, National Association, assignee (by private lien foreclosure) from Metallized Paper Corp. Source Location: McKeesport County: Allegheny Ozone Nonattainment Status: Moderate Contact Person: Martin Mueller, (412) 762-5263	VOCs	41.70	6/30/2006	Trading
PPG Industries, Inc. Source Location: Springdale Complex County: Allegheny Ozone Nonattainment Status: Moderate Contact Person: Lori Burgess, (412) 274-3884	VOCs	171.82		Trading
York International Corporation Sources: Trichloroethylene Vapor Degreaser (151), Trichloroethylene Vapor Degreaser (152) Source Location: Spring Garden Township County: York Ozone Nonattainment Status: Moderate Contact Person: Garen Macdonald, (717) 771-7346	VOCs VOCs	12.20 2.70	6/1/2006 10/1/2005	Trading
REXAM DSI Source Location: Muhlenberg Township County: Berks Ozone Nonattainment Status: Moderate Contact Person: LeRoy H. Hinkle, (610) 916-4248	NOx	9.42	11/22/2005	Trading
Recipient/Holder of ERC: Coastal Aluminum Rolling Mills Inc. ERC Generating Facility: Fasson Div. of Avery Dennison Corp. ERC-generating facility location: Quakertown, Bucks Ozone Nonattainment Status: Severe Contact Person: Jesse Hackenberg, (570) 323-4430	VOCs	3.62		Internal Use/Trading
Recipient/Holder of ERC: PG&E Energy Trading-Power, L. P. ERC Generating Facility: Fasson Div. of Avery Dennison Corp. ERC-generating facility location: Quakertown, Bucks Ozone Nonattainment Status: Severe Contact Person: Mark Sheppard, (301) 280-6607	VOCs	39.84	8/1/2006	Trading
Baldwin Hardware Corporation Source Location: Reading County: Berks Ozone Nonattainment Status: Moderate Contact Person: D. David Hancock, Jr., (215) 777-7811	VOCs	18.00	7/28/2005	Trading
Magee Rieter Automotive Systems Source Location: Bloomsburg County: Columbia Ozone Nonattainment Status: Moderate Contact Person: Tim Bergerstock, (717) 784-4100	NOx VOCs	0.39 0.02	4/17/2006	Internal Use
Congoleum Corporation Source Location: Marcus Hook County: Delaware Ozone Nonattainment Status: Severe Contact Person: Theresa C. Garrod, (609) 584-3000	NOx	5.20		Trading

<i>Facility information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration Date</i>	<i>Intended Use of ERCs</i>
Dominion Transmission, Inc. CNG Transmission Corporation Source Location: Leidy Township County: Clinton Ozone Nonattainment Status: Moderate Contact Person: Sean R. Sleight, (304) 623-8462	NOx VOCs	15.28 0.55	10/27/2004	Internal Use and Trading
Bethlehem Structural Products Corp. Source Location: Bethlehem County: Northampton Ozone Nonattainment Status: Moderate Contact Person: Joseph E. Schindler, (610) 694-5104	NOx VOCs	1,054.00 473.80	Varies from 3/28/2008 to 6/19/2008	Trading
Morgan Adhesives Company (MACTac) Source Location: Scranton County: Lackawanna Ozone Nonattainment Status: Moderate Contact Person: Tim Owens, (330) 688-1111	VOCs	75.00	6/30/2008	Trading
National Fuel Gas Supply Corporation Sources: Generators 1 and 2, Dehydrator 1 Source Location: Ellisburg Station County: Potter Ozone Nonattainment Status: Moderate Contact Person: Gary A. Young, (814) 871-8657	NOx VOCs	16.14 1.80	2/1/2009	Internal Use
General Electric Company Source Location: Lawrence Park County: Erie Ozone Nonattainment Status: Moderate Contact Person: Scott Gowdy, (814) 875-2427	VOCs	33.60 2.60 1.80	12/1/2004 12/31/2005 12/31/2006	Internal Use/Trading
Sun Company, Inc. Source: API Separator 10 and 1-F Source Location: Marcus Hook County: Delaware Ozone Nonattainment Status: Severe Contact Person: John A. Rossi	VOCs	2.37	9/30/2004	Internal Use
TYK America, Inc. Source Location: Irvona Facility County: Clearfield Ozone Nonattainment Status: Moderate Contact Person: David B. Orr, (412) 384-4259	NOx VOCs	0.30 0.02	11/6/2008	Trading
Smithkline Beechman Pharmaceuticals Sources: Two boilers and oxidizer Source Location: Spring Garden Street Facility County: Philadelphia Ozone Nonattainment Status: Severe Contact Person: Eileen Ackler, (610) 239-5239	NOx VOCs	5.72 0.10	12/31/2008	Trading
Recipient/Holder of ERC: PG&E Energy Trading-Power, LP ERC Generating Facility: Global Packaging, Inc. ERC-generating facility location: Oaks Plant, Montgomery County Ozone Nonattainment Status: Severe Contact Person: Sarah M. Barpoulis, (301) 280-6607	VOCs	7.70	9/1/2006	Trading
Recipient/Holder of ERC: PG&E Energy Trading-Power, L. P. ERC Generating Facility: Global Packaging, Inc. ERC-generating facility location: Oaks Plant, Montgomery County Ozone Nonattainment Status: Severe Contact Person: Sarah M. Barpoulis, (301) 280-6607	VOCs	43.50		Trading

<i>Facility information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration Date</i>	<i>Intended Use of ERCs</i>
The Procter & Gamble Paper Products Company Source Location: Mehoopany Plant County: Wyoming Ozone Nonattainment Status: Moderate Contact Person: Lars Lundin, (570) 833-3545	NOx VOCs	136.00 237.67	5/3/2009	Internal Use/Trading
Caparo Steel Company Source: EAF Furnace No. 2 and Ladle Preheater No. 2 Source Location: Farrell Plant County: Mercer County Ozone nonattainment status: Moderate Contact Person: Richard A. Herman, (724) 983-6464	NOx VOCs	36.73 12.07	8/18/2007	Trading
LTV Steel Company, Inc. Source Location: Pittsburgh Coke Plant County: Allegheny Ozone Nonattainment Status: Moderate Contact Person: William L. West, (216) 642-7178	NOx VOCs	1,663.00 373.00	2/28/2008	Trading
Newcomer Products Inc. Source Location: Latrobe County: Westmoreland Ozone Nonattainment Status: Moderate Contact Person: Edward M. Nemeth, (724) 694-8100	VOCs	26.00	7/14/2010	Trading
Cyprus Cumberland Resources Corporation Source Location: Cumberland Mine, Whiteley Township County: Greene Ozone Nonattainment Status: Moderate Contact Person: Terry L. Dayton, (412) 627-2219	NOx VOCs	64.00 15.00	6/30/2005	Trading
Allegheny Ludlum Corp. Sources: Three electric arc furnaces Source Location: Washington Plant County: Washington Ozone Nonattainment Status: Moderate Contact Person: Deborah L. Calderazzo, (724) 226-5947	NOx	7.78	7/31/2004	Trading
Scranton-Altoona Terminals Corporation Source Location: Monroe Township County: Cumberland County Ozone nonattainment status: Moderate Contact Person: Thomas M. Carper, (717) 939-0466	VOCs	4.84	9/30/2010	Trading
Pennzoil Wax Partner Company Source Location: Rouseville County: Venango Ozone Nonattainment Status: Moderate Contact Person: David W. Dunn, (713) 546-6941	NOx VOCs	15.47 0.68	2/26/2010	Trading
Pennzoil Wax Partner Company Source Location: Rouseville County: Venango Ozone Nonattainment Status: Moderate Contact Person: David W. Dunn, (713) 546-6941	NOx VOCs	2.82 44.34	4/1/2010	Trading
INDSPEC Chemical Corp. Source: Boiler No. 8 Source Location: Petrolia County: Butler Ozone Nonattainment Status: Moderate Contact Person: Terry Melis, (412) 756-2376	NOx	158.68		Trading
Sun Company, Inc. Sources: Separators Source Location: Marcus Hook Borough County: Delaware Ozone nonattainment status: Severe Contact Person: Steve Martini, (610) 859-1000	VOCs	81.88	9/30/2004	Trading/ Internal Use

<i>Facility information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration Date</i>	<i>Intended Use of ERCs</i>
Sun Company, Inc. Source: Wastewater Conveyance System Source Location: Marcus Hook Borough County: Delaware Ozone nonattainment status: Severe Contact Person: Steve Martini, (610) 859-1000	VOCs	426.59		Trading/ Internal Use
Columbia Gas Transmission Corporation Source Location: Kent Station County: Indiana Ozone nonattainment status: Moderate Contact Person: Gregory Lago, (304) 357-2079	NOx VOCs	44.36 2.66	5/31/2011	Trading
Columbia Gas Transmission Corporation Source Location: Homer Station County: Indiana Ozone nonattainment status: Moderate Contact Person: Gregory Lago, (304) 357-2079	NOx VOCs	45.89 3.79	5/31/2011	Trading
ISG Steelton, Inc. Source: Rail Heat Treating and Quenching Source Location: Steelton Plant County: Dauphin Ozone Nonattainment Status: Moderate Contact Person: James R. Hernjak, (717) 986-2042	NOx VOCs	7.00 43.00	11/9/2009	Trading
General Electric Transportation System Source: Boiler No. 2 Source Location: E. Lake Road County: Erie Ozone nonattainment status: Moderate Contact Person: Mark D. Restifo, (814) 875-5406	NOx VOCs	280.90 1.70	12/31/2010	Trading
Hershey Foods Corporation Source Location: East Plant County: Dauphin Ozone Nonattainment Status: Moderate Contact Person: Shawn P. Greenwood, (610) 678-0552	NOx	189.00	10/4/2004	Trading
3M Minnesota Mining & Manufacturing Source Location: Bristol Plant County: Bucks Ozone Nonattainment Status: Severe Contact Person: Jeff Muffat, (651) 778-4450	VOCs VOCs	607.00 279.00	11/30/2011 12/17/2011	Trading
Kosmos Cement Company, Cemex Inc. Source Location: Neville Road, Pittsburgh County: Allegheny Ozone nonattainment status: Moderate Contact Person: Amarjit Gill, (713) 653-8554	NOx VOCs	910.00 26.00	4/24/2011	Trading
Edgewater Steel Ltd. Source Location: College Avenue, Oakmont County: Allegheny Ozone nonattainment status: Moderate Contact Person: Peter M. Guzanick, (412) 517-7217	NOx VOCs	17.05 1.87	8/6/2008	Trading
JG Furniture Group, Inc. Source Location: Quakertown, Bucks County: Bucks Ozone Nonattainment Status: Severe Contact Person: Donald Boisselle, (336) 410-7263	VOCs	24.4	9/1/2007	Trading
Recipient/Holder of ERC: Cypress Energy, Inc. ERC Generating Facility: Laclede Steel Corporation Source Location: Fairless County: Bucks Ozone nonattainment status: Severe Contact Person: Gary Stephenson, (781) 993-3098	NOx VOCs	104.00 45.00	11/29/2011	Trading

