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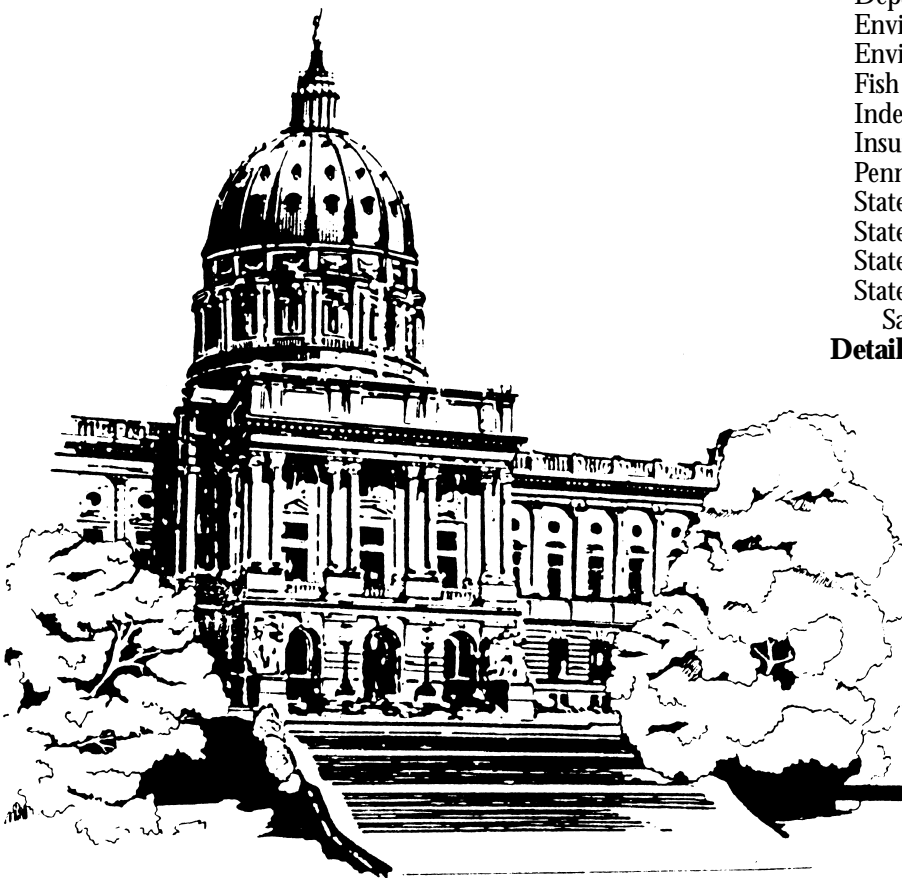
# PENNSYLVANIA BULLETIN

Volume 34  
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**Agencies in this issue:**

The General Assembly  
The Courts  
Department of Banking  
Department of Education  
Department of Environmental Protection  
Department of General Services  
Department of Health  
Department of Transportation  
Environmental Hearing Board  
Environmental Quality Board  
Fish and Boat Commission  
Independent Regulatory Review Commission  
Insurance Department  
Pennsylvania Public Utility Commission  
State Board of Nursing  
State Board of Osteopathic Medicine  
State Board of Psychology  
State Board of Vehicle Manufacturers, Dealers and  
Salespersons

**Detailed list of contents appears inside.**



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**No. 361, December 2004**

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# CONTENTS

## THE GENERAL ASSEMBLY

Recent actions during the 2004 regular session of the General Assembly . . . . . 6393

## THE COURTS

### ALLEGHENY COUNTY RULES

#### Allegheny County

Rules of Court of Common Pleas; no. 3 of 2004 . . . . . 6397

### DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of disbarment . . . . . 6401

### LOCAL COURT RULES

#### Beaver County

Local rules of civil procedure; no. 10130 of 2001 . . . . . 6397

#### Berks County

Rules of court; no. 98-8009 prothonotary; no. 1-MD-2000 clerk of courts . . . . . 6399

#### Carbon County

Amending policy for paroling defendants sentenced for minimum of up to 90 days for DUI; no. 073 MI 91 . . . . . 6399

#### Montgomery County

Amendments to local rules of civil procedure 205.2(b), 208.3(b), 212.1\*(d), \*920 and 1302 . . . . . 6400

### PHILADELPHIA RULES

#### Philadelphia County

General court regulation; Orphans' Court division; no. 2004-01 . . . . . 6396

### RULES OF CIVIL PROCEDURE

Amendment of rule 51 to provide for the scope of the rules of civil procedure; proposed recommendation no. 197 . . . . . 6395

## EXECUTIVE AGENCIES

### DEPARTMENT OF BANKING

#### Notices

Action on applications . . . . . 6430

### DEPARTMENT OF EDUCATION

#### Notices

Individuals with Disabilities Education Act—Part B; application for Federal grant . . . . . 6431

### DEPARTMENT OF ENVIRONMENTAL PROTECTION

See *also* ENVIRONMENTAL QUALITY BOARD

#### Notices

Applications, actions and special notices . . . . . 6431

Cleanup Standards Scientific Advisory Board, Subcommittee on Risk Assessment meeting . . . . . 6474

Laboratory Accreditation Advisory Committee meeting cancellation . . . . . 6474

Request for comment and notice of public meeting for the proposed total maximum daily loads (TMDLs) for the:

Harmon Creek Watershed in Washington County . 6473  
Raccoon Creek Watershed in Allegheny, Beaver and Washington Counties . . . . . 6473

### DEPARTMENT OF GENERAL SERVICES

#### Rules and Regulations

General conditions of contract . . . . . 6403

Instruction to bidders . . . . . 6402

#### Notices

State contracts information . . . . . 6484

### DEPARTMENT OF HEALTH

#### Notices

Amendments to charges for medical records . . . . . 6474

Special Supplemental Nutrition Program for Women, Infants and Children (WIC Program); Minimum Inventory Requirements . . . . . 6475

### DEPARTMENT OF TRANSPORTATION

#### Proposed Rulemaking

Driver's license examination . . . . . 6420

### ENVIRONMENTAL HEARING BOARD

#### Notices

Sunoco, Inc. (R & M) v. DEP; EHB doc. no. 2004-243-MG . . . . . 6476

### ENVIRONMENTAL QUALITY BOARD

#### Proposed Rulemaking

Hazardous waste management system; proposed exclusion for identification and listing hazardous waste . . . . . 6421

### FISH AND BOAT COMMISSION

#### Rules and Regulations

Fishing . . . . . 6418

#### Proposed Rulemaking

Boating . . . . . 6425

### INDEPENDENT REGULATORY REVIEW COMMISSION

#### Notices

Actions taken by the Commission . . . . . 6476

### INSURANCE DEPARTMENT

#### Rules and Regulations

Public adjuster contracts and licensing requirements . . . . . 6404

Workers' Compensation Act provider fees . . . . . 6405

#### Notices

Application and request for a certificate of authority . . . . . 6477

Geisinger Health Plan employer group base medical rate filing; rate filing . . . . . 6477

---

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Harleysville Mutual Insurance Company home-owners insurance rate and rule revision; rate filing..... 6477

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**Proposed Rulemaking**

Advance notice of proposed rulemaking..... 6246

**Notices**

Gas Service ..... 6478

Natural Gas Service ..... 6478

Service of notice of motor carrier applications..... 6478

**Tentative orders:**

Jirehcom, Inc. .... 6481

Telecommunications Resources, Inc..... 6481

Univance Telecommunications, Inc. .... 6482

Water Service ..... 6482

**STATE BOARD OF NURSING**

**Rules and Regulations**

Continuing education for certified registered nurse practitioners..... 6409

**STATE BOARD OF OSTEOPATHIC MEDICINE**

**Rules and Regulations**

Delegation of medical services ..... 6414

**STATE BOARD OF PSYCHOLOGY**

**Rules and Regulations**

Notice requirements ..... 6416

**STATE BOARD OF VEHICLE MANUFACTURERS, DEALERS AND SALESPERSONS**

**Rules and Regulations**

Established place of business for dealers ..... 6407

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

## ***Pennsylvania Bulletin***

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

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

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

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

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

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

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

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

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

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

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

## ***Pennsylvania Code***

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

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

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

## **How to Find Documents**

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

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

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

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### Printing Format

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

### Fiscal Notes

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

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

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# List of Pa. Code Chapters Affected

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

## 1 Pa. Code (General Provisions)

### Adopted Rules

301	1681
303	1681
305	1681
307	1681
309	1681
311	1681

## 4 Pa. Code (Administration)

### Adopted Rules

1	2057, 2685
5	366, 2287
6 (with correction)	366, 2162, 2164, 2288, 3236, 4550
7	3238, 4013
61	6402
63	6403
91	1442
93	1442
95	1442
97	1442
99	1442
101	1442
105	1442
110	1442

### Proposed Rulemaking

161	3146
-----	------

### Statements of Policy

9	855, 1234, 1335, 1337, 1966, 2075, 2332, 2830, 3277, 3608, 3723, 4154, 4734, 5264
114	63

## 7 Pa. Code (Agriculture)

### Adopted Rules

21	6019
76	4139
104	4573
130d	4575
138	2421
138e	2421, 4435
138l	2421

### Proposed Rulemaking

76	831
104	561

## 12 Pa. Code (Commerce, Trade and Local Government)

### Adopted Rules

145	6024, 6133
-----	------------

### Statements of Policy

123	488, 4925
-----	-----------

## 22 Pa. Code (Education)

### Adopted Rules

11	5798
14	2324
403	2975, 3355, 3358

### Statements of Policy

52	5267
----	------

## 25 Pa. Code (Environmental Protection)

### Adopted Rules

86	388
93	6133
109	1758, 1762, 3130, 4435
207	2041
215	3823
216	3823
217	3823
218	3823
219	3823
220	3823
221	3823
223	3823
224	3823
225	3823
226	3823
227	3823
228	3823
230	3823
240	3823

### Proposed Rulemaking

83	4361
91	4353
92	4353
93	2067
261a	6421
401	1329
901	5557, 5559

## 28 Pa. Code (Health and Safety)

### Adopted Rules

18	3695
25	2711, 2808
1001	677
1003	677
1005	677
1007	677
1051	677

### Proposed Rulemaking

25	5807
----	------

## 31 Pa. Code (Insurance)

### Adopted Rules

115	6404
146c	4146
147	4591
151	4598
167	6405

### Proposed Rulemaking

147	844
151	850
167	3255

## 34 Pa. Code (Labor and Industry)

### Adopted Rules

401	319
403	319
405	319



**Proposed Rulemaking**  
 3 ..... 6033  
 3a ..... 6033

**Statements of Policy**  
 123 ..... 1684

**37 Pa. Code (Law)**  
**Adopted Rules**  
 23 ..... 6325  
 41 ..... 5134

**Proposed Rulemaking**  
 42 ..... 853  
 91 ..... 3010  
 93 ..... 3010  
 94 ..... 3010  
 191 ..... 5032  
 411 ..... 5032

**Statements of Policy**  
 200 ..... 2573

**40 Pa. Code (Liquor)**  
**Adopted Rules**  
 1 ..... 6139  
 3 ..... 6139  
 5 ..... 6139  
 7 ..... 6139  
 9 ..... 6139  
 11 ..... 6139  
 13 ..... 6139  
 15 ..... 6139

**Proposed Rulemaking**  
 1 ..... 3411  
 3 ..... 3411  
 5 ..... 3411  
 7 ..... 3411  
 9 ..... 3411  
 11 ..... 3411  
 13 ..... 3411  
 15 ..... 3411

**49 Pa. Code (Professional and Vocational Standards)**  
**Adopted Rules**  
 3 (with correction) ..... 1574, 1683, 3699  
 7 ..... 2467  
 9 ..... 235  
 11 ..... 1768  
 13 ..... 39  
 15 ..... 4684  
 16 ..... 40, 4686  
 18 ..... 43  
 19 ..... 3410, 4689, 4691, 4693, 6407  
 21 ..... 6409  
 23 ..... 1453, 4147  
 25 ..... 47, 6414  
 31 ..... 388  
 33 ..... 2326, 4882  
 35 ..... 4883  
 39 ..... 4696  
 40 ..... 3700, 4697  
 41 ..... 6416

**Proposed Rulemaking**  
 9 ..... 1948  
 13 ..... 1961  
 16 ..... 56, 1963  
 17 ..... 4887  
 21 ..... 851, 4890, 4897

25 ..... 58, 563  
 27 ..... 3146, 4901, 5598  
 29 ..... 565, 4902  
 31 ..... 1331  
 33 ..... 1949, 5596  
 35 ..... 61, 4913  
 39 ..... 55  
 41 ..... 60, 4903  
 43b ..... 5552  
 45 ..... 3143  
 47 ..... 4908  
 48 ..... 4908  
 49 ..... 4908

**Statements of Policy**  
 43b ..... 5809

**52 Pa. Code (Public Utility)**  
**Adopted Rules**  
 57 ..... 5135

**Proposed Rulemaking**  
 1 ..... 5895  
 3 ..... 5895  
 5 ..... 5895  
 29 ..... 3258  
 31 ..... 3258  
 62 ..... 2071  
 63 ..... 1784, 1795  
 101 ..... 3138

**Statements of Policy**  
 41 ..... 3912

**55 Pa. Code (Public Welfare)**  
**Adopted Rules**  
 1150 ..... 3596  
 3040 ..... 1575

**Proposed Rulemaking**  
 41 ..... 4447  
 140 ..... 6335  
 285 ..... 1774  
 1187 ..... 4462, 4465  
 3040 ..... 5044  
 3041 ..... 5044

**Statements of Policy**  
 6000 ..... 1234

**58 Pa. Code (Recreation)**  
**Adopted Rules**  
 51 ..... 6148  
 61 ..... 6328  
 63 ..... 1231, 1232, 3598  
 65 ..... 1231, 3599, 3600, 6328, 6418  
 69 ..... 6328  
 93 ..... 1231, 1232  
 103 ..... 6332  
 105 ..... 4444, 6332  
 107 ..... 6332  
 111 ..... 3601, 6332, 6333  
 135 ..... 3703, 5153  
 137 ..... 5154, 5155  
 139 ..... 3704  
 141 ..... 2328, 2825, 3710, 3711, 3712, 3713, 5156  
 143 ..... 2826, 3713, 3715  
 147 ..... 2329, 2827, 2828, 3716, 5157  
 147a ..... 2329  
 147b ..... 2329

**Proposed Rulemaking**

1 ..... 6150  
 21 ..... 6150  
 51 ..... 5161  
 61 ..... 3603  
 63 ..... 1457  
 65 ..... 1458, 1460, 1461, 3603, 4605, 5162  
 69 ..... 3603  
 91 (with correction) ..... 4151, 4887, 6425  
 103 ..... 4466  
 105 ..... 4466  
 107 ..... 4466  
 111 (with correction) ..... 4152, 4466, 4887  
 135 ..... 1941, 3137  
 137 ..... 3015  
 139 ..... 1776  
 141 ..... 484, 1781, 1941, 3016, 5164  
 143 ..... 484, 1782, 1944, 5165  
 147 ..... 485, 486, 1946, 3017, 3411, 5166, 5167

**61 Pa. Code (Revenue)**

**Adopted Rules**

872 ..... 50  
 873 ..... 4599

**Proposed Rulemaking**

31 ..... 6245  
 46 ..... 6245  
 60 ..... 6245  
 901 ..... 5563

**64 Pa. Code (Securities)**

**Proposed Rulemaking**

203 ..... 5168  
 303 ..... 5168  
 304 ..... 5168  
 404 ..... 5168

**Adopted Rules**

207 ..... 1940

**67 Pa. Code (Transportation)**

**Adopted Rules**

83 ..... 3718  
 103 ..... 6031  
 175 ..... 1327

**Proposed Rulemaking**

63 ..... 5159  
 65 ..... 6339  
 75 ..... 6420  
 86 ..... 5160  
 88 ..... 4885  
 94 ..... 4705  
 102 ..... 5684  
 103 ..... 843  
 201 ..... 4712  
 203 ..... 4712  
 204 ..... 4712  
 211 ..... 4712  
 212 ..... 951, 4712  
 217 ..... 4712  
 441 ..... 5355, 6031

**Statements of Policy**

86 ..... 567  
 88 ..... 567  
 214 ..... 5075

**204 Pa. Code (Judicial System General Provisions)**

**Adopted Rules**

29 ..... 5887  
 71 ..... 2062, 2063, 3102  
 81 ..... 9, 2537, 4553, 4818, 5126  
 83 ..... 1547, 2537, 5244  
 85 ..... 948, 5013  
 87 ..... 948  
 89 ..... 948  
 91 ..... 5013  
 211 ..... 5888

**Proposed Rulemaking**

71 ..... 1749  
 81 ..... 1752, 5549  
 83 ..... 1749, 3243, 3245, 3862, 4682, 6130  
 303 ..... 5748

**210 Pa. Code (Appellate Procedure)**

**Adopted Rules**

1 ..... 1670  
 9 ..... 1670  
 11 ..... 1670  
 13 ..... 1670  
 15 ..... 1670, 3862, 5677  
 17 ..... 1670, 3870  
 19 ..... 2064  
 21 ..... 1320, 2688, 5888  
 31 ..... 2688  
 33 ..... 3870  
 37 ..... 2688  
 65 ..... 379

**Proposed Rulemaking**

3 ..... 5014

**225 Pa. Code (Rules of Evidence)**

**Adopted Rules**

VII ..... 2065  
 IX ..... 1492

**Proposed Rulemaking**

I ..... 2689  
 VI ..... 2987  
 VIII ..... 4020, 4021

**231 Pa. Code (Rules of Civil Procedure)**

**Adopted Rules**

200 ..... 9, 557, 3103, 3677, 4107, 4879, 5351, 5889, 5890  
 400 ..... 9  
 1000 ..... 9, 1926, 4880, 5351, 5889  
 1300 ..... 22  
 1500 ..... 9, 5889  
 1600 ..... 9  
 1900 ..... 1754  
 1910 ..... 1754, 6315  
 1915 ..... 1754  
 1920 ..... 1754  
 1930 ..... 1754  
 1940 ..... 4107  
 2000 ..... 9  
 2020 ..... 9  
 2050 ..... 9  
 2100 ..... 9  
 2120 ..... 9  
 2150 ..... 9  
 2170 ..... 9  
 2200 ..... 9  
 2220 ..... 9  
 2250 ..... 9  
 2300 ..... 9

2320 ..... 9  
 2350 ..... 9  
 2950 ..... 22, 5551, 5890  
 3000 ..... 9, 22, 5889  
 4000 ..... 9, 1926, 4881  
 Part II ..... 5891

**Proposed Rulemaking**

100 ..... 6395  
 1910 ..... 5246  
 3000 ..... 476  
 3300 ..... 476  
 Part II ..... 3104

**234 Pa. Code (Rules of Criminal Procedure)**

**Adopted Rules**

1 ..... 1547, 1671, 1929, 2541, 2910, 3105, 5016, 5892  
 4 ..... 1547, 1929  
 5 ..... 1547, 1932, 2543, 2910, 3105, 5016  
 6 ..... 3105  
 7 ..... 1547, 3105  
 8 ..... 3105  
 9 ..... 1547, 1671, 3105  
 10 ..... 5016

**Proposed Rulemaking**

1 ..... 1429, 4412  
 2 ..... 4412  
 4 ..... 34, 4412  
 5 ..... 4412  
 6 ..... 2543

**246 Pa. Code (Minor Court Civil Rules)**

**Adopted Rules**

300 ..... 2464  
 400 ..... 2465, 6131

**Proposed Rulemaking**

200 ..... 480  
 300 ..... 480  
 400 ..... 4022  
 500 ..... 480  
 1000 ..... 1933

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

Unclassified ..... 36, 6017, 6396

**252 Pa. Code (Allegheny County Rules)**

Unclassified ..... 2912, 6397

**255 Pa. Code (Local Court Rules)**

Unclassified ..... 37, 231, 379, 482, 483, 557, 829,  
 830, 949, 1229, 1230, 1320, 1321, 1326, 1433, 1570,  
 1571, 1573, 1674, 1936, 1937, 2289, 2312, 2545,  
 2551, 2690, 2704, 2705, 2706, 2710, 2798, 2801,  
 2912, 2914, 2987, 2991, 2998, 3008, 3009, 3110,  
 3125, 3247, 3248, 3249, 3250, 3251, 3252, 3253,  
 3254, 3371, 3394, 3401, 3404, 3406, 3585, 3587,  
 3593, 3678, 3681, 3683, 3687, 3688, 3691, 3873,  
 3875, 3876, 3877, 3880, 3881, 3882, 3883, 3884,  
 3910, 3911, 4023, 4026, 4107, 4110, 4112, 4121,  
 4122, 4127, 4425, 4426, 4428, 4429, 4432, 4433,  
 4554, 4572, 4682, 4683, 4881, 5028, 5030, 5126,  
 5132, 5247, 5250, 5259, 5263, 5352, 5677, 5678,  
 5683, 5794, 5796, 6017, 6132, 6239, 6316, 6397,  
 6399, 6400

# THE GENERAL ASSEMBLY

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

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

<i>Doc. No.</i>	<i>Date of Action</i>	<i>Bill Number</i>	<i>Printer's Number</i>	<i>Effective Date</i>	<i>Subject Matter</i>
<b>2004 GENERAL ACTS ENACTED—ACT 099 through 121</b>					
099	Nov 19	HB0796	PN4409	60 days	Pennsylvania Municipalities Planning Code—defining “multimunicipal plan,” providing for membership of board and for organization of board
100	Nov 19	HB2022	PN4073	60 days	Assessors Certification Act—providing for nonapplicability
101	Nov 19	HB2298	PN3198	60 days	Permanent identification of labeling of dentures—enactment
102	Nov 19	HB2306	PN3215	60 days	Community Memorial Bridge—designation
103	Nov 19	HB2396	PN4464	60 days	Crime Victims Act—definitions of “crime” and “personal injury crime” and for filing of claims for compensation
104	Nov 19	HB2409	PN3404	60 days	General Thomas R. Morgan USMC Bridge—designation
105	Nov 19	HB2441	PN3452	60 days	Names (54 Pa.C.S.)—surviving spouse to resume prior name
106	Nov 19	HB2437	PN3448	60 days	Second Class Township Code—creation of recreation boards
107	Nov 19	HB2589	PN3873	immediately	Live turtles—importation and sale and Department of Health permits
108	Nov 19	HB2724	PN4382	60 days	Controlled Substance, Drug, Device and Cosmetic Act—definition of “structure” and prohibited acts and penalties
109	Nov 19	HB2739	PN4127	60 days	Crimes Code (18 Pa.C.S.)—restitution for cleanup of clandestine laboratories
110	Nov 19	HB2762	PN4410	immediately	Conveyances—Common property in Borough of Archbald, Lackawanna County, and Project 70 lands in Wharton Township, Fayette County
111	Nov 19	HB2826	PN4354	60 days	Huntingdon County World War II Veterans Memorial Bridge—designation
112	Nov 19	SB0217	PN1758	180 days	Judicial Code (42 Pa.C.S.)—omnibus amendments
113	Nov 19	SB1073	PN1485	60 days	79th Infantry Division Memorial Bridge—designation
114	Nov 19	SB1149	PN1675	immediately *	Tobacco Settlement Agreement Act—providing for requirements
115	Nov 19	SB1186	PN1760	immediately	Senator John D. Hopper Memorial Bypass—designation
116	Nov 19	SB1190	PN1769	immediately	Tax Reform Code of 1971—extending employment incentive tax credit
117	Nov 19	SB1208	PN1852	immediately	Conveyance—Commonwealth property in Polk Borough, Venango County
118	Nov 20	HB2406	PN4771	60 days	Steven M. Krochta Memorial Bridge—redesignation

<i>Doc. No.</i>	<i>Date of Action</i>	<i>Bill Number</i>	<i>Printer's Number</i>	<i>Effective Date</i>	<i>Subject Matter</i>
119	Nov 20	HB2561	PN4770	immediately	Conveyance—Commonwealth property, Borough of Forty Fort, Luzerne County; City of Allentown and Salisbury Township, Lehigh County; Upper Augusta Township, Northumberland County; making a repeal
120	Nov 20	SB0895	PN1141	60 days	Colonel George Howard Boulevard—designation
121	Nov 20	SB1052	PN1946	immediately	Conveyance—Commonwealth property, City of Erie, Erie County; Derry Township, Dauphin County; Borough of Doylestown, Bucks County

\* denotes an effective date with exceptions

#### Effective Dates of Statutes

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

#### Advance Copies of Statutes

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

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

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

[Pa.B. Doc. No. 04-2126. Filed for public inspection December 3, 2004, 9:00 a.m.]

# THE COURTS

## Title 231—RULES OF CIVIL PROCEDURE

### PART I. GENERAL

[231 PA. CODE CH. 100]

#### Amendment of Rule 51 to Provide for the Scope of the Rules of Civil Procedure; Proposed Recommendation No. 197

The Civil Procedural Rules Committee proposes that Rule of Civil Procedure 51 governing the title and citation of the rules of civil procedure be amended as set forth herein. The proposed recommendation is being submitted to the bench and bar for comments and suggestions prior to its submission to the Supreme Court of Pennsylvania.

All communications in reference to the proposed recommendation should be sent not later than February 16, 2005 to:

Harold K. Don, Jr., Counsel  
Civil Procedural Rules Committee  
5035 Ritter Road, Suite 700  
Mechanicsburg, Pennsylvania 17055

or E-Mail to  
civil.rules@pacourts.us

The Explanatory Comment which appears in connection with the proposed recommendation has been inserted by the Committee for the convenience of the bench and bar. It will not constitute part of the rules of civil procedure or be officially adopted or promulgated by the Court.

#### Annex A

### TITLE 231. RULES OF CIVIL PROCEDURE

#### PART I. GENERAL

#### CHAPTER 100. RULES OF CONSTRUCTION

Rule 51. Title and Citation of Rules. **Scope.**

(a) [All] These rules [adopted by the Supreme Court under the authority of Article V, Section 10(c) of the Constitution of 1968, or of any Act of Assembly,] shall be known as the Pennsylvania Rules of Civil Procedure and may be cited as "Pa.R.C.P. No. \_\_\_\_."

\* \* \* \* \*

(b) Except as otherwise provided by general rule, these rules prescribe practice and procedure in civil actions and proceedings appealed to or brought in the courts of common pleas.

**Official Note:** The rules of civil procedure apply where appropriate "in matters brought before an appellate court within its original jurisdiction." See Rule of Appellate Procedure 106. However, the rules do not apply to a challenge in Commonwealth Court to a nomination petition pursuant to the Election Code. See *In re Johnson*, 509 Pa. 347, 502 A.2d 142 (1985).

The rules of civil procedure are not applicable in the district justice courts. Civil actions and pro-

ceedings in district justice courts are governed by the Rules of Civil Procedure for District Justices, Pa.R.C.P.D.J. 201 et seq.

The rules of civil procedure do not govern proceedings in the Orphans' Court Division of the Court of Common Pleas except to the extent that Orphans' Court Rule 3.1 provides that "pleading and practice shall conform to the pleading and practice in equity in the local Court of Common Pleas."

The family law actions of Chapter 1900 of the rules of civil procedure constitute an independent chapter of rules. Other chapters of the rules of civil procedure do not apply to these actions except to the extent that a rule of Chapter 1900 so provides. See, for example, Rule 1920.1(b) providing that an action in divorce or for annulment of marriage "shall be in accordance with the rules relating to a civil action" and Rule 1930.5(b) providing for discovery pursuant to Rule 4001 et seq. in specified domestic relations matters.

The rules of civil procedure have limited application in actions pursuant to the Eminent Domain Code of 1964 and the Municipal Claims Act of 1923. See for example Rule 4001(a) providing that the rules of civil procedure governing discovery are applicable to these actions.

Civil actions and proceedings to which the rules of civil procedure do not apply include petitions for change of name (54 Pa.C.S. § 701 et seq.) and tax sales of real property (72 P.S. § 5860.101 et seq.) With the exception of Rule 227.1(g) prohibiting the filing of a motion for post-trial relief, the rules do not apply to appeals to the courts of common pleas from local administrative agencies.

#### Explanatory Comment

Rule 51 was initially promulgated in 1939 and governs the title and citation of the rules of civil procedure. The recommendation proposes that the current text of the rule be designated subdivision (a) and revised to acknowledge that all rules promulgated by the Supreme Court of Pennsylvania are no longer rules of civil procedure.

The rules of civil procedure do not presently contain a scope provision setting forth the actions and proceedings or the courts to which they apply. This omission has resulted in the argument being made that the rules govern proceedings in district justice courts. It is proposed that Rule 51 be amended by adding new subdivision (b) containing the general statement that the rules govern civil actions and proceedings in the courts of common pleas.

A general statement of the scope of the rules of civil procedure must be qualified. It is impossible to state definitively the application of the rules with respect to all actions and proceedings and all courts. Consequently, the rule has been prefaced with the phrase "Except as otherwise provided by general rule" and a note has been added calling attention to examples of the application of the rules, or the inapplicability of the rules as the case may be, in actions and proceedings other than the usual "civil action." The note contains an express statement

that the rules of civil procedure do not apply to actions and proceedings in district justice courts.

*By the Civil Procedural Rules Committee*

R. STANTON WETTICK, Jr.,  
*Chair*

[Pa.B. Doc. No. 04-2127. Filed for public inspection December 3, 2004, 9:00 a.m.]

## Title 249—PHILADELPHIA RULES

### PHILADELPHIA COUNTY

#### General Court Regulation; Orphans' Court Division; No. 2004-01

##### Electronic Filing and Service of Legal Papers

On October 18, 2004, the Supreme Court of Pennsylvania adopted Pa.O.C.R. 3.7, authorizing the electronic filing of legal papers in Orphans' Court matters. Rule 3.7(a) provides that any court which implements electronic filing must establish procedures, by local rule, consistent with Rule 3.7. The within General Court Regulation is issued in conformance with Rule 3.7(a) and contains the procedures applicable to electronic filing of legal papers in Philadelphia County.

##### (1) Authorization for Electronic Filing.

(a) Commencing January 1, 2005, parties may file all legal papers with the Clerk by means of electronic filing in portable document format ("pdf").

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

(c) Commencing January 1, 2005, in the event any legal paper or exhibit is submitted in hard-copy format, the Clerk shall convert such legal paper or exhibit into pdf, without changing the content or format of the legal paper or exhibit, and shall accept the legal paper or exhibit for filing in pdf. The Clerk shall return the hard-copy legal paper or exhibit to the filing party for retention as required by Pa.O.C.R. 3.7(c)(3).

##### (2) Website, Username and Password.

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

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

##### (3) Electronic Filing of Legal Paper.

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

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

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

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

##### (4) Redaction and Access.

(a) All legal papers and exhibits filed electronically shall be available electronically to the filing parties.

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

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

i. Minor's estate. Only the initials of the minor shall be displayed.

ii. Social Security numbers.

iii. Dates of birth.

iv. Financial account numbers.

v. Home addresses.

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

##### (5) Filing Date.

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

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

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

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

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

(a) Commencing January 1, 2005, the Clerk shall collect, in addition to all other applicable fees, an automation fee of \$10.00 for each legal paper for which a filing fee is now charged.

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

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

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

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

This General Court Regulation is promulgated in accordance with the April 11, 1986, Order of the Supreme Court of Pennsylvania, Eastern District, No. 55 Judicial Administration, Docket No. 1, Phila. Civ. R. \* 51 and Pa.O.C.R. 3.7, and shall become effective on January 1, 2005. As required by Pa. R.C.P. 239, the original General Court Regulation shall be filed with the Prothonotary in a docket maintained for General Court Regulations issued by the Administrative Judge of the Orphans' Court Division, and copies shall be submitted to the Clerk of the Orphans' Court Division, Administrative Office of Pennsylvania Courts, the Legislative Reference Bureau and the Orphans' Court Procedural Rules Committee. Copies of the Regulation shall also be submitted to *American Lawyer Media*, *The Legal Intelligencer*, Jenkins Memorial Law Library and the Law Library for the First Judicial District

JOSEPH D. O'KEEFE,  
*Administrative Judge*,

[Pa.B. Doc. No. 04-2128. Filed for public inspection December 3, 2004, 9:00 a.m.]

## Title 252—ALLEGHENY COUNTY RULES

### ALLEGHENY COUNTY

#### Rules of Court of Common Pleas; No. 3 of 2004

##### Order of Court

*And Now*, to-wit, this 16th day of November, 2004, pursuant to action of the Board of Judges, the within new Local Rule 1001 affecting the Civil Division of the Court of Common Pleas is adopted, effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

*By the Court*

JOSEPH M. JAMES,  
*President Judge*

#### Local Rule 1001 Civil Actions Raising Claims for Relief Heretofore Asserted in the Action in Equity

(a) A civil action that raises only claims for relief heretofore asserted in equity shall be assigned to an individual judge when the case has been placed at issue pursuant to Local Rule 214.

(b) A civil action that raises claims for relief heretofore asserted in the action in equity and claims for relief heretofore asserted in the action of assumpsit and/or the action in trespass will not be assigned to an individual judge prior to trial without a court order entered pursuant to motion or by the court sua sponte.

##### NOTE

A motion for the assignment of a case to an individual judge shall be presented to the Special Motions Judge if

the case is not on a published trial list and to the Calendar Control Judge if the case is on a published trial list.

[Pa.B. Doc. No. 04-2129. Filed for public inspection December 3, 2004, 9:00 a.m.]

## Title 255—LOCAL COURT RULES

### BEAVER COUNTY

#### Local Rules of Civil Procedure; No. 10130 of 2001

##### Order

New rules L1042.210 through L1042.223 relating to medical malpractice mediation are approved and adopted as follows and are effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

The Court Administrator shall transmit certified copies of this order and the rules as follows:

1. Seven copies with the Administrative Office of Pennsylvania Courts;
2. Two copies, as well as a computer diskette containing the text of these rules, to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*;
3. One copy with the Civil Procedural Rules Committee of the Pennsylvania Supreme Court;
4. One copy shall be kept continuously available in the office of the Prothonotary for public inspection and copying; and
5. One copy, as well as a computer diskette containing the text of these rules, to the Law Library of Beaver County.

*By the Court*

ROBERT E. KUNSELMAN,  
*President Judge*

#### L. 1042.210. Medical Malpractice Mediation

##### L. 1042.211. Scope

These rules shall govern mediation in all medical malpractice cases before the Court. These rules must be read in pari materia with Pa.R.C.P. 1041.21, 1042.51. Nothing in these rules shall be construed to deprive the Court of its inherent authority to control cases before it or to conduct settlement conferences, which are distinguished from mediation.

##### L. 1042.212. Mediation Defined

Mediation is a confidential, informal, non-adversarial process whereby a neutral, third party, known as the "Mediator," assists disputing parties in resolving by agreement some or all of the differences between them. The Mediator has no authority to render a decision; rather the decision-making discretion rests with the disputing parties. The role of the Mediator is to facilitate communication, help clarify interests and issues, identify any further information that may be gathered to assist in making decisions, and foster joint problem solving, in order to enable the parties to come to a resolution that is mutually acceptable to them. The Mediator may offer his or her opinion as to a range of settlement values if the parties so desire.



**L. 1042.213. Scheduling and Selection of Cases for Mediation.**

(a) Upon the filing of every medical malpractice case, a mandatory status conference shall be scheduled by the Court. The purpose of this conference shall be to determine if a case should be submitted to Mediation pursuant to these Rules. The time of this conference may be rescheduled upon motion of any party with good cause shown.

(1) Plaintiff's counsel shall provide the Court Administrator with a clocked copy of the cover sheet of the Complaint at the time the Complaint is filed. The Court Administrator shall, at the one-year anniversary of the filing of the Complaint, schedule a status conference to determine whether the case is appropriate for mediation. The Court Administrator shall notify counsel of record and/or pro-se litigant of the date and time of the conference. All trial counsel and/or pro-se litigant must attend this conference. Other parties, healthcare providers, insurance carriers, and representatives of the M-Care Fund shall be available by phone.

(b) Upon motion of any party, including a motion pursuant to Pa.R.C.P. No 1041.21, or upon written agreement of the parties, the Court may refer a case to mediation. Any objection to the motion to request mediation must be filed within ten (10) days of the filing of the motion. A case ordered for mediation shall remain on the court docket and the trial list, if applicable.

(c) The Court shall consider the objection that the health care provider has not consented to settlement. The Court may order the parties or their representative, counsel or insurance carriers to attend a status conference to explore the consent to settle issue.

(d) The Court shall consider the objection that the parties have not exchanged experts' reports and can order the parties to do so before Mediation begins.

**L. 1042.214. Listing of Approved Mediators.**

The Court Administrator shall maintain and make available to the parties a list of all approved mediators. The Court shall select mediators to be placed on the list who meet the following minimum qualifications: (1) admitted to the practice of law in Pennsylvania for at least ten (10) years; (2) at least ten (10) years of experience trying civil cases with considerable experience trying medical malpractice cases; (3) completion of the approved mediation training program offered in Beaver County, or other training verified and approved by the Court after a written submission by the attorney seeking to be approved and, (4) has been determined by the Court to be competent to perform the duties of a mediator. Any attorney desiring to be considered as an approved mediator must make such request in writing to the Court and furnish evidence of meeting the above qualifications. The Court may consider any other mediator agreed upon by the parties.

**L. 1042.215. Selection of Mediator; Disqualification.**

(a) Within fifteen (15) days of the entry of an order for mediation, or an agreement to mediate, the parties must choose their mediator.

(b) Unless otherwise agreed, the mediator shall be disqualified if:

(1) The mediator has personal knowledge of disputed evidentiary facts related to the mediation;

(2) The mediator or any lawyer with whom the mediator practiced law served as a lawyer for the matter in controversy;

(3) The mediator, or anyone with whom the mediator has a close business or familial relationship, has an economic interest in the matter in controversy.

(c) The Mediator shall disclose any past or present affiliations with any and all parties, including the insurance carriers and/or the M-Care Fund.

**L. 1042.216. Compensation of Mediator.**

The fees for the mediator shall be a minimum of \$250.00 per hour plus reasonable expenses. The parties shall agree to share the costs evenly, unless as part of the settlement, they agree to a different allocation. The parties agree to advance payment of \$1,000.00 to the mediator at least five (5) business days in advance of the scheduled mediation. The mediator shall submit to the parties a bill for all time and expenses spent in the case. The party or parties responsible to pay the mediator shall do so no later than thirty (30) days after receipt of the mediator's bill. Mediator fees in excess of the amount deposited by the parties shall be promptly paid in equal proportions or in such other portions as the parties agree. Any unused advance payment shall be promptly refunded to the parties by the mediator.

**L. 1042.217. Submissions to Mediator.**

Before the first mediation session, the mediator may require the parties to provide to the mediator confidential and/or pertinent information including, but not limited to, pleadings, discovery responses/production, transcripts, expert reports, and/or any other litigation related documents.

**L. 1042.218. Time Frame for Conduct of the Mediation.**

Unless otherwise agreed to by the parties and the mediator or ordered by the Court, the first mediation session shall be conducted not later than sixty (60) days from the agreement to mediate or order to mediate. Mediation shall be completed within thirty (30) days thereafter.

**L. 1042.219. Attendance and Authority; Sanctions.**

The parties and persons with authority to enter into a full and complete compromise and settlement of the case on behalf of the parties shall attend the mediation, including the lawyers who will try the case. In an appropriate case, representatives of the M(Care) Fund must either attend in person or be available by telephone during all mediation sessions. If a party or its representative, counsel or insurance carrier fails to appear at the mediation session without good cause, or appears without decision making discretion, the Court, sua sponte, or upon motion, may impose sanctions, including an award of reasonable mediator and attorney's fees and other costs, against the responsible party.

**L. 1042.220. Settlement Agreement; Enforcement.**

Each settlement is to be confirmed in a written settlement agreement, signed by a party or a party representative with authority to sign. A party representative who signs is presumed to have full authority to bind the party. The settlement agreement is enforceable in the same manner as any other written contract and/or by a motion to enforce the settlement agreement.

**L. 1042.221. Confidentiality.**

(a) Mediation sessions and discussions constitute settlement conferences under the applicable rules of evidence. Nothing said or disclosed during the mediation sessions, nor any document produced during the sessions

that is not otherwise discoverable, shall be admissible as evidence or for impeachment or other purposes in any judicial proceeding.

(b) Pursuant to 42 Pa.C.S.A. § 5949, disclosure of mediation communications and mediation documents may not be required or compelled through discovery or any other process.

(c) Statements made to the mediator privately shall remain confidential unless disclosure to the other side is expressly authorized for the purposes of the mediation conference.

(d) All statements made by the parties or mediator during the sessions and any documents created expressly for or during the session will be inadmissible for any purpose except to enforce an alleged settlement agreement or adjudicate an attorney's lien.

(e) No transcript or other recording may be made of the mediation session.

#### **L. 1042.222. Mediator Immunity.**

The mediator shall not be subpoenaed or requested to testify or produce documents by any party in any pending or subsequent litigation arising out of the same or similar matter. Any party, person, or entity that attempts to compel such testimony or production will be liable and shall indemnify the mediator and other protected participants for all reasonable costs, fees and expenses. The mediator shall have the same limited immunity as judges pursuant to the applicable law as it relates to Common Pleas Judges.

#### **L. 1042.223. Report to the Court**

Upon the conclusion of the case, the Mediator shall complete and return the Mediator's Report form supplied by the Court Administrator within five (5) days. If a case is settled through Mediation, the case shall be settled and discontinued with the Prothonotary in a timely manner.

[Pa.B. Doc. No. 04-2130. Filed for public inspection December 3, 2004, 9:00 a.m.]

### **BERKS COUNTY**

#### **Rules of Court; No. 98-8009 Prothonotary; No. 1-MD-2000 Clerk of Courts**

##### **Order**

*And Now*, August 17, 2004, it is hereby *Ordered And Decreed* that the following local Rule for Jury Costs On Continuance Of A Cause Of Action in the 23rd Judicial District composed of Berks County be, and the same is, promulgated herewith, to become effective thirty (30) days after the publication of the rule in the *Pennsylvania Bulletin*; that seven (7) certified copies shall be filed with the Administrative Office of Pennsylvania Courts; that two (2) certified copies shall be filed with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*; that one (1) certified copy shall be filed with the Civil Procedural Rules Committee; and that one (1) copy shall be filed with the Clerk of Courts of Common Pleas of Berks County.

#### **Rule 217.3 Jury Costs on Continuance of a Cause of Action**

When a continuance is granted upon application, the Court may impose on the party making the application

for continuance, the reasonable costs actually incurred by the County and/or the jurors in impaneling a jury.

When a continuance has been granted and costs imposed, the party upon whom such costs have been imposed may not, so long as such costs remain unpaid, take any further step in such or any other suit without prior leave of court.

*By the Court*

ARTHUR E. GRIM,  
*President Judge*

[Pa.B. Doc. No. 04-2131. Filed for public inspection December 3, 2004, 9:00 a.m.]

### **CARBON COUNTY**

#### **Amending Policy for Paroling Defendants Sentenced for Minimum of up to 90 Days for DUI; No. 073 MI 91**

##### **Administrative Order 24-2004**

*And Now*, this 17th day of November, 2004, in order to provide for the new DUI legislation, it is hereby

*Ordered and Decreed* that, effective immediately, the Carbon County Court of Common Pleas hereby *Amends* this Court's Administrative Order 25-2001 dated October 30, 2001 filed to 073 MI 91 to provide that a defendant convicted and sentenced to serve a minimum term of imprisonment of not more than ninety (90) days pursuant to Driving Under Influence of Alcohol or Controlled Substance, 75 Pa.C.S. § 3802 et seq., shall be paroled immediately upon serving his minimum sentence. Unless otherwise ordered by the Sentencing Court, the Carbon County Warden is hereby authorized and directed to release any defendant pursuant to this Order without further action or order of Court.

