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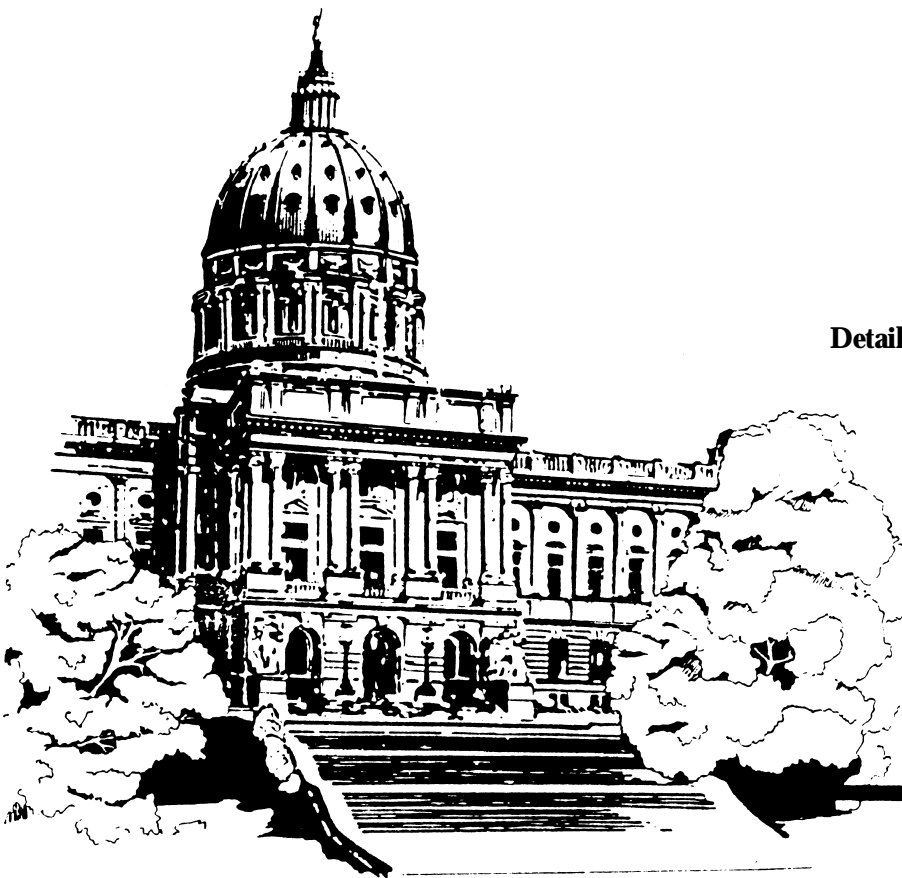
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# PENNSYLVANIA BULLETIN

Volume 34  
Saturday, March 20, 2004 • Harrisburg, Pa.  
Number 12  
Pages 1539—1662

**Agencies in this issue:**

The Courts  
Department of Aging  
Department of Banking  
Department of Environmental Protection  
Department of General Services  
Department of Health  
Department of Public Welfare  
Department of Revenue  
Environmental Hearing Board  
Environmental Quality Board  
Fish and Boat Commission  
Independent Regulatory Review Commission  
Insurance Department  
Legislative Reference Bureau  
Milk Marketing Board  
Pennsylvania Public Utility Commission  
State Board of Barber Examiners  
State Employees' Retirement Board  
**Detailed list of contents appears inside.**



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(Master Transmittal Sheet):**

**No. 352, March 2004**

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

## ***Pennsylvania Bulletin***

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

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

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

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

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

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

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

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

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

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

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

## ***Pennsylvania Code***

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

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

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

## **How to Find Documents**

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

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

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

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### Printing Format

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

### Fiscal Notes

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

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

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# List of Pa. Code Chapters Affected

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

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# THE COURTS

## Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

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

#### Amendment of Rules 208(f) and 214(d) of the Pennsylvania Rules of Disciplinary Enforcement; No. 26 Disciplinary Rules; Doc. No. 1

##### Order

*Per Curiam:*

*And Now*, this 5th day of March, 2004, Rules 208(f) and 214(d) of the Pennsylvania Rules of Disciplinary Enforcement are amended to read as follows.

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

##### Annex A

### TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

#### PART V. PROFESSIONAL ETHICS AND CONDUCT

##### Subpart B. DISCIPLINARY ENFORCEMENT

#### CHAPTER 83. PENNSYLVANIA RULES OF DISCIPLINARY ENFORCEMENT

##### Subchapter B. MISCONDUCT

#### Rule 208. Procedure.

\* \* \* \* \*

(f) *Emergency temporary suspension orders and related relief.*

\* \* \* \* \*

(4) The respondent-attorney may at any time petition the Court for dissolution or amendment of an order of temporary suspension. A copy of the petition shall be served upon Disciplinary Counsel **and the Secretary of the Board**. A hearing on the petition **before a member of the Board designated by the Chair of the Board** shall be held within ten **business** days [before a member of the Board designated by the Chairman of the Board] after service of the petition on the **Secretary of the Board**. The designated Board member shall hear the petition and submit a transcript of the hearing and a recommendation to the Court within five **business** days after the conclusion of the hearing. Upon receipt of the recommendation of the designated Board member and the record relating thereto, the Court shall dissolve or modify its order, if appropriate.

\* \* \* \* \*

#### Rule 214. Attorneys convicted of crimes.

\* \* \* \* \*

(d)(1) Upon the filing with the Supreme Court of a certified copy of an order demonstrating that an attorney

has been convicted of a serious crime, the Court may enter a rule directing the respondent-attorney to show cause why the respondent-attorney should not be placed on temporary suspension, which rule shall be returnable within ten days.

\* \* \* \* \*

(4) The respondent-attorney may at any time petition the Court for dissolution or amendment of an order of temporary suspension. A copy of the petition shall be served upon Disciplinary Counsel **and the Secretary of the Board**. A hearing on the petition **before a member of the Board designated by the Chair of the Board** shall be held within ten **business** days [before a member of the Board designated by the Chairman of the Board] after service of the petition on the **Secretary of the Board**. The designated Board member shall hear the petition and submit a transcript of the hearing and a recommendation to the Court within five **business** days after the conclusion of the hearing. Upon receipt of the recommendation of the designated Board member and the record relating thereto, the Court shall dissolve or modify its order, if appropriate.

\* \* \* \* \*

[Pa.B. Doc. No. 04-467. Filed for public inspection March 19, 2004, 9:00 a.m.]

## Title 234—RULES OF CRIMINAL PROCEDURE

[234 PA. CODE CHS. 1, 4, 5, 7 AND 9]

Order Rescinding Rules 113, 574, and 577; Promulgating New Rules 113, 116, and 577; Amending Rules 103, 114, 142, 456, 535, 536, 571, 572, 573, 575, 576, 579, 581, 587, 720, 903, and 906; and Approving the Revision of the Comments to Rules 451 and 721; No. 303 Criminal Procedural Rules; Doc. No. 2

The Criminal Procedural Rules Committee has prepared a Final Report explaining the changes to the Rules of Criminal Procedure governing motions and answers, and orders and court notices in criminal cases that were adopted on March 3, 2004, effective July 1, 2004. These rule changes, which are the culmination of several years of work by the Committee undertaken to address the problems caused by the proliferation of local rules and the lack of uniformity in procedures in the important area of motions practice in criminal cases that have hindered the statewide practice of law, clarify the procedures in criminal cases governing motions, answers, orders, and court notices, achieve greater statewide uniformity in criminal motions practice, and eliminate the local rules and practices governing motions practice that are hampering the statewide practice of law. The Final Report follows the Court's Order.

##### Order

*Per Curiam:*

*Now*, this 3rd day of March, 2004, upon the recommendation of the Criminal Procedural Rules Committee; the

proposal having been published before adoption at 28 Pa.B. 5869 (December 5, 1998) and 31 Pa.B. 6784 (December 15, 2001), and in the *Atlantic Reporter* (Second Series Advance Sheets, Vols. 720 and 785), and a Final Report to be published with this *Order*:

*It Is Ordered* pursuant to Article V, Section 10 of the Constitution of Pennsylvania that:

(1) Rules of Criminal Procedure 113, 574, and 577 are hereby rescinded;

(2) new Rules of Criminal Procedure 113, 116, and 577 are hereby promulgated;

(3) Rules of Criminal Procedure 103, 114, 142, 456, 535, 536, 571, 572, 573, 575, 576, 579, 581, 587, 720, 903, and 906 are hereby amended; and

(4) the revisions of the Comments to Rules of Criminal Procedure 451 and 721 are hereby approved

all in the following form.

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

**Annex A**

**TITLE 234. RULES OF CRIMINAL PROCEDURE  
CHAPTER 1. SCOPE OF RULES, CONSTRUCTION  
AND DEFINITIONS, LOCAL RULES**

**PART A. Business of the Courts**

**Rule 103. Definitions.**

The following words and phrases, when used in any Rule of Criminal Procedure, shall have the following meanings:

\* \* \* \* \*

**CARRIER SERVICE** includes, but is not limited to, delivery by companies such as Federal Express or United Parcel Service, or a local courier service, and courthouse interoffice mail. The courthouse interoffice mail is a method of delivery used in some judicial districts for transmittal of documents between offices in the courthouse, and between the courthouse and other county facilities, including the county jail facility.

**CLERK OF COURTS** is that official, without regard to that person's title, in each judicial district who, pursuant to 42 §§ 2756 and 2757, has the responsibility and function [ under state or local law ] to maintain the official criminal [ court ] case file and [ docket, without regard to that person's official title ] list of docket entries, and to perform such other duties as required by rule or law.

\* \* \* \* \*

**COURT ADMINISTRATOR** is that official in each judicial district who has the responsibility for case management and such other responsibilities as provided by the court.

\* \* \* \* \*

**MOTION** includes any challenge, petition, application, or other form of request for an order or relief.

\* \* \* \* \*

*Official Note:* Previous Rules 3 and 212 adopted June 30, 1964, effective January 1, 1965, suspended January 31, 1970, effective May 1, 1970; present Rule 3 adopted January 31, 1970, effective May 1, 1970; amended June 8, 1973, effective July 1, 1973; amended February 15, 1974,

effective immediately; amended June 30, 1977, effective September 1, 1977; amended January 4, 1979, effective January 9, 1979; amended July 12, 1985, effective January 1, 1986; January 1, 1986 effective date extended to July 1, 1986; amended August 12, 1993, effective September 1, 1993; amended February 27, 1995, effective July 1, 1995; amended September 13, 1995, effective January 1, 1996. The January 1, 1996 effective date extended to April 1, 1996; the April 1, 1996 effective date extended to July 1, 1996; renumbered Rule 103 and Comment revised March 1, 2000, effective April 1, 2001; amended May 10, 2002, effective September 1, 2002; **amended March 3, 2004, effective July 1, 2004.**

*Committee Explanatory Reports:*

\* \* \* \* \*

**Final Report explaining the March 3, 2004 amendments defining carrier service, clerk of courts, court administrator, and motion published with the Court's Order at 34 Pa.B. 1561 (March 20, 2004).**

**Rule 113. [ Notice of Court Proceeding(s) Requiring Defendant's Presence ] (Rescinded).**

[ Notice of a court proceeding requiring a defendant's presence shall be either:

(1) in writing and served by

(a) personal delivery to the defendant or defendant's attorney; or

(b) leaving a copy for or mailing a copy to the defendant's attorney at the attorney's office; or

(c) sending a copy to the defendant by certified, registered, or first class mail addressed to the defendant's place of residence, business, or confinement; or

(2) given to the defendant orally in open court on the record.

**Comment**

Some judicial districts use a document called a "subpoena" to give a defendant notice of required court appearances. Nothing in this rule is intended to change this practice.

See Rule 577 for the procedures for serving all written motions and any document for which filing is required.

See Rule 451 for the procedures for service in summary cases. ]

*Official Note:* Former Rule 9024 adopted October 21, 1983, effective January 1, 1984; amended March 22, 1993, effective as to cases in which the determination of guilt occurs on or after January 1, 1994; renumbered Rule 9025 June 2, 1994, effective September 1, 1994. New Rule 9024 adopted June 2, 1994, effective September 1, 1994; renumbered Rule 113 and amended March 1, 2000, effective April 1, 2001; **rescinded March 3, 2004 and replaced by Rule 114(C), effective July 1, 2004.**

*Committee Explanatory Reports:*

\* \* \* \* \*

**Final Report explaining the March 3, 2004 rescission of the rule published with the Court's Order at 34 Pa.B. 1561 (March 20, 2004).**

**Rule 113. Criminal Case File and Docket Entries.**

(A) The clerk of courts shall maintain the criminal case file for the court of common pleas. The criminal case file

shall contain all original records, papers, and orders filed in the case, and copies of all court notices. These records, papers, orders, and copies shall not be taken from the custody of the clerk or court without order of the court. Upon request, the clerk shall provide copies at reasonable cost.

(B) The clerk of courts shall maintain a list of docket entries: a chronological list, in electronic or written form, of documents and entries in the criminal case file and of all proceedings in the case.

(C) The docket entries shall include at a minimum the following information:

- (1) the defendant's name;
- (2) the names and addresses of all attorneys who have appeared or entered an appearance, the date of the entry of appearance, and the date of any withdrawal of appearance;
- (3) notations concerning all papers filed with the clerk, including all court notices, appearances, pleas, motions, orders, verdicts, findings and judgments, and sentencing, briefly showing the nature and title, if any, of each paper filed, writ issued, plea entered, and motion made, and the substance of each order or judgment of the court and of the returns showing execution of process;
- (4) notations concerning motions made orally or orders issued orally in the courtroom when directed by the court;
- (5) a notation of every judicial proceeding, continuance, and disposition;
- (6) the location of exhibits made part of the record during the proceedings; and
- (7) all other information required by Rules 114 and 576.

#### Comment

This rule sets forth the mandatory contents of the list of docket entries and the criminal case files. This is not intended to be an exhaustive list of what is required to be recorded in the docket entries. The judicial districts may require additional information be recorded in a case or in all cases.

The list of docket entries is a running record of all information related to any action in a criminal case in the court of common pleas of the clerk's county, such as dates of filings, of orders, and of court proceedings. The clerk of courts is required to make docket entries at the time the information is made known to the clerk, and the practice in some counties of creating the list of docket entries only if an appeal is taken is inconsistent with this rule.

Nothing in this rule is intended to preclude the use of automated or other electronic means for time stamping or making docket entries.

This rule applies to all proceedings in the court of common pleas at any stage of a criminal case.

The requirement in paragraph (C)(2) that all attorneys and their addresses be recorded makes certain there is a record of all attorneys who have appeared for any litigant in the case. The requirement also ensures that attorneys are served as required in Rules 114 and 576. See also Rule 576(B)(4) concerning certificates of service.

In those cases in which the attorney has authorized receiving service by facsimile transmission or electronic means, the docket entry required in paragraph (C)(2) must include the facsimile number or electronic address.

Paragraph (C)(4) recognizes that occasionally disposition of oral motions presented in open court should be reflected in the docket, such as motions and orders related to omnibus pretrial motions (Rule 578), motions for a mistrial (Rule 605), motions for changes in bail (Rule 529), and oral motions for extraordinary relief (Rule 704(B)).

**Official Note:** Former Rule 9024 adopted October 21, 1983, effective January 1, 1984; amended March 22, 1993, effective as to cases in which the determination of guilt occurs on or after January 1, 1994; renumbered Rule 9025 June 2, 1994, effective September 1, 1994. New Rule 9024 adopted June 2, 1994, effective September 1, 1994; renumbered Rule 113 and amended March 1, 2000, effective April 1, 2001; rescinded March 3, 2004 and replaced by Rule 114(C), effective July 1, 2004. New Rule 113 adopted March 3, 2004, effective July 1, 2004.

*Committee Explanatory Reports:*

Final Report explaining the provisions of the new rule published with the Court's Order at 34 Pa.B. 1561 (March 20, 2004).

#### Rule 114. [ Notice and Docketing of Orders ] Orders and Court Notices: Filing; Service; and Docket Entries.

**[ Upon receipt of an order from a judge, the clerk of courts shall immediately docket the order and record in the docket the date it was made. The clerk shall forthwith furnish a copy of the order, by mail or personal delivery, to each party or attorney, and shall record in the docket the time and manner thereof. ]**

##### (A) Filing

**(1) All orders and court notices promptly shall be transmitted to the clerk of courts' office for filing. Upon receipt in the clerk of courts' office, the order or court notice promptly shall be time stamped with the date of receipt.**

**(2) All orders and court notices promptly shall be placed in the criminal case file.**

##### (B) Service

**(1) A copy of any order or court notice promptly shall be served on each party's attorney, or the party if unrepresented.**

**(2) The clerk of courts shall serve the order or court notice, unless the president judge has promulgated a local rule designating service to be by the court or court administrator.**

##### (3) Methods of Service

**Service shall be:**

**(a) in writing by**

**(i) personal delivery to the party's attorney or, if unrepresented, the party; or**

**(ii) personal delivery to the party's attorney's employee at the attorney's office; or**

**(iii) mailing a copy to the party's attorney or leaving a copy for the attorney at the attorney's office; or**

**(iv) in those judicial districts that maintain in the courthouse assigned boxes for counsel to receive service, when counsel has agreed to receive service by this method, leaving a copy for the**

party's attorney in the box in the courthouse assigned to the attorney for service; or

(v) sending a copy to an unrepresented party by certified, registered, or first class mail addressed to the party's place of residence, business, or confinement; or

(vi) sending a copy by facsimile transmission or other electronic means if the party's attorney, or the party if unrepresented, has filed a written request for this method of service or has included a facsimile number or an electronic address on a prior legal paper filed in the case; or

(vii) delivery to the party's attorney, or the party if unrepresented, by carrier service; or

(b) orally in open court on the record.

(C) Docket Entries

(1) Docket entries promptly shall be made.

(2) The docket entries shall contain:

(a) the date of receipt in the clerk's office of the order or court notice;

(b) the date appearing on the order or court notice; and

(c) the date and manner of service of the order or court notice.

(D) Unified Practice

Any local rule that is inconsistent with the provisions of this rule is prohibited, including any local rule requiring a party to file or serve orders or court notices.

#### Comment

[The rule makes it clear that the notice and recording procedures are mandatory and may not be modified by local rule.]

This rule was amended in 2004 to provide in one rule the procedures for the filing and service of all orders and court notices, and for making docket entries of the date of receipt, date appearing on the order or notice, and the date and manner of service. This rule incorporates the provisions of former Rule 113 (Notice of Court Proceedings Requiring Defendant's Presence).

Historically, some orders or court notices have been served by the court administrator or by the court. Paragraph (B)(2) permits the president judge to continue this practice by designating either the court or the court administrator to serve orders and court notices. When the president judge makes such a designation, the designation must be in the form of a local rule promulgated in compliance with Rule 105 (Local Rules).

Paragraph (C)(2) requires three dates to be entered in the list of docket entries with regard to the court's orders and notices: the date of receipt of the order or notice; the date appearing on the order or notice; and the date the order or notice is served. The date of receipt is the date of filing under these rules. Concerning appeal periods and entry of orders, see Rule 720 (Post-Sentence Procedures; Appeal) and Pa.R.A.P. 108 (Date of Entry of Orders).

Court notices, as used in this rule, are communications that ordinarily are issued by a judge or the court administrator concerning, for example,

calendaring or scheduling, including proceedings requiring the defendant's presence.

Although paragraph (B)(3)(a)(iv) permits the use of assigned mailboxes for service under this rule, the Attorney General's office never may be served by this method.

A facsimile number or an electronic address set forth on letterhead is not sufficient to authorize service by facsimile transmission or other electronic means under paragraph (B)(3)(a)(vi). The authorization for service by facsimile transmission or other electronic means under this rule is valid only for the duration of the case. A separate authorization must be filed in each case the party or attorney wants to receive documents by this method of service.

Nothing in this rule is intended to preclude the use of automated or other electronic means for the transmission of the orders or court notices between the judge, court administrator, and clerk of courts, or for time stamping or making docket entries.

Under the post-sentence motion procedures, the clerk of courts must comply with this rule after entering an order denying a post-sentence motion by operation of law. See Rule 720(B)(3)(c).

[As used in this rule, "clerk of courts" is intended to mean that official in each judicial district who has the responsibility and function under state or local law to maintain the official court file and docket, without regard to that person's official title.]

This rule makes it clear that the procedures for filing and service, and making docket entries are mandatory and may not be modified by local rule.

Paragraph (D), titled "Unified Practice," emphasizes that local rules must not conflict with the statewide rules. Although this prohibition on local rules that are inconsistent with the statewide rules applies to all Criminal Rules through Rule 105 (Local Rules), the reference to the specific prohibitions is included because these types of local rules have been identified by practitioners as creating significant impediments to the statewide practice of law within the unified judicial system. See the first paragraph of the Rule 105 Comment. The term "local rule" includes every rule, regulation, directive, policy, custom, usage, form or order of general application. See Rule 105(A).

For the definition of "carrier service," see Rule 103.

See Rule 103 for the definitions of "clerk of courts" and "court administrator."

See Rule 113 (Criminal Case File and Docket Entries) for the requirements concerning the contents of the criminal case file and the minimum information to be included in the docket entries.

**Official Note:** Formerly Rule 9024, adopted October 21, 1983, effective January 1, 1984; amended March 22, 1993, effective as to cases in which the determination of guilt occurs on or after January 1, 1994; renumbered Rule 9025 and Comment revised June 2, 1994, effective September 1, 1994; renumbered Rule 114 and Comment revised March 1, 2000, effective April 1, 2001; amended March 3, 2004, effective July 1, 2004.

Committee Explanatory Reports:

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Final Report explaining the March 3, 2004 rule changes concerning filing and service, making docket entries, and orders and court notices published with the Court's Order at 34 Pa.B. 1561 (March 20, 2004).

Rule 116. General Supervisory Powers of President Judge.

The President Judge shall be responsible for ensuring that the judicial district is in compliance with the Pennsylvania Rules of Criminal Procedure, other rules, and statutes, applicable to the minor judiciary, courts, clerks of courts, and court administrators.

Comment

By this rule, the Supreme Court is imposing on the president judges the responsibility of supervising their respective judicial districts to ensure compliance with the statewide Rules of Criminal Procedure, other rules, and statutes.

See 42 Pa.C.S. §§ 2756 and 2757 concerning the duties of the clerks of courts.

Official Note: Adopted March 3, 2004, effective July 1, 2004.

Committee Explanatory Reports:

Final Report explaining new Rule 116 published with the Court's Order at 34 Pa.B. 1561 (March 20, 2004).

PART D. Procedures Implementing 42 Pa.C.S.

§§ 4137, 4138, 4139: Criminal Contempt Powers of District Justices, Judges of the Pittsburgh Magistrates Court, and Judges of the Traffic Court of Philadelphia

Rule 142. Procedures Governing Defaults in Payment of Fine Imposed as Punishment for Contempt.

(A) If a contemnor defaults on the payment of a fine imposed as punishment for contempt pursuant to 42 Pa.C.S. §§ 4137(c), 4138(c), or 4139(c), the issuing authority shall notify the contemnor in person or by first class mail that within 10 days of the date on the default notice the contemnor must either:

\* \* \* \* \*

(2) appear before the issuing authority to [ show cause ] explain why the contemnor should not be imprisoned for nonpayment as provided by law,

\* \* \* \* \*

Comment

\* \* \* \* \*

When a contemnor defaults on a payment of a fine, paragraph (A) requires the issuing authority to notify the contemnor of the default, and to provide the contemnor with an opportunity to either pay the amount due or appear within a 10-day period to [ show cause ] explain why the contemnor should not be imprisoned for nonpayment. If the contemnor fails to pay or appear, the issuing authority must issue a warrant for the arrest of the contemnor.

\* \* \* \* \*

Official Note: Rule 32 adopted October 1, 1997, effective October 1, 1998; renumbered Rule 142 and amended

March 1, 2000, effective April 1, 2001; amended March 3, 2004, effective July 1, 2004.

Committee Explanatory Reports:

\* \* \* \* \*

Final Report explaining the March 3, 2004 rule changes deleting "show cause" published with the Court's Order at 34 Pa.B. 1561 (March 20, 2004).

CHAPTER 4. PROCEDURES IN SUMMARY CASES

PART E. General Procedures in Summary Cases

Rule 451. Service.

\* \* \* \* \*

Comment

This rule provides the procedures for service in summary cases. These procedures are different from those provided by Rule [ 577 ] 576 for motions and documents in court cases. See also Rule [ 113 ] 114, which sets forth, inter alia, the procedures for providing notice to a defendant of court proceedings requiring the defendant's presence in court cases and in summary cases on appeal for a trial de novo.

\* \* \* \* \*

Official Note: Rule 80 adopted July 12, 1985, effective January 1, 1986; effective date extended to July 1, 1986; amended February 1, 1989, effective July 1, 1989; Comment revised June 2, 1994, effective September 1, 1994; renumbered Rule 451 and amended March 1, 2000, effective April 1, 2001; Comment revised March 3, 2004, effective July 1, 2004.

Committee Explanatory Reports:

\* \* \* \* \*

Final Report explaining the March 3, 2004 Comment revision updating the cross-references correlative to the March 3, 2004 changes to the motions rules published with the Court's Order at 34 Pa.B. 1561 (March 20, 2004).

Rule 456. Default Procedures: Restitution, Fines, and Costs.

\* \* \* \* \*

(B) If a defendant defaults on the payment of fines and costs, or restitution, as ordered, the issuing authority shall notify the defendant in person or by first class mail that, unless within 10 days of the date on the default notice, the defendant pays the amount due as ordered, or appears before the issuing authority to [ show cause ] explain why the defendant should not be imprisoned for nonpayment as provided by law, a warrant for the defendant's arrest may be issued.

\* \* \* \* \*

Comment

\* \* \* \* \*

When a defendant defaults on a payment of restitution, fines, or costs, paragraph (B) requires the issuing authority to notify the defendant of the default, and to provide the defendant with an opportunity to pay the amount due or appear within 10 days to [ show cause ] explain why the defendant should not be imprisoned for nonpayment. Notice by first class mail is considered complete upon mailing to the defendant's last known address. See Rule 430(D).

\* \* \* \* \*

**Official Note:** Adopted July 12, 1985, effective January 1, 1986; amended September 23, 1985, effective January 1, 1986; January 1, 1986 effective dates extended to July 1, 1986; Comment revised February 1, 1989, effective July 1, 1989; rescinded October 1, 1997, effective October 1, 1998. New Rule 85 adopted October 1, 1997, effective October 1, 1998; amended July 2, 1999, effective August 1, 1999; renumbered Rule 456 and amended March 1, 2000, effective April 1, 2001; Comment revised August 7, 2003, effective July 1, 2004; **amended March 3, 2004, effective July 1, 2004.**

*Committee Explanatory Reports:*

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**Final Report explaining the March 3, 2004 Comment revision published with the Court's Order at 34 Pa.B. 1561 (March 20, 2004).**

**CHAPTER 5. PRETRIAL PROCEDURES IN COURT CASES**

**PART C(2). General Procedures in all Bail Cases**

**Rule 535. Receipt for Deposit; Return of Deposit.**

(A) The issuing authority or the clerk of courts who accepts a deposit of cash in satisfaction of a monetary condition of bail shall give the depositor an itemized receipt, and shall note on the transcript or **in the list of docket entries** and the bail bond the amount deposited and the name of the person who made the deposit. When the issuing authority accepts such a deposit, the deposit, the docket transcript, and a copy of the bail bond shall be delivered to the clerk of courts.

\* \* \* \* \*

**Official Note:** Former Rule 4015, previously Rule 4009, adopted November 22, 1965, effective June 1, 1966; renumbered Rule 4015, former paragraph (b) integrated into paragraph (a) and new paragraph (b) adopted July 23, 1973, effective 60 days hence; rescinded September 13, 1995, effective January 1, 1996, and replaced by present Rule 4015. Present Rule 4015 adopted September 13, 1995, effective January 1, 1996. The January 1, 1996 effective dates extended to April 1, 1996; the April 1, 1996 effective dates extended to July 1, 1996; renumbered Rule 535 and amended March 1, 2000, effective April 1, 2001; amended April 20, 2000, effective July 1, 2000; **amended March 3, 2004, effective July 1, 2004.**

*Committee Explanatory Reports:*

\* \* \* \* \*

**Final Report explaining the March 3, 2004 changes to paragraph (A) published with Court's Order at 34 Pa.B. 1561 (March 20, 2004).**

**Rule 536. Procedures Upon Violation of Conditions: Revocation of Release and Forfeiture; Bail Pieces; Exoneration of Surety.**

**(A) SANCTIONS**

**(1) Revocation of Release**

\* \* \* \* \*

(c) The bail authority **also** may **[also]** order the defendant or the defendant's surety to **[show cause]** **explain** why the defendant's release should not be revoked or why the conditions of release should not be changed. A copy of the order shall be served on the defendant and the defendant's surety, if any.

\* \* \* \* \*

**Official Note:** Former Rule 4016, adopted July 23, 1973, effective 60 days hence, replacing prior Rule 4012; Comment revised January 28, 1983, effective July 1, 1983; rescinded September 13, 1995, effective January 1, 1996, and replaced by Rule 4016. Present Rule 4016 adopted September 13, 1995, effective January 1, 1996. The January 1, 1996 effective dates extended to April 1, 1996; the April 1, 1996 effective dates extended to July 1, 1996; renumbered Rule 536 and Comment revised March 1, 2000, effective April 1, 2001; **amended March 3, 2004, effective July 1, 2004.**

*Committee Explanatory Reports:*

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**Final Report explaining the March 3, 2004 rule changes deleting "show cause" published with the Court's Order at 34 Pa.B. 1561 (March 20, 2004).**

**PART F. Procedures Following Filing of Information**

**Rule 571. Arraignment.**

(A) Except as otherwise provided in paragraph (D), arraignment shall be in such form and manner as provided by local court rule. Notice of arraignment shall be given to the defendant as provided in Rule **[ 113 ] 114** or by first class mail. Unless otherwise provided by local court rule, or postponed by the court for cause shown, arraignment shall take place no later than 10 days after the information has been filed.

\* \* \* \* \*

**Comment**

\* \* \* \* \*

Paragraph (D) is intended to facilitate, for defendants represented by counsel, waiver of appearance at arraignment through procedures such as arraignment by mail. For the procedures to provide notice of court proceedings requiring the defendant's presence, see Rule **[ 113 ] 114.**

**Official Note:** Formerly Rule 317, adopted June 30, 1964, effective January 1, 1965; paragraph (b) amended November 22, 1971, effective immediately; paragraphs (a) and (b) amended and paragraph (e) deleted November 29, 1972, effective 10 days hence; paragraphs (a) and (c) amended February 15, 1974, effective immediately. Rule 317 renumbered Rule 303 and amended June 29, 1977, amended and paragraphs (c) and (d) deleted October 21, 1977, and amended November 22, 1977, all effective as to cases in which the indictment or information is filed on or after January 1, 1978; Comment revised January 28, 1983, effective July 1, 1983; amended October 21, 1983, effective January 1, 1984; amended August 12, 1993, effective September 1, 1993; rescinded May 1, 1995, effective July 1, 1995, and replaced by new Rule 303. New Rule 303 adopted May 1, 1995, effective July 1, 1995; renumbered Rule 571 and amended March 1, 2000, effective April 1, 2001; amended November 17, 2000, effective January 1, 2001; amended May 10, 2002, effective September 1, 2002; **amended March 3, 2004, effective July 1, 2004.**

*Committee Explanatory Reports:*

\* \* \* \* \*

**Final Report explaining the March 3, 2004 amendments updating the cross-references correlative to the March 3, 2004 changes to the motions rules published with the Court's Order at 34 Pa.B. 1561 (March 20, 2004).**

**Rule 572. Bill of Particulars.**

(A) A request for a bill of particulars shall be served in writing by the defendant upon the attorney for the Commonwealth within 7 days following arraignment. The request shall promptly be filed **and served** as provided in Rule 576 [ **subsequent to service upon the attorney for the Commonwealth** ].

\* \* \* \* \*

**Official Note:** Rule 304 adopted June 29, 1977 and November 22, 1977, effective as to cases in which the indictment or information is filed on or after January 1, 1978; amended October 21, 1983, effective January 1, 1984; amended June 19, 1996, effective July 1, 1996; renumbered Rule 572 and amended March 1, 2000, effective April 1, 2001; **amended March 3, 2004, effective July 1, 2004.**

*Committee Explanatory Reports:*

\* \* \* \* \*

**Final Report explaining the March 3, 2004 amendments to paragraph (A) published with the Court's Order at 34 Pa.B. 1561 (March 20, 2004).**

**Rule 573. Pretrial Discovery and Inspection.**

(A) INFORMAL

Before any disclosure or discovery can be sought under these rules by either party, counsel for the parties shall make a good faith effort to resolve all questions of discovery, and to provide information required or requested under these rules as to which there is no dispute. When there are items requested by one party which the other party has refused to disclose, the demanding party may make appropriate motion [ **to the court** ]. Such motion shall be made within 14 days after arraignment, unless the time for filing is extended by the court. In such motion the party must set forth the fact that a good faith effort to discuss the requested material has taken place and proved unsuccessful. Nothing in this provision shall delay the disclosure of any items agreed upon by the parties pending resolution of any motion for discovery.

\* \* \* \* \*

(C) DISCLOSURE BY THE DEFENDANT

(1) MANDATORY:

(a) Notice of Alibi Defense:

A defendant who intends to offer the defense of alibi at trial [ **shall, at** ], **within** the time required for filing the omnibus pretrial motion under Rule [ **578, file of record notice signed by the defendant or the attorney for the defendant, with proof of service upon the attorney for the Commonwealth, specifying intention to claim such defense** ] 579, shall file with the clerk of courts notice specifying the intention to claim the defense of alibi, and a certificate of service on the attorney for the Commonwealth. The notice and certificate shall be signed by the attorney for the defendant, or the defendant if unrepresented. Such notice shall contain specific information as to the place or places where the defendant claims to have been at the time of the alleged offense and the names and addresses of witnesses whom the defendant intends to call in support of such claim.

(b) Notice of Insanity Defense or Mental Infirmity Defense:

A defendant who intends to offer at trial the defense of insanity, or a claim of mental infirmity [ **shall, at** ], **within** the time required for filing an omnibus pretrial motion under Rule [ **578, file of record notice signed by the defendant or the attorney for the defendant, with proof of service upon the attorney for the Commonwealth, specifying intention to claim such defense** ] 579, shall file with the clerk of courts notice specifying the intention to claim the defense of insanity or of mental infirmity, and a certificate of service on the attorney for the Commonwealth. The notice and certificate shall be signed by the attorney for the defendant, or the defendant if unrepresented. Such notice shall contain specific available information as to the nature and extent of the alleged insanity or claim of mental infirmity, the period of time that the defendant allegedly suffered from such insanity or mental infirmity, and the names and addresses of witnesses, expert or otherwise, whom the defendant intends to call at trial to establish such defense.

\* \* \* \* \*

**Comment**

This rule is intended to apply only to court cases. However, the constitutional guarantees mandated in *Brady v. Maryland*, 373 U. S. 83 (1963), and the refinements of the Brady standards embodied in subsequent judicial decisions, apply to all cases, including court cases and summary cases, and nothing to the contrary is intended. For definitions of "court case" and "summary case," see Rule 103.

**Any motion under this rule must comply with the provisions of Rule 575 (Motions and Answers) and Rule 576 (Filing and Service by Parties).**

\* \* \* \* \*

**See Rule 576(B)(4) and Comment for the contents and form of the certificate of service.**

It is intended that the remedies provided in paragraph (E) apply equally to the Commonwealth and the defendant as the interests of justice require.

\* \* \* \* \*

**Official Note:** Present Rule 305 replaces former Rules 310 and 312 in their entirety. Former Rules 310 and 312 adopted June 30, 1964, effective January 1, 1965. Former Rule 312 suspended June 29, 1973, effective immediately. Present Rule 305 adopted June 29, 1977 and November 22, 1977, effective as to cases in which the indictment or information is filed on or after January 1, 1978; Comment revised April 24, 1981, effective June 1, 1981; amended October 22, 1981, effective January 1, 1982; amended September 3, 1993, effective January 1, 1994; amended May 13, 1996, effective July 1, 1996; Comment revised July 28, 1997, effective immediately; Comment revised August 28, 1998, effective January 1, 1999; renumbered Rule 573 and amended March 1, 2000, effective April 1, 2001; **amended March 3, 2004, effective July 1, 2004.**

*Committee Explanatory Reports:*

\* \* \* \* \*

**Final Report explaining the March 3, 2004 amendments to paragraphs (A), (C)(1)(a), and (C)(1)(b), and the revision to the Comment adding the reference to Rules 575 and 576 published with the Court's Order at 34 Pa.B. 1561 (March 20, 2004).**



## PART F(1). Motion Procedures

## Rule 574. [Motions] (Rescinded).

[ (A) All motions, challenges, and applications or requests for an order or relief shall be made by written motion, except as otherwise provided in these rules, or as permitted by the court, or when made in open court during a trial or hearing.

(B) A written motion shall comply with the following requirements:

(1) The motion shall be signed by the person or attorney making the motion. The signature of an attorney shall constitute a certification that the attorney has read the motion, that to the best of the attorney's knowledge, information, and belief there is good ground to support the motion, and that it is not interposed for delay.

(2) The motion shall state with particularity the grounds for the motion, the facts that support each ground, and the types of relief or order requested. The motion shall be divided into consecutively numbered paragraphs, each containing only one material allegation as far as practicable.

(3) If the motion sets forth facts that do not already appear of record in the case it shall be verified by the sworn affidavit of some person having knowledge of the facts or by the unsworn written statement of such a person that the facts are verified subject to the penalties for unsworn falsification to authorities under Crimes Code § 4904, 18 Pa.C.S. § 4904.

(C) Any motion may request such alternative relief as may be appropriate.

(D) The failure, in any motion, to state a type of relief or order, or a ground therefor, shall constitute a waiver of such relief, order, or ground. ]

*Official Note:* Rule 9020 adopted October 21, 1983, effective January 1, 1984; renumbered Rule 574 and amended March 1, 2000, effective April 1, 2001; rescinded and replaced by Rule 575 March 3, 2004, effective July 1, 2004.

*Committee Explanatory Reports:*

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**Final Report explaining the March 3, 2004 rescission of Rule 574 published with the Court's Order at 34 Pa.B. 1561 (March 20, 2004).**

## Rule 575. Motions and Answers.

## (A) MOTIONS

(1) All motions shall be in writing, except as permitted by the court or when made in open court during a trial or hearing.

(2) A written motion shall comply with the following requirements:

(a) The motion shall be signed by the person or attorney making the motion. The signature of an attorney shall constitute a certification that the attorney has read the motion, that to the best of the attorney's knowledge, information, and belief there is good ground to support the motion, and that it is not interposed for delay.

(b) The motion shall include the court, caption, term, and number of the case in which relief is requested.

(c) The motion shall state with particularity the grounds for the motion, the facts that support each ground, and the types of relief or order requested.

(d) The motion shall be divided into consecutively numbered paragraphs, each containing only one material allegation as far as practicable.

(e) The motion shall include any requests for hearing or argument, or both.

(f) The motion shall include a certificate of service as required by Rule 576(B)(4).

(g) If the motion sets forth facts that do not already appear of record in the case, the motion shall be verified by the sworn affidavit of some person having knowledge of the facts or by the unsworn written statement of such a person that the facts are verified subject to the penalties for unsworn falsification to authorities under the Crimes Code § 4904, 18 Pa.C.S. § 4904.

(3) The failure, in any motion, to state a type of relief or a ground therefor shall constitute a waiver of such relief or ground.

(4) Any motion may request such alternative relief as may be appropriate.

(5) Rules to Show Cause and Rules Returnable are abolished. Notices of hearings are to be provided pursuant to Rules 114(C) and 577(A)(2).

## (B) ANSWERS

[ (A) An ] (1) Except as provided in Rule 906 (Answer to Petition for Post-Conviction Collateral Relief), an answer to a motion is not required unless [ ordered by the court or otherwise provided in these rules ] the judge orders an answer in a specific case as provided in Rule 577. Failure to answer shall not constitute an admission of the [ well-pleaded ] facts alleged in the motion [ unless an answer has been required by the court or otherwise by these rules ].

[ (B) The court may order a written answer, or it may order an oral response at the time of a hearing or argument on a motion.

(C) ] (2) A party may file a written answer, or, if a hearing or argument is scheduled, may respond orally at [ the ] that time [ of a hearing or argument on a motion ], even though an answer [ has ] is not [ been ] required [ by the court and has not been otherwise required by these rules ].

[ (D) ] (3) \* \* \*

[ (1) ] (a) \* \* \*

[ (2) ] (b) [ The answer shall be divided into consecutively numbered paragraphs corresponding to the numbered paragraphs of the motion. ] The answer shall meet the allegations of the motion and shall specify the type of relief, order, or other action sought.

(c) The answer shall include a certificate of service as required by Rule 576(B)(4).

[ (3) ] (d) If the answer sets forth facts that do not already appear of record in the case [ it ], the answer shall be verified by the sworn affidavit of some person having knowledge of the facts or by the unsworn written

statement of such a person that the facts are verified subject to the penalties for unsworn falsification to authorities under the Crimes Code § 4904, 18 Pa.C.S. § 4904.

[ (4) ] (e) \* \* \*

**(C) Unified Practice**

Any local rule that is inconsistent with the provisions of this rule is prohibited, including any local rule requiring a party to attach a proposed order to a motion or an answer, requiring an answer to every motion, or requiring a cover sheet or a backer for any motion or answer.

**Comment**

For the definition of "motion," see Rule 103.

See Rule 1005 for the procedures for pretrial applications for relief in the Philadelphia Municipal Court.

"Rules to Show Cause" and "Rules Returnable" were abolished in 2004 because the terminology is arcane, and the concept of these "rules" has become obsolete. These "rules" have been replaced by the plain language "notice of hearings" provided in Rule 577(A)(2).

Pursuant to paragraphs (A)(2)(f) and (B)(3)(c), and Rule 576(B)(4), all filings by the parties must include a certificate of service setting forth the date and manner of service, and the names, addresses, and phone numbers of the persons served.

Although paragraph (B)(1) does not require an answer to every motion, the rule permits a judge to order an answer in a specific case. See Rule 114 for the requirements for the filing and serving of orders, and for making docket entries.

Paragraph (B)(1) changes prior practice by providing that the failure to answer a motion in a criminal case never constitutes an admission. Although this prohibition applies in all cases, even those in which an answer has been ordered in a specific case or is required by the rules, the judge would have discretion to impose other appropriate sanctions if a party fails to file an answer ordered by the judge or required by the rules.

Paragraph (C), titled "Unified Practice," was added in 2004 to emphasize that local rules must not be inconsistent with the statewide rules. Although this prohibition on local rules that are inconsistent with the statewide rules applies to all criminal rules through Rule 105 (Local Rules), the reference to the specific prohibitions is included because these types of local rules have been identified by practitioners as creating significant impediments to the statewide practice of law within the unified judicial system. See the first paragraph of the Rule 105 Comment. The term "local rule" includes every rule, regulation, directive, policy, custom, usage, form or order of general application. See Rule 105(A).

The prohibition on local rules mandating cover sheets was added because cover sheets are no longer necessary with the addition of the Rule 576(B)(1) requirement that the court administrator be served a copy of all motions and answers.

Although paragraph (C) precludes local rules that require a proposed order be included with a mo-

tion, a party should consider whether to include a proposed order. Proposed orders may aid the court by defining the relief requested in the motion or answer.

*Official Note:* Former Rule 9020 adopted October 21, 1983, effective January 1, 1984; renumbered Rule 574 and amended March 1, 2000, effective April 1, 2001; rescinded March 3, 2004, effective July 1, 2004. Former Rule 9021 adopted October 21, 1983, effective January 1, 1984; renumbered Rule 575 and amended March 1, 2000, effective April 1, 2001; Rules 574 and 575 combined as Rule 575 and amended March 3, 2004, effective July 1, 2004.

*Committee Explanatory Reports:*

\* \* \* \* \*

Final Report explaining the March 3, 2004 rule changes combining Rule 574 with Rule 575 published with the Court's Order at 34 Pa.B. 1561 (March 20, 2004).

Rule 576. Filing and Service by Parties.

**(A) FILING**

[ Except as otherwise provided in these rules, all ] (1) All written motions and any written answers, and any [ notice ] notices or [ document ] documents for which filing is required, shall be filed with the clerk of courts.

(2) Filing shall be by:

(a) personal delivery to the clerk of courts; or

(b) mail addressed to the clerk of courts. Except as provided by law, filing by mail shall be timely only when actually received by the clerk of courts within the time fixed for filing.

[ (B) ] (3) [ Except as provided in paragraph (C), when a written motion, notice, or ] The clerk of courts shall accept all written motions, answers, notices, or documents presented for filing. When a document, which is filed pursuant to paragraph (A)(1), is received by the clerk of courts, the clerk shall [ docket it and record the time of filing in the docket. A copy of these papers shall be promptly transmitted to such person as may be designated by the court ] time stamp it with the date of receipt and make a docket entry reflecting the date of receipt, and promptly shall place the document in the criminal case file.

[ (C) ] (4) In any case in which a defendant is represented by an attorney, if the defendant submits for filing a written motion, notice, or document that has not been signed by the defendant's attorney, the clerk of courts shall [ not docket or record it, but ] accept it for filing, time stamp it with the date of receipt and make a docket entry reflecting the date of receipt, and place the document in the criminal case file. A copy of the time stamped document shall [ forward it ] be forwarded to the defendant's attorney and the attorney for the Commonwealth within 10 days of receipt.

[ (D) Filing may be accomplished by:

(1) personal delivery to the clerk of courts; or

(2) mail addressed to the clerk of courts, provided, however, that filing by mail shall be timely only when actually received by the clerk within the time fixed for filing. ]

(5) If a defendant submits a document pro se to a judge without filing it with the clerk of courts, and the document requests some form of cognizable legal relief, the judge promptly shall forward the document to the clerk of courts for filing and processing in accordance with this rule.

(6) Unified Practice

Any local rule that is inconsistent with the provisions of this rule is prohibited, including any local rule requiring that a document has to be presented in person before filing or requiring review by a court or court administrator before a document may be filed.

(B) SERVICE

(1) All written motions and any written answers, and notices or documents for which filing is required, shall be served upon each party and the court administrator concurrently with filing.

(2) Service on the parties shall be by:

(a) personal delivery of a copy to a party's attorney, or the party if unrepresented; or

(b) personal delivery of a copy to the party's attorney's employee at the attorney's office; or

(c) mailing a copy to a party's attorney or leaving a copy for the attorney at the attorney's office; or

(d) in those judicial districts that maintain in the courthouse assigned boxes for counsel to receive service, when counsel has agreed to receive service by this method, leaving a copy for the attorney in the attorney's box; or

(e) sending a copy to an unrepresented party by certified, registered, or first class mail addressed to the party's place of residence, business, or confinement; or

(f) sending a copy by facsimile transmission or other electronic means if the party's attorney, or the party if unrepresented, has made a written request for this method of service for the document; or

(g) delivery to the party's attorney, or the party if unrepresented, by carrier service.

(3) Service on the court administrator shall be by:

(a) mailing a copy to the court administrator; or

(b) in those judicial districts that maintain in the courthouse assigned boxes for the court administrator to receive service, leaving a copy for the court administrator in the court administrator's box; or

(c) leaving a copy for the court administrator at the court administrator's office; or

(d) sending a copy to the court administrator by facsimile transmission or other electronic means if authorized by local rule; or

(e) delivery to the court administrator by carrier service.

(4) Certificate of Service

(a) All documents that are filed and served pursuant to this rule shall include a certificate of service.

(b) The certificate of service shall be in substantially the form set forth in the Comment, signed by the party's attorney, or the party if unrepresented, and shall include the date and manner of service, and the names, addresses, and phone numbers of the persons served.

(c) Any non-party requesting relief from the court in a case shall file the motion with the clerk of courts as provided in paragraph (A), and serve the defendant's attorney, or the defendant if unrepresented, the attorney for the Commonwealth, and the court administrator as provided in paragraph (B).

Comment

[ This rule ] Paragraph (A)(1) requires the filing of all written motions[ , but it ] and answers. The provision also applies to notices and other documents only if filing is required by some other rule or provision of law.

[ As used here, "written motions" includes all motions, challenges, and applications or requests for an order or relief that must be made by written motion under Rule 574(A). ] See, e.g., the notice of withdrawal of charges provisions in Rule 561 (Withdrawal of Charges by Attorney for the Commonwealth), the notice of alibi defense and notice of insanity defense or mental infirmity defense provisions in Rule 573 (Pretrial Discovery and Inspection), the notice that offenses or defendants will be tried together provisions in Rule 582 (Joinder—Trial of Separate Indictments or Informations), the notice of aggravating circumstances provisions in Rule 801 (Notice of Aggravating Circumstances), and the notice of challenge to a guilty plea provisions in Municipal Court cases in Rule 1007 (Challenge to Guilty Plea).

[ Those rules that provide for filing with the trial court or the sentencing court are not exceptions to the general requirement of this rule that filing be with the clerk of courts. As used in this rule, "clerk of courts" is intended to mean that official in each judicial district who has the responsibility and function under state or local law to maintain the official court file and docket, without regard to that person's official title.

The second sentence of paragraph (B) is intended to provide flexibility to the local courts to designate the court official, such as a local court administrator, who processes motions and other matters for appropriate scheduling and disposition. ]

When a motion, notice, document, or answer is presented for filing pursuant to paragraph (A)(1), the clerk of courts must accept it for filing even if the motion, notice, document, or answer does not comply with a rule or statute or appears to be untimely filed. It is suggested that the judicial district implement procedures to inform the filing party when a document is not in compliance with these rules or a local rule so the party may correct the problem.

See *Commonwealth v. Jones*, 700 A.2d 423 (Pa. 1997); and *Commonwealth v. Little*, 716 A.2d 1287 (Pa. Super. 1998) concerning the timeliness of filings by prisoners proceeding pro se (the "prisoner mailbox rule").

[ Paragraph (C) was added in 1996 to provide a uniform, statewide ] The 2004 amendments to para-

graph (A)(4) modified the procedure [ for ] by which the clerks of courts [ to ] handle filings by represented defendants when the defendant's attorney has not signed the document being filed by the defendant. As amended, paragraph (A)(4) requires, in all cases in which a represented defendant files a document, that the clerk of courts make a docket entry of the defendant's filing and place the document in the criminal case file, and then forward a copy of the document to both the attorney of record and the attorney for the Commonwealth. See *Commonwealth v. Castro*, 766 A.2d 1283 (Pa. Super. 2001). [ See ] Compare Pa.R.A.P. 3304 (Hybrid Representation). The requirement that the clerk time stamp and make docket entries of the filings in these cases only serves to provide a record of the filing, and does not trigger any deadline nor require any response. See Rules 120 (Attorneys—Appearance and Withdrawals) and 122 (Assignment of Counsel) concerning the duration of counsel's obligation under the rules.

Paragraph [ (C) ] (A)(4) only applies to cases in which the defendant is represented by counsel, not cases in which the defendant is proceeding pro se.

The purpose of paragraph (A)(5) is to ensure documents raising cognizable legal issues submitted to the judge are transmitted to the clerk of courts, and does not relieve the defendant from complying with the other requirements of the rules. When a document is forwarded to the clerk from a judge, if the defendant is unrepresented, the clerk is to proceed as provided in paragraph (A)(3) and the defendant is to be treated like any other party. If the defendant is represented, the clerk is to proceed pursuant to paragraph (A)(4).

Paragraph (A)(6), titled "Unified Practice," was added in 2004 to emphasize that local rules must not conflict with the statewide rules. Although this prohibition on local rules that are inconsistent with the statewide rules applies to all Criminal Rules through Rule 105 (Local Rules), the reference to the specific prohibitions is included because these types of local rules have been identified by practitioners as creating significant impediments to the statewide practice of law within the unified judicial system. See the first paragraph of the Rule 105 Comment. The term "local rule" includes every rule, regulation, directive, policy, custom, usage, form or order of general application. See Rule 105(A).

Any local rule that requires personal appearance in addition to filing with the clerk of courts is inconsistent with this rule.

See Rule 113 (Criminal Case File and Docket Entries) for the requirements concerning the contents of the criminal case file and the minimum information to be included in the docket entries.

Paragraph (B)(1) requires that, concurrently with filing, the party must serve a copy on the court administrator. This requirement provides flexibility to accommodate the various practices for scheduling. However, it is not intended to replace the requirement that the party must file with the clerk of courts.

When a judge is assigned to a case, in addition to the requirements of paragraph (B)(1), it is suggested counsel send the judge a courtesy copy of any filings.

Under any system of scheduling, once a hearing or argument is scheduled, the court or court administrator must give notice of the hearing or argument to the parties, and a copy of the notice must be filed in the criminal case file and a docket entry made. See Rule 114(C)(2).

Although paragraph (C)(1)(d) permits the use of assigned mailboxes for service under this rule, the Attorney General's office never may be served by this method.

A facsimile number or an electronic address set forth on letterhead is not sufficient to authorize service by facsimile transmission or other electronic means under paragraph (B)(2)(f). The authorization for service by facsimile transmission or other electronic means under this rule is document specific and only valid for an individual document. Counsel will have to renew the authorization for each document.

For the definition of "carrier service," see Rule 103.

Paragraph (B)(4) requires the filing party to include with the document filed a certificate of service. The certificate of service should be in substantially the following form:

I hereby certify that I am this day serving upon the persons and in the manner indicated below. The manner of service satisfies the requirements of Pa.R.Crim.P. 575.

Service by first class mail addressed as follows:

(NAME) \_\_\_\_\_ (717) 787-0000  
Deputy Attorney General  
Office of the Attorney General  
16 Floor Strawberry Square  
Harrisburg PA 17120  
(Attorney for the Commonwealth)

Service in person as follows:

(NAME) \_\_\_\_\_ (717) 240-0000  
Assistant District Attorney  
Cumberland County Courthouse  
Carlisle, PA  
(Attorney for the Commonwealth)

Service by leaving a copy at the office of:

(NAME) \_\_\_\_\_ (717) 240-0000  
Court Administrator  
Cumberland County Courthouse  
Carlisle, PA

Service by certified mail, return receipt requested, as follows:

(NAME) \_\_\_\_\_ (no phone)  
Drawer 00000000  
Camp Hill, PA

Service by electronic means addressed as follows:

(NAME) \_\_\_\_\_ (717) 545-0000  
000 Magnolia Ave, Suite A  
Harrisburg PA 17122  
email address: johndoe@hotmail.com  
(Attorney for the Defendant)

Dated:

(S) \_\_\_\_\_  
(NAME), Esq. (Attorney Registration No. 00000)

Under 18 Pa.C.S. § 4904 (unsworn falsification to authorities), a knowingly false certificate of service constitutes a misdemeanor of the second degree.

See Rule 451 (Service) for the procedures for service in summary cases.

See Rule 114 (Orders and Court Notices: Filing, Service, and Docket Entries) for the requirements for docketing and service of court orders and notices.

See Rule 103 (Definitions) for the definitions of court administrator, clerk of courts, and motions.

**Official Note:** Former Rule 9022 adopted October 21, 1983, effective January 1, 1984; amended March 22, 1993, effective January 1, 1994; amended July 9, 1996, effective September 1, 1996; renumbered Rule 576 and amended March 1, 2000, effective April 1, 2001. **Former Rule 9023 adopted October 21, 1983, effective January 1, 1984; amended June 2, 1994, effective September 1, 1994; renumbered Rule 577 and amended March 1, 2000, effective April 1, 2001; rescinded March 3, 2004, effective July 1, 2004. Rules 576 and 577 combined and amended March 3, 2004, effective July 1, 2004.**

*Committee Explanatory Reports:*

\* \* \* \* \*

**Final Report explaining the March 3, 2004 changes amending and combining Rule 576 with former Rule 577 published with the Court's Order at 34 Pa.B. 1561 (March 20, 2004).**

Rule 577. [ Service ] (Rescinded).

[ (A) Except as otherwise provided in these rules, all written motions and any document for which filing is required shall be served upon each party concurrently with filing.

(B) Except as otherwise provided in these rules, service may be accomplished by:

(1) personal delivery of a copy to a party or a party's attorney; or

(2) leaving a copy for or mailing a copy to a party's attorney at the attorney's office; or

(3) sending a copy to a party by certified, registered, or first class mail addressed to the party's place of residence, business, or confinement.

(C) Proof of service need not be filed unless ordered by the court.

#### Comment

This rule requires service of all written motions, but it applies to other documents only if filing is required by some other rule or provision of law. As used here, "written motions" includes all motions, challenges, and applications or requests for an order or relief that must be made by written motion under Rule 574.

See Rule 451 for the procedures for service in summary cases.

See Rule 113 for the procedures for giving a defendant notice of a court proceeding requiring the defendant's appearance. ]

**Official Note:** Rule 9023 adopted October 21, 1983, effective January 1, 1984; amended June 2, 1994, effective September 1, 1994; renumbered Rule 577 and

amended March 1, 2000, effective April 1, 2001; rescinded March 3, 2004, effective July 1, 2004, and replaced by Rule 576(B).

*Committee Explanatory Reports:*

\* \* \* \* \*

**Final Report explaining the March 3, 2004 rescission of the rule published with the Court's Order at 34 Pa.B. 1561 (March 20, 2004).**

**Rule 577. Procedures Following Filing of Motion.**

(A) Following the filing of a motion,

(1) if the judge determines an answer is necessary, the court may order a written answer, or it may order an oral response at the time of a hearing or argument on a motion. Any written order shall be filed, a docket entry made, and served by the clerk of courts pursuant to Rule 114(B), (C), and (D).

(2) If the judge determines the motion requires a hearing or argument, the court or the court administrator shall schedule the date and time for the hearing or argument. Pursuant to Rule 114(B)(2), notice of the date and time for the hearing or argument shall be served by the clerk of courts, unless the president judge has designated the court or court administrator to serve these notices.

(B) The judge promptly shall dispose of any motion.

(C) Unified Practice

Any local rule that is inconsistent with the provisions of this rule is prohibited, including any local rule requiring a personal appearance as a prerequisite to a determination of whether a hearing or argument is scheduled.