<i>Facility information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration Date</i>	<i>Intended Use of ERCs</i>
Recipient/Holder of ERC: Natsource Emissions Brokers ERC Generating Facility: Laclede Steel Corporation Source Location: Fairless County: Bucks Ozone nonattainment status: Severe Contact Person: David Oppenheimer, (212) 232-5305	NOx VOCs	0.27 1.50	11/29/2011	Trading
Trinity Industries, Inc. Source Location: Greenville County: Mercer County Ozone nonattainment status: Moderate Contact Person: Dennis Lencioni, (214) 589-8141	VOCs	61.65	10/31/2010	Trading
Rohm and Haas Company Source Location: Bristol Township County: Bristol Ozone nonattainment status: Severe Contact Person: Lloyd Davis, (215) 785-8871	VOCs VOCs	1.15 0.32	10/30/2010 1/30/2011	Trading
The Worthington Steel Company Source Location: Malvern, East Whiteland County: Chester Ozone nonattainment status: Severe Contact Person: Gregory Sautter, (614) 438-3197	VOCs	113.00	1/31/2012	Trading
PPL Inc. Source Location: Holtwood Station County: Lancaster Ozone nonattainment status: Moderate Contact Person: Linda A. Boyer, (610) 774-5410	NOx VOCs	3,702.09 9.70	4/29/2009	Trading
North American Refractories Company Source Location: Womelsdorf County: Lebanon Ozone Nonattainment Status: Moderate Contact Person: Rhonda Vete, (412) 469-6122	NOx NOx VOCs	5.11 62.57 0.25	12/15/2010 9/30/2008 9/30/2008	Trading
The Quaker Oats Company Source Location: Shiremanstown Plant County: Cumberland Ozone nonattainment status: Moderate Contact Person: Richard C. Pitzer, (717) 731-3334	NOx VOCs	4.00 1.68	Varies from 4/3/2010 to 7/15/2011	Trading
Glasgow, Inc. Source Location: Plymouth Meeting County: Montgomery Ozone nonattainment status: Severe Contact Person: Brian Chabak, (215) 884-8800	NOx VOCs NOx VOCs	2.72 0.21 6.54 0.52	12/31/2010 12/31/2010 6/1/2010 6/1/2010	Trading
Scranton-Altoona Terminals Corporation Source Location: East Freedom Terminal County: Cumberland County Ozone nonattainment status: Moderate Contact Person: Thomas M. Carper, (717) 939-0466	VOCs	9.19	4/1/2009	Trading
SLI Lighting Inc. Source Location: Ellwood City County: Lawrence Ozone nonattainment status: Moderate Contact Person: Tim Haubach, (724) 752-6493	VOCs	5.70	6/3/2010	Trading
National Fuel Gas Supply Corp. Source Location: Van Compressor St., Cranberry Township County: Venango Ozone nonattainment status: Moderate Contact Person: Gary A. Young, (814) 871-8657	NOx VOCs	80.90 0.65	7/19/2006	Trading

<i>Facility information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration Date</i>	<i>Intended Use of ERCs</i>
Harvard Industries, Inc. Plant name: Pottstown Precision Casting Inc. Source Location: West Pottsgrove Township County: Montgomery Ozone nonattainment status: Severe Contact Person: Allan B. Currie, Jr., (517) 787-5181	NOx VOCs	28.25 8.70	11/12/2011	Trading
Recipient/Holder of ERC: Morgan Stanley Capital Group Inc. ERC Generating Facility: Occidental Chemical Corp. ERC Generating Source Location: Pottsgrove Township County: Montgomery County Ozone nonattainment status: Severe Contact Person: Trevor Woods, (212) 761-8895	NOx	71.40	2/28/2007	Trading
Recipient/Holder of ERC: Kvaerner Philadelphia Shipyard, Inc. ERC Generating Facility: Occidental Chemical Corp. ERC Generating Source Location: Pottsgrove Township County: Montgomery County Ozone nonattainment status: Severe Contact Person: Michael Masington, (215) 875-2649	NOx	50.00	2/28/2007	Trading
Horsehead Resource Co., Inc. Source Location: East Plant (Waelz) County: Carbon Ozone Nonattainment Status: Moderate Contact Person: John M. Cigan, (610) 826-8719	NOx VOCs	30.80 53.80	5/31/2006	Trading
Lafarge Corporation Source Location: Whitehall Plant County: Lehigh Ozone Nonattainment Status: Moderate Contact Person: Edward F. Werkheiser, (610) 261-3424	NOx VOCs	298.10 3.70	10/15/2004	Trading
The Peoples Natural Gas Company Source Location: Laurel Ridge Station County: Cambria Ozone Nonattainment Status: Moderate Contact Person: Sheri Franz, (412) 497-6582	NOx VOCs	13.00 4.00	11/11/2004	Trading
Alcoa, Inc. Source Location: Lebanon Township County: Lebanon County Ozone nonattainment status: Moderate Contact Person: Kevin S. Barnett, (412) 553-2094	NOx VOCs	48.86 882.43	Varies from 9/29/2010 to 5/1/2012	Trading
Rohm and Haas Source Location: Richmond Street County: Philadelphia Ozone nonattainment status: Severe Contact Person: Frank Jackson, (215) 537-4000	NOx VOCs NOx	50.10 30.30 0.19	6/13/2005 12/31/2004	Trading
American Color Graphics, Inc. Formerly Flexi-Tech Graphics, Inc. Source Location: Barnhart Drive, Hanover County: York Ozone nonattainment status: Moderate Contact Person: Glenn Shaffer, (717) 792-8104	VOCs	9.60	1/15/2012	Trading
Allegro Microsystems, Inc. Source Location: Upper Moreland Township County: Montgomery Ozone nonattainment status: Severe Contact Person: Wendy Cooper, (610) 286-7434	VOCs	42.61	3/29/2012	Trading
National Fuel Gas Supply Corp. Source Location: Heath Station County: Jefferson County Ozone Nonattainment Status: Moderate Contact Person: Gary A. Young, (814) 871-8657	NOx VOCs	122.80 2.10	7/1/2005	Trading

<i>Facility information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration Date</i>	<i>Intended Use of ERCs</i>
Williams Generation Company Source Location: Hazleton Co-Gen Facility County: Luzerne Ozone Nonattainment Status: Moderate Contact Person: Terrie Blackburn, (918) 573-9766	NOx	794.6	1/31/2007	Trading
Calumet Lubricants Company Source Location: Rouseville Plant County: Venango Ozone nonattainment status: Moderate Contact Person: Daniel R. Chapman, (814) 678-4602	NOx VOCs	89.80 2.38	5/21/2012	Trading
Avery Dennison Corporation Source Location: Dungan Road County: Philadelphia Ozone nonattainment status: Severe Contact Person: Frank J. Brandauer, (626) 398-2773	VOCs	3.13	6/30/2012	
Henry Miller Spring & Manufacturing Company Source Location: Sharpsburg County: Allegheny Ozone nonattainment status: Moderate Contact Person: David J. Jablonowski, (412) 782-7300	NOx VOCs	10.96 36.47	1/22/2010	Trading
Penco Products, Inc. Source Location: Lower Providence Township County: Montgomery Ozone nonattainment status: Severe Contact Person: Allan J. Goss, (610) 666-0500	NOx VOCs	3.11 29.48	10/1/2011	Trading
Norfolk Southern Railway Co. Source Location: Hollidaysburg Car Shop County: Blair Ozone nonattainment status: Moderate Contact Person: Carl Russo, (814) 949-1479	NOx VOCs	4.35 69.80	7/19/2012	Trading
World Kitchen Inc. Source Location: Charleroi Plant County: Washington Ozone Nonattainment Status: Moderate Contact Person: James Rowlett, (724) 489-2288	NOx	251.43		Trading
PPG Industries, Inc. Source Location: Greenwood Township County: Crawford Ozone nonattainment status: Moderate Contact Person: David J. Neal, (412) 492-5507	NOx	1,118.50		Trading
Sentry Paint Technologies, Inc. Source Location: Mill Street, Darby County: Delaware Ozone nonattainment status: Severe Contact Person: Benjamin Breskman, (610) 522-1900	VOCs	3.56	4/30/2013	Trading
R. H. Sheppard Company, Inc. Source Location: Core making operation in Hanover County: York Ozone nonattainment status: Moderate Contact Person: Julie L. Smith, (717) 637-3751	VOCs	14.43	4/15/2013	Trading

Summary of ERC Transaction

The following ERC transaction is approved by the Bureau of Air Quality. The ERC transaction requirements are specified in 25 Pa. Code § 127.208.

ERC Generating Facility Information

ERC Generating Facility Name: PPL Holtwood LLC
 Location of Source: Martic Township, Lancaster County
 Certified ERCs (tpy): 3769.09 tpy of NOx and 9.7 tpy of VOCs
 Amount of ERCs traded to Purchaser/Recipient: 67 tpy of NOx
 Date of ERCs Transfer: 6/18/04
 ERCs available for future use: 3702.09 tpy of NOx and 9.7 tpy of VOCs

Purchaser/Recipient of ERCs

Purchaser/Recipient of ERCs: Nucor Steel Auburn, Inc.
 Location of Source: Auburn, New York
 Permit Number: 7-0501-00044/00007
 NOx credits used: 67 tpy
 NOx credits available for future use: 0

[Pa.B. Doc. No. 04-1367. Filed for public inspection July 23, 2004, 9:00 a.m.]

Alternative Fuels Incentive Grant Program Opportunity Notice

The Department of Environmental Protection (Department), Bureau of Energy, Innovations and Technology Development, announces an opportunity to apply for grants under the Alternative Fuels Incentive Grant (grant) program. This grant program is to promote and expand the use of alternative transportation fuels and fuel systems such as compressed natural gas, liquefied natural gas, liquid propane gas, ethanol, methanol, hydrogen, hythane, electricity, coal-derived liquid fuels and fuels derived from biological materials.

Grant funds can be used to pay for the difference between an alternative fuel vehicle and a conventional gasoline or diesel vehicle, to convert an existing gasoline vehicle to operate on an alternative fuel, to purchase a new energy efficient hybrid electric vehicle, to purchase and install a refueling or recharging facility or to evaluate new alternative fuel technologies. Eligible applicants for incentive grants are schools and vocational school districts, municipal authorities, counties, cities, boroughs, incorporated towns, townships, county institution districts, nonprofit entities and corporations or partnerships incorporated or registered in the Commonwealth and Commonwealth residents.

Grants awarded in this funding cycle will cover up to 20% of the applicant's eligible costs. Project costs cannot be incurred before the submittal of an application during the open opportunity.

Grant applications can be requested by contacting Cleo Arp, Department of Environmental Protection, Bureau of Energy, Innovations and Technology Development, P. O. Box 8772, Harrisburg, PA 17105-8772, (717) 772-8912, fax (717) 773-2703, carp@state.pa.us. Specify the project type when requesting an application package. The application package is available on the Department's website: www.dep.state.pa.us (DEP Keyword: Alternative Fuels). The deadline for submitting a Cycle 12 application is 4 p.m. on October 1, 2004.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 04-1368. Filed for public inspection July 23, 2004, 9:00 a.m.]

Availability of Technical Guidance

Technical guidance documents are on the Department of Environmental Protection's (Department) website: www.dep.state.pa.us (DEP Keyword: Participate). The "Current Inventory" heading is the Governor's list of nonregulatory guidance documents. The "Final Documents" heading is the link to a menu of the various Department bureaus and from there to each bureau's final technical guidance documents. The "Draft Technical

Guidance" heading is the link to the Department's draft technical guidance documents.

The Department will continue to revise its nonregulatory documents, as necessary, throughout 2004.

Ordering Paper Copies of Department Technical Guidance

The Department encourages the use of the Internet to view guidance documents. When this option is not available, persons can order a bound paper copy of the latest inventory or an unbound paper copy of any of the final documents listed on the inventory by calling the Department at (717) 783-8727.

In addition, bound copies of some of the Department's documents are available as Department publications. Check with the appropriate bureau for more information about the availability of a particular document as a publication.

Changes to Technical Guidance Documents

Following is the current list of recent changes. Persons who have questions or comments about a particular document should call the contact person whose name and phone number is listed with each document.

Draft Technical Guidance

DEP ID: 150-2302-005. Title: Procedures for the Approval and Accreditation of Drinking Water Laboratories in the Commonwealth of Pennsylvania. Description: This guidance document formalizes existing guidance that was previously developed and has been implemented since 1995. The Environmental Laboratory Accreditation Advisory Committee (Committee) assisted in the development of this guidance. The purpose of this document is to establish minimum criteria that laboratories must meet to obtain and maintain accreditation under the Pennsylvania Laboratory Accreditation Program. The guidance will apply to all laboratories desiring to obtain and maintain accreditation under the Commonwealth's drinking water program. Additional guidance is contained in Critical Elements guidance documents 150-2301-001, 150-2302-002 and 150-2302-003, in addition to the most current edition of the United States Environmental Protection Agency's (EPA) *Manual for the Certification of Laboratories Analyzing Drinking Water*. Accreditation using the National Environmental Laboratory Accreditation Conference (NELAC) Standard is also available as an alternate to accreditation using these guidelines. The procedures for accreditation using the NELAC Standard are described in *Procedures for the Approval and Accreditation of Laboratories in the Commonwealth of Pennsylvania Utilizing the NELAC Standard*, 150-2302-004. Written Comments: Interested persons may submit written comments on draft technical guidance 150-2302-005 by August 17, 2004. Comments submitted by facsimile will not be accepted. The Department will accept comments submitted by e-mail. A return name and address must be included in each e-mail transmission. Written comments should be submitted to Richard H. Sheibley, Laboratory Accreditation Program, Bureau of Laboratories, Evan Press Building, rsheibly@state.pa.us.