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

1. File seven (7) certified copies of this Administrative Order with the Administrative Office of Pennsylvania Courts.
2. File two (2) certified copies and one (1) diskette with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
3. File one (1) certified copy with the Pennsylvania Criminal Procedural Rules Committee.
4. Forward one (1) copy for publication in the *Carbon County Law Journal*.
5. Forward one (1) copy to the Carbon County Law Library.
6. Keep continuously available for public inspection copies of the Order and Rule in the Clerk of Court's Office.

*By the Court*

RICHARD W. WEBB,  
*President Judge*

[Pa.B. Doc. No. 04-2132. Filed for public inspection December 3, 2004, 9:00 a.m.]

MONTGOMERY COUNTY

Amendments to Local Rules of Civil Procedure 205.2(b), 208.3(b), 212.1\*(d), \*920 and 1302

Order

And Now, this 4th day of November, 2004, the Court approves and adopts the following Amendments to Montgomery County Local Rules of Civil Procedure 205.2(b), 208.3(b), 212.1\*(d), \*920, and 1302. In conformity with Pa.R.C.P. 239(c)(7), the Amendments to Rules 205.2(b) and 208.3(b) shall become effective upon publication on the web site of the Administrative Office of Pennsylvania Courts (www.ujportal.pacourts.us). The remaining Amendments shall become effective thirty days after publication in the Pennsylvania Bulletin.

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

By the Court

S. GERALD CORSO,
President Judge

Rule 205.2(b). Cover Sheet.

(1) Initial Pleadings. A Civil Cover Sheet, in such form as prescribed by the Court, shall be attached to any document commencing an action. The failure to file the cover sheet as required may result in an Order imposing sanctions.

(2) Petitions or Motions. The cover sheet required by Rules 208.3(b), 1028(c), 1034(a) and 1035.2(a) shall be as follows:

- (a) Cover Sheet of the Moving Party

See Form

- (b) Cover Sheet of the Respondent

See Form

Comment:

1. The Civil Cover Sheet form referenced in this rule is available on line at www.montcopa.org/prothy/forms.html.

Rule 208.3(b). Motion Practice. Rule to Show Cause.

- (1) \* \* \*

(2) Listing. Excepting motions for sanctions or contempt of a prior court order, the Court Administrator shall fix promptly a return day which shall not be less than thirty (30) days from the date of filing of said motion, and the moving party shall forthwith serve the respondent with a copy of the motion and the cover sheet indicating the return day thereon. The moving party shall

thereafter file a certification that the motion and the rule return date were served upon all parties, in substantially the following form:

See Form Certificate of Service

Motions for sanctions or contempt of a prior court order shall be forwarded by the Court Administrator to the assigned Judge for the scheduling of a hearing.

Motions that are alleged to be "emergencies" will not initially be given a rule return date, but rather the Court Administrator will forward the emergency motion to the assigned Judge. If the matter is deemed to be an emergency by the assigned Judge, the Judge will process the matter accordingly. If the matter is not deemed to be an emergency, the matter will be returned to the Court Administrator for listing pursuant to this Rule.

All pre-trial motions that are filed after the underlying case has been praeciped for trial or ordered on the trial list will be made rule returnable "at time of trial."

- (3) \* \* \*

Rule 212.1\*(d). Certification Required for Trial List.

(1) [ Certification shall be by all parties ] When a case is ready to be placed into the civil trial inventory, counsel must file a trial praecipe containing a certification by filing counsel that all counsel of record consent to the filing of the trial praecipe. Consent must be affirmatively obtained, but the signatures of all counsel are no longer required on the trial praecipe. The consent of unrepresented parties to the filing of the trial praecipe is not required. If all parties to an action are unrepresented, however, any such party may file a trial praecipe.

- (2) \* \* \*
(3) \* \* \*
(4) \* \* \*

Comment:

1. The trial praecipe form referenced in this rule is available on line at www.montcopa.org/prothy/forms.html.

Rule \*920. Board of Assessment Appeals.

- (a) \* \* \*
(b) \* \* \*
(c) \* \* \*

(d) The appeal shall be forwarded by the Court Administrator to the Court for a settlement conference upon the filing of a trial praecipe [ signed by all counsel of record ] containing a certification by filing counsel that all counsel of record consent to the filing of the trial praecipe.

- (e) \* \* \*
(f) \* \* \*

Comment:

1. The trial praecipe form referenced in this rule is available on line at www.montcopa.org/prothy/forms.html.

Rule 1302\*. List of Arbitrators. Appointment to Board. Oath.

- (a) \* \* \*
(b)

(1) Upon the filing of an **arbitration** praecipe **[signed by all counsel]** containing a **certification by filing counsel that all counsel consent to the filing of the praecipe**, with notice to opposing counsel and any unrepresented parties, the Arbitration Administrator shall select the Board of Arbitrators, consisting of three members of the Bar of this Court from the list of attorneys qualified to serve as follows:

- (a) \* \* \*
- (b) \* \* \*
- (c) \* \* \*
- (d) \* \* \*

(e) If any counsel refuses **[to sign]** to consent to **the filing of** the praecipe for arbitration, any party may request a conference before the designated Judge on the case in order to determine whether the case should be placed on the arbitration list and scheduled for hearing.

- (f) \* \* \*

**Comment:**

1. The arbitration praecipe form referenced in this rule is available on line at [www.montcopa.org/prothy/forms.html](http://www.montcopa.org/prothy/forms.html).

2. If all parties to an action are unrepresented, any such party may file an arbitration praecipe.

[Pa.B. Doc. No. 04-2133. Filed for public inspection December 3, 2004, 9:00 a.m.]

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## DISCIPLINARY BOARD OF THE SUPREME COURT

### Notice of Disbarment

Notice is hereby given that by Order of the Supreme Court of Pennsylvania dated November 16, 2004, Cornelia Farrell Maggio is *Disbarred On Consent* from the practice of law in this Commonwealth, effective December 16, 2004. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

ELAINE M. BIXLER,  
*Executive Director and Secretary*  
*The Disciplinary Board of the*  
*Supreme Court of Pennsylvania*

[Pa.B. Doc. No. 04-2134. Filed for public inspection December 3, 2004, 9:00 a.m.]

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# RULES AND REGULATIONS

## Title 4—ADMINISTRATION

### DEPARTMENT OF GENERAL SERVICES

#### [4 PA. CODE CH. 61]

#### Instruction to Bidders

The Department of General Services (Department) acting under sections 506, 2401.1 and 2408 of The Administrative Code of 1929 (71 P. S. §§ 186, 631.1 and 638) and section 201 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. § 1201), deletes Chapter 61.

#### *Purpose*

Since the bid instructions for construction contracts are established by regulation, they do not allow for flexibility. The instructions to bidders tell the bidders how to prepare and submit their bids for construction projects. These provisions must be customized by the Department for individual projects. The Department has substantially modified these bid instructions in the years since 1975 without amending the regulations. Since the regulatory instructions are not the current Department instructions to bidders, this chapter is obsolete and is being deleted.

Notice of proposed rulemaking was published at 32 Pa.B. 5277 (October 26, 2002). Publication was followed by a 30-day public comment period during which the Department did not receive any comments. The Senate State Government Committee, the House State Government Committee and the Independent Regulatory Review Commission (IRRC) also had no comments.

#### *Fiscal Impact*

There will be some savings in administrative time and expense. The Department would incur significant time and expense if it were required to proceed with the regulatory process each time it wanted to revise its instructions to bidders. If Chapter 61 is not deleted and the Department decides to change its instructions twice a year and it is required to pursue the regulatory process, the estimated administrative cost to the Department would be \$18,000 per year.

#### *Paperwork Requirements*

The final-form rulemaking will impose no new or different paperwork requirements.

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on October 9, 2002, the Department submitted a copy of the proposed rulemaking, published at 32 Pa.B. 5277, to IRRC and the Chairpersons of the House State Government Committee and the Senate State Government Committee. In addition to submitting the proposed rulemaking, the Department has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Department. A copy of this material is available to the public upon request.

Under section 5(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), the final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5(g) of the Regulatory Review Act (71 P. S. § 745.5(g)), the final-form rulemaking was deemed approved by IRRC effective November 3, 2004.

#### *Effective Date*

This final-form rulemaking is effective as of this publication in the *Pennsylvania Bulletin*.

#### *Additional Information*

Individuals who need information about the final-form rulemaking should contact Mary Benefield Seiverling, Senior Counsel, Department of General Services, Office of Chief Counsel, 603 North Office Building, Harrisburg, PA 17125.

#### *Findings*

The Department finds that:

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

(2) The final-form rulemaking adopted by this order is necessary and appropriate for the performance of the Department's duties under The Administrative Code of 1929.

#### *Order*

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

(a) The regulations of the Department, 4 Pa. Code Chapter 61, are amended by deleting §§ 61.1—61.16 to read as set forth in Annex A.

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

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

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

DONALD T. CUNNINGHAM, Jr.,  
Secretary

(*Editor's Note:* For the text of the order of the Independent Regulatory Review Commission relating to this document, see 34 Pa.B. 6282 (November 20, 2004).)

**Fiscal Note:** Fiscal Note 8-4 remains valid for the final adoption of the subject regulations.

#### Annex A

#### TITLE 4. ADMINISTRATION

#### PART III. DEPARTMENT OF GENERAL SERVICES

#### Subpart C. CONSTRUCTION AND PROCUREMENT

#### ARTICLE II. CONSTRUCTION

#### CHAPTER 61. (Reserved)

#### §§ 61.1—61.16. (Reserved).

[Pa.B. Doc. No. 04-2135. Filed for public inspection December 3, 2004, 9:00 a.m.]

**DEPARTMENT OF GENERAL SERVICES**  
**[4 PA. CODE CH. 63]**  
**General Conditions of Contract**

The Department of General Services (Department), acting under sections 506, 2401.1 and 2408 of The Administrative Code of 1929 (71 P. S. §§ 186, 631.1 and 638) and section 201 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. § 1201), deletes Chapter 63 (relating to general conditions of the contract).

*Purpose*

Since the general contract conditions are established by regulation, they do not allow for flexibility. These provisions must be customized by the Department for individual projects as required. The Department has substantially modified these general conditions of contract in the years since 1975 without amending the regulations. Since the regulatory contract terms are not the Department's current General Conditions of Contract, Chapter 63 is being deleted.

Notice of proposed rulemaking was published at 32 Pa.B. 5277 (October 26, 2002). Publication was followed by a 30-day public comment period during which the Department did not receive any comments. The Senate State Government Committee and the House State Government Committee had no comments. The Independent Regulatory Review Commission (IRRC) submitted one comment to the proposed rulemaking on March 10, 2003.

*Summary of Comment to Proposed Rulemaking and Response*

IRRC recommended that the Department review other chapters of 4 Pa. Code (relating to administration) to identify and delete any references to Chapter 63 that are being deleted and thus will be obsolete, such as the cross reference in § 68.61 (relating to nondiscrimination clause; compliance prequalification).

The Department concurs with that recommendation and has determined that § 68.61 is the only cross reference in 4 Pa. Code that will become obsolete as a result of rescinding Chapter 63. However, this cross reference is not the only aspect of § 68.61 that is obsolete. The entire section has been superseded by the subsequent enactment of 62 Pa.C.S. § 3701 (relating to contract provisions prohibiting discrimination), and many of the other provisions in Chapter 68 (relating to contract compliance) are also obsolete and no longer used. Chapter 68 contains provisions concerning contractor compliance with affirmative action and nondiscrimination obligations. The Department plans to develop and propose a comprehensive rulemaking to update Chapter 68 including the obsolete cross reference in § 68.61. Therefore, the Department is issuing this final-form rulemaking to delete Chapter 63 without any changes to previously published proposed rulemaking. With this final-form rulemaking, the Department is immediately rescinding Chapter 63. The Department will then deal with § 68.61 in a broader proposed rulemaking to update Chapter 68.

*Fiscal Impact*

This final-form rulemaking relieves the Department of the administrative time and expense the Department would incur if it was required to proceed with the regulatory process each time that it wanted to revise its contract terms. The estimated cost is \$18,000 a year if the regulations were not rescinded and the Department decides to change its contract terms twice a year and is required to pursue the regulatory process.

*Paperwork Requirements*

This final-form rulemaking will not impose new or different paperwork requirements.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on March 6, 2001, the Department submitted a copy of this proposed rulemaking, published at 32 Pa.B. 5277, to IRRC and the Chairpersons of the House State Government Committee and the Senate State Government Committee. In addition to submitting the proposed rulemaking, the Department has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Department. A copy of this material is available to the public upon request.

In preparing the final-form rulemaking, the Department has considered the comment that it received from the IRRC and has responded as stated in this preamble. No other comments were received.

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), the final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on November 4, 2004, and approved the final-form rulemaking.

*Effective Date*

This final-form rulemaking is effective as of this publication in the *Pennsylvania Bulletin*.

*Additional Information*

Individuals who need information about the final-form rulemaking should contact Mary Benefield Seiverling, Senior Counsel, Department of General Services, Office of Chief Counsel, 603 North Office Building, Harrisburg, PA 17125.

*Findings*

The Department finds that:

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

(2) The final-form rulemaking adopted by this order is necessary and appropriate for the performance of the Department's duties under The Administrative Code of 1929.

*Order*

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

(a) The regulations of the Department, 4 Pa. Code Chapter 63, are amended by deleting §§ 63.1—63.3, 63.11, 63.12, 63.21—63.23, 63.31—63.50, 63.61—63.64, 63.71—63.74, 63.81—63.84, 63.91—63.93, 63.101—63.107, 63.111—63.113, 63.121, 63.122, 63.131—63.134, 63.141—63.143, 63.151—63.153, 63.161—63.163, 63.171—63.197, 63.201 and 63.211 to read as set forth in Annex A.

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

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

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

DONALD T. CUNNINGHAM, Jr.,  
Secretary

*(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 34 Pa.B. 6292 (November 20, 2004).)*

**Fiscal Note:** Fiscal Note 8-3 remains valid for the final adoption of the subject regulations.

#### Annex A

### TITLE 4. ADMINISTRATION

#### PART III. DEPARTMENT OF GENERAL SERVICES

#### Subpart C. CONSTRUCTION AND PROCUREMENT

#### ARTICLE II. CONSTRUCTION

#### CHAPTER 63. (Reserved)

§§ 63.1—63.3. (Reserved).

§ 63.11. (Reserved).

§ 63.12. (Reserved).

§§ 63.21—63.23. (Reserved).

§§ 63.31—63.50. (Reserved).

§§ 63.61—63.64. (Reserved).

§§ 63.71—63.74. (Reserved).

§§ 63.81—63.84. (Reserved).

§§ 63.91—63.93. (Reserved).

§§ 63.101—63.107. (Reserved).

§§ 63.111—63.113. (Reserved).

§ 63.121. (Reserved).

§ 63.122. (Reserved).

§§ 63.131—63.134. (Reserved).

§§ 63.141—63.143. (Reserved).

§§ 63.151—63.153. (Reserved).

§§ 63.161—63.163. (Reserved).

§§ 63.171—63.197. (Reserved).

§ 63.201. (Reserved).

§ 63.211. (Reserved).

[Pa.B. Doc. No. 04-2136. Filed for public inspection December 3, 2004, 9:00 a.m.]

## Title 31—INSURANCE

### INSURANCE DEPARTMENT

#### [31 PA. CODE CH. 115]

#### Public Adjuster Contracts and Licensing Requirements

The Insurance Department (Department) amends § 115.2 (relating to contents of public adjuster contracts, minimum standards) to read as set forth in Annex A.

#### Statutory Authority

The final-omitted rulemaking is adopted under the authority of sections 206, 506, 1501 and 1502 of The Administrative Code of 1929 (71 P. S. §§ 66, 186, 411 and 412) and under the specific statutory authority of sections 1—8 of the act of December 20, 1983 (P. L. 260, No. 72) (63 P. S. §§ 1601—1608) (act).

Notice of proposed rulemaking is omitted in accordance with section 204(3) of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. § 1204(3)) (CDL). In accordance with section 204(3) of the CDL, notice of proposed rulemaking may be omitted when the agency for good cause finds that public notice of its intention to amend an administrative regulation is, under the circumstances, impracticable and unnecessary.

#### Purpose

This final-omitted rulemaking will allow the section to be consistent with the statute. The Department is only modifying § 115.2 and is not amending any portion of the remainder of Chapter 115 (relating to public adjuster contracts and licensing requirements).

#### Explanation of Regulatory Requirements

Section 5 of the act allows a consumer 4 calendar days in which the consumer can rescind a contract with a public adjuster. The Department, in an attempt to standardize language and be consistent from chapter to chapter, determined that business days was more consistent throughout many of the chapters. Therefore, the Department changed calendar days to business days when this section was promulgated in 2002.

This final-omitted rulemaking will correct the deficiency and make consistent the terms between the regulation and the statute and thus avoid potential problems that consumers and public adjusters may have with future contracts.

#### Fiscal Impact

There will be minimal impact on public adjusters, as their contract will need to be revised. As many public adjusters are using computers to generate their contracts, the Department does not expect this expense to be significant.

#### Affected Parties

This final-omitted rulemaking will affect all public adjusters who do business in this Commonwealth.

#### Effectiveness/Sunset Date

This final-omitted rulemaking will become effective upon final adoption and publication in the *Pennsylvania Bulletin*. The Department continues to monitor the effectiveness of regulations on a triennial basis so no sunset date has been assigned.

#### Contact Person

Questions regarding the final-omitted rulemaking may be addressed to Peter J. Salvatore, Regulatory Coordinator, Insurance Department, 1326 Strawberry Square, Harrisburg, PA 17120, (717) 787-4429. Questions may also be e-mailed to psalvatore@state.pa.us, fax (717) 772-1969.

#### Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on October 19, 2004, the Department submitted a copy of the final-omitted rulemaking to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Committee on Insurance and the Senate Committee on Banking and Insur-

ance. On the same date, the final-omitted rulemaking was submitted to the Office of Attorney General for review and approval under the Commonwealth Attorneys Act (71 P. S. §§ 732-101—732-506).

In accordance with section 5(c) of the Regulatory Review Act, on November 17, 2004, the final-omitted rulemaking was deemed approved by the Senate Banking and Insurance Committee and the House Insurance Committee. The Attorney General approved the final-omitted rulemaking on October 29, 2004. IRRC met on November 18, 2004, and approved the final-omitted rulemaking.

*Findings*

The Insurance Commissioner finds that:

(1) There is good cause to amend § 115.2 effective upon publication with the proposed rulemaking omitted. Deferral of the effective date of rulemaking would be impractical and not serve the public interest. Under section 204(3) of the CDL there is no purpose to be served by deferring the effective date.

(2) There is good cause to forego public notice of the intention to amend § 115.2 because notice of the rulemaking under the circumstances is unnecessary and impractical because the change proposed is necessary to ensure the consistency with the statute.

*Order*

The Commissioner, acting under the authority in sections 206, 506, 1501 and 1502 of The Administrative Code of 1929, orders that:

(a) The regulations of the Department, 31 Pa. Code Chapter 115, are amended by amending § 115.2 to read as set forth in Annex A.

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

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

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

M. DIANE KOKEN,  
*Insurance Commissioner*

*(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 34 Pa.B. 6476 (December 4, 2004).)*

**Fiscal Note:** 11-223. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 31. INSURANCE**

**PART VII. PROPERTY, FIRE AND CASUALTY INSURANCE**

**CHAPTER 115. PUBLIC ADJUSTER CONTRACTS AND LICENSING REQUIREMENTS**

**GENERAL**

**§ 115.2. Contents of public adjuster contracts, minimum standards.**

(a) A public adjuster contract shall contain, at a minimum, the following information:

(1) The title of the contract to read: Public Adjuster Contract.

(2) The name, business name, address and telephone number of the public adjuster.

(3) The name and address of the insured.

(4) The consideration expressed as a percentage of any payments to be received on the negotiated claim, or as a maximum dollar amount.

(5) A space provided for the execution date (month, day, year) of the contract.

(6) A space provided for the signature of the insured and the public adjuster.

(7) A provision setting forth the insured's right to cancel, which shall be printed in prominent type on the first page of the public adjuster contract in substantially the following form:

**Notice of Right to Cancel**

You, the insured, may cancel this contract at any time prior to midnight of the fourth calendar day after the execution date of this contract. If you exercise your right to cancel this contract, you will be liable for reasonable and necessary emergency out-of-pocket expenses or services which were paid for or incurred by the public adjuster to protect the interests of the insured during the period preceding cancellation.

If you cancel this contract, anything of value given by you under the contract will be returned to you within 15 business days following the receipt by the public adjuster of your cancellation notice, and any security interest arising out of the contract will be cancelled. To cancel this contract, mail, fax or deliver in person a signed and dated copy of this notice or any other written notice, indicating your intent to cancel and the date thereof to (name of public adjuster) at (business address of public adjuster) not later than midnight of (date). I hereby cancel this contract.

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Insured's signature)

(b) A public adjuster contract may not contain any contract term that:

(1) Allows the public adjuster's fee to be collected when money is due from an insurance company, but not paid, or that allows a public adjuster to collect the entire fee from the first check issued by an insurance company, rather than as percentage of each check issued by an insurance company.

(2) Requires the insured to authorize an insurance company to issue a check only in the name of the public adjuster.

(3) Imposes late fees or collection costs on the insured.

[Pa.B. Doc. No. 04-2137. Filed for public inspection December 3, 2004, 9:00 a.m.]

**INSURANCE DEPARTMENT**

**[31 PA. CODE CH. 167]**

**Workers' Compensation Act Provider Fees**

The Insurance Department (Department) adopts Chapter 167 (relating to Workers' Compensation Act—provider fees) to read as set forth in Annex A.



*Statutory Authority*

This final-form rulemaking is adopted under the general authority of sections 205, 506, 1501 and 1502 of The Administrative Code of 1929 (71 P. S. §§ 66, 186, 411 and 412) and section 306(f.1)(3)(i) of the Workers' Compensation Act (act) (77 P. S. § 531(3)(i)).

*Comments and Response*

Notice of proposed rulemaking was published at 34 Pa.B. 3255 (June 26, 2004) with a 30-day comment period. During the 30-day comment period, comments were received from the Pennsylvania Medical Society, the Pennsylvania Association of Nurse Anesthetists and the Insurance Federation of Pennsylvania, Inc. (IFP). During its regulatory review, the Independent Regulatory Review Commission (IRRC) did not submit comments to the Department. No changes were made to Annex A in this final-form rulemaking.

The Pennsylvania Medical Society and the Pennsylvania Association of Nurse Anesthetists both supported the proposed rulemaking. The IFP raised several issues with the proposed rulemaking.

The Department's response to the issues raised by the IFP is as follows.

The IFP states that the Department has not made or supported a determination that the current reimbursement level for anesthesiologists is unreasonable. The IFP's overriding objections to the regulations are its assertions that the Department failed to make the findings required under section 306(f.1)(3)(i) and (v) of the act to justify the proposed increase and that the proposed increase is counter to the general goal of the act, which the IFP asserts is medical cost containment. The IFP also objects because the Department's determination to increase the reimbursement rate for anesthesiologists was based solely on its review of data that was submitted by the Pennsylvania Society of Anesthesiologists (PSA).

Under an extensive review process, the Department did make the determination that the PSA had satisfied the statutory criteria to have the workers' compensation anesthesiology conversion factor reviewed for reasonableness in accordance with section 306(f.1)(3)(v) of the act. Further, after reviewing the data and expert reports submitted by the PSA, the Department ultimately determined that the existing workers' compensation reimbursement rate for anesthesiologists was not reasonable and that a new rate should be established by regulation in accordance with section 306(f.1)(3)(i) and (v) of the act. As the petitioner, the PSA was required to submit data to the Department in support of its request for the issuance of a regulation. In doing so, the PSA did not preselect the data in any way but submitted all data that it could obtain. Further, the data submitted by the PSA was extensive, credible and persuasive and, together with the expert reports, fully supports the Department's determination to establish a new reimbursement rate for anesthesiologists under the Workers' Compensation Program (Program).

The IFP stated that the proposed reimbursement level is unreasonable and contrary to the goals of the act.

The revised reimbursement rate established by the Department is reasonable in light of the data and expert reports submitted to the Department by the PSA, which demonstrated that the disparity between anesthesia allowances under the workers' compensation and private managed care systems was substantially and patently disproportionate to disparities for other providers. The

revised reimbursement rate is based on an average of reimbursement rates in the private managed care market and, as such, is not unreasonable. Because the PSA satisfied the explicit criteria for relief set forth in the act, the Department believes that it would not be appropriate to deny the PSA relief based on the general goal of cost containment, which the IFP asserts to be the purpose of the act.

The IFP asserts that the Department's reliance on section 306(f.1)(3)(v) of the act is misplaced.

The Department believes that section 306(f.1)(3)(v) of the act is clear and, together with section 306(f.1)(3)(i) of the act, provides the Commissioner with statutory authority to promulgate this final-form rulemaking.

The IFP also states that the Department's proposed regulation fails to comply with the requirements of the Regulatory Review Act (71 P. S. §§ 745.1—745.15).

The IFP appears to assert that the Department's determination that the existing reimbursement rate was not reasonable should have been included in the body of the regulation itself. Under the act, however, only the new reimbursement rate is to be promulgated by regulations following the Department's determination that an existing rate is not reasonable. In promulgating this final-form rulemaking, the Department has fully complied with the requirements of the Regulatory Review Act, including publishing a proposed rulemaking in the *Pennsylvania Bulletin* and accepting public comments thereon.

*Affected Parties*

The final-form rulemaking will affect all anesthesiologists who provide anesthesia services to persons whose care is reimbursed under the Program when the anesthesia conversion factor is a basis for reimbursement. It will also affect all insurers and others who directly or indirectly assume responsibility for the costs of medical care provided under the Program.

*Fiscal Impact**State Government*

There will be no increase in cost to the Department due to the adoption of Chapter 167.

*General Public*

There will be no fiscal impact to the public.

*Political Subdivisions*

The final-form rulemaking will not impose additional costs on political subdivisions.

*Private Sector*

There is minimal fiscal impact as a result of the final-form rulemaking. There is no specific data available identifying the precise costs associated with the cost of anesthesiology benefits under the workers' compensation system. However, it is known that the expenses resulting from medical benefits are approximately 45% of total loss expenses. In addition, the loss expenses resulting from anesthesiology is a minor cost in comparison to the total costs of surgical expenses. Therefore even though Chapter 167 will increase the reimbursement of anesthesiology expenses by 63%, it should affect the overall costs only minimally.

*Paperwork*

There is no anticipated additional paperwork expected as a result of this final-form rulemaking.

*Effectiveness/Sunset Date*

The rulemaking will become effective upon adoption and publication in the *Pennsylvania Bulletin*. The Department continues to monitor the effectiveness of regulations on a triennial basis; therefore, no sunset date has been assigned.

*Contact Person*

Questions regarding this final-form rulemaking should be directed to Peter J. Salvatore, Regulatory Coordinator, Office of Special Projects, 1326 Strawberry Square, Harrisburg, PA 17120, (717) 787-4429, psalvatore@state.pa.us, fax (717) 705-3873.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on October 19, 2004, the Department submitted a copy of the proposed rulemaking to IRRC and to the Chairpersons of the House Insurance Committee and the Senate Banking and Insurance Committee. In addition to the submitted proposed rulemaking, the Department provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Department. A copy of that material is available to the public upon request.

In preparing this final-form rulemaking, the Department considered all comments received from IRRC, the Committees and the public.

This final-form rulemaking was deemed approved by the House and Senate Committees on November 17, 2004. In accordance with section 5a(d) of the Regulatory Review Act (71 P. S. § 745.5a(d)), IRRC met on November 18, 2004, and deemed approved the final-form rulemaking in accordance with section 5a(e) of the Regulatory Review Act.

*Findings*

The Commissioner finds that:

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

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

*Order*

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

(a) The regulations of the Department, 31 Pa. Code, are amended by adding §§ 167.1 and 167.2 to read as set forth in Annex A.

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

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

(d) The regulation adopted by this order shall take effect upon final publication in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Insurance Commissioner*

*(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 34 Pa.B. 6476 (December 4, 2004).)*

**Fiscal Note:** Fiscal Note 11-222 remains valid for the adoption of the subject regulations.

**Annex A**

**TITLE 31. INSURANCE**

**PART VIII. MISCELLANEOUS PROVISIONS**

**CHAPTER 167. WORKERS' COMPENSATION ACT—PROVIDER FEES**

Sec.	Purpose.
167.1.	Purpose.
167.2.	Payment for anesthesia services.

**§ 167.1. Purpose.**

The purpose of this chapter is to set the allowance for anesthesia services provided to patients under the Workers' Compensation Act (77 P. S. §§ 1—2626) when the allowance utilizes the anesthesia conversion factor.

**§ 167.2. Payment for anesthesia services.**

The Workers' Compensation Part B Fee Schedule shall be amended by multiplying the anesthesia conversion factor applicable to Codes 100-1999 by a multiplier of 1.632. The Fee Schedule, as amended, shall apply to anesthesia services provided in all regions after December 4, 2004.

[Pa.B. Doc. No. 04-2138. Filed for public inspection December 3, 2004, 9:00 a.m.]

**Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS**

**STATE BOARD OF VEHICLE MANUFACTURERS, DEALERS AND SALESPERSONS**

**[49 PA. CODE CH. 19]**

**Established Place of Business for Dealers**

The State Board of Vehicle Manufacturers, Dealers and Salespersons (Board) amends § 19.18 (relating to established place of business for dealers) to read as set forth in Annex A.

*Description and Need for this Final-Form Rulemaking*

This final-form rulemaking amends § 19.18(a)(3)(ii) to permit a licensed vehicle dealer to display up to five vehicles in a nonconforming area that is not open to the public.

Under the current provisions, a dealer may display vehicles only in areas that are properly graded and surfaced. The purpose of this restriction is to protect potential customers who might slip or otherwise be injured while looking at a vehicle in an area that is not properly graded or surfaced. A consequence of this restriction is that a dealer may not showcase a vehicle, such as on grass, boulders or a raised display, to advertise it to the public. This final-form rulemaking permits a dealer that has an adequate conforming display area at its facility to display up to five vehicles in a nonconforming

area, "so long as customers are not permitted to be present in the nonconforming area."

*Summary of Comments and Responses to Proposed Rulemaking*

The Board published notice of proposed rulemaking at 32 Pa.B. 5417 (November 2, 2002) with a 30-day public comment period. The Board did not receive comments from any members of the public. The Board received comments from the Independent Regulatory Review Commission (IRRC) and the House Professional Licensure Committee (HPLC) as part of their review of proposed rulemaking under the Regulatory Review Act (71 P. S. §§ 745.1—745.12). The Board did not receive comments from the Senate Consumer Protection and Professional Licensure Committee (SCP/PLC) as part of its review of proposed rulemaking under the Regulatory Review Act.

Both IRRC and the HPLC questioned how the public is to be kept out of nonconforming display areas, especially outside of business hours. IRRC also questioned whether a dealer would be held responsible for keeping the public out of nonconforming areas. The HPLC also questioned whether the lowering of public safety measures is justified by economic reasons.

Restricting the display of vehicles for sale to a properly graded and surfaced area is a preventive measure. A customer, possibly distracted by the vehicle for sale from adequately observing footing, is more protected from slipping or otherwise being injured by the display area if that display area is properly graded and surfaced. When customers are kept out of a nonconforming area, there is no lowering of public safety measures.

In response to these comments from IRRC and the HPLC, the Board revised the proposed rulemaking to suggest measures that a dealer might take to make clear that customers are not permitted to be present in the nonconforming area, such as by posted nontrespassing sign, barrier or other reasonable precaution. The Board does not intend, by this rulemaking, to alter in any way the obligation that a dealer, as the possessor of real estate, owes to those who enter upon the land.

Additionally, in § 19.18(8) the Board referenced the act of April 27, 1927 (P. L. 465, No. 299) (35 P. S. §§ 1221—1235), known as the Fire and Panic Act. Because the pertinent sections of the Fire and Panic Act were repealed by enactment of the Pennsylvania Construction Code Act (35 P. S. § 7210.101—7210.1103), the Board has revised this paragraph to refer only to the Pennsylvania Construction Code Act.

*Fiscal Impact and Paperwork Requirements*

The final-form rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions and will impose no additional paperwork requirements upon the Commonwealth, political subdivisions or the private sector.

*Effective Date*

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

*Statutory Authority*

This final-form rulemaking is promulgated under sections 2 and 4(9) of the Board of Vehicles Act (act) (63 P. S. §§ 818.2 and 818.4(9)).

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on November 2, 2002, the Board submit-

ted a copy of the notice of proposed rulemaking, published at 32 Pa.B. 5417, to IRRC and the Chairpersons of the HPLC and the SCP/PLC for review and comment.

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

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on October 19, 2004, the final-form rulemaking was approved by the HPLC. On November 3, 2004, the final-form rulemaking was deemed approved by the SCP/PLC. Under section 5.1(e) of the Regulatory Review Act, IRRC met on November 4, 2004, and approved the final-form rulemaking.

*Additional Information*

Persons who require additional information about the final-form rulemaking should submit inquiries to Teresa Woodall, Board Administrator, State Board of Vehicle Manufacturers, Dealers and Salespersons, P. O. Box 2649, Harrisburg, PA 17105-2649, (717) 783-1697 or [st-vehicle@state.pa.us](mailto:st-vehicle@state.pa.us).

*Findings*

The Board finds that:

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

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

(3) The amendments to this final-form rulemaking do not enlarge the scope of proposed rulemaking published at 32 Pa.B. 5417.

(4) The final-form rulemaking adopted by this order is necessary and appropriate for the administration of the act.

*Order*

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

(a) The regulations of the Board, 49 Pa. Code Chapter 19, are amended by amending § 19.18 to read as set forth in Annex A.

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

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

(d) The final-form rulemaking shall take effect upon publication in the *Pennsylvania Bulletin*.

EDWIN K. GALBREATH, Jr.,  
Chairperson

*(Editor's Note: For the text of the order of the Independent Review Commission relating to this document, see 34 Pa.B. 6292 (November 20, 2004).)*

**Fiscal Note:** Fiscal Note 16A-604 remains valid for the final adoption of the subject regulation.

**Annex A**

**TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS**

**PART I. DEPARTMENT OF STATE**

**Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS**

**CHAPTER 19. STATE BOARD OF VEHICLE**

**MANUFACTURERS, DEALERS AND SALESPERSONS**

**DEALERSHIP LICENSE**

**§ 19.18. Established place of business for dealers.**

A licensed dealer shall maintain an established place of business that meets the following criteria:

(1) *Permanent enclosed building.* The dealer shall own or rent a permanent enclosed building for use by the dealership. A permanent enclosed building may consist of an office trailer with skirting and a permanent foundation. The dealership must be separated from adjoining businesses and residences by partitions or walls.

(2) *Private office.* The dealership must have a private office, separate from display areas and repair and servicing facilities, that has space for the storage of books and records.

(3) *Display area.* The dealership must have a display area—whether indoors, outdoors or partly indoors and partly outdoors—where the public is permitted and invited in the regular course of business to inspect or test drive the vehicles that are being offered for sale, purchase or exchange by the dealership. The display area may not include areas of the dealership premises on which are placed vehicles that are wrecked or damaged, that are awaiting reconditioning or preparation for sale, purchase or exchange, that are being serviced or repaired, that are part of general inventory, or that are otherwise not being offered for sale, purchase or exchange to the public. The display area shall meet the following requirements:

(i) *Size.*

(A) The display area of a dealership that buys, sells or exchanges vehicles must be large enough for the display of at least five vehicles—with doors opened—of the kind that are bought, sold or exchanged by the dealership. The display area of a dealership that buys, sells or exchanges recreational vehicles, manufactured housing and mobile homes must have a display area of at least 5,000 square feet, unless exempted by section 5(e)(3) or (4) of the act (63 P. S. § 815.5(e)(3) and (4)).

(B) The minimum size display area requirements of this paragraph do not apply to a licensed vehicle dealer that sells only new firefighting or emergency service vehicles.

(ii) *Grading and surfacing.* An outdoor display area must be properly graded. The outdoor display area of a dealership that buys, sells or exchanges vehicles must be surfaced with concrete, asphalt, slag, brick, stone, aggregate, gravel, cinder or similar material. A dealership that otherwise complies with this paragraph may display up to five vehicles without regard for the grading or surfacing where those vehicles are displayed, so long as customers are not permitted to be present in the nonconforming area. A dealer may demonstrate that customers are not

permitted to be present in the nonconforming area by posting a no-trespassing or similar sign, erecting a barrier or taking another reasonable precaution.

(iii) *Separation from adjacent parking areas.* An outdoor display area must be separated from the parking areas of adjacent businesses and residences by grass strips, ropes and pennants, painted lines or some other conspicuous means of separation.

(iv) *Lighting.* If a dealership with an outdoor display area intends to be open during evening hours, the display area must be lighted adequately.

(4) *Repairs and ancillary services.* A dealership that buys, sells or exchanges mobile homes or manufactured housing must do one of the following:

(i) Provide transportation, installation and repair services to its customers.

(ii) Make available to its customers a list of persons or companies who provide transportation, installation and repair services.

(5) *Telephone.* The dealership must have a single business line telephone, located within the permanent enclosed building, that is used for the dealership. The telephone number must be listed under the dealership's licensed name.

(6) *Sign.* The dealership must exhibit a sign, either permanently affixed to the building or erected in the outdoor display area, that shows the licensed name of the dealership and that is visible to the public.

(7) *Land-use ordinances.* The dealership must be in full compliance with applicable building codes, zoning ordinances and other land-use ordinances.

(8) *Fire-safety requirements.* A dealership must possess a certificate of occupancy issued by a building code official in accordance with the Pennsylvania Construction Code Act (35 P. S. §§ 7210.101—7210.1103).

(9) *Posting of business hours.* The dealership must post its regular business hours in a conspicuous place for the visiting public.

[Pa.B. Doc. No. 04-2139. Filed for public inspection December 3, 2004, 9:00 a.m.]

**STATE BOARD OF NURSING**

**[49 PA. CODE CH. 21]**

**Continuing Education for Certified Registered Nurse Practitioners**

The State Board of Nursing (Board) adopts §§ 21.332—21.337 to read as set forth in Annex A.

Notice of proposed rulemaking was published at 32 Pa.B. 5666 (November 16, 2002). Publication was followed by a 30-day public comment period during which the Board did not receive any comments from the public. On February 6, 2003, the House Professional Licensure Committee (HPLC) submitted two comments. The Senate Consumer Protection and Professional Licensure Committee (SCP/PLC) made no comments. The Independent Regulatory Review Commission (IRRC) submitted comments to the proposed rulemaking on February 28, 2003.

Section 3(c) of the act of December 9, 2002 (P. L. 1567, No. 206) (Act 206) amended the Professional Nursing Law (act) (63 P. S. §§ 211—226) by adding section 8.1 to the

Professional Nursing Act (63 P. S. § 218.1) that requires all certified registered nurse practitioners (CRNPs) to complete 30 hours of Board-approved continuing education prior to biennial renewal of certification. Act 206 also requires that CRNPs with prescriptive authority complete at least 16 of the 30 hours in pharmacology. The proposed rulemaking cited section 2.1(k) of the act (63 P. S. § 212.1(k)) as the statutory authority for the rulemaking. Upon inquiry from the Office of Attorney General, the Board explained that its authority arose also from section 6.1 of the act (63 P. S. § 216.1), which authorizes the Board to establish and approve programs for the preparation of registered professional nurses. These sections of the act authorized the Board, jointly with the State Board of Medicine, to promulgate § 21.283(3) (relating to prescribing and dispensing drugs) effective November 18, 2000, which mandated 16 hours of continuing education in pharmacology for CRNPs with prescriptive authority. With the enactment of Act 206, this final-form rulemaking is authorized by section 8.1 of the act. This final-form rulemaking incorporates the new statutory requirement of continuing education for all CRNPs. The final-form rulemaking was delivered on January 6, 2004.

On January 21, 2004, IRRC requested additional information on § 21.332(b)(4) (relating to requirement of continuing education). IRRC requested that § 21.332(b)(3) and § 21.337(c) (relating to CRNP responsibilities) refer specifically to the disciplinary provisions of the act. These changes were made. Finally, IRRC asked many questions about § 21.332a (relating to inactive status and reactivation). Upon review of this section, the Board determined that the section was confusing as written. The Board elected to withdraw the rulemaking on January 23, 2004, and resubmit after making appropriate revisions.

*Summary of Comments and Responses to Proposed Rulemaking*

*HPLC Comments*

The HPLC submitted two comments to the proposed rulemaking. First, the HPLC requested an explanation as to why 50 minutes constituted a continuing education hour instead of 60 minutes. (See § 21.334(f) (relating to sources of continuing education).) The Board decided to use the 50-minute hour because it anticipates that colleges and universities that house CRNP education programs will offer most of the continuing education courses that will be offered to CRNPs and 50 minutes is the standard hour in academia.

Second, the HPLC questioned whether a limit should be placed on the number of credit hours a CRNP could obtain through correspondence courses, taped study courses and other independent study courses. In developing the proposed rulemaking, the Board considered whether it would be appropriate to place a limit on the number of continuing education credits that could be earned in these manners, and decided not to limit the number of distance learning credits that could be earned to satisfy the biennial requirement. The Board determined that it would not limit the number of credits that could be taken in distance learning for the following reasons: first, the Board is aware of only a very few distance learning courses being offered in the area of advanced pharmacology or CRNP practice areas as most of these courses are offered through CRNP programs; second, the nature of the practice of a CRNP in this Commonwealth often places the CRNP in less developed regions of the Commonwealth where the CRNP has difficulty accessing traditional continuing education pro-

grams and would greatly benefit by being permitted to meet the biennial requirement with distance learning.

*IRRC Comments*

When proposed rulemaking was published, Act 206 had not been enacted and the proposed rulemaking governed only CRNPs with prescriptive authority. IRRC commented that the regulation's heading should reflect the regulation's limited application. This change is obviated by the changes made in this final-form rulemaking to conform to Act 206.

IRRC suggested that § 21.334(a), relating to the provision of certificates of completion, would be more appropriate under § 21.335 (relating to requirements for courses). The Board concurs that § 21.334(a) is misplaced and has moved § 21.334(a) to § 21.336 (relating to continuing education course approval). IRRC also advised that the phrase "the Board finds that" in § 21.334 is unnecessary and it has been deleted.

IRRC made numerous comments regarding the proposed rulemaking, including two similar to the HPLC comments. IRRC asked whether an Internet-based course would be included under the terminology "correspondence courses and other independent study courses." The Board considers Internet-based courses to be correspondence courses, when the correspondence occurs through the computer rather than through the United States Postal Service. IRRC also inquired whether the Board should limit the number of credits obtainable through correspondence courses. As explained previously, the Board did not wish to limit credits that could be earned through correspondence courses. Finally, IRRC asked what kind of documentation would be submitted to obtain approval of the course from the Board. Correspondence courses would be approved in the same manner as other continuing education courses, in accordance with § 21.334(b), which provides that CRNPs may obtain Board approval for courses under § 21.336. The Board anticipates that preapproved providers listed in § 21.334(a) will offer the vast majority of continuing education courses, including correspondence courses.

