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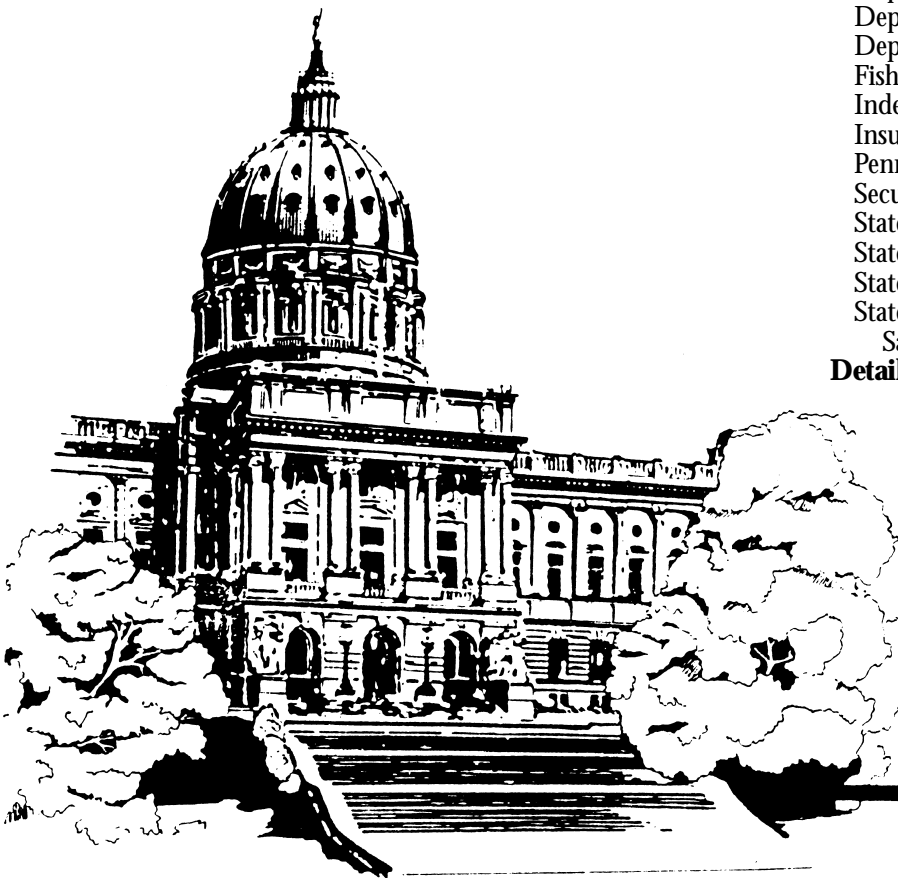
PENNSYLVANIA BULLETIN

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Agencies in this issue:

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The Courts
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Department of Transportation
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Independent Regulatory Review Commission
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Pennsylvania Public Utility Commission
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State Board of Education
State Board of Nursing
State Board of Vehicle Manufacturers, Dealers and
Salespersons

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**Latest Pennsylvania Code Reporter
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No. 373, December 2005

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Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Documents

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

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

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

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Printing Format

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

Fiscal Notes

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

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

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List of Pa. Code Chapters Affected

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GENERAL ASSEMBLY

Recent Actions during the 2005 Regular Session of the General Assembly

The following is a summary of recent actions of the General Assembly during the 2005 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>
2005 GENERAL ACTS ENACTED—ACT 073 through 075					
073	Nov 22	HB1579	PN2997	60 days	Resource Family Care Act—enactment
074	Nov 22	HB1606	PN2949	July 1, 2006	Pennsylvania Breast and Cervical Cancer Early Screening Act—enactment
075	Nov 22	SB0932	PN1270	Immediately	Conveyance—Commonwealth property in Borough of Doylestown, Bucks County; adding restrictions

*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, PHMC, Commonwealth Keystone Building, 400 North Street, Harrisburg, PA 17120-0053, 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. 05-2263. Filed for public inspection December 9, 2005, 9:00 a.m.]

Recent Actions during the 2005 Regular Session of the General Assembly

The following is a summary of recent actions of the General Assembly during the 2005 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>
2005 GENERAL ACTS ENACTED—ACT 076 through 078					
076	Nov 23	HB1400	PN1688	60 days	Crimes Code (18 Pa.C.S.)—indecent assault
077	Nov 23	HB1509	PN1843	immediately	Conveyance—Commonwealth property in Hempfield Township, Westmoreland County
078	Nov 23	SB0260	PN0264	60 days	Interstate Insurance Product Regulation Compact Establishment Act—enactment

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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, PHMC, Commonwealth Keystone Building, 400 North Street, Harrisburg, PA 17120-0053, 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. 05-2264. Filed for public inspection December 9, 2005, 9:00 a.m.]

THE COURTS

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

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

Amendments to the Pennsylvania Bar Admission Rules and the Pennsylvania Rules of Disciplinary Enforcement Relating to Misstatements or Omissions in Licensure Applications

Notice is hereby given that The Pennsylvania Board of Law Examiners and The Disciplinary Board of the Supreme Court of Pennsylvania are considering recommending to The Supreme Court of Pennsylvania that it amend the Pennsylvania Bar Admission Rules and the Pennsylvania Rules of Disciplinary Enforcement to make clear that a material misstatement or omission by an applicant for a license to practice law may be grounds to revoke the applicant's license.

Pennsylvania Rules of Disciplinary Enforcement 203(b) and 204(a) are proposed to be amended to provide expressly that a material misstatement or omission in an application submitted to the Board of Law Examiners constitutes grounds for discipline. The Disciplinary Board would have the authority to revoke the applicant's license or to impose some other form of discipline. Pennsylvania Bar Admission Rule 201(c) is proposed to be amended to provide notice to applicants that a material misstatement or omission in an application will be grounds for discipline.

Interested persons are invited to submit written comments regarding the proposed amendments to the Office of the Executive Director, Pennsylvania Board of Law Examiners, 5070A Ritter Road, Suite 500, Mechanicsburg, PA 17055, and to the Office of the Secretary, The Disciplinary Board of the Supreme Court of Pennsylvania, First Floor, Two Lemoyne Drive, Lemoyne, PA 17043, on or before January 13, 2006.

By *Pennsylvania Board of Law Examiners*

MARK S. DOWS,
Executive Director

By *The Disciplinary Board of the Supreme Court of Pennsylvania*

ELAINE M. BIXLER,
Secretary of the Board

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

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

Subchapter B. ADMISSION TO THE BAR GENERALLY IN GENERAL

Rule 201. Bar of the Commonwealth of Pennsylvania.

* * * * *

(c) *Changes in status under Enforcement Rules.* An attorney admitted to the bar or issued a limited license to practice law as an in-house corporate counsel, military attorney, or foreign legal consultant:

(1) may be disbarred, suspended or transferred to inactive status and may be readmitted or otherwise reinstated pursuant to the Enforcement Rules [administered by The Disciplinary Board of the Supreme Court of Pennsylvania.];

(2) may have such admission to the bar or limited license to practice law revoked or another appropriate sanction imposed pursuant to the Enforcement Rules when the attorney made a material misrepresentation of fact or deliberately failed to disclose a material fact in connection with an application submitted under these rules that is not discovered prior to the attorney being admitted to the bar or issued a limited license to practice law.

(d) *Certification of good standing.* Upon written request and the payment of a fee of \$25.00 the Prothonotary shall issue a certificate of good standing to any member of the bar of this Commonwealth or limited licensed attorney entitled thereto. The certificate shall be one appropriate for admission to the bar of the federal courts and other state courts. A certificate of good standing shall not be issued to a member of the bar of this Commonwealth or limited licensed attorney who currently is the subject of:

* * * * *

(3) a petition for transfer to inactive status pursuant to Enforcement Rule 301 (relating to proceedings where an attorney is declared to be incompetent or is alleged to be incapacitated).

Official Note: If a person's admission to practice law or limited license to practice law as an in-house corporate counsel or foreign legal consultant is revoked for a material misrepresentation or omission, the person will be required to reapply de novo. Any such persons who are seeking admission to practice law must meet all of the requirements for admission to the bar, including the taking and passing of the current bar examination if more than three years have passed since the prior certificate recommending the person's admission to the bar was issued by the Board. At the time of reapplication, the Board will make a determination as to the applicant's character and fitness to practice law, taking into account all of the existing character issues, including the prior misrepresentation or omission.

* * * * *

Annex B

PART V. PROFESSIONAL ETHICS AND CONDUCT

Subpart B. DISCIPLINARY ENFORCEMENT

CHAPTER 83. PENNSYLVANIA RULES OF DISCIPLINARY ENFORCEMENT

Subchapter B. MISCONDUCT

Rule 203. Grounds for discipline.

* * * * *

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

* * * * *

(6) Making a material misrepresentation of fact or deliberately failing to disclose a material fact in connection with an application submitted under the Pennsylvania Bar Admission Rules.

* * * * *

Rule 204. Types of discipline.

(a) Misconduct shall be grounds for:

* * * * *

(7) Revocation of an attorney's admission or license to practice law in the circumstances provided in Rule 203(b)(6) (relating to grounds for discipline).

* * * * *

[Pa.B. Doc. No. 05-2265. Filed for public inspection December 9, 2005, 9:00 a.m.]

**PART V. PROFESSIONAL ETHICS AND CONDUCT
[204 PA. CODE CH. 81]**

Amended and Restated Regulations for IOLTA; No. 49 Disciplinary Rules; Doc. No. 1

Order

Per Curiam:

And Now, this 21st day of November, 2005, it is hereby ordered that:

1. The Regulations for the Pennsylvania Interest on Lawyers Trust Account Board are amended and restated to read as follows in Annex A.
2. Whereas prior distribution and publication of these regulations would otherwise be required it has been determined that immediate promulgation is required in the interest of justice and efficient administration.
3. This Order should be processed in accordance with Pa.R.J.A 103(b) and shall be effective immediately.

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT

Subpart A. PROFESSIONAL RESPONSIBILITY

CHAPTER 81. RULES OF PROFESSIONAL CONDUCT

Subchapter B. RULES FOR INTEREST ON LAWYERS TRUST ACCOUNTS

Preamble: Statement of Purpose

Rule 1.15 of the Pennsylvania Rules of Professional Conduct ("Pa.R.P.C.") has, since the adoption of the Rules of Professional Conduct, required lawyers to segregate property of clients and third persons from the lawyer's own property, and by extension, not to profit by use of property belonging to clients or third persons. This provision of the Pa.R.P.C. for the protection of the client or third person, is designed to ensure the ethical conduct of lawyers, and may not be waived by the client or third person. Pa.R.P.C. 1.15 mandates the maintenance of IOLTA Accounts for certain funds received by a lawyer in connection with a client-lawyer relationship. In addition, Pa.R.P.C. mandates the maintenance of Trust Accounts

(including IOLTA Accounts for Qualified Funds) if, under Pa.R.P.C. 5.7, the lawyer is subject to the Pa.R.P.C. and the lawyer receives funds in connection with services (legal or nonlegal) to the recipient of those services. IOLTA generates income where formerly there was none; this income will aid the citizens of the Commonwealth of Pennsylvania by improving access to the civil legal system by those who otherwise could not afford legal representation, improving the legal educational system in Pennsylvania via funding for legal clinical programs and internships, and assisting in the general administration of justice in Pennsylvania.

§ 81.101. Definitions.

The following words and phrases when used in these regulations shall have the meanings given to them in this section unless the context clearly indicates otherwise:

Board. The Pennsylvania Interest on Lawyer Trust Account Board.

Financial institution. A financial institution approved by the Supreme Court of Pennsylvania pursuant to Rule 221 of the Pennsylvania Rules of Disciplinary Enforcement ("Pa.R.D.E."). A financial institution will be a bank, bank and trust company, trust company, savings and loan association, credit union, savings bank or foreign banking institution authorized to do business in the Commonwealth of Pennsylvania, whose deposits are insured by the Federal Deposit Insurance Corporation or an alternate share insurer, and who has been specifically approved as a financial institution within the meaning of Pa.R.D.E. 221.

Good faith. Honesty in fact in the conduct or transaction concerned.

Interest on Lawyer Trust Account or IOLTA Account. An unsegregated Trust Account with an approved financial institution for the deposit of Qualified Funds by a lawyer.

Lawyer. A member in good standing of the bar of the Supreme Court of Pennsylvania, who is not an active or senior member of the judiciary. The term "lawyer" also includes a partnership of lawyers, a professional association of lawyers, and a professional corporation or other organization whose members or shareholders are engaged in the practice of law.

Member of the Judiciary. An individual who has been admitted to the Pennsylvania Bar and who has been appointed or elected and is serving as a judicial official of any state or of the United States of America and whose position prohibits the individual from the practice of law within the territorial jurisdiction when the individual serves as a judge. This term shall not include a lawyer who is permitted to and who voluntarily chooses to maintain active lawyer status in Pennsylvania so long as the judicial position does not prevent him or her from practicing law in Pennsylvania.

Nonqualified Funds. Rule 1.15 Funds, whether cash, check, money order, or other negotiable instrument received by a lawyer in a representative capacity, and which are not Qualified Funds.

Qualified Funds. Rule 1.15 Funds, whether cash, check, money order, or other negotiable instrument received by a lawyer in a representative capacity which, in the good faith judgment of the lawyer, are nominal in amount or are reasonably expected to be held for such a short period of time that sufficient interest income will not be generated to justify the expense of earning interest to benefit the client or third person owner of the funds. See Regulation Section 81.104(c) for further guidance.

Regulations. These regulations adopted by the Board, and approved by the Supreme Court of Pennsylvania, as they may be amended from time to time.

Representative capacity. Received by a lawyer in connection with a client-lawyer relationship, or under circumstances such that the lawyer is subject to the obligations of Rule 1.15 of the Pennsylvania Rules of Professional Conduct and these Regulations as if a client-lawyer relationship existed. See Regulation Section 81.104. A lawyer who receives funds while acting as a fiduciary for an estate, trust, guardianship, or conservatorship does not receive those funds in a representative capacity.

Rule 1.15 Funds. Funds which the lawyer receives in connection with a client-lawyer relationship, or under circumstances described in Pa.R.P.C. 5.7(a), (b), or (c), excluding funds which the lawyer receives while acting as fiduciary for an estate, trust, guardianship or conservatorship. Rule 1.15 Funds include all funds of a client or third person received by a lawyer, in a representative capacity, from any person.

Third Party Owner. The client or third person whose funds are in the custody of a lawyer.

Trust Account. An interest-bearing account maintained in a financial institution, as defined in Rule of Disciplinary Enforcement 221, in which or with respect to which a lawyer holds Rule 1.15 Funds, including but not limited to an IOLTA Account.

§ 81.102. Scope.

(a) All lawyers who maintain a place of practice in the Commonwealth of Pennsylvania and who receive Qualified Funds must comply with the requirement that Qualified Funds be placed in an IOLTA Account as provided in Pa.R.P.C. 1.15 unless and to the extent an exemption is granted pursuant to Pa.R.P.C. 1.15(h) and Section 81.108 of these regulations.

(b) Each lawyer must register his or her IOLTA Account with the Disciplinary Board of the Supreme Court of Pennsylvania annually.

§ 81.103. Lawyers.

(a) If a lawyer is required to maintain a Trust Account, the lawyer shall comply with these regulations and participate in IOLTA if the lawyer meets either of the circumstances set forth in (i) or (ii):

(i) Practices law in Pennsylvania: The lawyer practices law from an office within the Commonwealth of Pennsylvania.

(ii) Practices law in and out of Pennsylvania: If a lawyer primarily practices outside of Pennsylvania but also has an office within the Commonwealth, then the lawyer must deposit Qualified Funds generated in Pennsylvania in a Pennsylvania IOLTA Account.

(b) Nothing herein shall be construed to require a lawyer who does not receive funds of a Third Party Owner to maintain an IOLTA Account.

(c) Law Firm Compliance: A lawyer may use an IOLTA Account in common with other lawyers in his or her firm, whether organized as a partnership, professional association, professional corporation, limited liability company or partnership, or other form of organization. However, each lawyer has an individual duty to comply with Pa.R.P.C. and these regulations.

(i) A law firm may register its IOLTA account and submit a list of all lawyers in the firm who use the

IOLTA Account for the maintenance of all Qualified Funds received by the lawyer.

(ii) Each lawyer using the IOLTA Account for the deposit of all Qualified Funds received by him or her will be in compliance with IOLTA.

(d) Newly admitted lawyer: A lawyer newly admitted to the bar of the Supreme Court of Pennsylvania must comply with these regulations within sixty (60) days of admission to the bar.

(e) Change of employment: A lawyer who changes employment status must comply with these regulations within sixty (60) days of the change, unless the lawyer no longer meets the requirements of subsections (a)(i)—(ii) of this Section 81.103 or is no longer required to maintain a Trust Account.

(f) Subsequent eligibility: Any lawyer not having met the requirements of subsections (a)(i)—(ii) of this Section 81.103, who subsequently meets the requirements of subsections (a)(i)—(ii) and who must maintain a Trust Account must comply with these regulations within sixty (60) days of subsequent eligibility.

§ 81.104. Rule 1.15 Funds.

(a) Rule 1.15 Funds are funds received by a lawyer in a representative capacity from or on behalf of a Third Party Owner. Pa.R.P.C. 1.15 requires the lawyer to maintain funds of a Third Party Owner separate from the lawyer's own property, and to safeguard the funds appropriately. A lawyer may not personally profit from Rule 1.15 Funds.

(i) Received in connection with a client-lawyer relationship: Rule 1.15 Funds are funds received in connection with a client-lawyer relationship.

(ii) Funds received while acting as a fiduciary: Pa.R.P.C.1.15(d) specifically excludes from its application funds received by the lawyer while acting as fiduciary for an estate, trust, guardianship, or conservatorship. However, if these funds are nominal in amount or reasonably expected to be held for such a short period that sufficient interest will not be generated to justify maintaining a segregated account, these funds may be deposited in an IOLTA Account.

(iii) Received in connection with nonlegal services: Under Rule 5.7 of the Pennsylvania Rules of Professional Conduct, there are three situations involving the provision of nonlegal services by a lawyer which trigger the applicability of the Pennsylvania Rules of Professional Conduct. These include: (A) if a lawyer provides nonlegal services that are not distinct from legal services, (B) if the lawyer provides nonlegal services that are distinct from legal services, but the lawyer knows or reasonably should know that the recipient might believe that the recipient of the services is receiving the protection of a client-lawyer relationship, and (C) if the lawyer is a owner, controlling party, employee, agent, or is otherwise affiliated with an entity providing nonlegal services and the lawyer knows or reasonably should know that the recipient of the service might believe that the recipient is receiving the protection of a client-lawyer relationship. In each of these three cases, the lawyer will be subject to the obligations of Rule 1.15 of the Pennsylvania Rules of Professional Conduct and these Regulations as if a client-lawyer relationship existed with the recipient of the services. If a lawyer receives funds in connection with a relationship described in any of these situations, the funds are Rule 1.15 Funds and must be deposited either in an IOLTA Account or in a Trust Account for the benefit of the Third Party Owner.

Factors which should be used to determine whether, under the tests of Pa.R.P.C. 5.7, the nonlegal services (and funds received in connection therewith) are subject to the Pa.R.P.C. include:

(1) whether funds received in connection with the nonlegal services are maintained completely separate from funds received in connection with legal services;

(2) whether the lawyer has advised the Third Party Owner in clear, unambiguous terms that the lawyer is acting in a nonlegal capacity, and is not receiving funds in connection with a client-lawyer relationship;

(3) whether the Third Party Owner can reasonably expect to have the protection of the client-lawyer relationship cover the entire matter;

(4) whether the lawyer performs both legal and nonlegal services from the same office; and

(5) whether the lawyer uses different letterhead in connection with legal and nonlegal services.

(iv) Certain funds handled routinely by a lawyer may not be Rule 1.15 Funds. Rule 1.15 Funds are received by the lawyer in connection with a client-lawyer relationship. Rule 1.15 Funds are also funds received by the lawyer in connection with the provision of nonlegal services under any of the circumstances described in Section 81.104(a)(iii) of these Regulations. These Rule 1.15 Funds must be deposited in an IOLTA Account or a Trust Account for the benefit of the Third Party Owner.

For example, if the lawyer as an agent for a title insurance company handles title insurance and real estate matters in connection with a client-lawyer relationship, or if the provision of title insurance and other services in connection with the real estate matter is not distinct from legal services provided to that recipient, or if the lawyer knows or has reason to know that the recipient of the services believes the relationship to be that of client-lawyer, funds received by the lawyer in connection with the relationship are Rule 1.15 Funds and must be placed in a Trust Account. If the Rule 1.15 Funds are Qualified Funds, the funds must be deposited in an IOLTA Account. The lawyer as title insurance agent may be required to maintain a separate settlement account for each underwriter to process funds handled by that lawyer in connection with acting as a title insurance agent. If the funds deposited in the settlement account are Qualified Funds, each settlement account must be an IOLTA Account.

(b) Subaccounting refers to a process whereby Nonqualified Funds are segregated by the lawyer or the lawyer's financial institution by Third Party Owner, and interest on each subaccount is separately calculated, reported, and paid to the Third Party Owner. Subaccounting attributes all of the interest earned on the Rule 1.15 Funds to the Third Party Owner.

(i) Nothing in these regulations shall be construed to prohibit a lawyer from maintaining and administering a separate subaccount for each Third Party Owner from whom Rule 1.15 Funds are received.

(ii) A lawyer who directly maintains a subaccounting system for Rule 1.15 Funds must comply not only with Pa.R.P.C. regarding such funds, but must also comply with applicable laws and regulations of the United States and of the Internal Revenue Service in particular.

(iii) Nothing in these regulations shall be construed to prohibit a lawyer from delegating to a financial institution the responsibility for maintaining and administering

a separate subaccount for each Third Party Owner from whom the lawyer receives Rule 1.15 Funds.

(c) Qualified Funds: The lawyer should apply an economic benefits test to determine whether Rule 1.15 Funds are Qualified Funds. Rule 1.15 Funds are not Qualified Funds if the lawyer will hold the funds for such a length of time, or if the Rule 1.15 Funds are of sufficient amount that the interest generated on the funds will exceed the cost of earning and conveying the interest to Third Party Owner.

(i) Law firm compliance v. lawyer responsibility: A lawyer who is an employee or member of a law firm that maintains an IOLTA Account is presumed to be in compliance with IOLTA regulations when the lawyer uses only the law firm approved IOLTA Account for the deposit of all Qualified Funds entrusted to him or her. However, the lawyer is ultimately responsible to assure that he or she is in compliance with Pa.R.P.C. 1.15 and these regulations.

(ii) Good faith judgment: A lawyer must use good faith judgment in determining whether Rule 1.15 Funds are Qualified Funds. A lawyer will not be liable for damages or be held to have breached a fiduciary duty or responsibility because the lawyer deposited funds into an IOLTA Account pursuant to the lawyer's judgment in good faith that the funds were Qualified Funds.

(iii) Nominal Rule 1.15 Funds: Funds that when considered alone are not large enough to earn net interest for the Third Party Owner thereof are Qualified Funds.

(iv) Funds held for a short time: Funds which are not expected to be held for sufficient time to provide net interest for the Third Party Owner are Qualified Funds.

(v) Factors which should be used to determine whether funds can reasonably be expected to generate net interest for the Third Party Owner include:

(1) the cost to the lawyer of establishing and maintaining account(s) benefiting Third Party Owners;

(2) the account and service charges of the financial institution in which the account is maintained;

(3) the minimum deposit requirements of the financial institution in which the account is maintained;

(4) accounting fees likely to be incurred by the lawyer in connection with the funds;

(5) the lawyer's anticipated tax reporting requirement costs incurred in connection with the funds;

(6) the nature of the transaction(s) or proceeding(s) involved; and

(7) the likelihood of delay in the relevant transaction(s) or proceeding(s).

(d) Examples of Rule 1.15 Funds and Qualified Funds:

(i) Estates, trusts, guardianships, etc.: Funds held by a lawyer as a personal representative, trustee, guardian, attorney-in-fact or the like are specifically excluded from the definition of Rule 1.15 Funds. However, if these funds are nominal in amount or reasonably expected to be held for such a short period that sufficient interest will not be generated to justify the expense of earning interest for the client or third person, these funds may be deposited in an IOLTA Account.

(ii) Conveying accounts/real estate closings: Funds generated from real estate closings will be Qualified Funds, if the lawyer receives the funds in connection with a client-lawyer relationship or if Pa.R.P.C. 5.7(a), (b), or (c)

apply. Generally, these funds are held for a short period of time and are not expected to provide interest for the Third Party Owner.

(iii) Advanced costs, fees, and refundable retainer accounts: Such advances are Qualified Funds when they are nominal or held for a short period of time, and will remain Qualified Funds until earned/expended by the lawyer and thereby removed from the IOLTA Account.

(iv) Proceeds from dispute settlements/lawsuits: Generally settlement funds are Qualified Funds if the settlement proceeds are nominal in amount or held for a short period of time. If settlement proceeds are not Qualified Funds, they must be placed in a Trust Account or other investment vehicle specifically agreed upon by the lawyer and the Third Party Owner.

§ 81.105. Approved Financial Institutions.

(a) The Supreme Court of Pennsylvania approves financial institutions in which a lawyer may maintain a Trust Account. This list of approved financial institutions is published from time to time pursuant to Pa.R.D.E. 221.

(b) All lawyers must deposit Rule 1.15 Funds which are not Qualified Funds in a Trust Account with an approved financial institution, unless an agreement exists between the Third Party Owner and the lawyer to use another investment vehicle.

(c) All lawyers must deposit Rule 1.15 Funds which are Qualified Funds in an IOLTA Account with an approved financial institution. Moreover, each financial institution must send a report to the lawyer showing the interest and account service charges concerning the IOLTA Account. The financial institution must report this same information to the IOLTA Board, and must also report the average daily balance in the account during the remittance period, if that information is available.

(d) Acceptable account title: The lawyer must specifically identify an IOLTA account with the words "IOLTA Trust Account" or "IOLTA Escrow Account" and the name of the lawyer or the law firm who maintains the account in the main title of the account.

(e) Acceptable title on checks/deposit slips: The word "IOLTA" need not be placed on checks or deposit slips.

(f) Credit unions: IOLTA Accounts maintained in credit unions may not be insured. Therefore, IOLTA Accounts must not be established in a credit union unless only Rule 1.15 Funds of owners who are or are eligible to be members of the credit union are deposited into the account.

§ 81.106. Interest on IOLTA Accounts.

(a) The rate of interest paid on IOLTA Accounts shall be not less than the highest rate of interest generally available from the financial institution to depositors generally for accounts with the same minimum balance and other account eligibility requirements.

(b) A financial institution shall be deemed to have satisfied the requirements of subsection (a) of this regulation if the rate of interest offered by the financial institution on IOLTA Accounts is not less than the rate of interest identified from time to time by the Board as the "safe harbor" rate in the Board's "Guidelines for Financial Institutions."

(c) Under no circumstances may the rate of interest payable on an IOLTA Account be less than the rate paid by the depository institution on negotiable order of withdrawal accounts or super negotiable order of withdrawal accounts.

(d) Remittance of interest: Any interest earned under the IOLTA program must be remitted to the Board at least every quarter. The following information must be provided to the Board and to the lawyer who maintains the IOLTA Account at the time of each remittance:

(i) The name of the account;

(ii) The service charges or fees deducted, if any;

(iii) The amount of interest remitted from the account; and

(iv) If available, the average daily balance in the IOLTA Account.

§ 81.107. Service Charges on IOLTA Accounts.

(a) Financial institutions may impose reasonable service charges for the administration of IOLTA Accounts. A financial institution may not deduct service charges from the principal balance in an IOLTA Account. Reasonable service charges, as well as regular account maintenance fees and transaction charges, can be deducted against the total amount of interest to be paid on the IOLTA Account to which the service charges apply.

(b) All costs associated with check printing, overdraft charges, charges for a temporary extension of credit and similar bank charges shall not be assessed against the principal balance in or interest earned on any accrued interest earned on an IOLTA Account. The lawyer maintaining the account shall be responsible for these costs.

(c) Costs for services such as overdrafts on deposited items, stopped payments, certified checks, and wire transfers at the request of the lawyer or a beneficial owner shall not be assessed against principal balance in or interest earned on an IOLTA Account. The lawyer or the beneficial owner shall be responsible for these costs.

§ 81.108. Exclusion and Exemptions from IOLTA Participation.

(a) Certain lawyers, because of their employment, are excluded from Pa.R.P.C. 1.15(g). A lawyer who does not receive Rule 1.15 Funds is excluded from IOLTA. Examples include lawyers employed full time in a corporate capacity, by local, state or federal government, as a law clerk, professor, or as a member of the judiciary. A lawyer who does not have an office in Pennsylvania, does not receive Rule 1.15 Funds in a representative capacity from Third Party Owners in the Commonwealth, and who is not otherwise required to maintain Rule 1.15 Funds in a Trust Account in the Commonwealth is excluded from Pa.R.P.C. 1.15(g). A lawyer who is retired or no longer practices law need not maintain an IOLTA account.

(b) Pa.R.P.C. 1.15(h) permits limited exemptions from the requirement that all Qualified Funds must be maintained in an IOLTA Account. No exemption is automatic, although exemptions will be routinely granted under specified circumstances. The Board may declare a lawyer exempt from the requirement of maintaining an IOLTA Account; alternatively, a lawyer may submit a written request for exemption.

(c) Nonqualified Funds are to be deposited in a Trust Account or in another investment vehicle specifically agreed upon by the lawyer and Third Party Owner, and the Board is without power to grant an exemption from this requirement. If a lawyer is exempt from the requirement of maintaining an IOLTA Account, the lawyer must still deposit Qualified Funds in a Trust Account.

(d) Under the following circumstances, the Board will routinely grant an exemption from the requirement that a lawyer maintains all Qualified Funds in an IOLTA Account:

(i) Low balance account: Any Trust Account which historically, generally based upon 12 consecutive months of activity, has an average daily balance of Three Thousand Five Hundred (\$3,500) Dollars or less (or such other amount as the Board announces from time to time) will be exempt from being an IOLTA Account. The Board may exempt from IOLTA, without application, a low balance account. A lawyer requesting an exemption based on a low balance account must, as a part of the written request for exemption, include an account analysis or written statement that demonstrates the amount of the average daily balance.

(ii) Account service charges routinely exceed interest: Some Trust Accounts may have an average daily balance of more than \$3,500, but because of the account service charges or the interest rates of the financial institution, the charges would routinely exceed interest earned on the Trust Account. In these cases, an exemption may be requested. A lawyer requesting an exemption based on these circumstances must, as part of the written request for exemption, include an account analysis or written statement that clearly shows the interest earned, or the interest that would have been earned, on the account each month for the past 12 months, plus the account service charges imposed on the account for each of the last 12 months.

(iii) Extreme impracticality or undue hardship: Under limited circumstances it would be unduly burdensome for a lawyer to maintain a Trust Account as an IOLTA Account. When claiming extreme impracticality or undue hardship, the lawyer should provide appropriate details demonstrating undue hardship. An example includes the lack of an approved financial institution that offers IOLTA Accounts in the lawyer's geographical location.

(iv) Other compelling and necessitous reasons: There may be compelling and necessitous reasons justifying an exemption from the requirement that the lawyer maintain a Trust Account as an IOLTA Account. A lawyer who demonstrates a compelling and necessitous reason for not complying with IOLTA may request an exemption. A philosophical objection to IOLTA does not constitute a compelling and necessitous reason for an exemption.

(e) Interest waived by a Third Party Owner: An exemption from the requirement that a Trust Account be maintained as an IOLTA Account will not be granted based on an agreement between a lawyer and Third Party Owner purportedly waiving the Third Party Owner's right to interest or granting the lawyer the power to direct interest earned on Rule 1.15 Funds to the lawyer or to another person of the lawyer's choice.

§ 81.109. Requests for Exemptions and Reconsideration.

(a) If the Board denies a lawyer's request for an exemption from maintenance of an IOLTA Account, the lawyer may, within 30 days of written notice of denial from the Board, request in writing a reconsideration of the Board's decision. All requests for reconsideration shall set forth in detail additional facts, if any, not brought before the Board in the request for exemption, as well as the reasons, if any, why an exemption should be granted.

(b) If the Board has determined that a lawyer is exempt from the requirement of maintaining an IOLTA Account, the lawyer may, within 30 days of written notice from the Board that the lawyer is exempt, request in writing a reconsideration of the Board's decision. All requests for reconsideration shall set forth in detail facts, if any, why the lawyer should maintain an IOLTA

Account, and the manner, if any, in which the Board and the purposes of the IOLTA program will be furthered by the lawyer's maintenance of an IOLTA Account.

(c) Notice shall be deemed to have been given to a lawyer under the provisions of subsections (a) and (b) of this Section 81.109 upon the deposit by the Board, postage prepaid, with the United States Postal Service of its written determination regarding the exemption, if any, of the lawyer from IOLTA.

(d) The Board may delegate to its staff or to a committee of the Board the authority to determine exemptions from IOLTA or to reconsider exemption denials or determinations.

§ 81.110. Annual Certification of Compliance with Pa.R.P.C. 1.15.

On or before July 1 of each year, each lawyer who is required by Pa.R.D.E. 219 to pay an annual fee must also file with the Administrative Office a signed statement on the prescribed form stating his or her familiarity and compliance with Pa.R.P.C. 1.15 in regards to handling funds, maintaining IOLTA Accounts and Pa.R.D.E. 221. Each lawyer is directed to Pa.R.D.E. 219(d).

§ 81.111. Refunds.

(a) The Board may return interest paid to IOLTA under certain circumstances. If a lawyer mistakenly places Nonqualified Funds in an IOLTA Account, or if the lawyer reasonably believed that Rule 1.15 Funds were Qualified Funds, but the Rule 1.15 Funds were in fact not Qualified Funds, then the lawyer may apply for a refund of interest paid to IOLTA.

(b) The following guidelines apply to applications for return of interest:

(i) The lawyer must make the application in writing on firm letterhead.

(ii) The application must be accompanied by verification from the financial institution in which the IOLTA Account is maintained of the interest earned on the Rule 1.15 Funds for which a refund is sought. As needed for auditing purposes, the Board may request additional documentation.

(iii) The application must be received by the Board within six months after the Rule 1.15 Funds have been disbursed from the IOLTA Account.

(iv) The refund will be remitted to the lawyer for his/her distribution to the Third Party Owner. The Board will issue an IRS (Internal Revenue Service) form 1099 to the lawyer who, in turn, is responsible for issuing an IRS form 1099 to the Third Party Owner.

(v) If the financial institution has imposed a service charge with respect to the deposit, only the net amount of interest paid to IOLTA (reduced by applicable service charges) will be refunded.

(vi) The IOLTA program may deduct a processing charge from the refund.

§ 81.112. Violations.

(a) The Board will refer to the Office of Disciplinary Counsel the name, address and circumstances surrounding any lawyer who, not being exempted from the maintenance of an IOLTA Account, fails or refuses to comply with the IOLTA provisions of Pa.R.P.C. 1.15 and these regulations.

(b) The Board may reconsider its determination of IOLTA compliance based upon information obtained by

the Office of Disciplinary Counsel during its investigation of a referral from the Board for non-compliance.

Appendix A

The Pennsylvania Interest on Lawyers Trust Account Board

Promulgated by the Pennsylvania Interest on Lawyers Trust Account Board and Approved by the Supreme Court of Pennsylvania

These regulations are to be read and applied in connection with the Pennsylvania Rules of Professional Conduct. Nothing in these regulations shall be construed to relieve a lawyer of any provision of the Pennsylvania Rules of Professional Conduct. Where these regulations contain directives pertaining to the Interest on Lawyers Trust Account program which are more specific than those set forth in the Pennsylvania Rules of Professional Conduct, the provisions of these regulations shall control.

Questions and Answers Concerning Pennsylvania IOLTA

Statement of Purpose

The following is a representation of the questions most frequently asked of the Pennsylvania Interest on Lawyers Trust Account Board (the "IOLTA Board") and the answers given. Some of the answers paraphrase the actual Rules of Professional Conduct or Regulations of the IOLTA Board. Reference should be made to the Rules and to the Regulations when appropriate.

What is the Basic Concept of IOLTA?

Clients and third persons frequently transfer monies to lawyers to hold. Rule 1.15 of the Pennsylvania Rules of Professional Conduct generally requires the lawyer to deposit all monies of clients and third persons ("Rule 1.15 Funds") in a Trust Account. When the amount is large or if the funds will be held for an extended period of time, lawyers invest them for the benefit of the owner. These funds are known as Nonqualified Funds. But when the funds are nominal in amount or expected to be held for a short time, they cannot practically be invested to benefit the owner of the funds. These funds are Qualified Funds.

Rule 1.15 of the Pennsylvania Rules of Professional Conduct requires a lawyer to deposit Qualified Funds in a particular type of Trust Account: an interest-bearing IOLTA Account. The result is that funds that would otherwise earn no interest can be put to constructive use.

The lawyer's bank transfers the interest earned on IOLTA Accounts ("IOLTA Funds"), no less frequently than quarterly, to the IOLTA Board. The Board distributes the IOLTA Funds for the delivery of civil legal assistance to the poor and disadvantaged, educational legal clinical programs and internships administered by law schools, the administration of justice, and for the administration and development of the IOLTA program.

How do lawyers comply with the IOLTA requirements of Rule 1.15?

An "Enrollment Form for Lawyers and Law Firms" can be used to direct the financial institution to open or convert one or more of the lawyer's Trust Account(s) to interest-bearing IOLTA Accounts. Submit the second copy of the enrollment form, along with a list of all the lawyers who use the IOLTA Account in the regular course of their practice, to the IOLTA Board.

On an annual basis as part of the licensing process, lawyers are required to certify compliance with Rule 1.15 of the Pennsylvania Rules of Professional Conduct regard-

ing the handling of funds and other property of clients or third persons ("Third Party Owners") and the maintenance of their IOLTA Accounts.

What will happen if a lawyer does not comply with Rule 1.15?

If a lawyer does not comply with the requirements outlined in Rule 1.15 of the Pennsylvania Rules of Professional Conduct, he or she will be subject to the same disciplinary penalties as any lawyer who does not comply with any of the other requirements for the practice of law in Pennsylvania.

The Board will refer to the Office of Disciplinary Counsel the names of lawyers who do not comply with IOLTA.

Are any exemptions from IOLTA participation allowed?

Yes, a lawyer may apply for an exemption from the requirement that all Qualified Funds be placed in an IOLTA Account. However, the exemption will be granted by the IOLTA Board only for one of the reasons specified in Rule 1.15. Write to the IOLTA Board if you believe any of the permitted exemptions apply. Exemptions will be granted if:

(A) the nature of the lawyer's practice does not require the routine maintenance of a Trust Account in Pennsylvania;

(B) the establishment of an IOLTA Account would work an undue hardship on the lawyer or would be extremely impractical, based either on the geographical distance between the lawyer's principal office and the closest approved financial institution or on other compelling and necessitous factors;

(C) the lawyer's historical annual Trust Account experience, based on information from the financial institution in which the lawyer deposits Rule 1.15 Funds, demonstrates the service charges on the Trust Account would significantly and routinely exceed any interest generated.

What funds are to be placed in IOLTA Accounts?

Qualified Funds are monies of a client or third person received by a lawyer, that in the good faith judgment of the lawyer, are nominal in amount or which the lawyer reasonably expects to be held for such a short period of time, such that sufficient interest income will not be generated to justify the expense of earning interest to benefit the client or third person.

