

# PENNSYLVANIA BULLETIN

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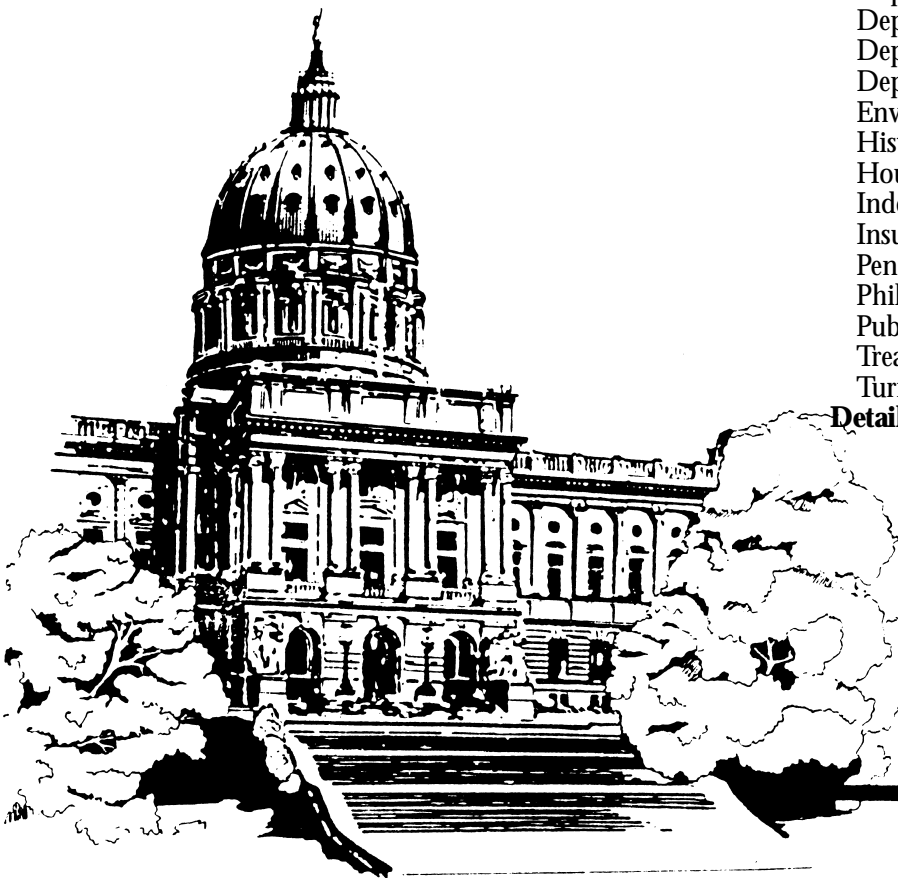
Saturday, May 22, 2004 • Harrisburg, Pa.

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**Agencies in this issue:**

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Independent Regulatory Review Commission  
Insurance Department  
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Philadelphia Regional Port Authority  
Public School Employees' Retirement Board  
Treasury Department  
Turnpike Commission

**Detailed list of contents appears inside.**



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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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## 22 Pa. Code (Education)

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## 25 Pa. Code (Environmental Protection)

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# THE GOVERNOR

## Title 4—ADMINISTRATION

### PART I. GOVERNOR'S OFFICE

[4 PA. CODE CH. 1]

[EXECUTIVE ORDER 2004-6]

#### Minority and Women-Owned Business Opportunities

April 15, 2004

*Whereas*, the level of participation by minority and women-owned businesses in the Commonwealth's procurement of supplies, services, and construction has averaged only two percent of the total dollars spent by the Commonwealth; and

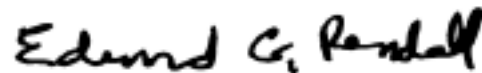
*Whereas*, Section 2101 of the Commonwealth Procurement Code, 62 Pa.C.S. § 2101, provides that it is the policy of this Commonwealth to assist small and disadvantaged businesses in learning how to do business with Commonwealth agencies; and

*Whereas*, the Constitution of the Commonwealth of Pennsylvania prohibits discrimination on the basis of race, color, or gender; and

*Whereas*, the Commonwealth must take steps not only to prevent discrimination against, but also to increase the Commonwealth contract participation rate by minority and women-owned businesses and other similarly disadvantaged businesses; and

*Whereas*, formulation of specific policy initiatives to implement these important goals are assigned to the Department of General Services as the agency responsible for the formulation of general procurement policy under Section 310 of the Commonwealth Procurement Code, 62 Pa.C.S. § 301.

Now, Therefore, I, Edward G. Rendell, Governor of the Commonwealth of Pennsylvania, by virtue of the authority vested in me by the Constitution of the Commonwealth of Pennsylvania and other laws, do hereby designate the Department of General Services as the central agency to manage and develop the participation of minority and women-owned businesses and other disadvantaged businesses in Commonwealth contracts.



Governor

**Fiscal Note:** GOV 04-5. No fiscal impact; (8) recommends adoption.

#### Annex A

### TITLE 4. ADMINISTRATION

#### PART I. GOVERNOR'S OFFICE

#### CHAPTER 1. AGENCY OPERATION AND ORGANIZATION

#### Subchapter LL. MINORITY AND WOMEN BUSINESS ENTERPRISE

#### § 1.451. Responsibilities of the Department of General Services.

The Department of General Services will do the following:

(1) Develop and implement policy initiatives to substantially increase contracting and subcontracting opportunities for minority and women-owned businesses and other disadvantaged businesses in the Commonwealth's procurement of supplies, services and construction.

(2) Centrally manage Commonwealth information, policies, procedures and issues pertaining to minority and women-owned businesses and other disadvantaged businesses.

(3) Expand the pool of certified minority and women-owned businesses by:

(i) Repealing the current 8-year graduation requirement for Commonwealth certified minority and women-owned businesses.

(ii) Periodically adjusting the business size limitation for Commonwealth certification.

(iii) Establishing reciprocal certification agreements with other governmental and nongovernmental organizations.

(iv) Establishing an expedited certification process for those minority and women-owned businesses certified by other certifying bodies.

(4) Enforce compliance with the minority and women-owned business program by both business and Commonwealth agencies.

(5) Make investigations and reports relating to the administration of the minority and women-owned business program and operations of an executive agency as they relate to the program.

(6) Request information or assistance as may be necessary, for carrying out the duties and responsibilities provided in this subchapter from any Federal, State or local government agency or unit thereof.

**§ 1.452. Responsibilities of agency heads.**

Agency heads under the Governor's jurisdiction will:

(1) Be responsible for ensuring that all competitive contract opportunities issued by their agency seek to maximize participation by minority and women-owned businesses and other disadvantaged businesses.

(2) Give consideration, when possible and cost effective, to contractors offering to utilize minority and women-owned businesses and disadvantaged businesses in the selection and award of contracts.

(3) Ensure that the agency's commitment to the minority and women-owned business program is clearly understood and appropriately implemented and enforced by all agency employees.

(4) Designate a responsible official to supervise the agency minority and women-owned business program and ensure compliance within the agency.

(5) Furnish the Department of General Services, upon request, all requested information or assistance.

(6) Recommend sanctions to the Secretary of General Services, as may be appropriate, against businesses that fail to comply with the policies of the Commonwealth minority and women-owned business program.

**§ 1.453. Objective.**

The Department of General Services (Department) will seek to increase the utilization of minority and women-owned businesses and other disadvantaged businesses in all competitive contracting opportunities. To achieve this objective, the Department will:

(1) Establish procurement policy that will give consideration, when possible and cost effective, to contractors offering to utilize minority and women-owned businesses and disadvantaged businesses in the selection and award of contracts.

(2) Develop and maintain an effective enterprise-wide data collection system in procurement and contracting, and institute quarterly and annual reporting requirements on participation level and spending in each agency.

(3) Create an internal data linkage so that agency buyers and purchasing agents will have a substantial number of commodity or service specific minority and women-owned businesses to solicit.

(4) Train procurement buyers and purchasing agents so they can assist in the Department's mission.

**§ 1.454. Definitions.**

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

*Disadvantaged business*—A business that is owned or controlled by a majority of persons, not limited to members of minority groups, who are subject to racial or ethnic prejudice or cultural bias.

*Minority-owned business*—A business owned and controlled by a majority of persons who are African-Americans, Hispanic Americans, Native Americans, Asian-Americans, Alaskans and Pacific Islanders.

*Women-owned business*—A business owned and controlled by a majority of persons who are women.

**§ 1.455. Rescission.**

Executive Order 1996-8, Minority and Women Business Enterprise and Contract Compliance Programs, is rescinded.

[Pa.B. Doc. No. 04-894. Filed for public inspection May 21, 2004, 9:00 a.m.]

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# THE COURTS

## Title 210—APPELLATE PROCEDURE

### PART I. RULES OF APPELLATE PROCEDURE [210 PA. CODE CH. 21]

Order Adopting Pa.R.A.P. 2117; No. 149 Appellate Procedural Rules; Doc. No. 1

#### Amended Order

*Per Curiam:*

And Now, this 18th day of February, 2004, upon the recommendation of the Appellate Court Procedural Rules Committee, the proposal having been published before adoption at 33 Pa.B. 4552 (September 13, 2003),

*It Is Ordered*, pursuant to Article V, Section 10 of the Constitution of Pennsylvania, that the following amendment to Pa.R.A.P. 2117 is adopted.

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

#### Annex A

### TITLE 210. APPELLATE PROCEDURE

#### PART I. RULES OF APPELLATE PROCEDURE

##### ARTICLE II. APPELLATE PROCEDURE

##### CHAPTER 21. BRIEFS AND REPRODUCED RECORD

##### CONTENT OF BRIEFS

#### Rule 2117. Statement of the Case.

\* \* \* \* \*

(d) [*Appeals from case stated.*] Appeals from cases submitted on stipulated facts. When the appeal is from an order on a [case stated, in the nature of a special verdict] case submitted on stipulated facts, the statement of the case may consist of the facts as [agreed upon] stipulated by the parties.

#### Official Note:

\* \* \* \* \*

Subdivision (c) is new. Rule 2119(e) (statement of place of raising or preservation of issues) requires that the argument contain a reference to the manner of raising or preservation of an issue in immediate connection with the argument relating thereto. See Rule 302 (requisites for reviewable issue), and Rule 1551(a) (review of quasijudicial orders).

The 2004 amendment replaces references in subdivision (d) to appeals from a “case stated” because this procedure was abolished pursuant to Pa.R.C.P. 1038.2. In its place, the Supreme Court adopted Pa.R.C.P. 1038.1 providing for a “case submitted on stipulated facts.” The statement of the case under subdivision (a)(4) of this rule may now only consist of those facts stipulated to by the parties.

[Pa.B. Doc. No. 04-895. Filed for public inspection May 21, 2004, 9:00 a.m.]

### PART I. RULES OF APPELLATE PROCEDURE [210 PA. CODE CHS. 31 AND 37]

Amendment to Pa.R.A.P. 3102 and Adoption to New Pa.R.A.P. 3761; No. 135 Appellate Court Rules; Doc. No. 1

#### Amended Order

*Per Curiam:*

Now, this 28th day of January, 2002, upon the recommendation of the Appellate Court Procedural Rules Committee, this Recommendation having been published before adoption at 31 Pa.B. 2470 (May 12, 2001);

*It Is Ordered* pursuant to Article V, Section 10 of the Constitution of Pennsylvania that the proposed amendment to Pa.R.A.P. 3102 and new Pa.R.A.P. 3761 are adopted in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. 103(b) and shall be effective January 28, 2002.

#### Annex A

### TITLE 210. APPELLATE PROCEDURE

#### PART I. RULES OF APPELLATE PROCEDURE

##### ARTICLE III. MISCELLANEOUS PROVISIONS

##### CHAPTER 31. BUSINESS OF THE COURTS GENERALLY

##### IN GENERAL

#### Rule 3102. Quorum and Action.

\* \* \* \* \*

(c) *Commonwealth Court evidentiary hearing and election matters.* A single judge of the Commonwealth Court shall be a quorum of the Court for the purposes of hearing and determining:

\* \* \* \* \*

(3) Any enforcement proceeding under Rule 3761 (relating to enforcement proceedings).

##### CHAPTER 37. BUSINESS OF THE COMMONWEALTH COURT

##### ENFORCEMENT PROCEEDINGS

#### Rule 3761. Enforcement Proceedings.

(a) *Petition.* When a government unit seeks to enforce an order issued under a statute which it administers, it may initiate the proceedings by filing a petition to enforce.

(b) *Service.* The petitioner shall serve the petition and order in the manner prescribed by the Pennsylvania Rules of Civil Procedure for service of original process and shall file the return or certificate of service prescribed by the same rules.

(c) *Hearing and Notice.* Upon the filing of a petition to enforce, the court will issue an order setting a date for a hearing and a date by which the respondent must answer the petition. The petitioner shall serve the court’s order upon the respondent in the manner prescribed by Rules 121 and 122.

(d) *Relief.* Following the hearing, the court will enter such orders as may be appropriate.

(e) *Discovery*. Discovery shall be allowed only upon leave of court.

**Official Note:** Rule 3761 (relating to enforcement proceedings) has been promulgated by the Commonwealth Court of Pennsylvania pursuant to authority granted to it by Pa.R.A.P. 104. The rule was made necessary by the opinion issued by the Supreme Court of Pennsylvania in *Pennsylvania Human Relations Commission v. School District of Philadelphia*, 732 A.2d 578 (Pa. 1999), in which the Court held that the rules of appellate procedure, rather than the rules of civil procedure, govern enforcement proceedings in Commonwealth Court.

Prior to the Supreme Court ruling in *PHRC*, Commonwealth Court had treated enforcement proceedings as matters resting within the Court's original jurisdiction and thereby governed in part by the rules of Appellate Procedure and in part by the Rules of Civil Procedure. In *PHRC*, the Supreme Court made clear that enforcement proceedings are within Commonwealth Court's appellate jurisdiction and that only the Rules of Appellate Procedure apply. The Supreme Court's ruling left a void, however, because the Rules of Appellate Procedure did not prescribe specific procedures governing enforcement proceedings.

Consistent with *PHRC*, therefore, Rule 3761 was adopted to establish a Rule of Appellate Procedure to codify the practice which the Commonwealth Court had theretofore followed in enforcement proceedings when those proceedings were regarded as matters within the Court's original jurisdiction. This special rule governing Commonwealth Court practice adheres to the Supreme Court's opinion in *PHRC* and should prove to be of benefit to both the bench and bar.

[Pa.B. Doc. No. 04-896. Filed for public inspection May 21, 2004, 9:00 a.m.]

## Title 225—RULES OF EVIDENCE

[225 PA. CODE ART. I]

### Rule 104 Comment Changes

The Committee on Rules of Evidence is planning to recommend that the Supreme Court of Pennsylvania approve the revision of the Comment to Rule of Evidence 104. This Comment Revision is being proposed to alert the bench and bar to changes in the conduct of child competency hearings.

This proposal has not been submitted for review by the Supreme Court of Pennsylvania.

The following explanatory Report highlights the Committee's considerations in formulating this proposal. Please note that the Committee's Report 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 explanatory Report.

The text of the proposed Comment changes precedes the Report. Additions are bold, and deletions are in bold and brackets.

We request that interested persons submit suggestions, comments, or objections concerning this proposal to the Committee through counsel:

Richard L. Kearns  
Staff Counsel  
Supreme Court of Pennsylvania  
Committee on Rules of Evidence  
5035 Ritter Road, Suite 700  
Mechanicsburg, PA 17055

no later than July 1, 2004

By the Committee on Rules of Evidence

CHARLES B. GIBBONS,  
Chair

### Annex A

#### TITLE 225. RULES OF EVIDENCE

#### ARTICLE I. GENERAL PROVISIONS

#### Rule 104. Preliminary Questions.

\* \* \* \* \*

#### Comment

\* \* \* \* \*

The second sentence of paragraph 104(c) is identical to the second sentence of F.R.E. 104(c). Paragraph 104(c) [ **indicates** ] **says** that hearings on other preliminary matters, both criminal and civil, shall be conducted outside the jury's presence when required by the interests of justice. Certainly, the court should conduct [ **the** ] **a** hearing outside the presence of the jury when the court believes that it is necessary to prevent the jury from hearing prejudicial information. [ **The right of an accused to have his or her testimony on a preliminary matter taken outside the presence of the jury does not appear to have been discussed in Pennsylvania law.** ]

In *Commonwealth v. Washington*, 722 A.2d 643 (1998) a case involving child witnesses, the Supreme Court created a per se error rule requiring competency hearings to be conducted outside the presence of the jury. In *Commonwealth v. Delbridge*, \_\_\_\_\_ Pa. \_\_\_\_\_, \_\_\_\_\_ A.2d \_\_\_\_\_ (2003), the Supreme Court held that a competency hearing is the appropriate way to explore an allegation that the testimony of a child has been "impaired" or "tainted" by suggestive interview techniques, and that the burden is on a party alleging testimonial incompetency by reason of taint to prove it by clear and convincing evidence.

**The right of an accused to have his or her testimony on a preliminary matter taken outside the presence of the jury, a right that the rule expressly recognizes, does not appear to have been discussed in prior Pennsylvania case law.**

\* \* \* \* \*

### REPORT

#### *Proposed Revision of the Comment to Pa.R.E. 104*

#### Comment Changes

The Committee on Rules of Evidence is planning to recommend that the Supreme Court of Pennsylvania approve the revision of the Comment to Pa.R.E. 104. This Comment revision is being proposed to alert the bench and bar to some significant changes in the conduct of child competency hearings.

In *Commonwealth v. Washington*, 722 A.2d 643 (1998), the Supreme Court created a rule requiring that the

competency hearing of a child witness be conducted outside the presence of the jury.

In *Commonwealth v. Delbridge*, \_\_\_\_\_ A.2d (2003), the Supreme Court held that the testimony of a child witness may be so tainted or impaired by suggestive interview techniques as to render the child incompetent to testify. The Court also held that the burden is on the party alleging testimonial incompetence by reason of taint to prove it by clear and convincing evidence.

[Pa.B. Doc. No. 04-897. Filed for public inspection May 21, 2004, 9:00 a.m.]

## Title 25—LOCAL COURT RULES

### BEAVER COUNTY

#### Local Procedural Rules; No. 537 of 2004

Rule 14 and Appendices which follow are adopted, effective thirty (30) days after publication in the *Pennsylvania Bulletin*. The Clerk of the Orphans' Court shall submit certified copies of this order, Rule 14 and Appendices as follows: seven (7) to the Administrative Office of Pennsylvania Courts; two (2) to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*; one (1) with the Orphans' Court Procedural Rules Committee of the Pennsylvania Supreme Court; one (1) copy with the Law Library of Beaver County; and one (1) copy shall be kept continuously available for public inspection and copying in the office of the Clerk of the Orphans' Court.

*By the Court*

ROBERT E. KUNSELMAN  
*President Judge*

#### ORPHANS' COURT DIVISION RULE 14

##### Rule 14. Incapacitated Persons; Guardians

###### L. R. 14.A. Local Rules.

The practice and procedure with respect to incapacitated persons' estates shall be as prescribed by local rules, which shall not be inconsistent with the Pennsylvania Supreme Court Orphans' Court Rules.

###### L. R. 14.B. Contents of Petition.

1. A petition for the appointment of a guardian of the estate or person of an alleged incapacitated person shall set forth:

- a) The name, age, residence and post office address of the alleged incapacitated person;
- b) the names and addresses of the spouse, parents and presumptive adult heirs of the alleged incapacitated person;
- c) the name and address of the person or institution providing residential services to the alleged incapacitated person;
- d) the names and addresses of other service providers;
- e) the name and address of the person or entity whom petitioner asks to be appointed guardian;
- f) an averment that the proposed guardian has no interest adverse to the alleged incapacitated person;
- g) the reasons why guardianship is sought;

h) a description of the functional limitations and physical and mental condition of the alleged incapacitated person;

- i) the steps taken to find less restrictive alternatives;
- j) the specific areas of incapacity over which it is requested that the guardian be assigned powers; and
- k) the qualifications of the proposed guardian.

2. If a limited or plenary guardian of the estate is sought, the petition shall also set forth:

- a) The gross value of the estate and the net income of the alleged incapacitated person from all sources to the extent known;
- b) the potential for conflict with regard to the issue of who will be appointed as guardian and with regard to the issue of capacity; and
- c) the current status of the alleged incapacitated person (i.e. unconscious, unable to communicate due to a stroke, combative, etc.).

3. If an emergency guardian is sought, the petition shall also include an indication as to whether or not the condition of the alleged incapacitated person is one that will or will not be remedied within the first 72 hours.

4. A consent, signed by the proposed guardian, shall be attached to the petition in which the proposed guardian shall agree to act as guardian of the person or the estate of the alleged incapacitated person if appointed by the Court and shall state that the proposed guardian has no interest adverse to that of the alleged incapacitated person and is not a fiduciary of any estate, trust or similar fund in which the alleged incapacitated person has an interest. The form of consent shall be substantially as set out in Appendices A-1 and A-2 to this Rule.

5. The petition shall conclude with a prayer for the appointment of a guardian of the estate or person or both of the alleged incapacitated person and for the award of a citation directed to the alleged incapacitated person to show cause why he should not be adjudged an incapacitated person and why a guardian should not be appointed.

###### L. R. 14.C. Preliminary Order; Notice; Service

1. Upon presentation of a petition for the appointment of a guardian, the Court will enter a preliminary order awarding the citation prayed for. The form of the preliminary order shall be substantially as set out in Appendix B to this Rule.

2. Written notice of the petition and hearing, to which shall be attached the citation and a copy of the petition and preliminary order, shall be provided to the alleged incapacitated person. The written notice shall be in large type and in simple language and shall indicate the purpose and seriousness of the proceeding, the rights that can be lost as a result thereof, the date, time and place of the hearing, and that the alleged incapacitated person has the right to request the appointment of counsel, to have counsel appointed if the Court deems it appropriate, and to have such counsel paid for if it cannot be afforded. The form of written notice shall be substantially as set out in Appendix C to this Rule.

3. Personal service of the written notice, petition, citation and preliminary order shall be made on the alleged incapacitated person and the contents and terms of the petition shall be explained to such person to the maximum extent possible in language and terms the individual is most likely to understand. Service shall be no

less than 20 days in advance of the hearing. In addition, notice of the petition and hearing shall be given in such manner as the Court shall direct to all persons residing within the Commonwealth who are sui juris and would be entitled to share in the estate of the alleged incapacitated person if he died intestate at that time, to the person or institution providing residential services to the alleged incapacitated person and to such other parties as the Court may direct, including other service providers. An Affidavit of Service shall be filed on or before the day of hearing.

#### **L. R. 14.D. Notice of Retention of Counsel**

1. Counsel retained by the person alleged to be incapacitated in a petition under 20 Pa.C.S.A. § 5511(a) shall enter an appearance and shall provide a copy thereof to the petitioner at least seven (7) days prior to the date set for hearing.

2. If petitioner does not receive notice under Rule 14.3(a) that counsel has entered an appearance on behalf of the alleged incapacitated person, petitioner shall notify the Court, in writing, at least seven (7) days prior to the date set for hearing that the alleged incapacitated person is not represented by counsel as set out in Appendix D to this Rule.

#### **L. R. 14.E. Hearing**

At the time fixed for the hearing on the petition, testimony shall be submitted in support of the petition (See 20 Pa.C.S.A. §§ 5512.1, 5518 and 5518.1). The alleged incapacitated person shall be present in court at such hearing unless (1) the Court is satisfied, upon the deposition or testimony of, or sworn statement by a physician or licensed psychologist, that his physical or mental condition would be harmed by his presence; or (2) it is impossible for him to be present because of his absence from the Commonwealth.

#### **L. R. 14.F. Appointment of Guardian**

1. *Findings.* In all cases, the Court, upon presentation of proper proof, shall consider and make specific findings of fact as required by 20 Pa.C.S.A. § 5512(a).

2. *Final Orders.* The Court shall determine whether a plenary or limited guardian of the person or estate of the alleged incapacitated person is required. The forms of final orders for the appointment of plenary and limited guardians are set out in Appendices E-1 and E-2 to this Rule.

3. There shall be attached to the final order as an exhibit the Statement of Rights, the form of which is set out in Appendix F to this Rule.

4. At the time of final hearing, the Petitioner shall submit to the Court the Pennsylvania Notification of Mental Health Commitment, the form of which is set out as Appendix G to this Rule.

#### **L. R. 14.G. Emergency Guardians**

1. *Petition.* A petition for the appointment of an emergency guardian of the person or estate of the alleged incapacitated person shall both set forth the information required in 20 Pa.C.S.A. § 5511(e) and Rule 14.1, and shall be subject to the provisions of 20 Pa.C.S.A. § 5511 (including those relating to notification concerning the right to counsel and the appointment of such counsel for the alleged incapacitated person), unless the Court directs in its order setting the time of the emergency hearing that the preparation and inclusion of such information is not feasible under the circumstances. Such emergency petitions must, however, contain facts and information

sufficient to enable the Court to determine that: (1) the person allegedly lacks capacity; (2) is in need of the appointment of an emergency guardian; and (3) the failure to make such appointment will result in irreparable harm to the person or estate of the alleged incapacitated person.

2. *Citation.* Upon presentation of an appropriate petition for the appointment of an emergency guardian of the person or estate of an alleged incapacitated person, the Court will enter an order awarding a citation, subject to the provisions of 20 Pa.C.S.A. § 5511(a), and will direct such notice as it shall determine to be feasible in the circumstances to persons appearing to be entitled to such notice. In addition to fixing a return day for the filing of a written answer to the petition (though such written answer shall not be mandatory), the order shall also fix a time and place for hearing on the petition. The citation, together with written notice of the petition, to which shall be attached a copy of the petition and the order, shall be served personally upon the alleged incapacitated person prior to the hearing. The forms of orders for the setting of a hearing upon a petition for appointment of an emergency guardian of the person or the estate of an alleged incapacitated person shall be substantially as provided in Appendix H to this Rule.

3. *Hearing.* At the time fixed for hearing on the petition for appointment of an emergency guardian, testimony shall be submitted in support of the petition (See 20 Pa.C.S.A. §§ 5513 and 5518). The alleged incapacitated person shall be present at the hearing unless: (1) the Court is satisfied, upon the deposition, testimony or sworn statement by a physician or licensed psychologist, that his physical or mental condition would be harmed by his presence, or (2) it is impossible for him to be present because of his absence from the Commonwealth.

4. *Appointment of Emergency Guardian.* Upon proper proof, the Court shall make a finding of incapacity and appoint an emergency guardian of the person or estate, or both, pursuant to 20 Pa.C.S.A. §§ 5512.1 and 5513 and, if the petition is for the appointment of an emergency guardian of the estate, will fix the amount of the surety bond, if any, to be filed by the guardian. The required bond must be submitted to the Court for approval and filed in the Clerk's Office before the order of appointment will be released by the Court. The emergency guardian of an alleged incapacitated person shall have only and be subject to such powers, duties and liabilities and serve for such time as the Court in its order of appointment shall direct. The forms of orders of appointment of an emergency guardian shall be substantially as provided in Appendices I-1 and I-2 to this Rule.

#### **L. R. 14.H. Inventory**

Within three (3) months after the real or personal property of the incapacitated person comes into his possession or as otherwise ordered by the Court, a guardian of the estate of an incapacitated person shall verify by oath and file with the Clerk an inventory and appraisal of personality and a statement of real estate, and a statement of any real or personal property which the guardian expects to acquire thereafter.

#### **L. R. 14.I. Reports Required of Guardian**

1. Each guardian of an incapacitated person shall file a report with the Court at least once within the first twelve (12) months of his appointment or such earlier time as may be set by the Court and at least annually thereafter.

2. The annual report of a guardian of the estate of an incapacitated person shall include:

a) Assets held by the guardian and the current value thereof.

b) All receipts and disbursements of principal and income since the date of appointment of the guardian, or, if later, since the date of the last annual report. The report shall identify expenditures which have been made since the date of appointment or, if later, the date of the last annual report, pursuant to any order for an allowance under 20 Pa.C.S.A. § 5536, or otherwise for the housing, maintenance, support, medical expenses, rehabilitation, education and other needs of the incapacitated person.

c) The estimated annual income from the assets held by the guardian and from other sources.

d) Notice of the filing of an annual report by the guardian of an estate shall be provided to the guardian's surety, the guardian of the person if someone other than the guardian of the estate, the incapacitated person and his or her counsel, if any, and such other interested parties as the Court may direct.

The form of the Report of a guardian of the estate shall be substantially as set out in Appendix J to this Rule.

3. Within sixty (60) days of the death of the incapacitated person or an adjudication of capacity and modification of existing orders, the guardian of the estate of such incapacitated person shall file a final report with the Court. The final report shall cover the period from the date of the appointment of the guardian of the estate to the date of death of the incapacitated person or the adjudication of capacity. Such final report shall be filed as an account of the guardian in the office of the Clerk as provided by 20 Pa.C.S.A. § 5532, and the practice and procedure concerning the filing and audit of such accounts, reviews, distribution and rights of distributees shall conform to the practice and procedure governing the administration as set forth in 20 Pa.C.S.A. § 5533 of a decedent's or minor's estate.

4. The annual report of guardian of the person of an incapacitated person shall include:

a) Current address, type of placement and living arrangements of the incapacitated person, e.g., private home, personal care facility, hospital, institution, etc.

b) Major medical or mental problems of the incapacitated person.

c) A brief description of the social, medical, psychological and other support services the incapacitated person is receiving.

d) The opinion of the guardian as to whether the guardianship should continue or be terminated or modified, and the reasons therefore.

e) The number and length of times the guardian visited the incapacitated person in the past year.

The form of the report of a guardian of the person shall be substantially as set out in Appendix K to this Rule.

5. Within sixty (60) days of the death of the incapacitated person or an adjudication of capacity and modification of existing orders, the guardian of the person shall file a final report with the Court, providing the address and type of placement of the incapacitated person as of the date of death or adjudication of capacity, number and length of times the guardian visited the incapacitated person since the last report, and the reason why the report is being filed. The form of the final report of the guardian of the person shall be substantially as set out in Appendix L to this Rule.

#### **L. R. 14.J. Petition for Allowance**

A petition under 20 Pa.C.S.A. § 5536 for an allowance from the incapacitated person's estate during incapacity, may be presented by the guardian or any interested party. The petition shall set forth:

1. The name of the guardian and the date of the guardian's appointment; if the petitioner is not the guardian, the petitioner's relationship to the incapacitated person or the nature of the petitioner's interest;

2. the nature and present value of the incapacitated person's estate and the net annual income therefrom;

3. the address of the incapacitated person;

4. the names and addresses of the incapacitated person's dependents, if any;

5. a statement of all claims of the incapacitated person's creditors known to the petitioner;

6. all previous allowances by decree; and

7. a prayer for the allowance requested.

No order for an allowance out of an incapacitated person's estate shall be made without prior notice to the incapacitated person's guardian, if any.

#### **L. R. 14.K. Sales, Mortgages, Leases, Exchanges and Options**

A petition for the sale, mortgage, lease, exchange or option of an incapacitated person's real or personal property shall comply with 20 Pa.C.S.A. §§ 3353, 5155 and 5521(b), and the applicable provisions of Rules 12.9, 12.10 and 12.11 of this Court.

Notice of a sale or other transaction under this section shall be given to all persons who are sui juris and would be entitled to share in the estate of the incapacitated person if the incapacitated person died intestate at the time the petition is presented.

#### **L. R. 14.L. Small Estates**

1. When the entire real and personal estate, wherever located, of a resident or non-resident alleged incapacitated person has a gross value of \$25,000 or less, a petition to have him adjudged incapacitated shall be filed in the form prescribed in Rule 14.1 of this Rule except that the appointment of a guardian of his estate shall not be requested. After the hearing on such a petition and upon presentation of the required evidence, the Court will make a finding of incapacity as to the alleged incapacitated person and may authorize the person or institution maintaining the person to receive and hold or dispose of the property of the person without the appointment of a guardian or the entry of security.

2. Without the appointment of a guardian, any amount in cash of a resident or non-resident incapacitated person may be ordered by the Court to be deposited in one or more savings accounts in the name of the person in banks, building and loan associations or savings and loan associations insured by a federal government agency, provided that the amount deposited in any one such savings institution shall not exceed the amount to which accounts are thus insured. Every such order shall contain a provision that no withdrawal can be made from any such account except as authorized by order of Court.

#### **L. R. 14.M. Foreign or Successor Guardian**

1. A foreign guardian shall file an exemplification of the record of the foreign guardianship in the office of the Register of Wills and thereafter a petition with the Court requesting full faith and credit to be given to the foreign



adjudication of incompetency. The Court will enter a preliminary order awarding a citation directed to the alleged incapacitated person and providing that at least twenty days' written notice of the proceeding be given to all persons appearing to be entitled to such notice. In addition to fixing a return date for the citation, the order shall also fix a time and place for a hearing on the petition. The citation, together with a copy of the petition and order, shall be served personally on the alleged incapacitated person. Notice to other persons shall be given personally or by registered or certified mail.

2. The Court, after such notice to parties in interest as it shall direct, may without a hearing appoint a succeeding guardian to fill a vacancy in the office of guardian or may appoint a co-guardian of the estate of an incapacitated person. Where the vacating guardian was a parent who is now deceased, any testamentary nominee of the parent shall be given preference by the Court.

**L. R. 14.N. Distribution of Principal (Estate Plan)**

In all petitions brought under 20 Pa.C.S.A. § 5536(b),

the Court will appoint a guardian ad litem to represent the interests of the incapacitated person at the hearing on the petition.

*Alternate:* In all petitions brought under 20 Pa.C.S.A. § 5536(b), petitioner shall (1) request the Court to appoint a guardian ad litem to represent the interests of the incapacitated person in the proceedings, or (2) assert facts and circumstances as to why such guardian need not be appointed.

**L. R. 14.O. Testamentary Writings**

All testamentary writings of the incapacitated person found by the guardian, or in the possession of any other person, shall, at the time of the filing of the inventory, be filed with the Clerk of the Orphans' Court and sealed, not to be opened without Order of Court.

**L. R. 14.P. Accounts and Distribution**

The practice and procedure with respect to the filing and audit of accounts, as well as the distribution of the assets comprising the estate, shall conform with the practice and procedure governing all other accounts.

**APPENDIX A-1**

**Consent of Guardian of Person**

IN THE COURT OF COMMON PLEAS OF BEAVER COUNTY,  
PENNSYLVANIA  
ORPHANS' COURT DIVISION

IN RE: \_\_\_\_\_ :  
: No. \_\_\_\_\_ of \_\_\_\_\_  
: \_\_\_\_\_  
an Alleged Incapacitated Person :

CONSENT OF THE PROPOSED GUARDIAN OF THE PERSON

I, \_\_\_\_\_, do hereby consent to be appointed as the Guardian of the Person of \_\_\_\_\_, an alleged Incapacitated Person, if so appointed by the Court.

I understand that if I am appointed as Guardian, I will be serving for the benefit of \_\_\_\_\_, an alleged Incapacitated Person, and I affirm that I will act in the best interests at all times of the alleged Incapacitated Person.

I further understand that if I am appointed as Guardian, I will be required to report to the Orphans' Court Division on my ward's personal affairs on at least an annual basis.

Dated: \_\_\_\_\_  
Proposed Guardian

**APPENDIX A-2**

**Consent of Guardian of Estate**

IN THE COURT OF COMMON PLEAS OF BEAVER COUNTY,  
PENNSYLVANIA  
ORPHANS' COURT DIVISION

IN RE: \_\_\_\_\_ :  
: No. \_\_\_\_\_ of \_\_\_\_\_  
: \_\_\_\_\_  
an Alleged Incapacitated Person :

CONSENT OF THE PROPOSED GUARDIAN OF THE ESTATE

I, \_\_\_\_\_, do hereby consent to be appointed as the Guardian of the Estate of \_\_\_\_\_, an alleged Incapacitated Person, if so appointed by the Court.

I understand that if I am appointed as Guardian, I will be serving for the benefit of \_\_\_\_\_, an alleged Incapacitated Person, and I affirm that I will act in the best interests at all times of the alleged Incapacitated Person.

I further understand that if I am appointed as Guardian of the Estate, I am accepting fiduciary responsibility for the financial affairs of \_\_\_\_\_, an alleged Incapacitated Person, and will be required to report to the Orphans' Court Division with regard to these financial affairs at least on an annual basis.

Dated: \_\_\_\_\_  
Proposed Guardian

THE COURTS

APPENDIX B

Preliminary Order Awarding a Citation for Permanent Guardianship Under Rule 14.2(a)

IN THE COURT OF COMMON PLEAS OF BEAVER COUNTY, PENNSYLVANIA ORPHANS' COURT DIVISION

IN RE: : : No. \_\_\_\_\_ of \_\_\_\_\_ : : an Alleged Incapacitated Person , : :

PRELIMINARY ORDER OF COURT

(Non-Emergency Guardian)

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, the foregoing Petition having been presented in Open Court, and upon consideration thereof, and upon motion of \_\_\_\_\_, Esquire, counsel for the Petitioner, IT IS ORDERED AND DECREED that a Citation be awarded directed to \_\_\_\_\_. This Petition seeks to have \_\_\_\_\_ adjudged an Incapacitated Person and to have a Plenary/Limited Guardian of his/her person and estate appointed, returnable the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_.M. prevailing time, at which time and place a hearing on the Petition for Appointment of a Plenary/Limited Guardian of the Person and of the Estate of the alleged Incapacitated Person will be held in Court Room No. \_\_\_\_\_, Beaver County Court House, Beaver, Pennsylvania.

At least twenty (20) days' written notice of the hearing shall be given to \_\_\_\_\_, the alleged Incapacitated Person, by serving him/her personally with a Citation and this Order of Court and a copy of the foregoing Petition, together with an explanation of the content and terms of the Petition. At least twenty (20) days' written notice of the Petition and hearing shall also be given to the next of kin and other parties in interest named in the Petition either personally or by registered or certified mail.

BY THE COURT:

J.

APPENDIX C

Important Notice to Alleged Incapacitated Person under Rule 14.2(b)

IN THE COURT OF COMMON PLEAS OF BEAVER COUNTY, PENNSYLVANIA ORPHANS' COURT DIVISION

IN RE: : : No. \_\_\_\_\_ of \_\_\_\_\_ : : an Alleged Incapacitated Person , : :

IMPORTANT NOTICE

TO: \_\_\_\_\_, an Alleged Incapacitated Person:

A PETITION HAS BEEN FILED BY \_\_\_\_\_ WITH THE ORPHANS' COURT DIVISION SEEKING TO HAVE YOU DECLARED AN INCAPACITATED PERSON AND A GUARDIAN APPOINTED FOR YOU. A HEARING ON THIS PETITION HAS BEEN SCHEDULED FOR THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, AT \_\_\_\_\_ O'CLOCK \_\_\_\_\_.M., PREVAILING TIME IN COURT ROOM NO. \_\_\_\_\_, BEAVER COUNTY COURT HOUSE, BEAVER, PENNSYLVANIA.

IF, AFTER THE HEARING, THE COURT GRANTS THIS PETITION, YOU MAY LOSE THE RIGHT TO MANAGE YOUR OWN FINANCIAL RESOURCES AND TO MAKE DECISIONS CONCERNING YOUR PHYSICAL HEALTH AND SAFETY, WHERE YOU LIVE OR OTHER RIGHTS IMPORTANT TO YOU.

YOU HAVE THE RIGHT TO ATTEND THE HEARING AND TO HAVE A LAWYER REPRESENT YOU. IF THE COURT DETERMINES THAT YOU CANNOT AFFORD A LAWYER, YOU HAVE THE RIGHT TO REQUEST THAT THE COURT APPOINT A LAWYER TO REPRESENT YOU AT NO COST TO YOU. YOU ALSO HAVE THE RIGHT TO REQUEST THAT THE COURT ORDER THAT AN INDEPENDENT EVALUATION BE CONDUCTED AS TO YOUR ALLEGED INCAPACITY. ADDITIONALLY, YOU HAVE ALL THE RIGHTS SET FORTH IN THE PROBATE, ESTATES AND FIDUCIARIES CODE AT 20 PENNSYLVANIA CONSOLIDATED STATUTES, SECTION 5101, WHICH GOVERNS GUARDIANSHIP PROCEEDINGS.

APPENDIX D

Notification of Retention or Lack of Counsel Under Rule 14.3(b)

(Date of Letter)

The Honorable \_\_\_\_\_
Court of Common Pleas of Beaver County
Orphans' Court Division
Beaver County Court House
Beaver, PA 15009

Re: \_\_\_\_\_
an Alleged Incapacitated Person
Docket No. \_\_\_\_\_ of \_\_\_\_\_
Date of Hearing: \_\_\_\_\_

Dear Judge \_\_\_\_\_ :

With regard to the above captioned matter and in accordance with Beaver County Local Orphans' Court Rule 14.3(b), this letter is to inform you that to the best of my knowledge, information and belief, \_\_\_\_\_ is not presently represented by counsel in his/her own right in regard to the above referenced proceedings.

OR

With regard to the above captioned matter and in accordance with Beaver County Local Orphans' Court Rule 14.3(b), this letter is to inform you that to the best of my knowledge, information and belief, \_\_\_\_\_ is presently represented by counsel in his/her own right in regard to the above referenced proceedings. An appearance has been entered on his/her behalf by \_\_\_\_\_ whose address is \_\_\_\_\_ and whose telephone number is \_\_\_\_\_ .

Very truly yours,

\_\_\_\_\_  
Attorney for Petitioner

APPENDIX E-1

Final Order Appointing Permanent Plenary Guardian Under Rule 14.5 (b)

IN THE COURT OF COMMON PLEAS OF BEAVER COUNTY,
PENNSYLVANIA
ORPHANS' COURT DIVISION

IN RE: \_\_\_\_\_ :
\_\_\_\_\_ : No. \_\_\_\_\_ of \_\_\_\_\_
\_\_\_\_\_ :
an Alleged Incapacitated Person \_\_\_\_\_ :

ORDER OF COURT DETERMINING INCAPACITY
AND APPOINTING PERMANENT PLENARY
GUARDIAN OF PERSON AND/OR ESTATE

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_, a hearing in this case having been held on \_\_\_\_\_, 20 \_\_\_\_\_, and it appearing to the Court that \_\_\_\_\_ was served with a Notice of this hearing on \_\_\_\_\_, 20 \_\_\_\_\_, and was present at the hearing (or) the Court finds that the physical or mental condition of \_\_\_\_\_ would be harmed by his/her presence at the hearing, and further finds from the testimony as follows:

- 1. That \_\_\_\_\_ suffers from \_\_\_\_\_, a condition or disability which totally impairs his/her capacity to receive and evaluate information effectively and to make and communicate decisions concerning his/her management of financial affairs or to meet essential requirements for his/her physical health and safety.
2. That there are insufficient supports available to assist \_\_\_\_\_ in overcoming such limitations and that there exists no less restrictive alternative mechanism for decision making than the appointment of a Plenary Guardian.
3. That based on the total incapacity of \_\_\_\_\_ to receive and evaluate information effectively and to make or communicate decisions, a Plenary Guardian of the Person and a Plenary Guardian of the Estate are required on a permanent basis.

NOW THEREFORE, based on the clear and convincing evidence supporting the foregoing findings, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that \_\_\_\_\_ be and hereby is adjudged a totally incapacitated person.

\_\_\_\_\_ is appointed Permanent Plenary Guardian of the Person of \_\_\_\_\_ and \_\_\_\_\_ is appointed Permanent Plenary Guardian of the Estate of \_\_\_\_\_ .

The Permanent Plenary Guardian of the Person shall have authority to consent to the general care, maintenance and custody of \_\_\_\_\_ without exception.

The Permanent Plenary Guardian of the Person shall assure that \_\_\_\_\_ receives appropriate services and shall assist him/her in developing self-reliance and independence.

The Permanent Plenary Guardian of the Estate shall have the authority to marshal all of \_\_\_\_\_'s income and assets, pay his/her bills and manage his/her financial affairs as fully as \_\_\_\_\_ could do so himself/herself if he/she had not been adjudged incapacitated.

If there is a safe deposit box in the name of the Incapacitated Person alone or in the names of the Incapacitated Person and another or others, said safe deposit box shall not be entered by the Guardian except in the presence of a representative of the financial institution where the box is located or in the presence of a representative of the Orphans' Court Division. The representative present at the time of entry shall make or cause to be made a record of the Incapacitated Person's property, and said record shall be filed with the Clerk of the Orphans' Court Division. None of the Incapacitated Person's property may be removed until after the aforesaid inventory is completed.

If the safe deposit box is jointly owned, five (5) days' notice of the proposed entry shall be given to the other owners by the Guardian.