Questions regarding the draft technical guidance document should be directed Richard H. Sheibley, (717) 705-2425, rsheibley@state.pa.us.

DEP ID: 150-2302-004. Title: Procedures for the Approval and Accreditation of Laboratories in the Commonwealth of Pennsylvania Utilizing the NELAC Standard. Description: The purpose of this document is to establish minimum criteria that laboratories must meet to obtain and maintain accreditation under the Pennsylvania NELAP program. The Committee assisted in the development of this guidance. The guidance will apply to all laboratories wishing to obtain and maintain accreditation under the Pennsylvania NELAP program as an alternative within the Environmental Laboratory Accreditation Program. To ensure that Commonwealth laboratories are continuing to report the most accurate information according to the most reliable standards, the Department is offering a dual system of laboratory accreditation. Current Commonwealth safe drinking water laboratory certification is based upon compliance with Departmental guidelines, including the *Procedures for the Approval and Accreditation of Drinking Water Laboratories in the Commonwealth of Pennsylvania* and Critical Elements documents and the current edition of the EPA's *Manual for the Certification of Laboratories Analyzing Drinking Water*. See 25 Pa. Code § 109.806 (relating to standards of or certification). Commonwealth oil and gas laboratory certification is based upon compliance with Departmental guidelines and specific regulatory requirements. See 25 Pa. Code § 78.144 (relating to standard of or certification). Accreditation using the previous guidance is available as an alternative to accreditation using the NELAC standards and this guidance. Written Comments: Interested persons may submit written comments on draft technical guidance 150-2302-004 by August 17, 2004. Comments submitted by facsimile will not be accepted. The Department will accept comments submitted by e-mail. A return name and address must be included in each e-mail transmission. Written comments should be submitted to Richard H. Sheibley, Laboratory Accreditation Program, Bureau of Laboratories, Evan Press Building, rsheibly@state.pa.us. Questions regarding the draft technical guidance document should be directed Richard H. Sheibley, (717) 705-2425, rsheibley@state.pa.us.

DEP ID: 012-5500-001. Title: 2005 Environmental Education Grants Program Manual and Forms. Description: The 2005 Environmental Education Grants Program Manual and Forms is a guide for eligible organizations interested in applying for the Department's Environmental Education (EE) grants program. It provides information on eligibility and details on how to apply and the operational procedures if a grant is awarded. The Pennsylvania Environmental Education Act (act) was signed into law on June 22, 1993. The act established a Commonwealth policy that EE is critically important to all citizens; created an EE Fund from 5% of the Department's pollution fine moneys; and created the EE grants program for the distribution of the EE fund money. It is the Department's policy to provide schools, county conservation districts and nonprofit groups (with a conservation/education mission) with the information necessary to participate in the EE grants program. Written comments: Interested persons may submit written comments on draft technical guidance 150-2302-004 by August 17, 2004. Comments submitted by facsimile will not be accepted. The Department will accept comments submitted by e-mail. A return name and address must be included in each e-mail transmission. Written comments should be submitted to Jack Farster, Director

of Environmental Education, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17105, jfarster@state.pa.us. Questions regarding the draft technical guidance document should be directed to Jack Farster, (717) 705-3767, jfarster@state.pa.us.

Final Technical Guidance

DEP ID: 383-2131-001. Title: Screening Criteria on Water Quality/Quantity Impacts for Drinking Water. Description: The screening procedures set forth in this guidance will be used to determine if permit applications for the development of new or expanded ground or surface sources of supply should be approved or if further evaluation is necessary to determine the impact of the proposed project on adjacent water resources. This screening process is designed to: determine which water resources may be significantly impacted by the development and use of the new or expanded sources; assess the magnitude and significance of potential impacts on the identified vulnerable water resources; and determine that the development and use of the new or expanded source complies with the provisions of The Clean Streams Law. Effective Date: July 24, 2004.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 04-1369. Filed for public inspection July 23, 2004, 9:00 a.m.]

Innovative Uses and New Market Opportunities for Waste Tires; Request for Information

The Department of Environmental Protection (Department) is seeking ideas and suggestions for innovative uses and new market opportunities for waste tires currently located on a property owned by Max Starr in Greenwood Township, Columbia County. The site contains approximately 6-10 million tires accumulated since the early 1980s. The Department, its agents and contractors will have access to the site to perform waste tire removal and other actions as deemed necessary. The Department's objective is to demonstrate the ability to beneficially use waste tires in this Commonwealth to promote a sustainable market-based outlet for the remaining tires onsite. The Department strives to identify a process or use for waste tires so that the product derived from waste tires will be used as a commodity in this Commonwealth. The Department seeks detailed ideas for projects that would require funding for a period of time not exceeding 2 years. These ideas should ultimately remove tires from the site as well as identify innovative uses that result in the manufacture of consumer products from the waste tires or consumption of the waste tires instead of other raw materials. Ideas that include supplementing the removal cost of the tires from the site should clearly indicate how the activities to be funded will be sustainable without funding after the subsidy ends.

Examples of potential ideas include the following:

- Processing waste tires for use as high value end use products:
 - Crumb rubber.
 - Mats.
 - Playground surface.
 - Rubber mulch.
 - Carpet underlayment.

- Railroad crossing mats.
- Flooring.
- Sound barriers.
- Hexagonal pavers.
- Swing seats.
- Parking stops.
- Processing waste tires for use as tire-derived material for fuel.
 - Processing waste tires for civil engineering uses:
 - Subgrade fill and embankments.
 - Back fill for walls and bridge abutments.
 - Subgrade insulation for roads.
 - Landfill leachate collection systems.
 - Septic system drain fields.
 - French drain systems.
 - Residential backfill around foundations.
 - Use of whole tires for:
 - Erosion control.
 - Crash barriers.
 - Artificial reefs.
 - Innovative tire processing methodologies or innovative tire product development.

Other Requirements

Ideas should:

- Permanently remove tires from the site.
- Promotion of a market for waste tire reuse.
- Deliver waste tire products for consumer or beneficial reuse.
- Track use or sale of tire products from the site.
- Stimulate community partnerships, support and involvement.

The Department will not provide compensation for submission of information in response to this request. James Miller of the Department's North Central Regional Office will provide two site tours for the purposes of providing adequate access and information for idea submitting. Contact James Miller at (570) 327-3653 to arrange for a tour. Contractors should submit ideas by mail only by August 13, 2004, to the Department of Environmental Protection, Office of Energy and Technology Development, Attn: David Althoff—Starr Tire Pile, 400 Market St., 15th Floor, Harrisburg, PA 17101.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 04-1370. Filed for public inspection July 23, 2004, 9:00 a.m.]

DEPARTMENT OF HEALTH

Approved Drugs for ALS Ambulance Services

Under 28 Pa. Code § 1005.11 (relating to drug use, control and security), the following drugs are approved for use by ground advanced life support (ALS) ambulance services and may be administered by emergency medical

technician-paramedics, prehospital registered nurses and health professional physicians when use of the drugs is permitted by the applicable Department of Health (Department) approved regional medical treatment protocols:

1. Adenosine
2. Albuterol
3. Amiodarone
4. Aspirin
5. Atropine sulfate
6. Benzocaine—for topical use only
7. Bretylium
8. Calcium chloride
9. Dexamethasone sodium phosphate
10. Diazepam
11. Dilaudid—for interfacility transports only
12. Diltiazem
13. Diphenhydramine HCL
14. Dobutamine
15. Dopamine
16. Epinephrine HCL
17. Fentanyl
18. Furosemide
19. Glucagon
20. Heparin by intravenous drip—for interfacility transports only
21. Heparin lock flush
22. Hydrocortisone sodium succinate
23. Glycoprotein IIb/IIIa Inhibitors—for interfacility transports only
 - a. Abciximab
 - b. Eptifibatide
 - c. Tirofiban
24. Intravenous electrolyte solutions
 - a. Dextrose
 - b. Lactated Ringer's
 - c. Sodium chloride
 - d. Normosol
 - e. Potassium—for interfacility transports only
25. Ipratropium bomide
26. Isoproterenol HCL—for interfacility transports only
27. Levalbuterol—for interfacility transports only
28. Lidocaine HCL
29. Lorazepam
30. Magnesium sulfate
31. Metaproterenol
32. Methylprednisolone
33. Midazolam
34. Morphine sulfate
35. Naloxone HCL

36. Nitroglycerin by intravenous drip—for interfacility transports only
37. Nitroglycerin ointment
38. Nitroglycerin spray
39. Nitroglycerin sublingual tablets
40. Nitrous oxide
41. Oxytocin
42. Phenergan
43. Pralidoxime CL
44. Procainamide
45. Sodium bicarbonate
46. Sodium thiosulfate
47. Sterile water for injection
48. Terbutaline
49. Tetracaine—for topical use only
50. Verapamil

This list supercedes the list of approved drugs published at 33 Pa.B. 2713 (June 7, 2003). Changes made are as follows: (1) addition of levalbuterol for interfacility transports only; (2) addition of ipratropium bromide; and (3) change of benzocaine/tetracaine in combination to separate listings of benzocaine and tetracaine for topical use. Ambulance services are not authorized to stock drugs designated "for interfacility transports only." However, paramedics and health professionals may administer a drug so designated if the facility transferring a patient provides the drug, directs that it be administered to the patient during the transfer and the regional transfer and medical treatment protocols permit the administration of the drug by those personnel.

Section 1005.11 of 28 Pa. Code permits a ground ALS ambulance service to exceed, under specified circumstances, the drugs (taken from the master list) that a region's medical treatment protocols authorize for use within the region. In addition, under 28 Pa. Code § 1001.161 (relating to research), the Department may approve an ambulance service to engage in a research project that involves use of a drug not included in a region's medical treatment protocols. Finally, under 28 Pa. Code § 1001.4 (relating to exceptions), a ground ALS ambulance service and its ALS service medical director may apply to the Department for an exception to a region's medical treatment protocols.

The list of drugs in this notice does not apply to air ambulance services. Under 28 Pa. Code § 1007.7(i)(2) (relating to licensure and general operating requirements), each air ambulance service is to develop its own medical treatment protocols which identify drugs that may be used by the air ambulance service. The air ambulance service is to then submit the protocols to the medical advisory committee of the appropriate regional emergency medical services council for the medical advisory committee's review and recommendations. Following its consideration of the recommendations, and after making further revisions if needed, the air ambulance service is to file the protocols with the Department for approval.

Persons with a disability who require an alternate format of this notice (for example, large print, audiotape or Braille) should contact Robert Gaumer, Department of Health, Emergency Medical Services Office, Room 1032,

Health and Welfare Building, Harrisburg, PA, 17120, (717) 787-8740, speech or hearing impaired persons may use V/TT: (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

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

[Pa.B. Doc. No. 04-1371. Filed for public inspection July 23, 2004, 9:00 a.m.]

Prehospital Practitioner Scope of Practice

Under 28 Pa. Code §§ 1003.21(c)(13), 1003.22(e)(3), 1003.23(f), 1003.24(e) and 1003.25b(c), the Department of Health (Department) is publishing the scope of practice for ambulance attendants, first responders, emergency medical technicians (EMT), EMT-paramedics and prehospital registered nurses (PHRN) under the Emergency Medical Services Act (35 P. S. §§ 6921—6938).

Skills identified may be performed by a prehospital practitioner at the practitioner's level of certification/recognition only if the practitioner has successfully completed training (cognitive, affective and psychomotor) on the specified skill, which includes training to perform the skill on adults, children and infants, as appropriate.