A lawyer will not be liable for damages or held to have breached his or her professional responsibility because monies are deposited in an IOLTA Account pursuant to the lawyer's judgment in good faith that the monies are Qualified Funds.

However, the lawyer should review the funds held in his/her IOLTA Account at reasonable intervals to determine whether circumstances have changed that require changes with respect to the Rule 1.15 Funds held in the IOLTA Account.

Who pays taxes on the interest income earned on IOLTA accounts?

Nobody. The Internal Revenue Service (IRS) has ruled that there are no tax consequences to the Third Party Owner, the lawyer or the IOLTA Board. Also, there is no IRS reporting requirement for the lawyer, financial institution or Third Party Owner since all IOLTA accounts will use the Tax Identification Number of the IOLTA Board.

May a lawyers still open a separate account for funds of Third Party Owners?

Certainly. A lawyer must determine whether funds of Third Party Owners are Qualified Funds or Nonqualified Funds. Nonqualified Funds shall be placed in a Trust Account or in another investment vehicle specifically agreed upon by the lawyer and the Third Party Owner.

How does the IOLTA program affect financial institutions?

Financial institutions are not mandated to participate in IOLTA. However, financial institutions that wish to offer Trust Accounts into which lawyers can deposit Rule 1.15 Funds (whether Qualified or Nonqualified Funds) must be approved by the Supreme Court of Pennsylvania. A list of approved financial institutions can be obtained from the Disciplinary Board.

An IOLTA Account is an unsegregated Trust Account for the deposit of Qualified Funds by a lawyer. The rate of interest payable on an IOLTA Account cannot be less than the highest rate or dividend generally available from the financial institution to its non-IOLTA Account customers when the IOLTA Account meets or exceeds the same minimum balance and other account eligibility qualifications. Financial institutions remit the interest at least quarterly to the IOLTA Board.

Financial institutions must transmit to the IOLTA Board and to the lawyer who maintains the IOLTA Account a statement showing certain information. This includes, at a minimum, the name of the account, the service charges or fees deducted, if any, and the amount remitted from the lawyer's IOLTA Account. If available, the financial institution shall also provide information regarding the average daily balance in the account.

Where do IOLTA funds go?

Interest earned on IOLTA Accounts may be used only for the following purposes:

- (1) delivery of civil legal assistance to the poor and disadvantaged in Pennsylvania by non-profit corporations which are tax-exempt under the Internal Revenue Code;
- (2) educational legal clinical programs and internships administered by law schools located in Pennsylvania;
- (3) the administration of justice in Pennsylvania; and
- (4) the administration and development of the IOLTA program in Pennsylvania.

All disbursements and allocations of IOLTA funds are subject to the prior approval of the Supreme Court of Pennsylvania.

Who is the IOLTA Board?

The IOLTA Board is the Pennsylvania Interest on Lawyers Trust Account Board composed of nine members appointed by the Supreme Court of Pennsylvania.

What if a lawyer mistakenly deposits funds which are not Qualified Funds into an IOLTA Account?

As long as the lawyer used good faith judgment, the lawyer will not be liable in damages for placing Nonqualified Funds into an IOLTA Account, nor will the lawyer be held to have breached any fiduciary duty or responsibility because monies were deposited into an IOLTA Account. Additionally, if timely requested, a refund of IOLTA interest received by the Board attributable to the mistaken deposit, net of an administrative charge, will be made to the lawyer for distribution to the Third Party Owner.

May all lawyers in a law firm use the same IOLTA Account?

Yes. If a law firm established an IOLTA Account, each lawyer who deposits all Qualified Funds in that account will be deemed to be in compliance with IOLTA. This account must be set up according to IOLTA regulations. However, each lawyer is ultimately responsible to ensure that he or she is in compliance with IOLTA.

Can a lawyer deposit Qualified Funds into a credit union or brokerage account?

Rule 1.15 Funds in IOLTA Accounts, if maintained at credit unions and brokerages, may not be insured. Since all IOLTA Accounts must be insured, only those approved financial institutions which insure IOLTA Accounts can be used as depositories for Qualified Funds. The owner of the Rule 1.15 Funds must qualify for membership in the credit union in order for the funds to be insured.

What if a lawyer only practices law for part of the year?

The lawyer must comply with the IOLTA rules, even if he or she only practices law for part of the year.

What types of legal employment are excluded from IOLTA?

A lawyer whose employment does not result in the handling of funds of a client or third person will generally be excluded from IOLTA. Examples include corporate or governmental lawyers, judges, and law school professors as long as they do not maintain a private practice.

What are some factors which should be used to determine whether monies are Qualified Funds?

Factors which can be used to determine which monies are Qualified Funds include: (1) the cost to the lawyer of establishing and maintaining account(s) benefiting the client or third person; (2) the financial institution's service charges; (3) the minimum deposit requirements; (4) the accounting fees; (5) the tax reporting requirements; (6) the nature of the transaction(s) or proceedings(s) involved; and (7) the likelihood of delay in the relevant transaction(s) or proceeding(s).

Must a lawyer who receives funds while acting as a fiduciary deposit those funds into an IOLTA Account?

Rule 1.15(d), as amended in April 2005, specifically excludes funds which the lawyer receives while acting as fiduciary for an estate, trust, guardianship or conservatorship. However, Comment 7 to the Rule, as amended in April, 2005, does state that funds received by a lawyer while serving as an executor or trustee, if nominal in amount or expected to be held for such a short period of time that sufficient interest will not be generated to justify maintaining a segregated account may, in the discretion of the lawyer, be deposited into an IOLTA Account, although such deposit is not required.

Must a lawyer who receives funds of clients or third persons other than in connection with a client-lawyer relationship deposit those funds in a Trust Account, including an IOLTA Account?

Rule of Professional Conduct 5.7 provides that a lawyer is subject to the Pennsylvania Rules of Professional Conduct with respect to the provision of both legal and nonlegal services: (i) if a lawyer provides nonlegal services that are not distinct from legal services, (ii) if the lawyer provides nonlegal services that are distinct from legal services, but the lawyer knows or reasonably should know that the recipient might believe that the recipient of the services is receiving the protection of a client-lawyer relationship, or (iii) if the lawyer is a owner, controlling party, employee, agent, or is otherwise affli-

ated with an entity providing nonlegal services and the lawyer knows or reasonably should know that the recipient of the service might believe that the recipient is receiving the protection of a client-lawyer relationship. In each of these three cases, the lawyer will be subject to the obligations of Rule 1.15 of the Pennsylvania Rules of Professional Conduct and these Regulations as if a client-lawyer relationship existed with the recipient of the services. The lawyer then must deposit all funds of the client or a third person which are received in connection with that relationship in a Trust Account, regardless of whether the funds resulted from legal or nonlegal services. If the funds are Qualified Funds, those funds are to be placed in an IOLTA Account.

Who pays the service charges for IOLTA Accounts?

Account service charges on an IOLTA Account will be paid by offsetting the service charges against interest earned on that account.

Bank charges pertaining to the lawyer's practice (e.g. check printing charges, overdraft charges, charges for temporary extensions of credit, etc.) and costs billable to others (e.g. overdraft charges on deposited items, certified checks, wire transfers, etc.), will be the responsibility of the lawyer.

How can I find out more about IOLTA?

For additional information concerning IOLTA, contact the office of the IOLTA Board by calling (717) 238-2001. The Board's fax number is (717) 238-2003.

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Title 207—JUDICIAL CONDUCT

PART II. CONDUCT STANDARDS

[207 PA. CODE CHS. 33 AND 51]

Order Revising the Code of Judicial Conduct and the Rules Governing Standards of Conduct of Magisterial District Judges; No. 222 Magisterial Doc. No. 1

Order

Per Curiam

And Now, this 21st day of November, 2005, pursuant to Article V, Section 10 of the Constitution of Pennsylvania, it is hereby ordered that the Code of Judicial Conduct and the Rules Governing Standards of Conduct of Magisterial District Judges are revised to address gender neutrality issues and to make other minor, technical corrections.

To the extent that notice of proposed rulemaking would be required by Rule 103 of the Pennsylvania Rules of Judicial Administration or otherwise, the immediate amendment of the Code of Judicial Conduct and Rules Governing Standards of Conduct of Magisterial District Judges is hereby found to be required in the interest of justice and efficient administration.

This Order shall be effective immediately and shall be processed in accordance with Rule 103(b) of the Pennsylvania Rules of Judicial Administration.

Annex A

TITLE 207. JUDICIAL CONDUCT

PART II. CONDUCT STANDARDS

CHAPTER 33. CODE OF JUDICIAL CONDUCT

Subchapter A. CANONS

Canon 1. [**A judge**] **Judges** should uphold the integrity and independence of the judiciary.

An independent and honorable judiciary is indispensable to justice in our society. [**A judge**] **Judges** should participate in establishing, maintaining, and enforcing, and should [**himself**] **themselves** observe, high standards of conduct so that the integrity and independence of the judiciary may be preserved. The provisions of this Code should be construed and applied to further that objective.

Canon 2. [**A judge**] **Judges** should avoid impropriety and the appearance of impropriety in all [**his**] **their** activities.

A. [**A judge**] **Judges** should respect and comply with the law and should conduct [**himself**] **themselves** at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.

B. [**A judge**] **Judges** should not allow [**his**] **their** family, social, or other relationships to influence [**his**] **their** judicial conduct or judgment. [**He**] **They** should not lend the prestige of [**his**] **their** office to advance the private interests of others; nor should [**he**] **they** convey or knowingly permit others to convey the impression that they are in a special position to influence [**him**] **the judge**. [**He**] **Judges** should not testify voluntarily as a character witness.

Official Note: Public confidence in the judiciary is eroded by irresponsible or improper conduct by judges. [**A judge**] **Judges** must avoid all impropriety and appearance of impropriety. [**He**] **They** must expect to be the subject of constant public scrutiny. [**He**] **They** must therefore accept restrictions on [**his**] **their** conduct that might be viewed as burdensome by the ordinary citizen and should do so freely and willingly.

The testimony of [**a judge as a character witness**] **judges as character witnesses** injects the prestige of [**his**] **their** office into the proceeding in which [**he**] **testifies**] **they testify** and may be misunderstood to be official testimonial. This Canon, however, does not afford [**him**] **them** a privilege against testifying in response to an official summons.

Canon 3. [**A judge**] **Judges** should perform the duties of [**his**] **their** office impartially and diligently.

The judicial duties of [a judge] judges take precedence over all [**his**] **their** other activities. [**His**] **Their** judicial duties include all the duties of [**his**] **their** office prescribed by law. In the performance of these duties, the following standards apply:

A. *Adjudicative responsibilities.*

(1) [**A judge**] **Judges** should be faithful to the law and maintain professional competence in it. [**He**] **They** should be unswayed by partisan interests, public clamor, or fear of criticism.

(2) **[A judge] Judges** should maintain order and decorum in proceedings before **[him] them**.

(3) **[A judge] Judges** should be patient, dignified, and courteous to litigants, jurors, witnesses, lawyers, and others with whom **[he deals in his] they deal in their** official capacity, and should require similar conduct of lawyers, and of **[his] their** staff, court officials, and others subject to **[his] their** direction and control.

Official Note: The duty to hear all proceedings fairly and with patience is not inconsistent with the duty to dispose promptly of the business of the court. Courts can be efficient and businesslike while being patient and deliberate.

(4) **[A judge] Judges** should accord to **[every person who is] all persons who are** legally interested in a proceeding, or **[his lawyer] their lawyers**, full right to be heard according to law, and, except as authorized by law, must not consider ex parte communications concerning a pending proceeding.

(5) **[A judge] Judges** should dispose promptly of the business of the court.

Official Note: Prompt disposition of the court's business requires **[a judge] judges** to devote adequate time to **[his] their** duties, to be punctual in attending court and expeditious in determining matters under submission, and to insist that court officials, litigants and their lawyers cooperate with **[him] them** to that end.

(6) **[A judge] Judges** should abstain from public comment about a pending proceeding in any court, and should require similar abstention on the part of court personnel subject to **[his] their** direction and control. This subsection does not prohibit judges from making public statements in the course of their official duties or from explaining for public information the procedures of the court.

Official Note: "Court personnel" does not include the lawyers in a proceeding before a judge. The conduct of lawyers is governed by DR7-107 of the Code of Professional Responsibility.

(7) **[A judge] Judges** should prohibit broadcasting, televising, recording or taking photographs in the courtroom and areas immediately adjacent thereto during sessions of court or recesses between sessions, except that a judge may authorize:

* * * * *

B. *Administrative responsibilities.*

(1) **[A judge] Judges** should diligently discharge **[his] their** administrative responsibilities, maintain professional competence in judicial administration, and facilitate the performance of the administrative responsibilities of other judges and court officials.

(2) **[A judge] Judges** should require **[his] their** staff and court officials subject to **[his] their** direction and control to observe the standards of fidelity and diligence that apply to **[him] judges**.

(3) **[A judge] Judges** should take or initiate appropriate disciplinary measures against a judge or lawyer for unprofessional conduct of which the judge may become aware.

Official Note: Disciplinary measures may include reporting a judge's or lawyer's misconduct to an appropriate disciplinary body.

(4) **[A judge] Judges** should not make unnecessary appointments. **[He] They** should exercise **[his] their** power of appointment only on the basis of merit, avoiding favoritism. **[He] They** should not approve compensation of appointees beyond the fair value of services rendered.

Official Note: Appointees of the judge include officials such as referees, commissioners, special masters, receivers, guardians and personnel such as clerks, secretaries, and bailiffs. Consent by the parties to an appointment or an award of compensation does not relieve the judge of the obligation prescribed by this subsection.

C. *Disqualification.*

(1) **[A judge] Judges** should disqualify **[himself] themselves** in a proceeding in which **[his] their** impartiality might reasonably be questioned, including but not limited to instances where:

(a) **[he has] they have** a personal bias or prejudice concerning a party, or personal knowledge of disputed evidentiary facts concerning the proceeding;

(b) **[he] they** served as a lawyer in the matter in controversy, or a lawyer with whom **[he] they** previously practiced law served during such association as a lawyer[,] concerning the matter, or the judge or such lawyer has been a material witness concerning it;

Official Note: A lawyer in a governmental agency does not necessarily have an association with other lawyers employed by that agency within the meaning of this subsection; **[a judge] judges** formerly employed by a governmental agency, however, should disqualify **[himself] themselves** in a proceeding if **[his] their** impartiality might reasonably be questioned because of such association.

(c) **[he knows that he] they know that they**, individually or as a fiduciary, or **[his] their** spouse or minor child residing in **[his] their** household, **[has] have** a substantial financial interest in the subject matter in controversy or in a party to the proceeding, or any other interest that could be substantially affected by the outcome of the proceeding;

(d) **[he or his] they or their** spouse, or a person within the third degree of relationship to either of them, or the spouse of such a person:

(i) is a party to the proceeding, or an officer, director, or trustee of a party;

(ii) is acting as a lawyer in the proceeding;

Official Note: The fact that a lawyer in a proceeding is affiliated with a law firm with which a lawyer-relative of the judge is affiliated does not of itself disqualify the judge. Under appropriate circumstances, the fact that **[his] their** impartiality might reasonably be questioned" under Canon 3C(1), or that the lawyer-relative is known by the judge to have an interest in the law firm that could be "substantially affected by the outcome of the proceeding" under Canon 3C(1)(d)(iii) may require **[his] the judge's** disqualification.

(iii) is known by the judge to have an interest that could be substantially affected by the outcome of the proceeding;

(iv) is to the judge's knowledge likely to be a material witness in the proceeding;

(2) **[A judge] Judges** should inform **[himself about his] themselves about their** personal and fiduciary financial interests, and make a reasonable effort to inform **[himself] themselves** about the personal financial interests of **[his] their** spouse and minor children residing in **[his] their** household.

(3) For the purposes of this section:

(a) the degree of relationship is calculated according to the civil law system;

Official Note: According to the civil law system, the third degree of relationship test would, for example, disqualify **[the judge if his or his spouse's father, grandfather, uncle, brother, or niece's husband] judges if their or their spouse's parents, grandparents, aunts or uncles, siblings, nieces or nephews or their spouses** were a party or lawyer in the proceeding, but would not disqualify **[him] them** if a cousin were a party or lawyer in the proceeding.

* * * * *

Canon 4. **[A judge] Judges** may engage in activities to improve the law, the legal system, and the administration of justice.

[A judge] Judges, subject to the proper performance of **[his] their** judicial duties, may engage in the following quasi-judicial activities, if in doing so **[he does] they do** not cast doubt on **[his] their** capacity to decide impartially any issue that may come before **[him] them**:

A. **[He] They** may speak, write, lecture, teach, and participate in other activities concerning the law, the legal system, and the administration of justice.

B. **[He] They** may appear at a public hearing before an executive or legislative body or official on matters concerning the law, the legal system, and the administration of justice, and **[he] they** may otherwise consult with an executive or legislative body or official, but only on matters concerning the administration of justice.

C. **[He] They** may serve as a member, officer, or director of an organization or governmental agency devoted to the improvement of the law, the legal system, or the administration of justice. **[He] They** may assist such an organization in raising funds and may participate in their management and investment, but should not personally participate in public fund raising activities. **[He] They** may make recommendations to public and private fund-granting agencies on projects and programs concerning the law, the legal system, and the administration of justice.

Official Note: As a judicial officer and person specially learned in the law, **[a judge is] judges are** in a unique position to contribute to the improvement of the law, the legal system, and the administration of justice. To the extent that **[his] their** time permits, **[he is] they are** encouraged to do so, either independently or through a bar association, judicial conference, or other organization dedicated to the improvement of the law.

Extra-judicial activities are governed by Canon 5.

Canon 5. **[A judge] Judges** should regulate **[his] their** extra-judicial activities to minimize the risk of conflict with **[his] their** judicial duties.

A. *Avocational activities.*

[A judge] Judges may write, lecture, teach, and speak on non-legal subjects, and engage in the arts, sports, and other social and recreational activities, if such avocational activities do not detract from the dignity of **[his] their** office or interfere with the performance of **[his] their** judicial duties.

Official Note: Complete separation of **[a judge] judges** from extra-judicial activities is neither possible nor wise; **[he] they** should not become isolated from the society in which **[he lives] they live**.

B. *Civic and Charitable Activities.*

[A judge] Judges may participate in civic and charitable activities that do not reflect adversely upon **[his] their** impartiality or interfere with the performance of **[his] their** judicial duties. **[A judge] Judges** may serve as an officer, director, trustee, or nonlegal advisor of an educational, religious, charitable, fraternal, or civic organization not conducted for the economic or political advantage of its members, subject to the following limitations:

(1) **[A judge] Judges** should not serve if it is likely that the organization will be engaged in proceedings that would ordinarily come before **[him] them** or will be regularly engaged in adversary proceedings in any court.

Official Note: The changing nature of some organizations and of their relationship to the law makes it necessary for **[a judge] judges** regularly to reexamine the activities of each organization with which **[he is] they are** affiliated to determine if it is proper for **[him] them** to continue **[his] their** relationship with it. For example, in many jurisdictions charitable hospitals are now more frequently in court than in the past. Similarly, the boards of some legal aid organizations now make policy decisions that may have political significance or imply commitment to causes that may come before the courts for adjudication.

(2) **[A judge] Judges** should not solicit funds for any educational, religious, charitable, fraternal, or civic organization, or use or permit the use of the prestige of **[his] their** office for that purpose, but **[he] they** may be listed as an officer, director, or trustee of such an organization. **[He] They** should not be a speaker or the guest of honor at an organization's fund raising events, but **[he] they** may attend such events.

(3) **[A judge] Judges** should not give investment advice to such an organization, but **[he] they** may serve on its board of directors or trustees even though it has the responsibility for approving investment decisions.

Official Note: A judge's participation in an organization devoted to quasi-judicial activities is governed by Canon 4.

C. *Financial activities.*

(1) **[A judge] Judges** should refrain from financial and business dealings that tend to reflect adversely on **[his] their** impartiality, interfere with the proper per-

formance of **[his] their** judicial duties, exploit **[his] their** judicial position, or involve **[him] them** in frequent transactions with lawyers or persons likely to come before the court on which **[he serves] they serve**.

(2) Subject to the requirement of subsection (1), **[a judge] judges** may hold and manage investments, including real estate, and engage in other remunerative activity including the operation of a family business.

Official Note: The Effective Date of Compliance provision of this Code qualifies this subsection with regard to a judge engaged in a family business at the time this Code becomes effective.

(3) **[A judge] Judges** should manage **[his] their** investments and other financial interests to minimize the number of cases in which **[he is] they are** disqualified. As soon as **[he] they** can do so without serious financial detriment, **[he] they** should divest **[himself] themselves** of investments and other financial interests that might require frequent disqualification.

(4) Information acquired by **[a judge in his] judges in their** judicial capacity should not be used or disclosed by **[him] them** in financial dealings or for any other purpose not related to **[his] their** judicial duties.

D. *Fiduciary Activities.*

[A judge] Judges should not serve as the executor, administrator, trustee, guardian, or other fiduciary, except for the estate, trust, or person of a member of **[his] their** family, and then only if such service will not interfere with the proper performance of **[his] their** judicial duties. "Member of **[his] their** family" includes a spouse, child, grandchild, parent, grandparent, or other relative or person with whom the judge maintains a close familial relationship. As a family fiduciary **[a judge is] judges are** subject to the following restrictions:

(1) **[He] They** should not serve if it is likely that as a fiduciary **[he] they** will be engaged in proceedings that would ordinarily come before **[him] them**, or if the estate, trust, or ward becomes involved in adversary proceedings in the court on which **[he serves] they serve** or one under its appellate jurisdiction.

Official Note: The Effective Date of Compliance provision of this Code qualifies this subsection with regard to a judge who is an executor, administrator, trustee, or other fiduciary at the time this Code becomes effective.

(2) While acting as a fiduciary **[a judge is] judges are** subject to the same restrictions on financial activities that apply to **[him in his] them in their** personal capacity.

Official Note: **[A judge's obligation] Judges' obligations** under this Canon and **[his obligation] their obligations** as a fiduciary may come into conflict. For example, a judge should resign as trustee if it would result in detriment to the trust to divest it of holdings whose retention would place the judge in violation of Canon 5C(3).

E. *Arbitration.*

[A judge] Judges should not act as an arbitrator or mediator.

F. *Practice of law.*

[A judge] Judges should not practice law.

G. *Extra-judicial appointments.*

[A judge] Judges should not accept appointment to a governmental committee, commission, or other position that is concerned with issues of fact or policy on matters other than the improvement of the law, the legal system, or the administration of justice. **[A judge] Judges**, however, may represent **[his] their** country, state, or locality on ceremonial occasions or in connection with historical, educational, and cultural activities.

Official Note: Valuable services have been rendered in the past to the states and the nation by judges appointed by the executive to undertake important extra-judicial assignments. The appropriateness of conferring these assignments on judges must be reassessed, however, in light of the demands on **[judicial manpower] judges** created by today's crowded dockets and the need to protect the courts from involvement in extra-judicial matters that may prove to be controversial. Judges should not be expected or permitted to accept governmental appointments that could interfere with the effectiveness and independence of the judiciary.

Canon 6. Compensation received for quasi-judicial and extra-judicial activities permitted by this code.

[A judge] Judges may receive compensation and reimbursement of expenses for the quasi-judicial and extra-judicial activities permitted by this Code, if the source of such payments does not give the appearance of influencing **[the judge] judges in [his] their** judicial duties or otherwise give the appearance of impropriety, subject to the following restrictions:

A. *Compensation.*

Compensation should not exceed a reasonable amount nor should it exceed what a person who is not a judge would receive for the same activity.

B. *Expense reimbursement.*

Expense reimbursement should be limited to the actual cost of travel, food, and lodging reasonably incurred by **[the judge] judges** and, where appropriate to the occasion, by **[his spouse] their spouses**.

Canon 7. **[A judge] Judges** should refrain from political activity inappropriate to **[his] their** judicial office.

A. *Political conduct in general.*

(1) A judge or a candidate for election to judicial office should not:

(a) act as a leader or hold any office in a political organization;

(b) make speeches for a political organization or candidate or publicly endorse a candidate for public office; except as authorized in subsection A(2);

Official Note: **[A candidate does] Candidates do** not publicly endorse another candidate for public office by having **[his] their** name on the same ticket.

(c) solicit funds for or pay an assessment or make a contribution to a political organization or candidate, attend political gatherings, or purchase tickets for political party dinners, or other functions, except as authorized in subsection A(2);

(2) **[A judge] Judges** holding an office filled by public election between competing candidates, or a candidate for such office, may, only insofar as permitted by law, attend political gatherings, speak to such gatherings on **[his] their** own behalf when **[he is] they are** a candidate for election or reelection, or speak on behalf of any judicial candidate for the same office, identify **[himself] themselves** as a member of a political party, and contribute to a political party or organization.

(3) **[A judge] Judges** should resign **[his] their** office when **[he becomes] they become** a candidate either in a party primary or in a general election for a non-judicial office, except that **[he] they** may continue to hold **[his] their** judicial office while being a candidate for election to or serving as a delegate in a state constitutional convention, if **[he is] they are** otherwise permitted by law to do so.

(4) **[A judge] Judges** should not engage in any other political activity except on behalf of measures to improve the law, the legal system, or the administration of justice.

B. Campaign conduct.

(1) **[A candidate] Candidates**, including an incumbent judge, for a judicial office that is filled either by public election between competing candidates or on the basis of a merit system election:

(a) should maintain the dignity appropriate to judicial office, and should encourage members of **[his] their** family to adhere to the same standards of political conduct that apply to **[him] them**;

(b) should prohibit public officials or employees subject to **[his] their** direction or control from doing for **[him what he is] them what judges are** prohibited from doing under this Canon; and except to the extent authorized under subsection B(2) or B(3), **[he] they** should not allow any other person to do for **[him] them** what **[he is] judges are** prohibited from doing under this Canon;

(c) should not make pledges or promises of conduct in office other than the faithful and impartial performance of the duties of the office; make statements that commit or appear to commit the candidate with respect to cases, controversies or issues that are likely to come before the court; or misrepresent **[his] their** identity, qualifications, present position, or other fact.

(2) **[A candidate] Candidates**, including an incumbent judge, for a judicial office that is filled by public election between competing candidates should not **[himself] themselves** solicit or accept campaign funds, or solicit publicly stated support, but **[he] they** may establish committees of responsible persons to secure and manage the expenditure of funds for **[his] their** campaign and to obtain public statements of support for **[his] their** candidacy. Such committees are not prohibited from soliciting campaign contributions and public support from lawyers. **[A candidate's] Candidates'** committees may solicit funds for **[his] their** campaign no earlier than thirty days prior to the first day for filing nominating petitions or the last day for filing a declaration of intention to seek reelection on a retention basis, and all fundraising activities in connection with such judicial campaign shall terminate no later than the last

calendar day of the year in which the judicial election is held. **[A candidate] Candidates** should not use or permit the use of campaign contributions for the private benefit of **[himself] themselves** or members of **[his] their** family.

(3) **[An incumbent judge who is a candidate] Incumbent judges who are candidates** for retention in or reelection to office without a competing candidate may campaign and may obtain publicly stated support and campaign funds in the manner provided in subsection B(2).

Compliance With The Code of Judicial Conduct

Anyone, whether or not a lawyer, who is an officer of a judicial system performing judicial functions, including an officer such as a referee in bankruptcy, special master, court commissioner, or magistrate, is a judge for the purpose of this Code. All judges should comply with this Code except as provided below.

Senior Judge. **[A senior judge who receives] Senior judges who receive** the same compensation as **[a] full-time [judge] judges** on the court from which **[he] they** retired and **[is] are** eligible for recall to judicial service should comply with all the provisions of this Code except Canon 5G, but **[he] they** should refrain from judicial service during the period of an extra-judicial appointment not sanctioned by Canon 5G. All other senior judges eligible for recall to judicial service should comply with the provisions of this Code.

This Code shall not apply to **[justices of the peace, police magistrates of the City of Pittsburgh] magisterial district judges** and judges of the Traffic Court of the City of Philadelphia.

Official Note: Specific rules governing standards of conduct of **[justices of the peace, including police magistrates of the City of Pittsburgh] magisterial district judges**, and judges of the Traffic Court of the City of Philadelphia, are set forth in the Rules Governing Standards of Conduct of **[Justices of the Peace] Magisterial District Judges**.

Effective Date of Compliance

[A person] Persons to whom this Code becomes applicable should arrange **[his] their** affairs as soon as reasonably possible to comply with it. If, however, the demands on **[his] their** time and the possibility of conflicts of interest are not substantial, **[a person who holds] persons who hold** judicial office on the date this Code becomes effective may:

(a) continue to act as an officer, director, or nonlegal advisor of a family business;

(b) continue to act as an executor, administrator, trustee, or other fiduciary for the estate or person of one who is not a member of **[his] their** family.

Reliance on Advisory Opinions

The Ethics Committee of the Pennsylvania Conference of State Trial Judges is designated as the approved body to render advisory opinions regarding ethical concerns involving judges, justices and other judicial officers subject to the Code of Judicial Conduct, and, although such opinions are not per se binding upon **[either the Judicial Inquiry and Review Board] the Judicial Conduct Board, the Court of Judicial Discipline** or

the Supreme Court of Pennsylvania, action taken in reliance thereupon and pursuant thereto shall be taken into account in determining whether discipline should be recommended or imposed.

Commentary. The United States Supreme Court in *Republican Party of Minnesota v. White*, 122 S. Ct. 2528 (2002), concluded that a canon of judicial conduct prohibiting judicial candidates from “announcing their views on disputed legal or political issues” is violative of the First Amendment of the United States Constitution.

**CHAPTER 51. STANDARDS OF CONDUCT OF
MAGISTERIAL DISTRICT JUDGES
PENNSYLVANIA RULES FOR MAGISTERIAL
DISTRICT JUDGES**

Rule 1. Integrity and Independence of Judiciary.

An independent and honorable judiciary is indispensable to justice. [A magisterial district judge] Magisterial district judges should participate in establishing, maintaining and enforcing, and shall [himself] themselves observe, high standards of conduct so that the integrity and independence of the judiciary may be preserved. The provisions for these rules governing standards of conduct of magisterial district judges shall be construed and applied to further that objective.

Official Note: This rule is derived from Canon 1, American Bar Association Code of Judicial Conduct. This and the following rules governing standards of conduct of magisterial district judges provide a complete and exclusive code of conduct for magisterial district judges in Pennsylvania. Those canons of the Code of Judicial Conduct of the American Bar Association thought applicable to magisterial district judges have been paraphrased in these rules, and some of the former standards of conduct rules, which were thought to be more pertinent to magisterial district judges in Pennsylvania than counterpart canons of the American Bar Association Code of Judicial Conduct, have been retained. In determining the standards that apply to [him] them, the magisterial district judges need now consult only these rules and will not be required to consult other sources as was the case heretofore. When canons of the American Bar Association Code of Judicial Conduct have been paraphrased in these rules, pertinent official commentaries to those canons and those parts of the canons thought to be merely expository are set forth in the notes rather than in the rules.

Rule 2. Impropriety and Appearance of Impropriety to be Avoided; Voluntary Appearance as Character Witness Prohibited.

A. [A magisterial district judge] Magisterial district judges shall respect and comply with the law and shall conduct [himself] themselves at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary. [A magisterial district judge] Magisterial district judges shall not allow [his] their family, social or other relationships to influence [his] their judicial conduct or judgment. [He] They shall not lend the prestige of [his] their office to advance the private interest of others, nor shall [he] they convey or permit others to convey the impression that they are in a special position to influence [him] the judge.

B. [A magisterial district judge] Magisterial district judges shall not testify voluntarily as [a] character [witness] witnesses.

Official Note: This rule is derived from Canon 2, American Bar Association Code of Judicial Conduct, and Pa. R.J.A. No. 1701. Public confidence in the judiciary is eroded by irresponsible or improper conduct by members of the judiciary. [A magisterial district judge] Magisterial district judges must avoid all impropriety and appearance of impropriety. [He] They must expect to be the subject of constant public scrutiny. [He] They must therefore accept restrictions on [his] their conduct that might be viewed as burdensome by the ordinary citizen and should do so freely and willingly.

The testimony of magisterial district [judge] judges as [a] character [witness] witnesses injects the prestige of [his] their office into the proceeding in which [he testifies] they testify and may be misunderstood to be an official testimonial. Rule 2B, however, does not afford [him] them a privilege against testifying as [a] character [witness] witnesses in response to a subpoena the issuance of which has been specifically allowed by the Supreme Court under Pa. R.J.A. No. 1701.

Rule 3. Priority of Judicial Business.

A. [A magisterial district judge] Magisterial district judges shall devote the time necessary for the prompt and proper disposition of the business of [his] their office, which shall be given priority over any other occupation, business, profession, pursuit or activity.

B. [A magisterial district judge] Magisterial district judges shall not use or permit the use of the premises established for the disposition of [his] their magisterial business for any other occupation, business, profession or gainful pursuit.

* * * * *

Rule 4. Adjudicative Responsibilities.

A. [A magisterial district judge] Magisterial district judges shall be faithful to the law and maintain competence in it. [He] They shall be unswayed by partisan interests, public clamor or fear of criticism.

B. [A magisterial district judge] Magisterial district judges shall maintain order and decorum in the proceedings before [him] them. [He] They shall wear judicial robes while conducting hearings and trials.

C. [A magisterial district judge] Magisterial district judges shall be patient, dignified and courteous to litigants, witnesses, lawyers and others with whom [he deals in his] they deal in their official capacity, and shall require similar conduct of lawyers, of [his] their staff and others subject to [his] their direction and control.

D. [A magisterial district judge] Magisterial district judges shall accord to every person who is legally interested in a proceeding, or [his] their lawyer, full right to be heard according to law and, except as authorized by law, neither initiate nor consider ex parte or other communications concerning a pending or impending proceeding. [A magisterial district judge] Magisterial district judges, however, may obtain the advice of a disinterested expert on the law applicable to a proceeding before [him if he gives] them if they give notice to the parties of the person consulted and the substance

of the advice and **[affords]** **afford** the parties reasonable opportunities to respond.

Official Note: This rule is derived from Canon 3A(1)-(4) of the American Bar Association and Pennsylvania Supreme Court Code of Judicial Conduct. Magisterial district judges are to be provided with the judicial robes required by subdivision B as part of the expense of operating their offices (See Rule 101(3)). The proscription against communications in subdivision D includes communications from lawyers, law teachers and other persons who are not participants in the proceeding, except to the limited extent permitted. It does not preclude **[a magisterial district judge]** **magisterial district judges** from consulting with other members of the judiciary or with court personnel whose function it is to aid the judiciary in carrying out adjudicative responsibilities.

Rule 5. Administrative Responsibilities.

A. **[A magisterial district judge]** **Magisterial district judges** shall diligently discharge **[his]** **their** administrative responsibilities, maintain competence in judicial administration and facilitate the performance of the administrative responsibilities of **[his]** **their** staff and of other members of the judiciary and court officials.

B. **[A magisterial district judge]** **Magisterial district judges** shall require **[his]** **their** staff to observe the standards of fidelity and diligence that apply to **[him]** **them**.

C. **[A magisterial district judge]** **Magisterial district judges** shall not make unnecessary appointments to **[his]** **their** staff. **[He]** **They** shall exercise any such power of appointment that **[he]** **they** may have only on the basis of merit, avoiding nepotism and favoritism.

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Rule 6. Public Comment.

[A magisterial district judge] **Magisterial district judges** shall abstain from public comment about a proceeding pending or impending in **[his office]** **their offices** or in any court, and shall require similar abstention on the part of **[his]** **their** staff. This rule does not prohibit magisterial district judges from making public statements in the course of their official duties or from explaining for public information the procedures of the court.

* * * * *

Rule 7. Broadcasting, Televising, Recording, Photography.

[A magisterial district judge] **Magisterial district judges** shall prohibit broadcasting, televising, recording or taking photographs in the courtroom and areas immediately adjacent thereto during sessions or recesses between sessions, except that **[a magisterial district judge]** **magisterial district judges** may authorize:

* * * * *

Rule 8. Disqualification.

A. **[A magisterial district judge]** **Magisterial district judges** shall disqualify **[himself]** **themselves** in a proceeding in which **[his]** **their** impartiality might reasonably be questioned, including but not limited to instances where:

(1) **[he has]** **they have** a personal bias or prejudice concerning a party, or personal knowledge of disputed evidentiary facts concerning the proceeding;

(2) **[he]** **they** served as a lawyer in the matter in controversy, or a lawyer with whom **[he]** **they** previously practiced law served during such association as a lawyer concerning the matter, or the magisterial district judge or such lawyer has been a material witness concerning it;

(3) **[he knows that he]** **they know that they**, individually or as a fiduciary, or **[his]** **their** spouse or a minor child residing in **[his]** **their** household has a financial interest in the subject matter in controversy or is a party to the proceeding or any other interest that could be substantially affected by the outcome of the proceeding;

(4) **[he or his]** **they or their** spouse, or a person within the third degree of relationship to either of them, or the spouse of such a person:

* * * * *

B. **[A magisterial district judge]** **Magisterial district judges** shall inform **[himself about his]** **themselves about their** personal and fiduciary financial interests and make a reasonable effort to inform **[himself]** **themselves** about the personal financial interests of **[his]** **their** spouse and minor children residing in **[his]** **their** household.

Official Note: This rule is derived from Canon 3C, American Bar Association Code of Judicial Conduct. For the purpose of this rule, "fiduciary" includes such relationships as executor, administrator, trustee and guardian, and "financial interest" means ownership of a legal or equitable interest, however small, or a relationship as director, advisor or other active participant in the affairs of a party, except that: (1) ownership in mutual or common investment fund that holds securities is not a "financial interest" in such securities unless the magisterial district judge participates in the management of the fund; (2) an office in an educational, religious, charitable, fraternal or civic organization is not a "financial interest" in securities held by the organization; (3) the proprietary interest of a policy holder in a mutual insurance company, of a depositor in a mutual savings association or a similar proprietary interest is a "financial interest" in the organization only if the outcome of the proceeding could substantially affect the value of the interest; and (4) ownership of government securities is a "financial interest" in the issuer only if the outcome of the proceeding could substantially affect the value of the securities. "Degree of relationship" is calculated according to the civil law system. Thus, the third degree of relationship test would, for example, disqualify the magisterial district judge if **[his or his spouse's father, grandfather, uncle, brother or niece's husband]** **they or their spouse's parents, grandparents, uncles or aunts, siblings, or nieces or nephews or their spouses** were a party or a lawyer in the proceeding, but would not disqualify **[him]** **them** if a cousin were a party or lawyer in the proceeding.

A lawyer in a governmental agency does not necessarily have an association with other lawyers employed by that agency within the meaning of subdivision A(2). **[A magisterial district judge]** **Magisterial district judges**

formerly employed by a governmental agency, however, should disqualify [himself] themselves in a proceeding if [his] their impartiality might reasonably be questioned because of such association.

The fact that a lawyer in a proceeding is affiliated with a law firm with which a lawyer-relative of the magisterial district judge is affiliated does not of itself disqualify the magisterial district judge. Under appropriate circumstances, the fact that “[his] their impartiality might reasonably be questioned” under subdivision A, or that the lawyer-relative is known by the magisterial district judge to have an interest in the law firm that could be “substantially affected by the outcome of the proceeding” under subdivision A(4)(c) may require [his] their disqualification.

Rule 9. Remittal of Disqualification; Minimizing Disqualification.