An Inventory must be filed within ninety (90) days. A report by the Guardian of the Person and Estate shall be filed within \_\_\_\_\_ days and annually thereafter in a form approved by the Orphans' Court Division.

Within sixty (60) days of the death of the Incapacitated Person or an adjudication of capacity and modification of existing orders, the Guardian of the Estate shall file a final report with the Court in the form prescribed for accounts and shall cover the period from the date of the appointment of the Guardian of the Estate to the date of death of the Incapacitated Person or the adjudication of capacity.

A surety bond in the amount of \$ \_\_\_\_\_ shall be presented for approval by the Guardian of the Estate within five (5) days of the date of this Order.

\_\_\_\_\_, an Incapacitated Person, has the right to appeal this Order of Court by filing exceptions with the Clerk of the Orphans' Court Division within twenty (20) days of the date of this Order or by filing an appeal with the Prothonotary's Office of the Superior Court of Pennsylvania within thirty (30) days of the date of this Order or to petition this Court for a hearing to review or terminate the adjudication of incapacity and guardianship herein established.

If \_\_\_\_\_ was not present at the hearing on the adjudication of his/her incapacity and the appointment of a Guardian, then Petitioner shall serve upon, and read to \_\_\_\_\_, the Statement of Rights attached to this Order of Court and marked as Exhibit A. Proof of service of the Statement of Rights shall be filed by the Guardian with the Clerk of the Orphans' Court within ten (10) days of the date of this Order.

COURT:

\_\_\_\_\_  
J.

**APPENDIX E-2**

**Final Order Appointing Permanent Limited Guardian Under Rule 14.5 (b)**

IN THE COURT OF COMMON PLEAS OF BEAVER COUNTY,  
PENNSYLVANIA  
ORPHANS' COURT DIVISION

IN RE: \_\_\_\_\_ :  
: No. \_\_\_\_\_ of \_\_\_\_\_  
: \_\_\_\_\_,  
an Alleged Incapacitated Person :

**ORDER OF COURT DETERMINING PARTIAL  
INCAPACITY AND APPOINTING LIMITED PERMANENT  
GUARDIAN OF PERSON AND/OR ESTATE**

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, a hearing in this case having been held on \_\_\_\_\_, 20\_\_\_\_, and it appearing to the Court that \_\_\_\_\_ was served with a Citation and Notice of the hearing on \_\_\_\_\_, 20\_\_\_\_, and was present at the hearing (or) the Court finds that the physical or mental condition of \_\_\_\_\_ would be harmed by his/her presence at the hearing, and further finds from the testimony as follows:

- 1. That \_\_\_\_\_ suffers from \_\_\_\_\_, a condition or disability which partially impairs his/her capacity to receive and evaluate information effectively and to make and communicate decisions concerning his/her health and safety.
- 2. That there are insufficient supports available to assist \_\_\_\_\_ in overcoming such limitations and that there exists no less restrictive alternative mechanism for decision making than the appointment of a Limited Guardian.
- 3. That based on the partial incapacity of \_\_\_\_\_, to receive and evaluate information effectively and to make or communicate decisions, a Limited Guardian of the Person and a Limited Guardian of the Estate are required on a permanent basis.

NOW THEREFORE, based on the clear and convincing evidence supporting the foregoing findings, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that \_\_\_\_\_ be and hereby is adjudged a partially Incapacitated Person.

\_\_\_\_\_ is appointed Limited Permanent Guardian of the Person of \_\_\_\_\_ and \_\_\_\_\_ is appointed Limited Permanent Guardian of the Estate of \_\_\_\_\_.

The Limited Permanent Guardian of the Person shall have authority to consent to the general care, maintenance and custody of \_\_\_\_\_ with the exception of: \_\_\_\_\_.

The Limited Guardian of the Person shall assure that \_\_\_\_\_ receives appropriate services and shall assist him/her in developing self-reliance and independence.

The Limited Guardian of the Estate shall have the authority to marshal all of \_\_\_\_\_'s income and assets except that \_\_\_\_\_, the Incapacitated Person, shall retain the following power and authority to act on his/her own behalf: \_\_\_\_\_.

If there is a safe deposit box in the name of the Incapacitated Person alone, or in the names of the Incapacitated Person and another or others, said safe deposit box shall not be entered by the Guardian except in the presence of a representative of the financial institution where the box is located or in the presence of a representative of the Orphans' Court Division. The representative present at the time of entry shall make, or cause to be made, a record of the Incapacitated Person's property, and said record shall be filed with the Clerk of the Orphans' Court Division. None of the Incapacitated Person's property may be removed until after the aforesaid inventory is completed.

If the safe deposit box is jointly owned, five (5) days' notice of the proposed entry shall be given to the other owners by the Guardian.

An Inventory must be filed within ninety (90) days. A report by the Guardian of the Person and Estate shall be filed within \_\_\_\_\_ days and annually thereafter in a form approved by the Orphans' Court Division.

Within sixty (60) days of the death of the Incapacitated Person or an adjudication of capacity and modification of existing orders, the Guardian of the Estate shall file a final accounting.

A surety bond in the amount of \$ \_\_\_\_\_ shall be presented for approval by the Guardian of the Estate within five (5) days of the date of this Order.

\_\_\_\_\_, an Incapacitated Person, has the right to appeal this Order of Court by filing exceptions with the Clerk of the Orphans' Court Division within twenty (20) days of the date of this Order or by filing an appeal with the Prothonotary's Office of the Superior Court of Pennsylvania within thirty (30) days of the date of this Order or to petition this Court for a hearing to review or terminate the adjudication of incapacity and guardianship herein established.

If \_\_\_\_\_ was not present at the hearing on the adjudication of his/her incapacity and the appointment of a Guardian, then Petitioner shall serve upon, and read to \_\_\_\_\_, the Statement of Rights attached to this Order of Court and marked as Exhibit A. Proof of service of the Statement of Rights shall be filed by the Guardian with the Clerk of the Orphans' Court within ten (10) days of the date of this Order.

BY THE COURT:

\_\_\_\_\_  
J.

## APPENDIX F

### Statement of Rights

#### STATEMENT OF RIGHTS

AN ORDER HAS BEEN ENTERED BY A JUDGE OF THE COURT OF COMMON PLEAS OF BEAVER COUNTY, ORPHANS' COURT DIVISION, WHEREBY YOU HAVE BEEN ADJUDICATED AN INCAPACITATED PERSON AND UNABLE TO CARE FOR YOURSELF AND/OR MANAGE YOUR PERSONAL AFFAIRS. YOU HAVE THE RIGHT TO FILE EXCEPTIONS WITHIN TWENTY (20) DAYS OF THE DATE OF THE COURT'S ORDER WITH THE ORPHANS' COURT OR THE RIGHT TO FILE AN APPEAL WITHIN THIRTY (30) DAYS OF THE DATE OF THE COURT'S ORDER WITH THE SUPERIOR COURT OF PENNSYLVANIA. IN THE EVENT THAT YOU FILE EXCEPTIONS AND THEY ARE DENIED, YOU HAVE A RIGHT TO FILE AN APPEAL TO THE SUPERIOR COURT OF PENNSYLVANIA WITHIN THIRTY (30) DAYS OF THE DATE OF THE DENIAL OF THE EXCEPTIONS.

IN ADDITION, YOU MAY PETITION THE COURT AT ANY FUTURE TIME TO MODIFY OR TO TERMINATE THE GUARDIANSHIP IF THERE IS A CHANGE IN YOUR CAPACITY OR IF YOUR GUARDIAN FAILS TO PERFORM HIS/HER DUTIES IN ACCORDANCE WITH THE COURT'S ORDER.

IF YOU WISH TO APPEAL THE ORDER OR TO PETITION THE COURT TO MODIFY OR TERMINATE THE GUARDIANSHIP, YOU ARE ENTITLED TO BE REPRESENTED BY AN ATTORNEY. IF YOU DO NOT HAVE AN ATTORNEY, THE COURT MAY APPOINT ONE TO REPRESENT YOU. IF YOU CANNOT AFFORD AN ATTORNEY, THE SERVICES OF AN ATTORNEY WHOM THE COURT MAY APPOINT FOR YOU WILL BE PROVIDED AT NO COST TO YOU.<sup>2</sup>

## APPENDIX G

### Notification of Mental Health Commitment

State Police Gun Control Notification: See Form "Notification of Mental Health Commitment" from the Commonwealth of Pennsylvania.

THE COURTS

APPENDIX H

Preliminary Order Awarding a Citation for Emergency and Permanent Guardian Under Rule 14.2(a) and 14.6(a)

IN THE COURT OF COMMON PLEAS OF BEAVER COUNTY, PENNSYLVANIA ORPHANS' COURT DIVISION

IN RE: : No. \_\_\_\_\_ of \_\_\_\_\_
:
\_\_\_\_\_ , :
an Alleged Incapacitated Person :

PRELIMINARY ORDER OF COURT (Emergency and Permanent Guardian)

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_, the foregoing Petition having been presented in Open Court, upon consideration thereof and on motion of \_\_\_\_\_, counsel for Petitioner, IT IS HEREBY ORDERED AND DECREED that a Citation be awarded, directed to \_\_\_\_\_. This Petition seeks to have \_\_\_\_\_ adjudged an Incapacitated Person and to have a Plenary/Limited Guardian of his/her Person and Estate appointed. The Citation shall be returnable and an emergency and permanent hearing on the Petition, and any answer thereto, shall be held on the following dates and times:

Emergency Guardianship Permanent Guardianship
Return Date: Return date:
Hearing Date: Hearing Date:
Hearing Time: Hearing Time:
Courtroom No. Courtroom No.

The alleged Incapacitated Person shall be given notice of the hearing on appointment of an Emergency Guardian of his/her Person and Estate by serving him/her personally with the Citation, this Order of Court and a copy of the foregoing Petition prior to the time of such emergency hearing.

OR

The Court finds that service of notice of the hearing on appointment of an Emergency Guardian upon the alleged Incapacitated Person is not feasible under the circumstances and is, therefore, waived pursuant to 20 Pa.C.S.A. § 5513.

Any Answer or other response to the Petition shall be filed at the Office of the Register of Wills of Beaver County sitting as Clerk of the Orphans' Court, Beaver County Court House, Beaver, Pennsylvania 15009. Hearing shall be held in Court Room No. \_\_\_\_\_, Beaver County Court House, Beaver, Pennsylvania.

The Court finds that strict compliance with 20 Pa.C.S.A. § 5511(e) and Rule 14.1 of the Beaver County Orphans' Court Division Rules (both relating to contents of the Petition) are not feasible under the circumstances and are waived for the purpose of the hearing on appointment of an Emergency Guardian of the alleged Incapacitated Person.

The Court further finds that strict compliance with 20 Pa.C.S.A. § 5511(a) (relating to notification concerning the right to counsel and the appointment of counsel for the alleged Incapacitated Person) are not feasible under the circumstances and are waived for the purpose of the hearing on appointment of an Emergency Guardian of the alleged Incapacitated Person.

At least twenty (20) days' written notice of the hearing on appointment of a Permanent Guardian shall be given to \_\_\_\_\_, the alleged Incapacitated Person, by serving him/her personally with a copy of the Petition, the Citation and this Order of Court, together with an explanation of their contents. At least twenty (20) days' written notice of the petition and hearing on the appointment of a Permanent Guardian shall be given to the next of kin and other parties in interest in the petition, either personally or by registered or certified mail.

BY THE COURT:

\_\_\_\_\_ J.

APPENDIX I-1

Order Appointing Emergency Plenary Guardian Under Rule 14.6(d)

IN THE COURT OF COMMON PLEAS OF BEAVER COUNTY, PENNSYLVANIA ORPHANS' COURT DIVISION

IN RE: : No. \_\_\_\_\_ of \_\_\_\_\_
:
\_\_\_\_\_ , :
an Alleged Incapacitated Person :

ORDER OF COURT DETERMINING INCAPACITY AND APPOINTING EMERGENCY PLENARY GUARDIAN OF PERSON AND/OR ESTATE

AND NOW, this \_\_\_\_ day of \_\_\_\_, 20 \_\_\_\_, a hearing in this case having been held on \_\_\_\_, 20 \_\_\_\_, and it appearing to the Court that \_\_\_\_ was served with a Notice of this hearing on \_\_\_\_, 20 \_\_\_\_, and was present at the hearing (or) the Court finds that the physical or mental condition of \_\_\_\_ would be harmed by his/her presence at the hearing, and further finds from the testimony as follows:

- 1. That \_\_\_\_ suffers from \_\_\_\_, a condition or disability which totally impairs his/her capacity to receive and evaluate information effectively and to make and communicate decisions concerning his/her management of financial affairs or to meet essential requirements for his/her physical health and safety.
2. That there are insufficient supports available to assist \_\_\_\_ in overcoming such limitations and that there exists no less restrictive alternative mechanism for decision making than the appointment of an Emergency Plenary Guardian.
3. That based on the total incapacity of \_\_\_\_, to receive and evaluate information effectively and to make or communicate decisions, a Plenary Guardian of the Person and a Plenary Guardian of the Estate are required on an emergency basis.

NOW THEREFORE, based on the clear and convincing evidence supporting the foregoing findings, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that \_\_\_\_ be and hereby is adjudged a totally Incapacitated Person.

\_\_\_\_ is appointed Emergency Plenary Guardian of the Person of \_\_\_\_ and \_\_\_\_ is appointed Emergency Plenary Guardian of the Estate of \_\_\_\_.

The Emergency Plenary Guardian of the Person shall have authority to consent to the general care, maintenance and custody of \_\_\_\_ without exception.

The Emergency Plenary Guardian of the Person shall assure that \_\_\_\_ receives appropriate services and shall assist him/her in developing self-reliance and independence.

The Emergency Plenary Guardian of the Estate shall have the authority to marshal all of \_\_\_\_'s income and assets, pay his/her bills and manage his/her financial affairs as fully as \_\_\_\_ could do so himself/herself if he/she had not been adjudged incapacitated.

If there is a safe deposit box in the name of the Incapacitated Person alone or in the names of the Incapacitated Person and another or others, said safe deposit box shall not be entered by the Guardian except in the presence of a representative of the financial institution where the box is located or in the presence of a representative of the Orphans' Court Division. The representative present at the time of entry shall make or cause to be made a record of the Incapacitated Person's property, and said record shall be filed with the Clerk of the Orphans' Court Division. None of the Incapacitated Person's property may be removed until after the aforesaid inventory is completed.

If the safe deposit box is jointly owned, five (5) days' notice of the proposed entry shall be given to the other owners by the Guardian.

The appointment of the Emergency Plenary Guardian of the Person and Estate shall remain in effect until further Order of Court.

NO BOND REQUIRED ON EMERGENCY PLENARY GUARDIAN APPOINTMENT.

\_\_\_\_, an Incapacitated Person, has the right to appeal this Order of Court by filing exceptions with the Clerk of the Orphans' Court Division within twenty (20) days of the date of this Order or by filing an appeal with the Prothonotary's Office of the Superior Court of Pennsylvania within thirty (30) days of the date of this Order or to petition this Court for a hearing to review or terminate the adjudication of incapacity and guardianship herein established.

If \_\_\_\_ was not present at the hearing on the adjudication of his/her incapacity and the appointment of a Guardian, then Petitioner shall serve upon, and read to \_\_\_\_, the Statement of Rights attached to this Order of Court and marked as Exhibit A. Proof of service of the Statement of Rights shall be filed by the Guardian with the Clerk of the Orphans' Court within ten (10) days of the date of this Order.

BY THE COURT:

\_\_\_\_ J.

APPENDIX I-2

Order Appointing Emergency Limited Guardian Under Rule 14.6(d)

IN THE COURT OF COMMON PLEAS OF BEAVER COUNTY, PENNSYLVANIA ORPHANS' COURT DIVISION

IN RE: :
: No. \_\_\_\_ of \_\_\_\_
:
:
an Alleged Incapacitated Person , :
:

ORDER OF COURT DETERMINING INCAPACITY AND APPOINTING EMERGENCY LIMITED GUARDIAN OF PERSON AND/OR ESTATE

AND NOW, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, a hearing in this case having been held on \_\_\_\_\_, 20\_\_\_\_, and it appearing to the Court that \_\_\_\_\_ was served with a Notice of this hearing on \_\_\_\_\_, 20\_\_\_\_, and was present at the hearing (or) the Court finds that the physical or mental condition of \_\_\_\_\_ would be harmed by his/her presence at the hearing and further finds from the testimony as follows:

- 1. That \_\_\_\_\_ suffers from \_\_\_\_\_, a condition or disability which partially impairs his/her capacity to receive and evaluate information effectively and to make and communicate decisions concerning his/her management of financial affairs or to meet essential requirements for his/her physical health and safety.
2. That there are insufficient supports available to assist \_\_\_\_\_ in overcoming such limitations and that there exists no less restrictive alternative mechanism for decision making than the appointment of a Limited Guardian.
3. That based on the partial incapacity of \_\_\_\_\_ to receive and evaluate information effectively and to make or communicate decisions, a Limited Guardian of the Person and Limited Guardian of the Estate are required on an emergency basis.

NOW THEREFORE, based on the clear and convincing evidence supporting the foregoing findings, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that \_\_\_\_\_ be and hereby is adjudged a Partially Incapacitated Person.

\_\_\_\_\_ is appointed Emergency Limited Guardian of the Person of \_\_\_\_\_ and \_\_\_\_\_ is appointed Emergency Limited Guardian of the Estate of \_\_\_\_\_.

The Emergency Limited Guardian of the Person shall have authority to consent to the general care, maintenance and custody of \_\_\_\_\_ with the exception of: \_\_\_\_\_.

The Emergency Limited Guardian of the Person shall assure that \_\_\_\_\_ receives appropriate services and shall assist him/her in developing self-reliance and independence.

The Emergency Limited Guardian of the Estate shall have the authority to marshal all of \_\_\_\_\_'s income and assets except that \_\_\_\_\_, the Incapacitated Person, shall retain the following power and authority to act on his/her own behalf: \_\_\_\_\_.

If there is a safe deposit box in the name of the Incapacitated Person alone or in the names of the Incapacitated Person and another or others, said safe deposit box shall not be entered by the Guardian except in the presence of a representative of the financial institution where the box is located or in the presence of a representative of the Orphans' Court Division. The representative present at the time of entry shall make or cause to be made a record of the Incapacitated Person's property, and said record shall be filed with the Clerk of the Orphans' Court Division. None of the Incapacitated Person's property may be removed until after the aforesaid inventory is completed.

If the safe deposit box is jointly owned, five (5) days' notice of the proposed entry shall be given to the other owners by the Guardian.

NO BOND REQUIRED ON EMERGENCY LIMITED GUARDIAN APPOINTMENT.

\_\_\_\_\_, an Incapacitated Person, has the right to appeal this Order of Court by filing exceptions with the Clerk of the Orphans' Court Division within twenty (20) days of the date of this Order or by filing an appeal with the Prothonotary's Office of the Superior Court of Pennsylvania within thirty (30) days of the date of this Order or to petition this Court for a hearing to review or terminate the adjudication of incapacity and guardianship herein established.

If \_\_\_\_\_ was not represent at the hearing on the adjudication of his/her incapacity and the appointment of a Guardian, then Petitioner shall serve upon, and read to \_\_\_\_\_ the Statement of Rights attached to this Order of Court and marked as Exhibit A. Proof of service of the Statement of Rights shall be filed by the Guardian with the Clerk of the Orphans' Court within ten (10) days of the date of this Order.

BY THE COURT:

\_\_\_\_\_  
J.

APPENDIX J

Guardian of the Estate Annual Report

IN THE COURT OF COMMON PLEAS OF BEAVER COUNTY, PENNSYLVANIA ORPHANS' COURT DIVISION

IN RE: \_\_\_\_\_ :
\_\_\_\_\_ : No. \_\_\_\_\_ of \_\_\_\_\_
\_\_\_\_\_ :
an Incapacitated Person \_\_\_\_\_ :

GUARDIAN OF THE ESTATE ANNUAL REPORT

FROM \_\_\_\_\_, 20\_\_\_\_, to \_\_\_\_\_, 20\_\_\_\_.



1. I am the \_\_\_\_\_ Limited \_\_\_\_\_ Plenary Guardian of the Estate of my ward, named above. I was appointed Guardian by the Order of the Court dated \_\_\_\_\_, 20\_\_\_\_, which was \_\_\_\_\_ was not \_\_\_\_\_ modified by Court Order(s) dated \_\_\_\_\_.

2. If the Incapacitated Person still living? \_\_\_\_\_

If no, answer the following:

- a. Date of Death: \_\_\_\_\_
- b. Place of Death: \_\_\_\_\_
- c. Name of Administrator or Executor: \_\_\_\_\_
- d. Date Guardian of the Estate filed the last Annual Report: \_\_\_\_\_

PLEASE ANSWER THE FOLLOWING QUESTIONS WHETHER THE INCAPACITATED PERSON IS LIVING OR DECEASED:

3. My initial inventory was filed on \_\_\_\_\_, 20\_\_\_\_, and listed a total estate value of \$ \_\_\_\_\_. The inventory listed a total monthly income of \$ \_\_\_\_\_ comprised of the following:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

4. At the beginning date of this reporting period, my initial balance on hand was \$ \_\_\_\_\_.

5. During this reporting period, the following reflects all sources of income (other than social security) received by me for my ward: (add additional pages, if needed)

	<i>Date Received</i>	<i>Source of Income</i>	<i>Amount</i>
(1)	_____	_____	\$ _____
(2)	_____	_____	\$ _____
(3)	_____	_____	\$ _____
(4)	_____	_____	\$ _____
(5)	_____	_____	\$ _____
(6)	_____	_____	\$ _____
		TOTAL:	\$ _____

6. During this reporting period, the following reflects all payments I have made for my ward: (add additional pages, if needed)

	<i>Date</i>	<i>To Whom Paid</i>	<i>Reason for Pmt.</i>	<i>Amount</i>
(1)	_____	_____	_____	\$ _____
(2)	_____	_____	_____	\$ _____
(3)	_____	_____	_____	\$ _____
(4)	_____	_____	_____	\$ _____
(5)	_____	_____	_____	\$ _____
(6)	_____	_____	_____	\$ _____
		TOTAL:		\$ _____

7. The present principal assets of my ward are:

	<i>Description of Asset</i>	<i>Present Value</i>
(1)	_____	\$ _____
(2)	_____	\$ _____
(3)	_____	\$ _____
(4)	_____	\$ _____
(5)	_____	\$ _____
(6)	_____	\$ _____
	TOTAL:	\$ _____

8. The present amount and sources of income for my ward are:

	<i>Sources of Income</i>	<i>Amount</i>
(1)	_____	\$ _____
(2)	_____	\$ _____
(3)	_____	\$ _____
(4)	_____	\$ _____
(5)	_____	\$ _____
(6)	_____	\$ _____
	TOTAL:	\$ _____

9. The regular monthly expenses of my ward which I pay are:

	<i>To Whom Paid</i>	<i>Amount</i>
(1)	_____	\$ _____
(2)	_____	\$ _____
(3)	_____	\$ _____
(4)	_____	\$ _____
(5)	_____	\$ _____
(6)	_____	\$ _____
	TOTAL:	\$ _____

10. I have/have not (circle one) petitioned the Court for permission to invade principal to meet the needs of my ward.

(If applicable) The following expenses of my ward have not been paid from principal:

	<i>To Whom Paid</i>	<i>Purpose</i>	<i>Amount</i>
(1)	_____	_____	\$ _____
(2)	_____	_____	\$ _____
(3)	_____	_____	\$ _____
(4)	_____	_____	\$ _____
(5)	_____	_____	\$ _____
(6)	_____	_____	\$ _____
		TOTAL:	\$ _____

11. I have/have not (circle one) paid myself compensation for services I rendered as guardian.

The amount I paid myself totaled \$ \_\_\_\_\_ and was calculated at the following rate: \$ \_\_\_\_\_ per week/month (circle one).

12. Circle the correct response and complete, if applicable.

There will be no need for extraordinary expenditures on behalf of my ward in the next twelve (12) months.

There will be a need for extraordinary expenditures on behalf of my ward in the next twelve (12) months because:

\_\_\_\_\_

13. Circle the correct response and complete, if appropriate.

- a. My ward receives monthly social security benefits.
- b. I am the designated payee to receive my ward's social security benefits.
- c. The designated payee of my ward's social security benefits is: \_\_\_\_\_, whose address is \_\_\_\_\_ and is/is not (circle one) related to my ward as \_\_\_\_\_ (insert relationship).

14. Please note any concerns about the Incapacitated Person's physical or mental well being or the finances that the Court should know.

\_\_\_\_\_

15. I am \_\_\_\_\_ /am not \_\_\_\_\_ Guardian of the Incapacitated Person's person. If yes, my report is attached.

I certify under penalties of perjury that the information contained in this report is true and correct to the best of my knowledge, information and belief.

Date: \_\_\_\_\_  
Signature of Guardian of the Estate

Name: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Phone: Home— \_\_\_\_\_

Work— \_\_\_\_\_

APPENDIX K

Guardian of the Person Annual Report

IN THE COURT OF COMMON PLEAS OF BEAVER COUNTY, PENNSYLVANIA ORPHANS' COURT DIVISION

IN RE: \_\_\_\_\_ : No. \_\_\_\_\_ of \_\_\_\_\_
an Incapacitated Person \_\_\_\_\_

GUARDIAN OF THE PERSON ANNUAL REPORT

1. Current address of the Incapacitated Person:

\_\_\_\_\_

2. Describe the type of placement and living arrangements of the Incapacitated Person, e.g., private residence, personal care of nursing home, institution, hospital, etc.

\_\_\_\_\_

3. Briefly describe the Incapacitated Person's medical care and any social, psychological or other support services he/she receives.

\_\_\_\_\_

4. As Guardian of the Person, do you think the guardianship of the Person should continue, be terminated or modified? \_\_\_\_\_

Reason:

\_\_\_\_\_

5. Number and length of times you have visited the Incapacitated Person since your appointment or last report.

Table with 2 columns: Date, Duration. Multiple rows for data entry.

Date: \_\_\_\_\_ Guardian's signature

Guardian's address: \_\_\_\_\_

Daytime Telephone No. \_\_\_\_\_

RECEIVED: \_\_\_\_\_

APPROVED: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_

APPENDIX L

Final Report of the Guardian of the Person Under Rule 14, Section 8(e)

IN THE COURT OF COMMON PLEAS OF BEAVER COUNTY, PENNSYLVANIA ORPHANS' COURT DIVISION

IN RE: \_\_\_\_\_ : No. \_\_\_\_\_ of \_\_\_\_\_
an Alleged Incapacitated Person \_\_\_\_\_

FINAL REPORT OF THE GUARDIAN OF THE PERSON

- 1. Reason for this Final Report is: \_\_\_\_\_  
 The Incapacitated Person died on \_\_\_\_\_ .  
 The adjudication of capacity has been entered by Decree of this Court dated \_\_\_\_\_ .
- 2. If the Incapacitated Person died, the cause of death was: \_\_\_\_\_.
- 3. The address of the Incapacitated Person as of the date of death or adjudication of capacity: \_\_\_\_\_
- 4. Describe the type of facility and living arrangements that the Incapacitated Person was placed as of the date of death or adjudication of capacity:
  - A. Private home \_\_\_\_\_
  - B. Personal Care of Nursing Home \_\_\_\_\_
  - C. Hospital \_\_\_\_\_
  - D. Institution \_\_\_\_\_
- 5. Number and length of times you visited the Incapacitated Person from the date of the last report to the date of death or adjudication of capacity:

<i>Date</i>	<i>Duration</i>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Date: \_\_\_\_\_  
 \_\_\_\_\_  
 Guardian's signature  
 Guardian's address: \_\_\_\_\_  
 \_\_\_\_\_  
 Daytime Telephone No. \_\_\_\_\_  
 RECEIVED: \_\_\_\_\_  
 ACCEPTED: \_\_\_\_\_  
 SIGNATURE: \_\_\_\_\_

[Pa.B. Doc. No. 04-898. Filed for public inspection May 21, 2004, 9:00 a.m.]

BUCKS COUNTY

Information Collection on Initial Filings; Administrative Order No. 48

This order pertains to all actions and appeals commenced in the Office of the Prothonotary.

Every initial filing commencing an action, appeal or miscellaneous application in the civil division of the Bucks County Court of Common Pleas shall be accompanied by an informational cover sheet in such form as may be prescribed by the Prothonotary. This cover sheet may collect such information as the names of parties and counsel, the nature of the matter being filed, the amount in controversy and such other miscellaneous information as may assist the Court in the administration of its dockets.

The failure to file this form or the failure to file the form correctly or completely may result in an order imposing sanctions.

By the Court

DAVID W. HECKLER,  
President Judge

[Pa.B. Doc. No. 04-899. Filed for public inspection May 21, 2004, 9:00 a.m.]

BUCKS COUNTY

Mediation Pilot Program; Administrative Order No. 47

The Court recognizes that the use of mediation may offer litigants a faster and less expensive alternative to litigation. Accordingly, in the interests of judicial economy and of those litigants who may benefit from the availability of mediation as a means of dispute resolution, the following program, which shall be known as the "Mediation Pilot Program," is hereby adopted:

- 1. For a period of six months from June 1, 2004, every fifth litigant who files a complaint in assumpsit, trespass, or equity, and every litigant filing a complaint alleging medical malpractice will receive a list of approved mediators and a "Mediation Notice" outlining the availability of mediation as an alternative to litigation. The Notice shall be in the following form:

MEDIATION NOTICE

You have been selected to participate in a pilot program that is intended to introduce litigants to mediation as an alternative to litigation.

Mediation requires the voluntary participation of all parties to submit this dispute to a mediator trained in resolving conflicts of this nature.

You may submit this matter to mediation at any time during the litigation process prior to arbitration or trial by contacting a mediator directly. A list of mediators approved by the Court is attached.

If your case is mediated and not resolved, you are entitled to proceed directly to trial without proceeding through mandatory arbitration.

The cost of the first two hours of mediation is \$300.00, split by the parties and paid directly to the mediator. Some cases may require additional time to resolve.

THIS NOTICE MUST ACCOMPANY ORIGINAL SERVICE OF PROCESS ON ALL PARTIES. IF YOU JOIN OTHER PARTIES TO THIS ACTION, YOU MUST ALSO SERVE A COPY OF THIS NOTICE ON EACH PARTY YOU JOIN.

If you have any questions or need any further information, please call the mediation pilot program coordinator at 215-340-7655.

2. The prothonotary shall keep a list of all cases receiving the Mediation Notice.

3. Plaintiff shall serve a copy of this notice upon all defendants with the complaint or writ of summons. The notice shall also be served on any party joined subsequently.

4. Parties electing mediation shall pay a mediation fee of \$300.00 directly to the mediator for a two-hour mediation.

5. If the mediation resolves the dispute, the parties shall file a Praecipe to Settle, Discontinue and End, and may also file an Agreed Order.

6. If the mediation does not resolve the dispute, any party may file an Omnibus Praecipe moving the case directly to trial. The mediator shall issue to the litigants a special form of Omnibus Praecipe stating that the parties participated in mediation without result, and now wish to proceed to trial. In the alternative, if all parties agree, the matter may be listed for arbitration. If the parties agree to arbitration following mediation and thereafter one party chooses to appeal the arbitration award, the normal arbitration appeal fee must be paid.

7. The Dispute Resolution Committee shall gather information by which the usefulness of a mediation program administered through the Court may be assessed.

8. One year from the implementation of this Pilot Program, the Dispute Resolution Committee shall submit a report to the President Judge describing the results of the Pilot Program.

By the Court

DAVID W. HECKLER,
President Judge

[Pa.B. Doc. No. 04-900. Filed for public inspection May 21, 2004, 9:00 a.m.]

WESTMORELAND COUNTY
Adoption of Juvenile Rule WJUV 1; No. 2 Civil of 2004

Order

And Now, this 3rd day of May, 2004, It Is Hereby Ordered that Westmoreland County Rule of Juvenile

Procedure WJUV1 and accompanying Petition And Order for Expungement of Juvenile Records are hereby adopted. The effective date of this Order is July 1, 2004.

By the Court

DANIEL J. ACKERMAN,
President Judge

WJUV 1 Expunging Juvenile Records

Expungement under "The Criminal History Record Information Act," 18 Pa.C.S.A. §§ 9101 et. seq.

(a) Petitions for Expungement of juvenile records pursuant to 18 Pa.C.S.A. § 9123, shall be initiated by the defendant's filing of a Petition and Order for Expungement of Juvenile Records found in the Forms section of these local rules, or by filing a petition containing the information required under Pa.R.Crim.P. 722.

(b) The Clerk of Courts shall provide the Westmoreland County District Attorney and the Westmoreland County Juvenile Probation and Parole Department with a copy of the Petition.

(c) The juvenile probation and parole department will forward the expungement petition and order to the court thirty (30) days after the defendant files the petition. The Court will direct that argument be scheduled on the Petition if the Commonwealth files an objection within thirty (30) days of the filing of the petition; otherwise, the court will Order expungement of the juvenile record.

IN THE COURT OF COMMON PLEAS OF WESTMORELAND COUNTY, PENNSYLVANIA—JUVENILE

Commonwealth of Pennsylvania ) No.
Vs. )

PETITION AND ORDER FOR EXPUNGEMENT OF JUVENILE RECORDS

AND NOW this day of , 20

the Petitioner avers the following and requests that an expungement be granted for the following reason:

Governor's Pardon (Copy attached) \_\_\_\_\_

An unsubstantiated complaint was filed or the complaint was Dismissed by the court 18 Pa.C.S.A. § 9123(a)(1) \_\_\_\_\_

Six months have elapsed since the final discharge from supervision Pursuant to a consent degree 18 Pa.C.S.A. § 9123(a)(2) \_\_\_\_\_

Five years have elapsed since discharge from commitment, placement, Probation or other disposition under the terms in 18 Pa.C.S.A. § 9123(a)(3) \_\_\_\_\_

The individual is 18 years of age or older, the Commonwealth consents And the Court orders expungement after consideration of the Terms found at 18 Pa.C.S.A. § 9123(a)(4) \_\_\_\_\_

The petitioner is at least 21 years of age and wishes to have records of Dependency adjudication expunged pursuant to 18 Pa.C.S.A. § 9123(c). \_\_\_\_\_

Petitioner's Name \_\_\_\_\_ Telephone Number \_\_\_\_\_

Petitioner's Date of Birth \_\_\_\_\_

Social Security Number \_\_\_\_\_

Petitioner's Address \_\_\_\_\_  
\_\_\_\_\_  
Petitioner's Telephone Number \_\_\_\_\_  
Petitioner's Juvenile Case Number \_\_\_\_\_  
Original Complaint Date \_\_\_\_\_

List ALL charges at Above Juvenile Case Number including Section, subsection and complaint number, and the disposition. Include a copy of the Court Order for disposition.

Charge: \_\_\_\_\_ Disposition: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Disposition Date of Above Charges \_\_\_\_\_

The expungement of the within juvenile record will not prejudice the position of the Commonwealth.

WHEREFORE, petitioner, respectfully requests this Honorable Court to order the expungement of all records pertaining to the aforementioned charges, wherever they may be located and by whom they may be retained.

Respectfully submitted,  
\_\_\_\_\_  
Petitioner's Signature

VERIFICATION

The undersigned, petitioner, avers that the statements of fact contained in the foregoing PETITION FOR EXPUNGEMENT, are true and correct to the best of the petitioner's knowledge, information and belief, and are made subject to the penalties of 18 PA. C.S.A. Section 4904 relating to unsworn falsification to authorities.

\_\_\_\_\_  
Petitioner's Signature Date

IN THE COURT OF COMMON PLEAS OF  
WESTMORELAND COUNTY PENNSYLVANIA  
JUVENILE DIVISION

COMMONWEALTH OF PENNSYLVANIA )  
) VS ) Number  
) )  
)

ORDER OF COURT

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_, the Commonwealth having filed objections to the Defendant's Petition for Expungement of Juvenile Records in the above captioned case it is HEREBY ORDERED that a hearing on the petition be held on the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_, at \_\_\_\_\_ m. in Courtroom # \_\_\_\_\_ of the Westmoreland County Courthouse.

BY THE COURT:  
\_\_\_\_\_ J.

ATTEST:  
\_\_\_\_\_

IN THE COURT OF COMMON PLEAS OF  
WESTMORELAND COUNTY PENNSYLVANIA  
JUVENILE DIVISION

COMMONWEALTH OF PENNSYLVANIA )  
) VS ) Number  
) )  
)

ORDER OF COURT

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_, the within petition having been presented and there being no objections by the Commonwealth, it is ORDERED that the Clerk of Courts shall serve a copy of this Order and attached Petition, hereby incorporated as a part of this Order, and a Certification of Expungement upon the following persons, keepers of records pertaining to the above-captioned proceedings:

Clerk of Courts of Westmoreland County  
Pennsylvania State Police Central Repository  
Federal Bureau of Investigation  
Magistrate \_\_\_\_\_  
Police Department \_\_\_\_\_  
Westmoreland County Juvenile Service Center  
Westmoreland County District Attorney  
Westmoreland County Juvenile Probation  
Westmoreland County Prothonotary

IT IS ALSO ORDERED, that the aforementioned keepers of juvenile records shall expunge and destroy the official and unofficial arrest and other criminal records, files, computer records, and other documents pertaining to the captioned proceedings, and that each shall request the return of such records which its agency made available to state or federal agencies, and immediately upon receipt thereof shall destroy such records.

IT IS FURTHER ORDERED, that said keepers of such records shall file with the Clerk of Court within 30 days an affidavit stating that the mandate of this order have been fulfilled. The Clerk of Court, upon receipt of an affidavit, shall seal and impound such affidavit together with the information complaint and the original and all copies of this order, and no person or agency shall be permitted to examine such documents without Order of the Court.

BY THE COURT:  
\_\_\_\_\_ J.

ATTEST:  
\_\_\_\_\_

[Pa.B. Doc. No. 04-901. Filed for public inspection May 21, 2004, 9:00 a.m.]

**WESTMORELAND COUNTY**  
**Adoption of Rules of Criminal Procedure WC119 and WC319; No. 2 Civil 2004**

**Order**

And Now, this 4th day of May, 2004, It Is Hereby Ordered that Rules of Criminal Procedure WC119 and WC319 and associated Expungement Petitions and Or-

ders are adopted effective thirty days after publication of this Order in the *Pennsylvania Bulletin*.

By the Court

DANIEL J. ACKERMAN,
President Judge

WC119 Expunging Criminal Records

(a) Expungement under "The Controlled Substance, Drug, Device and Cosmetic Act," 35 P. S. §§ 780-1 et. seq.

(1) Pursuant to 35 P. S. § 780-119, the criminal records for any individual charged under The Controlled Substance, Drug, Device and Cosmetic Act who is subsequently found not guilty or for whom the charges are withdrawn or dismissed may apply for expungement of records by filing a Petition for Expungement of Criminal Records (Non ARD) found in the Forms section of these local rules.

(2) The Westmoreland County Adult Probation and Parole Department shall initiate a Petition to Expunge records associated with a Probation Without Verdict Order when the defendant completes the program. The form shall be routed to the Westmoreland County District Attorney for certification, and forwarded by the district attorney to the court for the purpose of signing an order.

(b) Expungement under "The Criminal History Record Information Act," 18 Pa.C.S.A. §§ 9101 et. seq.

(1) Petitions for Expungement of criminal history record information pursuant to 18 Pa.C.S.A. § 9122, shall be initiated when the defendant files a Petition and Order for Expungement of Criminal Records (Non ARD) found in the Forms section of these local rules, or by filing a petition containing the information required under Pa.R.Crim.P. 722.

(2) The clerk of courts shall provide the Westmoreland County District Attorney and the Westmoreland County Court Administrator with a copy of the Petition.

(3) The court administrator will forward the expungement petition and order to the trial judge thirty (30) days after the defendant files the petition. The court will direct the court administrator to schedule argument on the petition if the commonwealth files an objection within thirty (30) days of the filing of the petition; otherwise, the court will order expungement of the criminal history record.

WC319 Procedure for Obtaining Order for Dismissal Upon Successful Completion of the Program

(a) Petitions for dismissal of charges and expungement of records pursuant to successful completion of the ARD program are found in the Forms section of these local rules. The probation and parole officer shall notify the defendant when the conditions of the ARD have been satisfied, and shall advise the defendant of the opportunity to file for dismissal of charges and expungement of the record.

(b) All other petitions for expunging criminal records shall be pursuant to WC119.

IN THE COURT OF COMMON PLEAS OF WESTMORELAND COUNTY, PENNSYLVANIA CRIMINAL

Commonwealth of Pennsylvania Vs. No. ) ) )

PETITION AND ORDER FOR EXPUNGEMENT OF CRIMINAL RECORDS (NON ARD)

AND NOW this day of , 20 the Petitioner avers the following and requests that an expungement be granted for the following reason:

- Governor's Pardon (Copy attached)
No disposition of charges within 18 months of arrest Pursuant to 18 Pa.C.S.A. § 9122(a)(1)
Nonconviction of charges Pursuant to 18 Pa.C.S.A. § 9122(a)(2)
Petitioner has reached 70 years of age and Qualifies pursuant to 18 Pa.C.S.A. § 9122(b)(1)
Petitioner has been found "not guilty" or charges have been withdrawn or dismissed pursuant to 35 P. S. § 780-119

Petitioner's Name Date of Birth

Address

Telephone Number

Social Security Number

OTN Common Pleas Case Number

Magisterial District No.

District Justice Case Number

Arresting Agency Date of Arrest

List ALL charges at the above Common Pleas Case Number including Section and Subsection, and the disposition. Include a copy of the Court Order for disposition.

Table with 2 columns: Charge, Disposition

The expungment of the within criminal record will not prejudice the position of the Commonwealth.

WHEREFORE, Petitioner, respectfully requests this Honorable Court to order the expungment of all records pertaining to the aforementioned charges, wherever they may be located and whoever may retain them.

VERIFICATION:

The undersigned Petitioner avers that the statements of fact combined in this Petition for Expungement are true and correct to the best of the petitioner's knowledge, information, and belief, and are made subject to the penalties of 18 PaC.S.A. § 4904 relating to unsworn falsification to authorities.

Petitioner's Signature Date

IN THE COURT OF COMMON PLEAS OF WESTMORELAND COUNTY, PENNSYLVANIA

Commonwealth of Pennsylvania Vs. No. ) ) )

ORDER

AND NOW this day of 20 , the attached Petition having been presented for expungement, and there being no objection filed by the Common-

wealth, it is ORDERED that the Clerk of Courts shall serve a certified copy of this Order and Petition, hereby incorporated as a part of this Order, and a Certification of Expungement upon the following persons, the keepers of records pertaining to the above captioned criminal proceedings: District Attorney's Office, Clerk of Courts, Westmoreland County Records and Identification Division, Adult Probation/Parole Office, Pennsylvania State Police, Court Administrator's Office, F.B.I., Prothonotary, the Issuing Authority, Arresting Agency, and all Court Reporters who may have taken proceedings in this case.

It is ORDERED that the aforementioned keepers of criminal records shall expunge and destroy the official and unofficial arrest and other criminal records, files and other documents pertaining to the captioned proceedings, and that each shall request the return of such records which its agency made available to state or federal agencies, and immediately upon receipt thereof shall destroy such records.

It is further ORDERED that said keepers of such records shall file with the Court within 30 days an affidavit stating that the mandates of this Order have been fulfilled. The Clerk of Courts, upon receipt of an affidavit, shall seal and impound such affidavit together with the information, the complaint, and the original and all copies of this Order. No person or agency shall be permitted to examine such documents without a Court Order.

BY THE COURT: \_\_\_\_\_ J

ATTEST:

IN THE COURT OF COMMON PLEAS OF WESTMORELAND COUNTY, PENNSYLVANIA CRIMINAL

Commonwealth of Pennsylvania ) No. vs. )

PETITION TO EXPUNGE, CERTIFICATION OF SUCCESSFUL COMPLETION OF PWOV, AND ORDER OF COURT

PETITION AND CERTIFICATION

I, the undersigned, hereby petition the court to dismiss the charges against the above defendant and I certify that he/she has not previously had charges expunged, and that the defendant has successfully completed probation without verdict for the below period of probation, and qualifies for expungement as provided by 35 Pa.C.S.A. § 780-119.

Director, Adult Probation/Parole Office \_\_\_\_\_ Date \_\_\_\_\_

Notice of filing of this application has been served on the District Attorney of Westmoreland County. The District Attorney's Office [ ] has no objection, [ ] objects to the application for dismissal and expungement. (The district attorney shall forward a copy to the court administrator in all cases in which objections are raised.)