IRRC requested that the Board add to the final-form rulemaking some description of the type of documentation that would be acceptable evidence that the CRNP had been employed in another jurisdiction as a CRNP with prescriptive authority to reactivate a license placed on inactive status under § 21.332(a)(2)(ii). Generally, nurses who have placed their Pennsylvania licenses on inactive status to practice in another state and then seek to reactivate their Pennsylvania licenses submit a letter from their employer describing the nurse's duties. The Board declines to add this explanation to this subsection, as the Board does not believe the provision as written will cause any confusion. In addition, the Board notes that the requirement that the CRNP demonstrate that he has completed continuing education that is substantially equivalent to the requirements of § 21.283(3) could be met by submitting certificates of attendance and course outlines or verification from the other state's nursing board that the requirements are equivalent.

IRRC commented that it believes that the Board lacks statutory authority for § 21.332(b)(4), which provides that the Board may waive the continuing education requirement in cases of illness or undue hardship. Section 8.1 of the act authorizes the Board to certify registered nurse practitioners. With this authority comes the authority to pass on the qualifications of applicants for renewal of registered nurse practitioner certification. The Board

understands and respects the Legislature's determination that continuing education contributes to continued competency and ensures the safety of the public. However, the Board is also aware that circumstances may dictate a case-by-case approach. For example, CRNPs serving overseas may be unable to complete required continuing education. The Board does not believe that these nurses should be denied the opportunity to resume their profession when they return to this Commonwealth. The Board intends to use the waiver provision thoughtfully and sparingly, in cases of extreme hardship or prolonged illness. An applicant would apply for a waiver by writing to the Board and explaining the special circumstances the applicant believes warrants the grant of a waiver. IRRC also asked, on January 21, 2004, how many requests for waiver the Board has received. The Board has not received any requests for waiver because nurses have not previously been required to complete continuing education.

Finally, IRRC questioned the reasonableness of § 21.336, noting that the Board had not provided any time limit for submitting applications for the approval of continuing education courses. In the final-form rulemaking, the Board has added a requirement that applications for course approval be submitted at least 60 days prior to the date the course is to be offered.

#### *Amendments to Conform the Rulemaking to the Act and for Clarity*

By Act 206, the General Assembly instituted a 30-hour biennial continuing education requirement for all CRNPs, and codified the prior regulatory requirement of 16 hours of biennial continuing education in pharmacology for CRNPs with prescriptive authority. To avoid the confusion that may be caused by different statutory and regulatory provisions relating to continuing education, and to conform this rulemaking to Act 206, the Board has added provisions to the final version of the final-form rulemaking.

Section 21.332 has been amended to make the continuing education provisions apply to all CRNPs. Section 21.332 restates the continuing education requirement and references section 8.1(c) of the act. References in former § 21.332(b)(1) to reactivation have been eliminated and that section has become § 21.332(b)(2). Paragraph (1) has been added to § 21.332(b) to set forth the general 30-hour biennial continuing education requirement for all CRNPs.

For clarity, § 21.332(a)(1) and (2) have been moved to new § 21.332a (relating to inactive status). The inactive status and reactivation section has been split into three subsections instead of the two paragraphs published in the proposed rulemaking. The three new subsections of § 21.332a on inactive status and reactivation are divided as follows: § 21.332a(a) relates to a CRNP placing his certificate on inactive status; § 21.332a(b) relates to a CRNP placing his prescriptive authority approval on inactive status for less than 3 years; and § 21.332a(c) relates to the CRNP placing his prescriptive authority approval on inactive status for more than 3 years. A more stringent continuing education requirement must be met where the prescriptive authority has been inactive for more than 3 years to ensure competency and currency in handling prescription drugs.

Section 21.332(b)(3) was amended to indicate that failure to meet continuing education requirements will subject a CRNP to formal disciplinary action. This amendment conforms the rulemaking to section 15 of the act (63 P. S. § 225). CRNPs, like other professional licens-

ees who are required to complete biennial continuing education, will verify their continuing education compliance and the Bureau of Professional and Occupational Affairs will randomly audit 5% of the licensees by requiring submission of documentation for 30 hours of continuing education. At IRRC's request, the Board specified the reference to the disciplinary section of the act.

A new subsection (a) was added to § 21.333 (relating to continuing education subject matter) to provide for general continuing education courses and the provision relating to pharmacology continuing education was designated as subsection (b). Section 21.334 was similarly amended. Now that all CRNPs in this Commonwealth are required to complete continuing education, it is anticipated that the broad list of preapproved providers will offer courses in both general and pharmacology subjects.

#### *Statutory Authority*

This final-form rulemaking is authorized under section 8.1(c) of the act which mandates continuing education for all CRNPs and authorizes the Board to approve continuing education courses for CRNPs. In addition, section 2.1(k) of the act authorizes the Board to promulgate regulations for the administration of the act.

#### *Fiscal Impact and Paperwork Requirements*

This final-form rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The Board is self-supporting and the cost to the Board of reviewing applications for continuing education course approval will be satisfied by the fee charged for approval of continuing education courses. This fee is being promulgated in a separate rulemaking package related to fees. The final-form rulemaking will impose only minimal additional paperwork requirements upon the Board, and none upon any political subdivisions. The private sector, to the extent that it seeks to provide continuing education programs for CRNPs with prescriptive authority, will incur nominal costs in submitting information to the Board.

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on November 16, 2002, the Board submitted a copy of the notice of proposed rulemaking, published at 32 Pa.B. 5666, to IRRC and the Chairpersons of the HPLC and the SCP/PLC for review and comment.

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

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on October 19, 2004, the final-form rulemaking was approved by the HPLC. On November 3, 2004, the final-form rulemaking was deemed approved by the SCP/PLC. Under section 5.1(e) of the Regulatory Review Act, IRRC met on November 4, 2004, and approved the final-form rulemaking.

#### *Additional Information*

Additional information may be obtained by writing to Ann Steffanic, Board Administrator, State Board of Nursing, P. O. Box 2649, Harrisburg, PA 17105-2649.

#### *Findings*

The Board finds that:

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

(2) These regulations are necessary and appropriate for the regulation of the practice of CRNPs in this Commonwealth.

(3) The amendments made to the final-form rule-making do not enlarge the original purpose of the proposed rulemaking as published under section 201 of the CDL.

*Order*

The Board orders that:

(a) The regulations of the Board, 49 Pa. Code Chapter 21, are amended by adding §§ 21.332, 21.332a and 21.333—21.337 to read as set forth in Annex A. (*Editor's Note:* The addition of § 21.332a was not included in the proposal which appeared at 32 Pa.B. 5666.)

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

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

(d) The regulations shall take effect immediately upon publication in the *Pennsylvania Bulletin*.

JANET HUNTER SHIELDS, MSN, CRNP, CS,  
*Chairperson*

(*Editor's Note:* For the text of the order of the Independent Regulatory Review Commission relating to this document, see 34 Pa.B. 6292 (November 20, 2004).)

**Fiscal Note:** Fiscal Note 16A-5117 remains valid for the final adoption of the subject regulations.

**Annex A**

**TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS**

**PART I. DEPARTMENT OF STATE**

**Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS**

**CHAPTER 21. STATE BOARD OF NURSING**

**Subchapter C. CERTIFIED REGISTERED NURSE PRACTITIONERS**

**CONTINUING EDUCATION**

**§ 21.332. Requirement of continuing education.**

(a) A CRNP shall comply with this section and §§ 21.332a—21.337.

(b) Continuing education requirements shall be completed each biennial cycle.

(1) An applicant for biennial renewal of certification is required to complete, during the 2 years preceding renewal, a minimum of 30 hours of Board-approved continuing education, as set forth in section 8.1(c) of the act (63 P. S. § 218.1(c)). Completion of a course described in § 21.283(2) (relating to prescribing and dispensing drugs) satisfies the continuing education requirement for the biennial renewal period in which it is completed.

(2) An applicant for biennial renewal of prescriptive authority approval is required to complete, during the 2 years preceding renewal, a minimum of 16 of the 30

hours of continuing education in pharmacology. Completion of a course described in § 21.283(2) shall satisfy the continuing education requirement for the biennial renewal period in which it is completed.

(3) A person failing to meet the continuing education requirements for a biennial renewal period will be subject to formal disciplinary action under section 14(a)(3) of the act (63 P. S. § 224(a)(3)).

(4) The Board may waive the requirements of continuing education in cases of illness or undue hardship. It is the duty of each licensee who seeks a waiver to notify the Board in writing and request the waiver prior to the end of the renewal period. The Board will grant, deny or grant in part the request for waiver. An individual who requests a waiver may not prescribe or dispense drugs after the expiration of his current prescriptive authority and until the Board grants the waiver request.

**§ 21.332a. Inactive status and reactivation.**

(a) A CRNP who places his certification on inactive status is not required to meet the continuing education requirements in § 21.332(b)(1) (relating to requirement of continuing education) during the period the certification is on inactive status. Upon application for reactivation of certification, the CRNP shall show proof of meeting the continuing education requirements for the biennial period immediately preceding the request for reactivation.

(b) A CRNP who places his prescriptive authority approval on inactive status for less than 3 years is not required to meet the continuing education requirements in § 21.332(b)(2) during the period the prescriptive authority approval is on inactive status. Upon application for reactivation of prescriptive authority approval, the CRNP shall show proof of meeting the continuing education requirements for the biennial period immediately preceding the request for reactivation.

(c) A CRNP who places his prescriptive authority approval on inactive status for 3 years or longer may reactivate the prescriptive authority approval by meeting one of the following conditions:

(1) Complete the requirement in § 21.283(2) (relating to prescribing and dispensing drugs) by taking at least 45 hours of course work in advanced pharmacology.

(2) Provide evidence to the Board that:

(i) The CRNP has practiced, for at least 1 of the last 3 years, as a CRNP with prescriptive authority in another jurisdiction.

(ii) The scope of the prescriptive authority in the other jurisdiction is equivalent to prescriptive authority in this Commonwealth.

(iii) The CRNP was required, as a condition for continued practice in the other jurisdiction, to complete continuing education that is substantially equivalent to the requirements of § 21.283(3).

(iv) The CRNP met the continuing education requirements of the other jurisdiction within 1 year of the request for reactivation of prescriptive authority.

**§ 21.333. Continuing education subject matter.**

(a) Continuing education courses shall address the CRNP's area of practice and meet the requirements of § 21.332(b)(1) (relating to requirement of continuing education).

(b) Pharmacology continuing education courses shall meet the requirements of section 8.1(c) of the act (63 P. S. § 218.1(c)) and § 21.332(b)(2) and must provide the

knowledge and skills to understand the pharmacokinetics and pharmacodynamics of broad categories of drugs and to analyze the relationship between pharmacologic agents and physiologic/pathologic responses.

**§ 21.334. Sources of continuing education.**

(a) The following providers of continuing education and credentialing organizations have currently met the standards for course approval for continuing education.

(1) Accordingly, provided that these providers agree to abide by § 21.336(a) (relating to continuing education course approval), the courses offered or approved by the following providers or credentialing organizations are approved:

- (i) Board-approved CRNP programs.
- (ii) The American Nurses Credentialing Center's Commission on Accreditation (ANCC).
- (iii) The American Academy of Nurse Practitioners (AANP).
- (iv) The National Association of Pediatric Nurse Practitioners (NAPNP).
- (v) The American Medical Association (AMA).

(2) The approval given to the providers and credentialing organizations in paragraph (1) is subject to reevaluation. A rescission of provider or credentialing organization approval will be made only in accordance with 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) or by amendment of this section.

(b) CRNPs may obtain credit for courses offered by providers not indicated in subsection (a)(1) if the provider receives approval of the course under § 21.336 prior to its implementation.

(c) CRNPs may obtain credit for continuing education hours on an individual basis if the CRNP, prior to attendance at the course, obtains Board approval by submitting a request for course approval and supporting documentation listed in § 21.336(b).

(d) CRNPs may obtain credit for correspondence courses, taped study courses and other independent study courses if the course is Board approved.

(e) Up to 4 hours will be credited for service as a teacher, preceptor, lecturer or speaker and for publication in a refereed journal or other scholarly publication relating to pharmacology or the CRNP's area of practice. Application shall be made prior to the service or within 90 days of the publication to assure that the Board will approve the service or publication and to allow the Board to determine the number of contact hours that will be granted.

(f) An hour for purposes of nurse practitioner continuing education is 50 minutes.

**§ 21.335. Requirements for courses.**

Each course shall have:

- (1) An established mechanism to measure its quality, established criteria for selecting and evaluating faculty, and established criteria for the evaluation of each participant who completes the course.
- (2) Adequate facilities with appropriate instructional materials to carry out continuing education programs.
- (3) Instructors who have suitable qualifications as detailed in § 21.336(d) (relating to continuing education course approval).

**§ 21.336. Continuing education course approval.**

(a) As a condition of approval, providers and credentialing organizations are required to provide CRNPs who complete continuing education courses with a certificate of completion which contains the information listed in § 21.337(a) (relating to CRNP responsibilities). Providers and credentialing organizations shall maintain records of course attendance for at least 5 years.

(b) Providers referenced in § 21.334(b) (relating to sources of continuing education) or CRNPs applying for individual approval in § 21.334(c), when seeking Board approval of a continuing education course shall pay the required fee (see § 21.253 (relating to fees)) and complete and submit an application for course approval at least 60 days prior to the date the course is to be offered, which shall include the following information:

- (1) The full name and address of the provider.
- (2) The title of the program.
- (3) The dates and location of the program.
- (4) The faculty names, titles, affiliations, degrees and areas of expertise.
- (5) The schedule of program—title of subject, lecturer and time allocated.
- (6) The total number of hours requested.
- (7) The method of certifying and assuring attendance, and draft of certificate of attendance to be provided to course participants.
- (8) The course objectives.
- (9) The target audience.
- (10) The core subjects.
- (11) The program coordinator.
- (12) The instruction and evaluation methods.
- (13) Other information requested by the Board.

(c) Upon approval of a course, the Board will assign a course number and determine the number of hours awarded. The provider shall place the course number on the certificate of attendance and shall provide CRNPs who successfully complete a course with a certificate of attendance.

(d) Courses will be approved only in the instructor's demonstrated areas of expertise. Expertise may be demonstrated by the instructor's certification in the specialty area to be presented.

(e) A separate application shall be submitted whenever a change is made to any information submitted under subsection (b), except for information related to a change in date or location, or both, of the program submitted under subsection (b)(3).

**§ 21.337. CRNP responsibilities.**

(a) A CRNP is required to maintain documentation of completion of continuing education, including:

- (1) CRNP name.
- (2) Dates attended.
- (3) Continuing education hours.
- (4) Title of course.
- (5) Course provider.
- (6) Location of course.
- (7) Course number.



(b) Primary responsibility for documenting completion of the continuing education requirements rests with the CRNP. A CRNP seeking to renew certification or prescriptive authority shall verify compliance with continuing education requirements. Documentation of completion of continuing education requirements must be maintained for 5 years. The certificate issued by the course provider must be acceptable documentation. Acceptable documentation of hours obtained through § 21.334(c) or (e) (relating to sources of continuing education) must be the Board approval letter sent to the applicant.

(c) Falsification of information required under this section or failure to complete continuing education requirements by those who continue to practice as a CRNP or to prescribe, may result in the institution of formal disciplinary action under section 14(a)(3) of the act (63 P. S. § 224(a)(3)).

[Pa.B. Doc. No. 04-2140. Filed for public inspection December 3, 2004, 9:00 a.m.]

## STATE BOARD OF OSTEOPATHIC MEDICINE

### [49 PA. CODE CH. 25]

#### Delegation of Medical Services

The State Board of Osteopathic Medicine (Board) amends § 25.1 (relating to definitions) by adding a definition for "emergency medical services personnel" and amends Subchapter D (relating to minimum standards of practice) by adding § 25.217 (relating to osteopathic physician delegation of medical services) to read as set forth in Annex A.

##### A. Effective Date

This will be effective upon publication as final-form rulemaking in the *Pennsylvania Bulletin*.

##### B. Statutory Authority

Section 16 of the Osteopathic Medical Practice Act (63 P. S. § 271.16) (act) authorizes the Board to promulgate regulations necessary to carry out the purposes of the act. Section 3 of the act (63 P. S. § 271.3) permits osteopathic physicians to delegate medical services and acts to physician assistants, technicians or other allied medical personnel if these services and acts are rendered under the supervision, direction or control of a licensed physician.

##### C. Background and Purpose

The Board routinely receives inquiries about whether a particular delegation of medical services is appropriate. In an effort to be responsive to the regulated community, and to provide a framework that places patient safety and welfare at the forefront of the osteopathic physician's decision making process, the Board determined to codify basic criteria under which an osteopathic physician may delegate the performance of medical services to nonphysicians.

##### D. Summary of Comments and Responses on Final-Form Rulemaking

Notice of the proposed rulemaking was published at 34 Pa.B. 58 (January 3, 2004). The Board received comments from the Independent Regulatory Review Commission (IRRC) and the Pennsylvania Association of Nurse Anesthetists (PANA).

IRRC noted that § 25.217(a)(5) permits someone other than the osteopathic physician to explain the nature and

delegation of the medical service to the patient. IRRC pointed out that this subsection is inconsistent with section 3 of the act which indicates that delegated services are to be "rendered under the supervision, direction or control of a licensed physician." IRRC recommended that the regulations should specify the physician's role in the explanation given to the patient. The Board agreed with this recommendation and amended the language to require that the explanation be given by the physician or the physician's designee.

PANA expressed concern that the rulemaking would restrict the practice of other licensed health care practitioners. PANA also expressed concern that the regulation does not provide objective criteria to determine the knowledge or skill of the physician who may be delegating to an individual with more skill and expertise in that particular matter than the physician. The delegation may currently occur under the act. This final-form rulemaking will give further guidance to physicians in delegating medical services to both licensed health care practitioners as well as unlicensed technicians.

##### E. Fiscal Impact and Paperwork Requirements

There is no adverse fiscal impact or paperwork requirement imposed on the Commonwealth, political subdivisions or the private sector. Citizens of this Commonwealth will benefit in that this final-form rulemaking promotes patient safety and welfare as a consideration in making medical service delegation decisions.

##### F. Sunset Date

The Board continuously monitors its regulations. Therefore, no sunset date has been assigned.

##### G. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on January 3, 2004, the Board submitted a copy of the notice of proposed rulemaking, published at 34 Pa.B. 58, to IRRC and the Chairpersons of the House Professional Licensure Committee (HPLC) and the Senate Consumer Protection and Professional Licensure Committee (SCP/PLC) for review and comment.

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

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on October 19, 2004, the final-form rulemaking was approved by the HPLC. On November 3, 2004, the final-form rulemaking was deemed approved by the SCP/PLC. Under section 5.1(e) of the Regulatory Review Act, IRRC met on November 4, 2004, and approved the final-form rulemaking.

##### H. Contact Person

Interested persons may obtain information regarding the final-form rulemaking by writing to Beth Sender Michlovitz, Board Counsel, State Board of Osteopathic Medicine, P. O. Box 2649, Harrisburg, PA 17105-2649 or [bmichlovit@state.pa.us](mailto:bmichlovit@state.pa.us).

##### I. Findings

The Board finds that:

(1) Public notice of proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1968

(P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations promulgated thereunder at 1 Pa. Code §§ 7.1 and 7.2.

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

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

(4) This final-form rulemaking is necessary and appropriate for administration and enforcement of the authorizing act and does not enlarge the purpose of the proposed rulemaking published at 34 Pa.B. 58.

*J. Order*

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

(a) The regulations of the Board, 49 Pa. Code Chapter 25, are amended by amending § 25.1 and by adding § 25.217 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

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

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

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

THOMAS R. CZARNECKI, D.O.,  
*Chairperson*

*(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 34 Pa.B. 6292 (November 20, 2004).)*

**Fiscal Note:** Fiscal Note 16A-5312 remains valid for the final adoption of the subject regulations.

**Annex A**

**TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS**

**PART I. DEPARTMENT OF STATE**

**Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS**

**CHAPTER 25. STATE BOARD OF OSTEOPATHIC MEDICINE**

**Subchapter A. GENERAL PROVISIONS**

**§ 25.1. Definitions.**

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

\* \* \* \* \*

*Emergency medical services personnel*—Individuals who deliver emergency medical services and who are regulated by the Department of Health under the Emergency Medical Services Act (35 P. S. §§ 6921—6938).

\* \* \* \* \*

**Subchapter D. MINIMUM STANDARDS OF PRACTICE**

**§ 25.217. Delegation.**

(a) An osteopathic physician may delegate to a health care practitioner or technician the performance of a medical service if the following conditions are met:

(1) The delegation is consistent with the standards of acceptable medical practice embraced by the osteopathic physician community in this Commonwealth. Standards of acceptable medical practice may be discerned from current peer reviewed medical literature and texts, teaching facility practices and instruction, the practice of expert practitioners in the field and the commonly accepted practice of practitioners in the field.

(2) The delegation is not prohibited by the statutes or regulations relating to the other health care practitioner.

(3) The osteopathic physician has knowledge that the delegatee has education, training, experience and continued competency to safely perform the medical service being delegated.

(4) The osteopathic physician has determined that the delegation to a health care practitioner or technician does not create an undue risk to the particular patient being treated.

(5) The nature of the service and the delegation of the service has been explained to the patient and the patient does not object to the performance by the health care practitioner or technician. Unless otherwise required by law the explanation may be oral and may be given by the osteopathic physician or the osteopathic physician's designee.

(6) The osteopathic physician assumes the responsibility for the delegated medical service, including the performance of the service, and is available to the delegatee as appropriate to the difficulty of the procedure, the skill of the delegatee and risk to the particular patient.

(b) An osteopathic physician may not delegate the performance of a medical service if performance of the medical service or if recognition of the complications or risks associated with the delegated medical service requires knowledge and skill not ordinarily possessed by nonphysicians.

(c) An osteopathic physician may not delegate a medical service which the osteopathic physician is not trained, qualified and competent to perform.

(d) An osteopathic physician shall be responsible for the medical services delegated to the health care practitioner or technician.

(e) An osteopathic physician may approve a standing protocol delegating medical acts to another health care practitioner who encounters a medical emergency that requires medical services for stabilization until the osteopathic physician or emergency medical services personnel are available to attend to the patient.

(f) This section does not prohibit a health care practitioner who is licensed or certified by a Commonwealth agency from practicing within the scope of that license or certificate or as otherwise authorized by law. For example, this section is not intended to restrict the practice of certified registered nurse anesthetists, nurse midwives, certified registered nurse practitioners, physician assistants, or other individuals practicing under the authority of specific statutes or regulations.

[Pa.B. Doc. No. 04-2141. Filed for public inspection December 3, 2004, 9:00 a.m.]

## STATE BOARD OF PSYCHOLOGY

## [49 PA. CODE CH. 41]

## Notice Requirements

The State Board of Psychology (Board) adopts §§ 41.91 and 41.92 (relating to reporting of crimes and disciplinary actions; and notice of active suspension or revocation) to read as set forth in Annex A.

*Statutory Authority*

This final-form rulemaking is authorized under the authority of sections 3.2(2), 8(a)(6)—(8), 8.1, 11(c) and 17 of the Professional Psychologists Practice Act (act) (63 P. S. §§ 1203.2(2), 1208(a)(6)—(8), 1208.1, 1211(c) and 1217).

*Response to Public Comments and Regulatory Review and Amendments in Final Form Rulemaking*

Notice of the proposed rulemaking was published at 34 Pa.B. 60 (January 3, 2004). Publication was followed by a 30-day public comment period during which the Board received comments from the Pennsylvania Psychological Association (PPA). The House Professional Licensure Committee (HPLC) and the Independent Regulatory Review Commission (IRRC) also submitted comments. The Senate Consumer Protection and Professional Licensure Committee (SCP/PLC) did not comment.

*§ 41.91 (relating to reporting of crimes and disciplinary actions)**Subsection (a)*

Subsection (a) requires licensees to notify the Board of any felony or misdemeanor convictions. The HPLC, IRRC and the PPA questioned why the Board did not limit the misdemeanor notification to misdemeanors committed in the practice of psychology. In addition to authorizing the Board to discipline licensees for misdemeanor convictions related to the practice of psychology, section 8(a) of the act, authorizes the Board to impose discipline for other misdemeanors if they fall within other enumerated categories, such as immoral conduct in section 8(a)(11) of the act or submitting an insurance claim for services not actually provided in section 8(a)(14) of the act. In that the determination of whether a misdemeanor conviction falls within section 8(a) of the act is fact-specific, the Board believes that it is prudent for licensees to report all misdemeanors rather than risk failing to report. This provision parallels other licensing boards' reporting requirements.

The PPA questioned whether a licensee would be required to report the conviction if it has been appealed. Under the rulemaking, licensees would be required to report the conviction but may advise the Board that the conviction is on appeal.

Section 8(a)(6) of the act defines "conviction" as including findings of guilt, pleas, dispositions without verdict and accelerated rehabilitative dispositions. The HPLC, IRRC and the PPA recommended that the Board track the language in section 8(a)(6) of the act or reference the act in subsection (a). Owing to this concern, the Board amended subsection (a) by deleting guilty and nolo contendere pleas and inserting a reference to the act.

IRRC also suggested that the Board add the following clause to subsection (a): "or on the biennial renewal application, whichever is sooner" to parallel subsection (b). The Board concurs with this suggestion and has added this clause.

Finally IRRC questioned why the Board used the terms "provincial board of psychology" instead of "country" as referenced in the act. Although the regulated community of psychologists refers to "provincial boards of psychology" when referring to foreign boards rather than "country," the Board has replaced "provincial boards of psychology" with "country" to track the statute.

*Subsection (b)*

Subsection (b) requires that all disciplinary actions be reported to the Board within 30 days. IRRC correctly comments that the act permits the reports within 90 days. Accordingly, the Board has amended subsection (b) in conformity with section 8.1 of the act.

Additionally, in the proposed rulemaking subsection (b) referred to disciplinary actions by "provincial boards of psychology." IRRC recommended that the Board track the language in sections 8 and 8.1 of the act. Although the Board understands that licensing jurisdictions in other countries refer to themselves as "provincial boards of psychology," the Board has amended the language in subsection (b) to track the act.

*§ 41.92 (relating to notice of active suspension or revocation)*

In addition to requiring licensees who have been actively suspended or revoked to return their license to the Board within 30 days, in the proposed rulemaking, § 41.92 required licensees to advise their current clients/patients of the disciplinary action in writing. In final-form, the Board identified another group of individuals who should be advised of the licensee's active suspension or revocation—Ph.D. and Psy.D. holders on the licensure track who are obtaining their supervised experience with the disciplined licensee. Under § 41.32(8) (relating to standards for supervisors) a supervisor may not be the subject of a disciplinary action. Timely notification to the supervisees will allow the supervisees to find a replacement for the disciplined licensee.

IRRC questioned whether licensees who voluntarily surrender their licenses would also be required to notify their client/patients. The Board believes that where the licensee has voluntarily surrendered the license in lieu of further discipline, notification is necessary. However, where the licensee has surrendered the license not in connection with discipline, for example, because the licensee is retiring or moving to another state, the Board does not believe that the requirements of this section should apply. Accordingly, the Board has amended this provision to include voluntary surrenders in lieu of discipline.

The HPLC and the PPA asked the Board to clarify "actively suspended or revoked." Among the disciplinary sanctions the Board may impose are suspension and revocation. Unless the suspension has been stayed, in both active suspensions and revocations, licensees are prohibited from engaging in the practice of psychology for a specified period of time. In the case of revocations, the statutory prohibition from practice is at least 5 years. The length of an active suspension is set out in the Board's disciplinary order. Because stayed suspensions do not prohibit a licensee from practice, the Board limited this mandatory notification requirement to active suspensions and revocations.

IRRC asked the Board to explain its requirement that actively suspended or revoked licensees assist current clients/patients with transferring records and obtaining alternative professional resources. To ensure continuity of treatment for clients/patients, especially ones who have been treating with the same psychologist for many years,

the Board believes that the actively suspended or revoked licensee must make referrals to other appropriate professionals and provide treatment records. The Board believes that simply immediately ending treatment without these necessary steps would be harmful to the patient, especially in cases where the patient has abandonment and separation issues.

Finally, IRRC asked the Board to explain how this provision would affect school psychologists. School psychologists fit within two categories: certified school psychologists who are not licensed by the Board and licensed school psychologists. As with all other regulations of the Board, school psychologists who are only certified school psychologists and not also licensed school psychologists are not within the Board's jurisdiction and are not required to comply with these regulations. Licensed school psychologists are within the Board's jurisdiction and would have to comply. Because the licensed school psychologists are employed by the school districts directly or as independent contractors, these licenses would be required to notify the school district because the school district is their client.

*Fiscal Impact and Paperwork Requirements*

This final-form rulemaking will have no fiscal impact on the Commonwealth, its political subdivisions, the public or the regulated community. This final-form rulemaking creates additional reporting requirements on those licensees who voluntarily relinquish their license in lieu of discipline or who are actively suspended or revoked by the Board in that they are required to notify their patients of the Board's disciplinary action. Because the act currently requires all licensees to report nolo or guilty pleas and licensees with multiple licenses to report discipline taken in other states, there are no new legal, reporting or other paperwork requirements on these licensees.

*Sunset Date*

The Board continually monitors the effectiveness of its regulations through communication with the regulated population; accordingly, no sunset date has been set.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on December 17, 2003, the Board submitted a copy of this proposed rulemaking, published at 34 Pa.B. 60, to IRRC and the Chairpersons of the HPLC and the SCP/PLC for review and comment.

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

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on October 19, 2004, the final-form rulemaking was approved by the HPLC. On November 3, 2004, the final-form rulemaking was deemed approved by the SCP/PLC. Under section 5.1(e) of the Regulatory Review Act, IRRC met on November 4, 2004, and approved the final form rulemaking.

*Contact Person*

Further information may be obtained by contacting Christine Stuckey, Administrative Assistant, State Board of Psychology, P. O. Box 2649, Harrisburg, PA 17105-2649, www.state.pa.us/bpoa/psyc/mainpage.

*Findings*

The Board finds that:

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

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

(3) This final form rulemaking does not enlarge the purpose of proposed rulemaking published at 34 Pa.B. 60.

(4) This final-form rulemaking is necessary and appropriate for administering and enforcing the authorizing acts identified in this Preamble.

*Order*

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

(a) The regulations of the Board, 49 Pa. Code Chapter 41, are amended by adding §§ 41.91 and 41.92 to read as set forth in Annex A.

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

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

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

ALEX M. SIEGEL, J.D./Ph.D.,  
*Chairperson*

*(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 34 Pa.B. 6292 (November 20, 2004).)*

**Fiscal Note:** Fiscal Note 16A-6314 remains valid for the final adoption of the subject regulations.

**Annex A**

**TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS**

**PART I. DEPARTMENT OF STATE**

**Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS**

**CHAPTER 41. STATE BOARD OF PSYCHOLOGY  
NOTICE REQUIREMENTS**

**§ 41.91. Reporting of crimes and disciplinary actions.**

(a) A licensee shall notify the Board of having been convicted, as defined in section 8(a)(6) of the act (63 P. S. § 1208(a)(6)), of a felony or misdemeanor, within 30 days of the conviction, or on the biennial renewal application, whichever is sooner.

(b) A licensee shall notify the Board of disciplinary action in the nature of a final order taken against the licensee by the licensing authority of another state, territory or country within 90 days of receiving notice of the disciplinary action, or on the biennial renewal application, whichever is sooner.

**§ 41.92. Notice of active suspension or revocation.**

A licensee who has voluntarily surrendered a license in lieu of discipline or whose license has been actively suspended or revoked by the Board shall return the

suspended or revoked license to the Board and notify all current clients/patients and any individuals obtaining supervision for licensure from the licensee of the disciplinary action in writing within 30 days of receiving notice of the disciplinary action. The notice must contain the following:

- (1) The sanction imposed.
- (2) The effective date and length of the sanction.
- (3) The nature of the violation.
- (4) A statement that the licensee will assist patients in obtaining alternative professional resources and in transferring psychological records.

[Pa.B. Doc. No. 04-2142. Filed for public inspection December 3, 2004, 9:00 a.m.]

## Title 58—RECREATION

### FISH AND BOAT COMMISSION

#### [58 PA. CODE CH. 65]

#### Fishing

The Fish and Boat Commission (Commission) by this order amends Chapter 65 (relating to special fishing regulations). The Commission is publishing this final-form rulemaking under the authority of 30 Pa.C.S. (relating to the Fish and Boat Code) (code). The changes relate to the imposition of a catch and release/no harvest fishery for all species on waters located in the Wyoming State Forest, Columbia and Northumberland Counties.

#### A. *Effective Date*

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

#### B. *Contact Person*

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

#### C. *Statutory Authority*

The amendment to § 65.24 (relating to miscellaneous special regulations) is published under the statutory authority of section 2307 of the code (relating to waters limited to specific purposes).

#### D. *Purpose and Background*

The final-form rulemaking is designed to update, modify and improve the Commission's regulations pertaining to fishing. The specific purpose of the final-form rulemaking is described in more detail under the summary of change.

#### E. *Summary of Change*

Early in 2004, the Department of Conservation and Natural Resources (DCNR), Bureau of Forestry, requested the Commission to implement no-kill regulations on waters within a recently acquired 9,000-acre tract being incorporated into the Wyoming State Forest. The rationale for the request was to give Commission staff an opportunity to survey various fish populations and to prepare and implement fisheries management plans. Also, because these waters had not been open for public use since the 1880s, it seemed prudent to afford some degree

of protection to fish populations until Commission staff could develop an appropriate course of action. Thus, by notice published at 34 Pa.B. 456 (January 17, 2004), former Deputy Executive Director Guise, acting under the authority of § 65.25 (relating to temporary changes to fishing regulations), took immediate action to temporarily modify fishing regulations to permit catch and release only of all species on waters located in the Wyoming State Forest. The temporary modifications went into effect immediately and will remain in effect until further notice but in no event will they remain in place after January 1, 2005.

Commission surveys of these waters were completed during the spring of 2004. Results of the lake surveys found that the fish communities consisted of a very low density of gamefish and panfish that exhibited characteristics of unexploited (unfished) populations. Although lake water quality work has not yet been completed, it is apparent from voltages required during the electrofishing phase of the surveys as well as the abundance of bladderwort (an acid loving aquatic plant) that these systems are not very productive. The stream evaluation found very few trout (brook trout) between the reservoirs and no trout upstream from the reservoirs. As was the case in the lakes, the infertile waters are likely the cause of the very sparse trout population. The portions of the stream downstream from the reservoirs would also be negatively impacted during the summer months by the warm (surface) discharges. It is evident that lake fish populations could easily be overexploited under the most conservation of harvest-orientated regulations. The Commission therefore amended § 65.24 so that all of the waters within the South Branch Roaring Creek tract of the Wyoming State Forest will remain under catch and release regulations.

The 6- to 7-mile valley under the direct responsibility of the DCNR will offer a variety of activities for outdoor enthusiasts. For the most part, access will be walk-in or by bicycle. Boating may be restricted to the upper two reservoirs and even then without gasoline motors. Thus, no-kill regulations are quite appropriate in this rather unique setting. The DCNR District Forester and practically every angler encountered during the lengthy survey period in the valley support catch and release angling on these newly acquired public waters—specifically, Bear Gap Reservoir, McWilliams Reservoir, Klines Reservoir and the South Branch of Roaring Creek from the bridge on State Route 3008 at Bear Gap upstream to the bridge on State Route 42 (Columbia and Northumberland Counties). The Commission amended § 65.24 to read as set forth in the notice of proposed rulemaking.

As part of the proposed rulemaking package, the Commission also proposed deleting §§ 65.1 and 65.4b (relating to Selective Harvest Program; and All-Tackle Selective Harvest Program). The Commission has not yet considered these proposed changes on final-form rulemaking.

#### F. *Paperwork*

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

#### G. *Fiscal Impact*

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

*H. Public Involvement*

A notice of proposed rulemaking was published at 34 Pa.B. 5162 (September 18, 2004). Prior to the formal public comment period, the Commission received one public comment supporting the proposed rulemaking to § 65.24. Copies of all public comments were provided to the Commissioners.

*Findings*

The Commission finds that:

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

(2) A public comment period was provided, and the comments that were received were considered.

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

*Order*

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

(a) The regulations of the Commission, 58 Pa. Code Chapter 65, are amended by amending § 65.24 to read as set forth at 34 Pa.B. 5162.

(b) The Executive Director will submit this order and 34 Pa.B. 5162 to the Office of Attorney General for approval as to legality as required by law.

(c) The Executive Director shall certify this order and 34 Pa.B. 5162 and deposit them with the Legislative Reference Bureau as required by law.

(d) This order shall take effect immediately upon publication in the *Pennsylvania Bulletin*. The amendment will go into effect January 1, 2005.

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

**Fiscal Note:** Fiscal Note 48A-160 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 04-2143. Filed for public inspection December 3, 2004, 9:00 a.m.]

# PROPOSED RULEMAKING

## DEPARTMENT OF TRANSPORTATION

[67 PA. CODE CH. 75]

### Driver's License Examination

The Department of Transportation (Department), under the authority contained in 75 Pa.C.S. §§ 1504(c), 1508.1 and 6103 (relating to classes of licenses; physical examinations; and promulgation of rules and regulations by the department) proposes to amend §§ 75.2 and 75.6 (relating to definitions; and physical examination) to read as set forth in Annex A.

#### *Purpose of the Chapter*

Chapter 75 defines more fully the requirements of 75 Pa.C.S. §§ 1504(c), 1508, 1514(b) and 1607 by listing the specific requirements with regard to each step in the examination process.

#### *Purpose of the Proposed Rulemaking*

Currently, Chapter 75 requires that an applicant for a driver's license who has never been licensed in this Commonwealth or another state submit to a physical examination by a licensed physician, a certified registered nurse practitioner or a physician's assistant. The purpose of this proposed rulemaking is to include chiropractors among the listed healthcare providers who can administer a physical examination for these new driver applicants.

Chiropractors are recognized in the healthcare and health insurance industries as portal of care practitioners, that is, primary care providers, permitted to furnish necessary patient care for health maintenance. Chiropractors are permitted under Federal regulations to conduct the biennial medical examinations for commercial drivers required by Federal Highway Administration Motor Carrier Safety regulations. The addition of chiropractors as provided in this proposed rulemaking makes Department regulations consistent with current health care practices and Federal regulations.

#### *Persons and Entities Affected*

This proposed rulemaking affects chiropractors as well as individuals desiring to obtain a driver's license whose primary care provider is a chiropractor, or who otherwise desire to have the physical examination required to obtain a driver's license conducted by a chiropractor.

#### *Fiscal Impact*

Implementation of this proposed rulemaking will not require the expenditure of additional funds by the Commonwealth or local municipalities. The proposed rulemaking will not impose any additional costs on the medical community and may reduce costs to individuals by allowing applicants for a driver's license to have the required physical examination performed by their primary care provider.

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on November 17, 2004, the Department submitted a copy of this proposed rulemaking to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Transportation Committees. In addition to submitting this proposed

rulemaking, the Department has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections shall specify the regulatory review criteria that have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final-form publication of the rulemaking, by the Department, the General Assembly and the Governor of comments, recommendations or objections.

#### *Sunset Date*

The Department is not establishing a sunset date for these regulations, since the regulations are needed to administer 75 Pa.C.S. (relating to Vehicle Code). The Department will continue to closely monitor these regulations for their effectiveness.

#### *Public Comments*

Interested persons are invited to submit written comments, suggestions or objections regarding this proposed rulemaking to Rebecca L. Bickley, Director, Bureau of Driver Licensing, 4th Floor, Riverfront Office Center, 1101 S. Front Street, Harrisburg, PA 17104, within 30 days of publication of this proposed rulemaking in the *Pennsylvania Bulletin*.

#### *Contact Person*

The contact person for this proposed rulemaking is Anne P. Titler, Acting Manager, Driver Safety Division, Bureau of Driver Licensing, 4th Floor, Riverfront Office Center, 1101 S. Front Street, Harrisburg, PA 17104, (717) 783-4737.

ALLEN D. BIEHLER, P. E.  
*Secretary*

**Fiscal Note:** 18-398. No fiscal impact; (8) recommends adoption.

### Annex A

#### TITLE 67. TRANSPORTATION

#### PART I. DEPARTMENT OF TRANSPORTATION

#### Subpart A. VEHICLE CODE PROVISIONS

#### ARTICLE IV. LICENSING

#### CHAPTER 75. DRIVER'S LICENSE EXAMINATION

#### § 75.2. Definitions.

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

\* \* \* \* \*

**Chiropractor**—A practitioner of chiropractic licensed in this Commonwealth under the Chiropractic Practice Act (63 P. S. §§ 625.101—625.1106) and 49 Pa. Code Chapter 5 (relating to State Board of Chiropractic).

\* \* \* \* \*

#### § 75.6. Physical examination.

An applicant for a driver's license, who has never been issued a driver's license in this Commonwealth or another

state, shall submit to a physical examination **performed** by a licensed physician, **[ or ]** a CRNP **[ or ]**, a physician assistant **or a chiropractor**. The licensed physician, **[ or ]** CRNP **[ or ]**, physician assistant **or chiropractor** performing the examination shall report the findings of the physical examination to the Department on a physical examination certificate or form provided by the Department. The Department may request that the report be submitted on a special certificate relating to the alleged mental or physical disability of the applicant or licensee.

[Pa.B. Doc. No. 04-2144. Filed for public inspection December 3, 2004, 9:00 a.m.]

## ENVIRONMENTAL QUALITY BOARD

[25 PA. CODE CH. 261a]

### Hazardous Waste Management System; Proposed Exclusion for Identification and Listing Hazardous Waste

The Environmental Quality Board (Board) proposes to amend Chapter 261a (relating to identification and listing of hazardous waste). The proposed rulemaking would grant a delisting to MAX Environmental Technologies, Inc. (MAX) to exclude treated Electric Arc Furnace Dust (EAFD) treated at the hazardous waste treatment facility operated by MAX in Yukon, PA, from the lists of hazardous wastes.

This order was adopted by the Board at its meeting of October 19, 2004.

#### A. *Effective Date*

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

#### B. *Contact Persons*

For further information contact D. Richard Shipman, Chief, Division of Hazardous Waste Management, P. O. Box 8471, Rachel Carson State Office Building, Harrisburg, PA 17105-8472, (717) 787-6239; or Kurt Klappkowski, Assistant Counsel, Bureau of Regulatory Counsel, P. O. Box 8464, Rachel Carson State Office Building, Harrisburg, PA 17105-8464, (717) 787-7060. Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This proposed rulemaking is available on the Department of Environmental Protection's (Department) website: [www.dep.state.pa.us](http://www.dep.state.pa.us).

#### C. *Statutory Authority*

The proposed rulemaking is being made under the authority of sections 105, 402 and 501 of the Solid Waste Management Act (SWMA) (35 P. S. §§ 6018.105, 6018.402 and 6018.501) and section 1920-A of The Administrative Code of 1929 (71 P. S. § 510-20). Under sections 105, 402 and 501 of the SWMA, the Board has the power and duty to adopt rules and regulations concerning the storage, treatment, disposal and transportation of hazardous waste that are necessary to protect the public's health, safety welfare and property, and the air, water and other natural resources of this Commonwealth. Section 1920-A of The Administrative Code of 1929 grants the Board the authority to promulgate rules and regulations that are necessary for the proper work of the Department.