A. [A magisterial district judge] Magisterial district judges disqualified by Rule 8A(3) or (4) may, instead of withdrawing from the proceeding, disclose the basis of [his] their disqualification. If, based on such disclosure, the parties and lawyers independently of the participation of the magisterial district [judge] judges all agree in writing that the relationship of the magisterial district [judge] judges is immaterial or that [his] their financial interest is insubstantial, the magisterial district [judge is] judges are no longer disqualified and may participate in the proceeding. The agreement signed by all parties and lawyers, shall be attached to the record copy of the complaint form.

B. [A magisterial district judge] Magisterial district judges shall manage [his] their investments and other financial interests to minimize the number of cases in which [he is] they are disqualified. As soon as [he] they can do so without serious financial detriment, [he] they shall divest [himself] themselves of investments and other financial interests that might require frequent disqualification.

Official Note: Subdivision A is derived from Canon 3D, American Bar Association Code of Judicial Conduct. The procedure in this subdivision is designed to minimize the chance that a party or lawyer will feel coerced into an agreement. When a party is not immediately available, the magisterial district [judge] judges may proceed on the written assurance of the [lawyer that his party’s] lawyers that their parties’ consent will be subsequently filed.

* * * * *

Rule 10. Information Acquired in Judicial Capacity.

Information acquired by [a magisterial district judge in his] magisterial district judges in their judicial capacity shall not be used or disclosed by [him] them in financial dealings or for any other purpose not related to [his] their judicial duties.

* * * * *

Rule 11. Solicitation of Funds.

[A magisterial district judge] Magisterial district judges shall not solicit funds for any educational, religious, charitable, fraternal or civic organization, or use or permit the use of the prestige of [his] their office for that purpose, but [he] they may be listed as an officer,

director or trustee of such an organization. [He] They shall not be a speaker or the guest of honor at such an organization’s public fund raising events, but [he] they may attend such events.

* * * * *

Rule 12. Gifts and Loans.

A. [A magisterial district judge] Magisterial district judges may accept a gift incident to a public testimonial to [him] them and books supplied by publishers on a complimentary basis for public use. [A magisterial district judge] Magisterial district judges or a member of [his] their family residing in [his] their household may accept ordinary social hospitality; a gift, bequest, favor or loan from a relative; a wedding or engagement gift; a loan from a lending institution in its regular course of business on the same terms generally available to persons who are not magisterial district judges; or a scholarship or fellowship awarded on the same terms applied to other applicants.

B. [A magisterial district judge] Magisterial district judges or a member of [his] their family residing in [his] their household may accept any other gift, bequest, favor or loan only if the donor is not a party or other person whose interests have come or are likely to come before the magisterial district judge.

Official Note: This rule is derived from Canon [50(4)] 5C(4), American Bar Association Code of Judicial Conduct. For the purpose of this rule, “member of [his] their family residing in [his] their household” means any relative of the magisterial district [judge] judges by blood or marriage, or a person treated by the magisterial district [judge] judges as a member of [his] their family, who resides in [his] their household.

Rule 13. Incompatible Practices.

Magisterial district judges and all employees assigned to or appointed by magisterial district judges shall not engage, directly or indirectly, in any activity or act incompatible with the expeditious, proper and impartial discharge of their duties, including, but not limited to, (1) in any activity prohibited by law; (2) in the collection business; or (3) in the acceptance of any premium or fee for any judicial bond. [A magisterial district judge] Magisterial district judges shall not exploit [his or her] their judicial position for financial gain or for any business or professional advantage. [A magisterial district judge] Magisterial district judges shall not receive any fee or emolument for performing the duties of an arbitrator.

* * * * *

Rule 14. Prohibited Practice of Attorney Magisterial District [Judge] Judges.

A. [An attorney who is a magisterial district judge] Attorneys who are magisterial district judges shall not practice before any magisterial district judge in the Commonwealth, nor shall [he] they act as a lawyer in a proceeding in which [he has] they have served as a magisterial district judge or in any other proceeding related thereto. Nor shall [he] they practice criminal law in the county within which [his] their magisterial district is located. An employer, employee,

partner of office associate of such magisterial district **[judge] judges** shall not appear or practice before **[him] them**.

B. **[An attorney who is a magisterial district judge] Attorneys who are magisterial district judges** shall not practice before, or act as an attorney or solicitor for, any county or local municipal, governmental or quasi governmental agency, board, authority or commission operating within the Commonwealth.

* * * * *

Rule 15. Public Office and Political Activity.

A. **[A magisterial district judge] Magisterial district judges** shall not hold another office or position of profit in the government of the United States, the Commonwealth or any political subdivision thereof, except in the armed services of the United States or the Commonwealth.

B. **[A magisterial district judge] Magisterial district judges** or a candidate for such office shall not:

(1) hold office in a political party or political organization or publicly endorse candidates for political office.

(2) engage in partisan political activity, deliver political speeches, make or solicit political contributions (including purchasing tickets for political party dinners or other functions) or attend political or party conventions or gatherings, except as authorized in subdivision C of this rule. Nothing herein shall prevent **[a magisterial district judge or a candidate for such office] magisterial district judges or candidates for such offices** from making political contributions to a campaign of a member of **[his] their** immediate family.

C. **[A magisterial district judge or a candidate for such office] Magisterial district judges or candidates for such offices** may in the year **[he runs] they run** for office, attend political or party conventions or gatherings, speak to such gatherings or conventions on **[his] their** own behalf, identify **[himself] themselves** as **[a member] members** of a political party, and contribute to **[his] their** own campaign, a political party or political organization (including purchasing tickets for political party dinners or other functions).

D. With respect to **[his] their** campaign conduct, **[a magisterial district judge or a candidate] magisterial district judges or candidates** for such office shall:

(1) maintain the dignity appropriate to judicial office, and shall encourage members of **[his] their** family to adhere to the same standards of political conduct that apply to **[him] them**.

(2) prohibit public officials or employees subject to **[his] their** direction or control from doing for **[him what he is] them what they are** prohibited from doing under this rule; and except to the extent authorized under subdivision D(4) of this rule shall not allow any other person to do for **[him what he is] them what they are** prohibited from doing under this rule.

(3) not make pledges or promises of conduct in office other than the faithful and impartial performance of the duties of the office; make statements that commit or appear to commit the candidate with respect to cases, controversies or issues that are likely to come before the

court; or misrepresent **[his] their** identity, qualifications, present position, or other fact.

Commentary. The United States Supreme Court in *Republican Party of Minnesota v. White*, 122 S. Ct. 2528 (2002) concluded that a canon of judicial conduct prohibiting judicial candidates from “announcing their views on disputed legal or political issues” is violative of the First Amendment of the United States Constitution.

(4) not **[himself] themselves** solicit or accept campaign funds, or solicit publicly stated support, but **[he] they** may establish committees of responsible persons to secure and manage the expenditure of funds for **[his] their** campaign and to obtain public statements of support for **[his] their** candidacy. Such committees are not prohibited from soliciting campaign contributions and public support from lawyers. **[A candidate’s] Candidates’** committees may solicit funds for **[his] their** campaign no earlier than thirty (30) days prior to the first day for filing nominating petitions, and all fundraising activities in connection with such campaign shall terminate no later than the last calendar day of the year in which the election is held. **[A candidate] Candidates** should not use or permit the use of a campaign contribution for the private benefit of **[himself] themselves** or members of **[his] their** family.

E. **[A magisterial district judge] Magisterial district judges** shall resign **[his] their** office when **[he becomes a candidate] they become candidates** either in a party primary or in a general election for a non-judicial office.

Official Note: This rule is derived from former Rule 15 and from Canon 7 of the American Bar Association and Pennsylvania Supreme Court Code of Judicial Conduct. **[this] This** rule prohibits only political activity that is partisan in nature and consequently there is no objection to **[a magisterial district judge] magisterial district judges** becoming engaged in political activity of a public service nature, such as, for example, political activity in behalf of measures to improve the law, the legal system or the administration of justice.

Rule 16. Transfer of Dockets and Other Papers.

A. Except for judges of **[the Pittsburgh Magistrates Court and of the traffic courts of Pittsburgh and Philadelphia, every] Philadelphia Traffic Court**, magisterial district **[judge] judges** shall on the expiration of **[his] their** term of office, or upon the effective date of **[his] their** resignation or removal from office or upon **[his] their** abandonment of **[his] their** office or its duties deliver all **[his] their** dockets and other official or like papers to the magisterial office established for the magisterial district in which the former or inactive magisterial district **[judge] judges** maintained **[his] their** residence.

B. If **[a magisterial district judge dies] magisterial district judges die** in office, **[his personal representative] their personal representatives** shall make any delivery required under subdivision A of this rule.

Rule 17. Supervision of Magisterial District Courts by President Judges.

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(B) The president judge's administrative authority over magisterial district courts within the judicial district includes but is not limited to, and shall be governed by, the following:

* * * * *

(3) *Staff in the Magisterial District Courts—*

* * * * *

(c) Subject to subparagraphs (a) and (b) above, [a magisterial district judge] magisterial district judges

(i) shall be responsible for the management of authorized staff in [his or her] their court;

(ii) shall assign work among authorized staff in [his or her] their court, and;

* * * * *

(4) *Magisterial District Judge Leave; Coverage During Leave—*

* * * * *

(b) Subject to the provisions of subparagraph (a) above, [a magisterial district judge] magisterial district judges shall enjoy autonomy with respect to choosing when to take leave, subject to reasonable coordination by the president judge with the schedules of the other magisterial district judges in the judicial district.

* * * * *

Rule 18. Applicability to Judges [of the Pittsburgh Magistrates Court and] of the Traffic [Courts of Pittsburgh and] Court of Philadelphia.

Except for Rule 16, the above rules governing standards of conduct for magisterial district judges also apply to, and "magisterial district judge" as used therein additionally includes, the judges of the [Pittsburgh Magistrates Court and of the traffic courts of Pittsburgh and] Philadelphia Traffic Court.

Rule 19. Certification requirements of interested persons.

* * * * *

Any [person] persons successfully completing the course of training and instruction and examination, who [has] have not served as a magisterial district judge, bail commissioner or Judge within two years, will be required to update [his] their certification by taking a review course as defined by the Minor Judiciary Education Board and passing an examination, prior to being certified by the Administrative Office of Pennsylvania Courts as qualified to perform [his or her] their duties as required by the Constitution of Pennsylvania. Individuals who have completed the continuing education course every year since being certified are exempt from this provision.

Rule 20. Continuing education requirement.

Every magisterial district judge shall complete a continuing education program each year equivalent to not less than 32 hours per year in such courses or programs as are approved by the Minor Judiciary Education Board. If a magisterial district judge fails to meet these continuing education requirements, [he or she] the judge shall be subject to suspension by the Supreme Court until such time as evidence of compliance with such require-

ments is submitted by the board, but in no event longer than six months at which time the failure to meet the continuing education requirements shall be grounds for the Supreme Court, after a hearing, to declare a vacancy in that district.

* * * * *

Rule 21. Admission of Senior Magisterial District Judges and Those Persons Who Have Successfully Completed the Course of Training and Instruction and Examination and Who Have Not Served as a Magisterial District Judge, Bail Commissioner or Judge.

Any magisterial district judge who has left that Judicial Office for any good reason and who has been certified by the Administrative Office of Pennsylvania Courts as eligible to serve as Senior Magisterial District Judges shall be admitted to the continuing education program sponsored by the Minor Judiciary Education Board every year as required by 42 Pa.C.S.A.[,] Section 3118. Any person successfully completing the course of training and instruction and examination and who has not served as a magisterial district judge, bail commissioner or judge may apply to the Administrative Office of Pennsylvania Courts to be enrolled in the continuing education course based on the availability of space. Such enrollment will be at the expense of the party.

* * * * *

Rule 22. Continuing Education Requirement: Philadelphia Traffic Court.

Every Philadelphia Traffic Court judge shall complete a continuing education program each year equivalent to not less than twenty (20) hours per year in such courses or programs as are approved by the Minor Judiciary Education Board. If a Philadelphia Traffic Court judge fails to meet these continuing education requirements [he or she] the judge shall be subject to suspension until such time as evidence of compliance with such requirements is submitted by the Minor Judiciary Education Board, but in no event for longer than six months at which time the failure to meet the continuing education requirements shall be grounds for removal and the declaration of a vacancy in the Philadelphia Traffic Court.

[Pa.B. Doc. No. 05-2267. Filed for public inspection December 9, 2005, 9:00 a.m.]

Title 255—LOCAL COURT RULES

Carbon County

Electronic Monitoring Fees; No. AD 3-2005 (Previously Filed to 046 MI 97)

Administrative Order 17—2005

And Now, this 28th day of November, 2005, in order to assess the costs of administering the Carbon County Home Electronic Monitoring Program, it is hereby

Ordered and Decried that, effective January 1, 2006, the Court hereby increases the Home Electronic Monitoring Fee to fifteen dollars (\$15.00) per day for all defendants placed into the Carbon County Home Electronic

Monitoring Program from the time they are ordered into the Program until the time they are released from the Program.

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

ROGER N. NANOVIC,
President Judge

[Pa.B. Doc. No. 05-2268. Filed for public inspection December 9, 2005, 9:00 a.m.]

RULES AND REGULATIONS

Title 22—EDUCATION

STATE BOARD OF EDUCATION
[22 PA. CODE CHS. 7 AND 12]

Students and Student Services

The State Board of Education has submitted a revised version of the regulatory review language for a rule-making which appeared at 35 Pa.B. 6510, 6515 (December 3, 2005). The correct version is as follows:

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on August 30, 2003, the Board submitted a copy of this proposed rulemaking (published at 33 Pa.B. 5735) for review and comment by IRRC and the House and Senate Committees on Education.

In compliance with section 5(c) of the Regulatory Review Act, the Board also provided IRRC and the Committees with copies of the comments received, as well as other documentation. In preparing the final-form rule-making, the Board considered the comments received from IRRC, the Committees and the public.

In accordance with section 5.1(a) of the Regulatory Review Act (71 P. S. § 745a(a)), the Board submitted the final-form rulemaking to IRRC and the Committees for review as provided by section 5.1 of the Regulatory Review Act.

In accordance with section 5.1 of the Regulatory Review Act, these final-form regulations were deemed approved by the Senate Education Committee on October 4, 2005, disapproved by the House Education Committee on September 28, 2005, and approved by IRRC on October 6, 2005. The House Education Committee did not, within 14 days after the date of IRRC's order of approval, take action on the regulation under sections 5.1(j.2) and 7(d) of the Regulatory Review Act (71 P. S. §§ 745.5a(j.2) and 745.7(d)).

Contact Person

The official responsible for information on these final-form regulations is Jim Buckheit, Executive Director, State Board of Education, 333 Market Street, Harrisburg, PA 17126-0333, telephone (717) 787-3787 or TDD (717) 787-7367.

JIM BUCKHEIT,
Executive Director

[Pa.B. Doc. No. 05-2269. Filed for public inspection December 9, 2005, 9:00 a.m.]

Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS

STATE BOARD OF NURSING
[49 PA. CODE CH. 21]

Prescriptive Authority Fees

The State Board of Nursing (Board) amends § 21.253 (relating to fees) by establishing certain application and renewal fees for certified registered nurse practitioners (CRNPs) who wish to prescribe and dispense drugs to read as set forth in Annex A.

Statutory Authority

The final-form rulemaking is authorized under section 11.2(a) and (d) of the Professional Nursing Law (act) (63 P. S. § 221.2(a) and (d)).

Background and Purpose

Under final-form rulemaking jointly promulgated by the State Boards of Medicine and Nursing published at 30 Pa.B. 5943 (November 18, 2000) and continued under the amendment of section 2.1 of the act (63 P. S. § 212.1) by the act of December 9, 2002 (P. L. 1567, No. 206), qualified CRNPs may prescribe and dispense drugs under section 8.3 of the Professional Nursing Law (63 P. S. § 218.3) and §§ 21.283—21.287 (relating to CRNP practice). CRNPs wishing to prescribe drugs are required to apply for prescriptive authority approval by submitting an application to the Board demonstrating successful completion of not less than 45 hours of coursework in advanced pharmacology and a signed, written collaborative agreement between the prescribing CRNP and a supervising physician. See §§ 21.283(2) and 21.285 (relating to prescribing and dispensing drugs; and collaborative agreement). Successful applicants are issued prescriptive authority approval.

Section 11.2(a) and (d) of the act requires the Board to set fees by regulation so that revenues meet or exceed expenditures over a biennial period. General operating expenses of the Board are funded through biennial license renewal fees. Expenses related to applications or services which are provided directly to individual licensees or applicants are excluded from general operating revenues and are funded through fees in which the actual cost of providing the service forms the basis for the fee.

By this final-form rulemaking, the Board amends § 21.253 to add the follow fees for CRNPs: (1) a \$50 fee to accompany the application for prescriptive authority; (2) a \$ 30 fee for approval of each additional collaborative agreement; and (3) a \$25 biennial renewal fee. As more fully explained in the response to notice of proposed rulemaking, this final-form rulemaking substantially reduces the fees as proposed.

Summary of Comments and Responses to Proposed Rule-making

Notice of proposed rulemaking was published at 33 Pa.B. 4462 (September 6, 2003). Publication was followed by a 30-day public comment period during which the Board received comments from seven public commentators. On October 1, 2003, the House Professional Licensure Committee (HPLC) and on November 5, 2003, the Independent Regulatory Review Commission (IRRC) sent comments and suggestions to the Board. The Senate Consumer Protection and Professional Licensure Committee (SCP/PLC) did not comment. Responses to these comments are organized by subject as follows:

Rationale and statutory authority for retroactive collection of fees

IRRC questioned the authority of the Board to require a CRNP who has been granted approval to prescribe to pay the initial application fee upon promulgation of the regulation. IRRC expressed the view that this construction would constitute a constitutionally impermissible retroactive application of the regulation. IRRC also suggested that to so apply the regulation would require express statutory authority. The Board's intent to apply the fees retroactively was explained to the regulated community on each of the at least 3,200 applications for prescriptive authority completed since November 2000. In consideration of IRRC's objections and comment, the Board has reviewed its fee structure and determined that all fees imposed by this final-form rulemaking will become effective upon publication in the *Pennsylvania Bulletin*.

Costs to CRNPs

As described in the preamble to the proposed rulemaking, fees for application and additional collaborative agreements were based upon calculation of actual costs to process applications and approvals. The biennial renewal fee was estimated to ensure that required enforcement efforts were met.

Public comments from the Pennsylvania Coalition of Nurse Practitioners (Coalition) and Senator Mary Jo White asserted that the proposed fees are among the highest in the country. Senator White and the Coalition urged the Board to reevaluate its fee schedule and eliminate the fee for additional collaborative agreements.

In response, the Board first notes that since promulgation of the proposed rulemaking, it has instituted a more streamlined process, including a letter application form to reduce the staff time needed to review prescriptive authority applications. The Board has also attempted to achieve economies in reducing the costs associated with approval of additional collaborative agreements. Finally, the Board has adjusted downward the cost estimates of enforcement efforts to reduce the biennial fee as proposed.

With regard to comparative fees of other states, the Board responds as follows. Because application and approval fees established by the proposed rulemaking represent the Board's actual costs in providing the services requested, it is difficult to compare the fees with those of other states. However, a survey of the surrounding states indicates that initial and renewal fees for prescriptive authority approval in West Virginia are both \$125, while Ohio requires an initial application (approval and prescriptive authority) fee of \$100, with biennial renewal of the certificate to prescribe costing \$50. These fees are in addition to certification or licensure fees to become a nurse practitioner. The four other surrounding

states combine nurse practitioner certification/licensure fees with prescriptive authority fees. In Maryland, the initial nurse practitioner certification is \$82 and the annual renewal fee \$67—there is no distinct fee for prescriptive authority. The fee for nurse practitioner certification covers approval of the collaborative agreement needed to prescribe. If the nurse practitioner wishes to prescribe controlled substances, there is a \$60 biennial fee for registration with the Office of Maryland Drug Control. New York has a similar scheme, in which the initial nurse practitioner certification and registration fee are \$80. The triennial certification renewal fee is \$80. If the individual satisfies all requirements for certification as a nurse practitioner, the individual will be authorized to issue prescriptions—there is no distinct fee for prescriptive authority. New Jersey also has no separate prescriptive authority approval fee; however, the nurse practitioner application fee is \$100, initial certification fee is \$100 and biennial renewal of certification costs \$100. A written joint protocol for prescriptive practice with a collaborating physician is needed to apply for controlled dangerous substance registration with the State of New Jersey Drug Control Unit. This registration is available for a fee of \$20 for both the application and annual renewal. Delaware nurse practitioners pay a \$67 fee for advanced practice certification and renew biennially for \$67. Those wishing to prescribe noncontrolled substances complete a separate application, for which there is no fee. Delaware nurse practitioners who wish to prescribe controlled substances must register biennially with the Delaware Office of Narcotics and Dangerous Drugs, for a fee of \$20 for both initial registration and annual renewal. Based on the foregoing data, the regulation should not put this Commonwealth at a competitive disadvantage with other states.

Several individual nurse practitioners expressed concern about the procedure and fee for additional collaborative agreements, while Senator White and the others urged the Board to eliminate the additional collaborative agreement fee. The HPLC noted the Coalition's concerns regarding the fee for additional collaborative agreements. The HPLC requested a detailed explanation as to the rationale for charging a fee for additional collaborative agreements and whether or not the amount of the fee should be reevaluated.

The collaborative agreement is the document that sets forth the limits of an individual CRNP's authority to prescribe drugs. Each collaborative agreement may set forth different limits in terms of the drugs that the CRNP may prescribe and the level of supervision that will be required in order for the CRNP to prescribe. The Board is charged with reviewing collaborative agreements to ensure the agreements are authorized by law and consistent with the scope of practice of a CRNP. The Board cannot fulfill this function unless it reviews additional collaborative agreements. Since publication of proposed rulemaking, the Board has streamlined all of its practices related to its review of prescriptive authority privileges for CRNPs. As a result of this process, the fee adopted in this final-form rulemaking for review of additional collaborative agreements has been decreased from \$75 to \$30. The Board will reevaluate the process and procedures for prescriptive authority, including review of additional collaborative agreements, after it has several years of data available. The Board will reconsider the fee for additional collaborative agreements at that time.

Mandatory use of Board-generated collaborative agreement form

IRRC suggested that the Board should consider adding a provision that all applicants use the Board-generated collaborative agreement form. The Board concurs and made this change as part of its streamlining the application review process. The Board conducted an audit, as previously noted, and has been able to reduce the proposed fees.

Circumstances requiring the filing of additional collaborative agreements

IRRC stated that the proposed regulation was unclear on what circumstances require the filing of additional collaborative agreements for prescriptive authority and that the vagueness of this provision may cause applicants to submit additional collaborative agreements to the Board when they are not necessary and thus pay unnecessary fees. The Board requires the filing of additional collaborative agreements only when there is a change in the primary collaborating physician or a change in the categories/drug schedules from which a CRNP may prescribe. This is clearly stated in the application for prescriptive authority approval and in the application for additional collaborative agreement. In addition, Board staff addresses this with licensees on a case-by-case basis. IRRC suggested that the Board add or amend language in § 21.285 to clearly indicate when an additional collaborative agreement for prescriptive authority must be filed. The Board declines to do so based on the notice given to applicants in the applications for prescriptive authority approval and for additional collaborative agreement and because Board staff addresses this with licensees on a case-by-case basis.

Substitute physicians

A collaborative agreement may have an unlimited number of substitute physicians and these can be easily added or deleted without cost to the CRNP. IRRC further suggested that the Board amend language in § 21.285(b)(1) to clearly reflect the Board's procedures for making amendments to collaborative agreements regarding substitute physicians. The Board declines to make this change, as notice of the Board's administrative procedures in this regard is provided to the nurse practitioners in the applications for prescriptive authority approval and for additional collaborative agreement, and Board staff addresses this with licensees on a case-by-case basis.

Change in primary supervising physician only

When the CRNP is changing only the primary collaborating physician, IRRC suggested that the Board consider reasonable filing alternatives to reduce the financial burden on the regulated community. This is based on the presumption that less information will need to be reviewed with this submission. The Board declines to adopt this suggestion at the present time. A change in the collaborating physician could indicate a radically different scope of the collaboration. The Board cannot make this determination without reviewing the terms of the collaborative agreement. The Board will, however, closely monitor the processes related to prescriptive authority to determine if the prescriptive authority process can be streamlined and if the Board may lower the fee for prescriptive authority approval.

Fiscal Impact and Paperwork Requirements

The final-form rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions.

The fees will have a modest fiscal impact on those members of the private sector who apply for services from the Board. The final-form rulemaking will impose no additional paperwork requirements upon the Commonwealth or political subdivisions. The application process, which is statutorily mandated, will impose modest paperwork requirements on those members of the private sector who apply for and renew prescriptive authority approval.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on February 14, 2004, the Board submitted a copy of the notice of proposed rulemaking, published at 33 Pa.B. 4462, 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 and the Committees were provided with copies of the comments received during the public comment period, as well as other documents when requested. In preparing the final-form rulemaking, the Department has considered all comments from IRRC, the 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 18, 2005, the final-form rulemaking was approved by the HPLC. On November 2, 2005, 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 3, 2005, and approved the final-form rulemaking.

Additional Information

Further information may be obtained by contacting Ann Steffanic, Administrative Assistant, State Board of Nursing, P. O. Box 2649, Harrisburg, PA 17105-2649, www.dos.state.pa.us/nurse.

Findings

The Board finds that:

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

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

(3) The amendments to the final-form rulemaking do not enlarge the purpose of proposed rulemaking published at 33 Pa.B. 4462.

(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 statute, orders that:

(a) The regulations of the Board, 49 Pa. Code Chapter 21, are amended by amending § 21.253 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 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 35 Pa.B. 6390 (November 19, 2005).)

Fiscal Note: Fiscal Note 16A-5116 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 21. STATE BOARD OF NURSING

Subchapter C. CERTIFIED REGISTERED NURSE PRACTITIONERS

GENERAL PROVISIONS

§ 21.253. Fees.

The following fees are charged by the Board:

Certification.....	\$100
Biennial renewal of certification	\$50
Verification of certification.....	\$15
Application for prescriptive authority	\$50
Each additional collaborative agreement for prescriptive authority	\$30
Biennial renewal of prescriptive authority.....	\$25

[Pa.B. Doc. No. 05-2270. Filed for public inspection December 9, 2005, 9:00 a.m.]

STATEMENTS OF POLICY

Title 55—PUBLIC WELFARE

DEPARTMENT OF PUBLIC WELFARE

[55 PA. CODE CHS. 3270, 3280 AND 3290]

Syrup of Ipecac

Scope

This statement of policy applies to child day care centers, group child day care homes and family child day care homes.

Purpose

The purpose of this statement of policy is to clarify the Department of Public Welfare's (Department) regulations for child care facilities regarding Syrup of Ipecac in §§ 3270.75(c), 3280.75(c) and 3290.73(c) (relating to first-aid kit). Based on the recommendations of the American Academy of Pediatrics (AAP), the Department will not enforce the requirement for Syrup of Ipecac in a first-aid kit.

Discussion

Syrup of Ipecac is a substance that induces vomiting when consumed. If a child has consumed a poisonous substance, taking Syrup of Ipecac causes vomiting that can often remove some of the poisonous substance from the child's body.

The Department's regulations requiring Syrup of Ipecac in a first-aid kit at a child care facility were promulgated in 1992. At that time, health care organizations, including the AAP, recommended that parents and caregivers in child care facilities keep a 1-ounce bottle of Syrup of Ipecac available in case a poisoning emergency occurred. Based on new scientific evidence, the AAP has changed its recommendation regarding Syrup of Ipecac.

In November 2003, the AAP issued new recommendations on poison treatment in the home. The AAP now recommends that parents and caregivers should not keep Syrup of Ipecac in their homes or child care facilities. According to the AAP's Committee on Injury, Violence, and Poison Prevention, there has never been any scientific evidence that administering Syrup of Ipecac to induce vomiting reduces death rates from poisoning. Studies of children who had ingested a potentially toxic amount of a drug and then took ipecac showed that on average, only 28% of the poison was eliminated from their bodies after vomiting.

Activated charcoal has replaced Syrup of Ipecac as the preferred treatment for poisoning in hospital emergency departments. Activated charcoal binds to the poison in a person's stomach and prevents the poison from entering the bloodstream. Using Syrup of Ipecac first may actually reduce the effectiveness of activated charcoal treatments, another reason cited by the AAP for the change in policy.

The AAP also stated that Syrup of Ipecac may be misused by people with eating disorders, such as anorexia nervosa and bulimia nervosa, who want to induce vomiting in an attempt to lose weight or purge stomach contents. In very rare cases, the substance may be abused by adults with a mental disorder called Munchausen syndrome by proxy, in which they purposely make a child ill to gain attention for themselves.

Based on the AAP recommendations, the Department will not enforce the requirement that a first-aid kit in a child care facility must include Syrup of Ipecac.

Effective Date

This statement of policy is effective immediately upon publication in the *Pennsylvania Bulletin*.

Contact Person

Comments and questions regarding this statement of policy should be directed to Jennifer Lau, Division of Regulatory Administration, Bureau of Certification Services, Office of Child Development, Bertolino Building 4th Floor, Harrisburg, PA 17105, (717) 787-8691.

(Editor's Note: The regulations of the Department, 55 Pa. Code Chapters 3270, 3280 and 3290, are amended by adding a statement of policy in §§ 3270.75a, 3280.75a and 3290.73a to read as set forth in Annex A.)

ESTELLE B. RICHMAN,
Secretary

Fiscal Note: 14-BUL-067. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 55. PUBLIC WELFARE

PART V. CHILDREN, YOUTH AND FAMILIES MANUAL

Subpart D. NONRESIDENTIAL AGENCIES, FACILITIES AND SERVICES

ARTICLE I. LICENSING/APPROVAL

CHAPTER 3270. CHILD DAY CARE CENTERS

PHYSICAL SITE

§ 3270.75a. Syrup of Ipecac—statement of policy.

The Department will not cite a facility for noncompliance with § 3270.75(c) (relating to first-aid kits) if the first-aid kit does not include Syrup of Ipecac.

CHAPTER 3280. GROUP CHILD DAY CARE HOMES PHYSICAL SITE

§ 3280.75a. Syrup of Ipecac—statement of policy.

The Department will not cite a facility for noncompliance with § 3280.75(c) (relating to first-aid kits) if the first-aid kit does not include Syrup of Ipecac.

CHAPTER 3290. FAMILY CHILD DAY CARE HOMES PHYSICAL SITE

§ 3290.73a. Syrup of Ipecac—statement of policy.

The Department will not cite a facility for noncompliance with § 3290.73(c) (relating to first-aid kits) if the first-aid kit does not include Syrup of Ipecac.

[Pa.B. Doc. No. 05-2271. Filed for public inspection December 9, 2005, 9:00 a.m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Revocation of Pine Shoot Beetle Interior Quarantine

Recitals

1. The Plant Pest Act (act) (3 P. S. §§ 258.1—258.27), empowers the Department of Agriculture (Department) to take various measures to detect, contain and eradicate plant pests in this Commonwealth.

2. The powers granted the Department under section 21 of the act (3 P. S. § 258.21) include the power to establish quarantines to prevent the dissemination of plant pests within this Commonwealth.

3. Pine Shoot Beetle (PSB) is a serious nonnative plant pest that injures and damages pine trees, posing a potential serious threat to the economic well-being of the Christmas tree and tree nursery industry within this Commonwealth. Furthermore, the United States Department of Agriculture (USDA) requires that affected states maintain current, parallel state quarantines in order for USDA to be able to enforce the Federal Pine Shoot Beetle quarantine with respect to affected areas of the State, rather than against the entire State.

4. The Department has exercised its authority under the act and issued an Order of Quarantine affecting Allegheny, Armstrong, Beaver, Bedford, Blair, Bradford, Butler, Cambria, Cameron, Clarion, Clearfield, Crawford, Elk, Erie, Fayette, Forest, Greene, Huntingdon, Indiana, Jefferson, Lawrence, McKean, Mercer, Potter, Somerset, Tioga, Venango, Warren, Washington and Westmoreland Counties to prevent the spread of PSB.

5. Since recent official surveys have also detected PSB in Berks, Chester, Centre, Cumberland, Fulton, Juniata, Lycoming, Monroe, Northumberland, Perry, Snyder, Susquehanna, Sullivan, Union, Wayne and Wyoming Counties and it is apparent that the quarantine has not contained PSB, the Department is satisfied it is appropriate

to rescind the Order of Quarantine applicable to Allegheny, Armstrong, Beaver, Bedford, Blair, Bradford, Butler, Cambria, Cameron, Clarion, Clearfield, Crawford, Elk, Erie, Fayette, Forest, Greene, Huntingdon, Indiana, Jefferson, Lawrence, McKean, Mercer, Potter, Somerset, Tioga, Venango, Warren, Washington and Westmoreland Counties.

Order

Under authority of section 21 of the act, the Department hereby enters the following order:

The Order of Quarantine dated July 6, 2001, and published at 31 Pa.B. 3558 (July 7, 2001) that pertains to Allegheny, Armstrong, Beaver, Bedford, Blair, Bradford, Butler, Cambria, Cameron, Clarion, Clearfield, Crawford, Elk, Erie, Fayette, Forest, Greene, Huntingdon, Indiana, Jefferson, Lawrence, McKean, Mercer, Potter, Somerset, Tioga, Venango, Warren, Washington and Westmoreland Counties is hereby rescinded. This Order had imposed a quarantine on the PSB in any living stage of development and the following pine (*Pinus* spp.) products: bark nuggets (including bark chips), Christmas trees, logs or lumber with bark attached, nursery stock, any cut, fresh, untreated, unassembled pine materials that have not been manufactured into wreaths or garlands, stumps and any article, product or means of conveyance that presents a risk of spread of the pine shoot beetle and with respect to which an inspector has notified the person in possession that the article is subject to quarantine. The quarantine required that regulated articles not be moved from or through the quarantine area unless either accompanied by a valid certificate or limited permit issued in accordance with this order or an applicable provision of this order exempts that article from the certificate or limited permit requirement.

USDA will continue to enforce the provisions of the Federal Pine Shoot Beetle quarantine against the entire Commonwealth.

DENNIS C WOLFF,
Secretary

[Pa.B. Doc. No. 05-2272. Filed for public inspection December 9, 2005, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

THE CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

APPLICATIONS FOR NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS AND WATER QUALITY MANAGEMENT (WQM) PERMITS

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

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

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

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

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

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

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

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

I. NPDES Renewal Applications

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0061361	Smithfield Sewer Authority R. R. 5, Box 5229 East Stroudsburg, PA 18301	Smithfield Township Monroe County	Little Sambo Creek MF 1E	Y
PA0061263	Wheelabrator Frackville Energy Company, Inc. 475 Morea Road Frackville, PA 17931	Schuylkill County Mahanoy Township	Mill Creek CWF 3A	Y
PA0008664 (Minor Industrial)	UGI Development Co. 390 Route 11 P. O. Box 224 Hunlock Creek, PA 18621-0224	Luzerne County Hunlock Township	North Branch of Susquehanna River (5B)	Y
PA0035025 (Minor Sewage)	Western Wayne School District P. O. Box 500 South Canaan, PA 18459	Wayne County South Canaan Township	UNT to Middle Creek (1B)	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed#)</i>	<i>EPA Waived Y/N ?</i>
PA0080721 (Sew)	Frank Perano Cedar Manor MHP P. O. Box 677 Morgantown, PA 19543-0677	Dauphin County Londonderry Township	Chickies Creek/7-G	Y

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<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed#)</i>	<i>EPA Waived Y/N ?</i>
PA0041220 (Sew)	David Stillwagon Hershey Conewago Recreacampground LLC P. O. Box 449 Hershey, PA 17033	Dauphin County Conewago Township	UNT to Conewago Creek/7-G	Y
PA0007765 (IW)	Harley-Davidson Motor Company Operation, Inc. 1425 Eden Road York, PA 17402	York County Springettsbury Township	UNT to Johnson Run/7-H	Y
PA0086967 (IW)	Myerstown Water Authority 601 Stracks Dam Road Myerstown, PA 17067	Lebanon County Jackson Township	UNT to Tulpehocken Creek/3-C	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed#)</i>	<i>EPA Waived Y/N ?</i>
PA0022608	Molded Fiber Glass Tray Company 6175 US Highway 6 Linesville, PA 16424-5921	Pine Township Crawford County	UNT to Shenango River 20-A	Y
PA0222861	Temple—Inland Forest Products Corporation 824 Glendale Court Cranberry Township, PA 16066	Sergeant Township McKean County	Little Sicily Run UNT to Seven Mile Run Seven Mile Run 17-A	Y
PA0000256	PA American Water—Punxsutawney 800 West Hersheypark Drive Hershey, PA 17033	Gaskill Township Jefferson County	East Branch Mahoning Creek 17-D	Y
PA0039233d	Rhodes Country Court P. O. Box 397 (SR 157) Reno, PA 16343	Cranberry Township Venango County	UNT to Little Sugar Creek 16-D	Y
PA0034916	Werner Company—Greenville Division 93 Werner Road Greenville, PA 16125-9499	Sugar Grove Township Mercer County	Little Shenango River 20-A	Y

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

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

PA0023558, Sewage, **Borough of Ashland**, 502 Chestnut Street, Ashland, PA 17921. This proposed facility is located in Ashland Township, **Schuylkill County**.

Description of Proposed Activity: This proposed action is for renewal of an NPDES Permit.

The receiving stream, Mahanoy Creek, is in the State Water Plan watershed No. 6B and is classified for WWF. The nearest downstream public water supply intake for Dauphin Consolidated Water Company is located on the Susquehanna River and is 65 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 1.30 mgd.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	40	50
Total Suspended Solids	30	45	60
Fecal Coliform			
(5-1 to 9-30)	200/100 ml		1,000/100 ml
(10-1 to 4-30)	2,000/100 ml		10,000/100 ml
pH	6.0 to 9.0 standard units at all times.		
Total Residual Chlorine	.5		1.0
Ammonia-N	Monitor and Report		
Kjeldahl-N	Monitor and Report		
Nitrite-N/Nitrate-N	Monitor and Report		
Total Nitrogen (1st month to 36th month)	Monitor and Report		

NOTICES

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Phosphorus (1st month to 36th month)	Monitor and Report		
Total Nitrogen (37th month to expiration)	Annual Mass Load of 18,825 lbs/year.		
Total Phosphorus (37th month to expiration)	Annual Mass Load of 2,352 lbs/year.		

Outfall SW1 (stormwater)*

<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>
CBOD ₅				Report
Chemical Oxygen Demand				Report
Oil and Grease				Report
pH				Report
Total Suspended Solids (TSS)				Report
Total Kjeldahl Nitrogen (TKN)				Report
Total Phosphorus				Report
Iron (dissolved)				Report

*Permittee has the option to perform annual inspection of facility in lieu of annual monitoring.

Point Sources 002—010 serve as combined sewer reliefs necessitated by stormwater entering the sewer system and exceeding the hydraulic capacity of the sewers and/or the treatment plant. In accordance with the Department of Environmental Protection's (Department) EPA approved CSO strategy, a special permit requirements is included in Part C of this permit.

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

Sludge disposal, combined sewer overflows and stormwater, Chesapeake Bay Requirements.

The permittee must submit a schedule of compliance with the Chesapeake Bay strategy requirements within 180 days after permit issuance. They may be met in part or in full by obtaining offsets or credits approved by the Department.

The EPA waiver is not in effect.

PA0060135, Sewage, **Shickshinny Borough Sanitary Sewer Authority**, P. O. Box 62, Shickshinny, PA 18655. This proposed facility is located in Conyngham Township, **Luzerne County**.

Description of Proposed Activity: renewal of NPDES Permit to discharge treated sewage.