#### Comment

In all cases, the notice of the date and time of the hearing or argument must be filed and served, and docket entries made, as required by Rule 114.

Paragraph (C), titled "Unified Practice," emphasizes that local rules must not conflict with the statewide rules. Although this prohibition on local rules that are inconsistent with the statewide rules applies to all criminal rules through Rule 105 (Local Rules), the reference to the specific prohibitions is included because these types of local rules have been identified by practitioners as creating significant impediments to the statewide practice of law within the unified judicial system. See the first paragraph of the Rule 105 Comment. The term "local rule" includes every rule, regulation, directive, policy, custom, usage, form or order of general application. See Rule 105(A).

The practice in some counties of requiring an attorney to take a motion to a judge for the scheduling of a hearing is inconsistent with this rule.

**Official Note:** Rule 9023 adopted October 21, 1983, effective January 1, 1984; amended June 2, 1994, effective September 1, 1994; renumbered Rule 577 and amended March 1, 2000, effective April 1, 2001; rescinded March 3, 2004, effective July 1, 2004, and replaced by Rule 576(B). New Rule 577 adopted March 3, 2004, effective July 1, 2004.

*Committee Explanatory Reports:*

Final Report explaining the provisions of the new rule published with the Court's Order at 34 Pa.B. 1561 (March 20, 2004).

**Rule 579. Time for Omnibus Pretrial Motion and Service.**

\* \* \* \* \*

(B) Copies of all pretrial motions shall be served in accordance with Rule [ 577 ] 576.

**Comment**

\* \* \* \* \*

For general requirements concerning the filing and service of motions, notices, and other documents by parties, see [ Rules ] Rule 576 [ and 577 ].

**Official Note:** Formerly Rule 305 adopted June 30, 1964, effective January 1, 1965; renumbered Rule 307 and amended June 29, 1977 and November 22, 1977, effective as to cases in which the indictment or information is filed on or after January 1, 1978; amended October 21, 1983, effective January 1, 1984; renumbered Rule 579 and amended March 1, 2000, effective April 1, 2001; **amended March 3, 2004, effective July 1, 2004.**

*Committee Explanatory Reports:*

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**Final Report explaining the March 3, 2004 amendments updating the cross-references correlative to the March 3, 2004 changes to the motions rules published with the Court's Order at 34 Pa.B. 1561 (March 20, 2004).**

**Rule 581. Suppression of Evidence.**

(A) The [ defendant or the ] defendant's attorney, or the defendant if unrepresented, may make a motion to the court to suppress any evidence alleged to have been obtained in violation of the defendant's rights.

\* \* \* \* \*

(E) [ Upon the filing of such motion, a judge of the court shall fix a time for a ] A hearing[, which] shall be scheduled in accordance with Rule 577 (Procedures Following Filing of Motion). A hearing may be either prior to or at trial, and shall afford the attorney for the Commonwealth a reasonable opportunity for investigation. The judge shall enter such interim order as may be appropriate in the interests of justice and the expeditious disposition of criminal cases.

\* \* \* \* \*

**Comment**

\* \* \* \* \*

It should be noted that failure to file the [ application ] motion within the appropriate time limit constitutes a waiver of the right to suppress. However, once the [ application ] motion is timely filed, the hearing may be held at any time prior to or at trial.

**All motions to suppress must comply with the provisions of Rule 575 (Motions and Answers) and Rule 576 (Filing and Service by Parties).**

\* \* \* \* \*

**Official Note:** Rule 323 adopted March 15, 1965, effective September 15, 1965; amended November 25, 1968, effective February 3, 1969. The 1968 amendment suspended, amended, and consolidated former Rules 323, 324, 2000 and 2001 of the Pennsylvania Rules of Criminal Procedure. This was done in accordance with Section 1 of the Act of July 11, 1957, P. L. 819, 17 P. S. § 2084. Paragraph (f) amended March 18, 1972, effective immedi-

ately; amended June 29, 1977 and November 22, 1977, effective as to cases in which the indictment or information is filed on or after January 1, 1978; paragraphs (f) and (g) and Comment amended September 23, 1985, effective January 1, 1986; effective date extended to July 1, 1986; renumbered Rule 581 and amended March 1, 2000, effective April 1, 2001; **amended March 3, 2004, effective July 1, 2004.**

*Committee Explanatory Reports:*

\* \* \* \* \*

**Final Report explaining the March 3, 2004 amendments to paragraphs (A) and (E) and the revision to the Comment adding the reference to Rules 575 and 576 published with the Court's Order at 34 Pa.B. 1561 (March 20, 2004).**

**Rule 587. Motion for Dismissal.**

\* \* \* \* \*

(B) The attorney for the Commonwealth shall be afforded an opportunity to [ show cause why the relief prayed for should not be granted ] respond.

**Comment**

Cf. Pa.R.J.A. 1901 concerning termination of inactive cases.

**See Rule 575 for the procedures governing motions and answers.**

**Official Note:** Rule 316 adopted June 30, 1964, effective January 1, 1965; amended June 8, 1973, effective July 1, 1973; amended February 15, 1974, effective immediately; renumbered Rule 315 and amended June 29, 1977 and November 22, 1977, effective as to cases in which the indictment or information is filed on or after January 1, 1978; Comment revised January 28, 1983, effective July 1, 1983; amended August 12, 1993, effective September 1, 1993; renumbered Rule 587 and amended March 1, 2000, effective April 1, 2001; **amended March 3, 2004, effective July 1, 2004.**

*Committee Explanatory Reports:*

\* \* \* \* \*

**Final Report explaining the March 3, 2004 amendment of paragraph (B) published with the Court's Order at 34 Pa.B. 1561 (March 20, 2004).**

**CHAPTER 7. POST-TRIAL PROCEDURES IN COURT CASES**

**PART B. Post-Sentence Procedures**

**Rule 720. Post-Sentence Procedures; Appeal.**

\* \* \* \* \*

(B) OPTIONAL POST-SENTENCE MOTION.

\* \* \* \* \*

(3) Time Limits for Decision on Motion.

The judge shall not vacate sentence pending decision on the post-sentence motion, but shall decide the motion as provided in this paragraph.

\* \* \* \* \*

(c) When a post-sentence motion is denied by operation of law, the clerk of courts shall forthwith enter an order on behalf of the court, and, as provided in Rule 114, forthwith shall serve a copy of the order on the attorney for the Commonwealth, the defendant's attorney, or the

defendant if unrepresented [ the defendant ], that the post-sentence motion is deemed denied. This order is not subject to reconsideration.

\* \* \* \* \*

Comment

\* \* \* \* \*

DISPOSITION

\* \* \* \* \*

If the motion is denied by operation of law, paragraph (B)(3)(c) requires that the clerk of courts enter an order denying the motion on behalf of the court and immediately notify the attorney for the Commonwealth, the defendant's attorney, or the defendant if unrepresented [ the defendant ], that the motion has been denied. This notice is intended to protect the defendant's right to appeal. The clerk of courts also must [ also ] comply with the [ notice and docketing ] filing, service, and docket entry requirements of Rule [ 113 ] 114.

\* \* \* \* \*

Official Note: Previous Rule 1410, adopted May 22, 1978, effective as to cases in which sentence is imposed on or after July 1, 1978; rescinded March 22, 1993, effective as to cases in which the determination of guilt occurs on or after January 1, 1994, and replaced by present Rule 1410. Present Rule 1410 adopted March 22, 1993 and amended December 17, 1993, effective as to cases in which the determination of guilt occurs on or after January 1, 1994; amended September 13, 1995, effective January 1, 1996. The January 1, 1996 effective date extended to April 1, 1996; the April 1, 1996 effective date extended to July 1, 1996. Comment revised September 26, 1996, effective January 1, 1997; amended August 22, 1997, effective January 1, 1998; Comment revised October 15, 1997, effective January 1, 1998; amended July 9, 1999, effective January 1, 2000; renumbered Rule 720 and amended March 1, 2000, effective April 1, 2001; amended August 21, 2003, effective January 1, 2004; amended March 3, 2004, effective July 1, 2004.

Committee Explanatory Reports:

\* \* \* \* \*

Final Report explaining the March 3, 2004 amendments updating the cross-references correlative to the March 3, 2004 changes to the motions rules published with the Court's Order at 34 Pa.B. 1561 (March 20, 2004).

Rule 721. Procedures for Commonwealth Challenges to Sentence; Sentencing Appeals.

\* \* \* \* \*

Comment

\* \* \* \* \*

Entry of Order by Clerk of Courts

Under paragraph (D)(1), when a Commonwealth motion to modify sentence has been denied by operation of law, the clerk of courts must enter an order on behalf of the court and furnish copies to the attorney for the Commonwealth, the defendant, and defense counsel. The clerk of courts' order is ministerial and not subject to reconsideration. See paragraph (D)(2). The clerk of courts also must [ also ] comply with the [ notice and docketing ] filing, service, and docket entry requirements of Rule [ 113 ] 114.

\* \* \* \* \*

No Commonwealth Motion to Modify Sentence Filed

Paragraph (B)(2)(a) covers the time for filing a notice of appeal when the Commonwealth has elected not to file a motion to modify sentence with the trial judge. The time for filing the Commonwealth's notice of appeal under this [ subsection ] paragraph depends on whether the defendant has filed a post-sentence motion. When the defendant files a post-sentence motion, paragraph (B)(2)(a)(i) provides that the entry of the order disposing of the defendant's post-sentence motion triggers the 30-day period during which the Commonwealth's notice of appeal must be filed. If no post-sentence motion is filed, it is the entry of the order imposing sentence that triggers the Commonwealth's 30-day appeal period. See Rule 721(B)(2)(a)(ii).

\* \* \* \* \*

Official Note: Rule 1411 adopted August 22, 1997, effective January 1, 1998; renumbered Rule 721 and amended March 1, 2000, effective April 1, 2001; Comment revised March 3, 2004, effective July 1, 2004.

Committee Explanatory Reports:

\* \* \* \* \*

Final Report explaining the March 3, 2004 amendments updating the cross-references correlative to the March 3, 2004 changes to the motions rules published with the Court's Order at 34 Pa.B. 1561 (March 20, 2004).

CHAPTER 9. POST-CONVICTION COLLATERAL PROCEEDINGS

Rule 903. Docketing and Assignment.

(A) Upon receipt of a petition for post-conviction collateral relief, the clerk of courts promptly shall [ immediately docket ] time stamp the petition [ to the same term and number as the underlying conviction and sentence ] with the date of receipt and make a docket entry, at the same term and number as the underlying conviction and sentence, reflecting the date of receipt, and promptly shall place the petition in the criminal case file. The clerk shall [ thereafter ] transmit the petition and the [ record ] criminal case file to the trial judge, if available, or to the administrative judge, if the trial judge is not available. If the defendant's confinement is by virtue of multiple indictments or informations and sentences, the case shall be docketed to the same term and number as the indictment or information upon which the first unexpired term was imposed, but the court may take judicial notice of all proceedings related to the multiple indictments or informations.

(B) When the petition is filed and [ docketed ] the docket entry is made, the clerk shall transmit a copy of the petition to the attorney for the Commonwealth.

\* \* \* \* \*

(D) When the trial judge is unavailable or disqualified, the administrative judge promptly shall [ promptly ] assign and transmit the petition and the record to another judge, who shall proceed with and dispose of the petition in accordance with these rules.

Comment

\* \* \* \* \*

If a defendant in a death penalty case files a petition before the trial judge has made a determination concerning the appointment of counsel as required by Rule 904(F)(G), after making the docket entry and placing the petition in the criminal case file, the clerk promptly must [promptly] forward a copy of the [docketed] petition to the trial judge for that determination.

**Official Note:** Previous Rule 1503 adopted January 24, 1968, effective August 1, 1968; rescinded December 11, 1981, effective June 27, 1982; rescission vacated June 4, 1982; rescinded February 1, 1989, effective July 1, 1989, and replaced by present Rule 1504. Present Rule 1503 adopted February 1, 1989, effective July 1, 1989; amended June 19, 1996, effective July 1, 1996; amended August 11, 1997, effective immediately; Comment revised January 21, 2000, effective July 1, 2000; renumbered Rule 903 and Comment revised March 1, 2000, effective April 1, 2001; **amended March 3, 2004, effective July 1, 2004.**

*Committee Explanatory Reports:*

\* \* \* \* \*

**Final Report explaining the March 3, 2004 changes concerning making docket entries published with the Court's Order at 34 Pa.B. 1561 (March 20, 2004).**

**Rule 906. Answer to Petition for Post-Conviction Collateral Relief.**

\* \* \* \* \*

(B) Upon the entry of an order directing an answer, the clerk of courts shall serve a copy of the order on the attorney for the Commonwealth, [the defendant, and] the defendant's attorney, or the defendant if unrepresented.

(C) If the judge orders an answer, the answer shall be in writing and shall be filed and served within the time fixed by the judge in ordering the answer. The time for filing the answer may [thereafter] be extended by the judge for cause shown.

\* \* \* \* \*

**Comment**

\* \* \* \* \*

"First counseled petition," as used in paragraph (E)(1), includes petitions on which defendants have elected to proceed pro se pursuant to Rule [1504] 904(F)(1)(a). See also the Comment to Rule 903.

**Official Note:** Previous Rule 1506 adopted January 24, 1968, effective August 1, 1968; Comment revised April 26, 1979, effective July 1, 1979; rule rescinded December 11, 1981, effective June 27, 1982; rescission vacated June 4, 1982; Comment revised January 28, 1983, effective July 1, 1983; rule rescinded February 1, 1989, effective July 1, 1989, and replaced by Rule 1508. Present Rule 1506 adopted February 1, 1989, effective July 1, 1989; amended August 11, 1997, effective immediately; Comment revised January 21, 2000, effective July 1, 2000; renumbered Rule 906 and Comment revised March 1, 2000, effective April 1, 2001; **amended March 3, 2004, effective July 1, 2004.**

*Committee Explanatory Reports:*

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**Final Report explaining the March 3, 2004 changes to paragraph (B) published with the Court's Order at 34 Pa.B. 1561 (March 20, 2004).**

**FINAL REPORT<sup>1</sup>**

**Proposed New Pa.Rs.Crim.P. 113, 116, and 577; Amendments to Rules 103, 114, 142, 456, 535, 536, 571, 572, 573, 575, 576, 579, 581, 587, 720, 903, and 906; Revision of the Comments to Rules 451 and 721; and Rescission of Rules 113, 574, and 577**

**Procedures Governing Motions and Answers, and Orders and Court Notices in Criminal Cases**

On March 3, 2004, effective July 1, 2004, upon the recommendation of the Criminal Procedural Rules Committee, the Court adopted new Rules 113 (Criminal Case File and Docket Entries), 116 (General Supervisory Powers of President Judge), and 577 (Procedures Following Filing of Motion); rescinded current Rules 113 (Notice of Court Proceeding(s) Requiring Defendant's Presence), 574 (Motions), and 577 (Service); amended Rule 114 (Notice and Docketing of Orders); combined and amended Rule 574 (Motions) with Rule 575 (Answers) and Rule 576 (Filing) with Rule 577 (Service); and adopted correlative changes to Rules 103 (Definitions), 142 (Procedures Governing Defaults in Payments of Fine Imposed as Punishment for Contempt), 451 (Service), 456 (Default Procedures: Restitution, Fines, and Costs), 535 (Receipt for Deposit; Return of Deposit), 536 (Procedures Upon Violation of Conditions: Revocation of Release and Forfeiture; Bail Pieces; Exoneration of Surety), 572 (Bill of Particulars), 573 (Pretrial Discovery and Inspection), 579 (Time for Omnibus Pretrial Motion and Service), 581 (Suppression of Evidence), 587 (Motion for Dismissal), 720 (Post-Sentence Procedures; Appeal), 721 (Procedures for Commonwealth Challenges to Sentence; Sentencing Appeals), 903 (Docketing and Assignment) and 906 (Answer to Petition for Post-Conviction Collateral Relief). These rule changes, which are the culmination of several years of work by the Committee undertaken to address the problems caused by the proliferation of local rules and the lack of uniformity in procedures in the important area of motions practice in criminal cases that have hindered the statewide practice of law, clarify the procedures in criminal cases governing motions, answers, orders, and court notices, achieve greater statewide uniformity in criminal motions practice, and eliminate the local rules and practices governing motions practice that are hampering the statewide practice of law, and include.<sup>2</sup>

(1) new Pa.Rs.Crim.P. 113 (Criminal Case File and Docket Entries), 116 (General Supervisory Powers of President Judge), and 577 (Procedures Following Filing of Motion) that fill in gaps in the Criminal Rules concerning (1) maintaining the criminal case file and making and maintaining docket entries, (2) the responsibilities of the president judge in ensuring the rules are followed, and (3) the court procedures after a motion is filed;

(2) changes to Rule 114 (Notice and Docketing of Orders) that clarify the requirements for filing, making docket entries, and service of orders and court notices;

(3) changes to Rules 574 (Motions) and 575 (Answers), which also are being combined because of the procedural interrelationship between motions and answers, and Rules 576 (Filing) and 577 (Service), which also are being

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

<sup>2</sup> Also included in these changes are rule changes that address motion rule-related issues that have arisen during the development of the Court's statewide common pleas automation project.



combined because of the procedural interrelationship between filing and service, to more clearly set forth the statewide procedures for motions and answers and to specifically prohibit local rules that are inconsistent with the statewide rules; and

(4) changes to a number of rules to conform these rules to the motions rules changes.

## INTRODUCTION

During the last several years, the Committee has continued to review the Criminal Rules and to monitor local rules in an ongoing effort to promote the statewide uniformity of practice and procedure and eliminate the local rules and local practices that are hampering the statewide practice of law.<sup>3</sup> The Committee noted the area of motions practice is ripe for clarification and change because of the numerous local rules and practices that create hurdles to the statewide practice of law or are inconsistent with the Criminal Rules, such as those local practices that require an attorney to appear in person before a judge on a certain day and at specified times to present the motion and to get a hearing date before the motion is filed in the clerk's office. In view of this finding, the Committee took a closer look at the statewide motions practice, and subsequently developed this package of changes to the Criminal Rules governing motions and answers, and the filing and service of motions, answers, orders, and notices.

## BACKGROUND

For a number of years, the Committee has been receiving correspondence from attorneys with practices in more than one judicial district, including counsel from the State Police and the Attorney General's office, questioning the validity of specific local rules or local practices that appear to conflict with current Rules 114, 574, 575, 576, and 577, and are hampering their ability to practice in multiple judicial districts.<sup>4</sup>

In an effort to better understand the problems related to motions practice, the Committee first contacted current and former Committee members engaged in private practice concerning their experience with local rules and local practices regulating motions practice. Subsequently, with the assistance of the administrative staff for the Pennsylvania Association of Criminal Defense Lawyers (PaCDL), we surveyed the members of PaCDL for their input concerning the impact of local rules on their multi-judicial district practices.<sup>5</sup> From the information we received from these surveys, as well as the correspondence from the other attorneys, the Committee identified several aspects of local motions practice that seem to be the major "troublemakers" for attorneys with multi-judicial district practices, including local rules and local practices requiring

- counsel to personally appear on specific days and times to file motions
- counsel to personally appear to present motions to the judge before filing with the clerk of courts
- counsel to personally obtain hearing dates and serve the other parties

<sup>3</sup> The first phase of our review resulted in the Court's Order amending Pa.R.Crim.P. 105 (Local Rules) to more clearly define local rules and set forth the procedures for local rules to be effective and enforceable. See Court's Order and Committee explanatory Final Report at 30 Pa.B. 5842 (November 11, 2000).

<sup>4</sup> We repeatedly have heard that, notwithstanding the requirements of Rule 105 (Local Rules), frequently the local requirements are not memorialized as local rules or vary from judge to judge within a judicial district, are difficult for out-of-county practitioners to find, and are not lodged with the Committee making it difficult for us to monitor.

<sup>5</sup> We sent out more than 500 surveys, and received approximately 200 responses.

- counsel to use rules to show cause and rules returnable
- cover sheets or answers, requiring hearings or oral arguments, or requiring briefs or proposed orders in every case.

In addition, the Committee identified other problems that we thought should be addressed in the rules including problems in ensuring prompt service under the rules, and prompt recording of information on the docket.

The Committee also surveyed all president judges to gather general information about motions practice in their respective judicial districts, and to determine whether they use cover sheets, rules to show cause or rules returnable, and require proposed orders. We received responses from about half the judicial districts, and found that most do not use cover sheets or rules to show cause or rules returnable, and they were equally divided concerning requiring a proposed order, or answers, hearings, oral arguments, or briefs. Armed with all this information, as well as the additional information and input we received following the publication of the proposal in December 2001,<sup>6</sup> and after extensive review and discussions, the Committee agreed to recommend a number of changes to the Criminal Rules that:

- (1) clarify in a new rule the procedures for maintaining the criminal case file and maintaining a list of docket entries (new Rule 113);
- (2) clarify the general supervisory powers of the president judge (new Rule 116);
- (3) require a certificate of service (Rules 575 and 576);
- (4) no longer allow the failure to file an answer to be deemed an admission (Rule 575);
- (5) abolish rules to show cause and rules returnable and provide for a notice of hearing (Rule 575);
- (6) prohibit local rules requiring a proposed order in every case or an answer to every motion (Rule 575);
- (7) abolish cover sheets and backers (Rule 575);
- (8) make it clear that the clerk of courts must accept all documents presented for filing (Rule 576);
- (9) make it clear that any local rules that require personal appearance to file, or court review before filing, or personal appearance to get a hearing date are prohibited by the rules (Rules 576 and 577);
- (10) make it clear when a defendant files a document with a judge without filing it with the clerk of courts, the judge promptly must forward to document to the clerk (Rule 576);
- (11) expand the methods of service permitted by the rules, including service using facsimile transmissions or other electronic means or using a carrier service (Rules 114 and 576);
- (12) provide for service on the court administrator of any document that is filed (Rule 576);
- (13) acknowledge that there are variations in how scheduling is handled in the judicial districts, and those variations should be permitted to continue (Rules 114 and 577); and

<sup>6</sup> See 31 Pa.B. 6784 (December 15, 2001). We received 39 letters in response to the publication of the proposal. The correspondents included 16 president judges, three other common pleas court judges; eight clerks of courts; two court administrators; six attorneys; Judge Stallone, then-President of the Conference of State Trial Judges; Judge Seamans, then-Chair of the President Judges Committee of the Conference of State Trial Judges; Jim Morgan, the solicitor for the Prothonotary and Clerks of Courts Association; and David Price, staff attorney for the AOPC's Common Pleas Automation Project.

(14) include provisions governing what happens after a motion is filed and served (new Rule 577).

The rule changes incorporating the above ideas and making other conforming and correlative changes are discussed more fully below.

## DISCUSSION

### 1. *Unified Practice*

One of the primary goals of the rule changes is to eliminate the local rules and local practices that conflict with the statewide rules and adversely affect motions practice and the statewide practice of law within the unified judicial system. After a great deal of discussion trying to determine the best way to address this matter, the Committee settled on a “sledgehammer” approach—adding specific prohibitions in the rules and highlighting these prohibitions in the Comments. To accomplish this, a new section, titled “Unified Practice,” has been added to Rules 114, 575, 576, and new Rule 577. This section includes the general prohibition against local rules that are inconsistent with the provisions of the rule, tying in with the Rule 105 (Local Rules) general prohibition against all local rules that are inconsistent with the statewide rules, and specific prohibitions against the local rules and local practices that are creating the most significant impediments to the statewide practice of law.

#### a. *Rule 114*

Rule 114 addresses the filing and service of orders and court notices. The troublesome local practices identified as impediments to the statewide practice of law related to Rule 114 are the requirements in some judicial districts or by some judges that, in every case, counsel must appear in person to obtain a hearing date, and then counsel must file the notice of the hearing date and serve it on the parties. Such local practices necessitate counsel traveling to the judicial district, sometimes on specified days and at specified times, to file their motion, obtain a hearing date, then file the notice of the hearing date, and finally serve the notice. Although such requirements may not be a significant burden on local counsel, these requirements significantly impact on out-of-county counsel and impose greater costs on their clients. In addition, the Committee learned that in some judicial districts these requirements are called administrative orders and are not treated as local rules so Rule 105 is not followed, making access to these local rules difficult.<sup>7</sup>

These local practices have been prohibited by the Court, see Rule 114(D), not only because they are impediments to the statewide practice of law, but also because they are contrary to the intent and spirit of the statewide rules. Similarly, the “Unified Practice” provision in Rule 577(C) prohibits local rules that require a personal appearance as a prerequisite to a determination whether a hearing or argument is scheduled.

#### b. *Rule 575*

Rule 575 governs motions and answers. Four specific local rule or local practice requirements have been identified as causing problems, and are prohibited by paragraph (C). These are the requirements in some judicial districts or by some judges that all motions include cover sheets, backers, or proposed orders, and that there be an answer filed to every motion. The Committee learned from our survey of president judges that few judicial districts are using cover sheets or backers. In view of this,

and (1) cognizant of the difficulties attorneys have in finding out whether a judicial district requires cover sheets or backers and the confusion the lack of uniformity in these requirements causes to the practitioner, (2) because Rule 576(B)(1) will require that the court administrator be served with a copy of any motion that is filed, and (3) to eliminate another hurdle to the statewide practice of law, the use of cover sheets and backers is prohibited.

Similarly, from our survey of the president judges, we learned that very few judicial districts require proposed orders. Furthermore, the Committee noted it is often difficult when making a motion to know what should be the precise nature of the order to propose for the motion. Accordingly, proposed orders may not be mandated for every motion or answer. However, as explained in the last paragraph of the Rule 575 Comment, a party has the option of attaching a proposed order in the appropriate case, and should consider that a proposed order may aid the court by defining the relief requested in the motion or answer.

Finally, the local rules requiring answers in every case conflict with the provisions of present Rule 575,<sup>8</sup> and are included in the specific prohibitions in paragraph (C).

#### c. *Rule 576*

Rule 576 governs the procedures for filing motions. The area of motions practice that generates the most local rules and the greatest variance in local practice concerns filing of motions. Although the 1983 amendments to the rules governing filing required all filings to be with the clerk of courts first, either by mail or in person, before transmission to other court officials, the proliferation of local rules and local practices governing filing that are inconsistent with Rule 576 continues to plague multi-judicial district practitioners, as well as the Committee. We still are hearing about local rules or local practices that require a party to bring the motion in person, frequently on specified days or at specified times, to a judge or court administrator before filing with the clerk of courts. Rule 576 has been revamped to make it absolutely clear that filing may be accomplished only by mail to the clerk or by personally delivering the motion to the clerk of courts. The “Unified Practice” provision, Rule 576(A)(6), prohibits any local rules that require a document to be presented in person or reviewed by the court or court administrator before filing.

#### d. *Revision of the Comments to Rules 114, 575, 576, and 577*

The Comments to Rules 114, 575, 576, and 577 all include a provision explaining the purpose of the “Unified Practice” provision, and its relationship to the general prohibition in Rule 105 (Local Rules) against local rules that are inconsistent with the statewide rules. To emphasize the definition of local rule, this explanatory paragraph includes the Rule 105 definition of “local rule.” In addition to this general explanatory paragraph, the Rule 575 Comment explains the Committee’s reasoning for prohibiting cover sheets. Finally, because of the pervasiveness of the local rules and local practices requiring personal appearances for filing or for securing a hearing date, the Comments to Rules 576 and 577 reiterate that these practices are inconsistent with the rules.

<sup>7</sup> A number of the respondents to our survey indicated the only way they learned of local administrative orders was to talk to local counsel when they knew they would have a case in another judicial district.

<sup>8</sup> Rule 575 provides that an answer is not required unless ordered by the court, which does not mean a general order for an answer in all cases, but rather an order issued in a specific case.

## 2. Certificate Of Service

The second significant change is the addition of the requirement that all motions, Rule 575(A)(2)(f), and all answers, Rule 575(B)(3)(c), include a certificate of service. This requirement is consistent with similar provisions in the Rules of Civil Procedure and the Rules of Appellate Procedure, and it is an important addition to the Criminal Rules to better ensure all the proper parties are served.<sup>9</sup> The contents of the certificate of service are enumerated in Rule 576(B)(4)(b), and must include the date and manner of service, and the names, addresses, and phone numbers of the persons served. A sample form modeled on Pa.R.A.P. 122 is included in the Rule 576 Comment.

In developing the form of certificate of service, the question arose concerning of who should sign the certificate. The Committee considered whether the rule should require either the attorney, or party if unrepresented, or the person, such as a secretary, who actually mails or delivers the documents to sign the certificate of service. Since the attorney, or the party, if unrepresented, has the responsibility for service under Rule 576, we concluded the attorney or party should sign the certificate of service.

## 3. New Rule 113 (Criminal Case File and Docket Entries)

During the Committee's discussions about the filing and service of motions, answers, orders, and court notices, a number of questions came up about capturing the information concerning a criminal case, such as the dates of filing and service, and maintaining the papers filed in the case. As we considered these questions, we noted the term "docket" is used to mean different things in different rules and even within one rule.<sup>10</sup> In Pennsylvania, for example, the term "docket" is used as a verb to mean either the act of bringing something to the clerk of courts, with "docketing" used to mean "filing," or the act of the clerk of courts entering information on the docket, with "docketing" used to mean "entering." "Docket" also is used as a noun to mean the "record."<sup>11</sup> In addition, from our research, we learned that some counties do not keep a running record of docket entries, but merely construct the docket if an appeal is taken. In these counties, everything is kept in the case file, and it appears anyone can have access to this file. In view of these considerations, new Rule 113 governing the "docket" has been adopted to fill this gap.<sup>12</sup>

The new rule places the burden of maintaining both the criminal case file, paragraph (A), and the list of docket entries, paragraph (B), on the clerk of courts. As explained in paragraph (A), the criminal case file contains all the original records, papers, and orders filed in the case, and copies of all court notices. Paragraph (A) prohibits the removal of these documents from the criminal case file without a court order, but provides that, upon request, the clerk must provide copies of the documents at a reasonable cost. This change is needed to prevent the court's papers from being lost, a problem that from time to time is alluded to in case law, because of the difficulties lost documents create in reproducing the record of the case for the appeal.

<sup>9</sup> For example, the Committee learned that frequently when the Attorney General's office is representing the Commonwealth, service on the Attorney General's office is not done properly and the Attorney General's office either does not receive the document filed or receives it late. This new requirement therefore will be helpful in cases in which the Attorney General's office is representing the Commonwealth, so the court will know whether that office has received service.

<sup>10</sup> See also the definition of "docket" in Black's *Law Dictionary*.

<sup>11</sup> A rule example is current Rule 114 that provides "the clerk of courts shall immediately docket the order and record in the docket the date. . . ."

<sup>12</sup> Because present Rule 113 has been rescinded as part of the changes for Rule 114 discussed in Part 4, Rule 113 is an available number.

Paragraph (B) addresses two issues. First, by using the terminology "list of docket entries" to replace "docket" to describe the entity in which all the information that is required to be maintained in a criminal case is recorded, we are accommodating both the manual system of recording and maintenance of information that is currently being used in a number of judicial districts and the electronic recording and maintenance of information that is used in others.<sup>13</sup> Second, the definition in paragraph (B) of "list of docket entries" as a "chronological list, in electronic or written form, of documents and entries in the criminal case file, and of all proceedings in the case," is intended to end the practice in some judicial districts of not creating the list of docket entries unless an appeal is taken. This is explained further in the second paragraph of the Comment, with the additional admonishment that such a practice is inconsistent with the rule.

Paragraph (C) outlines the minimum information that must be included in the list of docket entries.<sup>14</sup> Paragraph (C)(2) requires the names and addresses of all attorneys who have appeared or entered an appearance. The Committee agreed it was important to capture this information to make sure there is a record of all attorneys who appear in a case, not only for the defendant and the Commonwealth, but also for witnesses or any other litigant in the case. In addition, having the attorneys' addresses ensures proper service under Rules 114 and 576. Paragraph (C)(4) requires notations concerning oral motions and oral orders that are made or issued in the courtroom. Recognizing that not all judicial districts currently have the capacity to make docket entries from the courtroom, the provision is limited to "when directed by the court." Paragraph (C)(6) requires information concerning "the location of exhibits made part of the record during the proceedings" and was added to address a serious problem in the criminal justice system concerning, for example, the ability to locate exhibits following trial. This information in the list of docket entries will aid the courts and the parties in keeping track of the location of exhibits.

## 4. Rule 114 (Orders and Court Notices: Filing; Service; and Docket Entries)

In developing this proposal, one area of criminal practice that was identified by the correspondents and survey respondents as not uniform and creating many of the problems for the statewide practice of law is the procedures governing orders and court notices, procedures governed by current Rules 113 (Notice of Court Proceeding(s) Requiring Defendant's Presence) and 114 (Notice and Docketing of Orders). In addition to the "Uniform Practice" provision being added to Rule 114(D), discussed above in Part 1, a number of other changes to Rule 114 have been made that will tighten up the procedures governing orders and court notices.

The title to Rule 114 is being changed to "Orders and Court Notices: Filing; Service; and Docket Entries." This title more accurately reflects the application of the rule; it addresses the filing and service of orders and court notices, and making docket entries with regard to the filing and service of orders and court notices. In addition, the rule is completely reorganized into separate paragraphs that conform to the procedures enumerated in the title.

<sup>13</sup> This new provision also accommodates the statewide automation of the criminal divisions of the courts of common pleas.

<sup>14</sup> It is expected that some judicial districts may require additional information be included in the list of docket entries for administrative purposes, and this is explained in the first paragraph of the Rule 113 Comment.

a. *Paragraph (A) (Filing)*

Paragraph (A) sets forth the procedures for filing all orders and court notices in the clerk of court's office. Addressing the problems related to the delays in filing of the orders and notices the Committee had identified, paragraph (A)(1) requires all orders and court notices to be transmitted promptly to the clerk of courts' office, and for the orders or notices promptly to be time stamped. Although in most cases, documents that come into the clerks' offices are time stamped, the time stamp requirement, which is a time stamp of the date the order or court notice is received in the clerk's office for filing, ensures accuracy concerning when the orders or court notices are received in the clerk's office for filing and eliminates variations in practice in this important area. To conform with Rule 113 (Criminal Case File and Docket Entries), paragraph (A)(2) requires the order or notice promptly to be placed in the criminal case file.<sup>15</sup> These requirements will ensure that these important court papers are filed properly and in a timely manner, and are promptly put into the criminal case file.

An issue debated at length by the Committee concerned which court officials should have the responsibility to file, make docket entries of, and put the orders and court notices in the criminal case file. Because determining who has the responsibility for filing and making docket entries is an administrative matter, we did not think paragraph (A) should assign these responsibilities, and agreed to leave the rule silent as to which court official would actually do the filing, make the docket entries, and put documents in the criminal case file. See also the discussion of new Rule 116 below.

b. *Paragraph (B) (Service)*

Paragraph (B) incorporates the present requirement of Rule 114 that the order or notice be "forthwith furnished" by requiring a copy to be served promptly, paragraph (B)(1). In addition, paragraph (B) sets forth the service requirements, paragraph (B)(2), as explained more fully below, and the methods of service, paragraph (B)(3).

Although the Committee agreed paragraph (A) should be silent concerning which official time stamps the orders and notices, we did not think the rule should be silent concerning which official should serve the court orders or notices. Because of the importance of prompt service of orders and notices, we thought it is important to specifically impose the duty on the clerk of courts. See paragraph (B)(2). However, the Committee believes this is another area where local practice should be accommodated as long as the president judge ensures the duties are performed in a timely manner. In recognition of this, paragraph (B)(2) also authorizes the president judge to promulgate a local rule designating the court, which is intended to accommodate, for example, the practice in some judicial districts of the judge's secretary or the bail agency sending out certain notices, or the court administrator as the official to serve some or all orders and court notices. The local rule requirement ensures that the local practice is readily accessible to all attorneys, and in particular those who have a multi-judicial practice, as well as any other interested individuals, is published in the *Pennsylvania Bulletin*, and is lodged with the Committee pursuant to Rule 105.

Paragraph (B)(3) incorporates the service provisions of former Rule 113 with the following changes. First, in our

review of former Rule 113(1)(a), which provides for service by "personal delivery to the defendant or defendant's attorney," some members questioned whether service could be on a defendant instead of his or her attorney as implied by this language. The Committee concluded service should always be on the attorney unless the party is unrepresented. See paragraph (B)(3)(a)(i).<sup>16</sup> During our discussion of this provision, the Committee considered whether service could be on an attorney's employee, noting that in practice this frequently occurs but is not specifically provided in former Rule 113. Rule 114 as amended permits this practice limited to service on the employee at the attorney's office. See paragraph (B)(3)(a)(ii).<sup>17</sup>

The Committee also considered the practice in some judicial districts of assigning mail slots/boxes in the courthouse for service on members of the local bar and the court administrator. We agreed this practice was a legitimate manner of service as long as the courthouse mailboxes are not used to serve a party who does not have a box or who has not given their permission to be served in the box. Accordingly, paragraph (B)(3)(a)(iv) specifically permits service in courthouse mailboxes when counsel has agreed to receive service by this method.<sup>18</sup> Because of the confusion that occasionally arises when the Attorney General's office is prosecuting a case, see footnote number 7, and there are courthouse mailboxes, the Comment cautions that the Attorney General's office never may be served by this method.

In addition, the Committee discussed service by electronic means. We noted both that Pa.R.Civ.P. 236(d) permits service of orders by facsimile or electronic transmission, and that the use of electronic technology for transmitting documents is proliferating. However, the Committee expressed concern about issues such as proof of service and signatures that arise with the various means of electronically transmitting documents. Following several meetings at which this issue was debated at length, the Committee ultimately concluded there is nothing in Civil Rule 236(d) that is contrary to the purposes of service in criminal cases and having uniform means of service in civil and criminal cases is a salutary purpose. Accordingly, Rule 114(B)(3)(a)(vi), modeled on Civil Rule 236(d), permits this method of service. To alleviate the members' concerns about service by electronic means, the new provision incorporates two safeguard provisions. First, the paragraph permits the use of electronic means of service, but only if counsel or the defendant if unrepresented, requests this method of service either by filing a specific request or including the facsimile number or an electronic address on a prior legal paper filed in the case. The Comment includes a paragraph clarifying that the facsimile number or electronic address on letterhead is not sufficient to authorize service by facsimile. Second, the paragraph requires the authorization for the use of electronic means for service by the court to be on a case-by-case basis. A Comment provision explains this, and notes a new authorization must be made for each case of the attorney or defendant.

Paragraph (B)(3)(a)(vii) recognizes another practice in the judicial districts that has become readily available and widely used: using private delivery companies such as Federal Express or United Parcel Service or a local courier service to deliver documents. The new provision also accommodates the practice in some judicial districts

<sup>15</sup> The Committee uses the term "placed" instead of "filed" in the context of the criminal case file because the "filing" is the formal process of having documents come to the clerks' offices. The physical act of putting the documents in the criminal case file is not "filing" as used in this rule.

<sup>16</sup> A similar change has been added to Rule 576(B)(2)(a). See Part 7 below.

<sup>17</sup> A similar change has been added to Rule 576(B)(2)(b). See Part 7 below.

<sup>18</sup> Similar changes have been added to Rule 576(B)(2)(d) and (B)(3)(b). See Part 7 below.

of using a form of interoffice mail, which is a county-controlled delivery service of documents within the courthouse and to, for example, the county jail. The term "carrier service" is used to better accommodate not only the Federal Express and UPS-types of delivery services, but also the interoffice mail.

*c. Paragraph (C) (Docket Entries)*

Paragraph (C)(1) requires docket entries to be made promptly. This encourages the timely recording of docket entries, something that is a problem in some judicial districts.

Paragraph (C)(2) retains the requirements set forth in the second sentence of current Rule 114 that a docket entry be made of the date of service and the manner of service, paragraph (C)(2)(c). In addition, the requirement that a docket entry be made of the date on the order or court notice, paragraph (C)(2)(b), has been added because frequently this date will be different from the date of receipt, and this information could be important in the case. Finally, tying in with the requirement in paragraph (A)(1) that the orders and notices be time stamped when received in the clerk's office, paragraph (C)(2)(a) requires that a docket entry of the date of receipt be made.

The Comment includes a cross-reference to new Rule 113 for the requirements concerning the contents of the criminal case file and the minimum information to be included in the docket entries.

*5. New Rule 116 (General Supervisory Powers of President Judge)*

Throughout our discussions, a recurring issue for the Committee concerned the problems that arise because not all the court papers are filed in a timely manner, accurate docket entries are not always made or are not made promptly, and the service of orders and court notices is not always made in a timely manner. These problems impact on other Criminal Rules<sup>19</sup> and cause unnecessary delays in cases. From our research, the Committee noted the problems are exacerbated not only by the varied practices for handling these duties in the judicial districts, but also by the failure of some judicial districts to provide any uniform supervision.

The Committee discussed this matter at length and reviewed the constitutional and statutory authorization for clerks of courts. Sections 2756 and 2757 of the Judicial Code, 42 Pa.C.S. §§ 2756 and 2757, establish the duties of the clerks of courts. Section 2757 provides, *inter alia*, that the office of the clerk of courts shall have the power and duty to:

- (5) Exercise such other powers and perform such other duties as may now or hereafter be vested in or imposed upon the office by law, home rule charter, order or rule of court, or ordinance of a county governed by home rule charter or optional plan of government.

Based on this statutory provision and to address the problems with filing, making docket entries, and maintaining the criminal case file, the Committee in the published proposal included paragraphs in the proposed changes to Rules 113 and 114 that specifically authorized the president judge to supervise the clerk of courts.

We received numerous publication responses from clerks of courts and president judges criticizing these

<sup>19</sup> See, for example, Rule 720(B)(3)(c) that requires the clerk of courts to "forthwith enter an order on behalf of the court, and shall forthwith furnish a copy of the order . . . to the attorney for the Commonwealth, the defendant(s), and defense counsel. . . ."

provisions. The respondents' criticisms included concerns that the proposal was usurping the statutory powers of the clerks of courts, and unduly and unnecessarily burdening the president judges by making them perform administrative functions. In discussing these responses, the Committee noted that the proposal was intended to provide a mechanism for oversight of the judicial district, not to take powers away from the clerks of courts or to make the president judges into court administrators. The proposal merely acknowledged what already is within the president judges' responsibilities—the responsibility for ensuring compliance with the rules and that the criminal justice system remains on track in their judicial districts.

In considering how to clarify this point, the Committee realized that the placement of the oversight provisions in the published proposal was likely the source of the confusion and contributed to the criticisms. Given the broad supervisory powers of the president judges, the Committee agreed it made more sense to have a separate general supervisory rule placed in the "Business of the Courts" section of the Criminal Rules (see Chapter 1 Part A). Accordingly, new Rule 116 enumerates the president judges' responsibility to ensure their respective judicial districts are in compliance with the Rules of Criminal Procedure, other rules, and statutes as they apply to the minor judiciary, courts, clerk of courts, and court administrators.

*6. Rule 575 (Motions and Answers)*

As part of our review of the motions rules in general, the Committee noted that the rule governing motions, current Rule 574, and rule governing answers, current Rule 575, are similar in nature and closely related in process: motions and answers are documents that a party files, have similar contents, and must be served. In view of this, Rules 574 and 575 have been combined into one rule by merging current Rule 574 into current Rule 575 as new paragraph (A).<sup>20</sup>

*a. Paragraph (A) (Motions)*

Rule 575(A)(1) is taken from former Rule 574(A). Rather than enumerating the laundry list of documents considered motions—motions, challenges, and applications or requests for an order or relief—each time there is a reference to "motions" in the rules, the term "motion" is now defined in Rule 103.<sup>21</sup> In addition, consistent with the Court's goal of statewide uniformity for motions procedures, the "except as otherwise provided by these rules" language has been deleted from paragraph (A)(1) because (1) there are no motions that would not be in writing, or as permitted by the court, or when made in open court during a trial or hearing,<sup>22</sup> and (2) the language could be misconstrued as permitting conflicting local rules. Finally, a cross-reference to Rule 1005 (Pre-trial Applications of Relief) has been included in the Comment to make it clear that the practice in Municipal Court in which most motions are made orally is consistent with the provisions of Rule 575(A)(1).

Paragraphs (A)(2)(a)—(c) and (g) are the same as present Rule 574(B)(1)—(3). Paragraphs (A)(2)(e) and (f)

<sup>20</sup> Current Rule 574 has been rescinded and the number reserved for future use.

<sup>21</sup> The Rule 103 definition of "motion," and other changes to this Rule 103, are explained more fully in the Part 9 "Correlative Rule Changes" section below.

<sup>22</sup> A review of the Committee's Report and Supplemental Report explaining the changes when the motions rules were adopted in 1984 revealed that the two rules referred to in the Report that provided different filing procedures, or were the "otherwise provided" rules, have been rescinded and replaced by other rules that do not provide different procedures. From a search of the current rules, we found that Rules 573 and Rule 581 have provisions for making a motion "to the court." As explained below in the "correlative amendments" section, the Committee agreed to delete the provision from Rule 573 but retain it in Rule 581, with a Comment in both rules explaining that Rules 575 and 576 must be followed.

are new to the motions rule. Paragraph (A)(2)(e) adds the requirement that the motion include any requests for a hearing or argument or both, which is in accord with current practice. Paragraph (A)(2)(f) adds the requirement that the motion include a certificate of service. See discussion in Part 2 above.

A major change being proposed by the Committee is the abolition of rules to show cause and rules returnable in paragraph (A)(5). The Committee agreed these “rules” are confusing and no longer serve any useful purpose, and should be replaced by “plain language” notices of hearings issued by the court or court administrator as provided in Rules 114(c) and 557(A)(2). The basis for this change, that the terms “rules to show cause” and “rules returnable” are archaic and obsolete, is highlighted in the Comment.

b. *Paragraph (B) (Answers)*

Paragraph (B) incorporates the provisions of current Rule 575. The first sentence of current Rule 575(A) raised two questions. The first question was whether the “or otherwise provided in these rules” language was necessary. Because Rule 906(E)(1)(a), which requires an answer to all first counseled PCRA petitions in death penalty cases, is the only rule that requires an answer, the general exception has been deleted and a specific reference to Rule 906 has been added. See paragraph (B)(1).

The second question was whether the “ordered by the court” language could be construed as authorizing a judicial district to establish a local rule requiring answers in every case. In view of the potential for the phrase to be misconstrued, and to avoid any language that could be read as encouraging local rules, that portion of current Rule 575(A) (proposed paragraph (B)(1)) has been modified by replacing “ordered by the court” with “the judge orders an answer in a specific case as provided in Rule 577.” This point is elaborated in the Comment, and a cross-reference to the filing and service requirements of Rule 114 has been added to emphasize that the orders must be filed and served, and docket entries made.

The Committee discussed the provision in the second sentence of current Rule 575(A) that failure to answer is deemed an admission when an answer has been required by the court or otherwise by the rules, and whether the Criminal Rules should ever permit the failure to answer to be deemed an admission. We concluded the “deemed admission” provision is a civil concept and could lead to problems in the criminal context, and therefore, a failure to answer should never be deemed an admission. Accordingly, the “unless an answer has been required” clause at the end of the second sentence of current Rule 575(A) (proposed paragraph (B)(1)) has been deleted. In view of this change, to make it clear the judge has other options to the “deemed admission” provision, a Comment provision explaining that the judge could impose other appropriate sanctions on the non-responding party in a specific case has been added.

Paragraph (B)(2) amends the provisions of current Rule 575(C) to clarify that if a hearing or argument is scheduled, a party may respond orally at the time of the hearing or argument even when an answer is not required.

Paragraph (B)(3), which is essentially the same as current Rule 575(D), has been modified by the deletion of the requirement that the answer “be divided into consecutively numbered paragraphs corresponding to the numbered paragraphs of the motion.” See paragraph (B)(3)(b). Several members pointed out that answers may need to be less formally structured for a number of reasons, such

as the answer may not respond to an entire motion or may raise other matters that do not correspond to the numbered paragraphs of the motion. The Committee agreed with this assessment, noting the provision is more mischievous than beneficial to the system, and that it makes sense to provide some flexibility in the nature of the answers in criminal cases.

Finally, paragraph (B)(3)(c) adds the requirement that the answer include a certificate of service, see discussion in Part 2 above.

7. *Rule 576 (Filing and Service by Parties)*

During the development of this proposal, the Committee agreed there should be a separate new rule addressing the procedures following the filing and service of motions, see discussion in Part 8 below. To accommodate this new rule, Rules 576 (Filing) and 577 (Service) have been combined into one rule, with current Rule 577 merged into current Rule 576 as new paragraph (B), because they are closely related in process.

The title to Rule 576 has been changed (1) to reflect the new dual nature of the rule—filing and service—and (2) to distinguish the requirements of this rule, which apply to parties, from the filing and service requirements of Rule 114, which apply to the court.

a. *Paragraph (A) (Filing)*

Paragraph (A) incorporates the provisions of current Rule 576. The order in which the paragraphs appear in the current rule has been reorganized so the method of filing, former paragraph (D), follows the requirements for filing in paragraph (A)(1).

Paragraph (A)(1) is similar to current Rule 576(A), with two changes. First, the “or otherwise provided in these rules” language has been deleted because the language could be misconstrued as permitting inconsistent local rules in this area. See also the discussion in Part 6 above.<sup>23</sup> Second, “written answers” has been added to the list of documents that must be filed to make the rules clear that the same requirements for filing motions apply to any answers. In addition, because Rule 575(A)(1) applies to “notices or documents for which filing is required,” a cross-reference to the Criminal Rules that require a notice to be filed has been added in the Comment. This cross-reference will serve as an aid to the bench and bar by clarifying the scope of the application of this provision of the rule.

Paragraph (A)(2) incorporates current Rule 576(D), with two changes. First, the “may” has been changed to “shall” in the introductory clause to make the rule clear that these are the only ways to accomplish filing.<sup>24</sup> This clarification is intended to preempt local rules dealing with filing of motions. The second change is the addition of “except as provided by law” before the provision concerning the timeliness of filing. This addition, which is explained in the Comment, accommodates the “prisoner mailbox rule” recognized by the Court in *Commonwealth v. Jones*, 700 A.2d 423 (Pa. 1997).<sup>25</sup>

As the Committee worked on this proposal, the question of how to handle filings that are untimely or that do

<sup>23</sup> For the same reasons, this language has been deleted from paragraph (B), which is taken from current Rule 577(A).

<sup>24</sup> The same change has been made in paragraphs (B)(2) and (3) concerning methods of service.

<sup>25</sup> This is the “rule” developed in a line of cases to address the timeliness of appeals by prisoners proceeding pro se, holding that the prisoners’ filings are timely when deposited with the prison authorities or in the prison mailbox within the time limits for filing. Although, to date, the case law has been limited to appeals and post conviction proceedings, the Committee reasoned that the basis for this “rule” put forth by the courts applies equally to criminal proceedings generally—that prisoners are unable to take the steps available to other litigants to monitor the process of their filings in order to ensure that the filings arrive before the deadline for filing.

not comply with the rules arose: should the clerk of courts have any role in determining the acceptability of filings. The Committee concluded that the determination of the acceptability of filings was not an issue for the clerk of courts, and that they should accept all filings submitted to their offices. Paragraph (A)(3) has been amended to make this clear, with further elaboration in the Comment. It also is suggested in the Comment that the judicial districts implement procedures to inform the filing party when the filing does not comply with the rules so the party may correct the problem. This procedure could be implemented, for example, by having a form that lists any local rules' requirements and the filing requirements that can be given to the party who is not in compliance. Paragraph (A)(3) also includes conforming changes to bring the case processing procedures in line with the provisions of new Rule 113.

Paragraph (A)(4), which governs the procedures when a represented defendant submits a document for filing, continues to generate questions. Correspondence with the Committee suggested that the 1996 amendments to Rule 576, which require the clerk of courts to forward any filings by a represented defendant to the defendant's attorney without docketing, has been creating problems, particularly in those cases in which the defendant is raising his or her attorney's ineffectiveness or is filing a petition to proceed pro se. The concern with the current procedure is that there is no record in the clerk's office of the filing. If counsel of record is not actively working on the defendant's case, then important deadlines may be missed, or action on the defendant's claim of ineffectiveness or to proceed pro se may be delayed.

The Committee initially agreed for ineffective counsel claims and petitions to proceed pro se that the filings should be docketed. However, after discussing how these two types of filings could be clearly separated from all other filings by counseled defendants, the Committee concluded this was not a workable option because many filings by defendants are not clearly identified, and it is not the responsibility of the clerk of courts to make a determination about the nature of a particular filing. In further discussions, the Committee weighed other options, including, for example, requiring that:

- 1) the clerk of courts docket and record all counseled defendant's filings in the same manner provided for other filings in paragraph (A)(3), and then forward it to the attorney of record;
- 2) the clerk acknowledge receipt of the filing at the same time forwarding the filing to the attorney, and the acknowledgment would provide the record or proof of filing;
- 3) the clerk also should forward a copy of the filing to the attorney for the Commonwealth in an effort to avoid day-of-trial surprises and delays; or
- 4) if the filing is docketed and recorded, no other action is required by the court.

Because (1) the concerns about delays and failure of counsel to act requires that there be some record of the filings by counseled defendants, and (2) the case processing procedures for time stamping, making a docket entry, and placing the document in the criminal case file make more sense than requiring the clerks to send an acknowledgment of receipt, and in order to avoid the day-of-trial surprises and delays that might otherwise occur, the rule requires the clerk to follow the same procedures when any document is submitted for filing—time stamp, make a docket entry, and place the document in the criminal

case file—and forward a copy of the filing to the attorney for the Commonwealth. The Comment makes it clear, however, that these filings serve only to provide a record, and, therefore, no action is required.

Paragraph (A)(5) is new to the rules, and establishes the procedures for the judge to follow when a defendant submits a document pro se to the judge without filing it with the clerk of courts. Although not every document submitted to the judge by a defendant raises issues that require court action, if the document requests some form of cognizable legal relief, the document must be processed in accordance with Rule 576(A). Paragraph (A)(5) requires the judge to forward these documents to the clerk of courts for filing and processing. The Comment includes a further explanation about these procedures, including cross-references to paragraphs (A)(3) and (A)(4).

#### b. Paragraph (B) (Service)

Paragraph (B)(1), which is taken from current Rule 577(A), specifically requires the parties to serve not only all parties but also the court administrator. This additional requirement is necessary to address a problem that had come to the Committee's attention: some clerks of courts are not complying with the provision of current Rule 576(B) that requires them to promptly transmit a copy to the designated court official.<sup>26</sup> Because the court administrator frequently is the designated court official who schedules hearings and arguments, or who is responsible for getting the motions to the judge for scheduling, the Committee concluded the court administrator should receive a copy of all filings from the parties concurrently with filing. As noted in the Comment, this requirement does not replace the requirement that the documents must be filed with the clerk of courts.

Another purpose of providing for service on the court administrator is to acknowledge the variations in practice concerning who does scheduling in each judicial district. This one area of the rules in which there does not have to be complete uniformity—either the court or the court administrator may continue to schedule hearings and arguments and other court proceedings. This point also is explained in the Comment.

The Comment also suggests when a judge is assigned to a case, it is appropriate for counsel to give a courtesy copy of the motion to the judge. Although the court administrator is responsible for ensuring the judges receive copies of the motions, in some cases, the attorneys may want to provide the judges with a "heads up" on what is coming as a courtesy to the judge.

Paragraph (B)(2), which is taken from current Rule 577(B), provides the same methods of service that are in Rule 114 concerning service of orders and court notices. See discussion in Part 4 above. Briefly, the differences from current Rule 577(B) are that: paragraph (B)(2)(a) provides for personal service on the attorney unless the party is unrepresented; paragraph (B)(2)(b) permits service by personal delivery to the attorney's employee at the attorney's office; paragraph (B)(2)(d) acknowledges the local practice of using courthouse assigned boxes for receipt of service; paragraph (B)(2)(f) permits facsimile or other electronic means of service if the party's attorney has made a written request for this method of service; and paragraph (B)(2)(g) recognizes the common practice of using carrier services other than the U. S. postal service. The Comment includes a caveat concerning the election of service by facsimile transmission or other

<sup>26</sup> The last sentence in (A)(3), formerly Rule 576(B), has been deleted as no longer necessary because of the addition of this requirement.

electronic means.<sup>27</sup> Because of the relative novelty of electronic means of service, at least until the use of this means of service becomes more widely accepted, acceptance of this means of service by attorneys is limited to a per document basis, as explained in the Comment.

Paragraph (B)(3) has been added to enumerate the means of service on the court administrator: the means of service is limited to service by mailing; leaving a copy in a courthouse box or at the court administrator's office; facsimile or other electronic transmission, or carrier service.

Paragraph (B)(4) sets forth the requirements for the certificate of service that is discussed more fully above in Part 2.

Another issue the Committee considered at length concerned the application of Rule 576 to non-parties. Several members expressed concern that the addition of "by parties" to the title and using the term "parties" in the rule could be construed as limiting the application of the rule to parties, thereby excluding from the rule's requirement others who may make a motion in a specific case, such as a member of the press who is challenging, for example, a closure order. The Committee agreed anyone filing any form of request for relief in a criminal case, whether or not a party, should follow the requirements of Rule 576. New paragraph (C) to makes it clear that any non-party requesting relief from the court in a case must file and serve the motion as required by Rule 576(A) and (B). New paragraph (C), however, in no way is intended to give "party" status to a non-party filing and serving under the rule.

#### 8. *New Rule 577 (Procedures Following Filing of Motion)*

As we developed this proposal, the Committee noted a gap in the rules following the filing and service of motions. The current rules do not set forth procedures that would explain what happens after the filing and service of motions. Because most of the changes are intended to reduce the statewide variations in motions practice and procedure, this gap has been filled by new Rule 577.

Rule 577 is divided into 3 parts: (A) procedures following the filing of the motion, including the determination by the court whether an answer is required and scheduling of hearing and arguments; (B) the requirement that the court promptly dispose of any motion; and (C) the "Unified Practice" section prohibiting local rules concerning personal appearance to request a hearing.