Attorney for the Commonwealth \_\_\_\_\_ Date \_\_\_\_\_

CASE/DEFENDANT INFORMATION

Defendant Name \_\_\_\_\_ Date of Birth \_\_\_\_\_ Social Security Number \_\_\_\_\_ OTN \_\_\_\_\_

CP Docket Nr \_\_\_\_\_ Court Reporter \_\_\_\_\_ Magisterial District Nr. 10 - - DJ Docket Number \_\_\_\_\_ Date of Arrest \_\_\_\_\_ Arresting Agency \_\_\_\_\_

The following charges are to be expunged for successful completion of PWOV:

Table with 2 columns: Charge, Disposition. Multiple rows for listing charges.

rev. 4/04

IN THE COURT OF COMMON PLEAS OF WESTMORELAND COUNTY, PENNSYLVANIA—CRIMINAL

Commonwealth of Pennsylvania ) No. vs. )

ORDER

AND NOW this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_, the within application having been presented pursuant to 35 Pa.C.S.A. § 780-119, and there being no objection filed by the Commonwealth, it is ORDERED that the defendant is discharged on the charges listed above and set forth at the above number(s). It is further ORDERED that the Clerk of Courts shall serve a Certified Copy of this Order and Petition, hereby incorporated as a part of this Order, and a Certification of Expungement upon the following persons, the keepers of records pertaining to the above captioned criminal proceedings: District Attorney's Office, Clerk of Courts, Westmoreland County Records and Identification Division, Adult Probation/Parole Office, Pennsylvania State Police, Court Administrator's Office, F.B.I., Prothonotary, the Issuing Authority, Arresting Agency, and all Court Reporters who may have taken proceedings in this case.

It is ORDERED that the aforementioned keepers of criminal records shall expunge and destroy the official and unofficial arrest and other criminal records, files and other documents pertaining to the captioned proceedings, and that each shall request the return of such records which its agency made available to state or federal agencies, and immediately upon receipt thereof shall destroy such records. It is further ORDERED that said keepers of such records shall file with the Court within 30 days an affidavit stating that the mandates of this Order have been fulfilled. The Clerk of Courts, upon receipt of an affidavit, shall seal and impound such affidavit together with the information, the complaint, and the original and all copies of this Order. No person or agency shall be permitted to examine such documents without a Court Order. Pursuant to 35 Pa.C.S.A. §§ 780-117, the Westmoreland County District Attorney may retain the name of this defendant on a list for the purpose of determining future eligibility.

BY THE COURT: \_\_\_\_\_ J

ATTEST: \_\_\_\_\_



APPLICATION FOR AN ORDER TO DISMISS AND EXPUNGE CHARGES UNDER 35 PA.C.S.A. § 780-119

Commonwealth of Pennsylvania )
vs. ) No.

The following charges are to be expunged:

Table with 2 columns: Charge, Disposition. Multiple rows for listing charges.

IN THE COURT OF COMMON PLEAS OF WESTMORELAND COUNTY, PENNSYLVANIA CRIMINAL

Commonwealth of Pennsylvania )
Vs. ) No.

APPLICATION FOR AN ORDER TO DISMISS AND EXPUNGE CHARGES UNDER PA. RULES OF CRIMINAL PROCEDURE 319 AND 320

Defendant Name Date of Birth

I, the above named defendant aver that I have satisfactorily completed the program prescribed, and request that the charges at the above numbered case be dismissed and expunged.

Defendant's Signature Date Social Security Number

Sworn to and subscribed

This day or , 20 . Notary

This Section is to be completed by the Probation Department.

OTN CP Docket Nr

Magisterial District Nr. DJ Docket Nr

Court Reporter Date of Arrest

Arresting Agency

The following charges are to be expunged for successful completion of ARD:

Table with 2 columns: Charge, Disposition. Multiple rows for listing charges.

Rev. 4/19/04

CERTIFICATION

I hereby certify that the defendant has satisfactorily completed the A.R.D. program.

Director, Adult Probation/Parole Office Date

Notice of filing of this application has been served on the District Attorney of Westmoreland County. The District Attorney's Office [ ] has no objection, [ ] objects to the application for dismissal and expungement. (The district attorney shall forward a copy to the court administrator in all cases in which objections are raised.)

Attorney for the Commonwealth Date

ORDER

AND NOW this day of 20 , the within application having been presented pursuant to Pa Rules of Criminal Procedure 319 and 320, and there being no objection filed by the Commonwealth, it is ORDERED that the defendant is discharged on the charges set forth at the above number(s). It is further ORDERED that the Clerk of Courts shall serve a certified copy of this order and a Certification of Expungement upon the following persons, the keepers of records pertaining to the above captioned criminal proceedings: District Attorney's Office, Clerk of Courts, Westmoreland County Records and Identification Division, Adult Probation/Parole Office, Pennsylvania State Police, Court Administrator's Office, F.B.I., Prothonotary, the Issuing Authority, Arresting Agency, and all Court Reporters who may have taken proceedings in this case.

It is ORDERED that the aforementioned keepers of criminal records shall expunge and destroy the official and unofficial arrest and other criminal records, files and other documents pertaining to the captioned proceedings, and that each shall request the return of such records which its agency made available to state or federal agencies, and immediately upon receipt thereof shall destroy such records. It is further ORDERED that said keepers of such records shall file with the Court within 30 days an affidavit stating that the mandates of this Order have been fulfilled. The Clerk of Courts, upon receipt of an affidavit, shall seal and impound such affidavit together with the information, the complaint, and the original and all copies of this Order. No person or agency shall be permitted to examine such documents without a Court Order, however, the district attorney may retain such information as is necessary to document that the within defendant was granted ARD.

BY THE COURT:

J

APPLICATION FOR AN ORDER TO DISMISS AND EXPUNGE CHARGES UNDER PA. RULES OF CRIMINAL PROCEDURE 319 AND 320

Commonwealth of Pennsylvania )
vs. ) No.

The following charges are to be expunged for successful completion of ARD:

Table with 2 columns: Charge, Disposition. Multiple rows for listing charges.

[Pa.B. Doc. No. 04-902. Filed for public inspection May 21, 2004, 9:00 a.m.]

## WESTMORELAND COUNTY

**Promulgation of Rules of Criminal Procedure  
WC114 and WC576; No. 2 Civil of 2004****Order**

*And Now This* 4th day of May, 2004, it is hereby *Ordered* that Westmoreland Rules of Criminal Procedure WC114 and WC576 are adopted effective July 1, 2004.

*By the Court*

DANIEL J. ACKERMAN,  
*President Judge*

**WC114. Orders and Court Notices: Filing; Service; and Docket Entries.**

Pursuant to Pa.R.Crim.P. 114(B), the Westmoreland County Court Administrator is designated to serve court notices.

**WC576. Filing and Service by Parties**

Pursuant to Pa.R.Crim.P. 576 (B)(3)(d) any document required to be served upon the court administrator may be served by facsimile transmission.

[Pa.B. Doc. No. 04-903. Filed for public inspection May 21, 2004, 9:00 a.m.]

\_\_\_\_\_

# RULES AND REGULATIONS

## Title 28—HEALTH AND SAFETY

DEPARTMENT OF HEALTH

[28 PA. CODE CH. 25]

### Schedules of Controlled Substances

The Department of Health (Department) amends the schedules of controlled substances under the powers and duties in The Controlled Substances, Drug, Device and Cosmetic Act (act) (35 P. S. §§ 780-101—780-144). The Department amends § 25.72 (relating to schedules of controlled substances) to reschedule the substance estazolam from Schedule I to Schedule IV, to reschedule the substance buprenorphine from Schedule V to Schedule III and to schedule butorphanol, sibutramine and zolpidem as Schedule IV controlled substances to read as set forth in Annex A.

#### *A. Purpose of the Final-Form Rulemaking*

The act recognizes the fact that there is a need to control substances that have potential for abuse while also recognizing that some of those substances have medical uses. The act provides for a system of five schedules of controlled substances as a means of grouping potentially dangerous substances based on their differing potentials for abuse and on their potential for medical use. Penalties for illegal use of the controlled substances vary according to the schedule on which the substance is listed. The health and safety of the public is protected by having a substance placed on the proper schedule. Additionally, proper scheduling ensures appropriate enforcement when a substance is abused or otherwise used illegally.

The act requires that a controlled substance be placed in Schedule I when there is: (1) a high potential for abuse; (2) no currently accepted medical use in the United States; and (3) a lack of accepted safety for use under medical supervision.

The act requires that a controlled substance be placed in Schedule III when: (1) there is a potential for abuse less than the substances listed in Schedules I and II; (2) there is well documented and currently accepted medical use in the United States; and (3) abuse may lead to moderate or low physical dependence or high psychological dependence.

The act requires that a controlled substance be placed in Schedule IV when there is: (1) a low potential for abuse relative to substances listed in Schedule III; (2) currently accepted medical use in the United States; and (3) limited physical dependence or psychological dependence liability, or both, relative to the substances listed in Schedule III.

The act requires that a controlled substance be placed in Schedule V when there is: (1) a low potential for abuse relative to the substances listed in Schedule IV; (2) currently accepted medical use in the United States; and (3) limited physical dependence or psychological dependence liability, or both, relative to the substances listed in Schedule IV.

The Drug, Device and Cosmetic Board (Board) met on December 12, 2002. The meeting notice was published at 32 Pa.B. 5713 (November 16, 2002).

The Board heard the petition of Abbott Laboratories, which requested that estazolam be rescheduled from Schedule I to Schedule IV. The petition was based on the fact that the substance is listed in Drug Enforcement Agency (DEA) regulations as a Schedule IV controlled substance, there is a low potential for abuse and it has current acceptable medical use in the United States. As a Schedule I substance at the State level, serious problems existed relating to the inability of physicians to prescribe the substance and how law enforcement officials prosecute crimes relating to the illegal manufacture, distribution and possession of the substance. Resolution of this conflict is critical since estazolam is commonly prescribed for the short-term management of insomnia. Rescheduling would allow for the resolution of these conflicting issues between physicians prescribing the substance and law enforcement officials who enforce the act. Based on this information, the Board unanimously approved a motion to authorize the Secretary of the Department (Secretary) to reschedule the substance.

The Board heard the petition of the Department, which requested that buprenorphine be rescheduled from Schedule V to Schedule III. The petition was based on the fact that the DEA has rescheduled the substance from Schedule V to Schedule III, there has been significant abuse and diversion of buprenorphine in many countries, the potential for abuse of buprenorphine is less than the substances listed in Schedules I and II and there is a currently accepted medical use for this substance in the United States. The abuse potential of buprenorphine is high and closely resembles other narcotics in Schedule II. However, buprenorphine is a safer drug in overdose than other Schedule II narcotics. Therefore, buprenorphine appears to have somewhat less abuse potential than Schedule I or Schedule II narcotic substances, but more abuse potential than partial agonists in Schedule IV.

Further, buprenorphine is used in treatment of narcotic addiction. Rescheduling allows access to users for treatment, but adds controls to minimize the risk that the substance will be diverted for illicit use. Based on this information, the Board unanimously approved a motion to authorize the Secretary to reschedule the substance.

The Secretary, upon being authorized by the Board, directed that the substances estazolam and buprenorphine be rescheduled.

The Board heard the petitions of the Office of Attorney General, which requested that butorphanol, including its salts and optical isomers, and sibutramine and zolpidem be scheduled as Schedule IV controlled substances.

The scheduling of butorphanol, sibutramine and zolpidem allows law enforcement to improve enforcement and prosecution for the illegal manufacture, transport, distribution, sale, possession and use of these substances. There has been a tremendous increase in abuse of these substances over the past several years. These substances are currently scheduled by the DEA as Schedule IV controlled substances. The fact that these substances are not scheduled at the State level hinders law enforcement agencies in their prosecutions for illegal sale and illegal possession of these drugs, so that including them in Schedule IV would provide law enforcement with much needed tools to address this problem.

Further, although these substances are abused, they have a low potential for abuse relative to substances in Schedule III. There is current accepted medical use in the

United States for these substances. Butorphanol is classified as an opiate agonist-antagonist analgesic for the relief of moderate to severe pain. Sibutamine is an amphetamine analog that produces central nervous system stimulation and is used for long-term management of obesity. Zolpidem is a sedative.

Based on this information, the Board approved a motion to provide written advice to the Secretary to add these substances to Schedule IV of controlled substances. The Secretary then directed that the substances be added to Schedule IV of controlled substances.

The Department published proposed rulemaking at 33 Pa.B. 2169 (May 3, 2003). The Department proposed scheduling estazolam, previously listed in Schedule I, to Schedule IV, buprenorphine, previously listed in Schedule V, to Schedule III and would have scheduled butorphanol, sibutamine and zolpidem as Schedule IV substances. The Department provided a 30-day public comment period.

#### B. Summary

The Department received no comments to the proposed rulemaking and is adopting its proposed amendments to § 25.72 without change. The final-form rulemaking re-schedules or schedules substances on the lists of schedules of controlled substances as follows:

- a. The substance estazolam is deleted from Schedule I and rescheduled on Schedule IV.
- b. The substance buprenorphine is deleted from Schedule V and rescheduled on Schedule III.
- c. The substance butorphanol is scheduled on Schedule IV.
- d. The substance sibutamine is scheduled on Schedule IV.
- e. The substance zolpidem is scheduled on Schedule IV.

#### C. Affected Persons

Patients using and physicians prescribing estazolam will be affected by its rescheduling. Patients in need of the drug will be able to obtain it more readily and physicians will not be subject to criminal prosecutions for prescribing it.

Pharmacies and pharmacists in this Commonwealth, physicians, hospitals and certain health clinics and drug distributors, manufacturers and distributors who are already complying with the current regulations will also be affected. They will have to become aware of which substances have been scheduled or rescheduled and deal with those substances appropriately.

The general public will be affected and will benefit from the rescheduling of buprenorphine and the addition of butorphanol, sibutamine and zolpidem to Schedule IV. Rescheduling buprenorphine and including the other drugs in Schedule IV allows for better enforcement and control of the drug abuse problems in this Commonwealth. Patients in need of buprenorphine for treatment will continue to have access to it through their physicians and drug abuse treatment clinics, but the changes in scheduling will allow for stronger controls to minimize the risk that the substance will be diverted for illicit use.

#### D. Fiscal Impact

The final-form rulemaking has no measurable fiscal impact on the Commonwealth, local government, the private sector or the general public. This amendment does not significantly affect costs or savings by the regulated community. The final-form rulemaking does not require new legal, accounting or consulting procedures not al-

ready being undertaken by the regulated community. There is no measurable fiscal impact on local governments because a system exists for the oversight of controlled substances, and no measurable fiscal impact on State government.

#### E. Paperwork Requirements

A system already exists for the handling of controlled substances under the act and the final-form rulemaking does not increase paperwork.

#### F. Effective Date/Sunset Date

The final-form rulemaking will become effective upon publication. There is no sunset date. The regulations will be continually monitored and updated as needed.

#### G. Statutory Authority

The final-form rulemaking is adopted under sections 3 and 4 of the act (35 P. S. §§ 780-103 and 780-104). The final-form rulemaking is also adopted under section 2102(g) of The Administrative Code of 1929 (71 P. S. § 532(g)).

Section 3 of the act provides that the Secretary may control all substances listed in Schedules I—V of the act. Section 3(c) of the act provides that the Secretary shall not reschedule any controlled substance unless specifically authorized by the Board to do so. The Board has authorized the Secretary to reschedule estazolam and buprenorphine.

Section 3(a) of the act provides that the Secretary may add a substance as a controlled substance, and that before doing so, shall request advice in writing from the Board as to whether a substance should be added as a controlled substance. The Secretary sought that advice, and the Board provided it following its December 12, 2002, meeting. The Board recommended that the substances butorphanol, sibutamine and zolpidem be added as Schedule IV controlled substances. The Secretary then decided that these substances should be scheduled.

#### H. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on April 17, 2003, the Department submitted a copy of the notice of proposed rulemaking, published at 33 Pa.B. 2169, to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House Committee on Health and Human Services and the Senate Committee on Public Health and Welfare for review and comment.

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

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on March 8, 2004, the final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5(g) of the Regulatory Review Act, the final-form rulemaking was deemed approved by IRRC effective March 10, 2004.

#### I. Contact Person

Questions regarding the final-form rulemaking should be submitted to Carol Williams, Director, Bureau of Community Program Licensure and Certification, Department of Health, 132 Kline Plaza, Suite A, Harrisburg, PA 17104, (717) 783-8665. Persons with a disability may

submit questions in alternative formats, such as audio tape or Braille, or for speech or hearing impaired persons, V/TT: (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984 (TT). Persons who require an alternative format of this document (that is, large print, audio tape or Braille) should contact Carol Williams at the previous address or telephone numbers to make necessary arrangements.

J. Findings

The Department finds that:

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

(2) A public comment period was provided as required by law.

(3) The adoption of the final-form rulemaking in the manner provided by this order is necessary and appropriate for the administration of the authorizing statutes.

K. Order

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

(a) The regulations of the Department, 28 Pa. Code Chapter 25, are amended by amending § 25.72 to read as set forth in Annex A, with ellipses referring to the existing text of the regulation.

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

(c) The Secretary shall submit this order, Annex A and a Regulatory Analysis Form to IRRC, the House Committee on Health and Human Services and the Senate Committee on Public Health and Welfare for review and action as required by law.

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

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

CALVIN B. JOHNSON, M.D., M.P.H., Secretary

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 34 Pa.B. 1726 (March 27, 2004).)

Fiscal Note: Fiscal Note 10-173 remains valid for the final adoption of the subject regulation.

Annex A

TITLE 28. HEALTH AND SAFETY

PART III. PREVENTION OF DISEASES

CHAPTER 25. CONTROLLED SUBSTANCES, DRUGS, DEVICES AND COSMETICS

SCHEDULES OF CONTROLLED SUBSTANCES

§ 25.72. Schedules of controlled substances.

\* \* \* \* \*

(b) Schedule I. In determining that a substance comes within this schedule, the Secretary will find: a high potential for abuse; no currently accepted medical use in the United States; a lack of accepted safety for use under

medical supervision. The following controlled substances are included in this schedule:

\* \* \* \* \*

(6) Unless specifically excepted or unless listed in another schedule, a material, compound, mixture or preparation which contains any quantity of the following substances including the salts, isomers and salts of isomers:

\* \* \* \* \*

- (x) Ethyl loflazepate.
(xi) Fludiazepam.
(xii) Flunitrazepam.
(xiii) Haloxazolam.
(xiv) Ketazolam.
(xv) Loprazolam.
(xvi) Lormetazepam.
(xvii) Medazepam.
(xviii) Nimetazepam.
(xix) Nitrazepam.
(xx) Nordiazepam.
(xxi) Oxazolam.
(xxii) Pinazepam.
(xxiii) Tetrazepam.
(xxiv) 3, 4-Methylenedioxymethamphetamine (MDMA)
(xxv) 4-methylaminorex.
(xxvi) Cathinone.
(xxvii) Methcathinone HCL.
(xxviii) Dimethylamphetamine.

\* \* \* \* \*

(d) Schedule III. In determining that a substance comes within this schedule, the Secretary will find: a potential for abuse less than the substances listed in Schedules I and II; well documented and currently accepted medical use in the United States; and abuse may lead to moderate or low physical dependence. The following classes of controlled substances are included in this schedule:

\* \* \* \* \*

- (10) Buprenorphine.

(e) Schedule IV. In determining that a substance comes within this schedule, the Secretary will find: a low potential for abuse relative to substances in Schedule III; currently accepted medical use in the United States; and limited physical or psychological dependence liability relative to the substances listed in Schedule III. The following controlled substances are included in this schedule:

(1) A material, compound, mixture or preparation, unless specifically excepted or unless listed in another schedule, which contains a quantity of the following substances:

\* \* \* \* \*

- (xxv) Estazolam.
(xxvi) Zolpidem.

\* \* \* \* \*

(3) Unless specifically excepted or unless listed in another schedule, a material, compound, mixture or

preparation which contains any quantity of the following substances including its salts, isomers whether optical position or geometric, and salts of the isomers whenever the existence of the salts, isomers and salts of isomers is possible within the specific chemical designation:

\* \* \* \* \*

(xi) Butorphanol.

(xii) Sibutramine.

\* \* \* \* \*

(f) *Schedule V.* In determining that a substance comes within this schedule, the Secretary will find: a low potential for abuse relative to the substances listed in Schedule IV; currently accepted medical use in the United States; and limited physical dependence or psychological dependence liability relative to the substances listed in Schedule IV. The following controlled substances are included in this schedule:

\* \* \* \* \*

(2) Propylhexadrine, except when labeled for over-the-counter drug sale in conformity with 21 CFR 1308.15 (relating to schedule V).

(3) Pyrovalerone.

[Pa.B. Doc. No. 04-904. Filed for public inspection May 21, 2004, 9:00 a.m.]

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# NOTICES

## DEPARTMENT OF AGRICULTURE

### Pennsylvania Agricultural Product Promotion Matching Grant Program; 2004-2005 Application Period

An application period for grants under the Pennsylvania Agricultural Product Promotion Matching Grant Program (program) administered by the Department of Agriculture (Department) has started. The statement of policy describing the program is in 7 Pa. Code Chapter 105 (relating to Pennsylvania agricultural product promotion matching grant program—statement of policy).

In summary, the program provides matching funds to nonprofit agricultural product promotion and marketing organizations in this Commonwealth for projects intended to increase consumer awareness of Pennsylvania agricultural products and thereby increase sales of these products.

The Secretary of Agriculture will review and evaluate the application and supporting documentation and may consider the following factors, among others, in deciding whether to approve or reject the grant request:

1. The relevance of the project to the promotion or marketing of Pennsylvania agricultural products, such as through the PA Preferred Program.
2. The innovativeness of the project described in the application, for example, renewable energy programs.
3. The scope of the project and the number of people who will be exposed to or affected by the project described in the application.
4. The impact which the project will have upon the promotion and sales of the Pennsylvania agricultural products to which the project is targeted.
5. The availability of full funding for the project from the applicant or from any source other than the program.

6. The apparent ability of the applicant to complete the project as described in the application or, in the case of a grant to fund a National or regional agricultural product promotion or marketing project, the apparent ability of the entity with primary responsibility for the project to complete it.

7. The overall performance of the project if the project had received funding from the program in a previous fiscal year.

8. Projects that are joint efforts between two or more nonprofit agricultural product promotion and marketing organizations in this Commonwealth may be given preference over projects involving only one organization.

9. Projects where reference to the Department, as a source of funding, can practicably be made in promotional materials or broadcasts, and that would make a reference, may be given preference over projects that would not make a reference.

The application, work plan and budget should reflect January 1, 2005, as the project start date. Grant funds will be disbursed as an advance payment upon receipt of a fully executed grant agreement by the grantee. The project completion date will be December 31, 2005.

Applications for the program will be accepted by the Department beginning Monday, June 7, 2004, and continue through Friday, July 9, 2004. Applications must be received by 4 p.m. in the Bureau of Market Development on the closing date. Information and a grant application can be obtained from Peter C. Witmer, Director, Bureau of Market Development, Department of Agriculture, 2301 North Cameron Street, Room 308, Harrisburg, PA 17110-9408 or accessed at [www.pda.state.pa.us](http://www.pda.state.pa.us).

DENNIS C WOLFF,  
*Secretary*

[Pa.B. Doc. No. 04-905. Filed for public inspection May 21, 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 May 11, 2004.

### BANKING INSTITUTIONS

#### Holding Company Acquisitions

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
5-11-04	National Penn Bancshares, Inc., Boyertown, to acquire 100% of the voting shares of Peoples First, Inc., Oxford, and so indirectly acquire The Peoples Bank of Oxford, Oxford	Boyertown	Approved

**Mutual Holding Company Reorganization**

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
5-11-04	Beneficial Mutual Savings Bank Philadelphia Philadelphia County	Philadelphia	Approved
Application represents reorganization in a mutual holding company to be known as Beneficial Savings Bank MHC.			

**Branch Applications**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
5-3-04	Embassy Bank for the Lehigh Valley Bethlehem	4140 West Tilghman Street Allentown Lehigh County	Opened
5-4-04	NOVA Savings Bank Philadelphia Philadelphia County	1235 Westlake Drive Berwyn Chester County	Filed
5-4-04	NOVA Savings Bank Philadelphia Philadelphia County	31-33 Lincoln Highway Malvern Chester County	Filed
5-5-04	Community Banks Millersburg Dauphin County	500 North Main Street Spring Grove York County	Filed
5-10-04	Indiana First Savings Bank Indiana Indiana County	915 Route 22 Highway West Blairsville Burrell Township Indiana County	Approved
5-10-04	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	Acme 501 East Evesham Road Runnemede Camden County, NJ	Approved
5-10-04	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	Acme 175 Route 70 Medford Burlington County, NJ	Approved
5-10-04	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	Acme 531 High Street Mt. Holly Burlington County, NJ	Approved
5-10-04	1st Summit Bank Johnstown Cambria County	Wal-Mart 150 Town Centre Drive Johnstown Richland Township Cambria County	Approved

**Branch Relocations**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
5-3-04	Patriot Bank Pottstown Montgomery County	<i>To:</i> 3101 Shillington Road Sinking Spring Berks County  <i>From:</i> 155 Shillington Road Sinking Spring Berks County	Effective

**Branch Discontinuances**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
4-30-04	Northwest Savings Bank Warren Warren County	24 West Orange Street Lancaster Lancaster County	Effective



<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
5-10-04	United Bank of Philadelphia Philadelphia Philadelphia County	2 Penn Center 15th and JFK Boulevard Philadelphia Philadelphia County	Approved

**SAVINGS INSTITUTIONS**

No activity.

**CREDIT UNIONS**

**Articles of Amendment**

<i>Date</i>	<i>Name of Credit Union</i>	<i>Purpose</i>	<i>Action</i>
5-11-04	Local #38 and Associates Credit Union Milton Northumberland County	Amendment to Article 1 provides for a change in corporate title to NU Community Credit Union.	Approved and Effective

A. WILLIAM SCHENCK, III,  
*Secretary*

[Pa.B. Doc. No. 04-906. Filed for public inspection May 21, 2004, 9:00 a.m.]

**Maximum Lawful Rate of Interest for Residential Mortgages for the Month of June 2004**

The Department of Banking (Department), under the authority contained in section 301 of the act of January 30, 1974 (P. L. 13, No. 6) (41 P. S. § 301), hereby determines that the maximum lawful rate of interest for residential mortgages for the month of June 2004 is 7 1/4%.

The interest rate limitations under the State's usury statute were preempted to a great extent by Federal law, the Depository Institutions Deregulation and Monetary Control Act of 1980 (Pub. L. No. 96-221). Further preemption was instituted with the signing of Pub. L. No. 96-399, which overrode State interest rate limitations on any individual who finances the sale or exchange of residential real property which the individual owns and which the individual occupies or has occupied as a principal residence.

Each month the Department is required by State law to compute and announce the ceiling rate on residential mortgages in this Commonwealth. This maximum rate is determined by adding 2.50 percentage points to the yield rate on long-term government bonds as published by the Federal Reserve Board and/or the United States Treasury. The latest yield rate on long-term government securities is 4.75 to which was added 2.50 percentage points for a total of 7.25 that by law is rounded off to the nearest quarter at 7 1/4%.

A. WILLIAM SCHENCK, III,  
*Secretary*

[Pa.B. Doc. No. 04-907. Filed for public inspection May 21, 2004, 9:00 a.m.]

**DEPARTMENT OF  
COMMUNITY AND  
ECONOMIC DEVELOPMENT**

**Revocation of Appointment of Presiding Officers**

The Department of Community and Economic Development gives notice of the revocation of the appointment in 1987 of the following persons to serve as hearing officers to hear argument and, if necessary, for administrative hearings under sections 201—282 and 301—304 of the Municipalities Financial Recovery Act (53 P. S. §§ 11701.201—11701.282 and 11701.301—11701.304):

- George H. Klaus, Jr.
- Frederick A. Reddig
- Marie E. Dever
- Raymond S. Angeli
- Jerry L. Spangler
- Ellen G. Kight
- Arthur R. Martinucci
- Miles H. Mitchell, Esquire
- Bernadette Barattini, Esquire

Inquiries or comments should be directed to the Department of Community and Economic Development, Office of Chief Counsel, Commonwealth Keystone Building, Plaza Level, 400 North Street, Harrisburg, PA 17120-0225, (717) 783-8452.

DENNIS YABLONSKY,  
*Secretary*

[Pa.B. Doc. No. 04-908. Filed for public inspection May 21, 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

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

<i>NPDES Permit No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0114545 IW	Troy Schoenly c/o Troy's Suds Depot P. O. Box 156 Sylvania, PA 16945	Troy Township Bradford County	South Branch Sugar Creek 4-C	Y

<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>
PA0042722 SP	Dushore Sewer Authority P. O. Box 248 Dushore, PA 18614-0248	Sullivan County Dushore Borough	Little Loyalsock Creek 10B	Y
PA0007854 IW	Pennsylvania American Water Company 105 Sodom Road Milton, PA 17847-9762	Northumberland County Milton Borough	West Branch Susquehanna River 10D	Y

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

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

**PA0026964**, Sewage, SIC 4952, **Lower Perkiomen Valley Regional Sewer Authority**, P. O. Box 613, 5 River Road, Oaks, PA 19456. This proposed facility is in Upper Providence Township, **Montgomery County**.

Description of Proposed Activity: Renewal and rerate of the NPDES Permit from 9.5 MGD to 14.25 MGD annual average flow.

The receiving streams, Schuylkill River and Perkiomen Creek, are in the State Water Plan watershed 3D-Manatawny and classified for WWF. The nearest downstream public water supply intake for the Pennsylvania American Water Company is on the Schuylkill River, 8.5 miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 10.5 MGD.

<i>Parameters</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>				
(5-1 to 10-31)	20	30		40
(11-1 to 4-30)	25	40		50
Total Suspended Solids	30	45		60
Ammonia as N				
(5-1 to 10-31)	8.0			16.0
(11-1 to 4-30)	9.0			18.0
Fecal Coliform	200#/100 ml			
	Instantaneous			
	Minimum			9.0
pH (STD Units)	6.0			
Total Residual Chlorine	0.5			1.6
Dissolved Oxygen	Monitor Report			5.0 Instantaneous
				Minimum
Lead, Total	Monitor Report			
Nickel, Total	Monitor Report			
Phenols, Total	Monitor Report			
Copper, Total	Monitor Report			
Zinc, Total	Monitor Report			
Mercury, Total	Monitor Report			
Cyanide, Free	Monitor Report			
Arsenic, Total	Monitor Report			
Chromium, Hexavalent	Monitor Report			
Silver, Total	Monitor Report			

The proposed effluent limits for Outfall 001 are based on annual average flow of 14.25 MGD after expansion of the treatment plant:

<i>Parameters</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>				
(5-1 to 10-31)	18	27		36
(11-1 to 4-30)	22.5	33.7		45
Total Suspended Solids	30	45		60
Ammonia as N				
(5-1 to 10-31)	7.2			14.4
(11-1 to 4-30)	8.1			16.2
Fecal Coliform	200#/100 ml			
	Instantaneous			
	Minimum			9.0
pH (STD Units)	6.0			
Total Residual Chlorine	0.5			1.6

<i>Parameters</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Dissolved Oxygen	Monitor Report			5.0 Instantaneous Minimum
Lead, Total	Monitor Report			
Nickel, Total	Monitor Report			
Phenols, Total	Monitor Report			
Copper, Total	Monitor Report			
Zinc, Total	Monitor Report			
Mercury, Total	Monitor Report			
Cyanide, Free	Monitor Report			
Arsenic, Total	Monitor Report			
Chromium, Hexavalent	Monitor Report			
Silver, Total	Monitor Report			

The proposed effluent limits for stormwater Outfalls 002 and 003 are as follows:

<i>Parameters</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>				Monitor Report
COD				Monitor Report
Oil and Grease				Monitor Report
pH				Monitor Report
Total Suspended Solids				Monitor Report
Total Kjeldahl Nitrogen				Monitor Report
Total Phosphorus				Monitor Report
Iron (Dissolved)				Monitor Report

The EPA waiver is not in effect.

**PA0052094**, Sewage, **Montgomery Sewer Company, Inc.**, P. O. Box 851, Montgomeryville, PA 18936. This proposed facility is in Montgomery Township, **Montgomery County**.

Description of Proposed Activity: Renewal of NPDES permit to discharge treated sewage effluent from a wastewater treatment facility.

The receiving stream, Little Neshaminy Creek, is in the State Water Plan watershed 2F and is classified for WWF, MF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for the Aqua PA Southeast Division is on the Neshaminy Creek, 24.7 miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.15 mgd.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		<i>Instantaneous Maximum (mg/l)</i>
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	
CBOD <sub>5</sub>					
(5-1 to 10-31)	12.5		10		20
(11-1 to 4-30)	25.0		20		40
Total Suspended Solids	37.5		30		60
NH <sub>3</sub> -N					
(5-1 to 10-31)	2.5		2.0		4.0
(11-1 to 4-30)	7.5		6.0		12.0
Nitrite and Nitrate as N					
(7-1 to 10-31)	11.0		9.0		18.0
Phosphorus as P					
(4-1 to 10-31)	1.0		0.8		1.6
Fecal Coliform (#col/100ml)			200		
Total Residual Chlorine			0.2		0.6
Dissolved Oxygen			5.0		
			Instantaneous Minimum		
pH (Std. Units)			6.0		9.0
			Instantaneous Minimum		

In addition to the effluent limits, the permit contains the following major special condition: reduction in seasonal phosphorus limitation from 2.0 mg/l to 0.8 mg/l.

The EPA waiver is not in effect.

**PA0058343**, Sewage, SIC 4952, **Bedminster Municipal Authority**, 432 Elephant Road, Bedminster, PA 18910. This proposed facility is in Bedminster Township, **Bucks County**.

Description of Proposed Activity: Proposed discharge of treated sewage from a municipal sewage treatment plant.

The receiving stream, unnamed tributary to Deep Run, is in the State Water Plan watershed 2D and is classified as a WWF. The nearest downstream public water supply intake for Point Pleasant is on the Delaware River, 11.5 miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 260,000 gpd.

Parameter	Mass (lb/day)		Concentration (mg/l)		Instantaneous Maximum (mg/l)
	Average Monthly	Average Weekly	Average Monthly	Average Weekly	
CBOD <sub>5</sub> (5-1 to 10-31)	22	32	10	15	20
(11-1 to 4-30)	43	65	20	30	40
Total Suspended Solids	22	32	10	15	20
Ammonia as N (5-1 to 10-31)	2.2		1.0		2.0
(11-1 to 4-30)	4.3		2.0		4.0
NO <sub>2</sub> + NO <sub>3</sub> as N	21.7		10.0		20.0
Phosphorus (4-1 to 10-31)	1.7		0.8		1.6
(11-1 to 3-31)			Monitor and Report		
Fecal Coliform	200 colonies/100 ml as a geometric average				
Dissolved Oxygen	minimum of 5.0 mg/l at all times				
pH	within limits of 6.0 to 9.0 standard units at all times				

In addition to the effluent limits, the permit contains the following major special conditions: request permit amendment if other than ultraviolet disinfection system is utilized.

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

**PA0252638**, Sewage, **Perry Township Municipal Authority**, P. O. Box 813, Star Junction, PA 15401. This application is for issuance of an NPDES permit to discharge treated sewage from the Perry Township Municipal Authority STP in Perry Township, **Fayette County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Youghiogheny 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 Westmoreland County Municipal Authority of McKeesport.

*Outfall 001: new discharge, design flow of 0.1 mgd.*

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>	25	37.5		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)	50,000/100 ml as a geometric mean			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

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

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

**WQM Permit No. 3904401**, Sewerage, **Parkland School District, Parkland High School**, 2219 North Cedar Crest Boulevard, Allentown, PA. This proposed facility is in South Whitehall Township, **Lehigh County**.

Description of Proposed Action/Activity: This project involves the installation of 19,000-gallon precast concrete equalization tank with mixer and piping at existing treatment facility.

**WQM Permit No. 4504405**, Sewerage, **Pennsylvania American Water Co.**, 800 West Hersheypark Drive, Hershey, PA. This proposed facility is in Middle Smithfield Township, **Monroe County**.

Description of Proposed Action/Activity: This project involves the repermitting of two aerated equalization basins in the Lehman Pike System.

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

**WQM Permit No. 0204403**, Sewerage, **Upper Allegheny Joint Sanitary Authority**, 320 Fourth Avenue, Tarentum, PA 15084. This proposed facility is in Frazer Township, **Allegheny County**.

Description of Proposed Action/Activity: Application for the construction and operation of a sanitary sewer interceptor to serve the Pittsburgh Mills Development in Frazer Township.

**WQM Permit No. 0272418-A4**, Sewerage, **Riverview Sanitary Authority**, 3100 University Boulevard, Route 51, Moon Township, PA 15108. This proposed facility is in Moon Township, **Allegheny County**.

Description of Proposed Action/Activity: Application for the modification and operation of the Riverview Sanitary Authority Sewerage Treatment Plant.

**WQM Permit No. 3204402**, Sewerage, **Robert and Marianne Coffman**, 3940 Groft Road, Home, PA 15747. This proposed facility is in Rayne Township, **Indiana County**.

Description of Proposed Action/Activity: Application for the construction and operation of a sewage treatment plant to serve the Coffman residence.

**WQM Permit No. 5604403**, Sewerage, **John E. and Connie S. Mowry**, 1067 Pleasant Hill Road, Somerset, PA 15501. This proposed facility is in Somerset Township, **Somerset County**.

Description of Proposed Action/Activity: Application for the construction and operation of a sewage treatment plant to serve the Mowry residence.

**WQM Permit No. 6573448-A6**, Sewerage, **North Huntingdon Township Municipal Authority**, 11265 Center Highway, North Huntingdon, PA 15642. This proposed facility is in North Huntingdon Township, **Westmoreland County**.

Description of Proposed Action/Activity: Application for the modification and operation of the Youghiogheny WWTP sludge drying beds.

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Department Protocol (Y/N)</i>
PAG136357	Charles E. Kelly Support Facility 6 Lobaugh Street Oakdale, PA 15071	Allegheny	Collier Township	Y

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

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*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>
PAI024504009	LTS Development, Inc. P. O. Box 160 Shawnee-on-Delaware, PA 18356	Monroe	Stroud Township	Brodhead Creek HQ-CWF Sambo Creek TSF
PAS10S114-1	LTS Development, Inc. P. O. Box 160 Shawnee-on-Delaware, PA 18356	Monroe	Stroud Township	Wigwam Run HQ-CWF

*Northampton County Conservation District: Greystone Building, Gracedale Complex, Nazareth, PA 18064-9211, (610) 746-1971.*

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024804014	Harry Grym NRG 305 Donne Road Hamburg, PA 19526	Northampton	City of Bethlehem	Saucon Creek (Black River to SR 412 Bridge) HQ-CWF
PAI024804015	Department of Transportation 1713 Lehigh Street Allentown, PA 18103	Northampton	Stockertown Borough Palmer Township	Bushkill Creek HQ-CWF

Wayne County Conservation District: Ag. Service Center, 470 Sunrise Ave., Honesdale, PA 18431, (570) 253-0930.

*NPDES Permit*

<i>No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI026404003	Department of Transportation Engineering District 4-0 P. O. Box 111 Scranton, PA 18501	Wayne	Honesdale Borough	Lackawaxen River West Branch of Lackawaxen River HQ-TSF, MF

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

*NPDES Permit*

<i>No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI0050004001	Department of Transportation District 8-0 2140 Herr Street Harrisburg, PA 17103	Perry	Saville Township	UNT to Buffalo Creek HQ-CWF
PAI030603005	John Hilbert 352 Renninger Road Perkiomenville, PA 18074	Berks	Pike Township	UNT to Oysterville Creek HQ

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

*Centre Conservation District: 414 Holmes Ave., Suite 4, Bellefonte, PA 16823, (814) 355-6817.*

*NPDES Permit*

<i>No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041404010	Mensch Estates Charles Stover 778 Green Grove Rd. Spring Mills, PA 16875  Roger Day R. R. 2, Box 521D Spring Mills, PA 16875  Frederick and Betty Mensch 107 Long Lane Millheim, PA 16854	Centre	Millheim Borough	Elk Creek EV

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

PAG-12	CAFOs
PAG-13	Stormwater Discharges from MS4

**MS4 Notices of Intent Received**

*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>
PAG132271	Dalton Borough P. O. Box 95 Dalton, PA 18414	Lackawanna	Dalton Borough	Ackerly Creek Unnamed tributaries to Ackerly Creek CWF	Y

**PUBLIC WATER SUPPLY (PWS) PERMIT**

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

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

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

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

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

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### SAFE DRINKING WATER

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

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

**Permit No. 0904503**, Public Water Supply.

Applicant	<b>Furlong Water System Buckingham Water Department</b>
Township	Buckingham
Responsible Official	Graham Orton P. O. Box 413 Buckingham, PA 18912
Type of Facility	PWS
Consulting Engineer	Castle Valley Consultant, Inc. 10 South Clinton Street Suite 302 Doylestown, PA 18901
Application Received Date	May 4, 2004
Description of Action	Use of two new wells as an additional source of water, use of two 442,000-gallon water storage tanks, installation of 5,100 linear feet of water supply piping, a 1,300 square foot control building with three booster pumps and other appurtenance relate to the project.

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

**Permit No. 5404501**, Public Water Supply.

Applicant	<b>Far Away Brandonville</b> 71 West Jefferson Lane Auburn, PA
Township or Borough	East Union Township, <b>Schuylkill County</b>
Responsible Official	Stanley F. Frompovicz
Type of Facility	PWS
Consulting Engineer	Charles Yourshaw, P. E.
Application Received Date	May 6, 2004
Description of Action	The construction of a new water system for a residential/commercial development.

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

**Permit No. 5604501**, Public Water Supply.

Applicant	<b>Municipal Authority of the Borough of Berlin</b> Berlin, PA 15530
Township or Borough	Brothersvalley Township

Responsible Official	Kerry Claycomb, Authority Secretary Municipal Authority of the Borough of Berlin Berlin, PA 15530
Type of Facility	Water Treatment Plant
Consulting Engineer	The EADS Group, Inc. 450 Aberdeen Drive P. O. Box 837 Somerset, PA 15501
Application Received Date	May 4, 2004
Description of Action	Installation of a 1.0 MG water storage tank and 7,200 LF of waterline in the Village of MacDonaltdon.

### MINOR AMENDMENT

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

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

**Minor Amendment**, Public Water Supply.

Applicant	<b>East Allen Township Municipal Authority (East Allen Gardens Water System)</b>
Township or Borough	East Allen Township, <b>Northampton County</b>
Responsible Official	James A. Milot, Chairperson 5340 Nor-Bath Blvd. Northampton, PA 18067
Type of Facility	PWS
Consulting Engineer	Hanover Engineering Associates, Inc. 252 Brodhead Road, Suite 100 Bethlehem, PA 18017-8944
Application Received Date	April 7, 2004
Description of Action	Replacement of an existing 5,000-gallon steel pressure tank with two new hydro-pneumatic booster pump pressure tanks on high pressure (distribution) side of the water system.

**Minor Amendment**, Public Water Supply.

Applicant	<b>Whitehall Township Authority</b>
Township or Borough	Whitehall Township
Responsible Official	Douglas K. Bowen 1901 Schadt Avenue Whitehall, PA 18052-3728
Type of Facility	PWS (Community System)



Consulting Engineer	LB&W Engineering, Inc. 961 Marcon Blvd., Suite 401 Allentown, PA 18109
Application Received Date	April 14, 2004
Description of Action	Conversion of an existing constant speed submersible pump (300 gpm) to a variable frequency drive submersible pump.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

### PREAMBLE 1

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

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. Persons intending to use the Background Standard, Statewide Health Standard, the Site-Specific Standard or who intend to remediate a site as a special industrial area must file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demonstrates attainment of one, a combination of the cleanup standards or who receives approval of a special industrial area remediation identified under the act will be relieved of further liability for the remediation of the site for any contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

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

For further information concerning the content of a Notice of Intent to Remediate, contact the environmental

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

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

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

**Simpson Midtown**, City of Philadelphia, **Philadelphia County**. Charlene R. Drake, React Environmental Services, Inc., 6901 Kingsessing Ave., Philadelphia, PA 19142, on behalf of Kim Williams, Simpson Midtown, 150 Monument Rd., Bala Cynwyd, PA 19004, has submitted a Notice of Intent to Remediate site soil contaminated with inorganics and lead. 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 *Philadelphia Daily News* on February 27, 2004.