The receiving stream, Susquehanna River, is in the State Water Plan watershed No. 5B and is classified for WWF. The nearest downstream public water supply intake for Danville Water Authority is located on Susquehanna River below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 0.450.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25.0	40.0	50.0
Total Suspended Solids	30.0	45.0	60.0
Fecal Coliform	200/100 ml as a geometric mean		
(5-1 to 9-30)	2,000/100 ml as a geometric mean		
(10-1 to 4-30)	6.0 to 9.0 standard units at all times.		
pH			
Total Residual Chlorine	Monitor and Report		
Ammonia-N	Monitor and Report		
Kjeldhal-N	Monitor and Report		
Nitrate-Nitrite-N	Monitor and Report		
Total Nitrogen	Monitor and Report		
Total Phosphorus	Year 1—3		
Total Nitrogen	8,889 lbs/yr.	Year 4—5	
Total Phosphorus	1,111 lbs/yr.	Year 4—5	

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

The permittee must submit a schedule of compliance with the Chesapeake Bay Strategy requirements within 180 days after permit issuance. They may be met in part or in full by obtaining offsets or credits approved by the Department of Environmental Protection.

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

Application No. PA 0085278, Amendment No. 1, Sewage, **Deerwood Community Homeowners Association (Whitetail LLP)**, 11375 Deerwood Drive, Mercersburg, PA 17236. This facility is located in Montgomery Township, **Franklin County**.

Description of activity: The application is for amendment of an NPDES permit for an expansion of the discharge of treated sewage.

The receiving stream, UNT Licking Creek, is in Watershed 13-C and classified for TSF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Hagerstown, Maryland is located on the Potomac River approximately 25 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.395 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	10		20
Total Suspended Solids	10		20
NH ₃ -N			
(5-1 to 10-31)	1.4		2.8
(11-1 to 4-30)	4.2		8.4
Total Phosphorus	Monitor and Report		
Total Nitrogen	Monitor and Report		
Total Residual Chlorine	0.18		0.59
pH		from 6.0 to 9.0 inclusive	
Fecal Coliform			
(5-1 to 9-30)		200/100 ml as a geometric average	
(10-1 to 4-30)		2,000/100 ml as a geometric average	

Individuals may make an appointment to review the Department of Environmental Protection's files on this case by calling the file review coordinator at (717) 705-4732.

The EPA waiver is in effect.

Application No. PA 0083143, Industrial Waste, SIC Code 4941, **Saxton Borough Municipal Authority**, 707 Ninth Street, Saxton, PA 0016678-1213. This facility is located in Liberty Township, **Bedford County**.

Description of activity: The application is for renewal of an NPDES permit for an existing discharge of treated industrial waste.

The receiving stream, Raystown Branch Juniata River, is in Watershed 11-D and classified for trout stocking, water supply, recreation and fish consumption. The nearest downstream public water supply intake is the Army Corps of Engineers—Seven Points Marina located on Lake Raystown, approximately 30 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 based on a design flow of 0.006 mgd are:

<i>Parameter</i>	<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
pH (std. unit)		from 6.0 to 9.0 inclusive	
Total Suspended Solids	30	60	75
Total Iron	2	4	5
Total Aluminum	4	8	10
Total Manganese	1	2	2.5

Individuals may make an appointment to review the Department of Environmental Protection's files on this case by calling the file review coordinator at (717) 705-4732.

The EPA waiver is in effect.

Application No. PA 0088439, Sewage, **Lee Mummau (Schoolhouse Village MHP)**, 14192 Day Avenue, Mt. Airy, MD 21771. This facility is located in Licking Creek Township, **Fulton County**.

Description of activity: The application is for renewal of an NPDES permit for existing discharge of treated sewage.

The receiving stream, Sindeldecker Branch, is in Watershed 13-B and classified for CWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Hagerstown Water Authority is located on the Potomac River, approximately 50 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.010 mgd are:

<i>Parameter</i>	<i>Mass (lbs)</i>		<i>Concentration (mg/l)</i>	
	<i>Total Monthly</i>	<i>Total Annual</i>	<i>Average Monthly</i>	<i>Instantaneous Maximum</i>
CBOD ₅			25	50
Total Suspended Solids			30	60
Total Residual Chlorine			0.5	60
Dissolved Oxygen			minimum of 5.0 at all times	
pH			from 6.0 to 9.0 inclusive	
Nitrite Nitrate-Nitrogen	Report	Report	Report	
Total Kjeldahl Nitrogen	Report	Report	Report	
Total Nitrogen	Report	Report	Report	
Total Phosphorus	Report	Report	Report	
Fecal Coliform				
(5-1 to 9-30)			200/100 ml as a geometric average	
(10-1 to 4-30)			13,000/100 ml as a geometric average	

Individuals may make an appointment to review the Department of Environmental Protection's files on this case by calling the file review coordinator at (717) 705-4732.

The EPA waiver is in effect.

Application No. PA 0247928, Sewage, **Hopewell Township**, 415 Three Square Hollow Road, Newburg, PA 17240. This facility is located in Hopewell Township, **Cumberland County**.

Description of activity: The application is for issuance of an NPDES permit for a new discharge of treated sewage.

The receiving stream, a UNT to Peebles Run, is in Watershed 7-B and classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Carlisle Borough is located on the Conodoguinet Creek approximately 31.5 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.0004 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	50
Total Suspended Solids	30	60
NH ₃ -N	Monitor and Report	
Total Residual Chlorine	Monitor and Report	
pH	from 6.0 to 9.0 inclusive	
Fecal Coliform		
(5-1 to 9-30)	200/100 ml as a geometric average	
(10-1 to 4-30)	2,000/100 ml as a geometric average	

Individuals may make an appointment to review the Department of Environmental Protection's files on this case by calling the file review coordinator at (717) 705-4732.

The EPA waiver is in effect.

Application No. PA 0086967, Industrial Waste, SIC Code 4951, **Myerstown Water Authority**, 101 East Washington Avenue, Myerstown, PA 17067. This facility is located in Jackson Township, **Lebanon County**.

Description of activity: The application is for renewal of an NPDES permit for existing discharge of treated industrial waste.

The receiving stream, a UNT to Tulpehocken Creek, is in Watershed 3-C and classified for CWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake is Western Berks Water Authority located on the Tulpehocken Creek, approximately 34 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001:

<i>Parameter</i>	<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
pH			6.0 to 9.0 at all times
Total Residual Chlorine		Monitor and Report	

Part C requires reporting of discharge frequency and amount.

Individuals may make an appointment to review the Department of Environmental Protection's files on this case by calling the file review coordinator at (717) 705-4732.

The EPA waiver is in effect.

Southwest Regional Office: Regional Manager, Water Management, 400 Waterfront Drive, Pittsburgh, PA 15222-4745 (412) 442-4000.

PA0000493, Industrial Waste, SIC, 4961, **Pittsburgh Allegheny County Thermal, Ltd.**, Law and Finance Building, 429 Fourth Avenue, Suite 806, Pittsburgh, PA 15219. This application is for renewal of an NPDES permit to discharge untreated process water and cooling water from its steam generation plant in the City of Pittsburgh, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, of the Allegheny 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 West View Municipal Authority, located at Neville Island, 6.5 miles below the discharge point.

Outfall 001: existing discharge, design flow of 0.03 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
Suspended Solids			30		60
Iron			2.0		4.0
Aluminum			4.0		8.0
Manganese			1.0		2.0
Total Residual Chlorine			0.5		1.0
pH	not less than 6.0 nor greater than 9.0				

The EPA waiver is in effect.

PA0098612, Industrial Waste, SIC, 4911, **Ebensburg Power Company**, 2840 New Germany Road, Ebensburg, PA 15931-0845. This application is for renewal of an NPDES permit to discharge treated process water, cooling water and stormwater from Ebensburg Cogeneration Plant in Cambria Township, **Cambria County**.

The following effluent limitations are proposed for discharge to the receiving waters, South Branch Blacklick Creek and UNT to Howells Run, classified as CWF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is Buffalo Township, Municipal Authority, 707 South Pike Road, Sarver, PA 16055, 108 miles below the discharge point.

Outfall 101: existing discharge, design flow of 0.072 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	Monitor and Report				
Suspended Solids			30		60
Oil and Grease			15		20
pH	not less than 6.0 nor greater than 9.0				

The EPA waiver is in effect.

Outfall 001: existing discharge, design flow of 0.193 mgd

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	Monitor and Report				
Suspended Solids			30	100	
Oil and Grease			15	30	
Free Available Chlorine			0.2	0.5	
Total Residual Chlorine			0.5		1.0
Temperature (°F)					
(6-1 to 6-30)				98.8	
(7-1 to 7-31)				91.2	
(8-1 to 5-31)				110.0	
The 126 priority pollutants (40 CFR 423—Appendix A) contained in chemicals added for cooling tower maintenance with the exception of chromium and zinc.			Nondetect See Condition No. 6 in Part C		
Chromium			0.2	0.2	
Zinc			1.0	1.0	

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
pH	not less than 6.0 nor greater than 9.0				

Outfall 002: existing stormwater discharge

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
The permittee is authorized to discharge uncontaminated stormwater runoff from areas in and around the facility. There are, at this time, no specific effluent limitations on this outfall.					

PA0203726, Sewage, **Jutope Realty, Inc.**, 120 East Penn Street, Uniontown, PA 15401. This application is for renewal of an NPDES permit to discharge treated sewage from United States Post Office Sewage Treatment Plant in Addison Borough, **Somerset County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Chub Run, which are classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Ohiopyle Borough Waterworks on the Youghiogheny River.

Outfall 001: existing discharge, design flow of 0.00004 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD ₅	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)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	1.4			3.3
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA0203891, Sewage, **Western Area Career & Technology Center**, 688 Western Avenue, Canonsburg, PA 15317. This application is for renewal of an NPDES permit to discharge treated sewage from Western Area Vocational Technical School Sewage Treatment Plant in Chartiers Township, **Washington County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Chartiers Run, which are classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the West View Municipal Authority on the Ohio River.

Outfall 001: existing discharge, design flow of 0.005 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD ₅	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)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	1.4			3.3
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA0253065, Sewage, **Carol Brode**, 1000 Small Road, Jeannette, PA 15644. This application is for issuance of an NPDES permit to discharge treated sewage from Brode SR STP in Penn Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as UNT to Bushy Run, which are classified as a TSF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Pennsylvania Water Company, Pittsburgh.

Outfall 001: new discharge, design flow of 0.0004 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD ₅	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)	2,000/100 ml as a geometric mean			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

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

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

WQM Permit No. 1505423, Sewerage, **New Garden Township Sewer Authority**, 299 Starr Road, Landenberg, PA 19350. This proposed facility is located in New Garden Township, **Chester County**.

Description of Action/Activity: Construction and operation of a wastewater treatment facility diversion valve system.

WQM Permit No. 1505424, Sewerage, **Kennett Township**, 801 Burrows Run Road, Chadds Ford, PA 19317. This proposed facility is located in Kennett Township, **Chester County**.

Description of Action/Activity: Construction and operation of a wastewater pump station to serve 144 townhome residential subdivision.

WQM Permit No. 1505426, Sewerage, **New London Township**, 902 State Road, P. O. Box 1002, New London, PA 19360. This proposed facility is located in New London Township, **Chester County**.

Description of Action/Activity: Construction and operation of a wastewater treatment facility.

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

WQM Permit No. 3605411, Sewerage, **Sauder Brothers Partnership, Lot No. 1**, 1464 Mastersonville Road, Manheim, PA 17545. This proposed facility is located in Rapho Township, **Lancaster County**.

Description of Proposed Action/Activity: Construction/Operation of a small flow treatment facility to serve a single family residence on Oak Tree Road.

WQM Permit No. 3605412, Sewerage, **Sauder Brothers Partnership, Lot No. 2**, 1464 Matersonville Road, Manheim, PA 17545. This proposed facility is located in Rapho Township, **Lancaster County**.

Description of Proposed Action/Activity: Construction/Operation of a small flow sewage treatment facility to serve a single family residence on Oak Tree Road.

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

WQM Permit No. 1705408, Sewerage, **Huston Township Sewer Authority**, Penfield, PA 15829. This proposed facility is located in Huston Township, **Clearfield County**.

Description of Proposed Action/Activity: Sewer line extension comprised of 1,720 feet of 6-inch low pressure main, 14,135 feet of 4-inch low pressure main and 900 feet of 2-inch low pressure main. This extension will connect 24 private homes/camps, 50 mobile homes and the Boy Scout camp. The treatment plants at the mobile home park and the Boy Scout camp will both be eliminated.

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

WQM Permit No. 0405404, Sewerage, **Economy Borough Municipal Authority**, 2860 Conway-Wallrose Road, Baden, PA 15005. This proposed facility is located in Economy Borough, **Beaver County**.

Description of Proposed Action/Activity: Application for the construction and operation of a pump station upgrade and force main replacement.

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

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

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI011505084	James C. Dewees Estate of Jacob C. Dewees, Sr. Subdivision 363 Byers Road Chester Springs, PA 19426	Chester	Uwchlan and Upper Uwchlan Townships	Pickering Creek (HQ-TSF)

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI021305012	Turnpike Commission Attn: Barry L. Troup P. O. Box 67676 Harrisburg, PA 17106	Carbon	Kidder Township	Lehigh River HQ-CWF

Lackawanna County Conservation District: 1300 Old Plank Road, Mayfield, PA 18433, (570) 281-9495.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023505003	Charles Skowronski P. O. Box 400 Hamlin, PA 18427	Lackawanna and Wayne	Jefferson and Salem Townships	West Branch of Wallenpaupack Creek HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023905040	Brian Walsh St. Lukes Hospital 1736 Hamilton St. Allentown, PA 18104	Lehigh	City of Allentown	Little Lehigh Creek HQ-CWF
PAI023905014	Bethany United Methodist Church 1208 N. Brookside Rd. Allentown, PA 18106	Lehigh	Lower Macungie Township	Little Lehigh Creek HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024505024	Hannig Development, LLC 447 Office Plaza 200 Plaza Court Suite A East Stroudsburg, PA 18301	Monroe	Tobyhanna Township	Tobyhanna Creek HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI032805011	Bayside Homes, LLC 574 Middleneck Road Great Neck, NY 11021	Franklin	Antrim Township	Muddy Creek/ HQ-CWF
PAI033605013	Leroy H. Martin 2655 West 897 Denver, PA 17517	Lancaster	West Cocalico	UNT Cocalico Creek/ HQ-WWF
PAI033605014	Kenneth J. Bauer 1414 Susquehannock Drive Drumore, PA 17518	Lancaster	Drumore Township	Wissler Run/HQ-WWF Muddy Run/HQ-WWF
PAI032105014	Eric Cremo 463 Church Road Minersville, PA 17954	Cumberland	Silver Spring Township	Trindle Spring Run/HQ-CWF Hogestown Run/CWF
PAI030605003	Wyomissing Borough 22 Reading Boulevard Wyomissing, PA 19610	Berks	Wyomissing Borough	Wyomissing Creek/HQ-CWF

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI-0336-05-015	Stephen J. Barr P. O. Box 7 Gap, PA 17527	Lancaster	Salisbury Township	UNT Pequea Creek/ WWF, HQ-CWF

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

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

PUBLIC WATER SUPPLY (PWS) PERMIT

Under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17), the following parties have applied for a PWS permit to construct or substantially modify a public water system.

Persons wishing to comment on a permit application are invited to submit a statement to the office listed before the application within 30 days of this public notice. Comments received within the 30-day comment period will be considered in the formulation of the final determinations regarding the application. Comments should include the name, address and telephone number of the writer and a concise statement to inform the Department of Environmental Protection (Department) of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held after consideration of comments received during the 30-day public comment period.

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

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

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

SAFE DRINKING WATER

Applications Received under the Pennsylvania Safe Drinking Water Act

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

Permit No. 2305506, Public Water Supply

Applicant	Drexelbrook Associates
Township	Upper Darby
County	Delaware
Responsible Official	L. William Kay, II

Type of Facility	PWS
Consulting Engineer	Vollmer Associates, LLP
Application Received Date	November 11, 2005
Description of Action	Construction of a new water supply system to serve existing Drexelbrook Apartments and Commerical Complex. Water system consist of two wells, disinfection, iron and manganese treatment and storage.

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

Permit No. 0105509, Public Water Supply.

Applicant	Christ United Church of Christ
Municipality	Union Township
County	Adams
Responsible Official	Pamela Kemper Secretary/Treasurer 131 Christ Church Road Littlestown, PA 17340
Type of Facility	Public Water Supply
Consulting Engineer	Lance S. Kegerreis, P. E. Dennis E. Black Engineering Inc. 2400 Philadelphia Avenue Chambersburg, PA 17201

Application Received Date	11/8/2005
Description of Action	Installation of a nitrate treatment system.

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

Permit No. 1405502, Public Water Supply.

Applicant	Penn Township Supervisors
Township or Borough	Penn Township
County	Centre
Responsible Official	Warren F. Sasserman Penn Township Supervisors Box 125 Coburn, PA 16832
Type of Facility	Public Water Supply—Construction

Consulting Engineer	Eric S. Lundy, P. E. Nittany Engineering & Associates, LLC 136 West Main Street P. O. Box 700 Millheim, PA 16854
Application Received Date	November 28, 2005
Description of Action	Additional Public Water Supply water well (Well No. 2) and corrosion to meet the Lead and Copper Rule for the proposed Well No. 2 and the existing Well No. 1.

WATER ALLOCATIONS

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

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

WA63-564A, Water Allocations. **Tri-County Joint Municipal Authority**, P. O. Box 758, Fredericktown, PA 15333, **Washington County**. The applicant is requesting a service area expansion to serve Consol's proposed McKahan mineshaft in South Strabane Township, **Washington County**.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION UNDER ACT 2, 1995 PREAMBLE 1

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

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

shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

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

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

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

Southeast Region: Environmental Cleanup Program Manager, 2 East Main Street, Norristown, PA 19401.

The Baldwin School, Lower Merion Township, **Montgomery County**. Richard Werner, P. G., Env. Consulting, Inc., 500 E. Washington St., Suite 375, Norristown, PA 19401 on behalf of John Berg, The Baldwin School, 701 Montgomery Ave., Bryn Mawr, PA 19010 has submitted a Notice of Intent to Remediate. Soil at the site was impacted with No. 4 fuel oil. The site will stay as a school.

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

FCI USA, Inc., Manchester Township, **York County**. HRP Associates, Inc., 4811 Jonestown Road, Suite 235, Harrisburg, PA 17109, on behalf of FCI USA, Inc., 825 Old Trail Road, Etters, PA 17319-9392 submitted a Notice of Intent to Remediate site soils and groundwater contaminated with VOCs and nickel. Future use of the 19-acre site will be used for nonresidential and industrial uses. The applicant intends to remediate the site to the Site-Specific, Statewide Health and Background Standards.

Schuylkill River Greenway Association Hazel Street Property, City of Reading, **Berks County**. Patriot Environmental Management, LLC, 21 Unionville Road, Suite 200, Douglassville, PA 19518, on behalf of Schuylkill River Greenway Association, 140 College Drive, Pottstown, PA 19464, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with VOCs. Future use of the site will be parking space for adjacent property. The applicant intends to remediate the site to the nonresidential Statewide Health Standard.

AIR QUALITY
PLAN APPROVAL AND OPERATING PERMIT
APPLICATIONS
NEW SOURCES AND MODIFICATIONS

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

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

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

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

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

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

PLAN APPROVALS

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

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

13-399-011: Altadis USA (1000 Tresckow Road, McAdoo, PA 18237) for installation of an air cleaning

device to capture fugitive dust in the tobacco processing area (existing air cleaning device to be channeled outdoors) in Banks Township, **Carbon County**.

64-303-010: Leeward Asphalt LLC—Haines and Kibblehouse, Inc. (P. O. Box 196, 2052 Lucon Road, Skippack, PA 19474) for modification of a batch asphalt plant to utilize waste derived liquid fuel in Palmyra Township, **Wayne County**.

54-310-034: Foster Materials—Haines and Kibblehouse, Inc. (P. O. Box 196, 2052 Lucon Road, Skippack, PA 19474) for modification of a stone crushing plant and associated air cleaning device in Foster Township, **Schuylkill County**.

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

11-00518A Johnstown Regional Energy, LLC (80 Clinton Street, Johnstown, PA 15901) for installation of a landfill gas processing facility at Laurel Highland Landfill in Jackson Township, **Cambria County**.

32-00059A: Reliant Energy Mid Atlantic Power Holdings, LLC (121 Champion Way, Suite 200, Canonsburg PA 15317) for replacement of the plant's B Auxiliary Boiler at the Conemaugh Power Plant in West Wheatfield Township, **Indiana County**.

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

37-051F: Remacor, Inc. (Route 168, West Pittsburgh, PA 16160) for restart of an existing Magnesium grinding line at the West Pittsburgh Plant in the Township of Taylor, **Lawrence County**.

24-083I: Carbone of America Ind. Corp. (215 Stackpole Street, St. Marys, PA 15857) for modification of emission limits (SOx) from plan approval 24-083E in St. Marys City, **Elk County**. This is a Title V facility.

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.

35-318-090: Vycom Corp. (801 Corey Street, Moosic, PA 18507) for construction and operation of a spray booth in City of Scranton, **Lackawanna County**. The booth is designed to apply a thin coating of water based acrylic paint to coat the cellular PVC moldings that are machined from the AZEK trimboard product. Booth will utilize high volume, low pressure spray guns. This spray method complies with the best available technology available technology requirements of 25 Pa. Code § 127.12b.

Particulate emissions from the spray booth will be controlled by the use of high efficiency filters having a guaranteed particulate removal efficiency of 95%. Expected particulate emission rate will be less than 0.02 grain/dscf. VOC emissions from the facility will be less than 20.00 tpy. The company will operate the facility and maintain the system in accordance with the good engineering practices to assure proper operation of the system. The Plan Approval and Operating permit will contain additional recordkeeping and operating restrictions

designed to keep the facility operating within all applicable air quality requirements.

35-399-042: Vycom Corp. (801 Corey Street, Moosic, PA 18507) for construction and operation of molding machines and extruder to be used in their manufacturing of engineered extruder plastic sheets product operations in the City of Scranton, **Lackawanna County**. Molding machines are designed to accept a piece of trim board at their inlet. A portion of the trim board is cut away by the molding machine to create the desired size trim board. A dust collector collects the portion of the trim board that is cut away. The extruder saw is designed to cross cut the lengths of trim board as it is continually extruded. The saw creates 1/8" thick blade cuttings through a trim board sheet roughly every 96 inches or more. The dust collector collects the saw chips and dust generated during cutting operation. Expected particulate emission rate will be less than 0.02 grain/dscf from each dust collector. The company will operate the facility and maintain the systems in accordance with the good engineering practices to assure proper operation of the system. The Plan Approval and Operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

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

06-05037F: McConway and Torley Corp. (109 48th Street, Pittsburgh, PA 15201) for an addition to the sand reclaim system and modification of the finishing department ductwork and control device at the Kutztown Foundry in Kutztown Borough, **Berks County**. This foundry is a non-Title V (State-only) facility. This installation will increase potential PM10 emissions by 6 tons per year after control. The facility has a permitted emission cap to limit the actual emissions less than 100 tons per year of PM10. The plan approval shall contain additional testing, monitoring, recordkeeping and reporting requirements, emission restrictions and work practice standards designed to keep the facility operating within all applicable air quality requirements.

21-05040A: Valley Quarries, Inc. (P. O. Box J, Chambersburg, PA 17201) for construction of triple deck screen to replace a double deck screen for the Shipensburg plant, located in Southampton Township, **Cumberland County**. Plan Approval No. 21-05040A will be incorporated into the facility's synthetic minor operating permit No. 21-05040 by administrative amendment to the permit in accordance with 25 Pa. Code § 127.450. The facility's major sources of emissions include rock crushing operations and a portable asphalt plant, which primarily emit PM and VOCs. The Synthetic Minor operating permit will contain restrictions, work practice standards, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

36-03080A: Rohrer's Quarry (70 Lititz Road, P. O. Box 365, Lancaster, PA 17543) for the replacement of two 6-foot by 16-foot Hewitt Robins triple-deck screens with two 6-foot by 20-foot Metso Minerals triple-deck screens in Warwick Township, **Lancaster County**. The plan approval will include monitoring, recordkeeping, reporting and work practice standards designed to keep the facility operating within all applicable air quality requirements.

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

24-016C: Keystone Powdered Metal Co. (251 State Street, St. Mary's, PA 15857) for removal of No. 1455 induction Heat treater and installation of No. 7812 induction heat treater in **Elk County**.

In accordance with 25 Pa. Code §§ 127.44(b) and 127.424(b), the Department of Environmental Protection (Department) intends to issue a plan approval for their plant in Elk County. The facility is a Title V Facility. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the Title V Operating Permit through an administrative amendment at a later date. Plan approval is for the Removal of No. 1455 Induction Heat Treater and installation of No. 7812 Induction Heat Treater. Particulate emissions are controlled by No. 4626 Smog Hog (ESP) and ducted to stack No. 7812. The Plan Approval and Operating Permit will include conditions that limit the particulate emissions to 0.02 gr/dscf. The permittee will be required to perform monthly inspections and maintenance of the control device and visual observations of the control device prior to each shift. The plan approval will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

Copies of the application, the Department's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at 230 Chestnut Street, Meadville, PA 16335.

Persons wishing to provide the Department with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the address listed previously. The Department will consider any written comments received within 30 days of the publication of this notice. Each written comment must contain the following:

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

Identification of the proposed permit (No. 24-016C);

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

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

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodations to do so should contact Matthew Williams at the previously listed address or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

If a plan approval has not undergone the public notice process, the change to an operating permit must be treated as a significant modification. In these situations the Department should follow the procedures described in 25 Pa. Code §§ 127.421—127.431 for State-only operating permits or 25 Pa. Code §§ 127.521—127.524 for Title V operating permits.

42-197D: M and M Royalty, Ltd. (Route 307, Lewis Run, PA 16738) for removal of VOC controls for the

reboiler for their Irishtown Processing Plant in Lafayette Township, **McKean County**.

In accordance with 25 Pa. Code §§ 127.44(d) and 127.424(d), the Department of Environmental Protection (Department) intends to issue a plan approval for removal of VOC controls for the reboiler. The VOC emissions were reduced from 10 TPY per control with the previous plan approval (42-197B). The new VOC emissions will be approximately 1.0 TPY. The high moisture levels combined with low volatile organic levels in the gas stream made the control ineffective. The plan approval will include limits on the visible emissions from the reboiler stack. The facility will be required to conduct daily observations of the stack for visible emissions and the presence of any malodors. The permittee will be required to record the daily throughput, the hours of operations and the glycol recirculation rate. The plan approval will also include additional monitoring, reporting and recordkeeping conditions and other requirements to ensure the source is operated in compliance with the Department's regulations contained in 25 Pa. Code Chapters 121—143 and the requirements of the Federal Clean Air Act. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into a State-only Operating Permit through an administrative amendment at a later date. Issuance of the plan approval is recommended with the appropriate conditions in the plan approval.

37-306B: Atlantic States Materials of PA, Inc. (Scott Township, Mercer PA 16137) for modification of the CO emission limits for the 1341 hp diesel engine permitted under plan approval 37-307A for their Taylor Run Plant in Scott Township, **Lawrence County**.

In accordance with 25 Pa. Code §§ 127.44(d) and 127.424(d), the Department of Environmental Protection (Department) intends to issue a plan approval for modification of the CO emission limits for the 1,341 hp diesel engine permitted under plan approval 37-307A. The CO emissions will be increased by approximately 0.33 TPY from 1.02 to 1.35 TPY based on emission testing conducted on the engine. The permittee will be restricted to the use of low sulfur No. 2 diesel fuel with restrictions on the cetane, viscosity, specific gravity and the percentage sulfur will be limited to 0.3%. The emission restrictions for NOx, PM and total hydrocarbons will remain the same as previously permitted. The source is limited to 3,000 hours of operation during a consecutive 12-month rolling period. The increase in CO emissions from the previous plan approval is authorized under 25 Pa. Code § 127.449 (pertaining to de minimis emission increases). The plan approval will also include additional monitoring, reporting and recordkeeping conditions and other requirements to ensure the source is operated in compliance with the Department's regulations contained in 25 Pa. Code Chapters 121—143 and the requirements of the Federal Clean Air Act. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into a State-only Operating Permit through an administrative amendment at a later date. Issuance of the plan approval is recommended with the appropriate conditions in the plan approval.

25-0066E: Accuride Erie, LP (1015 East 12th Street, Suite 200, Erie, PA 16503) for construction of a new Heat Treat Line at the Aluminum truck wheel forging plant in Erie, **Erie County**.

In accordance with 25 Pa. Code §§ 127.44(d) and 127.424(d), the Department of Environmental Protection (Department) intends to issue a plan approval to con-

struct a new Heat Treat Line at the Aluminum truck wheel forging plant in Erie, Erie County. This plan approval will restrict the emissions of NOx to 6.0 TPY and CO emissions to 9.0 TPY. The source will also produce trivial amounts of VOC, PM, PM10 and SOx from the burners. The emissions are based on a 12-month rolling total. The facility will be required to inspect the burners on a monthly basis and tune the burners on an annual basis. The permittee will be required to monitor the quantity of natural gas consumed by the burners. The plan approval will also include additional monitoring, reporting and recordkeeping conditions and other requirements to ensure the source is operated in compliance with the Department's regulations contained in 25 Pa. Code Chapters 121—143 and the requirements of the Federal Clean Air Act. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into a State-only Operating Permit through an administrative amendment at a later date. Issuance of the plan approval is recommended with the appropriate conditions in the plan approval.

42-184G: Keystone Powdered Metal Co. (8 Hanley Drive, Lewis Run, PA 16738) for installation of one induction heat treater and one gas-fired heat treater in Lewis Run Borough, **McKean County**. This is a State-only facility. The public notice is required for sources required to obtain a Plan Approval in accordance with 25 Pa. Code § 127.44. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the State-only operating permit through an administrative amendment at a later date. The source shall comply with the following conditions, which will satisfy the requirements of 25 Pa. Code § 127.12b (pertaining to plan approval terms and conditions) and will demonstrate Best Available Technology for the source:

- Source 102 (No. 3892 Induction heat treater).
- PM emissions shall not exceed 0.02 gr/dscf.
- The source shall comply with 25 Pa. Code § 123.21 for sulfur emissions.
- The source shall comply with 25 Pa. Code §§ 123.1, 123.31 and 123.41 for fugitive matter, odor and visible emissions.
- The permittee shall perform a daily operational inspection and a monthly preventative maintenance inspection of the control device. The permittee shall maintain records of the inspections.
- The permittee shall operate and maintain the source and control device in accordance with the manufacturer specifications and in accordance with good air pollution control practices.
- Source 103 (No. 7822 Heat Treater).
- PM emissions shall not exceed 0.02 gr/dscf.
- The source shall comply with 25 Pa. Code § 123.21 for sulfur emissions.
- The source shall comply with 25 Pa. Code §§ 123.1, 123.31 and 123.41 for fugitive matter, odor and visible emissions.
- The permittee shall maintain records of all preventative maintenance inspections.
- The permittee shall operate and maintain the source and control device in accordance with the manufacturer specifications and in accordance with good air pollution control practices.

43-196B: General Electric Transportation—Grove City (1503 W. Main Street Extension, Grove City, PA 16127) for modification of plan approval 43-302-015 for the continuous use of the 800 hp boiler (formerly the emergency boiler) rather than only being able to operate when the 400 hp boiler is out of service in Grove City Borough, **Mercer County**. This is a Title V facility. The public notice is required for sources required to obtain a Plan Approval at Title V facilities in accordance with 25 Pa. Code § 127.44. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the Title V operating permit through an administrative amendment at a later date. The source shall comply with the following conditions, which will satisfy the requirements of 25 Pa. Code § 127.12b (pertaining to plan approval terms and conditions) and will demonstrate Best Available Technology for the source:

- The source shall comply with 25 Pa. Code §§ 123.1, 123.31 and 123.41 for fugitive matter, odor and visible emissions.
- The source shall comply with 25 Pa. Code §§ 123.11 and 123.22 for particulate and sulfur emissions.
- The source shall only burn natural gas.
- Operate and maintain the source in accordance with the manufacturer specifications and in accordance with good air pollution control practices.
- The source shall comply with 25 Pa. Code § 129.93(b)(2)—(5) for RACT compliance.

25-944A: PHB Die Casting (7900 West Ridge Road, Fairview, PA 16415) for construction of a new aluminum melting/holding furnace with a 9,000 lb. holding capacity fired by natural gas in Fairview Township, **Erie County**. This is a State-only facility. The public notice is required for sources required to obtain a Plan Approval in accordance with 25 Pa. Code § 127.44. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the State-only operating permit through an administrative amendment at a later date. The source shall comply with the following conditions, which will satisfy the requirements of 25 Pa. Code § 127.12b (pertaining to plan approval terms and conditions) and will demonstrate Best Available Technology for the source:

- PM emissions shall not exceed 0.02 gr/dscf.
- The source shall comply with 25 Pa. Code § 123.22 for sulfur emissions.
- The permittee shall maintain records of the following:
 1. Natural gas usage—daily.
 2. Pounds of metal melted—daily.
 3. Pounds of flux injected—daily.
- The permittee shall process only aluminum ingots and clean scrap free of oils and oxide films.
- Flux injection shall be accomplished using a dry flux in a nitrogen stream. This mixture shall be injected below the surface of the bath to reduce the potential of particulate emissions.
- The permittee shall operate and maintain the source in accordance with the manufacturer specifications and in accordance with good air pollution control practices.

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.

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

06-05040: East Penn Manufacturing Co., Inc. (P. O. Box 147, Lyon Station, PA 19536-0147) for modification of the secondary lead smelter controlled by an afterburner, fabric collector and wet scrubber in Richmond Township, **Berks County**. The modification involves changing the short-term emission limits for SO₂. The short-term limits will change from 225 ppmv (1-hour average) to 500 ppmv (1-hour average), 267 ppmv (3-hour block average) and 138 ppmv (24-hour block average). The facility is subject to 40 CFR Part 63, Subpart X, National Emission Standards for Hazardous Air Pollutants from Secondary Lead Smelters. All other restrictions, work practices, monitoring, testing, recordkeeping and reporting will remain in place.

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

42-00004: American Refining Group, Inc. (77 North Kendall Avenue, Bradford, PA 16701) for a Title V Operating Permit to operate a petroleum products processing facility in the City of Bradford, **McKean County**.

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

Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104, Edward Braun, Chief, (215) 685-7584.

S05-010: Convent of the Sisters of Saint Joseph (9601 Germantown Avenue, Philadelphia, PA 19118) for operation of a nonprofit educational institution in the City of Philadelphia, **Philadelphia County**. This facility's air emission sources include four emergency generators, two natural gas fired boilers each rated at less than 1.0 mmBtu/hr and three No. 2 oil or natural gas fired boilers with low NO_x burners. Two units are rated at 600 hp and one unit is rated at 300 hp.

The operating permit will be issued under 25 Pa. Code, Philadelphia Code Title 3 and Air Management Regulation XIII. Permit copies and other supporting information are available for public inspection at AMS, 321 University Avenue, Philadelphia, PA 19104. For further information, contact Edward Wiener at (215) 685-9426.

Persons wishing to file protest or comments on this operating permit must submit the protest or comments within 30 days from the date of this notice. Protests or comments filed with AMS must include a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based. Based upon the information received during the public comment period, AMS may modify the operating permit or schedule a public hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a local newspaper at least 30 days before the hearing.

COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

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

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

Written comments, objections or requests for informal conferences on applications may be submitted by any person or any officer or head of any Federal, State or local government agency or authority to the Department at the district mining office indicated before an application within 30 days of this publication, or within 30 days after the last publication of the applicant's newspaper advertisement, as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34.

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

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

Coal Applications Received

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

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

* The parameter is applicable at all times.

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

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

56971301 and NPDES Permit No. PA0214973, RoxCOAL, Inc. (P. O. Box 149, Friedens, PA 15541), to revise the permit for the Geronimo Mine in Jenner and Quemahoning Townships, **Somerset County** to add underground permit and subsidence control plan acres. underground acres proposed 2,929.55; SCP acres proposed 1,492.25. No additional discharges. Application received October 24, 2005.

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

32813031 and NPDES No. PA0125547. Indiana Investments, Inc., R. D. 2, Box 305, Shelocta, PA 15774, transfer of an existing bituminous surface auger mine from Keystone Coal Mining Corporation, P. O. Box 219, Shelocta, PA 15774 located in Center Township, **Indiana County**, affecting 924.1 acres. Receiving streams: Tearing Run and UNT to Tearing Run classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received November 16, 2005.

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

26910108 and NPDES Permit No. PA0592366. Dunkard Disposal Corp. (P. O. Box 229, Mt. Braddock, PA 15465). Revision application for additional acres, located in Georges Township, **Fayette County**, affecting

76.4 acres. Receiving stream: UNT to North Branch of Browns Run, 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 18, 2005.

02-04-05 and NPDES Permit No. PA0250708. Newgate Development Corporation (2201 Quicksilver Road, McDonald, PA 15057). Revision to include blasting to an existing government finance construction contract, located in North Fayette Township, **Allegheny County**, affecting 28 acres. Receiving stream: UNT to North Branch Robinson Run. Revision application received: November 21, 2005.

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

54851319R4 and NPDES Permit No. PA0223174. K & C Coal Company (540 East Center Street, Ashland, PA 17921), renewal of an existing underground mine operation in Porter Township, **Schuylkill County** affect-

ing 7.9 acres. Receiving stream: East Branch Rausch Creek. Application received November 14, 2005.

13743002R4. Pagnotti Enterprises, Inc. (46 Public Square, Suite 600, Wilkes-Barre, PA 18701), renewal of an existing anthracite surface mine operation in Banks and Hazle Townships, **Carbon and Luzerne Counties** affecting 964.0 acres. Receiving stream: none. Application received November 18, 2005.

49850701R4. Reading Anthracite Company (P. O. Box 1200, Pottsville, PA 17901), renewal of an existing anthracite coal refuse disposal operation in Coal Township, **Northumberland County** affecting 29.8 acres. Receiving stream: none. Application received November 18, 2005.

Noncoal Applications Received

Effluent Limits

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

<i>Parameter</i>	<i>30-day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
suspended solids	35 mg/l	70 mg/l	90 mg/l
Alkalinity exceeding acidity ¹ pH ¹		greater than 6.0; less than 9.0	

¹ The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applied to surface runoff resulting from a precipitation event of less than or equal to a 10-year 24-hour event. If coal will be extracted incidental to the extraction of noncoal minerals, at a minimum, the technology-based effluent limitations identified under coal applications will apply to discharges of wastewater to streams.

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

Permit No. 31950301 and NPDES Permit No. PA0213268. Glass Bagging Enterprises, Inc., P. O. Box 120, Duncansville, PA 16635, renewal of NPDES Permit, Hopewell Township, **Huntingdon County**. Receiving streams: UNT to Shy Beaver Creek classified for the following use: WWF. The first downstream potable water supply intake from the point of discharge is Lake Raystown Resort. NPDES renewal application received November 17, 2005.

Knox District Mining Office: White Memorial Building, P. O. Box 669, Best Avenue, Knox, PA 16232-0669, (812) 797-1191.

3778SM10 and NPDES Permit No. PA0108812. Gierlach Crushing & Construction (189 Gierlach Drive, Franklin, PA 16323). Transfer of an existing sand and gravel operation in the City of Franklin, **Venango County** affecting 9.7 acres. Receiving stream: Patchel Run, classified for the following use: WWF. The first downstream potable water supply intake from the point of discharge is Franklin City Water Authority. Transfer from Franklin Gravel Company. Application received: November 23, 2005.