The provisions of paragraph (A) tie in with the provisions of Rule 114 to make it clear that when any order for an answer is issued pursuant to paragraph (A)(1), or any court notice for a hearing or argument is issued pursuant to paragraph (A)(2), the filing, docket entries, and service provisions of Rule 114 must be followed, and that this is the responsibility of the court, not the parties. Furthermore, although the Committee was adamant that hearings, oral arguments, and briefs should not be required in every case, but rather only should be scheduled when necessary to assist the judge in deciding the motion, as noted in Part 4 above in the discussion of Rule 114, the Committee was aware that in a number of counties, the hearings are scheduled by the court administrator as a matter of course. Accordingly, new Rule 577 permits either the court administrator or the judge to do the scheduling, leaving the decision to local practice, but on a case-by-case basis.

<sup>27</sup> When the service is by the court pursuant to Rule 114, the attorneys' election for service by fax or other electronic means is on a case-by-case basis.

#### 9. *Correlative Rule Changes*

##### a. *Rule 103 (Definitions)*

Consistent with the changes being made to the motions rules and with new Rule 113, the definition of "clerk of courts" has been modified and a definition of "court administrator" added. Both definitions include the deputies or assistants when acting in the capacity of the clerk of courts or court administrator, and accommodate those judicial districts that use other titles for their "clerks of courts." In addition, as explained in Part 3 above, a definition of "motion" has been added, thereby eliminating the need to include the laundry list of documents that are motions every time the term "motion" is used in a rule. Finally, a definition of "carrier service," which includes not only the large national delivery companies, such as Federal Express and UPS, but also local carrier services and the interoffice mail systems that some judicial districts use to distribute documents within the courthouse and between the courthouse and other county facilities including the county jail facility has been added.

##### b. *Rule 573 (Pretrial Discovery and Inspection) and Rule 581 (Suppression of Evidence)*

To conform with the changes in Rules 575 and 576, and to avoid the misconstruction that Rule 573 provides an exception to the filing requirements of Rule 576(A), the provision for making an appropriate motion "to the court" has been deleted from Rule 573(A). Although similar language appears in Rule 581, "to the court" in Rule 581(A) has been retained because there are times when an suppression motion is made orally in open court and on the record, and this practice should continue. In addition, in paragraphs (C)(1)(a) and (b) "proof of service" has been changed to "certificate of service" to conform with the certificate of service provisions in Rules 575 and 576, and paragraph (E) has been amended to clarify that any hearing on a suppression motion must be scheduled pursuant to Rule 577.

Finally, cross-references to Rules 575 and 576 have been added to the Comments to Rules 573 and 581 to make it clear that both Rules 575 and 576 must be followed for any motions filed under Rules 573 and 581.

##### c. *"Show Cause" Rules*

Rules 142(A)(2), 456(B), 536(A)(1)(c), and 587 all use the phrase "show cause why." Although when these rules were developed, the Committee had not intended by using this phrase that the courts should require "rules to show cause," we have learned some judicial districts in fact require "rules to show cause" in these situations. In view of the Court's abolition of "rules to show cause," see Rule 575(A)(5), to avoid any confusion for the bench and bar, the "show cause" language in these rules has been deleted. In Rules 142, 456, and 536, the "show cause" provision has been replaced with "explain." In Rule 587, which is worded slightly differently and applies to the attorney for the Commonwealth, the entire "show cause" phrase has been deleted, and replaced with "respond."

##### d. *Changes to Conform Rules to New Rule 113 Terminology*

New Rule 113 changes the terminology in reference to (1) "docketing," now "making a docket entry," (2) the "docket," now referred to as "a list of docket entries," and (3) the "record," now referred to as the "criminal case file." Rules 103, 114, 535, 576, and 577, 720, 721, and



903<sup>28</sup> contain references to one or more of these terms that are changed in Rule 113 and have been modified to conform with the new Rule 113 terminology.

*e. Other Conforming Changes*

(1) Rule 572(A) provides for filing of the bill of particulars "subsequent to service upon the attorney for the Commonwealth." The motions rules always have required filing and service to be concurrent, and the Committee did not think Rule 572 should be different. Therefore this phrase has been deleted and "and served" added before "as provided in Rule 576."

(2) Rules 581(A) and 906(B) use the phrase "the defendant and the defendant's attorney." The Committee, when working on the motions rules package, agreed the references in the service provisions of the rules to "the defendant or the defendant's attorney" should be changed to "the defendant's attorney, or if unrepresented, the defendant." Consistent with this decision, Rules 581(A) and 906(B) have been amended.<sup>29</sup>

(3) Rules 303 and 579 and the Comments to Rules 451 and 720 have been modified to conform the references to rule numbers that have been changed as part of the motions rules package.

[Pa.B. Doc. No. 04-468. Filed for public inspection March 19, 2004, 9:00 a.m.]

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 in the Clerk of Court's Office.

*By the Court*

RICHARD W. WEBB,  
*President Judge*

[Pa.B. Doc. No. 04-469. Filed for public inspection March 19, 2004, 9:00 a.m.]

## Title 255—LOCAL COURT RULES

### CARBON COUNTY

#### Accelerated Rehabilitative Dispositions Program (ARD)—Administrative Fee; 34 MI 99

##### Administrative Order No. 8-2004

*And Now*, this 4th day of March, 2004, in order to implement the new DUI legislation and administer the ARD Program, it is hereby

*Ordered* and *Decreed* that, effective May 1, 2004, all parties placed into the Carbon County Accelerated Rehabilitative Disposition Program shall be assessed an Administrative Fee as follows with 50% of the fee payable on or before the scheduled ARD hearing date:

Non-DUI ARD	\$350.00
DUI ARD—Rate of Alcohol .08 to .099	\$350.00
DUI ARD—Rate of Alcohol .10 to .159	\$400.00
DUI ARD—Rate of Alcohol .16 and higher and Refusal	\$450.00
ALL ARDs not stipulated to at District Justice level	\$500.00

*It Is Further Ordered and Decreed* that this Court's Administrative Order No. 7-1999 is *Vacated* as of April 30, 2004.

<sup>28</sup> Rule 903 also is being amended to conform it to the new provisions in Rules 114 and 576 that require documents that are filed to be time stamped, have docket entries made, and placed in the criminal case file.

<sup>29</sup> Although Rules 320 and 555 use the phrase "defendant or defendant's attorney", the Committee had questions about the validity of other provisions of these rules, and rather than delay the motions rules proposal during the discussion of these other provisions, the Committee agreed to take these rules out of the motions rules package and consider them separately. Rule 905(C) requires service of an order for an amendment of a PCRA petition to be on the defendant, defendant's attorney, and the attorney for the Commonwealth. The Committee agreed in this case, service on both the defendant and the defendant's attorney was necessary, and therefore Rule 905(C) should not be changed.

### JUNIATA AND PERRY COUNTIES

#### Education Program for Separated Parents; No. 73 of 2004; No. 2004-2

##### Order

*And Now*, March 1, 2004, it is hereby ordered that beginning with case filings dated May 1, 2004, all parties in a divorce or custody/visitation action, or such other cases as the Court shall direct, where the interest of children under the age of 18 years are involved, shall be required to attend a seminar entitled "Education Program for Separated Parents." The four-hour educational seminar is intended to provide guidance to the parents in helping their children adjust to the consequences of divorce, separation and changing custody arrangements. A detailed description of the program goals are entitled Exhibit "A" and incorporated in this Order.

The moving party shall serve the responding party with a copy of the Court Order directing their attendance at the Seminar within sixty days of the date the action is filed along with a program brochure/registration form.

Within sixty (60) days after service, both parties are required to register and attend the program by mailing the pre-printed "Education Program for Separated Parents" registration form, along with a registration fee of \$45.00 to Education Program for Separated Parents, Penn State Justice and Safety Institute, The Pennsylvania State University, 305 Lubert Building, Innovation Park at Penn State, University Park, PA 16802-7009.

Failure to register and complete the Program will be brought to the attention of the Court and may result in a finding of contempt and the imposition of sanctions.

*By the Court*

C. JOSEPH REHKAMP,  
*President Judge*

## Education Program for Separated Parents

### Program Goals

"Education Program for Separated Parents" will provide parents with information, support and direction that will facilitate a healthy adjustment for their children. Bitterness often ensnares children caught between separating parents. In an effort to reduce the emotional toll on children and limit acrimony, attendance at this four-hour educational seminar is required by the Court of all parties in all divorce, custody, visitation and in such other cases as the Court shall direct, where the interests of children under the age of 18 years are involved and the Court deems the parties will benefit from such a program. This program will also be open to any other person who is involved in caring or educating children and wishes to attend on their own. Administration of this program will be through the Penn State Justice and Safety Institute in conjunction with the Court Administrator's Office.

### Program Content

The four-hour program provides parents with information about the developmental stages and needs of children with emphasis on fostering the child's emotional health during periods of stress. The program is informative, supportive and will inform parents of various community resources. Topics will also include typical reactions of families, stress indicators in children, pitfalls to avoid, skills to help children work through stress, and how to work out a parenting agreement.

### "Exhibit A"

#### When

The program will be presented every few weeks as indicated on the brochures alternating between Wednesdays and Saturdays.

#### Where

The program is presented in Perry County at the Courthouse in Courtroom 1, New Bloomfield, PA or in Juniata County at the Library on 498 Jefferson Street, Mifflintown, PA.

#### Attendance

Attendance at the program is required of all parties involved in a divorce, custody, or visitation action and in such other cases as the Court shall direct, where the interests of children under the age of 18 years are involved and the Court deems the parties will benefit from such a program.

A waiver of attendance will be provided for individuals who have attended a program of equal value. A certificate of attendance at a similar program must be presented to Court Administration.

#### Fees

A fee of \$45.00 per party is required and should be sent in with the registration form payable to "Education Program for Separated Parents," and mailed to Penn State Justice and Safety Institute, The Pennsylvania State University, 305 Lubert Building, Innovation Park at Penn State, University Park, PA 16802-7009. The cost will cover the presenter's fees, handouts, and program administration. Penn State will determine whether any fee will be reduced or waived.

#### Presenters

The presenters are provided by Penn State and have at a minimum master's degree with additional training.

### Application Process

Upon initiation of a filing, the moving party shall serve the responding party with a copy of the Court Order directing attendance at the seminar and provide a program brochure/registration form about the program. The brochure will describe the registration and payment methods and include a registration form to be completed and mailed. These documents will be served along with the pleading. Registration will be by mail as indicated on the form and must be made no later than one week before the selected program date. The registration process is designed to maximize safety to the participants. For safety purposes, participants are asked to indicate if they prefer not to attend the same seminar as the other parent. Parties are encouraged to attend a class in the County in which the action is pending, however other classes are held in Juniata and Mifflin Counties for your convenience.

### Verification

A list of all parties participating in the program will be provided to the Court prior to each session. Upon completion of the seminar, each parent will receive the original certificate verifying that they have attended the course. A copy of the certificate will be sent by Penn State to Court Administration to be placed in the official Court file.

### Monitoring and Evaluation

Each participant will complete a written evaluation of the seminar at its conclusion, indicating their individual assessment of the value of the program and any suggestions for future programs.

[Pa.B. Doc. No. 04-470. Filed for public inspection March 19, 2004, 9:00 a.m.]

## JUNIATA AND PERRY COUNTIES Rules of Civil Procedure 1915.15, 1919, and 1920.12; No. 73 of 2004; No. 2004-2

### Order

And Now, March 1, 2004, the Court hereby adopts the following Rule of Civil Procedure to be effective thirty (30) days after the date of publication in the *Pennsylvania Bulletin*.

It is further ordered that the District Court Administrator shall file seven (7) certified copies of this Rule with the Administrative Office of Pennsylvania Courts, two (2) certified copies to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*, and one (1) certified copy to the Domestic Relations Committee.

It is further ordered that this local rule shall be kept continuously available for public inspection and copying in the Prothonotary/Clerk of Courts Office.

By the Court

C. JOSEPH REHKAMP,  
President Judge

### Rule 1915. Custody

### Rule 1915.15 Form of Complaint Order.

(1) In addition to the information required by Pa.R.C.P. 1915.15, every complaint for Custody, Partial Custody, Visitation or Modification shall contain one of the following averments:

A. Plaintiff has been advised of the requirement to attend the seminar titled "Education Program for Separated Parents" offered by Penn State.

or

B. The parties have previously attended the "Education Program for Separated Parents" program as evidenced by certificates of attendance contained in the official court file to the following referenced case number \_\_\_\_\_ and/or verification of certificate attached hereto.

(2) The Order and Notice shall also include the following:

A. "The Court directs that within sixty (60) days after service, both parties shall register and attend the program by mailing the pre-printed "Education Program for Separated Parents" registration form, along with a registration fee of \$45.00 to Education Program for Separated Parents, Penn State Justice and Safety Institute, The Pennsylvania State University, 305 Lubert Building, Innovation Park at Penn State, University Park, PA 16802-7009."

or

B. "The parties have previously attended the "Education Program for Separated Parents" as evidenced by certificates of attendance in the official court file to the following referenced case number \_\_\_\_\_."

**Rule 1919. Mandatory Seminar for Separating Parents**

1. In all divorce and custody proceedings filed on or after May 1, 2004, and in such other cases as the Court shall direct, where the interests of children under the age of 18 years are involved, the parties shall, within sixty (60) days of the date a claim is filed, attend a four-hour mandatory seminar entitled "Education Program for Separated Parents."

2. In all custody/visitation proceedings filed on or after May 1, 2004, each Notice Order and complaint shall include the additional information in accordance with Perry or Juniata County Civil Rule 1915.15.

3. In all divorce proceedings filed on or after May 1, 2004, where the parties have a child or children under the age of eighteen years, every complaint shall contain the additional information required by Perry or Juniata County Civil Rule 1920.12. It shall also have attached thereto an Order directing attendance at the Seminar in the form set forth in Perry or Juniata County Civil Rule 1920.12(3).

4. The moving party shall serve the responding party with a copy of the Court Order directing attendance at the Seminar at the time a divorce complaint is served. A program brochure/registration form shall also be provided by the moving party to the responding party at the time of service of the complaint. A supply of said brochure/registration forms can be obtained in the Office of the Prothonotary or Court Administrator.

5. The affidavit of service shall include a statement that the opposing party was advised of the requirement to attend the "Education Program for Separated Parents" and served with the registration form.

6. Within sixty (60) days after service, both parties are required to register and attend the program by mailing the pre-printed "Education Program for Separated Parents" registration form, along with a registration fee of \$45.00 to Education Program for Separated Parents, Penn State Justice and Safety Institute, The Pennsylvania State University, 305 Lubert Building, Innovation Park at

Penn State, University Park, PA 16802-7009. Any requests for waiver or reduction of attendance fee can only be granted by Penn State.

7. Court approval is required for an extension of time to complete the seminar. Said requests for extension shall be made in writing and forwarded to Court Administration.

8. Failure to register and complete the program will be brought to the attention of the Court and may result in a finding of contempt and the imposition of sanctions.

**Rule 1920. Actions in Divorce or Annulment**

**Rule 1920.12 Complaint**

1. In addition to the information required by Pa.R.C.P. 1920.12, every Complaint in Divorce shall contain one of the following averments:

a. Plaintiff avers that there are no children under the age of eighteen (18) years born of the marriage; or

b. Plaintiff avers that there are children under the age of eighteen (18) years born of the marriage namely, to wit: (list names and dates of birth.)

2. If there are children under the age of eighteen (18) years born of the marriage, the complaint shall include one of the following averments:

a. Plaintiff has been advised of the requirement to attend the seminar "Education Program for Separated Parents;" or

b. The parties have previously attended the "Education Program for Separated Parents" as evidenced by certificates of attendance contained in the official court file to the following referenced case number (*list case number.*)

3. In the event there are children under the age of eighteen (18) years of age born of the marriage, and there is no averment that the parties previously attended the "Education Program for Separated Parents," the divorce complaint shall have attached thereto, an order in substantially the following [order] form:

VS. : IN THE COURT OF COMMON PLEAS  
: OF THE 41ST JUDICIAL DISTRICT  
: (INSERT) COUNTY, PENNSYLVANIA  
: NO.

ORDER OF COURT

AND NOW, \_\_\_\_\_, the Court directs that within sixty (60) days after service, both parties shall register and attend the program by mailing the pre-printed "Education Program for Separated Parents" registration form, along with a registration fee of \$45.00 to Education Program for Separated Parents, Penn State Justice and Safety Institute, The Pennsylvania State University, 305 Lubert Building, Innovation Park at Penn State, University Park, PA 16802-7009.

BY THE COURT:

cc: Plaintiff  
Defendant  
Court Administration

[Pa.B. Doc. No. 04-471. Filed for public inspection March 19, 2004, 9:00 a.m.]

## WESTMORELAND COUNTY

## Rule of Criminal Procedure WC600; No. 3 of 2004

**Order**

*And Now* this 26th day of February, 2004 it is *Hereby Ordered* that Westmoreland County Rule of Criminal Procedure WC600 is rescinded.

*By the Court*

DANIEL J. ACKERMAN,  
*President Judge*

[Pa.B. Doc. No. 04-472. Filed for public inspection March 19, 2004, 9:00 a.m.]

## DISCIPLINARY BOARD OF THE SUPREME COURT

**Notice of Suspension**

Notice is hereby given that by Order of the Supreme Court of Pennsylvania dated March 8, 2004, Charles Stephen Bartoletti is suspended from the practice of law in this Commonwealth for a period of six months, effective April 7, 2004. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

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

[Pa.B. Doc. No. 04-473. Filed for public inspection March 19, 2004, 9:00 a.m.]

**Notice of Suspension**

Notice is hereby given that Michelle Hamilton Davy having been suspended indefinitely from the practice of law in the State of Maryland, the Supreme Court of Pennsylvania issued an Order dated March 8, 2004 suspending Michelle Hamilton Davy from the practice of law in this Commonwealth consistent with the Order of the Court of Appeals of Maryland dated September 8, 2003. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

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

[Pa.B. Doc. No. 04-474. Filed for public inspection March 19, 2004, 9:00 a.m.]

**Notice of Suspension**

Notice is hereby given that by Order of the Supreme Court of Pennsylvania dated March 8, 2004, Samuel A. Malat is suspended from the practice of law in this Commonwealth for a period of three months, to run consecutive to the suspension imposed by this Court on November 24, 2003. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

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

[Pa.B. Doc. No. 04-475. Filed for public inspection March 19, 2004, 9:00 a.m.]

# RULES AND REGULATIONS

## Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS

### STATE BOARD OF BARBER EXAMINERS [49 PA. CODE CH. 3] Deletion of Examination Fees

The State Board of Barber Examiners (Board) amends §§ 3.41, 3.45 and 3.103 (relating to applications for examinations; retaking examination; and fees) to read as set forth in Annex A.

#### A. *Effective date*

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

#### B. *Statutory Authority*

The final-form rulemaking is authorized under section 812.1 of The Administrative Code of 1929 (71 P. S. § 279.3a) and sections 6 and 14 of the Barber License Law (act) (63 P. S. §§ 556 and 564).

#### C. *Background and Purpose*

The amendment to § 3.41 deletes outdated provisions related to applying to take the examination. Applications are no longer sent to the Board. Applications are sent to the testing organization. To avoid confusing applicants, the Board is removing this provision. The Board is also removing the requirement that the application include a notarized statement from a physician indicating that the student is free from contagious and infectious diseases. This provision has become outdated because the requirement for a statement was removed from the act by the legislature in 2002. The amendment to § 3.45 deletes an outdated provision that allows applicants who fail an examination to request a personal interview with the Board to review the examination papers. The Board no longer administers the examination and is not permitted to view the exam. The Board is removing this provision as it is no longer applicable to the examination process. The amendment to § 3.103 deletes references to the fees for the theory and practical examination for barbers and barber teachers and the theory examination for managers. These fees are set by the administrators of the examinations, not by the Board. To avoid the necessity of amending the regulations whenever the examination administrator changes the fees, the Board is deleting references to the examination fees.

#### D. *Summary of Comments and Responses on Proposed Rulemaking*

Notice of the proposed rulemaking was published at 32 Pa.B. 5416 (November 2, 2002). Publication was followed by a 30-day public comment period during which the Board received no public comments. Following the close of the public comment period, the Board received comments from the Independent Regulatory Review Commission (IRRC). The House Professional Licensure Committee (HPLC) and the Senate Consumer Protection and Professional Licensure Committee (SCP/PLC) did not comment. The following is a response to the comments.

#### *Section 3.41(a)*

IRRC commented that this subsection required applications for examinations to be filed with the Board. However, the Board's website instructs applicants to submit applications directly to the testing organization. This subsection has become outdated, as procedures for applying to take the exam have changed. IRRC recommended that the Board incorporate any changes to this section into the final-form rulemaking. The Board agrees and has amended this section accordingly.

#### *Section 3.45(b)*

IRRC commented that this subsection stated that applicants may request a personal interview with the Board for review of examination papers. However, the Board does not administer the examination and no longer provides opportunities for personal interviews. This subsection has become outdated, as the Board no longer has any part in administering or grading the examination. IRRC recommended that the Board incorporate any changes to this section into the final-form rulemaking. The Board agrees and has amended this section accordingly.

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

The final-form rulemaking will have no fiscal impact on the Commonwealth or its political divisions. The final-form rulemaking will avoid preparation of new regulations each time that an examination fee is changed and should not create additional paperwork for the private sector.

#### F. *Sunset Date*

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

#### G. *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on October 17, 2002, the Board submitted a copy of the notice of proposed rulemaking, published at 32 Pa.B. 5416, to IRRC and the Chairpersons of the HPLC and the SCP/PLC for review and comment.

Under section 5(c) of the Regulatory Review Act, IRRC, the HPLC and the SCP/PLC were provided with copies of the comments received during the public comment period, as well as other documents when requested. In preparing the final-form rulemaking, the 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 January 27, 2004, the final-form rulemaking was approved by the HPLC. On February 11, 2004, the final-form rulemaking was approved by the SCP/PLC. Under section 5.1(e) of the Regulatory Review Act, IRRC met on February 12, 2004, and approved the final-form rulemaking.

#### H. *Contact Person*

Further information may be obtained by contacting Sara Sulpizio, Administrative Assistant, State Board of Barber Examiners, P. O. Box 2649, Harrisburg, PA 17105-2649, (717) 783-3402, [www.dos.state.pa.us](http://www.dos.state.pa.us).

I. Findings

The Board finds that:

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

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

(3) The final-form rulemaking does not enlarge the purpose of proposed rulemaking published at 32 Pa.B. 5416.

(4) The final-form rulemaking is necessary and appropriate for administering and enforcing the authorizing act identified in Part B of this Preamble.

J. Order

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

(a) The regulations of the Board, 49 Pa. Code Chapter 3, are amended by amending §§ 3.41, 3.45 and 3.103 to read as set forth in Annex A.

(Editor's Note: The amendments to §§ 3.41 and 3.45 were not included in the proposal published at 32 Pa.B. 5416.)

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

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

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

LEE CAMERONI, Chairperson

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 34 Pa.B. 1297 (February 28, 2004).)

Fiscal Note: Fiscal Note 15-425 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 3. STATE BOARD OF BARBER EXAMINERS

EXAMINATIONS

§ 3.41. Applications for examinations.

An examination application shall include payment of the fee and a notarized statement certifying the completion of the hours of instruction, from either a barber school or a barber-teacher or manager-barber with whom the student has studied and trained.

§ 3.45. Retaking examination.

If an applicant fails the written or the practical test, the applicant is required to retake the portion which was failed within 1 year. Both portions of the examination

shall be retaken if the applicant does not pass the entire examination during the 1-year period following the initial testing.

SCHOOLS OF BARBERING

§ 3.103. Fees.

The schedule of fees charged by the Board is as follows:

Table with 2 columns: Fee description and Amount. Includes items like 'Licensure of barber, barber shop manager or barber teacher' for \$10, 'Biennial renewal of barber license' for \$42, and 'Verify license/permit/registration' for \$15.

[Pa.B. Doc. No. 04-476. Filed for public inspection March 19, 2004, 9:00 a.m.]

Title 55—PUBLIC WELFARE

DEPARTMENT OF PUBLIC WELFARE

[55 PA. CODE CH. 3040]

Subsidized Child Day Care Eligibility; Head Start Expansion

Statutory Authority

The Department of Public Welfare (Department) adopts this final-omitted rulemaking to read set forth in Annex A under the authority of 62 P. S. §§ 201—211, 401—493 and 701—703 and section 1505-D of the act of December 23, 2003 (P. L. 304, No. 48) (Act 48) (24 P. S. § 15-1505-D).

Notice of proposed rulemaking is omitted in accordance with section 204(1) and (3) of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. § 1204(1) and (3)), known as the Commonwealth Documents Law, and 1 Pa. Code § 7.4(1) and (3). This final-omitted rulemaking relates to Commonwealth grants and benefits. In addition, the Department has determined that notice of proposed rulemaking is impracticable and unnecessary under Act 48, which specifies that the Department must promulgate a final-omitted rulemaking within 90 days of the effective date of Act 48.

Purpose of Final-Omitted Rulemaking

The purpose of the final-omitted rulemaking is to assure eligibility for child care subsidy for children enrolled in Head Start whose parents/caretakers need extended hours and days of Head Start service to work.

Need for Final-Omitted Rulemaking

The final-omitted rulemaking is needed to implement the requirements of section 1501-D of Act 48 (24 P. S.

§ 15-1501-D), which requires the Department to promulgate a final-omitted rulemaking within 90 days of the effective date of Act 48. Act 48 took effect December 23, 2003. Thus, a final-omitted rulemaking must be promulgated by March 22, 2004. This final-omitted rulemaking amends regulations for subsidized child day care in Chapter 3040 (relating to subsidized child day care eligibility) by adding provisions for Head Start expansion.

#### *Requirements*

Section 3040.29 (relating to Head Start expansion) sets forth eligibility requirements for subsidized child day care for a family enrolled in the Head Start expansion program. Child care service must be provided in a certified or registered child care facility that complies with § 3040.20(a)(3) (relating to benefits and limitations) and has a collaborative agreement with a Head Start program or by a Head Start program. The section also requires that:

- The parent/caretaker must apply for the Head Start expansion program at the local child care information services agency.
- The family must meet the regulatory description of family composition.
  - At the time of application, each parent/caretaker must verify a minimum of 25 hours of work per week.
  - Each parent/caretaker must verify that the service is needed to work.
  - The parent/caretaker must provide verification from the Head Start program that the Head Start expansion program meets Federal Head Start standards.
    - A family is subject to waiting list requirements.
    - A family fee will be assessed at the minimum copayment for a family of one.
    - The family fee must be paid timely.
    - Subsidy for the child may be suspended during summer school breaks.

A child enrolled in a Head Start expansion program may be placed in suspended subsidy for not more than 90 days when the child's parent/caretaker does not need child care during a summer school break and the parent/caretaker anticipates that the child will return to the Head Start program in the fall. This provision assures access and continuity of care for the child and family. When a child needs care during the summer school break and the child's Head Start expansion program is closed, the parent/caretaker may apply for subsidized child care under other sections of Chapter 3040.

Section 1501-D of Act 48 provides that the Department is required to promulgate regulations necessary to assure eligibility for child care subsidy for children enrolled in Head Start whose parents need extended hours of Head Start services to work. To make the benefits of Head Start expansion available to all children enrolled in Head Start whose families need extended hours and days of service, the Department is adding "caretakers" as persons eligible to apply for the expanded Head Start program. This will enable children living with caretakers to enjoy the same benefits available to children living with their parents. The Department finds that this interpretation harmonizes with the Federal Head Start eligibility regulations in 45 CFR 1305.2(e) (relating to definitions) regarding families.

Finally, since the definition of "extended day services" provides for extended day services for both hours and

days beyond the hours funded through the Federal Head Start program, the Department has provided for both hours and days of extended services. (See section 1501-D of Act 48.)

#### *Affected Organizations and Individuals*

The Department will incur costs as a result of this final-omitted rulemaking. Families whose working hours and days extend beyond the hours of the Head Start program day will benefit from this final-omitted rulemaking.

#### *Accomplishments and Benefits*

Working families with a child enrolled in Head Start will benefit from this final-omitted rulemaking. The final-omitted rulemaking allows a family, at a low fee, to be eligible for subsidized child care for hours and days beyond the hours and days funded through the Federal Head Start program. Families will receive the necessary supports to continue employment. Eligible children will benefit from the stability and continuity of the child care experience, conducted in a developmentally appropriate child care environment.

#### *Fiscal Impact*

##### *Public Sector*

*Commonwealth*—The Commonwealth will incur additional costs.

*Political Subdivisions*—There is no fiscal impact on political subdivisions.

*Private Sector*—There is no fiscal impact on the private sector.

*General Public*—There is no fiscal impact on the general public.

#### *Paperwork Requirements*

Parents/caretakers will need to complete an application for the Head Start expansion program, verify that their child is enrolled in a Head Start program, verify hours of work extending beyond the Head Start program day and provide verification from the Head Start program that the Head Start expansion program meets Federal Head Start standards.

#### *Sunset Date*

No sunset date is established for this final-omitted rulemaking.

#### *Public Comment*

Although this rulemaking is being adopted without publication as proposed rulemaking, interested persons are invited to submit written comments within 30 days from the date of this publication for consideration by the Department as to whether the final-omitted rulemaking should be revised. Comments should be sent to the Department of Public Welfare, Kathryn Holod, Director, Bureau of Child Day Care Services, P.O. Box 2675, Harrisburg, PA 17105, (717) 787-8691. Persons with a disability may use the AT&T Relay Service, (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

#### *Regulatory Review Act*

Under section 5.1(a) of the Regulatory Review Act (71 P. S. § 745.5a(a)), on February 4, 2004, the Department submitted a copy of the final-omitted rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Children and Youth Committee and

the Senate Committee on Public Health and Welfare. On the same date, the regulation was submitted to the Office of the Attorney General for review and approval under the Commonwealth Attorneys Act (71 P. S. §§ 732-101—732-506). A copy of this material is available to the public upon request.

Under section 5.1(j.2) of the Regulatory Review Act, on March 10, 2004, the final-form rulemaking was approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on March 11, 2004, and approved the final-omitted rulemaking.

*Findings*

The Department finds that:

(1) Public notice of intention to adopt the administrative regulation adopted by this order is not required because it relates to Commonwealth grants and benefits under section 204(1) of the Commonwealth Documents Law and the regulation thereunder, 1 Pa. Code § 7.4(1). In addition, public notice of intention to adopt the administrative regulation adopted by this order is impracticable and unnecessary under section 204(3) of the CDL and regulations thereunder, 1 Pa. Code § 7.4(3).

(2) The adoption of this regulation in the manner provided in this order is necessary and appropriate for the administration and enforcement of the Public Welfare Code and Act 48.

*Order*

The Department, acting under the Public Welfare Code and Act 48, orders that:

(a) The regulations of the Department, 55 Pa. Code Chapter 3040, are amended by adding § 3040.29 to read as set forth in Annex A.

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

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

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

ESTELLE B. RICHMAN,  
*Secretary*

*(Editor's Note: For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 34 Pa.B. 1643 (March 20, 2004).)*

**Fiscal Note:** 14-482. No fiscal impact; (8) recommends adoption. This regulatory action provides eligibility for child care subsidies for children enrolled in Head Start whose parents/caretakers need extended Head Start hours in order to work. Costs to the Federal Child Care Development Fund are estimated at \$405,000 for the remainder of 2003-04 and are included in the current child care appropriation. Costs to the Federal Child Care

Development Fund are estimated at \$1,620,000 for 2004-05 and are expected to increase by 5% annually thereafter.

**Annex A**

**TITLE 55. PUBLIC WELFARE**

**PART V. CHILDREN, YOUTH AND FAMILIES  
MANUAL**

**Subpart B. ELIGIBILITY FOR SERVICES**

**CHAPTER 3040. SUBSIDIZED CHILD DAY CARE  
ELIGIBILITY**

**GENERAL REQUIREMENTS**

**§ 3040.29. Head Start expansion.**

(a) A child enrolled in Head Start whose parent/caretaker needs extended hours or days of child care in order to work is eligible for child care subsidy. A parent/caretaker shall apply for the Head Start expansion program.

(b) The parent/caretaker shall obtain from the Head Start program and provide to the local CCIS agency, verification that the Head Start expansion program meets the Federal Head Start standards.

(c) When a child in the family as described in § 3040.28(1) and (2) (relating to composition of a family) is enrolled in Head Start, the provisions of this section apply to that child.

(d) Child care service must be provided in a certified or registered child care facility which complies with § 3040.20(a)(3) (relating to benefits and limitations) that has a collaborative agreement with a Head Start program or by a Head Start program.

(e) A family shall meet only the following conditions:

(1) To be eligible under this section, at the time of application each parent/caretaker shall provide verification of a minimum of 25 hours of work per week as required by § 3040.34(a)(3)(i) (relating to nonfinancial eligibility). Each parent/caretaker shall also verify that extended hours and days of service are needed in order to work.

(2) A family eligible for child care subsidy under this section shall be subject to all waiting list conditions described in § 3040.54 (relating to waiting list).

(3) A family eligible for child care subsidy under this section shall pay the minimum copayment for a family of one as specified in Appendix B (relating to copayment chart family copayment scale (based on the 2000 Federal poverty income guidelines)).

(4) A family receiving child care subsidy under this section shall make timely copayment as described in § 3040.61 (relating to general requirements regarding copayment).

(f) Subsidy for a child receiving child care subsidy under this section may be suspended during summer school breaks for a period not to exceed 90 consecutive days.

[Pa.B. Doc. No. 04-477. Filed for public inspection March 19, 2004, 9:00 a.m.]



# NOTICES

## DEPARTMENT OF AGING

### Redesignation of Area Agency on Aging for Union and Snyder Counties Planning and Service Area No. 17; Final Decision Regarding Redesignation

The Secretary of the Department of Aging (Department), under authority in the act of June 20, 1978 (P. L. 477, No. 70) (71 P. S. §§ 581-1—581-12), in conformity with the Older Americans Act of 1965 (42 U.S.C.A. §§ 3001—3058ee) and in accordance with the provisions of 6 Pa. Code Chapter 30 (relating to designation and redesignation of area agencies on aging), has made a final decision regarding the redesignation of the area agency on aging serving Planning and Service Area No. 17, which has the same boundaries as Union and Snyder Counties, as follows:

*From:* Union-Snyder County Area Agency on Aging  
116 North Second Street  
Lewisburg, PA 17837

*To:* Union-Snyder Agency on Aging, Incorporated  
116 North Second Street  
Lewisburg, PA 17837

On September 26, 2003, the Department received a formal request from the Boards of Commissioners of Union and Snyder Counties (Commissioners) to redesignate the area agency on aging from its county auspice to a nonprofit organization serving Planning and Service Area No. 17. The Commissioners advised that, in their opinion, the interests of older persons in Union and Snyder Counties would be best served if services were provided through a private, nonprofit area agency on aging rather than the existing county-based area agency on aging. The Commissioners' request in no way reflected dissatisfaction with the existing agency, but was based on other considerations. The Commissioners recommended that the currently-designated, county-affiliated area agency on aging be reorganized as a private, nonprofit

corporation, so that it could continue as the agency serving Union and Snyder Counties.

Public hearings on the redesignation of the area agency on aging were held at the Lewisburg and the Selinsgrove Senior Centers on Tuesday, December 2, 2003. A copy of the verbatim proceedings is available at the Department of Aging, 555 Walnut Street, Fifth Floor, Harrisburg, PA 17101. Comments reflected positively on the capabilities of the management and staff of the Union-Snyder County Area Agency on Aging to provide services to older persons in Union and Snyder Counties. No other agency came forward and expressed an interest in being the area agency on aging.

On December 30, 2003, after considering the impact of redesignation on provision of services in Planning and Service Area No. 17, the comments of the current area agency on aging and the Commissioners and the testimony given at the public hearings, the Secretary notified the Commissioners of a preliminary decision to redesignate the independent, nonprofit corporation as the area agency on aging effective July 1, 2004. Notification included the reasons for the decision and informed the currently-designated area agency on aging of its right to request a hearing regarding this decision. In a response letter of January 13, 2004, the Commissioners of Union and Snyder Counties and the currently-designated area agency on aging thanked the Department for the preliminary decision and stated they would not request a hearing since they were in agreement with the decision.

Therefore, the Secretary publishes this final decision redesignating the Union-Snyder Agency on Aging, Incorporated as the area agency on aging serving Union and Snyder Counties.

This order shall be effective July 1, 2004.

NORA DOWD EISENHOWER,  
*Secretary*

[Pa.B. Doc. No. 04-478. Filed for public inspection March 19, 2004, 9:00 a.m.]

## DEPARTMENT OF BANKING

### Action on Applications

The Department of Banking, under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending March 9, 2004.

#### BANKING INSTITUTIONS

##### Holding Company Acquisitions

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
3-3-04	Susquehanna Bancshares, Inc., Lititz, to acquire 100% of Patriot Bank Corp., Pottstown, and so indirectly acquire Patriot Bank, Pottstown, wholly owned subsidiary of Patriot Bank Corp.	Lititz	Filed

**Branch Applications**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
3-8-04	Jersey Shore State Bank Jersey Shore Lycoming County	2050 North Atherton Street State College Centre County	Filed

**Branch Discontinuances**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
3-4-04	Farmers First Bank Lititz Lancaster County	985 Park Plaza Lancaster Lancaster County (Drive-Up Facility)	Approved
3-8-04	The Legacy Bank Harrisburg Dauphin County	304 Main Street Towanda Bradford County	Filed
3-8-04	The Legacy Bank Harrisburg Dauphin County	422 North Elmira Street Sayre Bradford County	Filed

**SAVINGS INSTITUTIONS**

No activity.

**CREDIT UNIONS**

No activity.

A. WILLIAM SCHENCK, III,  
*Secretary*

[Pa.B. Doc. No. 04-479. Filed for public inspection March 19, 2004, 9:00 a.m.]

**DEPARTMENT OF ENVIRONMENTAL PROTECTION****Applications, Actions and Special Notices****APPLICATIONS**

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

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

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

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

For applications for new NPDES permits and renewal applications with major changes in Section II, as well as applications for MS4 individual permits and individual stormwater construction permits in Sections IV and VI, the

Department, based upon preliminary reviews, has made a tentative determination of proposed effluent limitations and other terms and conditions for the permit applications. These determinations are published as proposed actions for comments prior to taking final actions.

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

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

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

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

### I. NPDES Renewal Applications

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

<i>NPDES Permit No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N ?</i>
PA0062006	YMCA of Wilkes-Barre, Inc. 40 West Northampton Street Wilkes-Barre, PA 18711	Luzerne County Dennison Township	Creasy Creek 2A	Y
PA0063878	Northeastern Schuylkill Joint Municipal Authority P. O. Box 170 Barnesville, PA 18214	Rush Township Schuylkill County	Pine Creek 3A	Y

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

<i>NPDES Permit No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N ?</i>
PA0023540 Sewage	Berks-Montgomery Municipal Authority 136 Municipal Drive Gilbertsville, PA 19525-0370	Berks County Colebrooke Township	Ironstone Creek 3D	Y
PA0085731 Industrial Waste	Brentwood Industries, Inc. 610 Morgantown Road Reading, PA 19611-2012	Berks County Reading City	Angelica Creek 3C	Y

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

<i>NPDES Permit No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N ?</i>
PA0113263 Sewerage	Liberty Joint School Authority Southern Tioga School District 241 Main Street Blossburg, PA 16912	Liberty Borough Tioga County	UNT to Blockhouse Creek CWF	Y

*Southwest Region: Oil and Gas Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

<i>NPDES Permit No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N ?</i>
PA0206075	Howard Facility 22811 Titusville Road Pleasantville, PA 16341	Indiana County Burrell Township	Blacklick Creek 18D	Y

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

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

**PA0084611**, Sewage, **CMV Sewage Company, Inc. (Colonial Crossings STP)**, 300 Bailey Drive, Suite 106, Stewartstown, PA 17363. The facility is in North Codorus Township, **York County**.

Description of activity: Issuance of an NPDES permit for a discharge of up to 0.1 million gallons of treated sewage per day.

The receiving stream, unnamed tributary of Codorus Creek, is in Watershed 7-H and is classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for the Wrightsville Water Supply Co. is approximately 30 miles downstream on the Susquehanna River. The discharge is not expected to adversely affect the water supply.

The proposed effluent limitations for Outfall 001 are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
pH (S. U.)		6.0 to 9.0 at all times	
Dissolved Oxygen		minimum of 5.0 mg/l at all times	
Fecal Coliform (5-1 to 9-30)	200 (geo mean)	XXX	XXX
(10-1 to 4-30)	2,000 (geo mean)	XXX	XXX
CBOD <sub>5</sub>	10	XXX	20
Total Suspended Solids	10	XXX	20
NH <sub>3</sub> -N (5-1 to 10-31)	2.0	XXX	4.0
(11-1 to 4-30)	6.0	XXX	12

Individuals may make an appointment to review the Department files on this case by calling the File Review Coordinator at (717) 705-4732.

The EPA waiver is in effect.

**PA0087785**, Sewage, **Charles C. Powell (Cover Forge Treatment Center)**, New Beginnings Road, Williamsburg, PA 16693. This facility is in Woodbury Township, **Blair County**.

Description of activity: Renewal of an NPDES permit for existing discharge of treated sewage.

The receiving stream, Frankstown Branch Juniata River, is in Watershed 11-A and classified for water supply, recreation and fish consumption. The nearest downstream public water supply intake for the Newport Borough Water Authority is on the Juniata River, approximately 107 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.025 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25		50
Total Suspended Solids	30		60
Total Residual Chlorine	0.5		1.6
Dissolved Oxygen		minimum of 5.0 at all times	
pH		from 6.0 to 9.0 inclusive	
Fecal Coliform (5-1 to 9-30)		200/100 mL as a geometric average	
(10-1 to 4-30)		2,000/100 mL as a geometric average	

Individuals may make an appointment to review the Department files on this case by calling the File Review Coordinator at (717) 705-4732.

The EPA waiver is in effect.

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

**PA0020125**, Sewage, **Borough of Monaca**, 928 Pennsylvania Avenue, Monaca, PA 15061. This application is for renewal of an NPDES permit to discharge treated sewage from the Borough of Monaca Sewage Treatment Plant in Borough of Monaca, **Beaver County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Ohio River, which are classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Midland Water Authority, approximately 11 miles below the point of discharge.

*Outfall 101:* existing discharge, design flow of 1.15 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow	Monitor and Report			
CBOD <sub>5</sub>	25	38		50
Suspended Solids	30	45		60
Fecal Coliform				
(5-1 to 9-30)	200/100 mL as a geometric mean			
(10-1 to 4-30)	2,000/100 mL as a geometric mean			
Total Residual Chlorine	1.0			3.3
pH	not less than 6.0 nor greater than 9.0			

Other Conditions: WETT and CSO special conditions added in part C of the permit.

Note: Added language for CS outfalls; Outfall 001 consists of treated domestic wastewaters and stormwater runoff and EPA approved "pretreatment" Part C condition.

The EPA waiver is not in effect.

**PA0095435**, Sewage, **Bell Acres Municipal Sewage Authority**, Municipal Building, R. D. 3, Camp Meeting Road, Sewickley, PA 15143. This application is for issuance of an NPDES permit to discharge treated sewage from Bell Acres Borough STP No. 2 in Bell Acres Borough, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as an unnamed tributary of Little Sewickley Creek, which are classified as a HQ 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 Arco Chemical Company BV Plant.

*Outfall 001:* existing discharge, design flow of 0.028 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	10	15		20
Suspended Solids	10	15		20
Ammonia Nitrogen				
(5-1 to 10-31)	1.5	2.3		3
(11-1 to 4-30)	3.7	5.6		7.4
Fecal Coliform				
(5-1 to 9-30)	200/100 mL as a geometric mean			
(10-1 to 4-30)	2,000/100 mL as a geometric mean			
Total Residual Chlorine	0.05			0.11
Dissolved Oxygen	not less than 6 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

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

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

**WQM Permit No. 3604408**, Sewerage, **Mount Joy Borough Authority**, 21 East Main Street, Mount Joy, PA 17552. This proposed facility is in Rapho Township, **Lancaster County**.

Description of Proposed Action/Activity: Construction/installation of the Elm Tree Sewer Extension.

**WQM Permit No. 2104403**, Sewerage, **Rodney and Francine Groff**, 7729 Wertzville Road, Carlisle, PA 17013. This proposed facility is in Middlesex Township, **Cumberland County**.

Description of Proposed Action/Activity: Construction/installation of a small flow sewage treatment system to serve their single family residence.

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

**WQM Permit No. 5604401**, Sewerage, **Seven Springs Municipal Authority**, 290 Lagoon Lane, Champion, PA 15622. This proposed facility is in Middlecreek Township, **Somerset County**.

Description of Proposed Action/Activity: Application for the construction and operation of the Seven Springs Recovery Water Impoundment Plant.

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

**WQM Permit No. 4304404**, Sewerage, **Robert K. Cook**, 364 Cranberry Road, Grove City, PA 16127. This proposed facility is in Pine Township, **Mercer County**.

Description of Proposed Action/Activity: A single residence sewage treatment plant.

**WQM Permit No. 4304405**, Sewerage, **David S. Reimold**, 7894 Mallard Road, Cochranon, PA 16314. This proposed facility is in Delaware Township, **Mercer County**.

Description of Proposed Action/Activity: A single residence sewage treatment plant.

**WQM Permit No. 6104401**, Sewerage, **Stephanie L. Hunt**, 1678 Lisbon Road, Kennerdell, PA 16374. This proposed facility is in Scrubgrass Township, **Venango County**.

Description of Proposed Action/Activity: A single residence sewage treatment plant.

**WQM Permit No. 2004402**, Sewerage, **Tammy S. Breckenridge**, 9596 Mercer Pike, Meadville, PA 16335. This proposed facility is in Union Township, **Crawford County**.

Description of Proposed Action/Activity: A single residence sewage treatment plant.

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#### IV. NPDES Applications for Stormwater Discharges from MS4

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#### V. Applications for NPDES Waiver Stormwater Discharges from MS4

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10G328-R	Great Valley School District KD Markley Elementary School Swedesford Road Athletic Fields 47 Church Road Malvern, PA 19355	Chester	East Whiteland Township	Valley Creek EV
PAI011504010	SSC Homes Scaleby Farm Development 2 Huntrise Lane West Chester, PA 19382	Chester	Pocopson Township	Pocopson Creek TSF, MF
PAI011504011	Sally and Richard McDonald Residence 2 Matthews Run Chester Springs, PA 19425	Chester	West Vincent Township	Birch Run EV
PAI01504012	Anthony P. Napolitano Napolitano Residence 731 Jacques Circle Chester Springs, PA 19425	Chester	West Pikeland Township	Pickering Creek HQ, TSF

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024504005	Game Commission 2001 Elmerton Ave. Harrisburg, PA 17110-9797	Monroe	Coolbaugh Township	Trout Creek HQ-CWF
PAS10S012-RR	Camelback Ski Corp. P. O. Box 168 Tannersville, PA 18372	Monroe	Pocono and Jackson Townships	Pocono Creek HQ-CWF
PAS10S015-RR	Camelback Ski Corp. P. O. Box 168 Tannersville, PA 18372	Monroe	Pocono and Jackson Townships	Pocono Creek HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023904010	J & G Properties 1327 Tilghman St. Allentown, PA 18102	Lehigh	South Whitehall Township	Little Lehigh Creek HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI032804001	Department of Transportation District 8-0 2140 Herr Street Harrisburg, PA 17103	Franklin	Antrim Township	Muddy Run HQ-CWF
PAI033804001	Arborgate, LTD 950 East Kerchner Avenue Myerstown, PA 17067	Lebanon	Jackson Township	UNT to Tulpehocken Creek TSF

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

*Lycoming County Conservation District: 542 County Farm Road, Montoursville, PA 17754, (570) 433-3003.*

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI044104002	Jonathan Fladd 40 Grand View Dr. Trout Run, PA 17771	Lycoming	Pine Township	Lick Run HQ-CWF

*Potter Conservation District: 107 Market St., Coudersport, PA 16915, (814) 274-8411, Ext. 4.*

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI045304001	Department of Conservation and Natural Resources Bureau of State Parks P. O. Box 8451 Harrisburg, PA 17105	Potter	Sweden Township	Palmiter Hollow HQ-CWF

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

*Armstrong County Conservation District: Armsdale Administration Building, Suite B-2, 124 Armsdale Road, Kittanning, PA 16201.*

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI050304001	Department of Transportation District 10-0 P. O. Box 429 2550 Oakland Avenue Indiana, PA 15701	Armstrong	Bradys Bend Township	Allegheny River WWF Sugar Creek WWF

*Cambria County Conservation District: 401 Candlelight Drive, Suite 221, Ebensburg, PA 15931.*

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI051104001	Municipal Authority of the Borough of Ebensburg 300 West High Street Ebensburg, PA 15931	Cambria	Ebensburg Borough Cambria, Jackson and East Taylor Townships	Saltlick Run HQ-TSF Stewart Run HQ-CWF S. Branch Blacklick Creek CWF Howells Run CWF

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

*Butler Conservation District: 122 McCune Drive, Butler, PA 16001, (724) 285-5515.*

*Jefferson Conservation District: 1514 Route 28, Brookville, PA 15825, (814) 849-7463.*

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI061004002	West Penn Power Company d/b/a Allegheny Power Cabot-Saxonburg 138 kV Transmission Line 800 Cabin Hill Drive Greensburg, PA 15601-9442	Butler	Jefferson Township	Thorn Run, Sarver Run, Little Buffalo Creek HQ TSF

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI061004003	West Penn Power Company d/b/a Allegheny Power Saxonburg Substation 800 Cabin Hill Drive Greensburg, PA 15601-9442	Butler	Jefferson Township	Sarver Run, Little Buffalo Creek HQ TSF
PAI063304001	Department of Transportation SR 28 Roadway Widening, Grade Changes and Realignment 2550 Oakland Avenue Indiana, PA 15701	Jefferson	Pinecreek and Warsaw Townships	UNT to Little Mill Creek, UNT to Sugar Camp Run HQ CWF

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

PAG-12	CAFOs
PAG-13	Stormwater Discharges from MS4

**PUBLIC WATER SUPPLY (PWS) PERMIT**

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

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

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

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

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

**SAFE DRINKING WATER**

**Applications Received under the Pennsylvania Safe Drinking Water Act**

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

**Permit No. 1504501**, Public Water Supply.

Applicant	<b>Aqua Pennsylvania, Inc.</b>
Townships	Caln and East Brandywine

Responsible Official	William C. Ross 762 West Lancaster Avenue Lancaster, PA 19010
Type of Facility	PWS
Consulting Engineer	CET Engineering Services 1240 N. Mountain Road Harrisburg, PA 17112
Application Received Date	March 3, 2004
Description of Action	Construction of booster pump station and transmission main.  <i>Northwest Region: Water Supply Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.</i>

**Permit No. 1004501**, Public Water Supply

Applicant	<b>Petroleum Valley Regional Water Authority</b>
Township or Borough	Petrolia Borough
Responsible Official	Jeffrey R. Shumaker, Chairperson
Type of Facility	PWS
Consulting Engineer	William R. Glasser, P. E. Gibson-Thomas Engineering Co., Inc. P. O. Box 853 Latrobe, PA 15650
Application Received Date	March 1, 2004
Description of Action	Construction of a water distribution system, a potable water storage tank and a pressure booster station to supply public water to 799 existing domestic connections in the Petroleum Valley Regional Water Authority service area.

**MINOR AMENDMENT**

**Applications Received under the Pennsylvania Safe Drinking Water Act**

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



**Application No. Minor Amendment.**

Applicant **City of Allentown**  
 Township or Borough South Whitehall Township,  
**Lehigh County**  
 Responsible Official Joseph McMahon  
 Manager of Operations  
 435 Hamilton Street  
 Allentown, PA 18101  
 (610) 437-7643  
 Type of Facility Community Water System  
 Consulting Engineer David A. Brinjac, P. E.  
 Brinjac Engineering, Inc.  
 114 North Second Street  
 Harrisburg, PA 17101  
 (717) 233-4502  
 Application Received August 27, 2003  
 Date  
 Description of Action The application seeks approval for  
 installation of an onsite sodium  
 hypo-chlorite generation system at  
 its Schantz Spring Water  
 Treatment Plant to replace the  
 existing chlorine treatment  
 system. The modification will  
 require expansion of the existing  
 pump house facility. In addition,  
 the application seeks approval for  
 a second onsite sodium  
 hypo-chlorite generation system to  
 be at the South Mountain  
 Reservoir Storage Facility to boost  
 the chlorine residual of the  
 finished water stored at the  
 facility prior to distribution.

**Application No. Minor Amendment.**

Applicant **City of Allentown**  
 Township or Borough Allentown City, **Lehigh County**  
 Responsible Official Donald S. Lichty, P. E.  
 Chief Utility Engineer  
 City of Allentown  
 435 Hamilton Street  
 Allentown, PA 18101-1699  
 (610) 437-7681  
 Type of Facility Community Water System  
 Consulting Engineer Terry DeGroot, P. E.  
 Barry Isett & Associates  
 P. O. Box 147  
 Trexlertown, PA 18087-0147  
 (610) 398-0904  
 Application Received March 5, 2004  
 Date  
 Description of Action Application for permitting a 280  
 gpm booster pump station to serve  
 the Westmount Development.

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

**Application No. 2596506-C2, Minor Amendment.**

Applicant **Erie Waterworks**  
 Township or Borough Erie City  
 Responsible Official John Presogna  
 340 West Bayfront Parkway  
 Erie, PA 1 6507

Type of Facility PWS  
 Application Received March 2, 2004  
 Date  
 Description of Action Request to change Pb/cu water  
 quality parameters at the  
 Chestnut Street treatment plant.  
**Application No. 2596507-C2, Minor Amendment.**  
 Applicant **Erie Waterworks**  
 Township or Borough Erie City  
 Responsible Official John Presogna  
 340 West Bayfront Parkway  
 Erie, PA 1 6507  
 Type of Facility PWS  
 Application Received March 2, 2004  
 Date  
 Description of Action Request to change Pb/cu water  
 quality parameters at the  
 Sommerheim treatment plant.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

### PREAMBLE 1

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

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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.*

**Macclesfield Park Site**, Yardley Borough, **Bucks County**. Ann Logue, Schoor, DePalma, 200 State Highway Nine, P. O. Box 900, Manalapan, NJ 07726, on behalf of Township of Lower Makefield, Terry Fedorchak, 1100 Edewood Rd., Yardley, PA 19067-1696, has submitted a Notice of Intent to Remediate soils and groundwater contaminated with inorganics and lead. The applicant proposes to remediate the site to meet Site-Specific Standards. A summary of the Notice of Intent to Remediate was reported to have been published in *Bucks County Courier Times* on February 6, 2004.

**Former Phoenix Steel Property**, Phoenixville Borough, **Chester County**. Paul Ledebur, RT Environmental Services, Inc., 215 W. Church Rd., King of Prussia, PA 19406, has submitted a Notice of Intent to Remediate soils contaminated with inorganics, lead and other organics. The applicant proposes to remediate the site to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate was reported to have been published in *The Phoenix* on February 13, 2004.

**Chester Township Commerce Drive**, Chester Township, **Delaware County**. Jason R. Free, RT Environmental Services, Inc., 510 Herron Dr., P. O. Box 521, Bridgeport, NJ 08014, on behalf of Peter Schultz, 200 Phillips Rd., Exton, PA 19341-1326, has submitted a Notice of Intent to Remediate soils contaminated with fuel oil no. 2. The applicant proposes to remediate the site to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate was reported to have been published in *Daily Local News* on January 30, 2004.

**Narco Avionics**, Upper Dublin Township, **Montgomery County**. Darryl Borrelli, Manko, Gold, Katcher & Fox, LLP, 401 City Ave., Suite 500, Bala Cynwyd, PA 19004, on behalf of Guy Wolfington, 270 Commerce Dr. Associates, LP, 700 S. Henderson Rd., King of Prussia, PA 19406, has submitted a Notice of Intent to Remediate soils contaminated with chlorinated solvents and other organics; and groundwater contaminated with chlorinated solvents, inorganics, lead and other organics. The applicant proposes to remediate the site to meet Statewide Health and Site-Specific Standards. A summary of the Notice of Intent to Remediate was reported to have been published in *Philadelphia Daily News* on February 11, 2004.

**Parkway Apartments**, City of Philadelphia, **Philadelphia County**. Jaron J. Frieden, Vertex Engineering Services, 400 Libbey Parkway, Weymouth, MA 02189, on behalf of Steve Gilbert, ITW Mortgage Investments Corp., 1818 Market St., Philadelphia, PA 19103, has submitted a revised Notice of Intent to Remediate site soil contaminated with fuel oil no. 4; and groundwater contaminated with leaded gasoline and PAH. The applicant proposes to remediate the site to meet Site-Specific Standards. A summary of the Notice of Intent to Remediate was reported to have been published in *Philadelphia Daily News* on November 12, 2003.

**Christian and Swanson Streets, 3-7 Christian Street**, City of Philadelphia, **Philadelphia County**. Michael S. Roscoe, P. G., Mid-Atlantic Associates, Inc., P. O. Box 1128, North Wales, PA 19454-0128, on behalf of Fred Tropea, Stone Creek Homes, Ruggiero Development Group, 75 W. Baltimore Pike, Media, PA 19063, has submitted a Notice of Intent to Remediate soils contaminated with diesel fuel, fuel oil nos. 1 and 6, inorganics, kerosene, leaded gasoline, lead, MTBE, new motor oil, other organics, unleaded gasoline, used motor oil and PAH. The applicant proposes to remediate the site to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate was reported to have been published in *Philadelphia Daily News* on February 9, 2004.

**Christian and Swanson Streets, 9-15 Christian Street**, City of Philadelphia, **Philadelphia County**. Michael S. Roscoe, P. G., Mid-Atlantic Associates, Inc., P. O. Box 1128, North Wales, PA 19454-0128, on behalf of Fred Tropea, Stone Creek Homes, Ruggiero Development Group, 75 W. Baltimore Pike, Media, PA 19063, has submitted a Notice of Intent to Remediate soils contaminated with diesel fuel, fuel oil no. 1, inorganics, kerosene, leaded gasoline, lead, MTBE, new motor oil, other organics, unleaded gasoline, used motor oil and PAH; and groundwater contaminated with chlorinated solvents, diesel fuel, fuel oil no. 6, inorganics, kerosene, leaded gasoline, lead, MTBE, new motor oil, other organics, unleaded gasoline and used motor oil. The applicant proposes to remediate the site to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate was reported to have been published in *Philadelphia Daily News* on February 9, 2004.