#### D. *Background and Purpose*

A delisting petition is a request to exclude waste from the list of hazardous wastes under the Resource Conservation and Recovery Act of 1976 (RCRA) (42 U.S.C.A. §§ 6901—6986) and SWMA regulations. Under 40 CFR 260.20 and 260.22 (relating to general; and petitions to amend part 261 to exclude a waste produced at a particular facility), which are incorporated by reference in § 260a.1 (relating to incorporated by reference; purpose, scope and applicability) and modified by § 260a.20 (relating to rulemaking petitions) a person may petition the United States Environmental Protection Agency (EPA) or a state administering an EPA-approved hazardous waste management program to remove waste or the residuals resulting from effective treatment of a waste from a particular generating facility from hazardous waste control by excluding the waste from the lists of hazardous wastes in 40 CFR 261.31 and 261.32 (relating to hazardous wastes from non-specific sources; and hazardous wastes from specific sources). Specifically, 40 CFR 260.20 allows a person to petition to modify or revoke any provision of 40 CFR Parts 260—266, 268 and 273. Section 260.22 of 40 CFR provides a person the opportunity to petition to exclude a waste on a "generator specific" basis from the hazardous waste lists. Under the Commonwealth's hazardous waste regulations in § 260a.20 (relating to rulemaking petitions), these petitions are to be submitted to the Board in accordance with the procedures established in Chapter 23 (relating to Environmental Quality Board policy for processing petitions—statement of policy) instead of the procedures in 40 CFR 260.20(b)—(e).

Effective November 27, 2000, the Department received approval from the EPA, under the RCRA, to administer the Commonwealth's hazardous waste management program instead of RCRA. As part of that program approval and delegation, the Department and the Board are authorized to review and approve petitions for delisting of hazardous waste.

In a delisting petition, the petitioner must show that waste generated at a particular facility does not meet any of the criteria for which the EPA listed the waste in 40 CFR 261.11 (relating to criteria for listing hazardous waste) and the background document for the waste. In addition, a petitioner must demonstrate that the waste does not exhibit any of the hazardous waste characteristics (that is, ignitability, reactivity, corrosivity and toxicity) and must present sufficient information for the agency to decide whether factors other than those for which the waste was originally listed warrant retaining it as a hazardous waste.

On November 3, 2003, MAX submitted a delisting petition under § 260a.20 and 40 CFR 260.20 and 260.22 (which are incorporated by reference in the hazardous waste regulations). The petition seeks to exclude from the lists of hazardous waste in 40 CFR 261.32 the residues resulting from effective treatment EAFD conducted at the MAX Yukon facility. EAFD is listed as a hazardous waste in 40 CFR Part 261 (relating to identification and listing of hazardous waste) and bears waste code K061. EAFD/K061 is defined in 40 CFR 261.32 in the iron and steel industry group as "emission control dust/sludge from the primary production of steel in electric arc furnaces."

The petition submitted by MAX provides: (1) descriptions and schematic diagrams of the proposed EAFD treatment system; (2) detailed chemical and physical analyses of the residuals resulting from treatment of samples of EAFD at MAX's Yukon facility; and (3) the results of modeling to evaluate the risk posed to human



health and the environment if the proposed delisted material was to be placed in a Subtitle D residual waste landfill. MAX conducted the modeling using the EPA's Delisting Risk Assessment System (DRAS) modeling software and included the assumption that the liner system of the Subtitle D landfill failed to contain the material.

The Department has carefully and independently reviewed the information contained in the petition submitted by MAX. Review of this petition included consideration of the original listing criteria, as well as the additional factors required by the Hazardous and Solid Waste Amendments of 1984 (HSWA), as reflected in section 222 of the HSWA (42 U.S.C.A. § 6921(f) and 40 CFR 260.22(d)(2)–(4).

The Department believes that this information demonstrates that the residues resulting from treatment of EAFD meeting the acceptance criteria identified in the petition and which are treated at the MAX Yukon facility in accordance with the treatment protocols described in the petition, satisfy the delisting criteria in 40 CFR 260.22. The data reviewed by the Department shows that residues resulting from treatment of EAFD at the MAX Yukon facility no longer meet the criteria for which it was originally listed as hazardous waste K061. The data further demonstrate that the treated EAFD residuals do not possess hazard characteristics of ignitability, corrosivity, reactivity or toxicity as defined by the RCRA. Finally, the data submitted in the petition, coupled with modeling using the EPA's DRAS model, show that treated EAFD residuals do not pose a threat to human health or the environment when disposed of in a RCRA Subtitle D/Pennsylvania Class I residual waste landfill.

Accordingly, the proposed rulemaking would provide for a conditional delisting of the EAFD that has been treated at the MAX Yukon facility. Under the conditions of the proposed delisting, MAX must dispose of the treated EAFD residuals in a RCRA Subtitle D/Pennsylvania Class I residual waste landfill which has groundwater monitoring and which is permitted to manage residual waste. The proposed exclusion would be valid for a maximum annual rate of 300,000 cubic yards per year. Any amount exceeding this volume would not be delisted under this proposed exclusion. The conditional exclusion will require that MAX maintain operational controls and protocols to assure that the treated waste continuously meets the applicable treatment standards.

In January and March 2004, the Department briefed the Solid Waste Advisory Committee (SWAC) on the hazardous waste delisting petition submitted by MAX. On September 16, 2004, the Department presented the draft proposed rulemaking to the SWAC for their input. The SWAC recommended that the draft regulations be forwarded to the Board for consideration as a proposed rulemaking.

#### *E. Summary of Regulatory Requirements*

Chapter 261a contains the provisions for the identification and listing of hazardous waste. Section 261a.32 (relating to hazardous wastes from specific sources) is being added to refer to a new Appendix IXa (relating to wastes excluded under 25 Pa. Code § 260a.20 and 40 CFR 260.20 and 260.22). New Appendix IXa contains Table 2a (relating to wastes excluded from specific sources), providing a conditional delisting of the treated EAFD residuals produced through the treatment of EAFD wastes at the MAX Yukon facility. This numbering scheme is being used to parallel the Federal regulations for clarity and consistency with the incorporation by reference of the Commonwealth's hazardous waste regulations.

The delisting levels in Appendix IXa were established by using health-based values calculated by the DRAS. The treated waste must meet the Land Disposal Restriction (LDR), as defined in 40 CFR Part 268 (relating to land disposal restrictions), before the waste can be placed in a landfill. As a result, the LDR treatment standards were substituted as the delisting levels for specific constituents where they were more stringent than the health-based DRAS levels. The delisting levels for antimony, arsenic, beryllium, selenium, thallium and vanadium were calculated by the DRAS, whereas the levels for barium, cadmium, chromium, lead, mercury, nickel, silver and zinc are LDR treatment standards.

Because MAX's petition was based on bench scale treatability studies and not a full-scale treatment process, the Department will require verification data submission for each batch that is initially treated. The data submittal frequency may be reduced upon demonstration that a full-scale treatment process is effective.

#### *F. Benefits, Costs and Compliance*

##### *Benefits*

The proposed rulemaking will provide for treatment and disposition of EAFD, providing services to the steel making operations that produce EAFD. The steel industry in this Commonwealth and across the United States is changing to remain competitive, and one of the major changes has been the increased use of the electric arc furnaces and associated air pollution control equipment to capture EAFD generated in the steel-making process. One important feature of the electric arc furnaces is the recycling of a significant percentage of scrap steel. This method produces steel at reduced costs and provides greater environmental protection than other steel making processes. In the last decade, the use of electric arc furnaces has increased in the United States to become the major method of steel production. As a result, EAFD is now the largest single hazardous waste produced in the United States. This is not a sign of environmental detriment, but rather the result of efforts across the industry to capture and sequester the metallic compound by-products resulting from steel making through more efficient pollution control devices. New electric arc furnaces are expected to be built in this Commonwealth. The proposed delisting of the residuals resulting from effective treatment of EAFD will assist steel-making operations by providing a cost-effective alternative for management of their wastes—converting it from a hazardous waste to a nonhazardous residual waste that can be managed in an environmentally responsible manner in permitted residual waste facilities.

##### *Compliance Cost*

MAX will be required to comply with the conditions set forth in the delisting regulation, including testing and recordkeeping requirements. However, the delisting of the residuals resulting from treatment of EAFD should result in an overall reduced waste management cost to the steel-making industry that would utilize the treatment services being offered by MAX.

##### *Compliance Assistance Plan*

The proposed rulemaking should not require any educational, technical or compliance assistance efforts. The Department has and will continue to provide manuals, instructions, forms and website information consistent with the proposed rulemaking. In the event that assistance is required, the Department's central office will provide it.

*Paperwork Requirements*

The proposed rulemaking creates some new paperwork requirements to be satisfied by MAX to demonstrate ongoing compliance with the conditions of the delisting regulation. The paperwork requirements are consistent with the protocols suggested by MAX as part of its delisting petition.

*G. Pollution Prevention*

For this proposed rulemaking, the Department would require no additional pollution prevention efforts. The Department already provides pollution prevention educational material as part of its hazardous waste program.

*H. Sunset Review*

These regulations will be reviewed in accordance with the sunset review schedule published by the Department to determine whether the regulations effectively fulfill the goals for which they were intended.

*I. Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on November 22, 2004, the Department submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Environmental Resources and Energy Committees. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections must specify the regulatory review criteria which have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Department, the General Assembly and the Governor of comments, recommendations or objections raised.

*J. Public Comments*

*Written Comments*—Interested persons are invited to submit comments, suggestions or objections regarding the proposed rulemaking to the Environmental Quality Board, P. O. Box 8477, Harrisburg, PA 17105-8477 (express mail: Rachel Carson State Office Building, 15th Floor, 400 Market Street, Harrisburg, PA 17101-2301).

Comments submitted by facsimile will not be accepted. Comments, suggestions or objections must be received by the Board by January 5, 2005. Interested persons may also submit a summary of their comments to the Board. The summary may not exceed one page in length and must also be received by January 5, 2005. The one-page summary will be provided to each member of the Board in the agenda packet distributed prior to the meeting at which the final-form rulemaking will be considered.

*Electronic Comments*—Comments may be submitted by e-mail to the Board at RegComments@state.pa.us and must also be received by the Board by January 5, 2005. A subject heading of the proposed rulemaking and a return name and address must be included in each transmission. If an acknowledgement of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt.

KATHLEEN A. MCGINTY,  
*Chairperson*

**Fiscal Note:** 7-393. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 25. ENVIRONMENTAL PROTECTION  
PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**Subpart D. ENVIRONMENTAL HEALTH AND SAFETY**

**ARTICLE VII. HAZARDOUS WASTE MANAGEMENT**

**CHAPTER 261a. IDENTIFICATION AND LISTING OF HAZARDOUS WASTE**

**Subchapter D. LISTS OF HAZARDOUS WASTES**

*(Editor's Note:* The following section and appendix are new. They have been printed in regular type to enhance readability.)

**§ 261a.32. Hazardous wastes from specific sources.**

In addition to the requirements for lists of hazardous wastes incorporated by reference in 40 CFR 261.32 (relating to hazardous waste from specific sources), the solid wastes listed in Appendix IXa (relating to wastes excluded under 25 Pa. Code § 260a.20 and 40 CFR 260.20 and 260.22) are excluded under §§ 260a.1 and 260a.20 (relating to incorporation by reference, purpose, scope and applicability; and rulemaking petitions).

**APPENDIX IXa. WASTES EXCLUDED UNDER 25 Pa. Code § 260a.20 AND 40 CFR 260.20 AND 260.22**

**Table 2a. Wastes Excluded from Specific Sources**

<i>Facility</i>	<i>Address</i>	<i>Waste Description</i>
Max Environmental Technologies, Inc.	233 Max Lane Yukon, PA 15698	Electric arc furnace dust (EAFD) that has been treated on site by MAX Environmental Technologies, Inc. (MAX) at a maximum annual rate of 300,000 cubic yards per year and disposed of in a Permitted Resource Conservation and Recovery Act Subtitle D/ Pennsylvania Class 1 residual waste landfill that has groundwater monitoring.  (1) <i>Delisting Levels:</i>  (i) The constituent concentrations measured in either of the extracts specified in Paragraph (2) may not exceed the following levels (mg/L): Antimony-0.206; Arsenic-0.0094; Barium-21; Beryllium-0.416; Cadmium-0.11; Chromium-0.60; Lead-0.75; Mercury-0.025; Nickel-11.0; Selenium-0.58; Silver-0.14; Thallium-0.088; Vanadium-21.1; Zinc-4.3.  (ii) Total mercury may not exceed 1 mg/kg.  (2) <i>Verification Testing:</i>

## PROPOSED RULEMAKING

<i>Facility</i>	<i>Address</i>	<i>Waste Description</i>
		<p>(i) On a batch basis, MAX must analyze a representative sample of the waste using the following:</p> <p>(A) the Toxicity Characteristic Leaching Procedure (TCLP), test Method 1311 in "Test Methods for Evaluating Solid Waste. Physical/Chemical Methods." EPA publication SW-846, as incorporated by reference in 40 CFR 260.11.</p> <p>(B) the TCLP as referenced above with an extraction fluid of pH 12 ±0.05 standard units.</p> <p>(C) SW-846 Method 7470 for mercury.</p> <p>(ii) The constituent concentrations measured must be less than the delisting levels established in Paragraph (1).</p> <p>(3) <i>Changes in Operating Conditions:</i></p> <p>(i) If any of the approved EAFD generators significantly changes the manufacturing process or chemicals used in the manufacturing process or MAX significantly changes the treatment process or the type of chemicals used in the treatment process, MAX must notify the Department of the changes in writing.</p> <p>(ii) MAX must handle wastes generated after the process change as hazardous until MAX has demonstrated that the wastes continue to meet the delisting levels set forth in paragraph (1) and that no new hazardous constituents listed in Appendix VIII of Part 261 have been introduced and MAX has received written approval from the Department.</p> <p>(4) <i>Data Submittals:</i></p> <p>(i) MAX must submit the data obtained through routine batch verification testing, as required by other conditions of this rule or conditions of the permit, to the Pennsylvania Department of Environmental Protection Southwest Region, 400 Waterfront Drive, Pittsburgh, Pennsylvania 15222.</p> <p>(ii) The data from the initial full scale batch treatments following permit modification, and construction of the treatment unit shall be submitted to the Department as it becomes available and prior to disposal of those batches.</p> <p>(iii) The data submission frequency may be modified by the Department upon demonstration that the treatment method is effective.</p> <p>(iv) All data must be accompanied by a signed copy of the certification statement in 40 CFR 260.22(i)(12).</p> <p>(v) MAX must compile, summarize, and maintain on site for a minimum of five years records of operating conditions and analytical data. MAX must make these records available for inspection.</p> <p>(5) <i>Reopener Language:</i></p> <p>(i) If, at any time after disposal of the delisted waste, MAX possesses or is otherwise made aware of any data for any of the approved disposal facilities (including but not limited to leachate data or groundwater monitoring data) relevant to the delisted waste indicating that any constituent identified in paragraph (1) is at a level in the leachate higher than the Toxicity Characteristic (40 CFR 261.24), or is at a level in the groundwater higher than the specific facility action levels, then MAX or the disposal facility must report such data, in writing, to the Regional Director of the Pennsylvania Department of Environmental Protection Southwest Region within 10 days of first possessing or being made aware of that data.</p> <p>(ii) Based on the information described in subparagraph (i) and any other information received from any source, the Regional Director will make a preliminary determination as to whether the reported information requires Department action to protect human health or the environment. Further action may include suspending or revoking the exclusion or other appropriate response necessary to protect human health and the environment.</p>

Facility	Address	Waste Description
		<p>(iii) If the Regional Director determines that the reported information does require Department action, the Regional Director will notify MAX in writing of the actions the Regional Director believes are necessary to protect human health and the environment. The notice shall include a statement of the proposed action and a statement providing MAX and/or the approved disposal facility with an opportunity to present information as to why the proposed Department action is not necessary or to suggest an alternative action. MAX and/or the approved disposal facility shall have 30 days from the date of the Regional Director's notice to present the information.</p> <p>(iv) If after 30 days MAX and/or the approved disposal facility presents no further information, the Regional Director will issue a final written determination describing the Department actions that are necessary to protect human health or the environment. Any required action described in the Regional Director's determination shall become effective immediately, unless the Regional Director provides otherwise.</p>

[Pa.B. Doc. No. 04-2145. Filed for public inspection December 3, 2004, 9:00 a.m.]

# FISH AND BOAT COMMISSION

[58 PA. CODE CH. 91]  
Boating

The Fish and Boat Commission (Commission) proposes to amend Chapter 91 (relating to general provisions). The Commission is publishing this proposed rulemaking under the authority of 30 Pa.C.S. (relating to the Fish and Boat Code) (code). This proposed rulemaking relates to the age of operation for personal watercraft (PWC) and boats propelled by motors in excess of 25 horsepower. The Commission previously published a notice of proposed rulemaking regarding this subject at 34 Pa.B. 4151 (August 7, 2004). The Commission is republishing a notice of proposed rulemaking to seek public input on an alternative proposal as more fully described in this preamble.

*A. Effective Date*

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

*B. Contact Person*

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

*C. Statutory Authority*

The proposed amendments to § 91.4 (relating to age of operator) are published under the statutory authority of section 5123 of the code (relating to general boating regulations). A person violating this section commits a summary offense of the third degree for which a \$50 fine is imposed.

*D. Purpose and Background*

The Commission previously adopted limitations on the age of operation to address concerns for the safety of young operators of larger boats and PWC and those that boat around them. At the time the regulation was adopted, 10 horsepower was considered to be a satisfac-

tory horsepower limitation. Youthful operators could operate larger boats (that is, boats with motors in excess of 10 horsepower) after obtaining a Boating Safety Education Certificate (certificate) or if they had an older operator onboard. A recent amendment to section 5103 of the code (relating to boating education) that provides for mandatory boating education increased the minimum horsepower to 25. Specifically, this section provides that any person born on or after January 1, 1982, may not operate a motorboat greater than 25 horsepower without first obtaining a certificate.

To be consistent with the code and to eliminate some complexity in the regulations, the Commission proposed to amend § 91.4. Specifically, the Commission proposed to simplify the existing regulation and make it consistent with provisions of the mandatory education law. The Commission also proposed to eliminate the distinction between PWC and other motorboat operation by applying the same standards to both. The Commission further proposed to increase the minimum age of operation of a PWC to 16 years of age, effective January 1, 2008. A notice of proposed rulemaking was published at 34 Pa.B. 4151.

At the time the Commission approved the publication of the notice of proposed rulemaking, it also directed staff to solicit the input of the Governor's Youth Council for Hunting, Fishing and Conservation (Council). The Council was surveyed informally, and the Council generally supported the proposed changes. The Commission's Boating Advisory Board (BAB) considered the proposal and recommended that the Commission adopt the changes as set forth in the notice of proposed rulemaking.

Subsequently, the Council held its quarterly meeting and discussed the proposal in detail. The Council voted unanimously in favor of the age of operation being 16 years of age or older for any boat propelled by a motor greater than 25 horsepower and all PWC. The Council also voted unanimously in favor of "phasing in" this requirement over a number of years. The Council indicated that it feels strongly that these changes must be simply worded and well publicized.

In addition, the Commission received one public comment from the Personal Watercraft Industry Association (PWIA) that supports increasing the age of operation of PWC to 16 years of age. However, the PWIA indicated that based on its experience, it believes that a phase-in of

the minimum age increase for PWC operators is the best approach for implementation by authorities and compliance by the boating public. For that reason, the PWIA encourages the Commission to opt for a regulation that allows those individuals of legal operating age under 16 years of age to be grandfathered by the new statutory requirements.

In advance of the Commission meeting, staff informally polled the BAB, and the BAB is generally in agreement with the phased approach and believes that it is appropriate to solicit additional public comments. The Commission, upon further consideration of this matter, believes that a phased approach may find the most acceptance among the boating public. The Commission therefore approved the republication of a notice of proposed rulemaking seeking public comments on a phased approach as more fully described in the summary of proposed rulemaking. The Commission also intends to hold at least one public meeting.

#### E. Summary of Proposed Rulemaking

Under the proposal, the minimum age of operation would be 13 years of age, effective immediately upon publication of an order adopting the change. The minimum age of operation would increase to 14 years of age effective January 1, 2006, 15 years of age effective January 1, 2007, and 16 years of age effective January 1, 2008. The proposal also provides that a person 15 years of age or younger may not operate a personal watercraft if there are any passengers onboard 17 years of age or younger. The Commission proposes to amend § 91.4 to read as set forth in Annex A.

#### F. Paperwork

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

#### G. Fiscal Impact

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

#### H. Public Comments

Interested persons are invited to submit written comments, objections or suggestions about the proposed rulemaking to the Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted. Comments also may be submitted electronically by completing the form at [www.state.pa.us/fish/regcomments](http://www.state.pa.us/fish/regcomments). If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt.

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

**Fiscal Note:** 48A-162. No fiscal impact; (8) recommends adoption.

#### Annex A

#### TITLE 58. RECREATION

#### PART II. FISH AND BOAT COMMISSION

#### Subpart C. BOATING

#### CHAPTER 91. GENERAL PROVISIONS

#### § 91.4. Age of operator.

(a) A person 11 years of age or younger may not operate a [personal watercraft or a] boat propelled by a motor greater than [10] 25 horsepower.

(b) [A person 12 through 15 years of age may not operate a boat propelled by a motor greater than 10 horsepower unless the person has obtained and has in his possession a Boating Safety Education Certificate or at least one person 16 years of age or older is present onboard.

(c) A person 12 through 15 years of age may not operate a personal watercraft if there are any passengers onboard 15 years of age or younger.]

A person 12 years of age or younger may not operate a personal watercraft. Effective January 1, 2006, a person 13 years of age or younger may not operate a personal watercraft. Effective January 1, 2007, a person 14 years of age or younger may not operate a personal watercraft. Effective January 1, 2008, a person 15 years of age or younger may not operate a personal watercraft.

(c) A person 15 years of age or younger may not operate a personal watercraft if there are any passengers onboard 17 years of age or younger.

[Pa.B. Doc. No. 04-2146. Filed for public inspection December 3, 2004, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Advance Notice of Proposed Rulemaking

Public Meeting held  
November 18, 2004

*Commissioners present:* Wendell F. Holland, Chairperson;  
Robert K. Bloom, Vice Chairperson; Glen R. Thomas;  
Kim Pizzigrilli

*Advance Notice of Proposed Rulemaking Regarding Small  
Generation Interconnection Standards and Procedures;  
Doc. No. L00040168*

### Advance Notice of Proposed Rulemaking Order

*By the Commission:*

Today, the Commission is initiating an Advance Notice of Proposed Rulemaking (ANOPR) concerning small generation interconnection standards and procedures in order to standardize the way in which small generation connects to the distribution grid. As discussed below, the Commission is requesting comments on these standards and procedures. After receiving and considering comments, the Commission will then issue a Notice of Proposed Rulemaking (NOPR).

The Commission will achieve several goals with this rulemaking, including the following: (1) eliminate unnecessary barriers to entry in the distributed generation market; (2) promote distributed generation in order to provide peak demand responsiveness; (3) enhance grid reliability; (4) increase transparency in the interconnection process; (5) create uniformity and thereby ease the difficulty presented by a patchwork of different procedures; and (6) lower the overall cost of locating and placing distributed generation across the Commonwealth.

The Commission began examining small generation interconnection standards and procedures on January 24, 2001, under Docket No. M-00011450, when the Commis-

sion established an internal Interconnection Working Group (IWG). The IWG focused on studying the models of other jurisdictions and organizations, as well as identifying the possible benefits of mandating a uniform set of interconnection procedures. The Commission also charged the IWG with considering whether unnecessary barriers impede distributed generation from interconnecting to the grid, and to the extent that such barriers exist, to recommend methods for eliminating them.

The IWG met several times, but temporarily and voluntarily suspended its work in the Spring of 2001 because the Federal Energy Regulatory Commission (FERC) issued an ANOPR on the standardization of generation interconnection agreements and procedures. FERC subsequently released a NOPR on Small Generation Interconnection Standards in July 2003. Thereafter, the Commission reactivated the IWG in the Fall of 2003.

The IWG identified the lack of standardized interconnection procedures and requirements as one of the primary regulatory barriers for distributed generation. Historically, each utility implements its own interconnection procedures and standards in order to address concerns unique to its own system. These concerns focus primarily on safety and reliability, in other words, the protection of utility personal, equipment, and system coordination. However, the utilities may have a conflict of interest with regard to facilitating distributed generation to the extent that distributed generation competes with services offered by the utility and imposes additional risks and costs.

While the Commission recognizes that the utilities' concerns are important and reasonable, the Commission must also consider the impact varied and disparate interconnection procedures have on distributed generation. The lack of standardization causes distributed generation developers to contend with different rate structures, customer electric and thermal loads, and other utility specific factors that make economic decision making and planning difficult. Uniform standards in Pennsylvania, and likewise the region, would facilitate entry into the market because it would ensure that manufacturers and developers are looking at consistent interconnection requirements and procedures.

Because of the IWG's work in identifying the issues described above, the Commission is ready to move forward by formally obtaining input from interested parties as the Commission begins to develop our own interconnection procedures.

The Commission is aware of efforts recently completed or currently underway in multiple forums, including, among others, New York, New Jersey, Texas, FERC, the National Association of Regulatory Utility Commissioners (NARUC), and PJM Interconnection L.L.C. (PJM). The Commission notes that New York Public Service Commission (NY PSC) has already established interconnection procedures for distributed generation. The NY PSC's requirements provide for a twelve step process split between three sizes of generation: 15 kilowatts (kW) or less, 15 kW to 300 kW, and 300 kW to 2 MW. For project 15 kW or less, the NY PSC's framework provides for simplified technical requirements, including streamlined procedures for generating equipment that meets Underwriters Laboratories (UL) Standard 1741.<sup>1</sup> The NY PSC's procedures also provide for simplified verification testing requirements for single-phase inverter-based systems and a waiver of \$350 application fee.

<sup>1</sup> The Commission notes that the NY PSC did not adopt UL 1741 verbatim, it requires certain other standards to be met, including IEEE C37.90.1 and other requirements.

For facilities over 15 kW and up to 300 kW, the NY PSC's requirements provide: (1) specific requirements for interconnection studies (to determine what impact the distributed generating facility will have on the utility network), including a potential exemption from study requirements for systems under 50 kW on a single-phase line or 150 kW on a three-phase feeder; (2) potential requirements for dedicated transformers at the utility's discretion, but only after the utility provides the customer with specific written justification for the request; and (3) streamlined procedures for equipment that has been type tested or certified. For projects over 300 kW and under 2 MW, the NY PSC's procedures provide for extended periods of time to move from one step to the next, such as 15 business days to conduct a Preliminary Review of the project instead of 5 business days for other projects. The NY PSC's procedures also require more detailed technical information to be provided to the utility. Other features of the NY PSC's model common to all three sizes include a standardized contract for interconnection and certain operating requirements such as providing a 24 hour phone contact for the generator. Case 02-E-1282, *Order Modifying Standardized Interconnection Agreements for Class I Renewable Energy Systems*, Docket No. EX 03100795 (Filed September 13, 2004) (amending Case 94-E-0952, *Competitive Opportunities Regarding Electric Service*, Opinion No. 99-13 (issued December 31, 1999)).

The New Jersey Board of Public Utilities (NJ BPU) updated its own set of interconnection procedures on September 13, 2004. *Adopted Amendments: N.J.A.C. 14:4-9 (Net Metering and Interconnection Standards for Class I Renewable Energy Systems)*, Docket No. EX 03100795 (Filed September 13, 2004). The NJ BPU's model sets forth net metering and interconnection rules designed to standardize the interconnection process. For distributed generation under 2 megawatts (MW), the NJ BPU's procedures require Electric Distribution Companies (EDCs) to offer net metering to residential and small commercial customers, on the customer's side of the meter. The NJ BPU's procedures also require EDCs to develop and file tariffs for net metering and requires customers to use bi-directional meters. Regarding interconnection procedures, New Jersey splits the process into three categories, Level 1 (simplified), Level 2 (expedited), and Level 3 (standard). The Level 1 process is used to connect inverter based customer generator facilities that have a power rating of 10 kW or less, and that meet certain certification requirements. The Level 2 process is used for generation of 2 MW or less and which further meets Institute of Electric and Electronic Engineers Standard 1547 (IEEE 1547) and/or UL 1741. The Level 3 process is used for generation that does not meet the criteria for either Level 1 or Level 2. New Jersey also requires EDCs to designate a single point of contact for distributed generation customers. New Jersey believes that its procedures will increase the reliability of the grid, enhance security, promote economic development and diversify the resources used to produce electricity.

The Texas Public Utility Commission (TX PUC) likewise adopted an interconnection model in 1999. The interconnection process evolved over time in Texas, with the following goals in mind:

[T]he commission's objectives are to clearly state the terms and conditions that govern the connection and operation of small power generation and to establish technical requirements to promote the safe and reliable operation of distributed generation resources. . . . Implementation of these rules (1) promotes the use of distributed resources in order to provide electric system benefits during periods of capacity con-

straints; (2) enhances both the reliability of electric service and economic efficiency in the production and consumption of electricity; and (3) provides customers greater opportunities to control the price and quality of electricity within their facilities.”

*Rules for Interconnection of Distributed Generation*, Project No. 21220 (Order Entered November 23, 1999), amended by *P.U.C. Rulemaking to Amend Existing Rules 25.211 and 25.212, Review and Develop a Standard Interconnection Agreement and Terms and Conditions of the Tariff*, Project No. 22540 (Order entered September 22, 2000). Some of the features of the TX PUC’s model include the following: (1) a “uniform agreement” that covers, among other things, a scope agreement, the parties’ responsibilities, and the utility’s right to inspect equipment; (2) an interconnection process calibrated to the technical requirements of each project; (3) pre-certification of distributed generation equipment; and (4) the utility retains the right to disconnect under certain circumstances. Id.

Among non-state entities, in July of 2003, the FERC issued a NOPR on Small Generation Interconnection Standards. *Standardization of Small Generator Interconnection Agreements and Procedures; Notice of Proposed Rulemaking*, 104 FERC ¶61,104 (July 24, 2003). The FERC has been clear about the purpose of its proposed interconnection rule for small generators:

- to facilitate the interconnection of small generators with a rule designed to accommodate their needs,
- to lower wholesale prices for customers by increasing the number and variety of new generation resources that compete in the wholesale electricity market,
- to reduce interconnection time and costs for both small generators and transmission providers,
- to prevent undue discrimination whereby a transmission provider may show favoritism to its own generation or that of an affiliate,
- to preserve the reliability of the transmission system,
- to increase electric energy infrastructure, and
- to facilitate the development of non-polluting alternative energy sources such as distributed generation.

Id. The FERC proposed interconnection rule applies to the interconnection of generators no larger than 20 MW. The rule applies to all interconnections to facilities subject to a transmission provider’s open access transmission tariff at the time an interconnection request is made. The rule includes pricing policies similar to that contained in the FERC large generation interconnection rule. To facilitate rapid interconnection, the rule includes super-expedited procedures for generators less than or equal to 2 MW connecting at low voltage, expedited procedures for generators between 2 MW and 10 MW connecting at low voltage, and accelerated

In October 2003, NARUC also adopted standardized interconnection procedures. *Model Interconnection Procedures and Agreement for Small Distributed Generation Resources* (October, 2003), [http://www.naruc.org/associations?1773/files/dgiaip\\_oct03.pdf](http://www.naruc.org/associations?1773/files/dgiaip_oct03.pdf). The NARUC model splits distributed generation projects into two process categories. The first is a “super expedited” process for interconnection of small generation equipment that passes certain technical screens. The second is a regular process for the remaining generation that cannot be super expedited because it does not meet certain designated

screening criteria. Prominently featured in the model are a series of deadlines at regular intervals that clearly indicate whether the project is properly moving forward. On the super expedited track, the NARUC model includes a single point of contact with the utility, a standardized application, a site control requirement, and a requirement that the generator and utility meet in the event that problems are encountered and it appears the project may not be suitable for the super expedited track. For projects not meeting the requirements for the super expedited track, the model features a scoping meeting, feasibility study, impact study, and facilities study, among other provisions. Notably, the NARUC model maintains clear deadlines and establishes which party has the burden of moving forward with the next step in the process.

Finally, PJM is in the process of adopting standardized interconnection technical requirements. In January of 2004 PJM established a Small Generation Interconnection Working Group as part of an effort to develop more standardized interconnection requirements for small generators. PJM is focused on centering its technical requirements on IEEE 1547, and further on developing an equipment pre-certification process that is uniform throughout PJM’s control area.

PJM is interested in working with the states in its footprint in order to ensure that a single standard is adopted, which in its view would further strengthen the economic viability and benefits of distributed generation. Generally, the Commission is supportive of PJM’s efforts and believes there is significant value in pursuing a regional approach. Similarly, the Commission also supports the efforts of the Mid-Atlantic Distributed Resources Initiative (MADRI), an organization established to develop regional policies and market-enabling activities to support distributed generation and demand response in the Mid-Atlantic region.<sup>2</sup>

As the brief summaries of the above interconnection processes make clear, there are many important issues the Commission must consider. Therefore, the Commission is interested in soliciting comments from all interested parties. The comments should touch on both technical requirements as well as interconnection procedures, including procedures that reflect “best practices.” Comments should also indicate the appropriate generation size suitable for small generation interconnection standards and procedures. The Commission is also interested in comments that address whether there are issues specific to Pennsylvania that require the Commission’s attention.

Comments may be filed by any interested person or on behalf of an entity, and each comment should clearly indicate which of the above referenced models is preferable and whether the model requires changes because of issues that are specific to Pennsylvania.

Due to the comprehensive nature of a rulemaking and the complexity of the subject matter, interested parties will be given 60 days from the date of publication in the *Pennsylvania Bulletin* to submit comments. The Commission is committed to moving this rulemaking forward in a timely fashion. Because the comment period is lengthy, no extensions of time will be granted for filing comments. *Therefore*;

<sup>2</sup> The following entities are MADRI members: the public utility commissions of Delaware, District of Columbia, Maryland, New Jersey and Pennsylvania, PJM, the U.S. Department of Energy’s Mid-Atlantic Regional Office and Office of Electric Transmission and Distribution and the U.S. Environmental Protection Agency.

*It Is Ordered That:*

1. A rulemaking proceeding is hereby initiated at this docket to consider adopting standardized interconnection standards and procedures for small generation.

2. An ANOPR regarding standardized interconnection procedures for small generation be published in the *Pennsylvania Bulletin*.

3. Interested parties shall have 60 days from the date of publication in the *Pennsylvania Bulletin* of the ANOPR to file written comments.

4. Comments should focus on the issues as described in this Order, including the relative merits of existing standardized interconnection procedures for small genera-

tion such as those previously referenced, and further, whether Pennsylvania presents unique issues that require the models to be changed before being adopted.

5. Interested parties should file an original plus 15 copies of each comment to the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. The Commission's contact person is Assistant Counsel W. Blair Hopkin, (717) 783-6152.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 04-2147. Filed for public inspection December 3, 2004, 9:00 a.m.]



# NOTICES

## DEPARTMENT OF BANKING

### Action on Applications

The Department of Banking, under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending November 23, 2004.

#### BANKING INSTITUTIONS

##### Holding Company Acquisitions

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
11-16-04	F.N.B. Corporation, Hermitage, to acquire 100% of NSD Bancorp, Inc., Pittsburgh, and thereby indirectly acquire Northside Bank, Pittsburgh	Hermitage	Filed

##### Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
11-18-04	Susquehanna Bank PA (formerly Farmers First Bank), Lititz, WNB Bank, Williamsport, and First Susquehanna Bank & Trust, Sunbury Surviving Institution— Susquehanna Bank PA, Lititz	Lititz	Approved

##### Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
11-12-04	Royal Bank America Narberth Montgomery County	418 Oak Lane Road Philadelphia Philadelphia County	Opened
11-17-04	Stonebridge Bank Exton Chester County	1212 Churchville Road Bel Air Harford County, MD	Filed

##### Branch Relocations and Consolidations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
11-15-04	Keystone Nazareth Bank & Trust Company Bethlehem Northampton County	<i>Into:</i> 2170 West Union Boulevard Bethlehem Lehigh County	Filed
11-15-04	Fulton Bank Lancaster Lancaster County	<i>From:</i> 1201 Airport Road Allentown Lehigh County  <i>To:</i> 5049 Jonestown Road Harrisburg Lower Paxton Township Dauphin County  <i>From:</i> 4807 Jonestown Road Harrisburg Lower Paxton Township Dauphin County	Effective

#### SAVINGS INSTITUTIONS

No activity.

#### CREDIT UNIONS

No activity.

A. WILLIAM SCHENCK, III,  
*Secretary*

[Pa.B. Doc. No. 04-2148. Filed for public inspection December 3, 2004, 9:00 a.m.]

# DEPARTMENT OF EDUCATION

## Individuals with Disabilities Education Act—Part B; Application for Federal Grant

Written public comment is invited regarding the Department of Education's (Department) proposed modifications to its policies and procedures under the Individuals with Disabilities Education Act—Part B (IDEA-B). The grant on file with the United States Department of Education describes the State's policies and procedures in effect to ensure the Department meets the Federal requirements to ensure that a free appropriate public education is made available to all children with a disability from 3 to 21 years of age. The policies and procedures on file with the United States Department of Education are available for viewing at [http://www.pde.state.pa.us/special\\_edu/cwp/view.asp?A=177&Q=106501](http://www.pde.state.pa.us/special_edu/cwp/view.asp?A=177&Q=106501).

The IDEA-B funds, received under the provision of 34 CFR 300.110 (relating to condition of assistance), will be used to render services and programs to children with disabilities who are eligible for services under IDEA-B as well as training and technical assistance given to professional staff who render services to children with disabilities.

Copies of the proposed modifications are available by calling (717) 783-2311 or the TDD at (717) 787-7367. Alternative formats of the documents (for example, Braille, large print or cassette tape) can be made available to members of the public upon request. Moreover, public comment is welcomed in alternative formats such as Braille, taped comments and telephone comments for the disabled. Persons who are disabled and wish to submit comments by telephone should call Nancy Zeigler at (717) 783-6134.

Written comments will be received until February 6, 2005. Written comments should be directed to Patty Todd, Department of Education, Bureau of Special Education, 333 Market Street, 7th Floor, Harrisburg, PA 17126-0333.

Following receipt of all comments, the Department will consider all public comments and make any necessary modifications to the policies and procedures before submission of the final proposal to the Secretary of the United States Department of Education by March 15, 2005.

Additionally, opportunity for public testimony will be held by the Department's Bureau of Special Education for individuals wishing to present oral testimony on the proposed modifications. One written copy of oral testimony at the time of presentation would be appreciated. Presentations should be limited to 15 minutes.

Dates, locations and times for oral testimony on the modifications are as follows:

January 11, 2005 3 p.m. to 7 p.m.	January 12, 2005 3 p.m. to 7 p.m.	January 13, 2005 3 p.m. to 7 p.m.
PaTTAN— Pittsburgh 3190 William Pitt Way Pittsburgh, PA	PaTTAN— Harrisburg 6340 Flank Drive Harrisburg, PA	PaTTAN— King of Prussia 200 Anderson Road King of Prussia, PA

To schedule an opportunity to present testimony, call Nancy Zeigler no later than January 7, 2005. Persons with a disability who wish to attend a public testimony and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact Nancy Zeigler at the telephone number previously listed.

FRANCIS V. BARNES, Ph.D.,  
*Secretary*

[Pa.B. Doc. No. 04-2149. Filed for public inspection December 3, 2004, 9:00 a.m.]

# DEPARTMENT OF ENVIRONMENTAL PROTECTION

## Applications, Actions and Special Notices

### APPLICATIONS

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

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

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

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

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

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

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

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

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

### I. NPDES Renewal Applications

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA-0060411	Little Washington Wastewater Company d/b/a Suburban Wastewater Company 762 West Lancaster Avenue Bryn Mawr, PA 19010	Lackawanna County Thornhurst Township	Pond Creek (2A)	Y
PA-0060593 (Sewage)	Wilbar Realty, Inc. c/o Robert P. Sheils, Jr. 108 North Abington Road Clarks Summit, PA 18411	Luzerne County Rice Township	Nuangola outlet to Little Wapwallopen Creek	Y
PA-0061808 (Sewage)	George Royle R. R. 1, Box 1534 Hunter Farm Road Henryville, PA 18332	Paradise Township, Monroe County	Unnamed Tributary to Swiftwater Creek (1E)	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed#)</i>	<i>EPA Waived Y/N?</i>
PA0222984	Spartansburg Borough P. O. Box 222 Spartansburg, PA 16434	Spartansburg Borough Crawford County	East Branch Oil Creek 16-E	Y
PA0222852	West Fallowfield Township 6817 Main Street P. O. Box 157 Hartstown, PA 16131	West Fallowfield Township Crawford County	Unnamed Tributary to Little Shenango River 20-A	Y
PA0033120	Eisenhower Middle/Senior High School 14 Hospital Drive Building 11 Warren, PA 16365-4885	Farmington Township Warren County	Fairbanks Run 16-B	Y

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

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

**NPDES Permit No. PA0247413**, Sewage, **Paul S. Deal**, 880 Fickes Road, Dillsburg, PA 17019. This proposed facility is located in Warrington Township, **York County**. Description of Proposed Action/Activity: Transfer of Permit.

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

**PA0004073**, Industrial Waste, SIC, 3312, **U. S. Steel Mon Valley Works**, P. O. Box 878, Dravosburg, PA 15034.

This application is for renewal of an NPDES permit to discharge treated process water and sewage, noncontact cooling water and stormwater from their Irvin Plant in West Mifflin Borough, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, 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 Western Pennsylvania Water Company—Pittsburgh District, located at 410 Cooke Lane, Pittsburgh, PA 15234, 4.4 miles below the discharge point.

*Outfall 001: average flow of 23 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		
Oil and Grease			15	30	
pH	Not less than 6.0 nor greater than 9.0				

*Monitoring Point 101: an internal sewer monitoring point with a design flow of 0.2 mgd discharging to Outfall 001.*

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	Monitor and Report				
CBOD <sub>5</sub>			25	50	
Suspended Solids			30	60	
Total Residual Chlorine			1.4	3.3	
Fecal Coliform (5/1 to 9/30)	200/100 ml as a geometric average				
(10/1 to 4/30)	2000/100 ml as a geometric average				
pH	not less than 6.0 nor greater than 9.0				

*Monitoring Point 201: an internal industrial waste monitoring point with an average flow of 2.16 mgd discharging to Outfall 001.*

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	Monitor and Report				
Suspended Solids	627	1409	58	132	165
Oil & Grease	211	603	15	30	30
Lead	2.46	7.38	0.22	0.68	0.84
Zinc	3.03	9.07	0.28	0.83	1.04
Naphthalene			0.253		0.028
Tetrachloroethylene			0.38		0.04
Iron (T)			3.5	7.0	8.75
pH	not less than 6.0 and not greater than 10.0				

*Monitoring Point 301: an internal industrial waste monitoring point with an average flow of 0.48 mgd discharging to Outfall 001.*

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	Monitor and Report				
Suspended Solids	2,125	5,670	15	40	50
Oil & Grease			15	30	
pH	not less than 6.0 nor greater than 9.0				

Monitoring Point 401: average flow of 0.0288 mgd

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	Monitor and Report				
Total Suspended Solids			31	60	75
Oil & Grease			15		30
Nickel			2.38	3.98	5.0
pH	Not less than 2.0 nor greater than 9.0				

Outfall 501: new discharge, interim limits

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	Monitor and Report				
Total Suspended Solids				Monitor and Report	
Iron				Monitor and Report	
Sulfates				Monitor and Report	
pH				Monitor and Report	

Outfall 501: new discharge, final limits

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	Monitor and Report				
Total Suspended Solids			30		60
Iron			3		6
Sulfates				Monitor and Report	
pH	not less than 6.0 nor greater than 9.0				

Outfall 601: New discharge.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	Monitor and Report				
Total Suspended Solids	2,125	5,670	30	48	60
Oil and Grease		1,421	15		30
pH	not less than 6.0 nor greater than 9.0				

Outfall 701: New discharge.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	Monitor and Report				
Total Suspended Solids	2,125	5,670	30	48	60
Oil and Grease		1,421	15		30
pH	not less than 6.0 nor greater than 9.0				

Outfall 002: Intake water pumphouse (screen backwash) average flow of 0.002 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
The backwash water from the intake pumphouse shall not include any materials (solids and other debris) removed in the backwash operation.					