A PHRN with medical command authorization may perform, in addition to those services within an EMT-paramedic's scope of practice, other services authorized by The Professional Nursing Law (63 P. S. §§ 211—225.5), when authorized by a medical command physician through either on-line medical command or standing medical treatment protocols. To administer drugs in addition to those permitted by applicable medical treatment protocols, a PHRN must also have received approval to do so by the advanced life support service medical director of the advanced life support ambulance service under which the PHRN is functioning.

This list supercedes the list of skills in the scope of practice of prehospital personnel published at 33 Pa.B. 2713 (June 7, 2003). Changes made are: (1) clarification related to immunizations. Immunizations may only be done when the practitioner is functioning as a physician extender under the Medical Practice Act of 1985 (act) (63 P. S. §§ 422.1—422.51a) and Osteopathic Medical Practice Act (63 P. S. §§ 271.1—271.18).

Persons with a disability who require an alternate format of this notice (for example, large print, audiotape or Braille) should contact Bob Gaumer, Department of Health, Emergency Medical Services Office, Room 1032, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-8740. Speech or hearing impaired persons should call by using V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

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

Yes—The skill is in the scope of practice for the level of certification.

No—The skill is not in the scope of practice for the level of certification.

AA—Ambulance attendant.

FR—First responder.

EMT—Emergency medical technician.

EMT-P—Emergency medical technician paramedic.

1—May assist higher level practitioner only when in the physical presence and under the direct supervision of the ALS practitioner.

2—Additional training and approval by service medical director required.

3—The skill may be performed by BLS personnel in accordance with Statewide BLS protocols or medical command order.

4—The skill is not approved for the level of certification regardless if taught in a course approved for that level of certification.

5—The acronym is explained following the table.

6—Skill may only be used when functioning with a licensed ambulance service or QRS that complies with Department requirements for performing this skill.

7—May only be done as a physician extender under the act.

<i>Topic</i>	<i>Skill</i>	<i>AA</i>	<i>FR</i>	<i>EMT</i>	<i>EMT-P</i>
Airway/ventilation/oxygenation	Airway—esophageal tracheal—dual lumen CombiTube®	No	No	No	Yes
Airway/ventilation/oxygenation	Airway—oral and nasal	Yes	Yes	Yes	Yes
Airway/ventilation/oxygenation	Airway—pharyngeal tracheal lumen	No	No	No	No ⁴
Airway/ventilation/oxygenation	Bag-valve-ETT/CombiTube® ventilation	No	Yes ¹	Yes ¹	Yes
Airway/ventilation/oxygenation	Bag-valve-mask (BVM)—with in-line small-volume nebulizer	No	Yes ¹	Yes ¹	Yes
Airway/ventilation/oxygenation	BVM ventilation	Yes	Yes	Yes	Yes
Airway/ventilation/oxygenation	Chest decompression—needle	No	No	No	Yes
Airway/ventilation/oxygenation	CPAP/BiPAP ⁵ —demonstrate application of	No	No	No	Yes
Airway/ventilation/oxygenation	Cricoid pressure (Sellick maneuver)	No	Yes	Yes	Yes
Airway/ventilation/oxygenation	Cricothyrotomy—needle	No	No	No	Yes
Airway/ventilation/oxygenation	Cricothyrotomy—open/surgical	No	No	No	Yes
Airway/ventilation/oxygenation	Cricothyrotomy—overwire (Seldinger) technique	No	No	No	Yes
Airway/ventilation/oxygenation	End tidal CO ₂ monitoring/capnography	No	Yes ¹	Yes ¹	Yes
Airway/ventilation/oxygenation	Esophageal obturator airway/esophageal gastric tube airway	No	No	No	No ⁴
Airway/ventilation/oxygenation	Extubation	No	No	No	Yes
Airway/ventilation/oxygenation	Flow restricted oxygen powered ventilation device (demand valve)	No	Yes	Yes	Yes
Airway/ventilation/oxygenation	Gastric decompression—OG ⁵ and NG ⁵ tube (suction)	No	No	No	Yes
Airway/ventilation/oxygenation	Gastric tube insertion—nasal and oral	No	No	No	Yes
Airway/ventilation/oxygenation	Head-tilt/chin-lift	Yes	Yes	Yes	Yes
Airway/ventilation/oxygenation	Intubation—digital and lighted stylet	No	No	No	Yes
Airway/ventilation/oxygenation	Intubation—endotracheal tube	No	No	No	Yes
Airway/ventilation/oxygenation	Intubation—medication paralytics assisted (RSI ³)	No	No	No	No ⁴
Airway/ventilation/oxygenation	Intubation—nasotracheal and orotracheal	No	No	No ⁴	Yes
Airway/ventilation/oxygenation	Intubation—retrograde	No	No	No	No ⁴
Airway/ventilation/oxygenation	Intubation—transillumination/lighted stylet	No	No	No	Yes
Airway/ventilation/oxygenation	Jaw thrust and modified jaw thrust (trauma)	Yes	Yes	Yes	Yes
Airway/ventilation/oxygenation	Laryngeal mask airway	No	No	No	No ⁴
Airway/ventilation/oxygenation	Mouth-to-mouth, nose, stoma, barrier and pocket mask	Yes	Yes	Yes	Yes
Airway/ventilation/oxygenation	Obstruction—direct laryngoscopy (remove with forceps)	No	No	No	Yes

<i>Topic</i>	<i>Skill</i>	<i>AA</i>	<i>FR</i>	<i>EMT</i>	<i>EMT-P</i>
Airway/ventilation/oxygenation	Obstruction—manual (Heimlich, finger sweep, chest thrusts) upper airway	Yes	Yes	Yes	Yes
Airway/ventilation/oxygenation	Oxygen therapy—blow-by delivery	Yes	Yes	Yes	Yes
Airway/ventilation/oxygenation	Oxygen therapy—humidifiers	No	Yes	Yes	Yes
Airway/ventilation/oxygenation	Oxygen therapy—nasal cannula	Yes	Yes	Yes	Yes
Airway/ventilation/oxygenation	Oxygen therapy—nonrebreather mask	Yes	Yes	Yes	Yes
Airway/ventilation/oxygenation	Oxygen therapy—partial rebreather	No	Yes	Yes	Yes
Airway/ventilation/oxygenation	Oxygen therapy—regulators	Yes	Yes	Yes	Yes
Airway/ventilation/oxygenation	Oxygen therapy—simple face mask	Yes	Yes	Yes	Yes
Airway/ventilation/oxygenation	Oxygen therapy—Venturi mask	No	No	No	Yes
Airway/ventilation/oxygenation	Peak expiratory flow assessment	No	No	No	Yes
Airway/ventilation/oxygenation	Pulse oximetry	Yes ¹	Yes ²	Yes ²	Yes
Airway/ventilation/oxygenation	Suctioning—meconium aspiration	No	No	No	Yes
Airway/ventilation/oxygenation	Suctioning—stoma	No	No	Yes	Yes
Airway/ventilation/oxygenation	Suctioning—tracheobronchial	No	No	No	Yes
Airway/ventilation/oxygenation	Suctioning—upper airway (nasal)	No	Yes	Yes	Yes
Airway/ventilation/oxygenation	Suctioning—upper airway (oral)	Yes	Yes	Yes	Yes
Airway/ventilation/oxygenation	Transtracheal jet ventilation	No	No	No	Yes
Airway/ventilation/oxygenation	Ventilators—automated transport (ATV)	Yes ¹	Yes ²	Yes ²	Yes
Assessment of	Glasgow Coma Scale	Yes	Yes	Yes	Yes
Assessment of	Level of consciousness	Yes	Yes	Yes	Yes
Assessment of	Patient assessment skills identified in the NSC ⁵	Yes	Yes	Yes	Yes
Assessment of	Vital sign—body temperature	Yes	Yes	Yes	Yes
Assessment of	Vital sign—pulse	Yes	Yes	Yes	Yes
Assessment of	Vital sign—pupils	Yes	Yes	Yes	Yes
Assessment of	Vital sign—respirations	Yes	Yes	Yes	Yes
Assessment of	Vital sign—skin color/temperature and condition (CTC)	Yes	Yes	Yes	Yes
Cardiovascular/circulation	Blood pressure—auscultation	Yes	Yes	Yes	Yes
Cardiovascular/circulation	Blood pressure—electronic noninvasive	Yes	Yes	Yes	Yes
Cardiovascular/circulation	Blood pressure—palpation	Yes	Yes	Yes	Yes
Cardiovascular/circulation	Cardiac monitoring—apply electrodes	No	Yes ¹	Yes ¹	Yes
Cardiovascular/circulation	Cardiac monitoring—multilead	No	No	No	Yes
Cardiovascular/circulation	Cardiac monitoring—single lead (interpretive)	No	No	No	Yes
Cardiovascular/circulation	Cardiopulmonary resuscitation (CPR) adult, infant, child, one and two person	Yes	Yes	Yes	Yes
Cardiovascular/circulation	Cardioversion—synchronized	No	No	No	Yes
Cardiovascular/circulation	Carotid massage (vagal maneuvers)	No	No	No	Yes
Cardiovascular/circulation	Defibrillation—counter shock—manual	No	No	No	Yes
Cardiovascular/circulation	Defibrillation—automated external defibrillator	Yes ²	Yes ²	Yes ²	Yes
Cardiovascular/circulation	Hemodynamic monitoring/assist (Swan Ganz, arterial, central venous lines)	No	No	No	No ⁴
Cardiovascular/circulation	Intra-aortic balloon pump monitoring/assist	No	No	No	No ⁴
Cardiovascular/circulation	Mechanical CPR device	No	No	No	Yes
Cardiovascular/circulation	Military/pneumatic antishock trousers/garment (MAST ⁵)	No	No	Yes	Yes

<i>Topic</i>	<i>Skill</i>	<i>AA</i>	<i>FR</i>	<i>EMT</i>	<i>EMT-P</i>
Cardiovascular/circulation	Thrombolytic therapy—initiation	No	No	No	No ⁴
Cardiovascular/circulation	Thrombolytic therapy—monitoring	No	No	No	No ⁴
Cardiovascular/circulation	Transcutaneous pacing	No	No	No	Yes
Cardiovascular/circulation	Use a (cardiac) magnet to alter the mode of an AICD ⁵ or pacemaker	No	No	No	Yes
Communications	Verbal patient report to receiving personnel	No	Yes	Yes	Yes
Communications	Communications with PSAPs ⁵ , hospitals, medical command facilities	Yes	Yes	Yes	Yes
Documentation	Out-of-hospital do not resuscitate (DNR) orders (Act 59)	Yes	Yes	Yes	Yes
Documentation	Patient Care Report completion	No	Yes	Yes	Yes
Hazardous materials	Contaminated equipment disposal (sharps and PPE ⁵)	Yes	Yes	Yes	Yes
Hazardous materials	Decontamination	Yes	Yes	Yes	Yes
Hazardous materials	Disinfection	Yes	Yes	Yes	Yes
Hazardous materials	PPE ⁵ use	Yes	Yes	Yes	Yes
Immobilization	PASG/MAST ⁵ —pelvic stabilization	No	No	Yes	Yes
Immobilization	Spinal immobilization—helmet stabilization or removal	No	No	Yes	Yes
Immobilization	Spinal immobilization—long board w/pt supine and standing	Yes	Yes	Yes	Yes
Immobilization	Spinal immobilization—manual stabilization and cervical collar	Yes	Yes	Yes	Yes
Immobilization	Spinal immobilization—rapid extrication	No	No	Yes	Yes
Immobilization	Spinal immobilization—seated patient (KED ⁶ , and the like)	No	No	Yes	Yes
Immobilization	Splinting—manual, ridged, soft, vacuum	Yes	Yes	Yes	Yes
Immobilization	Splinting—traction	Yes	Yes	Yes	Yes
IV initiation/maintenance/fluids	Central venous cannulation (femoral vein only)	No	No	No	Yes
IV initiation/maintenance/fluids	Central venous line—access of existing catheters	No	No	No	Yes
IV initiation/maintenance/fluids	Clean technique	No	No	No	Yes
IV initiation/maintenance/fluids	External jugular vein cannulation	No	No	No	Yes
IV initiation/maintenance/fluids	Heparin/saline lock insertions as no-flow intravenous (IV)	No	No	No	Yes
IV initiation/maintenance/fluids	Indwelling IV catheters as described in 28 Pa. Code § 1003.23(e)(2) (relating to EMT)	No	No	Yes	Yes
IV initiation/maintenance/fluids	Intraosseous—needle placement and infusion—anterior tibia or distal femur	No	No	No	Yes
IV initiation/maintenance/fluids	Peripheral venous—initiation (cannulation)	No	No	No	Yes
IV initiation/maintenance/fluids	Subcutaneous indwelling catheters—access of existing catheters	No	No	No	Yes
IV initiation/maintenance/fluids	Vascular access devices in home healthcare—access of existing catheters	No	No	No	Yes
IV initiation/maintenance/fluids	Venous (blood sampling)—obtaining	No	No	No	Yes
IV initiation/maintenance/fluids	Venous central line (blood sampling)—obtaining	No	No	No	No ⁴
IV initiation/maintenance/fluids	Arterial line—capped—transport	No	No	Yes	Yes
IV initiation/maintenance/fluids	Arterial line—monitoring/assist	No	No	No	No ⁴