**Christian and Swanson Streets, 836-844 Christian Street**, City of Philadelphia, **Philadelphia County**. Michael S. Roscoe, P. G., Mid-Atlantic Associates, Inc., P. O. Box 1128, North Wales, PA 19454-0128, on behalf of Fred Tropea, Stone Creek Homes, Ruggiero Development Group, 75 W. Baltimore Pike, Media, PA 19063, has submitted a Notice of Intent to Remediate soils contaminated with diesel fuel, fuel oil nos. 1 and 6, inorganics, kerosene, leaded gasoline, lead, MTBE, new motor oil, other organics, unleaded gasoline, used motor oil and PAH. The applicant proposes to remediate the site to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate was reported to have been published in *Philadelphia Daily News* on February 9, 2004.

*Northeast Regional Field Office: Joseph A. Brogna, Environmental Cleanup Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.*

**Gulf Oil Fullerton Terminal**, Whitehall Township, **Lehigh County**. Charles Olmstead, Senior Associate, Leggette Brashears & Graham, Inc., 426 Brandywine Parkway, West Chester, PA 19380 has submitted a Notice of Intent to Remediate (on behalf of Andrew Beland, Gulf

Oil LP, 90 Everett Avenue, P. O. Box 9151, Chelsea, MA 02150) concerning the remediation of soils and/or groundwater found or suspected to have been contaminated with MTBE and other unleaded gasoline constituents. The applicant proposes to meet the Nonresidential Statewide Health Standard. A summary of the Notice of Intent to Remediate was published in the *East Penn Press* on February 11, 2004.

**Gerry Residence**, Bushkill Township, **Northampton County**. Thomas Martinelli, Environmental Scientist, JMT Environmental Technologies, Inc., 3353-C Gun Club Road, Nazareth, PA 18064 has submitted a Notice of Intent to Remediate (on behalf of Raymond Gerry, Male Road, Wind Gap, PA) concerning the remediation of soils found or suspected to be contaminated with kerosene as the result of an accidental release. The applicant proposes to meet the Residential Statewide Health Standard. A summary of the Notice of Intent to Remediate was published in *The Morning Call* on January 27, 2004. A Final Report was simultaneously submitted.

**America's Body Company**, City of Nanticoke, **Luzerne County**. James Sposito, P. G., Quad Three Group, Inc., 72 Glenmaura National Boulevard, Moosic, PA 18507 has submitted a Notice of Intent to Remediate (on behalf of Robert Clothier, 375 West Union Street, Nanticoke, PA 18634) concerning the remediation of site soils accidentally contaminated by the release of an estimated 5 gallons of diesel fuel. The applicant proposes to meet the Statewide Health Standard. The Final Report is anticipated to be submitted within 90 days of the release.

**Corporate Real Estate, Ltd.**, Washington Township, **Northampton County**. Vincent M. Carbone, P. G., Project Geologist, Lawler, Matusky & Skelly Engineers, LLP, The Sovereign Building, 609 Hamilton Mall, Allentown, PA 18101 has submitted a Notice of Intent to Remediate (on behalf of Corporate Real Estate, Ltd., 100 Majestic Way, Bangor, PA 18013) concerning the remediation of site groundwater found or suspected to have been contaminated with chlorinated solvents, lead and other inorganics as the result of historic previous site operations. The applicant proposes to meet the Site-Specific Standard. A summary of the Notice of Intent to Remediate was published in *The Express-Times* on August 15, 2003. A combined Remedial Investigation Report and Final Report was simultaneously submitted.

**The Hills at Lock Ridge Development—K. Hovanian at Lower Macungie Township I, LLC—Phase II**, Lower Macungie Township, **Lehigh County**. Terrence McKenna, P. E., Principal, Keating Environmental Management, Inc., 123 John Robert Thomas Drive, Exton, PA 19341 has submitted a Notice of Intent to Remediate (on behalf of Jaindl Land Company, 3150 Coffetown Road, Orefield, PA 18069) concerning the remediation of soils found or suspected to be contaminated with arsenic due to the historic application of agricultural chemicals. The applicant proposes to meet the Residential Statewide Health Standard. A summary of the Notice of Intent to Remediate was published in *The Morning Call* on January 27, 2004.

*Southwest Region: Environmental Cleanup Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**Pileski Residence**, Conemaugh Township, **Cambria County**. David Socks, Marshall Miller & Associates, Inc., 3913 Hartzdale Drive, Suite 1306, Camp Hill, PA 17011 (on behalf of Deborah Pileski, 123 Thompson Street,

Mineral Point, PA 15942) has submitted a Notice of Intent to Remediate soil and groundwater contaminated with fuel oil no. 2. The applicant proposes to remediate the site to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Tribune-Democrat* (Johnstown) on February 14, 2004.

**Homewood School Plating Shop**, City of Pittsburgh, **Allegheny County**. Wayne D. Rideout, Sci-Tek Environmental Services Company, 655 Rodi Road, Suite 303, Penn Hills, PA 15235 (on behalf of Robert Kennedy, Pittsburgh School Board, 1305 Muriel Street, Pittsburgh, PA 15203) has submitted a Notice of Intent to Remediate soil contaminated with inorganics. The applicant proposes to remediate the site to meet the Site-Specific Standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Pittsburgh Courier*, *Pittsburgh Post Gazette* on December 15, 2003.

**Turner Residence**, Marshall Township, **Allegheny County**. Robert J. Meisner, P. E., Hydro Environmental Technologies, Inc., 1201 Rt. 37 East, Toms River, NJ 08753 (on behalf of Mr. Turner, 115 Vogel Lane, Marshall Township, PA 15005) has submitted a Notice of Intent to Remediate soil and groundwater contaminated with fuel oil no. 2. The applicant proposes to remediate the site to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Allegheny Times* on September 26, 2003.

**McKeesport Steel Casting**, City of McKeesport, **Allegheny County**. Charles Haefner Jr., P. G., KU Resources Inc., Business Innovation Center, Suite 207, One Library Place, Duquesne, PA 15110 (on behalf of Stahl Gear & Machine, P. O. Box 720, Duquesne, PA 15110) has submitted a Notice of Intent to Remediate soil and groundwater contaminated with lead, heavy metals, PAHs and SVOCs. The applicant proposes to remediate the site to meet the Site-Specific Standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *McKeesport Daily News* on March 4, 2004.

## AIR QUALITY

### PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

#### NEW SOURCES AND MODIFICATIONS

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

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

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

Persons wishing to receive a copy of a proposed plan approval or operating permit must indicate their interest to the Department regional office within 30 days of the date of this notice and must file protests or comments on

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

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

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

#### PLAN APPROVALS

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

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

**06-05002B: Lehigh Cement Co.** (537 Evansville Road, Fleetwood, PA 19522-8541) for installation of a mid-kiln blower on Portland cement kiln no. 2 at their Evansville Plant in Maiden creek Township, **Berks County**. The device is for the control of CO, NO<sub>x</sub> and SO<sub>2</sub> emissions.

**07-05023B: A. P. Green Refractories, Inc.** (R. D. 1, Box 588D, Claysburg, PA 16625) for replacement of two fabric collectors in Greenfield Township, **Blair County**.

**22-05047A: Dura-Bond Pipe, LLC** (2716 South Front Street, Steelton, PA 17113) to install coating equipment for a new structural shapes fabrication operation at their existing facility in Steelton Borough, **Dauphin County**.

**67-03121: Oldcastle Stone Products** (P. O. Box 220, Thomasville, PA 17364) to operate three stone packaging lines at their Global Stone PenRoc's Hull Road plant in West Manchester Township, **York County**. There is no crushing or screening equipment in any of these stand alone operations.

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

**65-00630A: Mine Safety Appliances Co.** (P. O. Box 426, Pittsburgh, PA 15230) for installation and operation of safety equipment production at facility in Murrysville, **Westmoreland County**.

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

**25-952E: Bush Industries, Inc.—Erie Plant** (2455 Robison Road, Erie, PA 16509) for minor modification of maintenance schedule associated with permitted baghouses in the City of Erie, **Erie County**.

**25-911A: Humane Society of Northwest Pennsylvania** (2407 Zimmerly Road, Erie, PA 16508) to construct a small animal crematory in Millcreek Township, **Erie County**.

**Intent to Issue Plan Approvals and Intent to Issue or Amend Operating Permits under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter B. These actions may include the administrative amendments of an associated operating permit.**

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

**09-0128A: East Coast Sign Advertising** (5058 Route 13 North, Bristol, PA 19007) for modification of three spray booths used for painting large metal signs in Bristol Township, **Bucks County**. The facility is a non-Title V facility. Due to the inefficiency of VOC-exempt solvents to clean paint equipment and over-spray, the facility needs to switch to solvents that contain VOCs and HAPs. VOCs and HAPs from cleaning solvents shall be limited to 4.08 tpy. The facility shall be required to develop a housekeeping plan to minimize excess use of cleaning solvents. The Plan Approval and Operating Permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within these emission rates and all applicable air quality requirements.

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

**39-321-012: HAB Industries, Inc.** (15 South Albert Street, Allentown, PA 18109) to replace an existing air cleaning device (CVM unit) with a new air cleaning device (venturi scrubber) to control emissions from four existing textile frames in the City of Allentown, **Lehigh County**. The facility is a non-Title V (State-only) facility. Particulate emissions from the venturi scrubber will not exceed the best available technology standard of 0.02 grain/dscf. The plan approval and operating permit will include monitoring, reporting and recordkeeping requirements designed to keep the sources 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.*

**36-03149A: Crimson Fire** (1828 Freedom Road, Lancaster, PA 16601) for installation of one spray booth controlled by dry filters in East Lampeter Township, **Lancaster County**. Potential emissions from the spray booth are estimated to be 12.21 tons per year of VOCs, 1.52 tons per year of combined HAPs and 1.01 tons per year of a single HAP. 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; Devendra Verma, New Source Review Chief, (814) 332-6940.*

**43-329B: White Rock Silica Sand Co., Inc.** (331 Methodist Road, Greenville, PA 16125) to issue a plan

approval to increase the allowable operating hours at their rock crushing facility in Hempfield Township, **Merger County**.

In accordance with 25 Pa. Code §§ 127.44(b) and 127.424(b), the Department intends to issue a plan approval to increase the allowable operating hours at their rock crushing facility in Hempfield Township, Merger County. 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 recom-

<i>Criteria Pollutants</i>	<i>Grams/hp-hr</i>
PM	0.4
CO	0.28
NOx	6.9
Total Hydrocarbons	0.07

4. The Department reserves the right to require verification of emission rates which may include source testing in accordance with applicable provisions of 25 Pa. Code Chapter 139 or portable exhaust gas analyzers approved by the Department.

5. Visible emissions from the diesel generator shall not exceed the following limitations:

- a) Equal to or greater than 10% for a period or periods aggregating more than 3 minutes in any 1 hour.
- b) Equal or greater than 30% at any time.

6. The generator shall be operated in a manner that malodors are not detectable outside the property of the permittee as specified in 25 Pa. Code § 123.31.

7. The permittee shall maintain the following records:

- a) The number of hours per calendar year the source is operated using nonresettable hour meter.
- b) The amount of fuel used per calendar year for the source.
- c) Verification that the sulfur content in the fuel does not exceed 0.3% by weight.

8. The records shall be retained for a minimum of 5 years and shall be made available to the Department upon request.

**20-263A: TAPCO Tube Co.** (10748 South Water Street Extension, Meadville, PA 16335) for installation of two dip paint lines in West Mead Township, **Crawford 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, regarding plan approval terms and conditions and will demonstrate Best Available Technology for the source:

- This approval to construct/modify shall become invalid if: (1) construction is not commenced (as defined in 25 Pa. Code § 127.13(b) and 40 CFR 52.21(b)(8)) within 18 months after the date of this approval; (2) if construction is discontinued for a period of 18 months or more; or (3) construction is not completed within a reasonable time.

mended with the appropriate conditions in the plan approval:

1. The generator's maximum hours of operation are limited to 2,900 hours based on a consecutive 12-month period.
2. The permittee shall maintain and operate an oxidation catalyst on the generator.
3. Air pollutant emissions from the diesel engine (Caterpillar, Model 3412) shall not exceed the following limitations (based on full load and the rated horsepower of the engine):

<i>Allowable Emissions</i>	<i>Allowable Emissions</i>
0.78 lbs. hr	1.13 tons/year
0.57 lbs. hr	0.83 tons/year
13.52 lbs. hr	19.60 tons/year
0.14 lbs. hr	0.20 tons/year

- The dip coating tanks are subject to 25 Pa. Code §§ 123.1, 123.13, 123.31 and 123.41 for fugitive, particulate matter, odor and visible emissions, respectively.

- The VOC emissions from the two dip coating tanks shall not exceed 33.2 tpy based on any consecutive 12-month rolling period.

- The VOC emissions from the spray paint line shall not exceed 20.02 tpy based on any consecutive 12-month rolling period as stated in Plan Approval 20-318-013.

- The facility VOC emissions, to be defined as the combined VOC emissions from all VOC emitting sources, shall not exceed 49.9 tpy based on any consecutive 12-month rolling period.

- The facility HAP emissions, to be defined as the combined HAP emissions from all HAP emitting sources, shall not exceed 9.9 tpy for any individual HAP or 24.9 tpy for total facility HAP based on any consecutive 12-month rolling period.

- The dip coating tanks shall meet the surface coating processes requirements of 25 Pa. Code § 129.52, including but not limited to, coatings used shall comply with 25 Pa. Code § 129.52, Table 1(10)(e), the VOC content of the applied coating shall be determined as described in 25 Pa. Code § 129.52(b)(1)(ii) and recordkeeping shall comply with 25 Pa. Code § 129.52(c).

- The permittee shall maintain records of the monthly VOC emission total and the 12-month rolling VOC emission total for the dip tanks.

- The permittee shall maintain records of the monthly HAP emission total and the 12-month rolling HAP emission total for each individual HAP and the facility HAP total.

- The permittee shall submit semiannual reports of the 12-month rolling VOC emission total for both the dip tanks and for the facility.

- The permittee shall submit semiannual reports of the 12-month rolling HAP emission total for each individual HAP and for the facility HAP total.

- The permittee shall maintain the source in accordance with the manufacturer's specifications.

- The facility shall comply with 25 Pa. Code § 127.25 as follows: A person may not cause or permit the operation of a source, unless the source and air-cleaning device, are operated and maintained in accordance with specifica-

tions in the Plan Approval application and conditions listed. A person may not cause or permit the operation of an air contamination source in a manner inconsistent with good operating practices.

- Information required to be submitted as part of the conditions should be submitted to the attention of Regional Air Quality Program Manager, Air Quality Program, Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335-3481.

#### OPERATING PERMITS

##### **Intent to Issue Title V Operating Permits under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter G.**

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

**36-05053: Buck Co. Inc.** (897 Lancaster Pike, Quarryville, PA 17566) for operation of their ferrous and nonferrous foundry in Providence Township, **Lancaster County**. The facility emits approximately 80 tons of VOC, 40 tons of PM10 and 2 tons of NOx per year. Additional monitoring, recordkeeping and work practice standards are included to keep the facility operating within all applicable requirements.

##### **Intent to Issue Operating Permits under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.**

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19428; Thomas McGinley, New Source Review Chief, (610) 832-6242.*

**46-00050: Rohm and Haas Co.** (727 Norristown Road, Springhouse, PA 19477) in Lower Gwynedd Township, **Montgomery County**. The permit is for a non-Title V (State-only Synthetic Minor) facility. The facility's sources include five boilers and one dry cleaner. The permittee has elected to take an emission restriction including 24.9 tons/year for NOx and 20 tons/yr. of VOC to be compliant with synthetic minor requirements. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

**09-00128: East Coast Sign Advertising** (5058 Route 13 North, Bristol, PA 19007) for operation their facility in Bristol Township, **Bucks County**. The permit is for a non-Title V (State-only) facility. The facility's main sources include: three large paint spray booths and a paint storage/mix room. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

**06-03024: Wolfe Dye and Bleach Works** (3600 Parkview Road, Reading, PA 19606) for operation of their St. Lawrence fabric drying facility in St. Lawrence Borough, **Berks County**. The State-only operating permit will include monitoring, recordkeeping, reporting requirements, emission restrictions and work practice standards designed to keep the facility operating within all applicable air quality requirements.

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

**S04-001: St. Christopher's Hospital for Children** (Erie Avenue at Front Street, Philadelphia, PA 19134 and Building No. 669, West 3rd Street, Philadelphia, PA 19112) for operation of a hospital in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include a 500 HP boiler, a 300 HP boiler, a 200 HP boiler and three emergency generators.

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

Persons wishing to file protests or comments on the operating permit must submit the protest or comments within 30 days from the date of this notice. Protests or comments filed with 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	7.0mg/l
Manganese (total)	2.0 mg/l	4.0 mg/l	5.0 mg/l
Suspended solids	35 mg/l	70 mg/l	90 mg/l
pH*		greater than 6.0; less than 9.0	
Alkalinity greater than acidity*			

\* The parameter is applicable at all times.

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

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

**54870101R3. Kuperavage Enterprises, Inc.** (P. O. Box 99, Middleport, PA 17953), renewal of an existing anthracite surface mine operation in Blythe Township, **Schuylkill County**, affecting 638.0 acres. Receiving streams: unnamed tributary to Schuylkill River. Application received February 26, 2004.

**40041601. Stockton Anthracite, LP** (P. O. Box 546, Hazleton, PA 18201), commencement, operation and restoration of a coal preparation plant and refuse disposal operation in Hazle Township, **Luzerne County**, affecting 183.0 acres. Receiving streams: None. Application received March 1, 2004.

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

**03870701. NPDES Permit No. PA0214558, T. J. S. Mining, Inc.** (R. D. 1, Box 260D, Shelocta, PA 15774), to renew the permit for the Coal Refuse Disposal No. 2 in Plumcreek Township, **Armstrong County** and related NPDES permit. No additional discharges. Application received January 30, 2004.

**56961302. NPDES Permit No. PA0214639, RoxCOAL, Inc.** (P. O. Box 149, Friedens, PA 15541), to transfer the permit for the Miller Mine in Jenner and Lincoln Townships, **Somerset County** and related NPDES permit from K. B. Coal, Inc. No additional discharges. Application received February 9, 2004.

**63831302. Eighty Four Mining Company** (P. O. Box 355, 172 Route 519, Eighty Four, PA 15330), to revise the permit for Mine No. 84 in Amwell and North Bethlehem Townships, **Washington County**, ACOE Pittsburgh District. (Streams within borders defined by the following

points: starting at (Amity, PA Quadrangle N: 18.0 inches; W: 2.0 inches) to (Amity, PA Quadrangle N: 20.5 inches; W: 1.0 inch) to (Washington East, PA Quadrangle N: 0.5 inch; W: 8.0 inches) back to (Amity, PA Quadrangle N: 20.5 inches; W :9.0 inches) to beginning point.)

This is a Chapter 105 Water Obstruction and Encroachment permit application (Stream Module 15) and 401 Water Quality Certification request, if applicable, submitted as part of the mining permit revision application to authorize the remediation of the following streams over longwall panels 4B-8B: Pine Run, Brush Run, unnamed tributary to Brush Run No. 3A, unnamed tributary to Brush Run No. 3, Little Daniels Run, Potato Run, Shipe Run, unnamed tributary to Redd Run No. 3, unnamed tributary to Little Daniels Run No. 2, unnamed tributary to Brush Run No. 4 and unnamed tributary to Brush Run No. 4A.

Written comments or objections on the request for Section 401 Water Quality Certification or to the issuance of the Water Obstruction and Encroachment Permit (Stream Module 15) may be submitted to the Department within 30 days of the date of this notice to the previous district mining office. Comments should contain the name, address and telephone number of the person commenting, identification of the request for 401 Water Quality Certification and Chapter 105 permit application (Stream Module 15) to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including relevant facts upon which they are based.

The Water Obstruction and Encroachment permit application is available for review at the California District Mining Office, by appointment, at the previous address.

Application received February 17, 2004

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

**24980102 and NPDES Permit No. PA0227781. Tamburlin Bros. Coal Co., Inc.** (P. O. Box 1419, Clearfield, PA 16830). Revision to an existing bituminous surface strip and auger operation in Fox Township, **Elk County** affecting 204.5 acres. Receiving streams: Limestone Run, Little Toby Creek and an unnamed tributary

to Sawmill Run (CWF). There are no potable surface water supply intakes within 10 miles downstream. Revision is for an incidental boundary extension. This extension will be for an additional 8.5 acres and includes 5.0 acres for extracting coal. Application received March 2, 2004.

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

**56920106 and NPDES Permit No. PA0599557. Cooney Brothers Coal Company** (P. O. Box 246, Crescon, PA 16630), surface mine/coal refuse disposal permit renewal in Shade Township, **Somerset County**, affecting 276.0 acres. Receiving streams: unnamed tributary to Hinson Run (CWF), unnamed tributary to Shade Creek (CWF) and unnamed tributary to Stoney Creek (CWF). The first downstream potable water supply intake from the point of discharge is the Cambria Somerset Authority Stoneycreek Surface Water Withdrawal. Application received February 26, 2004.

**56713039 and NPDES Permit No. PA0069426. PBS Coals, Inc.** (P. O. Box 260, Friedens, PA 15541), surface coal mining permit renewal in Brothersvalley and Somerset Townships, **Somerset County**, affecting 1,843 acres. Receiving streams: unnamed tributary to Kimberly

Run, Kimberly Run, unnamed tributary to Sandy Hollow Creek (CWF). There are no potable water supply intakes within 10 miles downstream. Application received February 26, 2004.

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

**03793072 and NPDES Permit No. PA061237. Keystone Coal Mining Corp.** (P. O. Box 219, 400 Overview Drive, Shelocta, PA 15774). NPDES renewal for reclamation only of a coal surface mine permit in Kiskiminetas Township, **Armstrong County** and Young Township, **Indiana County**, affecting 302 acres. Receiving streams: Big Run (CWF) and an unnamed tributary to Long Run (WWF). There is no potable water supply intake within 10 miles from the point of discharge. Renewal application received March 2, 2004.

#### *Noncoal Applications Received*

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

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

\* The parameter is applicable at all times.

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

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

**5074SM2A1C3. Valley Quarries, Inc.** (P. O. Box J, Chambersburg, PA 17201), correction to an existing quarry operation to construct a sand processing plant in Guilford and Greene Townships, **Franklin County**, affecting 167.5 acres. Receiving streams: None. Application received March 1, 2004.

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

**20040301. Lakeland Sand & Gravel, Inc.** (3017 Atlantic Lake Road, Hartstown, PA 16131). Commencement, operation and restoration of a sand and gravel operation in East Fallowfield Township, **Crawford County**, affecting 30.85 acres. Receiving streams: None. There are no potable surface water supply intakes within 10 miles downstream. Application received February 26, 2004.

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

**14040301 and NPDES Permit No. PA0243698. Hanson Aggregates Pennsylvania, Inc.** (1900 Sullivan Trail, P. O. Box 231, Easton, PA 18044-0231). Commencement, operation and restoration of a large industrial minerals (limestone) permit in Spring and Marion Townships, **Centre County**, affecting 76.7 acres. Receiving

streams: Nittany Creek (HQ CWF). There are no potable surface water supply intakes. Application received February 17, 2004.

## **FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401**

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

The Department may conduct a fact-finding hearing or an informal conference in response to comments if deemed necessary. Individuals will be notified, in writing, of the time and place of a scheduled hearing or conference concerning the certification request to which the comment, objection or suggestion relates. Maps, drawings and other data pertinent to the certification request are



available for inspection between 8 a.m. and 4 p.m. on each working day at the regional office noted before the application.

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

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

**WATER OBSTRUCTIONS AND ENCROACHMENTS**

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

**E15-714. Edwin J. Gold c/o Planco**, 1500 Liberty Ridge Drive, Wayne, PA 19087, Schuylkill Township, **Chester County**, ACOE Philadelphia District.

To modify and maintain existing reservoirs within the 100-year floodplain of an unnamed tributary of Pickering Creek (HQ-TSF). Reservoir A will be dewatered to facilitate shoreline alteration and deepening by approximately 3 feet to provide maximum depth of 8 feet. The outlet works of nonjurisdictional dam A will be modified by capping the existing 12-inch PVC outfall and constructing a spillway outlet structure that will direct flow to existing reservoir B. Reservoir B will be dewatered to replace new 45-mil liner and shoreline rehabilitation. The outlet works of nonjurisdictional dam B will be modified by capping the existing 12-inch PVC outfall and constructing a spillway outlet structure that will direct flow to proposed outlet basin C. Outlet basin C is about 80 feet long and 60 feet wide and includes a 10-inch RCP outfall structure and riprap apron to outfall structure along unnamed tributary of Pickering Creek. The project will temporarily impact 1.15 acres of reservoir A and B combined during construction.

The application includes a request for an environmental assessment approval to modify two nonjurisdictional dams as noted.

The site is about 2,500 feet southwest of intersection of White Horse Road and Valley Park Road (Malvern, PA USGS Quadrangle N: 18.0 inches; W: 1.2 inches).

**E46-955. Robert and Kathryn Leber**, 2566 Swamp Creek Road, Green Lane, PA 18054, Marlborough Township, **Montgomery County**, ACOE Philadelphia District.

To construct and maintain a 160-foot long by 4-foot wide footbridge across the 100-year floodplain of Unami Creek (HQ-CWF) as an emergency access to an existing dwelling.

The site is at 2566 Swamp Creek Road (Perkiomenville, PA USGS Quadrangle N: 16.2 inches; W: 9.0 inches).

**E15-715. Louise McIlvaine**, 107 South Whitford Road, Exton, PA 19341, West Whiteland Township, **Chester County**, ACOE Philadelphia District.

To perform the following activities associated with the proposed relocation of an unnamed tributary to West Valley Creek along Whitford Road:

(1) To relocate 526 linear feet of the unnamed tributary to West Valley Creek (CWF, MF) impacting 0.17 acre of wetlands (PFO/PEM).

(2) To place fill in 45 linear feet of the channel abandoned by the above stream relocation work.

(3) To restore and modify 170 linear feet of the unnamed tributary to West Valley Creek.

(4) To construct and maintain a temporary access road across an unnamed tributary to West Valley Creek.

(5) To construct and maintain temporary cofferdams.

The project proposes to impact a total of 526 linear feet of watercourse and 0.17 acre of wetlands. The site is just southeast of the intersection of West Lincoln Highway (SR 0030) and Whitford Road (Downingtown, PA USGS Quadrangle N: 4.4 inches; W: 2.6 inches).

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

**E07-381: Michael and Collette Shoop**, 863 Poplar Run Road, Duncansville, PA 16635 in Juniata Township, **Blair County**, ACOE Baltimore District.

To remove the existing abutments and bridge deck having a clear span of 5.5 feet, an average rise of 6.5 feet and an instream length of 18.0 feet and to construct and maintain 20 feet of 6-foot diameter corrugated metal pipe at a point adjacent to Longenecker Road within an unnamed tributary to Poplar Run (CWF) (Cresson, PA Quadrangle N: 2.0 inches; W: 5.0 inches) in Juniata Township, Blair County.

**E07-382: City of Altoona**, 1301 12th Street, Altoona, PA 16601 in the City of Altoona, **Blair County**, ACOE Baltimore District.

To remove the existing abutments and concrete bridge deck having a clear span of 10.45 feet, an average rise of 3.44 feet and an instream length of 18.3 feet and to construct and maintain an arch culvert bridge having a clear span of 20.0 feet, a rise of 4.0 feet and an instream length of 28 feet at a point along 14th Street within Brush Creek (WWF) (Altoona, PA Quadrangle N: 0.9 inch; W: 1.8 inches) in the City of Altoona, Blair County. The project includes the relocation of 125 feet of stream channel.

**E07-383: City of Altoona**, 1301 12th Street, Altoona, PA 16601 in the City of Altoona, **Blair County**, ACOE Baltimore District.

To remove the existing abutments and concrete bridge deck having a clear span of 8.0 feet (14.0 feet skewed), an average rise of 4.1 feet, an instream length of 19.5 feet and a skew of 47° 30' 00" and to construct and maintain an arch culvert bridge having a clear span of 16.0 feet (20.7 feet skewed), a rise of 4.1 feet, an instream length of 51.25 feet and a skew of 47° 30' 00" at a point along 15th Street within Brush Creek (WWF) (Altoona, PA Quadrangle N: 0.7 inch; W: 1.8 inches) in the City of Altoona, Blair County.

**E67-753: Hopewell Township**, P. O. Box 429, Stewartstown, PA 17262 in Hopewell Township, **York County**, ACOE Baltimore District.

To construct and maintain two 48-inch pipe culverts, one 30-inch pipe culvert and 40 feet of rip-rap rock bank protection in and along unnamed tributaries to Ebaughs Creek (CWF) (Stewartstown, PA Quadrangle N: 1.8 inches; W: 17.5 inches) in Hopewell Township, York County. This application was filed to resolve a violation.

**E28-315: Charles M. Long**, 14119 Charles Drive, Waynesboro, PA 17268 in Washington Township, **Franklin County**, ACOE Baltimore District.

To construct and maintain four stream/wetland driveway crossings, one 8-inch and two 4-inch sanitary sewer crossings and two 4-inch water line crossings all in unnamed tributaries to Falls Creek (WWF) (Smithsburg, MD Quadrangle N: 22 inches; W: 3 inches) in Washington Township, Franklin County.

**E36-775: Centerville Associates, Limited**, 987 Chapel Forge Court, Lancaster, PA 17601 in Penn and Rapho Townships, **Lancaster County**, ACOE Baltimore District.

To construct and maintain: (1) a wetland road crossing providing access to the proposed residential development; (2) a nature trail which will impact wetlands; and (3) a sewer line crossing over an UNT to Chickies Creek, all being tributary to Chickies Creek (WWF), for the purpose of constructing an adjacent residential development (Manheim, PA Quadrangle N: 9.89 inches; W: 1.63) in Penn and Rapho Townships, Lancaster County. The permittee is required to provide a minimum of 0.379 acre of replacement wetlands.

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

**E59-454. Rutland Township**, R. R. 2 Box 1462, Mansfield, PA 16933. Relocation and extension of T-790 culvert in Painter Run in Rutland Township, **Tioga County**, ACOE Baltimore District (Jackson Summit, PA Quadrangle N: 0.8 inch; W: 6.0 inches).

To modify, operate and maintain an existing single cell culvert that carries T-790 across Painter Run (CWF). Modifications of Rutland Township Road No. 790 crossing Painter Run shall be modified by removal of the existing 8-foot diameter steel culvert pipe, extending that culvert by 25 feet and relocating the extended culvert pipe to provide the stream approach at the inlet. Additional modifications to the road crossing Painter Run shall include construction of stone headwalls and the installation of rock outlet protection. All road crossing modifications and future repair work shall be completed during stream low flow. Stream bank disturbances during construction and repair work shall be kept to a minimum with vegetative stabilization being applied within 20 days of final earthmoving. As proposed the project will not impact wetlands while impacting 75 feet of waterway that is along the northern right-of-way of SR 1004, approximately 1.7 miles north of T-790 and SR 1004 intersection.

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

**E02-1454. Grasinger Homes, Inc.**, 8035 Saltsburg Road, Pittsburgh, PA 15239. Green Valley Estates Plan No. 2 in Plum Borough, **Allegheny County**, Pittsburgh ACOE District (Braddock, PA Quadrangle N: 21.0 inches; W: 1.2 inches) (Latitude: 40° 29' 26" and Longitude: 79° 45' 31"). The applicant proposes to place and maintain fill in 0.23 acre of PEM wetlands as part of a proposed 34 single family residential development known as Green Valley Estates Phase 2. To compensate for the wetland impact the applicant proposes to make a payment to the wetland replacement fund. This project will also impact approximately 570 feet of an unnamed tributary to Plum Creek (WWF). This work qualifies for authorization under the Department's waiver 105.12(a)(2). The project is on the south side of Old Leechburg Road, approximately 2,500 feet west of its intersection with New Texas Road.

**E03-419. Dominion Transmission, Inc. (DTI)**, 445 West Main Street, Clarksburg, WV 26301. DTI LN 19 transmission line in Boggs, Burrell, Kiskiminetas, Kittanning, Mahoning, Plumcreek, Redbank, South Bend, Valley and Wayne Townships, **Armstrong County**, Pittsburgh ACOE District (Project Begins at Vandergrift, PA Quadrangle N: 8.23 inches; W: 4.59 inches and Ends: New Bethlehem, PA Quadrangle N: 2.17 inches; W: 6.94 inches) (Begins Latitude: 40° 32' 12"—Longitude: 79° 30' 00" and Ends Latitude: 40° 37' 35"—Longitude: 79° 26' 58"). The applicant proposes to operate and maintain a 21.0-mile, 20-inch gas pipeline which crosses Kiskiminetas River (WWF), three tributaries to Roaring Run (CWF), Crooked Creek (WWF), three tributaries to Crooked Creek (WWF), Long Run (WWF), a tributary to Long Run (WWF), Cherry Run (CWF), two tributaries to Cherry Run (CWF), Spra Run (WWF), Cowanshannock Creek (TSF), three tributaries to Cowanshannock Creek (WWF), South Fork Pine Creek (WWF), two tributaries to South Fork Pine Creek (WWF), North Fork Pine Creek (WWF), Scrubgrass Creek (CWF), three tributaries to Scrubgrass Creek (CWF), Mahoning Creek (WWF), five tributaries to Mahoning Creek (CWF), Redbank Creek (TSF) and a tributary to Redbank Creek (CWF). The project begins at the Westmoreland/Armstrong County line and ends at the Clarion/Armstrong County line.

**E04-302. Castlebrook/Phillipsburg Development, L. P.**, The Bank Tower, Suite 910, 307 Fourth Avenue, Pittsburgh, PA 15222. Phillipsburg Center in Center Township, **Beaver County**, Pittsburgh ACOE District (Beaver, PA Quadrangle N: 10.3 inches; W: 8.6 inches) (Latitude: 40° 00' 45"—Longitude: 80° 18' 45"). The applicant proposes to place and maintain fill in 0.08 acre of PEM wetlands associated with an unnamed tributary to the Ohio River (WWF) for the purpose of constructing the Phillipsburg Center. The project is approximately 3,500 feet north from the intersection of SR 18 and SR 51. The project will permanently impact 0.08 acre of PEM wetlands and from the construction of a stream enclosure, 240.0 linear feet of stream channel. To compensate for the wetland impacts, the applicant proposes to construct 0.08 acre of replacement wetlands.

**E65-841. Dominion Transmission, Inc. (DTI)**, 445 West Main Street, Clarksburg, WV 26301. DTI LN 19 transmission line in Washington and Bell Townships and the Municipality of Murrysville, **Westmoreland County**, Pittsburgh ACOE District (Begins Murrysville, PA Quadrangle N: 15.94 inches; W: 2.01 inches and Ends Vandergrift, PA Quadrangle N: 8.73 inches; W: 4.59 inches) (Begins Latitude: 40° 27' 46" and Longitude: 79° 38' 22" and Ends Latitude: 40° 32' 53" and Longitude: 79° 31' 59"). The applicant proposes to operate and maintain a 9.0-mile long 20-inch gas pipeline which crosses a tributary to Haymakers Run (HQ-CWF), Pucketa Creek (TSF), Poke Run (HQ-CWF), two tributaries to Poke Run (HQ-CWF), Beaver Run (TSF) and three tributaries to Beaver Run (HQ-CWF). The project begins at J. B. Tonkin Station and ends at the Westmoreland/Armstrong County line.

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

**E20-534. Dominion Transmission, Inc.**, 445 West Main Street, Clarksburg, WV 26301. Existing Natural Gas Pipeline TL-406 in Conneaut, East Fairfield, Sadsbury, Summit, Union and Vernon Townships, **Crawford County**, ACOE Pittsburgh District (Harmonsburg, PA Quadrangle N: 3.7 inches; W: 6.49 inches).

The applicant proposes to operate and maintain an existing 10-inch diameter natural gas pipeline TL-406 in Crawford County from the Cochranon interconnection with the Tennessee Gas Company approximately 800 feet west of the intersection of U. S. Route 322 and Powell Road (Cochranon, PA Quadrangle N: 6.8 inches; W: 10.9 inches) to the Pennsylvania/Ohio border (Leon, OH-PA Quadrangle N: 21.1 inches; W: 2.7 inches) approximately 1.8 feet miles north of U. S. Route 6 and the Pennsylvania/Ohio border. The project crosses and includes, but is not limited to, the crossing of the following streams and nonexceptional value wetlands (wetland crossings based on NWI maps) as described in the application: UNT to French Creek (WWF, perennial) (N 41° 32' 11", W 80° 5' 7"), UNT to French Creek (intermittent) (WWF) (N 41° 32' 20", W 80° 5' 29"), French Creek (perennial) (WWF) (N 41° 32' 40", W 80° 6' 13"), UNT to Conneaut Outlet (intermittent) (WWF) (N 41° 32' 54", W 80° 6' 41"), UNT to French Creek (intermittent) (WWF) (N 41° 33' 7", W 80° 7' 13"), UNT to French Creek (intermittent) (WWF) (N 41° 33' 21", W 80° 7' 37"), UNT to French Creek (intermittent) (WWF) (N 41° 34' 15", W 80° 9' 42"), UNT to French Creek (intermittent) (WWF) (N 41° 35' 3", W 80° 11' 23"), UNT to Watson Run (intermittent) (WWF) (N 41° 35' 46", W 80° 12' 40"), UNT to Watson Run (intermittent) (WWF) (N 41° 36' 6", W 80° 13' 10"), UNT to Watson Run (intermittent) (WWF) (N 41° 36' 13", W 80° 13' 24"), UNT to Watson Run (intermittent) (WWF) (N 41° 36' 46", W 80° 14' 16"), UNT to Watson Run (intermittent) (WWF) (N 41° 14' 49", W 80° 14' 49"), Watson Run (perennial) (WWF) (N 41° 37' 24", W 80° 15' 26"), UNT to Watson Run (perennial) (WWF) (N 41° 37' 36", W 80° 15' 50"), UNT to Conneaut Lake (perennial) (HQ-WWF) (N 41° 38' 8", W 80° 16' 44"), UNT to Conneaut Lake (perennial) (HQ-WWF) (N 41° 38' 29", W 80° 17' 26"), UNT to Conneaut Lake (perennial) (HQ-WWF) (N 41° 38' 38", W 80° 17' 41"), UNT to Conneaut Lake (perennial) (HQ-WWF) (N 41° 38' 57", W 80° 18' 18"), Inlet Run (perennial) (HQ-WWF) (N 41° 39' 6", W 80° 18' 47"), UNT to Inlet Run (perennial) (HQ-WWF) (N 41° 39' 9", W 80° 18' 54"), UNT to Conneaut Creek (perennial) (WWF, MF) (N 41° 39' 53", W 80° 20' 39"), Conneaut Creek (perennial) (WWF, MF) (N 41° 40' 8", W 80° 21' 13"), UNT to Conneaut Creek (perennial) (WWF, MF) (N 41° 40' 17", W 80° 21' 35"), UNT to Conneaut Creek (perennial) (WWF, MF) (N 41° 40' 23", W 80° 21' 49"), UNT to Conneaut Creek (perennial) (WWF, MF) (N 41° 40' 35", W 80° 22' 16"), UNT to Conneaut Creek (perennial) (WWF, MF) (N 41° 40' 54", W 80° 22' 54"), UNT to Linesville Creek (perennial) (WWF) (N 41°

41' 46", W 80° 25' 0"), Linesville Creek (perennial) (WWF) (N 41° 41' 59", W 80° 25' 23"), Linesville Creek (perennial) (WWF) (N 41° 42' 1", W 80° 25' 26"), UNT to Linesville Creek (perennial) (WWF) (N 41° 42' 15", W 80° 25' 50"), UNT to Linesville Creek (perennial) (WWF) (N 41° 42' 16", W 80° 25' 53"), UNT to Paden Creek (perennial) (WWF) (N 41° 42' 38", W 80° 26' 46"), UNT to Paden Creek (perennial) (WWF) (N 41° 43' 2", W 80° 27' 34"), UNT to Paden Creek (perennial) (WWF) (N 41° 43' 7", W 80° 27' 49"), Paden Creek (perennial) (WWF) (N 41° 42' 38", W 80° 28' 20"), Wetland-TL-406-CRA-001 (PSS) (N 41° 32' 38", W 80° 6' 1"), Wetland-TL-406-CRA-002 (PSS) (N 41° 32' 38", W 80° 6' 1"), Wetland-TL-406-CRA-002 (PSS) (N 41° 32' 40", W 80° 6' 7"), Wetland-TL-406-CRA-003 (PSS) (N 41° 36' 8", W 80° 13' 14"), Wetland-TL-406-CRA-004 (PFO/PSS) (N 41° 36' 29", W 80° 13' 47"), Wetland-TL-406-CRA-005 (PFO) (N 41° 36' 38", W 80° 13' 59"), Wetland-TL-406-CRA-006 (PEM/PFO/PSS) (N 41° 37' 24", W 80° 15' 26"), Wetland-TL-406-CRA-007 (PEM) (N 41° 38' 55", W 80° 18' 12"), Wetland-TL-406-CRA-008 (PFO) (N 41° 41' 59", W 80° 25' 23"), Wetland-TL-406-CRA-009 (PFO) (N 41° 43' 19", W 80° 28' 19") and Wetland-TL-406-CRA-010 (PFO/PSS) (N 41° 44' 22", W 80° 30' 57").

**E24-236, Francis X. Straub**, 123 Terrace Road, St. Marys, PA 15857. Storage complex wetland fill in City of St. Marys, **Elk County**, ACOE Pittsburgh District (St. Marys, PA Quadrangle N: 8.6 inches; W: 13.2 inches).

To place and maintain fill within two palustrine emergent and palustrine scrub/shrub wetlands having a de minimis surface area of 0.042 acre for the purpose of constructing a storage facility, approximately 2.1 miles west of the City of St. Marys along the north side of SR 120.

**ENVIRONMENTAL ASSESSMENTS**

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

**EA36-011: West Lampeter Township**, 852 Village Road, Box 2, Lampeter, PA 17537 in West Lampeter Township, **Lancaster County**, ACOE Baltimore District.

To construct and maintain a diversion weir and outlet weir at an unnamed tributary to Big Spring Run (WWF) for the purpose of creating a water quality wetland on West Lampeter Community Park property immediately east of the intersection of Lampeter Road and Mentzer Road (Quarryville, PA Quadrangle N: 21.4 inches; W: 17.6 inches) in West Lampeter Township, Lancaster County.

**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

<i>Location</i>	<i>Permit Authority</i>	<i>Application Type or Category</i>
Section IV	NPDES	MS4 individual permit
Section V	NPDES	MS4 permit waiver
Section VI	NPDES	Individual permit stormwater construction
Section VII	NPDES	NOI for coverage under NPDES general permits

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

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

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

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

## I. NPDES Renewal Permit Actions

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

<i>NPDES Permit No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N ?</i>
PA0036889 Industrial Waste	Reading Township Municipal Authority 5500 Carlisle Pike New Oxford, PA 17350	Adams County Reading Township	Conewago Creek 7F	Y

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

<i>NPDES Permit No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N ?</i>
PA0208931 Sewerage	Catherine Randolph R. R. 4 Box 392 DuBois, PA 15801	Brady Township Clearfield County	UNT Limestone Creek 17-D	Y
PA0114316 Sewerage	John and Sandra Erdley 175 Eagle Lane Millmont, PA 17845	Hartley Township Union County	UNT to Penns Creek 6A	Y

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

<i>NPDES Permit No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N ?</i>
PA0001899 Industrial Waste	Jones Brewing Company P. O. Box 746 Smithton, PA 15479	Westmoreland County Smithton Borough	Youghiogheny River	—

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

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

**NPDES Permit No. PA0064327**, Industrial Waste, **B. S. Quarries, Inc.**, R. R. 3, P. O. Box 324A-1, Montrose, PA 18801. This proposed facility is in Silver Lake Township, **Susquehanna County**.

Description of Proposed Action/Activity: Issuance of NPDES Permit.

**NPDES Permit No. PAS232210**, Stormwater, **Consolidated Container Company**, 6831 Ruppssville Road, Allentown, PA 18106. This proposed facility is in Allentown City, **Lehigh County**.

Description of Proposed Action: Issuance of stormwater NPDES permit.

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

**NPDES Permit No. PA0026913-A2**, Sewage, **The Municipal Authority of the City of McKeesport**, 100 Atlantic Avenue, McKeesport, PA 15132. This proposed facility is in McKeesport Water Pollution Control Plant, City of McKeesport, **Allegheny County**.

Description of Proposed Action/Activity: Amendment to discharge uncontaminated stormwater from the McKeesport Sewage Treatment Plant site in City of McKeesport, Allegheny County.

**NPDES Permit No. PA0252549**, Sewage, **Sutersville—Sewickley Municipal Sewage Authority**, 320 Municipal Avenue, Sutersville, PA 15083. This proposed facility is in Sewickley Township, **Westmoreland County**.

Description of Proposed Action/Activity: Discharge of 0.19 MGD of treated sewage from the proposed Sutersville—Sewickley Municipal Authority Wastewater Treatment Plant.

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

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

**WQM Permit No. 3604404**, Sewerage, **Manheim Borough Authority**, 15 East High Street, Manheim, PA 17545. This proposed facility is in Rapho Township, **Lancaster County**.

Description of Proposed Action/Activity: Construction/operation of Orchard Road/Kendig Drive Pump Station sewerage facilities consisting of a duplex grinder pump station with approximately 300 feet of 2-inch force main.

**WQM Permit No. 0704401**, Sewerage, **Shawn and Tracy McElravy**, P. O. Box 83, Blandburg, PA 16619. This proposed facility is in Antis Township, **Blair County**.

Description of Proposed Action/Activity: Construction/operation of sewerage facilities consisting of dual compartment 1,000-gallon septic tank, 250-gallon septic tank with a Goulds Pump Model No. 3871-EP04 or equivalent, 600 ft<sup>2</sup> buried sand filter, tablet chlorinator and 300-gallon chlorine contact tank to serve their single family residence.

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

**WQM Permit No. 1403406**, Sewage 4952, **Penn Township**, P. O. Box 125, Coburn, PA 16832-0125. This proposed facility is in Penn Township, **Centre County**.

Description of Proposed Action/Activity: The applicant proposes to construct and operate a new sewerage system. The system will be gravity sewers and package extended air sewage plant severing the Village of Coburn.

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

**WQM Permit No. 2003433**, Sewerage, **Mose I. Schwartz**, 20704 Beaver Center Road, Conneautville, PA 16406. This proposed facility is in Conneaut Township, **Crawford County**.

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

**WQM Permit No. 2003432**, Sewerage, **Marcus M. Schwartz**, 20742 Beaver Center Road, Conneautville, PA 16406. This proposed facility is in Conneaut Township, **Crawford County**.

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

**WQM Permit No. 2503431**, Sewerage, **LeRoy G. and Rebecca L. Wells**, 15630 Tionesta Lane, Pleasantville, PA 16341. This proposed facility is in North East Township, **Erie County**.

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

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### IV. NPDES Stormwater Discharges from MS4 Permit Actions

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI130506	Solebury Township 3092 Sugan Rd. Solebury, PA 18963-0139	Bucks	Solebury	Delaware River South Neshaminy
PAI130507	Charlestown Township P. O. Box 507 Devault, PA 19432	Chester	Charlestown	Pickering, Pigeon and Valley Creeks
PAI130508	East Whiteland Township 209 Conestoga Rd. Frazer, PA 19355-1633	Chester	East Whiteland	Valley and Ridley Creeks

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI130509	Easttown Township 566 Beaumont Rd. P. O. Box 79 Devon, PA 19333	Chester	Easttown	Darby and Crum Creeks
PAI130504	Tredyffrin Township 1100 Duportail Rd. Berwyn, PA 19312	Chester	Tredyffrin	Schuylkill River Darby, Crum and Valley Creeks
PAI130524	East Brandywine Township 1214 Horseshoe Pike Downingtown, PA 19335	Chester	East Brandywine	Brandywine Watershed
PAI130501	East Coventry Township 855 Ellis Woods Rd. Pottstown, PA 19464	Chester	East Coventry	Schuylkill River Pigeon Creek
PAI130514	East Pikeland Township P. O. Box 58 Rapps Dam Road Kimbertown, PA 19442-0058	Chester	East Pikeland	French and Pickering Creeks
PAI130513	Marlborough Township 6040 Upper Ridge Road Green Lane, PA 18054-9802	Montgomery	Marlborough	Perkiomen Watershed
PAI130505	Uwchlan Township 715 N. Ship Rd. Exton, PA 19341-1945	Chester	Uwchlan	Brandywine and Schuylkill Watersheds
PAI130521	Willistown Township 688 Sugartown Rd. Malvern, PA 19355-3302	Chester	Willistown	Crum, Ridley and Valley Creeks
PAI130523	East Bradford Township 666 Copeland School Rd. West Chester, PA 19380	Chester	East Bradford	Brandywine Watershed
PAI130512	East Fallowfield Township 2264 Strasburg Rd. Coatesville, PA 19320	Chester	East Fallowfield	Brandywine Watershed
PAI130518	East Vincent Township 262 Ridge Road Spring City, PA 19475	Chester	East Vincent	French Creek Schuylkill River
PAI130503	London Grove Township 372 Rosehill Road, Suite 100 West Grove, PA 19390	Chester	London Grove	Christina Watershed
PAI130510	Middletown Township 27 N. Pennell Rd. P. O. Box 157 Lima, PA 19037	Delaware	Middletown	Chester and Ridley Creeks
PAI130516	New Garden Township 8934 Gap Newport Pike Landenberg, PA 19350	Chester	New Garden	Christina Watershed
PAI130502	Newtown Township 209 Bishop Hollow Rd. Newtown Square, PA 19073-0393	Delaware	Newtown	Darby and Crum Creeks
PAI130538	Pennsylvania State University 201 Old Main Physical Plant Building University Park, PA 16802-1503	Delaware	Middletown	Chester, Ridley, Crum Darby, Cobbs Watershed
PAI130511	West Bradford Township 1385 Campus Dr. Downingtown, PA 19335-3690	Chester	West Bradford	Brandywine Watershed
PAI130532	West Goshen Township 1025 Paoli Pk. West Chester, PA 19380-4699	Chester	West Goshen	Chester and Ridley Creeks

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI130531	West Pikeland Township P. O. Box 6 1208 and Route 113 Chester Springs, PA 19425	Chester	West Pikeland	Pigeon and Pickering Creeks
PAI130530	West Whiteland Township P. O. Box 210 222 N. Pottstown Pk. Exton, PA 19341-0210	Chester	West Whiteland	Brandywine Watershed
PAI130536	East Caln Township P. O. Box 232 110 Bell Tavern Rd. Downingtown, PA 19335-0232	Chester	East Caln	Brandywine Watershed
PAI130533	Schuylkill Township 101 Valley Park Rd. Phoenixville, PA 19460	Chester	Schuylkill	French and Pickering Creeks Schuylkill River
PAI130527	Upper Uwchlan Township 140 Pottstown Pike Chester Springs, PA 19425-9516	Chester	Upper Uwchlan	Schuylkill and Brandywine Watersheds
PAI130529	Wallace Township P. O. Box 96 Glenmoore, PA 19343-0096	Chester	Wallace	Brandywine Watershed
PAI130526	New London Township 902 W. State Road P. O. Box 1002 New London, PA 19360-0005	Chester	New London	Christina and Pequea Watersheds
PAI130525	Malvern Borough P. O. Box 437 Malvern, PA 19355	Chester	Malvern	Crum and Valley Creeks
PAI130515	Buckingham Township P. O. Box 413 Buckingham, PA 18912-0413	Bucks	Buckingham	Neshaminy/Little Neshaminy Delaware River South
PAI130535	Honey Brook Township P. O. Box 1281 Honey Brook, PA 19344	Chester	Honey Brook	Brandywine and Pequea Watersheds
PAI130534	Upper Salford Township P. O. Box 100 Salfordville, PA 18958-0100	Montgomery	Upper Salford	Swamp Creek
PAI130537	North Coventry Township 845 S. Hanover St. Pottstown, PA 19464	Chester	North Coventry	Pigeon Creek Schuylkill River
PAI130539	Penn Township 260 Lewis Rd. P. O. Box 39 West Grove, PA 19390-9438	Chester	Penn	Christina and Pequea Watersheds
PAI130540	Trumbauersville Borough 1 Evergreen Dr. Trumbauersville, PA 18970	Bucks	Trumbauersville	Tohickon Creek

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**V. NPDES Waiver Stormwater Discharges from MS4 Actions**


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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>
PAG130177	Rutledge Borough 212 Unity Terrace Rutledge, PA 19070	Delaware	Rutledge
PAG130172	West Vincent Township P. O. Box 163 220 Flowing Springs Rd. Birchrunville, PA 19421-0163	Chester	West Vincent

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>
PAG130175	Newlin Township 929 Springwood Dr. West Chester, PA 19382	Chester	Newlin
PAG130173	Rose Valley Borough P. O. Box 198 Rose Valley, PA 19065-0198	Delaware	Rose Valley
PAG130076	Millbourne Borough 9 Park Ave. Millborne, PA 19082	Delaware	Millbourne
PAG130171	Upper Oxford Township 1185 Limestone Rd. Oxford, PA 19363	Chester	Upper Oxford
PAG130174	Springfield Township 2320 Township Road Quakertown, PA 18951-3345	Bucks	Springfield
PAG130170	West Sadsbury Township 6400 N. Moscow Rd., R. R. 2 Parkesburg, PA 19365-9044	Chester	West Sadsbury
PAG130175	Modena Borough P. O. Box 116 Modena, PA 19358-0116	Chester	Modena
PAG130168	Hulmeville Borough 150 Trenton Ave. Hulmeville, PA 19047	Bucks	Hulmeville

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


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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI011503031	Nicholas V. Martell Chestnut Hill Subdivision 1000 Chesterbrook Boulevard Suite 100 Berwyn, PA 19312	Chester	North Coventry Township	Pigeon Creek HQ
PAI011503047	High Associates, Inc. Orchard Ridge 1853 William Penn Way P. O. Box 10008 Lancaster, PA 17605-0008	Chester	East Coventry Township	Schuylkill River HQ-TSF
PAI011503062	Newlin Homes Degliobizzi Tract 1657 Warpath Road West Chester, PA 19382	Chester	Franklin Township	Big Elk Creek HQ-TSF-MF
PAI01503111	Owen J. Roberts School District Vincent Elementary School 901 Ridge Road Pottstown, PA 19465-9314	Chester	East Vincent Township	French Creek HQ

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024803041	Nazareth Development, LLC 25 S. Main St. Nazareth, PA 18064	Northampton	Bushkill Township	Bushkill Creek HQ-CWF
PAS10U185-1	Easton Center, LLC 2216 Willow Park Road Bethlehem, PA 18020	Northampton	Palmer Township Wilson Borough	Bushkill Creek HQ-CWF Lehigh River CWF



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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI032903002	Forbes Road School District 263 Red Bird Drive Waterfall, PA 16689	Fulton	Taylor Township	Elders Branch and UNT to Elders Branch EV

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041403016	Penn Township Supervisors P. O. Box 125 Coburn, PA 16832-0125	Centre	Penn Township	Penns Creek CWF Pine Creek EV
PAI041904001	Department of Transportation P. O. Box 218 Montoursville, PA 17754	Columbia	Benton Township	West Creek HQ-CWF

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

*Westmoreland County Conservation District: Center for Education, 211 Donohoe Road, Greensburg, PA 15601, (724) 837-5271.*

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI056503007	Municipality of Murrysville 4100 Sardis Road Murrysville, PA 15668	Westmoreland	Municipality of Murrysville	Steels Run HQ-CWF

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

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

### **List of NPDES and/or Other General Permit Types**

PAG-1	General Permit for Discharges from Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated with Construction Activities (PAR)
PAG-3	General Permit for Discharges of Stormwater from Industrial Activities
PAG-4	General Permit for Discharges from Single Residence Sewage Treatment Plants
PAG-5	General Permit for Discharges from Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges from Combined Sewer Systems
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Nonexceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines
PAG-11	(To Be Announced)
PAG-12	CAFOs
PAG-13	Stormwater Discharges from MS4

*General Permit Type—PAG-2*

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Marple Township Delaware County	PAG2002304007	Bruce Poulterer 140 Timberlake Drive Media, PA 19063	Crum Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900

## NOTICES

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<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
City of Philadelphia Philadelphia County	PAG2015103005-A1	Delaware East Association, LP Columbus Commons North 350 Sentry Parkway Building 610 Blue Bell, PA 19422	Delaware River WWF, CWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
City of Philadelphia Philadelphia County	PAG2015103020	Westrum Development Company Brewerytown Square 370 Commerce Drive Fort Washington, PA 19834	Delaware River WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Lower Salford Township Montgomery County	PAG2004603232	TH Properties Brownstone Mill 345 Main Street Harleysville, PA 19438	Skippack Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Springfield Township Montgomery County	PAG2004604024	Department of Transportation SR 2027 and 2028 Imprv. FKA 7000 Geerdes Boulevard King of Prussia, PA 19406	Sandy Run WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Franconia Township Montgomery County	PAG2004604033	Macoby Run, LP Harrington Village 404 Sumneytown Pk., Suite 200 North Wales, PA 19454	Skippack Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Lackawanna County Newton Township	PAG2003504009	John W. Pardue 1528 Newton-Ransom Blvd. Clarks Summit, PA 18411	Gardner Creek CWF	Lackawanna County Conservation District (570) 281-9495
Lackawanna County South Abington Township	PAG2003504008	Brian Soyka 5700 Sixth Ave. Altoona, PA 16602	Leggett's Creek TSF	Lackawanna County Conservation District (570) 281-9495
Lehigh County North Whitehall and Whitehall Townships	PAG2003903026	Northampton Borough Municipal Authority 1 Clear Springs Dr. Northampton, PA 18067	Lehigh River TSF	Lehigh County Conservation District (610) 391-9583
Lehigh County Lynn Township	PAG2003903033	Theodore Koch 1560 Gulf Blvd. No. 1505 Clearwater, FL 33767	Ontelaunee Creek CWF	Lehigh County Conservation District (610) 391-9583
Luzerne County Dorrance Township	PAG2004004006	TFP Limited Robert Tambur 1140 Route 315 Wilkes-Barre, PA 18711	Little Wapwallopen Creek CWF	Luzerne County Conservation District (570) 674-7991
Luzerne County Sugarloaf Township	PAG2004004007	Chad Spackman 214 Physical Plant Bldg. University Park, PA 16801	Black Creek CWF	Luzerne County Conservation District (570) 674-7991
Franklin Township Adams County	PAG2000104001	Lee Horst 1740 Goldenville Road Gettysburg, PA 17325	UNT to Marsh Creek CWF	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325 (717) 334-0636
Cumru Township Berks County	PAG2000604010	Ross and Claudia Huntzinger 2426 Fox Hill Rd. Ulysses, PA 16948	Allegheny Creek CWF	Berks County Conservation District 1238 County Welfare Road P. O. Box 520 Leesport, PA 19533 (610) 372-4657, Ext. 201