*Outfall 003:* Existing discharge to the Monongahela River with an average flow of 0.216 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 (mgd)	Monitor and Report				
Temperature (°F)	110				
pH	not less than 6.0 nor greater than 9.0				

*Outfalls 004 (SW-02) and 005 (SW-01):*

<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>
These discharges shall consist of stormwater runoff only.					

The EPA waiver is not in effect.

**PA0027651**, Sewage, **West Newton Borough**, 112 South Water Street, West Newton, PA 15089.

This application is for renewal of an NPDES permit to discharge treated sewage from West Newton Borough Sewage Treatment Plant in West Newton, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Youghiogheny River, which are classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply, and recreation. The first downstream potable water supply intake from this facility is the: Westmoreland County Municipal Authority—McKeesport.

*Outfall 001:* existing discharge, design flow of 0.6 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25	38		50
Suspended Solids	30	45		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	1.0			3.3
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA0028410**, Sewage, **Municipal Authority of the Borough of Baden**, P. O. Box 134, 149 State Street, Baden, PA 15005.

This application is for renewal of an NPDES permit to discharge treated sewage from the Baden Sewage Treatment Plant in Baden Borough, **Beaver County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as the Ohio River, which are classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the: Midland Borough Water Authority.

*Outfall 001:* existing discharge, design flow of 1.5 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25	38		50
Suspended Solids	30	45		60
Fecal Coliform				
(5/1 to 10/31)	200/100 ml as a geometric mean			
(11/1 to 4/30)	2000/100 ml as a geometric mean			
Total Residual Chlorine	0.5			1.6
pH	not less than 6.0 nor greater than 9.0			

Other Conditions: Outfall SW1 authorizes a discharge of uncontaminated stormwater from the STP road entrance and roof drains. SW1 discharges to Tevebau Run.

The EPA waiver is not in effect.

**PA0041378**, Sewage, **W.C. McQuaide, Inc.**, 153 MacRidge Avenue, Johnstown, PA 15904.

This application is for renewal of an NPDES permit to discharge treated sewage from the Star Manufacturing STP in Center Township, **Indiana County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as a Tributary of Two Lick Creek, which are classified as a trout stock fishery 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: Buffalo Township Municipal Authority.

*Outfall 001:* existing discharge, design flow of 0.005 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Fecal Coliform				
(5/1 to 9/30)	200/100 ml as a geometric mean			
(10/1 to 4/30)	2000/100 ml as a geometric mean			
Total Residual Chlorine	1.4			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA0093262**, Sewage, **Industrial Leasing Systems**, P. O. Box 1311, Charleston, WV 25325.

This application is for renewal of an NPDES permit to discharge treated sewage from Consol Energy Group 1 Operations Office STP in North Bethlehem Township, **Washington County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Drainage Swale, which are classified as a high-quality 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: West View Borough Municipal Water Authority on the Ohio River.

*Outfall 001:* existing discharge, design flow of 0.002 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	10			20
Suspended Solids	25			50
Ammonia Nitrogen				
(5/1 to 10/31)	1.5			
(11/1 to 4/30)	4.5			
Fecal Coliform				
(5/1 to 9/30)	200/100 ml as a geometric mean			
(10/1 to 4/30)	2,000/100 as a geometric mean			
Total Residual Chlorine	1.4			
Dissolved Oxygen	not less than 6.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA0205931**, Sewage, **Menallen Township Sewer Authority**, P. O. Box 576, New Salem, PA 15468.

This application is for renewal of an NPDES permit to discharge treated sewage from Upper Middletown Sewage Treatment Plant in Menallen Township, **Fayette County**.

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

*Outfall 001:* existing discharge, design flow of 0.099 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Fecal Coliform				
(5/ to 9/30)	200/100 ml as a geometric mean			
(10/1 to 4/30)	7,500/100 as a geometric mean			
Total Residual Chlorine	1.4			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

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

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

**WQM Permit No. 6703409**, Sewerage, **Paul S. Deal**, 880 Fickes Road, Dillsburg, PA 17017. This proposed facility is located in Warrington Township, **York County**. Description of Proposed Action/Activity: Transfer of Permit.

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

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

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

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

*NPDES Permit*

<i>No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI011504078	James E. Twaddell Twaddell Subdivision 1343 Hill Top Road Chester Springs, PA 19425	Chester	East Nantmeal Township	Beaver Run (HQ-TSF-MF)
PAI01 1504079	William Mangan McKenzie Brew House 133 Hedgerow Lane West Chester, PA 19380-6503	Chester	East Whiteland Township	Valley Creek (EV)
PAI01 1504080	Capital Specialities Capital Specialities Bldg Addition 15 Commerce Boulevard West Grove, PA 19390	Chester	Penn Township	Unnamed Tributary East Branch Big Elk Creek (HQ-TSF-MF)

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

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

*NPDES Permit*

<i>No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023904036	Opus East, LLC 620 W. Germantown Pike Ste. 200 Plymouth Meeting, PA 19462	Lehigh	Upper Macungie Township	Little Lehigh Creek, HQ-CWF

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

*NPDES Permit*

<i>No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024804039	Bethlehem Area School District 1516 Sycamore St. Bethlehem, PA 18017	Northampton	Bethlehem Township	Monocacy Creek, HQ-CWF - and - Nancy Run, (source to SR3007 bridge), CWF, MF
PAI024804040	Easton Area School District 811 Northampton St. Easton, PA 18042	Northampton	Forks Township	Bushkill Creek, HQ-CWF

*Pike County Conservation District: HC6, Box 6770, Hawley, PA 18428, (570) 226-8220.*

*NPDES Permit*

<i>No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI025204010	Worthington Distribution Richard Scholl P. O. Box 306 Paupack, PA 18451	Pike	Palmyra Township	Blooming Grove Creek Basin, HQ-CWF; Mill Brook Basin, HQ-CWF

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



<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10Q202-R	Alexander G. Tamerler 1628 Barkwood Dr. Orefield, PA 18069	Lehigh	Lower Macungie Township	Little Lehigh Creek, HQ-CWF
PAI023904037	Good Shepard Rehabilitation 543 St. John St. Allentown, PA 18103	Lehigh	City of Allentown	Spring Creek, HQ-CWF
PAI023904038	Ridgeview Limited Partners 1390 Ridgeview Dr. Allentown, PA 18104	Lehigh	South Whitehall Township	Little Lehigh Creek, HQ-CWF

*Wayne County Conservation District: Ag Service Center, 470 Sunrise Ave., Honesdale, PA 18431, (570) 253-0930.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI026404007	Honesdale Borough 958 Main St. Honesdale, PA 18431	Wayne	Honesdale Borough	Dyberry Creek, HQ-CWF, MF; West Branch of Lackawaxen River, HQ-TSF, MF; Lackawaxen River, HQ-TSF, MF

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### **NPDES Individual Permit Applications for Discharges of Stormwater Associated with Construction Activities**

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI032204001	King Drive Corporation 4503 N. Front St. Harrisburg, PA 17110	Dauphin	Middle Paxton Township	Fishing Creek/WWF
PAI036704006	American Access Care, LLC 300 Bailey Dr., Ste. 107 Stewartstown, PA 17363	York	Springfield Township	UNT to Seaks Run/HQ-CWF
PAI036704003	Adhesives Research Inc. 400 Seaks Run Rd. Glen Rock, PA 17327	York	Springfield Township	Seaks Run/HQ-CWF
PAI032104002	D&S Custom Homes 195 E. Yellow Breeches Creek Rd. Carlisle, PA 17013	Cumberland	Dickinson Township	Yellow Breeches Creek/HQ-CWF
PAI033104002	Bonney Forge, Inc. P. O. Box 330 Mount Union, PA 17066-0330	Huntingdon	Shirley Township	UNT of Juniata River/HQ-CWF

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

*Conservation District: Erie Conservation District, (814) 825-6403*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI062504002	Presque Isle Downs Technica Dev, 1480 South Shore Drive, Erie, PA 16505	Erie	City of Erie	Motsch Run and Cemetery Run WWF; MF
PAI064204003	SR 029 C09 Bradford Bypass Dept. of Transportation 1924-30 Daisy Street, P. O. Box 342 Clearfield, PA 16830	McKean	City of Bradford	Tunungwant Creek WWF, West Branch Tunungwant Creek CWF, Bolivar Run CWF

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

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

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### **MS4 Notices of Intent Received**

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>	<i>DEP Protocol (Y/N)</i>
PAI132239	Lehigh County 17 South Seventh St. Allentown, PA 18101	Lehigh		Little Lehigh Creek, HQ-CWF; Jordan Creek, TSF, MF; Lehigh River, TSF	Y
PAI132219	Bushkill Township 1114 Bushkill Center Road Nazareth, PA 18064	Northampton	Bushkill Township	Bushkill Creek, HQ-CWF; Monocacy Creek, HQ-CWF	Y
PAI132211	Pennsylvania Department of Corrections P. O. Box 598 Camp Hill, PA 17001-0598	Wayne	Canaan Township	Middle Creek, HQ-CWF	Y

**MS4 Notices of Intent Received**

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>	<i>DEP Protocol (Y/N)</i>
PAG136363	Forward Township 500 Liggett Avenue Monongahela PA 15063	Allegheny	Forward Township		Y

**PUBLIC WATER SUPPLY (PWS) PERMIT**

Under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17), the following parties have applied for a PWS permit to construct or substantially modify a public water system.

Persons wishing to comment on a permit application are invited to submit a statement to the office listed before the application within 30 days of this public notice. Comments received within the 30-day comment period will be considered in the formulation of the final determinations regarding the application. Comments should include the name, address and telephone number of the writer and a concise statement to inform the Department of Environmental Protection (Department) of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held after consideration of comments received during the 30-day public comment period.

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

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

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

**SAFE DRINKING WATER**

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

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

**Permit No.0904511, Public Water Supply**

Applicant	<b>Doylestown Township Municipal Authority</b>
Township	Doylestown
County	<b>Bucks</b>
Responsible Official	Richard E. John 425 Wells Road Doylestown, PA 18901
Type of Facility	PWS
Consulting Engineer	SC Engineers, Inc. 3446 Eton Road Allentown, PA 18104
Application Received Date	November 10, 2004
Description of Action	Add the addition chemical (SeaQuest—blended poly-orthophosphate) at Central Well No. 3 for general corrosion control; also add an addition of the same chemical at the Ridings Well for iron and manganese sequestration.

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

**Permit No. 5403504, Public Water Supply**

Applicant	<b>Borough of Schuylkill Haven</b>
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Township or Borough North Manheim Township  
 County **Schuylkill County**  
 Responsible Official Jack B. Travis, Borough  
 Treasurer  
 Schuylkill Haven Borough  
 Building  
 12 West Main Street  
 Schuylkill Haven, PA 17972-1900  
 (570) 385-8241

Type of Facility Community Water System  
 Consulting Engineer James P. Palumbo, Jr., P. E.  
 Quad 3 Group, Inc.  
 37 North Washington Street  
 Wilkes-Barre, PA 18701  
 (570) 829-4200

Application Received September 1, 2004  
 Date

Description of Action The application involves  
 construction of a new 2 mgd  
 package filtration facility at the  
 existing Tumbling Run water  
 treatment plant site, along with  
 rehabilitation of other existing  
 control facilities at the site.

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

**Permit No. 0104505**, Public Water Supply.

Applicant **The Meadows Home Owners Association**  
 Municipality Cumberland Township  
 County **Adams**  
 Responsible Official Wayne Hill, Manager  
 P. O. Box 3038  
 828 Biglerville Road  
 Gettysburg, PA 17325-0038

Type of Facility Public Water Supply  
 Consulting Engineer Richard M. Bodner, P. E.  
 Martin and Martin, Inc.  
 37 S. Main St.  
 Chambersburg, PA 17201

Application Received November 9, 2004  
 Date

Description of Action The construction of Well No. 2 as  
 a source of supply. Replacement  
 of the existing wooden storage  
 tank and iodine disinfection  
 system with a new tank and  
 chlorination. The softening  
 system will also be resized to  
 increase capacity.

**Permit No. 2204508**, Public Water Supply.

Applicant **Steelton Borough Authority**  
 Municipality Steelton Borough  
 County **Dauphin**  
 Responsible Official Michael Musser,  
 Secretary/Treasurer  
 123 N. Front Street  
 Steelton, PA 17113

Type of Facility Public Water Supply

Consulting Engineer Randolph S. Bailey, P. E.  
 Navarro & Wright Consulting  
 Engineers, Inc.  
 151 Reno Avenue  
 New Cumberland, PA 17070

Application Received November 12, 2004  
 Date

Description of Action Installation of chlorine booster  
 station, replacement of booster  
 pumps for the high pressure  
 zone and replacement of valving  
 and piping at various locations.

**Permit No. 3804503**, Public Water Supply.

Applicant **Eastern Lebanon County School District**  
 Municipality Jackson Township  
 County **Lebanon**  
 Responsible Official George G. Rohr, Dir. of Facilities  
 & Maintenance  
 180 Elco Dr  
 Myerstown, PA 17067-2697  
 Type of Facility Public Water Supply  
 Consulting Engineer John T. Boyer Sr., P. E.  
 The Boyer Partnership, Inc.  
 1435 11th Avenue  
 Altoona, PA 16601

Application Received November 15, 2004  
 Date

Description of Action Installation of a nitrate  
 treatment system.

#### MINOR AMENDMENT

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

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

**Application No.**, Minor Amendment.

Applicant **Lehigh County Authority (Central Lehigh Division)**  
 Township or Borough Upper Macungie Township  
**Lehigh County**  
 Responsible Official Aurel M. Arndt, General  
 Manager  
 Lehigh County Authority  
 1053 Spruce Street  
 P. O. Box 3348  
 Allentown, PA 18106-0348  
 (610) 398-2503

Type of Facility Community Water System  
 Consulting Engineer Michael A. Barron, P. E.  
 Lehigh County Authority  
 1053 Spruce Street  
 P. O. Box 3348  
 Allentown, PA 18106-0348  
 (610) 398-2503

Application Received November 10, 2004  
 Date

Description of Action	Application for replacement of existing chlorine gas disinfection with sodium hypochlorite disinfection at four supply well locations to include WL-3, WL-5, WL-6 and WL-9.
<i>Northwest Region: Water Supply Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.</i>	
<b>Application No.</b>	<b>2789-T1-MA4</b> , Minor Amendment
Applicant	<b>Erie City Water Authority</b>
Township or Borough	Millcreek Township, <b>Erie County</b>
Responsible Official	Christopher J. Heberd, Chief Operating Officer
Type of Facility	PWS
Application Received Date	November 15, 2004
Description of Action	Installation of approximately 3,730 lf of 12" di water mains along Zimmerly and Old Zuck Roads in Millcreek Township; installation of 500 gpm pre-engineered factory built booster station.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995

#### PREAMBLE 1

#### Acknowledgment of Notices of Intent to Remediate Submitted under the Land Recycling and 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:

*Northeast Regional Field Office: Joseph A. Brogna, Environmental Cleanup Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.*

**Union Trade Center**, City of Pottsville, **Schuylkill County**. Joseph T. McNally, Principal Hydrogeologist, GeoServices, LTD, 1525 Cedar Cliff Drive, Camp Hill, PA. 17011 has submitted a Notice of Intent to Remediate (on behalf of Hope Towers Associates, LLC, 1530 Mount Hope Avenue, Pottsville, PA 17901) concerning the remediation of soils found to have been impacted by petroleum hydrocarbons, PCBs and inorganics as the result of historical operations. The applicant proposes to remediate the site to meet the Special Industrial Area standard. The proposed future use of the property will be for retail and/or commercial activity. A summary of the Notice of Intent to Remediate is expected to be published shortly in a local newspaper serving the general area.

**Bellomo Property, Dupont Borough, Luzerne County**. Eric Monsen, Project Manager, Buck Environmental Labs, Inc., 3821 Buck Drive, P. O. Box 5150, Cortland, NY 13045 has submitted a Notice of Intent to Remediate (on behalf of his client, Jesse Bellomo, Ziegler Street, Dupont, PA 18641) concerning the remediation of soils found to have been contaminated with no. 2 fuel oil constituents as the result of an accidental release related to a home heating oil tank. 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. The proposed future use of the property is continuation as a private residence. A Final Report was simultaneously submitted.

**Scot Truck Stop, Sterling Township, Wayne County**. Kevin McAllister, P. G., URS Corporation, 335 Commerce Drive, Fort Washington, PA 19034 has submitted a Notice of Intent to Remediate (on behalf of his client, Richard Blackburn, BP Products North America, Inc., 1 West Pennsylvania Avenue, Towson, MD 21204) concerning the remediation of soils and groundwater found or suspected to have been impacted by petroleum products. The applicant proposes to remediate the site to

meet the Site-specific standard. The intended future use of the property will remain nonresidential. 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.

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

**McCoy Electronics Facility**, Mercersburg Borough, **Franklin County**. Weston Solutions, Inc., 1400 Weston Way, West Chester, PA 19380, on behalf of Spirit Washers, 95 Fox Road, Mercersburg, PA 17236, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with VOCs. The Mercersburg site is expected to be used in the future for industrial/commercial purposes. The applicant seeks to remediate the site to a Statewide Health standard.

**Defense Distribution Depot Susquehanna, Pennsylvania (DDSP)**, Fairview Township, **York County**. Weston Solutions, 1400 Weston Way, West Chester, PA 19380, on behalf of DDSP, 2001 Mission Drive, New Cumberland, PA 17070, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with solvents and BTEX compounds. The site will be remediated to a Site-Specific standard.

**Sunline Coach Company**, East Cocalico Township, **Lancaster County**. ARM Group, Inc. 1129 West Governor Road, P. O. Box 797, Hershey, PA 17033, on behalf of Sunline Coach Company, 245 South Muddy Creek Road, Denver, PA 17517, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with No. 2 heating oil. The site will be remediated to a Site-Specific standard.

**Mobil Service Station No. 15H22**, City of Lebanon, **Lebanon County**. B & B Diversified Enterprises, Inc., 125 Analomink Street, East Stroudsburg, PA 18301, on behalf of Roger Pickett, 1057 South Locust Street, Elizabethtown, PA 17022, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with unleaded gasoline. The site will be remediated to a Site-Specific standard.

#### MUNICIPAL WASTE GENERAL PERMITS

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

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

**General Permit Application No. WMGM031. Waste Management and Processors, Inc.**, Main Street, P. O. Box K, Frackville, PA 17951.

The Department of Environmental Protection, Bureau of Land Recycling and Waste Management has received an application for General Permit Number WMGM031. The application is for the processing and beneficial use by blending: (1) Class B biosolids, (2) Gilberton Coal Ash and (3) other odor absorbing materials (that is, pulp and paper mill sludge, woodchips or sawdust) for land application for mine reclamation purposes at the Reading Anthracite Buck Run Strip Mine. The Department determined the application to be administratively complete on November 16, 2004.

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

#### 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.**

*Northeast Region: Regional Solid Waste Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

**Permit Application No. 101615. Commonwealth Environmental Systems Landfill**, Commonwealth Environmental Systems, L. P., P. O. Box 249, Dunmore, PA 18512. A Major Permit Modification for the construction of a landfill gas pipeline at this municipal waste landfill located in Foster Township, **Schuylkill County**, to provide an adjacent property owner with fuel to fire an industrial boiler. The project includes the installation of a 12" diameter high-density polyethylene pipe from the existing blower skid for the enclosed ground flare at CES Landfill, to a delivery point located near the site entrance on PA Route 25. The pipe will transition to a 14" diameter pipe prior to leaving the site. CES Landfill's ownership of the pipeline will end at the property line. Keystone Potato Products, LLC will own the pipeline from the CES Landfill's property line to their plant. The pipeline will cross PA Route 25 outside of the CES Landfill's property line and will, therefore, be the responsibility of Keystone Potato Products, LLC from that point on. The application was received in the Regional Office on November 4, 2004, and it was found to be administratively complete as of November 10, 2004.

**Permit Application No. 100932. Environmental & Recycling Services, Inc.**, 1100 Union Street, Taylor, PA 18517. A Major Permit Modification to construct and operate an active landfill gas collection/control system at this construction/demolition waste landfill located in Taylor Borough, **Lackawanna County**. This application also requests authorization from the Department of Environmental Protection to complete minor improvements to the final cover and gas management system serving the "Closed" Amity Sanitary Landfill, located within the same site. The application was received in the Regional Office on October 25, 2004, and was found to be administratively complete as of November 10, 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 permit-

ting process more efficient for the Department, the regulated community and the public. This approach allows the owner or operator of a facility to complete and submit all the permitting documents relevant to its application one time, affords an opportunity for public input and provides for sequential issuance of the necessary permits.

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

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

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

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

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

#### PLAN APPROVALS

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

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

**66-315-045: The Procter and Gamble Paper Products, Co.** (P. O. Box 32, Mehoopany, PA 18629) for modification of an air cleaning device (11 East Baghouse) in the baby care area at their facility on Route 87, Washington Township, **Wyoming County**.

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

**36-05026A: RR Donnelley and Sons Co.** (1375 Harrisburg Pike, Lancaster, PA 17601) for installation of a new heatset web offset printing press and regenerative

thermal oxidizer at the Lancaster West facility in Lancaster City, **Lancaster County**.

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

**32-00379A: Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001) to erect and operate a portable coal crusher at Stiles Surface Mine in Buffington Township, **Indiana County**.

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

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

**40-312-044: Scranton-Altoona Terminals Corp.** (P. O. Box 2621, Harrisburg, PA 17105) for construction of a five lane truck loading rack and vapor recovery unit at their bulk terminal facility, in Pittston Township, **Luzerne County**. This facility is not a Title V facility. The loading rack and VRU will replace the existing loading rack and VRU which will be removed from the facility. VOC emissions from the loading rack will be 37.26 tons per year, of which, 6.17 tons per year will be HAPs. The loading rack is subject to Subpart XX of the Federal Standards of Performance for New Stationary Sources for Bulk Gasoline Terminals, 40 CFR 60.500-60.506. The plan approval will include all appropriate monitoring, record keeping, and reporting requirements designed to keep the sources operating within all applicable air quality requirements.

**54-399-036: GHM, Inc.** (17 Pinedale Industrial Road, Orwigsburg, PA 17961) for construction of a fiberglass water and foam storage tank manufacturing process, in the Deer Lake Industrial Park, West Brunswick Township, **Schuylkill County**. This facility is not a Title V facility. Hazardous Air Pollutant emissions from the process will be less than 9.99 tons per year. The facility will be required to record the gelcoat and resin usage and calculate the monthly VOC and HAP emissions. The plan approval will include monitoring, work practices, recordkeeping and reporting requirements designed to keep the sources and facility operating within all applicable air quality requirements.

**48-322-005: Grand Central Sanitary Landfill, Inc.** (1963 Pen Argyl Road, Pen Argyl, PA 18072) for installation and operation of one additional 5,000 scfm capacity enclosed flare system to destroy landfill gas from the inactive and active areas of their landfill in Plainfield Township, **Northampton County**. This action does not represent any additional waste being introduced into the landfill or the expansion of the landfill, merely the installation of a control device. No additional gas is being generated since the gas generation is based on the size and volume of the landfill. The company has proposed no other changes. The VOC emissions from the landfill will be controlled by enclosed landfill gas flares and will continue to be less than 50 tons per year. The Plan Approval and Operating Permit will include stack testing requirements, emission restrictions, work practice standards and monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements. The facility cur-

rently has a Title V Operating Permit No. 48-00032. 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. For further details, contact Mark Wejkszner.

**39-309-061: Lafarge North America** (5160 Main Street, Whitehall, PA 18052) for replacement/installation of an air cleaning device (fabric collector) on the H5/H6 homogenizing silos at their Whitehall Plant in Whitehall Township, **Lehigh County**. The particulate emissions from the fabric collector will not exceed the Best Available Technology standard of 0.02 grain/dscf and will result in a maximum particulate emission rate of 7.5 tons per year. The Plan Approval and Operating Permit will contain emission restrictions, work practice standards and monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements. The facility currently has a Title V Operating Permit No. 39-00011. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the Title V Operating Permit through an administrative amendment at a later date.

#### OPERATING PERMITS

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

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

**54-00005: Wheelabrator Frackville Energy Co., Inc.** (475 Morea Road, Frackville, PA 171931) for operation of a CFB Boiler, Coal and Ash handling equipment and Emergency Generator in Mahanoy Township, **Schuylkill County**. This action is a renewal of the Title V Operating Permit issued in 1999.

**39-00018: Stanley Vidmar Storage Technologies, Inc.** (11 Grammes Road, Allentown, PA 18105) for the operation of Spray booths, Bake Ovens, Drying Ovens, Gas Heaters and Ceiling Heaters in City of Allentown, **Lehigh County**. This action is a renewal of the Title V Operating Permit issued in 1999.

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

**06-05035: The Glidden Co.—dba ICI Paints North America** (301 Bern Street, Reading PA 19601-1252) for operation of a paint manufacturing facility in the City of Reading, **Berks County**. The facility is subject to emission limits for Hazardous Air Pollutants. This action is a renewal of the Title V Operating Permit issued in 2000.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, Mark Wayner, Facilities Permitting Chief, (412) 442-4174.*

**04-00044: Horsehead Corp.** (300 Frankfort Road, Monaca, PA 15061) for a significant modification to the Title V Operating permit for their Monaca Smelter facility in Potter Township, **Beaver County**. The facility operates a zinc smelter and power plant at this facility. The modification will change the responsible official, impose Federally enforceable emission caps, allow trading between sources with Federally enforceable emission caps, allow SO<sub>2</sub> emissions from the power plant to increase while simultaneously decreasing SO<sub>2</sub> emissions from the sinter line, prohibit the operation of the fluid-

ized bed roaster, and result in an overall SO<sub>2</sub> emissions decrease of 382 tons annually.

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

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

**23-00056: Honeywell, Inc.**, (6100 Philadelphia Pike, Claymont, DE 19703) for a non-Title V, State Only, Natural Minor Operating Permit in the Borough of Marcus Hook, **Delaware County**. This operating permit is for their boron trifluoride production plant, and the main emissions from this facility are boron trifluoride gas, hydrogen fluoride vapor, particulate matter, and sulfur oxides. Absorbers, scrubbers and demisters are used to control emissions of boron trifluoride and hydrogen fluoride vapor. Dust collectors control particulate matter emissions. Monitoring, record keeping and reporting requirements have been added to the permit to address applicable limitations.

**46-00213: Cremation Society of PA** (371 E. Church Rd.) for operation of a human crematorium in Upper Merion Township, **Montgomery County**. The permit is for a non-Title V (State only) facility. The major sources of air emissions is one human crematorium rated at 0.6 MMBtu/hr primary combustion and 1.3 MMBtu/hr secondary combustion. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

**22-03021: A. P. Green Refractories, Inc.** (105 North Wood Street, Middletown, PA 17057) for manufacture of refractory products controlled by two fabric collectors in Middletown Borough, **Dauphin County**. This is a non-Title V (State-only) facility. The plant has the potential to emit approximately 2.7 tons per year of particulate. The permit will include appropriate conditions designed to keep the plant operating within all applicable air quality requirements.

**36-03002: High Concrete Structures, Inc.** (125 Denver Road, Denver, PA 17517) for operation of a sandblasting booth and storage silos at the concrete batch plant in East Cocalico Township, **Lancaster County**. The maximum particulate emissions from this equipment are 10 tons per year. The State-only operating permit shall contain testing, monitoring, recordkeeping and reporting requirements, and work practice standards designed to keep the facility operating within all applicable air quality requirements.

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

**41-00059: Stroehmann Bakeries, L.C.** (3375 Old Lycoming Creek Road, Williamsport, PA 17701) for operation of a bread and roll baking facility in Old Lycoming Township, **Lycoming County**.

The facility incorporates two bread/roll baking ovens and various ancillary operations. The ovens are equipped with a catalytic oxidizer to control the emission of ethanol, a volatile organic compound. The air contaminant emissions from this facility should not exceed 54.67

tons of carbon monoxide, 11.45 tons of nitrogen oxides, .78 tons of particulate matter (including PM 10 or particulate matter with an aerodynamic diameter of ten or less microns), .06 ton of sulfur oxides, 34.18 tons of volatile organic compounds and 2.29 tons of hazardous air pollutants per year at the facility's theoretical maximum production rate.

The respective facility is not a major (Title V) facility for any air contaminant.

The Department of Environmental Protection proposes to incorporate into the operating permit to be issued for this facility all conditions contained in existing Operating Permit OP-41-0001A. These conditions include a requirement that the catalytic oxidizer destroy at least 95% of the volatile organic compounds ducted to it and that the resultant volatile organic compound emission rate from the oxidizer not exceed 1.65 pounds per hour, a requirement that the volatile organic compound emissions from the pre-bake operations associated with the two ovens be no greater than 3.65 pounds per hour and a requirement that the inlet and outlet temperatures of the catalytic oxidizer's catalyst bed be continuously monitored and recorded.

The Department of Environmental Protection also proposes to establish some new requirements pertaining to testing, record keeping and reporting. The conditions include a requirement that the catalytic oxidizer be stack tested once during the 5 year term of the operating permit, a requirement that the catalytic oxidizer's catalyst be tested for integrity and performance on an annual basis and requirements that appropriate records be maintained to demonstrate compliance with the various volatile organic compound emission limitations specified in the operating permit.

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

**S04-011: Friends Hospital** (4641 Roosevelt Boulevard, Philadelphia, PA 19124) for operation in the City of Philadelphia, **Philadelphia County**. The facilities air emission sources include three 400 HP boilers, one 300,000 Btu/hr boiler, and four emergency generators.

The operating permit will be reissued under the Pennsylvania Code Title 25, Philadelphia Code Title 3 and Air Management Regulation XIII. Permit copies and other supporting information are available for public inspection at AMS, 321 University Avenue, Philadelphia, PA 19104. For further information, contact Edward Wiener at (215) 685-9426.

Persons wishing to file protest or comments on the above operating permit must submit the protest or comments within 30 days from the date of this notice. Any protests or comments filed with AMS must include a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based. Based upon the information received during the public comment period, AMS may modify the operating permit or schedule a public hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a local newspaper at least thirty days before the hearing.

## COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the

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

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

Written comments, objections or requests for informal conferences on applications may be submitted by any person or any officer or head of any Federal, State or local government agency or authority to the Department at the district mining office indicated before an application within 30 days of this publication, or within 30 days after the last publication of the applicant's newspaper advertisement, as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34.

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

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

### *Coal Applications Received*

#### *Effluent Limits*

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



<i>Parameter</i>	<i>30-day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
iron (total)	3.0mg/l	6.0mg/l	7.0mg/l
manganese (total)	2.0mg/l	4.0mg/l	5.0mg/l
suspended solids	35 mg/l	70 mg/l	90 mg/l
pH <sup>1</sup>		greater than 6.0; less than 9.0	
alkalinity greater than acidity <sup>1</sup>			

<sup>1</sup>The parameter is applicable at all times.

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

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

**56990102 and NPDES Permit No. PA0235105. Ritchie Trucking & Excavating, Inc.**, 19709 Winner View Terrace, Frostburg, MD 21532, surface mining permit renewal in Elk Lick Township, **Somerset County**, affecting 87.8 acres. Receiving streams: Tub Mill Run, unnamed tributaries to Tub Mill Run, unnamed tributaries Casselman River and Casselman River classified for the following uses: CWF and WWF. There are no potable water supply intakes within 10 miles downstream. Application received October 18, 2004.

**32990104 and NPDES Permit No. PA0235059. A.B.M. Mining Company**, 3330 Johnston Road, Smicksburg, PA 16256, surface mining permit renewal in Grant Township, **Indiana County**, affecting 112.0 acres. Receiving streams: unnamed tributaries to Little Mahoning Creek classified for the following uses: high quality-cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received October 19, 2004.

**11890201 and NPDES Permit No. PA0598569. Greenley Energy Holdings of PA, Inc.**, 153 Wilson Street, Central City, PA 15926, surface mining permit renewal for reclamation only in Scalp Level Borough, Cambria County, affecting 9.7 acres. Receiving streams: Little Paint Creek classified for the following uses: cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received November 10, 2004.

**56890110 and NPDES Permit No. PA0598551. Hoffman Mining, Inc.**, P. O. Box 130, 118 Runway Road, Friedens, PA 15541, surface mining permit renewal in Shade Township, **Somerset County**, affecting 67.6 acres. Receiving streams: Whiskey Run to Dark Shade Creek classified for the following uses: cold water fishery. The first downstream potable water supply intake from the point of discharge is Cambria Somerset Authority Stonycreek Surface Water Withdrawal. Application received October 18, 2004.

**56703120 and NPDES Permit No. PA0607622. Jenners, Inc.**, P. O. Box 171, Shelocta, PA 15774, surface mining permit renewal for reclamation only in Jenner Township, **Somerset County**, affecting 580.0 acres. Receiving streams: UNT to/and Hoffman Run and UT to/and Quemahoning classified for the following uses: CWF. The first downstream potable water supply intake from the

point of discharge is Cambria Somerset Authority Quemahoning Surface Water Intake. Application received November 4, 2004.

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

**03000101 and NPDES Permit No. PA0202711. Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001). Renewal application for reclamation only of an existing bituminous surface mine, located in Plumcreek Township, **Armstrong County**, affecting 233 acres. Receiving streams: unnamed tributaries to Cherry Run and Cherry Run; classified for the following use: CWF. There is no potable water supply intake within 10 miles from the point of discharge. Renewal application received: November 10, 2004.

**30960101 and NPDES Permit No. PA0201626. CJ & L Coal** (R. D. 1, Box 133, Jefferson, PA 15234). Revision application to an existing bituminous surface mine to add auger mining and to change land use from forestland to pastureland, located in Morgan Township, **Greene County**, affecting 136 acres. Receiving stream: unnamed tributary to South Fork of Ten Mile Creek; classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Revision application received: November 15, 2004.

**03990110 and NPDES Permit No. PA0202720. Milestone Crushed, Inc.** (521 South Street, Clarion, PA 16214). Renewal application for reclamation only of an existing bituminous surface mine, located in Redbank Township, **Armstrong County**, affecting 81.9 acres. Receiving streams: unnamed tributaries to Redbank Creek and Redbank Creek; classified for the following use: TSF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received: November 18, 2004.

**63990103 and NPDES Permit No. PA0202614. David Breeden Enterprises, Inc.** (P. O. Box 89, Tarentum, PA 15084). Renewal application for reclamation only of an existing bituminous surface mine, located in Somerset Township, **Washington County**, affecting 287.1 acres. Receiving streams: unnamed tributaries to Center Branch of Pigeon Creek; classified for the following use: WWF. The first potable water supply intake within 10 miles downstream from the point of discharge: Ellsworth Borough Water Department. Renewal application received: November 18, 2004.

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

**16910104 and NPDES Permit No. PA0208426. TDK Coal Sales, Incorporated** (P. O. Box 259, Brockway, PA 15824). Renewal of an existing bituminous surface strip, auger, and coal ash placement operation in Madison Township, **Clarion County** affecting 304.3 acres. Receiving streams: Unnamed Tributary of Catfish Run to Catfish Run; Unnamed Tributary to the Allegheny River,

classified for the following use: WWF. There are no potable surface water supply intakes within 10 miles downstream. Application for reclamation only. Application received: November 12, 2004.

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

**54840105R4. Mine Hill Coal Co. No. 7, Inc.**, (P. O. Box 466, Minersville, PA 17954), renewal of an existing anthracite surface mine operation in Cass Township, **Schuylkill County** affecting 272.2 acres, receiving stream: none. Application received November 8, 2004.

**19881301R3 and NPDES Permit No. PA0223549. UAE Coal Corp. Associates**, (P. O. Box 306, Mt. Carmel, PA 17851), renewal of an existing anthracite underground mine operation and NPDES Permit for discharge of treated mine drainage in Conyngham and Mt. Carmel Townships, **Columbia and Northumberland Counties** affecting 34.1 acres, receiving stream: underground mine workings. Application received November 12, 2004.

**54890105R3 and NPDES Permit No. PA0595314. Porter Associates, Inc.**, (P. O. Box 478, Wilkes-Barre, PA 18703), renewal of an existing anthracite surface mine operation and discharge of treated mine drainage in Porter Township, **Schuylkill County** affecting 118.7 acres, receiving stream: East Branch Rausch Creek. Application received November 16, 2004.

*Noncoal Permit Applications Received*

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

**10950301. Big "B" Mining Co.** (153 Beaver Dam Road, Butler, PA 16001-0137). Renewal of NPDES Permit No. PA0226891, Clay Township, **Butler County**, affecting 19.9 acres. Receiving streams: Unnamed Tributary to Stony Run, classified for the following uses: WWF. There are no potable surface water supply intakes within 10 miles downstream. NPDES Renewal application received: November 17, 2004.

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

**08040810. Donald E. Johnson, Jr.** (R. R. 2, Box 284, Towanda, PA 18848). Commencement, operation and restoration of a small industrial minerals (flagstone) permit in Asylum Township, **Bradford County** affecting 5 acres. Receiving stream: unnamed tributary, tributary to Bennetts Creek. Application received: September 29, 2004.

**53040803. Donald R. Reed** (392 Ridge Road, Genesee, PA 16923). Commencement, operation and restoration of a small industrial minerals (sand/gravel) permit in Genesee Township, **Potter County** affecting 5 acres. Receiving stream: tributary to West Branch Genesee River. Application received: September 28, 2004.

**08040811. Carolyn L. Wheaton** (R. R. 3, Box 3276, Laceyville, PA 18623). Commencement, operation and restoration of a small industrial minerals (bluestone) permit in Tuscarora Township, **Bradford County** affecting 3 acres. Receiving stream: unnamed tributary, tributary to Tuscarora Creek. Application received: October 4, 2004.

**08040812. Lyle R. Fenton** (R. R. 1, Box 66, Sugar Run, PA 18845). Commencement, operation and restoration of a small industrial minerals (flagstone-shale) permit in Wilmot Township, **Bradford County** affecting 5

acres. Receiving stream: unnamed tributary, tributary to Panther Lick Creek. Application received: October 12, 2004.

**08040813. Walter Flagstone, Inc.** (R. R. 1, Box 40, Sugar Run, PA 18846). Commencement, operation and restoration of a small industrial minerals (bluestone) permit in Wilmot Township, **Bradford County** affecting 5 acres. Receiving stream: Sugar Run Creek. Application received: October 28, 2004.

## FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

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

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

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

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

### WATER OBSTRUCTIONS AND ENCROACHMENTS

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

**E45-472. Pennsylvania Department of Transportation**, Engineering District 5-0, 1713 Lehigh Street, Allentown, PA 18103-4727, in Tobyhanna Township, Monroe County and Kidder Township, **Carbon County**, U. S. Army Corps of Engineers, Philadelphia District.

To remove the existing eastbound and westbound structures and to construct and maintain a pre-stressed con-

crete I-beam bridge having a single normal span of 121 feet on a 60° skew and an underclearance of approximately 16.88 (eastbound) and a prestressed concrete I-beam bridge having a single normal span of 121 feet on a 60° skew and an underclearance of approximately 16.3 feet (westbound) across Tunkhannock Creek (HQ-CWF). The project also includes a de minimus area of wetland impact equal to 0.04 acre for the purpose of widening the existing roadways and total stream impacts of approximately 150 lf. The project is located along S.R. 0080, section 01B at the Monroe/Carbon County line. (Blakeslee, PA Quadrangle N: 14.0 inches; W: 12.5 inches).

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

**E53-405. Harrison Township**, P. O. Box 92, Harrison Valley, PA 16729. T-479 bridge replacement across Cowanesque River, Harrison Township, **Potter County**, ACOE Baltimore District (Harrison Valley, PA Quadrangle N: 11.7 inches; W: 3.3 inches).

To remove an existing bridge and to construct, operate and maintain a single span prestressed concrete box beam bridge that will carry T-479 across the Cowanesque River (Cold Water Fishery). The single span T-479 bridge shall be constructed with a minimum clear span of 90 feet. The bridge will also be constructed with a minimum underclearance of 6.15 feet, skew of 55°, and reinforced concrete abutments and wingwalls. All in-stream bridge appurtenances shall be constructed during stream low flow. Since the Cowanesque River is a stock trout fishery, no construction or future repair work shall be done in or along the stream channel between March 1 and June 15 without prior written permission from the Pennsylvania Fish and Boat Commission. As proposed, the bridge construction project permanently impact 0.0457 acre of wetlands and 200 feet of the Cowanesque River. The project is located along the eastern right-of-way of SR 0049 approximately 500 feet east of T-429 and SR0049 intersection. This permit also authorizes construction, operation, maintenance and removal of temporary roadway, cofferdams and/or stream diversions. If any altered or added design element is proposed for the temporary structures that were reviewed and approved for issuing

this permit, then the permittee shall submit those proposed design revisions to the Department for review and written approval prior to any design changes being made to the temporary structures.

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

**E25-688, BTDD, LTD.**, 101 Lakemont Park Blvd., Altoona, PA 16602. Tract 310 Development in Millcreek Township, **Crawford County**, ACOE Pittsburgh District (Swanville, PA Quadrangle N: 13.0 inches; W: 7.5 inches).

The applicant proposes to prepare a property for development approximately 400 feet NE of the intersection of SR 20 and Asbury Road (Swanville, PA Quadrangle N: 13.0 inches; W: 7.5 inches) in Millcreek Township, Erie County involving 1) to place fill in the floodway of Spring Run having a length of approximately 240 feet, a width of approximately 50 feet and a depth of approximately 12 feet and 2) to construct and maintain an approximately 50-foot long, 14.5-foot wide by 8-foot high CMP pipe arch culvert in Spring Run. Spring Run is a perennial stream classified as a cold water fishery and a migratory fishery.

#### ENVIRONMENTAL ASSESSMENTS

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

**EA01-003. Gettysburg National Battlefield Museum Foundation**, 6259 Reynolds Mill Road, Seven Valleys, PA 17360 in Cumberland Township, **Adams County**, ACOE Baltimore District.

The National Park Service and Gettysburg National Battlefield Museum Foundation are requesting Environmental Assessment Approval to restore 530 linear feet of an unnamed tributary to Rock Creek, locally called Guinn Run, and create 840 linear feet of channel associated with the removal of three on stream ponds located just south of Hunt Avenue (Gettysburg, PA Quadrangle N: 11.2 inches; W: 14.7 inches) in Cumberland Township, Adams County. The project will implement a natural stream channel design using bed sills, single and double toe boulders, and boulder step pools. The project will impact 0.21 acre of palustrine forested wetland. The applicant proposes to create 0.45 acre of replacement wetlands.