<i>Topic</i>	<i>Skill</i>	<i>AA</i>	<i>FR</i>	<i>EMT</i>	<i>EMT-P</i>
IV initiation/maintenance/fluids	Blood/blood-by products	No	No	No	No ⁴
Lifting and moving	Patient lifting, moving and transfers per NSC ⁵	Yes	Yes	Yes	Yes
Lifting and moving	Patient restraints on transport devices	Yes	Yes	Yes	Yes
Medication administration routes	Endotracheal tube	No	No	No	Yes
Medication administration routes	Inhalation (aerosolized/nebulized)	No	No	No	Yes
Medication administration routes	Intramuscular	No	No	No	Yes
Medication administration routes	Intraosseous—anterior tibia or distal femur	No	No	No	Yes
Medication administration routes	IV—bolus	No	No	No	Yes
Medication administration routes	IV infusion, including by IV pump	No	No	No	Yes
Medication administration routes	Nasogastric	No	No	No	Yes
Medication administration routes	Oral	No	No	No	Yes
Medication administration routes	Rectal	No	No	No	Yes
Medication administration routes	Subcutaneous	No	No	No	Yes
Medication administration routes	Sublingual	No	No	No	Yes
Medication administration routes	Topical	No	No	No	Yes
Medication administration routes	Auto-injectors	No	No	Yes ³	Yes
Medications	Activated charcoal	No	No	Yes ³	Yes
Medications	As published in the <i>Pennsylvania Bulletin</i> by the Department	No	No	No	Yes
Medications	Immunizations	No	No	No	Yes ⁷
Medications	Oral glucose	No	No	Yes ³	Yes
Medications	Over-the-counter medications	No	No	No	No ⁴
Medications	Oxygen	Yes	Yes	Yes	Yes
Medications	Autoinjected epinephrine—primary use—not patient's prescription	No	No	Yes ^{2, 3, 6}	Yes
Medications—patient assisted	Autoinjected epinephrine	No	No	Yes ³	Yes
Medications—patient assisted	Metered dose inhaler—bronchodilator	No	No	Yes ³	Yes
Medications—patient assisted	Nitroglycerin	No	No	Yes ³	Yes
Patient assessment/management	Behavioral—restrain violent patient	No	No	Yes	Yes
Patient assessment/management	Blood glucose assessment	No	No	No	Yes
Patient assessment/management	Burns—chemical, electrical, inhalation, radiation, thermal	Yes	Yes	Yes	Yes
Patient assessment/management	Childbirth—umbilical cord cutting	No	Yes	Yes	Yes
Patient assessment/management	Childbirth (abnormal/complications)	No	No	Yes	Yes
Patient assessment/management	Childbirth (normal)—cephalic delivery	Yes	Yes	Yes	Yes
Patient assessment/management	Dislocation reduction (shoulder)	No	No	No	No ⁴
Patient assessment/management	Eye irrigation/care	Yes	Yes	Yes	Yes
Patient assessment/management	Hemorrhage control—diffuse, direct, pressure point, tourniquet, bandaging	Yes	Yes	Yes	Yes
Patient assessment/management	Intracranial monitoring/assist	No	No	No	No ⁴
Patient assessment/management	As outlined in Department approved regional and Statewide TX ⁵ and transport protocols	Yes	Yes	Yes	Yes
Patient assessment/management	Multiple casualty incident/incident command system	No	Yes	Yes	Yes
Patient assessment/management	Triage (prioritizing patients)—use of tags	Yes	Yes	Yes	Yes
Patient assessment/management	Urinary catheterization	No	No	No	Yes
Rescue	Vehicle access and extrication	Yes	Yes	Yes	Yes

<i>Acronym</i>	<i>Explanation</i>
AICD	Automatic implantable cardioverter defibrillators
CPAP/BiPAP	Continuous positive airway pressure/biphasic positive airway pressure
KED	Kendrick extrication device
NSC	United States Department of Transportation National Standard Curriculum
OG and NG	Oral gastric and nasal gastric tube
PASG/MAST	Pneumatic antishock garment/military antishock trousers
PPE	Personal protective equipment
PSAP	Public safety answering point
RSI	Rapid sequence induction
TX	Treatment

[Pa.B. Doc. No. 04-1372. Filed for public inspection July 23, 2004, 9:00 a.m.]

Traumatic Brain Injury Advisory Board Meeting

The Traumatic Brain Injury Advisory Board, established under the Federal Traumatic Brain Injury Act of 1996 (Pub. L. No. 104-66), will hold a public meeting on Wednesday, July 28, 2004, from 10 a.m. to 3 p.m. in the Health and Welfare Building, Room 812, Commonwealth Avenue at Forster Street, Harrisburg, PA.

For additional information or persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so, contact Annette D. Jacek, Program Manager, Special Conditions Section, Division of Child and Adult Health Services, (717) 772-4959, for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

This meeting is subject to cancellation without notice.

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

[Pa.B. Doc. No. 04-1373. Filed for public inspection July 23, 2004, 9:00 a.m.]

ENVIRONMENTAL HEARING BOARD

Grand Central Sanitary Landfill, Inc. v. Commonwealth of Pennsylvania, Department of Environmental Protection; EHB Doc. No. 2003-171-MG

The Commonwealth, Department of Environmental Protection (Department) and Grand Central Sanitary Landfill, Inc. (Appellant) have agreed to a settlement of the previous matter. The Commonwealth, through the Department, had issued Water Obstruction and Encroachment Permit No. E48-318 (Permit) to the Appellant that authorized the Appellant's request, through an application, for the construction and maintenance of two road crossings associated with the Grand Central Sanitary Landfill (Landfill) and across two tributaries to the Little Bushkill Creek, which are designated by regulation to be high quality, cold water fishery, and to fill 0.28 acre of wetlands. The Permit required that the Appellant sign a copy of both the Permit and the Acknowledgment of Appraisal of Permit Conditions (Acknowledgment) and return these executed documents to the Department, indicating that the Appellant accepted the conditions of the Permit. The Appellant did not sign or return these documents to the Department, and by this action and the

terms of the Permit, the Permit is void. The Appellant appealed the Permit to the Environmental Hearing Board.

The parties agreed to a settlement on June 21, 2004, the major provisions of which include the following:

1. The Appellant withdraws its request and application for a permit to allow construction of the two road crossings. To the extent that the application has been withdrawn, the Permit and Acknowledgment are unsigned, the Permit is void, the statement that the wetlands are exceptional value is of no effect and is not to be considered a final determination by the Department. The parties agree that the Department reserves the right to make the determination regarding wetlands and that the Appellant reserves the right to challenge the determination in the context of any future action.

2. The settlement shall in no way limit or restrict the ability of the Appellant to: (a) submit future applications to the Department and others for the expansion of the Landfill; (b) assert any objections raised in its Notice of Appeal in this matter in any future action, appeal, permit modification plan or application, including without limitation a major permit modification for expansion of the Landfill; or (c) assert any objections raised in its Notice of Appeal in response to future actions by the Department or any other person or entity.

3. The settlement shall in no way limit or restrict the ability of the Commonwealth to review any application for the expansion of the Landfill in accordance with paragraph 4.

4. Consistent with 25 Pa. Code § 273.202(b) (relating to areas where municipal waste landfills are prohibited), the Department agrees in connection with its review of any applications for the expansion of the Landfill, that the isolation distances identified in 25 Pa. Code § 273.202(a)(2) shall not apply to the areas that were permitted as a municipal waste landfill prior to April 9, 1988, and included in a municipal waste landfill permit issued between April 9, 1988, and December 23, 2000. These areas are identified on maps attached to the settlement agreement.

Copies of the full settlement agreement are in the hands of Lance Zeyher, Esquire, Regional Counsel, Department of Environmental Protection, Northeast Region, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 820-4855; and Jonathan E. Rinde, Esquire, Manko, Gold, Katcher & Fox, LLP, 401 City Avenue, Suite 500, Bala Cynwyd, PA 19004, (484) 430-2300.

Copies of the full agreement may be reviewed by any interested party on request during normal business hours

at the office of the Environmental Hearing Board, 2nd Floor, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

MICHAEL L. KRANCER,
Chairperson

[Pa.B. Doc. No. 04-1374. Filed for public inspection July 23, 2004, 9:00 a.m.]

INSURANCE DEPARTMENT

Application for Merger

An application has been received requesting approval of the merger of UPMC Health Benefits, Inc., a stock casualty insurance company organized under the laws of the Commonwealth, with and into UPMC Health Network, Inc., a preferred provider organization organized under the laws of the Commonwealth. The filing was made under the Insurance Holding Companies Act (40 P. S. §§ 991.1401—991.1413). Persons wishing to comment on the grounds of public or private interest in this merger are invited to submit a written statement to the Insurance Department (Department) within 7 days from the date of publication of this notice in the *Pennsylvania Bulletin*. Written statements must include the name, address and telephone number of the interested party, identification of the application to which the statement is addressed and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Stephanie Ohnmacht, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, sohnmacht@state.pa.us.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 04-1375. Filed for public inspection July 23, 2004, 9:00 a.m.]

Repeal of Outdated Bulletins and Notices; Notice 2004-06

The Insurance Commissioner hereby formally repeals the following bulletin notices. The notices were issued to provide general information, guidance in advance of the promulgation of a regulation or announce a change in law or Insurance Department practice. The insurance industry is now familiar with the information contained in these notices or the information is outdated and no longer relevant or necessary for the proper regulation of the insurance industry in this Commonwealth.

<i>Notice No.</i>	<i>Date</i>	<i>Title</i>
2003-05	6/7/03	Per Diem Charges for Financial Examinations Conducted by the Department (Effective 7/1/03)
2003-04	6/7/03	Per Diem Charges for Market Conduct Examinations of Insurance Companies (Effective 7/1/03)
2003-03	4/26/03	Applications for Insurance Agent and Broker Licenses

<i>Notice No.</i>	<i>Date</i>	<i>Title</i>
2002-14	12/07/02	Viatical Settlements Act Applications Notice
2002-12	10/26/02	Hard Copy Filings of Financial Statements Discontinued in Pennsylvania Replaced by Affidavit of Filing and Financial Statement Attestation
2002-11	10/19/02	Disclosure of Departures from Statutory Accounting Principles
2002-06	7/13/02	Repeal of Outdated Bulletins and Notices
2002-02	5/3/02	Admissibility of Prepaid Premium Taxes in Financial Statements
2001-02	2/10/01	Act 132 of 2000—Amendments to Insurance Holding Companies Law (PPOs)
2001-01	2/10/01	Act 132 of 2000—Amendments to Insurance Holding Companies Law
2000-01	1/29/00	Department addresses and hours of operation.

Questions regarding this notice should be addressed to Peter J. Salvatore, Regulatory Coordinator, 1326 Strawberry Square, Harrisburg, PA 17120, (717) 787-4429, fax (717) 772-1969, psalvatore@state.pa.us.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 04-1376. Filed for public inspection July 23, 2004, 9:00 a.m.]