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

**FCI USA, Inc., Hanover**, Penn Township, **York County**. HRP Associates, Inc., 4811 Jonestown Road, Suite 235, Harrisburg, PA 17109, on behalf of FCI USA, Inc., 825 Old Trail Road, Etters, PA 17319, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with VOCs. The future use of the site will remain industrial. A summary of the Notice of Intent to Remediate was published in *The Evening Sun* on April 11, 2004.

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

**Former Robert Banks Scrapyard**, City of Sunbury, **Northumberland County**. Veolia Water Systems, on behalf of Robert Banks Estate, P. O. Box 544, State College, PA 16804, has submitted a Notice of Intent to Remediate soil contaminated with lead, metals, PAHs and PCBs. This site is being remediated to meet the Site-Specific Standards. A summary of this Notice of Intent to Remediate was reported to have been published in *The Daily Item*. See additional information in the Actions section of this *Pennsylvania Bulletin*.

**Gary Alexander Property Cleanup**, Terry Township, **Bradford County**. Chambers Environmental Group, Inc. on behalf of Welles Mill Company, Inc., R. R. 6, Box 6024, Towanda, PA 18848, has submitted a Notice of Intent to Remediate soil contaminated with no. 2 diesel fuel. This site is being remediated to meet the Statewide Health Standards. A summary of this Notice of Intent to Remediate was reported to have been published in the *Towanda Daily Review* on April 27, 2004.

**AEP Turbotville**, Turbotville Borough, **Northumberland County**. Groundwater Sciences Corporation, on behalf of Agway Energy Products, 333 Butternut Drive, Syracuse, NY 13214, has submitted a Notice of Intent to Remediate soil contaminated with VOCs, benzene and MTBE. This site is being remediated to meet the Statewide Health Standards.

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

**All Pro Auto Mall Site (Canonsburg)**, Borough of Canonsburg, **Washington County**. Mark B. Miller,

Moody and Associates Inc., 11548 Cotton Road, Meadville, PA 16335 (on behalf of Mark D. Jackson, Lo Castro & Associates, Inc., 108 South Central Ave., Canonsburg, PA 15317) has submitted a Notice of Intent to Remediate groundwater contaminated with leaded gasoline. 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 *Observer Report* on November/December 2003.

#### OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

**Applications Received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and regulations to operate solid waste processing or disposal area or site.**

*Southeast Region: Regional Solid Waste Manager, 2 East Main Street, Norristown, PA 19401.*

**Permit Application No. 101470. United States Recycling Inc.**, 6101 Tacony Street, Philadelphia, PA 19135-2998, Philadelphia, **Philadelphia County**. This application was received for a renewal of a permit for a new 10-year term. The application was received in the Southeastern Regional Office on April 22, 2004.

*Northcentral Region: Regional Solid Waste Manager, 208 West Third Street, Williamsport, PA 17701.*

**Permit No. 301341. Svedala Industries Inc.**, 350 Railroad Street, Danville, PA 17821, Danville Borough, **Montour County**. This permit application was received for permit reissuance to Metso Minerals, Inc. by the Williamsport Regional Office on May 4, 2004.

Comments concerning the application should be directed to John C. Hamilton, P.E., Facilities Manager, Williamsport Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Persons interested in obtaining more information about the general permit application should contact the Williamsport Regional Office, (570) 327-3653. TDD users should contact the Department through the Pennsylvania Relay Service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to and approval or denial of the application.

## 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.**

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

**09-0156A: Jolly Gardener Products, Inc.—Frontier Division** (500 East Pumping Station Road, Quakertown, PA 18951) for installation of three diesel engines Richland Township, **Bucks County**. This installation of the three diesel engines may result in the emissions of 7.95 tons per year of NOx, 4.2 tons per year of CO, 0.53 ton per year of VOCs, 1.61 tons per year of SOx and 17.21 tons per year of PM. The Plan Approval and Operating Permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

**15-0077: Hanson Aggregates, Inc.** for installation of a crusher with wet suppression system at East Caln Township, **Chester County**. This facility is a Minor for NOx and VOC. Emissions from the crusher is 1.58 tons of PM per year. The Plan Approval will contain recordkeeping and operating restriction designed to keep the facility operating within the allowable emissions 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.*

**39-303-015: Eastern Industries, Inc.** (4401 Camp Meeting Road, Center Valley, PA 18034) for construction of a drum mix asphalt plant and associated air cleaning device at their Ormrod Plant in North Whitehall Township, **Lehigh County**.

**45-302-074: Aventis Pasteur, Inc.** (Discovery Drive, Swiftwater, PA 18370) for construction of boilers 9 and 10 and modification of boilers 1—3 at their facility in Pocono Township, **Monroe County**.

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

**17-305-020A: Junior Coal Contracting, Inc.** (2330 Six Mile Road, Philipsburg, PA 16866) for reactivation of a coal processing and railcar load out operation at their Leslie Tipple site in Decatur Township, **Clearfield County**.

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

**32-00376A: Robindale Energy Services, Inc.** (1001 Broad Street, Suite 130, Johnstown, PA 15906) for a crushing operation at their Dilltown facility in Brushvalley Township, **Indiana County**.

**56-00263C: RoxCoal, Inc.** (P. O. Box 149, Friedens, PA 15541) for installation of a screening plant at their Sarah Mine in Jenner Township, **Somerset County**.

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

**10-319B: Main Steel Polishing Co., Inc.** (6 Whitney Drive, Harmony, PA 16037) for installation of Roto Clone dust collector in the City of Harmony, **Butler County**.

**61-204B: Franklin Bronze and Alloy Co., Inc.** (655 Grant Street, Franklin, PA 16323) for post-construction of three dust collectors to control fumes and dust from induction furnaces, cut-off saws and grinding operations in the City of Franklin, **Venango County**.

**24-083F: Carbone of America Industrial Corp.** (215 Stackpole Street, St. Marys, PA 15857) for construction of carbon baking kiln no. 34 with a thermal oxidizer and connecting to an existing scrubber in St. Marys City, **Elk County**. This is a Title V facility.

**20-295A: Baillie Lumber Co.** (45529 State Highway 27, Titusville, PA 16354) for installation of a 600 hp wood-fired boiler at Baillie Lumber Yard in Oil Creek Township, **Crawford County**.

*Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104; Edward Braun, Chief, (215) 823-7584.*

**AMS 04107: Philadelphia Gas Works**, 3100 East Venango Street, Philadelphia, PA 19122 for installation of a 12.53 mmBtu/hr turbine compressor in Philadelphia, **Philadelphia County**.

**AMS 4108: Naval Surface Warfare Center—Carderock Division** (5001 South Broad Street, Code 357, Philadelphia, PA 19112) for RACT plan approval of five decommissioned boilers in Building 23 in Philadelphia, **Philadelphia County**.

**AMS 04109: Perfecseal, Inc.** (9800 Bustleton Avenue, Philadelphia, PA 19115) for installation of a bag house and cyclones in Philadelphia, **Philadelphia County**.

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**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.**

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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.*

**15-0078C: Centocor, Inc.** (200 Great Valley Parkway, Malvern, PA 19355) for modification of a 2 mW electric generator at their Centocor pharmaceutical research and development/manufacturing/biotechnological facility at 90 Great Valley Parkway, East Whiteland Township, **Chester County**. The modification of the electric generator will result in the emissions of: 4.07 tons per year of NO<sub>x</sub>; 0.3 ton per year of CO; 0.1 tons per year of VOCs; 0.35 ton per year of SO<sub>x</sub>; 0.04 ton per year of PM; and 0.0042 ton per year of HAPs. The Plan Approval and Operating Permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

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

**01-05016E: ISP Minerals, Inc.** (P. O. Box O, 1455 Old Waynesboro Road, Blue Ridge Summit, PA 17214-0914) for replacement of a crusher with a 240-ton per hour crusher and installation of related conveyors, hopper and bucket elevator, all controlled by existing fabric filter baghouses, at their Charmian facility in Hamiltonban Township, **Adams County**. This will result in an actual increase in PM emissions of 0.04 ton per year. This plan approval will include monitoring, recordkeeping and reporting requirements designed to keep the sources operating within all applicable air quality requirements.

**07-03046: Penn Mag, Inc.** (R. D. 1, Box 22, Adrian, PA 16210) for operation of their iron chromite crushing and classifying facility in Greenfield Township, **Blair 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.

**29-03010: JLG Industries, Inc.** (1 JLG Drive, McConnellsburg, PA 17233) for operation of two blast booths controlled by fabric collectors, a paint kitchen and two paint spray booths controlled by dry filters. The equipment had previously been operated as the NES Rebuild Center, Inc. in Ayr Township, **Fulton County**. The facility's VOC emissions will be limited to less than 50 tons per year.

*Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104; Edward Braun, Chief, (215) 823-7584.*

**AMS 03236: Park Plaza Condominium**, 3900 Ford Road, Philadelphia, PA 19131 for permitting two 400 hp no. 4 oil fired boilers in the City of Philadelphia, **Philadelphia County**. The potential NO<sub>x</sub> emission increase is 6.46 tons per year. The plan approval will contain requirements to ensure operation within all applicable requirements.

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**OPERATING PERMITS**


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**Intent to Issue Title V Operating Permits 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; Thomas Edward Jurdones Brown, New Source Review Chief, (484) 250-5920.*

**09-00024: Waste Management Disposal Services of Pennsylvania—Tullytown Resource Recovery Facility** (1121 Bordentown Road, Morrisville, PA 19067) for an administrative amendment to Title V Operating Permit 09-00024 in Tullytown, **Bucks County**. The permit is being amended to address the concerns expressed in the Appeal Document. The facility's major emission points include an enclosed flare and the landfill without Southern Expansion. The amended Title V operating permit will contain monitoring, recordkeeping, reporting and work practice standards to keep the facility operating within all applicable air quality requirements.

**09-00007: Waste Management Disposal Services of Pennsylvania—G. R. O. W. S.** (1121 Bordentown Road, Morrisville, PA 19067) for an administrative amendment to Title V Operating Permit 09-00007 in Falls Township, **Bucks County**. The permit is being amended to address the concerns expressed in the Appeal Document. The facility's major emission points include an enclosed flare and the landfill without expansion. The amended Title V operating permit will contain monitoring, recordkeeping, reporting and work practice standards to keep the facility operating within all applicable air quality requirements.

**46-00070: Finneran and Haley, Inc.** (901 Washington Street, Conshohocken, PA 19428) a renewal of their Title V Operating Permit in Conshohocken Borough, **Montgomery County**. The initial permit was issued on August 25, 1999. The facility is paint and lacquer manufacturing plant. As a result of potential emissions of VOCs, the facility is a major stationary source as defined in Title I, Part D of the Clean Air Act Amendments and is therefore subject to the Title V permitting requirements adopted in 25 Pa. Code Chapter 127, Subchapter G. No changes have taken place at the facility since the permit was issued in 1999. The facility is not subject to Compliance Assurance Monitoring under 40 CFR Part 64. The renewal contains all applicable requirements including monitoring, recordkeeping and reporting.

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

**65-00634: Dominion Transmission Inc.—Tonkin Compressor Station** (625 Liberty Avenue, Pittsburgh, PA 15222) in Murrysville Borough, **Westmoreland County**. The facility's major source of emissions include two internal combustion engines and a space heating boiler which primarily emit NOx. There are also small quantities of fugitive VOC emissions from facility pumps, valves, flanges, and the like.

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**Intent to Issue Operating Permits 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 19428; Edward Jurdones Brown, New Source Review Chief, (610) 832-6242.*

**15-00110: Pepperidge Farm, Inc.** (421 Boot Road, Downingtown, PA 19335) for a non-Title V, State-only,

Synthetic Minor Operating Permit in Downingtown Borough, **Chester County**. Pepperidge Farm, Inc. produces frozen baked goods at their Downingtown facility. There are three boilers, a bread oven with a catalytic oxidizer, a cake oven, two impingement ovens, two emergency generators, several miscellaneous heaters, a dust collection system and a parts washer at this facility. There is a limit of 25 tons of NOx per 12-month rolling period for all the fuel-fired sources at this facility. There is also 25 tons VOC per 12-month rolling period limit on the emissions from the fuel fired sources, the baking of bread and the parts oven. Monitoring and recordkeeping requirements have been added to the permit to address applicable limitations.

**09-00034: Penn Protective Coatings, Inc.** (474-C Pike Road, Huntingdon Valley, PA 19006) for a non-Title V (State-only-Synthetic Minor) facility in Lower Southampton Township, **Bucks County**. The facility's sources include three spray paint booths. The permittee has elected to take an emission restriction of 24.9 ton/year for 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.

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

**36-05127: Martin Limestone, Inc.** (P. O. Box 550, Blue Ball, PA 17506) for operation of their Burkholder Asphalt Plant in Earl Township, **Lancaster County**. The facility wide (State-only) operating permit will limit emissions to less than 100 tons per year of CO, SOx, NOx and PM10, 50 tons per year of VOC, 10 tons per year of a single HAP and 25 tons per year of combined HAPs. The operating permit shall contain testing, monitoring, recordkeeping and reporting requirements, emission restrictions and work practice standards designed to keep the facility operating within all applicable air quality requirements.

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

**04-00502: Shasta Holding Co.** (300 Ninth Street, Monaca, PA 15061-2003) for their fabricated structural metal grinding operation on Steel Street in Aliquippa, **Beaver County**.

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

**37-00314: Natural Sand Co., Inc.** (Plain Grove Road and Route 108, Slippery Rock, PA 16057) for a Natural Minor Permit to operate a soils blending and drying process in Plain Grove and Scott Townships, **Lawrence County**.

**20-00093: Trojan, Inc.—DIC Tool** (114 Poplar Street, Meadville, PA 16335) for a Natural Minor operating permit for emissions from the coating of light bulbs with silicone rubber in the City of Meadville, **Crawford County**.

**37-00290: Industrial Concerns, Inc.** (526 South Jefferson Street, New Castle, PA 16101) for a Natural Minor Permit to operate a scrap metals cutting operation in New Castle, **Lawrence County**.

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**PUBLIC HEARINGS**


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

**66-315-035: Procter Gamble Paper Product Company** (P. O. Box 32, Mehoopany, PA 18629) for modification to a plan approval for construction and operation of two paper machines at their facility in Washington Township, **Wyoming County**.

The Procter and Gamble Paper Products Company submitted to the Department an application under 25 Pa. Code § 127.11 and it has been reviewed in accordance with all applicable air quality regulations.

The proposed modification and changes are not subject to the requirement of PSD regulations. A preliminary review of the information submitted by The Procter & Gamble Paper Products Company indicates that the construction and operation of the proposed two paper machines will meet all applicable air quality requirements. Based upon these findings, the Department plans to approve the application and issue a permit for the modification of two paper machines.

The information provided by the applicant and the Department's own analysis indicates that after modification emissions from these paper machines will either remain the same or have an expected decrease in the NOx emissions. Particulate emissions will be reduced to 54.9 tpy from 63.9 tpy; CO emissions will remain the same at 306 tpy; VOCs will remain the same at 380.2 tpy; and NOx emissions will increase from 162.2 tpy to 206.9 tpy. The emissions of these pollutants are within all applicable emissions limitations and will not cause an exceedance of the National Ambient Air Quality Standards. A decreasing of NOx emissions from the existing boilers by installing low NOx burners will offset NOx emission increases from these two paper machines. No net increase will occur in NOx emissions from this project, therefore, the modification is not subject to the NSR requirement.

To assure compliance with the applicable standards, the Department will place the following conditions on the plan approval.

1. The stack test shall be performed in accordance with 25 Pa. Code Chapter 139 to show compliance with the applicable standards.
2. NOx emissions from boilers 1, 2 and 4 shall be recorded continuously.

Persons wishing to provide the Department with additional information they believe should be considered prior to the issuance of the Plan Approval may submit the information to Mark J. Wejkszner, P. E., Chief, Engineering Services, Air Quality Program, Department of Environmental Protection, 2 Public Square, Wilkes-Barre, PA 18711, (570) 826-2531. Written comments should include the name and address and telephone number of the person submitting the comment, identification of proposed Plan Approval 66-315-035 and a concise statement regarding the relevancy of the information or any objections to issuance of the Plan Approval.

Request for a public fact finding conference or hearing may also be made by writing the Department at the previous address. A public conference may be held if the Department, in its discretion, decides that a conference is warranted on the basis of the information received. Persons who submitted comments or requested a confer-

ence will be notified of the decision to hold a conference by publication in a newspaper, the *Pennsylvania Bulletin* or by telephone, when the Department determines notification by telephone is sufficient. Comments and requests must be received by the Department by 30 days after final publication date.

**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:

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

\* The parameter is applicable at all times.

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

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

**54940201R2. White Pine Coal Co., Inc.** (P. O. Box 119, Ashland, PA 17921), renewal of an existing coal refuse reprocessing operation in West Mahanoy Township, **Schuylkill County**, affecting 56.3 acres. Receiving streams: None. Application received April 28, 2004.

**40040201. Silverbrook Anthracite, Inc.** (1 Market Street, Laflin, PA 18702), commencement, operation and restoration of an anthracite coal refuse reprocessing operation in Swoyersville Borough and Kingston Township, **Luzerne County**, affecting 20.0 acres. Receiving streams: None. Application received May 5, 2004.

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

**30841312. NPDES Permit No. PA0013790, Consolidation Coal Company** (1 Bridge Street, Monongah, WV 26554), to revise the permit for the Blacksville Mine No. 2 in Jackson Township, **Greene County**, for installation of the 22M Bleeder Shaft. No additional discharges. Application received April 12, 2004.

**30841317. NPDES Permit No. PA0213527, Consol Pennsylvania Coal Company** (P. O. Box 355, 172 Route 519, Eighty Four, PA 15330), to revise the permit for the Enlow Fork Mine in East Finley Township, **Washington County**, to add acreage to install a ventilation borehole. Surface Acres Proposed 0.5. No additional discharges. Application received April 28, 2004.

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

**24890102 and NPDES Permit No. PA0207331. Energy Resources, Inc.** (P. O. Box 259, Brockway, PA 15824). Renewal of an existing bituminous surface strip, auger and beneficial use of lime mud operation in Horton Township, **Elk County**, affecting 316.0 acres. Receiving streams: unnamed tributaries of Mead Run (CWF). There are no potable surface water supply intakes within 10 miles downstream. Application for reclamation only. Application received May 5, 2004.

**37840102 and NPDES Permit No. PA0108227. Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 160010), renewal of an existing bituminous surface strip,

auger and tipple refuse disposal operation in Shenango and Wayne Townships, **Lawrence County**, affecting 487.0 acres. Receiving streams: unnamed tributary to Snake Run, Snake Run, two unnamed tributaries to Beaver River (WWF). There are no potable surface water supply intakes within 10 miles downstream. Application for reclamation only. Application received May 5, 2004.

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

**26890103 and NPDES Permit No. PA0591327. Duran Excavating Company** (18 North Ross St., Masontown, PA 15461), renewal application for continued operation and restoration of an existing bituminous surface mine in Nicholson Township, **Fayette County**, affecting 32 acres. Receiving streams: unnamed tributaries to Cats Run (WWF). The first potable water supply intake within 10 miles downstream from the point of discharge is the Masontown Borough Municipal Authority. Renewal application received May 3, 2004.

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

**17803094 and NPDES Permit No. PA0127086. Sky Haven Coal, Inc.** (5510 State Park Road, Penfield, PA 15849), renewal of an existing bituminous surface mine-auger-sandstone permit in Goshen Township, **Clearfield County**, affecting 295 acres. Receiving streams: Little Trout Run, Trout Run, West Branch of the Susquehanna River. Application received April 14, 2004.

**17990901 and NPDES Permit No. PA0238295. AMFIRE Mining Company, LLC** (One Energy Place, Latrobe, PA 15650), transfer of an existing bituminous surface mine permit from Moravian Run Reclamation Co., Inc. The permit is in Ferguson Township, **Clearfield County** and affects 26 acres. Receiving streams: unnamed tributary to Campbell Run. Application received April 27, 2004.

**17000108 and NPDES Permit No. PA0242977. AMFIRE Mining Company, LLC** (One Energy Place, Latrobe, PA 15650), transfer of an existing bituminous surface mine permit from Moravian Run Reclamation Co., Inc. The permit is in Ferguson Township, **Clearfield County** and affects 14.7 acres. Receiving streams: Gazzam Run, unnamed tributaries to Gazzam Run. Application received April 27, 2004.

**17980119 and NPDES Permit No. PA0238121.** AMFIRE Mining Company, LLC (One Energy Place, Latrobe, PA 15650), transfer of an existing bituminous surface mine permit from Moravian Run Reclamation Co., Inc. The permit is in Morris Township, **Clearfield County** affecting 26 acres. Receiving streams: unnamed tributaries to Moshannon Creek. Application received April 27, 2004.

**17980109 and NPDES Permit No. PA0238015.** AMFIRE Mining Company, LLC (One Energy Place, Latrobe, PA 15650), transfer of an existing bituminous surface mine permit from Moravian Run Reclamation Co., Inc. The permit is in Pike Township, **Clearfield County** and affects 145 acres. Receiving streams: Hogback Run. Application received April 27, 2004.

**17010105 and NPDES Permit No. PA0243078.** AMFIRE Mining Company, LLC (One Energy Place, Latrobe, PA 15650), transfer of an existing bituminous surface mine-auger permit from Moravian Run Reclamation Co., Inc. The permit is in Knox Township, **Clearfield County** and affects 29.9 acres. Receiving streams: unnamed tributary to Carson Run, unnamed tributary to Potts Run. Application received April 27, 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.*

**64910303T and NPDES Permit No. PA0595462.** Reading Materials, Inc. (P. O. Box 79, Skippack, PA 19474), transfer of an existing quarry operation in Palmyra Township, **Wayne County**, affecting 54.2 acres. Receiving streams: unnamed tributary to Lake Walpenaupack. Application received May 5, 2004.

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

**Permit No. 05920301 and NPDES Permit No. PA0212261.** New Enterprise Stone & Lime Company, Inc. (P. O. Box 77, New Enterprise, PA 16664), renewal of NPDES permit in Snake Spring Township, **Bedford County**. Receiving streams: Cove Creek and Raystown Branch of the Juniata River (EV and TSF). There are no potable water supply intakes within 10 miles downstream. Application received May 3, 2004.

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

**08040803. Barry Reese** (R. R. 2, Box 213, Wyalusing, PA 18853), commencement, operation and restoration of a small industrial minerals (bluestone) permit in Wilmot Township, **Bradford County**, affecting 3 acres. Receiving streams: unnamed tributary to Panther Lick, Panther Lick. Application received April 13, 2003.

**08040804. Jeffery Osmun** (5890 Potters Lane, Pipersville, PA 18947), commencement, operation and restoration of a small industrial minerals (flagstone/shale) permit in Tuscarora Township, **Bradford County**, affecting 5 acres. Receiving streams: Mill Creek, tributary to Tuscarora Creek. Application received April 28, 2004.

#### **ABANDONED MINE RECLAMATION**

Under Act 181 of 1984, the Department of Environmental Protection solicits letters of interest from the landowners and/or licensed mine operators for the reclamation of the following abandoned strip mine project:

Project No. BF 500, Clinton Township, Venango County, 5 acres.

Letters of interest must be received by Roderick A. Fletcher, P. E., Director, Bureau of Abandoned Mine Reclamation, Department of Environmental Protection, 400 Market Street, P. O. Box 8476, Harrisburg, PA 17105-8476 by 4 p.m. on June 21, 2004, to be considered. Telephone inquiries shall be directed to Charles E. Lonkart, P. E., Division of Mine Hazards, (717) 787-3448.

#### **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.*

**E51-209. Isle of Capri**, 242 S. 17th Street, Philadelphia, PA 19103, Philadelphia, **Philadelphia County**, ACOE Philadelphia District.

To redevelop and maintain Piers 36—39 North (a/k/a Waterfront Square) consisting of a high-rise condominium gated community with several multistory structures including a parking garage. Work will include:

1. The placement of approximately 18,572 cubic yards of fill within a footprint of the piers currently occupying submerged lands of the Delaware River (WWF-MF).

2. To construct and maintain a new high-deck structure over an existing timber low deck structure at the ends of Piers 37 and 38. This structure will consist of several steel pipe piles, a concrete seawall and concrete deck. Timber piles will be attached to the face of the seawall along with a horizontal timber wale system and a vertical timber planking debris barrier.

3. To install and maintain approximately 924 14-inch diameter steel piles through the fill and underlying submerged lands of the Delaware River to provide structural support for the proposed buildings.

4. To install and maintain approximately 296 10-inch diameter steel piles through the fill and underlying submerged lands of the Delaware River to provide structural support for the proposed parking garage.

5. The placement of approximately 1,015 linear feet of sheet piling to provide bulkhead support.

6. To construct and maintain one 24-inch diameter and one 12-inch diameter RCP stormwater outfall structure along the southern edge of Pier 36 and discharging into the area labeled as Cohocksink Creek. Also, construct and maintain one 24-inch diameter RCP stormwater outfall structure at the eastern limit of Pier 39 and discharging into the area labeled as Delaware River.

7. To place and maintain approximately 700 linear feet of riprap bank protection around the perimeter of previously filled submerged lands along with landscaping features.

The existing site and encroachment on Commonwealth submerged lands was authorized by numerous pre-existing licenses issued by either the Port of Warden's Office, Department of Wharves, Docks and Ferries or the City of Philadelphia—Department of Commerce. Leasehold of the property within Commonwealth sub-

merged lands were further authorized by an act of General Assembly (House Bill No. 629 (Session of 2003)).

This site is approximately 3,500 feet north of Ben Franklin Bridge at a site along the Delaware River between 877 and 923 Penn Street (Philadelphia, PA-NJ Quadrangle N: 15.7 inches; W: 1.7 inches).

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

**E48-338. Hornstein Enterprises, Inc.**, 1150 Cedarcrest Boulevard, Allentown, PA 18103 in Forks Township, **Northampton County**, U. S. Army Corps of Engineers, Philadelphia District.

To construct and maintain three stormwater outfall structures in Bushkill Creek (HQ-TSF) which are associated with the proposed Penn's Ridge planned residential development. The project is approximately 0.4 mile north of the intersection of SR 2019 (Bushkill Drive) and SR 2036 (Zucksville Road) (Easton, PA-NJ Quadrangle N: 17.9 inches; W: 16.9 inches).

**E64-243. Wayne Memorial Hospital**, West and Park Streets, Honesdale, PA 18431 in Honesdale Borough, **Wayne County**, U. S. Army Corps of Engineers, Philadelphia District.

To construct and maintain a single-span prefabricated steel truss pedestrian bridge, having a span of 140 feet and an underclearance of approximately 17 feet across West Branch Lackawaxen River (HQ-CWF). The bridge will provide access to a parking area on the south side of the river. The project is south of the intersection of SR 0006 (Park Street) and West Street (Honesdale, PA Quadrangle N: 13.7 inches; W: 1.3 inches).

**E48-337. Lower Saucon Township**, 3700 Old Philadelphia Pike, Bethlehem, PA 18015 in Lower Saucon Township, **Northampton County**, U. S. Army Corps of Engineers, Philadelphia District.

To repair and maintain an existing two-span cast iron pony truss pedestrian bridge across Saucon Creek (CWF). The proposed work consists of structural upgrades to the superstructure and rehabilitation of the concrete and stone center pier. The project is northeast of the intersection of Old Mill Road and Reading Road (Hellertown, PA Quadrangle N: 11.1 inches; W: 13.7 inches).

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

**E50-224. Paradise Stream Family Campground, Inc.**, R. R. 2 Box 248, Loysville, PA 17047 in Southwest Madison Township, **Perry County**, ACOE Baltimore District.

To: (1) remove an existing deteriorated 18-foot span bridge; and (2) to install and maintain a new 35-foot span steel bridge across an unnamed tributary to Sherman Creek (HQ-CWF), locally known as Cisna Run, for the purpose of providing a safe access to existing homes and property, approximately 1,500 feet south of Route 274 on the western side of SR 3008 (Andersonburg, PA Quadrangle N: 18.2 inches; W: 7.0 inches) in Southwest Madison Township, Perry County.

**E21-362. Upper Allen Township**, 100 Gettysburg Pike, Mechanicsburg, PA 17055 in Upper Allen Township, **Cumberland County**, ACOE Baltimore District.

To: (1) construct and maintain one canoe launching pad; (2) fill and maintain 0.003 acre of wetlands in conjunction with access road widening; and (3) construct and maintain walking/hiking trails within the 100-year floodplain, all along the Yellow Breeches Creek (CWF) for the



purpose of developing the Simpson Park, on the south side of Route 114 just east of the North York Road (SR 2004), Route 114 intersection (Lemoyne, PA Quadrangle N: 7.3 inches; W: 13.8 inches) in Upper Allen Township, Cumberland County.

**E34-110: Kenneth B. Hackenberger**, HCR 67 Church Road, Mifflin, PA 17058 in Delaware Township, Juniata County, ACOE Baltimore District.

To remove 48 lineal feet of 48-inch corrugated metal pipe and to install and maintain 40 linear feet of 54-inch corrugated metal pipe depressed 1 foot below the streambed at a point (Millerstown, PA Quadrangle N: 12.25 inches; W: 8.8 inches) approximately 70 feet downstream of the existing pipe on an unnamed tributary to the Juniata River (CWF) in Delaware Township, Juniata County.

**E29-089: Dublin Township**, 29195 Great Cove Road, Fort Littleton, PA 17223 in Dublin Township, Fulton County, ACOE Baltimore District.

To construct and maintain: (1) a 20-foot by 14-inch bored sanitary sewer crossing of an unnamed tributary to Little Aughwick Creek (TSF) (Burnt Cabins, PA Quadrangle N: 11.9 inches; W: 12.3 inches); (2) a 10-foot by 12-inch bored sanitary sewer crossing of an unnamed tributary to Little Aughwick Creek (Burnt Cabins, PA Quadrangle N: 11.8 inches; W: 12.6 inches); (3) a 10-foot by 8-inch bored sanitary sewer crossing of an unnamed tributary to Little Aughwick Creek (Burnt Cabins, PA Quadrangle N: 11.5 inches; W: 12.3 inches); (4) a 10-foot by 8-inch bored sanitary sewer crossing of an unnamed tributary to Little Aughwick Creek (Burnt Cabins, PA Quadrangle N: 11.5 inches; W: 12.3 inches); (5) a 10-foot by 12-inch bored sanitary sewer crossing of an unnamed tributary to Little Aughwick Creek (Burnt Cabins, PA Quadrangle N: 11.4 inches; W: 12.3 inches); (6) a 15-foot by 4-inch bored sanitary sewer crossing of an unnamed tributary to Little Aughwick Creek (Burnt Cabins, PA Quadrangle N: 8.7 inches; W: 12.4 inches); (7) a 15-foot by 14-inch bored sanitary sewer crossing of an unnamed tributary to Little Aughwick Creek (Burnt Cabins, PA Quadrangle N: 8.4 inches; W: 12.7 inches); (8) a 20-foot by 4-inch bored sanitary sewer crossing of an unnamed tributary to Licking Creek (CWF) (Burnt Cabins, PA Quadrangle N: 5.1 inches; W: 13.7 inches); (9) an 8-inch outfall with riprap apron in Little Aughwick Creek (Burnt Cabins, PA Quadrangle N: 12.3 inches; W: 12.3 inches); (10) a 65-foot by 14-inch bored sanitary sewer crossing of the South Branch of Little Aughwick Creek (HQ-CWF) (Burnt Cabins, PA Quadrangle N: 14.1 inches; W: 2.5 inches); (11) an 80-foot by 14-inch bored sanitary sewer crossing of the South Branch of Little Aughwick Creek (Burnt Cabins, PA Quadrangle N: 14.1 inches; W: 2.2 inches); (12) a 25-foot by 12-inch bored sanitary sewer crossing of the South Branch of Little Aughwick Creek (Burnt Cabins, PA Quadrangle N: 14.0 inches; W: 1.9 inches); (13) an 8-inch outfall with riprap apron in South Branch of Little Aughwick Creek (Burnt Cabins, PA Quadrangle N: 14.6 inches; W: 3.6 inches); (14) a total of 0.28 acre of temporary PFO wetland impacts for three 8-inch sanitary sewer crossings (Burnt Cabins, PA Quadrangle N: 12.0 inches; W: 12.3 inches, N: 14.5 inches; W: 3.6 inches and N: 14.1 inches; W: 2.3 inches); (15) 0.03 acre of temporary PSS wetland impact for an 8-inch sanitary sewer crossing (Burnt Cabins, PA Quadrangle N: 12.6 inches; W: 7.8 inches); and (16) 0.02 acre of temporary PEM wetland impact for an 8-inch sanitary sewer crossing (Burnt Cabins, PA Quadrangle N: 4.4 inches; W: 13.2 inches) all for the purpose of constructing

approximately 30,000 linear feet wastewater collection sewer and approximately 5,000 linear feet of wastewater force main in Dublin Township, Fulton County. The project includes a total of 86 linear feet of stream impacts waived under 105.12(a)(2) for utility lines and a minor road crossing and proposes to directly impact a total of 366 linear feet of stream channel and temporarily impact 0.33 acre of wetlands.

**E67-770: Springettsbury Township**, 1501 Mount Zion Road, York, PA 17402 in Springettsbury Township, York County, ACOE Baltimore District.

To construct and maintain a new roadway and associated fill in the floodplain of Codorus Creek (WWF) and an outfall structure with a rip-rap rock apron discharging into Johnson's Run (CWF), all near the intersection of Eden Road and Route 30 (York, PA Quadrangle N: 20.5 inches; W: 13.25 inches) in Springettsbury Township, York County.

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

**E17-397. Department of Conservation and Natural Resources, Bureau of Forestry**, P. O. Box 845, Harrisburg, PA 17105-8451. Reservoir Road crossing Upper Three Runs in Karthaus Township, Clearfield County, ACOE Baltimore District (Bellefonte, PA Quadrangle N: 15.3 inches; W: 2.0 inches).

To remove and existing structure and construct, operate and maintain a public road crossing Upper Three Runs (HQ-CWF) to provide improved public access on Reservoir Road. The crossing of Reservoir Road across Upper Three Runs shall be constructed with a single cell corrugated elliptical metal culvert pipe that will have a minimum span of 7.9 feet, rise of 5.6 feet, length of 38 feet and depression into the streambed of 1.0 foot. The road crossing shall also be constructed with headwalls and wing-walls. All construction and future repair work shall be conducted during stream low flow and dry work conditions by dams and pumping or diverting stream flow around the work area. Since Upper Three Runs is a wild trout stream, no construction or future repair work shall be done in or along the stream channel between October 1 and December 31 without the prior written approval of the Fish and Boat Commission. As proposed the project will not impact wetlands while impacting 50 feet of waterway that is along the eastern right-of-way of SR 1011 approximately 1.45 miles east of Reservoir Road and SR 1011 intersection.

**E60-165. Alan C. Wagner and Leon M. Botts**, 300 Market Street, Mifflinburg, PA 17844. Black Run Country Estates Road crossing in Buffalo Township, Union County, ACOE Baltimore District (Mifflinburg, PA Quadrangle N: 22.6 inches; W: 2.8 inches).

To construct, operate and maintain a road crossing Blacks Run (HQ-CWF) to provide access to single residential dwelling. The road crossing shall be constructed with three 4-foot diameter metal culvert pipes in dry work conditions by dams and pumping or fluming stream low around the work area. Construction of the road crossing shall be completed during stream low flow conditions. Construction of the road crossing will permanently impact 40 feet of Blacks Run and 0.05 acre of associated wetland. Since instead of constructing replacement wetlands for the 0.05 acre of permanently impacted wetland, the applicant is seeking to contribute to the Pennsylvania Wetland Fund through the National Fish and Wildlife Foundation Project No. 95-096.

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

**E25-686, Franklin Township**, 10411 Route 98, Edinboro, PA 16412. T-424 (Falls Road) bridge replacement in Franklin Township, **Erie County**, ACOE Pittsburgh District (Edinboro North, PA Quadrangle N: 13.5 inches; W: 13.7 inches).

The applicant proposes to remove the existing structure and to construct and maintain a single span prestressed concrete adjacent box beam bridge having a clear span of 12.16 feet and an underclearance of 7.5 feet across Falk Run (CWF, MF, perennial) on T-424 (Falls Road) approximately 100 feet west of the intersection of SR 98 and T-424 (Falls Road). The project proposes to directly affect a total of approximately 50 linear feet of stream channel

**E25-687, Department of Transportation, District 1-0**, 255 Elm Street, P. O. Box 398, Oil City, PA 16301-1412. SR 0090, Section B07, Segment 0110, Offset 2082 (EB) and Segment 0111, Offset 2153 (WB) bridge replacement in Girard Township, **Erie County**, ACOE Pittsburgh District (Albion, PA Quadrangle N: 18.2 inches; W: 8.1 inches).

The applicant proposes to remove the existing structures and to construct and maintain two dual three-span steel plate girder bridges each having a spans of 115 feet, 169 feet and 169 feet and an average underclearance of 61.5 feet on a 70 degree skew across Halls Run (HQ CWF, MF, perennial) on SR 0090 (Interstate 90—eastbound and westbound lanes), Section B07, Segment 0110, Offset 2082 (EB) and Segment 0111, Offset 2153 (WB) approximately 1.8 miles northeast of the intersection of Interstate 90 and SR 18. The project proposes to directly affect a total of approximately 160 linear feet of stream channel.

**E27-044A, Department of Transportation, District 1-0**, 255 Elm Street, P. O. Box 398, Oil City, PA 16301. T-345 Kellettsville Bridge across Tionesta Creek and SR 666 improvements in Kingsley Township, **Forest County**, ACOE Pittsburgh District (Kellettsville, PA Quadrangle N: 8.2 inches; W: 0.9 inch).

To amend, on behalf of Forest County, DEP Permit No. E27-044 which authorized Forest County to construct and maintain the Kellettsville Bridge having two clear, normal spans of 140 feet and 120 feet and an underclearance of 17 feet, 4 inches, across Tionesta Creek on T-345 east of SR 666. The proposed amendment is to realign the west approach of the bridge beginning at the west abutment and extending to SR 666. Realignment will fill a total of approximately 0.43 acre of the flood plain of Tionesta Creek, including impact to a de minimis area of wetland (0.0037 acre).

#### ENVIRONMENTAL ASSESSMENT

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

**EA 08-005, Department of Transportation, Engineering District 3-0**, P. O. Box 218, Montoursville, PA 17754-0218. SR 1027 bridge removal project in Wysox Township, **Bradford County**, ACOE Baltimore District, State Water Plan Subbasin 4C (Towanda, PA Quadrangle N: 6.6 inches; W: 1.1 inches).

The applicant proposes to remove an abandoned 117-foot long single-span steel truss bridge that crosses Wysox Creek (CWF, perennial). Erosion and sedimentation control measures, coordinated with the Bradford County Conservation, will be implemented during the project. Most of the proposed work will be performed from the existing roadway and streambank and therefore, no significant impact to the stream channel is expected.

#### DAM SAFETY

*Central Office: Bureau of Waterways Engineering, 400 Market Street, Floor 3, P. O. Box 8554, Harrisburg, PA 17105-8554.*

**D40-079A, The Ice Lakes Limited**, 220 Pine Ridge Road, Tunkhannock, PA 18647. To modify, operate and maintain the Ice Pond Dam across a tributary to Little Wapwallopen Creek (CWF) for the purpose of modifying the existing spillway to manage stormwater from the proposed The Ice Lakes Subdivision (Wilkes-Barre West, PA Quadrangle N: 3.2 inches; W: 9.15 inches) in Rice Township, **Luzerne 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
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.*

*Berks County Conservation District: 1238 County Welfare Road, P. O. Box 520, Leesport, PA 19533.*

<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>
PAR10C257R	Wayne Yenser 1821 Old Route 22 Lenhartsville, PA 19534	Muhlenberg Township Berks County	Furnace Creek TSF	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>
PA0091910	Alex E. Paris Contracting Co. Inc. P. O. Box 369 1595 Smith Township State Road Atlasburg, PA 15004	Beaver County Hanover Township	Raccoon Creek (001) Wingfield Run (002)	Y
PA0042579	Smith Machine, Inc. P. O. Box 126 780 Route 519 Eighty Four, PA 15330	Washington County Somerset Township	Storm drain to UNT of Little Chartiers Creek	Y

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

<i>NPDES Permit No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N ?</i>
PA0004596	Ace Products, Inc. Penn Industrial Products Division 1700 ORCO Drive Conneautville, PA 16406-0483	Conneautville Borough Crawford County	Conneaut Creek 15	Y
PA0028428	Brockway Area Sewer Authority 501 Main Street Brockway, PA 15824	Brockway Borough Jefferson County	Little Toby Creek 17-A	Y

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

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

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

**WQM Permit No. 3303403**, Sewerage, **Brockway Area Sewer Authority**, 501 Main Street, Brockway, PA 15824. This proposed facility is in Brockway Borough and Snyder Township, **Jefferson County**.

Description of Proposed Action/Activity: This project is for wastewater treatment and collection system improvements with three new pump stations.

**IV. NPDES Stormwater Discharges from MS4 Permit Actions****V. NPDES Waiver Stormwater Discharges from MS4 Actions**

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

<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>
PAG136347	Finleyville Borough 3515 Washington Avenue Finleyville, PA 15332	Washington	Finleyville Borough	N/A	N/A

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI011503079	Great Valley School District Bacton Hill Road Athletic Fields 47 Church Road Malvern, PA 19355	Chester	East Whiteland Township	Valley Creek EV
PAI011504007	Megill Homes, Inc. Winterwood Development 2 Huntrise Lane West Chester, PA 19382	Chester	Pocopson Township	Pocopson Creek TSF-MF

*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>
PAI046004001	Earl Martin 1535 Red Bank Road Mifflinburg, PA 17844	Union	West Buffalo Township	North Branch Buffalo Creek HQ-CWF
PAI041204001	Cameron County Commissioners East Fifth St. Emporium, PA 15834	Cameron	Shippen Township	West Creek HQ-CWF

**VII. Approvals to Use NPDES and/or Other General Permits**

The EPA Region III Administrator has waived the right to review or object to this permit action under the waiver provision 40 CFR 123.23(d).