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## ACTIONS

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### 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

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PAR100416-R (Stormwater/ Construction)	Four Star Associates 3121-C Mount Joy Road Mount Joy, PA 17552	Lancaster County Rapho Township	Chickies Creek/TSF	Y
PA0007625 (Industrial Waste)	Hedstrom Corporation P. O. Box 432 Bedford, PA 15522-0432	Bedford County Bedford Township	Raystown Branch Juniata River/11-C	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N</i>
PA0092886 Sewage	Southeastern Greene School District 1000 Mapleton Road Greensboro, PA 15338	Greene County Monongahela Township	Unnamed Tributary of Whiteley Creek	Y
PA0094617	Robbie Coal & Fuel Inc. 1159 University Drive Dunbar, PA 15431	Fayette County Georges Township	Unnamed Tributary of York Run	Y
PA0098558	Fox Den Acres Campground Wilson Fox Road New Stanton, PA 15672-9801	Westmoreland County Hempfield Township	Unnamed Tributary of Sewickley Creek	Y
PA0218308	Outside In School of Experiential Education R. R. #1, Box 293 Bolivar, PA 15923	Westmoreland County Fairfield Township	Unnamed Tributary of Hannas Run	Y

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

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

**NPDES Permit No. PA0058815**, Industrial Waste, **Hanover Land Corporation**, 614 East Barnard Street, West Chester, PA 19382. This proposed facility is located in North Coventry Township, **Chester County**.

Description of Proposed Action/Activity: Approval is given for the discharge of treated groundwater into an unnamed tributary to Pigeon Creek.

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

**NPDES Permit No. PA0081353**, Sewage, **Crowe Transportation**, 2388 North Market Street, Elizabethtown, PA 17022. This proposed facility is located in West Donegal Township, **Lancaster County**.

Description of Proposed Action/Activity: Transfer of Permit.

**NPDES Permit No. PA0023540**, Sewage, **Berks Montgomery Municipal Authority**, 136 Municipal Drive, P. O. Box 370, Gilbertsville, PA 19525-0370. This proposed facility is located in Colebrookdale Township, **Berks County**.

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

**NPDES Permit No. PA0007625**, Industrial Waste, **Hedstrom Corporation**, 550 Sunnyside Road, P. O. Box 432, Bedford, PA 15522-0432. This proposed facility is located in Bedford Township, **Bedford County**.

Description of Proposed Action/Activity: Authorization to discharge to the Raystown Branch Juniata River in Watershed 11-C.

**NPDES Permit No. PA0086282**

Final Notice is hereby given that the Department of Environmental Protection, after public notice, has on November 19, 2004, issued a National Pollutant Discharge Elimination System Permit to:

**Permit No. PA 0086282**

**Permittee: Texas Eastern Transmission, L. P. (Grantville Compressor Station)**, 5400 Westheimer Court, Houston, TX 77056.

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

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total PCBs			2.44×10 <sup>-7</sup>

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

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

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

**WQM Permit No. 4004404**, Sewerage, **Camp Orchard Hill, Inc.**, R. R. 3, Box 275, Dallas, PA 18612. This proposed facility is located in Franklin Township, **Luzerne County**.

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

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

**WQM Permit No. 0689407**, Sewerage, **Wade Smith**, 1475 Elverson Road, Elverson, PA 19520. This proposed facility is located in Caernarvon Township, **Berks County**.

Description of Proposed Action/Activity: Transfer of Permit.

**WQM Permit No. 5071404 Amendment 04-1**, Sewerage, **PA DCNR State Parks Bureau**, Rachel Carson State Office Building, P. O. Box 8451, Harrisburg, PA 17105-8451. This proposed facility is located in Juniata Township, **Perry County**.

Description of Proposed Action/Activity: Amendment approving the modification of sewerage facilities at the Little Buffalo State Park STP.

**WQM Permit No. 2182405 Amendment No. 04-1**, Sewerage, **Newburg Hopewell Joint Authority**, 3 West Second Street, Newburg, PA 17240. This proposed facility is located in Hopewell Township, **Cumberland County**.

Description of Proposed Action/Activity: Amendment approving the construction/operation of sewerage facilities consisting of the installation of a new influent pump station, distribution box, final clarifiers, and UV disinfection system.

**WQM Permit No. 3604414**, Sewerage, **Northwestern Lancaster County Authority**, 97 North Penryn Road, Manheim, PA 17545. This proposed facility is located in Penn Township, **Lancaster County**.

Description of Proposed Action/Activity: Approval for the construction/operation of sewerage facilities consisting of the construction of a Sequencing Batch Reactor wastewater treatment facility.

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

**WQM Permit No. 0204412**, Sewerage, **Marshall Township Municipal Sanitary Authority**, P. O. Box 2063, Warrendale, PA 15086. This proposed facility is located in Marshall Township, **Allegheny County**.

Description of Proposed Action/Activity: proposing to construct approximately 2,763 feet of 8-inch diameter gravity sewers, approximately 2,906 feet of 4-inch diameter PVC force main, and a submersible type wastewater pumping station to serve the proposed Willow Brook plan of lots.

**WQM Permit No. 0304401**, Sewage, **Municipal Authority of the Borough of Kittanning**, 300 South McKean Street, Kittanning, PA 16021. This proposed facility is located in Kittanning Borough, **Armstrong County**.

Description of Proposed Action/Activity: Approximately 4, 160 feet of new sanitary sewer to reduce the amount of combined flows delivered to the permittee's sewage treatment plant.

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

**WQM Permit No. WQG018324**, Sewerage, **John P Kibbie**, 370 Carbon Center Road, Butler, PA 16002. This proposed facility is located in Summit Township, **Butler County**.

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

**WQM Permit No. 6103402**, Sewerage, **Historical and Museum Commission**, 202 Museum Lane, Titusville, PA 16354. This proposed facility is located in Cherrytree Township, **Venango County**.

Description of Proposed Action/Activity: This project is for a new sewage treatment facility to replace an existing facility at Drake Well Park.

**WQM Permit No. 1604402**, Sewerage, **Clarion Area Authority**, 14 North 5th Avenue, Clarion, PA 16214. This proposed facility is located in Borough of Clarion, **Clarion County**.

Description of Proposed Action/Activity: This project is for the replacement of the Toby Pump Station on Third Avenue.

**WQM Permit No. WQG018326**, Sewerage, **Gary M. McBride Small Flow Treatment Facility**, 16925 Bailey Road, Meadville, PA 16335. This proposed facility is located in Hayfield Township, **Crawford County**.

Description of Proposed Action/Activity: This project is for a small flow treatment facility to serve a commercial warehouse along the north side of State Route 198.

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#### IV. NPDES Stormwater Discharges from MS4 Permit Actions

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#### V. NPDES Waiver Stormwater Discharges from MS4 Actions

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>	<i>DEP Protocol (Y/N)</i>
PAG133668	Ruscombmanor Township 204 Oak Lane Fleetwood, PA 19522	Berks County	Ruscombmanor Twp.	Unnamed trib to Willow Creek/CWF	Y

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10-D119-1	Habitat for Humanity of Bucks County Emerald Hollow—Phase II 340 North Broad Street Doylestown, PA 198901	Bucks	Milford Township	Barrell Run (HQ-TSF)
PAI010904010	Cabot Supermetals Demolition/Site Restoration CSM Building County Line Road Boyertown, PA 19512-1608	Bucks	Nockamixon Township	Rapp Creek (EV)
PAS10-G537	Christopher D. Catania 280 Valley Road Media, PA 19063	Chester	West Brandywine Township	Unnamed Tributary West Branch Brandywine Creek (HQ-TSF-MF)
PAI011504024	Borough of Avondale White Clay Creek Restoration Project P. O. Box 247 Avondale, PA 19311	Chester	Avondale Borough	White Clay Creek (EV)
PAI011504044	Richard and Barbara Becker Becker Development 2901 Coventryville Road Pottstown, PA 19465	Chester	South Coventry Township	Pigeon Creek (HQ-TSF)
PAI011504061	James Mark James Mark Property P. O. Box 63 New London, PA 19360	Chester	East Nottingham Township	Big Elk Creek (HQ-TSF-MF)

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI011504065	Church of the Good Samaritan Connector Bldg and Parking Expan. 212 West Lancaster Avenue Paoli, PA 19301-1723	Chester	Willistown Township	Crum Creek (HQ-WWF)

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023903005	Fieldstone Associates, LP 906A Cross Keys Dr. Doylestown, PA 18901	Lehigh	Upper Macungie Twp.	Little Lehigh Creek, HQ-CWF
PAI024504026	Shawnee Tabernacle Church 16 Carriage Square Tobyhanna, PA 18466	Monroe	Coolbaugh Twp.	Devils Hole Watershed, EV

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI026703002	Roy Jackson Jr. 12391 Glessick School Rd. Felton, PA 17322	York	East Hopewell Twp.	Unt to Rambo Run/EV
PAI030604003	Gray Buck Gardens Inc. 16 Englewood Lane Mohnton, PA 19540	Berks	Robeson Twp.	Beaver Run/HQ,CWF,MF
PAI032903003	Dublin Township Supervisors 29195 Great Cove Rd. Fort Littleton, PA 17223	Fulton	Dublin Twp.	Ltl. Aughwick Creek/TSF, HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10F106 Minor Modification	Rob Cooper Penn State University Office of Physical Plant University Park, PA 16802	Centre	State College Borough	Unt. Big Hollow HQ-CWF
PAS10F088 Minor Modification	Carl Bankert S&A Custom Built Homes 501 Rolling Ridge Dr. Suite 200 State College, PA 16801	Centre	Halfmoon Township	Halfmoon 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 &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Warrington Township Bucks County	PAG2000904152	J & S Development Company Equestrian Court 3470 Limekiln Pike Chalfont, PA 18914	Little Neshaminy Creek (WWF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Warminster Township Bucks County	PAG2000904150	Nicholas Braccia 536 Easton Road Horsham, PA 19044	Little Neshaminy Creek (WWF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Sellersville Borough Bucks County	PAG2000904072	Better Living Homes, Inc. Lawn Avenue Subdivision 2526 NorthBroad Street Colmar, PA 18915	East Branch Perkiomen Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Perkasie Borough Bucks County	PAG2000904149	Bucks Co. Board of Commissioners Reconstruction of BC Bridge 13 55 East Court Street—5th Floor Doylestown, PA 18901	East Branch Perkiomen Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
New Britain Township Bucks County	PAG2000904085	New Britain Corporation Center II New Britain Corporate Center Lot 4 770 Township Line Road Yardley, PA 19067-4200	West Branch Neshaminy Creek (WWF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
East Goshen Township Chester County	PAG2001504092	Terramics/Brandywine Associates Lot 1 Brandywine Business Park 7 Great Valley Parkway, Suite 110 Malvern, PA 19355	Chester Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Valley Township Chester County	PAG2001504059	Valley Farm Associates Valley Farm Development 505.5 Germantown Pike Lafayette Hill, PA 19444	Rock Run and Unnamed Tributary West Branch Brandywine Creek (TSF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Upper Chichester Township Delaware County	PAG2002304055	Upper Chichester Township P. O. Box 2187 Boothwyn, PA 19061	Naaman's Creek (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Whitemarsh Township Montgomery County	PAG200 4604149	Congregation Or Ami 708 Ridge Pike Lafayette Hill, PA 19444	Unnamed Tributary Andorra Creek (CWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Upper Providence Township Montgomery County	PAG2004604034	Lower Perkiomen Valley Regional Sewer Authority Interceptor MH PN1 to PN 38 5 River Road, P. O. Box 297 Oaks, PA 19456	Perkiomen Creek (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900



<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Lower Merion Township Montgomery County	PAG2004604155	Gainsboro Court Associates, LLC 1211 Gainsboro Road Development 1000 Conshohocken Road, Suite 155 Conshohocken, PA 19428	Unnamed Tributary Glanraffen Creek (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Lower Salford Township Montgomery County	PAG2004604136	Striker Properties Richard Tract 111 Crystal Drive Schwenksville, PA 19474	Skippack Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
East Norriton Township Montgomery County	PAG2004604067	Mercy Suburban Hospital 2701 DeKalb Pike Norristown, PA 19401	Stony Brook Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Upper Gwynedd Township Montgomery County	PAG2004604153	Pennbrook Middle School 400 Penn Street Lansdale, PA 19446	Wissahickon Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
City of Philadelphia Philadelphia County	PAG2015104020	New Plan Excel Realty Trust, Inc. Ivy Ridge Shopping Center 1120 Avenue of the Americans New York, NY 10036	Schuylkill River (WWF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Chalfont Borough Bucks County	PAG2000904114	Horace Edgar Cannon Subdivision 1489 Sumneytown Pike Lansdale, PA 19446	West Branch Neshaminy Creek (WWF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Solebury Township Bucks County	PAG2000904132	New Hope Solebury School District Elementary School 180 West Bridge Street New Hope, PA 18938	Unnamed Tributary Delaware River (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Plumstead Township Bucks County	PAG2000904033	John Werner, Inc. John Werner Subdivision 4952 Gloucester Drive Doylestown, PA 18901-9537	Geddes Run/Tohickon Creek (CWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Plumstead Township Bucks County	PAG2000904178	Fred Beans Family of Dealerships Fred Beans Dodge-Chrysler-Jeep Rt 611 and Saw Mill Road Doylestown, PA 18901	Pine Run Tributary to North Branch Neshaminy Creek (TSF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Richland Township Bucks County	PAG2000904162	Richland Township Water Authority Reservoir Road Water Storage Tank 1328 Calinformia Road, Suite D Quakertown, PA 18951	Unnamed Tributary Tohickon Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Hilltown Township Bucks County	PAG2000904113	Barness Land Development, LLC Myers Tract 975 Easton Road Warrington, PA 18976	East Branch Perkiomen Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900

## NOTICES

6455

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Hilltown Township Bucks County	PAG2000904181	Jeffrey HJ. Jacobs Jeffrey and Susan Jacobs Development P. O. Box 149 Creamery, PA 19430	East Branch Perkiomen Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Hilltown Township Bucks County	PAG2000904126	Hillsmith Investment Company Smith Tract 235 North Sycamore Street Newtown, PA 18940	East Branch Perkiomen Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Lower Milford Twp. Lehigh Co.	PAG2003904030	Mary Schaffer P. O. Box 125 Limeport, PA 18060	Saucon Creek, CWF	Lehigh Co. Cons. Dist. (610) 391-9583
Hazle Twp. Luzerne Co.	PAG2004004033	Mericle Humboldt 40, LLC 100 Baltimore Dr. Wilkes-Barre, PA 18702	Catawissa Creek - and - Tomhicken Creek, CWF	Luzerne Co. Cons. Dist. (570) 674-7991
Lancaster County Brecknock Township	PAG2003604111	Glenn Weber 1451 Reading Road Mohnton, PA 19540	Unt Muddy Creek/WWF	Lancaster County Conservation District 1383 Arcadia Road, Room 6 Lancaster, PA 17601-3149 (717) 299-5361
Lancaster County West Hempfield Township	PAG2003604112	D. H. Funk & Sons 3850 Continental Drive Columbia, PA 17552	Chickies Creek/TSF	Lancaster County Conservation District 1383 Arcadia Road, Room 6 Lancaster, PA 17601-3149 (717) 299-5361
Berks County Exeter Township	PAG2000604108	Barrie Pease 650 Pineland Road Birdsboro, PA 19508	Unt Heisters Creek/Owatin Creek/WWF	Berks County Conservation District 1238 County Welfare Road, P. O. Box 520 Leesport, PA 19533 (610) 372-4657, ext 209
Milford Township, Juniata County	PAG2 0334 04 012	Republic Development Corp., P. O. Box 36, Mexico, PA 17056	UNT to East Licking Creek/CWF	Juniata County Conservation District, R. R.#2 Box 302, Mifflintown, PA 17059 (717) 436-8953
Silver Spring, Cumberland County	PAG2-0021-04-049	Triple Crown Corp. Mark Disanto 5351 Jaycee Avenue Harrisburg, PA 17112	Hogestown Run/CWF	Cumberland County Conservation District (717) 240-7812
Lemoyne Borough, Cumberland County	PAG2-0021-04-042	Cornerstone Development Group Mark Cummins One Market Way East York, PA 17405	Susquehanna River/WWF	Cumberland County Conservation District (717) 240-7812
Swatara Township, Dauphin County	PAG2-0022-04-060	Triple Crown Corp 5351 Jaycee Ave Harrisburg, PA 17112	Spring Creek WWF	Dauphin County Conservation District (717) 921-8100
Lower Paxton Township, Dauphin County	PAG2-0022-04-066	Sierra Glen Developers 501 California Ave Harrisburg, PA 17109	Beaver Creek WWF	Dauphin County Conservation District (717) 921-8100

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
City of Harrisburg, Dauphin County	PAG2-0022-04-067	Struever Rouse Homes of Capital Heights LP Joy Bldg. at Tide Point 1040 Hull St. Baltimore, MD 21230	Susquehanna River WWF	Dauphin County Conservation District (717) 921-8100
Dover Township Conewago Township Manchester Township York County	PAG2006704056	Rich Yencha Columbia Gas Transmission Corp. 525 Highlands Blvd., Suite 100 Coatesville, PA 19320	UNT to Fox Run TSF Dover Township Little Conewago Creek TSF Conewago/ Manchester Townships	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717 ) 840-7430
North Codorus Township New Salem Borough York County	PAG2006704090	Eric Barley St. Jacobs United Church of Christ 100 E. George Street York New Salem, PA 17371	S. B. Codorus Creek WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717 ) 840-7430
Newberry Township	PAG2006704113	Raymond Pratt, II Tate Access Floors, Inc. 52 Springvale Road Red Lion, PA 17356	Pine Run CWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717 ) 840-7430
Newberry Township	PAG2006704113	Valley Green Golf Course, 15th Fairway Francis McNaughton Golf Enterprise, Inc. 1227 Valley Green Road Etters, PA 17319	Fishing Creek TSF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717 ) 840-7430
Lower Windsor Township	PAG2006704027	Fred Drenning Copper Beech Tree 2520 Knob Hill Road York, PA 17403	Canadochly Creek & Klines Run WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717 ) 840-7430
Springettsbury Township	PAG2006704099	Robert Sanders 9 Mt. Zion Road York, PA 17402	Mill Creek WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717 ) 840-7430
New Freedom Borough	PAG2006704100	Trailview—2nd Street Townhouses Steve Wheeler US Home A Lennar Co. 19 Newport Dr. Forest Hill, MD 21050	SB Codorus Creek WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717 ) 840-7430
Centre County Ferguson Township	PAR10F120	Carl Bankert S & A Custom Homes 501 Rolling Ridge Dr. State College, PA 16801	Big Hollow CWF	Centre County Conservation District 414 Holmes Ave., Suite 4 Bellefonte, PA 16823 (814) 355-6817
Centre County College Township	PAR10F100R	Ted Onufrak Centre Co. Solid Waste Auth. 253 Transfer Road Bellefonte, PA 16823	Spring Creek CWF	Centre County Conservation District 414 Holmes Ave., Suite 4 Bellefonte, PA 16823 (814) 355-6817

NOTICES

6457

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Lycoming County Clinton Township	PAG2004104012	Thomas Wengerd 235 Hickory Grove Rd. Watsontown, PA 17777	Unt. Black Hole Creek TSF	Lycoming County Conservation District 542 County Farm Road Montoursville, PA 17754 (570) 433-3003
Clarion County Monroe Township	PAG2061604003	Clarion Hospital Professional Building Clarion Development Corporation 117 Doctors Lane Clarion, PA 16214	Courtleys Run/Clarion River-CWF	DEP Northwest Regional Office (814) 332-6942
Erie County City of Erie	PAG2002503015(2)	SR 4034 McCain Avenue Hardinger Parking Lot Schvaro Realty Co. 1314 West 18th Street Erie PA 16502	McDaniel Run WWF; MF	Erie Conservation District (814) 825-6403
Erie County Millcreek Township	PAG2002504033	West 26th Erie GetGo Store ECHO Real Estate Services Co., 701 Alph Drive, Pittsburgh, PA 15238	Separate Municipal Storm Sewer	Erie Conservation District (814) 825-6403
Erie County Harborcreek Township	PAG2002504034	Erie I-90 GetGo Store, ECHO Real Estate Services Co., 701 Alph Drive, Pittsburgh, PA 15238	Unnamed tributary to Fourmile Creek WWF; MF	Erie Conservation District (814) 825-6403
Erie County Summit Township	PAG2002504037	Peach Street Sams Club Wal-Mart Stores Inc. 2001 Se 10th Street Bentonville, AR 72712	UNT to Walnut Creek-CWF; MF	Erie Conservation District (814) 825-6403
Erie County Summit Township	PAR10K175R(1)	Scott's Development Company P. O. Box 3306 Erie, PA 16508	UNT to Walnut Creek(McGahan's Run) CWF; MF	Erie Conservation District (814) 825-6403
Warren County Conewango Township	PAG2006204004	Farm Colony Development Richard Larson JEDL LLC 400 Poplar Street Warren, PA 16365	Conewango Creek-WWF	Warren Conservation District (814) 563-3117

*General Permit Type—PAG-3*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Upper Merion Township Montgomery County	PAR800129	Rolling Frito Lay Sales LP 260 Hansen Access Rd. King of Prussia, PA 19406	Schuylkill River-3F Watershed	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5970
Chester Township Delaware County	PAR800130	Rolling Frito Lay Sales LP 55 MacDonald Blvd. Aston, PA 19014	Chester Creek-3G Watershed	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5970
City of Philadelphia Philadelphia County	PAR600075	Poor Boys Used Auto Parts 532 W. Annsbury St. Philadelphia, PA 19140	Delaware River-3J Watershed	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5970

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Adams County Straban Township	PAR703522	Reliant Energy Hunterstown, LLC P. O. Box 148 1000 Main Street Houston, TX 77002	Rock Creek/WWF	DEP - SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Cambria County City of Johnstown	PAR126106	Pepsi Bottling Group LLC 429 Industrial Park Drive Johnstown PA 15904	Stoneycreek	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh PA 15222-4745 (412) 442-4000
Allegheny County Robinson Township	PAR216146	Universal Specialties Inc. 500 Beaver Grade Road Coraopolis PA 15108	Montour Run Creek	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh PA 15222-4745 (412) 442-4000
Beaver County Center Township	PAR606151	Jerry's Auto Wrecking 101 Constitution Boulevard Monaca PA 15061	Ohio River	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh PA 15222-4745 (412) 442-4000
Allegheny County Moon Township	PAR606152	Jerry's Auto Wrecking 176 Flaugherty Run Road Coraopolis PA 15108	Flaugherty Run	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh PA 15222-4745 (412) 442-4000
Cambria County West Taylor Township	PAR706112	Quaker Sales Corporation P. O. Box 880 Johnstown PA 15907-0880	Conemaugh River	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh PA 15222-4745 (412) 442-4000
Cambria County Susquehanna Township	PAR706113	Quaker Sales Corporation P. O. Box 880 Johnstown PA 15907-0880	West Branch Susquehanna River	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh PA 15222-4745 (412) 442-4000
Mahoning Township, Lawrence County	PAR708321	Dunbar Asphalt Products, Inc. P. O. Box 477 Wheatland, PA 16161	Mahoning River	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

NOTICES

6459

*Facility Location:  
Municipality &  
County*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Redbank Township, Clarion County	PAR608343	Rhodes Salvage Co. P. O. Box 273 New Bethlehem, PA. 16242	Unnamed Tributary to Town Run	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

*General Permit Type—PAG-4*

*Facility Location:  
Municipality &  
County*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Salem Township, Mercer County	PAG048662	James Stevenson 326 Greenville Road Greenville, PA 16125	Unnamed Tributary to Little Shenango River	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Washington Township, Erie County	PAG048310	Richard S. Chapman 1730 Timber Drive Cambridge Springs, PA 16403	Unnamed Tributary of Little Conneautee Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Summit Township, Butler County	PAG049017	John P. Kibbie 370 Carbon Center Road Butler, PA 16002	Unnamed Tributary to Bonnie Brook	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Franklin Township, Erie County	PAG048337	Troy M. Gebhardt 9676 Silverthorn Rd. McKean, PA 16426	Unnamed Tributary of Porter Run	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Wilmington Township, Mercer County	PAG048346	George Junior Republic 233 George Junior Road P. O. Box 1058 Grove City, PA 16127	Unnamed Tributary of Little Neshannock Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Wolf Creek Township, Mercer County	PAG048360	Thomas L. Smith 2942 Scrubgrass Road Grove City, PA 16127-6930	Unnamed Tributary to Slippery Rock Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Delaware Township, Mercer County	PAG048675	Jeremy R. McCartney 310 Baker Hill Rd. Fredonia, PA 16124	Unnamed Tributary Shenango River	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Winslow Township Jefferson County	PAG049015	Soldier Wesleyan Methodist Church Ministries SFTF 84 Reynoldsville-Sykesville Road Reynoldsville, PA 15851	Unnamed Tributary to Soldier Run 17-C	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

*Facility Location:  
Municipality &  
County*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Hayfield Township Crawford County	PAG049019	Gary M. McBride SFTF 16925 Bailey Road Meadville, PA 16335	Unnamed Tributary to Cussewago Creek 16-D	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

*General Permit Type—PAG-5**Facility Location &  
Municipality*

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Upper Dublin Township Montgomery County	PAG050062	Upper Dublin School District 1580 Fort Washington Avenue Maple Glen, PA 19002	Unnamed Tributary to Sandy Run TSF Watershed 3F	Southeast Regional Office 2 East Main Street Norristown, PA 19401
Uniontown Fayette County	PAG056168	Fike's Dairy Inc 47 West Craig Street Uniontown PA 15401	UNT of Redstone Creek	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh PA 15222-4745 (412) 442-4000

*General Permit Type—PAG-8**Facility Location &  
Municipality*

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Site Name &amp; Location</i>	<i>Contact Office &amp; Phone No.</i>
Various	PAG08-9908	Kyler Environmental Services, Ltd. 1269 Piedmont Road Somerset, PA 15501	Various	BWSWM (717) 787-8184

*General Permit Type—PAG-9 (SSN)**Facility Location:  
Municipality &  
County*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Site Name &amp; Location</i>	<i>Contact Office &amp; Phone No.</i>
East Hanover Twp. Dauphin Co.	PAG093507	Bauman Septic Svc 57 Pleasant View Rd. Grantville, PA 17028	Blessing Farm East Hanover Twp. Dauphin Co.	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707

*General Permit Type—PAG-10**Facility Location &  
Municipality*

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Adams County Straban Township	PAG103511	Reliant Energy Wholesale Generation, LLC P. O. Box 148 1000 Main Street Houston, TX 77002	Beaver Dam Creek	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707

*General Permit Type—PAG-13**NPDES  
Permit No.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>	<i>DEP Protocol (Y/N)</i>
PAG133560	Dillsburg Borough 151 S. Baltimore St. Dillsburg, PA 17019	York Co.	Dillsburg Borough	Fishers Run/CWF Dogwood Run/CWF	Y
PAG133562	Monaghan Township 202 S. York Rd. Dillsburg, PA 17019	York Co.	Monaghan Twp.	Stony Run/CWF Yellow Breeches Creek/CWF	Y

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>	<i>DEP Protocol (Y/N)</i>
PAG133656	Dover Township 2480 W. Canal Rd. Dover, PA 17315	York Co.	Dover Twp.	Conewago Creek/WWF Davidsburg Run/WWF Fox Run/WWF	Y
PAG133586	Manchester Borough 225 S. Main St. Manchester, PA 17345	York Co.	Manchester Borough	Musser Run/WWF Hartman Run/WWF	Y
PAG133576	Spring Garden Township 558 S. Ogontz St. York, PA 17403	York Co.	Spring Garden Twp.	Mill Creek/WWF Codorus Creek/WWF	T
PAG133570	Franklin Township 150 Century Lane Dillsburg, PA 17019	York Co.	Franklin Twp.	Unt to Dogwood Run/CWF Unt to Stony Run/CWF Unt to North Branch/WWF	Y
PAG133548	Carroll Township 555 Chestnut Grove Rd. Dillsburg, PA 17019	York Co.	Carroll Twp.	Yellow Breeches Creek/CWF Dogwood Run/CWF Stony Run/CWF	Y
PAG133589	Hellam Township 44 Walnut Springs Rd. York, PA 17046	York Co.	Hellam Twp.	Susquehanna River/WWF Kreutz Creek/WWF	Y
PAG133594	Springettsbury Township 1501 Mount Zion Rd. York, PA 17402	York Co.	Springettsbury Twp.	Codorus Creek/WWF Mill Creek/WWF Kreutz Creek/WWF Dee Run/WWF	Y
PAG133596	City of York One Marketway West Third Floor York, PA 17401-1231	York Co.	York City	Codorus Creek/TSF Willis Run/WWF Kiwanis Lake Mill Creek/WWF	Y
PAG133595	York Township 25 Oak St. York, PA 17402	York Co.	York Twp.	Mill Creek/WWF Kreutz Creek/WWF E Branch Codorus Creek/CWF Codorus Creek/WWF Barshinger Creek/CWF	Y

### PUBLIC WATER SUPPLY (PWS) PERMITS

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

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users 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.*

**Operations Permit issued to: Aqua Pennsylvania, Inc.**, 762 W. Lancaster Avenue, Bryn Mawr, PA 19010, (PWSID No. 1460073) Middletown Township, **Bucks County** on November 15, 2004 for the operation of facilities approved under construction permit No. 0902504.

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

**Operations Permit issued to: Aqua Pennsylvania, Inc.**, 762 Lancaster Avenue, Bryn Mawr, PA 19010, (PWSID 2640020) Canaan Township, **Wayne County** on



November 10, 2004 for the operation of facilities approved under construction permit No. 6404501 issued October 11, 2004.

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

**Permit No. 0104503 MA, Minor Amendment, Public Water Supply.**

**Applicant** Lake Meade Municipal Authority  
**Municipality** Latimore Township  
**County** Adams  
**Type of Facility** Construction of a new 438,000-gallon water storage tank.  
**Consulting Engineer** Janet R McNally, P. E.  
 William F. Hill & Assoc., Inc.  
 207 Baltimore St.  
 Gettysburg, PA 17325  
**Permit to Construct Issued:** November 10, 2004

**Permit No. 3104502 MA, Minor Amendment, Public Water Supply.**

**Applicant** Petersburg Water Authority  
**Municipality** Petersburg Borough  
**County** Huntingdon  
**Type of Facility** Replacement of intake tower and lines in reservoir.  
**Consulting Engineer** Mark V Glenn, P. E.  
 Gwin, Dobson & Foreman, Inc.  
 3121 Fairway Dr.  
 Altoona, PA 16602-4475  
**Permit to Construct Issued:** November 10, 2004

**Operations Permit issued to: Exelon Nuclear—Peach Bottom Atomic Power Station, 7670905, Delta Borough, York County on 11/9/2004 for the operation of facilities approved under Construction Permit No. 6704516 MA.**

**Operations Permit issued to: New Oxford Municipal Authority, 7010025, Oxford Township, Adams County on 11/16/2004 for the operation of facilities approved under Construction Permit No. 0103501.**

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

**Permit No. 5904502-Construction Public Water Supply.**

**Applicant** George Dear Mobile Home Park  
**Township or Borough** Lawrence Township  
**County** Tioga  
**Responsible Official** George Dear, Owner  
 George Dear Mobile Home Park  
 R. R. 2, Box 174  
 Tioga, PA 16946  
**Type of Facility** Public Water Supply-Construction

**Consulting Engineer** Joseph Matalavage, P. E.  
 Alfred Benesch & Company  
 P. O. Box 1090  
 Pottsville, PA 17901

**Permit Issued Date** 11-17-04

**Description of Action** Construction of ion exchange units and a hydropneumatic tank.

**Permit No. 1702502-Operation Public Water Supply.**

**Applicant** Burnside Borough Water System  
**Township or Borough** Burnside Borough  
**County** Clearfield  
**Responsible Official** Richard Hoover, President  
 Burnside Borough Water System  
 P. O. Box 208  
 Burnside, PA 15721  
**Type of Facility** Public Water Supply-Operation  
**Consulting Engineer** Anthony J. Coval, P. E.  
 Lee-Simpson Associates, Inc.  
 203 West Weber Avenue  
 P. O. Box 504  
 DuBois, PA 15801

**Permit Issued Date** 11-17-04

**Description of Action** Operation of a two-stage Lapoint Industries bag filtration system, a single-stage Filterite cartridge filter system, a filter building with clearwell, high service pumps, hypochlorite feed and associated controls.

**Permit No. Minor Amendment-Operation Public Water Supply.**

**Applicant** Renovo Borough  
**Township or Borough** Renovo Borough  
**County** Clinton  
**Responsible Official** Renovo Borough  
 128 Fifth Street  
 Renovo, PA 17764  
**Type of Facility** Public Water Supply-Operation  
**Consulting Engineer** N/A  
**Permit Issued Date** 11-19-04  
**Description of Action** Operation of the butterfly valve in the treatment building.

## WATER ALLOCATIONS

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

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

**WA 33-1002. Water Allocation Permit.** The Department grants **Falls Creek Borough Municipal Authority's** request for the right to withdraw 122,000 gpd, based on an average annual daily withdrawal, not to exceed a peak daily withdrawal of 300,000 gpd, from the Falls Creek Reservoir and the right to withdraw 50,000 gpd, on a peak day basis, from the Kyle Lake Dam; Falls Creek

Borough, **Jefferson County**. The combination of both surface water sources shall not exceed 300,000 gpd. Consulting Engineer: Daniel Carbaugh, P. E., Keller Engineers, Inc., 420 Allegheny Street, P. O. Box 61, Hollidaysburg PA 16648. Water Allocation issued November 15, 2004.

**SEWAGE FACILITIES ACT  
PLAN APPROVAL**

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

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

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
East Hanover Township	222 Angle Road, Grantville, PA 17028	Lebanon

*Plan Description:* The approved plan provides for the construction of a sewage collection and conveyance system to serve the areas designated in the Plan as the "Ono Sewer District" and the "Ono District West Extension." Sewage will be conveyed to the Fort Indiantown Gap Wastewater Treatment Plant for disposal. The Plan also provides for the implementation of an onlot sewage disposal system management program and the completion of a preliminary hydrogeologic study for new land development proposals within 1/4 mile of a groundwater sample over 5 mg/l nitrate-nitrogen. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
South Annville Township	1000 Clearview Road, Lebanon, PA 17042	Lebanon

*Plan Description:* The approved plan provides for the construction of a sewage collection and conveyance system to serve the North Sewer Service Area as delineated in the Plan. The sewage will be conveyed to City of Lebanon Authority wastewater treatment facility. The Plan also provides for the implementation of an onlot sewage disposal system (OLDS) management program and the submission of an Act 537 Plan Update Revision for the Phase 2 area of the township. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Dover Township	2480 West Canal Road, Dover, PA 17315	York

*Plan Description:* The approved plan provides for the extension of public sewer to a half mile stretch of Palomino Road, approximately 700 feet east of Carlisle

Road (SR 74) in Dover Township, York County. There will be 15 connections to existing properties with total proposed sewage flows of 4,500 gpd tributary to the Dover Township Wastewater Treatment Plant. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Peach Bottom Township	545 Broad Street Extended, Delta, PA 17314	York

*Plan Description:* The approved plan provides for a 148 lot single-family residential subdivision on 174 acres with 138 building lots, 8 open space lots, one lot for water tower construction, and one lot for a pump station. Total estimated sewage flows are 31,050 gpd tributary to the Delta Borough Wastewater Treatment Plant. The proposed development is located on the northern corner of Line Road and Dooley Road, adjacent to Delta Borough in Peach Bottom Township, York County. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Cornwall Borough	36 Burd Coleman Road, Cornwall, PA 17016	Lebanon
West Cornwall Township	73 South Zinns Mill Road, Lebanon, PA 17042	

*Plan Description:* Approval of revisions to the Official Sewage Plans of West Cornwall Township and Cornwall Borough, Lebanon County. The proposed Alden Place development consists of a 438 retirement units and 12 EDUs of commercial development with a sewage flow of 112,500 gpd tributary to the Lebanon City Wastewater Treatment Plant. The Department review of the sewage facilities update revisions have not identified any significant impacts resulting from these proposals.

**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.*

**Crown Cork and Seal Facility**, City of Philadelphia, **Philadelphia County**. Peter Beyer, REM, 855 Springdale Dr., Exton, PA 19341 on behalf of Ravi Chawla, Saint Properties, 12700 Townsend Rd., Philadelphia, PA 19154 has submitted Remedial Investigation/Risk Assessment/Cleanup Plan Reports concerning remediation of site soil and groundwater contaminated with chlorinated solvents, MTBE, other organics, no. 5 fuel oil, PAH and unleaded gasoline. The report is intended to document remediation of the site to meet the Site-Specific Standard.

**Recchilongo Residence**, Lower Pottsgrove Township, **Montgomery County**. Jim Gould, Lewis Environmental Group, P. O. Box 639, Royersford, PA 19468, has submitted a Final Report concerning remediation of site groundwater contaminated with no. 2 fuel oil. The report was submitted within 90 days of release and is intended to document remediation of the site to meet the Statewide Health Standard.

**1553 Chester Pike Property**, Ridley Township, **Delaware County**. Samuel J. Kucia, Environmental Consulting, Inc., 500 East Washington St, Suite 375, Norristown, PA 19401 on behalf of Christina Perrone, Chester Pike, LLP, 204 Wyndom Ln, Radnor, PA 19087 has submitted a Final Report concerning remediation of site soil contaminated with lead, no. 2 fuel oil, leaded and unleaded gasoline. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Skelp Level Road**, East Bradford Township, **Chester County**. Jon M. Mollison, Golder Assoc., Inc., 1100 Hector Ave., Suite 225, Conshohocken, PA 19428 on behalf of Sonoco Products Co., 1 N. 2nd St., Hartsville, SC 29550 has submitted a Final Report concerning remediation of site soil and groundwater contaminated with arsenic. The report is intended to document remediation of the site to meet the Site-Specific Standard.

**Alloy & Stainless Facility**, Hilltown Township, **Bucks County**. Daniel Auerbach, ATC Assoc., Inc., 920 Germantown Pike, Suite 200, Plymouth Meeting, PA

19462 on behalf of David Singer, Esq., Telford Realty Assoc., 125 Mason St., Greenwich, CT 06830 has submitted a Final Report concerning remediation of site soil contaminated with no. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Sun Pipe Line Company**, West Goshen Township, **Chester County**. Bradford Fish, Sunoco Inc., P. O. Box 1135, Marcus Hook, PA 19061 has submitted a Final Report concerning remediation of site groundwater contaminated with no. 2 fuel oil. The report is intended to document remediation of the site to meet the Site-Specific Standard.

**Boeing Company/Center North Site, Ridley Township/Eddystone Borough, Delaware County**. Colleen Costello & Brian McGuire, Langan Engineering & Env. Svc., Inc. River Dr. Center 1, Elmwood Park, NJ 07407 on behalf of Daniel Meyer & Dale Davis, The Boeing Co., P. O. Box 16858, MA P29-02, Philadelphia, PA 19142 has submitted a Final Report concerning remediation of site soil and groundwater contaminated with chlorinated solvents, other organics and inorganics. The report is intended to document remediation of the site to meet the Site-Specific Standard.

**Hodge-Highland Prop. II**, Highland Township, **Chester County**. Jason L. Free, RT Env. Svc., Inc., 510 Heron Dr., Bridgeport, NJ 08014 on behalf of John Panizza, GenTerra, 101 Marchwood Rd., Exton, PA 19341, has submitted a Final Report concerning remediation of site soil contaminated with inorganics arsenic. The report is intended to document remediation of the site to meet the Background Standard.

*Northeast Regional Field Office, Joseph A. Brogna, Environmental Cleanup Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.*

**Former Durkee Foods**, City of Bethlehem, **Lehigh County**. Peter Berkhout, Senior Environmental Scientist, Environmental Waste Management Associates, LLC, P. O. Box 5430, Parsippany, NJ 07054 submitted a Final Report (on behalf of his client, Tiger Den Partners, LLC, 171 Route 173, Suite 201, Asbury, NJ 08802) concerning the remediation of soils on the western half of the property found to have elevated inorganics and PAHS due to presence of ballast/ash material underlying former railroad spurs. The report was submitted to document attainment of the residential statewide health soil standards.

**Bellomo Property**, Dupont Borough, **Luzerne County**. Eric Monsen, Project Manager, Buck Environmental Labs, Inc., 3821 Buck Drive, P. O. Box 5150, Cortland, NY 13045 has submitted a Final Report (on behalf of his client, Jesse Bellomo, Ziegler Street, Dupont, PA 18641) concerning the remediation of soils found to have been contaminated with no. 2 fuel oil constituents as the result of an accidental release related to a home heating oil tank. The report was submitted in order to demonstrate attainment of the Statewide health standard. A Notice of Intent to Remediate was simultaneously submitted.

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

**Sunset Landfill (Olmstead AFB, Sunset Annex)**, Londerderry Township, **Dauphin County**. MWH Americas, Inc., 335 Phoenixville Pike, Malvern, PA 19355, on behalf of Londonderry Township, 783 Geyers Church Road, Middletown, PA 17057, submitted a Final Report concerning remediation of site groundwater contaminated

with VOCs, iron and manganese. Londonderry Township uses the Landfill Area as a driving range for the Sunset Golf Course, which is operated by the Londonderry Township. The report is intended to document remediation of the site to meet the requirements for a combination of the Statewide Health and Site-Specific standards.

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

**GTE Sylvania (OSRAM) (WO-41)**, Wellsboro Borough, **Tioga County**. PPL Services Corp, 2 North 9th Street GENTW17, Allentown, PA 18101 has submitted a Final Report concerning soil contaminated with Mercury. This Final Report is intended to demonstrate attainment of the Statewide Health Standard.

**Meeker No. 1**, Tioga Township, **Tioga County**, PPL Services Corp, 2 North 9th Street GENTW17, Allentown, PA 18101 has submitted a Final Report concerning soil contaminated with Mercury. This Final Report is intended to demonstrate attainment of the Statewide Health Standard.

**Champlin Bridge**, Westfield Township, **Tioga County**, PPL Services Corp, 2 North 9th Street GENTW17, Allentown, PA 18101 has submitted a Final Report concerning soil contaminated with Mercury. This Final Report is intended to demonstrate attainment of the Statewide Health Standard.

**Meeker Hill Station**, Lawrence Township, **Tioga County**, PPL Services Corp, 2 North 9th Street GENTW17, Allentown, PA 18101 has submitted a Final Report concerning soil contaminated with Mercury. This Final Report is intended to demonstrate attainment of the Statewide Health Standard.

**M.P. Close Well (MW-703)**, Tioga & Lawrence Townships, **Tioga County**, PPL Services Corp, 2 North 9th Street GENTW17, Allentown, PA 18101 has submitted a Final Report concerning soil contaminated with Mercury. This Final Report is intended to demonstrate attainment of the Statewide Health Standard.

**Palmer No. 3**, Farmington Township, **Tioga County**. PPL Services Corp, 2 North 9th Street GENTW17, Allentown, PA 18101 has submitted a Final Report concerning soil contaminated with Mercury. This Final Report is intended to demonstrate attainment of the Statewide Health Standard.

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

**Farmers Valley Wax Plant Main, Keating Township, McKean County**. Dayne M. Crowley, MACTEC, Carnegie Office Park Bldg 4, 700 N Bell Ave., Suite 200, Pittsburgh PA 15106 (on behalf of Farmers Valley Wax Plant Former Fly Ash Area) has submitted a Remedial Investigation Report, Risk Assessment Report and a Cleanup Plan concerning remediation of site soil and groundwater contaminated with Lead, Heavy Metals, BTEX, PHCs, PAHs and Solvents. The report is intended to document remediation of the site to meet the statewide health and site specific standards.

**Highland Group Ind Sheffield Property**, Sheffield Township, **Warren County**. Karen Souza, Civil & Environmental Consultants, 333 Baldwin Rd, Pittsburgh PA 15205 on behalf of Robert Weber, Highland Group Ind., 31200 Solon Rd, Solon OH 44139 has submitted a Final Report concerning remediation of site soil contaminated with chlorinated solvents. The report is intended to document remediation of the site to meet the site-specific nonresidential standards)

**Former Halliburton Energy Services, Inc., Bradford Township McKean County**. Jennifer Alexander, ENTACT, 4040 W. Royal Lane, Suite 136, Irving TX 75063, on behalf of Richard Kessel, Property Owner, Kessel Construction, P. O. Box 737, Bradford PA 16701, has submitted a Final Report on October 28, 2004, concerning remediation of site soil contaminated with Lead, Heavy Metals, BTEX, PHCs, PAHs and solvents. The report is intended to document remediation of the site to meet the Statewide Health Standards.