LEGISLATIVE REFERENCE BUREAU

Documents Filed But Not Published

The Legislative Reference Bureau (Bureau) accepted the following documents during the preceding calendar month for filing without publication under 1 Pa. Code § 3.13(b) (relating to contents of Bulletin). The Bureau will continue to publish on a monthly basis either a summary table identifying the documents accepted during the preceding calendar month under this subsection or a statement that no documents have been received. For questions concerning or copies of documents filed, but not published, call (717) 783-1530.

Executive Board

Resolution # CB-04-145, Dated, June 9, 2004. Authorizes the interest arbitration award between the Commonwealth and the PSPOA, effective July 1, 2003.

Resolution # CB-04-160, Dated, June 15, 2004. Authorizes implementation of the Memorandum of Understanding between the Commonwealth and the OPEIU Healthcare Pennsylvania, Local 112, first-level Supervisory Nursing and Supportive Medical Service Unit (P5).

Resolution # CB-04-161, Dated, June 22, 2004. Authorizes implementation of the Memorandum of Understanding between the Commonwealth and the Pennsylvania Social Services Union, affiliated with Service Employees International Union (SEIU), first-level supervisory Compensation Referees Unit (I5).

Resolution # CB-04-162, Dated, June 22, 2004. Authorizes implementation of the Collective Bargaining Agreement between the Commonwealth and District 1199P, SEIU, Nursing and Supportive Medical Service Unit (P4).

Resolution # CB-04-174, Dated, July 6, 2004. Authorizes implementation of the Collective Bargaining Agreement between the Commonwealth and Council 13, AFSCME, Act 111 Bargaining Unit K8, effective July, 2003, through June 30, 2007.

Resolution # CB-04-177, Dated, July 6, 2004. Authorizes implementation of Memorandum of Understanding between the Commonwealth and the Federation of State Cultural and Educational Professionals, Local 2382, Pennsylvania Federation of Teachers, American Federation of Teachers, first-level supervisory unit (C5).

Resolution # CB-04-178, Dated, July 6, 2004. Authorizes implementation of Collective Bargaining Agreement between the Commonwealth and the Federation of State Cultural and Educational Professional, Local 2382, Pennsylvania Federation of Teachers, American Federation of Teachers, rank and file unit (C4).

MARY JANE PHELPS,
Director
Pennsylvania Bulletin

[Pa.B. Doc. No. 04-1377. Filed for public inspection July 23, 2004, 9:00 a.m.]

LIQUOR CONTROL BOARD

Expiration of Leases

The following Liquor Control Board leases will expire:

Bucks County, Wine & Spirits Shoppe # 0901, Hilltown Crossings Shopping Ctr., 1547 Bethlehem Pike, Hatfield, PA 19440-1301.

Lease Expiration Date: June 30, 2006

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 5,000 net useable square feet of new or existing retail commercial space within a 1/2-mile radius of the Hilltown Shopping Center, Hilltown.

Proposals due: August 13, 2004, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, 8305 Ridge Avenue, Philadelphia, PA 19128
Contact: Robert J. Jolly, (215) 482-9671

Bucks County, Wine & Spirits Shoppe # 0905, Logan Square Shopping Ctr., 6542-C Logan Square, New Hope, PA 18938-1084.

Lease Expiration Date: June 30, 2005

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 8,000 to 10,000 net useable square feet of new or existing retail commercial space within a 1-mile radius from Route 202 and Route 179, New Hope, Solebury Township.

Proposals due: August 13, 2004, 12:00 p.m.

Department: Liquor Control Board
Location: Real Estate Division, 8305 Ridge Avenue, Philadelphia, PA 19128
Contact: Robert J. Jolly, (215) 482-9671

Bucks County, Wine & Spirits Shoppe # 0911, 510 South Oxford Valley Road, Fairless Hills, PA 19030-4202.

Lease Expiration Date: June 30, 2008

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 8,000 net useable square feet of new or existing retail commercial space within a 1-mile radius from Levittown Highway and Oxford Valley Road, Fairless Hills, Bristol Township.

Proposals due: August 13, 2004, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, 8305 Ridge Avenue, Philadelphia, PA 19128
Contact: Robert J. Jolly, (215) 482-9671

The Liquor Control Board seeks the following new sites:

Montgomery County, Wine & Spirits Shoppe # 4642, Marketplace at Huntingdon Valley, 2010 County Line Road, Huntingdon Valley, PA 19006.

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 4,000 net useable square feet of new or existing retail commercial space within a 1/2-mile radius of the intersection of County Line Road and Davisville Road, Upper Moreland Township.

Proposals due: August 13, 2004, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, 8305 Ridge Avenue, Philadelphia, PA 19128
Contact: Robert J. Jolly, (215) 482-9671

Montgomery County, Wine & Spirits Shoppe # 4643, Ralph's Corner Shopping Ctr., Forty Foot Road and Route 63, Lansdale, PA 19446.

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 4,000 net useable square feet of new or existing retail commercial space within a 1/2-mile radius of the intersection of Forty Foot Road and Main Street (Route 63), Lansdale.

Proposals due: August 13, 2004, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, 8305 Ridge Avenue, Philadelphia, PA 19128
Contact: Robert J. Jolly, (215) 482-9671

Montgomery County, Wine & Spirits Shoppe # 4644, Blair Mill Road and Moreland Road, Horsham, PA 19040.

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 4,000 net useable square feet of new or existing retail commercial space within a 1/2-mile radius of the intersection of Blair Mill Road and Moreland Road, Horsham Township.

Proposals due: August 13, 2004, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, 8305 Ridge Avenue, Philadelphia, PA 19128
Contact: Robert J. Jolly, (215) 482-9671

Philadelphia County, Wine & Spirits Shoppe # 5104, 1518 Walnut Street, Philadelphia, PA.

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 4,000 net useable square feet of new

or existing retail commercial space within a 1/2-mile radius of the intersection of 15th Street and Walnut Street, Philadelphia.

Proposals due: August 13, 2004, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, 8305 Ridge Avenue, Philadelphia, PA 19128
Contact: Robert J. Jolly, (215) 482-9671
 JONATHAN H. NEWMAN,
Chairperson

[Pa.B. Doc. No. 04-1378. Filed for public inspection July 23, 2004, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Order

Public Meeting held
July 8, 2004

Commissioners Present: Terrance J. Fitzpatrick, Chairperson; Robert K. Bloom, Vice Chairperson; Glen R. Thomas; Kim Pizzingrilli; Wendell F. Holland

Petition of SBC Telecom, Inc. for Issuance of a Protective Order Regarding Contents of Its 2003 Annual Report; Doc. No. P-00042104

Order

By the Commission:

Before the Commission for consideration and disposition is a Petition for a Protective Order filed under 52 Pa. Code § 5.423 by applicant, SBC Telecom, Inc. (SBC), on April 30, 2004, regarding certain parts of SBC's 2003 Class C Annual Report. In its petition, SBC requests "the issuance of a protective order restricting the disclosure of certain schedules which are deemed competitive, proprietary and confidential" that are incorporated into SBC's 2003 Class C Annual Report. In this Order, we grant in part and deny in part SBC's request for a protective order.

I. *Background*

The Commission has established protection for proprietary information through 52 Pa. Code § 5.362(a)(7), which provides for the issuance of protective orders upon motion by a participant when good cause has been shown to prohibit disclosure of trade secrets or other confidential commercial information. Protective orders to protect or limit from disclosure proprietary information are issued under 52 Pa. Code § 5.423. This section provides, in pertinent part, as follows:

A protective order to limit the disclosure of a trade secret or other confidential information on the public record shall be issued only when a participant demonstrates that the potential harm to the participant of providing the information would be substantial and that the harm to the participant if the information is disclosed without restriction outweighs the public's interest in free and open access to the administrative hearing process.

52 Pa. Code § 5.423(a). The section then goes on to spell out relevant factors that should be considered in determining whether a protective order to limit the availability of proprietary information should be issued. These factors include: (1) the extent to which disclosure would create unfair economic or competitive harm; (2) the extent to which the information is known by others and used in similar activities; (3) the value of the information to the participant versus the participant's competitors; (4) the degree of difficulty and cost of developing the information; and (5) other statutes or regulations dealing with disclosure of the information.

Generally, whenever a public utility claims that information in a tariff filing, annual report or quarterly financial report is confidential, the Commission's internal rules require Commission staff to honor the claim by not placing the information in the public folder document. Under our rules, a petition for protective order generally does not need to be filed until or unless a third party requests access to the proprietary information and states that the proprietary designation is not warranted. When a proprietary designation is challenged, the party seeking the proprietary protection has 14 days to file the petition or its proprietary information claim will deemed to have been waived. 52 Pa. Code § 5.423(b)(4).

For telecommunications utilities filing annual reports, however, this general rule was recently changed because of recommendations made to the Commission in the Final Report of the Collaborative Working Group created by Commission order dated September 12, 2000, at M-00001374. In this Final Report, dated March 15, 2001, and filed at that docket, the Collaborative recommended that certain schedules in the annual reports should be treated in their entirety as proprietary, that another group of schedules should be treated as containing both proprietary and public information, and that other schedules should be treated in their entirety as public information. There are three different annual reports for telecommunications carriers, one each for incumbent local exchange carriers subject to alternative form of regulation (Class A Annual Report), incumbent local exchange carriers subject to rate base/rate of return regulation (Class B Annual Report) and competitive local exchange carriers (Class C Annual Report).

To facilitate the administration of this process by Commission staff, the Collaborative further recommended that if a telecommunication utility's proprietary designation is limited to the schedules, or parts thereof, that were pre-determined to be proprietary in nature, then the same general procedure already in place at the Commission should be followed, that is, the reporting carrier may so designate without filing a petition for protective order and would not need to until a third party challenged the designation. The Collaborative also recommended, however, that if the reporting carrier attempts to designate as proprietary any schedules predetermined to be public information, then the carrier must immediately file a petition for protective order with its annual report or waive its proprietary designation. This new process for annual reports filed by telecommunications utilities was later approved by the Commission for implementation when we adopted all the recommendations of the Collaborative contained in its Final Report. *Rulemaking Re: Financial Reporting Requirements For All Telecom-*

munications Carriers, Doc. No. L-00010153, at 2-3 (Proposed Rulemaking Order entered June 28, 2001).¹

SBC filed its petition on April 30, 2004, under this new process at the same time it filed its 2003 Annual Report requesting proprietary designation of certain schedules appearing at pages 27, 41 and 43-44 of its report. The Secretary's Bureau thereafter directed SBC to serve copies of its instant petition on the Office of Consumer Advocate, the Office of Small Business Advocate and the Office of Trial Staff, which SBC did on June 3, 2004. No answers being filed by the deadline of June 28, 2004, this matter is now ripe for disposition. See 52 Pa. Code §§ 1.56(a) and (b) and 5.61(a).

II. Discussion

In this matter, SBC seeks a protective order to prevent public disclosure of its "Accounts Payable to Affiliated Companies," "Territory Served" and "Customers Served by County" schedules. We note preliminarily that pages 43-44 of the 2003 Class C Annual Report referred to in SBC's petition for the "Customers Served by County" schedule is actually an internal document for Commission staff and not intended to be attached to the report. Moreover, pages 43-44 provide the same information that is included in the "Territory Served" schedule at page 41 that SBC requests proprietary treatment as well. Pages 43-44, therefore, will be removed from SBC's Annual Report for filing purposes, and we will address SBC's concerns relating to this information when we address the "Territory Served" schedule.

To justify its request to grant proprietary treatment of the "Accounts Payable to Affiliated Companies" schedule at page 27 of the 2003 Class C Annual Report, SBC simply states that this information is of a "competitive, proprietary and confidential nature" and, therefore, its petition should be granted. The information provided in this schedule by SBC is an aggregate number with no further breakdown as to how or what it was used for within the company. SBC fails to provide any further justification or to otherwise elaborate how making this information publicly available would provide competitive harm to it. Other than its summary language, SBC has not provided any proof which would show potential harm sufficient to warrant a protective order.