**List of NPDES and/or Other General Permit Types**

PAG-1	General Permit for Discharges from Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated with Construction Activities (PAR)
PAG-3	General Permit for Discharges of Stormwater from Industrial Activities
PAG-4	General Permit for Discharges from Single Residence Sewage Treatment Plants
PAG-5	General Permit for Discharges from Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges from Combined Sewer Systems
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Nonexceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines
PAG-11	(To Be Announced)
PAG-12	CAFOs
PAG-13	Stormwater Discharges from MS4

## NOTICES

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*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>
Kennett Township Chester County	PAG2001504035	Gabriel Vattilana Longwood Automotive P. O. Box 128 Kennett Square, PA 19348	Unnamed tributary East Branch Red Clay Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
West Bradford Township Chester County	PAG2001504015	Thomas McCloskey Quest Equestrian 461 Cann Road West Chester, PA 19382	Unnamed tributary West Branch Brandywine Creek	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
West Nottingham Township Chester County	PAG2001504004	Tim Nilan Forest Management 4 My Way Lincoln University, PA 19352	Northeast Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Upper Chichester Township Delaware County	PAG2002304013	Joseph Convery 576 Heilbron Drive Media, PA 19063	West Branch Chester Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Aston Township Delaware County	PAG2002303087	Aston Philly Limited Partnership 25800 Northwestern Highway Suite 750 Southfield, MI 48075	Chester Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Limerick Township Montgomery County	PAG2004604050	Kenneth Sperring Limerick Collision Center 44 Industrial Parkway Pottstown, PA 19464	Hartenstine Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
New Hanover Township Montgomery County	PAG2004604040	Robert M. Lawrence Subdivision 2355 New Hanover Square Road Gilbertsville, PA 19525	Sanatoga Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Skippack Township Montgomery County	PAG2004603156	Gambone Brothers Lochwood Office Development P. O. Box 287 1030 West Germantown Pike Fairview Village, PA 19409	Skippack Creek WWF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Plymouth Township Montgomery County	PAR10T510R	LFT, Inc. Blue Route Industrial Center 600 Old Elm Street Conshohocken, PA 19428	Plymouth Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Upper Saucon Township Lehigh County	PAG2003904012	Ken Synder TG Development Co., Inc. 3312 Seventh St. Whitehall, PA 18052	Saucon Creek CWF	Lehigh County Conservation District (610) 391-9583
Washington Township Northampton County	PAG2004804002	Ean Sussick 724 S. Delps Rd. Bath, PA 18014	Martins Creek TSF, MF	Northampton Conservation District (610) 746-1971

<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>
Frailey Township Schuylkill County	PAG2005404011	Cory Schlegel and/or Keystone Potato Products P. O. Box 27 Hegins, PA 17938	Middle Creek Gebhard Run CWF	Schuylkill County Conservation District (570) 622-3742
Caernarvon Township Berks County	PAG2000604023	Rick Guarini 707 Eagleview Blvd. Exton, PA 19341	Conestoga River WWF	Berks County Conservation District 1238 County Welfare Road P. O. Box 520 Leesport, PA 19533 (610) 372-4657
Penn Township Berks County	PAG200604047	CMTS Ministries c/o Andrew J. Merrick Sr. 321 Focht Road Bernville, PA 19506	UNT to Irish Creek WWF	Berks County Conservation District 1238 County Welfare Road P. O. Box 520 Leesport, PA 19533 (610) 372-4657
City of Reading Berks County	PAG2000604035	Reading Area Community College 10 S. 2nd Street P. O. Box 1706 Reading, PA 19603	Schuylkill River CWF	Berks County Conservation District 1238 County Welfare Road P. O. Box 520 Leesport, PA 19533 (610) 372-4657
Muhlenberg Township Berks County	PAG2000604048	Saylor Farm Estates, c/o Adam B. Krafczk, Esq. P. O. Box 8467 Reading, PA 19603	Little Northkill Creek CWF	Berks County Conservation District 1238 County Welfare Road P. O. Box 520 Leesport, PA 19533 (610) 372-4657
Lower Swatara and Swatara Townships, Steelton and Highspire Boroughs Dauphin County Fairview Township York County	PAG2002203001	Turnpike Commission P. O. Box 67676 Harrisburg, PA 17106	Susquehanna River WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100
Halifax Township Dauphin County	PAG2002204024	Paul and Julia Clugston 541 Bunker Hill Road Halifax, PA 17032	Armstrong Creek CWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100
West Donegal Township Lancaster County	PAG2003604013	Masonic Homes 1 Masonic Drive Elizabethtown, PA 17022	Conoy Creek TSF	Lancaster County Conservation District 1383 Arcadia Road Room 6 Lancaster, PA 17601 (717) 299-5361
Warwick Township Lancaster County	PAG2003604026	Lancaster County Transit Authority P. O. Box 4903 Lancaster, PA 17604	Conestoga River WWF	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>
Earl Township Lancaster County	PAG2003604032	Martin Limestone, Inc. P. O. Box 550 Blue Ball, PA 17506	Conestoga River WWF	Lancaster County Conservation District 1383 Arcadia Road Room 6 Lancaster, PA 17601 (717) 299-5361
Mount Joy Township Lancaster County	PAG2003604041	Wheatland Homes 447 Granite Run Drive Lancaster, PA 17601	UNT to Conoy Creek TSF	Lancaster County Conservation District 1383 Arcadia Road Room 6 Lancaster, PA 17601 (717) 299-5361
Manheim Township Lancaster County	PAG2003604046	Westminster Presbyterian Church 2151 Oregon Pike Lancaster, PA 17601	Landis Run WWF	Lancaster County Conservation District 1383 Arcadia Road Room 6 Lancaster, PA 17601 (717) 299-5361
Jackson Township Lebanon County	PAG2003804008	Linda Feaser 828 Houtztown Road Myerstown, PA 17067	Little Swatara Creek WWF	Lebanon County Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042
North Londonderry Township Lebanon County	PAG2003804015	Mike Deitzler 40 Tanglewood Court Lebanon, PA 17042	Killinger Creek TSF	Lebanon County Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042
East Hanover Township Lebanon County	PAG2003804006	Kenneth and Kim Moyer 823 Ono Road Jonestown, PA 17038	Swatara Creek WWF	Lebanon County Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042
South Lebanon Township Lebanon County	PAG2003804020	Ray Griggs 759 Woodcrest Avenue Lititz, PA 17543	Quittapahilla Creek TSF	Lebanon County Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042
Dover Township York County	PAR10Y567	Harry Fox, Jr. Brownstone Manor 17 Montego Court Dillsburg, PA 17019	UNT to Fox Run TSF	York County Conservation District 118 Pleasant Acres Road York, PA (717) 840-7430
West Manchester Township York County	PAR10Y583	Jack DeGagene GMR Inc. 5900 Lake Ellenor Drive Orlando, FL 38009	Willis Run WWF	York County Conservation District 118 Pleasant Acres Road York, PA (717) 840-7430
Penn Township York County	PAG2006703092-1	Allen Myers Stewart & Tate 950 Smile Way York, PA 17404	UNT to Oil Creek WWF	York County Conservation District 118 Pleasant Acres Road York, PA (717) 840-7430
Penn Township York County	PAG2006703088	Whispering Run 160 Ram Drive Hanover, PA 17331	Plum Creek WWF	York County Conservation District 118 Pleasant Acres Road York, PA (717) 840-7430

<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>
York Township York County	PAG2006704046	Biscayne Woods and the Fields at Fox Hollow Cornerstone Development Group 1 Marketway East York, PA 17401	UNT to Barshingers and Codorus Creek	York County Conservation District 118 Pleasant Acres Road York, PA (717) 840-7430
Clearfield County Bradford Township	PAG2001704005	James B. Barley New Enterprise Stone & Lime Co., Inc. P. O. Box 77 New Enterprise, PA 16664	W. Branch Susquehanna River WWF	Clearfield County Conservation District 650 Leonard St. Clearfield, PA 16830 (814) 765-2629
Montour County Valley Township	PAG2004704001	PK Hospitality 8204 Park Rd. Batavia, NY 14020	Mauses Creek CWF	Montour County Conservation District (570) 274-1140
Erie County Lawrence Park and Harborcreek Townships	PAG2002504011	Erie Water Works Lawrence Park Area Water Main Replacement 340 W. Bayfront Highway Erie, PA 16507	Municipal Separate Storm Sewer	Erie County Conservation District (814) 825-6403
Mercer County City of Hermitage	PAG2004304006	National Fuel Gas Supply Corporation 1100 State Street Erie, PA 16501	Hogback and Magargee Runs WWF	Mercer County Conservation District (724) 662-2242
Carbondale Lackawanna County	PAG2113504002	Department of Environmental Protection BAMR 2 Public Square, 5th Floor Wilkes-Barre, PA 18711-0790	Fall Brook	BAMR 2 Public Square 5th Floor Wilkes-Barre, PA 18711-0790 (570) 826-2371
<i>General Permit Type—PAG-3</i>				
<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	PAR600070	Pasco, Inc. 7250 Paschall Ave. Philadelphia, PA 19142	Cobbs Creek 3G Watershed	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5970
Washington Township Lehigh County	PAR602204	Ronald A. Sauerwine Sauerwine Auto Parts 3148 Spring Valley Road Slatington, PA 18080	Coplay Creek CWF	NERO Water Management Program 2 Public Square Wilkes-Barre, PA 18711-0790 (570) 826-2511
Stroud Township Monroe County	PAR602222	Herman M. Sibum Sibum's Auto Parts, Inc. 932 Analomink Road East Stroudsburg, PA 18301	Unnamed feeder to Brodhead Creek TSF	NERO Water Management Program 2 Public Square Wilkes-Barre, PA 18711-0790 (570) 826-2511



<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
East Huntingdon Township Westmoreland County	PAR406105	Greenridge Reclamation LLC R. D. 1 Box 716 East Huntingdon Landfill Road Scottdale, PA 15683	UNT to Stauffer Run	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>
Franklin Township Erie County	PAG048970	Scott R. Yonkin 7241 Crane Road Edinboro, PA 16412	Unnamed tributary to Cussewago Creek Watershed 16-A	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>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Newberry Township York County	PAG083505 PAG083529	Northeastern York County Sewer Authority P. O. Box 516 Mount Wolf, PA 17347-0516	Todd Ahrens Farm Newberry Township York County	SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707

*General Permit Type—PAG-10*

<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 Hermitage Mercer County	PAG108305	National Fuel Gas Supply Corporation 1100 State Street Erie, PA 16501	Margaree Run Unnamed tributary to Pine Hollow Run Watershed 20-A	NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

## PUBLIC WATER SUPPLY (PWS) PERMITS

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

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

itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

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

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

### SAFE DRINKING WATER

#### Actions taken under the Pennsylvania Safe Drinking Water Act.

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

**Permit No. 1503505**, Public Water Supply.

Applicant	<b>The Carlyle Group, Inc.</b> 5604 Preston Place Raleigh, NC 27604
Township	East Coventry
County	<b>Chester</b>

Type of Facility PWS  
 Consulting Engineer Environmental Engineering and Management Associated, Inc.  
 P. O. Box 232  
 Kulpsville, PA 19443  
 Permit to Construct April 28, 2004  
 Issued

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

**Operations Permit** issued to **Aqua Pa., Inc.**, 204 East Sunbury Street, Shamokin, PA 17872, PWS ID 2350055, South Abington Township, **Lackawanna County** on April 27, 2004, for the operation of facilities approved under Construction Permits No. 3503501 and No. 3503502.

**Operations Permit** issued to **Pocono Springs Company**, P. O. Box 787, Mount Pocono, PA 18344-0787, PWS ID 2456277, Bear Creek and Coolbaugh Townships and Mt. Pocono Borough, **Luzerne and Monroe Counties** on April 29, 2004, for the operation of facilities approved under Construction Permit No. 4503506 issued on April 2, 2004.

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

**Operations Permit** issued to **Larry Soose, Owner, Caravan Court MHP**, 2190 William Flynn Highway, Butler, PA 16001, PWS ID 5100021, Center Township, **Butler County**, on May 7, 2004, for the operation of the softening units and pressure tank, as approved under Construction Permit No. 1086503-MA1.

**Operations Permit** issued to **Pennsylvania American Water—Ellwood District**, 800 West Hersheypark Drive, P. O. Box 888, Hershey, PA 17033-0888, PWS ID 6370011, various municipalities in **Beaver, Butler and Lawrence Counties**, on May 11, 2004, for the operation of the ammonia feed system at the treatment plant, the Mecklem Avenue and Swain Hill Booster Pump Stations, the Jackson Township Storage Tank and the interconnection of the Ellwood and Butler Districts, as approved under Construction Permit No. 3702502.

**Operations Permit** issued to **Pennsylvania American Water—Butler District**, 800 West Hersheypark Drive, P. O. Box 888, Hershey, PA 17033-0888, PWS ID 5100012, Oakland Township, **Butler County**, on May 11, 2004, for the operation of the ammonia feed system, as approved under Construction Permit No. 1002501.

**Permit No. 2503502**, Public Water Supply  
 Applicant **Hickory Hill Country Village**  
 Borough or Township Waterford Township  
 County **Erie**  
 Type of Facility PWS  
 Consulting Engineer Robert L. Rabell, P. E., PLS  
 RL Rabell Surveying & Engineering  
 10560 Walnut Street  
 Albion, PA 16401  
 Permit to Construct May 11, 2004  
 Issued

## WATER ALLOCATIONS

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

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

**WA15-67H**, Water Allocations, **Aqua Pennsylvania Inc.**, 762 West Lancaster Avenue, Bryn Mawr, PA 19010, West Brandywine, East Brandywine and Caln Townships, **Chester County**. Aqua Pennsylvania Inc. been granted the right to purchase up to a maximum of 500,000 gallons per day of water from the Downingtown Municipal Water Authority.

## 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.*

**Pennfield Precision Parcel B**, Richland Township, **Bucks County**. Ethan E. Prout, P. G., American Resource consultants, Inc., P. O. Box 579, Quakertown, PA 18951, on behalf of Pennfield Realty & Development Corp., John F. Matczak, Keystone Dr., P. O. Box 380, Sellersville, PA 18960, has submitted a Final Report concerning remediation of site soil contaminated with chlorobenzene. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Gary's Plaza Shopping Center**, Lansdale Borough, **Montgomery County**. Craig Herr, RT Environmental Services, Inc., 215 W. Church Rd., King of Prussia, PA 19406, on behalf of EG&G Realty Inc., 414 W. Main St., Lansdale, PA 19446, has submitted a Remedial Investigation/Final Report concerning remediation of site soil and groundwater contaminated with solvents. The report is intended to document remediation of the site to meet Site-Specific Standards.

**Simpson Midtown**, City of Philadelphia, **Philadelphia County**. Charlene R. Drake, React Environmental Services, Inc., 6901 Kingsessing Ave., Philadelphia, PA 19142, on behalf of Kim Williams, Simpson Midtown, 150 Monument Rd., Bala Cynwyd, PA 19004, has submitted a Final Report concerning remediation of site soil contaminated with inorganics and lead. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Penn Beer Distributors Site**, City of Philadelphia, **Philadelphia County**. Rodd W. Bender, Manko, Gold, Katcher & Fox, LLP, 401 City Ave., Suite 500, Bala Cynwyd, PA 19004, on behalf of Matthew J. Funchion, Penn Beer Distributors, Inc., 401 Domino La., Philadelphia, PA 19128, has submitted a Remedial Investigation Report/Cleanup Plan concerning remediation of site soil contaminated with chlorinated solvents, lead, MTBE, other organics, inorganics, PAH and PCB; and groundwater contaminated with chlorinated solvents, inorganics, lead, MTBE and other organics.

**Former Abrams Metals Company**, City of Philadelphia, **Philadelphia County**. Paul Martino, P. G., Pennoni Associates, Inc., One Drexel Plaza, 3001 Market St., Suite 200, Philadelphia, PA 19104-2897, has submitted a Remedial Investigation/Final Report concerning remediation of site soil contaminated with inorganics, PAH and PCB; and groundwater contaminated with chlorinated solvents and unleaded gasoline. The report is intended to document remediation of the site to meet Statewide Health Standard and Site-Specific Standards.

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

**AmerGen Energy Company LLC—Three Mile Island Nuclear Station**, Londonderry Township, **Dauphin County**. ARM Group, Inc., P. O. Box 797, Hershey, PA 17033-0797, on behalf of AmerGen Energy Company, LLC, Route 441 South, P. O. Box 480, Middletown, PA 17057-0480, submitted a revised Final Report concerning remediation of site groundwater contaminated with fuel oil no. 2 and PAHs. The report is intended to document remediation of the site to the Statewide Health Standard.

**Former Dauphin Dental Laboratories**, Middle Paxton Township, **Dauphin County**. BL Companies, Inc., 830 Sir Thomas Court, Harrisburg, PA 17109, on behalf of Patricia Bracale, 1240 Mountain Road, Dauphin, PA 17018, submitted a combined Remedial Investigation

and Final Report concerning remediation of site groundwater contaminated with leaded gas, unleaded gas and MTBE. The combined Remedial Investigation and Final Report is intended to document remediation of the site to the Site-Specific and Statewide Health Standards.

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

**Former Robert Banks Scrapyard**, City of Sunbury, **Northumberland County**. Veolia Water Systems, on behalf of Robert Bank Estate, P. O. Box 544, State College, PA 16804, has submitted a Combined Remedial Investigation Report and Final Report concerning soil contaminated with lead, metals, PAHs and PCBs. This combined Remedial Investigation Report and Final Report is intended to demonstrate remediation of soil to meet the Site-Specific Standard. See additional information in the Applications section of this *Pennsylvania Bulletin*.

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

**Operation Nehemiah/Former Caruso Property**, Wilkensburg Borough, **Allegheny County**. Christopher Hartigan, The Fourth River Company, 1550 Obey Street, Suite 201, Pittsburgh, PA 15205 (on behalf of Constance Balthrop, 235 Eastgate Drive, Pittsburgh, PA 15235) has submitted a Final Report concerning remediation of site groundwater contaminated with lead, gasoline constituents and tetrachloroethylene and its products of decomposition. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**C. E. Kelly Support Facility/Neville Island Maintenance Facility**, Neville Island, **Allegheny County**. John Mason, CH2MHILL, 1700 Market Street, Suite 1600, Philadelphia, PA 19103 (on behalf of Steven R. Lenney, Charles E. Kelly Support Facility, 6 Loubaugh Street, Oakdale, PA 15701) has submitted a Final Report concerning remediation of site groundwater contaminated with chlorinated solvents. The report is intended to document remediation of the site to meet the Background and Statewide Health Standards.

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

**Former Pittsburgh Metals Purifying Site, Ivy Woods**, Clinton Township, **Butler County**. William G. Wier, P. G., Civil & Env. Consultants, Inc. 333 Baldwin Rd., Pittsburgh, PA 15205 (on behalf of Ivy Woods Ind., Works, 161 Deer Creek Rd., Saxonburg, PA 16056) has submitted a Cleanup Report concerning remediation of site soil contaminated with asbestos. The report has been approved by the Department on May 3, 2004.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995

#### PREAMBLE 3

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

Provisions of 25 Pa. Code § 250.8, administration of the Land Recycling and Environmental Remediation Standards Act (act), require the Department of Environmental Protection (Department) to publish in the *Pennsylvania*

*Bulletin* a notice of final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by provisions of the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media, benefits of refuse of the property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by provisions of the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

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

The Department has received the following plans and reports:

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

**Chester Waterfront Redevelopment Project Site**, City of Chester, **Delaware County**. Kimberly A. Scarborough, Exelon Power, 200 Exelon Way, Suite 140, Kennett Square, PA 19348, has submitted a Final Report concerning the remediation of site soil contaminated with PCB, lead, heavy metals, pesticides, solvents, BTEX, PHC and PAH; and groundwater contaminated with lead, heavy metals, pesticides, solvents, BTEX, PHC and PAH. The Final Report demonstrated attainment of Site-Specific Standards and was approved by the Department on April 29, 2004.

**Narco Avionics, Inc.**, Upper Dublin Township, **Montgomery County**. Darryl D. Borrelli, Manko, Gold, Katcher & Fox, 401 City Ave., Suite 500, Bala Cynwyd, PA 19004, on behalf of Commerce Drive Associates, Guy Wolfington, 700 S. Henderson Rd., Suite 225, King of Prussia, PA 19406, has submitted a combined Remedial Investigation/Risk Assessment/Final Report concerning

remediation of site soil contaminated with chlorinated solvents and other organics and groundwater contaminated with chlorinated solvents, inorganics, lead and other organics. The report demonstrated attainment of Statewide Health and Site-Specific Standards and was approved by the Department on April 30, 2004.

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

**Niles Associates (Partnership)**, Springettsbury and York Townships, **York County**. Richenderfer & Associates, Inc., P. O. Box 1199, Carlisle, PA 17013, on behalf of Niles Associates, 1777 Fifth Avenue, York, PA 17403, submitted a Final Report concerning remediation of site soils and groundwater contaminated with chlorinated solvents, diesel fuel, fuel oil no. 2, leaded gasoline, lead, MTBE, kerosene, unleaded gasoline and used motor oil. The final report demonstrated attainment of a combination of the Statewide Health and Background Standards and was approved by the Department on May 4, 2004.

**Arntz Residence**, West Donegal Township, **Lancaster County**. Earth Tech, Inc., 2 Market Plaza Way, Mechanicsburg, PA 17055, on behalf of Esther Arntz, 1872 Harrisburg Avenue, Mount Joy, PA 17552, submitted a Final Report concerning remediation of site groundwater contaminated with fuel oil no. 2. The final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on May 4, 2004.

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

**All Pro Auto Mall Site (Canonsburg)**, Borough of Canonsburg, **Washington County**. Mark B. Miller, Moody and Associates Inc., 11548 Cotton Road, Meadville, PA 16335 (on behalf of Mark D. Jackson, Lo Castro & Associates, Inc., 108 South Central Ave., Canonsburg, PA 15317) has submitted a Remedial Investigation Report concerning the remediation of site groundwater contaminated with leaded gasoline. The Remedial Investigation Report was approved by the Department on March 2, 2004.

#### OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

**Permits Issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and regulations to operate solid waste processing or disposal area or site.**

*Southwest Region: Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**Permit ID No. 101652. KPV West Lebanon Biosolids Processing Facility**, 762 Pounds Road, Shelocta, PA 15774. The permit was reissued to new owners, Krystal Point Ventures, LLC, for operation of a biosolids processing facility in Young Township, **Indiana County**. This reissuance includes the implementation of the Radiation Protection Monitoring Plan. The permit was issued in the Southwest Regional Office on May 7, 2004.

Persons interested in reviewing the permit should contact Land Recycling and Waste Management, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4000. TDD users must contact the Department through the Pennsylvania Relay Service (800) 654-5984.

## AIR QUALITY

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### 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.

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

**GP1-22-03059: Keystone Central Storage, LP** (4900 Ritter Road, Suite 222, Mechanicsburg, PA 17055) on May 7, 2004, for small gas and no. 2 oil fired combustion units under GP1 in the City of Harrisburg, **Dauphin County**.

**GP4-67-03064: Motor Technology, Inc.** (515 Willow Springs Lane, York, PA 17402) on May 10, 2004, for burn off ovens under GP4 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.*

**GP3-19-02: White Pines Corp.** (515 SR 442, Millville, PA 17846) on April 6, 2004, to construct and operate a portable nonmetallic mineral processing plant and associated air cleaning device (a water stray dust suppression system) under the General Plan Approval and General Operating Permit for Portable Nonmetallic Mineral Processing Plants (BAQ-GPA/GP-3) at their White Pines Landfill in Pine Township, **Columbia County**.

**GP5-14-01B: Equitable Production Co., Inc.** (1710 Pennsylvania Avenue, Charleston, WV 25302) on April 6, 2004, to construct and operate a 526 horsepower natural gas-fired reciprocating internal combustion compressor engine and associated air cleaning device (a catalytic converter) under the General Plan Approval and General Operating Permit for Natural Gas Production Facilities (BAQ-GPA/GP-5) at their Dehass Compressor Station in Curtin Township, **Centre County**.

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

**GP3-56-00025B: New Enterprise Stone and Lime Co.** (P. O. Box 77, New Enterprise, PA 16664) on May 3, 2004, to operate a portable limestone crushing and screening plant at their Bakersville Spring Quarry in Jefferson Township, **Somerset County**.

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### 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.

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

**11-00510A: Amfire Mining Co. LLC** (One Energy Place, Latrobe, PA 15942) on May 6, 2004, to construct and operate a coal preparation plant by the Amfire Mining Company at their Madison Deep Mine in Jackson Township, **Cambria County**.

**11-00412A: Fuel Recovery, Inc.** (2591 Wexford-Bayne Road, Suite 204, Sewickley, PA 15143) on May 7, 2004, to

install a portable vibrating screening at Sonman Refuse Site in Portage Township, **Cambria County**.

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

**24-009E: Weyerhaeuser Co.—Johnsonburg Mill** (100 Center Street, Johnsonburg, PA 15845) on March 31, 2004, to remove capacity restrictions on coal-fired boilers 81 and 82 in Johnsonburg Borough, **Elk County**. This is an NSPS application at a Title V facility.

**37-306A: Atlantic States Materials of PA Inc.—Taylor Run Mine** (Route 106, Slippery Rock, PA 16057) on March 12, 2004, to construct a sand and gravel processing plant in Scott Township, **Lawrence County**.

**37-319A: Atlantic States Materials of PA, Inc.—Wampum Plant** (Route 18, Wampum, PA 16157) on March 12, 2004, to construct a sand and gravel processing plant in North Beaver Township, **Lawrence County**.

**42-0181B: Elkhorn Field Services—Lewis Run Plant** (1371 South Avenue, Bradford, PA 16701) on April 12, 2004, to construct an additional inlet compressor rated at 700 BHP in Bradford Township, **McKean County**. The Facility currently has a Natural Minor Permit (42-00181).

**43-329B: White Rock Silica Sand Co., Inc.** (331 Methodist Road, Greenville, PA 16125) on April 21, 2004, to increase the allowable operating hours at their rock crushing facility in Hempfield Township, **Mercer County**.

**62-017I: United Refining Co.** (Bradley and Dobson Streets, Warren, PA 16365) on April 19, 2004, for installation of LNB, addition of heat exchanger and separate stack for vacuum heater. This permit was originally issued on March 18, 2002, but construction did not occur within 18 months. The project is in the City of Warren, **Warren County**. The facility is a Title V facility.

**20-263A: TAPCO Tube Co.** (10748 South Water Street Ext., Meadville, PA 16335) on April 23, 2004, for post-construction of two dip paint lines in West Mead Township, **Crawford County**. This is a State-only facility.

**37-290B: Industrial Concerns, Inc.** (526 South Jefferson Street, New Castle, PA 16101) on May 3, 2004, to operate a scrap metal cutting operation in New Castle, **Lawrence County**.

*Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104; Edward Braun, Chief, (215) 823-7584.*

**AMS 03157: Southern Graphic Systems** (2781 Roberts Avenue, Philadelphia, PA 19129) on May 10, 2004, to install a flexographic plate processor in Philadelphia, **Philadelphia County**.

**AMS 03158: AppTec Laboratories** (1667 Davis Street, Camden, NJ 08104) on May 10, 2004, to install several small combustion units at 4751 League Island Blvd., Philadelphia, **Philadelphia County**.

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### 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.

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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.*

**46-0025C: Lonza, Inc.** (900 River Road, Conshohocken, PA 19428) on May 6, 2004, to operate a waste incinerator in Upper Merion Township, **Montgomery County**.

**46-0036A: Visteon Systems LLC** (2750 Morris Road, Lansdale, PA 19446) on May 5, 2004, to operate an area selective catalytic reduction in Worcester Township, **Montgomery County**.

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

**07-05029A: Chicago Rivet and Machine Co.** (Tyrone Plant, Industrial Park, Tyrone, PA 16686) on May 9, 2004, to construct a new airless/airtight degreasing machine controlled by a drying condenser with an associated refrigeration unit at their Tyrone Plant in Tyrone Borough, **Blair County**. This plan approval was extended.

**67-05004F: P. H. Glatfelter Co.** (228 South Main Street, Spring Grove, PA 17362-0500) on April 21, 2004, to modify a bleach plant scrubber system 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.*

**41-303-008A: Glenn O. Hawbaker, Inc.** (711 East College Avenue, Bellefonte, PA 16823) on May 4, 2004, to delete a requirement that NOx and CO stack testing be performed on a drum mix asphalt plant while it is processing 50% recycled asphalt pavement/50% virgin material at their Montoursville Plant in Loyalsock Township, **Lycoming County**.

**14-00014A: Glenn O. Hawbaker, Inc.** (711 East College Avenue, Bellefonte, PA 16823) on May 4, 2004, to delete a requirement that NOx and CO stack testing be performed on a drum mix asphalt plant while it is processing 50% recycled asphalt pavement/50% virgin material at their Pleasant Gap Plant in Spring Township, **Centre County**.

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

**04-00226B: Better Materials Corp.** (2200 Springfield Pike, Connellsville, PA 15425) on May 4, 2004, to modify Plan Approval 04-00226B at their facility in Economy Borough, **Beaver County** as follows:

- Condition No. 3—change batch mix to drum mix, add no. 2 fuel oil and remove No. 6 fuel oil.
- Condition No. 8—reduce allowable production from 567,000 tpy to 500,000 tpy to stay below the major source threshold for CO.
- Condition No. 10—add no. 2 fuel oil and removed no. 6 fuel oil.
- Condition No. 11—reduced the annual fuel usage restriction from 750,000 gallons to 662,000 gallons to coincide with new production limit, add no. 2 fuel oil and removed no. 6 fuel oil.
- Condition No. 13—reduced fuel lead limit from 100 ppm to 65 ppm, reduced fuel PCB limit from 10 ppm to 2 ppm, changed minimum Btu level from 8,000 Btu/lb to 135,000 Btu/gal (closed cup method), added (Tx) to total halides and replaced specific analytical techniques with “appropriate methods from EPA SW 846 or other methods approved in writing by the Department.”

- Condition No. 17—revised emission limits to coincide with AP-42 emission factors or stack test data.

- Condition No. 21—removed “and enforce.”

- Condition No. 32—added no. 2 fuel oil and removed no. 6 fuel oil.

- The term waste derived liquid fuel was changed to WDLF throughout.

**04-705A: Pittsburgh Coatings** (8105 Perry Highway, Pittsburgh, PA 15237) on April 28, 2004, to install a blast and surface coating plant in Ambridge Borough, **Beaver 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.*

**25-025E: GETS—Erie** (2901 East Lake Road, Erie, PA 16531) on April 30, 2004, to construct an emergency boiler in Erie, **Erie County**.

**33-055A: Glen Gery Corp.** (Route 28, Summerville, PA 15864) on April 30, 2004, to construct a tunnel kiln in Summerville Borough, **Jefferson County**.

*Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104; Edward Braun, Chief, (215) 823-7584.*

**AMS 01032: TDPS Materials** (2nd Street and Erie Avenue, Philadelphia, PA 19120) on May 10, 2004, to modify the dryer burner in the hot mix asphalt plant in Philadelphia, **Philadelphia County**, issued October 5, 2001. The plan approval has been extended.

**AMS 01617: Purolite Co.** (3620 G Street, Philadelphia, PA 19134) on May 10, 2004, to install various process equipment in Philadelphia, **Philadelphia County**, issued November 5, 2002. The plan approval has been extended.

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

**61-00011: Merisol Antioxidants LLC** (292 SR 8, Oil City, PA 16301) on May 10, 2004, to issue a Title V Operating Permit to operate an industrial organic chemicals manufacturing unit in Cornplanter Township, **Venango County**. The facility's major emission sources include a gas/oil fired boiler and furnaces, dryers, distillation columns, process vessels, storage tanks and chemical process equipment. The facility is a Title V facility due to its potential to emit of VOCs above the major source thresholds. This facility is also subject to the Compliance Assurance Monitoring Rule under 40 CFR Part 64.

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

**06-03069: Highway Materials, Inc.** (P. O. Box 1667, Blue Bell, PA 19422) on May 6, 2004, to operate a nonmetallic mineral crushing plant at their Temple Quarry in Alsace Township, **Berks County**.

**07-03018: Central Pennsylvania Humane Society** (1837 East Pleasant Valley Boulevard, Altoona, PA 16602) on May 6, 2004, to operate a crematory for animal remains in Logan Township, **Blair County**.

**36-03019: Flury Foundry Co.** (1160 Elizabeth Avenue, Lancaster, PA 17601) on April 29, 2004, to operate a brass and bronze foundry in Manheim Township, **Lancaster County**.

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

**56-00154: George E. Mason Funeral Home, Inc.** (P. O. Box 409, Davidsville, PA 15928) on May 4, 2004, to operate a crematory in Conemaugh Township, **Somerset County**.

**65-00899: Snyder Funeral Home, Inc.** (Bell and 402 East Church Street, Ligonier, PA 15658) on May 6, 2004, to operate a crematory in Donegal Borough, **Westmoreland County**.

**32-00100: Fisher Scientific Co.** (1410 Wayne Avenue, Indiana, PA 15701) on May 7, 2004, to operate spray booths at Indiana Plant in White Township, **Indiana County**.

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

**20-00037: US Bronze Foundry and Machine, Inc.** (18649 Brake Shoe Road, P. O. Box 458, Meadville, PA 16335) on May 4, 2004, for a Natural Minor operating permit for the manufacture of centrifugal cast specialty bronze products in Woodcock Township, **Crawford County**.

**Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.**

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

**67-03110: Govesan Manufacturing, Inc.** (939 Monocacy Road, York, PA 17404) on April 30, 2004, to operate their powder coating manufacturing facility in the City of York, **York County**. The State-only permit was administratively amended to reflect the inclusion of one additional site level recordkeeping requirement which states that the permittee shall maintain a logbook to record the pressure drop across each fabric collector, at a minimum of once per week. This is Revision No. 2 of the Operating Permit.

**67-05068: Highway Materials, Inc.** (1750 Walton Road, P. O. Box 1667, Blue Bell, PA 19422-0465) on May 6, 2004, for a Synthetic Minor Operating Permit for their Wrightsville Plant in Wrightsville Borough, **York County**. The State-only permit was administratively amended to correct the Responsible Official and Permit Contact person and to correct minor typographical errors. All equipment and processes at the facility remain the same. This is Revision No. 2 of the operating permit.

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

**65-00693: USA Valley Facility, Inc.** (Pleasant Valley Road, R. R. 2, Box 282A, Irwin, PA 15108) on April 12,

2004, the Title V Operating Permit was amended to incorporate the relevant conditions of Plan Approval PA-65-00693A. PA-65-00693A was issued to allow the construction of a new 4,500 CFM enclosed flare at their Valley Landfill facility in Penn Township, **Westmoreland County**.

**56-00262: Mostoller Landfill, Inc.** (WSI—Somerset Hauling, Inc., 7095 Glades Pike, Somerset, PA 15501) for their landfill in Brothersvalley Township, **Somerset County**. The Department has revised the Operating Permit to incorporate the names of the new Responsible Official and permit contact. This is a Title V Facility.

**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.*

**40980104R. JMW Enterprises, Inc.** (P. O. Box 81, Rock Glen, PA 18246), renewal of an existing anthracite surface mine operation in Hazle Township, **Luzerne County**, affecting 49.7 acres. Receiving streams: None. Application received September 5, 2003. Renewal issued May 10, 2004.

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

**16840104 and NPDES Permit No. PA0602451. Ancient Sun, Inc.** (P. O. Box 129, Shippensburg, PA 16254), renewal of an existing bituminous strip and auger operation in Toby and Perry Townships, **Clarion County**, affecting 116.7 acres. Receiving streams: unnamed tributary to Black Fox Run. This renewal is issued for reclamation only. Application received March 8, 2004. Permit issued May 5, 2004.

**33930110 and NPDES Permit No. PA0211818. McKay Coal Company, Inc.** (P. O. Box 343, Punxsutawney, PA 15767), renewal of an existing bituminous strip and auger operation in Perry Township, **Jefferson County**, affecting 93.5 acres. Receiving streams: two unnamed tributaries of Foundry Run. This renewal is issued for reclamation only. Application received February 26, 2004. Permit issued May 5, 2004.

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

**32030107 and NPDES Permit No. PA0249483. Simpson Coal Company** (R. R. 1, Box 244, New Alex-

andria, PA 15670), for commencement, operation and restoration of a bituminous surface and auger mine in Young Township, **Indiana County**, affecting 37.0 acres. Receiving streams: unnamed tributaries to Blacklegs Creek (CWF). There are no potable water supply intakes within 10 miles downstream. Application received June 5, 2003. Permit issued May 3, 2004.

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

**65980104 and NPDES Permit No. PA0202339. M. B. Energy, Inc.** (175 McKnight Road, Blairsville, PA 15717), renewal permit for continued operation and restoration of an existing bituminous surface mine in Derry Township, **Westmoreland County**, affecting 329 acres. Receiving streams: unnamed tributary to Miller Run. Renewal application received March 15, 2004. Renewal permit issued May 4, 2004.

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

**14940101 and NPDES Permit No. PA0219932. Junior Coal Contracting, Inc.** (2330 Six Mile Road, Philipsburg, PA 16866), transfer and renewal of an existing bituminous surface mine-auger permit in Rush Township, **Centre County**, affecting 522 acres. The permit is transferred from Power Operating Co., Inc. Receiving streams: unnamed tributary to Moshannon Creek to the West Branch of the Susquehanna River. Application received October 14, 2003. Permit issued April 30, 2004.

**17030117 and NPDES Permit No. PA0243639. Forcey Coal, Inc.** (P. O. Box 225, Madera, PA 16661), commencement, operation and restoration of a bituminous surface mine-auger permit in Bigler Township, **Clearfield County**, affecting 266 acres. Receiving streams: unnamed tributaries to Clearfield Creek and Banian Run to Clearfield Creek to West Branch Susquehanna River. Application received December 7, 2003. Permit issued April 30, 2004.

#### *Noncoal Permit Actions*

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

**64042802. Pykus Sand & Gravel, Inc.** (R. R. 1, Box 1402, Honesdale, PA 18431), commencement, operation and restoration of a quarry operation in Scott Township, **Wayne County**, affecting 5.0 acres. Receiving streams: Shadigee Creek. Application received March 10, 2004. Permit issued May 4, 2004.

**01870301T3 and NPDES Permit No. PA0593931. Vulcan Construction Materials, LP** (P. O. Box 4239, Winston-Salem, NC 27115-4239), transfer of an existing quarry operation in Oxford, Conewago and Berwick Townships, **Adams County**, affecting 1,292.7 acres. Receiving streams: North Stream, Slagle Run and Conewago Creek. Application received December 15, 2003. Transfer issued May 6, 2004.

**58040809. Norman N. Norton** (R. R. 2 Box 135C, New Milford, PA 18834), commencement, operation and restoration of a quarry operation in New Milford Township, **Susquehanna County**, affecting 5.0 acres. Receiving streams: None. Application received February 19, 2004. Permit issued May 10, 2004.

**40042801. Airport Sand & Gravel Co., Inc.** (500 Swetland Avenue, West Wyoming, PA 18644), commencement, operation and restoration of a quarry operation in

Duryea Borough, **Lackawanna County**, affecting 5.0 acres. Receiving streams: None. Application received February 27, 2004. Permit issued May 10, 2004.

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

**3076SM24. H & H Materials, Inc.** (190 Canon Rd., Stoneboro, PA 16153), renewal of NPDES Permit No. PA0212083 in New Vernon Township, **Mercer County**. Receiving streams: Little Shenango River. Application received March 11, 2004. Permit issued May 5, 2004.

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

**26042801. Mon River Energy Corporation** (P. O. Box 466, Brier Hill, PA 15415), permit issued for commencement, operation and reclamation of a small noncoal (coke ash/reddog) operation in Redstone Township, **Fayette County**, affecting 10 acres. Receiving streams: Four Mile Run and Dunlap Creek to Monongahela River. Application received February 10, 2004. Permit issued May 7, 2004.

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

**14032801. Raducz Stone Corporation** (284 Rockdale Road, Butler, PA 16002), commencement, operation and restoration of a Small Industrial Minerals (sandstone) permit in Howard Township, **Centre County**, affecting 9 acres. This authorization is for 6 bonded acres, of which 4 acres are for support (sediment ponds M & N and the haul road). Permittee may conduct noncoal surface mining activities only within the area bonded under the mining authorization. Receiving streams: Bald Eagle Creek, tributary to West Branch Susquehanna River. Application received February 23, 2004. Permit issued April 28, 2004.

**59041002. Terry Jacobson** (P. O. Box 32, Sabinsville, PA 16943), authorization to extract noncoal (industrial minerals) in Nelson Township, **Tioga County**, to supply fill material for Borough of Elkland—Industrial Parkway Bridge Removal project. Receiving streams: Cowanesque River, tributary to Chemung River. Authorization approved: April 27, 2004.

**53040802. John A. Miller** (169 Musto Hollow Road, Ulysses, PA 16948), commencement, operation and restoration of a small industrial minerals (flagstone) permit in Bingham Township, **Potter County**, affecting 3 acres. Receiving streams: Turner Creek, tributary to East Branch Genesee River. Application received February 26, 2004. Permit issued April 29, 2004.

#### **ABANDONED MINE RECLAMATION**

*Wilkes-Barre Office: Two Public Square, 5th Floor, Wilkes-Barre 18711-0790, (570) 826-2371.*

Bond Forfeiture	<b>BF 91-101.1</b>
Contract Awarded	
Location	West Cameron and Zerbe Townships
Description	Abandoned Mine Land Reclamation Glosek Brothers Coal Company
Contractor	Earthmovers Unlimited, Inc. Kylertown, PA 16847
Amount	\$432,445.00
Date of Award	May 7, 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.*

**36044039. Hall Explosives, Inc.** (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting at Barons Ridge in Penn and Rapho Townships, **Lancaster County**, with an expiration date of May 30, 2005. Permit issued May 3, 2004.

**36044040. J. Roy's, Inc.** (Box 125, Bowmansville, PA 17507), construction blasting for Transport for Christ building in East Donegal Township, **Lancaster County**, with an expiration date of December 31, 2005. Permit issued May 3, 2004.

**19044001. Wampum Hardware Company** (R. D. 1, Box 112-C, Shelocta, PA 15774), construction blasting at the Buckhorn Plaza I-80 and Rt. 42 in Hemlock Township, **Columbia County**, with an expiration date of August 31, 2004. Permit issued May 5, 2004.

**67044024. Hall Explosives, Inc.** (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting at Ashley Farms in Dover Township, **York County**, with an expiration date of May 30, 2005. Permit issued May 5, 2004.

**15044015. Hall Explosives, Inc.** (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting at Orchard Ridge in Coventry Township, **Chester County**, with an expiration date of May 30, 2005. Permit issued May 5, 2004.

**21044028. Hall Explosives, Inc.** (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting in Hampden Township, **Cumberland County**, with an expiration date of May 30, 2005. Permit issued May 5, 2004.

**09044010. Rock Work, Inc.** (1257 DeKalb Pike, R. D. 2, Blue Bell, PA 19422), construction blasting at The Berlinger Estate in Warwick Township, **Bucks County**, with an expiration date of June 4, 2005. Permit issued May 7, 2004.

**45044023. Explosive Services, Inc.** (7 Pine Street, Bethany, PA 18431), construction blasting at Timber Ridge in Hamilton Township, **Monroe County**, with an expiration date of April 22, 2005. Permit issued May 7, 2004.

**52044004. Hayduk Enterprises** (P. O. Box 554, Dalton, PA 18414), construction blasting at Dino Bradley in Milford Township, **Pike County**, with an expiration date of April 23, 2005. Permit issued May 7, 2004.

**36044037. Keystone Blasting Services** (381 Reifsnnyder Road, Lititz, PA 17543), construction blasting at Leroy Smucker Farm Buildings in West Earl Township, **Lancaster County**, with an expiration date of September 4, 2004. Permit issued May 7, 2004.

**15044017. Allan A. Myers, L. P.** (P. O. Box 98, Worcester, PA 19490), construction blasting at Althouse in Tredyffrin Township, **Chester County**, with an expiration date of June 3, 2005. Permit issued May 7, 2004.

**06044017. Windsor Services** (P. O. Box 13787, Reading, PA 19612) and **Douglas Explosives, Inc.** (P. O. Box

77, Philipsburg, PA 16866), construction blasting at St. Joseph's Hospital and Medical Center in Bern Township, **Berks County**, with an expiration date of June 4, 2005. Permit issued May 7, 2004.

**15044016. Rock Work, Inc.** (1257 DeKalb Pike, R. D. 2, Blue Bell, PA 19422), construction blasting at Weatherstone in West Vincent Township, **Chester County**, with an expiration date of June 3, 2005. Permit issued May 7, 2004.

**52044005. Hayduk Enterprises** (P. O. Box 554, Dalton, PA 18414), construction blasting at Hemlock Farms Development in Blooming Grove, Dingman and Porter Townships, **Pike County**, with an expiration date of April 27, 2005. Permit issued May 7, 2004.

**52044006. Hayduk Enterprises** (P. O. Box 554, Dalton, PA 18414), construction blasting at Pocono Ranch Land Development in Lehman Township, **Pike County**, with an expiration date of April 28, 2005. Permit issued May 7, 2004.

**15044018. Explo-Craft, Inc.** (P. O. Box 1332, West Chester, PA 19380), construction blasting at Edgewater Site in West Goshen Township, **Chester County**, with an expiration date of June 3, 2004. Permit issued May 7, 2004.

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

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

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

## **FEDERAL WATER POLLUTION CONTROL ACT SECTION 401**

The Department of Environmental Protection (Department) has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with the applicable provisions of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317)

and that the construction will not violate applicable Federal and State water quality standards.

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

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

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

**Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and The Clean Streams Law (35 §§ 691.1—691.702) and Notice of Final Action for Certification under section 401 of the FWPCA (33 U.S.C.A. § 1341).**

*Permits, Environmental Assessments and 401 Water Quality Certifications Issued*

**WATER OBSTRUCTIONS AND ENCROACHMENTS**

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

**E15-712. Department of Transportation, 7000 Geerdes Boulevard, King of Prussia, PA 19406, Westtown Township, Chester County, ACOE Philadelphia District.**

To replace the existing Westtown Road Arch Bridge, which spans over the East Branch of Chester Creek (TSF), with a new CONSPAN arch bridge. The existing bridge is a masonry brick twin arch structure. The proposed twin span structure will span the main channel and the overbanks. The main channel has a waterway opening of approximately 42 feet wide by 10 feet high. The overbank structure will have a waterway opening of approximately 12 feet wide by 10 feet high. The work will include the following activities:

1. To perform grading within the floodway to facilitate roadway approach widening and construction of footings.
2. To place approximately 95 cubic yards of fill within the floodway to facilitate the construction of the bridge wingwalls and associated slope stabilization.
3. To place approximately 272 cubic yards of R-8 riprap and 80 cubic yards of R-6 riprap for scour protection at specific locations along the wingwalls, inlets and outlets.