**Former Halliburton Energy Services, Inc., Bradford Township McKean County**. Jennifer Alexander, ENTACT, 4040 W. Royal Lane, Suite 136, Irving TX 75063, on behalf of Richard Kessel, Property Owner, Kessel Construction, P. O. Box 737, Bradford PA 16701, has submitted a Final Report concerning the remediation of site soil contaminated with Lead, Heavy Metals, BTEX, PHCs, PAHs and solvents. The Final Report was approved by the Department on October 31, 2004.

**Debbie Shaulis Heating Oil Spill Cleanup**, Lackawannock Township, **Mercer County**. Scott Whipkey, RAR Engineering Group, 1135 Butler Ave., New Castle PA 16101 on behalf of Mike Lowery, Owner, 1145 Bend Rd., Mercer PA 16137 has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with heating oil. The Final report demonstrated attainment of the standards requirements and was approved by the Department on November 18, 2004.

**GE Thermometrics**, Mount Jewett Borough, **McKean County**. Michael Sykes, MWH Americas Inc, 10 Airline Dr Suite 200, Albany NY 12205, on behalf of William Trumbull, GE Thermometrics, 967 Windfall Rd, St. Marys, PA 15857-3397 has submitted a Final Report concerning remediation of site soil and groundwater contaminated with inorganics and other organics. The report is intended to document remediation of the site to meet the Statewide Health, non-residential Standards.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION UNDER ACT 2, 1995 PREAMBLE 3

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

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

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

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

The Department has received the following plans and reports:

*Southeast Region: Environmental Cleanup Program Manager, 2 East Main Street, Norristown, PA 19401.*

**Delaware County Emergency Svc., Training Center**, Darby Township, **Delaware County**. Robert M. Byre, Jr., It Corp., 1160 McDermott Dr., Suite 102, West Chester, PA 19380-4022 has submitted a Final Report concerning the remediation of site soils, groundwater, surface water and sediment contaminated with undetermined contaminant. The Final report demonstrated attainment of the Site-Specific Standard and was approved by the Department on November 9, 2004.

**201 South Caln Road**, Caln Township, **Chester County**. Michael S. Welsh, P. E., Applied Environmental Management, Inc., 16 Chester County Commons, Malvern, PA 19355 on behalf of Tim Townes, Southdown Prop., Inc., 55 Country Club Dr., Downingtown, PA 19335 has submitted a Remedial Investigation/Risk Assessment Reports concerning the remediation of site soil contaminated with metals. The Remedial Investigation/Risk Assessment Reports were approved by the Department on November 8, 2004.

**CVS Store Doylestown**, Doylestown Borough, **Bucks County**. Christopher Orzechowski, RT Environmental Svc., Inc., 215 West Church Rd., King of Prussia, PA 19406 has submitted a Remedial Investigation Report concerning the remediation of site soils contaminated with lead, arsenic and benzo(a)pyrene. The Remedial Investigation Report was approved by the Department on November 8, 2004.

**PECO Oreland MGP**, Springfield Township, **Montgomery County**. Bryan R. Sladky, PECO Energy, An Exelon Co., 2301 Market St., S9-1, Philadelphia, PA 19103-1338 has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with lead, heavy metals, BTEX and polycyclic aromatic

hydrocarbons. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on November 15, 2004.

**1500 S. Front St.**, City of Philadelphia, **Philadelphia County**. Natalie Hsueh & Jason Plucinski, React Env. Svc., Inc. 6901 Kingsessing Ave., Philadelphia, PA 19142 on behalf of Isaac Ohayon, Masada Custom Builders, 100 South St., Philadelphia, PA 19147 has submitted a Final Report concerning the remediation of site soil contaminated with lead and inorganics. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on November 12, 2004.

**Cellini Prop.**, Springfield Township, **Montgomery County**. Charlie McGuth, PG, Env. Maintenance Co., Inc., 1420 E. Mermaid Ln., Glenside, PA 19038 on behalf of has submitted a Final Report concerning the remediation of site soil contaminated with unleaded/leaded gasoline and diesel fuel. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on November 15, 2004.

**Norma R. Lewis**, City of Philadelphia, **Philadelphia County**. Andrew C. Thomas, P. G., MACTEC Engineering & Consulting, Inc., 5205 Militia Hill Rd., Plymouth Meeting, PA 19462 on behalf of Norma R. Lewis, 1609 Chattin Rd., Glenside, PA 19038 has submitted a Remedial Investigation Report and Final Report concerning the remediation of site soil contaminated with inorganic compound lead. The Remedial Investigation Report and Final Report demonstrated attainment of the Site-Specific Standard and was approved by the Department on November 15, 2004.

*Northeast Region: Joseph A. Brogna, Environmental Cleanup Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.*

**Sheckler Residence**, Lehigh Township, **Northampton County**. Mr. Thomas Martinelli, Environmental Scientist, JMT Environmental Technologies, Inc., submitted a Final Report (on behalf of his client, Jane Sheckler, Main Street, Walnutport, PA 18088) concerning the remediation of soils and groundwater found or suspected to have been impacted by the accidental release of home heating oil contaminated with MTBE. The report demonstrated attainment of the residential Statewide Health Standard and was approved on November 9, 2004.

**Dimitrackopoulos Property**, Barrett Township, **Monroe County**. James Sposito, Geologist, Quad Three Group Inc., 72 Glenmaura National Boulevard, Moosic, PA 18507 submitted a Final Report (on behalf of his client, Helen Dimitrackopoulos, Ashmall Avenue, Monroe, NJ 08831) concerning the remediation of soils found or suspected to have been contaminated with no. 2 fuel oil constituents as the result of an accidental overfill. The report demonstrated attainment of the residential Statewide Health Standard and was approved on November 17, 2004.

**Schuck Trucking (4354 Mountain Road)**, Washington Township, **Lehigh County**. Mark Ellis, Senior Geologist, PG, MEA Inc, 1365 Ackermanville Road, Bangor, PA 18013 submitted a Final Report (on behalf of his client, William Schuck, Slatington, PA) concerning the remediation of soils found to have been contaminated with diesel fuel due to an accidental release. The report demonstrated attainment of the residential Statewide health soil standard and was approved on November 12, 2004. The report was submitted to the Department within 90 days of the release. The future use of the property will remain as a trucking facility.

**Palmer Town Center (former Bethlehem Corporation and Young Volkswagen Mazda)**, Palmer Township, Northampton County. James LaRegina, P. G., HRP Associates, Inc., 4807 Jonestown Road, Harrisburg, PA 17109 submitted a Remedial Investigation Report, Risk Assessment Report, and Cleanup Plan (on behalf of his client, Easton Center LLC, 424 Park Lane, Hudson, WI 54016) concerning the characterization and remediation of site groundwater. The reports were submitted in partial fulfillment of a combination of the site-specific standard, and were approved on November 9, 2004.

**Bold's Automotive Service**, City of Bethlehem, Northampton County. John Van Wagenen, P. G., Coventry Environmental Associates, Inc., 991 Ridge Road, Bucktown, PA 19465 submitted a Final Report (on behalf of his client, John Bold, 435 Pembroke Road, Bethlehem, PA 18018) concerning the remediation of soils found or suspected to have been impacted by gasoline. The report demonstrated attainment of the residential Statewide health standard and was approved on September 24, 2004.

**Former Durkee Foods Property**, City of Bethlehem, Lehigh County. Peter Berkhout, Environmental Waste Management Associates, LLC, 100 Misty Lane, Parsippany, NJ 07054, submitted a combined Remedial Investigation Report and Cleanup Plan (on behalf of his client, Tiger Den Partners, LLC, 171 Route 173, Suite 201, Asbury, NJ 08802) concerning the characterization and remediation of soils and groundwater found to have been impacted by volatile organic compounds and inorganic constituents as the result of historic operations at the property. The report was submitted in partial fulfillment of the site-specific standard and was approved on October 7, 2004.

**Former Penn Fuel Gas Manufactured Gas Plant—Pottsville site**, City of Pottsville, Schuylkill County. RETEC Group, Inc., 3040 William Pitt Way, Pittsburgh, PA 15238 submitted a Final Report (on behalf of its client, PPL Gas Utilities, Two North Ninth Street, Allentown, PA 18101) summarizing the characterization and remediation 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 order to document attainment of a combination of both the Statewide health and the site-specific standards, and was approved on September 21, 2004.

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

**Allfirst Bank**, Shillington Borough, Berks County. GeoServices, Ltd., 1525 Cedar Cliff Drive, Camp Hill, PA 17011, on behalf of Allfirst Bank, 25 South Charles Street, 22nd Floor, Baltimore, MD 21201, submitted a combined Remedial Investigation and Final Report concerning remediation of site soils and groundwater contaminated with chlorinated solvents and Fuel Oil No. 2. The report is intended to document the remediation of the site to the Site-Specific standard. The plan was approved by the Department on November 17, 2004.

#### REGISTRATION FOR GENERAL PERMIT—RESIDUAL WASTE

**Registration Approved Under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Residual Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904)**

**and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste Other Than Coal Ash.**

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

**Registration under General Permit No. WMGR090R037. B. R. Kreider & Son, Inc.**, 63 Kreider Lane, Manheim, PA 17545.

General Permit Number WMGR090 authorizes the processing and beneficial use of reclaimed asphalt pavement materials as a roadway construction material. Central Office approved this registration for coverage under the general permit on October 29, 2004.

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

#### 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.**

*Southeast Region: Regional Solid Waste Manager, 2 East Main Street, Norristown, PA 19401.*

**Permit No. 101477. BFI Waste Sys of North America, Inc., Philadelphia Transcyclery**, 2209 S. 58th St., Philadelphia, PA 19143. City of Philadelphia. This permit is for the 10 year renewal of the waste permit for the continuing operation of the municipal waste transfer facility located in the City of Philadelphia. This permit was issued by the Southeast Regional Office on October 26, 2004.

**Permit No. 101226. Savoy Transfer Station**, P. O. Box 339, Claymont, DE 19703-0339, Chester Township, Delaware County. This amended waste management permit is to bring Savoy C & D Transfer Station into compliance with the radiation protection action plan requirements. The permit was issued by the Southeast Regional Office on October 29, 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.**

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

**54-310-031GP3: Haines and Kibblehouse, Inc.** (P. O. Box 196, 2052 Lucon Road, Skippack, PA 19474) on November 9, 2004, to construct and operate a portable

stone crushing plant and associated air cleaning device at their Ryan Stone Quarry, on Route 25, Foster Township, **Schuylkill County**.

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

**GP1-28-03046: Department of Military and Veterans Affairs—Scotland School for Veterans' Children** (3583 Scotland Road, Scotland, PA 17254-0900) on November 10, 2004, for Small Gas and No. 2 Oil Fired Combustion Units under GP1, in Greene Township, **Franklin County**.

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

**GP5-32-00344: Belden and Blake Corp.** (5200 Stoneham Road, P. O. Box 2500, North Canton, OH 44720) on November 10, 2004, to operate natural gas fired well booster compressor unit engines at their Blazek Compressor site in Burrell Township, **Indiana County**. This is a GP renewal.

**GP5-32-00345: Belden and Blake Corp.** (5200 Stoneham Road, P. O. box 2500, North Canton, OH 44720) on November 10, 2004, to operate natural gas fired well booster compressor unit engines at their Furguson compressor site in Burrell Township, **Indiana County**. This is a GP renewal.

**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.**

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

**40-305-025: Stockton Anthracite LP** (P. O. Box 546, Hazleton, PA 18201) on November 2, 2004, to construct a coal refuse crushing and screening plant and associated air cleaning device at their facility in Hazle Township, **Luzerne County**.

**39-318-112: Mack Trucks, Inc.** (7000 Alburtis Road, 2100 Mack Boulevard, Macungie, PA 18062) on November 4, 2004, to amend the Title V Operating Permit No. 39-00004 for the increase in VOCs from the cab color booth/undercoat and oven, and to limit the facility-wide HAPs at their plant in Lower Macungie Township, **Lehigh County**.

**54-322-004: Pine Grove Landfill, Inc.** (P. O. Box 307, Pine Grove, PA 17963) on November 16, 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.*

**ER-36-05061: Lancaster Malleable Castings Co.** (1170 Lititz Avenue, Lancaster, PA 17601) on November 12, 2004, to approve an air quality Emission Reduction Credit (ERC) of 11.65 tons of VOCs and 25.78 tons of NOx, resulting from the shutdown of the existing malleable iron foundry in Manheim Township, **Lancaster**

**County**. The ERCs generated are based on the March 31, 2003, permanent shutdown of the Lancaster facility.

**06-05066D: Exide Technologies** (Box 13995, Reading, PA 19612) on November 10, 2004, to modify the secondary lead smelter furnaces at their facility in Muhlenberg Township, **Berks County**.

**22-05047A: Dura Bond Pipe, LLC** (2716 South Front Street, Steelton, PA 17113) on November 10, 2004, to install coating of equipment for a new structural shapes fabrication operation at their existing facility in Steelton Borough, **Dauphin County**.

**36-03141B: Kellogg USA, Inc.** (2050 State Road, Caller Box 3006, Lancaster, PA 17604) on November 15, 2004, to change two boiler burners from 55.8 mmBtu/hr to 66 mmBtu/hr in their East Hempfield Township, **Lancaster County** facility.

**36-05005B: Viking Cabinetry Group, LLC** (215 Diller Avenue, New Holland, PA 17557) on November 12, 2004, to install four paint booths at their facility in New Holland Borough, **Lancaster County**.

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

**03-00218C: AMFIRE Mining, Inc.** (One Energy Place, Larobe, PA 15650) on November 11, 2004, to increase processed coal throughput to greater than 500,000 TPY at their Triple K Deep Mine's Coal Screening Plant In Burrell Township, **Armstrong 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.**

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

**35-399-038: Flexible Foam Products, Inc.** (P. O. Box 124, Spencerville, OH 45887) on November 9, 2004, to construct a polyurethane foam production operation (slab-stock and re-bond foam production lines) at their facility in Archbald Borough, **Lackawanna County**. The Plan Approval has been extended.

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

**01-05029: Reliant Energy Wholesale Generation, LLC** (121 Champion Way, Canonsburg, PA 15317) on November 5, 2004, to construct a natural gas fired electric generating facility at their Hunterstown Station in Straban Township, **Adams County**. This plan approval was extended.

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

**60-399-002: Ritz-Craft Corp.** (15 Industrial Park Road, Mifflinburg, PA 17844) on November 5, 2004, to operate two mobile/modular home assembly plants and a surface coating operation on a temporary basis, until March 5, 2005, in Mifflinburg Borough, **Union County**. The plan approval has been extended.

**41-399-026: Penn Recycling, Inc.** (2525 Trenton Avenue, Williamsport, PA 17701) on November 5, 2004, to operate an automobile/metal shredding system and associated air cleaning devices (a foam injection system and

cyclone collector) on a temporary basis, until March 5, 2005, in the City of Williamsport, **Lycoming County**. The plan approval has been extended.

**41-00028A: Koppers Industries, Inc.** (436 Seventh Avenue, Suite 1800, Pittsburgh, PA 15219) on November 10, 2004, to operate a 33,475,000 Btu per hour No. 2 fuel oil-fired boiler for up to 6 hours prior to the installation of a required low nitrogen oxides burner in Clinton Township, **Lycoming County**.

**14-00002E: Graymont, Inc.**—PA (965 East College Avenue, Pleasant Gap, PA 16823) on November 12, 2004, to operate seven lime silos and associated air cleaning device (a fabric collector) on a temporary basis, until March 12, 2005, in Spring Township, **Centre County**. The Plan Approval has been extended.

**Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.**

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745; Mark Wayner, Facilities Permitting Chief, (412) 442-4174.*

**32-00311: IA Construction Corp.** (P. O. Box 290, Homer City, PA 15748) on November 16, 2004, to operate their hot mix asphalt plant in Homer City, **Indiana County**. This is a Synthetic Minor Facility.

**04-00440: General Materials Terminals, Inc.** (15 State Street, Baden, PA 15005) on November 15, 2004, to operate barge unloading at their Conway Yard, in Economy Borough, **Beaver County**.

**26-00288: Hanson Aggregates BMC, Inc.** (2200 Springfield Pike, Connellsville, PA 15425) on November 17, 2004, for their Springfield Pike asphalt and limestone processing plants in Connellsville, **Fayette County**.

**65-00659: Hanson Aggregates BMC, Inc.** (2200 Springfield Pike, Connellsville, PA 15425) on November 17, 2004, for their Adamsburg asphalt plant in Hempfield Township, **Westmoreland County**.

**63-00629: Hanson Aggregates BMC, Inc.** (2200 Springfield Pike, Connellsville, PA 15425) on November 17, 2004, for their Dunningville asphalt plant in Somerset Township, **Washington County**.

**04-00226: Hanson Aggregates BMC, Inc.** (2200 Springfield Pike, Connellsville, PA 15425) on November 17, 2004, for their Sewickley Creek Plant in Economy Borough, **Beaver County**.

**65-00073: Hanson Aggregates BMC, Inc.** (2200 Springfield Pike, Connellsville, PA 15425) on November 17, 2004, for their Longbridge Bluestone (Latrobe) asphalt plant and quarry in Ligonier Township, **Westmoreland 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.*

**07-03003: Altoona Regional Health System** (2500 Seventh Avenue, Altoona, PA 16602) on November 10, 2004, to operate their three natural gas/No. 2 fuel oil fired boilers and three emergency generators in Altoona

City, **Blair County**. This State-only operating permit was administratively amended to reflect a change of ownership from Bon Secours Holy Family Regional Health System. This is Revision No. 1.

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

**41-00010: Andritz, Inc.** (35 Sherman Street, Muncy, PA 17756) on November 12, 2004, to establish facility-wide hazardous air pollutant emission limitations of 10 and 25 tons per 12 consecutive month period, and associated record keeping and reporting requirements, via the minor operating permit modification provisions of 25 Pa. Code § 127.462 in Muncy Borough and Muncy Creek Township, **Lycoming County**.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745; Mark Wayner, Facilities Permitting Chief, (412) 442-4174.*

**32-00055: EME Homer City Generation LP** (1750 Power Plant Road Homer City, PA 15748) on November 9, 2004, to administratively amend their Title V Operating Permit to incorporate the changes in special conditions as requested by the Company.

**ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS**

**Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the request for 401 Water Quality Certification and the NPDES permit application. Mining activity permits issued in response to the applications will also address the application permitting requirements of the following statutes: the Air Quality Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).**

*Coal Permits Actions*

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

**32020107 and NPDES Permit No. PA0249092. KMP Associates**, 1094 Lantz Road, Avonmore, PA 15618, SMP Transfer to KMP Associates, Inc., 1094 Lantz Road, Avonmore, PA 15618 in Blacklick Township, **Indiana County**, affecting 59.1 acres. Receiving streams: two UNT's to Aultman's Run and Aultman's Run classified for the following use: trout stocked fishery. The first downstream potable water supply intake from the point of discharge is Saltsburg Borough Indiana County Municipal Waterworks Conemaugh River Surface Withdrawal. Application received February 18, 2004. Permit issued: November 16, 2004.

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

**16890110 and NPDES Permit No. PA0207659. Original Fuels, Inc.** (P. O. Box 343, Punxsutawney, PA 15767) Renewal of an existing bituminous strip operation



in Limestone Township, **Clarion County** affecting 175.6 acres. This renewal is issued for reclamation only. Receiving stream: Unnamed tributary to Parsons Run. Application received: September 21, 2004. Permit Issued: November 16, 2004.

**16940105 and NPDES Permit No. PA0212130. Original Fuels, Inc.** (P. O. Box 343, Punxsutawney, PA 15767) Renewal of an existing bituminous strip operation in Perry Township, **Clarion County** affecting 220.0 acres. Receiving streams: Three unnamed tributaries to Allegheny River. Application received: September 30, 2004. Permit Issued: November 16, 2004.

*Noncoal Permits Actions*

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

**11040301 and NPDES Permit No. PA0249556. Laurel Sand & Stone, Inc.**, P. O. Box 556, 210 E. Main Street, Ligonier, PA 15658, commencement and operation of an industrial mineral surface mine in Jackson Township, **Cambria County**, affecting 145 acres. Receiving streams: Bracken Run, unnamed tributaries to Bracken Run, classified for the following use: cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received April 30, 2004. Permit issued November 9, 2004.

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

**59030801. Harry L. and Joyce M. Horvath** (R. R. 1, Box 85A, East State Road, Covington, PA 169170), commencement, operation and restoration of a small industrial minerals (shale) permit in Covington Township, **Tioga County** affecting 5 acres. Receiving streams: unnamed tributary, tributary to Tioga River. Application received: April 1, 2003. Permit issued: November 9, 2004.

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

**58040857. Daniel G. Knight**, (R. R. 1 Box 20A, Montrose, PA 18801), commencement, operation and restoration of a quarry operation in Franklin Township, **Susquehanna County** affecting 5.0 acres, receiving stream: none. Application received September 2, 2004. Permit issued November 16, 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.**

*Blasting Permits Actions*

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

**43040401. Joy Cone Company** (3435 Lamor Road, Hermitage, PA 16148-3097). Blasting activity permit to expand Joy Cone Company in Hermitage City, **Mercer County** for 180 days. Application received: November 12, 2004. Application issued: November 15, 2004.

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

**14044026. Graymont (PA), Inc.** (965 E. College Avenue, Pleasant Gap, PA 16823), for construction blasting,

located in Spring Township, **Centre County**, with an expected duration of 90 days. Permit issued: November 10, 2004.

**14044027. Ameron Construction Co., Inc.** (2501 N. Atherton Street, State College, PA 16803), for construction blasting, located in Patton Township, **Centre County**, with an expected duration of 45 days. Permit issued: November 18, 2004.

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

**01044101. Brubacher Excavating, Inc.**, (P. O. Box 528, 825 Reading Road, Bowmansville, PA), construction blasting in Oxford Township, **Adams County** with an expiration date of December 31, 2005. Permit issued November 12, 2004.

**01044102. Hall Explosives, Inc.**, (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting for New Oxford Brethern Community in Oxford Township, **Adams County** with an expiration date of December 31, 2005. Permit issued November 12, 2004.

**21044107. John W. Gleim, Jr., Inc.**, (625 Hamilton Street, Carlisle, PA 17013), construction blasting for Keystone Arms Development in Middlesex and North Middleton Townships, **Cumberland County** with an expiration date of August 1, 2005. Permit issued November 12, 2004.

**36044119. Keystone Blasting Service**, (381 Reifsnnyder Road, Lititz, PA 17543), construction blasting for Manny Zook Project in Leacock Township, **Lancaster County** with an expiration date of December 30, 2004. Permit issued November 12, 2004.

**15044046. Thomas J. Angelozzi, Inc.**, (7845 Kabik Court, Woodbine, MD 21797), construction blasting at Hills of London Grove in London Grove Township, **Chester County** with an expiration date of December 9, 2005. Permit issued November 16, 2004.

**36044090. ABEL Construction Co., Inc.**, (3925 Columbia Avenue, Mountville, PA 17554), construction blasting at Timber Ridge in Mt. Joy Township, **Lancaster County** with an expiration date of July 8, 2005. Permit issued November 16, 2004.

**36044091. Senex Explosives, Inc.**, (710 Millers Run Road, Cuddy, PA 15031), construction blasting at Lancaster Airport Runway 8-26 Extension in Manheim Township, **Lancaster County** with an expiration date of February 1, 2005. Permit issued November 16, 2004.

**06044044. Eastern Blasting Company, Inc.**, (1292 Street Road, New Hope, PA 18938), construction blasting at Housing Development—Amity in Amity Township, **Berks County** with an expiration date of December 8, 2005. Permit issued November 16, 2004.

**13044003. Rick Rufe Drilling & Blasting**, (R. R. 6, Box 63608, Saylorsburg, PA 18353) and Austin Powder Company, (P. O. Box 289, Northampton, PA 18067), construction blasting at Towamensing Trails Development Lot 221 in Penn Forest Township, **Monroe County** with an expiration date of December 11, 2005. Permit issued November 16, 2004.

**06044045. Warren's Excavating & Drilling, Inc.**, (P. O. Box 189, Bowmansville, PA 17507-0189), construction blasting at Jetson Direct Mail Service in Tilden Township, **Berks County** with an expiration date of December 1, 2005. Permit issued November 16, 2004.

**06044046. Warren's Excavating & Drilling, Inc.**, (P. O. Box 189, Bowmansville, PA 17507-0189), construc-

tion blasting at Weiser Court Hallowell Project in Womelsdorf Borough, **Berks County** with an expiration date of April 1, 2005. Permit issued November 16, 2004.

**39044018. Labrador Construction**, (P. O. Box 1379, Marshalls Creek, PA 18335) and Austin Powder Company, (559 Nor-Bath Boulevard, Northampton, PA 18067), construction blasting at The Vistas at Green Hills in South Whitehall Township, **Lehigh County** with an expiration date of November 1, 2005. Permit issued November 16, 2004.

**15044047. Demtech, Inc.**, (65 Bald Mt. Road, P. O. Box 618, Dubois, WY 82513) and G.S. "Steve" Rainwater, (1112 SW Southgate Drive, Blue Springs, MO 64015), demolition blasting at Rt. 113 Bridge Demolition Over The PA Turnpike in Downingtown Township, **Chester County** with an expiration date of December 31, 2004. Permit issued November 16, 2004.

**67044055. Springfield Contractors, Inc.**, (290 Seaks Run Road, Glen Rock, PA 17327), construction blasting at Little Creek Road Sewer Extension in Jackson Township, **York County** with an expiration date of November 30, 2005. Permit issued November 16, 2004.

**21044108. Hall Explosives, Inc.**, (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting for Summerfield Phase III in South Middleton Township, **Cumberland County** with an expiration date of December 30, 2005. Permit issued November 16, 2004.

**67044109. Hall Explosives, Inc.**, (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting in Newberry Township, **York County** with an expiration date of March 30, 2005. Permit issued November 16, 2004.

**46044038. Labrador Construction**, (P. O. Box 1379, Marshalls Creek, PA 18335) and Austin Powder Company, (559 Nor-Bath Boulevard, Northampton, PA 18067), construction blasting at Manatawny Village in Pottstown Borough, **Montgomery County** with an expiration date of June 1, 2005. Permit issued November 17, 2004.

**45044110. Explosive Services, Inc.**, (7 Pine Street, Bethany, PA 18431), construction blasting at Spruce Hill Farm in Barrett Township, **Monroe County** with an expiration date of November 13, 2005. Permit issued November 18, 2004.

**48044103. Brubacher Excavating, Inc.**, (P. O. Box 528, 825 Reading Road, Bowmansville, PA), construction blasting at Riverview Golf Course in Forks Township, **Northampton County** with an expiration date of December 31, 2005. Permit issued November 18, 2004.

**35044104. Hayduk Enterprises**, (P. O. Box 554, Dalton, PA 18414), construction blasting in Scott Township, **Lackawanna County** with an expiration date of December 31, 2005. Permit issued November 18, 2004.

## 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*

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

**E01-248. Robert Foehrkolb**, 7018 Greenbank Road, Baltimore, Md 21220 in Franklin Township, **Adams County**, ACOE Baltimore District

To construct and maintain an access road to an existing home which will impact two wetlands with a de minimus impact of 0.01 acre, the first wetland impact is the placement of fill material to obtain the necessary driveway width and the second impact is a three 12-inch pipe crossing and a 12-foot by 17-foot bridge across an unnamed tributary to Marsh Creek (CWF) (Caledonia Park, PA Quadrangle N: 0.4 inches; W: 0.4 inches) in Franklin Township, Adams County.

**E05-324. Everett Church of the Brethren**, 119 East Second Street, Everett, PA 15537 in Everett Borough, **Bedford County**, ACOE Baltimore District

To remove 48 lineal feet of an existing 143-foot long, 5-foot by 8-foot and 6-foot by 10-foot enclosure, and to construct and maintain 48 lineal feet of 6-foot by 10-foot open bottom concrete culvert at a point (Everett East, PA Quadrangle N: 2.5 inches; W: 17.1 inches) approximately 162 feet east of Second Street on an unnamed tributary to the Raystown Branch Juniata River (Bloody Run) (WWF),

a perennial stream, for the purpose of constructing a fellowship hall at the Everett Church of the Brethren in the Borough of Everett, Bedford County.

**E29-089. Dublin Township**, 29195 Great Cove Road, Fort Littleton, PA 17223 in Dublin Township, **Fulton County**, ACOE Baltimore District

To construct and maintain 30,000 linear feet of wastewater collection sewer and approximately 5,000 linear feet of wastewater force main involving: 1) seven bored sanitary sewer crossings of unnamed tributaries to Little Aughwick Creek (TSF): a) 20-foot by 14-inch (Burnt Cabins, PA Quadrangle N: 11.9 inches; W: 12.3 inches), b) 10-foot by 12-inch (Burnt Cabins, PA Quadrangle N: 11.8 inches; W: 12.6 inches), c) 10-foot by 8-inch (Burnt Cabins, PA Quadrangle N: 11.5 inches; W: 12.3 inches), d) 10-foot by 8-inch (Burnt Cabins, PA Quadrangle N: 11.5 inches; W: 12.3 inches), e) 10-foot by 12-inch (Burnt Cabins, PA Quadrangle N: 11.4 inches; W: 12.3 inches), f) 15-foot by 4-inch (Burnt Cabins, PA Quadrangle N: 8.7 inches; W: 12.4 inches), and g) 15-foot by 14-inch (Burnt Cabins, PA Quadrangle N: 8.4 inches; W: 12.7 inches), 2) one 20-foot by 4-inch bored sanitary sewer crossing of an unnamed tributary to Licking Creek (CWF) (Burnt Cabins, PA Quadrangle N: 5.1 inches; W: 13.7 inches), 3) one 8-inch outfall with riprap apron in Little Aughwick Creek (TSF) (Burnt Cabins, PA Quadrangle N: 12.3 inches; W: 12.3 inches), 4) three bored sanitary sewer crossings of the South Branch of Little Aughwick Creek (HQ-CWF): a) 65-foot by 14-inch (Burnt Cabins, PA Quadrangle N: 14.1 inches; W: 2.5 inches), b) 80-foot by 14-inch (Burnt Cabins, PA Quadrangle N: 14.1 inches; W: 2.2 inches), and c) 25-foot by 12-inch (Burnt Cabins, PA Quadrangle N: 14.0 inches; W: 1.9 inches), 5) one 8-inch outfall with riprap apron in the South Branch of Little Aughwick Creek (Burnt Cabins, PA Quadrangle N: 14.6 inches; W: 3.6 inches), 6) two sanitary sewer crossings of PFO wetlands totaling 0.27 acre of temporary impacts: a) 126-foot by 25-foot (Burnt Cabins, PA Quadrangle N: 14.5 inches; W: 3.6 inches) and b) 345-foot by 25-foot (Burnt Cabins, PA Quadrangle N: 14.1 inches; W: 2.3 inches), 7) one 60-foot by 25-foot sanitary sewer crossing of PSS wetland totaling 0.03 acre of temporary impacts (Burnt Cabins, PA Quadrangle N: 12.6 inches; W: 7.8 inches), and 8) two sanitary sewer crossings of PEM wetlands totaling 0.03 acre of temporary impacts: a) 20-foot by 25-foot (Burnt Cabins, PA Quadrangle N: 12.0 inches; W: 12.3 inches), and b) 35-foot by 25-foot (Burnt Cabins, PA Quadrangle N: 4.4 inches; W: 13.2 inches) in Dublin Township, Fulton County. The project includes a total of 86 linear feet of stream impacts waived under 105.12(a)(2) for utility lines and a minor road crossing. The project proposes to directly impact a total of 369.5 linear feet of stream channel and temporarily impact a total of 0.33 acre of PFO, PSS, and PEM wetlands.

#### WATER OBSTRUCTIONS AND ENCROACHMENTS

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

**E17-400. Treasure Lake Property Owners Association**, 13 Treasure Lake, DuBois, PA 15801. Operation and maintenance of Basse Terra Road crossing an unnamed tributary to Gravel Lick Run in Sandy Township, **Clearfield County**, ACOE Pittsburgh District (Sabula, PA Quadrangle N: 3 inches; W: 13 inches).

To repair, operate and maintain the crossing of Basse Terra Road across an unnamed tributary to Gravel Lick Run. In accordance with Emergency Permit No.

EP1704504, the public road crossing the unnamed tributary was constructed with a single reinforced concrete culvert pipe that has a minimum diameter of 60 inches and length of 73 feet. All future road crossing repair and maintenance work be conducted at stream low flow. The Basse Terra Road crossing is located along the western right-of-way of SR 0255 approximately 2.1 miles west of the Treasure Lake Road and SR 0255 intersection. This permit was issued under Section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E53-404. Department of Transportation District 2-0**, 1924-30 Daisy Street, Clearfield, PA 16830. SR1020, Section A01 Bridge Replacement, in Galeton Borough, **Potter County**, ACOE Baltimore District (Galeton, PA Quadrangle N: 19.50 inches; W: 3.42 inches).

To remove an existing bridge and to construct, operate and maintain a two span prestressed concrete spread box beam bridge that will carry SR 1029, Section A01, across the West Branch of Pine Creek. The two span SR 1020, Section A01, bridge shall be constructed with each span having a minimum clear span of 46-feet. The bridge will also be constructed with a minimum underclearance of 10.92-feet and skew of 90°. All in-stream bridge appurtenances shall be constructed during stream low flow and dry conditions by dams and pumping or fluming stream flow around in-stream work areas. Since West Branch of Pine Creek is a stock trout fishery, no construction or future repair work shall be done in or along the stream channel between March 1 and June 15 without prior written permission from the Pennsylvania Fish and Boat Commission. The project is located along the western right-of-way of SR 0144 approximately 1.5 miles west of SR 1020 and SR 0144 intersection. This permit also authorizes construction, operation, maintenance and removal of temporary pedestrian bridge, construction causeway, cofferdams and/or stream diversions. If any altered or added design element is proposed for the temporary structures that were reviewed and approved for issuing this permit, then the permittee shall submit those proposed revisions to the Department for review and written approval prior to any design changes being made to the temporary structures.

#### WATER QUALITY CERTIFICATIONS

*Southeast Region: Water Management Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.*

**Certification Request Initiated By: ConocoPhillips, Trainer Refinery**, 4101 Post Road, Trainer, PA 19061.

**Project Description:** The practice of "Obstruction Leveling" at the Trainer Refinery facility's mooring areas, as an interim maintenance practice will not violate water quality standards, provided the following conditions are met:

Any mechanically removed dredge material generated will be, transported and disposed of at the Weeks Marine—American Dredging Companies, Whites Basin Disposal Area, Logan Township, NJ.

A copy of the approved 401 WQC for disposal of dredge material at Weeks Marine—American Dredging Companies, Whites Basin Disposal Area, Logan Township, NJ will be provided prior to any maintenance dredging.

A copy of any sample results required by New Jersey as a condition of your 401 Water Quality Certification are to be submitted to Chief, Soils and Waterways Section,

Water Management, Pennsylvania Department of Environmental Protection, 2 East Main Street, Norristown, PA 19401.

**Final Action on Request:** Certification granted.

## SPECIAL NOTICES

### Request for Proposals; Bid No. OSM PA(AMD-04)

Through Bid No. OSM PA(AMD-04), the Department of Environmental Protection is soliciting proposals for demonstration or implementation of new or innovative in-situ or ex-situ treatment or abatement technologies or enhanced metals recovery for acid mine drainage. Letters requesting the Request for Proposal must be received by 2 p.m. on January 5, 2005, and shall be sent to Joseph H. Schueck, Chief, Division of Acid Mine Drainage Abatement, Bureau of Abandoned Mine Reclamation, Department of Environmental Protection, P. O. Box 8476, Harrisburg, PA 17105-8476, fax (717) 783-0470. Individuals with questions should contact Joseph H. Schueck at (717) 783-5633 or jschueck@state.pa.us. This solicitation was previously published at 34 Pa.B. 3731 (July 17, 2004) under Special Notices. Individuals who have previously submitted a request do not need to submit a new one.

### Request for Proposals; Bid No. OSM PA(AMR-05)

Through Bid No. OSM PA(AMR-05), the Department of Environmental Protection is soliciting proposals for projects that have an economic development or industrial application as its primary goal and accomplish at least one of the following objectives during its development or implementation phases: (a) reclaim abandoned mine land; (b) beneficially treat and use mine pool water; or (c) beneficially use metal precipitates from mine pool water. Letters requesting the Request for Proposal must be received by 2 p.m. on January 5, 2005, and shall be sent to Joseph H. Schueck, Chief, Division of Acid Mine Drainage Abatement, Bureau of Abandoned Mine Reclamation, Department of Environmental Protection, P. O. Box 8476, Harrisburg, PA 17105-8476, fax (717) 783-0470. Individuals with questions should contact Joseph H. Schueck at (717) 783-5633 or at jschueck@state.pa.us.

### Request for Comment and Notice of Public Meeting for the Proposed Total Maximum Daily Loads (TMDLs) for the Harmon Creek Watershed in Washington County

*Greensburg District Mining Office: Ron Horansky, Watershed Manager, Armbrust Professional Center, R. D. 2 Box 603-C, Greensburg, PA 15601.*

The Department of Environmental Protection (Department) is holding a public meeting on January 25, 2005, beginning at 6 p.m. at the Raccoon Creek State Park Office to discuss and accept comments on a proposed TMDL, established in accordance with the requirements of the 1996 Section 303(d) of the Clean Water Act. One stream segment in the Harmon Creek Watershed has been identified as impaired on the 1996 Pennsylvania 303(d) list due to metals and suspended solids. The listed segment and miles degraded are shown in the following table:

Stream Code (Segment ID)	Stream Name	Miles Degraded
33112 (4504)	Harmon Creek	5.9

The proposed plan provides calculations of the stream's total capacity to accept and maintain levels below water quality criteria. The applicable water quality criteria are as follows:

Parameter	Criterion Value (mg/l)	Total Recoverable/ Dissolved
Aluminum (Al)	0.75	Total Recoverable
Iron (Fe)	1.50	30 day average; Total Recoverable
Manganese (Mn)	1.00	Total Recoverable
pH	6.0—9.0	N/A

The primary pollutant source for the watershed is abandoned mine workings. This watershed was heavily mined for coal in the early 20th century. The effects of this are still present. All allocations made in the TMDL are load allocations to nonpoint sources of pollution.

The TMDL was developed using Monte Carlo Simulation to determine long-term average concentrations that each stream segment could accept and still meet water quality criteria 99% of the time. Monte Carlo Simulation allows for the expansion of a dataset based on its statistical makeup. Since there was no critical flow condition where criteria were exceeded, the Department used the average flow to express the loading values in the TMDL.

The TMDL sets allowable loading rates for metals and acidity at specified points in the watershed. The basis of information used in the establishment of this TMDL is field data collected in 2002 and 2003.

The data and all supporting information used to develop the proposed TMDL are available from the Department. To request a copy of the proposed TMDL and an information sheet, contact Ron Horansky at (724) 925-5500 between 8 a.m. and 3 p.m., Monday through Friday, at Armbrust Professional Center, R. D. 2, Box 603-C, Greensburg, PA, 15601. E-mail will be received at rhoransky@state.pa.us. Directions to the meeting place can also be obtained through this contact.

The TMDL can be viewed and printed by accessing the Department's website at [www.dep.state.pa.us](http://www.dep.state.pa.us) (PA Keyword: TMDL).

Written comments will be accepted at the previously listed address and must be postmarked by February 2, 2005. Persons who plan to make a presentation at the public meeting should notify the Department no later than 3 p.m. on January 21, 2005. The Department will consider all comments in developing the final TMDL, which will be submitted to the Environmental Protection Agency for approval.

### Request for Comment and Notice of Public Meeting for the Proposed Total Maximum Daily Loads (TMDLs) for the Raccoon Creek Watershed in Allegheny, Beaver and Washington Counties

*Greensburg District Mining Office: Ron Horansky, Watershed Manager, Armbrust Professional Center, R. D. 2 Box 603-C, Greensburg, PA 15601.*

The Department of Environmental Protection (Department) is holding a public meeting on January 25, 2005, beginning at 6 p.m. at the Raccoon Creek State Park Office to discuss and accept comments on a proposed TMDL, established in accordance with the requirements of the 1996 Section 303(d) of the Clean Water Act. Four stream segments in the Raccoon Creek Watershed have been identified as impaired on the 1996 and 2002 Pennsylvania 303(d) lists due to metals, suspended solids and in some areas depressed pH. The listed segments and miles degraded are shown in the following table:

<i>Stream Code (Segment ID)</i>	<i>Stream Name</i>	<i>Miles Degraded</i>
33564 (4515)	Raccoon Creek	6.07
33564 (990102-1125-TVP)	Raccoon Creek	21.32
33846 (4533)	Burgetts Fork	2.95
33846 (990102-1115-TVP)	Burgetts Fork	6.94

The proposed plan provides calculations of the stream's total capacity to accept and maintain levels below water quality criteria. The applicable water quality criteria are as follows:

<i>Parameter</i>	<i>Criterion Value (mg/l)</i>	<i>Total Recoverable/Dissolved</i>
Aluminum (Al)	0.75	Total Recoverable
Iron (Fe)	1.50	30 day average; Total Recoverable
Manganese (Mn)	1.00	Total Recoverable
pH	6.0—9.0	N/A

The primary pollutant source for the watershed is abandoned mine workings. This watershed was heavily mined for coal in the early 20th century and continues today. The effects of this are still present. Allocations made in the TMDL are both waste load allocations to permitted point sources and load allocations to nonpoint sources of pollution.

The TMDL was developed using Monte Carlo Simulation to determine long-term average concentrations that each stream segment could accept and still meet water quality criteria 99% of the time. Monte Carlo Simulation allows for the expansion of a dataset based on its statistical makeup. Since there was no critical flow condition where criteria were exceeded, the Department used the average flow to express the loading values in the TMDL.

The TMDL sets allowable loading rates for metals and acidity at specified points in the watershed. The basis of information used in the establishment of this TMDL is field data collected over the past 6 years.

The data and all supporting information used to develop the proposed TMDL are available from the Department. To request a copy of the proposed TMDL and an information sheet, contact Ron Horansky at (724) 925-5500 between 8 a.m. and 3 p.m., Monday through Friday, at Armbrust Professional Center, R. D. 2, Box 603-C, Greensburg, PA, 15601. E-mail will be received at rhoransky@state.pa.us. Directions to the meeting place can also be obtained through this contact.

The TMDL can be viewed and printed by accessing the Department's website at [www.dep.state.pa.us](http://www.dep.state.pa.us) (PA Keyword: TMDL).

Written comments will be accepted at the previously listed address and must be postmarked by February 2, 2005. Persons who plan to make a presentation at the public meeting should notify the Department no later than 3 p.m. on January 21, 2005. The Department will consider all comments in developing the final TMDL, which will be submitted to the Environmental Protection Agency for approval.

[Pa.B. Doc. No. 04-2150. Filed for public inspection December 3, 2004, 9:00 a.m.]