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

09840301C8 and NPDES Permit No. PA0614301. Waste Management Disposal Services of PA, Inc.

(1121 Bordentown Road, Morrisville, PA 19067), renewal of NPDES Permit for discharge of treated mine drainage from a quarry in Falls Townships, **Bucks County**, receiving stream: UNT to Delaware River, classified for the following use: WWF. Application received November 9, 2005.

7774SM3A1C3 and NPDES Permit No. PA0224499. Eastern Industries, Inc. (4401 Came Meeting Road, Center Valley, PA 18034), correction to an existing quarry operation to include a pipeline for the NPDES Permit for discharge of treated mine drainage in Maxatawny Township, **Berks County** affecting 205.0 acres. Receiving stream: Saucony Creek, classified for the following use: CWF. Application received November 10, 2005.

CORRECTION

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

Correction to previous publication at 35 Pa.B. 4320, 4338 (August 6, 2005):

14920304 and NPDES Permit No. PA0256234. Graymont PA, Inc. (965 East College Avenue, Pleasant Gap, PA 16823), permit revision for a NPDES permit in Benner Township, **Centre County**. Receiving stream: Buffalo Run classified for the following use: HQ-CWF. Application received June 3, 2005.

FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

The following permit applications, requests for Environmental Assessment approval and requests for 401 Water Quality Certification have been received by the Department of Environmental Protection (Department). Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341) requires the State to certify that the involved projects will not violate the applicable provisions

of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) as well as relevant State requirements. Persons objecting to approval of a request for certification under section 401 of the FWPCA or to the issuance of a Dam Permit, Water Obstruction and Encroachment Permit or the approval of an Environmental Assessment must submit comments, suggestions or objections within 30 days of the date of this notice, as well as questions, to the regional office noted before the application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

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

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

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

WATER OBSTRUCTIONS AND ENCROACHMENTS

Northeast Region: Watershed Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.

E52-202. Thomas Petrizzo, 3674 Harriad Drive, Seaford, NY 11783, in Lackawaxen Township, **Pike County**, United States Army Corps of Engineers, Philadelphia District.

To maintain fill within the floodway of a tributary to the Delaware River (HQ-CWF), for the purpose of constructing a new home. The project is located on lot No. 272 in the Masthope Rapids Development (283 Powder Horn Drive). The project is located along the east side of S.R. 0435, between SR 2013 and SR 0307 (Narrowsburg, NY-PA Quadrangle N: 4.8 inches; W: 4.0 inches).

E39-437A. Heritage-Twin Ponds, LP, 2500 York Road, Jamison, PA 18929, in Upper Macungie Township, **Lehigh County**, United States Army Corps of Engineers, Philadelphia District.

To amend Permit No. E39-437 to authorize the following activities associated with Phase III of the Highgate Residential Development Project. Phase III of the project is located on the northeast side of the intersection of Twin Ponds Road and SR 0222 (Topton, PA Quadrangle N: 7.8 inches; W: 0.1 inch) in Upper Macungie Township, Lehigh County.

1. To construct and maintain a precast concrete arch bridge road crossing of the tributary to Schaeffer Run having a 28-foot span and a 5-foot underclearance.

2. To construct and maintain a 10-inch DIP waterline crossing of the tributary to Schaeffer Run.

3. To construct and maintain a temporary construction road crossing of a tributary to Schaeffer Run consisting of four 24-inch reinforced concrete pipes and clean rock fill.

The following activities were associated with Phases I and II of the Highgate Residential Development Project and were authorized by Permit No. E39-437.

1. To place and maintain fill in and along 500 feet of the right bank of the floodway of the tributary to Schaeffer Run for the purpose of constructing Lots 133—138.

2. To construct and maintain two precast concrete arch bridge road crossings of the tributary to Schaeffer Run, the first having a 24-foot span and a 5.5-foot underclearance and the second having a 36-foot span and a 6-foot underclearance.

3. To construct and maintain two 10-inch DIP waterline crossings of the tributary to Schaeffer Run.

4. To construct and maintain two 8-inch sanitary line crossings of the tributary to Schaeffer Run.

5. To construct and maintain five stormwater RCP outfall structures, varying in size from 18 inches to 42 inches, with riprap aprons in the floodway of the tributary to Schaeffer Run.

6. To construct and maintain two temporary construction road crossings of a tributary to Schaeffer Run, the first consisting of three 24-inch reinforced concrete pipes and clean rock fill and the second consisting of four 24-inch reinforced concrete pipes and clean rock fill. (Topton, PA Quadrangle N: 7.8 inches; W: 0.1 inch).

E39-456. Washington Township, P. O. Box 27, Slatedale, PA 18079, in Washington Township, **Lehigh County**, United States Army Corps of Engineers, Philadelphia District.

To construct and maintain two prefabricated fiberglass truss bridges across Trout Creek (HQ-CWF), the eastern bridge having an 80-foot span and a 12-foot underclearance and the western bridge having a 75-foot span and a 12-foot underclearance. The bridges are part of the Slate Heritage Rails to Trails Program. The first bridge is located approximately 850 feet downstream of the PA Turnpike—Northeast Extension. The second bridge is located approximately 1,500 feet upstream of the PA Turnpike—Northeast Extension. (Slatedale, PA Quadrangle N: 21.7 inches; W: 8.0 inches).

E39-455. Newman Development Group of Upper Saucon, LLC, Plymouth Greene Office Campus, 1000 Germantown Pike, Unit E-2, Plymouth Meeting, PA 19462, in Upper Saucon Township, **Lehigh County**, United States Army Corps of Engineers, Philadelphia District.

To place and maintain fill in the floodway of a tributary to Tumble Brook (HQ-CWF); to construct and maintain a 32-foot extension of an existing 57-foot long, 12-foot by 2.5-foot box culvert in the tributary; to construct and maintain an outfall in the floodway of the tributary consisting of a 15-inch diameter HDPE pipe, concrete endwall and riprap apron; and to construct and maintain two utility line crossings of the tributary, the first consisting of a 4-inch diameter waterline and the second consisting of a sanitary sewer force main. The project is located on the west side of SR 0309 approximately 400 feet south of SR 2028 (Passer Road). (Allentown East, PA Quadrangle N: 4.0 inches; W: 1.4 inches).

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

E01-258: Reuben J. Ness, 180 Brickyard Road, New Oxford, PA 17350 in Oxford Township, **Adams County**, ACOE Baltimore District.

To construct and maintain an access road through a palustrine emergent wetland associated to Pine Run (WWF) at a point west of Route 94 (McSherrystown, PA Quadrangle N: 20.2 inches; W: 3.7 inches) in New Oxford Township, Adams County. The project will permanently impact 0.25 acre of palustrine emergent wetlands. The applicant is required to construct 0.5 acre of replacement wetlands. The replacement ratio is 2:1 because the applicant started constructing the access road, impacting wetlands, prior to obtaining a permit.

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

E12-158. Francis and Andrea Agliardo, 426 Lancer Drive, Columbia, PA 17512. Agliardo dwelling addition in Driftwood Branch-Sinnemahoning Creek floodway, in Lumber Township, **Cameron County**, Baltimore ACOE District, (Emporium, PA Quadrangle N: 11.0 inches; W: 8.0 inches).

To modify and maintain a single-family dwelling in the 100-year floodway of Driftwood Branch-Sinnemahoning Creek. The existing single-family dwelling shall be modified by constructing an addition of 39 feet by 75 feet. The Agliardo's project is located southern right-of-way of SR 0120 approximately 1,110 feet west of Stillhouse Road and SR 0155 intersection.

E14-440A. Department of Transportation, 1924-30 Daisy Street, Clearfield, PA 16830. US Route 220, Section G10 Stream Mitigation in Huston and Worth Townships, Patton and Benner Townships, **Centre County**, ACOE Baltimore District (Port Matilda, PA Quadrangle N: 15.58 inches; W: 2.22 inches) and (Port Matilda, PA Quadrangle N: 19.75 inches; W: 0.37 inch), respectively.

The Department of Transportation (DOT) is required to provide a minimum of 20,916 feet of stream mitigation as a result of the US Route 220 Improvements Project, of which 3,533 feet of stream mitigation still needs to be provided. The DOT proposes to amend Permit E14-440 to authorize them to construct and maintain (for 5 years) 4,054 feet of stream mitigation between projects in Ardery Hollow Run and Buffalo Run, which would provide a total of 21,437 feet of stream mitigation as a result of the US Route 220 Improvements Project.

The goals of the stream mitigation along Ardery Hollow Run include the following: 1) reconnect the stream channel with the adjacent floodplain; 2) stabilize areas of accelerated bank erosion/lateral migration; 3) replace the timber railroad tie wall with an imbricated stone ban; 4) provide a stone channel crossing upstream of ardery hollow road bridge for livestock use; 5) realign the stream channel and improve the flow approach through the ardery hollow road bridge using vane structures; 6) modify the planform geometry at tortuous meander bends to provide a stable radius of curvature and incorporate bioengineered bank stabilization measures; 7) construct livestock fencing along the left bank of the lower reach; 8) increase the density of woody vegetation within the riparian zone; and 9) establish a permanent conservation easement along the riparian zone.

The goals of the stream mitigation along Buffalo Run include the following: 1) establish a permanent conserva-

tion easement along the riparian zone; 2) increase the density of woody vegetation within the riparian zone; 3) stabilize areas of accelerated bank erosion; and 4) realign stream channel to prevent further erosion and damage to the SR 550 roadway embankment.

A total of 4,054 feet would be impacted by this project between work in Ardery Hollow Run, which is classified as a CWF, and Buffalo Run, which is classified as a HQ-CWF and a Class A Wild Trout Water for wild brown trout. No work is proposed in any wetlands as part of this amendment. A different permit applicant may apply for a permit to replace a residential footbridge and undersized pipe culvert with a precast concrete box culvert containing the appropriate hydraulic opening, within the same reach of Ardery Hollow at this proposed amendment site as an integral, but separately permitted encroachment.

E14-483. J. Stephen Dershimer, 8021 South Eagle Valley Rd. Port Matilda, PA 16870. Retaining Wall, in Port Matilda Borough, **Centre County**, ACOE Baltimore District (Port Matilda, PA Quadrangle N: 11.82 inches; W: 5.01 inches).

To construct and maintain: 1) a 60-foot long concrete retaining wall on the right bank to act as a deflector for an earthen embankment against flood waters; 2) a 6-inch PVC stormwater discharge pipe at the top of the R-4 riprapped on the right stream bank of a UNT to Bald Eagle Creek located 1.5 miles north of Port Matilda on SR 220. This project proposes to indirectly impact 73.5 linear feet of stream channel with the top-of-bank wall and a couple feet of the stream with the stormwater discharge outfall in a UNT to Bald Eagle Creek (locally known as Bob Cat Run), which is classified as CWF.

E18-405. William J. Baney, 364 Fishing Creek Road, Mill Hall, PA 17751. Baney Bridge, in Porter Township, **Clinton County**, ACOE Baltimore District (Beech Creek, PA Quadrangle N: 13.2 inches; W: 3.48 inches).

To construct and maintain a metal grate walk bridge with a 68-foot clear span, 4 feet wide, an 11-foot minimum underclearance and preexisting stone abutment on the right bank to cross Fishing Creek located 1.3 miles on Fishing Creek Road from its intersection with Clintondale Hill Road. This applicant proposes to impact 4 linear feet of Fishing Creek that is classified as a HQ-CWF.

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

E02-1310. Pittsburgh Sports and Exhibition Authority of Pittsburgh and Allegheny County, Regional Enterprise Tower, 425 Sixth Avenue, Suite 2750, Pittsburgh, PA 15219. (**Amendment**) To construct a walkway with causeway and riprap bank stabilization on the North Shore of the Ohio River in the City of Pittsburgh, **Allegheny County**, Pittsburgh ACOE District. (Pittsburgh West, PA Quadrangle N: 12.73 inches; W: 2.44 inches and Latitude: 40° 26' 42.31"—Longitude: 80° 01' 03.18" and Pittsburgh East, PA Quadrangle N: 12.66 inches; W: 1.79 inches and Latitude: 40° 26' 41.01"—Longitude: 80° 00' 46.30"). The applicant proposes to amend E02-1310 and remove the existing structures and maintain a new Waterfront Park on the North Shore of the Ohio River (WWF) and Allegheny River (WWF). The project will consist of a combination sheet pile wall/pile supported walkway along the entire length (approximately 2,600 feet) of the project; approximately 700 feet of riprap bank stabilization; approximately 5,300 cubic yards of dredging associated with ship berthing and environmental mitigation; the creation of 1.65 acres of

shallow water aquatic habitat (environmental mitigation), by dredging, and subsequent placing of approximately 3,300 cubic yards of riprap stone mixture and 720 1-foot diameter boulders, an observation pier; two pile supported overlooks; a pile supported causeway (340 feet) with 3 pipe piles for ice flow breakup; approximately 120 feet of manufactured revetment, to replace a like amount of existing riprap; two commercial passenger ferry ramps; a mooring facility for the Delta Queen; a fountain/waterfall; and six outfalls. The project is bounded on the north by North Shore Drive; on the south by the Ohio and Allegheny Rivers; on the east by PNC Park; and on the west by Carnegie Science Center. The project excludes the PNC Park waterfront improvements, and the walkway along Carnegie Science Center frontage has been deleted from the project. Total impacted length of river bank will be 2,600 feet.

E63-578. Borough of California, 225 Third Street, California, PA 15419. To construct a new pump station in the Borough of California, **Washington County**, Pittsburgh ACOE District. (California, PA Quadrangle N: 12.5 inches; W: 3.75 inches and Latitude: 40° 04' 07"—Longitude: 79° 54' 06"). The applicant proposes to construct and maintain a new pump station on the banks of Pike Run (TSF) and to construct and maintain several sanitary sewer extensions along, under the bed and across the channels of Pike Run (TSF) and Gorby's Run (TSF) and associated wetlands for the purpose of upgrading the existing sewage system. The project is located near the intersection of Route 88 and Pike Run Drive and will impact 2.44 of wetlands and 454.0 linear feet of stream channel.

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

E25-698. Summit Township Water Authority, 8290 Old French Road, Erie, PA 16509. Mitchell Well Field and Bridge over LeBoeuf Creek, in Waterford Township, **Erie County**, ACOE Pittsburgh District (Waterford, PA Quadrangle N: 21.0 inches; W: 15.8 inches).

The applicant proposes to install a well field consisting of 3,300 linear feet of 12-inch diameter ductile iron waterline, two potable water wells and a chlorine/meter building involving: 1) to remove the existing bridge and to construct and maintain a prefabricated steel bridge having a clear span of 53 feet and an underclearance of approximately 9.0 feet; and 2) to temporarily impact approximately 0.17 acre of wetlands for installation of two wells within the wetland and the wetland crossing of the associated waterline. LeBoeuf Creek is a perennial stream classified as a TSF. The project proposes to impact approximately 30 linear feet of stream and to temporarily impact approximately 0.17 acre of wetland.

E25-700, Erie County Convention Center Authority, 809 French Street, Erie, PA 16501. West Dobbins Landing Wall Extension and Pedestrian Bridge in the City of Erie, **Erie County**, ACOE Pittsburgh District (Erie North, PA Quadrangle N: 2.0 inches; W: 12.6 inches).

The applicant proposes to construct and maintain a pedestrian overpass bridge having a clear span of 174 feet and an underclearance of 69.0 feet above the entrance channel to the West Canal Basin (Erie North, PA Quadrangle N: 2.0 inches; W: 12.6 inches) in Presque Isle Bay (PIB), Lake Erie in the City of Erie, Erie County.

The bridge would connect a proposed Sheraton Hotel and the Erie County Convention Center (under construction). The applicant also proposes to construct and main-

tain a soldier pile wall having a length of 113 feet along the southern wall of West Dobbins Landing in the West Canal Basin to provide public access and for site aesthetics. Presque Isle Bay is a perennial body of water classified as a WWF. The project proposes to impact 0.01 acre of PIB.

The applicant is also proposing to have a portion of DEP Permit No. E25-696 transferred from the Erie-Western Pennsylvania Port Authority (EWPPA) to the Erie County Convention Center Authority (ECCCA). Permit E25-696 authorized EWPPA to conduct the following activities within the West Canal Basin, Presque Isle Bay, Lake Erie within the City of Erie, Erie County:

1. To remove the existing wall and to construct and maintain a 260-foot long soldier pile wall on the easterly portion of the south wall of West Dobbins Landing.
2. To fill the former boat hoist area near the midsection of the south wall of West Dobbins Landing and a basin area at the east end of the south wall of West Dobbins Landing. The total area of fill is 0.18 acre.
3. To construct and maintain approximately an 8-foot wide header dock having a length of approximately 530 feet along the south wall of West Dobbins Landing.
4. To remove five existing finger piers along the south wall of West Dobbins Landing.
5. To construct and maintain two approximately 85-foot long finger pier extensions to the existing finger piers that extend north from the north wall of the Presque Isle Yacht Club.
6. To remove the existing wall and to construct and maintain the 250-foot long north vertical wall of the Presque Isle Yacht Club.
7. To remove an approximately 310-foot long sheet pile wall and associated docks and to construct and maintain a 310-foot long revetment slope 6-foot wide header dock having a length of approximately 300 feet along the east side of the Presque Isle Yacht Club in the south portion of the West Canal Basin.

The applicant is proposing to have the following activities transferred from EWPPA's DEP Permit No. E25-696 to the proposed ECCCA DEP Permit No. E25-700.

1. To remove the existing wall and to construct and maintain a 260-foot long soldier pile wall on the easterly portion of the south wall of West Dobbins Landing.
2. To fill the former boat hoist area near the midsection of the south wall of West Dobbins Landing and a basin area at the east end of the south wall of West Dobbins Landing. The total area of fill is 0.18 acre.

E25-704, City of Erie Housing Authority, 606 Holland Avenue, Erie, PA 16501. McDannel Run Bank Stabilization, in the City of Erie, **Erie County**, ACOE Pittsburgh District (Erie North, PA Quadrangle N: 3.7 inches; W: 5.0 inches).

The applicant proposes to conduct stream bank restoration of a 150-foot long section of McDannel Run on City of Erie Housing Authority property adjacent to and east of 745 Tacoma Avenue involving: 1) to construct and maintain a gabion wall along the left bank having a length of approximately 150 feet and a height of 6 feet; 2) to backfill the area behind the gabion wall with bank gravel and to install and maintain riprap rock protection at the upstream and downstream end of the project; 3) to reestablish the original channel width and establish additional floodplain by excavating the right bank for a length of approximately 150 feet; and 4) to stabilize the

reconstructed right bank with perennial native vegetation. The restoration has been authorized by the Department of Environmental Protection under Emergency Permit EP2505609 issued on October 28, 2005. The eroding stream bank has exposed a natural gas pipeline and several other utility lines and threatens a utility pole. McDannel Run is a perennial stream classified as a CWF and migratory fishery. The project proposes to directly impact approximately 150 feet of stream.

E62-406, Department of Transportation, District 1-0, 255 Elm Street, P. O. Box 398, Oil City, PA 16301-1412. SR 0069, Section B00, Segment 0280, Offset 0046 Bridge in Sugar Grove Borough, **Warren County**, ACOE Pittsburgh District (Sugar Grove, PA Quadrangle N: 19.4 inches; W: 12.6 inches).

The applicant proposes to remove the existing structure and to construct and maintain a concrete box beam bridge having a clear span of 43.0 feet and an underclearance of 9.58 feet across Stillwater Creek on SR 0069, Section B00, Segment 0280, Offset 0046 approximately 75 feet east of the intersection of SR 0069 and SR 957. Stillwater

Creek is a perennial stream classified as a CWF. The project proposes to impact approximately 100 feet of stream.

ENVIRONMENTAL ASSESSMENTS

Cambria District: Environmental Program Manager, 286 Industrial Pk. Rd., Ebensburg, PA 15931-4119.

EA1009-004. Department of Environmental Protection, Bureau of Abandoned Mine Reclamation, Cambria Office, 286 Industrial Park Rd., Ebensburg, PA 15931. Abandoned Mine Land Reclamation Project, in Slippery Rock Township, **Butler County**, Pittsburgh ACOE District.

The applicant proposes to backfill an abandoned surface mine, which includes a dangerous highwall totaling 4,200 linear feet. The project will include the backfilling of: (1) a 0.5 acre open water body; and (2) a 0.036 acre wetland. The project will directly impact 0.5 acre of shallow (approximately 8 inches deep) open water and 0.036 acre of de minimis wetland. (Slippery Rock Quadrangle N: 9.75 inches, W: 7.3 inches).

ACTIONS

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

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

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

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

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

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

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

I. NPDES Renewal Permit Actions

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0060577 (Sewage Nonmunicipal)	Shohola Falls Trails End POA R. R. 1, Box 1373 Shohola, PA 18458	Pike County Shohola Township	UNT to Shohola Creek (1D)	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0009458 (IW)	PPG Industries, Inc. (Tipton Plant) P. O. Box 307 Tipton, PA 16684-0307	Blair County Antis Township	Little Juniata River 11-A	Y
PA0081191 (SEW)	Outdoor World Corporation c/o Resorts USA, Inc. P. O. Box 447 Brushkill, PA 18324-0447	Lebanon County West Cornwall Township	Chickies Creek by way of Swale 7-G	Y
PA0023183/A1 (SEW)	Mt. Holly Springs Borough Authority 11-13 Mill Street Mount Holly Springs, PA 17065	Cumberland County Mount Holly Springs Borough	Mountain Creek 7-E	Y
PA0081132 (SEW)	Solanco School District Swift Middle School 121 South Hess Street Quarryville, PA 17566	Lancaster County Fulton Township	Conowingo Creek 7-K	Y
PA0030511 (SEW)	Bermudian Springs School District 7335 Carlisle Pike York Springs, PA 17372-0501	Adams County Huntingdon County	UNT to Mud Run 7-F	Y
PA0085677/A2 (IW)	Harley Davidson Motor Company Operations, Inc. 1425 Eden Road York, PA 17402	York County Springettsbury Township	Codorus Creek 7-H	Y
PA0081337 (SEW)	ATG Properties, LLC Northwood Manor MHP P. O. Box 677 Morgantown, PA 19543	York County Newberry Township	UNT Conewago Creek 7-F	Y
PA0085723 (SEW)	Exit II WWTP, Inc. P. O. Box 1387 York, PA 17403	York County Springfield Township	Seaks Run 7-H	Y
PA0080683 (SEW)	Millers Skyview Sales, Inc. 200 Ridge Road Etters, PA 17319-9110	York County Newberry Township	UNT Bennett Run 7-F	Y
PA0080080 (SEW)	Conewago Valley MHP 800 York Road Dover, PA 17315	York County Newberry Township	Conewago Creek 7-F	Y
PA0084611 (SEW)	CMV Sewage Co., Inc. 200 Bailey Drive Stewartstown, PA 17363	York County North Codorus Township	UNT Codotus Creek 7-H	Y
PA0081116 (SEW)	Solanco School District Southern Lancaster County High School 121 South Hess Street Quarryville, PA 17566	Lancaster County East Drumore Township	UNT Stewart Run 7-K	Y

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0086185 (SEW)	Washington Township Authority 185 Manor Road Elizabethville, PA 17023	Dauphin County Washington Township	Wiconisco Creek 6-C	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0228206 IW	Clearfield Municipal Authority 107 East Market Street Clearfield, PA 16830-2405	Pike Township Clearfield County	Montgomery Creek 8-B	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0091201 Sewage	Indiana Medical Condominiums 1177 South Sixth Street Indiana, PA 15701	Indiana County White Township	UNT of Two Lick Creek	Y
PA0218294 Sewage	Freedom Road Self Storage, Inc. 925 Freedom Crider Road Freedom, PA 15042	Beaver County New Sewickley Township	Crows Run	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0210013	Paul R. Goda 72 Birchwood Drive Transfer, PA 16154-9605	Pymatuning Township Mercer County	UNT to Shenango River 20-A	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. PA0244015, Industrial Waste, **Northampton Bucks County Municipal Authority**, 111 Township Line Road, P. O. Box 653, Richboro, PA 18954-1550. This proposed facility is located in Northampton Township, **Bucks County**.

Description of Proposed Action/Activity: Approval for a new NPDES Permit to discharge into a dry swale adjacent to Springfield Lake in watershed 2F-Neshaminy.

NPDES Permit No. PA00223256, Sewage, **Upper Gwynedd Township**, P. O. Box 1, West Point, PA 19486. This proposed facility is located in Upper Gwynedd Township, **Montgomery County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge treated sewage into Wissahickon Creek in Watershed 3F-Wissahickon.

NPDES Permit No. PA0244007, Amendment No. 1, Sewage, **Edward and Jane Bacon**, 1900 Fairview Road, Glen Moore, PA 19343. This proposed facility is located in East Nantmeal Township, **Chester County**.

Description of Proposed Action/Activity: Approval for the amendment to revise the effluent limit for Total Suspended Solids to 20 mg/l, the discharge will be to a UNT to Beaver Run in Watershed 3D Manatawny.

NPDES Permit No. PA0040665, Sewage, **Stone Barn Rentals**, 100 Stone Barn Drive, Kennett Square, PA 19248-1132. This proposed facility is located in West Marlborough Township, **Chester County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge into the East Branch of White Clay Creek in Watershed 3I White Clay.

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

NPDES Permit No. PA0247952, Sewage, **Mike Mulcahy**, 333 Lexington Street, York, PA 17403. This proposed facility is located in Springettsbury Township, **York County**.

Description of Proposed Action/Activity: Authorization to discharge to UNT of Codorus Creek in Watershed 7-H.

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

NPDES Permit No. PA0205931-A1, Sewage, **Menallen Township Sewer Authority**, 427 Searights Hebert Road, Uniontown, PA 15401. This proposed facility is located in Menallen Township, **Fayette County**.

Description of Proposed Action/Activity: The discharge limitations and monitoring requirements contained in the February 2005 NPDES permit were based on a discharge flow of 0.099 mgd even though the Upper Middletown Sewage

Treatment Plant is rated for a design flow of 0.115 mgd. The Authority requested that their NPDES permit be amended to coincide with the design capacity of their Sewage Treatment Plant. The Authority is expecting future growth that will increase sewerage flows to their plant.

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. 6405401, Sewerage, **Sterling Sewer and Water Co.**, P. O. Box 125, Lake Ariel, PA 18436. This proposed facility is located in Sterling Township, **Wayne County**.

Description of Proposed Action/Activity: Issuance of Water Quality Management Permit for the construction of a new sewage sludge storage tank to replace an existing sewage sludge storage tank.

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

WQM Permit No. 6705410, Sewerage, **Mike Mulcahy**, 333 Lexington Street, York, PA 17403. This proposed facility is located in Springettsbury Township, **York County**.

Description of Proposed Action/Activity: Construction/Operation of small flow sewage treatment system to serve their single family residence on 3461 Lower Glades Road.

WQM Permit No. WQG01010501, Sewerage, **Paul Graetz**, 112 Serenity Drive, Melrose, FL 32666. This proposed facility is located in Hamilton Township, **Adams County**.

Description of Proposed Action/Activity: Construction/Operation of small flow sewage treatment system to serve their single family residence on 250 Old Mill Road.

WQM Permit No. 3605409, Sewerage, **Leola Sewer Authority**, 36 Hillcrest Avenue, Leola, PA 17540-1810. This proposed facility is located in Upper Leacock Township, **Lancaster County**.

Description of Proposed Action/Activity: Construction/Operation of the Creek Hill Road Pumping Station.

WQM Permit No. 0601402, Amendment 05-1, Sewerage, **Leesport Borough Authority**, Ten East Wall Street, P. O. Box 201, Leesport, PA 19533. This proposed facility is located in Leesport Borough, **Berks County**.

Description of Proposed Action/Activity: Amendment for the construction/operation of sewerage facilities to digest sanitary sewer sludge by the bioaugmentation process subject to the conditions attached.

WQM Permit No. 0663517, Amendment 05-1, Sewerage, **Municipal Authority of the Borough of Sinking Springs**, 3940 Penn Avenue, Sinking Springs, PA 19608-1112. This proposed facility is located in Spring Township, **Berks County**.

Description of Proposed Action/Activity: Amendment for construction/operation of existing sewerage facilities to digest sanitary sewer sludge by the bioaugmentation process subject to the conditions attached.

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

WQM Permit No. 4705402, Sewerage, **Clyde E. and Wanda L. Mingle**, 10 Mingle Road, Turbotville, PA 17772. This proposed facility is located in Anthony Township, **Montour County**.

Description of Proposed Action/Activity: Permit issuance for the construction of a Small Flows Treatment Facility incorporating a sand filter for a single residence.

WQM Permit No. 1405408, Sewage 4952, **Penn State University**, L Physical Plant Building, University Park, PA 16802. This proposed facility is located in State College Borough, **Centre County**.

Description of Proposed Action/Activity: The applicant proposes to construct and operate a pump station located at the baseball stadium.

WQM Permit No. WQG01140501, Sewerage 4952, **Pete Mali**, 248 Circle Road, Bellefonte, PA 16823. This proposed facility is located in Boggs Township, **Centre County**.

Description of Proposed Action/Activity: Applicant is granted a Water Quality Management General permit for the construction of a small flow treatment facility to serve a single residence.

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

WQM Permit No. WQG018427, Sewerage, **Paul Handza**, 4330 Grant Road, Ridgway, PA 15853. This proposed facility is located in Ridgway Township, **Elk County**.

Description of Proposed Action/Activity: A single residence sewage treatment plant.

WQM Permit No. WQG018422, Sewerage, **James D. Bergbigler**, 391 Carbpn Center Road, Butler, PA 16002. This proposed facility is located in Clearfield Township, **Butler County**.

Description of Proposed Action/Activity: A single residence sewage treatment plant.

WQM Permit No. WQG018409, Sewerage, **Robert Badger**, 160 Pleasant Valley Road, Portersville, PA 16051. This proposed facility is located in Muddy Creek Township, **Butler County**.

Description of Proposed Action/Activity: A single residence sewage treatment plant.

WQM Permit No. WQG018431, Sewerage, **Dan and Joanne Gurowski**, 34 Nobles Lane, Pittsburgh, PA 15210. This proposed facility is located in Oil Creek Township, **Venango County**.

Description of Proposed Action/Activity: A single residence sewage treatment plant.

IV. NPDES Stormwater Discharges from MS4 Permit Actions

V. NPDES Waiver Stormwater Discharges from MS4 Actions

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI010904014	Prime Building Group, Inc. The Biddle Tract Development 1631 Meetinghouse Road Hartsville, PA 18974	Bucks	Milford Township	Molasses/Unami Creeks (HQ-CWF)
PAI010904024	RB Quakertown, LLC Richland Marketplace Dev. 810 Seventh Ave, 28th Floor New York, NY 10019	Bucks	Richland Township	UNT Unami Creek (HQ-TSF-CWF)
PAI011504052	BK Campbell, Inc. Wheatland Development 402 Bayard Road, Suite 100 Kennett Square, PA 19348	Chester	New London and Franklin Townships	Ways Run (HQ-TSF-MF)
PAI011505067	Kazanjian Builders, Inc. Dove Cote Subdivision 901 Glenbrook Avenue Bryn Mawr, PA 19010	Chester	Willistown Township	UNT Crum Creek (HQ)
PAI011505071	Joseph A. Marchetti, Jr. Marchetti Property Subdivision 12 Montana Avenue Port Monmouth, NJ 07758	Chester	West Caln Township	Birch Run (HQ-CWF)
PAI011505075	Southdown Properties, Inc. 201 South Caln Road—Stockpile 55 Country Club Drive, Suite 200 Downingtown, PA 19335	Chester	Caln Township	UNT Valley Creek (CWF-MF)
PAI011505078	Lionville Commercial, LLC Old Village Plaza Development 797 East Lancaster Ave. Suite 17 Downingtown, PA 19335	Chester	Uwchlan Township	Picker Creek (HQ-TSF) West Valley Creek (CWF-MF)

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI025805001	Department of Transportation Engineering Dist. 4-0 55 Keystone Industrial Park Dunmore, PA 18512	Susquehanna	Herrick Township	East Branch Lackawanna River HQ-CWF

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

Washington County Conservation District: 602 Courthouse Square, Washington, PA 15301, (724) 228-6774.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI056305005	Eighty Four Development Corp. 1600 Route 136 Washington, PA 15301	Washington	South Strabane Township	Tributary 4 to Little Chartiers Creek (HQ-WWF)

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

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

List of NPDES and/or Other General Permit Types

PAG-1	General Permit for Discharges from Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated with Construction Activities (PAR)
PAG-3	General Permit for Discharges of Stormwater from Industrial Activities
PAG-4	General Permit for Discharges from Single Residence Sewage Treatment Plants
PAG-5	General Permit for Discharges from Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges from Combined Sewer Systems
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Nonexceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines
PAG-11	(To Be Announced)
PAG-12	CAFOs
PAG-13	Stormwater Discharges from MS4

General Permit Type—PAG-2

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
East Bradford Township Chester County	PAG2001505048	Thomas Wilson 860 Scennelltown Road West Chester, PA 19380	Plum Creek (WWF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
London Grove Township Chester County	PAG2001505046	Linda Fenton 175 Ellicot Road Avondale, PA 19311	East Branch White Clay Creek (CWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
South Coatesville Borough Chester County	PAG2001505052	Tom Tegler 48 General Warren Boulevard Suite 102 Malvern, PA 19355	UNT West Branch Brandywine Creek (TSF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Penn Township Chester County	PAG2001505037	Don Seidel 801 Faber Road Reading, PA 19606	Cacoosing Creek (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
East Brandywine Township Chester County	PAG2001505083	Mullray Builders 176 West King Street Suite 403 Malvern, PA 19355	Beaver Creek (TSF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
London Grove Township Chester County	PAG2001505023	41 Valley Associates 155 Valley Road West Grove, PA 19390	Middle Branch White Clay Creek (TSF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
South Coatesville Borough Chester County	PAG2001505066	Southview Place, LP 1657 Warpath Road West Chester, PA 19382	UNT West Branch Brandywine Creek (TSF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Easttown Township Chester County	PAG2001505082	YMCA Upper Main Line 1416 Berwyn-Paoli Roads Berwyn, PA 19312	Darby Creek (TSF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Limerick Township Montgomery County	PAG2004605118	Gorski Engineering Jones Motors Development 1 Iron Bridge Drive Collegeville, PA 19426	Tributary Schuylkill River (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Upper Merion Township Montgomery County	PAG2004604160	Schultz Demolition, Inc. 541 Flint Hill Road King of Prussia, PA 19406	UNT Schuylkill River CWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Cheltenham Township Montgomery County	PAG2004605142	Matrix/Ashbourne Assoc., Inc. Ashbourne Country Club Dev. Forsgate Drive, CN 4000 Cranbury, NJ 08512	Tacony Creek (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Franconia Township Montgomery County	PAG2004605074	Turnpike Commission Access Ramps Milepost A33 P. O. Box 67676 Eisenhower Blvd. Harrisburg, PA 17106	UNT Skippack Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Lower Providence Township Montgomery County	PAG2004605155	Montgomery Co. Planning Comm. Audubon Trail One Montgomery Plaza Suite 201 Norristown, PA 19404	Perkiomen Creek (WWF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Lower Providence Township Montgomery County	PAG2004605123	Redwood Holdings, LLC CVS Pharmacy Development 1930 East Marlton Pk. Suite Q-34 Cherry Hill, NJ 08803	Mine Run (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Lower Gwynedd Township Montgomery County	PAG2004605179	MJE Building, Inc. Del Val College Tract Development 920 South Broad Street Lansdale, PA 19446	Wissahickon Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
New Hanover Township Montgomery County	PAG2004604183	Gambone Brothers Development Co. Gambone—Wassmer Development 1030 West Germantown Pike Fairview Village, PA 19409	UNT Minister Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Lower Salford Township Montgomery County	PAG2004605065	United Development Construction Co. Harvest Glenn Subdivision 1210 Cabin Road Hatfield, PA 19440	UNT Indian Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
West Norriton Township Montgomery County	PAG2004605088	HTC Associates, LLC Fairways at Green Meadows Dev. 1714 Valley Forge Road Worcester, PA 19490	Indian Creek (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Royersford Borough Montgomery County	PAG2004605101	The Riverfront at Royersford, LP The Riverfront at Royersford Dev. 721 Dresher Road Horsham, PA 19044	Schuylkill River (WWF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900

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<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Upper Providence Township Montgomery County	PAG2004605092	Robert Fieo Robert Fieo Subdivision 169 Bechtel Road Collegeville, PA 19426	Mingo Creek (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Towamensing Township Carbon County	PAG2001305007(1)	Palmerton Area School District Attn: Mark Meinhart 3533 Fireline Rd. Palmerton, PA 18071	Pohopoco Creek CWF and Hunter Creek CWF	Carbon County Cons. Dist. (610) 377-4894
Hampden Township Cumberland County	PAG2002105040	Fishing Creek Valley Associates Richard Yingst 4712 Smith Street Harrisburg, PA 17109	Pine Run/WWF	Cumberland County Conservation District 43 Brookwood Avenue Carlisle, PA 17013 (717) 240-7812
Hampden Township Cumberland County	PAG2002105031	Cumberland Valley School District Mike Willis 6746 Carlisle Pike Mechanicsburg, PA 17055	UNT to Conodoguinet Creek/WWF	Cumberland County Conservation District 43 Brookwood Avenue Carlisle, PA 17013 (717) 240-7812
Cumberland Township Adams County	PAG2000105005	James Piet Martin Farm, LLC 4175 Hanover Pike Manchester, MD 21102	UNT to Willoughby Run/WWF	Adams County Conservation District 670 Old Harrisburg Rd. Suite 201 Gettysburg, PA 17325 (717) 334-0636
Manchester Township York County	PAG2006705064	Gopal Patel 30 Garden Place Lexington, VA 24450	Willis Run WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Shrewsbury Township York County	PAG2006705066	Joseph Silbaugh Antique Market P. O. Box 20202 York, PA 17402	Glen Rock Valley/CWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
West Manheim Township York County	PAG2006705049	Reservoir Heights, LLC Robert Holweck 2700 Philadelphia Road Edgewood, MD 21040-1120	UNT to S. B. Conewago Creek/WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Springfield Township York County	PAG2006705050	New Township Building Springfield Township 9211 S. Susquehanna Trail Seven Valleys, PA 17360	EB Codorus Creek PA 214 to Mouth/CWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Fairview Township York County	PAG2006705107	Old York Developers c/o Developers Realty Corp Michael Sileo 433 S. Main St. Suite 310 West Hartford CT 06110	Fishing Creek/TSF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Conewago Township York County	PAR10Y466-1R	Bennett Run Phase 2 George Thomas FT-LLP Partnership 1230 Abbottstown Pike Hanover, PA 17331	Oak Run/TSF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
West Manchester Township York County	PAG2006703072	Normandie Assoc. 150 Farm Lane Drive York, PA 17402	Little Conewago Creek/TSF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Conewago Township York County	PAG2006705054	Richard Poole Richard D. Poole, Inc. 150 Farm Lane Drive York, PA 17402	Billion Run Conewago Creek/ TSF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Manheim Township Lancaster County	PAG2003605095	Lancaster Bible College 901 Eden Rd. Lancaster, PA 17601	Landis Run/WWF	Lancaster County Conservation District 1383 Arcadia Rd., Room 6 Lancaster PA 17601 (717) 299-5361, Ext. 5
Martic Township Lancaster County	PAG2003605118	Robert Porterfield 29 Indian River Rd. Conestoga, PA 17516	Pequea Creek/WWF	Lancaster County Conservation District 1383 Arcadia Rd., Room 6 Lancaster PA 17601 (717) 299-5361, Ext. 5
West Earl Township Lancaster County	PAG2003605123	Home Depot Use Inc. 3096 Hamilton Blvd. South Plainfield, NJ 07080	Cocalico Creek/WWF	Lancaster County Conservation District 1383 Arcadia Rd., Room 6 Lancaster PA 17601 (717) 299-5361, Ext. 5
East Hempfield Township Lancaster County	PAG2003605128	Sheetz Inc. 5700 Sixth Ave. Altoona, PA 16602	Brubaker Run/WWF	Lancaster County Conservation District 1383 Arcadia Rd., Room 6 Lancaster PA 17601 (717) 299-5361, Ext. 5
Lancaster City Lancaster County	PAG2003605133	Department of Transportation District 8-0 2140 Herr St. Harrisburg, PA	Little Conestoga Creek/WWF	Lancaster County Conservation District 1383 Arcadia Rd., Room 6 Lancaster PA 17601 (717) 299-5361, Ext. 5
East Cocalico Township Lancaster County	PAG2003605134	Heatherwoods Village Associates 711 Olde Hickory Rd. Lancaster, PA 17601	Stony Run/WWF	Lancaster County Conservation District 1383 Arcadia Rd., Room 6 Lancaster PA 17601 (717) 299-5361, Ext. 5
Upper Leacock Township Lancaster County	PAG2003605135	E & J Family 27 Brick Church Rd. Leola, PA 17540	UNT Mill Creek/CWF	Lancaster County Conservation District 1383 Arcadia Rd., Room 6 Lancaster PA 17601 (717) 299-5361, Ext. 5
Brecknock Township Lancaster County	PAG2003605138	Paul Bias 215 Boulder Hill Rd. Mohnton, PA 19540	UNT Muddy Creek/WWF	Lancaster County Conservation District 1383 Arcadia Rd., Room 6 Lancaster PA 17601 (717) 299-5361, Ext. 5
Denver Borough Lancaster County	PAG2003605140	Department of Transportation District 8-0 2140 Herr St. Hdu Harrisburg, PA 17103	Cocalico Creek/WWF	Lancaster County Conservation District 1383 Arcadia Rd., Room 6 Lancaster PA 17601 (717) 299-5361, Ext. 5