4. To construct a temporary cofferdam to accommodate dewatering activities for bridge footings construction.

The project will temporarily impact approximately 285 linear feet of streambanks and 64 linear feet of streambed. It will permanently impact approximately 177 feet of streambank. The site is approximately 1,776 feet southeast of intersection of Westtown Road, Westtown Way and Little Shiloh Road (West Chester, PA Quadrangle N: 13.99 inches, W: 6.82 inches).

**E46-949. McGrath Homes, 1262 Wood Lane, Langhorne, PA 19047, Limerick Township, Montgomery County, ACOE Philadelphia District.**

To construct and maintain the following activities associated with the construction of the Villas Subdivision:

1. To place 0.26 acre of fill within an approximately 0.9-acre impoundment of an existing man-made pond on the southwestern border of the site for the purpose of providing an access road (D).
2. To construct an 8-inch utility stream crossing of an unnamed tributary of the Schuylkill River (WWF) and adjacent wetlands. This activity will temporarily impact 30 linear feet of watercourse and 0.03 acre of wetland (PFO).
3. To construct and maintain a stormwater outfall from Basin 1 to an unnamed tributary to the Schuylkill River.
4. To construct and maintain a stormwater outfall from Basin 2 to an unnamed tributary to Brooke Evans Creek.
5. To stabilize and enhance a riparian area consisting of approximately 120 linear feet of plantings along the spring and wetland upstream of an existing enclosure for a fairway. Plantings will also be installed downstream of the enclosure. Additionally, the upstream end of the enclosure and the pond berm will be stabilized.

6. The permit also approves the Environmental Assessment for impacts associated with the placement of fill within 190 linear feet of an unnamed tributary to the Schuylkill River for construction and maintenance of a nonjurisdictional dam. The dam will be used for stormwater management Basin 3.

This site is just northwest of the intersection of Brownback and Limerick Center Roads (Phoenixville, PA USGS Quadrangle N: 16.1 inches; W: 10.5 inches).

The issuance of this permit also constitutes approval of a Water Quality Certification under section 401 of the Federal Water Pollution Control Act.

**E09-869. Department of Transportation, 7000 Geerdes Boulevard, King of Prussia, PA 19406, Wrightstown Township, Bucks County, ACOE Philadelphia District.**

To replace the existing Swamp Road masonry arch culvert with a reinforced concrete open bottom box culvert measuring approximately 93.5 feet long, 20 feet wide and with a 4-foot underclearance. The bridge spans an unnamed tributary of the Neshaminy Creek (TSF, MF). The works involved the following activities:

1. To construct an approximately 50-foot long cofferdam across the stream at the upstream and downstream limits of the proposed culvert to facilitate the dewatering process and to accommodate construction activities.

2. To place and maintain approximately 87.5 cubic yards of R-6 riprap for scour protection for wingwalls at the inlet and outlet of the culvert.

3. To perform grading activities in the floodway associated with bridge footings adjustment, wingwalls construction, depressing of the culvert bottom and reconstruction and grading of roadway approach.

4. To place fill or excavate within .17 acre of wetland to accommodate roadway approach widening, construction access and stormwater diversion.

5. To relocate a drainage ditch outfall associated with the roadway widening.

The project proposes to temporarily impact 95 linear feet of watercourse, 0.17 acre of wetland and permanently impact a total of approximately 115 linear feet of stream banks and 0.05 acre of wetland. The project site is approximately 343 feet east of the intersection of Worthington Mill and Swamp Roads in Wrightstown Township (Langhorne, PA Quadrangle N: 22.68 inches; W: 15.69 inches).

The issuance of this permit also constitutes approval of a Water Quality Certification under section 401 of the Federal Water Pollution Control Act.

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

**E50-220: Campbell's Cabin, L. P.**, P. O. Box 260, Millerstown, PA 17062 in Greenwood Township, **Perry County**, ACOE Baltimore District.

To remove and existing 72-inch diameter corrugated metal pipe and to install and maintain a new 31-foot long 128-inch by 83-inch arch pipe across Wildcat Run (CWF) for the purpose of promoting natural stream flow through an existing impoundment area, approximately 3.4 miles east of Millerstown at a point along Hollow Road (T-494) (Reward, PA Quadrangle N: 7.38 inches; W: 14.80 inches) in Greenwood Township, Perry County.

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

**E41-534. Department of Conservation and Natural Resources**, P. O. Box 8451, Harrisburg, PA 17105-8451. Water Obstruction and Encroachment joint permit application in Cascade Township, **Lycoming County**, ACOE Susquehanna River Basin District (Grover, PA Quadrangle N: 1.8 inches; W: 7.8 inches).

To remove existing stone masonry bridge piers, construct and maintain a 20-foot by 5-foot reinforced concrete box culvert, to include cast-in-place end walls in Pleasant Stream (HQ-CWF), 10.5 miles northeast of the intersection of Pleasant Stream Road and SR 0014 along Pleasant Stream Road. This project proposes to permanently impact 60 linear feet of Pleasant Stream and 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.

**E59-449. Department of Conservation and Natural Resources**, Rachel Carson Office Building, P. O. Box 8451, Harrisburg, PA 17105. Mine Hole Run Road project in Morris Township, **Tioga County**, ACOE Baltimore District (Cedar Run, PA Quadrangle N: 14.2 inches; W: 8.2 inches).

The applicant proposes to remove the existing bridge and appurtenant substructures and: (1) to construct and maintain a precast reinforced concrete box culvert with a single clear span of 8.28 feet, a rise of 5 feet with 1-foot depression and 22.78 feet long with precast reinforced

concrete inlet and outlet end sections; (2) construct AASHTO no. 1 aggregate lined drainage ditches along the near and far upstream roadway embankments; (3) permanently fill 54.33 square feet of wetland areas as a result of guide rail anchorage and the near right rock lined ditch; and (4) place R-6 riprap for scour protection at the inlet and outlet of the proposed culvert. The proposed project will directly affect approximately 130 linear feet of the tributary to Mine Hole Run (EV) and will permanently impact 0.001 acre of wetlands and temporarily impact 0.013 acre of wetlands. This permit also includes 401 Water Quality Certification.

**E60-164. Department of Conservation and Natural Resources**, P. O. Box 8451, Harrisburg, PA 17105-8451. Water Obstruction and Encroachment joint permit application in Hartley Township, **Union County**, ACOE Susquehanna River Basin District (Harleton, PA Quadrangle N: 19.4 inches; W: 8.3 inches).

To remove the existing single span steel beam bridge, construct and maintain a single span prestressed adjacent box beam bridge with a clear span of 23 feet 2 inches and a minimum underclearance of 4.8 feet; to include R-7 rock protection along the bridge piers in Rapid Run (HQ-CWF), .25 mile south of the intersection of Pine Creek Road and SR 0192 along Pine Creek Road. This project proposes to permanently impact 60 linear feet of Rapid Run, a stream containing wild trout and a TSF and 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.

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

**E27-075, Jenks Township**, P. O. Box 436, Marienville, PA 16239-0436 in Jenks Township, **Forest County**, ACOE Pittsburgh District (Marienville East, PA Quadrangle N: 15.1 inches; W: 16.5 inches).

The applicant proposes to construct and maintain an upgrade to the existing wastewater treatment plant to process increased sewage loading involving: (1) to temporarily affect 0.006 acre of PEM wetland with a crossing by a 1.25-foot diameter gravity flow PVC plastic influent pipeline; (2) to temporarily affect 0.005 acre of PEM wetland with a crossing by a 1.33-foot diameter gravity flow ductile iron effluent pipeline; and (3) to construct and maintain an outfall, having a 1.33-foot diameter ductile iron pipe, to West Branch Millstone Creek (HQ CWF, perennial) approximately 0.8 mile east of the intersection of SR 66 and SR 899. This project proposes to temporarily affect a total of 0.01 acre of PEM wetland.

**E42-303, University of Pittsburgh, Bradford Campus**, 300 Campus Drive, Bradford, PA 16701. Blaisdell Hall parking expansion in Bradford Township, **McKean County**, ACOE Pittsburgh District (Bradford, PA Quadrangle N: 12.3 inches; W: 6.6 inches).

To construct and maintain an expansion onto the existing parking lot, an access roadway and a stormwater management facility and a stormwater outfall with riprap along the left (north) bank and within the mapped FEMA floodway/floodplain of West Branch Tunungwant Creek associated with Blaisdell Hall and Campus Drive modifications.

**ENVIRONMENTAL ASSESSMENTS**

Central Office: Bureau of Waterways Engineering, Rachel Carson State Office Building, Floor 3, 400 Market Street, Harrisburg, PA 17105.

**EA46-036CO. East Norriton Township**, 2501 Stanbridge Street, East Norriton, PA 19401-1616. East Norriton Township, **Montgomery County**, ACOE Philadelphia District.

Project proposes to breach and remove Calvert Hurdle Park Dam across a tributary to Stony Creek (TSF) for the purpose of eliminating a resident goose problem and restoring the stream to a free flowing condition. The dam is approximately 1,000 feet south of the intersection of Township Line Road (SR 3001) and North Wales Road (SR 2010) (Lansdale, PA Quadrangle N: 5.8 inches; W: 10.85 inches.

**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, 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>
04-23-006	John E. Sheetz FPL Energy Marcus Hook L. P. Delaware Ave. and Green St. P. O. Box 426 Marcus Hook, PA 19061	Delaware	Borough of Marcus Hook	1 AST storing sodium hypochlorite 1 AST storing sulfuric acid 1 AST storing ammonia hydroxide 1 AST storing scale inhibitor	6,000 gallons 4,000 gallons 40,000 gallons 2,000 gallons

[Pa.B. Doc. No. 04-909. Filed for public inspection May 21, 2004, 9:00 a.m.]

**Availability of Technical Guidance**

Technical guidance documents are on the Department of Environmental Protection's (Department) website ([www.dep.state.pa.us](http://www.dep.state.pa.us)) at the Public Participation Center page. The "Current Inventory" heading is the Governor's list of nonregulatory guidance documents. The "Final Documents" heading is the link to a menu of the various Department bureaus and from there to each bureau's final technical guidance documents. The "Draft Technical

Guidance" heading is the link to the Department's draft technical guidance documents.

The Department will continue to revise its nonregulatory documents, as necessary, throughout 2004.

*Ordering Paper Copies of Department Technical Guidance*

The Department encourages the use of the Internet to view guidance documents. When this option is not available, persons can order a bound paper copy of the latest

inventory or an unbound paper copy of any of the final documents listed on the inventory by calling the Department at (717) 783-8727.

In addition, bound copies of some of the Department's documents are available as Department publications. Check with the appropriate bureau for more information about the availability of a particular document as a publication.

#### *Changes to Technical Guidance Documents*

Following is the current list of recent changes. Persons who have questions or comments about a particular document should call the contact person whose name and phone number is listed with each document.

#### *Final Technical Guidance—Substantive Revisions*

DEP ID: 381-5511-014. Title: Guidance on Utilization of Disadvantaged Business Enterprise (DBE) Firms. Description: The Department is required to implement requirements for solicitation of DBE firms to participate in the Clean Water and Drinking Water State Revolving Fund programs (programs), in conformance with the program operating agreement among the Department, the Pennsylvania Infrastructure Investment Authority and the Environmental Protection Agency. The purpose of the revisions is to update the existing DBE guidance document with current forms, DBE list sources and contacts. This guidance will apply to all recipients of loan funds under the programs. Notice requesting comment on the draft guidance was published at 34 Pa.B. 997 (February 21, 2004). A 30-day public comment period was provided. The Department did not receive any comments on the draft guidance. Effective Date: May 22, 2004. Contact: Tony Maisano, (717) 772-4055, amaisano@state.pa.us.

DEP ID: 391-2000-011. Title: Technical Reference Guide (TRG) PENTOXSD for Windows PA Single Discharge Wasteload Allocation Program for Toxics Version 2.0. Description: The purpose of this technical reference guide is to describe how applicable regulatory requirements and technical methods are incorporated into PENTOXSD. PENTOXSD is the Commonwealth's Single Discharge Wasteload Allocation Computer Program for Toxic Substances and is used by the Department to determine recommended NPDES effluent limitations for toxics and other substances based on water quality criteria and other instructions in 25 Pa. Code Chapters 16, 93 and 96 (relating to water quality toxics management strategy—statement of policy; water quality standards; and water quality standards implementation). The technical reference guide explains how these requirements and methods are applied to available data to determine recommended effluent limitations. It also describes the mathematical relationships, default equations and values and wasteload allocation procedures used in PENTOXSD. Notice requesting comment on the draft guide was published at 33 Pa.B. 4630 (September 13, 2003). A 30-day public comment period was provided. The Department did not receive any comments on the draft guide. Effective Date: May 22, 2004. Contact: Tom Starosta, (717) 787-4317, tstarosta@state.pa.us.

#### *Draft Technical Guidance*

DEP ID; 383-3310-309. Title: Pennsylvania Drinking Water Information system (PADWIS) Laboratory Sample User's Manual. Description: The purpose of this document is to establish uniform instructions and protocol for using and maintaining computerized public drinking water laboratory sample data for the management of the Safe

Drinking Water Program in this Commonwealth. Written Comments: Interested persons should submit written comments on draft technical guidance document #383-3310-309 by June 21, 2004. Comments submitted by facsimile will not be accepted. The Department will accept comments submitted by e-mail. A return name and address must be included in each e-mail transmission. Written comments should be submitted to Michael C. Mark, Bureau of Water Supply and Wastewater Management, Rachel Carson State Office Building, 11th Floor, Harrisburg, PA 17105-8467, mmark@state.pa.us. Questions regarding the draft technical guidance document should be directed to Michael C. Mark, (717) 772-4466.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 04-910. Filed for public inspection May 21, 2004, 9:00 a.m.]

### **Environmental Justice Advisory Board Meeting Change**

The June 1, 2004, meeting of the Environmental Justice Advisory Board has been rescheduled to June 30, 2004, at 10:30 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Questions concerning this meeting should be directed to Marcus Kohl, (717) 783-5630, mkohl@state.pa.us. The agenda and meeting materials will be available through the Public Participation Center on the Department of Environmental Protection's (Department) website: www.dep.state.pa.us (DEP Keyword: Participate).

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Marcus Kohl at (717) 783-5630 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 04-911. Filed for public inspection May 21, 2004, 9:00 a.m.]

### **State Water Plan Water Resources Committee; Ad Hoc Public Involvement Workgroup Meeting**

The Ad Hoc Public Involvement Workgroup of the Act 220 State Water Plan Committee and regional committees has scheduled a meeting to discuss potential strategies for developing a public involvement plan to accompany the development of the State Water Plan and fulfill the requirements of the act of December 16, 2002 (P. L. 1776, No. 220). The meeting will be held at 10 a.m. on May 26, 2004, at the Centre County Solid Waste Authority Interpretive Center, 253 Transfer Road, Bellefonte, PA 16823.

Questions concerning this meeting should be directed to Lori Mohr, Water Planning Office, P. O. Box 2063, Harrisburg, PA 17105-2063, (717) 787-4628, laumohr@state.pa.us.

Persons with a disability who require accommodations to attend the meeting should contact the Department of Environmental Protection (Department) at (717) 705-2425 or through the Pennsylvania AT&T Relay Services at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 04-912. Filed for public inspection May 21, 2004, 9:00 a.m.]

## DEPARTMENT OF GENERAL SERVICES

### Proposed Plan for the Disposition of Commonwealth Property

The Department of General Services (Department), under The Administrative Code of 1929, has published the proposed 2004 real property disposition plan for review by the public and approval of the General Assembly. The proposed plan is available for review on the Department's website: [www.dgs.state.pa.us](http://www.dgs.state.pa.us).

Individuals wishing to comment on the proposed plan should do so in writing to Bradley Swartz, Department of General Services, Bureau of Real Estate, 505 North Office Building, Harrisburg, PA 17125 within 30 days of the date of this notice.

DONALD T. CUNNINGHAM, Jr.,  
*Secretary*

[Pa.B. Doc. No. 04-913. Filed for public inspection May 21, 2004, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Application of Lancaster General Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Lancaster General Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards in the *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exception from the following standard contained in this publication: 7.28.A2 (relating to details corridor width).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax: (717) 772-2163, [ra-paexcept@state.pa.us](mailto:ra-paexcept@state.pa.us).

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address previously listed.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT: (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

CALVIN B. JOHNSON, M.D., M.P.H.,  
*Secretary*

[Pa.B. Doc. No. 04-914. Filed for public inspection May 21, 2004, 9:00 a.m.]

### Application of Suburban General Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Suburban General Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards in the *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: NFPA Life Safety Code (corridor width), 7.2.A2, 7.2.A5, Table 7.2, 7.2.A4 and 7.32.D3.

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax: (717) 772-2163, [ra-paexcept@state.pa.us](mailto:ra-paexcept@state.pa.us).

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address previously listed.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT: (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

CALVIN B. JOHNSON, M.D., M.P.H.,  
*Secretary*

[Pa.B. Doc. No. 04-915. Filed for public inspection May 21, 2004, 9:00 a.m.]

### Application of UPMC Rehabilitation Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that UPMC Rehabilitation Hospital has requested an exception to the requirements of 28 Pa. Code § 107.32 (relating to meetings and attendance).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax: (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address previously listed.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT: (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

CALVIN B. JOHNSON, M.D., M.P.H.,  
Secretary

[Pa.B. Doc. No. 04-916. Filed for public inspection May 21, 2004, 9:00 a.m.]

### Approval of Drugs which may be Used by Certain Optometrists

Under the Optometric Practice and Licensure Act (act) (63 P. S. §§ 244.1—244.12), and specifically as the act was amended by the act of December 16, 2002 (P. L. 1950, No. 225) (Act 225), the Secretary of Health (Secretary) has the authority to approve drugs for use in the practice of optometry as the "practice of optometry" is defined in Act 225. The State Board of Optometry, through the Secretary of State, sent the Secretary a letter on February 20, 2004, and requested that the Secretary approve the use of the following drug. Act 225 requires that the Secretary, within 90 days of the receipt of the list of drugs, and in consultation with the Physician General, approve or disapprove for good cause each drug. The Secretary has found good cause to approve the use of the following drug in the practice of optometry:

Elestat (epinastine HCL ophthalmic solution)

The approval of the use of this drug is effective upon publication of this notice in the *Pennsylvania Bulletin*.

Persons with a disability who require an alternative format of this notice (for example, large print, audiotape or Braille) should contact Carol Williams, Director, Bureau of Community Program Licensure and Certification, 132 Kline Plaza, Suite A, Harrisburg, PA 17104, (717) 783-8665, for speech and/or hearing impaired persons, 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

[Pa.B. Doc. No. 04-917. Filed for public inspection May 21, 2004, 9:00 a.m.]

### Pennsylvania Cancer Control, Prevention and Research Advisory Board Meeting

The Pennsylvania Cancer Control, Prevention and Research Advisory Board, established under section 3 of the Pennsylvania Cancer Control, Prevention, and Research Act (35 P. S. § 5633), will hold a meeting on Wednesday, July 14, 2004, from 8 a.m. to 12 p.m. in Room 812, Health and Welfare Building, 7th and Forster Streets, Harrisburg, PA 17120.

For additional information, contact Kathleen A. Zitka, Chief, Department of Health, Cancer Prevention and Control Section, Room 1011, Health and Welfare Building, Harrisburg, PA, (717) 787-5251.

Persons who wish to attend this meeting or persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so should contact Kathleen A. Zitka, (717) 787-5251, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984 (TT) for speech and/or hearing impaired persons.

This meeting is subject to cancellation without notice.

CALVIN B. JOHNSON, M.D., M.P.H.,  
Secretary

[Pa.B. Doc. No. 04-918. Filed for public inspection May 21, 2004, 9:00 a.m.]

### Requests for Exception; Long-Term Care Nursing Facilities

The following long-term care nursing facilities are seeking an exception to 28 Pa. Code § 201.3 (relating to definitions):

St. John Specialty Care Center  
P. O. Box 928  
500 Wittenberg Way  
Mars, PA 16046

Barnes-Kasson County Hospital, Skilled Nursing Facility  
400 Turnpike Street  
Susquehanna, PA 18847

Wesbury United Methodist Community  
31 North Park Avenue Extension  
Meadville, PA 16335

The following long-term care nursing facilities are seeking an exception to 28 Pa. Code § 205.6 (relating to function of building):

ManorCare Health Services—Kingston East  
200 Second Avenue  
Kingston, PA 18704

ManorCare Health Services—Dallastown  
100 West Queen Street  
Dallastown, PA 17316

The following long-term care nursing facility is seeking an exception to 28 Pa. Code §§ 205.23, 205.25(b), 205.26(e), 205.33(c), 205.36(c), (e), (g) and (h), 205.37(d), 205.38(e) and (f) and 205.39(b):

Meda Nipple Convalescent Home  
R. R. 1 Box 109  
Thompsontown, PA 17094

These requests are on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the

Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax: (717) 772-2163, paexcept@health.state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the division and address previously listed.

Comments received by the Department within 15 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who require an alternative format of this document or who wish to comment in an alternative format (for example, large print, audiotape or Braille) should contact the Division of Nursing Care Facilities at the previous address or phone number, for speech and/or hearing impaired persons V/TT: (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

CALVIN B. JOHNSON, M.D., M.P.H.,  
Secretary

[Pa.B. Doc. No. 04-919. Filed for public inspection May 21, 2004, 9:00 a.m.]

### Special Supplemental Nutrition Program for Women, Infants and Children (WIC Program); Maximum Allowable Prices

Under 28 Pa. Code § 1103.4(5) (relating to selection criteria for authorization and reauthorization), the WIC Program hereby publishes notice of the maximum allowable prices. Due to a significant increase in the price of milk, the prices for the following WIC allowable foods have been increased. Retroactive to April 1, 2004, through June 30, 2004, the maximum allowable prices the Department of Health will pay for a WIC allowable food are as follows:

1/2 gal. of Milk: Whole, Reduced Fat, Low Fat or Skim	\$2.49
1 qt. Lactose Reduced Milk	\$2.29
1/2 gal. Kosher Milk	\$3.24
1 lb. Cheese	\$6.12
1 lb. Kosher Cheese	\$8.32

A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC participants using a WIC check; however, the amounts that exceed the maximum allowable price of any WIC allowable foods sold to WIC participants will be billed to the store on a quarterly basis in accordance with 28 Pa. Code § 1105.2 (relating to price adjustment).

Persons with a disability who require an alternative format of this listing of maximum allowable prices (for example, large print, audiotape or Braille) should contact Chris Harr, Department of Health, Division of WIC, Room 604, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-1289, for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

CALVIN B. JOHNSON, M.D., M.P.H.,  
Secretary

[Pa.B. Doc. No. 04-920. Filed for public inspection May 21, 2004, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania Bingo Mania III 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 Bingo Mania III.

2. *Price:* The price of a Pennsylvania Bingo Mania III instant lottery game ticket is \$5.

3. *Play Symbols:* Each Pennsylvania Bingo Mania III instant lottery game ticket will contain ten play areas designated as "Card 1," "Card 2," "Card 3," "Card 4," "Card 5," "Card 6," "Card 7," "Card 8," "Card 9" and "Card 10." The 76 play symbols located in the 10 play areas are: The numbers 1 through 75 and FREE. Each ticket will also contain a "Caller's Card" area. The "Caller's Card" area will consist of 30 squares in a 6 x 5 grid. The play symbols that may be located in each square are: The letter B with a number 1 through 15; the letter I with a number 16 through 30; the letter N with a number 31 through 45; the letter G with a number 46 through 60; and the letter O with a number 61 through 75.

4. *Prizes:* The prizes that can be won in this game are \$5, \$10, \$15, \$25, \$50, \$100, \$250, \$500, \$1,000 and \$50,000. The player can win up to 10 times on a ticket.

5. *Approximate Number of Tickets Printed for the Game:* Approximately 4,800,000 tickets will be printed for the Pennsylvania Bingo Mania III instant lottery game.

6. *Determination of Prize Winners:*

(a) Holders of tickets matching the "Caller's Card" play symbols in a "M" pattern, matching in a five space vertical pattern the first and fifth columns and the second square from the top of the second and fourth columns, on any "Card," shall be entitled to a prize of \$50,000.

(b) Holders of tickets matching the "Caller's Card" play symbols in a postage stamp pattern, matching four numbers to form a postage stamp (a 2 x 2 grid) in any of the four corners on "Card 10," shall be entitled to a prize of \$1,000.

(c) Holders of tickets matching the "Caller's Card" play symbols in a "X" extending through the "FREE" space and through to each of the four corners on "Card 6," "Card 8," "Card 9" or "Card 10," shall be entitled to a prize of \$1,000.

(d) Holders of tickets matching the "Caller's Card" play symbols in the four corners on "Card 10," shall be entitled to a prize of \$1,000.

(e) Holders of tickets matching the "Caller's Card" play symbols in a "X" extending through the "FREE" space and through to each of the four corners on "Card 3" or "Card 7," shall be entitled to a prize of \$500.

(f) Holders of tickets matching the "Caller's Card" play symbols in a postage stamp pattern, matching four numbers to form a postage stamp (a 2 x 2 grid) in any of the four corners on "Card 6," "Card 8" or "Card 9," shall be entitled to a prize of \$500.

(g) Holders of tickets matching the "Caller's Card" play symbols in a postage stamp pattern, matching four



numbers to form a postage stamp (a 2 x 2 grid) in any of the four corners on "Card 3" or "Card 7," shall be entitled to a prize of \$250.

(h) Holders of tickets matching the "Caller's Card" play symbols in a "X" extending through the "FREE" space and through to each of the four corners on "Card 4" or "Card 5," shall be entitled to a prize of \$250.

(i) Holders of tickets matching the "Caller's Card" play symbols in the four corners on "Card 6" or "Card 8," shall be entitled to a prize of \$250.

(j) Holders of tickets matching the "Caller's Card" play symbols in a postage stamp pattern, matching four numbers to form a postage stamp (a 2 x 2 grid) in any of the four corners on "Card 4" or "Card 5," shall be entitled to a prize of \$100.

(k) Holders of tickets matching the "Caller's Card" play symbols in the four corners on "Card 3," shall be entitled to a prize of \$100.

(l) Holders of tickets matching the "Caller's Card" play symbols in a "X" extending through the "FREE" space and through to each of the four corners on "Card 2," shall be entitled to a prize of \$100.

(m) Holders of tickets matching the "Caller's Card" play symbols in the four corners on "Card 5," "Card 7" or "Card 9," shall be entitled to a prize of \$50.

(n) Holders of tickets matching the "Caller's Card" play symbols in a "X" extending through the "FREE" space and through to each of the four corners on "Card 1," shall be entitled to a prize of \$50.

(o) Holders of tickets matching the "Caller's Card" play symbols in a postage stamp pattern, matching four numbers to form a postage stamp (a 2 x 2 grid) in any of the four corners on "Card 2," shall be entitled to a prize of \$25.

(p) Holders of tickets matching the "Caller's Card" play symbols in a postage stamp pattern, matching four numbers to form a postage stamp (a 2 x 2 grid) in any of the four corners on "Card 1," shall be entitled to a prize of \$15.

(q) Holders of tickets matching the "Caller's Card" play symbols in the four corners on "Card 1," "Card 2" or "Card 4," shall be entitled to a prize of \$10.

(r) Holders of tickets matching the "Caller's Card" play symbols in a five space horizontal, vertical or diagonal line on any "Card," shall be entitled to a prize of \$5.

(s) A player may win more than one prize on a ticket; however, the player cannot win more than one prize on each "Card."

7. *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 4,800,000 Tickets</i>
LINE CARD 1	\$5	46.15	104,000
LINE CARD 2	\$5	46.15	104,000
LINE CARD 3	\$5	46.15	104,000
LINE CARD 4	\$5	46.15	104,000
LINE CARD 5	\$5	46.15	104,000
LINE CARD 6	\$5	46.15	104,000
LINE CARD 7	\$5	46.15	104,000
LINE CARD 8	\$5	46.15	104,000
LINE CARD 9	\$5	46.15	104,000
LINE CARD 10	\$5	46.15	104,000
LINE CARDS 1 & 2	\$10	42.86	112,000
LINE CARDS 4 & 5	\$10	300	16,000
4 CORNERS CARD 1	\$10	50	96,000
4 CORNERS CARD 2	\$10	300	16,000
STAMP CARD 1	\$15	60	80,000
LINE CARDS 1, 2, 3, & 8	\$20	100	48,000
LINE CARDS 2 & 5 + 4 CORNERS CARD 1	\$20	300	16,000
4 CORNERS CARDS 1 & 2	\$20	300	16,000
LINE CARDS 1, 4 & 5 + 4 CORNERS CARD 2	\$25	300	16,000
4 CORNERS CARD 4 + STAMP CARD 1	\$25	300	16,000
LINE CARDS 4 & 5 + STAMP CARD 1	\$25	300	16,000
STAMP CARD 2	\$25	150	32,000
STAMP CARD 2 + LINE CARD 7 + 4 CORNERS CARDS 1 & 4	\$50	774.19	6,200
STAMP CARDS 1 & 2 + LINE CARDS 6 & 10	\$50	774.19	6,200

<i>Win With Prize(s) of:</i>	<i>Win:</i>	<i>Approximate Odds of 1 In:</i>	<i>Approximate No. of Winners Per 4,800,000 Tickets</i>
LINE CARDS 1, 2, 3, 4, 5, 6, 7, 8, 9 & 10	\$50	774.19	6,200
X CARD 1	\$50	759.49	6,320
4 CORNERS CARD 5	\$50	774.19	6,200
4 CORNERS CARD 7	\$50	759.49	6,320
X CARD 2	\$100	15,000	320
4 CORNERS CARD 3	\$100	15,000	320
STAMP CARD 4	\$100	15,000	320
STAMP CARD 5	\$100	15,000	320
X CARD 1 + 4 CORNERS CARD 9	\$100	15,000	320
X CARD 3	\$500	30,000	160
STAMP CARD 6	\$500	30,000	160
STAMP CARD 8	\$500	30,000	160
STAMP CARD 9	\$500	40,000	120
X CARD 7	\$500	40,000	120
X CARD 4 + STAMP CARD 7	\$500	40,000	120
STAMP CARD 3 + 4 CORNERS CARD 8	\$500	40,000	120
X CARD 5 + 4 CORNERS CARD 6	\$500	40,000	120
X CARD 6	\$1,000	40,000	120
X CARD 8	\$1,000	120,000	40
X CARD 9	\$1,000	120,000	40
4 CORNERS CARD 10	\$1,000	120,000	40
X CARD 10	\$1,000	120,000	40
STAMP CARD 10	\$1,000	120,000	40
M PATTERN ON ANY CARD	\$50,000	480,000	10

8. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Bingo Mania III instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

9. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Bingo Mania III, prize money from winning Pennsylvania Bingo Mania III 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 Bingo Mania III 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.

10. *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.

11. *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 Bingo Mania III or through normal communications methods.

GREGORY C. FAJT,  
Secretary

[Pa.B. Doc. No. 04-921. Filed for public inspection May 21, 2004, 9:00 a.m.]

### Pennsylvania Bullseye Bingo 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 Bullseye Bingo.

2. *Price:* The price of a Pennsylvania Bullseye Bingo instant lottery game ticket is \$2.

3. *Play Symbols:*

(a) Each Pennsylvania Bullseye Bingo instant lottery game ticket will contain four play areas designated as "Card 1," "Card 2," "Card 3" and "Card 4." The 77 play symbols located in the four play areas are: The numbers 1 through 75, FREE and a Dart Symbol. The Dart Symbol is a free spot.

(b) Each ticket will also contain a "Caller's Card" area. The "Caller's Card" area will consist of 30 squares in a 3 × 10 grid. The play symbols that may be located in each square are: The letter B with a number 1 through 15; the letter I with a number 16 through 30; the letter N with a number 31 through 45; the letter G with a number 46 through 60; and the letter O with a number 61 through 75.

(c) Each Pennsylvania Bullseye Bingo instant lottery game ticket will also contain a "HIT THE BULLSEYE!" area. The play symbols and their captions located in the "HIT THE BULLSEYE!" area are: Bullseye Symbol (HTBSEYE) and TRY AGAIN.

4. *Prize Play Symbols:* The prize play symbols and their captions located in the "HIT THE BULLSEYE!" area

are: \$2<sup>00</sup> (TWO DOL), \$4<sup>00</sup> (FOR DOL), \$5<sup>00</sup> (FIV DOL), \$6<sup>00</sup> (SIX DOL), \$10<sup>00</sup> (TEN DOL), \$20\$ (TWENTY), \$30\$ (THIRTY), \$40\$ (FORTY), \$50\$ (FIFTY), \$100 (ONE HUN), \$250 (TWOHUNFTY) and \$500 (FIV HUN).

5. *Prizes:* The prizes that can be won in on "Card 1," "Card 2," "Card 3" or "Card 4" are \$2, \$5, \$10, \$20, \$100, \$250, \$500 and \$20,000. The prizes that can be won in the "HIT THE BULLSEYE!" area are \$2, \$4, \$5, \$6, \$10, \$20, \$30, \$40, \$50, \$100, \$250 and \$500. The player can win up to four times on a ticket.

6. *Approximate Number of Tickets Printed for the Game:* Approximately 14,400,000 tickets will be printed for the Pennsylvania Bullseye Bingo instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets matching the "Caller's Card" play symbols in an "X" extending through the "FREE" space and through to each of the four corners on "Card 4," shall be entitled to a prize of \$20,000.

(b) Holders of tickets with a Bullseye Symbol (HTBSEYE) in the "HIT THE BULLSEYE!" area and a prize play symbol of \$500 (FIV HUN) to the right of the Bullseye Symbol (HTBSEYE), on a single ticket, shall be entitled to a prize of \$500.

(c) Holders of tickets matching the "Caller's Card" play symbols in an "X" extending through the "FREE" space and through to each of the four corners on "Card 3," shall be entitled to a prize of \$500.

(d) Holders of tickets with a Bullseye Symbol (HTBSEYE) in the "HIT THE BULLSEYE!" area and a prize play symbol of \$250 (TWOHUNFTY) to the right of the Bullseye Symbol (HTBSEYE), on a single ticket, shall be entitled to a prize of \$250.

(e) Holders of tickets matching the "Caller's Card" play symbols in a diamond pattern, matching one square in the midpoint in each of the four outside rows and columns, on "Card 4," shall be entitled to a prize of \$250.

(f) Holders of tickets matching the "Caller's Card" play symbols in an "X" extending through the "FREE" space and through to each of the four corners on "Card 2," shall be entitled to a prize of \$250.

(g) Holders of tickets with a Bullseye Symbol (HTBSEYE) in the "HIT THE BULLSEYE!" area and a prize play symbol of \$100 (ONE HUN) to the right of the Bullseye Symbol (HTBSEYE), on a single ticket, shall be entitled to a prize of \$100.

(h) Holders of tickets matching the "Caller's Card" play symbols in an "X" extending through the "FREE" space and through to each of the four corners on "Card 1," shall be entitled to a prize of \$100.

(i) Holders of tickets matching the "Caller's Card" play symbols in a diamond pattern, matching one square in the midpoint in each of the four outside rows and columns, on "Card 2" or "Card 3," shall be entitled to a prize of \$100.

(j) Holders of tickets with a Bullseye Symbol (HTBSEYE) in the "HIT THE BULLSEYE!" area and a prize play symbol of \$50\$ (FIFTY) to the right of the Bullseye Symbol (HTBSEYE), on a single ticket, shall be entitled to a prize of \$50.

(k) Holders of tickets with a Bullseye Symbol (HTBSEYE) in the "HIT THE BULLSEYE!" area and a

prize play symbol of \$40\$ (FORTY) to the right of the Bullseye Symbol (HTBSEYE), on a single ticket, shall be entitled to a prize of \$40.

(l) Holders of tickets with a Bullseye Symbol (HTBSEYE) in the "HIT THE BULLSEYE!" area and a prize play symbol of \$30\$ (THIRTY) to the right of the Bullseye Symbol (HTBSEYE), on a single ticket, shall be entitled to a prize of \$30.

(m) Holders of tickets with a Bullseye Symbol (HTBSEYE) in the "HIT THE BULLSEYE!" area and a prize play symbol of \$20\$ (TWENTY) to the right of the Bullseye Symbol (HTBSEYE), on a single ticket, shall be entitled to a prize of \$20.

(n) Holders of tickets matching the "Caller's Card" play symbols in a diamond pattern, matching one square in the midpoint in each of the four outside rows and columns, on "Card 1," shall be entitled to a prize of \$20.

(o) Holders of tickets matching the "Caller's Card" play symbols in the four corners on "Card 2," "Card 3" or "Card 4," shall be entitled to a prize of \$20.

(p) Holders of tickets with a Bullseye Symbol (HTBSEYE) in the "HIT THE BULLSEYE!" area and a prize play symbol of \$10<sup>00</sup> (TEN DOL) to the right of the Bullseye Symbol (HTBSEYE), on a single ticket, shall be entitled to a prize of \$10.

(q) Holders of tickets matching the "Caller's Card" play symbols in the four corners on "Card 1," shall be entitled to a prize of \$10.

(r) Holders of tickets with a Bullseye Symbol (HTBSEYE) in the "HIT THE BULLSEYE!" area and a prize play symbol of \$6<sup>00</sup> (SIX DOL) to the right of the Bullseye Symbol (HTBSEYE), on a single ticket, shall be entitled to a prize of \$6.

(s) Holders of tickets with a Bullseye Symbol (HTBSEYE) in the "HIT THE BULLSEYE!" area and a prize play symbol of \$5<sup>00</sup> (FIV DOL) to the right of the Bullseye Symbol (HTBSEYE), on a single ticket, shall be entitled to a prize of \$5.

(t) Holders of tickets matching the "Caller's Card" play symbols in a five space horizontal, vertical or diagonal line on "Card 3," shall be entitled to a prize of \$5.

(u) Holders of tickets with a Bullseye Symbol (HTBSEYE) in the "HIT THE BULLSEYE!" area and a prize play symbol of \$4<sup>00</sup> (FOR DOL) to the right of the Bullseye Symbol (HTBSEYE), on a single ticket, shall be entitled to a prize of \$4.

(v) Holders of tickets with a Bullseye Symbol (HTBSEYE) in the "HIT THE BULLSEYE!" area and a prize play symbol of \$2<sup>00</sup> (TWO DOL) to the right of the Bullseye Symbol (HTBSEYE), on a single ticket, shall be entitled to a prize of \$2.

(w) Holders of tickets matching the "Caller's Card" play symbols in a five space horizontal, vertical or diagonal line on "Card 1," "Card 2" or "Card 4," shall be entitled to a prize of \$2.

(x) A player may win more than one prize on a ticket; however, the player cannot win more than one prize on each "Card."

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>Get Bingo With:</i>	<i>Win:</i>	<i>Approximate Odds of 1 In:</i>	<i>Approximate No. of Winners Per 14,400,000 Tickets</i>
LINE CARD 1	\$2	37.50	384,000
LINE CARD 2	\$2	37.50	384,000
LINE CARD 4	\$2	37.50	384,000
BULLSEYE PRIZE	\$2	30	480,000
LINE CARD 1 + LINE CARD 2	\$4	37.50	384,000
LINE CARD 2 + LINE CARD 4	\$4	37.50	384,000
BULLSEYE PRIZE	\$4	60	240,000
LINE CARD 3	\$5	100	144,000
BULLSEYE PRIZE	\$5	100	144,000
LINE CARD 1 + LINE CARD 2 + LINE CARD 4	\$6	300	48,000
BULLSEYE PRIZE	\$6	300	48,000
4 CORNERS CARD 1	\$10	150	96,000
BULLSEYE PRIZE	\$10	150	96,000
LINE CARDS 1, 2 3 & 4	\$11	150	96,000
4 CORNERS CARD 2	\$20	750	19,200
4 CORNERS CARD 3	\$20	750	19,200
4 CORNERS CARD 4	\$20	750	19,200
DIAMOND CARD 1	\$20	750	19,200
BULLSEYE PRIZE	\$20	750	19,200
4 CORNERS CARD 1 + 4 CORNERS CARD 2	\$30	500	28,800
4 CORNERS CARD 1 + 4 CORNERS CARD 3	\$30	1,500	9,600
4 CORNERS CARD 1 + 4 CORNERS CARD 4	\$30	1,500	9,600
BULLSEYE PRIZE	\$30	300	48,000
4 CORNERS CARD 3 + 4 CORNERS CARD 4	\$40	4,000	3,600
DIAMOND CARD 1 + 4 CORNERS CARD 4	\$40	4,000	3,600
BULLSEYE PRIZE	\$40	4,000	3,600
4 CORNERS CARDS 1, 2 & 3	\$50	12,000	1,200
BULLSEYE PRIZE	\$50	3,750	3,840
DIAMOND CARD 2	\$100	24,000	600
DIAMOND CARD 3	\$100	24,000	600
"X" CARD 1	\$100	24,000	600
BULLSEYE PRIZE	\$100	24,000	600
"X" CARD 2	\$250	120,000	120
DIAMOND CARD 4	\$250	60,000	240
BULLSEYE PRIZE	\$250	120,000	120
"X" CARD 2 + DIAMOND CARD 4	\$500	120,000	120
"X" CARD 3	\$500	120,000	120
BULLSEYE PRIZE	\$500	120,000	120
"X" CARD 4	\$20,000	2,400,000	6

BULLSEYE PRIZE = GET A BULLSEYE WIN PRIZE AUTOMATICALLY

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Bullseye Bingo 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 Bullseye Bingo, prize money from winning Pennsylvania Bullseye Bingo 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 Bullseye Bingo 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 Bullseye Bingo or through normal communications methods.

GREGORY C. FAJT,  
Secretary

[Pa.B. Doc. No. 04-922. Filed for public inspection May 21, 2004, 9:00 a.m.]

# DEPARTMENT OF TRANSPORTATION

## Finding Bedford County

Under section 2002(b) of The Administrative Code of 1929 (71 P. S. § 512(b)), the Secretary of Transportation makes the following written finding:

The Department of Transportation plans to improve the existing intersection of SR 56 with SR 4032 (Fish Hatchery Road) and T-559 (Presnell Road) in East Saint Clair Township, Bedford County. The proposed project consists of the realignment of SR 4032 and T-559 with SR 56, the addition of left turn lanes on SR 56 and shoulder widening to improve this intersection to current design standards. This project will require the acquisition of approximately 0.01 acre from the Reynoldsdale Fish Hatchery and 0.08 acre from the Spring Meadow Farm. Both of these resources are along SR 4032 and have been determined eligible for listing on the National Register of Historic Places.

Information describing the project together with the associated environmental analysis is contained in the Level 2 Categorical Exclusion Evaluation (CEE)/Programmatic Section 4(f) Evaluation that was prepared for this project. The Federal Highway Administration approved the Level 2 CEE/Programmatic Section 4(f) Evaluation for this project on April 9, 2004.

Based upon studies, there is no prudent and feasible alternative to the acquisition of approximately 0.01 acre from the Reynoldsdale Fish Hatchery and 0.08 acre from the Spring Meadows Farm.

The environmental, economic, social and other effects of the proposed project as enumerated in section 2002 of The Administrative Code of 1929 have been considered, and it has been concluded that all reasonable planning was completed to avoid, minimize or mitigate for the environmental effects that are likely to result from the improvement of this section of highway.

GARY L. HOFFMAN, P. E.,  
*Deputy Secretary for Highway Administration*

[Pa.B. Doc. No. 04-923. Filed for public inspection May 21, 2004, 9:00 a.m.]

## ENVIRONMENTAL HEARING BOARD

### Mountain Watershed Association and Citizens For Pennsylvania's Future v. DEP and Kaiser Refrac- tories, Permittee; EHB Doc. No. 2004-102-R

Mountain Watershed Association and Citizens For Pennsylvania's Future have appealed the issuance by the Department of Environmental Protection of NPDES Permit PA0202851 (November 20, 2003) and Noncoal SMP 2966BSM50 to Kaiser Refractories for a facility in Steward Township, Fayette 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. 04-924. Filed for public inspection May 21, 2004, 9:00 a.m.]

## HISTORICAL AND MUSEUM COMMISSION

### National Register Nominations to be Reviewed by the Historic Preservation Board

The Historic Preservation Board (Board) will hold a meeting on June 8, 2004, at 9:45 a.m. in Room 515, Historical and Museum Commission, Third and North Streets, Harrisburg, PA. Persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to participate should contact Helena Johnson at (717) 783-2698 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Board can accommodate their needs. Persons with questions or comments should contact the Bureau for Historic Preservation at (717) 783-8946.

#### Great Valley and Piedmont Region

1. *Levittown Hall*, N. W. Corner of Levittown Parkway and U. S. Route 13, Tullytown Borough, Bucks County.

2. *Beatty's Mill Factory Building*, 2446-2468 Coral Street, Philadelphia.