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Bern Township Berks County	PAG200060338	John Morahan, President, CEO St. Joseph Medical Center 12th and Walnut St. Reading, PA 19601	Tulpehocken Creek WWF	Berks County Conservation District 1238 County Welfare Road P. O. Box 520 Leesport, PA 19533 (610) 372-4657, Ext. 201
Windsor Township Berks County	PAG2000604007	First Assembly of God, Inc. P. O. Box 422, Hamburg, PA 19526	Kerchner Creek WWF	Berks County Conservation District 1238 County Welfare Road P. O. Box 520 Leesport, PA 19533 (610) 372-4657, Ext. 201
Cromwell Township Huntingdon County	PAG2003103011	Cromwell Township Supervisors P. O. Box 340 Orbisonia, PA 17243	Three Springs Creek CWF Aughwick Creek TSF UNT to Black Log Creek CWF	Huntingdon County Conservation District R. D. 1, Box 7C Rt. 26 S. Huntingdon, PA 16652 (814) 627-1627
Penn Township Lancaster County	PAG2003603082	Manheim's PA Auction Services 1190 Lancaster Road Manheim, PA 17545	Chiques Creek WWF	Lancaster County Conservation District 1383 Arcadia Road Room 6 Lancaster, PA 17601 (717) 299-5361
Penn Township Lancaster County	PAG2003603137	Centerville Associates 987 Chapel Forge Road Lancaster, PA 17601	Chickies Creek WWF	Lancaster County Conservation District 1383 Arcadia Road Room 6 Lancaster, PA 17601 (717) 299-5361
East Lampeter Township Lancaster County	PAG2003603146	Melvin S. Glick P. O. Box 7 Smoketown, PA 17576	Mill Creek WWF	Lancaster County Conservation District 1383 Arcadia Road Room 6 Lancaster, PA 17601 (717) 299-5361
Denver Borough Lancaster County	PAG2003604009	Moses S. Stoltzfus 555A Sandy Hill Road Denver, PA 17517	Cocalico Creek WWF	Lancaster County Conservation District 1383 Arcadia Road Room 6 Lancaster, PA 17601 (717) 299-5361
Manor Township Lancaster County	PAG2003604010	George Desmond 1085 Manheim Pike Lancaster, PA 17601	Little Conestoga Creek WWF	Lancaster County Conservation District 1383 Arcadia Road Room 6 Lancaster, PA 17601 (717) 299-5361
West Donegal Township Lancaster County	PAG2003604016	Lancaster Industries Development Authority 1149 Harrisburg Pike Carlisle, PA 17013	UNT to Conoy Creek TSF	Lancaster County Conservation District 1383 Arcadia Road Room 6 Lancaster, PA 17601 (717) 299-5361

## NOTICES

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<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Mount Joy Borough Lancaster County	PAG2003604017	Patrick T. Moran II 596 Pinkerton Road Mount Joy, PA 17552	Little Chickies Creek TSF	Lancaster County Conservation District 1383 Arcadia Road Room 6 Lancaster, PA 17601 (717) 299-5361
Leacock Township	PAG2003604018	Kitchen Kettle Village P. O. Box 380 Route 340 Intercourse, PA 17534	Muddy Run TSF	Lancaster County Conservation District 1383 Arcadia Road Room 6 Lancaster, PA 17601 (717) 299-5361
Columbia County Town of Bloomsburg	PAG2001904001	Weis Markets Inc. 1000 South Second St. Sunbury, PA 17801	Neals Run CWF	Columbia County Conservation District 702 Sawmill Rd. Suite 204 Bloomsburg, PA 17815 (570) 784-1310
Snyder County Selinsgrove Borough	PAG200504002	Selinsgrove School District 401 185th St. Selinsgrove, PA 17870	Penns Creek WWF	Snyder County Conservation District 403 W. Market St. Middleburg, PA 17842 (570) 837-0007, Ext. 112
Snyder County Monroe Township	PAG2005504003	Hummels Wharf Municipal Authority P. O. Box 165 Hummels Wharf, PA 17831	Susquehanna River WWF	Snyder County Conservation District 403 W. Market St. Middleburg, PA 17842 (570) 837-0007, Ext. 112
Union County West Buffalo Township	PAG2006004003	John Griffith R. R. 5, Box 430 Mifflinburg, PA 7844	UNT Buffalo Creek CWF	Union County Conservation District 88 Bull Run Crossing Suite 5 Lewisburg, PA 17837 (570) 523-8782
Cambria County	PAG2001103023	Windber Area Authority 1700 Stockholm Ave. Windber, PA 15963-2061	Stonycreek River WWF	Cambria County Conservation District (814) 472-2120
Fayette County Dunbar Township	PAG2002604005	Wal-Mart Stores, Inc. 2001 South East 10th Street Bentonville, AK 72716-0550	Dunbar Creek TSF	Fayette County Conservation District (724) 438-4497
Fayette County Perry Township	PAG2002604008	Perry Township Municipal Authority P. O. Box 183 Star Junction, PA 15482	Youghiogheny River WWF	Fayette County Conservation District (724) 438-4497
Fayette County Luzerne Township	PAG2002604013	Department of Transportation P. O. Box 459 Gallatin Avenue Uniontown, PA 15401	Monongahela River WWF	Fayette County Conservation District (724) 438-4497
Fayette County Menallen Township	PAG2002604014	Donald Hall R. D. 1 Smock, PA 15480	Redstone Creek WWF	Fayette County Conservation District (724) 438-4497
Fayette County Menallen Township	PAG2002604015	Uniontown Area School District 23 East Church Street Uniontown, PA 15401	Jennings Run WWF	Fayette County Conservation District (724) 438-4497
Indiana County West Wheatfield Township	PAG2003204003	Clifford C. Wise General Trade Corp. 4158 Old William Penn Hwy. Murrysville, PA 15668	Unnamed tributary to Conemaugh River CWF	Indiana County Conservation District (724) 463-8547

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Indiana County Cherryhill Township	PAG2003204004	Thomas F. Sgriccia Penns Manor Area School District 6003 Route 553 Clymer, PA 15728	Rose Run CWF	Indiana County Conservation District (724) 463-8547
Washington County City of Washington	PAR10W141R	Redevelopment Authority of the County of Washington 603 Courthouse Sq. 100 W. Beau Street Washington, PA 15301	Catfish Creek WWF	Washington County Conservation District (724) 228-6774
Washington County Peters Township	PAG2006304002	Thomas McCloskey 6316 Irishtown Road Bethel Park, PA 15102	Peters Creek WWF	Washington County Conservation District (724) 228-6774
Washington County Chartiers Township	PAG2006304004	Harlan Shober 1370 Paxton Farm Rd. Washington, PA 15301	Unnamed tributary to Chartiers Creek WWF	Washington County Conservation District (724) 228-6774
Washington County Chartiers Township	PAG2006304007	Harlan Shober 1370 Paxton Farm Rd. Washington, PA 15301	Unnamed tributary to Chartiers Creek WWF	Washington County Conservation District (724) 228-6774
Washington County Peters Township	PAG2006304010	Gary Duckworth 133 Friar Lane McMurray, PA 15317	Unnamed tributary to Brush Run WWF	Washington County Conservation District (724) 228-6774
Washington County Deemston Borough	PAG2006304011	Deemston Borough 1622 Morey Road Fredericktown, PA 15333	Tributary to Ten Mile WWF	Washington County Conservation District (724) 228-6774
Westmoreland County Rostraver Township	PAG2006504005	Westmoreland County Airport Authority 200 Pleasant Unity Rd. Suite 103 Latrobe, PA 15658	Long Hollow Run WWF	Westmoreland County Conservation District (724) 837-5271
Erie County Harborcreek Township	PAR10K202(1)	Pennsylvania State University Office of Physical Plant University Park, PA 16802	Four Mile Creek WWF MF	Erie County Conservation District (814) 825-6033
Erie County North East Township	PAG2002504001	Robert Anderson Robert C. Anderson Subdivision Nos. 1 and 2 4206 East Lake Rd. Erie, PA 16511	Sixteen Mile Creek CWF MF	Erie County Conservation District (814) 825-6033
Erie County City of Erie	PAG2002504002	School District of Erie John C. Diehl Elementary School 3505 Chapin Street Erie, PA 16508	City of Erie Municipal Storm Sewer	Erie County Conservation District (814) 825-6033

*General Permit Type—PAG-3*

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Parryville Borough Carbon County	PAR212216	Rock Hill Concrete, Inc. 339 School Street Catasauqua, PA 18032-1832	Lehigh River via Lehigh Canal	NERO Water Management Program 2 Public Square Wilkes-Barre, PA 18711-0790 (570) 826-2511

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<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Wright Township Luzerne County	PAR232207	Mountaintop Manufacturing 1050 Crestwood Drive Mountaintop, PA 18707-0099	Big Wapwallopen Creek CWF	NERO Water Management Program 2 Public Square Wilkes-Barre, PA 18711-0790 (570) 826-2511
Bridgewater Township Susquehanna County	PAR222206	Donald Dean & Sons, Inc. P. O. Box 246 Montrose, PA 18801	Snake Creek CWF	NERO Water Management Program 2 Public Square Wilkes-Barre, PA 18711-0790 (570) 826-2511
Scott and South Abington Townships Lackawanna County	PAR202224	Sandvik Materials Technology 982 Griffin Pond Road Clarks Summit, PA 18411	Leggetts Creek CWF	NERO Water Management Program 2 Public Square Wilkes-Barre, PA 18711-0790 (570) 826-2511
Ohara Township Allegheny County	PAR236127	Matthews Intl. Corp. Two Northshore Center Pittsburgh, PA 15212	Allegheny River	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Dravosburg Allegheny County	PAR806111	Ingram Barge Co. 200 Washington Avenue Dravosburg, PA 15034	Monongahela River	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Jefferson Borough Allegheny County	PAR806120	Clairton Slag Inc. P. O. Box 532 West Elizabeth, PA 15088	Jefferson Borough Storm Sewer System	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
West Mifflin Borough Allegheny County	PAR806134	Allegheny County Airport Authority Pittsburgh Intl. Airport Landside Terminal Suite 4000 P. O. Box 12370 Pittsburgh, PA 15231	Outfalls 1, 2, 4, 10, 13 and 14 (UNT to Mon River) Outfall 3 (UNT to Streets Run) Outfalls 11, 12 and 15 (Lebanon Church Rd. Storm Sewer)	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

*General Permit Type—PAG-4*

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Bedford County Broad Top Township	PAG043717	Broad Top Township Eva Welsh Residence 187 Municipal Road Defiance, PA 16633	Sandy Run WWF	SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Bradford Township Clearfield County	PAG045072	Stephen M. English, Sr. 6647 Shiloh Road Woodland, PA 16881	UNT to Millstone Run 8A	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666
Otter Creek Township Mercer County	PAG048617	Mark Simons 64 Baker Road Greenville, PA 16125	Unnamed tributary to Little Shenango River	NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Sugar Grove Township Warren County	PAG048598	Betty A. Chase R. R. 2, Box 123 Sugar Grove, PA 16350-9802	Unnamed tributary to Stillwater Creek	NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
West Salem Township Mercer County	PAG048605	Terry Mariacher 441 East Jamestown Road Greenville, PA 16125	Tributary Shenango River	NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Penn Township Butler County	PAG048597	Robert M. Petrick 1283 Lakevue Drive Butler, PA 16002	Unnamed tributary to Thorn Creek	NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Conneaut Township Crawford County	PAG048948	Mose I. Schwartz 20704 Beaver Center Road Conneautville, PA 16406	Paden Creek	NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Conneaut Township Crawford County	PAG048947	Marcus M. Schwartz 20742 Beaver Center Road Conneautville, PA 16406	Paden Creek	NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
North East Township Erie County	PAG048943	LeRoy G. and Rebecca L. Wells 15630 Tionesta Lane Pleasantville, PA 16341	Lake Erie	NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

*General Permit Type—PAG-8*

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Site Name and Location</i>	<i>Contact Office and Telephone No.</i>
Peters Township Franklin County	PAG080003 PAG080006 PAG080008 PAG080009 PAG082201 PAG082203 PAG083501 PAG083502 PAG083506 PAG083515 PAG083517 PAG083518 PAG083522 PAG083540 PAG083542 PAG083547 PAG083551 PAG083825 PAG089903 PAG089904 PAG089905	Synagro Mid Atlantic 1605 Dooley Rd. P. O. Box B Whiteford, MD 21160	Hissong-Bethlehem Steel Farm Field No. 1 Peters Township Franklin County	SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707

*General Permit Type—PAG-13*

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAG130044	Langhorne Manor Borough 618 Hulmeville Ave. Langhorne, PA 19047-2749	Bucks	Langhorne Manor	Neshaminy Delaware River South
PAG130057	Newtown Borough 23 N. State St. Newtown, PA 18940	Bucks	Newtown	Neshaminy/Little Neshaminy
PAG130043	Wrightstown Township 738 Penns Park Rd. Wrightstown, PA 18940	Bucks	Wrightstown	Neshaminy/Little Neshaminy Delaware River South
PAG130015	Folcroft Borough 1555 Elmwood Ave. Folcroft, PA 19032	Delaware	Folcroft	Darby Creek
PAG130006	West Norriton Township 1630 W. Marshall St. Jeffersonville, PA 19403-3236	Montgomery	West Norriton	Stony Creek Sawmill Run Schuylkill River
PAG130005	North Wales Borough 300 School St. North Wales, PA 19454-3136	Montgomery	North Wales	Wissahickon
PAG130001	Swarthmore Borough 121 Park Ave. Swarthmore, PA 19081	Delaware	Swarthmore	Crum Creek
PAG130004	Salford Township P. O. Box 54 Tylersport, PA 18971-0054	Montgomery	Salford	E. Branch Perkiomen
PAG130003	Upper Darby Township 100 Garrett Rd., Municipal Bldg. Upper Darby, PA 19082-3135	Delaware	Upper Darby	Darby and Cobbs Creeks
PAG130008	Plymouth Township 700 Belvoir Rd. Norristown, PA 19401-2500	Montgomery	Plymouth	Stony Creek Sawmill Run Schuylkill River
PAG130002	West Chester Borough 401 E. Gay St. West Chester, PA 19380-2729	Chester	West Chester	Chester Creek



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<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAG130007	Doylestown Township 425 Wells Rd. Doylestown, PA 18901-2717	Bucks	Doylestown	Neshaminy/Little Neshaminy
PAG130011	Lower Makefield Township 1100 E. Dogwood Rd. Yardley, PA 19067-1689	Bucks	Lower Makefield	Delaware River South Neshaminy Little Neshaminy
PAG130010	Upper Makefield Township 1076 Eagle Rd. Newtown, PA 18940-2818	Bucks	Upper Makefield	Delaware River South
PAG130012	Abington Township 1176 Old York Rd. Abington, PA 19001-3719	Montgomery	Abington	Pennypack Creek Tacony Sandy Run
PAG130013	Conshohocken Borough 720 Fayette St. Conshohocken, PA 19428-1707	Montgomery	Conshohocken	Schuylkill River
PAG130014	Sharon Hill Borough 250 Sharon Ave. Sharon Hill, PA 19079	Delaware	Sharon Hill	Darby Creek
PAG130018	Lower Providence Township 100 Parklane Dr. Eagleville, PA 19403	Montgomery	Lower Providence	Stony Creek
PAG130016	Montgomery Township 1001 Stump Road Montgomeryville, PA 18936-9605	Montgomery	Montgomery	Neshaminy/Little Neshaminy Wissahickon
PAG130020	New Hanover Township 2943 Charlotte St. Gilbertsville, PA 19525-9718	Montgomery	New Hanover	Swamp and Perkiomen Creeks
PAG130019	Upper Moreland Township 117 Park Ave. Willow Grove, PA 19090-3215	Montgomery	Upper Moreland	Pennypack Creek
PAG130021	Marple Township 227 S. Sproul Road Broomall, PA 19008-2397	Delaware	Marple	Crum and Darby Creeks
PAG130022	Skippack Township P. O. Box 164 1455 Sumneytown Pike Skippack, PA 19474	Montgomery	Skippack	
PAG130023	Royersford Borough 300 Main St. P. O. Box 188 Royersford, PA 19468-1022	Montgomery	Royersford	Schuylkill River
PAG130024	Towamencin Township 1675 Sumneytown Pike P. O. Box 303 Kulpsville, PA 19443	Montgomery	Towamencin	
PAG130026	Worcester Township 1721 Valley Forge Road P. O. Box 767 Worcester, PA 19490-0767	Montgomery	Worcester	Stony Creek
PAG130027	Lower Moreland Township 640 Red Lion Rd. Huntingdon Valley, PA 19006-6234	Montgomery	Lower Moreland	Pennypack Creek
PAG130030	Lower Southampton Township 1500 Desire Ave. Feasterville, PA 19053-4470	Bucks	Lower Southampton	Neshaminy and Poquessing Creeks
PAG130028	Middletown Township 3 Municipal Way Langhorne, PA 19047	Bucks	Middletown	Neshaminy Creek

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAG130031	Upper Gwynedd Township P. O. Box 1 Parkside Place West Point, PA 19486	Montgomery	Upper Gwynedd	Wissahickon and Skippack Creeks
PAG130032	East Norriton Township 2501 Stanbridge St. East Norriton, PA 19401-1617	Montgomery	East Norriton	Stony Creek Sawmill Run
PAG130036	Ambler Borough 122 E. Butler Ave. Ambler, PA 19002	Montgomery	Ambler	Wissahickon Creek
PAG130035	Doylestown Borough 57 W. Court St. Doylestown, PA 18901-4223	Bucks	Doylestown	Neshaminy/Little Neshaminy
PAG130034	Hatboro Borough 414 S. York Road Hatboro, PA 19040	Montgomery	Hatboro	Pennypack Creek
PAG130037	Kennett Square Borough P. O. Box 5 120 N. Broad St. Kennett Square, PA 19348-0005	Chester	Kennett Square	
PAG130033	Pottstown Borough Auth. 241 King St. Pottstown, PA 19464	Montgomery	Pottstown	Manatawny
PAG130155	Sellersville Borough 140 E. Church St. Sellersville, PA 18960-2340	Bucks	Sellersville	E. Branch Perkiomen
PAG130045	Bensalem Township 2400 Byberry Rd. Bensalem, PA 19020-6102	Bucks	Bensalem	Neshaminy/Little Neshaminy Poquessing Delaware River South
PAG130047	Birmingham Township 1040 W. Street Rd. West Chester, PA 19382-8012	Chester	Birmingham	
PAG130053	Caln Township 253 Municipal Dr. P. O. Box 149 Thorndale, PA 19372	Chester	Caln	
PAG130052	Hatfield Borough P. O. Box 190 Main and Chestnut Sts. Hatfield, PA 19440-0190	Montgomery	Hatfield	Neshaminy Creek
PAG130040	Hilltown Township P. O. Box 260 13 W. Creamery Rd. Hilltown, PA 18927-0260	Bucks	Hilltown	Neshaminy Creek
PAG130039	Langhorne Borough 114 E. Maple Ave. Langhorne, PA 19047	Bucks	Langhorne	Neshaminy/Little Neshaminy Delaware River South
PAG130048	Newtown Township 100 Municipal Dr. Newtown, PA 18940-1122	Bucks	Newtown	Neshaminy Creek Delaware River South
PAG130051	Penndel Borough 300 Bellevue Ave. Penndel, PA 19047	Bucks	Penndel	Neshaminy/Little Neshaminy Delaware River South
PAG130042	Upper Merion Township 175 W. Valley Forge Rd. King of Prussia, PA 19406-2030	Montgomery	Upper Merion	Schuylkill River

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAG130049	Warminster Township Henry and Gibson Aves. Warminster, PA 18974	Bucks	Warminster	Neshaminy/Little Neshaminy Pennypack
PAG130046	West Rockhill Township 1028 Ridge Rd. Sellersville, PA 18960-1346	Bucks	West Rockhill	Tohickon Perkiomen Creek
PAG130041	Yardley Borough 56 S. Main St. Yardley, PA 19067	Bucks	Yardley	Delaware River South
PAG130068	Chalfont Borough 40 N. Main St. P. O. Box 80 Chalfont, PA 18914-0080	Bucks	Chalfont	Neshaminy/Little Neshaminy
PAG130066	Coatesville City One City Hall Pl. Coatesville, PA 19320	Chester	Coatesville	
PAG130156	East Greenville Borough 206 Main St. P. O. Box 128 East Greenville, PA 18041	Montgomery	East Greenville	
PAG130058	Franklin Township P. O. Box 118 Kemblesville, PA 19347-0118	Chester	Franklin	
PAG130038	Lansdale Borough 1 Vine St. Lansdale, PA 19446-3670	Montgomery	Lansdale	Neshaminy, Skippack and Wissahickon Creeks
PAG130062	London Britain Township P. O. Box 215 Kemblesville, PA 19347-0215	Chester	London Britain	
PAG130072	Lower Gwynedd Township 1130 N. Bethlehem Pk. P. O. Box 635 Spring House, PA 19477	Montgomery	Lower Gwynedd	Neshaminy, Little Neshaminy and Wissahickon Creeks
PAG130064	Lower Merion Township 75 E. Lancaster Ave. Ardmore, PA 19003-2323	Montgomery	Upper Merion	Rock Run Mill, Gully, Darby and Arrowmink Creeks Schuylkill River
PAG130071	Marcus Hook Borough 1015 Green St., Suite A Marcus Hook Borough Hall Marcus Hook, PA 19061-4592	Delaware	Marcus Hook	Delaware River South
PAG130060	New Britain Township 207 Park Ave. Chalfont, PA 18914-2103	Bucks	New Britain	Neshaminy/Little Neshaminy
PAG130069	Perkiomen Township 1 Trappe Rd. Collegeville, PA 19426-1829	Montgomery	Perkiomen	Perkiomen Creek
PAG130059	Richland Township P. O. Box 249 1328 California Rd. Richlandtown, PA 18955	Bucks	Richland	Tohickon Creek
PAG130070	Spring City Borough 6 S. Church St. Spring City, PA 19475-1809	Chester	Spring City	Schuylkill River
PAG130067	Thornbury Township 8 Township Dr. Cheyney, PA 19319	Chester	Thornbury	Chester Creek

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAG130075	Upper Dublin Township 801 Loch Alsh Ave. Fort Washington, PA 19034-1651	Montgomery	Upper Dublin	Sandy Run Wissahickon and Little Neshaminy Creeks
PAG130029	Upper Southampton Township 939 Street Rd. Southampton, PA 18966	Bucks	Upper Southampton	Neshaminy/Little Neshaminy Pennypack
PAG130055	Warrington Township 852 Easton Rd. Warrington, PA 18976-2090	Bucks	Warrington	Neshaminy/Little Neshaminy
PAG130074	Warwick Township 1733 Township Greene Jamison, PA 18929-1032	Bucks	Warwick	Neshaminy/Little Neshaminy
PAG130061	West Pottsgrove Township 980 Grosstown Rd. Stowe, PA 19464-6124	Montgomery	West Pottsgrove	Manatawny Schuylkill River
PAG130125	Brookhaven Borough 2 Cambridge Rd., Suite 100 Brookhaven, PA 19015-1708	Delaware	Brookhaven	Chester and Ridley Creeks
PAG130111	Bucks County Route 611 and Almshouse Road Neshaminy Manor Ctr. Doylestown, PA 18901	Bucks	Doylestown	Neshaminy Creek Delaware
PAG130054	Cheltenham Township 8230 Old York Rd. Elkins Park, PA 19027-1514	Montgomery	Cheltenham	Tacony Creek
PAG130090	Chester City 36 E. 5th St. Chester City Hall Chester, PA 19013-4495	Delaware	Chester	Chester and Ridley Creeks Delaware River South
PAG130119	Chester Heights Borough P. O. Box 658 Chester Heights, PA 19017	Delaware	Chester Heights	Chester Creek
PAG130089	Chester Township 1150 Engle St. Chester, PA 19013	Delaware	Chester	Chester Creek Delaware River South
PAG130093	Colwyn Borough 221 Spruce St. Colwyn, PA 19023-2916	Delaware	Colwyn	Darby and Cobbs Creeks
PAG130088	Darby Township 21 Bartram Ave. Glenolden, PA 19036	Delaware	Darby	Darby Creek
PAG130095	Douglass Township 1320 E. Philadelphia Ave. Gilbertsville, PA 19525-9574	Montgomery	Douglass	Swamp Creek
PAG130123	East Marlborough Township 721 Unionville Rd. Kennett Square, PA 19348-1530	Chester	East Marlborough	
PAG130087	Eddystone Borough 1300 E. 12th St. Eddystone, PA 19022-1348	Delaware	Eddystone	Ridley and Crum Creeks Delaware River South
PAG130092	Glenolden Borough 36 E. Boon Ave. Glenolden, PA 19036	Delaware	Glenolden	Darby Creek
PAG130114	Hatfield Township 1950 School Rd. Hatfield, PA 19440-1923	Montgomery	Hatfield	Neshaminy and Skippack Creeks

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAG130077	Haverford Township 2325 Darby Rd. Havertown, PA 19083-2251	Delaware	Haverford	Darby and Cobbs Creeks
PAG130153	Ivyland Borough 710 Ivyglenn Circle Ivyland, PA 18974	Bucks	Ivyland	Neshaminy/Little Neshaminy
PAG130126	Lansdowne Borough 12 E. Baltimore Ave. Lansdowne, PA 19050-2202	Delaware	Lansdowne	Darby and Cobbs Creeks
PAG130091	Lower Chichester Township 1410 Market St. Linwood, PA 19061	Delaware	Lower Chichester	Delaware River South
PAG130116	Lower Frederick Township P. O. Box 253 53 Spring Mount Rd. Zieglerville, PA 19492-0253	Montgomery	Lower Frederick	Swamp Creek
PAG130073	Lower Pottsgrove Township 2199 Buchert Rd. P. O. Box 11 Pottstown, PA 19464-3042	Montgomery	Lower Pottsgrove	Schuylkill River
PAG130115	Media Borough 301 N. Jackson St., Floor 2 Media, PA 19063	Delaware	Media	Ridley and Crum Creeks
PAG130104	Morrisville Borough 35 Union St. Morrisville, PA 19067	Bucks	Morrisville	Delaware River South
PAG130094	Morton Borough 500 Highland Ave. Morton, PA 19070	Delaware	Morton	Darby and Crum Creeks
PAG130080	Narberth Borough 100 Conway Ave. Narberth, PA 19072-0385	Montgomery	Narberth	Cobbs Creek
PAG130099	Nether Providence Township 214 Sykes Ln. Wallingford, PA 19086-6350	Delaware	Nether Providence	Crum and Ridley Creeks
PAG130154	New Britain Borough 45 Keeler Ave. New Britain, PA 18901	Bucks	New Britain	Neshaminy/Little Neshaminy
PAG130098	Northampton Township 55 Township Road Richboro, PA 18954-1546	Bucks	Northampton	Neshaminy and Little Neshaminy Creeks
PAG130081	Parkesburg Borough 329 W. First Ave. Parkesburg, PA 19356	Chester	Parkesburg	
PAG130083	Parkside Borough 22 E. Elbon Road Parkside, PA 19015	Delaware	Parkside	Ridley and Chester Creeks
PAG130112	Pennsylvania State University 201 Old Main Physical Plant Building University Park, PA 16802-1503	Montgomery	Abington	Pennypack Creek
PAG130106	Plumstead Township P. O. Box 387 5186 Stump Rd. Plumsteadville, PA 18949	Bucks	Plumstead	Tohickon Creek
PAG130121	Prospect Park Borough 720 Maryland Ave. P. O. Box 301 Prospect Park, PA 19076-1318	Delaware	Prospect Park	Darby Creek

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<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAG130096	Quakertown Borough P. O. Box 727 35 N. Third St. Quakertown, PA 18951-0727	Bucks	Quakertown	Tohickon Creek
PAG130102	Radnor Township 301 Iven Ave. Wayne, PA 19087-5204	Delaware	Radnor	Darby Creek
PAG130086	Ridley Park Borough 105 E. Ward St. Ridley Park, PA 19078-3010	Delaware	Ridley Park	Crum and Darby Creeks
PAG130084	Ridley Township 100 E. Macdade Blvd. Ridley Township Municipal Building Folsom, PA 19033	Delaware	Ridley	Darby, Crum and Ridley Creeks
PAG130152	Rockledge Borough 1 Park Ave. Rockledge, PA 19046	Montgomery	Rockledge	Tacony and Pennypack Creeks
PAG130101	Sadsbury Township P. O. Box 261 Sadsburyville, PA 19369-0261	Chester	Sadsbury	
PAG130097	Tinicum Township 629 N. Governor Printz Blvd. Essington, PA 19029-1732	Delaware	Tinicum	Darby Creek Delaware River South
PAG130118	Trainer Borough 824 Main St. Trainer Municipal Building Trainer, PA 19061	Delaware	Trainer	Delaware River South
PAG130085	Upland Borough 224 Castle Ave. Upland, PA 19015	Delaware	Upland	Chester Creek
PAG130082	Upper Chichester Township P. O. Box 2187 Furey Rd. Boothwyn, PA 19061-2187	Delaware	Upper Chichester	Delaware River South
PAG130129	Upper Frederick Township P. O. Box 597 Frederick, PA 19435	Montgomery	Upper Frederick	Swamp and Perkiomen Creeks
PAG130109	Upper Hanover Township P. O. Box 27 1704 Pillsbury Rd. East Greenville, PA 18041-0027	Montgomery	Upper Hanover	
PAG130108	Upper Providence Township 1286 Black Rock Rd. P. O. Box 406 Oaks, PA 19456	Montgomery	Upper Providence	Schuylkill River Perkiomen Creek
PAG130128	Yeadon Borough P. O. Box 5187 Yeadon, PA 19050	Delaware	Yeadon	Cobbs and Darby Creeks
PAG130138	Collegeville Borough 491 E. Main St. Collegeville, PA 19426-2558	Montgomery	Collegeville	
PAG130140	Downingtown Borough 4-10 Lancaster Ave. Muni. Govt. Ctr. Downingtown, PA 19335	Chester	Downingtown	
PAG130135	Norwood Borough 10 W. Cleveland Ave. P. O. Box 65 Norwood, PA 19074	Delaware	Norwood	Darby Creek

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAG130134	Pennsbury Township 702 Baltimore Pike Chadds Ford, PA 19317	Chester	Pennsbury	
PAG130139	Perkasie Borough 620 W. Chestnut St. Perkasie, PA 18944-0096	Bucks	Perkasie	Perkiomen and Pleasant Spring Creeks
PAG130132	Souderton Borough 31 W. Summit St. Souderton, PA 18964-1612	Montgomery	Souderton	East Branch Perkiomen and Skipack Creeks
PAG130130	Springfield Township 50 Powell Rd. Springfield, PA 19064-0274	Delaware	Springfield	Darby and Crum Creeks
PAG130133	Telford Borough P. O. Box 209 Telford, PA 18969	Montgomery	Telford	East Branch Perkiomen Creek
PAG130056	West Conshohocken Borough Municipal Authority 112 Ford St. West Conshohocken, PA 19428-2916	Montgomery	West Conshohocken	Schuylkill River
PAG130137	Whitpain Township 960 Wentz Rd. P. O. Box 800 Blue Bell, PA 19422-1835	Montgomery	Whitpain	Stony, Sawmill and Wissahickon Creeks
PAG130142	Chadds Ford Township P. O. Box 181 Chadds Ford, PA 19317	Delaware	Chadds Ford	
PAG130143	Clifton Heights Borough 30 S. Springfield Rd. Clifton Heights, PA 19018	Delaware	Clifton Heights	Darby Creek
PAG130149	Jenkintown Borough P. O. Box 2176 Jenkintown, PA 19046	Montgomery	Jenkintown	Tacony Creek
PAG130146	Kennett Township P. O. Box H 1001 E. Baltimore Pike Longwood Fire Co. Bldg. Kennett Square, PA 19348-0011	Chester	Kennett	
PAG130148	Limerick Township 646 W. Ridge Pike Limerick, PA 19468	Montgomery	Limerick	Schuylkill River Perkiomen Swamp Creek
PAG130145	West Caln Township P. O. Box 175 Wagontown, PA 19376-0175	Chester	West Caln	
PAG130144	West Grove Borough 117 Rosehill Ave. West Grove, PA 19390-1214	Chester	West Grove	
PAG130150	Valley Township P. O. Box 467 890 W. Lincoln Hwy. Coatesville, PA 19320-0467	Chester	Valley	
PAG130078	Springfield Township 1510 Paper Mill Rd. Wyndmoor, PA 19038-7034	Montgomery	Montgomery	Wissahickon Creek
PAG130158	Concord Township P. O. Box 171 Concordville, PA 19331-0171	Delaware	Concord	Chester Creek

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAG130159	Norristown Borough 235 E. Airy St. Norristown Borough Hall Norristown, PA 19401-5003	Montgomery	Norristown	Stony Creek Sawmill Run Schuylkill River
PAG130160	Silverdale Borough P. O. Box 74 Silverdale, PA 18962-0074	Bucks	Silverdale	East Branch Perkiomen
PAG130162	East Rockhill Township 1622 Ridge Rd. Perkasie, PA 18944	Bucks	East Rockhill	East Branch Perkiomen Three Mile Run Tohickon Creek
PAG130164	Red Hill Borough 56 W. 4th St. Red Hill, PA 18076	Montgomery	Red Hill	

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>	<i>Department Protocol (Y/N)</i>
PAG132268	Kingston Borough 500 Wyoming Avenue Kingston, PA 18704	Luzerne	Kingston Borough	Susquehanna River WWF	Y

**PUBLIC WATER SUPPLY (PWS) PERMITS**

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

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

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

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

**SAFE DRINKING WATER**

**Actions taken under the Pennsylvania Safe Drinking Water Act.**

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

**Operations Permit** issued to **Pennsylvania Suburban Water Co.**, 204 East Sunbury Street, Shamokin, PA 17872-4859, PWS ID 2400104, Kingston Township, **Luzerne County** on February 26, 2004, for the operation of facilities approved under Construction Permit N/A.

**Operations Permit** issued to **Nature's Way Pure Water Systems, Inc.**, 164 Commerce Blvd., Dupont, PA 18641, PWS ID 2406411, Dupont Borough, **Luzerne County** on February 27, 2004, for the operation of facilities approved under Construction Permit No. 4003502.

**Operations Permit** issued to **City of Allentown**, 435 Hamilton Street, Allentown, PA 18101, PWS ID 3390024, South Whitehall Township, **Lehigh County** on March 5, 2004, for the operation of facilities approved under construction permit N/A.

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

**Permit No. 1400505—Operation.** Public Water Supply.

Applicant	<b>Walker Township Water Association</b> <b>David Foreman, President</b> 1611 East College Avenue Bellefonte, PA 16823-7609
Township	Walker
County	<b>Centre</b>
Type of Facility	PWS—Operation of a booster pump station and waterline extension to serve the Woods at Sand Ridge Development.
Permit to Operate Issued	March 5, 2004

**Permit No. 1400503—Operation.** Public Water Supply.



Applicant **Pennsylvania American Water Company**  
**Steven J. Seidl, Vice President Engineering**  
800 West Hersheypark Drive  
Hershey, PA 17033

Borough Philipsburg

County **Centre**

Type of Facility PWS—Operation of the Sandy Ridge and West Decatur interconnections, the Edendale and Sandy Ridge pump stations, the West Decatur standpipe, the West Decatur pressure reducing station, the upgraded Mock Hill pump station and various waterline extensions.

Permit to Operate Issued March 8, 2004

**Permit No. Minor Amendment—Operation.** Public Water Supply.

Applicant **Pennsylvania American Water Company**  
**Steven J. Seidl, Vice President Engineering**  
P. O. Box 888  
Hershey, PA 17033

Borough Philipsburg

County **Centre**

Type of Facility PWS—Operation of a stainless steel liner in filter unit no. 1 at the Philipsburg water filtration plant.

Permit to Operate Issued March 8, 2004

**Permit No. Minor Amendment—Construction.** Public Water Supply.

Applicant **Pennsylvania American Water Company**  
**Steven J. Seidl, Vice President Engineering**  
P. O. Box 888  
Hershey, PA 17033

Borough Philipsburg

County **Centre**

Type of Facility PWS—Modification of the filter unit no. 1 at the Philipsburg Water Filtration Plant.

Permit to Construction Issued March 8, 2004

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

**Permit No. 3003501,** Public Water Supply.

Applicant **Southwestern Pennsylvania Water Authority**  
P. O. Box 187  
1442 Jefferson Road  
Jefferson, PA 15344

Borough or Township Center, Gray and Richhill Townships

County **Greene**

Type of Facility Tank, pump station

Consulting Engineer Bankson Engineers, Inc.  
267 Blue Run Road  
P. O. Box 200  
Indianola, PA 15051

Permit to Construct Issued February 25, 2004

**Permit No. 0403503,** Public Water Supply.

Applicant **New Sewickley Township Municipal Authority**  
233 Miller Road  
Rochester, PA 15074

Borough or Township New Sewickley Township

County **Beaver**

Type of Facility Tank, pump station

Consulting Engineer Michael Baker Jr., Inc.  
4301 Dutch Ridge Road  
Beaver, PA 15009

Permit to Construct Issued February 25, 2004

**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 improvements

Consulting Engineer Stiffler, McGraw & Associates, Inc.  
19 North Juniata Street  
P. O. Box 462  
Hollidaysburg, PA 16648

Permit to Construct Issued March 3, 2004

**Operations Permit** issued to the **Borough of Cheswick**, 220 South Atlantic Avenue, Cheswick, PA 15024, PWS ID 5020008, Cheswick Borough, **Allegheny County** on February 17, 2004, for the designation of water quality parameter performance requirements.

**Operations Permit** issued to the **Thomas R. Gordon d/b/a Gordon's Mobile Home Park**, 132 Office Drive, Stoystown, PA 15563, PWS ID 4560006, Quemahoning Township, **Somerset County** on February 25, 2004, for a transfer from the Lincoln Manor Mobile Home Park.

**Permit No. 0204501, Minor Amendment.** Public Water Supply.

Applicant **Pennsylvania American Water Company**  
800 West Hersheypark Drive  
Hershey, PA 17033

Borough or Township Jefferson Hills

County **Allegheny**

Type of Facility Ridge Road tank renovation

Permit to Construct Issued February 24, 2004

**Permit No. 0203506, Minor Amendment.** Public Water Supply.

Applicant **East Deer Township**  
 927 Freepport Road  
 Creighton, PA 15030

Borough or Township East Deer Township

County **Allegheny**

Type of Facility Bailey Run Road Emergency Interconnection

Consulting Engineer Senate Engineering Co., Uparc  
 420 William Pitt Way  
 Pittsburgh, PA 15238

Permit to Operate February 25, 2004  
 Issued

**SEWAGE FACILITIES ACT PLAN APPROVAL**

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

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Wayne Township	P. O. Box 97 Friedensburg, PA 17933	Schuylkill

Plan Description: The Plan calls for the construction of a new gravity wastewater collection system to serve the Route 443/Long Run Corridor area of Wayne Township, from the Friedensburg area to the Wayne Township/North Manheim Township municipal boundary line, as specified in the text and mapping associated with Alternative No. 6 found in the Plan. At the Wayne Township/North Manheim Township municipal boundary line, the Wayne Township conveyance line will connect to an existing 8-inch gravity wastewater interceptor line owned by the North Manheim Township Authority. Wastewater will be conveyed through this line to the Borough of Schuylkill Haven's wastewater collection system. The wastewater will then be conveyed to the Borough of Schuylkill Haven's wastewater treatment facility for ultimate treatment and discharge. Implementation of the selected alternative and operation of the proposed facilities will be performed by the Wayne Township Municipal Authority.

Financing of the wastewater collection and conveyance systems is to be provided by the United States Department of Agriculture, Rural Development, Rural Utilities Service.

Implementation of the selected wastewater disposal alternative will require a Water Management Part II Permit for the construction and operation of the proposed sewage facilities. Other departmental permits may be required for construction if encroachment to streams or wetlands will result. The Department's review has also not identified any significant environmental impacts resulting from this proposal.

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Susquehanna Township	P. O. Box 1043 508 Hillcrest Street Northern Cambria, PA 15714	Cambria

Plan Description: The approved plan provides for the collection and conveyance of raw sewage from the Village

of Emeigh in Susquehanna Township, Cambria County. All sewage will be collected by Gravity Sewers to a pump station where that sewage will be conveyed to the Cherry Tree Borough Sewage Treatment Plant. The approximate location of the pump station is 40°, 41', 51" latitude and 78°, 48', 10" longitude. The Cherry Tree Borough sewage treatment plant is currently under construction. The Indiana County Municipal Service's Authority (827 Water Street, Indiana, PA 15701, (724) 349-6640) will own and operate the collection and conveyance system. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES permits or WQM permits must be obtained in the name of the municipality or authority as appropriate.

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Adams Township	Adams Township Municipal Building 170 Hutchman Road Mars, PA 16046	Butler

Plan Description: The approved plan provides for the extension of the Breakneck Creek Regional Authority sewer system to serve areas of existing needs between the Village of Myoma and the northern border of Adams Township. Any required NPDES permits or WQM permits must be obtained in the name of the municipality or authority as appropriate.

**HAZARDOUS SITES CLEANUP UNDER THE ACT OF OCTOBER 18, 1988**

**Proposed Interim Response**

**Shannopin Mine Complex, Dunkard and Monongahela Townships, Greene County**

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act (HSCA) (35 P. S. §§ 6020.102—6020.1303), is proposing an interim response at Shannopin Mine Complex (Complex), Dunkard and Monongahela Townships, Greene County.

The Complex consists of approximately 29 various sites. The Shannopin Mine Company operated the Complex as a coal mine until 1992.

The Department conducted an inspection of the various sites associated with the Complex in April 1998. A detailed inventory of all containers of potentially hazardous materials was compiled from the inspection. The inventory included hazardous and potentially hazardous materials at mining complex sites. The inventory indicated that five individual sites of the Complex contain hazardous and potentially hazardous materials including: main office/bathhouse; coal preparation plant; supply yard; mine water treatment plant/no. 1 air shaft; and open shaft no. 4 site.

The inventory documents several hundred containers of various types including 55-gallon drums, aboveground storage tanks, underground storage tanks, high-pressure gas cylinders, transformers, batteries, 15-gallon containers, 5-gallon containers and laboratory chemicals. A number of the containers were found to be in poor condition and leaking. The sites also include several abandoned

buildings, trailers, sedimentation ponds and coal fine storage and disposal areas. The majority of the materials documented in the inventory are at the first three sites. The two additional sites contain limited amounts of hazardous or potentially hazardous materials. The Prompt Interim Response will remove and dispose/recycle all hazardous materials and petroleum products at these five sites.

The Department considered several alternatives at the sites, including: no action; securing of the sites; and removal and disposal of the hazardous substances at the sites. The Department determined that removal and disposal of the hazardous substances and petroleum products was the appropriate course of action. This alternative was selected because it complied with all applicable laws and regulations and was determined to be the most environmentally sound procedure for these sites.

Fieldwork for the prompt interim response to remove and dispose of the waste at the site is anticipated to begin in late March or early April 2004. All hazardous materials and petroleum products at the site will be removed and properly disposed. The Department, following the public hearing and comment period, will complete a Statement of Decision and Response to Comments.

This notice is being provided under sections 505(b) and 506(b) of the HSCA. The administrative record which contains the information that forms the basis and documents the selection of this response action is available for public review and comment at the Department's Southwest Regional Office in Pittsburgh, Monday through Friday from 8 a.m. to 4 p.m.

The administrative record will be open for comment from March 20, 2004, until June 18, 2004. Persons may submit written comments into the record during this time only by sending them to Kevin Halloran, Environmental Cleanup Program, 400 Waterfront Drive, Pittsburgh, PA 15222 or by delivering them to the Southwest Regional Office in person.

In addition, persons may present oral comments, for inclusion in the administrative record, at a public hearing. The Department has scheduled the hearing on April 22, 2004, at 6:30 p.m. at the Greene County Fairgrounds, Building 10. Persons wishing to present comments must register before April 22, 2004, with Helen Humphreys Short, 400 Waterfront Drive, Pittsburgh, PA 15222, (412) 442-4183. If no person registers to present oral comments by the specified date, the hearing will not be held. Persons interested in finding out if anyone has registered and if the hearing will be held should contact Helen Humphreys Short.

Persons with a disability who wish to attend the hearing and require auxiliary aid, service or other accommodations to participate in the proceedings should call Helen Humphreys Short at (412) 442-4183 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 2

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

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

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

The Department has received the following plans and reports:

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

**Lincoln Avenue and Penn Street Site**, Newtown Borough, **Bucks County**. Christopher Orzechowski, RT Environmental Services, Inc., 215 W. Church Rd., King of Prussia, PA 19406, has submitted a Remedial Investigation Report concerning remediation of site soil contaminated with PAH.

**12th Street Facility**, Chester City, **Delaware County**. Craig Herr, RT Environmental Services, Inc., 215 W. Church Rd., King of Prussia, PA 19406, has submitted a Remedial Investigation/Final Report concerning remediation of site soil contaminated with lead and other organics. The report is intended to document remediation of the site to meet Site-Specific Standards.

**John H. Lamprecht, Tax Blocks 15 and 18**, Whitpain Township, **Montgomery County**. Richard C. Karr, P. G., GZA GeoEnvironmental, Inc., 500 Office Center Dr., Suite 120, Fort Washington, PA 19034, on behalf of John H. Lamprecht, 601 Skippack Pk., Blue Bell, PA 19422, has submitted a Final Report concerning remediation of site groundwater contaminated with lead, BTEX and MTBE. The report is intended to document remediation of the site to meet Background Standards.

**Parkway Apartments**, City of Philadelphia, **Philadelphia County**. Jaron J. Frieden, Vertex Engineering Services, Inc., 400 Libbey Parkway, Weymouth, MA

02189, on behalf of Steve Gilbert, ITW Mortgage Investments Corp., 1818 Market St., Philadelphia, PA 19103, has submitted a combined Remedial Investigation/Risk Assessment/Cleanup Plan/Final Report concerning remediation of site soil contaminated with fuel oil no. 4; and groundwater contaminated with leaded gasoline and PAH. The combined report is intended to document remediation of the site to meet Site-Specific Standards.

*Northeast Regional Field Office, Joseph A. Brogna, Environmental Cleanup Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.*

**Gerry Residence**, Bushkill Township, **Northampton County**. Thomas Martinelli, Environmental Scientist, JMT Environmental Technologies, Inc., 3353-C Gun Club Road, Nazareth, PA 18064 has submitted a Final Report (on behalf of Raymond Gerry, Male Road, Wind Gap, PA) concerning the remediation of soils found or suspected to be contaminated with kerosene as the result of an accidental release. The report was submitted to demonstrate attainment of the Residential Statewide Health Standard. A Notice of Intent to Remediate was simultaneously submitted.

**Corporate Real Estate, Ltd.**, Washington Township, **Northampton County**. Vincent M. Carbone, P. G., Project Geologist, Lawler, Matusky & Skelly Engineers, LLP, The Sovereign Building, 609 Hamilton Mall, Allentown, PA 18101 has submitted a combined Remedial Investigation Report and Final Report (on behalf of Corporate Real Estate, Ltd., 100 Majestic Way, Bangor, PA 18013) concerning the characterization and remediation of site groundwater found or suspected to have been contaminated with chlorinated solvents, lead and other inorganics as the result of historic previous site operations. The reports were submitted in partial fulfillment of the Site-Specific Standard. A Notice of Intent to Remediate was simultaneously submitted.

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

**GROWMARK FS, Inc. (AEP Fertilizer Plant)**, Spring Township, **Centre County**. Groundwater Sciences Corporation, on behalf of GROWMARK FS, Inc., P. O. Box 4741, Syracuse, NY 13221-4741, has submitted a Final Report concerning soil contaminated with inorganics and pesticides. This Final Report is intended to demonstrate attainment of the Statewide Health Standard.

**P & C Parking Lot Cleanup**, Sayre Borough, **Bradford County**. Teeter Environmental Services, Inc., on behalf of Anthony Creaton, 333 North Hamilton Street, Painted Post, NY 14870, has submitted a Final Report concerning soil contaminated with unleaded gasoline. This Final Report is intended to demonstrate attainment of the Statewide Health Standard.

*Southwest Region: Environmental Cleanup Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**Turner Residence**, Marshall Township, **Allegheny County**. Robert J. Meisner, P. E., Hydro Environmental Technologies, Inc., 1201 Rt. 37 East, Toms River, NJ 08753 (on behalf of Mr. Turner, 115 Vogel Lane, Marshall Township, PA 15005) has submitted a Final Report concerning remediation of site soil and groundwater contaminated with fuel oil no. 2. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Palmieri Property (Former)**, Center Township, **Beaver County**. Bruce A. Geno, Cummings/Riter Consult-

ants, 339 Haymaker Road, Suite 201, Monroeville, PA 15146 (on behalf of Newell Rubbermaid, 6833 Stalter Drive, Suite 101, Rockford, IL 61108 and Estate of Mary A. Palmieri c/o John A. Palmieri, 3399 Broadhead Road, Aliquippa, PA 15001) has submitted a Remedial Investigation Report concerning remediation of site soil contaminated with lead and heavy metals. The report is intended to document remediation of the site to meet the Site-Specific Standard.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 3

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

Provisions of 25 Pa. Code § 250.8, administration of the Land Recycling and Environmental Remediation Standards Act (act), require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by provisions of the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media, benefits of refuse of the property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by provisions of the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

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

The Department has received the following plans and reports:

*Northeast Region: Joseph A. Brogna, Environmental Cleanup Program Manager; 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.*

**Jeff Lewis Property**, Blooming Grove Township, **Pike County**. Salvatore Sciascia, President, S & M Management, Inc., P. O. Box 1429, Milford, PA 18337 submitted a Final Report (on behalf of Jeff Lewis, East 74th Street, New York, NY) concerning the remediation of soils suspected to have been contaminated with home heating oil. The report demonstrated attainment of the Residential Statewide Health Standard and was approved on February 19, 2004.

**Meade Residence**, Middle Smithfield Township, **Monroe County**. Ronald S. Carvalho, Principal, FT Associates, LLC, 12 Marshall Street, Unit 8B, Irvington, NJ 07111 resubmitted a Final Report (on behalf of William Meade, Mountain Top Road, East Stroudsburg, PA 18301) concerning the remediation of soils found or suspected to have been contaminated with no. 2 fuel oil. The report demonstrated attainment of the Statewide Health Standard and was approved on February 11, 2004.

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

**PPL Bloomsburg Substation**, Town of Bloomsburg, **Columbia County**. PPL Services Corporation, 2 North 9th Street, GENTW17, Allentown, PA 18101 has submitted a Final Report concerning soil contaminated with PCBs. This Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on February 17, 2004.

#### 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 Number WMGR084. GEO Specialty Chemicals Inc.**, 2409 Cedar Crest Boulevard, Allentown, PA 18104-9733. General Permit WMGR084 authorizes beneficial use of industrial wastewater treatment sludge from the production of formaldehyde, trimethylethane, dimethylolpropionic acid and calcium formate as a soil additive for agricultural utilization and land reclamation and as an ingredient to produce other soil additives. The permit was issued by Central Office on March 2, 2004.

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

## MUNICIPAL AND RESIDUAL WASTE TRANSPORTER AUTHORIZATION

**Issued applications for Municipal and Residual Waste Transporter Interim Authorization received under the Waste Transportation Safety Act (27 Pa.C.S. §§ 6201—6209) and regulations to transport municipal or residual waste.**

*Central Office: Bureau of Land Recycling and Waste Management, Division of Municipal and Residual Waste, P. O. Box 8472, Harrisburg, PA 17105-8472.*

**Tiger & Sons Trucking, Inc.**, 1054 N. Broad St., Hillside, NJ 07205-2840. Authorization No. WH2578. Effective February 12, 2004.

**Jesus M Acevedo**, 97 Linden Ave., Kearny, NJ 07032. Authorization No. WH5236. Effective January 30, 2004.

**Georges Salvage Co., Inc.**, 10 S. Park Dr., Newton, NJ 07860. Authorization No. WH5629. Effective February 20, 2004.

**Long Milk Haulers, Inc.**, 558 Pre-Emption Rd., Penn Yan, NY 14527-9170. Authorization No. WH5729. Effective February 10, 2004.

**Osorio Trucking, Inc.**, 1729 Roberts Ave., Hamilton, NJ 08609. Authorization No. WH5738. Effective February 10, 2004.

**Javier Transport Inc.**, Suite 2A, 1316 Boundbrook Rd., Middlesex, NJ 08846. Authorization No. WH5761. Effective February 10, 2004.

**P & H Transportation, Inc.**, Suite 2A, 1316 Boundbrook Rd., Middlesex, NJ 08846. Authorization No. WH5766. Effective February 10, 2004.

**Ferdinand Diminick Contracting**, 615 Elysburg Rd., Danville, PA 17821-8906. Authorization No. WH5778. Effective January 28, 2004.

**Wagner Development Co., Inc.**, R. R. 1, McDonald, PA 15057-9801. Authorization No. WH5779. Effective January 28, 2004.

**Knopp & Klatt Excavation & Concrete, Inc.**, 6036 Admiral Perry Highway, Ebensburg, PA 15931. Authorization No. WH5783. Effective January 28, 2004.

**Magna Carta, LLC**, 652 Knollwood Dr., West Hempstead, NY 11552. Authorization No. WH5784. Effective January 28, 2004.

**Cardinal Group, Inc.**, 828 N. Hanover St., Pottstown, PA 19464-4253. Authorization No. WH5785. Effective February 10, 2004.

**Ed Russo Construction**, 1027 Oak Ave., Croydon, PA 19021. Authorization No. WH5786. Effective January 28, 2004.

**Landscape Materials Direct, LLC**, 1 Plymouth Rd., Morristown, NJ 07960. Authorization No. WH5787. Effective January 28, 2004.

**Rose Fuel Oil & Heating Co., Inc.**, 4201 Brown St., Philadelphia, PA 19104. Authorization No. WH5788. Effective January 28, 2004.

**Amadu Shaibu**, 1779 Fulton Ave., Bronx, NY 10457. Authorization No. WH5790. Effective January 28, 2004.

**Watts Trucking**, 140 Mountainside Lane, Lewistown, PA 17044. Authorization No. WH5791. Effective January 28, 2004.

**Terog Inc.**, 690 Route 1 N., Edison, NJ 08817. Authorization No. WH5792. Effective January 28, 2004.

**Christian's Transportation**, Apt. 9, 45 Merchant St., Newark, NJ 07105. Authorization No. WH5793. Effective February 10, 2004.

**Michael DeFrain**, 222 2nd St., Slatington, PA 18080. Authorization No. WH5794. Effective January 28, 2004.

**Yoder Excavating**, 267 Kennedy Hill Rd., Boswell, PA 15531. Authorization No. WH5795. Effective January 28, 2004.

**Clarksville Sanitation, Inc.**, 540 Center St., Box 284, Clarksville, PA 15322. Authorization No. WH5796. Effective January 28, 2004.

**Emilio Gonzales**, 44 4th St., Elizabeth, NJ 07202. Authorization No. WH5797. Effective January 28, 2004.

**Omar Betoncourt**, 100-108 35th St. No. 13, Union City, NJ 07087. Authorization No. WH5798. Effective January 28, 2004.

**Williams Excavation**, 514 Rear Walnut St., Danville, PA 17821. Authorization No. WH5799. Effective January 28, 2004.

**Timothy W. McAndrew**, 310 S. Market St., Shamokin, PA 17822. Authorization No. WH5800. Effective January 28, 2004.

**PJ's Home Center & Construction Co., Inc.**, Sturges Rd., Peckville, PA 18452. Authorization No. WH5801. Effective January 27, 2004.

**Rich Dulski Builder**, Box 53B, R. R. 5, Uniondale, PA 18470. Authorization No. WH5802. Effective January 30, 2004.

**Greystone Construction Inc.**, 2372 Franklin Rd., Columbia, PA 17512. Authorization No. WH5803. Effective March 3, 2004.

**S & R Trucking Inc.**, P. O. Box 824, Milesburg, PA 16853. Authorization No. WH5804. Effective January 30, 2004.

**Environmental Awareness Corp, Inc.**, 244 E. Broad St., Tamaqua, PA 18252. Authorization No. WH5805. Effective February 5, 2004.

**Vic's Diversified Construction**, 5488 Monocacy Dr., Bethlehem, PA 18017. Authorization No. WH5806. Effective February 08, 2004.

**Gemco Pipeline & Excavation Co.**, 145 Wyngate Dr., Monroeville, PA 15148. Authorization No. WH5807. Effective February 3, 2004.

**A & A Excavating Inc.**, 461 Eisenhower Blvd., Johnstown, PA 15904-4400. Authorization No. WH5808. Effective February 4 2004.

**Ipnosi Construction**, 650 Hendrix St., Philadelphia, PA 19116. Authorization No. WH5809. Effective February 4, 2004.

**PM Trucking**, 546 S. Richard St., Bedford, PA 15522. Authorization No. WH5810. Effective February 10, 2004.

**Howell Trucking**, P. O. Box 2421, 14108 Canal Rd., Cumberland, MD 21502-2421. Authorization No. WH5811. Effective February 10, 2004.