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<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Bradford County Troy Borough	PAG2000805010	Robert Gramtier Tory Area School District 310 Elmira St. Troy, PA 16947	Sugar Creek TSF	Bradford County Conservation District R. R. 5, Box 5030C Stoll Natural Resource Center Towanda, PA 18848 (570) 265-5539, Ext. 205
Centre County Potter Township	PAG2001405018	George Woskob GN Assoc. 119 S. Burrows St. State College, PA 16801	UNT to Cedar Run HQ-CWF	Centre County Conservation District 414 Holmes Ave., Suite 4 Bellefonte, PA 16823 (814) 355-6817
Union County Lewis Township	PAG2006005011	Elizabeth Reiff 1765 Orchard Rd. Mifflinburg, PA 17844	UNT to Penns Creek CWF	Union County Conservation District 155 N. 15th St. Lewisburg, PA 17837 (570) 523-8782
Union County Buffalo Township	PAG2006005012	Buffalo Valley Retirement Comm. Dave Fralick and Tim Reed 798 Housman Rd. Allentown, PA 18104	UNT to Limestone Run WWF	Union County Conservation District 155 N. 15th St. Lewisburg, PA 17837 (570) 523-8782
Cambria County Northern Cambria Borough	PAG2001105019	Dr. Thomas Estep Northern Cambria School District 601 Joseph Street North Cambria, PA 15714-1232	UNT to West Branch Susquehanna River (CWF)	Cambria County CD (814) 472-2120
Butler County Cranberry Township	PAG2001005032	TSC/Cranberry, LLC 250 Grandview Drive Fort Mitchell, KY 41017	Brush Creek WWF	Butler Conservation District (724) 284-5270
Lawrence County Wayne Township	PAG2003705008	Oak Ridge Villas Subdivision Peach Street Ellwood City, PA Frank Pascoe F & S Properties, LLC 2530 New Butler Road New Castle, PA 16101	Duck Run Connoquenessing Creek WWF	Lawrence Conservation District (724) 652-4512
<i>General Permit Type—PAG-3</i>				
<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
East Deer Township Allegheny County	PAR216126	PPG Industries, Inc. 150 Ferry Street Creighton, PA 15030	Allegheny River	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
St. Marys City Elk County	PAR118328	Carbone of America Industrial Corporation 215 Stackpole Street St. Marys, PA 15857	UNT to Elk Creek	DEP—NWR0 Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

*General Permit Type—PAG-4**Facility Location:*

<i>Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Richland Township Bucks County	PAG040038	William Mapes 62 West Cherry Road Quakertown, PA 18951	UNT to Tohickon Creek 2D-Three Mile	Southeast Regional Office 2 East Main Street Norristown, PA 19401
Adams County Hamilton Township	PAG043735	Paul Graetz 112 Serenity Drive Melrose, FL 32666	Conewago Creek/WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Berks County Greenwich Township	PAG043558	Karen Kuhns 1685 Route 143 Lenhartsville, PA 19543	UNT Maiden Creek/TSF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Boggs Township Centre County	PAG045201	Pete Mali 248 Circle Road Bellefonte, PA 16823 Boggs Township Centre County	Little Marsh Creek/CWF	Northcentral Regional Office Water Management Program 208 West Third Street, Suite 101 Williamsport, PA 17701 (570) 327-3666
Anthony Township Montour County	PAG045200	Clyde and Wanda Mingle 10 Mingle Road, Turbotville, PA 17772	UNT to County Line Branch of the Chillisquaque Creek (WWF)	Northcentral Regional Office Water Management Program 208 West Third Street, Suite 101 Williamsport, PA 17701 (570) 327-3666
Ridgway Township Elk County	PAG049216	Paul Handza 4330 Grant Rd. Ridgway, PA 15853	UNT to Alyworth Run	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Clearfield Township Butler County	PAG049211	James D. Bergbigler 391 Carbon Center Road Butler, PA 16002	UNT to Bonnie Brook	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Muddycreek Township Butler County	PA0239682	Robert Badger 160 Pleasant Valley Road Portersville, PA 16051	Muddy Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Oil Creek Township Venango County	PAG049220	Dan and Joanne Gurowski 34 Nobles Lane Pittsburgh, PA 15210	UNT to Pithole Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Cussewago Township Crawford County	PAG048365	Tamara L. Mook 22417 Fry Road Venango, PA 16440	Wolf Run	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

General Permit Type—PAG-5

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Bethel Park Borough Allegheny County	PAG056206	Conoco Phillips Company 1400 Park Avenue Bayway Office Building Linden, NJ 07036	Catfish Run UNT to Monongahela River	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

General Permit Type—PAG-8

<i>Facility Location & County/Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Site Name & Location</i>	<i>Contact Office & Phone No.</i>
Shrewsbury Township York County	PAG080002 PAG080003 PAG080004 PAG080006 PAG080008 PAG082201 PAG082203 PAG083501 PAG083502 PAG083506 PAG083515 PAG083517 PAG083518 PAG083522 PAG083535 PAG083540 PAG083542 PAG083547 PAG083551 PAG083565 PAG083825 PAG089903 PAG089904 PAG089905	Synagro 1605 Dooley Road P. O. Box B Whiteford, MD 21160	George Phillips Shrewsbury Township York County	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707

General Permit Type—PAG-8 (SSN)

<i>Facility Location & County/Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Site Name & Location</i>	<i>Contact Office & Phone No.</i>
Jackson Township Cambria County	PAG086106-A1	Redevelopment Authority of the City of Johnstown Public Safety Building 4th Floor 401 Washington Street Johnstown, PA 15901	Laurel Highlands Landfill	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

General Permit Type—PAG-9

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Site Name & Location</i>	<i>Contact Office & Phone No.</i>
Eldred Township Monroe County	PAG092207	J. R. Borger, Inc. R. D. 1, Box 1473 Weir Lake Rd. Saylorsburg, PA 18353	J. R. Borger, Inc. Eldred Township Monroe County	NERO 2 Public Square Wilkes-Barre, PA 18711-0790 (570) 826-2511

General Permit Type—PAG-12

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Mifflin County Decatur Township	PAG123507	Kenneth L. Loht 250 Road Apple Drive McClure, PA 17841	Jack Creek CWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707

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

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

Operations Permit issued to **Pennsylvania American Water Company**, 800 West Hersheypark Drive, Hershey, PA 17033 (PWS ID 2359088) Dickson City Borough, **Lackawanna County** on November 15, 2005 for the operation of facilities approved under Construction Permit No. N/A.

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

Permit No. 3605501, Public Water Supply.
 Applicant **Stoltzfus Meats, Inc.**
 Municipality Leacock Township
 County **Lancaster**

Type of Facility Installation of a new facility to serve a retirement center. Treatment to consists of disinfection, aeration and softening. The system will be supplied by 2 wells.

Consulting Engineer David T. Lewis, P. E.
 ARRO Consulting, Inc.
 270 Granite Run Drive
 Lancaster, PA 17601

Permit to Construct Issued: 10/24/2005

Permit No. 3605507, Public Water Supply.
 Applicant **Lancaster Estates Condo Association**

Municipality Rapho Township
 County **Lancaster**

Type of Facility Addition of a new well to augment the existing sources of supply.

Consulting Engineer Edmond G. McCorkle, P. E.
 Lake Roeder Hilllard & Associates
 313 West Liberty Street
 Lancaster, PA 17603

Permit to Construct Issued: 10/20/2005

Permit No. 0103509 MA, Minor Amendment, Public Water Supply.

Applicant **Borough of Hanover Municipal Water Works**

Municipality Conewago and Oxford Townships
 County **Adams**

Type of Facility Construction permit 6-month time extension for the installation of a third pump at the Slagle's Run Raw Water Pumping Station.

Consulting Engineer Thomas S. Ladue, P. E.
 Dewberry-Goodkind Inc.
 101 Noble Boulevard
 Carlisle, PA 17013-4109

Permit to Construct Issued: 11/18/2005

Permit No. 0105501, Public Water Supply.

Applicant **Gettysburg Municipal Authority**

Municipality Cumberland Township
 County **Adams**

Type of Facility	Booster pump station to be located on Herr's Ridge Road to serve future expansion to the West of Gettysburg.
Consulting Engineer	Richard M. Bodner, P. E. Martin and Martin, Inc. 37 S. Main St. Chambersburg, PA 17201
Permit to Construct Issued:	11/15/2005

Operations Permit issued to **Possam Valley Municipal Authority**, 7010034, Menallen Township, **Adams County** on November 21, 2005, for the operation of facilities approved under Construction Permit No. 0104504.

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

Permit No. 1103503, Public Water Supply.

Applicant	Northern Cambria Municipal Authority 1202 Philadelphia Avenue Northern Cambria, PA 15714
Borough or Township	Susquehanna Township
County	Cambria
Type of Facility	Water system upgrade project
Consulting Engineer	Stiffler, McGraw & Associates, Inc. 19 North Juniata Street P. O. Box 462 Hollidaysburg, PA 16648
Permit to Construct Issued	November 21, 2005

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

Operations Permit issued to **Bonniebrook Personal Care Home**, 111 Bonniebrook Road, Cabot, PA 16023, PWS ID 5100138, Jefferson Township, **Butler County**, on November 21, 2005, for the operation of existing Well No. 2, Iron and Manganese Treatment and Disinfection, as approved under Construction Permit No. 1003503.

Operations Permit issued to **Falls Creek Borough Municipal Authority**, 117 Taylor Avenue, Falls Creek, PA 15840, PWS ID 6330007, Washington Township and Falls Creek Borough, **Jefferson County**, on November 22, 2005, for the operation of the Red Mill Area water line extension, and filtration plant modification, as approved under Construction Permit No. 3302503.

Operations Permit issued to **Barkeyville Municipal Authority**, 1610 Barkeyville Road, Grove City, PA 16127-7904, PWS ID 6610036, Barkeyville Borough, **Venango County**, on November 29, 2005, for the operation of an innovative technology system for the water treatment system, as approved under Construction Permit No. 6102501.

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:

Borough or Township	Borough or Township Address	County
Warriors Mark Township	P. O. Box 114 Warriors Mark, PA 16877	Huntingdon County

Plan Description: The approved plan, entitled SRO Subdiv Phase II (Ridge View Estates), DEP Code No. C3-31946-100-2, provides for settlement of an appeal from the Department of Environmental Protection's (Department) previous disapproval of the planning module on June 25, 2004. Negotiations related to this appeal have resulted in the Department granting approval of the module in accordance with the following specific agreements:

1. Restrictions on the use of groundwater on the property, as set forth in attached November 11, 2005, letter from Thomas W. Scott to Martin R. Siegel.

2. Maintenance of open space on the property, consistent with Township ordinances and in a manner described in a September 28, 2005, letter from Thomas W. Scott to Martin R. Siegel.

3. Construction and maintenance of a stormwater basin for the purpose, among other things, of ensuring dilution of nitrate/nitrogen in groundwater flowing from the property.

All other standard conditions of planning approval apply.

The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. WQM Permits must be obtained in the name of the property owner.

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 analy-

sis. 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.

Sellersville Ldfl., Sellersville Borough, Bucks County. Mark Eschbacher, P. G., RT Env. Svc., Inc. 215 W. Church Rd., King of Prussia, PA 19406 on behalf of Bud Motes, Park 10 Assoc., 418 W. Main St., Lansdale, PA 19446 has submitted a Remedial Investigation Report concerning the remediation of site soil contaminated with TCE and groundwater contaminated with volatile organics. The report is intended to document remediation of the site to meet the Site-Specific Standard.

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

Susquehanna Township School District—Middle School, Susquehanna Township, Dauphin County. Alliance Environmental Services, Inc., 1820 Linglestown Road, Harrisburg, PA 17110, on behalf of Susquehanna Township School District, 3550 Elmerton Avenue, Harrisburg, PA 17109, submitted a Final Report concerning remediation of site soils and groundwater contaminated with heating fuel oil. The report is intended to document remediation of the site to the residential Statewide Health Standard.

Buckeye Pipe Line Company, L. P., Tuckerton Station, Muhlenberg Township, Berks County, Groundwater & Environmental Services, L. P., 410 Eagleview Boulevard, Exton, PA 18049, on behalf of Buckeye Pipe Line Company, L. P., 5002 Buckeye Road, Emmaus, PA 18049, submitted a Final Report concerning remediation of site soil contaminated with petroleum products. The report is intended to document remediation of the site to the residential Statewide Health Standard.

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

Deluxe Storage Systems, Inc., City of Warren, Warren County. Mark A. Spence, W J Smith & Associates, Inc., P. O. Box 153, Corry, PA 16407, on behalf of Struthers Street Realty, 415 Madison Ave., 7th Floor New York, NY 10017 has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with solvents. The report is intended to document remediation of the site to meet the Statewide Health Standards.

Deluxe Storage Systems, Inc., City of Warren, Warren County. Mark A. Spence, W J Smith & Associates, Inc., P. O. Box 153, Corry, PA 16407 on behalf of Struthers Street Realty, 415 Madison Ave., 7th Floor, New York, NY 10017 has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with solvents. The report was approved by the

Department on November 22, 2005. The Final report demonstrated attainment of the Statewide Health 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.

Sunoco, Inc. Icedale Term. No. 9000-0080, West Brandywine Township, **Chester County**. Jennifer L. Huha, GES, 410 Eagleview Blvd., Suite 110, Exton, PA 19341 on behalf of Bradford Fish, Sunoco, Inc., Post Rd. and Blueball Ave., Marcus Hook, PA 19061 has submitted a Final Report concerning the remediation of site soil contaminated with No. 4 fuel oil. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on November 23, 2005.

Sellersville Ldfl, Sellersville Borough, **Bucks County**. Mark Eschbacher, P. G., RT Env. Svc., Inc. 215 W. Church Rd., King of Prussia, PA 19406 on behalf of Bud Motes, Park 10 Assoc., 418 W. Main St., Lansdale, PA 19446 has submitted a Remedial Investigation Report concerning the remediation of site soil contaminated with TCE and groundwater contaminated with volatile organics. The Remedial Investigation Report was approved by the Department on November 16, 2005.

Riverfront Towers, City of Philadelphia, **Philadelphia County**. Bruce W. Pringle, ST Hudson Eng., Inc., 840 Cooper St., Camden, NJ 08101 on behalf of Koby Sufrin, Isle of Capri Assoc., LP, 242 S. 17th St., Philadelphia, PA 19103 has submitted a Final Report concerning the remediation of site soil contaminated with lead, heavy metals and polycyclic aromatic hydrocarbons. The Final Report demonstrated attainment of the Site-Specific Standard and was approved by the Department on November 23, 2005.

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

Wyomissing Industrial Park (Western portion of the Former Goss Graphic Systems Site), Borough of Wyomissing, **Berks County**. American Analytical & Environmental Inc., 738 Front Street, Catasauqua, PA 18032, on behalf of Chip & Gary Real Estate Holdings, LLC, 500 Walnut Street, Birdsboro, PA 19508; Zenith Properties, LP, P. O. Box 5828, Wyomissing, PA 19610; and Chima, Inc., 126 North Second Street, Reading, PA 19601, submitted a revised combined Remedial Investigation and Final Report concerning remediation of site groundwater contaminated with metals, chlorinated VOCs, and semi-volatile organic compounds. The final report demonstrated attainment of a combination of the nonresidential Statewide Health and Site-Specific Standards, and the combined report was approved by the Department on November 23, 2005.

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

Ronald Goss Inc. Site, Winfield Township, **Butler County**. Timothy Ratvasky, ENSR Corporation, 444 Liberty Ave., Suite 700, Pittsburgh, PA 15222 on behalf of Robert Peiffer, BCP Auto, 224 Brose Road, Cabot, PA 16023 has submitted a Final Report concerning remediation of site soil and groundwater contaminated with diesel fuel. The report is intended to document remediation of the site to meet the Statewide Health Standards.

RESIDUAL WASTE GENERAL PERMITS

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

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

General Permit No. WMGR023. Oil Service, Inc., 2899 Grand Avenue, Pittsburgh, PA 15225. The general permit authorizes processing of waste oil (excluding used oil) and unused oil contaminated with water in mobile units for the purpose of reconditioning the oil that shall be reused by the generator of the waste oil or unused, contaminated oil. The approved processing is limited to filtration, centrifugation, ultrafiltration and vacuum distillation. The permit was reissued by Central Office on November 23, 2005.

General Permit No. WMGR108. The Hershey Company, 515 W Chocolate Avenue, Hershey PA 17033. General Permit No. WMGR108 authorizes beneficial use of chocolate confectionary residuals and cocoa bean shell as mulch, an ingredient in fertilizer and incorporation into mushroom soil. The permit was issued by Central Office on November 28, 2005.

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

DETERMINATION OF APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS

Determination of Applicability for General Permit Approved Under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and residual waste regulations for a General Permit to operate residual waste processing facilities and/or the beneficial use of residual waste other than coal ash.

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

General Permit No. WMGR023D001. COT-Puritech Inc., 2993 Perry Drive SW, Canton, OH 44706. The general permit authorizes processing of waste oil (excluding used oil) and unused oil contaminated with water in mobile units for the purpose of reconditioning the oil that shall be reused by the generator of the waste oil or unused, contaminated oil. The approved processing is limited to filtration, centrifugation, ultrafiltration and vacuum distillation. The Department reissued the determination of applicability on November 23, 2005.

General Permit No. WMGR023D002. Chem Ecol, Ltd., 640 Victoria Avenue, P. O. Box 955, Cobourg, Ontario, Canada K9a 4w4. The general permit authorizes processing of waste oil (excluding used oil) and unused oil contaminated with water in mobile units for the purpose of reconditioning the oil that shall be reused by the generator of the waste oil or unused, contaminated oil. The approved processing is limited to filtration, centrifugation, ultrafiltration and vacuum distillation. The Department reissued the determination of applicability on November 23, 2005.

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

AIR QUALITY

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

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

GP1-36-03158: Thaddeus Stevens College of Technology (750 East King Street, Lancaster, PA 17602-3198) on November 17, 2005, for small gas and No. 2 oil fired combustion units under GP1 in Lancaster Township, **Lancaster County**.

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

GP5-32-00146: MDS Energy, Ltd. (1022 One Glade Park E., Kittanning, PA 16201) on November 18, 2005, to operate a 400 Bhp AJAX model 2802LE engine equipped with a dehydrator and flame arrestor at the Homer City Station in White Township, **Indiana County**. The equipment is required to meet all applicable limitations, terms and conditions of General Permit, BAQ-GPA/GP-5.

GP5-32-00147: MDS Energy, Ltd. (1022 One Glade Park E., Kittanning, PA 16201) on November 18, 2005, to operate a 400 Bhp AJAX model 2802LE engine equipped with a dehydrator and flame arrestor at the Homer City Station in White Township, **Indiana County**. The equipment is required to meet all applicable limitations, terms and conditions of General Permit, BAQ-GPA/GP-5.

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

GP-25-079: Owens Brockway (316 West 16th Street, Erie, PA 16502) on October 31, 2005, to operate a burnoff oven in Erie, **Erie County**.

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

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

23-0003H: ConocoPhillips Co. (4101 Post Road, Trainer, PA 19061) on November 22, 2005, to operate an isocraker expansion/sour water drum in Trainer Borough, **Delaware County**.

23-0003G: ConocoPhillips Co. (4101 Post Road, Trainer, PA 19061) on November 22, 2005, to operate a platformer heaters revamp in Trainer Borough, **Delaware County**.

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

45-310-036: Locust Ridge Quarry, Inc.—Division of Haines and Kibblehouse (P. O. Box 196, 2052 Lucon Road, Skippack, PA 19474) on November 9, 2005, to install an air cleaning device onto an existing stone crushing plant at their facility in Tobyhanna Township, **Monroe County**.

48-323-010: Victaulic Company of America (4901 Kesslersville Road, Easton, PA 18040) on November 16, 2005, to construct a fluidized bed burn off oven and associated air cleaning device at their facility in Forks Township, **Northampton County**.

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

67-03041D: County Line Quarries, Inc. (South Front Street, Wrightsville, PA 17368) on November 23, 2005, to replace the Midwest 5-deck, 5 by 7 screen with a Telsmith 3-deck, 5 by 16 screen in Wrightsville Borough, **York County**.

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

20-130B: Meadville Forging Co. (15309 Baldwin Street, Meadville, PA 16335) on November 18, 2005, to install new emission control devices on the shot blast machines and to remove emission control devices on six presses in West Mead Township, **Crawford County**.

Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code §§ 127.13, 127.13a and 127.32.

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

09-0024C: Waste Management Disposal Services of PA Inc. (1121 Bordentown Road, Morrisville, PA 19067) on November 22, 2005, to operate a landfill in Tullytown Borough, **Bucks County**.

23-0001Z: Sunoco, Inc.—R and M (1818 Market Street, Suite 1500, Philadelphia, PA 19103) on November 28, 2005, to operate four auxiliary boilers in Marcus Hook Borough, **Delaware County**.

23-0001V: Sunoco, Inc.—R and M (1818 Market Street, Suite 1500, Philadelphia, PA 19103) on November 22, 2005, to operate a fcc unit in Marcus Hook Borough, **Delaware County**.

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

48-306-008D: Northampton Generating Co., LP (1 Horwith Drive, Northampton, PA 18067) on November 18, 2005, to modify a fluidized bed boiler to utilized alternate fuels in Northampton Borough, **Northampton 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.

67-05001B: LWB Refractories (320 Baker Road, P. O. Box 1189, York, PA 17405-1189) on November 23, 2005, to install a regenerative thermal oxidizer on Tunnel Kilns TK5 and TK6 in West Manchester Township, **York County**. This plan approval was extended.

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

60-399-002: Ritz-Craft Corp. (15 Industrial Park Road, Mifflinburg, PA 17844) on November 18, 2005, to operate two mobile/modular home assembly plants and a surface coating operation on a temporary basis until March 18, 2006, in Mifflinburg Borough, **Union County**. The plan approval has been extended.

18-315-002: First Quality Products, Inc. (P. O. Box 270, McElhattan, PA 17748) on November 18, 2005, to operate 22 absorbent products manufacturing ("converting") lines and associated air cleaning devices on a temporary basis until March 18, 2006, in Wayne Township, **Clinton County**. The plan approval has been extended.

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

37-304B: Heraeus Electro-Nite (3 Fountain Avenue, Ellwood City, PA 16117) on May 4, 2005, to add a skiving machine and replace the existing baghouse with a larger baghouse in Ellwood City Borough, **Lawrence County**. This is a State Only V facility.

16-132B: Clarion Boards, Inc. (1 Fiberboard Avenue, Shippensburg, PA 16245) on October 30, 2005, to modify the fiberboard plant in Paint Township, **Clarion County**.

Title V Operating Permits Issued 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; Michael Saffko, Facilities Permitting Chief, (570) 826-2531.

40-00005: Hunlock Creek Energy Ventures (P. O. Box 224, Hunlock Creek, PA 18621) on October 31, 2005, to operate a Facility Title V Operating Permit in Hunlock Township, **Luzerne County**.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110; Yasmin Neidlinger, Facilities Permitting Chief, (717) 705-4702.

44-05001: Standard Steel, LLC (500 North Walnut Street, Burnham, PA 17009-1644) on November 22, 2005, for three electric arc furnaces, and natural gas or No. 2 oil fired furnaces, heaters and boilers in Burnham Borough, **Mifflin County**. This is a renewal of the Title V operating permit.

67-05008: York International Corp. (P. O. Box 1592-361Q, York, PA 17405-1592) on November 22, 2005, for refrigeration and heating equipment in Spring Garden Township, **York County**. This is a renewal of the Title V operating permit.

Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F.

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

22-05023: Pittsburgh Terminals Corp. (P. O. Box 2621, Harrisburg, PA 17105-2621) on November 18, 2005, for their synthetic minor operating permit for the Harrisburg Terminal at 5140 Paxton Street, Swatara Township, **Dauphin County**. This is a renewal of the State-only operating permit.

36-05092: Greiner Industries, Inc. (1650 Steel Way, Mount Joy, PA 17552-9515) on November 18, 2005, to operate three spray-paint bays at their steel fabrication facility in Mount Joy Township, **Lancaster County**. This is a renewal of the State-only operating permit.

36-05111: Lippert Components, Inc. (2766 College Avenue, Goshen, IN 46528-5035) on November 22, 2005, for their mobile home and recreational vehicle chassis facility in Brecknock Township, **Lancaster County**. This is a renewal of the State-only operating permit.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745; Mark Wayner, Facilities Permitting Chief, (412) 442-4174.

56-00160: Keystone Lime Company, Inc. (P. O. Box 278, Springs, PA 15562) on November 17, 2005, to operate a drum mix asphalt plant, various crushers, screens, conveyors, transfer points, material storage piles, truck loading and haul roads located in Elk Lick Township, **Somerset County**.

65-00851: Newcomer Products, Inc. (P. O. Box 272, Latrobe, PA 15650) on November 22, 2005, to manufacture carbide products at in Derry Township, **Westmoreland County**.

Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.

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

47-00010: Hines Nurseries, Inc. d/b/a Hines Horticulture (233 PPL Road, Danville, PA 17821) on November 22, 2005, to increase a facility-wide No. 2 fuel oil usage limitation from 300,000 gallons in any 12 consecutive month period to 1,500,000 gallons in any 12 consecutive month period and to establish a No. 2 fuel oil sulfur content limitation of .2% (by weight) in Anthony and Derry Townships, **Montour County**. These modifications are significant operating permit modifications.

De Minimis Emissions Increases Authorized under 25 Pa. Code § 127.449.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745; Mark Wayner, Facilities Permitting Chief, (412) 442-4174.

04-00059: Koppel Steel Corp. (P. O. Box 750, Beaver Falls, PA 15010) to install two new torches controlled by baghouses at Koppel Plant in Koppel Borough, **Beaver County**. The torches will increase 0.052 PM TPY, 0.94 NOx TPY, 0.80 CO TPY. This emission increase qualifies a de minimis increase under 25 Pa. Code § 127.449.

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.

Permit No. 56940101 and NPDES Permit No. PA0212768. Future Industries Inc., P. O. Box 157, Meyersdale, PA 15552-0157, permit revision—land use change on Robert Sanner property from Forestland and Wildlife Habitat to cropland and land use change on Merrill Enterprises Inc. property from forestland to wildlife habitat in Brothersvalley Township, **Somerset County**, affecting 106.5 acres. Receiving streams: UNTs to/and Buffalo Creek classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received on August 15, 2005. Permit issued November 22, 2005.

Permit No. 56930104 and NPDES Permit No. PA 0212415. Future Industries Inc., P. O. Box 157, Meyersdale, PA 15552, permit revision—land use change on Merrill Enterprises Inc. property from forest to cropland in Brothersvalley Township, **Somerset County**, affecting 129 acres. Receiving streams: UNTs to/and Buffalo Creek classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received on August 15, 2005. Permit issued November 22, 2005.

Permit No. 5679123 and NPDES Permit No. PA0599166, Action Mining, Inc., 1117 Shaw Mines Road, Meyersdale, PA 15552-7228, renewal of NPDES Permit, Southampton Township, **Somerset County**. Receiving streams: UNT to Shoemaker Run and to Shoemaker Run classified for the following use: HQ. There are no potable water supply intakes within 10 miles downstream. NPDES renewal application received August 31, 2005. Permit issued November 16, 2005.

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

26900109 and NPDES Permit No. 059206. Chess Coal Company (155 Chess Road, Smithfield, PA 15478).

Renewal permit for continued operation and reclamation of a bituminous surface mine, located in Georges Township, **Fayette County**, affecting 213 acres. Receiving stream: UNT to York Run. Renewal application received: September 22, 2005. Renewal permit issued: November 18, 2005.

63980101 and NPDES Permit No. PA0202151. Neiswonger Construction, Inc. (17592 Route 322, Strattanville, PA 16528). Transfer of permit formerly issued to Twilight Industries, Division of U. S. Natural Resources, Inc., for continued operation and reclamation of a bituminous surface mining site located in Somerset Township, **Washington County**, affecting 173.0 acres. Receiving streams: three UNTs to Pigeon Creek. Application received: March 3, 2005. Transfer Permit issued: November 18, 2005.

03880122 and NPDES Permit No. PA0591742. Thomas J. Smith, Inc. (2340 Smith Road, Shelocta, PA 15774). Permit renewal issued for continued operation and reclamation of a bituminous surface/auger mining site located in Cowanshannock and South Mahoning Townships, **Armstrong and Indiana Counties**, affecting 488.0 acres. Receiving streams: UNTs to the North Branch of Plum Creek. Application received: August 25, 2005. Renewal issued: November 22, 2005.

65000101 and NPDES Permit No. PA0202827. Coal Loaders, Inc. (210 East Main Street, P. O. Box 556, Ligonier, PA 15658). Permit renewal issued for continued operation and reclamation of a bituminous surface mining site located in Fairfield Township, **Westmoreland County**, affecting 23.0 acres. Receiving streams: two UNTs to Hypocrite Creek. Application received: September 13, 2005. Renewal issued: November 22, 2005.

65000201 and NPDES Permit No. PA0202835. Reichard Contracting, Inc. (212 Olean Trail, New Bethlehem, PA 16242-9803). Permit renewal issued for continued operation and reclamation of a bituminous surface mining (coal refuse reprocessing) site located in Sewickley Township, **Westmoreland County**, affecting 41.0 acres. Receiving streams: UNTs to Sewickley Creek to Sewickley Creek. Application received: September 20, 2005. Renewal issued: November 22, 2005.

26-05-01. Robert P. Medved (4324 Morgantown Road, Smithfield, PA 15478). Government Financed Construction Contract located in Springhill township, **Fayette County**, affecting 6.5 acres. Receiving stream: UNT to Georges Creek. Application received: June 30, 2005. Contract issued: November 23, 2005.

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

16900113 and NPDES Permit No. PA0208132. Ancient Sun, Inc. (P. O. Box 129, Shippenville, PA 16254) Renewal of an existing bituminous surface strip operation in Redbank Township, **Clarion County** affecting 214.6 acres. This renewal is issued for reclamation only. Application received: October 3, 2005. Permit issued: November 23, 2005.

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

17030114 and NPDES Permit No. PA0243604. Johnson Brothers Coal Company (1390 Lee Run Road, Mahaffey, PA 15757), transfer of an existing bituminous surface mine-auger permit application from R. B. Contracting. The site is located in Knox Township, **Clearfield County** and affects 71.0 acres. Receiving

stream: UNT to Potts Run. Application received: July 1, 2005. Permit issued: November 9, 2005.

Noncoal Permits Actions

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

26950402 and NPDES Permit No. PA0201448. Hanson Aggregates PMA, Inc. (2200 Springfield Pike, Connellsville, PA 15425). Permit renewal issued for continued operation and reclamation of a noncoal surface mining site (limestone quarry) located in Bullsken Township, **Fayette County**, affecting 360.0 acres. Receiving stream: Green Lick Run. Application received: October 5, 2005. Renewal issued: November 18, 2005.

65900403 and NPDES Permit No. PA0591866. Hanson Aggregates PMA, Inc. (2200 Springfield Pike, Connellsville, PA 15425). Permit revision issued for underground mining to a noncoal surface mining site (limestone quarry) located in Unity and Cook Townships, **Westmoreland County**, affecting 662.5 acres. Receiving streams: UNTS to nine Mile Run. Revision application received: July 25, 2005. Revision permit issued: November 22, 2005.

Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, (817) 342-8200.

08050812. Carl Yurgatis (R. R. 1, Box 1462, Laceyville, PA 18623), commencement, operation and restoration of a quarry operation in Tuscarora Township, **Bradford County**, affecting 1.0 acres. Receiving stream: Tuscarora Stream, UNT to Susquehanna River. Application received August 3, 2005. Permit issued November 16, 2005.

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.

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

32054006. Appalachian Geophysical Services, LLC, P. O. Box 426, 2659 SR 60, Killbuck, OH 4467-0426. Indiana County Seismic Program—Lines 141-05 and 142-05, Center, White, Rayne and South Mahoning Townships, **Indiana County**. Duration through April 30, 2006. Permit issued November 17, 2005.

11054003. Commonwealth Stone, Inc., 1898 North Center Avenue, Somerset, PA 15501. Laurel Highlands Landfill Pipeline Project—Jackson Township, **Cambria County**. Duration 180 days. Permit issued November 18, 2005.

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

63054005. KESCO, Inc. (P. O. Box 95, Adrian, PA 16210). Blasting activity permit for site development at the queen of Heavens Catholic Cemetery, located in Peters Township, **Washington County**, with an expected duration of 30 days. Permit issued: November 22, 2005.

02054010. Penn Development Services, Inc. (732 McClellandtown Road, Uniontown, PA 15401). Blasting

activity permit for construction at the river Pointe Plaza, located in Kilbuck Township, **Allegheny County**, with an expected duration of 1 year. Permit issued: November 22, 2005.

02054011. Winchester Blasting Services, Inc. (5400 Crestwood Drive, Knoxville, TN 37914). Blasting activity permit for demolition of a smokestack, located in Kilbuck Township, **Allegheny County**, with an expected duration of 1 day. Permit issued: November 22, 2005.

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

21054175. Newville Construction Services, Inc. (408 Mohawk Road, Newville, PA 17241), construction blasting for Burkholder Manure Pit in Southampton Township, **Cumberland County** with an expiration date of October 30, 2006. Permit issued November 21, 2005.

15054128. Rock Work, Inc. (1257 DeKalb Pike, Blue Bell, PA 19422), construction blasting for The Estates of Harrogate North in New Garden Township, **Chester County** with an expiration date of November 30, 2006. Permit issued November 22, 2005.

46054137. American Rock Mechanics, Inc. (7531 Chestnut Street, Zionsville, PA 18092), construction blasting for Frederick Mennonite Community in Upper Frederick Township, **Montgomery County** with an expiration date of June 30, 2006. Permit issued November 22, 2005.

28054017. Jemco, Inc. (3338B Prices Distillery Road, Ijamsville, MD 21754), construction blasting at Lot 36 on Carowinds Drive in Greencastle Borough, **Franklin County** with an expiration date of November 15, 2006. Permit issued November 23, 2005.

58054105. Hayduk Enterprises (P. O. Box 554, Dalton, PA 18414), construction blasting for a single dwelling on Overlook Road in Lenox Township, **Susquehanna County** with an expiration date of June 30, 2006. Permit issued November 26, 2005.

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department of Environmental Protection (Department) has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with the applicable provisions of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

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

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

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

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

Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and The Clean Streams Law (35 §§ 691.1—691.702) and Notice of Final Action for Certification under section 401 of the FWPCA (33 U.S.C.A. § 1341).

Permits, Environmental Assessments and 401 Water Quality Certifications Issued

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E58-262. Department of Transportation, Engineering District 4-0, 55 Keystone Industrial Park, Dunmore, PA 18512. Herrick Township, Susquehanna County, Army Corps of Engineers Baltimore District.

To remove the existing structure and to construct and maintain a single-span reinforced concrete spread box beam bridge, having a span of 65.0 feet and an underclearance of 8.2 feet, across East Branch Lackawanna River (HW-CWF). The project includes placement of fill in a de minimis area of PEM/PSS EV wetlands equal to 0.02 acre, associated with the roadway embankment. The project also includes a temporary impact in a PEM/PSS EV wetland equal to 0.31 acre associated with a temporary roadway. The project is located along SR 0371, Section 570, Segment 0010, Offset 0386, immediately east of Herrick Corner (intersection of SR 0371 and SR 0171) (Forest City, PA Quadrangle N: 20.9 inches; W: 14.3 inches).

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

E06-600. Upper Bern Township, 25 North 5th Street, Shartlesville, PA 19609 in Upper Bern Township, **Berks County**, ACOE Philadelphia District.

To realign approximately 40 feet of a UNT to Northkill Creek (CWF) at a point (Latitude: 40°, 29', 04"; Longitude 76°, 05', 53") on the eastern side of the Valley Road culvert in Upper Bern Township, Berks County.

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

E08-428. Ridgebury Township, R. R. 3, Box 246A, Gillett, PA 16925. Cowell Hill Tributary Stabilization Project from 3,000 feet U/S from confluence with Bentley Creek, in Ridgebury Township, ACOE Baltimore District (Bentley Creek, PA Quadrangle N: 18 inches; W: 12.2 inches).

To realign the stream channel and to construct and maintain 48 rock barbs, 3 rock sills and 8 root wads for grade control or stabilization of Cowell Hill Tributary: a WWF. The channel relocation and stream restoration project shall be limited to a maximum length of 3,000 feet in Cowell Hill Tributary. The rock barb structures shall be constructed of a minimum of R-6 rock. The restoration project will impact 3,000 feet of Cowell Hill Tributary that is located along the eastern and western right-of-way of Cowell Hill Road immediately north of SR 4024 and Cowell Hill Road intersection. This permit also authorizes the construction, maintenance and removal of temporary access roads, channel diversions, cofferdams and stockpiles in and along Cowell Hill Tributary. All temporary facilities used for project construction shall be removed from floodplain areas; upon project completion, all areas of disturbance shall be restored and stabilized within 20 days. This permit does not authorize any temporary or permanent impact to the wetlands adjacent to project area.