3. *Mulford Building*, 640 N. Broad Street, Philadelphia.

4. *Robert Williams House*, 1711 East Boot Road (West Chester), East Goshen Township, Chester County.

5. *Isaiah Warner House*, 60 Thompson Mill Road, Wrightstown Township, Bucks County.

6. *William & Mordecai Evans House*, 1206 Main Street, Linfield, Limerick Township, Montgomery County.

7. *Slatington Historic District*, roughly bounded by Railroad Street, Fairview Avenue, Ruch Alley, Ridge Alley, the southern borough line, Long Alley, Washington Street, Hill Alley, Fifth Street, Dowell Street, railroad right-of-way and Chestnut Street, Slatington, Lehigh County.

8. *Amelia S. Givin Free Library*, 114 North Baltimore Street, Mt. Holly Springs, Cumberland County.

9. *Sanatoga Union Sunday School*, 2341 East High Street (Pottstown), Lower Pottsgrove Township, Montgomery County.

**Allegheny Plateau**

10. *Herpel Brothers Foundry and Machine Shop*, 45 West Main Street, Reynoldsville, Jefferson County.

11. *Foxburg Country Club and Golf Course*, 369 Harvey Road, Foxburg and Richland Townships, Clarion County.

**Anthracite Region and Poconos**

12. *Isaac Stout House*, 50 Durham Road (Easton), Williams Township, Northampton County.

13. *Vigilant Fire Company Firemen's Monument*, Union Cemetery, west side of State Route 873, approximately 1/3 mile south of Slatington, Washington Township, Lehigh County.

14. *Paupack School*, State Route 507 (Hawley), Palmyra Township, Pike County.

15. *Waverly Historic District*, portions of Abington Road, Carbondale Road, Clinton Street, Academy Street, Church Street, Beech Street, Cole Street, Dearborn Street, Lynwood Road, School Street, Waverly Road, Foundry Alley and Madison Lane, Village of Waverly, Abington Township, Lackawanna County.

**Ridge and Valley**

16. *Downtown Altoona Historic District (Boundary Increase)*, 1330-1410 Eleventh Avenue, 1409-1431 Eleventh Avenue and 1301-1429 Twelfth Avenue, Altoona, Blair County.

**Southwestern Pennsylvania**

17. *Andrew and Jennie McFarlane House*, 50 Maus Drive, North Huntingdon Township, Westmoreland County.

BARBARA FRANCO,  
*Executive Director*

[Pa.B. Doc. No. 04-925. Filed for public inspection May 21, 2004, 9:00 a.m.]

## HOUSING FINANCING AGENCY

**2005 Low Income Housing Tax Credit Program Public Hearing**

The Housing Finance Agency (Agency), as the administrator of the Federal Low Income Housing Tax Credit Program for the Commonwealth, provides notice of a public hearing to obtain public comment on the proposed Pennsylvania 2005 Low Income Housing Tax Credit Allocation Plan (plan). The public hearing will be held at 9 a.m. on Tuesday, June 1, 2004, at the Housing Finance Agency, 211 North Front Street, Harrisburg, PA.

Copies of the proposed plan are available upon written request to the Manager, Tax Credit Program, Housing Finance Agency, P. O. Box 8029, Harrisburg, PA 17105-8029, (717) 780-3948, TTY for Hearing Impaired (717) 780-1869. Copies of the proposed plan are also available on the Agency's website: [www.phfa.org](http://www.phfa.org).

Individuals wishing to comment on the plan who are unable to attend the scheduled hearing are invited to provide written comments to the previous address by May 28, 2004. Written comments must be submitted prior to the date of the scheduled hearing or at the public

hearing. Individuals who plan to attend the public hearing should contact the Agency at (717) 780-3948.

Individuals with a disability who wish to attend this public hearing and require an auxiliary aid, service or other accommodation to participate should contact the Agency at (717) 780-3990 by May 27, 2004, to discuss how the Agency may best accommodate their needs.

BRIAN A. HUDSON,  
*Executive Director*

[Pa.B. Doc. No. 04-926. Filed for public inspection May 21, 2004, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

**Notice of Filing of Final Rulemakings**

The Independent Regulatory Review Commission (Commission) received the following regulations on the dates indicated. To obtain the date and time of the meeting at which the Commission will consider these regulations, contact the Commission at (717) 783-5417 or visit its website: [www.irrc.state.pa.us](http://www.irrc.state.pa.us). To obtain a copy of a regulation, contact the promulgating agency.

<i>Final-Form Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>
7-383	Environmental Quality Board Safe Drinking Water; Microbial and Disinfection Byproducts	5/7/04
7-387	Environmental Quality Board Radiological Health	5/7/04
16A-6510	State Board of Physical Therapy Certificate of Authorization	5/7/04

JOHN R. MCGINLEY, Jr.,  
*Chairperson*

[Pa.B. Doc. No. 04-927. Filed for public inspection May 21, 2004, 9:00 a.m.]

**INSURANCE DEPARTMENT****Health Maintenance Organization Certificate of Authority Application Filed by Three Rivers Children's Health Plan, Inc.**

On May 11, 2004, Three Rivers Children's Health Plan, Inc. filed an application with the Department of Health and the Insurance Department for a certificate of authority to establish, operate and maintain a health maintenance organization under the provisions of the Health Maintenance Organization Act (40 P. S. §§ 1551—1567), 28 Pa. Code §§ 9.1—9.97 and 31 Pa. Code §§ 301.1—301.204.

The proposed service area of the applicant is Adams, Allegheny, Armstrong, Beaver, Berks, Blair, Bradford, Butler, Cambria, Carbon, Clarion, Columbia, Crawford, Cumberland, Dauphin, Erie, Fayette, Forest, Franklin, Greene, Indiana, Jefferson, Lackawanna, Lancaster,

Lawrence, Lebanon, Lehigh, Luzerne, Mercer, Monroe, Montour, Northampton, Perry, Pike, Schuylkill, Somerset, Sullivan, Warren, Washington, Westmoreland, Wyoming and York Counties.

A copy of the application is available for public inspection, by appointment only, at the Department of Health, Bureau of Managed Care, Room 912, Health and Welfare Building, Harrisburg, PA 17109-0900, (717) 787-5193; and the Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, (717) 787-2735.

Interested parties are invited to submit written comments to Allen Mercik, Department of Health, or Robert Brackbill, Insurance Department, at the previous addresses. Persons wishing to submit written comments regarding the application may do so within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Persons with disabilities may submit information and comments through alternative formats, such as audio tape or Braille, or the Department of Health TDD: (717) 783-6514. Persons with a disability requesting alternative forms should contact Allen Mercik to make the necessary arrangements.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 04-928. Filed for public inspection May 21, 2004, 9:00 a.m.]

### Insurance Coverages or Risks Eligible for Export by the Insurance Commissioner

Under section 1604(2)(ii) of The Insurance Company Law of 1921 (40 P. S. § 991.1604(2)(ii)), the Insurance Commissioner declares the following insurance coverages to be generally unavailable in the authorized market at the present, and thus exportable, and adopts the following export list. Accordingly, for those insurance coverages which are included on the export list, a diligent search among insurers admitted to do business in this Commonwealth is not required before placement of the coverages in the surplus lines market.

#### Export List

##### Amusements

- Amusement parks and their devices
- Recreational and sporting events
- Special short term events
- Theatrical presentations

##### Aviation

- Fixed base operations

##### Chemical spray and/or drift

Day care centers liability, including sexual abuse coverage

Demolition contractors liability

Employment related practices liability

Flood insurance not provided under Federal flood insurance

Kidnapping, ransom and extortion insurance

Liquor liability—monoline

Medical malpractice liability with or without related general liability coverages

Nursing home liability with or without other affiliated elder care services

Railroad liability

Security/detective/patrol agencies

Taxicab liability

Vacant properties

This list become effective on the date of its publication in the *Pennsylvania Bulletin* and supersedes the list published at 33 Pa.B. 2444 (May 17, 2003), and shall remain in effect until superseded by a subsequent list as published in the *Pennsylvania Bulletin*.

Questions regarding the Export List should be directed to Cressinda E. Bybee, Office of Regulation of Companies, 1345 Strawberry Square, Harrisburg, PA 17120, (717) 783-2144, fax (717) 787-8557, cbybee@state.pa.us.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 04-929. Filed for public inspection May 21, 2004, 9:00 a.m.]

### Stonebridge Life Insurance Company; 35% Rate Increase Filing for LTC Forms D425, D428, D430 and the Associated Riders; Rate Filing; ID No. A78994001

The Insurance Department (Department) has received and conducted a preliminary review of the previously captioned filing. To properly review the filing, the Department is requesting the following information. To facilitate a timely review, the Department requests this information be provided within 14 days of the date of this notice. Individuals with questions or difficulties in providing the data within this time frame should call (717) 783-2117.

The initial 30-day comment period is scheduled to end on June 21, 2004. Statutorily, the Department must either approve or disapprove this filing within 45 days after the end of the public comment period.

Furnish the following information to the Department:

1. Exhibits 2(a) and 3(b) of the filing show the historical and projected calendar-year earned premium and incurred claims on a Nationwide basis. Note that the projection in 3(b) does not contain the proposed rate increase.

Produce similar tables in which the earned premium is restated at the current Pennsylvania rate level.

2. Exhibits 2(b) and 3(d) of the filing show the historical and projected calendar-year earned premium and incurred claims on a Pennsylvania only basis. Note that the projection in 3(d) does not contain the proposed rate increase.

Produce similar tables in which the earned premium is restated at the current Pennsylvania rate level.

3. The data from items 1 and 2 should be submitted electronically (preferably in an Excel Worksheet) to jlaverty@state.pa.us.

4. Discuss any actuarial issues that may have had a substantive impact on the data contained in the filing or provided in response to this data request.

When responding to this notice and in any future correspondence regarding this filing, reference Department Filing ID No. A78994001.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 04-930. Filed for public inspection May 21, 2004, 9:00 a.m.]

# PENNSYLVANIA PUBLIC UTILITY COMMISSION

## Amended Reliability Benchmarks and Standards for Electric Distribution Companies

Public Meeting held  
May 7, 2004

*Commissioners Present:* Terrance J. Fitzpatrick, Chairperson; Robert K. Bloom, Vice Chairperson; Glen R. Thomas; Kim Pizzingrilli; Wendell F. Holland

*Amended Reliability Benchmarks and Standards for the Electric Distribution Companies; Doc. No. M-00991220*

### Order

*By the Commission:*

Today, in conjunction with our Final Rulemaking Order at Docket No. L-00030161, we tighten our standards for performance reliability in the electric distribution industry and reiterate the Commission's regulations regarding qualifying an interruption as a major event as well as the process for filing formal requests for waivers from having to submit reliability data for any reporting period.

### Procedural History

The Electricity Generation Customer Choice and Competition Act (Act), December 3, 1996, P. L. 802, No. 138 § 4, became effective January 1, 1997. The Act amends 66 Pa.C.S. by adding Chapter 28 to establish standards and procedures to create direct access by retail customers to the competitive market for the generation of electricity, while maintaining the safety and reliability of the electric system. Specifically, the Commission was given a legislative mandate to ensure that levels of reliability that were present prior to the restructuring of the electric utility industry would continue in the new competitive markets. 66 Pa.C.S. § 2802(12).

In response to this legislative mandate, the Commission adopted a Final Rulemaking Order on April 23, 1998, at Docket No. L-00970120, setting forth various reporting requirements designed to ensure the continuing safety, adequacy and reliability of the transmission and distribution of electricity in the Commonwealth. See 52 Pa. Code §§ 57.191—57.197. The Final Rulemaking Order acknowledged that the Commission could reevaluate its monitoring efforts at a later time as deemed appropriate.

On December 16, 1999, the Commission entered a Final Order at M-00991220, which established reliability benchmarks and standards<sup>1</sup> for the electric distribution companies (EDC) in accordance with 52 Pa. Code § 57.194(h). The Commission's regulations for Electric Reliability Standards at 52 Pa. Code § 57.194(h)(1) state that:

"In cooperation with an electric distribution company and other affected parties, the Commission will, from time to time, establish numerical values for each

<sup>1</sup> A performance benchmark is the statistical average of an EDC's annual reliability performance index values for a given time period and is established by the Commission. The benchmark represents company-specific reliability performance for a specific historical period. An EDC's performance benchmark is the average of the historical annual averages of the performance index values for the 5-year time period from 1994-1998 and appear in Appendix B.

A performance standard is a numerical value established by the Commission that represents the minimal performance allowed for each reliability index for a given EDC. Performance standards established by this order are derived from and based on each EDC's historical performance as represented in performance benchmarks. Both long-term and short-term performance standards are established for each EDC. Long-term, 3-year rolling performance standards are based on the three most recent annual index values. Short-term, 12-month rolling performance standards are based on the four most recent quarterly index values. The long-term and short-term performance standards appear in Appendix B.

reliability index or other measure of reliability performance that identify the benchmark performance of an electric distribution company, and performance standards."

In a series of orders at Docket No. M-00991220, the Commission established reliability Benchmarks and Standards regarding: (1) Customer Average Interruption Duration Index (CAIDI); (2) System Average Interruption Frequency Index (SAIFI); (3) System Average Interruption Duration Index (SAIDI); and (4) Momentary Average Interruption Index (MAIFI).<sup>2</sup> The benchmark for each performance value index is the average of the historical annual averages of the index for the 5-year period from 1994-1998 and is company specific. The standard is two standard deviations from the benchmark. These benchmarks and standards have remained in effect since their issuance in December 1999.

In June 2002, the Legislative Budget and Finance Committee (LB&FC) issued a report entitled *Assessing the Reliability of Pennsylvania's Electric Transmission and Distribution Systems*. The report, in part, concluded that the two-standard deviation minimum performance standard is too loose and should be tightened as it does not assure that reliability performance will be maintained at levels experienced prior to the Act, December 3, 1996, P. L. 802, No. 138 § 4, effective January 1, 1997.

A Staff Internal Working Group on Electric Service Reliability (Staff Internal Working Group) prepared a report entitled *Review of the Commission's Monitoring Process For Electric Distribution Service Reliability*, dated July 18, 2002, which reviewed the Commission's monitoring process for electric distribution service reliability and commented on the recommendations from the LB&FC report. In its report, the Staff Internal Working Group recommended, in part, that "the Commission should develop minimum performance standards that achieve the Commission's policy objective (See Recommendation III-1, p. 7)." A subsequent Commission Order on August 29, 2002, at Docket No. D-02SPS021 directed:

"That the Commission staff shall undertake the preparation of such orders, policy statements, and proposed rulemakings as may be necessary to implement the recommendations contained within the Staff Internal Working Group . . . Report (p. 4)."

The Staff Internal Working Group was assigned this task and conducted field visits to EDCs to identify the current capabilities of each EDC for measuring and reporting reliability performance. These field visits began in October 2002 and continued through March 2003.

On June 27, 2003, the Commission entered a Tentative Order at M-00991220, which recomputed the reliability benchmarks and standards for the EDCs. The Tentative Order was published for comments in the *Pennsylvania Bulletin*. Comments were filed by the Attorney General's Office of Consumer Advocate (OCA), AFL-CIO Utility Caucus (AFL-CIO), Energy Association of Pennsylvania (EAP), Metropolitan Edison Company (Met-Ed), Pennsyl-

<sup>2</sup> CAIDI is Customer Average Interruption Duration Index. It is the average duration of sustained interruptions for those customers who experience interruptions during the analysis period. CAIDI represents the average time required to restore service to the average customer per sustained interruption. It is determined by dividing the sum of all sustained customer interruption durations, in minutes, by the total number of interrupted customers. SAIFI is System Average Interruption Frequency Index. SAIFI measures the average frequency of sustained interruptions per customer occurring during the analysis period. SAIDI is System Average Interruption Duration Index. SAIDI measures the average duration of sustained customer interruptions per customer occurring during the analysis period. MAIFI measures the average frequency of momentary interruptions per customer occurring during the analysis period. These indices are accepted national reliability performance indices as adopted by the Institute of Electrical and Electronics Engineers, Inc. (IEEE), and are defined with formulas at 52 Pa. Code § 57.192.



vania Electric Company (Penelec), Pennsylvania Power Company (Penn Power), Citizens' Electric Company (Citizens'), Wellsboro Electric Company (Wellsboro), Pike County Light & Power Company (Pike County), PPL Electric Utilities Corporation (PPL), UGI Utilities, Inc.—Electric Division (UGI), Allegheny Power and PECO Energy Company (PECO). Reply Comments were filed by EAP, Met-Ed, Penelec, Penn Power, the AFL-CIO and the OCA.

#### *Discussion*

The comments raised issues regarding several topics. The following is a short synopsis of each topic, the parties' positions and our disposition of each issue.

### **1. Recalculation of Reliability Benchmarks**

#### *A. System-wide Major Event Exclusion Standardization*

In our Tentative Order, we discussed two sources of variability in the computation of the permanent benchmarks to date that made it difficult to set new performance standards equitably across the EDCs.

The first source of variability was that some EDCs used one, system-wide operating area to compute their reliability metrics, while other EDCs subdivided their service territories and used multiple operating areas to compute their metrics. The number, size and composition of operating areas used for metric computations introduced variability into the criterion used to exclude major events from the reliability metrics reported to the Commission. An EDC that subdivided its territory into several small geographic operating areas could exclude major events from its metric calculations based on a criterion of an interruption affecting 10% of the customers in an operating area; whereas another EDC, employing only one service territory-wide operating area had to meet a much higher criterion of an interruption affecting 10% of the total EDC customer base. The proposed solution to this benchmark variability problem was to develop one uniform calculation method using system-wide performance (for the entire service territory) for computing and reporting reliability metrics to the Commission.

We proposed that EDCs should compute and report their reliability metrics to the Commission considering the entire service territory as one operating area and the major event exclusion of an interruption that affects 10% of the entire customer base for a duration of 5 minutes or longer.

To develop proposed standards based on the uniform definition of an operating area, Commission staff requested those EDCs that had developed their metrics using more than one operating area to recalculate their metrics for the 1994-2002 period using the entire service territory criterion. The data recalculations were used by Commission staff to recompute the current benchmarks using a uniform methodology across the EDCs. In the Tentative Order, the Commission emphasized that the recomputed benchmarks do not represent a lowering or raising of the historical benchmarks. All of the EDCs were asked to apply a uniform exclusion criterion to their original data. The only major events excluded from the recomputed benchmarks were unscheduled interruptions that affected 10% or more of the customers in the entire service territory for a duration of 5 minutes or longer. For EDCs that had previously excluded major events based on the multiple operating area criterion, the recomputed benchmark values may be higher than the original benchmark values because previously excluded outage data may now be included in the metric values. However, we noted in our Tentative Order that the recomputed bench-

marks should be viewed as representing the actual reliability performance during the historical period, as calculated using a uniform methodology.

#### *Positions of the Parties*

PPL filed comments in support of the Commission's proposed recalculation of the historical benchmarks using the single operating area data as it will establish a uniform calculation method for computing and reporting reliability metrics. However, the OCA strongly urged the Commission to retain the existing historic performance benchmarks rather than lowering expectations for certain EDCs through a recomputation of historic data. The OCA agrees that on a prospective basis, the Commission should ensure that the major event criteria are applied uniformly by the EDCs as that is an appropriate way to proceed on a going forward basis. The OCA also noted a concern identified in the LB&FC Report that wide variations exist among EDCs in both data collection and the application of Commission regulations to the data. The OCA noted that the LB&FC recommended that the Commission clarify when an EDC can exclude data for major events from the underlying data used to calculate the metrics.

In response to the OCA's comments, EAP countered that the recomputed benchmarks do not change the historical service provided to the relevant EDC customers. EAP commented that the Commission has not lowered the benchmarks going forward but has sought to ensure compatibility. EAP notes that it is critical for accurate comparisons that the same method be employed for historical and future evaluations of reliability.

The OCA submits that operating area information reflects how an EDC manages its distribution system and utilizes its resources within its system and that worst performing circuit reports as required under the companion Final Rulemaking Order at L-00030161 are not a suitable proxy for operating area information. The OCA also recognizes that the Staff Report noted that some EDCs defined operating areas differently for internal purposes than for Commission reporting purposes. As a result, the OCA suggests that EDCs be required to continue reporting of operating area reliability metrics using operating areas consistent with those used for internal operations and monitoring.

#### *Disposition*

The Commission strongly emphasizes that recalculating the historical benchmarks so that all EDCs are using standard criteria for excluding major events is not lowering the bar for future reliability performance. The recalculation is consistent with the recommendation of the LB&FC (as noted in the comments of the OCA) that the Commission clarify when an EDC can exclude major events from the data used to calculate the metrics. The benchmark recalculation achieves three important objectives for the Commission. The first objective is uniformity of metric calculations. The second objective is that the Commission, in performing its reliability monitoring role, can view the metric values on the same numerical scale. The third Commission objective is captured in the reply comments of EAP who points out that it is critical to use identical calculations for historical benchmarks (reference points) and future reliability performance measures. We would add that to allow the use of different calculation measures for benchmarks, but to use a standard calculation method for measuring reliability performance on a going forward basis (as suggested by the OCA), would render erroneous results so that the Commission would

conclude that some EDCs' performance relative to their benchmarks had improved or deteriorated when in fact that was not the case. Therefore, we will retain the recalculated benchmarks and require EDCs to use the standard methodology that employs the system-wide definition of an operating area for the exclusion of major events from reliability metric calculations.

It should be realized that if EDCs are required to report by the operating areas they use for internal operations, all previous years' operating area reliability metrics would need to be recomputed each time they reconfigure their internal operations. This would make it more difficult to find pocket areas where reliability is a concern, since the companies could continually reconfigure operating areas to cover areas of concern. The circuit analysis proposed eliminates this potential problem and allows for identifying problem areas that are in need of remedial action. Therefore, we will adopt the initial Commission position, whereby companies report reliability data using a system-wide operating area and a listing of worst performing circuits. Our position is further addressed in our Final Rulemaking Order at L-00030161.

#### *B. Standardization of Individual EDC Calculations*

A second source of variability discussed in our Tentative Order that made it difficult to equitably set new performance standards for all the EDCs pertained to two EDCs not excluding any data on major events and another EDC using a different major event definition than that contained in Commission regulations and used by all the other EDCs. In the first instance, Wellsboro and Citizens' did not exclude major events from their metric calculations for 1994-2002, although the regulations permit these exclusions.<sup>3</sup> This was in contrast to the calculations of all the other EDCs and, therefore, was a source of variability to only Citizens' and Wellsboro. In the second instance, Penn Power used the FirstEnergy definition of a major event which is different than the definition used by the Commission and can yield a different result.

Commission staff requested that the metrics for Citizens', Wellsboro and Penn Power be recomputed so that they would be calculated using the same uniform methodology that other EDCs used.

#### *Positions of the Parties*

The OCA noted in their comments that for Citizens' and Wellsboro, the recomputed historical benchmarks suggest that a much higher reliability was achieved from 1994-1998 than was previously calculated. The OCA is unclear as to why there was a change in these two EDCs' benchmarks with the recalculation since these small EDCs always reported on a system-wide basis rather than a multiple operating area basis. EAP reply comments noted that Citizens' and Wellsboro have recomputed their benchmarks to exclude major events consistent with the other EDCs to ensure comparability. In their comments, FirstEnergy did not specifically address the recomputation of Penn Power's benchmarks using the Commission's definition of a major event rather than using FirstEnergy's definition which yields a different result. However, FirstEnergy commented that as a broad conceptual matter and over the long-term, that they agree with and support the Commission's efforts to standardize among the EDCs the outage data maintained and submitted to the Commission.

<sup>3</sup> The Tentative Order noted that Citizens' did not exclude major events. However, it is clear that both Citizens and Wellsboro did not exclude major events in their original calculations.

#### *Disposition*

The reply comments of EAP correctly capture the reason why the recalculated benchmarks of Citizens' and Wellsboro reflect a higher level of reliability during the benchmark period than was previously reported. As we noted in our Tentative Order, Citizens' did not exclude any major events from its metric calculations for 1994-2002 although the Commission's regulations permit these exclusions. To place Citizens' and Wellsboro's metric values on the same numerical scale as the metrics from the other EDCs, the Commission requested that Citizens' and Wellsboro recalculate their benchmarks using the allowed exclusions of major events, thereby lowering their benchmark values from those reported previously. We will retain the recomputed benchmarks for Citizens' and Wellsboro. We will retain the recomputed benchmarks for Penn Power as advanced in the Tentative Order that used the Commission's definition of a major event so that Penn Power's benchmarks are calculated using the same methodology that other EDCs use. We will interpret FirstEnergy's comments to be consistent with this disposition.

Appendix A contains a table of the benchmarks as originally calculated and the recomputed benchmarks based on: (1) excluding major event data using the entire service territory criterion (changes for Allegheny Power, Duquesne Light, Met-Ed, Penelec and PPL); (2) excluding major events for the first time (Citizens' and Wellsboro); (3) using the Commission's definition of a major event (Penn Power as noted in our Tentative Order); and corrected SAIDI calculations that reflect SAIDI as being the product of SAIFI multiplied by CAIDI (UGI and Pike County). We will adopt the recomputed benchmarks contained in Appendix A and also add remarks to clarify why the prior benchmarks were changed as reflected in the recomputed benchmarks.

## **2. Reliability Data Quality Issues**

In our Tentative Order, we discussed two data quality issues that may affect the Commission's electric reliability monitoring efforts. The first issue pertained to Allegheny Power which reported having several months of missing data for their 1997 and 1998 SAIFI calculations. We noted that because 1997 and 1998 data was used to calculate the historical benchmarks, Allegheny Power's SAIFI and SAIDI benchmarks were set artificially low. Thus Allegheny Power's SAIFI and SAIDI post restructuring reliability performance metric values as compared to the benchmarks would be inherently unfavorable to the company.

The second data quality issue we discussed in our Tentative Order pertained to EDCs that had implemented automated reliability Outage Management Systems (OMS) which had the potential to improve the accuracy of reliability monitoring information. We noted that the changes in data gathering methods had implications for comparing historical reliability performance to current performance and introduced a degree of uncertainty into our ability to interpret reliability trend data. Our discussion in the Tentative Order pointed out the importance of separating out the method variance (due to differences in measurement capability) from the variance in reliability scores that is attributable to true changes in reliability. We concluded that we could not quantify the exact degree of method variance resulting from OMS implementation.

#### *Positions of the Parties*

As to the first data quality issue, Allegheny Power commented that the specific benchmarks proposed for

Allegheny Power are unrealistic and not useful for future comparisons. Allegheny Power claims that their SAIFI benchmark is skewed by a period of incomplete data and that their SAIFI benchmark is unrealistically low in comparison to other large EDCs. As evidence, Allegheny Power comments that their SAIFI performance for 2000-2002 matches the best performance of all large EDCs for the same period. Accordingly, Allegheny Power requests an adjustment of their benchmarks.

Comments were filed on behalf of Met-Ed, Penelec and Penn Power (collectively, FE Companies) that pertained to data quality issues about the implementation of OMS and the resulting implications for the validity of the proposed benchmarks. The FE Companies noted that with the exception of Allegheny Power, Met-Ed and Penelec are in the unique position of having installed and implemented new automated processes for collecting outage information after the 1994-1998 base period used by the Commission in setting the reliability benchmarks. The FE Companies comment that the Tentative Order recalculates their benchmarks without any consideration of the improvement in their methods for collecting reliability data since electric restructuring. Quoting from their 2002 Reliability Report to the Commission, the FE Companies state that although statistics for several operating areas are elevated, there has been no real change in reliability performance. FE Companies believe that the elevated statistics have been the result of the implementation of the new automated systems.

The comments of the FE Companies also note that the benchmarks and standards proposed in the Tentative Order for Penn Power do not give any consideration to the inaccuracy of some of its historic period reliability data. The comments note that in the early 1990s Penn Power relied in part on estimates of the number of customers affected by power outages. However, with more recent electronic mapping efforts, Penn Power now has substantially more accurate outage statistics that are not directly comparable to the historic benchmark as proposed by the Commission.

In place of the benchmarks proposed by the Commission in the Tentative Order, the FE Companies request that the Commission utilize revised benchmarks and standards proposed by the FE Companies which are based on reported performance during the 1998-2002 period. The benchmarks and standards proposed by the FE Companies in Exhibit 1 of their comments are significantly higher (allowing for worse reliability performance) than those we proposed. In support of the higher benchmarks and standards proposed by the FE Companies, they cite the Commission's 2002 Customer Service Performance Report as evidence of customers' positive perception of reliability performance.

The AFL-CIO and the OCA filed reply comments in response to some of the points noted in the comments of Allegheny Power and the FE Companies pertaining to data quality issues. The AFL-CIO comments that, in theory, it is possible that the mere fact of changing data collection methods could have some effect on the reliability statistics reported by the EDCs. However, the AFL-CIO notes that the FE Companies have not shown that this has occurred. Similarly, the OCA comments that no evidence has been presented by the EDCs that shows or even supports the claims that the historic data is not representative of pre-restructuring performance or that the installation of new OMS is the sole cause of the apparent deterioration in reliability. The OCA notes that the claim that the new OMS are causing the appearance

of deterioration in reliability has not been subjected to evaluation or review. The OCA commented that the LB&FC Report made the point that careful analyses of these claims are needed before any adjustments should be considered. The OCA also comments that the Commission should not entertain requests to change individual EDC benchmarks and standards through the Tentative Order. In the view of the OCA, these requests are more properly made as a separate petition where the merits and all underlying facts can be thoroughly examined on the record.

The AFL-CIO and the OCA also offered reply comments addressing the FE Companies citation of the Commission's 2002 Customer Service Performance Report findings to note customer satisfaction with post-restructuring reliability and the need to adapt new benchmarks and standards proposed by the FE Companies. The AFL-CIO notes that the Commission's Report evaluates EDC call center operations and has nothing to do with the reliability of distribution service. The OCA comments that the use of customer service data is not an adequate substitute for objective standards for reliability.

#### *Disposition*

First we will address the requests by Allegheny Power and the FE Companies to adjust the Commission's proposed benchmarks and standards or to substitute benchmarks and standards proposed by the FE Companies for those proposed by the Commission in our Tentative Order. We will adopt the position advanced by the OCA that the Commission should not entertain requests to change individual EDC benchmarks and standards through this Tentative/Final Order process. We note that this is a generic proceeding and does not have provisions for the more intensive presentation and review of evidence that the AFL-CIO and the OCA note should accompany a request for changes in benchmarks and standards.

The data that Allegheny Power and the FE Companies are now claiming is inaccurate was the same data (covering the period of 1994-1998) used to establish the original benchmarks in 1999, and no EDC appealed the Commission's December 16, 1999, Order at M-00991220 which established those benchmarks. The December 16, 1999, Order stemmed from a consensus proceeding as opposed to an evidentiary hearing and at that time the companies represented that those benchmarks were the averages of their indices over a 5-year, precompetition period (from 1994-1998). Based upon the companies' representations, the December 16, 1999, Order was entered establishing the benchmarks and standards. No one appealed said Order and we believe the EDCs cannot now challenge the original benchmarks. However, we will allow the EDCs to challenge the recomputed benchmarks if they have new evidence such as the impact of OMS systems on their reliability indices by allowing utility-specific on-the-record proceedings to afford the parties the opportunity to examine all relevant issues and provide the Commission with a complete factual record upon which to base its decision. The proceedings must be initiated within 30 days of the date of entry of this Order and the burden of proof is to be on the Petitioners. The petition must be served upon all parties of interest including the Pennsylvania AFL-CIO (Utility Caucus), the OCA and OSBA.

In the case of the FE Companies requests for new benchmarks and standards, we believe that a thorough examination of factual data by all interested parties is necessary before any potential revisions to the benchmarks are made. We note that as recently as May 2001,

Met Ed and Penelec reliability metrics were incorporated into a Service Quality Index that was part of the Joint Application for Approval of the Merger of GPU, Inc. with First Energy Corporation approved by the Commission in an Order dated May 24, 2001. It is not clear why the FE Companies' claims regarding the inaccuracy of the metrics was not an issue at that time, but is an issue now.

Further, we note that other Pennsylvania EDCs have implemented OMS and taken measures to increase connectivity but have not made similar claims of adverse effects on reliability indices. Absent an on-the-record proceeding which can determine the facts that are specific to the FE Companies, it does not appear to be fair to make specific adjustments to the FE Companies benchmarks and standards that will not also be made to other EDCs' benchmarks and standards. The FE Companies should have expected in advance that implementing OMS had the potential to affect the measurement of reliability performance and thus should have taken steps to conduct parallel measurements of their old and new data gathering systems.

With parallel measurement and analysis, the FE Companies could then determine the degree of method variance, if any, and have factual information to present to the Commission to support a request for a change in benchmarks and standards. Also, having factual information about the degree of method variance would appear to be necessary to make meaningful comparisons of current performance to past performance so that EDC management could determine if there was any true change in reliability performance over time aside from any change that may have occurred from the implementation of OMS. If parallel measurement and analyses were conducted, this information should be presented in an on-the-record proceeding before the Commission.

We also want to address the comments of the FE Companies that cite the Commission's 2002 Customer Service Performance Report as evidence of customer satisfaction with service reliability. As noted by the AFL-CIO, the customer survey reported on in the Commission Report does not inquire about satisfaction on the number of service interruptions or service restoration times. The focus of the survey data is on call center performance such as access, courteousness and knowledge of the call center representatives. We do not view this data as an indication that customers are satisfied with the aspects of Met Ed and Penelec's service reliability measured by the benchmarks and standards.

Going forward, the Commission wishes to stress the importance of EDCs conducting parallel measurements and analyses when implementing changes in reliability monitoring and data gathering methods so that the Commission is provided with accurate information about true reliability performance. Parallel measurement efforts also appear necessary to enable EDC management to fulfill their obligations to effectively maintain good reliability performance.

Finally, we want to point out that the Commission is providing some degree of latitude to all EDCs by setting the 3-year rolling standard at 110% of the benchmark versus 100% of the benchmark as discussed in greater detail later in this Order. This latitude should sufficiently account for any potential typical degree of method variance that may have occurred in the measurement of the benchmarks and performance in the post-restructuring period. Absent a determination from the Commission based on an on-the-record proceeding, the Commission

will not permit revisions to individual EDCs' benchmarks and standards to allow for a greater degree of latitude because of reliability measurement method variance.

### 3. Revised Performance Standards

In our Tentative Order, we noted two shortcomings in our existing minimum reliability standards that were established in 1999. The first shortcoming was statistical in nature and related to the establishment of standards that were two standard deviations above the benchmarks. This method of establishing standards yielded a result that enabled an EDC to perform worse on a performance index (such as CAIDI or SAIFI) after 1998 than any year during the 1994-1998 benchmark period and still be within the standard. This wide band of acceptable performance within the standard led to the second shortcoming, an inconsistency with the Commission's policy objective of setting standards for reliability that maintain the same level of reliability after restructuring as was experienced prior to restructuring. We also noted that the LB&FC arrived at a similar conclusion about an overly wide band of acceptable performance with the current performance standards. In our Tentative Order, we showed figures for the major EDCs revealing that our two standard deviation approach to setting standards allowed for average SAIFI values to be 40% greater than the historical benchmark and average CAIDI values to be 24% above the benchmark, but still within standards.

Based on the shortcomings previously identified, the Commission proposed to set new reliability standards that were more closely tied to the EDCs' historic benchmark performance but also allowed for some degree of variability from year to year. The Commission considered but declined to use the standard deviation approach for setting the proposed new performance standards. A standard deviation measures the degree of variance from an average and can be useful for the establishment of variability standards. However, because the benchmark data currently available consists of only five data points for each reliability index per EDC (the annual average indices for the years 1994, 1995, 1996, 1997 and 1998), we were not confident that the standard deviation statistic would yield a valid result. The standard deviation is typically used to summarize the variability in a large data set. We did not believe that this underlying assumption for the statistic was met with only five data points per EDC for each metric.

Instead of using the standard deviation approach for setting an acceptable band of performance, the Commission proposed thresholds using a percentage bandwidth above the benchmark for a shorter term standard and another percentage for a longer term standard.<sup>4</sup> The proposed longer term standards were generic in the sense that the proposed percentages above each EDC's benchmarks were the same for all EDCs. However, the generic percentage standard was applied to each EDCs' benchmarks which were based on individual EDC performance from 1994-1998. The proposed longer term standard was that the rolling 3-year average for system-wide reliability indices should be no higher than 10% above the historic benchmark. The proposed rolling 3-year standard was set at 10% above the benchmark to ensure that the rolling 3-year standard is not worse than the worst annual performance experienced during the years prior to re-

<sup>4</sup> When referring to the establishment of new performance standards based on a percentage of the benchmark, it is important to note that this is the recomputed benchmark based on excluding major event data using the entire service territory criterion.

structuring (1994-1998). Rolling 3-year performance was proposed to be measured against the standard at the end of each calendar year.

The Commission also proposed a short-term standard to monitor performance on a more frequent basis. For the large EDCs<sup>5</sup> (companies with 100,000 or more customers) the Commission proposed that the rolling 12-month averages for the system-wide indices be within 20% of the benchmark. For small EDCs<sup>6</sup> (companies with less than 100,000 customers), the Commission proposed that the rolling 12-month averages for the system-wide indices should be within 35% of the historical benchmarks. A greater degree of short-term latitude was proposed for the small EDCs in the rolling 12-month standard because small EDCs have fewer customers and fewer circuits than the large EDCs, potentially allowing a single event to have more of a significant impact on the reliability performance of the small EDCs' distribution systems.

The distinction between small EDCs and large EDCs is illustrated by the SAIFI calculation. SAIFI is a ratio of customers interrupted divided by customers served. With a much smaller number of customers served, outages that are relatively insignificant for a large EDC's reliability measures will have a more significant impact on small EDCs. Thus, small EDCs have standards of deviation that are higher than the large EDCs because of small sample sizes. Reducing the former two-standard deviation standard to a 135% standard is a significant tightening of the standard for the small EDCs. The rolling 12-month performance was proposed to be measured against the standard on a quarterly basis.

The proposed long-term and short-term standard set points were selected for a number of reasons. First, the standards allow for some variability from the benchmarks because reliability performance is influenced by weather conditions and other factors that are inherently variable in nature. Second, a review of historical reliability performance levels reveals a certain degree of variance from year to year. However, the use of rolling averages, particularly for the 3-year rolling average standard, will tend to even out some of the inherent variance in performance metrics. The longer the period under review, the more year-to-year high and low variations will tend to cancel each other out. As such, the 3-year rolling average standard should promote reliability performance that is closer to the benchmark over time. Finally, the set points were selected so that the Commission would be more actively involved in monitoring and remedial activities when performance deviates significantly from the benchmark, but would not be as involved when the variations are within the more typical range.

The Tentative Order also made comparisons of the proposed standards with the standards set by the Commission in 1998. In all cases, the 3-year rolling average standards are tighter than the previous standards that were based on two standard deviations. Comparisons of the proposed 12-month rolling standards to the previous standards revealed that in 32 of 33 cases (11 EDCs with 3 metrics each) the proposed standards are tighter than those established in 1998. Therefore, the Commission concluded that the proposed standards represented a tightening of our reliability standards for electric distribution service.

<sup>5</sup> Large EDCs currently include: Allegheny Power, Duquesne Light, Met-Ed, Penelec, Penn Power, PECO and PPL.

<sup>6</sup> Small EDCs include: UGI, Citizens', Pike County and Wellsboro.

### *Positions of the Parties*

The FE Companies and EAP offered comments in support of abandoning the two standard deviation approach for setting reliability standards for the large EDCs. However, numerous comments were filed by the small EDCs (Citizens', Pike, UGI and Wellsboro) in support of using the standard deviation approach for setting reliability standards for themselves. EAP also supported this approach and joined with Citizens', Pike County and UGI in recommending that the 12-month rolling average standard should be set at 1 1/2 standard deviations above the benchmark and the 3-year rolling standard be set at one standard deviation above the benchmark for the small EDCs only. Pike County recommended the use of standard deviations because of the significant amount of variation in the data caused by small events that skew the statistics. In reply comments the OCA noted that it could not support the use of the standard deviation approach for the small EDC standards.

The Commission's proposal to generally tighten the reliability standards received support in comments by the AFL-CIO, the FE Companies and the OCA. However, the AFL-CIO and the OCA commented that the Commission did not go far enough in their efforts to tighten the standards. These commenters pointed out that the Commission's proposals fall short of requiring reliability performance to be at a level experienced prior to restructuring. The OCA recommends an alternative approach whereby the 12-month rolling average standard be established at 10% above the benchmark and the 3-year rolling standard be established at the benchmark.

Comments filed by PPL recommend a different model of setting reliability standards than that proposed by the Commission in the Tentative Order. PPL comments that there should be a single Statewide standard for the industry. PPL believes that benchmarks and standards should consider an EDC's historical performance and provide additional allowances for those EDCs that have met performance objectives. In PPL's view, the application of their model for a Statewide standard would ensure that better performing EDCs are not penalized for historically good performance and that improvement by those EDCs whose performance has lagged would be encouraged.

The Commission received supportive comments from several parties (AFL-CIO, the FE Companies, the OCA and PPL) about the overall proposed model whereby we would seek to establish short-term and long-term standards. The FE Companies and PPL also generally supported the percentages proposed for the short-term and long-term standards (20% and 10% above the benchmarks, respectively). EAP and UGI recommended that as an alternative to using standard deviations to set the standards for small EDCs, the Commission should consider setting the 12-month standard at 45% above the benchmark and the 3-year standard at 15% above the benchmark.

The OCA filed comments recommending that the Commission clarify the regulatory purpose of the short-term, 12-month rolling average standard. The OCA recommends that the 12-month standard be used to ensure that performance does not deteriorate on an annual basis to a level that makes it unlikely that an EDC will meet the requirements of the regulation over time. The OCA suggested that the Commission incorporate language from the 2002 Staff Report that addressed the purpose of the short-term standard.

### *Disposition*

The Commission will retain its proposal for using percentages to establish standards for electric distribution service reliability. In so doing, we will not adopt the position of the small EDCs who offered comments in support of the alternative of using the standard deviation statistic. With only five data points, a key underlying assumption for the standard deviation statistic is not met, thereby rendering the statistic invalid for our purposes.

We will also retain our proposal for adopting both a long-term, 3-year rolling average standard and a 12-month rolling average short-term standard for all EDCs. We will not adopt the model advised by PPL for a single, Statewide standard for all EDCs. The intent of the Act is that service "be *maintained* at the same level of quality under retail competition" 66 Pa.C.S. § 2807(d) (emphasis added). The Act could have required that all EDCs' performance not fall below some absolute standard, but it does not state that. Instead, the language of the Act implicitly recognizes that different EDCs may have had different levels of service reliability, and that each EDC's historic performance prior to electric restructuring would be the minimum performance standard to be maintained for the future. We also recognize that a single, Statewide performance standard may not account for legitimate differences in geography that can affect reliability. Accordingly, we shall, for the time being, retain these standards on a company-specific basis.

As previously noted, EAP, UGI and other small EDCs provided comments in support of having somewhat more lenient standards for the small EDCs than those proposed by the Commission. Commenters supported 1 1/2 standard deviations or an upper range of 45% above the benchmark for the for the 12-month rolling standard for small EDCs and advanced either one standard deviation or an upper range of 15% above the benchmark for the 3-year rolling standard for small EDCs. We have already addressed our reservations about using the standard deviation statistic, the logic of which applies to small and large EDCs alike. We are not inclined to set an even wider bandwidth of acceptable performance for the small EDCs than we originally proposed. With regard to the 3-year rolling average, we believe the small EDCs should be within 10% of their benchmark, just like the large EDCs. For the 12-month rolling average, we proposed a somewhat more lenient standard of 135% for the small EDCs versus 120% for the large EDCs. We believe this extra degree of latitude is justified for the small EDCs because of the greater potential impact of single outage events on distribution systems with few circuits. However, we decline to provide even more latitude to the small EDCs. We would prefer to keep the acceptable performance range moderate and to examine specific causes and events on a case-by-case basis should the reported metric values exceed the 135% standard.

Comments filed by the AFL-CIO and the OCA recommended that the Commission further tighten the standards for EDC reliability performance beyond that proposed in our Tentative Order. We will not adopt standards that are tighter than we proposed in our Tentative Order at this time. We believe that our proposals represent very significant steps to tighten the standards over the next few years and should serve to focus EDC management on achieving benchmark performance in the future. Given the uncertainty of weather and other events that can affect reliability performance, EDCs should set goals to achieve benchmark performance or better to allow for those times when unforeseen circumstances push the

indices above the benchmark. By carefully managing performance in this manner, EDCs will have the necessary latitude to occasionally have performance above the benchmark, but still have the 12-month and 3-year averages close to the benchmark and well within the Commission's standards.