The "Territory Served" schedule at page 41 of the 2003 Class C Annual Report provides a somewhat different problem. This schedule was added as a filing requirement after the Collaborative engaged in its effort to streamline the filing requirements for annual reports and to designate which schedules should receive proprietary versus public treatment. Specifically, this schedule was added by the Commission to support the Pennsylvania Emergency Management Agency's (PEMA) homeland security responsibilities because PEMA believes it is important to know the territories each public utility serves in the State. SBC makes the same general claim that this information is competitive in nature and should be treated as proprietary.

This schedule actually provides two different types of information: the counties served by the carrier and the number of actual customers in each county served. As for identifying the counties served, this was the specific

¹ Our final regulations in this proceeding were approved by order entered December 4, 2001, and became effective upon publication in the *Pennsylvania Bulletin* on April 6, 2002, at 32 Pa.B. 1723. The Final Rulemaking Order, however, did not reference the issue of proprietary treatment of annual reports as this issue had been fully resolved in the Proposed Rulemaking Order.

information requested by PEMA and the information is routinely contained in the tariffs filed by carriers, including SBC. We, therefore, do not believe granting SBC's request for a protective order to protect disclosure of the counties served by SBC is justified, especially where SBC has failed to provide any proof that would show potential harm sufficient to warrant an order. The number of customers served in each county, however, was not specifically requested by PEMA, and we can see where providing this information publicly could be unfairly used by SBC's competitors to SBC's disadvantage; *Therefore,*

It Is Ordered That:

1. The Petition for Protective Order filed by SBC is granted with respect to all the information identifying the actual number of customers served by county contained in the schedule appearing at page 41 of SBC's 2003 Class C Annual Report but is denied with respect to all the information identifying the territory served by counties in the same schedule for the reasons discussed in the body of this Order.

2. The Petition for Protective Order is denied with respect to all the information contained in the "Accounts Payable to Affiliated Companies" schedule appearing at page 27 of SBC's 2003 Class C Annual Report for the reasons discussed in the body of this Order.

3. The Petition for Protective Order requesting proprietary treatment of all information appearing at pages 43-44 of the 2003 Class C Annual Report is deemed moot for the reasons discussed in the body of this Order.

4. SBC is directed to file revised public and proprietary versions of its 2003 Class C Annual Report within 30 days of entry of this Order, incorporating the changes identified in Ordering Paragraphs 1 and 2 and excluding pages 43 and 44 for the reasons discussed in the body of this Order.

5. The proprietary information designated in the "Territory Served" schedule at page 41 of the Class C Annual Report will be made available, consistent with the process approved by Commission Order entered June 28, 2001, at L-00010153, to the Office of Trial Staff, the Office of Consumer Advocate, the Office of Small Business Advocate or any State-level executive or legislative branch agency that may make a request to the Commission to review proprietary information if that executive or legislative branch agency confirms that the information is for official governmental use only, and that each of the agencies receiving this Annual Report agrees not to disclose publicly the proprietary information without permission from SBC or by Commission order and to disclose the proprietary information only to employees who have a need to know. As per the procedures approved in our earlier Order at L-00010153, a confidentiality agreement must be executed by each requesting party to have access to any information designated as proprietary.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 04-1379. Filed for public inspection July 23, 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 August 16, 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-00120896. Mark L. Garner t/d/b/a Blue Ridge Transportation Service (2381-B Minebank Road, Strasburg, VA 22657)—persons upon call or demand in the City of Butler, Butler County, and within an airline distance of 20 statute miles of the limits thereof.

A-00120873. John A Shirk (P. O. Box 124, Goodville, Lancaster County, PA 17528)—persons in paratransit service, between points in the Counties of Berks, Blair, Franklin, Lancaster, and Union, and from points in said counties, to points in Pennsylvania, and return, limited to the transportation of persons whose personal convictions prevent them from owning or operating motor vehicles.

A-00120893. Homer E. Schrock and Deborah H. Schrock (10A Schapansky Road, Cochranville, Chester County, PA 19330)—persons in paratransit service, between points in the Counties of Lancaster and that portion of Chester, on and west of U. S. Highway Route 10, and from points in said area, to points in Pennsylvania, and return, limited to the transportation of persons whose personal convictions prevent them from owning or operating motor vehicles.

A-00120898. Thomas E. Cassick and Christy K. Hunt, Copartners t/d/b/a Cassick's Cab (526 South 2nd Street, Clearfield, Clearfield County, PA 16830)—persons upon call or demand in Clearfield County.

A-00120897. Mohammed Ali (705 McAllister Street, Hanover, York County, PA 17331)—persons, upon call or demand, in the Counties of York, Adams and Dauphin. *Attorney:* D. J. Hart, 40 York Street, Hanover, PA 17331.

Applications of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of persons by transfer of rights as described under each application.

A-00120894. Leon M. Brubacher (430 Pleasant Valley Road, Denver, Lancaster County, PA 17517)—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 Pennsylvania, and return: which is to be a transfer of all the right authorized under the certificate issued at A-00100278 to Simeon L. Martin (D) by Dorothy S. Martin, executrix of the estate, subject to the same limitations and conditions.

A-00120899. Retriever Transport, Inc. (1288 Valley Forge Road, P. O. Box 521, Phoenixville, Chester County, PA 19460), a corporation of the Commonwealth—persons, in paratransit service, to and from medical facilities, to

include doctors' offices, hospitals, clinics, treatment centers, nursing facilities and personal care facilities, between points in the City and County of Philadelphia and the Counties of Bucks, Montgomery, Berks and Delaware; subject to the following condition: that the service herein authorized is limited to the transportation of injured persons involved in civil litigation and workers' compensation cases to and from medical facilities for treatment and to and from independent medical examinations; which is to be a transfer of all the rights authorized under the certificate issued at A-00115549 to EMT Transport, Inc., subject to the same limitations and conditions.

A-00119180, Folder 2. Dennis Sosa t/d/b/a Xpres Limousine Service (R. R. 1, Box 1113 A, Waymast, Wayne County, PA 18407)—persons, in limousine service, between points in Pennsylvania; which is to be a transfer of all the right authorized under the certificate issued at A-00116152 to Xpres Limousine Service, Inc., subject to the same limitations and conditions. *Attorney:* Joseph R. Ryzdzewski, At Lake Wallenpaupack, HCR 6, Box 6025, Hawley, PA 18428.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 04-1380. Filed for public inspection July 23, 2004, 9:00 a.m.]

Telecommunications

A-310674F7000. Verizon Pennsylvania Inc. and Momentum Telecom, Inc. Joint petition of Verizon Pennsylvania Inc. and Momentum Telecom, Inc. for approval of adoption of an interconnection agreement under section 252(i) of the Telecommunications Act of 1996.

Verizon Pennsylvania Inc. and Momentum Telecom, Inc., by its counsel, filed on June 17, 2004, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of adoption of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania Inc. and Momentum Telecom, Inc. joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 04-1381. Filed for public inspection July 23, 2004, 9:00 a.m.]

Telecommunications

A-311307F7000. Verizon Pennsylvania Inc. and SusCom Business Solutions of PA, Inc. Joint petition of Verizon Pennsylvania Inc. and SusCom Business Solutions of PA, Inc. for approval of adoption of an intercon-

nection agreement under section 252(i) of the Telecommunications Act of 1996.

Verizon Pennsylvania Inc. and SusCom Business Solutions of PA, Inc., by its counsel, filed on June 23, 2004, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of adoption of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania Inc. and SusCom Business Solutions of PA, Inc. joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 04-1382. Filed for public inspection July 23, 2004, 9:00 a.m.]

PHILADELPHIA REGIONAL PORT AUTHORITY

Request for Proposals

The Philadelphia Regional Port Authority (PRPA) will accept proposals for Project # 04-097.P, Pocket Planners/2005 Diaries, until 2 p.m. on Thursday, August 5, 2004. The proposal documents can be obtained from the Director of Procurement, PRPA, 3460 N. Delaware Ave., 2nd Floor, Philadelphia, PA 19134, (215) 426-2600 and will be available July 27, 2004. PRPA is an equal opportunity employer. Contractors must comply with all applicable equal employment opportunity laws and regulations.

JAMES T. MCDERMOTT, Jr.,
Executive Director

[Pa.B. Doc. No. 04-1383. Filed for public inspection July 23, 2004, 9:00 a.m.]

STATE CONTRACTS INFORMATION

DEPARTMENT OF GENERAL SERVICES

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". The penalties apply to invoices for goods or services when payments are not made by the required payment date or within a 15 day grace period thereafter.


Act 1984-196 redefined a "qualified small business concern" as any independently owned and operated, for-profit business concern employing 100 or fewer employees. See 4 Pa. Code § 2.32. The business must include the following statement on every invoice submitted to the Commonwealth: "(name of business) is a qualified small business concern as defined in 4 Pa. Code 2.32."

A business is eligible for payments when the required payment is the latest of:
 The payment date specified in the contract.
 30 days after the later of the receipt of a proper invoice or receipt of goods or services.
 The net payment date stated on the business' invoice.

A 15-day grace period after the required payment date is provided to the Commonwealth by the Act.

For more information: contact: Small Business Resource Center
 PA Department of Community and Economic Development
 374 Forum Building
 Harrisburg, PA 17120
 800-280-3801 or (717) 783-5700

Reader's Guide



Legal Services & Consultation

① Service Code Identification Number

② Commodity/Supply or Contract Identification No.

B-54137. Consultant to provide three 2-day training sessions, covering the principles, concepts, and techniques of performance appraisal and standard setting with emphasis on performance and accountability, with a knowledge of State Government constraints.

Department: General Services
 Location: Harrisburg, Pa.
 Duration: 12/1/93-12/30/93
 Contact: Procurement Division 787-0000

③ Contract Information
 ④ Department
 ⑤ Location
 ⑥ Duration

⑦ (For Commodities: Contact: Vendor Services Section 717-787-2199 or 717-787-4705)

REQUIRED DATA DESCRIPTIONS

① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.

② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.

③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.

④ Department: State Department or Agency initiating request for advertisement.

⑤ Location: Area where contract performance will be executed.

⑥ Duration: Time estimate for performance and/or execution of contract.

⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.
 (For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

PA TREASURY BUSINESS OUTLET—PLUG INTO IT!

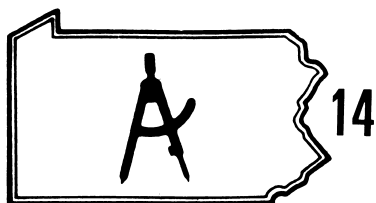
The Treasury Department's Bureau of Contracts and Public Records can help you do business with state government agencies. Our efforts focus on guiding the business community through the maze of state government offices. The bureau is, by law, the central repository for all state contracts over \$5,000. Services are free except for the cost of photocopying contracts (15 cents per page); postage; redaction, and certified copies. The bureau may assess reasonable fees for labor and other expenses necessary to comply with the request. A free brochure explains how to take advantage of available services.

Contact: **Bureau of Contracts and Public Records**

Pennsylvania State Treasury
Room 201 Finance Building
Harrisburg, PA 17120
717-787-4586
1-800-252-4700
BizOutlet@patreasury.org

BARBARA HAFER,
State Treasurer

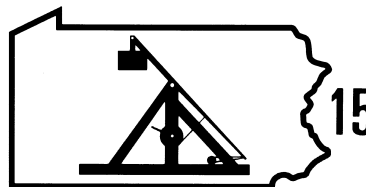
SERVICES



Engineering Services

SU-2003/12B RFP 2003/12B—Student Recreation Building. Professional Services for Design and Construction, SSHE, Shippensburg University, Shippensburg Township, Cumberland County, Pennsylvania. The university plans to construct a Student Recreation Building of approximately 63,200 gross square feet in the fall of 2005. The facility will consist of the following: 4 multi-activity courts, indoor track, fitness center, 2 racquetball courts, equipment storage rooms, men's and women's locker rooms, and administrative offices. Proposing firms shall demonstrate expertise in design of recreational facilities. Track record should indicate integrated design practices including energy efficiency, future maintenance requirements, and evaluation of alternatives on a life-cycle cost basis. All applications submitted are subject to review by a System Selection Board at Shippensburg University. The System Boards disclaim any liability whatsoever as to their review of the applications submitted and in formulating their recommendations for selection. SSHE encourages responses from small firms, minority firms, and firms which have not previously performed work for the System. To be considered, firms must submit proposals in accordance with RFP, enclosing Commonwealth form 150-ASP current within one year of the response date. To request RFP, fax requests to 717-477-4004 or email DKMART@wharf.ship.edu. Deadline for submission is August 6, 2004 at 4:00 PM.