E08-429. Department of Transportation, Engineering District 3-0, P. O. Box 218, Montoursville, PA 17754-0218. Bridge SR 1056, Sec. 004, in Litchfield Township, **Bradford County**, ACOE Baltimore District (Litchfield, PA Quadrangle N: 12.70 inches; W: 12.35 inches).

To remove the existing stone masonry arch culvert which has a normal span of 16 feet, an underclearance of 12.5 feet with a hydraulic opening of 144.36 square feet on an 86° skew with the roadway. To construct and maintain a concrete box culvert on the same alignment as the existing structure. The proposed culvert will be 20 feet wide with an underclearance of 8.5 feet and a hydraulic opening of 170 square feet, submerged 1 foot below the natural streambed on SR 1056, Section 004 about 1500 feet east of the intersection of SR 1056 with SR 199. The project will not impact wetlands while impacting about 140 feet of waterway and 0.3 acres of earth disturbance. Satterlee Creek is a CWF stream.

E08-430. Edward C. Blackburn, R. R. 2, Box 220-A, New Albany, PA 18833, Bridge in Terry Township, Bradford County, ACOE Baltimore District (Dushore, PA Quadrangle N: 22.15 inches; W: 0.15 inches).

To construct and maintain a 60-foot long by 4-foot wide single span steel walk bridge supported by 2-foot by 2-foot by 5-foot concrete headwalls over Sugar Creek on the north side of SR 2010 about 2 miles east of Evergreen. The project will not impact wetlands while impacting about 4 feet of waterway. Sugar Run is a CWF stream.

E41-554. Moreland Township Supervisors, 1220 Moreland Township Road, Hollidaysburg, PA 16648. Water Obstruction and Encroachment Application for T-443 (Liedecker Road) Bridge Replacement, in Moreland Township, **Lycoming County**, ACOE Susquehanna River Basin District (Hughesville, PA Quadrangle N: 12.2 inches; W: 8.7 inches).

The applicant proposes to remove an existing steel pony truss bridge with a clear span of 68.25 feet and construct and maintain a prestressed concrete box beam bridge with a clear span of 83.5 feet and a minimum underclearance of 11.61 feet over Little Muncy Creek. The proposed project will directly affect approximately 85 linear feet of the Little Muncy Creek, which is classified as a CWF, with no wetland impacts proposed.

E49-288. Robert Scullin, P. O. Box 350, Sunbury, PA 17801. Scullin Car Wash, in Milton Borough, **Northumberland County**, ACOE Baltimore District (Milton, PA Quadrangle N: 3.1 inches; W: 14.3 inches).

The project is authorized to construct, operate and maintain a 95-foot by 35-foot car wash in the floodway of Limestone Run located one block east on Race Street from its intersection with Arch Street. This permit was issued under Section 105.13(e) "Small Projects."

E57-107. Department of Transportation, Engineering District 3-0, P. O. Box 218, Montoursville, PA 17754, in Elkland Township, **Sullivan County**, ACOE Baltimore District (Overton, PA Quadrangle N: 1.50 inches; W: 16.00 inches).

To 1) remove the existing stone masonry arch which is on a 50° skew with the roadway and has a normal clear span of 12.0 feet, a curb-to-curb width of 12.5 feet, an underclearance of 6.0 feet and a hydraulic opening of about 57 square feet; 2) construct and maintain a 14-foot by 7-foot by 55-foot long reinforced concrete box culvert depressed 1 foot in the streambed, placed with a 45° skew, with a curb-to-curb width of 22.0 feet and an effective waterway opening of 84 square feet; 3) construct and maintain about 75 feet of R-8 rock choked with R-4 rock for inlet and outlet scour protection; 4) construct and maintain a temporary rock-lined bypass channel. The project is located in Blackwater Run on SR 4014 about 1,500 feet east of Estella. The project will not impact wetlands while impacting about 130 feet of waterway. Blackwater Run is a HQ-CWF stream.

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

E11-313. East Carroll Township Supervisors, 3350 Brick Road, Carrolltown, PA 15772. To construct a box culvert in East Carroll Township, **Cambria County**, Pittsburgh ACOE District. (Hastings, PA Quadrangle N: 0.65 inches; W: 5.2 inches and Latitude: 40° 37' 43"—Longitude: 78° 39' 44"). To remove the existing structure and to construct and maintain a 40-foot long box culvert having an opening of 20 feet wide by 7.5 feet high with baffles in Little Chest Creek (CWF) located on T-527.

E26-331. Department of Transportation, District 12-0, P. O. Box 459, Uniontown, PA 15401. To construct culverts and realign stream in the Village of Laurelville, Bullsken Township, **Fayette County**, Pittsburgh ACOE District. (Mammoth, PA Quadrangle N: 2.4 inches; W: 13.3 inches and Latitude: 40° 8' 21"—Longitude: 79° 28' 15"). To construct and maintain a 225 LF relocation of a UNT to Jacobs Creek (CWF) and construct and maintain an extension of 5 culverts ranging in size from 18 to 36 inches at total of 162 LF in UNTs to Jacob's Creek (CWF) (Mammoth, PA Quadrangle start: Latitude: 40° 8' 36"—Longitude: 79° 29' 0" and ending at Latitude: 40° 7' 51"—Longitude: 79° 26' 23"). All drainage areas are less than 100 acres. This project is associated with the widening of SR 31 extending approximately 2.25 miles southeast of the Village of Laurelville. Total impacts are 616 LF of culvert and 250 LF of stream realignment.

E63-571. Eighty Four Development Corporation, 1600 Route 136, Washington, PA 15301. To place fill in floodplain and floodway in South Strabane Township, **Washington County**, Pittsburgh ACOE District. (Washington East, PA Quadrangle N: 10.8 inches; W: 3.3 inches and Latitude: 40° 11' 04"—Longitude: 80° 08' 55"). To excavate and place fill in 990 linear feet of the floodplain and floodway, left bank of a UNT to Little Chartiers Creek (Tributary No. 4 HQ-WWF) for the purpose of removal of the Eighty Four Development property from the floodplain located on the south side of

SR 136, approximately 500 feet west from the intersection of SR 135 and Mitchell Road.

E65-880. Turnpike Commission, P. O. Box 67676, Harrisburg, PA 17106-7676. To construct two culverts in Hempfield Township, **Westmoreland County**, Pittsburgh ACOE District. (Irwin, PA Quadrangle N: 0.3 inches; W: 2.4 inches and Latitude: 40° 15' 06"—Longitude: 79° 38' 32"). To relocate and maintain approximately 460 feet of a UNT to Sewickley Creek (WWF) and to construct and maintain two individual 48-inch RCP culverts in a UNT to Sewickley Creek (WWF) having lengths of 160.0 feet and 75.0 feet respectively for the purpose of constructing an access roadway to the Turnpike as part of the Turnpike Improvement Project. The project is located at structure B-469 (Madison Road). The project will temporarily impact 0.12 acre of PEM wetlands.

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

E25-638A. Greater Erie Industrial Development Corporation, 5240 Knowledge Parkway, Erie, PA 16510-4658. Fairview Business Park, in Fairview Township, **Erie County**, ACOE Pittsburgh District (Swanville, PA Quadrangle N: 1.5 inches; W: 16.0 inches).

The applicant proposes to fill a total of 3.53 acres of nine nonexceptional value PEM/PFO wetlands at the Fairview Business Park-GEIDC for lot development on the former Commodore Downs property located northeast of the intersection of I-90 and SR 98 (Exit 16) (Swanville, PA Quadrangle N: 1.5 inches; W: 16.0 inches) in Fairview Township, Erie County. Project includes creation of 4.22 acres of replacement wetlands. The project proposes to directly impact 3.53 acres of wetland.

E25-701. International Paper, Uniflow Center Room D, 1525 East Lake Road, Erie, PA 16511. Scott Run Cleanup and Wetland Restoration, in Harborcreek Township, **Erie County**, ACOE Pittsburgh District (Harborcreek, PA Quadrangle N: 12.6 inches; W: 8.9 inches).

The project proposes to temporarily impact approximately 0.55 acre of PEM and PSS wetland and approximately 400 feet of the floodplain of Scott Run and to permanently impact three bodies of water of anthropogenic origin (0.13 acre total area) by voluntarily removing approximately 3,500 cubic yards of mercury containing material in Highmeyer Park (Harborcreek, PA Quadrangle N: 12.6 inches; W: 8.9 inches) in Harborcreek Township, Erie County approximately 0.5 mile SW of the intersection of SR 5 and Highmeyer Road. The project includes: 1) temporary wetland crossings to access the site during the project; 2) filling in the three bodies of water of anthropogenic origin (total 0.13 acre); 3) construction and excavation of a dewatering trench along the right bank of Scott Run; and 4) restoration of the temporarily impacted wetlands and creation of an additional 0.13 acre of PEM and PSS wetlands. The project proposes to temporarily impact 0.55 acre of PEM and PSS wetlands, permanently impact three bodies of water of anthropogenic origin (0.13 acre total) and remove 2,000 cubic yards of mercury-contaminated material from 0.82 acre within the FEMA floodplain.

E61-275. Bacou-Dalloz Fall Protection, 1345 15th Street, Franklin, PA 16323. Warehouse Expansion, in the City of Franklin, **Venango County**, ACOE Pittsburgh District (Franklin, PA Quadrangle N: 0.2 inch; W: 14.1 inches).

The applicant proposes to realign a UNT (drainage area <100 acres) to the Allegheny River for a length of

approximately 225 feet as part of the expansion of a manufacturing facility and associated service, delivery and parking areas around the facility in the City of Franklin, Venango County approximately 0.7 mile south of the intersection of SR 8 and SR 62. The UNT to the Allegheny River is classified as a WWF. The project proposes to directly impact 225 feet of stream.

SPECIAL NOTICES

Environmental Assessment; Snake Spring Township Municipal Authority, Bedford County

Southcentral Regional Office, Water Supply Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200.

Public Water Supply Permit No. 0505501. Snake Spring Township, Bedford County

Location: Snake Spring Township Municipal Authority, 624 Pennknoll Road, Everett, PA 15537.

Description: The Pennsylvania Infrastructure Investment Authority, which administers the Commonwealth's State Revolving Fund, is intended to be the funding source for this project. The Borough of Akron proposes a new water system to serve residents in the Snake Spring Township System. The system will consist of two wells and related treatment. The Department of Environmental Protection's (Department) review of the project and the information received in the Environmental Report for the project has not identified any significant, adverse environmental impact resulting from this proposal. The Department hereby approves the Environmental Assessment.

[Pa.B. Doc. No. 05-2273. Filed for public inspection December 9, 2005, 9:00 a.m.]

State Water Plan; Statewide Water Resources Committee; Critical Water Planning Area Subcommittee Meeting

The Critical Water Planning Area Subcommittee of the Act 220 State Water Plan Statewide Committee has scheduled a meeting to discuss the development of guidelines for writing Critical Area Resource Plans. The meeting will be held on December 20, 2005, at 10 a.m. in the 14th Floor Conference Room, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17105.

Questions concerning this meeting should be directed to Susan Weaver, Division of Water Use Planning, P. O. Box 8555, Harrisburg, PA 17105-8555, (717) 783-8055, suweaver@state.pa.us.

Persons with a disability who require accommodations to attend the meeting should contact the Department of Environmental Protection (Department) at (717) 705-2425 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. 05-2274. Filed for public inspection December 9, 2005, 9:00 a.m.]

DEPARTMENT OF HEALTH

Application of Butler Ambulatory Surgery Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Butler Ambulatory Surgery Center has requested an exception to the requirements of 28 Pa. Code § 551.21(d)(2) (relating to criteria for ambulatory surgery).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

The facility is requesting a waiver of the comment period, as set forth in 28 Pa. Code § 51.33(c).

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons, V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

CALVIN B. JOHNSON, M.D., M.P.H.,
Secretary

[Pa.B. Doc. No. 05-2275. Filed for public inspection December 9, 2005, 9:00 a.m.]

Application of Leader Surgical Associates, Ltd. for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Leader Surgical Associates, Ltd. has requested an exception to the requirements of 28 Pa. Code § 551.21(d)(2) (relating to criteria for ambulatory surgery).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

The facility is requesting a waiver of the comment period, as set forth in 28 Pa. Code § 51.33(c).

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons, V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

CALVIN B. JOHNSON, M.D., M.P.H.,
Secretary

[Pa.B. Doc. No. 05-2276. Filed for public inspection December 9, 2005, 9:00 a.m.]

Application of Leo R. McCafferty, M. D. Plastic Surgery Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Leo R. McCafferty, M. D. Plastic Surgery Center has requested an exception to the requirements of 28 Pa. Code § 555.31(a) (relating to principle).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

The facility is requesting a waiver of the comment period, as set forth in 28 Pa. Code § 51.33(c).

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons, V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

CALVIN B. JOHNSON, M.D., M.P.H.,
Secretary

[Pa.B. Doc. No. 05-2277. Filed for public inspection December 9, 2005, 9:00 a.m.]

Application of Southwestern Ambulatory Surgery Center, LLC for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Southwestern Ambulatory Surgery Center, LLC has requested an exception to the requirements of 28 Pa. Code § 551.21(d)(2) (relating to criteria for ambulatory surgery).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

The facility is requesting a waiver of the comment period, as set forth in 28 Pa. Code § 51.33(c).

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons, V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

CALVIN B. JOHNSON, M.D., M.P.H.,
Secretary

[Pa.B. Doc. No. 05-2278. Filed for public inspection December 9, 2005, 9:00 a.m.]

DEPARTMENT OF PUBLIC WELFARE

Medical Assistance Program Fee Schedule Procedure Code Changes for Durable Medical Equipment, Medical Supplies, Vision Supplies and Hearing Supplies; Prior Authorization Requirements

The Department of Public Welfare (Department) announces several changes to the Medical Assistance (MA) Program Fee Schedule for procedure codes for durable medical equipment, medical supplies, vision supplies and hearing supplies and the accompanying prior authorization requirements.

Fee Schedule Revisions

The Department is end-dating the following local procedure codes for durable medical equipment and medical supplies. Those local procedure codes will not be compensable for services provided after December 11, 2005.

<i>Local Procedure Code</i>	<i>Local Procedure Code</i>	<i>Local Procedure Code</i>	<i>Local Procedure Code</i>
W0202	Y9939	Z1351	Z4452
W1765	Y9953	Z1400	Z4454
W4405	Y9957	Z1401	Z4455
W4406	Y9958	Z1402	Z4456
W4407	Y9959	Z1403	Z4457
W4408	Y9964	Z1404	Z4458
W4409	Y9965	Z1406	Z4459
W4410	Y9966	Z1408	Z4491
W8697	Y9970	Z1826	Z4511
W9884	Z0043	Z2161	Z4553
Y0012	Z0053	Z2162	Z4561
Y0017	Z0241	Z2163	Z4562
Y0034	Z0242	Z3062	Z4600
Y2021	Z0243	Z3064	Z4611
Y5241	Z0244	Z3091	Z4612
Y5242	Z0246	Z3092	Z4613
Y5298	Z0247	Z3255	Z4615
Y8938	Z0248	Z3257	Z4616
Y9400	Z0249	Z3731	Z4617
Y9401	Z0250	Z4140	Z4618
Y9640	Z0281	Z4141	Z4619
Y9641	Z0334	Z4210	Z4620
Y9642	Z0460	Z4211	Z4621
Y9651	Z0461	Z4217	Z4622
Y9652	Z0521	Z4219	Z4623
Y9655	Z0522	Z4251	Z4624
Y9656	Z0523	Z4252	Z4625
Y9657	Z0524	Z4253	Z4626
Y9658	Z0527	Z4256	Z4637
Y9659	Z0530	Z4262	Z4650
Y9660	Z0531	Z4264	Z4651
Y9661	Z0532	Z4266	Z4652
Y9662	Z0533	Z4297	Z7501
Y9666	Z0534	Z4330	Z7511
Y9667	Z0536	Z4338	Z8907
Y9668	Z0555	Z4340	Z9002
Y9669	Z0600	Z4342	Z9003
Y9670	Z0625	Z4348	Z9005
Y9894	Z0935	Z4354	Z9006
Y9895	Z0936	Z4355	Z9007
Y9924	Z0950	Z4356	Z9008
Y9926	Z0977	Z4373	Z9010

<i>Local Procedure Code</i>	<i>Local Procedure Code</i>	<i>Local Procedure Code</i>	<i>Local Procedure Code</i>	<i>National Procedure Code</i>	<i>Pricing Modifier</i>	<i>Informational Modifier</i>	<i>MA Fee</i>
Y9928	Z0980	Z4374	Z9800	A4606	U7		\$ 80.00
Y9929	Z0981	Z4376	Z9801	A4617			\$ 2.40
Y9930	Z1091	Z4378	Z9805	A4618	NU		\$ 98.00
Y9932	Z1092	Z4379	Z9806	A4627			\$ 18.00
Y9933	Z1093	Z4382	Z9809	A4628			\$ 4.00
Y9934	Z1094	Z4384	Z9810	A4629			\$ 3.00
Y9935	Z1095	Z4403	Z9811	A4927			\$ 8.00
Y9938	Z1096	Z4451	Z9814	A6208			\$ 9.24
				A6501			\$150.00
				A6503			\$ 53.00
				A6504		RT, LT, 50	\$ 71.00
				A6505		RT, LT, 50	\$ 22.00
				A6506		RT, LT, 50	\$ 71.00
				A6509			\$ 83.00
				A6511			\$107.50
				A6512	U9		\$ 80.00
				A6512	U7		\$ 24.50
				A6512	U8		\$ 36.50
				A6512			\$ 7.50
				A9900			\$ 8.15
				B4164			\$ 67.00
				B4168			\$ 67.00
				B4172			\$ 67.00
				B4176			\$ 67.00
				B4178			\$ 67.00
				B4180			\$ 67.00
				B4184			\$ 67.00
				B4186			\$ 67.00
				B4189			\$ 67.00
				B4193			\$ 67.00
				B4197			\$ 67.00
				B4199			\$ 67.00
				B4216			\$ 67.00
				B5000			\$ 67.00
				B5100			\$ 67.00
				B5200			\$ 67.00
				B9998	U8		\$ 90.84
				E0144	RR		\$ 16.24
				E0144	NU		\$162.40
				E0241	U7		\$ 16.50
				E0241	U9		\$ 21.00
				E0241	NU		\$ 15.50
				E0241	U8		\$ 17.00
				E0241	U4		\$ 18.00
				E0315	NU		\$ 17.00
				E0445	RR		\$ 35.00
				E0445	NU		\$395.00
				E0602			\$ 25.00
				E0710			\$ 15.50
				E1035	NU		\$579.00
				E1060	NU		\$770.00
				E1060	RR		\$ 65.00
				E1223	NU		\$505.00
				E1223	RR		\$ 45.00
				E1224	NU		\$580.00
				E1224	RR		\$ 56.00
				E1228	NU		\$129.00
				E1231	NU		\$670.00
				E1340			\$ 6.25
				E1399	U8		\$ 49.00
				E1399	U7		\$ 20.00
				E1800	NU	RT, LT, 50	\$695.00
				K0009	NU		\$780.00
				K0014	NU		\$780.00
				K0014	U7		\$925.00
				K0108	U8		\$167.00

Except as set forth as follows, these local codes are being cross walked to either existing National codes or new National procedure codes that are being added to the MA Program Fee Schedule.

Local procedure code Z9800 is being end-dated and not cross walked to a National procedure code. Pharmacy providers can bill for this item from the Drug Reference File.

Local procedure code Y9661 is being cross walked to National procedure code E0935. National procedure code E0935 can only be used for the rental of the passive motion exercise device. Therefore, effective with dates of service December 12, 2005, the Department will only allow for the rental, not the purchase, of this durable medical equipment item.

Local procedure code W0202 is being cross walked to National procedure code E0445. The local procedure code only allowed for the rental of the pulse oximeter. With advances in medical technology, the purchase price for a pulse oximeter has decreased over the years since the local procedure code was added to the MA Program Fee Schedule, making it more cost effective for the Department to pay for the purchase of a pulse oximeter rather than paying for continuous rental. For this reason, the Department is adding a purchase fee for E0445 to the MA Program Fee Schedule and reducing the fee for rental.

Effective with dates of service December 12, 2005, the Department is adding the following new National procedure codes and modifiers to the MA Program Fee Schedule.

<i>National Procedure Code</i>	<i>Pricing Modifier</i>	<i>Informational Modifier</i>	<i>MA Fee</i>
A4206			\$ 0.29
A4207			\$ 0.29
A4208			\$ 0.29
A4209			\$ 0.29
A4213			\$ 0.29
A4213	U8		\$ 0.88
A4215			\$ 0.18
A4221			\$ 18.12
A4222			\$ 28.00
A4335	U8		\$ 0.75
A4335			\$ 0.10
A4335	U7		\$ 0.50
A4353	U7		\$ 5.40
A4362			\$ 0.56
A4365			\$ 1.50
A4402			\$ 0.90
A4421			\$ 1.20
A4554			\$ 0.19
A4580			\$ 28.00
A4580	U7		\$ 39.00
A4580	U8		\$ 55.00
A4606			\$ 30.00

<i>National Procedure Code</i>	<i>Pricing Modifier</i>	<i>Informational Modifier</i>	<i>MA Fee</i>
K0108	UB		\$ 70.00
K0108	U9		\$200.00
K0108	NU		\$250.00
K0108	U7		\$160.00
L1200			\$790.00
L3060		RT, LT, 50	\$ 55.00
L3201		RT, LT, 50	\$ 19.50
L3202		RT, LT, 50	\$ 19.50
L3203		RT, LT, 50	\$ 19.50
L3204		RT, LT, 50	\$ 19.50
L3206		RT, LT, 50	\$ 19.50
L3207		RT, LT, 50	\$ 19.50
L3215			\$ 39.00
L3216			\$ 39.00
L3217			\$ 39.00
L3219			\$ 39.00
L3221			\$ 39.00
L3222			\$ 39.00
L3224		RT, LT, 50	\$ 19.50
L3225		RT, LT, 50	\$ 19.50
L3230			\$ 39.00
L3250		RT, LT, 50	\$ 19.50
L7520			\$ 7.50
L8190			\$ 53.50
L8200			\$ 53.50
L8210		RT, LT, 50	\$ 79.00
L8500			\$225.00
L8501			\$ 75.00
S8189	U7		\$ 6.00
S8189	U8		\$ 14.00
S8424		RT, LT, 50	\$ 24.50
S8428		RT, LT, 50	\$ 6.00
S8490			\$ 0.19
S8999			\$ 40.00
S8999	NU		\$225.00
V2521		VP, RT, LT, 50	\$ 90.00
V2522		VP, RT, LT, 50	\$ 90.00
V2523		VP, RT, LT, 50	\$ 90.00
V5014			\$ 45.00
V5160			\$225.00
V5265			\$ 15.00
V5266			\$ 1.25

Medical Assistance Bulletins will be issued to providers of durable medical equipment, medical supplies, vision supplies and hearing supplies that include a cross walk of all the local procedure codes that are being end-dated, the National procedure codes and modifiers, as applicable, that are replacing them and any specific prior authorization requirements.

Prior Authorization Requirements

As set forth as follows, the following National procedure codes require prior authorization for dates of service on or after December 12, 2005. In some instances, and as noted as follows, these prior authorization requirements are for items, services or procedures that did not previously require prior authorization.

In some instances durable medical equipment, medical supplies, vision supplies and hearing supplies did not previously require prior authorization. Section 443.6(a) of the Public Welfare Code (code) (62 P. S. § 443.6(a)), regarding reimbursement for certain medical assistance items and services, sets forth that in order to receive payment for items or services in subsection (b), the

provider must secure authorization prior to actually providing the items or services. As noted as follows, effective for dates of service on or after December 12, 2005, the National procedure code requires prior authorization.

The following National procedure codes are for prostheses and orthoses and are therefore subject to prior authorization under section 443.6(b)(1) of the code as amended by the act of July 7, 2005 (P. L. 177 No. 42):

L0100 Cranial orthosis (helmet), with or without soft interface, molded to patient model.

Note: This National procedure code did not previously require prior authorization.

L0110 Cranial orthosis (helmet), with or without soft-interface, nonmolded.

Note: This National procedure code did not previously require prior authorization.

L0976 LSO, full corset.

Note: This National procedure code did not previously require prior authorization.

L1200 Thoracic-lumbar-sacral-orthosis (tlo), inclusive of furnishing initial orthosis only.

L1810 RT, LT, 50 Knee orthosis, elastic with joints, prefabricated, includes fitting and adjustment.

Note: This National procedure code did not previously require prior authorization.

L8190 Gradient compression stocking, waist length, 18-30 mmhg, each.

L8195 Gradient compression stocking, waist length, 30-40 mmhg, each.

Note: This National procedure code did not previously require prior authorization.

L8200 Gradient compression stocking, waist length, 40-50 mmhg, each.

L8210 RT, LT, 50 Gradient compression stocking, custom made.

L8500 Artificial larynx, any type.

Note: The local code that L8500 is replacing did not require prior authorization. The National procedure code L8500 requires prior authorization.

L8501 Tracheostomy speaking valve.

V5242 RT, LT, 50 Hearing aid, analog, monaural hearing aid, CIC (completely in the ear canal).

Note: The local procedure code that V5242 is replacing did not require prior authorization. The National procedure code V5242 requires prior authorization.

V5243 RT, LT, 50 Hearing aid, analog, monaural hearing aid, ITC (in the canal).

Note: The local procedure code that V5243 is replacing did not require prior authorization. The National procedure code V5243 requires prior authorization.

V5248 Hearing aid, analog, binaural, CIC (completely in the ear canal).

Note: The local procedure code that V5248 is replacing did not require prior authorization. The National procedure code V5248 requires prior authorization.

V5249 Hearing aid, analog, binaural, ITC (in the canal).

Note: The local procedure code that V5249 is replacing did not require prior authorization. The National procedure code V5249 requires prior authorization.

The following National procedure codes for appliances or equipment require prior authorization under section 443.6(b)(2) of the code either because the item costs more than \$600 or because the item costs \$600 or less and the Department has determined to require prior authorization:

E0144 NU Walker, enclosed, 4 sided frame, rigid or folding wheeled, with posterior seat.

E1035 NU Multi-positional patient transfer system with integrated seat operated by caregiver.

E1060 NU Fully reclining wheelchair; detachable arms, desk or full length, swingaway detachable, elevating legrests.

E1223 NU Wheelchair with detachable arms and foot rests.

E1224 NU Wheelchair with detachable arms, elevating leg rests.

E1228 NU Special back height for wheelchair.

E1231 NU Wheelchair, pediatric size, tilt-n-space, rigid, adjustable with seating system.

E1250 NU Lightweight wheelchair; fixed full-length arms, swingaway detachable footrests.

Note: This National procedure code did not previously require prior authorization.

E1270 NU Lightweight wheelchair; fixed full-length arms, swingaway detachable, elevating legrests.

Note: This National procedure code did not previously require prior authorization.

E1298 NU Special wheelchair seat depth and/or width, by construction.

Note: This National procedure code did not previously require prior authorization.

E1800 NU Dynamic adjustable elbow extension/flexion device, includes soft interface material.

K0009 NU Other manual wheelchair/base.

K0014 NU Other motorized power wheelchair base.

K0108 NU Wheelchair component or accessory, not otherwise specified.

The following National procedure codes are for oxygen and related equipment and are subject to prior authorization, as set forth in section 443.6(b)(4) of the code:

E0424 RR Stationary compressed gaseous oxygen system, rental; includes container, contents, regulator, flowmeter, humidifier, nebulizer, cannula or mask and tubing.

Note: This National procedure code did not previously require prior authorization.

E0439 RR Stationary liquid oxygen system, rental; includes container, contents, regulator, flow meter, humidifier, nebulizer, cannula or mask and tubing.

Note: This National procedure code did not previously require prior authorization.

E0445 NU Oximeter device for measuring blood oxygen levels noninvasively.

E1390 RR Oxygen concentrator, single delivery port, capable of delivering 85% or greater oxygen concentration at the prescribed flow rate.

Note: This National procedure code did not previously require prior authorization.

S8999 NU Resuscitation bag (for use by patient on artificial respiration during power failure or other catastrophic event).

The following National procedure codes are for orthopedic shoes or other supportive devices for the feet and are therefore subject to prior authorization under section 443.6(b)(6) of the code:

L3060 RT, LT, 50 Foot, arch support, removable, premolded, longitudinal/ metatarsal, each.

L3140 Foot, abduction rotation bar, including shoes.

Note: This National procedure code did not previously require prior authorization.

L3201 RT, LT, 50 Orthopedic shoe, oxford with supinator or pronator, infant.

L3202 RT, LT, 50 Orthopedic shoe, oxford with supinator or pronator, child.

L3203 RT, LT, 50 Orthopedic shoe, oxford with supinator or pronator, junior.

L3204 RT, LT, 50 Orthopedic shoe, hightop with supinator or pronator, infant.

L3206 RT, LT, 50 Orthopedic shoe, hightop with supinator or pronator, child.

L3207 RT, LT, 50 Orthopedic shoe, hightop with supinator or pronator, junior.

L3215 Orthopedic footwear, ladies shoes, oxford.

L3216 Orthopedic footwear, ladies shoes, depth inlay.

L3217 Orthopedic footwear, ladies shoes, hightop, depth inlay.

L3219 Orthopedic footwear, mens shoes, oxford.

L3221 Orthopedic footwear, mens shoes, depth inlay.

L3222 Orthopedic footwear, mens shoes, hightop, depth inlay.

L3224 RT, LT, 50 Orthopedic footwear, women's shoe, oxford, used as an integral part of a brace (orthosis).

L3225 RT, LT, 50 Orthopedic footwear, men's shoe, oxford, used as an integral part of a brace (orthosis).

L3230 Orthopedic footwear, custom shoes, depth inlay.

L3250 RT, LT, 50 Orthopedic footwear, custom molded shoe, removable inner mold, prosthetic shoe, each.

The following National procedure code is subject to prior authorization as authorized in section 443.6(b)(7) of the code:

V5160 Dispensing fee, bilateral.

Services rendered on or after December 12, 2005, must be billed using the National procedure code and modifiers, if applicable.

Fiscal Impact

The conversion from local to National procedure codes is anticipated to be budget neutral and, therefore, these changes will have no fiscal impact.

Public Comment

Interested persons are invited to submit written comments regarding this notice to the Department of Public Welfare, Office of Medical Assistance Programs, c/o Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120. Comments received within 30 days will be reviewed and considered for any subsequent revisions of the notice.

Persons with a disability who require an auxiliary aid or service may submit comments using the AT&T Relay Services at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

ESTELLE B. RICHMAN,
Secretary

Fiscal Note: 14-NOT-453. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 05-2279. Filed for public inspection December 9, 2005, 9:00 a.m.]

Medical Assistance Program Fee Schedule Procedure Code Changes for Family Planning Clinic Services

The Department of Public Welfare (Department) announces several changes to the Medical Assistance (MA) Program Fee Schedule for family planning clinic services.

Fee Schedule Revisions

Effective with dates of service on or after November 1, 2005, local procedure codes W1851, W6003, W9181, W9182, W9183, W9184, W9185, X5746, X5831, Z4561, Z9983, Z9984, Z9985, Z9997 and Z9999 are being end-dated. Except as set forth as follows, these local procedure codes are being replaced with National procedure codes.

MA enrolled Medical Directors with fee assignments to family planning clinics may bill from the Drug Reference File using the 10-digit National Drug Codes for drugs or supplies associated with the following end-dated local procedure codes: W1851, X5831 Z4561, Z9994, Z9985, Z9997 and Z9999.

Local procedure code W9181 defined as "Family Planning Clinic Visit, Comprehensive Visit" is being unbundled. Under the local procedure code, all services performed during the visit including hemoglobin and pregnancy laboratory testing, papanicolaou smear, urine dipstick and contraceptive dispensing were included in the payment. The National procedure code provides payment for the visit and not any additional services, drugs or supplies provided during the visit. The fee for the National procedure code is \$20 per visit.

Local procedure code W9182 defined as "Family Planning Clinic Visit, Problem Visit" is being unbundled. Under the local procedure code, all services performed during the visit including contraceptive dispensing were included in the payment. The National procedure code provides payment for the visit and not any additional services, drugs or supplies provided during the visit. The fee for the National procedure code is \$20.

Local procedure code W9184 defined as "Family Planning Clinic Visit, Routine Revisit" is being unbundled. Under the local procedure code, all services performed during the visit including pregnancy laboratory testing, papanicolaou smear, urine dipstick and contraceptive dispensing were included in the payment. The National procedure code provides payment for the visit and not any additional services, drugs or supplies provided during the visit. The fee for the National procedure code is \$20.

Local procedure code X5831 defined as "Implantation of Contraceptives, Including Device (for example, Norplant)" is being unbundled. Family planning clinics will bill the cross walked National procedure code at the MA Fee

Schedule fee of \$100 rather than the \$500 fee associated with the local procedure code. The National procedure code only includes payment for the surgical procedure to implant the contraceptive device.

Local procedure code W9185 defined as "Women's Medical Service—Title XX" should not be on the MA Program Fee Schedule as it is not a Title XIX service. Local procedure code X9185 is being end-dated and not cross walked to a National procedure code.

Local procedure code Z9983 defined as "Progestasert Intrauterine Device (IUD)" is being end-dated and not cross walked to a National procedure code as the Progestasert IUD is no longer manufactured.

The Department consulted with the Family Planning Councils prior to making these changes.

A Medical Assistance Bulletin will be issued to family planning clinics setting forth the local procedure codes that are being end-dated and, if applicable, the National procedure codes that are replacing them.

Services rendered on or before October 31, 2005, must be billed using the local procedure code. Services rendered on or after November 1, 2005, must be billed using the National procedure code or billed from the Drug Reference File.

Fiscal Impact

The conversion from local to National procedure codes is anticipated to be budget neutral; therefore, these changes will have no fiscal impact.

Public Comment

Interested persons are invited to submit written comments regarding this notice to the Department of Public Welfare, Office of Medical Assistance Programs, c/o Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120. Comments received within 30 days will be reviewed and considered in subsequent revisions to this notice.

Persons with a disability who require auxiliary aid or service may submit comments using the AT&T Relay Services at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

ESTELLE B. RICHMAN,
Secretary

Fiscal Note: 14-NOT-447. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 05-2280. Filed for public inspection December 9, 2005, 9:00 a.m.]

Medical Assistance Program Fee Schedule Procedure Code Changes for Laboratory Services

The Department of Public Welfare (Department) announces several changes to the Medical Assistance (MA) Program Fee Schedule for laboratory services.

Fee Schedule Revisions

The Department is end-dating local procedure codes for laboratory services. Local procedure codes Z0832, Z2100, Z2101, Z2102, Z2103, Z2105, Z2106, Z8227, Z8294, Z8309, Z8503, Z8555, Z8556, Z8557, Z8604, Z8627, Z8631, Z8636, Z8637, Z8704, Z8708, Z8712 and Z8713 were end-dated effective with dates of service on or after December 1, 2005.

Effective with dates of service on or after December 1, 2005, the Department added the following National procedure codes to the MA Program Fee Schedule to replace the following specific local procedure codes that were end-dated:

<i>National Procedure Code</i>	<i>Applicable Pricing Modifier</i>	<i>MA Fee for the National Procedure Code</i>	<i>End-Dated Local Procedure Code</i>
80100		\$10.00	Z2105
80100	U7	\$15.00	Z2106
80101		\$ 3.00	Z2105
81025		\$ 4.00	Z0832
82055		\$12.00	Z2101
82055		\$12.00	Z2102

Services rendered on or after December 1, 2005, must be billed using the National procedure code.

Local procedure codes Z8020, Z8374 and Z8391 are being end-dated effective with dates of service on or after December 12, 2005.

Effective with dates of service December 12, 2005, the Department is adding the following National procedure codes to the MA Program Fee Schedule to replace the following specific local procedure codes that are being end-dated:

<i>National Procedure Code</i>	<i>Applicable Pricing Modifier</i>	<i>MA Fee for the National Procedure Code</i>	<i>End-Dated Local Procedure Code</i>
87391		\$10.50	Z8020
80299		\$15.30	Z8374
80299		\$15.30	Z8391

Services rendered on or after December 12, 2005, must be billed using the National procedure code.

A Medical Assistance Bulletin has been issued to providers of laboratory services that includes a crosswalk of all of the local procedure codes that are being end-dated and the National procedure codes that are replacing them.

Fiscal Impact

The conversion from local to National procedure codes is anticipated to be budget neutral; therefore, these changes will have no fiscal impact.

Public Comment

Interested persons are invited to submit written comments regarding this notice to the Department of Public Welfare, Office of Medical Assistance Programs, c/o Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120. Comments received within 30 days will be reviewed and considered for any subsequent revision of the notice.

Persons with a disability who require an auxiliary aid or service may submit comments using the AT&T Relay Services at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

ESTELLE B. RICHMAN,
Secretary

Fiscal Note: 14-NOT-452. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 05-2281. Filed for public inspection December 9, 2005, 9:00 a.m.]

Payments to Nursing Facilities; Proposed Rates for State Fiscal Year 2005-2006

The Department of Public Welfare (Department) intends to make changes in the payment rates for Medical Assistance (MA) nursing facility providers for State Fiscal Year 2005-2006 (FY 05-06).

Under the Department's case-mix payment methodology, the Department establishes a new case-mix per diem payment rate for each MA nursing facility provider once for each fiscal year. Each provider's annual case-mix per diem rate is comprised of four cost components: resident care; other resident related; administrative; and capital. For each quarter of the fiscal year, the Department adjusts the resident care cost component of each provider's rate by multiplying the resident care cost component by the provider's MA Case Mix Index for the appropriate picture date as follows: July 1 rate—February 1 picture date; October 1 rate—May 1 picture date; January 1 rate—August 1 picture date; and April 1 rate—November 1 picture date. See 55 Pa. Code § 1187.96 (relating to price and rate setting computations). The Department pays the provider for nursing facility services provided to MA recipients during that quarter using the provider's adjusted quarterly per diem rate.

The Department has calculated new annual case-mix per diem payment rates for FY 05-06 for MA nursing facility providers. The methodology that the Department used to set the proposed rates is contained in 55 Pa. Code Chapter 1187, Subchapter G (relating to rate setting), as amended at 35 Pa.B. 6232 (November 12, 2005).

The proposed FY 05-06 annual per diem rates are available on the Office of Medical Assistance Programs' (OMAP) website at www.dpw.state.pa.us/omap. The proposed FY 05-06 annual per diem rates are also available at local county assistance offices throughout this Commonwealth or by contacting Tom Jayson, Policy Unit, Bureau of Long Term Care Programs, (717) 705-3705.

The Department has also calculated the adjusted quarterly rate for the October 2005 quarter for each MA nursing facility provider. The adjusted quarterly rates are also available on OMAP's website, at local county assistance offices and from Tom Jayson.

The database that the Department used to calculate the rates is available on the OMAP's website. Since some of the audited cost reports in the database relate to fiscal periods beginning prior to January 1, 2001, the Department revised the audited costs in the database as specified in 55 Pa. Code § 1187.91(1)(iv)(D) (relating to database) to disregard certain audit adjustments disallowing minor movable property or linen costs. The criteria that the Department used to make these revisions are available on the OMAP's website or by contacting Tom Jayson.

Fiscal Impact

The change in payment rates, effective July 1, 2005, and the quarterly case-mix adjustments are estimated to cost the Department \$34.061 million (\$15.413 million in State funds) in FY 05-06.

Public Comment

Interested persons are invited to submit written comments regarding the proposed FY 05-06 rates to the Department of Public Welfare, Bureau of Long Term Care Programs, Attention: Gail Weidman, P. O. Box 2675, Harrisburg, PA 17105. Comments received within 30 days

will be reviewed and considered for any subsequent revision of the notice.