### Cleanup Standards Scientific Advisory Board, Subcommittee on Risk Assessment Meeting

The Cleanup Standards Scientific Advisory Board, Subcommittee on Risk Assessment will hold a meeting by means of teleconference on December 8, 2004, to discuss the reference dose and medium-specific concentrations of resorcinol, as well as to review and discuss a resorcinol report recently issued by The Resorcinol Peer Review Panel. The teleconference will begin at 1 p.m. in the 13th Floor, Conference Room A, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Questions concerning this meeting should be directed to Marilyn Wooding at (717) 783-7816 or [mwooding@state.pa.us](mailto:mwooding@state.pa.us). The agenda and meeting materials will be available through the Public Participation Center on the Department of Environmental Protection's (Department) website at <http://www.dep.state.pa.us>.

Persons with a disability who require accommodations to attend this meeting should contact the Department at (717) 783-7816 or through the Pennsylvania AT&T Relay Services at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 04-2151. Filed for public inspection December 3, 2004, 9:00 a.m.]

### Laboratory Accreditation Advisory Committee Meeting Cancellation

The Laboratory Accreditation Advisory Committee meeting scheduled for Tuesday, December 14, 2004, has been cancelled. A schedule of committee meetings for 2005 will be published in a future edition of the *Pennsylvania Bulletin*.

Questions concerning the cancellation of the December 14, 2004, meeting should be directed to Richard Sheibley at (717) 705-2425 or [rsheibley@state.pa.us](mailto:rsheibley@state.pa.us).

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 04-2152. Filed for public inspection December 3, 2004, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Amendments to Charges for Medical Records

Under 42 Pa.C.S. §§ 6152 and 6155 (relating to subpoena of records; and rights of patients), the Secretary of Health (Secretary) is directed to adjust annually the amounts which may be charged by a health care facility or health care provider upon receipt of a request or subpoena for production of medical charts or records. These charges apply to any request for a copy of a medical chart or record except as follows:

1) Flat fees (as listed in this notice) apply to amounts that may be charged by a health care facility or health care provider when copying medical charts or records either: a) for the purpose of supporting any claim or appeal under the Social Security Act or any Federal or

State financial needs based program, or b) for a district attorney.

2) An insurer shall not be required to pay for copies of medical records required to validate medical services for which reimbursement is sought under an insurance contract, except as provided in: a) the Worker's Compensation Act (77 P.S. § 1 et seq.) and the regulations promulgated thereunder, b) 75 Pa.C.S. Chapter 17 (relating to financial responsibility) and the regulations promulgated thereunder, or c) a contract between an insurer and any other party.

The charges listed in this notice do not apply to an X-ray film or any other portion of a medical record which is not susceptible to photostatic reproduction.

Under 42 Pa.C.S. § 6152.1 (relating to limit on charges), the Secretary is directed to make a similar adjustment to the flat fee which may be charged by a health care facility or health care provider for the expense of reproducing medical charts or records where the request is: (1) for the purpose of supporting a claim or appeal under the Social Security Act or any Federal or State financial needs based benefit program; or (2) made by a district attorney.

The Secretary is directed to base these adjustments on the most recent changes in the consumer price index reported annually by the Bureau of Labor Statistics of the United States Department of Labor. For the annual period of October 31, 2003, through October 31, 2004, the consumer price index was 3.2%.

Accordingly, the Secretary provides notice that, effective January 1, 2005, the following payments may be charged by a health care facility or health care provider for production of records in response to subpoena or request:

*Not to Exceed:*

Amount charged per page for pages 1—20 . . . . .	\$ 1.17
Amount charged per page for pages 21—60 . . . . .	\$ .88
Amount charged per page for pages 61—end . . . . .	\$ .30
Amount charged per page for microfilm copies . . . . .	\$ 1.73
Flat fee for production of records to support any claim under Social Security Act or claims under other Federal or State financial needs based programs . . . . .	\$22.15
Flat fee for supplying records requested by a District Attorney . . . . .	\$17.48
*Search and retrieval of records . . . . .	\$17.48

\*NOTE: Federal regulations enacted under the Health Insurance Portability and Accountability Act (HIPAA) at 45 CFR Parts 160-164 state that covered entities may charge a reasonable cost based fee, that includes only the cost of copying, postage and summarizing the information (if the individual has agreed to receive a summary) when providing individuals access to their medical records. The Department of Health and Human Services has stated that the fees may not include costs associated with searching for and retrieving the requested information. For further clarification on this issue, inquiries should be directed to the United States Department of Health and Human Services at: Office of Civil Rights, United States Department of Health and Human Services, 200 Independence Avenue, S.W., Room 509F, HHH Building, Washington, D.C. 20201, (866) 627-7748 or www.hhs.gov/ocr/hipaa.

In addition to the amounts listed previously, charges may also be assessed for the actual cost of postage, shipping and delivery of the requested records.

The Department of Health is not authorized to enforce these charges.

Questions or inquiries concerning this notice should be sent to: James T. Steele, Jr., Deputy Chief Counsel, Room 825, Health and Welfare Building, P. O. Box 90, Harrisburg, PA 17108, or for speech and/or hearing impaired persons, the Pennsylvania AT&T Relay Services at (800) 654-5984 (TT) or V/TT (717) 783-6514.

CALVIN B. JOHNSON, M.D., M.P.H.,  
*Secretary*

[Pa.B. Doc. No. 04-2153. Filed for public inspection December 3, 2004, 9:00 a.m.]

**Special Supplemental Nutrition Program for Women, Infants and Children (WIC Program); Minimum Inventory Requirements**

Under 28 Pa. Code § 1103.5(a)(3) (relating to minimum inventory), the WIC Program publishes notice of the minimum inventory requirements. Effective on the date of publication of this notice, a store shall have available on the premises, at the time of an onsite review and at all times thereafter while participating as a WIC authorized store, the following foods at shelf prices equal to or less than the maximum allowable prices:

*Formula*

Thirty-one 13 ounce cans of Similac Advance liquid concentrate.  
Twenty-five 32 ounce cans of Similac Advance ready-to-feed.  
Nine 12.9 ounce cans of Similac Advance powdered.

Thirty-one 13 ounce cans of Isomil Advance liquid concentrate.  
Twenty-five 32 ounce cans of Isomil Advance ready-to-feed.  
Nine 12.9 ounce cans of Isomil Advance powdered.

Other standard formulas specified on the WIC check are not minimum inventory requirements. The store must be able to provide these within 72 hours after a participant makes a request for such formula.

*Milk*

Fluid Whole, Vitamin D Fortified: ten 1/2 gallons.  
Fluid Skim, Low Fat or Reduced Fat: four 1/2 gallons.  
Nonfat Dry: Four pounds in 1 or 2 pound containers.  
Evaporated: twenty-four 12 ounce cans.

*Eggs*

Grade "A" Eggs: Three 1 dozen containers large raw shell eggs.

*Cheese*

Three WIC allowable varieties prepackaged in 8 or 16 ounce containers, totaling at least 4 pounds of cheese.

*Juices*

Two WIC allowable single strength varieties with a total of seven 46 ounce containers.

Two WIC allowable varieties frozen concentrated or shelf stable concentrated, with a total of seven 11.5 to 12 ounce containers.

Infant, three Gerber varieties with a total of fifteen 4 ounce individual containers.

*Cereal*

Adult, five WIC allowable varieties in 8 ounce or larger packages totaling at least 40 ounces.

Infant, two Gerber varieties in 8 ounce packages, totaling at least 24 ounces.

*Peanut Butter*

One 15 to 18 ounce WIC allowable container.

*Dried Peas and Beans*

Two varieties WIC allowable, 1 pound each.

*Tuna*

Four 6 to 6.5 ounce cans, chunk, light, packed in water.

*Carrots*

Two pounds of whole, unpeeled fresh carrots in 1 or 2 pound cello pack, or two cans of sliced carrots in 14 to 20 ounce cans.

CALVIN B. JOHNSON, M.D., M.P.H.,  
*Secretary*

[Pa.B. Doc. No. 04-2154. Filed for public inspection December 3, 2004, 9:00 a.m.]

## ENVIRONMENTAL HEARING BOARD

### Sunoco, Inc. (R & M) v. DEP; EHB Doc. No. 2004-243-MG

Sunoco, Inc. (R & M) has appealed the issuance by the Department of Environmental Protection of an NPDES permit to Sunoco, Inc. (R & M) for a facility in Marcus Hook Borough, Delaware County.

A date for the hearing on the appeal has not yet been scheduled.

The appeal is filed with the Environmental Hearing Board (Board) at its office on the Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457 and may be reviewed by interested parties on request during normal business hours. If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the AT&T Pennsylvania Relay Center at (800) 654-5984.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code § 1021.81 (relating to intervention). Copies of the Board's rules of practice and procedure are available upon request from the Board.

MICHAEL L. KRANCER,  
*Chairperson*

[Pa.B. Doc. No. 04-2155. Filed for public inspection December 3, 2004, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

### Actions Taken by the Commission

The Independent Regulatory Review Commission met publicly at 10:30 a.m., Thursday, November 18, 2004, and announced the following:

*Regulation Deemed Approved under section 5(g) of the Regulatory Review Act—Effective November 17, 2004*

Insurance Department # 11-222: Workers' Compensation Act—Provider Fees; Payment for Anesthesia Services (adds Chapter 167 to 31 Pa. Code)

*Regulations Approved:*

Insurance Department # 11-223: Public Adjuster Contracts and Licensing Requirements (amends 31 Pa. Code § 115.2)

Department of Health # 10-155: Recreational Swimming Establishment Lifeguard Requirements (amends 28 Pa. Code Chapter 18)

### Approval Order

Public Meeting held  
November 18, 2004

*Commissioners Voting:* John R. McGinley, Jr., Esq., Chairperson, by phone; Alvin C. Bush, Vice Chairperson; Daniel F. Clark, Esq.; Arthur Coccodrilli; Murray Ufberg, Esq.

*Insurance Department—Public Adjuster Contracts and Licensing Requirements; Regulation No. 11-223*

On October 19, 2004, the Independent Regulatory Review Commission received this regulation from the Insurance Department (Department). This rulemaking amends 31 Pa. Code § 115.2. Notice of proposed rulemaking was omitted for this regulation; it will become effective upon publication in the *Pennsylvania Bulletin*.

This final-omitted regulation replaces the phrase "business days" with "calendar days." This amendment brings Chapter 115 into conformity with its enabling statute.

We have determined this regulation is consistent with the statutory authority of the Department (63 P. S. §§ 1605, 1608) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

### Approval Order

Public Meeting held  
November 18, 2004

*Commissioners Voting:* John R. McGinley, Jr., Esq., Chairperson, by phone; Alvin C. Bush, Vice Chairperson; Daniel F. Clark, Esq.; Arthur Coccodrilli; Murray Ufberg, Esq.

*Department of Health—Recreational Swimming Establishment Lifeguard Requirements; Regulation No. 10-155*

On September 11, 2002, the Independent Regulatory Review Commission (Commission) received this proposed

regulation from the Department of Health (Department). This rulemaking amends 28 Pa. Code Chapter 18. The proposed regulation was published in the September 21, 2002 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on October 7, 2004.

This final-form regulation establishes lifeguard requirements for recreational swimming establishments and identifies lifeguard certification authorities.

We have determined this regulation is consistent with the statutory authority of the Department (35 P.S. § 675.1(b)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

JOHN R. MCGINLEY, Jr.,  
*Chairperson*

[Pa.B. Doc. No. 04-2156. Filed for public inspection December 3, 2004, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Application and Request for a Certificate of Authority

Lackawanna National Insurance Company has applied for a Certificate of Authority to operate as a stock casualty insurance company in this Commonwealth. The initial filing was received on November 8, 2004, and was made under the requirements set forth under 15 Pa.C.S. §§ 1101—1110 (relating to Business Corporation Law of 1988). Persons wishing to comment on the grounds of public or private interest to the issuance of the Insurance Department's (Department) order approving this Certificate of Authority are invited to submit a written statement to the Department within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Each written statement must include 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 to inform the Department of the exact basis of the statement. Written statements should be directed to Cressinda E. Bybee, Insurance Company Licensing Specialist, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120; fax (717) 787-8557; cbybee@state.pa.us.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 04-2157. Filed for public inspection December 3, 2004, 9:00 a.m.]

### Geisinger Health Plan Employer Group Base Medical Rate Filing; Rate Filing

On November 15, 2004, the Insurance Department (Department) received from Geisinger Health Plan a filing for a rate increase of 20.36% for the base medical plan. The proposed effective date is April 1, 2005. This filing will impact approximately 78,000 contracts and generate additional revenue of \$73 million.

Unless formal administrative action is taken prior to February 15, 2005, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Department's website at [www.ins.state.pa.us](http://www.ins.state.pa.us). Scroll down the home page and click on "Consumer Information" located on the left side. Next scroll down to "General Information," located in the middle of the page, and click on "Notices." The pdf copy of this filing is located at the link "Filing.pdf" following the name of the filing.

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's regional office in Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections to Cherri Sanders-Jones, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, [csandersjo@state.pa.us](mailto:csandersjo@state.pa.us) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 04-2158. Filed for public inspection December 3, 2004, 9:00 a.m.]

### Harleysville Mutual Insurance Company Homeowners Insurance Rate and Rule Revision; Rate Filing

On November 16, 2004, the Insurance Department (Department) received from Harleysville Mutual Insurance Company a filing for a rate level and rule change for homeowners insurance.

The company requests an overall 3.3% decrease amounting to \$575,000 annually, to be effective January 1, 2005, for new business and February 19, 2005, for renewal business.

A copy of the filing is available for review on the Department's website at [www.ins.state.pa.us](http://www.ins.state.pa.us). To access the filing, under "Quick Links" click on "Rate filings published in the PA Bulletin."

Unless formal administrative action is taken prior to January 15, 2005, the subject filing may be deemed approved by operation of law.

A copy of the filing is also available for public inspection, by appointment, during normal working hours at the Department's regional office in Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections to Xiaofeng Lu, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, [xlu@state.pa.us](mailto:xlu@state.pa.us) within 15 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 04-2159. Filed for public inspection December 3, 2004, 9:00 a.m.]



# PENNSYLVANIA PUBLIC UTILITY COMMISSION

## Gas Service

**A-125127F0002 and A-120650F0008. PFG Gas, Inc. and PPL Gas Utilities Corporation.** Application of PFG Gas, Inc. and PPL Gas Utilities Corporation for approval to offer, render, furnish or supply gas service to the public in the Borough of St. Clair, the Borough of Schuylkill Haven and the Township of Foster in Schuylkill County and in the Borough of West Pittston in Luzerne County, PA.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before December 20, 2004. The documents filed in support of the application 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 applicant's business address.

*Applicant:* PFG Gas, Inc. and PPL Gas Utilities

*Through and By Counsel:* John H. Isom, Esquire, Morgan, Lewis and Bockius, LLP, One Commerce Square, 417 Walnut Street, Harrisburg, PA 17101-1904.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 04-2160. Filed for public inspection December 3, 2004, 9:00 a.m.]

## Natural Gas Service

**A-140004F2000. Penn-Jersey Pipe Line Company.** Application of Penn-Jersey Pipe Line Company for approval to: 1) transfer substantially all of its assets to NUI Utilities, Inc.; and 2) abandon natural gas transportation service through a pipeline extending from Forks Township, Northampton County in a generally southeasterly direction to a point on the Delaware River at the Pennsylvania State line.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before December 20, 2004. The documents filed in support of the application 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 applicant's business address.

*Applicant:* Penn-Jersey Pipe Line Company

*Through and by Counsel:* Louise A. Knight, Esquire and David P. Zambito, Esquire, Saul Ewing, LLP, 2 North Second Street, 7th Floor, Harrisburg, PA 17101.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 04-2161. Filed for public inspection December 3, 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 December 27, 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-00121224. Cloud 9 Entertainment, Incorporated** (128 Boyd Drive, Butler, Butler County, PA 16001), a corporation of the Commonwealth of Pennsylvania—persons, in limousine service, between points in the Counties of Butler, Franklin, Clarion, Armstrong and Allegheny, and from points in said counties, to points in Pennsylvania and return.

**A-00121228. Glenn E. Hurst** (100 Delancy Place, Lancaster, Lancaster County, PA 17601)—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.

**A-00121227. Leroy Mickens, III** (5824 Malvern Avenue, City and County of Philadelphia, PA 19131)—persons, in limousine service, between points in the City and County of Philadelphia and the Township of Tincum, Delaware County.

**A-00121229. Delmas McCloskey** (6 McCloskey Lane, Mill Hall, Clinton County, PA 17751)—persons in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, between points in the Counties of Clinton and Centre, and from points in said counties, to points in Pennsylvania and return.

**A-00121231. Share-A-Ride Transportation, Inc.** (P. O. Box 32101, City and County of Philadelphia, PA 19146), a corporation of the Commonwealth of Pennsylvania—persons, in paratransit service, between points in the City and County of Philadelphia, and from points in said city and county, to points in Pennsylvania and return.

**Application of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of persons by transfer of rights as described under the application.**

**A-00121230. Medallion Transportation, Ltd., t/d/b/a Premier Transportation Service** (1116 Pleasant Lane, Collegetown, Montgomery County, PA 19426), a Limited Liability Company of the Commonwealth of Pennsylvania—persons, in limousine service: (1) from points in the Counties of Lehigh and Northampton, to points in Pennsylvania, and return; subject to the following condition:

that no right, power or privilege is granted to provide service between points in the said counties, except that which originates or terminates at the Lehigh Valley International Airport; and (2) between points in the Counties of Bucks, Chester, Delaware, Montgomery and Philadelphia, and from points in said counties, to points in Pennsylvania, and return; which is to be a transfer of all the rights authorized under the certificate issued at A-00118694 to Premier Transportation Service, Inc., subject to the same limitations and conditions. *Attorney: Rowan Keenan, 376 E. Main Street, Collegeville, PA 19426.*

### Complaint

*Pennsylvania Public Utility Commission Bureau of Transportation and Safety v. Computer Friend, Inc.; Doc. No. A-00112410C*

### COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Computer Friend, Inc., respondent, maintains its principal place of business at Columbus & Preble Avenue, Pittsburgh, PA 15233.

2. That respondent was issued a certificate of public convenience by this Commission on May 8, 1996, at Application Docket No. A-00112410.

3. That respondent abandoned or discontinued service without having first submitted a letter to this Commission containing a statement that the service is no longer being rendered. Respondent has not reported intrastate revenue for the years 2002, 2003 and 2004.

4. That respondent, by failing to submit a letter to this Commission containing a statement that the service is no longer being rendered, violated 52 Pa. Code § 3.381(a)(5) and, by failing to maintain adequate, efficient and safe service and facilities, violated 66 Pa.C.S. § 1501.

WHEREFORE, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission revoke respondent's Certificate of Public Convenience at A-00112410.

Respectfully submitted,

Wendy J. Keezel, Chief of Enforcement  
Motor Carrier Services & Enforcement Division  
Bureau of Transportation and Safety  
P. O. Box 3265  
Harrisburg, PA 17105-3265

### VERIFICATION

I, Wendy J. Keezel, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_  
Wendy J. Keezel, Chief of Enforcement

### NOTICE

A. You must file an answer within twenty days of the date of service of this Complaint. The date of service is the mailing date, as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). An answer is a written explanation of circumstances wished to be considered in determining the outcome. The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your answer must be verified and the original and three copies sent to:

James J. McNulty, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty days, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty, which will include the revocation of your Certificate of Public Convenience.

C. If you file an answer which admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty, which may include the revocation of your Certificate of Public Convenience.

D. If you file an answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision.

E. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at 717-787-1168.

### Complaint

*Pennsylvania Public Utility Commission Bureau of Transportation and Safety v. Van Lease America, Inc.; Doc. No. A-00109575C*

### COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Van Lease America, Inc., respondent, maintains its principal place of business at 1200 Conroy Place, Easton, PA 18042.

2. That respondent was issued a certificate of public convenience by this Commission on September 24, 1991, at Application Docket No. A-00109575.

3. That respondent abandoned or discontinued service without having first submitted a letter to this Commission containing a statement that the service is no longer being rendered. Respondent has not reported intrastate revenue for the years 2002, 2003 and 2004.

4. That respondent, by failing to submit a letter to this Commission containing a statement that the service is no longer being rendered, failed to comply with the January 11, 1999 Commission Decision at P-981458 and, by failing

to maintain adequate, efficient and safe service and facilities, violated 66 Pa.C.S. § 1501.

WHEREFORE, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission revoke respondent's Certificate of Public Convenience at A-00109575.

Respectfully submitted,

Wendy J. Keezel, Chief of Enforcement  
Motor Carrier Services & Enforcement Division  
Bureau of Transportation and Safety  
P. O. Box 3265  
Harrisburg, PA 17105-3265

**VERIFICATION**

I, Wendy J. Keezel, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_  
Wendy J. Keezel, Chief of Enforcement

**NOTICE**

A. You must file an answer within twenty days of the date of service of this Complaint. The date of service is the mailing date, as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). An answer is a written explanation of circumstances wished to be considered in determining the outcome. The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your answer must be verified and the original and three copies sent to:

James J. McNulty, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty days, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty, which will include the revocation of your Certificate of Public Convenience.

C. If you file an answer which admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty, which may include the revocation of your Certificate of Public Convenience.

D. If you file an answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision.

E. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at 717-787-1168.

*Pennsylvania Public Utility Commission Bureau of Transportation and Safety v. Milepost Transportation Services, Inc.; Doc. No. A-00118033C*

**COMPLAINT**

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are

prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Milepost Transportation Services, Inc., respondent, maintains its principal place of business at 6201 College Blvd., Suite 334, Overland Park, KS 66211.

2. That respondent was issued a contract carrier permit by this Commission on December 4, 2001, at Application Docket No. A-00118033.

3. That respondent abandoned or discontinued service without having first submitted a letter to this Commission containing a statement that the service is no longer being rendered. Respondent has not reported intrastate revenue for the years 2002, 2003 and 2004.

4. That respondent, by failing to submit a letter to this Commission containing a statement that the service is no longer being rendered, violated 52 Pa. Code § 3.381(a)(5) and, by failing to maintain adequate, efficient and safe service and facilities, violated 66 Pa.C.S. § 1501.

WHEREFORE, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission revoke respondent's Certificate of Public Convenience at A-00118033.

Respectfully submitted,

Wendy J. Keezel, Chief of Enforcement  
Motor Carrier Services & Enforcement Division  
Bureau of Transportation and Safety  
P. O. Box 3265  
Harrisburg, PA 17105-3265

**VERIFICATION**

I, Wendy J. Keezel, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_  
Wendy J. Keezel, Chief of Enforcement

**NOTICE**

A. You must file an answer within twenty days of the date of service of this Complaint. The date of service is the mailing date, as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). An answer is a written explanation of circumstances wished to be considered in determining the outcome. The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your answer must be verified and the original and three copies sent to:

James J. McNulty, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty days, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty, which will include the revocation of your Certificate of Public Convenience.

C. If you file an answer which admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty, which may include the revocation of your Certificate of Public Convenience.

D. If you file an answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision.

E. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at 717-787-1168.

[Pa.B. Doc. No. 04-2162. Filed for public inspection December 3, 2004, 9:00 a.m.]

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### Tentative Order

Public Meeting held  
November 18, 2004

*Commissioners Present:* Wendell F. Holland, Chairperson;  
Robert K. Bloom, Vice Chairperson; Glen R. Thomas;  
Kim Pizzingrilli

*In re: Jirehcom, Inc. (2004.0268); A-310938*

### Tentative Order

*By the Commission:*

Jirehcom, Inc. (Jirehcom) has failed to pay its \$16 general assessment for 2004-2005 pursuant to section 510(c) of the Public Utility Code. 66 Pa.C.S. § 510(c). Jirehcom is a telecommunications interexchange reseller certificated at A-310938 whose certificate of public convenience was issued on June 22, 2000. On August 11, 2004, Commission staff sent an invoice to Jirehcom notifying it that its 2004-2005 annual assessment was due. The Commission has not received payment for this invoice. Commission staff attempted to reach Jirehcom by telephone and discovered that their telephone number is no longer in service. Commission staff has been advised by Jirehcom's former legal counsel that Jirehcom is no longer in business and is in bankruptcy proceedings that will liquidate the company.

The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of such other remedy as the Commission may deem appropriate. 66 Pa. C.S. §§ 504, 505, 506, and 3301. Based on the above and because of Jirehcom's failure to pay its general assessment for 2004-2005, we believe it is appropriate to revoke Jirehcom's certificate of public convenience without the necessity of a formal complaint, and we tentatively conclude that revocation of Jirehcom's certificate of public convenience pursuant to 66 Pa.C.S. § 1102(a)(2) is in the public interest. Furthermore, the Commission may take other appropriate action, including the imposition of penalties under section 3301, in lieu of cancellation, if Jirehcom seeks relief from this Tentative Order; *Therefore,*

*It Is Ordered That:*

1. Revocation of Jirehcom's certificate of public convenience is hereby tentatively approved as being in the public interest.

2. The Secretary serve a copy of this Tentative Order upon the Office of Consumer Advocate, the Office of Small

Business Advocate, and the Office of Trial Staff, and also cause a copy of this Tentative Order to be published in the *Pennsylvania Bulletin* with a 30-day comment period.

3. Absent the filing of adverse public comment within 30 days after publication in the *Pennsylvania Bulletin*, this Tentative Order shall become final without further action by the Commission.

4. That upon this order becoming final and without further action by the Commission, the certificate of public convenience held by Jirehcom at A-310938 shall be canceled, and Jirehcom's name stricken from all active utility lists maintained by the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 04-2163. Filed for public inspection December 3, 2004, 9:00 a.m.]

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### Tentative Order

Public Meeting held  
November 18, 2004

*Commissioners Present:* Wendell F. Holland, Chairperson;  
Robert K. Bloom, Vice Chairperson; Glen R. Thomas;  
Kim Pizzingrilli

*In re: Telecommunications Resources, Inc. (2004.0268);  
A-310549*

### Tentative Order

*By the Commission:*

Telecommunications Resources, Inc. (Telecommunications) has failed to pay its \$59 general assessment for 2004-2005 pursuant to section 510(c) of the Public Utility Code. 66 Pa.C.S. § 510(c). Telecommunications is a telecommunications interexchange reseller certificated at A-310549 whose certificate of public convenience was issued on February 2, 1998. On August 11, 2004, Commission staff sent an invoice to Telecommunications notifying it that its 2004-2005 annual assessment was due. The Commission has not received payment for this invoice. The Commission has also never received Telecommunications' 2003 Annual Report. In a letter dated September 22, 2004, former legal counsel for Telecommunications advised the Commission that Telecommunications was dissolved on September 26, 2003, and the company is no longer providing service to customers within the Commonwealth of Pennsylvania.

The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of such other remedy as the Commission may deem appropriate. 66 Pa. C.S. §§ 504, 505, 506, and 3301. Based on the above and because of Telecommunications' failure to pay its general assessment for 2004-2005 and file its 2003 Annual Report, we believe it is appropriate to revoke Telecommunications' certificate of public convenience without the necessity of a formal complaint, and we tentatively conclude that revocation of Telecommunications' certificate of public convenience pursuant to 66 Pa.C.S. § 1102(a)(2) is in the public interest. Furthermore, the

Commission may take other appropriate action, including the imposition of penalties under section 3301, in lieu of cancellation, if Telecommunications seeks relief from this Tentative Order; *Therefore,*

*It Is Ordered That:*

1. Revocation of Telecommunications Resources, Inc.'s certificate of public convenience is hereby tentatively approved as being in the public interest.

2. The Secretary serve a copy of this Tentative Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, and the Office of Trial Staff, and also cause a copy of this Tentative Order to be published in the *Pennsylvania Bulletin* with a 30-day comment period.

3. Absent the filing of adverse public comment within 30 days after publication in the *Pennsylvania Bulletin*, this Tentative Order shall become final without further action by the Commission.

4. Upon this order becoming final and without further action by the Commission, the certificate of public convenience held by Telecommunications Resources, Inc. at A-310549 shall be canceled, and Telecommunications Resources, Inc.'s name stricken from all active utility lists maintained by the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 04-2164. Filed for public inspection December 3, 2004, 9:00 a.m.]

### Tentative Order

Public Meeting held  
November 18, 2004

*Commissioners Present:* Wendell F. Holland, Chairperson;  
Robert K. Bloom, Vice Chairperson; Glen R. Thomas;  
Kim Pizzingrilli

*In re: Univance Telecommunications, Inc. (2004.0268);  
A-310590*

### Tentative Order

*By the Commission:*

Univance Telecommunications, Inc. (Univance) has failed to pay its \$71 general assessment for 2004-2005 pursuant to section 510(c) of the Public Utility Code. 66 Pa.C.S. § 510(c). Univance is a telecommunications interexchange reseller certificated at A-310590 whose certificate of public convenience was issued on November 21, 1997. On August 11, 2004, Commission staff sent an invoice to Univance notifying it that its 2004-2005 annual assessment was due. The Commission has not received payment for this invoice. The Commission has also never received Univance's 2003 Annual Report. Commission staff has learned from officials of Motion Telecom, Inc. that Motion Telecom, Inc. acquired the customers of Univance in 2003 and that Univance is no longer in business. Motion Telecom, Inc. has since sold the same customers to Wireless Channels, Inc. This latter transaction was approved by the Commission by Order entered June 10, 2004 at A-31127-F0002.

The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public

Utility Code to ensure timely compliance with our regulations and orders including the ordering of such other remedy as the Commission may deem appropriate. 66 Pa. C.S. §§ 504, 505, 506, and 3301. Based on the above and because of Univance's failure to pay its general assessment for 2004-2005 and file its 2003 Annual Report, we believe it is appropriate to revoke Univance's certificate of public convenience without the necessity of a formal complaint, and we tentatively conclude that revocation of Univance's certificate of public convenience pursuant to 66 Pa.C.S. § 1102(a)(2) is in the public interest. Furthermore, the Commission may take other appropriate action, including the imposition of penalties under section 3301, in lieu of cancellation, if Univance seeks relief from this Tentative Order; *Therefore,*

*It Is Ordered That:*

1. Revocation of Univance's certificate of public convenience is hereby tentatively approved as being in the public interest.

2. The Secretary serve a copy of this Tentative Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, and the Office of Trial Staff, and also cause a copy of this Tentative Order to be published in the *Pennsylvania Bulletin* with a 30-day comment period.

3. Absent the filing of adverse public comment within 30 days after publication in the *Pennsylvania Bulletin*, this Tentative Order shall become final without further action by the Commission.

4. Upon this order becoming final and without further action by the Commission, the certificate of public convenience held by Univance at A-310590 shall be canceled, and Univance's name stricken from all active utility lists maintained by the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 04-2165. Filed for public inspection December 3, 2004, 9:00 a.m.]

### Water Service

**A-210104F0054 and A-211880F2000. Aqua Pennsylvania, Inc. and Meadowcrest Water Company, Inc.** Joint application of Aqua Pennsylvania, Inc. and Meadowcrest Water Company, Inc. for approval of: 1) the acquisition by Aqua Pennsylvania, Inc. of the water system assets of Meadowcrest Water Company, Inc. in Kingston Township, Luzerne County, PA; 2) the right of Aqua Pennsylvania, Inc. to begin to offer, render, furnish and supply water service to the public in a portion of Kingston Township, Luzerne County, PA; and 3) the abandonment by Meadowcrest Water Company, Inc. of public water service within Kingston Township, Luzerne County, PA.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before December 20, 2004. The documents filed in support of the application 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 applicant's business address.

*Applicants:* Aqua Pennsylvania, Inc. and Meadowcrest Water Company, Inc.

*Through and By Counsel:* Frances P. Orth, Esquire, Assistant General Counsel, 762 West Lancaster Avenue, Bryn Mawr, PA 19010.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 04-2166. Filed for public inspection December 3, 2004, 9:00 a.m.]

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# 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.

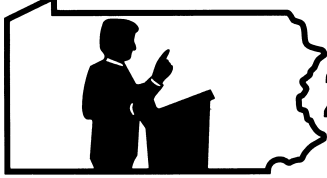
Act 1984-196 redefined a "qualified small business concern" as any independently owned and operated, for-profit business concern employing 100 or fewer employees. See 4 Pa. Code § 2.32. The business must include the following statement on every invoice submitted to the Commonwealth: "(name of business) 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

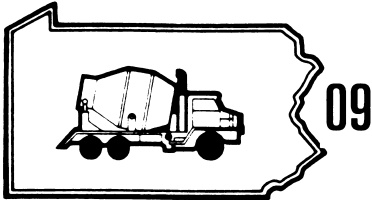
## PA TREASURY BUSINESS OUTLET—PLUG INTO IT!

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*

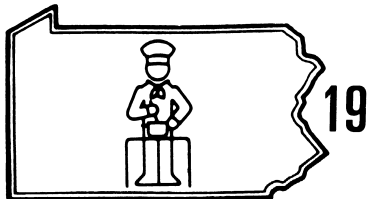
## SERVICES



### Construction & Construction Maintenance

**SSHE 401-BL-744** Work under this project consists of construction of new multi-floor additions to the front of Luzerne and Northumberland Residence Halls. Luzerne Residence Hall is a four-story addition and includes renovations to adjacent spaces along with general, mechanical, and electrical improvements. Northumberland Residence Hall is a three-story addition and includes renovations to adjacent spaces along with general, mechanical and electrical improvements. This is a three prime contract. To obtain a copy of the bid documents, submit a \$200.00 non-refundable deposit to Robert A. Lack Architecture & Design, Inc., 230 Market Street, Lewisburg, PA 17837, phone #570-524-2300. The pre-bid conference will be held on December 16, 2004 at 10:00 am with location in the bid specifications and bids due January 20, 2005 at 1:00 p.m.

**Department:** State System of Higher Education  
**Location:** Bloomsburg University, 400 East Second Street, Bloomsburg, PA 17815  
**Duration:** 275 calendar days  
**Contact:** Diann Shamburg, (570) 389-4312



### Food

**8423** Perishable Food Items as follows: Bread, Rolls and Doughnuts for Ebensburg Center as follows: June 30, 2005 through December 31, 2005. Commodities and quantities available from the Purchasing Office, Ebensburg Center, Rt. 22 West, P.O. Box 600, Ebensburg PA 15931. Award made in the best interest of the Commonwealth.

**Department:** Public Welfare  
**Location:** Ebensburg Center (Dietary Building), Department of Public Welfare, Rt. 22 West, P.O. Box 600, Ebensburg, PA 15931  
**Duration:** June 30, 2005 through December 30, 2005  
**Contact:** Nannette McCreary, Purchasing Agent 1, (814) 472-0288

**8420** Perishable Food Items for Ebensburg Center as follows: Quarterly for: Miscellaneous Foods, Fruits and Vegetables Frozen, Dairy Products, Cheese and Ice Cream and Sherbert. Monthly for Meat, Poultry, Produce and Fish. Commodities and quantities available from the Purchasing Office, Ebensburg Center, Rt. 22 West, P.O. Box 600, Ebensburg PA 15931. When requesting bids, please specify the categories of items you wish to receive. Awards made in the best interest of the Commonwealth.

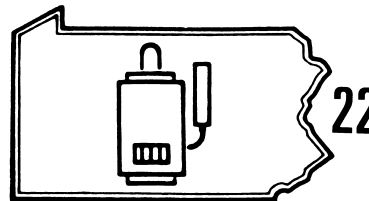
**Department:** Public Welfare  
**Location:** Ebensburg Center (Dietary Building), Department of Public Welfare, Rt. 22 West, P.O. Box 600, Ebensburg, PA 15931  
**Duration:** January, February and March 2005  
**Contact:** Nannette McCreary, Purchasing Agent 1, (814) 472-0288

**8422** Perishable Food Items as follows: Bread, Rolls and Doughnuts for Ebensburg Center as follows: January 1, 2005 through June 30, 2005. Commodities and quantities available from the Purchasing Office, Ebensburg Center, Rt. 22 West, P.O. Box 600, Ebensburg PA 15931. Award made in the best interest of the Commonwealth.

**Department:** Public Welfare  
**Location:** Ebensburg Center (Dietary Building), Department of Public Welfare, Rt. 22 West, P.O. Box 600, Ebensburg, PA 15931  
**Duration:** January 1, 2005 through June 30, 2005  
**Contact:** Nannette McCreary, Purchasing Agent 1, (814) 472-0288

**AC 8421** Perishable Food Items for Altoona Center as follows: Quarterly for Miscellaneous Foods, Fruits and Vegetables Frozen, Dairy Products, Frozen Juices, Cheese and Ice Cream and Sherbert. Monthly for Meat, Poultry, Produce and Fish. Commodities and quantities available from the Purchasing Office, Ebensburg Center, Rt. 22 West, P.O. Box 600, Ebensburg PA 15931. When requesting bids, please specify the categories of items you wish to receive. Awards made in the best interest of the Commonwealth.

**Department:** Public Welfare  
**Location:** Altoona Center (Storeroom), Department of Public Welfare, 1515 Fourth Street, Altoona, PA 16601  
**Duration:** January, February and March 2005  
**Contact:** Nannette McCreary, Purchasing Agent 1, (814) 472-0288

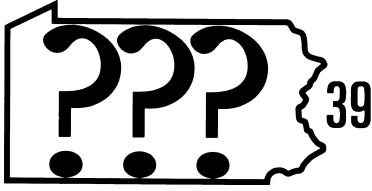


### HVAC Services

**CN00011971** Contractor shall provide maintenance and repair to all kitchen equipment, existing and future, during the period of January 1, 2005 to June 30, 2008, at the State Correctional Institution at Fayette. Interested vendors must be registered with the Commonwealth's vendor program, Imagine PA. To register and to obtain a PA Vendor Number, please call 1-866-775-2868. Once you are registered, call for contract specifics.

**Department:** Corrections  
**Location:** State Correctional Institution at Fayette, 50 Overlook Drive, LaBelle, PA 15450  
**Duration:** January 1, 2005 to June 30, 2008  
**Contact:** Nancy Keller, (724) 364-2200 x1030





### Miscellaneous

**2004-1** Pursuant to House Resolution 865, a study is required to include (1) an analysis of the statutes, regulations and other measures that regulate the amount, nature and disposition of surpluses held by or for the benefit of health insurers in excess of amounts reasonably anticipated to be required to pay claims, taking into account the level of such reserves and surpluses necessary to safeguard the solvency of health insurers against unanticipated events and other circumstances that would cause extraordinary medical losses; (2) comparison of Pennsylvania and other state statutes and regulations regarding insurance reserves and a review of existing model statutes; (3) summary of alternative approaches available to the Commonwealth with particular attention being directed to the alternatives with respect to the use of those amounts to reduce premiums or to delay or to moderate premium increases; (4) a review of how the Blue Cross and Blue Shield health plans fund services and programs to conduct humanitarian activities. RFP will be available December 6, 2004.

**Department:** Legislative Budget and Finance Committee  
**Location:** P.O. Box 8737, 400 Finance Building, North and Commonwealth Avenue, Harrisburg, PA 17120  
**Duration:** Final report must be completed by June 1, 2005. Required testimony at legislative hearings will occur after this date.  
**Contact:** Phil Durgin, Executive Director, (717) 783-1600

**cn00011912** Centrifuged Chillers - Contractor will provide for maintenance and emergency service to the centrifugal chillers at SCI-Chester. This contract would provide for annual winter maintenance, inspection, scheduled prevention maintenance and emergency service to the centrifugal chillers. Contractor will provide all major labor to diagnose, repair and/or replace failed components of the equipment. More detailed information can be obtained from the Institution.

**Department:** Corrections  
**Location:** SCI-Chester, 500 E. 4th St., Chester, PA 19013  
**Duration:** January 2, 2005 - December 31, 2007  
**Contact:** Jacqueline Newson, Purchasing Agent, (610) 490-4370

**RFA#2005-SG-01** PENNSERVE announces the availability of grant funding for operation of PENNSERVE/Home Depot special grant for non-profit or faith-based organizations that sustained damage during the 2004 hurricane and flooding season in Pennsylvania. Limited funds are available. Up to three (3) grants will be awarded for a total of \$66,500. Applications can be obtained from the PENNSERVE website at [www.pennserve.state.pa.us](http://www.pennserve.state.pa.us) or by calling PENNSERVE at 717-787-1971. All applications are due by 4:00 P.M., EST., Wednesday, December 8, 2004.

**Department:** Labor and Industry  
**Location:** 1306 Labor and Industry Building, Harrisburg, PA 17120  
**Duration:** 1 year duration upon award of grant.  
**Contact:** La-Verna J. Fountain, (717) 787-1971

[Pa.B. Doc. No. 04-2167. Filed for public inspection December 3, 2004, 9:00 a.m.]

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## DESCRIPTION OF LEGEND

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| <p><b>1</b> Advertising, Public Relations, Promotional Materials</p> <p><b>2</b> Agricultural Services, Livestock, Equipment, Supplies &amp; Repairs: Farming Equipment Rental &amp; Repair, Crop Harvesting &amp; Dusting, Animal Feed, etc.</p> <p><b>3</b> Auctioneer Services</p> <p><b>4</b> Audio/Video, Telecommunications Services, Equipment Rental &amp; Repair</p> <p><b>5</b> Barber/Cosmetology Services &amp; Equipment</p> <p><b>6</b> Cartography Services</p> <p><b>7</b> Child Care</p> <p><b>8</b> Computer Related Services &amp; Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p><b>9</b> Construction &amp; Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p><b>10</b> Court Reporting &amp; Stenography Services</p> <p><b>11</b> Demolition—Structural Only</p> <p><b>12</b> Drafting &amp; Design Services</p> <p><b>13</b> Elevator Maintenance</p> <p><b>14</b> Engineering Services &amp; Consultation: Geologic, Civil, Mechanical, Electrical, Solar &amp; Surveying</p> <p><b>15</b> Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core &amp; Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p><b>16</b> Extermination Services</p> <p><b>17</b> Financial &amp; Insurance Consulting &amp; Services</p> <p><b>18</b> Firefighting Services</p> <p><b>19</b> Food</p> <p><b>20</b> Fuel Related Services, Equipment &amp; Maintenance to Include Weighing Station Equipment, Underground &amp; Above Storage Tanks</p> <p><b>21</b> Hazardous Material Services: Abatement, Disposal, Removal, Transportation &amp; Consultation</p> | <p><b>22</b> Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental &amp; Repair</p> <p><b>23</b> Janitorial Services &amp; Supply Rental: Interior</p> <p><b>24</b> Laboratory Services, Maintenance &amp; Consulting</p> <p><b>25</b> Laundry/Dry Cleaning &amp; Linen/Uniform Rental</p> <p><b>26</b> Legal Services &amp; Consultation</p> <p><b>27</b> Lodging/Meeting Facilities</p> <p><b>28</b> Mailing Services</p> <p><b>29</b> Medical Services, Equipment Rental and Repairs &amp; Consultation</p> <p><b>30</b> Moving Services</p> <p><b>31</b> Personnel, Temporary</p> <p><b>32</b> Photography Services (includes aerial)</p> <p><b>33</b> Property Maintenance &amp; Renovation—Interior &amp; Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning &amp; Planting, etc.)</p> <p><b>34</b> Railroad/Airline Related Services, Equipment &amp; Repair</p> <p><b>35</b> Real Estate Services—Appraisals &amp; Rentals</p> <p><b>36</b> Sanitation—Non-Hazardous Removal, Disposal &amp; Transportation (Includes Chemical Toilets)</p> <p><b>37</b> Security Services &amp; Equipment—Armed Guards, Investigative Services &amp; Security Systems</p> <p><b>38</b> Vehicle, Heavy Equipment &amp; Powered Machinery Services, Maintenance, Rental, Repair &amp; Renovation (Includes ADA Improvements)</p> <p><b>39</b> Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
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DONALD T. CUNNINGHAM, Jr.  
*Secretary*