**Daniel W. Pokryfke**, 9327 US Rt. 220, Bedford, PA 15522. Authorization No. WH5812. Effective February 10, 2004.

**GRV Trucking Co., Inc.**, P. O. Box 362, Dunmore, PA 18512. Authorization No. WH5813. Effective February 10, 2004.

**Antonio C. Soares**, 4 Spruce Lane, Warren, NJ 07059-2604. Authorization No. WH5814. Effective February 10, 2004.

**R. Hellmig Trucking, LLC**, 1602 Weymouth Rd., Vineland, NJ 08360. Authorization No. WH5815. Effective February 10, 2004.

**Lazo Olmedo**, 30-32 42nd St., Astoria, NY 11103. Authorization No. WH5816. Effective February 5, 2004.

**IGC Transportation, Inc.**, 2254 Roswell Dr., Pittsburgh, PA 15205. Authorization No. WH5817. Effective March 5, 2004.

**Meadow Brook Trucking Inc.**, 72 Evans Rd., Kutztown, PA 19530-9314. Authorization No. WH5819. Effective February 5, 2004.

**Garman's Coal & Mulch**, 196 N. Erisman Rd., Manheim, PA 17545-9604. Authorization No. WH5820. Effective February 5, 2004.

**Panama City Demolition, Inc.**, 10 Industrial Dr., Sharon Hill, PA 19079-1105. Authorization No. WH5821. Effective February 10, 2004.

**Lower Saucon Township, Northampton County Authority**, 3706 Old Philadelphia Rd., Bethlehem, PA 18015. Authorization No. WH5822. Effective February 10, 2004.

**South Park Township, Allegheny County**, 2675 Brownsville Rd., South Park, PA 15129. Authorization No. WH5823. Effective February 10, 2004.

**R E G Transport, Inc.**, 828 Van Buren Ave., Elizabeth, NJ 07201. Authorization No. WH5824. Effective February 10, 2004.

**CCN Properties, LLC**, 212 College Park Plaza, Johnstown, PA 15904. Authorization No. WH5825. Effective February 10, 2004.

**Rivera Express, Inc.**, 59-30 108th St., Corona, NY 11368. Authorization No. WH5826. Effective February 10, 2004.

**Gary Leighty**, 1105 21st Ave., Altoona, PA 16601. Authorization No. WH5827. Effective February 10, 2004.

**Zurqui Trucking Inc.**, 18-20 Wright Ave. No. 7, Jersey City, NJ 07306. Authorization No. WH5828. Effective February 25, 2004.

**G & B Construction, Inc.**, 724 Baker Lane, Duncansville, PA 16635. Authorization No. WH5829. Effective February 10, 2004.

**Luis Burgoa**, 47-21 158th St., 1st Fl., Flushing, NY 11358. Authorization No. WH5830. Effective February 10, 2004.

**Swaray Mohamed**, 4208 Hoffman Dr., Woodbridge, VA 22193. Authorization No. WH5831. Effective February 12, 2004.

**Stephens Logistics, LLC**, 45 Garfield Ave., Colonia, NJ 07067. Authorization No. WH5832. Effective February 4, 2004.

**Joseph R Nepple Hauling**, 443 N. 12th St., Reading, PA 19604-2318. Authorization No. WH5833. Effective February 12, 2004.

**National Flooring Removal**, 260 Rt. 15 S, P. O. Box 526, Wharton, NJ 07885. Authorization No. WH5834. Effective February 12, 2004.

**R C Grady Construction Inc.**, R. R. 1 Box 568AA, Scotrun, PA 18355. Authorization No. WH5835. Effective February 12, 2004.

**Sherwood B. Kimmel Trucking & Excavating**, 1204 E. Grand Ave., Tower City, PA 17980-1226. Authorization No. WH5836. Effective February 12, 2004.

**Site Contractors, Inc.**, 456 Highland Ave., Mays Landing, NJ 08330. Authorization No. WH5837. Effective February 25, 2004.

**Sam Trucking, Inc.**, 120 Elm St., Apt. AE 8, Bererly, NJ 08010. Authorization No. WH5838. Effective February 17, 2004.

**James M. Shenk**, 340 Beagle Rd., Lebanon, PA 17046. Authorization No. WH5840. Effective February 25, 2004.

**Phillips Trucking**, 5640 Sullivan Trail, Easton, PA 18040. Authorization No. WT5841. Effective February 10, 2004.

**Randy L. Nowlen**, 1090 Laudermitch Rd., Palmyra, PA 17078. Authorization No. WH5842. Effective February 5, 2004.

**Randall Devine**, 480 Shricktown Rd., Narvon, PA 17555. Authorization No. WH5843. Effective February 12, 2004.

**Shamrock Materials Corp.**, 499 David Dr., Staten Island, NY 10310. Authorization No. WH5844. Effective February 10, 2004.

**NDJ Bulk Transport, LLC**, 63 Elders Rd., Lake Parsippany, NJ 07054. Authorization No. WH5845. Effective February 10, 2004.

**James P. Wolfgang**, 708 Farmingdale Dr., Douglassville, PA 19518. Authorization No. WH5848. Effective February 13, 2004.

**Boger Trucking**, Blue Mt. Dr., P. O. Box 152-1332, Danielsville, PA 18088. Authorization No. WH5849. Effective February 13, 2004.

**TSS Transport, Inc.**, 21 Johnson Rd., Somerset, NJ 08873. Authorization No. WH5850. Effective February 11, 2004.

**Nestle Logistics Services**, 555 Nestle Way, Breingsville, PA 18031. Authorization No. WH5851. Effective February 13, 2004.

**Sun Gazette Co.**, 252 W. 4th St., P. O. Box 728, Williamsport, PA 17703-0728. Authorization No. WH5852. Effective February 10, 2004.

**Miller Hauling**, 251 Bushwack Rd., Johnstown, PA 15902. Authorization No. WH5853. Effective February 19, 2004.

**Valhalla Construction Co.**, 423 Allenhurst Ave., Ridgeway, PA 15853. Authorization No. WH5854. Effective February 17, 2004.

**Harker Transportation**, HC 61, Box 373, Mill Creek, PA 17060-9713. Authorization No. WH5855. Effective March 5, 2004.

**Payload Disposal, Inc.**, 17 Willow Way, Burlington, NJ 08016. Authorization No. WH5856. Effective March 3, 2004.

**Tejinder S. Mand**, 26-4 Tollgate Condos, Florence, NJ 08518. Authorization No. WH5857. Effective February 13, 2004.

**Big Jacklin Bros. Trucking**, 26 Westcott St., Inwood, NY 11096. Authorization No. WH5863. Effective February 25, 2004.

**Adnan Javied**, 20 Dalbert St., Carteret, NJ 07008. Authorization No. WH5865. Effective February 13, 2004.

**Louis Ocasio**, 236 Boothbay Ct., Sewell, NJ 08080. Authorization No. WH5866. Effective February 11, 2004.

**Greg's Landscaping, Inc.**, 1761 Princeton Ave., Lawrenceville, NJ 08648. Authorization No. WH5867. Effective March 1, 2004.

**Valley Excavating & Paving, Inc.**, 1700 Clauser St., Hellertown, PA 18055. Authorization No. WH5868. Effective March 3, 2004.

**Landscaping By Gaffney, Inc.**, 160 Fairview Rd., Glenmoore, PA 19343. Authorization No. WH5869. Effective February 26, 2004.

**Bay Associates Environmental Inc.**, P. O. Box 21009, Baltimore, MD 21228. Authorization No. WH5870. Effective February 26, 2004.

**N. Rosales Trucking**, 3 Moore Pl., 2nd Fl., E. Norwalk, CT 06855. Authorization No. WH5871. Effective February 26, 2004.

**Dilvar S. Sekhon**, P. O. Box 42, Florence, NJ 08518. Authorization No. WH5873. Effective February 20, 2004.

**John H. Green**, P. O. Box 8535, Reading, PA 19603-8535. Authorization No. WH5886. Effective February 11, 2004.

**Fred V. Lamadue**, 160 Hummingbird Ln., West Decatur, PA 16878. Authorization No. WH5887. Effective February 13, 2004.

**Env. Mgmt. Co.**, Suite 200, 3819 Old William Penn Hwy., Murrysville, PA 15668. Authorization No. WH5898. Effective March 3, 2004.

**Stitzel Trucking**, 79 Stitzel Lane, Hamburg, PA 19526. Authorization No. WH5899. Effective March 3, 2004.

**Robert A. Symanski**, 221 Dyerson Ave., Monroeville, PA 17949. Authorization No. WH5900. Effective March 3, 2004.

**Raymond M. Rosas**, 257 Sutton Ave., Hackensack, NJ 07601. Authorization No. WH5902. Effective March 3, 2004.

**Hannan Construction, Inc.**, 2029 Lycoming Creek Rd., Williamsport, PA 17701. Authorization No. WH5904. Effective March 3, 2004.

**Custom Construction & Painting**, 82 Ohio St., McKees Rocks, PA 15136. Authorization No. WH5906. Effective March 3, 2004.

**Classic Lawns & Gardens**, 1699 Fairville Rd., Chadds Ford, PA 19317. Authorization No. WH5907. Effective March 3, 2004.

**Yacinovich Excavating**, 173 Buffalo Rd., Forest City, PA 18431. Authorization No. WH5908. Effective March 3, 2004.

**Dan's Auto Service**, 7 S. Hanna St., Lock Haven, PA 17745. Authorization No. WH5921. Effective March 4, 2004.

**J. Pyskaty Disposal, Inc.**, 800 Castle Rd., Secaucus, NJ 07094. Authorization No. WH5922. Effective March 4, 2004.

**Carlos Vazquez**, 51 E. Chestnut St., Central Islip, NY 11722. Authorization No. WH5923. Effective March 4, 2004.

**Brujus, Inc.**, 106 Sycamore Ave., Folsom, PA 19033. Authorization No. WH5924. Effective March 4, 2004.

**ATC Tower Services, Inc.**, 101 Ewing Rd., Carnegie, PA 15106-1523. Authorization No. WH5925. Effective March 4, 2004.

**Ross Trucking**, 522 15th St., Huntingdon, PA 16652-2334. Authorization No. WH5941. Effective March 4, 2004.

**Imbarlina Construction, Inc.**, 139 Shearer Rd., New Kingsington, PA 15068-9320. Authorization No. WH5942. Effective March 4, 2004.

**Eric J. Yates Construction**, 24 Bathy Rd., Smock, PA 15480. Authorization No. WH5943. Effective March 4, 2004.

**Thomas C. Peiritsch**, 100 Farm Haven Dr., Cheswick, PA 15024-4108. Authorization No. WH5944. Effective March 4, 2004.

**Eugene C. Ewing Jr., Inc.**, 920 Forest Rd., Perkasio, PA 18944-3142. Authorization No. WH5945. Effective March 4, 2004.

**Kelley Masonry Restoration**, 610 11th St., Elizabeth, PA 15037-1334. Authorization No. WH5948. Effective March 5, 2004.

## AIR QUALITY

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

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

**GP4-36-03091: Dodge-Regupol, Inc.** (715 Fountain Avenue, P. O. Box 989, Lancaster, PA 17601) on March 5, 2004, was authorized to operate a natural gas fired burn off oven in Lancaster, **Lancaster County**.

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

**GP5-17-11C: EnerVest Operating, LLC** (300 Capital Street, Charleston, WV 25301) on February 18, 2004, to authorize construction and operation of a 738 brake horsepower natural gas-fired reciprocating internal combustion compressor engine and associated catalytic converter and operation of a 150,000 Btu per hour glycol gas dehydrator under the General Plan Approval and General Operating Permit for Natural Gas Production Facilities (BAQ-GPA/GP-5) at their Robbins Compressor Station in Knox Township, **Clearfield County**.

**Plan Approvals Issued under the Air Pollution Control Act and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.**

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

**22-05039A: Dura-Bond Pipe, LLC** (2716 South Front Street, Steelton, PA 17113) on March 2, 2004, to restart their existing pipe coating facility and expand their

existing facility to include the former Bethlehem Steel pipe fabricating operation and a new steel shapes fabrication operation in Steelton Borough, **Dauphin County**.

**67-05092D: Starbucks Coffee Co.** (3000 Espresso Way, York, PA 17402) on March 2, 2004, to construct a batch coffee roaster and associated cooling tray controlled by a catalytic oxidizer and cyclone, respectively, at their York Roasting Plant in East Manchester Township, **York County**.

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

**19-304-008D: Benton Foundry, Inc.** (5297 SR 487, Benton, PA 17814) on February 24, 2004, to construct a phenolic urethane cold box foundry core-making machine, the air contaminant emissions from which shall be controlled by an existing air cleaning device (a packed bed scrubber) in Sugarloaf Township, **Columbia County**.

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

**11-00509A: RNS Services, Inc.** (7 Riverside Plaza, Blossburg, PA 16912) on March 4, 2004, to construct a coal refuse processing plant at Mine 33 in Cambria Township, **Cambria County**.

**11-00508A: Johnstown Crematory** (146 Chandler Avenue, Johnstown, PA 15906) on March 8, 2004, to install a human crematory in Lower Yoder Township, **Cambria County**.

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

**10-284C: Seneca Landfill, Inc.** (Hartman Road, Mars, PA 16046) on February 24, 2004, to modify the gas management system in Jackson Township, **Butler County**.

**Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.13, 127.13a and 127.32.**

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

**09-0143: Naceville Materials** (P. O. Box 196, 2052 Lucon Road, Skippack, PA 19474) on March 2, 2004, to operate a primary crusher and conveyors in West Rockhill Township, **Bucks County**.

**09-0110A: Riverside Construction Materials, Inc.** (355 Newbold Road, Fairless Hills, PA 19030) on March 2, 2004, to operate a cement handling in Bristol Township, **Bucks County**.

**46-0037E: Cabot Supermetals** (P. O. Box 1608, County Line Road, Boyertown, PA 19512) on March 3, 2004, to operate sources in building no. 49 in Douglass Township, **Montgomery County**.

**09-0048A: H and K Materials Division—Haines and Kibblehouse** (P. O. Box 196, 2052 Lucon Road, Skippack, PA 19474) on March 3, 2004, to operate a batch asphalt plant in Hilltown Township, **Bucks County**.

**23-0014C: Kimberly-Clark Corp.** (Front Street and Avenue of the States, Chester, PA 19103) on March 4, 2004, to operate a wet scrubber dust control system in City of Chester, **Delaware County**.



**09-0105A: Naceville Materials** (P. O. Box 196, 2052 Lucon Road, Skippack, PA 19474) on March 4, 2004, to operate an asphalt batch plant in Springfield Township, **Bucks County**.

**09-0125A: Naceville Materials** (P. O. Box 196, 2052 Lucon Road, Skippack, PA 19474) on March 4, 2004, to operate a crushing plant in Plumstead Township, **Bucks County**.

**15-0115B: QVC, Inc.** (1200 Wilson Drive, West Chester, PA 19380) on March 9, 2004, modified to operate three emergency generators in West Goshen Township, **Chester County**.

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

**39-327-003: SHI-APD Cryogenics, Inc.** (1833 Vultee Street, Allentown, PA 18103) on March 2, 2004, to modify three batch vapor degreasers and associated air cleaning devices at their facility in Allentown, **Lehigh County**. The Plan Approval has been extended.

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

**01-05025C: Valley Quarries, Inc.** (P. O. Box J, Chambersburg, PA 17201-0809) on March 1, 2004, to modify the traprock crushing plant at their Gettysburg Quarry facility in Cumberland Township, **Adams County**. This facility is subject to 40 CFR Part 60, Subpart 000—Standards of Performance for Nonmetallic Mineral Processing Plants. This plan approval was extended.

**29-03008A: H. B. Mellott Estate, Inc.** (100 Mellott Drive, Suite 100, Warfordsburg, PA 17267) on January 18, 2004, to install a replacement fabric filter at a limestone crushing plant in Bethel Township, **Fulton County**. This facility is subject to 40 CFR Part 60, Subpart 000—Standards of Performance for Nonmetallic Mineral Processing Plants. This plan approval was extended.

**38-03014A: Pennsy Supply, Inc.** (P. O. Box 3331, Harrisburg, PA 17104) on December 4, 2003, to modify the Millard Quarry Crushing Plant in North Londonderry Township, **Lebanon County**. This facility is subject to 40 CFR Part 60, Subpart 000—Standards of Performance for Nonmetallic Mineral Processing Plants. This plan approval was extended.

**67-02004: P. H. Glatfelter Co.** (228 South Main Street, Spring Grove, PA 17362) on March 5, 2004, to operate three power boilers controlled by an electrostatic precipitator, a lime calciner controlled by a Venturi scrubber and a softwood fiber line and causticizing area to be controlled by a regenerative thermal oxidizer in Spring Grove Borough, **York County**. This plan approval was extended.

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

**17-305-047: Forcey Coal, Inc.** (P. O. Box 225, Madera, PA 16661) on March 1, 2004, to authorize incorporation of an impact crusher into a coal crushing, screening and loading facility and to operate the respective coal crushing, screening and loading facility in Bigler Township, **Clearfield County**. Both the plan approval and authorization have been extended until June 29, 2004.

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

**63-00628A: Specialty Printing, Inc.** (P. O. Box 104, Third Street and PA RR, Charleroi, PA 15022) on March 4, 2004, to install a printing press in Charleroi Borough, **Washington County**. This plan approval was extended.

**56-00275A: GM and S Coal Corp.** (P. O. Box 99, Boswell, PA 15531) on March 8, 2004, to construct a coal processing plant in Jenner Township, **Somerset County**. This plan approval was extended.

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

**25-090B: Zurn Industries, Inc.** (1301 Raspberry Street, Erie, PA 16502) on February 29, 2004, to modify the cupola and install a scrubber in Erie, **Erie County**.

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#### **Title V Operating Permits Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter G.**

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

**09-00150: Rotoflex Technology, Inc.** (180 Penn Am Drive, Quakertown, PA 18951) on March 4, 2004, to operate a Title V Operating Permit in Richland Township, **Bucks County**.

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

**10-00023: Mercer Lime and Stone Co.—Branchton Plant** (560 Branchton Road, Slippery Rock, PA 16057) on March 4, 2004, to reissue the Title V Operating Permit to operate a lime manufacturing facility in Slippery Rock Township, **Butler County**.

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#### **Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.**

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

**09-00041: Hines Horticulture, Inc.** (P. O. Box 428, Pipersville, PA 18947) on March 4, 2004, to operate a Facility State-only Synthetic Minor Operating Permit in Plumstead Township, **Bucks County**.

**09-00140: Pennridge Lower High School** (1506 North 5th Street, Perkasio, PA 18944) on March 4, 2004, to operate a Natural Minor Operating Permit in Perkasio Borough, **Bucks County**.

**46-00140: Amatex Corp.** (1032 Stanbridge Street, Norristown, PA 19404) on March 5, 2004, to operate a Natural Minor Operating Permit in Norristown Borough, **Montgomery County**.

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

**06-05010: Sensient Colors, Inc.** (2526 Baldwin Street, St. Louis, MO 63106) on March 3, 2004, to operate a boiler house at their former dye manufacturing facility in Robeson Township, **Berks County**.

**36-03108: Bristol Corp.** (88 Newport Road, Leola, PA 17540) on March 4, 2004, to operate a plastic pipe manufacturing facility in Upper Leacock Township, **Lancaster County**.

**67-03021: General Dynamics—OTS** (200 East High Street, P. O. Box 127, Red Lion, PA 17356) on March 1, 2004, for a Natural Minor Operating Permit for their ordnance manufacturing facility in Red Lion Borough, York County.

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

**04-00689: Rome Metals, Inc.** (P. O. Box 106, Rochester, PA 15074) on February 24, 2004, a renewal to operate a steel fabricating operation that utilizes shot blasting operations, grinders and abrasive saw to cut the metals in Rochester Township, Beaver County.

**65-00677: Hempfield Area School District** (R. D. 6 Box 76, Greensburg, PA 15601) on February 19, 2004, to operate two Spronz incinerators at their senior high school in Hempfield Township, Westmoreland County.

**63-00540: Box USA** (10 Wilson Road, Eighty Four, PA 15330) on February 26, 2004, to operate their facility in South Strabane Township, Eighty-Four, Washington County. The plant produces corrugated fiber sheets, corrugated shipping containers and corrugated paper products from raw rolls of pulp paper.

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

**25-00591: Seaway Manufacturing Corp.** (2250 East 33rd Street, Erie, PA 16510) on March 5, 2004, a Natural Minor Operating Permit to fabricate windows, doors and enclosures, including surface coating in the City of Erie, Erie County.

**Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.**

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

**23-00041: ConocoPhillips Co.** (4101 Post Road, Trainer, PA 19061) on March 4, 2004, an administrative amendment for a Facility Title V Operating Permit in Upper Chichester Township, Delaware County.

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

**06-05004: Baldwin Hardware Corp.** (P. O. Box 15048, Reading, PA 19612) on March 3, 2004, to operate their brass fixtures manufacturing facility in the City of Reading, Berks County. The Title V Operating Permit was administratively amended to incorporate two Plan Approvals 06-05004B and 06-05004C. This is Revision No. 1 of the operating permit.

**ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS**

**Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act**

**(52 P. S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the request for 401 Water Quality Certification and the NPDES permit application. Mining activity permits issued in response to the applications will also address the application permitting requirements of the following statutes: the Air Quality Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).**

*Coal Permit Actions*

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

**54830102R4. Joe Kuperavage Coal Company** (916 Park Avenue, Port Carbon, PA 17965), renewal of an anthracite surface mine operation in Blythe Township, Schuylkill County, affecting 263.0 acres. Receiving streams: None. Application received November 6, 2003. Renewal issued March 4, 2004.

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

**24000101 and NPDES Permit No. PA0241733. Tamburlin Brothers Coal Co., Inc.** (P. O. Box 1419, Clearfield, PA 16830), renewal of an existing bituminous strip operation in Fox Township, Elk County, affecting 62.1 acres. Receiving streams: Little Toby Creek. Application received April 30, 2003. Permit issued March 1, 2004.

**33820149 and NPDES Permit No. PA0605557. Rosio Coal Company** (243 East Logan Avenue, DuBois, PA 15801), renewal of an existing bituminous strip and limestone removal operation in Washington Township, Jefferson County, affecting 54.0 acres. Receiving streams: one unnamed tributary to Mill Creek. Application received December 17, 2003. Permit issued March 1, 2004.

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

**63990101 and NPDES Permit No. PA0202452. Robinson Coal Company** (200 Neville Road, Neville Island, PA 15225). Permit renewal issued for continued reclamation only of a bituminous surface mining site in Robinson Township, Washington County, affecting 54.0 acres. Receiving streams: unnamed tributary to Robinson Run. Application received January 2, 2004. Renewal issued March 4, 2004.

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

**17990119 and NPDES Permit No. PA0242748. AMFIRE Mining Company, LLC** (One Energy Place, Suite 7500, Latrobe, PA 15650). Transfer of an existing bituminous surface mine permit from Laurel Energy, LP in Woodward Township, Clearfield County, affecting 83.3 acres. Receiving streams: unnamed tributaries of Goss Run to Goss Run to Beaver Run to Moshannon Creek to West Branch Susquehanna River. Application received July 24, 2003. Permit issued February 25, 2004.

*Noncoal Permit Actions*

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

**58032812. Douglas G. Kilmer** (R. R. 1 Box 85K, Union Dale, PA 18470), commencement, operation and restoration of a quarry operation in Apolaccon Township,

**Susquehanna County**, affecting 5.0 acres. Receiving streams: None. Application received November 3, 2003. Permit issued March 1, 2004.

**6275SM2C7 and NPDES Permit No. PA0594539. Hanson Aggregates PA, Inc.** (P. O. Box 231, Easton, PA 18044-0231), renewal of NPDES Permit for discharge of treated mine drainage in Limestone and Liberty Townships, **Montour County**. Receiving streams: unnamed tributary to Chillisquaque Creek. Application received January 9, 2004. Renewal issued March 3, 2004.

**13930301C3 and NPDES Permit No. PA0595829. Haines & Kibblehouse, Inc.** (2050 Lucon Road, P. O. Box 196, Skippack, PA 19474), renewal of NPDES Permit for discharge of treated mine drainage in Penn Forest Township, **Carbon County**. Receiving streams: Stony Creek. Application received January 13, 2004. Renewal issued March 3, 2004.

**7775SM2A1C5 and NPDES Permit No. PA0594521. Berks Products Corporation** (P. O. Box 421, Reading, PA 19603), correction to an existing quarry operation and NPDES Permit in Ontelaunee Township, **Berks County**, affecting 134.6 acres. Receiving streams: Maiden Creek. Application received April 25, 2003. Correction issued March 4, 2004.

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

**03950301 and NPDES Permit No. 0201359. Glacial Sand & Gravel Company** (P. O. Box 1022, Kittanning, PA 16201). NPDES permit renewal for continued mining of an existing industrial minerals surface mine in East Franklin Township, **Armstrong County**, affecting 310 acres. Receiving streams: unnamed tributaries to the Allegheny River. Renewal application received January 12, 2004. Renewal permit issued March 5, 2004.

#### ACTIONS ON BLASTING ACTIVITY APPLICATIONS

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

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

**51044001. Demolition Dynamics Company** (105 Southeast Parkway, Suite 105, Franklin, TN 37064), demolition blasting at Veterans Memorial Stadium in the City of Philadelphia, **Philadelphia County**, with an expiration date of March 31, 2004. Permit issued March 1, 2004.

**36044009. Hall Explosives, Inc.** (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting in West Donegal Township, **Lancaster County**, with an expiration date of October 27, 2004. Permit issued March 1, 2004.

**36044008. Keystone Blasting Service** (381 Reifsnnyder Road, Lititz 17543), construction blasting in Earl Township, **Lancaster County**, with an expiration date of June 27, 2004. Permit issued March 1, 2004.

**36044010. Gerlach's Drilling & Blasting, Inc.** (172 Bender Mill Road, Lancaster, PA 17603), construction blasting in Manor Township, **Lancaster County**, with an expiration date of December 31, 2004. Permit issued March 1, 2004.

**36044011. Keystone Blasting Service** (381 Reifsnnyder Road, Lititz, PA 17543), construction blasting at Horst & Son, Inc. Development in West Lampeter Township, **Lancaster County**, with an expiration date of March 27, 2005. Permit issued March 2, 2004.

**09044002. Rock Work, Inc.** (1257 DeKalb Pike, R. D. 2, Blue Bell, PA 19422), construction blasting at New Britain Walk in New Britain Township, **Bucks County**, with an expiration date of March 1, 2006. Permit issued March 2, 2004.

**09044003. Schlouch Inc.** (Excelsior Industrial Park, P. O. Box 69, Blandon, PA 19510), construction blasting at Fox Field Estates in Milford Township, **Bucks County**, with an expiration date of October 3, 2006. Permit issued March 2, 2004.

**36044012. ABEL Construction Co., Inc.** (3925 Columbia Avenue, Mountville, PA 17554), construction blasting at Heatherwoods Phase 1B in East Cocalico Township, **Lancaster County**, with an expiration date of March 26, 2005. Permit issued March 2, 2004.

**06044007. Schlouch Incorporated** (Excelsior Industrial Park, P. O. Box 69, Blandon, PA 19510), construction blasting at Heffner Tract in Maiden Creek Township, **Berks County**, with an expiration date of March 26, 2005. Permit issued March 2, 2004.

**36044013. Warren's Excavating & Drilling, Inc.** (P. O. Box 189, Bowmansville, PA 17507-0189), construction blasting at Wellsley Manor Development in Manheim Township, **Lancaster County**, with an expiration date of March 27, 2005. Permit issued March 2, 2004.

**45044008. Explosive Services, Inc.** (7 Pine Street, Bethany, PA 18431), construction blasting at Wyndham Hills Development in Paradise Township, **Monroe County**, with an expiration date of February 22, 2005. Permit issued March 2, 2004.

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

**08044001. Great Lakes Geophysical** (P. O. Box 127, Williamsburg, MI 49690), for exploration blasting in Wells Township, **Bradford County**, with an expected duration of 11 days. Permit issued February 18, 2004.

**14044001. Stone Valley Construction** (P. O. Box 369, Pine Grove Mills, PA 16868), for construction blasting in Spring Township, **Centre County**, with an expected duration of 365 days. Permit issued January 26, 2004.

**14044002. Stone Valley Construction** (P. O. Box 369, Pine Grove Mills, PA 16868), for construction blasting in Ferguson Township, **Centre County**, with an expected duration of 365 days. Permit issued January 30, 2004.

**17044001. Whitetail Contracting** (P. O. Box 220, Woodland, PA 16881), for reclamation blasting in Decatur Township, **Clearfield County**, with an expected duration of 37 days. Permit issued February 25, 2004.

**14044003. C. D. G. Properties LLC** (P. O. Box 11172, State College, PA 16805), for construction blasting in Benner Township, **Centre County**, with an expected duration of 7 days. Permit issued February 17, 2004.

**59044001. Great Lakes Geophysical, Inc.** (P. O. Box 127, Williamsburg, MI 49690), for exploration blasting in Morris Township, **Tioga County** and Pine Township, **Lycoming County**, with an expected duration of 6 days. Permit issued January 9, 2004.

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35

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

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

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

### FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department of Environmental Protection (Department) has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341). Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with the applicable provisions of sections 301-303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

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

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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.

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**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).**

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*Permits, Environmental Assessments and 401 Water Quality Certifications Issued*

#### WATER OBSTRUCTIONS AND ENCROACHMENTS

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

**E13-137. Kovatch Enterprises, Inc.**, One Industrial Complex, Nesquehoning, PA 18240. Nesquehoning Borough, **Carbon County**, Army Corps of Engineers Philadelphia District.

To construct and maintain a stream restoration project in 1,175 feet of First Hollow Run (HQ-CWF) and 75 feet of Second Hollow Run (HQ-CWF) with work consisting of riparian plantings, bank stabilization, a concrete grade control structure and 43 in-stream boulder structures creating a step-pool channel. The project's purpose is to stabilize the channel, improve aquatic resources and establish riparian habitat. The project begins at First Hollow Run's confluence with Nesquehoning Creek (Nesquehoning, PA Quadrangle N: 20.8 inches; W: 9.6 inches) and continues upstream 1,400 feet (Nesquehoning, PA Quadrangle N: 21.2 inches; W: 10.1 inches) in Nesquehoning Borough, Carbon County (Subbasin: 2B).

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

**E08-412. Game Commission**, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797. Culvert installation in Leroy Township, **Bradford County**, ACOE Baltimore District (Leroy, PA Quadrangle N: 0.80 inch; W: 14.44 inches).

To construct and maintain three 57-inch by 38-inch by 30-foot long CMPA culverts with R-4 rock 15 inches to 18 inches deep at the inlet and outlet face on the slopes in Little Shrader Creek (EV), approximately 1.75 miles southwest of Sunfish Pond. The project will not impact wetlands while impacting approximately 40 feet of waterway and disturbing approximately 0.05 acre of earth. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E14-455. Department of Conservation and Natural Resources**, P. O. Box 8451, Harrisburg, PA 17105-8451. Cherry Run Road bridge replacement in Haines Township, **Centre County**, ACOE Baltimore District (Weikert, PA Quadrangle N: 20.00 inches; W: 14.60 inches).

To: (1) remove an existing bridge and to construct and maintain; (2) a prestressed spread box beam bridge with a normal span of 22.4 feet and a minimum inlet underclearance of 6.10 feet; (3) place R-7 riprap choked with R-4 along the substructure units; (4) a temporary one lane bridge with a 53-foot center-to-center bearings minimum length; (5) two temporary concrete barrier/sandbag diversion dikes in Cherry Run, 2 miles up Cherry Run Road from SR 3002. This permit was issued

under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E19-239. North Centre Township,** 277B Nursery Road, Berwick, PA 18603. Bridge replacement in North Centre Township, **Columbia County**, ACOE Baltimore District (Mifflinville, PA Quadrangle N: 11.4 inches; W: 9.4 inches).

To: (1) remove the existing single span multisteel I-beam bridge and concrete abutments. The bridge has a normal span of 18.92 feet, a curb-to-curb width of 13.00 feet, a minimum under clearance of 4.25 feet with a hydraulic opening of 86.69 square feet and is on a 90 degree skew; (2) construct and maintain a single span precast concrete arch culvert with precast concrete wingwalls. The bridge is on an 86 degree skew and will have a normal span of 24 feet, a minimum curb-to-curb width of 24 feet, an underclearance of 6.25 feet and a hydraulic opening of 122.8 square feet; (3) construct a temporary stream crossing consisting of three 48-inch diameter by 32-foot long thermoplastic pipes with R-3 rock as fill material and a 6-inch 2RC wearing surface; and (4) construct a temporary dike and 36-inch diameter by 80-foot long thermoplastic pipe to convey stream water through the project area. The project is in the West Branch of Briar Creek (CWF) at the intersection of SR 93 with T-730. Approximately 0.48 acre of earth will be disturbed by the project. Approximately 312 square feet of emergent wetlands will be permanently impacted and 447 square feet of wetlands will be temporarily impacted by the temporary dike. The project will impact about 75 feet of waterway.

**E49-273. Milton Boat Club c/o Randall Straub,** 43 Wilson Circle, Milton, PA 17847. Water Obstruction and Encroachment Permit application in Turbot Township, **Northumberland County**, ACOE Susquehanna River Basin District (Milton, PA Quadrangle N: 6.72 inches; W: 9.06 inches).

To construct and maintain 28 open sided pavilions (1 per lot), each not to exceed 30 feet by 15 feet, on the grounds of the Milton Boat Club which is in the floodway of the West Branch of the Susquehanna River along the eastern right-of-way of SR 0405, 1.0 mile north of the Borough of Milton in Turbot Township, Northumberland County. This permit was issued under section 105.13(e) "Small Projects."

**E55-195. Snyder County Conservation District,** 403 West Market Street, Middleburg, PA 17841. Water Obstruction and Encroachment Permit in Penn Township, **Snyder County**, ACOE Susquehanna River Basin District (Freeburg, PA Quadrangle N: 13.2 inches; W: 3.9 inches).

To construct and maintain two single span concrete beam footbridges each having a clear span of 35.0 feet and a width of 4.0 feet. Bridge A (westerly most bridge) will have a design underclearance of 1.8 feet and Bridge B will have a design underclearance of 6.5 feet. The footbridges will be constructed over an unnamed tributary to Penns Creek, 1.0 mile north of the intersection of Salem Road and SR 0522 along the Salem Road in Penn Township, Snyder County. The project does not propose to impact any jurisdictional wetlands. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

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

**E04-240 A1. Beaver Falls Municipal Authority,** 1425 Eighth Avenue, P. O. Box 400, Beaver Falls, PA

15010. Eastvale Water Treatment Plant, New Clear Well Project in Eastvale Borough and Daugherty Township, **Beaver County**, Pittsburgh ACOE District (Beaver Falls, PA Quadrangle N: 2.0 inches; W: 8.7 inches) (Latitude: 40° 45' 40" and Longitude: 80° 18' 46"). To amend Permit E04-240, which authorized the construction and maintenance of an intake structure with necessary appurtenance to improve intake capacity, to construct and maintain a backwash water tank and a riprap outlet channel and to place and maintain fill in 0.16 acre of wetlands to improve discharge to the Beaver River. This permit amendment will authorize the construction and maintenance of a new clear well facility and ancillary system with it associated fill and to relocate and maintain two stormwater outfalls to the Beaver River (WWF). The facility is along the left bank side of the Beaver River at the existing Eastvale Water Treatment Plant. This project will place fill in the floodway of the left bank of the Beaver River for a distance of approximately 370 feet.

**E32-459. Department of Transportation, Engineering District 10-0,** 2550 Oakland Avenue, P. O. Box 429, Indiana, PA 15701-0429. Construction pipes in Mudlick Run in North Mahoning Township, **Indiana County**, Pittsburgh ACOE District (Marion Center, PA Quadrangle N: 21.6 inches; W: 6.5 inches) (Latitude: 40° 52' 6" and Longitude: 79° 2' 49"). To operate and maintain twin 40-foot long, 36-inch diameter concrete cast pipes in Mudlick Run (HQ-CWF). With inlet and outlet protection, construction of the pipes has impacted 55 linear feet of stream channel. No vegetated wetlands were impacted. The structure is on SR 4024, Segment 0040, Offset 0000.

**E65-831. Department of Transportation,** P. O. Box 459, Uniontown, PA 15401. Parnassus Triangle rehabilitation in the Cities of New Kensington and Lower Burrell, **Westmoreland County**, Pittsburgh ACOE District. To rehabilitate the intersections of SR 0366, SR 4085 and SR 4087, also known as the Parnassus Triangle. As part of this highway improvement project the applicant will remove the existing structures and: (1) construct and maintain a single span, prestressed concrete, spread box beam bridge on SR 4087, Station 20+96 having a normal span of 26.5 feet and an underclearance of 12.33 feet over Little Pucketa Creek (TSF). Also, to construct and maintain a 42-inch diameter outfall with a concrete headwall at SR 4087, Station 21+09, 54.0 feet right and an 18-inch diameter outfall at Station 20+63, 47.0 feet left (New Kensington West, PA Quadrangle) (Latitude: 40° 33' 10" and Longitude: 79° 45' 31"); (2) construct and maintain a single span, prestressed concrete spread box beam bridge on SR 0366, Station 110+60 having a normal span of 39.06 feet and an underclearance of 9.0 feet over Little Pucketa Creek (TSF). Also to construct and maintain a 42-inch diameter outfall with a concrete headwall at SR 4087, Station 21+09, 54.0 feet right and an 18-inch diameter outfall at Station 20+63, 47.0 feet left (Latitude: 40° 33' 14.5" and Longitude: 79° 45' 28.5"); and (3) construct and maintain an 18-inch diameter outfall with a 25-foot long rock-lined stilling basin in Pucketa Creek (TSF) at SR 4085, Station 0+95, 43.0 feet right (Latitude: 40° 33' 0" and Longitude: 79° 45' 31"). The project proposes to directly affect 150 linear feet of perennial stream; no vegetated wetlands will be impacted.

**E65-833. Ligonier Township,** One Municipal Park Drive, Ligonier, PA 15658. Clark Hollow Road culvert in Ligonier Township, **Westmoreland County**, Pittsburgh ACOE District (Derry, PA Quadrangle N: 5.11 inches; W: 4.18 inches) (Latitude: 40° 16' 41" and Longitude: 79° 16' 48"). To operate and maintain a 36-foot long stream

crossing consisting of a corrugated metal pipe arch culvert having a single waterway opening of 64 inches wide by 43 inches high (invert depressed 12 inches) and a 30-inch smooth lined corrugate plastic pipe in an un-

named tributary to Loyalhanna Creek (CWF). The project is on Clark Hollow Road, approximately 1 mile north of SR 30. The culvert was constructed under Emergency Permit EP6503204, dated September 4, 2003.

## STORAGE TANKS

### SITE-SPECIFIC INSTALLATION PERMITS

**The following Storage Tank Site-Specific Installation Permits, under the authority of the Storage Tank Spill Prevention Act (35 P. S. §§ 6021.304, 6021.504 and 6021.1101—6021.1102) and under 25 Pa. Code Chapter 245, Subchapter C, have been issued by the Bureau of Land Recycling and Waste Management, Director, P. O. Box 8763, Harrisburg, PA 17105-8763.**

<i>SSIP Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Tank Type</i>	<i>Tank Capacity</i>
04-04-002	Carl Puntureri Interstate Chemical Co., Inc. 2797 Freedland Road Hermitage, PA 16148	Beaver	Vanport	One AST storing Methanol	114,000 gallons
04-06-006	Vincent W. Lee, Jr. East Penn Manufacturing Co. P. O. Box 147 Lyon Station, PA 19536-0147	Berks	Richmond Township	One AST storing Sulfuric Acid	25,000 gallons
04-06-007	Sid Johnson Koch Materials Company P. O. Box 2338 Wichita, KS 67201	Berks	Muhlenberg Township	Six ASTs storing Asphalt Emulsion	240,000 gallons total capacity

[Pa.B. Doc. No. 04-480. Filed for public inspection March 19, 2004, 9:00 a.m.]

### **Proposed Revision to the State Implementation Plan for Sulfur Dioxide for the Warren County Nonattainment Areas; Proposed Maintenance Plan and Request for Redesignation to Attainment; Public Hearing**

Sulfur dioxide concentrations above the Federal health-based standard are a serious human health threat and also contribute to other environmental problems such as visibility impairment, acid rain and crop and forest damage. A review of the ambient air quality data shows that the Warren County sulfur dioxide nonattainment areas (Conewango Township, Pleasant Township, Glade Township and City of Warren) are achieving the annual and 24-hour health based sulfur dioxide primary standards and the 3-hour secondary standard. Therefore, the Department of Environmental Protection (Department) plans to submit a request to the United States Environmental Protection Agency to redesignate the Warren County sulfur dioxide nonattainment areas to attainment. The Department will also request that the status of Mead Township and Clarendon Borough be changed from "cannot be classified" to "better than National standards" for sulfur dioxide. The Department is seeking public comment on this request and on a State Implementation Plan (SIP) revision setting forth a maintenance plan for the next 10 years as required under section 175A(a) of the Federal Clean Air Act (42 U.S.C.A. § 7505a(a)).

This proposal is available through the following contact person or on the Department's website: [www.dep.state.pa.us](http://www.dep.state.pa.us) (Subjects/Air Quality/Regs Plans/Clean Air Plans).

The Department will hold a public hearing to receive comments on the SIP revision on Wednesday, April 21, 2004, at 1 p.m. in the Fleur De Lis Meeting Room, Holiday Inn, 210 Ludlow Street, Warren, PA 16365.

Persons wishing to present testimony at the hearing should reserve a time by contacting Susan Ferree, P. O. Box 8468, Harrisburg, PA 17105, (717) 787-9495, [sferree@state.pa.us](mailto:sferree@state.pa.us). Persons who do not reserve a time will be able to testify as time allows. Witnesses should keep testimony to 10 minutes and should provide two written copies at the hearing. Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact Wick Havens, (717) 787-9495. TDD users should contact the AT&T Relay Service at (800) 654-5984 to discuss how the Department can best accommodate their needs.

Written comments should be sent by 12 p.m. on April 23, 2004, to Wick Havens, Chief, Division of Air Resource Management, Bureau of Air Quality, P. O. Box 8468, Harrisburg, PA 17105-8468.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 04-481. Filed for public inspection March 19, 2004, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Procedures Applicable to Right-to-Know Requests

This written policy identifies the procedures for requesting records from the Department of Health (Department) under Pennsylvania's Right-to-Know Law (RTKL), 65 P. S. §§ 66.1—66.9. This policy supplements Management Directive 205.36 as amended. This policy replaces procedures for requesting records previously issued by the Department at 32 Pa.B. 6399 (December 26, 2002).

*Requests*

1. A request to the Department made under the RTKL must be in writing and must:

- a. Identify the requester by name.
- b. Aver whether the requester is a resident of this Commonwealth.
- c. Identify a return mailing address.
- d. Expressly state that the request is being made under the RTKL (65 P. S. §§ 66.1—66.9).
- e. Bear the requester's signature or the signature of an individual authorized to make the request for the requester.

2. RTKL requests must be sent or delivered by mail, hand delivery or facsimile transmission. Other than facsimile transmission, no electronic transmission is acceptable. The Department will not accept verbal requests.

3. RTKL requests must be sent or delivered to: Director, Communications Office, Department of Health, 808 Health and Welfare Building, P. O. Box 90, Harrisburg, PA 17108-0090, fax: (717) 772-6959.

4. If a RTKL request is sent to a Department office other than the Communications Office, that office may return the request to the requester and inform the requester that the request must be sent to the Communications Office.

5. The regular business hours of the Communications Office are 8 a.m. to 4:30 p.m., Monday through Friday. Any RTKL request received by the Communications Office after the close of regular business hours shall be deemed to have been received by that office on the following business day. For example, a facsimile transmission received at 10 p.m. on a Friday is deemed to be received on the following Monday (unless that Monday is a non-business day. Paragraph 8 defines a business day.

6. Only a resident of this Commonwealth is entitled access to public records under the RTKL. In determining whether a requester is a resident of this Commonwealth, the Director of the Communications Office (Director) may require the requester to provide proof of residency.

7. A RTKL request may be denied if it does not identify the records requested with sufficient specificity. In conducting an initial review of a RTKL request, the Director may contact (or attempt to contact) the requester to obtain clarification or additional information to aid the Director in responding to the request. The request should contain a telephone number, fax number or e-mail address where the Director may reach the requester.

8. The Director shall make a final or interim response to a RTKL request within 10 business-days after receiving the request. A business day does not include a Saturday or Sunday, a day when the offices of the Department are closed for all or part of a day due to a State holiday, partial and full day closings of State offices under management directives, a day when the offices of the Department are closed due to a natural disaster or a day when Department offices are closed at the request or direction of a local, State, or Federal law enforcement agency or official. For purposes of determining the end of the 10-business-day period, the day a RTKL request is received (or deemed received) is not counted.

9. A response that denies a request (either in whole or in part) will list all of the specific reasons relied on by the Director for denying the request and will include one or more citations of supporting authority. If a reason for

denial is a determination that an identified document is not a public record, the specific reason for that determination will be included.

10. In the event that the Director's final response is a denial or a partial denial, the response to the requester will contain: (1) the typed or printed name, title, business address, business telephone number and signature of the public official or employee on whose authority the denial is issued; (2) a notice informing the requester of his or her right to file exceptions with the Department; (3) a statement of the procedure that the requester shall follow to file exceptions contesting the denial; (4) the name and mailing address of the Department's RTKL exceptions office; and (5) the words "Mailing Date" followed by date that is the mailing date.

11. If the Director does not respond to the request within 10 business days after a RTKL request is docketed as having been received, a RTKL request shall be deemed to have been denied and the requester may file an exception.

*Exceptions*

12. Exceptions to a written denial must be filed within 15 business days of the mailing date of the written denial.

13. Exceptions to a deemed denial must be filed within 15 calendar days of the date the request is deemed denied.

14. Exceptions to a denial or partial denial of a request must be set forth in writing and must be correctly addressed and submitted to the Department's Deputy Secretary for Administration (Deputy Secretary). Exceptions submitted to any other official, office or address are defective and do not stop the running of the 15-day exceptions period. Exceptions must be sent or delivered to Deputy Secretary for Administration, Department of Health, 815 Health and Welfare Building, P. O. Box 90, Harrisburg, PA 17108-0090, Fax: (717) 772-6959

15. Exceptions are filed on the mailing date to the Deputy Secretary.

16. When exceptions are submitted by United States mail, their mailing date is the date of the postmark on the envelope. If the postmark is illegible, the mailing date is deemed to be the calendar day that immediately preceded the date on which the exceptions are received, unless that immediately preceding date is a Sunday or a Federal holiday.

17. When exceptions are filed by facsimile transmission, the mailing date is the transmission date affixed to the facsimile. If exceptions are filed in person, by courier service, by overnight mail or parcel delivery service or in any way other than by sending them through the United States mail or by facsimile transmission, their mailing date is deemed to be the date the exceptions are received by the Deputy Secretary, except that exceptions received by the Deputy Secretary after the close of the usual business hours of that office are deemed to be received on the next business day. The regular business hours of the Deputy Secretary's office are 8 a.m. to 4:30 p.m., Monday through Friday.

18. Exceptions to a denial or a partial denial of a request may not be submitted through the use of e-mail.

19. Exceptions that are untimely will be dismissed for that reason.

20. Exceptions must state the reason upon which the requester asserts that the record to which the requester



has been denied access is a public record. Reasons not set forth during the 15-day period in which exceptions must be filed are deemed to be waived and will be disregarded by the Deputy Secretary.

21. Exceptions must address the reasons stated by the Director in denying the request. Exceptions that fail to comply with this requirement will be dismissed for that reason.

22. If the request is denied due to a deemed denial, the requester is not required to set forth any grounds for contesting the denial. The Deputy Secretary shall consider the cases for both the requester and the Director. The Director may raise available defenses to the request.

23. Unless the requester agrees otherwise, when a requester files exceptions to a denial, the Deputy Secretary will issue a final determination within 30 calendar days of the mailing date of the exceptions. If the requester requests a hearing, the Deputy Secretary may condition the grant of that request upon the requester's written consent or agreement to an extension of the time for a decision on the exception.

24. Exceptions are resolved by a final determination, which is a final order of the Deputy Secretary. A final determination shall be set forth in writing. If the Deputy Secretary determines that the Director correctly denied the request for access, the Deputy Secretary will issue a written explanation to the requester of the reason for the denial by the last day a decision on the exception is due.

25. Either the requester or the Director may request a hearing on the exceptions. The decision as to whether to hold a hearing rests in the discretion of the Deputy Secretary and is not appealable.

#### *Access*

26. Providing a requester with physical access to a document in an office of the Department is a "response" for the purposes of the RTKL. Only the Director has the authority to permit this access. Hours of access shall be 8 a.m. to 4:30 p.m., Monday through Friday.

27. A public record will be provided to the requester in the medium requested if the record exists in that medium. Otherwise, the public record will be provided in the medium in which it exists. Where the record is only available in electronic form, the Department will print it out on paper if the requester so requests.

28. The Department may make its public records available through its website. However, if access to public records is available only through electronic means, the Department will provide access to the records at an office of the Department.

29. With the concurrence of the Department, a requester may bring his or her own photocopying equipment, computers and other equipment into the Department's offices for the purposes of making copies of public records.

#### *Fees*

30. Photocopies—One "photocopy" is either a single-sided copy or one side of a double-sided copy. One side of a standard 8.5" × 11" page is \$0.15 if using the agency's copiers and prevailing cost if copied otherwise. One side of any irregular sized page is the prevailing cost but not less than \$0.15.

31. Other Materials:

PC Diskettes—\$1 per diskette plus cost of labor, both salary and benefits.

Microfilm/microfiche—actual cost including cost of labor, both salary and benefits.

32. Postage:

Material fitting into standard letter envelope is mailed at no charge.

Material fitting into a non-standard envelope or other shipping container is mailed at actual cost.

33. If redaction is required before the public records can be accessed or copied for the benefit of the requester, the Department will charge a reasonable fee including cost of labor, both salary and benefits.

34. The cost to certify the copies for the purpose of legally verifying the public record shall be \$1 per side of a standard 8.5" × 11" page.

35. The Department may require prepayment if the anticipated cost to fulfill the request exceeds \$100. Unless prepayment is made by certified check, access will be denied until a regular check clears. If the fee is for copying only, the Department shall allow access to the records but shall refuse to make copies until the fee is paid. If the fee includes redaction costs, the Department shall deny access to the requester until the redaction fee is paid. If the requester pays any fee by check, the payee shall be "Pennsylvania Department of Health."

36. The Department may assess a reasonable fee for labor and other expenses necessary to comply with the request for access to, or copying of, requested records (but not for determining whether requested records are public records required to be provided to the requester under the RTKL), for example, costs for retrieval of records from storage.

This policy can also be obtained on the Department's website at [www.health.state.pa.us](http://www.health.state.pa.us) or by contacting the Communications Office, Department of Health, 808 Health and Welfare Building P. O. Box 90, Harrisburg, PA 17108-0090, (717) 787-1783. Questions regarding this policy should be directed to the same office.

Persons who, due to a disability, would like to obtain this document in an alternative format (that is, large print, audiotape, or Braille) should contact the Communications Office for assistance. Speech or hearing impaired persons may use V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984 (TT).

CALVIN B. JOHNSON, M.D., M.P.H.,  
Secretary

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## DEPARTMENT OF REVENUE

### Pennsylvania Amazing 8's Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Amazing 8's.



2. *Price:* The price of a Pennsylvania Amazing 8's instant lottery game ticket is \$5.

3. *Play Symbols:*

(a) Each Pennsylvania Amazing 8's instant lottery game ticket will contain eight play areas known as Game 1, Game 2, Game 3, Game 4, Game 5, Game 6, Game 7 and Game 8. Each game is played separately.

(b) The play symbols and their captions located in the play area for Game 1 are: \$5<sup>00</sup> (FIV DOL), \$6<sup>00</sup> (SIX DOL), \$8<sup>00</sup> (EGT DOL), \$10<sup>00</sup> (TEN DOL), \$12\$ (TWELV), \$15\$ (FIFTN), \$18\$ (EGHTN), \$20\$ (TWENTY), \$32\$ (TRY TWO), \$88\$ (ETY EGT), \$180 (ONEHUNETY), \$800 (EGT HUN), \$1,800 (EGHTNHUN), \$8,000 (EGT THO) and \$88,888 (8 X 5).

(c) The play symbols and their captions located in the "Your" and "Their" areas for Game 2 and Game 3; in the play areas for Game 4 and Game 6; and in the "Lucky Number" and "Your Numbers" areas for Game 8 are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT) and 9 (NINE).

(d) The play symbols and their captions located in play area for Game 5 are: Money Symbol (MONEY), Money Bag Symbol (MNYBG), Pot of Gold Symbol (PTGLD), Gold Bar Symbol (GOLD), Coins Symbol (COINS), Crown Symbol (CROWN), Rabbit Foot Symbol (RBTFT), Horse Shoe Symbol (SHOE), Star Symbol (STAR), Diamond Symbol (DIMND), Dollar Sign Symbol (DLRSN) and Cent Symbol (CENT).

(e) The play symbols and their captions located in the "Fast \$18" area for Game 7 are: \$18\$ (EGHTN) and TRY AGAIN.

4. *Prize Play Symbols:* The prize play symbols and their captions located in the "Prize" areas for Game 2, Game 3, Game 4, Game 5, Game 6 and Game 8 are: \$5<sup>00</sup> (FIV DOL), \$6<sup>00</sup> (SIX DOL), \$8<sup>00</sup> (EGT DOL), \$10<sup>00</sup> (TEN DOL), \$12\$ (TWELV), \$15\$ (FIFTN), \$18\$ (EGHTN), \$20\$ (TWENTY), \$32\$ (TRY TWO), \$88\$ (ETY EGT), \$180 (ONEHUNETY), \$800 (EGT HUN), \$1,800 (EGHTNHUN), \$8,000 (EGT THO) and \$88,888 (8 X 5).

5. *Prizes:* The prizes that can be won in Game 1, Game 2, Game 3, Game 4, Game 5, Game 6 and Game 8 are \$5, \$6, \$8, \$10, \$12, \$15, \$18, \$20, \$32, \$88, \$180, \$800, \$1,800, \$8,000 and \$88,888. The prize that can be won in Game 7 is \$18. A player can win up to 10 times on a ticket.

6. *Approximate Number of Tickets Printed for the Game:* Approximately 5,760,000 tickets will be printed for the Pennsylvania Amazing 8's instant lottery game.

7. *Determination of Prize Winners:*

(a) Determination of prize winners for Game 1 are:

(1) Holders of tickets with three matching play symbols of \$88,888 (8 X 5) in the play area, on a single ticket, shall be entitled to a prize of \$88,888.

(2) Holders of tickets with three matching play symbols of \$8,000 (EGT THO) in the play area, on a single ticket, shall be entitled to a prize of \$8,000.

(3) Holders of tickets with three matching play symbols of \$1,800 (EGHTNHUN) in the play area, on a single ticket, shall be entitled to a prize of \$1,800.

(4) Holders of tickets with three matching play symbols of \$800 (EGT HUN) in the play area, on a single ticket, shall be entitled to a prize of \$800.

(5) Holders of tickets with three matching play symbols of \$180 (ONEHUNETY) in the play area, on a single ticket, shall be entitled to a prize of \$180.

(6) Holders of tickets with three matching play symbols of \$88\$ (ETY EGT) in the play area, on a single ticket, shall be entitled to a prize of \$88.

(7) Holders of tickets with three matching play symbols of \$32\$ (TRY TWO) in the play area, on a single ticket, shall be entitled to a prize of \$32.

(8) Holders of tickets with three matching play symbols of \$20\$ (TWENTY) in the play area, on a single ticket, shall be entitled to a prize of \$20.

(9) Holders of tickets with three matching play symbols of \$18\$ (EGHTN) in the play area, on a single ticket, shall be entitled to a prize of \$18.

(10) Holders of tickets with three matching play symbols of \$15\$ (FIFTN) in the play area, on a single ticket, shall be entitled to a prize of \$15.

(11) Holders of tickets with three matching play symbols of \$12\$ (TWELV) in the play area, on a single ticket, shall be entitled to a prize of \$12.

(12) Holders of tickets with three matching play symbols of \$10<sup>00</sup> (TEN DOL) in the play area, on a single ticket, shall be entitled to a prize of \$10.

(13) Holders of tickets with three matching play symbols of \$8<sup>00</sup> (EGT DOL) in the play area, on a single ticket, shall be entitled to a prize of \$8.

(14) Holders of tickets with three matching play symbols of \$6<sup>00</sup> (SIX DOL) in the play area, on a single ticket, shall be entitled to a prize of \$6.

(15) Holders of tickets with three matching play symbols of \$5<sup>00</sup> (FIV DOL) in the play area, on a single ticket, shall be entitled to a prize of \$5.

(b) Determination of prize winners for Game 2 and Game 3 are:

(1) Holders of tickets where "Your" number is greater than "Their" number in the same Game, and a prize play symbol of \$88,888 (8 X 5) appears in the "Prize" area for that Game, on a single ticket, shall be entitled to a prize of \$88,888.

(2) Holders of tickets where "Your" number is greater than "Their" number in the same Game, and a prize play symbol of \$8,000 (EGT THO) appears in the "Prize" area for that Game, on a single ticket, shall be entitled to a prize of \$8,000.

(3) Holders of tickets where "Your" number is greater than "Their" number in the same Game, and a prize play symbol of \$1,800 (EGHTNHUN) appears in the "Prize" area for that Game, on a single ticket, shall be entitled to a prize of \$1,800.

(4) Holders of tickets where "Your" number is greater than "Their" number in the same Game, and a prize play symbol of \$800 (EGT HUN) appears in the "Prize" area for that Game, on a single ticket, shall be entitled to a prize of \$800.

(5) Holders of tickets where "Your" number is greater than "Their" number in the same Game, and a prize play symbol of \$180 (ONEHUNETY) appears in the "Prize" area for that Game, on a single ticket, shall be entitled to a prize of \$180.

(6) Holders of tickets where "Your" number is greater than "Their" number in the same Game, and a prize play

symbol of \$88\$ (ETY EGT) appears in the "Prize" area for that Game, on a single ticket, shall be entitled to a prize of \$88.