Persons with a disability who require an auxiliary aid or service may submit comments using the AT&T Relay Services at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

ESTELLE B. RICHMAN,
Secretary

Fiscal Note: 14-NOT-451. (1) General Fund; (2) Implementing Year 2005-06 is \$15.413 million; (3) 1st Succeeding Year 2006-07 is \$16.815 million; 2nd Succeeding Year 2007-08 is \$16.815 million; 3rd Succeeding Year 2008-09 is \$16.815 million; 4th Succeeding Year 2009-10 is \$16.815 million; 5th Succeeding Year 2010-11 is \$16.815 million; (4) 2004-05 Program—\$983.936 million; 2003-04 Program—\$836.317 million; 2002-03 Program—\$777.084 million; (7) Medical Assistance, Long-Term Care; (8) recommends adoption. Funds have been included in the Department's budget to cover this increase.

[Pa.B. Doc. No. 05-2282. Filed for public inspection December 9, 2005, 9:00 a.m.]

DEPARTMENT OF REVENUE

[Correction]

Pennsylvania Royal 7's '05 Instant Lottery Game

An error occurred in paragraph (8) of the document which appeared at 35 Pa.B. 6596, 6600 (December 3, 2005). The correct version is as follows:

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amount of prizes and approximate odds of winning:

<i>Win With Prize(s) of:</i>	<i>Win:</i>	<i>Approximate Odds of 1 In.:</i>	<i>Approximate No. of Winners Per 5,880,000 Tickets</i>
\$5	\$5	9.84	597,800
\$7	\$7	300	19,600
\$7 (FAST CASH BONUS)	\$7	21.43	274,400
\$5 × 2	\$10	85.71	68,600
\$10	\$10	300	19,600
\$10 (FAST CASH BONUS)	\$10	600	9,800
\$5 × 3	\$15	600	9,800
\$10 + \$5	\$15	600	9,800
\$15	\$15	600	9,800
\$15 (FAST CASH BONUS)	\$15	300	19,600
\$10 + \$7	\$17	300	19,600
\$17 (FAST CASH BONUS)	\$17	46.15	127,400
\$17	\$17	120	49,000
\$5 × 4	\$20	200	29,400
\$10 × 2	\$20	300	19,600
\$20	\$20	300	19,600
\$20 (FAST CASH BONUS)	\$20	200	29,400
\$17 (FAST CASH BONUS)	\$77	200	29,400
+ \$20 × 3			
\$27 + \$10 × 5	\$77	300	19,600
\$77	\$77	300	19,600
\$77 (FAST CASH BONUS)	\$77	200	29,400
\$17 (FAST CASH BONUS)	\$117	12,000	490
+ \$20 × 5			
\$10 × 4 + \$77	\$117	12,000	490
\$20 × 2 + \$77	\$117	12,000	490
\$117	\$117	12,000	490
\$117 (FAST CASH BONUS)	\$117	12,000	490
\$777	\$777	120,000	49

<i>Win With Prize(s) of:</i>	<i>Win:</i>	<i>Approximate Odds of 1 In.:</i>	<i>Approximate No. of Winners Per 5,880,000 Tickets</i>
\$7,777	\$7,777	420,000	14
\$77,777	\$77,777	840,000	7

Game 1 & Game 3—Get 2 “7” symbols, win prize shown.

Game 2—When any of “YOUR SYMBOLS” match the “LUCKY SYMBOL” win prize shown under the matching symbol.

Game 4—Get 3 like amounts, win that prize.

Game 5—Get 3 “7” symbols in a row, column, or diagonal, win prize shown.

Game 6 (FAST CASH BONUS)—Reveal prize amount between \$7 and \$117 and win that prize.

Game 7—When any of “YOUR NUMBERS” match the “WINNING NUMBER,” win prize shown under the matching number.

Prizes, including top prizes, are subject to availability at the time of purchase.

[Pa.B. Doc. No. 05-2237. Filed for public inspection December 2, 2005, 9:00 a.m.]

Rates of Tax on Aviation Gasoline and Jet Fuel for 2006; Oil Company Franchise Tax Rate for 2006; Alternative Fuels Tax Rates for 2006

Aviation Gasoline and Jet Fuels

Under 74 Pa.C.S. § 6121(b) (relating to tax on aviation fuels), the Secretary of Revenue (Secretary) announces that for calendar year 2006 the rate of tax on aviation gasoline and all other liquid fuels used or sold and delivered by distributors within this Commonwealth for use as fuel in propeller-driven piston engine aircraft or aircraft engines changes from the current rate of 4.7¢ to 5.3¢¹ per gallon or fractional part thereof.

Under 74 Pa.C.S. § 6131(b) (relating to tax on jet fuels), the Secretary announces that for calendar year 2006 the rate of tax on jet fuels used or sold and delivered by distributors within this Commonwealth for use as fuel in turbine-propeller jet, turbojet and jet-driven aircraft and aircraft engines remains at the current rate of 2.0¢ per gallon or fractional part thereof.

The rate of tax on aviation gasoline is adjusted annually beginning on January 1, 1985, and each January 1 thereafter. The rate of tax on jet fuels is adjusted annually beginning on January 1, 1986, and each January 1 thereafter. Under 74 Pa.C.S. §§ 6121(b) and 6131(b) the rate of each tax increases or decreases 0.1¢ per gallon for each 10% increase or decrease in the producer price index for jet fuel as determined by the United States Department of Labor, Bureau of Labor Statistics, for the most recent 12-month period available as of November 1, subject to a maximum rate of 6.0¢ per gallon for aviation gasoline and 2.0¢ per gallon for jet fuels.

On November 1, 2005, the most recently available 12-month period was September 2004 to September 2005, as reported in Bureau of Labor Statistics, United States Department of Labor, Producer Price Indexes, September 2005, USDL 05-1975, released October 18, 2005, for which the percentage change was +69.7%. Accordingly, the aviation gasoline tax rate increases 0.6¢ per gallon; however the jet fuel tax rate is unchanged as the current rate of 2.0¢ per gallon is the maximum statutory tax rate.

¹ The rate of 5.3¢ per gallon consists of the 1.5¢ per gallon tax imposed by the Liquid Fuels and Fuels Tax Act, 75 Pa.C.S. § 9004(c)(1), and the 3.8¢ per gallon additional tax imposed by 74 Pa.C.S. § 6121(a). As limited by 74 Pa.C.S. § 6121(b), the combined rate of these two component taxes may never exceed 6¢ per gallon or be less than 3¢ per gallon.

Oil Company Franchise Tax

The Secretary announces that for the calendar year 2006 the rate of the oil company franchise tax changes from the current rate of 18.0¢ per gallon to 19.2¢ per gallon on all liquid fuels and from 24.4¢ per gallon to 26.1¢ per gallon on all fuels used or sold and delivered by distributors within this Commonwealth under 75 Pa.C.S. § 9004(b) (relating to imposition of tax, exemptions and deductions).

The rate of the oil company franchise tax imposed under 75 Pa.C.S. Chapter 95 (relating to taxes for highway maintenance and construction), 75 Pa.C.S. § 9502 (relating to imposition of tax) and collected under 75 Pa.C.S. Chapter 90 (relating to liquid fuels and fuels tax), 75 Pa.C.S. § 9004(b), is determined annually by the Department of Revenue (Department) and announced by each December 15 for the following calendar year. The tax rate is determined on a “cents per gallon equivalent basis,” which is defined by 75 Pa.C.S. § 9002 (relating to definitions) as:

The average wholesale price per gallon multiplied by the decimal equivalent of any tax imposed by section 9502 (relating to imposition of tax), the product of which is rounded to the next highest tenth of a cent per gallon. The rate of tax shall be determined by the Department of Revenue on an annual basis beginning every January 1 and shall be published as a notice in the *Pennsylvania Bulletin* no later than the preceding December 15. In the event of a change in the rate of tax imposed by section 9502, the Department shall redetermine the rate of tax as of the effective date of such change and give notice as soon as possible.

“Average wholesale price” as used previously is defined as:

The average wholesale price per gallon of all taxable liquid fuels and fuels, excluding the federal excise tax and all liquid fuels taxes, as determined by the Department of Revenue for the 12-month period ending on the September 30 immediately prior to January 1 of the year for which the rate is to be set. In no case shall the average wholesale price be less than 90¢ nor more than \$1.25 per gallon.

For the 12-month period ending September 30, 2005, the Department has determined that the average wholesale price of liquid fuels and fuels was \$1.61 per gallon, which exceeds the statutory maximum of \$1.25; therefore, an average wholesale price of \$1.25 is used to compute the tax rate for 2006.

The oil company franchise tax imposed under 75 Pa.C.S. § 9502 in terms of mills applicable to each gallon is:

<i>Imposition Section</i>	<i>Liquid Fuels</i>	<i>Fuels</i>
75 Pa.C.S. § 9502(a)(1)	60.0	60.0
75 Pa.C.S. § 9502(a)(2)	55.0	55.0
75 Pa.C.S. § 9502(a)(3)	38.5	38.5
75 Pa.C.S. § 9502(a)(4)	00.0	55.0
Total Mills per Gallon:	153.5	208.5
Decimal Equivalent:	.1535	.2085
Multiply by Average Wholesale Price:	× \$1.25	× \$1.25
Product:	19.188¢	26.063¢
Oil Company Franchise Tax per Gallon (Rounded Up to Next Highest Tenth):	19.2¢	26.1¢

The act of April 17, 1997 (P. L. 6, No. 3) provides that the oil company franchise tax as computed previously is collected at the same time as the liquid fuels and fuels tax of 12¢ per gallon; therefore, effective January 1, 2006, the combined rate of tax for liquid fuels (primarily gasoline) is 31.2¢ per gallon and for fuels (primarily undyed diesel fuel) is 38.1¢ per gallon.

Alternative Fuels Tax Rates for 2006

Under 75 Pa.C.S. § 9004(d) the Secretary is required to compute the rate of tax applicable to each alternative fuel on a gallon-equivalent-basis. Under 75 Pa.C.S. § 9002 "gallon-equivalent-basis" is defined as the "amount of any alternative fuel as determined by the Department to contain 114,500 BTUs." The amount determined on a "gallon-equivalent-basis" for each alternative fuel is subject to the liquid fuels and oil company franchise taxes currently imposed on 1 gallon of gasoline. The rate of tax on one gallon of gasoline during the period of this notice is .12¢ liquid fuels tax and .192¢ oil company franchise tax for a total tax of .312¢ per gallon of gasoline.

The Secretary announces that the 2006 tax rates for alternative fuels are as follows:

<i>Alternative Fuel</i>	<i>Rate of Conversion (Btu/gal of alternative fuel)</i>	<i>Amount Equivalent to One Gallon of Gasoline @ 114,500 Btu per gallon</i>	<i>Tax Rate per Gallon of Alternative Fuel</i>
Ethanol	76,400	1.499	\$.208
Methanol	56,560	2.024	\$.154
Propane/LPG	83,500	1.371	\$.228
E-85	80,460	1.423	\$.219
M-85	65,350	1.752	\$.178
Compressed Natural Gas (CNG)	29,000 @ 3,000 PSI	3.948	\$.079
Liquefied Natural Gas (LNG)	66,640	1.718	\$.182

<i>Alternative Fuel</i>	<i>Rate of Conversion (Btu/gal of alternative fuel)</i>	<i>Amount Equivalent to One Gallon of Gasoline @ 114,500 Btu per gallon</i>	<i>Tax Rate per Gallon of Alternative Fuel</i>
Electricity	3,412 Btu/KWH	33.558 KWH	\$.0093 /KWH

GREGORY C. FAJT,
Secretary

[Pa.B. Doc. No. 05-2283. Filed for public inspection December 9, 2005, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Transfer of Roads in the City of Erie

The Department of Transportation, Bureau of Municipal Services, under the provisions of the act of July 5, 2005 (P. L. 67, No. 26), approved by the Governor July 5, 2005, effective September 3, 2005, gives notice that the City Council of the City of Erie, by Resolution No. 124-291-A, adopted July 20, 2005, approved and authorized the transfer of SR 4018, in the City of Erie, Erie County, for a distance of 31,283 feet or 5.925 miles to the City of Erie and the transfer of that portion of Bayfront Parkway, in the City of Erie, Erie County, beginning at the existing Lincoln Avenue heading in an easterly direction to Sixth Street, for a distance of 21,124 feet or 4.00 miles to the Commonwealth.

Further, this transfer shall be certified to the Office of Recorder of Deeds of Erie County.

ALLEN D. BIEHLER, P. E.,
Secretary

[Pa.B. Doc. No. 05-2284. Filed for public inspection December 9, 2005, 9:00 a.m.]

FISH AND BOAT COMMISSION

Proposed Special Regulation Redesignation

The Fish and Boat Commission (Commission) has approved guidelines with regard to encouraging public participation on possible changes to the designation of streams, stream sections or lakes for special regulation programs. Under 58 Pa. Code Chapter 65 (relating to special fishing regulations), the Commission designates certain streams, stream sections and lakes as being subject to special fishing regulations. These designations are effective after Commission approval when they are posted at the site and a notice is published in the *Pennsylvania Bulletin*. Under the Commission's guidelines, a notice concerning the proposed designation or redesignation of a stream, stream section or lake under special regulations ordinarily will be published in the *Pennsylvania Bulletin* before the matter is reviewed by the Commissioners.

At the next Commission meeting on January 23 and 24, 2006, the Commission will consider removing the following stream section from the list of Delayed Harvest Artificial Lures Only (DHALO) areas regulated and managed under 58 Pa. Code § 65.6 (relating to delayed harvest artificial lures only areas), effective upon publication of a notice in the *Pennsylvania Bulletin*:

County	Water on which located	Description
Dauphin	Powell Creek	From the upper bridge on Back Road (T-551) downstream to the confluence of an unnamed tributary along Taylor School Road (T-358), a distance of 2.5 miles

The reason is that the landowner on the lower mile of this section has decided to withdraw from the program, and the remaining portion of the DHALO area has very poor access. The Commission therefore proposes to remove the entire DHALO area from the program.

At this time, the Commission is soliciting public input concerning the previously described redesignation. Persons with comments, objections or suggestions concerning the redesignation are invited to submit comments in writing to Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000 within 30 days after publication of this notice 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. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt. Electronic comments submitted in any other manner will not be accepted.

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

[Pa.B. Doc. No. 05-2285. Filed for public inspection December 9, 2005, 9:00 a.m.]

2006 Changes to List of Class A Wild Trout Waters

The Fish and Boat Commission (Commission) is considering changes to its list of Class A Wild Trout Streams. Under 58 Pa. Code § 57.8a (relating to Class A wild trout streams), it is the Commission's policy to manage self-sustaining Class A wild trout populations as a renewable natural resource to conserve that resource and the angling it provides. Class A wild trout populations represent the best of this Commonwealth's naturally reproducing trout fisheries. The Commission manages these stream sections solely for the perpetuation of the wild trout fishery with no stocking.

Criteria developed for Class A Wild Trout fisheries are species specific. Wild Trout Abundance Class Criteria include provisions for:

(i) Wild Brook Trout Fisheries

(A) Total brook trout biomass of at least 30 kg/ha (26.7 lbs/acre).

(B) Total biomass of brook trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lb/acre).

(C) Brook trout biomass must comprise at least 75% of the total trout biomass.

(ii) Wild Brown Trout Fisheries

(A) Total brown trout biomass of at least 40 kg/ha (35.6 lbs/acre).

(B) Total biomass of brown trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lb/acre).

(C) Brown trout biomass must comprise at least 75% of the total trout biomass.

(iii) Mixed Wild Brook and Brown Trout Fisheries

(A) Combined brook and brown trout biomass of at least 40 kg/ha (35.6 lbs/acre).

(B) Total biomass of brook trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lb/acre).

(C) Total biomass of brown trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lb/acre).

(D) Brook trout biomass must comprise less than 75% of the total trout biomass.

(E) Brown trout biomass must comprise less than 75% of the total trout biomass.

(iv) Wild Rainbow Trout Fisheries

Total biomass of rainbow trout less than 15 cm (5.9 inches) in total length of at least 2.0 kg/ha (1.78 lbs/acre).

For a water to be removed from the Class A Wild Trout Streams designation, total trout biomass must be documented below the set criteria for two consecutive stream examinations.

At its meeting on January 23 and 24, 2006, the Commission intends to consider additions to its list of Class A Wild Trout Streams. The Commission will not consider the removal of any streams from the list at that time.

Persons with comments, objections or suggestions concerning the additions are invited to submit comments in writing to the Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000 within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Comments also may be submitted electronically by completing the form at 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. Electronic comments submitted in any other manner will not be accepted.

Additions

The Commission will consider adding the following waters to the current list of Class A Wild Trout Waters:

<i>County</i>	<i>Stream</i>	<i>Limits</i>	<i>Length</i>
Blair	Halter Creek	From the confluence of Plum Creek downstream to the mouth	2.2 miles
Blair	Plum Creek	From the SR 0164 bridge downstream to the mouth	3.4 miles
Clinton	Baldwin Branch	From source to the mouth	3.0 miles
Columbia	Mill Creek	From headwaters to the mouth	3.2 miles
Columbia	Mugser Run	From the headwaters downstream to T-315	3.6 miles
Cumberland	Letort Spring Run	From Post Road Bridge downstream to the mouth at Conodoguinet Creek	3.0 miles
Elk/Clearfield	Mountain Lick Creek	From source downstream to 100 meters upstream of Boy Scout Pond	1.5 miles
Luzerne	Lewis Creek	From the headwaters to mouth	2.1 miles
Potter	Big Spring Branch	From headwaters to the mouth	3.6 miles
Potter/Cameron	Berge Run	From source to the mouth	3.6 miles
Potter/Clinton	Lebo Run	From headwaters to the mouth	5.7 miles
Schuylkill	Unnamed tributary to Bear Creek	From the headwaters to the mouth	2.6 miles
Tioga	Rock Run	From the source to an unnamed tributary that enters the stream 2.12 miles upstream of the mouth	1.2 miles

Removals

None

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

[Pa.B. Doc. No. 05-2286. Filed for public inspection December 9, 2005, 9:00 a.m.]

**INDEPENDENT
REGULATORY REVIEW
COMMISSION**

Notice of Filing of Final Rulemakings

The Independent Regulatory Review Commission (Commission) received the following regulations on the dates indicated. To obtain the date and time of the meeting at which the Commission will consider these regulations, contact the Commission at (717) 783-5417 or visit its website at www.irrc.state.pa.us. To obtain a copy of a regulation, contact the promulgating agency.

<i>Final-Form Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>
7-393	Environmental Quality Board Hazardous Waste Management System; Proposed Exclusion for Identification and Listing Hazardous Waste	11/23/05
16A-608	State Board of Vehicle Manufacturers, Dealers and Salespersons Protest Proceedings	11/28/05
16A-5121	State Board of Nursing Temporary Practice Permits	11/28/05

<i>Final-Form Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>
16A-4917	State Board of Medicine Licensure of Medical Doctors	11/28/05
16A-5410	State Board of Pharmacy Technology and Automation	11/28/05

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 05-2287. Filed for public inspection December 9, 2005, 9:00 a.m.]

INSURANCE DEPARTMENT

Educators Mutual Life Insurance Company; Plan of Conversion Public Informational Hearing Rescheduled

The Insurance Department (Department) published a notice at 35 Pa.B. 6059 (October 29, 2005) announcing a December 14, 2005, date for the public informational hearing regarding the proposed Plan of Conversion (Plan) submitted by Educators Mutual Life Insurance Company (Educators Mutual), a Pennsylvania domiciled mutual life insurance company.

The hearing has been rescheduled to January 20, 2006. Policyholders and interested persons are invited to attend and participate in the hearing. Individuals may attend the hearing without any obligation to speak at the hearing.

1. *Date and Time:* January 20, 2006, at 9 a.m.
2. *Location:* Capitol Associates Building, 901 North 7th Street, Room 200, Harrisburg, PA 17102.
3. *Nature of Hearing:* The public informational hearing will provide an opportunity for policyholders and interested persons to present comments relevant to the proposed Plan. The proceeding will be recorded and a transcript may be purchased directly from the court reporter.
4. *Legal Authority:* The public informational hearing will be held under the provisions of the Insurance Company Mutual-to-Stock Conversion Act (40 P. S. § 911-A—929-A).
5. *ADA Notice:* Individuals who require the assistance of auxiliary aids or services to participate in or attend this public informational hearing should contact the Director of the Bureau of Administration at (717) 787-4298. Hearing impaired persons should call the Department's TTY/TDD telephone number, (717) 783-3898.
6. *Written Comments:* Persons unable to attend the public informational hearing or persons who prefer to submit written comments instead of speaking at the hearing should submit comments to Robert E. Brackbill, Jr., Chief, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, Fax (717) 787-8557, rbrackbill@state.pa.us. Comments received will be part of the public record regarding this filing.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 05-2288. Filed for public inspection December 9, 2005, 9:00 a.m.]

Erie Insurance Exchange; Private Passenger Automobile Rate and Rule Revisions; Rate Filing

On November 22, 2005, the Insurance Department (Department) received from Erie Insurance Exchange a filing for a rate level change for private passenger automobile insurance.

The company requests an overall 0.0% change amounting to \$175,000 annually, to be effective April 1, 2006.

Unless formal administrative action is taken prior to January 21, 2006, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Department's website at www.ins.state.pa.us. To access the filing, under "Quick Links" click on "Rate Filings Published in the PA Bulletin."

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 Michael P. McKenney, Insurance Department, Insurance Product Regulation and

Market Enforcement, 1311 Strawberry Square, Harrisburg, PA 17120, mmckenney@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 05-2289. Filed for public inspection December 9, 2005, 9:00 a.m.]

Liberty Mutual Fire Insurance Company; Private Passenger Auto Insurance Rate Revision; Rate Filing

On November 22, 2005, the Insurance Department (Department) received from Liberty Mutual Fire Insurance Company a filing for a proposed rate level change for private passenger auto insurance.

The company requests an overall 4.3% increase amounting to \$5,653,000 annually, to be effective February 13, 2006, for new business and March 20, 2006, for renewal business.

Unless formal administrative action is taken prior to January 21, 2006, 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. Under the Quick Links section, click on the link "Rate Filings Published in the PA Bulletin."

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 within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 05-2290. Filed for public inspection December 9, 2005, 9:00 a.m.]

Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insureds have requested a hearing as authorized by the act of June 17, 1998 (P. L. 464, No. 68) (Act 68) in connection with the termination of the insureds' automobile policies. The hearings will be held in accordance with the requirements of Act 68, 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure) and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearings will be held in the Insurance Department's regional offices in Harrisburg and Philadelphia, PA. Failure by an appellant to appear at a scheduled hearing may result in dismissal with prejudice.

The following hearings will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 N. Seventh Street, Harrisburg, PA 17102.

Appeal of Anthony Sapone; file no. 05-130-08651; Leader Insurance Company; doc. no. P05-10-028; December 20, 2005, 1 p.m.

Appeal of Daniel A. and Dorthie D. Willis; file no. 05-119-08913; Geico Insurance Company; doc. no. P05-11-017; January 10, 2006, 2 p.m.

Appeal of Frederick G. W. and Rebecca Hopkins; file no. 05-130-08078; Erie Insurance Exchange; doc. no. P05-11-007; January 12, 2006, 2 p.m.

The following hearings will be held in the Philadelphia Regional Office, Room 1701, State Office Building, 1400 Spring Garden Street, Philadelphia, PA 19130.

Appeal of Adrienne Nave; file no. 05-130-06401; Capitol Insurance Company; doc. no. P05-10-005; January 19, 2006, 10 a.m.

Appeal of Christopher E. and Megan B. Homoney; file no. 05-265-03546; Erie Insurance Exchange; doc. no. PH05-11-005; January 19, 2006, 11 a.m.

Appeal of Louis Roper; file no. 05-266-03386; AAA Mid-Atlantic Insurance Company; doc. no. PH05-11-008; January 19, 2006, 1 p.m.

Appeal of Peter R. and Karen M. Swartz; file no. 05-265-03325; Liberty Mutual Insurance Group; doc. no. PH05-11-016; January 19, 2006, 2 p.m.

Appeal of Syvella DuBose; file no. 05-265-03442; American International Insurance Company; doc. no. PH05-11-015; January 19, 2006, 3 p.m.

Appeal of Shawn V. Sauls; file no. 05-210-03274; Travelers Insurance Company; doc. no. PI05-11-021; January 19, 2006, 4 p.m.

Appeal of Morris and Judy Jutcovich; file no. 05-266-03428; Chubb Indemnity Insurance Company; doc. no. PI05-11-022; January 20, 2006, 9 a.m.

Parties may appear with or without counsel and offer relevant testimony or evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Insurance Commissioner (Commissioner) may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending. Reimbursement is available only when the insured is successful on appeal and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The

Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend an administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Kathryn Culbertson, Agency Coordinator, (717) 705-4194.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 05-2291. Filed for public inspection December 9, 2005, 9:00 a.m.]

Review Procedure Hearings under the Unfair Insurance Practices Act

The following insureds have requested a hearing as authorized by section 8 of the Unfair Insurance Practices Act (40 P. S. § 1171.8) in connection with their company's termination of the insureds' policy. The administrative hearings will be held in the Insurance Department's regional offices in Harrisburg, PA. Failure by an appellant to appear at a scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 N. Seventh Street, Harrisburg, PA 17102.

Appeal of Russell and Elizabeth Weaver; file no. 05-130-05677; Erie Insurance Exchange; doc. no. P05-10-029; January 25, 2006, 1 p.m.

Each party may appear with or without counsel and offer relevant testimony and/or other relevant evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Commissioner may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending. Reimbursement is available only when the insured is successful on appeal and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insurance must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Insurance Commissioner (Commissioner) will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend an administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Kathryn Culbertson, Agency Coordinator, (717) 705-4194.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 05-2292. Filed for public inspection December 9, 2005, 9:00 a.m.]

Betty W. Yeung; Prehearing

License Denial; Doc. No. AG05-10-022

The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) and 31 Pa. Code Chapter 56 (relating to special rules of administrative practice and procedure).

A prehearing telephone conference initiated by this office is scheduled for December 13, 2005. Each party shall provide the Hearings Administrator a telephone number to be used for the telephone conference on or before December 8, 2005. A date for a hearing shall be determined, if necessary, at the prehearing/settlement conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before November 29, 2005, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any, shall be filed on or before December 6, 2005.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 05-2293. Filed for public inspection December 9, 2005, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority application for the right to render service as a common carrier or contract carrier in this Commonwealth has 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 January 3, 2006. Documents filed in support of applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

Application of the following for the approval of the right and privilege to *discontinue/abandon* operating as *common carriers* by motor vehicle and for cancellation of the certificate of public convenience as described under the application.

A-00120401. George R. Trostle (103 Good Road, New Providence, Lancaster County PA 17560)—certificate of public convenience to abandon/discontinue the right to transport as a common carrier by motor vehicle; persons in paratransit service, between points in the County of Lancaster and from points in said county to points in Pennsylvania, and return; limited to the transportation of persons whose personal convictions prevent them from owning or operating motor vehicles, which is held at A-00120401.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 05-2294. Filed for public inspection December 9, 2005, 9:00 a.m.]

Transfer by Sale

A-230123F2001. Greater Hazleton Community Area New Development Organization, Inc. t/a CAN DO, Inc. Application of Greater Hazleton Community Area New Development Organization, Inc. t/a CAN DO, Inc. for approval of: 1) the abandonment or discontinuance of wastewater service by CAN DO, Inc. to the McAdoo Industrial Park; and 2) for the transfer, by sale, of the wastewater system assets, properties and rights of CAN DO, Inc. in the McAdoo Industrial Park to the Banks Township Municipal Authority.

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 27, 2005. 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: Greater Hazleton Community Area New Development Organization, Inc. t/a CAN DO, Inc.

Through and By Counsel: Michael D. Klein, Esquire, LeBoeuf, Lamb, Greene and MacRae, LLP, 200 North Third Street, Suite 300, Harrisburg, PA 17108-2105

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 05-2295. Filed for public inspection December 9, 2005, 9:00 a.m.]

Wastewater Service

A-230123F0003. Greater Hazleton Community Area New Development Organization, Inc. t/a CAN DO, Inc. Application of Greater Hazleton Community Area New Development Organization, Inc. t/a CAN DO, Inc. for approval to begin to offer, render, furnish or supply wastewater service to the public in an additional portion of the Humboldt Industrial Park in Hazle Township, Luzerne County and East Union Township, Schuylkill County.

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 27, 2005. 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: Greater Hazleton Community Area New Development Organization, Inc. t/a CAN DO, Inc.

Through and By Counsel: Michael D. Klein, Esquire, LeBoeuf, Lamb, Greene and MacRae, LLP, 200 North Third Street, Suite 300, Harrisburg, PA 17108-2105

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 05-2296. Filed for public inspection December 9, 2005, 9:00 a.m.]

Water Service

A-211135F0003. Greater Hazleton Community Area New Development Organization, Inc. t/a CAN DO, Inc. Application of Greater Hazleton Community Area New Development Organization, Inc. t/a CAN DO, Inc. for approval to begin to offer, render, furnish or supply water service to the public in an additional portion of the Humboldt Industrial Park in Hazle Township, Luzerne County and East Union Township, Schuylkill County.

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 27, 2005. 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: Greater Hazleton Community Area New Development Organization, Inc. t/a CAN DO, Inc.

Through and By Counsel: Michael D. Klein, Esquire, LeBoeuf, Lamb, Greene and MacRae, LLP, 200 North Third Street, Suite 300, Harrisburg, PA 17108-2105

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 05-2297. Filed for public inspection December 9, 2005, 9:00 a.m.]

SECURITIES COMMISSION

Accredited Investor Exemption

An error occurred in a notice which appeared at 35 Pa.B. 4692 (August 13, 2005).

The correct version of the notice is as follows:

The Securities Commission staff has issued a Release regarding the Accredited Investor Exemption. Contact the Division of Corporation Finance at (717) 787-8059 for copies or questions.

JEANNE S. PARSONS,
Secretary

[Pa.B. Doc. No. 05-2298. Filed for public inspection December 10, 2005, 9:00 a.m.]

STATE BOARD OF COSMETOLOGY

Bureau of Professional and Occupational Affairs v. Cuong Ho t/d/b/a Kathy's Nail; Doc. No. 2062-45-04

On October 4, 2005, Cuong Ho t/d/b/a Kathy's Nail, license no. CY104573L, of Chester, Delaware County, was assessed a civil penalty of \$500 in addition to the previously imposed civil penalty of \$500 for a total civil penalty of \$1,000 based on findings the respondent violated a lawful disciplinary order of the State Board of Cosmetology (Board) by failing to pay a civil penalty.

Individuals may obtain a copy of the adjudication by writing to Ruth D. Dunnewold, Senior Deputy Chief Counsel, State Board of Cosmetology, P. O. Box 2649, Harrisburg, PA 17105-2649.

This adjudication and order represent the final Board decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of the petition for review. The Board contact for receiving service of appeals is the previously named Board counsel.

SUSAN E. RINEER,
Chairperson

[Pa.B. Doc. No. 05-2299. Filed for public inspection December 9, 2005, 9:00 a.m.]

**Bureau of Professional and Occupational Affairs v.
Stephanie Sharper; Doc. No. 1183-45-05**

On August 23, 2005, Stephanie Sharper, license no. CO-199389-L, of Philadelphia, Philadelphia County, was suspended under the Order of the Court of Common Pleas of Philadelphia County dated August 10, 2005, which the Court issued under section 4355 of the Domestic Relations Code.

Individuals may obtain a copy of the adjudication by writing to Ruth D. Dunnewold, Senior Deputy Chief Counsel, State Board of Cosmetology, P. O. Box 2649, Harrisburg, PA 17105-2649.

This adjudication and order represent the final State Board of Cosmetology (Board) decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of the petition for review. The Board contact for receiving service of appeals is the previously named Board counsel.

SUSAN E. RINEER,
Chairperson

[Pa.B. Doc. No. 05-2300. Filed for public inspection December 9, 2005, 9:00 a.m.]

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

**Bureau of Professional and Occupational Affairs v.
Gregory McCauley; Doc. No. 0896-60-05**

On July 7, 2005, Gregory McCauley, license no. MV192617L, of McKees Rocks, Allegheny County, was suspended under the Order of the Court of Common Pleas of Allegheny County dated March 18, 2005, which the Court issued under section 4355 of the Domestic Relations Code.

Individuals may obtain a copy of the adjudication by writing to Ruth D. Dunnewold, Senior Deputy Chief Counsel, P. O. Box 2649, Harrisburg, PA 17105-2649.

This adjudication and order represent the final State Board of Vehicle Manufacturers, Dealers and Salespersons (Board) decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of the petition for review. The Board contact for receiving service of appeals is the previously named Board counsel.

EDWIN K. GALBREATH, Jr.,
Chairperson

[Pa.B. Doc. No. 05-2301. Filed for public inspection December 9, 2005, 9:00 a.m.]

STATE CONTRACTS INFORMATION

DEPARTMENT OF GENERAL SERVICES

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". The penalties apply to invoices for goods or services when payments are not made by the required payment date or within a 15 day grace period thereafter.

Act 1984-196 redefined a "qualified small business concern" as any independently owned and operated, for-profit business concern employing 100 or fewer employees. See 4 Pa. Code § 2.32. The business must include the following statement on every invoice submitted to the Commonwealth: "(name of business) is a qualified small business concern as defined in 4 Pa. Code 2.32."

A business is eligible for payments when the required payment is the latest of:

The payment date specified in the contract.

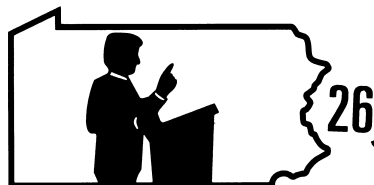
30 days after the later of the receipt of a proper invoice or receipt of goods or services.

The net payment date stated on the business' invoice.

A 15-day grace period after the required payment date is provided to the Commonwealth by the Act.

For more information: contact: Small Business Resource Center
PA Department of Community and Economic Development
374 Forum Building
Harrisburg, PA 17120
800-280-3801 or (717) 783-5700

Reader's Guide



Legal Services & Consultation

① Service Code Identification Number

② Commodity/Supply or Contract Identification No.

B-54137. Consultant to provide three 2-day training sessions, covering the principles, concepts, and techniques of performance appraisal and standard setting with emphasis on performance and accountability, with a knowledge of State Government constraints.

Department: General Services
Location: Harrisburg, Pa.
Duration: 12/1/93-12/30/93
Contact: Procurement Division 787-0000

③ Contract Information

④ Department

⑤ Location

⑥ Duration

⑦

(For Commodities: Contact:
Vendor Services Section
717-787-2199 or 717-787-4705

REQUIRED DATA DESCRIPTIONS

- ① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.
- ② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.
- ③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.
- ④ Department: State Department or Agency initiating request for advertisement.
- ⑤ Location: Area where contract performance will be executed.
- ⑥ Duration: Time estimate for performance and/or execution of contract.
- ⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.

(For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

DO BUSINESS WITH STATE AGENCIES

The Treasury Department's Bureau of Contracts and Public Records can help you do business with state government agencies. The bureau is, by law, the central repository for all state contracts over \$5,000. Contract Specialists can supply you with descriptions of contracts, names of previous bidders, pricing breakdowns and other information. They can also direct you to the appropriate person and agency looking for your product or service. Copies of state contracts are also available. (Duplicating and mailing costs may apply). For more information, visit us online at www.patreasury.org.

Contact: **Bureau of Contracts and Public Records**
 Pennsylvania Treasury Department
 201 Finance Building
 Harrisburg, PA 17120
 Phone: (717) 787-2990 or 1-800-252-4700
 Fax: (717) 772-0977

ROBERT P. CASEY, Jr.,
State Treasurer

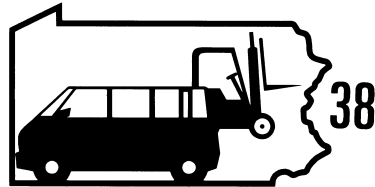
SERVICES



Janitorial Services

CN00017893 To provide janitorial services for the PA Department of Transportation District Office building and the Parkwood Annex building. Work to be done in accordance with specifications provided with the bid.

Department: Transportation
Location: PA Dept. of Transportation, Engineering Dist. 5-0, 1713 Lehigh St., Allentown, PA 18103; PA Dept. of Transportation, Parkwood Annex Building, 2460 Parkwood Drive, Allentown, PA 18103
Duration: One year from effective date with three (3) one year renewals
Contact: Michael McKinnon, 610-798-4125



Vehicle, Heavy Equipment and Powered Machinery Services

B0000529 Provide Millersville University with (1) pre-owned box truck. Must have auto transmission, cab over engine, 4' dock height that is at least 14' in length, and lift gate.

Department: State System of Higher Education
Location: Millersville University, Millersville, PA 17551
Duration: N/A
Contact: Anna Stauffer, 717-872-3041

[Pa.B. Doc. No. 05-2302. Filed for public inspection December 9, 2005, 9:00 a.m.]

DESCRIPTION OF LEGEND

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| <p>1 Advertising, Public Relations, Promotional Materials</p> <p>2 Agricultural Services, Livestock, Equipment, Supplies & Repairs: Farming Equipment Rental & Repair, Crop Harvesting & Dusting, Animal Feed, etc.</p> <p>3 Auctioneer Services</p> <p>4 Audio/Video, Telecommunications Services, Equipment Rental & Repair</p> <p>5 Barber/Cosmetology Services & Equipment</p> <p>6 Cartography Services</p> <p>7 Child Care</p> <p>8 Computer Related Services & Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p>9 Construction & Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p>10 Court Reporting & Stenography Services</p> <p>11 Demolition—Structural Only</p> <p>12 Drafting & Design Services</p> <p>13 Elevator Maintenance</p> <p>14 Engineering Services & Consultation: Geologic, Civil, Mechanical, Electrical, Solar & Surveying</p> <p>15 Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core & Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p>16 Extermination Services</p> <p>17 Financial & Insurance Consulting & Services</p> <p>18 Firefighting Services</p> <p>19 Food</p> <p>20 Fuel Related Services, Equipment & Maintenance to Include Weighing Station Equipment, Underground & Above Storage Tanks</p> <p>21 Hazardous Material Services: Abatement, Disposal, Removal, Transportation & Consultation</p> | <p>22 Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental & Repair</p> <p>23 Janitorial Services & Supply Rental: Interior</p> <p>24 Laboratory Services, Maintenance & Consulting</p> <p>25 Laundry/Dry Cleaning & Linen/Uniform Rental</p> <p>26 Legal Services & Consultation</p> <p>27 Lodging/Meeting Facilities</p> <p>28 Mailing Services</p> <p>29 Medical Services, Equipment Rental and Repairs & Consultation</p> <p>30 Moving Services</p> <p>31 Personnel, Temporary</p> <p>32 Photography Services (includes aerial)</p> <p>33 Property Maintenance & Renovation—Interior & Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning & Planting, etc.)</p> <p>34 Railroad/Airline Related Services, Equipment & Repair</p> <p>35 Real Estate Services—Appraisals & Rentals</p> <p>36 Sanitation—Non-Hazardous Removal, Disposal & Transportation (Includes Chemical Toilets)</p> <p>37 Security Services & Equipment—Armed Guards, Investigative Services & Security Systems</p> <p>38 Vehicle, Heavy Equipment & Powered Machinery Services, Maintenance, Rental, Repair & Renovation (Includes ADA Improvements)</p> <p>39 Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
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JAMES P. CREEDON,
Secretary