Department: State System of Higher Education
Location: Shippensburg University, Shippensburg, PA 17257
Duration: Multiple Years
Contact: Deborah K. Martin, (717) 477-1121



Environmental Maintenance Service

BF 467-101.1 Abandoned Mine Land Reclamation Project, Pengrove Coal (BEAN), Mining Permit No. 10800112-01-0(C). The principal items of work and approximate quantities include 2,300 cubic yards of grading, 1,850 cubic yards anaerobic SRB Cell, 439 tons of organic substrate, 13 v.f. concrete manholes, 940 linear feet polyvinyl chloride (PVC) pipe, 2 gate valves, 465 cubic yards ditch excavation, 425 square yards calcareous rock lining, 180 tons roadway surface material, 1,345 square yards of impervious lining (PVC), 370 linear feet of PA DOT type 1 right-of-way fence and 1.75 acres of seeding. This project issues on July 23, 2004 and bids will be opened on August 17, 2004 at 2:00 p.m. Payment in the amount of \$10.00 must be received before bid documents will be sent.

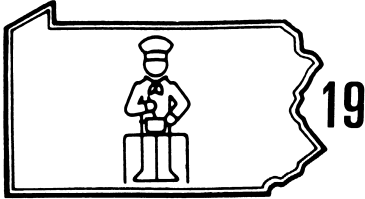
Department: Environmental Protection
Location: Cherry Valley Borough, Butler County
Duration: 270 calendar days after the official starting date
Contact: Construction Contracts Section, (717) 783-7994

OSM 35(1748)101.1 Abandoned Mine Reclamation, Riverside East. The principal items of work and approximate quantities include 730 cubic yards of backfilling air shaft and 1 acre of seeding. This project issues on July 30, 2004 and bids will be opened on August 24, 2004 at 2:00 p.m. Payment in the amount of \$10.00 must be received before bid documents will be sent. Federal funds have been made available for this project for the \$37.8 million for Pennsylvania's 2001 AML Grant.

Department: Environmental Protection
Location: Jessup Borough, Lackawanna County, PA
Duration: 50 calendar days after the official starting date.
Contact: Construction Contracts Section, (717) 783-7994

OSM 54(4666)101.1 Abandoned Mine Reclamation, Little Wolf Creek. The principal items of work and approximate quantities include 7,411,530 cubic yards of grading, 25,110 cubic yards of drainage excavation, 18,400 square yards of rock lining and 265.5 acres of seeding. This project issues on July 23, 2004 and bids will be opened on August 17, 2004 at 2:00 p.m. Payment in the amount of \$15.00 must be received before bid documents will be sent. Federal funds have been made available for this project from the \$37.8 million for Pennsylvania's 2001 AML Grant.

Department: Environmental Protection
Location: East Norwegian and Blythe Township, Schuylkill County, PA
Duration: 1,200 calendar days after the official starting date
Contact: Construction Contracts Section, (717) 783-7994



Food

CN00009858 Miscellaneous meats.

Department: Public Welfare
Location: Danville State Hospital, 200 State Hospital Drive, Danville, PA 17821
Duration: October 1, 2004—December 31, 2004
Contact: Tina Robbins, (570) 271-4578

CN00009857 Miscellaneous foods.

Department: Public Welfare
Location: Danville State Hospital, 200 State Hospital Drive, Danville, PA 17821
Duration: October 1, 2004—December 31, 2004
Contact: Tina Robbins, (570) 271-4578

CN00009856 Miscellaneous perishable foods.

Department: Public Welfare
Location: Danville State Hospital, 200 State Hospital Drive, Danville, PA 17821
Duration: September 27, 2004—December 31, 2004
Contact: Tina Robbins, (570) 271-4578

CN00009859 Poultry.

Department: Public Welfare
Location: Danville State Hospital, 200 State Hospital Drive, Danville, PA 17821
Duration: October 1, 2004—December 31, 2004
Contact: Tina Robbins, (570) 271-4578

CN00009899 Frozen miscellaneous contract for October, November, December 2004. To request a bid package, fax your company name, address, telephone and fax numbers, Federal ID number and PA state vendor number to 570-587-7108. Bid packages cannot be faxed.

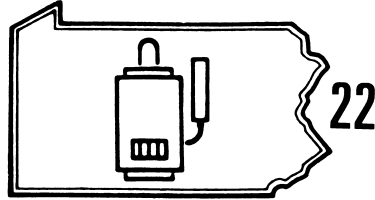
Department: Public Welfare
Location: Clarks Summit State Hospital, 1451 Hillside Drive, Clarks Summit, PA 18411
Duration: October 1, 2004—December 31, 2004
Contact: Stanley Rygelski, PA, (570) 587-7291

CN00009900 Frozen poultry contract for October, November, December 2004. To request a bid package, fax your company name, address, telephone and fax numbers, Federal ID number and PA state vendor number to 570-587-7108. Bid packages cannot be faxed.

Department: Public Welfare
Location: Clarks Summit State Hospital, 1451 Hillside Drive, Clarks Summit, PA 18411
Duration: October 1, 2004—December 31, 2004
Contact: Stanley Rygelski, PA, (570) 587-7291

CN00009898 Frozen meat contract for October, November, December 2004. To request a bid package, fax your company name, address, telephone and fax numbers, Federal ID number and PA state vendor number to 570-587-7108. Bid packages cannot be faxed.

Department: Public Welfare
Location: Clarks Summit State Hospital, 1451 Hillside Drive, Clarks Summit, PA 18411
Duration: October 1, 2004—December 31, 2004
Contact: Stanley Rygelski, PA, (570) 587-7291



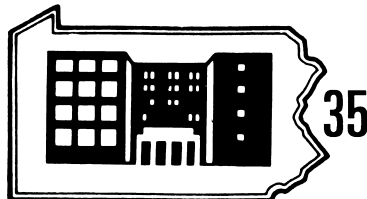
HVAC Services

SSHE 401-BL-661 Work included under this project consists of expansion of the existing Student Recreation Center on the lower campus of Bloomsburg University. Project scope includes phased construction of an addition comprised of a new gymnasium to the north end of the existing building; partial demolition of the building's existing Exercise and Fitness Room and other various areas; alterations and expansion of existing Toilet Rooms, an addition comprised of a new Lobby, Vestibule, Cage/Storage Room, Exercise/Fitness Room and Climbing Wall Room, including climbing wall and free standing boulder to the south end of the existing building; and modifications to existing parking lots and site features. This is a four prime project. To obtain a copy of the bid documents submit a \$175.00 non-refundable deposit to Bohlin Cywinski Jackson, 8 West Market Street, Suite 1200, Wilkes-Barre, PA 18701, Attn: Allen Kachel, phone #570-825-8756. The pre-bid conference will be held on August 16, 2004. Bids due August 31, 2004.

Department: State System of Higher Education
Location: Bloomsburg University, 400 East Second Street, Bloomsburg, PA 17815
Duration: 545 calendar days
Contact: Diann Shamburg, (570) 389-4312

cn00009793 The scope of work for this project includes (a) furnishing a fabricated bolted steel tank having a storage capacity of about 22,400+/-100 U. S. gallons, to the construction site and furnishing all required materials and technical supervision for erecting the steel tank on a reinforced concrete slab foundation; (b) testing and certifying to the tank's proper installation; (c) furnish all piping, valves, fittings, pump, pump controller system, electrical connections, and cathodic protection for the interior of the water tank; (d) providing labor and supervision to perform the construction required to connect the water storage tank to the existing water supply system.

Department: Public Welfare
Location: Youth Forestry Camp #3, R. D.#1, Box 175, Trough Creek State Park, James Creek, PA
Duration: Unknown
Contact: Dee Kuhn, Purchasing Agent, (717) 789-5509



Real Estate Services

032248 Department of Transportation—Contemplated sale of Land No Longer Needed for Transportation Purposes. Notice is hereby given that the Department of Transportation, pursuant to 71 P. S. § 513(e)(7), intends to sell certain land owned by it. Following is the property available for sale by the Department: Wyalusing Township, Bradford County. This parcel contains 11,863 square feet of unimproved land situated along Route 6 West of Route 187. Estimated fair market value is \$5,000. Interested public agencies are invited to express their interest in purchasing the site within 30 calendar days from the date of publication of this notice to: PennDOT, Attn: Lenny P. Confer, Chief Negotiator, 715 Jordan Ave., P. O. Box 215, Montoursville, PA 17754, (570) 368-4337.

Department: Transportation
Location: Wyalusing Twp.
Contact: Lenny P. Confer, (570) 368-4337

93721 Lease office space to the Commonwealth of PA. Proposals are invited to provide the Department of Public Welfare with 26,117 useable square feet of office space in Philadelphia County, PA. with a minimum parking requirement for 4 ADA vehicles within the following boundaries: North: Clearfield Street; South: Huntingdon Street; East: Delaware Avenue; West: 9th Street, Philadelphia, Philadelphia County, Pennsylvania. Downtown locations will be considered. For more information on SFP #93721 which is due on August 23, 2004 visit www.dgs.state.pa.us and click on "Real Estate" to download an SFP package or call (717) 787-0952.

Department: Public Welfare
Location: 505 North Office Building Harrisburg, PA 17125
Contact: Mrs. Cynthia T. Lentz, (717) 787-0952

[Pa.B. Doc. No. 04-1384. Filed for public inspection July 23, 2004, 9:00 a.m.]

DESCRIPTION OF LEGEND

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| <p>1 Advertising, Public Relations, Promotional Materials</p> <p>2 Agricultural Services, Livestock, Equipment, Supplies & Repairs: Farming Equipment Rental & Repair, Crop Harvesting & Dusting, Animal Feed, etc.</p> <p>3 Auctioneer Services</p> <p>4 Audio/Video, Telecommunications Services, Equipment Rental & Repair</p> <p>5 Barber/Cosmetology Services & Equipment</p> <p>6 Cartography Services</p> <p>7 Child Care</p> <p>8 Computer Related Services & Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p>9 Construction & Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p>10 Court Reporting & Stenography Services</p> <p>11 Demolition—Structural Only</p> <p>12 Drafting & Design Services</p> <p>13 Elevator Maintenance</p> <p>14 Engineering Services & Consultation: Geologic, Civil, Mechanical, Electrical, Solar & Surveying</p> <p>15 Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core & Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p>16 Extermination Services</p> <p>17 Financial & Insurance Consulting & Services</p> <p>18 Firefighting Services</p> <p>19 Food</p> <p>20 Fuel Related Services, Equipment & Maintenance to Include Weighing Station Equipment, Underground & Above Storage Tanks</p> <p>21 Hazardous Material Services: Abatement, Disposal, Removal, Transportation & Consultation</p> | <p>22 Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental & Repair</p> <p>23 Janitorial Services & Supply Rental: Interior</p> <p>24 Laboratory Services, Maintenance & Consulting</p> <p>25 Laundry/Dry Cleaning & Linen/Uniform Rental</p> <p>26 Legal Services & Consultation</p> <p>27 Lodging/Meeting Facilities</p> <p>28 Mailing Services</p> <p>29 Medical Services, Equipment Rental and Repairs & Consultation</p> <p>30 Moving Services</p> <p>31 Personnel, Temporary</p> <p>32 Photography Services (includes aerial)</p> <p>33 Property Maintenance & Renovation—Interior & Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning & Planting, etc.)</p> <p>34 Railroad/Airline Related Services, Equipment & Repair</p> <p>35 Real Estate Services—Appraisals & Rentals</p> <p>36 Sanitation—Non-Hazardous Removal, Disposal & Transportation (Includes Chemical Toilets)</p> <p>37 Security Services & Equipment—Armed Guards, Investigative Services & Security Systems</p> <p>38 Vehicle, Heavy Equipment & Powered Machinery Services, Maintenance, Rental, Repair & Renovation (Includes ADA Improvements)</p> <p>39 Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
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DONALD T. CUNNINGHAM, Jr.
Secretary