(7) Holders of tickets where "Your" number is greater than "Their" number in the same Game, and a prize play symbol of \$32\$ (TRY TWO) appears in the "Prize" area for that Game, on a single ticket, shall be entitled to a prize of \$32.

(8) Holders of tickets where "Your" number is greater than "Their" number in the same Game, and a prize play symbol of \$20\$ (TWENTY) appears in the "Prize" area for that Game, on a single ticket, shall be entitled to a prize of \$20.

(9) Holders of tickets where "Your" number is greater than "Their" number in the same Game, and a prize play symbol of \$18\$ (EGHTN) appears in the "Prize" area for that Game, on a single ticket, shall be entitled to a prize of \$18.

(10) Holders of tickets where "Your" number is greater than "Their" number in the same Game, and a prize play symbol of \$15\$ (FIFTN) appears in the "Prize" area for that Game, on a single ticket, shall be entitled to a prize of \$15.

(11) Holders of tickets where "Your" number is greater than "Their" number in the same Game, and a prize play symbol of \$12\$ (TWELV) appears in the "Prize" area for that Game, on a single ticket, shall be entitled to a prize of \$12.

(12) Holders of tickets where "Your" number is greater than "Their" number in the same Game, and a prize play symbol of \$10<sup>00</sup> (TEN DOL) appears in the "Prize" area for that Game, on a single ticket, shall be entitled to a prize of \$10.

(13) Holders of tickets where "Your" number is greater than "Their" number in the same Game, and a prize play symbol of \$8<sup>00</sup> (EGT DOL) appears in the "Prize" area for that Game, on a single ticket, shall be entitled to a prize of \$8.

(14) Holders of tickets where "Your" number is greater than "Their" number in the same Game, and a prize play symbol of \$6<sup>00</sup> (SIX DOL) appears in the "Prize" area for that Game, on a single ticket, shall be entitled to a prize of \$6.

(15) Holders of tickets where "Your" number is greater than "Their" number in the same Game, and a prize play symbol of \$5<sup>00</sup> (FIV DOL) appears in the "Prize" area for that Game, on a single ticket, shall be entitled to a prize of \$5.

(c) Determination of prize winners for Game 4 are:

(1) Holders of tickets with three matching 8 (EIGHT) play symbols in the same row, column or diagonal and a prize play symbol of \$88,888 (8 X 5) appearing in the "Prize" area for the Game, on a single ticket, shall be entitled to a prize of \$88,888.

(2) Holders of tickets with three matching 8 (EIGHT) play symbols in the same row, column or diagonal and a prize play symbol of \$8,000 (EGT THO) appearing in the "Prize" area for the Game, on a single ticket, shall be entitled to a prize of \$8,000.

(3) Holders of tickets with three matching 8 (EIGHT) play symbols in the same row, column or diagonal and a prize play symbol of \$1,800 (EGHTNHUN) appearing in the "Prize" area for the Game, on a single ticket, shall be entitled to a prize of \$1,800.

(4) Holders of tickets with three matching 8 (EIGHT) play symbols in the same row, column or diagonal and a prize play symbol of \$800 (EGT HUN) appearing in the "Prize" area for the Game, on a single ticket, shall be entitled to a prize of \$800.

(5) Holders of tickets with three matching 8 (EIGHT) play symbols in the same row, column or diagonal and a prize play symbol of \$180 (ONEHUNETY) appearing in the "Prize" area for the Game, on a single ticket, shall be entitled to a prize of \$180.

(6) Holders of tickets with three matching 8 (EIGHT) play symbols in the same row, column or diagonal and a prize play symbol of \$88\$ (ETY EGT) appearing in the "Prize" area for the Game, on a single ticket, shall be entitled to a prize of \$88.

(7) Holders of tickets with three matching 8 (EIGHT) play symbols in the same row, column or diagonal and a prize play symbol of \$32\$ (TRY TWO) appearing in the "Prize" area for the Game, on a single ticket, shall be entitled to a prize of \$32.

(8) Holders of tickets with three matching 8 (EIGHT) play symbols in the same row, column or diagonal and a prize play symbol of \$20\$ (TWENTY) appearing in the "Prize" area for the Game, on a single ticket, shall be entitled to a prize of \$20.

(9) Holders of tickets with three matching 8 (EIGHT) play symbols in the same row, column or diagonal and a prize play symbol of \$18\$ (EGHTN) appearing in the "Prize" area for the Game, on a single ticket, shall be entitled to a prize of \$18.

(10) Holders of tickets with three matching 8 (EIGHT) play symbols in the same row, column or diagonal and a prize play symbol of \$15\$ (FIFTN) appearing in the "Prize" area for the Game, on a single ticket, shall be entitled to a prize of \$15.

(11) Holders of tickets with three matching 8 (EIGHT) play symbols in the same row, column or diagonal and a prize play symbol of \$12\$ (TWELV) appearing in the "Prize" area for the Game, on a single ticket, shall be entitled to a prize of \$12.

(12) Holders of tickets with three matching 8 (EIGHT) play symbols in the same row, column or diagonal and a prize play symbol of \$10<sup>00</sup> (TEN DOL) appearing in the "Prize" area for the Game, on a single ticket, shall be entitled to a prize of \$10.

(13) Holders of tickets with three matching 8 (EIGHT) play symbols in the same row, column or diagonal and a prize play symbol of \$8<sup>00</sup> (EGT DOL) appearing in the "Prize" area for the Game, on a single ticket, shall be entitled to a prize of \$8.

(14) Holders of tickets with three matching 8 (EIGHT) play symbols in the same row, column or diagonal and a prize play symbol of \$6<sup>00</sup> (SIX DOL) appearing in the "Prize" area for the Game, on a single ticket, shall be entitled to a prize of \$6.

(15) Holders of tickets with three matching 8 (EIGHT) play symbols in the same row, column or diagonal and a prize play symbol of \$5<sup>00</sup> (FIV DOL) appearing in the "Prize" area for the Game, on a single ticket, shall be entitled to a prize of \$5.

(d) Determination of prize winners for Game 5 are:

(1) Holders of tickets with three matching play symbols in the play area and a prize play symbol of \$88,888 (8 X 5) appearing in the "Prize" area for the Game, on a single ticket, shall be entitled to a prize of \$88,888.

(2) Holders of tickets with three matching play symbols in the play area and a prize play symbol of \$8,000 (EGT THO) appearing in the "Prize" area for the Game, on a single ticket, shall be entitled to a prize of \$8,000.

(3) Holders of tickets with three matching play symbols in the play area and a prize play symbol of \$1,800 (EGHTNHUN) appearing in the "Prize" area for the Game, on a single ticket, shall be entitled to a prize of \$1,800.

(4) Holders of tickets with three matching play symbols in the play area and a prize play symbol of \$800 (EGT HUN) appearing in the "Prize" area for the Game, on a single ticket, shall be entitled to a prize of \$800.

(5) Holders of tickets with three matching play symbols in the play area and a prize play symbol of \$180 (ONEHUNETY) appearing in the "Prize" area for the Game, on a single ticket, shall be entitled to a prize of \$180.

(6) Holders of tickets with three matching play symbols in the play area and a prize play symbol of \$88\$ (ETY EGT) appearing in the "Prize" area for the Game, on a single ticket, shall be entitled to a prize of \$88.

(7) Holders of tickets with three matching play symbols in the play area and a prize play symbol of \$32\$ (TRY TWO) appearing in the "Prize" area for the Game, on a single ticket, shall be entitled to a prize of \$32.

(8) Holders of tickets with three matching play symbols in the play area and a prize play symbol of \$20\$ (TWENTY) appearing in the "Prize" area for the Game, on a single ticket, shall be entitled to a prize of \$20.

(9) Holders of tickets with three matching play symbols in the play area and a prize play symbol of \$18\$ (EGHTN) appearing in the "Prize" area for the Game, on a single ticket, shall be entitled to a prize of \$18.

(10) Holders of tickets with three matching play symbols in the play area and a prize play symbol of \$15\$ (FIFTN) appearing in the "Prize" area for the Game, on a single ticket, shall be entitled to a prize of \$15.

(11) Holders of tickets with three matching play symbols in the play area and a prize play symbol of \$12\$ (TWELV) appearing in the "Prize" area for the Game, on a single ticket, shall be entitled to a prize of \$12.

(12) Holders of tickets with three matching play symbols in the play area and a prize play symbol of \$10<sup>00</sup> (TEN DOL) appearing in the "Prize" area for the Game, on a single ticket, shall be entitled to a prize of \$10.

(13) Holders of tickets with three matching play symbols in the play area and a prize play symbol of \$8<sup>00</sup> (EGT DOL) appearing in the "Prize" area for the Game, on a single ticket, shall be entitled to a prize of \$8.

(14) Holders of tickets with three matching play symbols in the play area and a prize play symbol of \$6<sup>00</sup> (SIX DOL) appearing in the "Prize" area for the Game, on a single ticket, shall be entitled to a prize of \$6.

(15) Holders of tickets with three matching play symbols in the play area and a prize play symbol of \$5<sup>00</sup> (FIV DOL) appearing in the "Prize" area for the Game, on a single ticket, shall be entitled to a prize of \$5.

(e) Determination of prize winners for Game 6 are:

(1) Holders of tickets with two 8 (EIGHT) play symbols in the same play area and a prize play symbol of \$88,888 (8 X 5) appearing in the "Prize" area for that Game, on a single ticket, shall be entitled to a prize of \$88,888.

(2) Holders of tickets with two 8 (EIGHT) play symbols in the same play area and a prize play symbol of \$8,000 (EGT THO) appearing in the "Prize" area for that Game, on a single ticket, shall be entitled to a prize of \$8,000.

(3) Holders of tickets with two 8 (EIGHT) play symbols in the same play area and a prize play symbol of \$1,800 (EGHTNHUN) appearing in the "Prize" area for that Game, on a single ticket, shall be entitled to a prize of \$1,800.

(4) Holders of tickets with two 8 (EIGHT) play symbols in the same play area and a prize play symbol of \$800 (EGT HUN) appearing in the "Prize" area for that Game, on a single ticket, shall be entitled to a prize of \$800.

(5) Holders of tickets with two 8 (EIGHT) play symbols in the same play area and a prize play symbol of \$180 (ONEHUNETY) appearing in the "Prize" area for that Game, on a single ticket, shall be entitled to a prize of \$180.

(6) Holders of tickets with two 8 (EIGHT) play symbols in the same play area and a prize play symbol of \$88\$ (ETY EGT) appearing in the "Prize" area for that Game, on a single ticket, shall be entitled to a prize of \$88.

(7) Holders of tickets with two 8 (EIGHT) play symbols in the same play area and a prize play symbol of \$32\$ (TRY TWO) appearing in the "Prize" area for that Game, on a single ticket, shall be entitled to a prize of \$32.

(8) Holders of tickets with two 8 (EIGHT) play symbols in the same play area and a prize play symbol of \$20\$ (TWENTY) appearing in the "Prize" area for that Game, on a single ticket, shall be entitled to a prize of \$20.

(9) Holders of tickets with two 8 (EIGHT) play symbols in the same play area and a prize play symbol of \$18\$ (EGHTN) appearing in the "Prize" area for that Game, on a single ticket, shall be entitled to a prize of \$18.

(10) Holders of tickets with two 8 (EIGHT) play symbols in the same play area and a prize play symbol of \$15\$ (FIFTN) appearing in the "Prize" area for that Game, on a single ticket, shall be entitled to a prize of \$15.

(11) Holders of tickets with two 8 (EIGHT) play symbols in the same play area and a prize play symbol of \$12\$ (TWELV) appearing in the "Prize" area for that Game, on a single ticket, shall be entitled to a prize of \$12.

(12) Holders of tickets with two 8 (EIGHT) play symbols in the same play area and a prize play symbol of \$10<sup>00</sup> (TEN DOL) appearing in the "Prize" area for that Game, on a single ticket, shall be entitled to a prize of \$10.

(13) Holders of tickets with two 8 (EIGHT) play symbols in the same play area and a prize play symbol of \$8<sup>00</sup> (EGT DOL) appearing in the "Prize" area for that Game, on a single ticket, shall be entitled to a prize of \$8.

(14) Holders of tickets with two 8 (EIGHT) play symbols in the same play area and a prize play symbol of \$6<sup>00</sup> (SIX DOL) appearing in the "Prize" area for that Game, on a single ticket, shall be entitled to a prize of \$6.

(15) Holders of tickets with two 8 (EIGHT) play symbols in the same play area and a prize play symbol of \$5<sup>00</sup> (FIV DOL) appearing in the "Prize" area for that Game, on a single ticket, shall be entitled to a prize of \$5.

(f) Determination of prize winners for Game 7 are: Holders of tickets with a \$18\$ (EGHTN) play symbol in the "Fast \$18" area, on a single ticket, shall be entitled to a prize of \$18.

(g) Determination of prize winners for Game 8 are:

(1) Holders of tickets upon which any one of the "Your Numbers" play symbols matches the "Lucky Number" play symbol and a prize play symbol of \$88,888 (8 X 5) appears in the "Prize" area under the matching "Your Number" play symbol, on a single ticket, shall be entitled to a prize of \$88,888.

(2) Holders of tickets upon which any one of the "Your Numbers" play symbols matches the "Lucky Number" play symbol and a prize play symbol of \$8,000 (EGT THO) appears in the "Prize" area under the matching "Your Number" play symbol, on a single ticket, shall be entitled to a prize of \$8,000.

(3) Holders of tickets upon which any one of the "Your Numbers" play symbols matches the "Lucky Number" play symbol and a prize play symbol of \$1,800 (EGHTNHUN) appears in the "Prize" area under the matching "Your Number" play symbol, on a single ticket, shall be entitled to a prize of \$1,800.

(4) Holders of tickets upon which any one of the "Your Numbers" play symbols matches the "Lucky Number" play symbol and a prize play symbol of \$800 (EGT HUN) appears in the "Prize" area under the matching "Your Number" play symbol, on a single ticket, shall be entitled to a prize of \$800.

(5) Holders of tickets upon which any one of the "Your Numbers" play symbols matches the "Lucky Number" play symbol and a prize play symbol of \$180 (ONEHUNETY) appears in the "Prize" area under the matching "Your Number" play symbol, on a single ticket, shall be entitled to a prize of \$180.

(6) Holders of tickets upon which any one of the "Your Numbers" play symbols matches the "Lucky Number" play symbol and a prize play symbol of \$88\$ (ETY EGT) appears in the "Prize" area under the matching "Your Number" play symbol, on a single ticket, shall be entitled to a prize of \$88.

(7) Holders of tickets upon which any one of the "Your Numbers" play symbols matches the "Lucky Number" play symbol and a prize play symbol of \$32\$ (TRY TWO) appears in the "Prize" area under the matching "Your Number" play symbol, on a single ticket, shall be entitled to a prize of \$32.

(8) Holders of tickets upon which any one of the "Your Numbers" play symbols matches the "Lucky Number" play symbol and a prize play symbol of \$20\$ (TWENTY) appears in the "Prize" area under the matching "Your Number" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(9) Holders of tickets upon which any one of the "Your Numbers" play symbols matches the "Lucky Number" play symbol and a prize play symbol of \$18\$ (EGHTN) appears in the "Prize" area under the matching "Your Number" play symbol, on a single ticket, shall be entitled to a prize of \$18.

(10) Holders of tickets upon which any one of the "Your Numbers" play symbols matches the "Lucky Number" play symbol and a prize play symbol of \$15\$ (FIFTN) appears in the "Prize" area under the matching "Your Number" play symbol, on a single ticket, shall be entitled to a prize of \$15.

(11) Holders of tickets upon which any one of the "Your Numbers" play symbols matches the "Lucky Number" play symbol and a prize play symbol of \$12\$ (TWELV) appears in the "Prize" area under the matching "Your Number" play symbol, on a single ticket, shall be entitled to a prize of \$12.

(12) Holders of tickets upon which any one of the "Your Numbers" play symbols matches the "Lucky Number" play symbol and a prize play symbol of \$10<sup>00</sup> (TEN DOL) appears in the "Prize" area under the matching "Your Number" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(13) Holders of tickets upon which any one of the "Your Numbers" play symbols matches the "Lucky Number" play symbol and a prize play symbol of \$8<sup>00</sup> (EGT DOL) appears in the "Prize" area under the matching "Your Number" play symbol, on a single ticket, shall be entitled to a prize of \$8.

(14) Holders of tickets upon which any one of the "Your Numbers" play symbols matches the "Lucky Number" play symbol and a prize play symbol of \$6<sup>00</sup> (SIX DOL) appears in the "Prize" area under the matching "Your Number" play symbol, on a single ticket, shall be entitled to a prize of \$6.

(15) Holders of tickets upon which any one of the "Your Numbers" play symbols matches the "Lucky Number" play symbol and a prize play symbol of \$5<sup>00</sup> (FIV DOL) appears in the "Prize" area under the matching "Your Number" play symbol, on a single ticket, shall be entitled to a prize of \$5.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts 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 5,760,000 Tickets</i>
\$5	\$5	12.24	470,400
\$6	\$6	120	48,000
\$8	\$8	30	192,000
\$5 × 2	\$10	200	28,800
\$10	\$10	35.29	163,200
\$6 × 2	\$12	200	28,800
\$12	\$12	300	19,200
\$5 × 3	\$15	200	28,800
\$15	\$15	300	19,200
FAST \$18	\$18	24	240,000
\$6 × 3	\$18	300	19,200
\$18	\$18	200	28,800
\$5 × 4	\$20	600	9,600

<i>Win With Prize(s) of:</i>	<i>Win:</i>	<i>Approximate Odds of 1 In:</i>	<i>Approximate No. of Winners Per 5,760,000 Tickets</i>
\$6 × 2 + \$8	\$20	600	9,600
\$10 × 2	\$20	600	9,600
\$20	\$20	600	9,600
\$8 × 4	\$32	4,000	1,440
\$5 × 4 + \$6 × 2	\$32	4,000	1,440
\$10 × 2 + \$6 × 2	\$32	4,000	1,440
FAST \$18 + \$8 + \$6	\$32	800	7,200
\$32	\$32	4,000	1,440
FAST \$18 + \$10 × 7	\$88	300	19,200
FAST \$18 + \$10 × 5 + \$20	\$88	300	19,200
\$88	\$88	504.20	11,424
FAST \$18 + \$18 × 9	\$180	6,000	960
\$32 × 5 + \$10 × 2	\$180	12,000	480
\$180	\$180	12,000	480
\$800	\$800	20,000	288
\$800 × 2 + \$180 + \$5 × 4	\$1,800	60,000	96
\$1,800	\$1,800	60,000	96
\$8,000	\$8,000	120,000	48
\$88,888	\$88,888	720,000	8

Game 1—Get three like amounts, win that prize.

Game 2—When “Your” number beats “Their” number, win prize shown.

Game 3—When “Your” number beats “Their” number, win prize shown.

Game 4—Get three “8” symbols in a row, column or diagonal, win prize shown.

Game 5—Get three like symbols, win prize in the prize box.

Game 6—Get two “8” symbols, win prize shown.

Game 7—Reveal \$18 prize amount, win \$18 instantly.

Game 8—When any of “Your Numbers” match the “Lucky Number,” win prize shown under the matching number.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Amazing 8's instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Amazing 8's, prize money from winning Pennsylvania Amazing 8's instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Amazing 8's instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Amazing 8's or through normal communications methods.

GREGORY C. FAJT,  
Secretary

[Pa.B. Doc. No. 04-483. Filed for public inspection March 19, 2004, 9:00 a.m.]

### Pennsylvania Flaming Hot 7's Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Flaming Hot 7's.

2. *Price:* The price of a Pennsylvania Flaming Hot 7's instant lottery game ticket is \$2.

3. *Play Symbols:* Each Pennsylvania Flaming Hot 7's instant lottery game ticket will contain one play area. The play symbols and their captions, printed in black ink, located in the play area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (BKSEV), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN) and 20 (TWENT). The play symbols and their captions, printed in red ink, located in the play area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (RSEV), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN) and 20 (TWENT).

4. *Prize Play Symbols:* The prize play symbols and their captions, printed in black ink, located in the 10 “Prize” areas are: \$1<sup>00</sup> (ONE DOL), \$2<sup>00</sup> (TWO DOL), \$3<sup>00</sup> (THR DOL), \$6<sup>00</sup> (SIX DOL), \$9<sup>00</sup> (NIN DOL), \$18\$ (EGHTN), \$27\$ (TWY SVN), \$54\$ (FTY FOR), \$90\$ (NINTY), \$270 (TWOHUNSTY) and \$27,000 (TWYSVNTHO).

5. *Prizes:* The prizes that can be won in this game are \$1, \$2, \$3, \$6, \$9, \$18, \$27, \$54, \$90, \$270 and \$27,000.

6. *Approximate Number of Tickets Printed for the Game:* Approximately 7,560,000 tickets will be printed for the Pennsylvania Flaming Hot 7's instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets with a play symbol of 7 (BKSEV), with the symbol and caption printed in black ink, and a prize play symbol of \$27,000 (TWYSVNTHO) appearing in the "Prize" area next to that 7 (BKSEV) play symbol, on a single ticket, shall be entitled to a prize of \$27,000.

(b) Holders of tickets with a play symbol of 7 (BKSEV), with the symbol and caption printed in black ink, and a prize play symbol of \$270 (TWOHUNSTY) appearing in the "Prize" area next to that 7 (BKSEV) play symbol, on a single ticket, shall be entitled to a prize of \$270.

(c) Holders of tickets with a play symbol of 7 (RSEV), with the symbol and caption printed in red ink, and a prize play symbol of \$90\$ (NINTY) appearing in the "Prize" area next to that 7 (RSEV) play symbol, on a single ticket, shall be entitled to a prize of \$270.

(d) Holders of tickets with a play symbol of 7 (BKSEV), with the symbol and caption printed in black ink, and a prize play symbol of \$90\$ (NINTY) appearing in the "Prize" area next to that 7 (BKSEV) play symbol, on a single ticket, shall be entitled to a prize of \$90.

(e) Holders of tickets with a play symbol of 7 (BKSEV), with the symbol and caption printed in black ink, and a prize play symbol of \$54\$ (FTY FOR) appearing in the "Prize" area next to that 7 (BKSEV) play symbol, on a single ticket, shall be entitled to a prize of \$54.

(f) Holders of tickets with a play symbol of 7 (RSEV), with the symbol and caption printed in red ink, and a prize play symbol of \$18\$ (EGHTN) appearing in the "Prize" area next to that 7 (RSEV) play symbol, on a single ticket, shall be entitled to a prize of \$54.

(g) Holders of tickets with a play symbol of 7 (BKSEV), with the symbol and caption printed in black ink, and a prize play symbol of \$27\$ (TWY SVN) appearing in the "Prize" area next to that 7 (BKSEV) play symbol, on a single ticket, shall be entitled to a prize of \$27.

(h) Holders of tickets with a play symbol of 7 (RSEV), with the symbol and caption printed in red ink, and a prize play symbol of \$9<sup>00</sup> (NIN DOL) appearing in the

"Prize" area next to that 7 (RSEV) play symbol, on a single ticket, shall be entitled to a prize of \$27.

(i) Holders of tickets with a play symbol of 7 (BKSEV), with the symbol and caption printed in black ink, and a prize play symbol of \$18\$ (EGHTN) appearing in the "Prize" area next to that 7 (BKSEV) play symbol, on a single ticket, shall be entitled to a prize of \$18.

(j) Holders of tickets with a play symbol of 7 (BKSEV), with the symbol and caption printed in black ink, and a prize play symbol of \$9<sup>00</sup> (NIN DOL) appearing in the "Prize" area next to that 7 (BKSEV) play symbol, on a single ticket, shall be entitled to a prize of \$9.

(k) Holders of tickets with a play symbol of 7 (RSEV), with the symbol and caption printed in red ink, and a prize play symbol of \$3<sup>00</sup> (THR DOL) appearing in the "Prize" area next to that 7 (RSEV) play symbol, on a single ticket, shall be entitled to a prize of \$9.

(l) Holders of tickets with a play symbol of 7 (BKSEV), with the symbol and caption printed in black ink, and a prize play symbol of \$6<sup>00</sup> (SIX DOL) appearing in the "Prize" area next to that 7 (BKSEV) play symbol, on a single ticket, shall be entitled to a prize of \$6.

(m) Holders of tickets with a play symbol of 7 (BKSEV), with the symbol and caption printed in black ink, and a prize play symbol of \$3<sup>00</sup> (THR DOL) appearing in the "Prize" area next to that 7 (BKSEV) play symbol, on a single ticket, shall be entitled to a prize of \$3.

(n) Holders of tickets with a play symbol of 7 (RSEV), with the symbol and caption printed in red ink, and a prize play symbol of \$1<sup>00</sup> (ONE DOL) appearing in the "Prize" area next to that 7 (RSEV) play symbol, on a single ticket, shall be entitled to a prize of \$3.

(o) Holders of tickets with a play symbol of 7 (BKSEV), with the symbol and caption printed in black ink, and a prize play symbol of \$2<sup>00</sup> (TWO DOL) appearing in the "Prize" area next to that 7 (BKSEV) play symbol, on a single ticket, shall be entitled to a prize of \$2.

(p) Holders of tickets with a play symbol of 7 (BKSEV), with the symbol and caption printed in black ink, and a prize play symbol of \$1<sup>00</sup> (ONE DOL) appearing in the "Prize" area next to that 7 (BKSEV) play symbol, on a single ticket, shall be entitled to a prize of \$1.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

*Find a "7" Win Prize Shown Next to That Symbol. Win With Prize(s) of:*

\$1 x 2  
\$2  
\$1 x 3  
\$1 w/Red  
\$3  
\$1 x 6  
\$2 x 3  
\$3 x 2  
\$6  
\$1 x 9  
\$3 x 3  
\$3 w/Red  
\$9  
\$2 x 9  
\$3 x 6  
\$6 x 3

*Win:*  
\$2  
\$2  
\$3  
\$3  
\$6  
\$6  
\$6  
\$9  
\$9  
\$9  
\$9  
\$18  
\$18  
\$18

*Approximate Odds of 1 In:*  
17.65  
17.65  
50  
42.86  
60  
300  
300  
300  
300  
150  
150  
75  
150  
1,500  
1,500  
1,500

*Approximate No. of Winners Per 7,560,000 Tickets*  
428,400  
428,400  
151,200  
176,400  
126,000  
25,200  
25,200  
25,200  
25,200  
50,400  
50,400  
100,800  
50,400  
5,040  
5,040  
5,040

Find a "7" Win Prize  
Shown Next to That Symbol.  
Win With Prize(s) of:

	Win:
\$9 × 2	\$18
\$18	\$18
\$3 × 9	\$27
\$9 × 3	\$27
\$9 w/Red	\$27
\$27	\$27
\$9 × 6	\$54
\$18 × 3	\$54
\$18 w/Red	\$54
\$54	\$54
\$9 × 10	\$90
\$18 × 5	\$90
\$90	\$90
\$27 × 10	\$270
\$90 × 3	\$270
\$90 w/Red	\$270
\$270	\$270
\$27,000	\$27,000

Approximate Odds of 1 In:	Approximate No. of Winners Per 7,560,000 Tickets
1,500	5,040
1,500	5,040
300	25,200
300	25,200
300	25,200
300	25,200
4,800	1,575
4,800	1,575
4,800	1,575
4,800	1,575
17,143	441
20,000	378
20,000	378
120,000	63
120,000	63
120,000	63
120,000	63
1,080,000	7

Red = Red 7 triples the prize shown.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Flaming Hot 7's instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Flaming Hot 7's, prize money from winning Pennsylvania Flaming Hot 7's instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Flaming Hot 7's instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* he Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Flaming Hot 7's or through normal communications methods.

GREGORY C. FAJT,  
*Secretary*

[Pa.B. Doc. No. 04-484. Filed for public inspection March 19, 2004, 9:00 a.m.]

## ENVIRONMENTAL HEARING BOARD

**Canonsburg Houston Joint Authority v. DEP; EHB  
Doc. No. 2004-052-R**

Canonsburg Houston Authority has appealed the issuance by the Department of Environmental Protection of

an NPDES permit to Canonsburg Houston Authority for a facility in Cecil Township, Washington County.

A date for the hearing on the appeal has not yet been scheduled.

The appeal is filed with the Environmental Hearing Board (Board) at its office on the Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457 and may be reviewed by interested parties on request during normal business hours. If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the AT&T Pennsylvania Relay Center at (800) 654-5984.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code § 1021.81 (relating to intervention). Copies of the Board's rules of practice and procedure are available upon request from the Board.

MICHAEL L. KRANCER,  
*Chairperson*

[Pa.B. Doc. No. 04-485. Filed for public inspection March 19, 2004, 9:00 a.m.]

**PPL Holtwood, LLC v. DEP; EHB Doc. No. 2004-047-MG**

PPL Holtwood, LLC has appealed the issuance by the Department of Environmental Protection of an NPDES permit to PPL Holtwood, LLC for a facility in Palmyra Township, Pike County.

A date for the hearing on the appeal has not yet been scheduled.

The appeal is filed with the Environmental Hearing Board (Board) at its office on the Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457 and may be reviewed by interested parties on request during normal business hours. If information concerning this notice is required in an alternative form, contact the Secretary to

the Board at (717) 787-3483. TDD users may telephone the Board through the AT&T Pennsylvania Relay Center at (800) 654-5984.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code § 1021.81 (relating to intervention). Copies of the Board's rules of practice and procedure are available upon request from the Board.

MICHAEL L. KRANCER,  
*Chairperson*

[Pa.B. Doc. No. 04-486. Filed for public inspection March 19, 2004, 9:00 a.m.]

## ENVIRONMENTAL QUALITY BOARD

### Acceptance of Rulemaking Petition for Study

On February 17, 2004, the Environmental Quality Board (Board) accepted a rulemaking petition for study under 25 Pa. Code Chapter 23 (relating to Environmental Quality Board policy for processing petitions—statement of policy).

The petition, submitted by MAX Environmental Technologies, Inc. (MAX), requests the delisting of treated hazardous waste K061 (electric arc furnace dust from steel production) at MAX's Yukon, PA, facility. MAX submitted the petition under the hazardous waste regulations in 25 Pa. Code § 260a.20 (relating to rulemaking petitions) and 40 CFR 260.20 and 260.22, which are incorporated by reference in 25 Pa. Code § 260a.1 (relating to incorporation by reference, purpose, scope and applicability). MAX asserts that residues resulting from treatment of K061 wastes at its Yukon facility no longer meet the criteria for which K061 was originally identified as a hazardous waste and are below the Universal Treatment Standards in 40 CFR Part 268, Subpart D.

Under the Board's acceptance of the petition, the Department of Environmental Protection (Department) will prepare a report evaluating the petition. This report, which must be completed within 60 days from the date the petition was accepted by the Board, will include a recommendation on whether the Board should approve the action requested in the petition. If the recommendation is to change a regulation, the report will also specify the anticipated date that the Board will consider a proposed rulemaking. If the report cannot be completed within the 60-day period, the Department is required to state how much additional time is necessary to complete the report at the next Board meeting.

The previously referenced petition is available to the public for review by contacting the Environmental Quality Board, P. O. Box 8477, Harrisburg, PA 17105-8477, (717) 787-4526. The petition is also accessible on the Department's website: [www.dep.state.pa.us](http://www.dep.state.pa.us) (DEP Keyword: EQB; under "Meeting Agendas/Handouts/Minutes" choose "2004" then "February 17, 2004").

KATHLEEN A. MCGINTY,  
*Chairperson*

[Pa.B. Doc. No. 04-487. Filed for public inspection March 19, 2004, 9:00 a.m.]

## FISH AND BOAT COMMISSION

### Proposed Special Regulation Designation

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 its next meeting on April 19 and 20, 2004, the Commission will consider adding Lily Lake, Luzerne County, to the list of waters regulated and managed under 58 Pa. Code § 65.10 (relating to Select Trout Stocked Lake Program), effective January 1, 2005. The Commission, at this time, is soliciting public input concerning this designation. Persons with comments, objections or suggestions concerning the designation 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 to [rapfbcregs@state.pa.us](mailto:rapfbcregs@state.pa.us). A subject heading of the proposal and a return name and address must be included in each transmission. In addition, all electronic comments must be contained in the text of the transmission, not in an attachment. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt.

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

[Pa.B. Doc. No. 04-488. Filed for public inspection March 19, 2004, 9:00 a.m.]

### Restriction for Special Areas; Youghiogheny River Lake, Fayette and Somerset Counties

The Executive Director of the Fish and Boat Commission (Commission), acting under the authority of 58 Pa. Code § 103.3(d) (relating to restriction for special areas) has taken immediate action to establish a temporary "slow, minimum height swell speed" zone on Youghiogheny River Lake, Fayette and Somerset Counties. The Commission has taken this action at the request of the U. S. Army Corps of Engineers, which operates and maintains the lake, because the Department of Transportation recently awarded a contract for the replacement of the U. S. Route 40 bridge that crosses the lake. The Commission has determined that the construction activity associated with the bridge replacement will have a significant impact on boating on the lake.



The "slow, minimum height swell speed" zone will extend 100 feet south of the existing U. S. Route 40 bridge to a line extending from just north of the Somerfield launch ramp to a point in the mouth of Jockey Hollow that is approximately 100 feet north of the contractor's work barges and then to shore inside Jockey Hollow. This zone will go into effect upon the placement of buoys in the area and will remain in effect throughout the bridge replacement project but in no event longer than 2 years. This zone shall be fully effective and enforceable in accordance with the law.

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

[Pa.B. Doc. No. 04-489. Filed for public inspection March 19, 2004, 9:00 a.m.]

**Triploid Grass Carp Permit Applications**

Under 58 Pa. Code § 71.7 (relating to triploid grass carp), the Fish and Boat Commission (Commission) may

The following application to stock triploid grass carp in waters having a surface area of greater than 5 acres is currently undergoing staff review:

<i>Applicant</i>	<i>Water</i>	<i>Location of Water</i>	<i>Description of Water</i>	<i>Nature of Vegetation to be Controlled</i>
Lake Cadjaw Watershed Association	Lake Cadjaw	Cherry Ridge and Texas Townships, Wayne County	66-acre lake which discharges into unnamed tributary to Lackawaxen River	See following list

List of plant species and their respective lake coverages:

- 1. *Elodea canadensis* (Elodea) 40%
- 2. *Ceratophyllum demersum* (Coontail) 40%
- 3. *Lemna spp.* (Duckweed) 30%
- 4. *Potamogeton crispus* (Curly-leaf pondweed) 80%

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

[Pa.B. Doc. No. 04-490. Filed for public inspection March 19, 2004, 9:00 a.m.]

**2004 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 April 19 and 20, 2004, the Commission intends to consider adding the following water to the current list of Class A Wild Trout Streams: Waltz Creek, Section 02, Northampton County, from the confluence with Greenwalk Creek downstream to the mouth, a distance of 2.36 miles. The Commission will not consider the removal of any stream from the list at this time.

Persons with comments, objections or suggestions concerning the addition 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 submitted by facsimile will not be accepted. Comments also may be submitted electronically to [rapfbcregs@state.pa.us](mailto:rapfbcregs@state.pa.us). A subject heading of the proposal and a return name and address must be included in each transmission. In addition, all electronic comments must be contained in the text of the transmission, not in an attachment. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt.

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

[Pa.B. Doc. No. 04-491. Filed for public inspection March 19, 2004, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

### Actions Taken by the Commission

The Independent Regulatory Review Commission met publicly at 10:30 a.m., Thursday, March 11, 2004, and announced the following:

#### *Regulation Approved*

Department of Public Welfare #14-482: Subsidized Child Day Care Eligibility Head Start Expansion (adds 55 Pa. Code § 3040.29)

#### Approval Order

Public Meeting held  
March 11, 2004

*Commissioners Voting:* John R. McGinley, Jr., Esq., Chairperson; Alvin C. Bush, Vice Chairperson, by phone; Daniel F. Clark, Esq.; Arthur Coccodrilli; Murray Ufberg, Esq.

*Department of Public Welfare—Subsidized Child Day Care Eligibility Head Start Expansion; Regulation No. 14-482*

On February 4, 2004, the Independent Regulatory Review Commission (Commission) received this regulation from the Department of Public Welfare (Department). This rulemaking amends 55 Pa. Code by adding § 3040.29. Notice of proposed rulemaking was omitted for this regulation; it will become effective upon publication in the *Pennsylvania Bulletin*.

This regulation establishes eligibility requirements for subsidized child day care for children enrolled in the Federal Head Start program whose parents or caretakers need extended hours and days of Head Start services to work. The Department is required to promulgate this regulation under Act 48 of 2003.

We have determined this regulation is consistent with the statutory authority of the Department (24 P. S. § 15-1505-D) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

JOHN R. MCGINLEY, Jr.,  
*Chairperson*

[Pa.B. Doc. No. 04-492. Filed for public inspection March 19, 2004, 9:00 a.m.]

## INSURANCE DEPARTMENT

### AF&L Insurance Company; Rate Filing

AF&L Insurance Company is requesting approval to increase the premium for several long term care policy forms. The company is seeking a 35% increase on 420 residents in this Commonwealth with policy form LTC-7 (PA). The company is seeking a 30% increase on 530 residents in this Commonwealth with policy form LTC-4 (PA). The company is seeking a 30% increase on 905 residents in this Commonwealth with policy form LTC-5 (PA). The company is seeking a 20% increase on 1,073 residents in this Commonwealth with policy form LTC-93 (PA). The company is seeking a 20% increase on 90 residents in this Commonwealth with policy form QLTC-97 (PA). The company is seeking a 15% increase on 706 residents in this Commonwealth with policy form NHP.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's regional offices in Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Accident and Health Bureau, Office of Rate and Policy Regulation, 1311 Strawberry Square, Harrisburg, PA 17120 within 30 days of publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 04-493. Filed for public inspection March 19, 2004, 9:00 a.m.]

**Agency Contract Termination of Insurance Associates of PA under Act 143; SAFECO Insurance Company; Doc. No. AT04-02-051**

A pre-review telephone conference initiated by this office is scheduled for April 1, 2004, at 10:30 a.m. Each party shall provide the Hearings Administrator a telephone number to be used for the telephone conference on or before March 12, 2004. A date for a review shall be determined, if necessary, at the pre-review telephone conference.

On or before March 25, 2004, each party shall file with the Administrative Hearings Office a pre-review statement which shall contain: (1) a comprehensive statement of undisputed facts to be stipulated between the parties; (2) a statement of additional contended facts; (3) names and address of witnesses along with the specialties of experts to be called; (4) a list of documents to be used at the hearing; (5) special evidentiary or other legal issues; and (6) the estimated time for that party's case.

Motion preliminary to those at the review, protests, petitions to intervene or notices of intervention, if any, must be filed on or before March 26, 2004, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any, shall be filed on or before March 31, 2004.

Persons with a disability who wish to attend the administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator, (717) 787-4298.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 04-494. Filed for public inspection March 19, 2004, 9:00 a.m.]

**Murray Beitmann; Hearing**

**Consent Order; Doc. No. C002-08-015**

A prehearing telephone conference initiated by the Administrative Hearings Office shall occur on March 30, 2004, at 10:30 a.m. A hearing in this matter is scheduled for April 13, 2004, at 10 a.m. in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA. The hearing will be held in accordance with 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).

During the prehearing/settlement telephone conference, the parties shall be prepared to discuss settlement, stipulations, witnesses and documents anticipated for use at the hearing, estimated time for the hearing, special evidentiary or legal issues and other matters relevant to the orderly, efficient and just resolution of this matter.

Persons with a disability who wish to attend the administrative hearing and require an auxiliary aid, service or other accommodation to participate in the

hearing should contact Tracey Pontius, Agency Coordinator, (717) 787-4298.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 04-495. Filed for public inspection March 19, 2004, 9:00 a.m.]

**Progressive Casualty Insurance Company; Private Passenger Auto Program; Rate Filing**

On March 5, 2004, the Insurance Department (Department) received from Progressive Casualty Insurance Company a filing for a rate level change for private passenger automobile insurance.

The company requests an overall 2.0% increase amounting to \$2.882 million annually, to be effective June 4, 2004, for new business and August 3, 2004, for renewal business.

Unless formal administrative action is taken prior to May 4, 2004, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Department's website: [www.ins.state.pa.us](http://www.ins.state.pa.us). To access the filing, select "Consumer Information" on the left side. Under the "General Information" heading, click on "Notices." The PDF copy is at the "Filing.pdf" link following the name of the filing.

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's regional offices in Harrisburg, Philadelphia and Pittsburgh.

Interested parties are invited to submit written comments, suggestions or objections to Xiaofeng Lu, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, [xlu@state.pa.us](mailto:xlu@state.pa.us) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 04-496. Filed for public inspection March 19, 2004, 9:00 a.m.]

**Progressive Northern Insurance Company; Private Passenger Auto Program; Rate Filing**

On March 5, 2004, the Insurance Department (Department) received from Progressive Northern Insurance Company a filing for a rate level change for private passenger automobile insurance.

The company requests an overall 2.0% increase amounting to \$3.03 million annually, to be effective August 3, 2004, for renewal business.

Unless formal administrative action is taken prior to May 4, 2004, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Department's website: [www.ins.state.pa.us](http://www.ins.state.pa.us). To access the filing, select "Consumer Information" on the left side. Under the "General Information" heading, click on "Notices." The PDF copy is at the "Filing.pdf" link following the name of the filing.

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's regional offices in Harrisburg, Philadelphia and Pittsburgh.

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. 04-497. Filed for public inspection March 19, 2004, 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), in connection with the termination of the insureds' automobile policies. The hearings will be held in accordance with the requirements of the act; 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 Pittsburgh, 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 Mary R. Pitingolo and Joan M. Cicchiello; file no. 04-182-01646; Penn National Mutual Casualty Insurance Company; doc. no. P04-03-005; April 15, 2004, 10:30 a.m.

Appeal of James and Carol Potteiger; file no. 04-181-01263; Erie Insurance Exchange; doc. no. P04-03-004; April 21, 2004, 1:30 p.m.

The following hearing will be held in the Pittsburgh Regional Office, Room 304 State Office Building, 300 Liberty Avenue, Pittsburgh, PA 15222.

Appeal of Derek R. Hawkins; file no. 04-303-70096; Erie Insurance Group; doc. no. PI04-02-041; April 7, 2004, 11 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 docu-

mentation 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 Tracey Pontius, Agency Coordinator, (717) 787-4298.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 04-498. Filed for public inspection March 19, 2004, 9:00 a.m.]

### Review Procedure Hearings under the Unfair Insurance Practices Act

The following insured has requested a hearing as authorized by section 8 of the Unfair Insurance Practices Act (40 P. S. § 1171.8) in connection with the company's termination of the insured's policy. The administrative hearing will be held in the Insurance Department's regional office in Pittsburgh, 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 Pittsburgh Regional Office, Room 304 State Office Building, 300 Liberty Avenue, Pittsburgh, PA 15222.

Appeal of John Anderson; file no. 04-183-01059; Farmers Mutual Fire Insurance Company; doc. no. PI04-03-006; April 8, 2004, 2 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.

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 Tracey Pontius, Agency Coordinator, (717) 787-4298.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 04-499. Filed for public inspection March 19, 2004, 9:00 a.m.]

**State Farm Mutual Automobile Insurance Company; Automobile Insurance Revised Rates and Rules; Rate Filing**

On March 3, 2004, the Insurance Department (Department) received from State Farm Mutual Automobile Insurance Company a filing for a rate level change for private passenger automobile insurance.

The company requests an overall 1.4% decrease amounting to -\$17,719,400 annually, to be effective June 1, 2004.

Unless formal administrative action is taken prior to May 2, 2004, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Department's website: [www.ins.state.pa.us](http://www.ins.state.pa.us). To access the filing, select "Consumer Information" on the left side. Under the "General Information" heading, click on "Notices." The PDF copy is at the "Filing.pdf" link following the name of the filing.

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's regional offices in Harrisburg, Philadelphia and Pittsburgh.

Interested parties are invited to submit written comments, suggestions or objections to Michael W. Burkett, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, [mburkett@state.pa.us](mailto:mburkett@state.pa.us) within 15 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 04-500. Filed for public inspection March 19, 2004, 9:00 a.m.]

**UPMC Northwest Medical Center; Hearing**

**Appeal of UPMC Northwest Medical Center under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM04-01-015**

A hearing shall occur on May 24, 2004, at 9 a.m. in Room 200, Administrative Hearings Office, Capitol Associates Building, 901 North Seventh Street, Harrisburg, PA. On or before April 23, 2004, the parties must file a jointly executed stipulation of facts with the Administrative Hearings Office.

On or before May 14, 2004, each party shall file with the Administrative Hearings Office a prehearing statement which shall contain: (1) a comprehensive statement of undisputed facts to be stipulated between the parties; (2) a statement of additional contended facts; (3) names and address of witnesses along with the specialties of experts to be called; (4) a list of documents to be used at the hearing; (5) special evidentiary or other legal issues; and (6) the estimated time for that party's case. Contemporaneously with service of the prehearing statement on the opposing party, each party shall supply the other with a copy of any report generated by an expert witness designated on the prehearing statement. Any report subsequently received from a party's expert witness prior to hearing shall be supplied to the other party within 2

business days. Copies of expert reports need not be filed with the Administrative Hearings Office.

Persons with a disability who wish to attend the administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator, (717 787-4298).

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 04-501. Filed for public inspection March 19, 2004, 9:00 a.m.]

## LEGISLATIVE REFERENCE BUREAU

### Documents Filed But Not Published

The Legislative Reference Bureau (Bureau) accepted the following documents during the preceding calendar month for filing without publication under 1 Pa. Code § 3.13(b) (relating to contents of Bulletin). The Bureau will continue to publish on a monthly basis either a summary table identifying the documents accepted during the preceding calendar month under this subsection or a statement that no documents have been received. For questions concerning or copies of documents filed, but not published, call (717) 783-1530.

#### *Executive Board*

Resolution #CB-04-048, Dated February 25, 2004. Authorizes implementation of the Memorandum of Understanding between the Commonwealth and AFSCME.

Resolution #CB-04-041, Dated February 20, 2004. Authorizes the implementation of the Master Agreement between the Commonwealth and AFSCME.

#### *Governor's Office*

Management Directive No. 310.26—Central Vendor Management Unit (CVMU), Dated February 9, 2004.

MARY JANE PHELPS,  
*Director*  
*Pennsylvania Bulletin*

[Pa.B. Doc. No. 04-502. Filed for public inspection March 19, 2004, 9:00 a.m.]

## MILK MARKETING BOARD

### Hearing Postponement; All Milk Marketing Areas; Minimum Class II Prices

Under the Milk Marketing Law (31 P. S. §§ 700j-101—700j-1302), the public hearing for all Milk Marketing Areas scheduled for April 7, 2004, to address minimum Class II prices has been postponed. Details regarding the rescheduled hearing are contained in Board Bulletin No. 1354.

Persons who require this information in an alternate format should call (717) 787-4194 or (800) 654-5984 (Pennsylvania Relay Service for TDD users).

TIMOTHY A. MOYER,  
*Acting Secretary*

[Pa.B. Doc. No. 04-503. Filed for public inspection March 19, 2004, 9:00 a.m.]

### Hearing and Presubmission Schedule for All Milk Marketing Areas; Coordination of Price Announcements Between the Milk Marketing Board and the United States Department of Agriculture

Under the Milk Marketing Law (31 P. S. §§ 700j-101—700j-1302), the Milk Marketing Board (Board) will conduct a public hearing for Milk Marketing Areas 1—6 on April 7, 2004, at 10 a.m. in Room 202, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA.

The purpose of the hearing is to receive testimony and exhibits concerning the coordination of Board Class I and Class II prices with the United States Department of Agriculture announcement of Class I skim and butterfat prices and Class II skim and butterfat prices.

The staff of the Board is deemed to be a party to this hearing, and the attorney representing staff is deemed to have entered his appearance. Other persons who wish to present evidence may be included on the Board's list of parties by: (1) having their attorney file with the Board on or before 4 p.m. on March 26, 2004, a notice of appearance substantially in the form prescribed by 1 Pa. Code § 31.25 (relating to form of notice of appearance); or (2) if unrepresented by counsel, filing with the Board on or before 4 p.m. on March 26, 2004, notification of their desire to be included as a party.

The parties shall observe the following requirements for advance filing of witness information and exhibits. The Board may exclude witnesses or exhibits of a party that fails to comply with these requirements. In addition, the parties shall have available in the hearing room at least 20 additional copies made available for the use of nonparties attending the hearing.

1. By 4 p.m. on April 1, 2004, each party shall file with the Board seven copies and ensure receipt by all other parties of one copy of:

a. A list of witnesses who will testify for the party, along with a statement of the subjects concerning which each witness will testify. A witness who will be offered as an expert shall be so identified, along with the witness's area or areas of proposed expertise.

b. Each exhibit to be presented, including testimony to be offered in written form.

2. By 4 p.m. on April 1, 2004, each party shall file and serve as set forth in paragraph 1 information concerning rebuttal witnesses and copies of rebuttal exhibits.

Parties that wish to offer in evidence documents on file with the Board, public documents or records in other proceedings before the Board or wish the Board to take official notice of facts shall comply with, respectively, 1 Pa. Code § 35.164, § 35.165, § 35.167 or § 35.173. Whenever these rules require production of a document as an exhibit, copies shall be provided to each Board member and to all other parties; in addition, at least 20 copies shall be available for distribution to nonparties attending the hearing.

Requests by parties for Board staff to provide data pertinent to the hearing shall be made in writing and received in the Board office by 4 p.m. on March 26, 2004.

The filing address for the Board is Milk Marketing Board, Room 110, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA 17110.

Persons who require this information in an alternate format should call (717) 787-4194 or (800) 654-5984 (Pennsylvania Relay Service for TDD users).

TIMOTHY A. MOYER,  
*Acting Secretary*

[Pa.B. Doc. No. 04-504. Filed for public inspection March 19, 2004, 9:00 a.m.]

### Hearing and Presubmission Schedule for All Milk Marketing Areas; Emergency Hearing to Address Increased Cost of Fuel

Under the Milk Marketing Law (31 P. S. §§ 700j-101—700j-1302), the Milk Marketing Board (Board) will conduct a public hearing for Milk Marketing Areas 1—6 on April 7, 2004, at 9 a.m. in Room 202, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA.

The purpose of the hearing is: (1) to receive testimony and exhibits to consider an increase in minimum wholesale prices as a result of the increasing cost of diesel fuel used in delivering milk products to retailers; and (2) to receive testimony and exhibits to consider an increase in the Class I over-order premium, as a result of increasing fuel costs.

The staff of the Board is deemed to be a party to this hearing, and the attorney representing staff is deemed to have entered his appearance. Other persons who wish to present evidence may be included on the Board's list of parties by: (1) having their attorney file with the Board on or before 4 p.m. on March 26, 2004, a notice of appearance substantially in the form prescribed by 1 Pa. Code § 31.25 (relating to form of notice of appearance); or (2) if unrepresented by counsel, filing with the Board on or before 4 p.m. on March 26, 2004, notification of their desire to be included as a party.

The parties shall observe the following requirements for advance filing of witness information and exhibits. The Board may exclude witnesses or exhibits of a party that fails to comply with these requirements. In addition, the parties shall have available in the hearing room at least 20 additional copies made available for the use of nonparties attending the hearing.

1. By 4 p.m. on April 1, 2004, each party shall file with the Board seven copies and ensure receipt by all other parties of one copy of:

a. A list of witnesses who will testify for the party, along with a statement of the subjects concerning which each witness will testify. A witness who will be offered as an expert shall be so identified, along with the witness's area or areas of proposed expertise.

b. Each exhibit to be presented, including testimony to be offered in written form.

2. By 4 p.m. on April 5, 2004, each party shall file and serve as set forth in paragraph 1 information concerning rebuttal witnesses and copies of rebuttal exhibits.

Parties that wish to offer in evidence documents on file with the Board, public documents or records in other

proceedings before the Board or wish the Board to take official notice of facts shall comply with, respectively, 1 Pa. Code § 35.164, § 35.165, § 35.167 or § 35.173. Whenever these rules require production of a document as an exhibit, copies shall be provided to each Board member and to all other parties; in addition, at least 20 copies shall be available for distribution to nonparties attending the hearing.

Requests by parties for Board staff to provide data pertinent to the hearing shall be made in writing and received in the Board office by 4 p.m. on March 26, 2004.

The filing address for the Board is Milk Marketing Board, Room 110, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA 17110.

Persons who require this information in an alternate format should call (717) 787-4194 or (800) 654-5984 (Pennsylvania Relay Service for TDD users).

TIMOTHY A. MOYER,  
*Acting Secretary*

[Pa.B. Doc. No. 04-505. Filed for public inspection March 19, 2004, 9:00 a.m.]

### Rescheduled Hearing and Presubmission Schedule for All Milk Marketing Areas; Minimum Class II Prices

Under the Milk Marketing Law (31 P. S. §§ 700j-101—700j-1302), the Milk Marketing Board (Board) will conduct a public hearing for Milk Marketing Areas 1—6 on May 5, 2004, at 9 a.m. in Room 202, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA.

The purpose of the hearing is to receive testimony and exhibits concerning the methodology for establishing minimum Class II wholesale and retail prices.

The staff of the Board is deemed to be a party to this hearing, and the attorney representing staff is deemed to have entered his appearance. Other persons who wish to present evidence may be included on the Board's list of parties by: (1) having their attorney file with the Board on or before 4 p.m. on April 16, 2004, a notice of appearance substantially in the form prescribed by 1 Pa. Code § 31.25 (relating to form of notice of appearance); or (2) if unrepresented by counsel, filing with the Board on or before 4 p.m. on April 16, 2004, notification of their desire to be included as a party.

The parties shall observe the following requirements for advance filing of witness information and exhibits. The Board may exclude witnesses or exhibits of a party that fails to comply with these requirements. In addition, the parties shall have available in the hearing room at least 20 additional copies made available for the use of nonparties attending the hearing.

1. By 4 p.m. on April 23, 2004, each party shall file with the Board seven copies and ensure receipt by all other parties of one copy of:

a. A list of witnesses who will testify for the party, along with a statement of the subjects concerning which each witness will testify. A witness who will be offered as an expert shall be so identified, along with the witness's area or areas of proposed expertise.

b. Each exhibit to be presented, including testimony to be offered in written form.

2. By 4 p.m. on April 30, 2004, each party shall file and serve as set forth in paragraph 1 information concerning rebuttal witnesses and copies of rebuttal exhibits.

Parties that wish to offer in evidence documents on file with the Board, public documents or records in other proceedings before the Board or wish the Board to take official notice of facts shall comply with, respectively, 1 Pa. Code § 35.164, § 35.165, § 35.167 or § 35.173. Whenever these rules require production of a document as an exhibit, copies shall be provided to each Board member and to all other parties; in addition, at least 20 copies shall be available for distribution to nonparties attending the hearing.

Requests by parties for Board staff to provide data pertinent to the hearing shall be made in writing and received in the Board office by 4 p.m. on April 16, 2004.

The filing address for the Board is Milk Marketing Board, Room 110, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA 17110.

Persons who require this information in an alternate format should call (717) 787-4194 or (800) 654-5984 (Pennsylvania Relay Service for TDD users).

TIMOTHY A. MOYER,  
*Acting Secretary*

[Pa.B. Doc. No. 04-506. Filed for public inspection March 19, 2004, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Cancellation Order

Public Meeting held  
March 4, 2004

*Commissioners Present:* Terrance J. Fitzpatrick, Chairperson; Robert K. Bloom, Vice Chairperson; Glen R. Thomas; Kim Pizzingrilli; Wendell F. Holland

*Pennsylvania Public Utility Commission Law Bureau Prosecutory Staff v. Network Access Solutions Corp. (2002.0246.00); Doc. No. C-20031944; A-310535*

### Cancellation Order

*By the Commission:*

On October 17, 2003, Law Bureau Prosecutory Staff filed a Formal Complaint against Network Access Solutions, Corp. (Respondent), a CLEC certificated at A-310535. In the Complaint, Prosecutory Staff alleged that Commission staff had notified Respondent by both first class and certified mail, return receipt requested that Respondent had failed to file its 2002 Annual Report. The Complaint requested that the Commission issue an order canceling the Respondent's certificate for failure to file its 2002 Annual Report in violation of 66 Pa.C.S. § 504.

Service of the Complaint was perfected on December 10, 2003. Respondent filed an answer on December 29, 2003, stating that it filed for Chapter 11 protection under the United States Bankruptcy Code on June 4, 2002. In its answer, Respondent further stated that its Plan of Reorganization was confirmed by the Bankruptcy court on September 11, 2003, and provided for the liquidation of its remaining assets. Respondent advised that most of

its assets were sold on January 10, 2003. Finally, in its answer, Respondent requested an extension of time to respond to the Complaint. Further communications with counsel for Respondent have revealed that Respondent requests to have its certificate cancelled since the company is out of business and all of its assets have been sold.

Based upon the foregoing, and upon our determination that Respondent does not have any outstanding assessments or fines, it is appropriate to cancel the certificate of public convenience of Network Access Solutions Corp. We also note that because Respondent was never given any NXX codes, there are no numbering compliance issues; *Therefore,*

*It Is Ordered That:*

1. The allegations in Law Bureau Prosecutory Staff's complaint are deemed admitted and the complaint is hereby sustained.

2. The certificate of public convenience held by Network Access Solutions Corp. at A-310535 is hereby cancelled.

3. The Secretary strike the name of Network Access Solutions Corp. from all active utility lists maintained by the Annual Report Section of the Secretary's Bureau and the Assessment Section of the Bureau of Administrative Services.

4. Notice of this Cancellation Order shall be published in the *Pennsylvania Bulletin*.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 04-507. Filed for public inspection March 19, 2004, 9:00 a.m.]

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### Order

Public Meeting held  
March 4, 2004

*Commissioners Present:* Terrance J. Fitzpatrick, Chairperson; Robert K. Bloom, Vice Chairperson; Glen R. Thomas; Kim Pizzingrilli; Wendell F. Holland

*Pennsylvania Public Utility Commission, Strategic Energy, LLC and Dominion Retail, Inc. v. Duquesne Light Company; R-00038092; R-00038092C0001; R-00038092C0002*

### Order

*By the Commission:*

Before the Commission for disposition is an uncontested Proposal of the parties for the criteria and procedure that will govern the submission, evaluation, and approval of Rule 4.19 Plans in Duquesne Light Company's (DLC) service territory.

*History of the Proceeding*

On December 19, 2003, the Commission entered an Opinion and Order (December Order) at Docket Nos. R-00038092, R-00038092C0001 and R-00038092C002 disposing of the Recommended Decision of Administrative Law Judge Corbett concerning DLC's Supplier Coordination Tariff (Tariff Supplement).

The December Order directed that the Commission's Office of Executive Director (OED) designate a lead bureau to be responsible for developing a proposal and

criteria for evaluating Energy Generation Supplier Plans (EGS Plans) submitted to the Commission based on DLC's Rule 4.19 (Demonstration of Ability to Perform).

In December 2003, the OED designated the Commission's Bureau of Conservation, Economics, and Energy Planning (CEEP), with the advice and assistance of the Law Bureau, as the lead bureau on Rule 4.19 issues.

On January 20, 2004, CEEP issued a Secretarial Letter that presented an initial proposal and schedule for developing Rule 4.19 criteria and procedures.

From January through February 2004, CEEP, the Law Bureau and the interested parties discussed and amended CEEP's initial proposal. In late February 2004, the parties agreed upon the general content and procedures for examining EGS Plans.

### *Discussion*

DQE's initial Rule 4.19 proposal provided as follows:

#### 4.19 Demonstration of Ability to Perform

Each April 1 and September 1 during the term of the EGSs Coordination Agreement, the EGS shall demonstrate to the Public Utility Commission's reasonable satisfaction that the EGS has the ability to perform its obligations in the Company's Control Area during the following calendar year. Such demonstration shall include a list of all resources, including generation assets owned or operated by the EGS and Energy purchase contracts, from which the EGS intends to obtain the Energy necessary to satisfy its forecasted load obligation, and shall provide reasonable assurance that such resources satisfy any requirements required by any Governmental Authority or applicable regional or national reliability council, including NERC or ECAR or RTO, whether or not the EGS is a member thereof. Copies of these materials must also be provided to the Company.

(December Order at 18 citing Duquesne Exhibit JFR-4 at 11).

In the December Order, the Commission agreed with the ALJ that this provision was an important component of the Commission's market-based approach to energy. The Commission further recognized that systems operations, due process and concerns about load, reserves, margins and transmission needed more discussion using the OCA's Comments as a starting point. (December Order at 20-21.)

The December Order directed the OED to assign a lead bureau to coordinate the development of criteria for EGS Plans submitted under DLC's Rule 4.19. The Commission also directed the parties and staff to consider the treatment of proprietary information submitted for Rule 4.19 purposes in the course of their discussions and to determine whether the incorporation of 52 Pa. Code § 5.432 into Rule 4.19 adequately addresses this issue. The Commission alternatively indicated a willingness to consider template proprietary orders for Rule 4.19 filings. (December Order at 20-21.)

The Commission directed the submission of a final recommendation for consideration at the public meeting of February 26, 2004. The Commission's subsequent cancellation of the February 26, 2004, public meeting required taking action at the next public meeting of March 4, 2004. The Commission staff and interested parties met during January and February and developed a proposed resolution of the issues attached as Appendices I, II and III (uncontested Proposal). We note Domin-



ion's suggestion that we eliminate information about an EGS' reliability group membership, as opposed to providing the information if it becomes appropriate, even though Dominion is not challenging the uncontested Proposal.

The Commission has accepted, rejected or modified prior settlements or uncontested Proposals after evaluating consistency with the Public Utility Code, the public interest and the Commission's regulations. *EDC RNR Recovery Petitions*, Docket No. R-00016849 to R-00016856 (December 21, 2001) (Settlement rejected as contrary to the public interest); *Steven Druitt v. Bell Telephone Company of Pennsylvania, Inc.*, Docket No. F-000204654 (Order entered November 10, 1994) (Settlement modified, as opposed to being outright rejected, to avoid blanket approval of a settlement that would fundamentally alter existing Commission regulations); *Petition for Approval of PECO Energy Company's Market Share Threshold Bidding/Assignment Process and Petition for Approval of "The Better Choice" Plan to Meet PECO Energy Company's Market Share Threshold Requirements*, Docket Nos. P-00021984 and P-00021992 (Order entered May 1, 2003) (Contested settlement is approved consistent with the language of Paragraph 39(B), the Company's Restructuring Settlement, and a finding that the provisions were just, reasonable, and in the public interest).

Upon consideration, we approve the uncontested Proposal of the parties and staff as consistent with the Public Utility Code and the public interest. Several factors support our determination.

First, sections 2802(3) and 2807(d) of the Public Utility Code require the Commission to ensure that system reliability be, at a minimum, that which existed when the legislature enacted Chapter 28. Section 2807(a) further requires an electricity distribution company (EDC) to maintain the integrity of their distribution system.

DLC proposed Rule 4.19 is consistent with Chapter 28. The uncontested Proposal submitted is a product of an EDC, several EGSs that want to provide competitive energy in Pennsylvania markets and public interest representatives. The uncontested Proposal is consistent with the reliability and competitive policy requirements of Chapter 28 and our December Order. The substantive provisions of the uncontested Proposal, which require submission and public examination of EGS Plans, provide due process while protecting the public and proprietary interests as required by Pennsylvania law. Moreover, the uncontested Proposal contains provisions, particularly governing the delivery of energy supplies and transmission, that reduce incidents of energy triage during peak demand periods. In addition, the uncontested Proposal contains provisions that establish a sound procedure for evaluating an EGS's Plan for consistency with the reliability and competitive mandates of Chapter 28. In addition, the uncontested Proposal implements Rule 4.19 with provisions that are far better than the uncertainty or possibility of further litigation that exists at the current time. Finally, the uncontested Proposal will continue until an EDC joins another independent system operator/regional transmission organization (RTO) or the Commission determines that it is no longer necessary.

Second, the uncontested Proposal is consistent with the public interest. The proposal contains clear and predictable provisions that will facilitate the entry of multiple competitors into DLC's service territory. The presence of multiple EGSs, including those that are a party to this uncontested Proposal, goes a long way to providing more of the diverse services and prices that benefit Pennsylva-

nia customers. In addition, there is no evidence that any of the substantive terms or procedures will produce results that are not otherwise just and reasonable.

Third, Dominion's suggestion that we completely delete any reference to regional reliability group membership, as opposed to requiring information only if it becomes appropriate, is consistent with the uncontested Proposal. Under the terms of the uncontested Proposal, the Commission wants information on an EGS' membership in regional reliability groups only if it is appropriate. A difference between never providing information, as Dominion seeks, and providing information only if it becomes appropriate, is more a difference of degree than kind. It is not fatal to this uncontested Proposal.

Consequently, we conclude that there is no reason to reject this uncontested Proposal as contrary to the public interest in the absence of any compelling legal or policy argument to the contrary; *Therefore*,

*It Is Ordered That:*

1. The uncontested Proposal submitted by staff and the parties, following this order as Appendix I, Appendix II and Appendix III, is approved.
2. A copy of the uncontested Proposal be posted on the Commission's website and published in the *Pennsylvania Bulletin* along with this Opinion and Order.

JAMES J. MCNULTY,  
*Secretary*

### Appendix I

#### EGS Plan Requirements

Rule 4.19 of Duquesne's Supplier Tariff and the Commission's Order of December 19, 2003 at Docket Nos. R-00038092, R-00038092C0001 and R-00038092C0002 requires that each April 1 and September 1 during the term of an EGS's coordination agreement, and until Duquesne joins an appropriate RTO or the Commission determines otherwise, the EGS shall demonstrate to the PUC with reasonable satisfaction that the EGS has the ability to perform its obligation in the Company's control area. The EGS's obligation is to make all necessary arrangements for obtaining competitive energy supply in a quantity sufficient to serve its own customers, and to act in a prudent manner to ensure that sufficient energy can be delivered into Duquesne's control area.

The standard by which an EGS's Rule 4.19 plan shall be evaluated is whether the EGS has sufficient resources available to meet its customer needs so that it is able to provide reliable service, with the understanding that there is no specific or established set of resources or facilities that must be maintained. The parties recognize that changes in an EGS' resources of facilities mix may be appropriate in response to subsequent developments.

All Plans and all comments, reports and materials related to said plans shall be treated as Proprietary Information subject to a Protective Order. The EGS Plan must address, at a minimum, each of the following subject areas:

1. Each EGS must file their Plan in its entirety with the Commission and shall provide a copy to Duquesne Light Company ("DLC") and shall provide a copy to DQE's Reliability Coordinator.
2. The EGS' Plan must include, but not be limited to, discussion and evaluation of information on their DLC control area forecast obligations and resource plans for the upcoming 12-month period. If the supply identified in the EGS' Plan will use transmission delivery paths

reasonably expected to be constrained based on experience in the period covered by the Plan, the EGS Plan shall also address the steps taken by the EGS to mitigate any supply deficiencies that could result from such transmission constraints. The EGS' plan must also include, but not be limited to, separately identified forecasted firm and interruptible demand and energy of its customers for the immediate 12-month period beginning June 1 by April 1 and for the 12-month period beginning November 1 by September 1 to be used for supply planning purposes.

3. The EGS's plan shall demonstrate how it will meet its obligation to provide reliable electric generation service to its customers in DLC's control area. The plan must identify all resources, including those located within and without DLC's service territory, and provide the general basis for the EGS's conclusion that the supplier will reliably meet its contractual obligations. Each Plan must also identify the supply resources that will be used by the EGS to fulfill its load obligations for the period covered by the Plan, including a description of contracts, or specific generation units, if such are used, and the type of transmission resource that is associated with each supply resource to the extent that said resources are external to the DLC control area.

4. Each EGS Plan must describe contingency plans that address such occurrences as the loss of a specific supply resource or a transmission interruption that would impact an EGS's ability to supply power into the DLC control area including how the EGS expects to meet such contingencies. The discussion shall include the EGS's contingency options for obtaining additional supply. The EGS' Plan shall further address contingency plans, including reserves, contingencies, and other requirements that may become necessary, to provide service when unexpected outages occur, the utilization of firm and non-firm transmission for any resources outside of the DLC control area, the utilization of firm transmission in summer peak periods to deliver supply from resources located outside of Duquesne's control area, the offering of interruptible service to industrial and commercial customers, and address the delivery of all such resources to the control area. To the extent that an EGS provides interruptible service, its Plan shall include a complete description of that service and how it is used as a supply planning resource, including a discussion of the means by which customers are interrupted.

5. To the extent that the EGS's plan includes supply options that will or are likely to utilize historically constrained transmission paths, the EGS shall provide information to address such contingencies. To the extent that information concerning scheduled or anticipated transmission interruptions, or similar contingency events is publicly available, and would potentially impact an EGS's supply resources, such information and its impacts also should be addressed.

6. The EGS shall explain the basis on which it believes its plan will permit it to meet its customers' supply needs and shall contrast its current plan with the plans in place during past peak periods, including the July 2002 period. The EGS Plan must identify and address, as appropriate, the measures contained in the proposed current Plan, which improve the EGS' reliability and decrease the possibility of supply curtailments similar to those experienced by some EGSs in July 2002. The EGS' plan must further identify, contrast, and present the rationale for any differences between the proposed plan and the plan in place.

7. Where appropriate, the EGS' Plan shall demonstrate that it has all required documentation and contracts necessary to supply power into DLC's control area, as required by the Reliability Coordinator and, to the extent required, any membership in the appropriate regional reliability council, and a commitment to comply with Commission regulations, DQE's OATT, and any supplier tariff.

8. Where appropriate, the EGS' Plan must be supported by a sworn affidavit, executed by the responsible corporate official, affirming a commitment to adhere to and commit its operations to comply with the operating policies, criteria, requirements and standards of NERC and the appropriate regional reliability council(s), and a commitment to comply with Commission regulations, DQE's OATT, and any supplier tariff.

9. The EGS' plan must contain a statement recognizing that violation of NERC and appropriate regional reliability council standards or the EGS' plan associated with its transactions may be grounds for increased financial security to be posted with DQE for ancillary services or the possible imposition of penalties in accordance with DLC's Commission approved Electric Generation Supplier Coordination Tariff.

10. Following the submission of the EGS Plans, DLC shall submit an advisory report to the Commission by May 1 & October 1 addressing in detail each EGS' Plan and, in particular, the viability of each EGS' proposed plan to meet its load obligations consistent with NERC and ECAR operating policies, criteria, requirements and standards.

11. Any EGS plan, DLC Advisory Report, or CEEP evaluation of an EGS Plan or DLC Advisory Report may contain suggestions for improvement including, but not limited to, proposed changes in scheduling or information deemed appropriate for Rule 4.19 matters.

## **Appendix II**

### **EGS Plan Evaluation Procedures**

1. After the EGSs file their entire Plan with the Commission, the EGS' Plan shall be assigned to CEEP and Law Bureau for evaluation. All plans and any other documents generated by this procedure, which contain information from an EGS Plan, shall be deemed proprietary and subject to a protective order issued by the Commission via Secretarial Letter prior to the submission of the first plans. All parties shall be afforded the opportunity to review and submit comments regarding the text of the proposed protective order prior to its issuance by the Commission. All entities receiving copies of the EGS Plans and any supporting documents, as well as any other documents generated by this process, which contain information from an EGS Plan, shall be deemed to have agreed to abide by the protective order and to maintain the Plan and all of its contents as proprietary.

2. DLC shall file its Advisory Report of any EGS' Plan to CEEP in accordance with the schedule that CEEP establishes.

3. All parties will be provided an opportunity to discuss any proposed changes to the plans. Following those discussions, CEEP will provide the EGS with a preliminary opinion of the 'technical fitness' of an EGS' Plan.

4. All parties shall be given the opportunity to discuss with CEEP its opinion and attempt to reach a consensus on any contested portions, prior to CEEP's issuance of its opinion on the technical fitness of the plan. If after such informal discussions CEEP issues its opinion and any

party objects to its contents, the party shall have the right to request that the matter be referred to an ALJ for review, and hearing, if appropriate.

5. The ALJ will issue an opinion after hearing as soon as possible. Any party may appeal the ALJ's determination to the full Commission for expedited review. All parties to proceedings before an ALJ shall have the opportunity to file exceptions and reply exceptions to the ALJ's determination. The hearing and exception process shall be conducted on an expedited basis by CEEP and Law Bureau.

6. If an EGS' Plan is found to be unacceptable or the discussions do not produce a Settlement, CEEP and the Law Bureau may recommend that if an EGS supply shortage causes a Shed Load situation, as defined in DLC's Supplier Tariff (and such supply shortage is not due to a Force Majeure, as defined in DLC's Supplier Tariff), the EGS shall be deemed to have failed to make "best efforts" to avoid the supply shortage and therefore will be subject to the \$1,000/Mwh penalty authorized by section 4.7(iv) of DLC's Supplier Tariff for any Shed Load associated with the EGS's non-delivery.

### Appendix III

#### Generic Protective Order

[PARTIES OF RECORD]  
DOCKET NOS. R-00038092, R-00038092C0001,  
R-00038092C0002

#### PROTECTIVE ORDER

AND NOW, to wit, this [DATE], upon consideration of the Submission of the Energy Supplier Plan (EGS Plan) of NAME and the resulting necessity for a Protective Order, [FILED pursuant to Section 5.423 of the Commission's Rules of Administrative Practice and Procedure, 52 Pa. Code § 5.423, requesting restrictions on the disclosure of competitive, proprietary and confidential information that [NAME] and other parties may file, discuss, analyze, present or disclose, and upon consideration of the comments and/or revisions that other have made or proposed, IT IS HEREBY ORDERED THAT:

1. This Protective Order, as herein revised, is granted with respect to all materials identified in the following paragraphs herein, which are filed with the Commission, become the subject of discussion or analysis, are produced in discovery or otherwise presented during this proceeding. All persons now and hereafter granted access to the information identified in this Protective Order shall use and disclose such information only in accordance with this Protective Order.

2. The Proprietary Information subject to this Order includes all correspondence, documents, data, information, studies, methodologies and other materials, which a party or an affiliate of a party pursuant to the Commission's rules and regulations, any discussion or analysis, discovery procedures, or cross-examination or provides as a courtesy to the active parties in this proceeding, which are claimed to be of a proprietary or confidential nature and which are designated "PROPRIETARY INFORMATION." Proprietary Information shall include, but is not limited to: information involving transmission, energy, or load, independent system operator or regional organization matters, of NAME, NAME customer identification information concerning electric service, including cost and price and contract terms, and conditions and service and pricing data of Electric Generation Suppliers operating in NAME control area. Proprietary Information also shall include market-sensitive fuel or power price forecasts;

methodologies for power or fuel price forecasts, heat rates or heat rate curves; methodologies for supply forecasts; and business generation, wholesale transactions information and/or market-sensitive marketing plans or financial information that is commercially sensitive. All persons, including counsel, who intend to view Proprietary Information on behalf of any party, shall sign an acknowledgment confirming their knowledge of and agreement with the provisions of this Protective Order. Such signed acknowledgment shall be served upon all other parties.

3. Proprietary Information shall be made available to the Commission and its Staff for use in this and any related proceeding and for all internal Commission analyses, studies or investigations related to the same. For purposes of filing, to the extent that Proprietary Information is placed in the Commission's report folders or files of the Commission or staff, such information shall be handled in accordance with routine Commission procedures for Proprietary Information inasmuch as the report folders are not subject to public disclosure. To the extent the Proprietary Information is placed in the Commission's testimony or document folders or comes to be provided to the Commission or staff, such information shall be separately bound, conspicuously marked and accompanied by a copy of this Order. Public inspection of the Proprietary Information shall be permitted only in accordance with this Protective Order.

4. Proprietary Information shall be made available to counsel for parties of record in this proceeding. Such counsel shall use or disclose the Proprietary Information only for purposes of discussion, analysis, preparing or presenting evidence, cross-examination or argument in this case. To the extent required for participation in this proceeding, a party's counsel may afford access to Proprietary Information made available by another party ("the producing party") to the party's experts provided such expert is expressly bound by the terms of this Proprietary Order. A "party's experts" include a party's internal experts, who will provide testimony, discussion, or analysis, in this case, and who is not otherwise involved in marketing directly to customers, unless waived by the party requesting this Protective Order, and who expressly agrees to use the Proprietary Information only for this proceeding. No other persons may have access to the Proprietary Information, except as authorized by Order of the Commission. No person, who may be entitled to receive or who is afforded access to any Proprietary Information, shall use or disclose such information for the purpose of business or competition, or any purpose other than the presentation for and conduct of discussion, analysis, or other action in this proceeding, or any administrative or judicial review thereof.

5. The producing parties shall designate data or documents as constituting or containing Proprietary Information by affixing an appropriate proprietary stamp or typewritten designation on all such data or documents. Where only part of a compilation or multi-page document constitutes or contains Proprietary Information, the producing party, insofar as reasonably practicable within discovery and other time constraints imposed in this proceeding, shall designate only the specific data or pages of the document, which constitute or contain proprietary information.

6. Any public reference to Proprietary Information by the Commission or by counsel or persons afforded access thereto shall be to the title or exhibit reference in sufficient detail to permit persons with access to the Proprietary Information to fully understand the reference

and not more. Proprietary Information shall remain a part of the record or discussion or analysis, to the extent admitted, for all purposes of administrative or judicial review.

7. Part of any record of this proceeding containing Proprietary Information, including but not limited to all exhibits, writings, direct testimony, cross-examination, argument and responses to discovery, and including reference thereto as mentioned in the above Ordering Paragraphs, shall be sealed for all purposes, including administrative and judicial review, unless such Proprietary Information is released from the restrictions of this Order, either through the agreement of the parties or pursuant to an Order of the Commission or subsequent court of review.

8. Parties affected by this Order shall retain the right to question or challenge the confidential or proprietary nature of Proprietary Information; to question or challenge the admissibility of Proprietary Information; to refuse or object to the production of Proprietary Information on any proper ground, including but not limited to irrelevance, immateriality or undue burden; and to seek additional measures of protection of Proprietary Information beyond those provided in this Order. If a challenge is made to the designation of a document or information as Proprietary, the party claiming that the information is proprietary retains the burden of demonstrating that the designation is necessary and appropriate.

9. Upon completion of this proceeding, including any administrative or judicial review, all copies of all documents and other materials, including notes, whether written or oral, which contain any Proprietary Information, shall be immediately returned to the party furnishing such Proprietary Information. This provision, however, shall not apply to the Commission or its Staff, the Office of Consumer Advocate, or any other party receiving the consent of the producing party.

10. All Requests for an elevated category of Proprietary Information termed "Highly Sensitive Proprietary Information" under this Protective Order is generally denied without prejudice. However, any party may apply for an amendment to this Protective Order, should it consider this Order insufficient to protect its interests in disclosing its competitive, proprietary and confidential information, or otherwise appeal directly to the Commission from an Order of Staff pursuant to Section 5.44 of the Commission's Rules of Practice and Procedure. In the meantime, further consideration may allow all parties sufficient time to discuss and consider how their respective interests may be protected by a less restrictive means of limitation, while according everyone a full and adequate opportunity to participate in the proceeding. *See*, 52 Pa. Code § 5.432(a). Should those discussions prove unavailing, an application to amend this Protective Order will allow the parties an opportunity to more fully explain their concerns and so enable a more meaningful review of those concerns before a ruling is issued thereto.

11. Any determination in regard to this Protective Order may be appealed directly to the Commission as an Order of Staff pursuant to Section 5.44 of the Commission's Rules of Practice and Procedure.

[Pa.B. Doc. No. 04-508. Filed for public inspection March 19, 2004, 9:00 a.m.]

## Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest should 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, on or before April 12, 2004. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

### Complaint

*Pennsylvania Public Utility Commission Bureau of Transportation and Safety v. Daniel J. Inks; Doc. No. A-00111982C; A-00111982*

### COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Daniel J. Inks, respondent, maintains his principal place of business at 142 Demar Blvd., Canonsburg, PA 15317.
2. That respondent was issued a certificate of public convenience by this Commission on June 5, 1995, at Application Docket No. A-00111982.
3. That respondent abandoned or discontinued service without having first submitted a letter to this Commission containing a statement that the service is no longer being rendered. Respondent has not reported intrastate revenue for the years 2001, 2002 and 2003.
4. That respondent, by failing to submit a letter to this Commission containing a statement that the service is no longer being rendered, violated 52 Pa. Code § 3.381(a)(5) and, by failing to maintain adequate, efficient and safe service and facilities, violated 66 Pa.C.S. § 1501.

WHEREFORE, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission revoke respondent's Certificate of Public Convenience at A-00111982.

Respectfully submitted,

Wendy J. Keezel, Chief of Enforcement  
Motor Carrier Services & Enforcement Division  
Bureau of Transportation and Safety  
P. O. Box 3265  
Harrisburg, PA 17105-3265

### VERIFICATION

I, Wendy J. Keezel, hereby state that the facts above set forth are true and correct to the best of my knowl-

edge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_  
 Wendy J. Keezel, Chief of Enforcement

NOTICE

A. You must file an answer within twenty days of the date of service of this Complaint. The date of service is the mailing date, as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). An answer is a written explanation of circumstances wished to be considered in determining the outcome. The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your answer must be verified and the original and three copies sent to:

James J. McNulty, Secretary  
 Pennsylvania Public Utility Commission  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty days, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty, which will include the revocation of your Certificate of Public Convenience.

C. If you file an answer which admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty, which may include the revocation of your Certificate of Public Convenience.

D. If you file an answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision.

E. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at 717-787-1168.

**Complaint**

*Pennsylvania Public Utility Commission Bureau of Transportation and Safety v. Ponden, William, & Partners t/a Rainbow Express; Doc. No. A-00112401C; A-00112401*

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Ponden, William, & Partners, t/a Rainbow Express, respondent, maintains their principal place of business at 491 Baltimore Pike, #201, Springfield, PA 19064.

2. That respondent was issued a certificate of public convenience by this Commission on February 25, 1997, at Application Docket No. A-00112401.

3. That respondent abandoned or discontinued service without having first submitted a letter to this Commission containing a statement that the service is no longer being rendered. Respondent has not reported intrastate revenue for the years 1999, 2000, 2001, and 2002.

4. That respondent, by failing to submit a letter to this Commission containing a statement that the service is no longer being rendered, violated 52 Pa. Code § 3.381(a)(5) and, by failing to maintain adequate, efficient and safe service and facilities, violated 66 Pa.C.S. § 1501.

WHEREFORE, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission revoke respondent's Certificate of Public Convenience at A-00112401.

Respectfully submitted,

Wendy J. Keezel, Chief of Enforcement  
 Motor Carrier Services & Enforcement Division  
 Bureau of Transportation and Safety  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

VERIFICATION

I, Wendy J. Keezel, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_  
 Wendy J. Keezel, Chief of Enforcement

NOTICE

A. You must file an answer within twenty days of the date of service of this Complaint. The date of service is the mailing date, as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). An answer is a written explanation of circumstances wished to be considered in determining the outcome. The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your answer must be verified and the original and three copies sent to:

James J. McNulty, Secretary  
 Pennsylvania Public Utility Commission  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty days, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty, which will include the revocation of your Certificate of Public Convenience.

C. If you file an answer which admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty, which may include the revocation of your Certificate of Public Convenience.

D. If you file an answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision.

E. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at 717-787-1168.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 04-509. Filed for public inspection March 19, 2004, 9:00 a.m.]

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 04-511. Filed for public inspection March 19, 2004, 9:00 a.m.]

### Telecommunications

**A-311283F7004. ALLTEL Pennsylvania, Inc. and Certainty Tech Telecom, LLC.** Joint petition of ALLTEL Pennsylvania, Inc. and Certainty Tech Telecom, LLC for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

ALLTEL Pennsylvania, Inc. and Certainty Tech Telecom, LLC, by its counsel, filed on March 8, 2004, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the ALLTEL Pennsylvania, Inc. and Certainty Tech Telecom, LLC joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 04-510. Filed for public inspection March 19, 2004, 9:00 a.m.]

### Telecommunications

**A-310580F7001. Verizon North Inc. and MCI WorldCom Communications Inc. (as successor to Rhythms Links Inc.).** Joint petition of Verizon North Inc. and MCI WorldCom Communications Inc. (as successor to Rhythms Links Inc.) for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon North Inc. and MCI WorldCom Communications Inc. (as successor to Rhythms Links Inc.), by its counsel, filed on January 27, 2004, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon North Inc. and MCI WorldCom Communications Inc. (as successor to Rhythms Links Inc.) joint petition are on file with the Commission and are available for public inspection.

### Telecommunications

**A-310130F7001. Verizon North Inc. and National Telephone Exchange, Inc.** Joint petition of Verizon North Inc. and National Telephone Exchange, Inc. for approval of amendment no. 1 to an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon North Inc. and National Telephone Exchange, Inc., by its counsel, filed on March 1, 2004, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of amendment no. 1 to an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon North Inc. and National Telephone Exchange, Inc. joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 04-512. Filed for public inspection March 19, 2004, 9:00 a.m.]

### Telecommunications

**A-310580F7000. Verizon Pennsylvania Inc. and MCI WorldCom Communications Inc. (as successor to Rhythms Links Inc.).** Joint petition of Verizon Pennsylvania Inc. and MCI WorldCom Communications Inc. (as successor to Rhythms Links Inc.) for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania Inc. and MCI WorldCom Communications Inc. (as successor to Rhythms Links Inc.), by its counsel, filed on January 27, 2004, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania Inc. and MCI WorldCom Communications Inc. (as successor to Rhythms Links Inc.) joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director,  
Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 04-513. Filed for public inspection March 19, 2004, 9:00 a.m.]

### Telecommunications

**A-310580F7000. Verizon Pennsylvania Inc. and MCI WorldCom Communications, Inc. (formerly known as MFS Intelenet of Pennsylvania, Inc.).** Joint petition of Verizon Pennsylvania Inc. and MCI WorldCom Communications, Inc. (formerly known as MFS Intelenet of Pennsylvania, Inc.) for approval of amendment no. 1 to an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania Inc. and MCI WorldCom Communications, Inc. (formerly known as MFS Intelenet of Pennsylvania, Inc.), by its counsel, filed on January 27, 2004, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of amendment no. 1 to an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania Inc. and MCI WorldCom Communications, Inc. (formerly known as MFS Intelenet of Pennsylvania, Inc.) joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director,  
Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 04-514. Filed for public inspection March 19, 2004, 9:00 a.m.]

## STATE EMPLOYEES' RETIREMENT BOARD

### Hearings Scheduled

Hearings have been scheduled, as authorized by 71 Pa.C.S. Part XXV (relating to State Employees' Retirement Code), in connection with the State Employees' Retirement System's denial of claimants' requests concerning the indicated accounts. Under 1 Pa. Code § 35.30 (relating to notice and action on petitions to intervene), March 30, 2004 has been established as the last date to file a Petition to Intervene in these cases.

The hearings will be held before a hearing examiner at the State Employees' Retirement System, 30 North Third Street, First Floor, Harrisburg, PA 17101:

April 5, 2004	James R. Kelley (Class AA or Class D-4 Credit for Prior Service)	1 p.m.
April 14, 2004	John C. Marshall (Agency Debt/DRO)	1 p.m.
April 15, 2004	George K. Summy (Purchase of Nonintervening Military Service)	1 p.m.
May 5, 2004	Daniel J. Menniti (Total Years of Service Credit)	1 p.m.

Parties in each respective case may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearings will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Under 4 Pa. Code § 250.01 (relating to applicability of general rules), procedural matters will be in conformance with 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure), unless specific exemption is granted.

JOHN BROSIOUS,  
*Secretary*

[Pa.B. Doc. No. 04-515. Filed for public inspection March 19, 2004, 9:00 a.m.]

# STATE CONTRACTS INFORMATION

## DEPARTMENT OF GENERAL SERVICES

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". The penalties apply to invoices for goods or services when payments are not made by the required payment date or within a 15 day grace period thereafter.

Act 1984-196 redefined a "qualified small business concern" as any independently owned and operated, for-profit business concern employing 100 or fewer employees. See 4 Pa. Code § 2.32. The business must include the following statement on every invoice submitted to the Commonwealth: "(name of business) is a qualified small business concern as defined in 4 Pa. Code 2.32."

A business is eligible for payments when the required payment is the latest of:

The payment date specified in the contract.

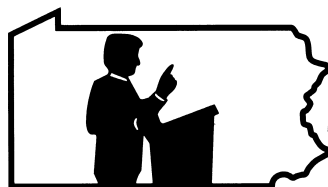
30 days after the later of the receipt of a proper invoice or receipt of goods or services.

The net payment date stated on the business' invoice.

A 15-day grace period after the required payment date is provided to the Commonwealth by the Act.

For more information: contact: Small Business Resource Center  
PA Department of Community and Economic Development  
374 Forum Building  
Harrisburg, PA 17120  
800-280-3801 or (717) 783-5700

### Reader's Guide



Legal Services & Consultation

① Service Code Identification Number

② Commodity/Supply or Contract Identification No.

**B-54137.** Consultant to provide three 2-day training sessions, covering the principles, concepts, and techniques of performance appraisal and standard setting with emphasis on performance and accountability, with a knowledge of State Government constraints.

Department: General Services

Location: Harrisburg, Pa.

Duration: 12/1/93-12/30/93

Contact: Procurement Division  
787-0000

③ Contract Information

④ Department

⑤ Location

⑥ Duration

⑦

(For Commodities: Contact:  
Vendor Services Section  
717-787-2199 or 717-787-4705

### REQUIRED DATA DESCRIPTIONS

- ① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.
- ② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.
- ③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.
- ④ Department: State Department or Agency initiating request for advertisement.
- ⑤ Location: Area where contract performance will be executed.
- ⑥ Duration: Time estimate for performance and/or execution of contract.
- ⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.

(For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

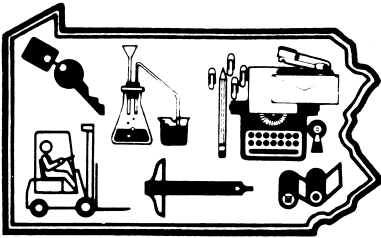


## PA TREASURY BUSINESS OUTLET—PLUG INTO IT!

The Treasury Department's Bureau of Contracts and Public Records can help you do business with state government agencies. Our efforts focus on guiding the business community through the maze of state government offices. The bureau is, by law, the central repository for all state contracts over \$5,000. Services are free except the cost of photocopying contracts or dubbing a computer diskette with a list of current contracts on the database. A free brochure explains how to take advantage of available services.

Contact: **Bureau of Contracts and Public Records**  
 Pennsylvania State Treasury  
 Room 201 Finance Building  
 Harrisburg, PA 17120  
 717-787-4586  
 1-800-252-4700  
 BizOutlet@ptreasury.org

BARBARA HAFER,  
*State Treasurer*

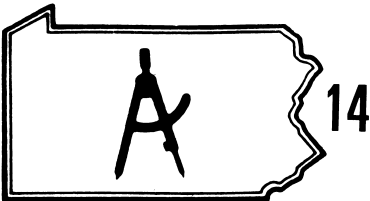


### Commodities

**014071** Bridge Beams. Quantity: (6) six. Beams: W30 x 99, 50 ksi, 50' long.  
**Department:** Transportation  
**Location:** Maint. District 1-4, 215 N. Maple Street, Mercer, PA 16137  
**Duration:** Award date—to December 31, 2004  
**Contact:** Cynthia L. Supel, (724) 662-5350

**CN00007663** Pressure-Type Steamer.  
**Department:** Public Welfare  
**Location:** Polk Center, P. O. Box 94, Polk, PA 16342  
**Contact:** Amy Tatarek, Purchasing Agent, (814) 432-0229

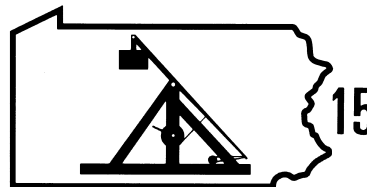
## SERVICES



### Engineering Services

**PennDOT-ECMS** The Pennsylvania Department of Transportation has established a website advertising for the retention of engineering firms. You can view these business opportunities by going to the Department of Transportation's Engineering and Construction Management System at [www.dot2.state.pa.us](http://www.dot2.state.pa.us).

**Department:** Transportation  
**Location:** Various  
**Contact:** [www.dot2.state.pa.us](http://www.dot2.state.pa.us)



### Environmental Maintenance Service

**BOGM 03-12** Cleaning Out and Plugging Thirty-Three (33) Orphan Oil Wells, (Allegheny National Forest Property). The principal items of work include cleaning out and plugging thirty-three (33) orphan oil wells, estimated to be 1,000 to 2,000 feet in depth, to Department specifications, preparing and restoring well sites and mobilizing and demobilizing plugging equipment. This project issues on March 19, 2004 and bids will be opened on April 15, 2004 at 2:00 p.m. Payment in the amount of \$10.00 must be received before bid documents will be sent. A pre-bid conference is planned for this project but a date has not been set. Please use the contact information contained in this advertisement to find out more about the pre-bid.

**Department:** Environmental Protection  
**Location:** Barnett, Howe, and Jenks Townships, Forest County, PA  
**Duration:** 280 calendar days after the official starting date.  
**Contact:** Construction Contracts Section, (717) 783-7994

**C40-8-106.1** Duryea Levee Closure Structure. The principal items of work include the General Construction of Stephenson Street Bridge Levee Closure Structure, and Installation of Elastomeric Check Valve. This project issues on March 19, 2004 and bids will be opened on April 13, 2004 at 2:00 p.m. Payment in the amount of \$10.00 must be received before bid documents will be sent.

**Department:** Environmental Protection  
**Location:** Borough of Duryea, Luzerne County, PA  
**Duration:** 180 calendar days after the official starting date.  
**Contact:** Construction Contracts Section, (717) 783-7994

**BOGM 03-2A** Cleaning Out and Plugging Twenty-Five (25) Abandoned Oil Wells, (Oil Creek State Park Property). The principal items of work include cleaning out and plugging twenty-five (25) abandoned oil wells, estimated to be 800-1,000 feet in depth to Department specifications, preparing and restoring well sites and mobilizing and demobilizing plugging equipment. This project issues on March 19, 2004 and bids will be opened on April 15, 2004 at 2:00 p.m. Payment in the amount of \$10.00 must be received before bid documents will be sent. A pre-bid conference is planned for this project but a date has not been set. Please use the contact information contained in this advertisement to find out more about the pre-bid.

**Department:** Environmental Protection  
**Location:** Cornplanter Township, Venango County, PA  
**Duration:** 180 calendar days after the official starting date.  
**Contact:** Construction Contracts Section, (717) 783-7994

**BOGM 02-12C** Cleaning Out and Plugging Eight (8) Abandoned and Orphan Oil and Gas Wells, (Mr. Bill Chen, Mr. John R. Cairns, Mr. and Mrs. James J. Bowman, Developers Diversified Realty Corp., Quaker Engineering Co. and MHM Development Co. Properties). The principal items of work include cleaning out and plugging eight (8) abandoned and orphan oil and gas wells, estimated to be between 2,200-2,800 feet each in depth, to Department specifications, preparing and restoring well sites and mobilizing and demobilizing plugging equipment. This project issues on March 19, 2004 and bids will be opened on April 15, 2004 at 2:00 p.m. Payment in the amount of \$10.00 must be received before bid documents will be sent. A pre-bid conference is planned for this project but a date has not been set. Please use the contact information contained in this bid document to find out more about the pre-bid.

**Department:** Environmental Protection  
**Location:** South Fayette, Robinson and Ohio Townships, and Bethel Park Borough, Allegheny County, PA  
**Duration:** 220 calendar days after the official starting date.  
**Contact:** Construction Contracts Section, (717) 783-7994

**BOGM 03-11B** Cleaning Out and Plugging Three (3) Abandoned Gas Wells, (Virginia Namey and The City of Monessen Property). The principal items of work include cleaning out and plugging three (3) abandoned gas wells, estimated to be 3,000 to 4,000 feet in depth, to Department specifications, preparing and restoring well sites and mobilizing and demobilizing plugging equipment. The estimated plugging time is 5 to 10 working days per well using an estimated 75,200 pounds of plugging material per well. This project issues on March 19, 2004 and bids will be opened on April 15, 2004 at 2:00 p.m. Payment in the amount of \$10.00 must be received before bid documents will be sent. A pre-bid conference is planned for this project but a date has not been set. Please use the contact information contained in this advertisement to find out more about the pre-bid.

**Department:** Environmental Protection  
**Location:** Lower Burrell Township and The City of Monessen, Westmoreland County  
**Duration:** 180 calendar days after the official starting date.  
**Contact:** Construction Contracts Section, (717) 783-7994

**BOGM 03-11A** Cleaning Out and Plugging Seven (7) Abandoned and Orphan Gas Wells, (Dominick Conti, Kenneth Eisaman, Donald P. Fox, Mildred Deangelis, Marvin Williams, Charles Kelly, Jr., Roger Durka Properties). The principal items of work and approximate quantities include cleaning out and plugging seven (7) abandoned and orphan gas wells, estimated to be 3,000 to 4,000 feet in depth, to Department specifications, preparing and restoring well sites and mobilizing and demobilizing plugging equipment. This project issues on March 19, 2004 and bids will be opened on April 15, 2004 at 2:00 p.m. Payment in the amount of \$10.00 must be received before bid documents will be sent. A pre-bid conference is planned for this project but a date has not been set. Please use the contact information contained in this advertisement to find out more about the pre-bid.

**Department:** Environmental Protection  
**Location:** Hempfield, West Leechburg, Lower Burrell and Rostraver Townships, and the City of Monessen, Westmoreland County, PA  
**Duration:** 90 calendar days after the official starting date.  
**Contact:** Construction Contracts Section, (717) 783-7994

**C35:7-102.1** Mayfield Levee Closure Structures. The principal items of work include the following: Alternative A: General Construction of Chestnut Street levee closure structure and General Construction of the Lackawanna Avenue Levee Floodwall. Alternative B: General Construction of Chestnut Street levee closure structure, General Construction of the Lackawanna Avenue Levee Floodwall and General Construction of the Lackawanna Avenue Culvert Modifications. This project issues on March 19, 2004 and bids will be opened on April 13, 2004 at 2:00 p.m. Payment in the amount of \$15.00 must be received before bid documents will be sent. A pre-bid conference is being held in the Mayfield Borough Building located at 739 Penn Avenue, Borough of Mayfield, Lackawanna County on April 1, 2004 at 12:00 p.m.

**Department:** Environmental Protection  
**Location:** Borough of Mayfield, Lackawanna County, PA  
**Duration:** 180 calendar days after the official starting date.  
**Contact:** Construction Contracts Section, (717) 783-7994

**C64:3-103.1** Hawley Levee Closures. The principal items of work include the general construction of the Church Road Bridge levee closure structure and general construction of the Railroad levee closure structure. This project issues on March 19, 2004 and bids will be opened on April 13, 2004 at 2:00 p.m. Payment in the amount of \$15.00 must be received before bid documents will be sent.

**Department:** Environmental Protection  
**Location:** Borough of Hawley, Wayne County, PA  
**Duration:** 180 calendar days after the official starting date.  
**Contact:** Construction Contracts Section, (717) 783-7994

**C11:26-102.1** St. Clair Run Streambank Stabilization Project. The principal items of work and approximate quantities include the removal of cable-concrete mattress, 645 square yards of turf reinforcement mat, 645 square yards of erosion control blanket, 125 square yards of R-7 riprap, grouting existing riprap and seeding. This project issues on March 19, 2004 and bids will be opened on April 13, 2004 at 2:00 p.m. Payment in the amount of \$10.00 must be received before bid documents will be sent.

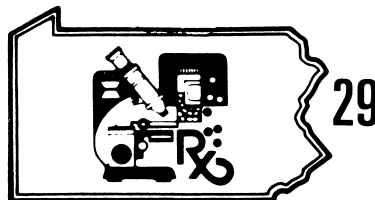
**Department:** Environmental Protection  
**Location:** Lower Yoder Township, Cambria County, PA  
**Duration:** 60 calendar days after the official starting date.  
**Contact:** Construction Contracts Section, (717) 783-7994



### Extermination Services

**SBC-404973** Kutztown University is seeking bids from qualified vendors to provide pest control services. Service to include the control rodents, insects arachnids, and millipedes. Interested vendors must submit a written request to receive the bid packet (SBC-404973) to: Kutztown University, Purchasing Department, Attn: Craig Kleinsmith, PO Box 730, Kutztown, PA 19530; Fax: (610) 683-4674; or e-mail to kleinsmi@kutztown.edu. Bid packets are available from March 15 through April 12, 2004. Bids must be received no later than 2:00 PM on April 15, 2004. Late submissions will be rejected. Faxed or e-mail bids will not be accepted.

**Department:** State System of Higher Education  
**Location:** Kutztown University, Kutztown, PA 19530  
**Duration:** 5 Years  
**Contact:** Craig Kleinsmith, (610) 683-4774



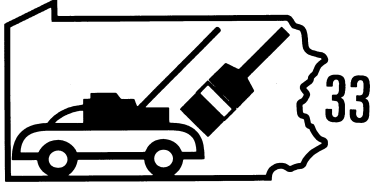
### Medical Services

**RFP #COB-003** The Office of the Chancellor, State System of Higher Education is soliciting the services of a vendor to provide COBRA administration services for the health care programs and flexible spending accounts for 10,000 employees and retirees/annuitants. The maximum term of the contract is 5 years and contract must begin July 1, 2004. The RFP will provide interested vendors with sufficient information to prepare and submit proposals. Final proposals must be submitted by 4:00 p.m. on Friday, April 2, 2004. To receive a RFP, contact Mary Ann Spontak, Health Care Program Administrator, State System of Higher Education, 2986 North Second Street, Harrisburg, PA 17110, (717) 720-4166, mspontak@sshechan.edu.

**Department:** State System of Higher Education  
**Location:** Harrisburg, PA  
**Duration:** 5 Years  
**Contact:** Mary Ann Spontak, (717) 720-4166

**11047-03** Contractor to provide Dental Services to Inmates at The State Correctional Institution at Muncy.

**Department:** Corrections  
**Location:** State Correctional Institution at Muncy, Route 405, P. O. Box 180, Muncy, PA 17756  
**Duration:** This contract will be for a period of 1 to 3 years: 7/1/04 to 6/30/05 and/or 6/30/07  
**Contact:** Cindy Lyons, (570) 546-3171, ext 373



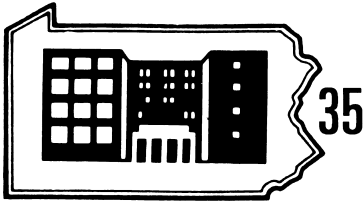
### Property Maintenance

**02953-008-03-AS-1** Project Name: New Maintenance Building. Project Scope: The project involves the demolition of a small block and frame garage, site work, and construction of a new 40' x 60' Maintenance Facility. The new building is a combination of masonry and wood frame with exterior wood siding and metal roofing. The interior finishes are block and drywall. The only systems included in this project will be the rough in of underslab plumbing. A (nonmandatory) Pre-bid meeting will be held on Tuesday, March 16, 2004 at 10:00 am at Brandywine Battlefield, Chadds Ford, PA. for all firms interested in submitting bids for the project. For directions, contact the Project Manager, Ted Strosser at (717) 772-4992 or the site at (610) 459-3342. All interested bidders should submit a \$50.00 (non-refundable) check and a request for a bid package in writing to: PA. Historical and Museum Commission, Division of Architecture, Room N118, Plaza Level, 400 North Street, Harrisburg, PA 17120-0053—ATTENTION: Judi Yingling (717) 772-2401 or—FAX—717-214-2988 or email: jyngling@state.pa.us. All proposals are due on Wednesday, March 31, 2004 at 11:45 am. Bid opening will be held in The Commonwealth Keystone Building, Division of Architecture, Room N118, Plaza Level, 400 North Street, Harrisburg, PA 17120-0053.

**Department:** Historical and Museum Commission  
**Location:** Brandywine Battlefield, Box 202, Chadds Ford, PA 19317  
**Duration:** April 1, 2004 to December 31, 2004  
**Contact:** Judi Yingling, (717) 772-2401

**00704-002-04-AS-1-AMENDMENT** Amendment to Bid Opening Date: new bid opening date is: Friday, March 19, 2004, at 11:45 a.m. Project Name: Carriage House Addition. Project Scope: Construction of new 12' x 20' one story addition and renovations of restrooms at the Carriage House. Includes concrete foundation, stud frame walls, cedar siding and roofing, and interior finishes. A Pre-bid meeting will be held on Thursday, February 26, 2004 at 10:30 am at the Carriage House, Nathan Denison House, 35 Denison Street, Forty Fort, Luzerne County, PA for all firms interested in submitting bids for the project. For directions, contact the Project Manager, Joe Lauver at (717) 772-6242. All interested bidders should submit a \$25.00 (non-refundable) check and a request for a bid package in writing to: PA. Historical and Museum Commission, Division of Architecture, Room N118, Plaza Level, 400 North Street, Harrisburg, PA 17120-0053—ATTENTION: Judi Yingling, (717) 772-2401 or—FAX—717-214-2988 or email to: jyngling@state.pa.us. All proposals are due on Friday, March 19, 2004 at 11:45 am. Bid opening will be held in The Commonwealth Keystone Building, Division of Architecture, Room N118, Plaza Level, 400 North Street, Harrisburg, PA 17120-0053.

**Department:** Historical and Museum Commission  
**Location:** Nathan Denison House, 35 Denison Street, Forty Fort, PA  
**Duration:** April 1, 2004 to December 31, 2004  
**Contact:** Judi Yingling, (717) 772-2401



### Real Estate Services

**93673** State-owned real estate for sale, Latrobe Armory. The Department of General Services will accept bids for the purchase of 0.32 acres of property and one building located at the northwest intersection of Ridge Avenue and Spring Street, City of Latrobe, Westmoreland County. Bids are due on April 28, 2004. Interested parties wishing to receive a copy of solicitation #93673 should view the Department of General Services' website at [www.dgs.state.pa.us](http://www.dgs.state.pa.us), and click on "Real Estate" to download an SFP package or call 717-783-0228.

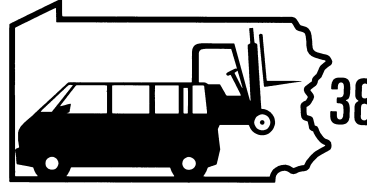
**Department:** General Services  
**Location:** 500 North Office Building, Harrisburg, PA 17125  
**Contact:** Mr. Stephen J. Squibb, (717) 783-0228

**93662** Lease office space to the Commonwealth of PA. Proposals are invited to provide the Department of Labor and Industry with 32,216 useable square feet of office space with a minimum parking requirement for 16 ADA vehicles, within the Harrisburg City Limits, Dauphin County, PA. Downtown locations will be considered. For more information on SFP #93662 which is due on April 19, 2004, visit [www.dgs.state.pa.us](http://www.dgs.state.pa.us) and click on "Real Estate" to download an SFP package or call (717) 787-7412.

**Department:** Labor and Industry  
**Location:** 505 North Office Building, Harrisburg, PA 17125  
**Contact:** Mr. Jennings K. Ward, (717) 787-7412

**93672** State-owned real estate for sale, Kutztown Armory—Apple Alley. The Department of General Services will accept bids for the purchase of 1.04 acres of property and one building located at 49 Apple Alley, Borough of Kutztown, Berks County. Bids are due on April 28, 2004. Interested parties wishing to receive a copy of solicitation #93672 should view the Department of General Services' website at [www.dgs.state.pa.us](http://www.dgs.state.pa.us), and click on "Real Estate" to download an SFP package, or call 717-783-0228.

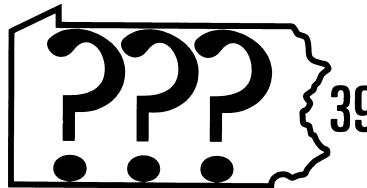
**Department:** General Services  
**Location:** 500 North Office Building, Harrisburg, PA 17125  
**Contact:** Mr. Stephen J. Squibb, (717) 783-0228



### Vehicle, Heavy Equipment and Powered Machinery Services

**124005** Tire Repair Service. Repair of existing and installation of new tires. Service will include mounts, dismounts, wheel changes, flat repairs, and other services performed to repair a tire. Specifications will be included in the bid package. Work/repairs to be done at the county maintenance shed as well as in the field at various sites throughout the county.

**Department:** Transportation  
**Location:** All sites/routes within Washington County.  
**Duration:** 1-year contract with option for three 1-year renewals. Tentative contract period is: July 1, 2004 to June 30, 2005  
**Contact:** Mitch Ekovitch, (724) 223-4480



### Miscellaneous

**RFA 21st Century Community Learning Centers Grant (Request for Application)** to Provide After School Programming. Twenty-first Century Community Learning Center grant funds are now available to provide academic and cultural enhancement activities to students and their families when school is not in session (before school, after school, and/or during holidays or summer recess.) A preproposal conference to address technical questions regarding the application process and related State and Federal requirements will be held on Friday, April 2, 2004 in Harrisburg. Persons planning to attend the conference must pre-register no later than March 29 by contacting Kathleen Sinnig at [ksinnig@state.pa.us](mailto:ksinnig@state.pa.us) or Kathleen Sinnig at 717-772-2813, or by calling Text Telephone TTY: (717) 783-8445. The 21st Century Community Learning Centers Request for Application (RFA) may be secured through these methods: online at PDE's website: [www.pde.state.pa.us/21stccclc](http://www.pde.state.pa.us/21stccclc); Email Request: [ksinnig@state.pa.us](mailto:ksinnig@state.pa.us); Voice Telephone Request: (717) 772-2813; Text Telephone TTY: (717) 783-8445. Applications must be received at the Department by 4 p.m. on April 30, 2004. Emailed and faxed applications will not be accepted.

**Department:** Education  
**Duration:** Three year grants.  
**Contact:** Kathy Sinnig, (717) 772-2813

**Application for Training Provider Approval** The Commonwealth Student Assistance Program (PA Departments of Education, Health, and Public Welfare) is accepting applications from non-profit child-serving agencies and Local Educational Agencies located within Pennsylvania, with 501(c)(3) status, to become approved to deliver Commonwealth Student Assistance Program Training within Pennsylvania. Individuals are not eligible to apply. No monetary award will be made from the Commonwealth of Pennsylvania to approved applicants. Applications are due May 12, 2004 and thereafter on January 10 of each subsequent year. To receive an application packet, contact Kim Swarner at voice (717) 783-6777; email: [kswarner@state.pa.us](mailto:kswarner@state.pa.us); fax (717) 783-2008; TTY (717) 783-8445. The application is also available at [www.sap.state.pa.us](http://www.sap.state.pa.us).

**Department:** Education  
**Location:** All areas within Pennsylvania.  
**Contact:** Kim Swarner, (717) 783-6777

**RFA #353R15** The Department of Transportation is issuing a Request for Applications (RFA) to solicit applicants who are interested in providing "On-Line Title Services for Qualified Pennsylvania Dealer Auctions/Dealer Associations." This is an open enrollment RFA. Functions which On-Line Title Services Providers will perform include, but are not limited to, reviewing and examining any documents/forms presented, performing data entries of requisite information on a remote terminal, transmitting the data to the Department, and issuing the appropriate documentation to the customer. Award will be made to applicants who submit applications that are received by the Department and meet all the requirements as listed in the RFA. Interested applicants may request a copy of the RFA by FAXING or e-mailing their name, company name, address, telephone number, FAX number, and e-mail address to Vikki Mahoney, 717-783-7971 (FAX) or vmahoney@state.pa.us (e-mail). Please reference RFA #353R15 on your request.

**Department:** Transportation  
**Location:** Throughout the Commonwealth of Pennsylvania  
**Duration:** 60 months  
**Contact:** Darlene Y. Greenawald, (717) 705-6476

**RFP #2004-06** The Educational Resources Group, Pennsylvania State System of Higher Education, is soliciting proposals for Online Web Portal—Marketing Services for the Educational Resources Group (ERG) and the fourteen universities of the Pennsylvania State System of Higher Education (hereinafter collectively referred to as the State System). Successful placement on the award list provides eligible Service Providers with the ability to provide services on an as needed basis. It is not a guarantee that the State System will request the Service Provider(s) to provide the services. For a copy of ITQ #2004-06, please contact the issuing office at lvenneri@ergpa.org or go to: <http://www.keystoneu.net/departments/Finance/Procurement/bidsopen1.html>. Proposals are due at the issuing office by April 7, 2004; 2:00 p.m.

**Department:** State System of Higher Education  
**Location:** Harrisburg, PA  
**Duration:** 1 Year with four Annual Renewal Periods  
**Contact:** Linda Venneri, (717) 720-4135

**1156-11208** Vendor to provide dumpsters and trash removal at SCI—Muncy.

**Department:** Corrections  
**Location:** State Correctional Institution, Route 405, P. O. Box 180, Muncy, PA 17756  
**Duration:** 7/1/04 to 6/30/05  
**Contact:** Cindy Lyons, (570) 546-3171, Ext. 373

[Pa.B. Doc. No. 04-516. Filed for public inspection March 19, 2004, 9:00 a.m.]

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## DESCRIPTION OF LEGEND

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| <p><b>1</b> Advertising, Public Relations, Promotional Materials</p> <p><b>2</b> Agricultural Services, Livestock, Equipment, Supplies &amp; Repairs: Farming Equipment Rental &amp; Repair, Crop Harvesting &amp; Dusting, Animal Feed, etc.</p> <p><b>3</b> Auctioneer Services</p> <p><b>4</b> Audio/Video, Telecommunications Services, Equipment Rental &amp; Repair</p> <p><b>5</b> Barber/Cosmetology Services &amp; Equipment</p> <p><b>6</b> Cartography Services</p> <p><b>7</b> Child Care</p> <p><b>8</b> Computer Related Services &amp; Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p><b>9</b> Construction &amp; Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p><b>10</b> Court Reporting &amp; Stenography Services</p> <p><b>11</b> Demolition—Structural Only</p> <p><b>12</b> Drafting &amp; Design Services</p> <p><b>13</b> Elevator Maintenance</p> <p><b>14</b> Engineering Services &amp; Consultation: Geologic, Civil, Mechanical, Electrical, Solar &amp; Surveying</p> <p><b>15</b> Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core &amp; Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p><b>16</b> Extermination Services</p> <p><b>17</b> Financial &amp; Insurance Consulting &amp; Services</p> <p><b>18</b> Firefighting Services</p> <p><b>19</b> Food</p> <p><b>20</b> Fuel Related Services, Equipment &amp; Maintenance to Include Weighing Station Equipment, Underground &amp; Above Storage Tanks</p> <p><b>21</b> Hazardous Material Services: Abatement, Disposal, Removal, Transportation &amp; Consultation</p> | <p><b>22</b> Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental &amp; Repair</p> <p><b>23</b> Janitorial Services &amp; Supply Rental: Interior</p> <p><b>24</b> Laboratory Services, Maintenance &amp; Consulting</p> <p><b>25</b> Laundry/Dry Cleaning &amp; Linen/Uniform Rental</p> <p><b>26</b> Legal Services &amp; Consultation</p> <p><b>27</b> Lodging/Meeting Facilities</p> <p><b>28</b> Mailing Services</p> <p><b>29</b> Medical Services, Equipment Rental and Repairs &amp; Consultation</p> <p><b>30</b> Moving Services</p> <p><b>31</b> Personnel, Temporary</p> <p><b>32</b> Photography Services (includes aerial)</p> <p><b>33</b> Property Maintenance &amp; Renovation—Interior &amp; Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning &amp; Planting, etc.)</p> <p><b>34</b> Railroad/Airline Related Services, Equipment &amp; Repair</p> <p><b>35</b> Real Estate Services—Appraisals &amp; Rentals</p> <p><b>36</b> Sanitation—Non-Hazardous Removal, Disposal &amp; Transportation (Includes Chemical Toilets)</p> <p><b>37</b> Security Services &amp; Equipment—Armed Guards, Investigative Services &amp; Security Systems</p> <p><b>38</b> Vehicle, Heavy Equipment &amp; Powered Machinery Services, Maintenance, Rental, Repair &amp; Renovation (Includes ADA Improvements)</p> <p><b>39</b> Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
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DONALD T. CUNNINGHAM, Jr.  
*Secretary*