We agree with the OCA that the Commission should clarify the purpose of the short-term 12-month rolling average standard. The primary purpose of the short-term 12-month standard is to ensure that performance does not deteriorate and move too far from the benchmark without Commission attention during the period in which the 3-year average develops. If quarterly monitoring of the 12-month rolling average metric values reveals trends that are incompatible with meeting the long-term standards, the Commission will conduct further reviews and remedial activities with the subject EDC until performance trends in the desirable range.

Appendix B contains the recomputed benchmarks, rolling 12-month standard and the rolling 3-year standard for each EDC's SAIFI, CAIDI and SAIDI metrics.

### **4. Waiver Petitions**

In Ordering Paragraph No. 4 of the Commission's June 27, 2003, Tentative Order, we ordered EDCs to request, in writing to the Commission's Secretary Bureau, any waivers of reliability reporting requirements necessary to fulfill its obligations under 52 Pa. Code Chapter 57, Subchapter N (Electric Reliability Standards). Since there were no adverse comments to this requirement and there were supportive comments filed by the OCA and PPL, we will maintain our initial position requiring the formal filing of waiver requests, and again direct that all requests for waiver shall be made formally in writing to the Commission. EDCs are required to timely file in advance of the reporting requirements a petition for waiver of formal reporting requirements under 52 Pa. Code § 5.43 (relating to petitions for waiver of regulations). The EDCs are directed to disclose the reasons they are not in full conformity with the reliability regulations in all waiver petitions submitted to the Commission.

### **5. Starting and Ending Times of Major Events**

The LB&FC and the Staff Internal Working Group identified scenarios wherein certain EDCs had inappropriately claimed service interruptions as a major event by excluding all outage data that took place on any day in which a major event took place, regardless of the actual timeframes in which the major event took place. The current definition of a "major event" (as defined in 52 Pa. Code § 57.192) indicates that "The event begins when notification of the first interruption is received and ends when service to all customers affected by the event are restored." We agree that the designated starting and ending time of major events should be enforced according to the regulations.

Although we revised the definition of a major event, there was no change made to the starting and ending times of a major event. The Commission hereby reiterates that there are regulations which define the designated starting and ending times of major events according to 52 Pa. Code § 57.192 and these shall be followed by all EDCs.

#### *Positions of the Parties*

No adverse comments were filed.

#### *Disposition*

We reiterate the starting and ending times of major events is adequately defined in 52 Pa. Code § 57.192.

## 6. Formal Requests for Exclusion of Service Interruptions as Major Events

The Staff Internal Working Group's Recommendation No. IV-1 states that the Commission should implement a process that will enable EDCs to formally request exclusion of service interruptions for reporting purposes by proving an outage qualifies as a major event. To analyze and set measurable goals for service reliability performance, outage data is partitioned into normal and abnormal periods so that only normal event periods are used for calculating service reliability indices. The term "major event" is used to identify an abnormal event, for which this outage data is to be excluded when calculating service reliability indices. 52 Pa. Code § 57.192 currently defines a "major event" as follows:

(i) Either of the following:

(A) An interruption of electric service resulting from conditions beyond the control of the electric distribution company which affects at least 10% of the customers in an operating area during the course of the event for a duration of 5 minutes each or greater. The event begins when notification of the first interruption is received and ends when service to all customers affected by the event are restored. When one operating area experiences a major event, the major event shall be deemed to extend to all other affected operating areas of the electric distribution company.

(B) An unscheduled interruption of electric service resulting from an action taken by an electric distribution company to maintain the adequacy and security of the electrical system, including emergency load control, emergency switching and energy conservation procedures, as described in Section 57.52 (relating to emergency load control and energy conservation by electric utilities), which affects at least one customer.

(ii) A major event does not include scheduled outages in the normal course of business or an electric distribution company's actions to interrupt customers served under interruptible rate tariffs.

The Staff Internal Working Group identified the following scenarios wherein certain EDCs had inappropriately claimed service interruptions as a major event:

- Combining two separate storm events, of which only one meets the definition of a major event, into one major event.
- Excluding outage data from all operating areas when a major event had occurred in only one operating area.
- Excluding all outage data that took place on any day in which a major event took place, regardless of the actual timeframes in which the major event took place.

Reliability performance will appear to be better than it really is when an EDC excludes more outage data from its reliability calculations than it should. The performance will appear to be better because the number of customers interrupted and/or the customer minutes of the interruption are excluded from the calculations of the performance metrics, thus resulting in lower (better) scores. To avoid the inappropriate exclusion of outage data from any calculated service reliability indices reported to the Commission, the Staff Internal Working Group recommended that a process be established whereby the EDC could formally notify the Commission that it has recently experienced what it believes to be a major event so that the specific outage data associated with the event would be excluded for calculating reliabil-

ity performance. After providing Commission Staff with the report, the utility would be able to exclude the related outage data from its reliability calculations. The Staff Internal Working Group also recommended that the following outage data be provided in support of the request:

- The starting and ending times of the outage.
- The main operating area(s) affected by the major event, including the causes and number of customers affected.
- The neighboring operating area(s) affected, including the causes and number of customers affected.

It will not be necessary to provide information about neighboring operating areas affected, since the Staff Internal Working Group is recommending that the definition of a major event be revised so that it is based on interruption criteria of the entire service territory of an operating company as opposed to individual operating areas defined by each operating company.

### *Positions of the Parties*

The Energy Association states that while it supports the clarification of what constitutes a major storm, there is not a compelling reason to have a costly and duplicate major storm determination process. EAP states that the information proposed to be included in the formal request form is virtually identical to the information required in Service Outage Report filed under 52 Pa. Code § 67.1; thus, the Commission should eliminate the formal request requirement as being duplicative of existing reporting requirements. If, however, the Commission maintains a major event approval process, EAP requests that the filing be deemed approved after ten days if no Commission action is taken. (EAP's October 10, 2003, Comments, p. 10-12.)

The FE Companies believe that the proposed form would be costly and time consuming for all parties involved. Rather than implement the formal process, the FE Companies propose that the Commission review each company's annual report to determine if there has been any abuse or misunderstanding regarding the claims for major events, and direct any necessary and appropriate adjustments based upon this after the fact evaluation. (FE Companies' October 9, 2003, Joint Comments p.15-16.)

PPL believes that the proposed form for requesting an exclusion is duplicative because most "major events" would be associated with storms that require submission of a Storm Outage Report in 52 Pa. Code § 67.1. PPL recommends that the Commission develop a standard reporting format for outages which includes the required information. PPL also recommends that the request to classify a storm as a "major event" be part of the Storm Outage Report and that the request be deemed approved unless denied by the Commission within 10 business days. (PPL's October 10, 2003, Comments, p. 5-6.)

The OCA submits that the Commission should retain the formal process for requesting exclusion of major event data from the reported results at this time. The OCA avers that although the Commission provided clarification about the application of the criteria to underlying data in the Tentative Order, the Commission should utilize a formal process to ensure that the criteria are being applied uniformly. The OCA asserts that a formal process to review the continuing use of the regulation is in order, given the significant differences in the application and

interpretation of this regulation in the past. (OCA's October 27, 2003, Reply Comments, p. 17-18.).

#### *Disposition*

Upon further review of this issue, the Commission orders the implementation of a process by which the utility must submit a formal request for exclusion of service interruptions for reporting purposes, accompanied by data which demonstrates that a service interruption qualifies as a major event as defined by regulations. The outage data to be provided in support of the request will be as follows:

- (1) The approximate number of customers involved in the incident/outage.
- (2) The total number of customers served in the service territory.
- (3) The geographic areas affected, in terms of the county and local political subdivision.
- (4) The reason for the interruption, including weather conditions if applicable.
- (5) The number of utility workers and others assigned specifically to the repair work.
- (6) The date and time of the first information of a service interruption.
- (7) The actual time that service was restored to the last affected customer.

Following this Order as Appendix D is a sample Major Event exclusion request form which the Commission directs the companies to use to request exclusions for major events.

We also reject PPL's and EAP's claim that the exclusion request would be duplicative. 52 Pa. Code § 67.1 requires utilities to provide notification to the Commission when 2,500 or 5% (whichever is less) of its customers are without service for 6 hours or more. 52 Pa. Code § 57.192 defines a major event as at least 10% of the customers being without service for at least 5 minutes. Obviously, there is the potential for 2,500 customers to be out of service for more than 6 hours, thus requiring a Section 67.1 report, but not fulfilling the requirements to be classified as a major event. Conversely, there is the potential for large numbers of customers to be out of service for less than 6 hours. In this case, the major event criteria may be met, but a Section 67.1 report would not be required. Contrary to EAP and PPL's assertion that these types of events are unlikely, they can and have occurred. Thus, tying a major event exclusion request to the Section 67.1 report does not conform to this Commission's intent to ensure the application of 52 Pa. Code § 57.192 in a timely and consistent manner.

EAP and FE Companies have characterized the requirement to submit a major event exclusion form as costly and time consuming. However, neither has presented any reasoning for these assertions. In fact, EAP points out the similarities between the forms required for §§ 67.1 and 57.192. This Commission is not aware of any arguments that compliance with the currently effective § 67.1 is costly and burdensome to utility operations. We therefore find EAP and FirstEnergy's assertions to be without merit.

FE Companies' proposal to review each company's annual report to determine if there has been any abuse or misunderstanding regarding the claims for major events is inappropriate. A major event review could occur as late as after four quarterly reports were filed with the Commission for the year in question. If there were adjust-

ments made as a result of a review of a utility's major event exclusion claims, those adjustments would need to be implemented retrospectively in each affected quarterly report. The intent of quarterly report submissions is that the Commission be able to perform a timely review and analysis of a utility's reliability performance on the most accurate information available. Making adjustments to quarterly data 15 to 18 months after the fact clearly does not allow for a timely and accurate analysis. We will therefore not adopt the FE Companies' suggestion in this regard.

EAP and PPL requested that the filing be deemed approved after 10 days if no Commission action is taken. We believe that it is important that a utility know as soon as possible whether its request for a major event exclusion is accepted because of the time and complication associated with the calculation of the various reliability indices. Therefore, we will strive to provide a response to the filing utility within 10 days of the request, but we will give Commission staff 20 days from the date of receipt of the request for exclusion to request any additional information from the utility. If staff does not approve the exclusion, request additional information or reject the exclusion within that time, the filing utility may treat the excluded period as a major event.

The authority to respond to the request is delegated to the Bureau of Fixed Utility Services, which shall notify the filing utility in writing of staff's determination. All filings are subject to an audit at a later time by the Bureau of Audits. The utility may appeal staff's determination under 52 Pa. Code § 5.44 by filing a petition within 10 days after service. Requests for major event exclusions must be filed with the Secretary's Bureau and copies served upon the Bureau of Audits and Bureau of Fixed Utility Services prior to the quarterly report in which the exclusion is proposed to be claimed.

#### **7. Commission Enforcement**

Several parties raised the issue regarding what action the Commission will take if an EDC's reported indices are higher (worse) than the performance benchmark or higher (worse) than the EDC's performance standard. Generally, we view the new, recomputed benchmarks to represent the EDC's average performance prior to the Act and prior to competition. Since we have tightened the performance standards, we view performance within the standard to approximate the benchmark. Therefore, the Commission will not take compliance enforcement action against any EDC that meets its performance standard. However, once a standard is violated, Commission staff will carefully review all information presented in the EDC's quarterly and annual reliability reports including the EDC's causal analysis, inspection and maintenance goal data, expenditure data, staffing levels and other supporting information and Section 67.1 reports to determine appropriate monitoring and enforcement actions. Depending upon the findings of this review, we may consider a range of compliance actions including engaging in additional remedial review, requiring additional EDC reporting, conducting an informal investigation, initiating a formal complaint, requiring a formal improvement plan with enforceable commitments and an implementation schedule and assessing penalties and fines.

While overall system performance trends that fall in the range between the benchmark and the standard will not be subject to compliance enforcement, the Commission will keep EDCs whose performance is within the standard, but trending away from the benchmark, under review as a precautionary measure.



The Commission will hold the EDCs to the new 3-year standard using 2004, 2005 and 2006 annual data, effective with the April 30, 2007, annual report, and will hold the EDCs accountable to the 12-month standard using data from the last quarter of 2003 and the first three quarters of 2004, effective with the quarterly report to be filed November 1, 2004. *Therefore,*

*It Is Ordered That:*

1. The Commission is issuing, under 52 Pa. Code § 57.194(h), final benchmarks and standards for EDCs operating within this Commonwealth as set forth in Appendices A, B and C.

2. The Commission will enforce the 3-year standard on April 30, 2007, and the Commission will enforce the 12-month standard on November 1, 2004.

3. EDCs are directed to use the draft form in Appendix D when requesting the exclusion of service interruptions for reporting purposes by proving that a service interruption qualifies as a major event as defined by regulations.

4. An EDC shall request, in writing to the Commission's Secretary's Bureau, any waivers of reliability reporting requirements necessary to fulfill its obligations under 52 Pa. Code Chapter 57, Subchapter N (Electric Reliability Standards).

5. The Commission shall review and consider the EDC's request for waivers and shall issue Secretarial Letters granting or denying said requests.

6. Copies of this Order be served upon all parties to this proceeding including: EDCs operating in this Commonwealth, the OCA, the Office of Small Business Advocate, EAP and the Pennsylvania AFL-CIO—Utility Division.

7. A copy of this Order and Appendices A, B, C and D shall be filed at the Proposed Rulemaking Docket L-00030161, *Rulemaking Re Amending Electric Service Reliability Regulations at 52 Pa. Code Chapter 57.*

8. The Secretary certify this Order with Appendices and deposit with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin.*

9. Requests for major event exclusions must be filed with the Secretary's Bureau and copies served upon the Bureau of Fixed Utility Services and Bureau of Audits prior to the quarterly report in which the exclusion is proposed to be claimed.

10. Authority is delegated to the Bureau of Fixed Utility Services to determine whether requests for major event exclusions should be accepted or denied. Appeals may be taken under 52 Pa. Code § 5.44 from staff's determination within 10 days of service of the letter.

11. All requests for major event exclusions shall be subject to audit by the Bureau of Audits.

12. Any EDC requesting its benchmark be modified is directed to file a petition with the Commission outlining the reasons why the benchmark should be modified within 30 days of the date of entry of this Order.

13. Copies of the petition to amend benchmarks and/or standards should be served upon the Pennsylvania AFL-CIO—Utility Division, the OCA and the Office of Small Business Advocate.

JAMES J. MCNULTY,  
*Secretary*

## Appendix A

### Prior Benchmarks and Recomputed Benchmarks

<i>Name of EDC</i>	<i>Reliability Indices</i>	<i>Prior Benchmark</i>	<i>Recomputed Benchmark</i>	<i>Reason for Recomputation</i>
Allegheny Power	SAIFI	0.67	0.67	Change to One Operating Area
	CAIDI	178	178	
	SAIDI	116	119	
Duquesne Light	SAIFI	1.15	1.17	Change to One Operating Area
	CAIDI	108	108	
	SAIDI	123	126	
Met-Ed	SAIFI	0.97	1.06	Change to One Operating Area
	CAIDI	117	127	
	SAIDI	113	135	
Penelec	SAIFI	1.07	1.15	Change to One Operating Area
	CAIDI	104	115	
	SAIDI	108	132	
Penn Power	SAIFI	1.01	1.02	PUC Definition of a Major Event v. FE Definition
	CAIDI	93	92	
	SAIDI	95	94	
PECO	SAIFI	1.23	1.23	No Change
	CAIDI	112	112	
	SAIDI	138	138	
PPL	SAIFI	0.88	0.98	Change to One Operating Area
	CAIDI	128	145	
	SAIDI	113	142	

<i>Name of EDC</i>	<i>Reliability Indices</i>	<i>Prior Benchmark</i>	<i>Recomputed Benchmark</i>	<i>Reason for Recomputation</i>
UGI	SAIFI	0.83	0.83	SAIDI Calculation Correction = SAIFI × CAIDI
	CAIDI	169	169	
	SAIDI	147	140	
Citizens	SAIFI	1.29	0.20	Major Events Now Excluded
	CAIDI	73	105	
	SAIDI	73	21	
Pike County	SAIFI	0.39	0.39	SAIDI Calculation Correction = SAIFI × CAIDI
	CAIDI	178	178	
	SAIDI	66	69	
Wellsboro	SAIFI	2.74	1.23	Major Events Now Excluded
	CAIDI	128	124	
	SAIDI	309	153	

### Appendix B

#### Benchmarks and Standards for EDC Distribution Reliability Performance

(A) <i>Name of EDC</i>	(B) <i>Reliability Indices</i>	(C) <i>Recomputed Benchmark</i>	(D) <i>Rolling 12-Month Standard</i>	(E) <i>Rolling 3-Yr Avg. Standard</i>
Allegheny Power	SAIFI	0.67	0.80	0.74
	CAIDI	178	214	196
	SAIDI	119	172	144
Duquesne Light	SAIFI	1.17	1.40	1.29
	CAIDI	108	130	119
	SAIDI	126	182	153
Met-Ed	SAIFI	1.06	1.27	1.17
	CAIDI	127	152	140
	SAIDI	135	194	163
Penelec	SAIFI	1.15	1.38	1.27
	CAIDI	115	138	127
	SAIDI	132	190	160
Penn Power	SAIFI	1.02	1.22	1.12
	CAIDI	92	110	101
	SAIDI	94	135	114
PECO	SAIFI	1.23	1.48	1.35
	CAIDI	112	134	123
	SAIDI	138	198	167
PPL	SAIFI	0.98	1.18	1.08
	CAIDI	145	174	160
	SAIDI	142	205	172
UGI	SAIFI	0.83	1.12	0.91
	CAIDI	169	228	186
	SAIDI	140	256	170
Citizens	SAIFI	0.20	0.27	0.22
	CAIDI	105	141	115
	SAIDI	21	38	25
Pike County	SAIFI	0.39	0.53	0.43
	CAIDI	178	240	196
	SAIDI	69	127	84
Wellsboro	SAIFI	1.23	1.66	1.35
	CAIDI	124	167	136
	SAIDI	153	278	185

Column C—The recomputed benchmarks based on historical performance excluding major event data using the entire service territory criterion.

Column D—The rolling 12-month standard. The threshold is at 120% of the recomputed benchmark for the major EDCs and 135% of the recomputed benchmarks for the small EDCs.

Column E—The rolling three-year standard. The threshold is at 110% of the recomputed benchmark of each EDC.

### Appendix C

#### Rolling 12-Month Standard for Major EDCs

(120% of Benchmark)

(A)	(B)	(C)	(D)	(E)	(F)	(G)
<i>Name of EDC</i>	<i>Reliability Indices</i>	<i>Current Benchmark</i>	<i>Current Standard</i>	<i>Recomputed Benchmark</i>	<i>2-Std. Dev. Above Recomputed Benchmark</i>	<i>Proposed Rolling 12-Month Standard</i>
Allegheny Power	SAIFI	0.67	1.08	0.67	1.08	0.80
	CAIDI	178	223	178	224	214
	SAIDI	116	159	119	241	172
Duquesne Light	SAIFI	1.15	1.46	1.17	1.49	1.40
	CAIDI	108	127	108	127	130
	SAIDI	123	143	126	189	182
Met-Ed	SAIFI	0.97	1.29	1.06	1.29	1.27
	CAIDI	117	140	127	155	152
	SAIDI	113	155	135	200	194
Penelec	SAIFI	1.07	1.70	1.15	1.42	1.38
	CAIDI	104	134	115	141	138
	SAIDI	108	140	132	201	190
Penn Power	SAIFI	1.01	1.41	1.02	1.41	1.22
	CAIDI	93	117	92	119	110
	SAIDI	95	154	94	168	135
PECO	SAIFI	1.23	1.70	1.23	1.70	1.48
	CAIDI	112	144	112	143	134
	SAIDI	138	196	138	244	198
PPL	SAIFI	0.88	1.14	0.98	1.19	1.18
	CAIDI	128	155	145	190	174
	SAIDI	113	155	142	226	205

#### Rolling 12-Month Standard for Small EDCs

(135% of Benchmark)

(A)	(B)	(C)	(D)	(E)	(F)	(G)
<i>Name of EDC</i>	<i>Reliability Indices</i>	<i>Current Benchmark</i>	<i>Current Standard</i>	<i>Recomputed Benchmark</i>	<i>2-Std. Dev. Above Recomputed Benchmark</i>	<i>Proposed Rolling 12-Month Standard</i>
UGI	SAIFI	0.83	1.35	0.83	1.35	1.12
	CAIDI	169	304	169	305	228
	SAIDI	147	331	140	412	256
Citizens	SAIFI	1.29	3.10	0.20	0.38	0.27
	CAIDI	73	156	105	230	141
	SAIDI	73	123	21	86	38
Pike County	SAIFI	0.39	0.58	0.39	0.58	0.53
	CAIDI	178	283	178	283	240
	SAIDI	66	112	69	165	127
Wellsboro	SAIFI	2.74	6.16	1.23	1.91	1.66
	CAIDI	128	195	124	252	167
	SAIDI	309	565	153	483	278

Column C—The current benchmarks established December 16, 1999 at Docket No. M-00991220. It represents the five-year average of the historical performance for years 1994-1998.

Column D—The current standards established December 16, 1999 at Docket No. M-00991220. The standard is plus two standard deviations from the established benchmarks.

Column E—The recomputed benchmarks based on historical performance excluding major event data using the entire service territory criterion.

Column F—Represents what the current standard would be if applying the two-standard deviation methodology to the recomputed benchmarks.

Column G—The proposed rolling 12-month standard. The threshold is at 120% of the recomputed benchmark for the major EDCs and 135% of the recomputed benchmarks for the small EDCs.

**Appendix D**

REQUEST FOR EXCLUSION OF MAJOR OUTAGE FOR  
RELIABILITY REPORTING PURPOSES TO  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
P O BOX 3265  
HARRISBURG, PA 17105-3265

Reports require an original and one copy to be filed with the Secretary's Bureau.

Information Required:

1. Requesting Utility: \_\_\_\_\_  
Address: \_\_\_\_\_

2. Name and title of person making request:  
\_\_\_\_\_ (Name) \_\_\_\_\_ (Title)

3. Telephone number: \_\_\_\_\_  
(Telephone Number)

4. Interruption or Outage:  
(a) Number of customers affected:  
Total number of customers in service territory: \_\_\_\_\_

(b) Number of troubled locations in each geographic area affected listed by county and local political subdivision:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(c) Reason for interruption or outage, including weather data where applicable:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(d) The number of utility workers and others assigned specifically to the repair work:  
\_\_\_\_\_

(e) The date and time of the first notification of a service interruption: \_\_\_\_\_

(f) The actual time that service was restored to the last affected customer: \_\_\_\_\_

Remarks: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## Telecommunications

**A-310738F7002. The United Telephone Company of Pennsylvania d/b/a Sprint and D & E Systems, Inc. d/b/a D & E Communications.** Joint petition of The United Telephone Company of Pennsylvania d/b/a Sprint and D & E Systems, Inc. d/b/a D & E Communications for approval of a master interconnection, collocation and resale agreement under section 252(e) of the Telecommunications Act of 1996.

The United Telephone Company of Pennsylvania d/b/a Sprint and D & E Systems, Inc. d/b/a D & E Communications, by its counsel, filed on May 6, 2004, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of a master interconnection, collocation and resale 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 United Telephone Company of Pennsylvania d/b/a Sprint and D & E Systems, Inc. d/b/a D & E Communications 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. 04-932. Filed for public inspection May 21, 2004, 9:00 a.m.]

## PHILADELPHIA REGIONAL PORT AUTHORITY

### Request for Bids

The Philadelphia Regional Port Authority (PRPA) will accept sealed bids for Project # 04-058.1, Window Replacement, Tioga Administration Building (TAB), until 2 p.m. on Thursday, June 10, 2004. The bid documents can be obtained from the Director of Procurement, PRPA, 3460 N. Delaware Ave., 2nd Floor, Philadelphia, PA 19134, (215) 426-2600 and will be available May 25, 2004. Additional information and project listings can be found at [www.philaport.com](http://www.philaport.com). The cost of the bid document is \$35 (includes 7% Pennsylvania sales tax). The cost is nonrefundable. PRPA is an equal opportunity employer. Contractors must comply with all applicable equal opportunity laws and regulations.

A mandatory prebid job site meeting will be held on June 3, 2004, at 10 a.m. at the Port of Philadelphia Administration Building (TAB), 3460 N. Delaware Ave., 2nd Floor (corner of Tioga St. and Delaware Ave.), Philadelphia, PA.

JAMES T. MCDERMOTT, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 04-933. Filed for public inspection May 21, 2004, 9:00 a.m.]

## Request for Bids

The Philadelphia Regional Port Authority (PRPA) will accept bids for Project # 04-064.P, Purchase of Roofing Materials, until 2 p.m. on Thursday, June 3, 2004. The bid documents can be obtained from the Director of Procurement, PRPA, 3460 N. Delaware Ave., 2nd Floor, Philadelphia, PA 19134, (215) 426-2600 and will be available May 25, 2004. PRPA is an equal opportunity employer. Contractors must comply with all applicable equal employment opportunity laws and regulations.

JAMES T. MCDERMOTT, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 04-934. Filed for public inspection May 21, 2004, 9:00 a.m.]

## PUBLIC SCHOOL EMPLOYEES' RETIREMENT BOARD

### Hearing Scheduled

A hearing has been scheduled, as authorized by 24 Pa.C.S. Part IV (relating to Public School Employees' Retirement Code), in connection with the Public School Employees' Retirement System's (System) denial of claimant's request concerning the indicated account.

The hearing will be held before a hearing examiner at the Public School Employees' Retirement System, 5 North Fifth Street, Harrisburg, PA 17101:

June 16, 2004	Grace D'Alo (Purchase of Service)	1 p.m.
---------------	--------------------------------------	--------

Persons with a disability who wish to attend the listed hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact Marilyn Fuller-Smith, Assistant to the Executive Director, (717) 720-4921 to discuss how the System may best accommodate their needs.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearing 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 22 Pa. Code § 201.1 (relating to applicability of general rules), procedural matters will be in conformance with 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure) unless specific exemption is granted.

JEFFREY B. CLAY,  
*Executive Director*

[Pa.B. Doc. No. 04-935. Filed for public inspection May 21, 2004, 9:00 a.m.]

## TREASURY DEPARTMENT

### Notice of Names of Persons Appearing to be Owners of Abandoned and Unclaimed Property

Listed in this notice are the names and last known addresses (if known) of persons whose names have been

reported as owners of tangible unclaimed property. Tangible unclaimed property includes items from abandoned safe deposit boxes, items left behind at hospitals or items confiscated by police departments.

The Treasury Department holds all unclaimed property in safekeeping until the rightful owner, or his legal representative, files a claim. If your name appears on the list, you or your legal representative may contact the Bureau of Unclaimed Property at

1-800-222-2046

to file a claim. Customer service representatives are available to assist you Monday through Friday, 7:30 a.m.—4:30 p.m. You may also file a claim by writing to the Pennsylvania Treasury Department at:

Bureau of Unclaimed Property  
P. O. Box 1837  
Harrisburg, PA 17105-1837  
Attn. Tangible Property Unit

According to Pennsylvania's Disposition of Abandoned and Unclaimed Property Act, the Treasury Department may sell tangible items to the highest bidder at public sale if no claim is filed; however, the proceeds of the sale are maintained in the name of the rightful owner, until the owner or his legal representative is found.

Pennsylvania's unclaimed property program is administered by Barbara Hafer, State Treasurer.

BARBARA HAFER,  
*State Treasurer*

87 Beer Inc

Abbonizio Stephanie 2708 Chestnut Street Ardmore PA 19003

Adams Anthony

Adams Emma 4200 Old William Penn Highway Murrysville PA 15668-1933

Adams Josephine 09 22nd Street Altoona PA 16602

Adams Karl 1621 Allegheny Avenue Ext Pittsburgh PA 15233

Agnew Kenneth 4010 State Street Erie PA 16508

Agnew Patricia 1611 Brookside Drive Erie PA 16505

Agosta Luis 2901 Howard Street Philadelphia PA 19135

Alexander Patrick And Aletia Rush-Alexander 513 3rd Avenue New Brighton PA 15066

Allen Annette 7307 Idlewood Street Pittsburgh PA 15208

Allen Sandra Or Richard L Custer 146 N Durham Street Philadelphia PA 19119

Aller Edward Box # 980 Ruffsedale PA 15679

Allman Daniel

Amadore Christine 243 W Baltimore Street Carlisle PA 17013

Ambrosino Joseph HC 1 Box 148 Saylorsburg PA 18353

Anderson Andrea And Leonard A Anderson 3025 S 74th St Philadelphia PA 19153

Andrade Frank 851 Inwood Street Pittsburgh PA 15208

Andrew Allan And Dr O T Andrew

Aponte Carmen 3036 N Water Street Philadelphia PA 19133

Argeanas Sandra HC62 Box 72B Long Pond PA 18334

Arinsberg Rose And Calvin Arinsberg 5729 Camac Street Philadelphia PA 19141

Arndt Harold PO Box 10 Mt Joy PA 17552

Autoburch Catherine

Bahi Robert

Bailey Alexis Or Betty K Truckley RD 4 Box 6 Tarentum PA 15084-9509

Bailey Charles

Bailey Louise And Edward Holloway 6822 N 17th Street Philadelphia PA 19126

Banks Dorothy And Dorothy Katz 180 Lakeview Ter Fairless Hills PA 19030

Banks James 295 Magnolia Drive Levittown PA 19054

Baranzano Joseph

Barber Karl Or Julie Barber

Bashocuff Stephanie

Basley

Beamon Lynn 4623 Old York Road Philadelphia PA 19141

Becker Patricia

Becker Patricia Transfer on Death Mrs Pauline Becker 2357 Main Street Northampton PA 18067

Behanna Roy 1012 Indiana Avenue Glassport PA 15045

Benefield Ida 30 Nickle Blvd Camden NJ 8083

Benitez Geraldo 528 Fiot Street Bethlehem PA 18015

Bennett Lydia PO Box 43592 Washington DC 20010

Benninger Clarence

Berkey Allen

Betz Susan

Biesel Jack

Bilicki Byron Or Barbara J Bilicki 10 Royal View Court Pittsburgh PA 15239

Birdsey Gilbert 543 Weiser Street Reading PA 19601

Bishop Cheryl

Bollozos Antonio 546 West Frild Drive Valley Cottage NJ 10989

Bomberger Richard Or Dorothy Waltermeyer Jonestown PA 17038

Bonagura Rita 725 Moore Street Philadelphia PA 19148

Bonner Wilard Or Elda Bonner 209 Mayflower Street Pittsburgh PA 15206-3227

Botula Theadore

Bowser Wanda R. R. # 1 Box # 140 Friendsville MD 21531

Boxley Darryl Or Joseph H Boxley 2318 North Charles Street Pittsburgh PA 15214

Boyd Edwin 192 Juniper Drive Coraopolis PA 15108

Brash Richard 4706 Route 8 Allison Park PA 15101-2357

Braun Providencia

Bray William 145 Bell Tavern Lane Downingtown PA 19335

Brean Harry Or Sadie Brean 300 Le Roi Road Pittsburgh PA 15208

Brittingham Kim And Tonia Williams

- Brooke Richard 3000 N 21st Street Philadelphia PA 19132
- Brooks Maxine RD 1 Newville PA 17241
- Brown Alphonso 924 Farson Street Philadelphia PA 19131
- Brown Berth
- Brown Cassandra Or David Cooley 815 North Avenue Pittsburgh PA 15221
- Brown Cornell
- Brown Erik Transfer on Death John T Brown 29 Hearthside Road Aston PA 19014
- Brown Jermaine 3125 N 29th Street Philadelphia PA 19132
- Brown Pearl 4459 N 20th Street Philadelphia PA 19140
- Brown Raymond And Germaine Brown 903 Neshaminy Street Holmeville PA 19047
- Brown Sean Transfer on Death John T Brown 29 Hearthside Road Aston PA 19014
- Brown William
- Brunner Howard 160 Sylvania Terrace Harrisburg PA 17104
- Buell Evelyn
- Bullock Joseph And Elvera Linton Boyd 5502 Angorra Ter Philadelphia PA 19143
- Bullock Omar Or Grace Bullock Mail to: Audrey Pittman Philadelphia PA 19143
- Bullock Pamela Or Audrey S Pittman 1227 South 61 Street Philadelphia PA 19143
- Burgen Gene 32 S Belvedere Avenue York PA 17404
- Burgess Olivia PO Box 5589 Philadelphia PA 19143
- Burgio Robert 3400 Mountain View Circle Bethlehem PA 18017
- Burks James And Vicki A Burks 108 S 20th Street Philadelphia PA 19103
- Burroughs Shirley 4422 Old York Road Philadelphia PA 19141
- Butler William And Deborah Butler 3820 N Sydenham Street Philadelphia PA 19140
- Calabrese Philip Or Pamela Calabrese 2639 West Chester Pike Broomall PA
- Callahan Edmund And Cheryl A Callahan 1241 Riverside Drive Bridgewater PA 15009
- Campanella Louise
- Cannon Sara
- Carey James Or Elaine Carey
- Carmila Alonzo 2932 W Lehigh Avenue Philadelphia PA 19132
- Carr Marie
- Carr William 5200 Hilltop Drive Brookhaven PA 19015
- Carter Michael 826 Adelaide Street Pittsburgh PA 15219
- Carter Terry
- Cavender May Or Timothy L Cavender 1325 North Franklin Street PA 15233
- Chambers Harold 116 W Water Street Mount Union PA 17066
- Chase Joseph Or Mrs Joseph F Chase 209 N Horton Street Philadelphia PA 10130
- Chavan Nicole 67 A North 10th Street Stroudsburg PA 18360
- Christiansen Melissa Or Mark Victor Christiansen 1744 Bantry Drive Dresher PA 19025
- Christiansen Mellisa Or Jayne Christiansen 1744 Bantry Drive Dresher PA 19025
- Ciccahti Emilo c/o Neshaminy Manor Home Warrington PA 18901
- Clack John And Martha Banks 518 S 59th Street Philadelphia PA 19143
- Clark Ona And Izora Davis 233 E Montana Street Philadelphia PA 19119
- Clark Thomas 28 Garden Street Stroudsburg PA 18360
- Clarke Robert 1035 5th Street Pittsburgh PA 15219
- Coen Ryan
- Col T H Goodcamp-208 541 North Third Street Emmaus PA 18049
- Colden Mary 30 N 60th Street Philadelphia PA 19139
- Coleman Elaine 32 F Hawkinsvlg Rankin PA 15104
- Confer Jason
- Constantine Sidney 1238 Stirling Street Philadelphia PA 19111
- Cooper Riley 320 Fayette Street Conshohocken PA 19428
- Cooper Ross 427 Jefferson Street Media PA 19630
- Corace James Or Holly O Corace 62 Will Scarlet Drive McMurray PA 15317
- Corbitt Beverly 5429 Addison Street Philadelphia PA 19143
- Cordero Ramond 922 Walnut Street Allentown PA 18102
- Corson Marci 420 Sawmill Court Norristown PA 19401
- Craig Kimberly 4532 Walnut Street Philadelphia PA 19139
- Crawford Carol 251 Maple Avenue Pittsburgh PA 15218
- Crawford Joseph And Carolyn Crawford 3133 W Montgomery Avenue Philadelphia PA 19121
- Credit Evaluators, Inc. 400 Penn Center Bldg Pittsburgh PA 15235
- Cromwell Marie 330 Dinwiddle Street Pittsburgh PA
- Crossen Mary 613 Harrison Street Philadelphia PA 19124
- Cunningham Andre 1504 S 58th Street Philadelphia PA 19142
- Cunningham John Or Sandra Cunningham 69 South Front Street York Haven PA 17370
- Curry Stephanie Or Grace Bullock Audrey Pittman Philadelphia PA 19143
- Davis Eleanor
- Davis Kathryn 2544 Matrona Street Philadelphia PA 19132
- Davis Wayne 919 Regina Street Harrisburg PA 17103
- Dawson Brad Or John R. Dawson 741 Beaver Avenue Midland PA 15059
- Dawson John Or John R Dawson 741 Beaver Avenue Midland PA 15059

- Dawson Meghan Or John R Dawson 471 Beaver Avenue  
Midland PA 15059
- Day Alyce
- Day Anna And Irene Day 2125 E Stella Street Philadel-  
phia PA 19134
- Decision Data Computer Corp 410 Horsham Road  
Horsham PA 19044
- Delone Helen
- Delvecchio C And Rutilio J Delvecchio 800 Longacre Blvd  
Yeadon PA 19050
- DiCarlo Suzanne And Richard DiCarlo 59 Colonial Av-  
enue Norristown PA 19403
- Dickie Agnes C/O Manus Tolland Paisley PA 0
- Domostoy Kathleen
- Donnadio Joseph And David James Donnadio 804 7th  
Avenue Beaver Falls PA 15010
- Doperak John 115 Wilson Road Pittsburgh PA 15236
- Dorman Thomas 202 South Chestnut Street Mill Hall PA  
17751
- Doster Herena And Anthony D Mallory 6150 Upland  
Street Philadelphia PA 19142
- Dougherty William 8100 Colfax Street Philadelphia PA  
19184
- Doughty Deborah And Maryann Doughtry 3K Willow Tree  
Keyville MD 21030
- Drabic Helen P. O. Box # 501 Milford PA 18337
- Drorscak Sophie
- Drozinski Rosalie
- Durango Frank
- Eagleson Andrew 521 Oak Street E Stroudsburg PA  
18301
- Edge Virginia 100 Shady Street Mt Pleasant PA 15666
- Elgart Irvin
- Ellwood J Or Myrtle Bennett
- Else Thomas
- Evangelist Joseph 957 Miller Avenue Monessen PA 15062
- Falcone Frank Or Nancy Falcone Box 94 Pen Argyl PA  
18072
- Falcone Michael 2222 S 63rd Street Philadelphia PA  
19142
- Falcone Nancy Or Sandra Falcone Box 394 Pen Argyl PA
- Fallon Charles
- Farinelli Linnea
- Fawziehz Jadallah
- Ferguson Todd And Melinda P Ferguson 240 Dutch Lane  
Hermitage PA 16148
- Ferris Richard Or Adrienne Ferris 26 McMunn Street  
Pittsburgh PA 15205
- Files Lloyd
- Finney Cosse Pamela 5813 Lantern Lane Midway MI 0
- Firestone Clarence
- Fisher William Transfer on Death Anne T Dolan 849  
North Taylor Street Philadelphia PA
- Flichinger Joan Box 110 Blain PA 17006
- Fluellen Adimu 301 East Cliveden Street Philadelphia PA  
19119
- Fluellen Jerry And Carol Muldrow Fluellen 8225 Provi-  
dent Road Philadelphia PA 19150
- Forsell Heather 904 Shady Avenue Charleroi PA 15022
- Fortrney Elizabeth Dauphin Manor Harrisburg PA 17111
- Fosdick Roy
- Fox Francis And Lillian M Fox 4561 Lake Road Erie PA  
16511
- Garamoni Gregory Or Barbara Garamoni 114 Alpine  
Circle Pittsburgh PA 15215
- Gardner Bryan PO Box 921 Portview NY 12771
- Garr Wesley
- Gilbert Jacqueline
- Gilpin James 212 18th Street Ocean City NJ 8226
- Goldman Lem
- Graham Russell 1318 W 30th Street Erie PA 16508
- Gray Elbert 1410 Monterey Street Pittsburgh PA 15212
- Grayson Charles Quaker Hollow Road Sewickley PA  
15143
- Green Wanda
- Grimes Claude 1431 Shoop Street Harrisburg PA 17103
- Gross Martha And D. W. Gross 1700 Butler Pke  
Conshohocken PA 19428
- Gump Alexander
- Gurumurthy K P O Box 3099 Morgantown WA 26503-  
3099
- Guthrie Amanda
- Hacker Russell
- Haerther Allison 106 Newell Avenue Trenton NJ 0
- Haerther Thomas And Leanora T Haerther 48 Howley  
Drive Morrisville PA 19067
- Haight Stella
- Hajduk Joseph Box 250 Penn Estates East Stroudsburg  
PA 18301
- Hall Margaret
- Hall Raymond
- Halloran John 730 Hope Street Pittsburgh PA 15220
- Hamilton Parris Or Crystal D Hamilton 1411 N 76th  
Street Philadelphia PA 19151
- Hamlet Robert 2137 Perrysville Avenue Pittsburgh PA  
15214
- Hanley Edward 215 Frederick Street Mill Hall PA 17751-  
1207
- Hanna George Or Ella J Herron, Or George W Herron  
1711 Graham Lane Philadelphia PA 19126
- Hanusek Richard Or Thomas M. Hanuek 916 Liberty  
Street Erie PA 15602
- Harman Kenneth
- Harrain Dianne Wood Street Box 52 Grand Valley PA  
16420
- Harris Annette 274 S Ithan Street Philadelphia PA 19139
- Harris Barbara And Joseph Harris 5066 Ogden Street  
Philaelphia PA 19139



- Harris Constance 1581 Lincoln Avenue Pittsburgh PA 15206
- Hartzog Tanya 2008 A Alfred Drive Yeadon PA 19150
- Hasson Glenda 1228 S 51st Street Philadelphia PA 19143
- Haught Delores
- Haywar Christine Or Donald Vojtash 2355 Atmore Street Pittsburgh PA 15212
- Haywood Cynthia And Julius Haywood 2633 Ingomar Street Pittsburgh PA 15216
- Heery Clay And Karen Skene 103 Williams Lane Feasterville PA 19047
- Heller Rose 2416 3 Barley Clup Ct Orlando FL 32837
- Hemingway Margaret 9122 Revere Street Philadelphia PA 19152
- Henderson Frank 315 N Ithan Avenue Rosemont PA 19010
- Hepner Norma 17 Jacqueline Drive West Chester PA 19380
- Hernandez Lucas 338 Wyandotte Street Bethlehem PA 18015
- Heyl Albert 555 S Braddock Ave Pittsburgh PA 15221
- Hilbig Susan 16 Country Drive Leola PA 17540
- Hinchman Brandt 103 Timberlake Drive Huntington WV 25705
- Hoegg Louise
- Hofer Sophia
- Hollinghgas George
- Holsinger Karen 101 Craig Street New Brighton PA 15066
- Horsey Roger 2323 St Albans Place Philadelphia PA 19146
- Horton Marilyn PO Box 7584 Philadelphia PA 19101
- Hosenfeld Francis 3308 Perrysville Avenue Pittsburgh PA 15214
- Houghtaling Robert
- Hudson Martha PO Box 136 43 Ridge Biglerville PA 17307
- Hughes Frances And Annette E Wallace 7017 Bennett Street 2 Pittsburgh PA 15208
- Hunley Robert 22 Delaware Road Riegelsville PA 18077
- Hunsberger Sylvia
- Hurst Rosa
- Husted Megan 1438 Markley Street Norristown PA 19401
- Huster Mary
- Iannuzzi Suzanne
- Imm Harry 414 Broadway Street Mckees Rocks PA 15136
- Ivanhoff Donna
- Jakubac Joseph And Gail Jakubac
- Jarrett Dale
- Jenkins Gregory 721 N 35th Street Philadelphia PA 19153
- Jenkins Pamela Or Michael Jenkins 7520 Buist Avenue Philadelphia PA 19000
- Johnson Dorothy
- Johnson Eli And Sandra Johnson 4546 N 12thStreet Philadelphia PA 19140
- Johnson Elizabeth Or John H Grisby PO Box 30 New London PA 19360
- Johnson Geneva 308 W Maple Street Ambler PA 19002
- Johnson Gladys Or Beverly Douglas 1921 Brunner Street Philadelphia PA 19140
- Johnson Linda 30 Falcon Lane West Chester PA 19382
- Johnson Nakia Or James Johnson 2044 W Clearfield Street Philadelphia PA 19132
- Johnson Sylvester 6228 Belfield Avenue Philadelphia PA 19144
- Johnson William Or Iva Johnson 4317 N. 15th St. Philadelphia PA 19140
- Johnston Elaine 4958 N 9th Street Philadelphia PA 19141
- Jones Barbara 5324 Locust Street Philadelphia PA 19139
- Jones Gary
- Jones Shawn Transfer on Death Rebecca Jones 1627 Fiat Street Pittsburgh PA 15210
- Joyner Earl 640 South 56th Street Philadelphia PA 19143
- Joyner John 640 South 56th Street Philadelphia PA 19143
- Joyner Lakia 640 South 56th Street Philadelphia PA 19143
- Joyner Lisa 640 S 56th Street Philadelphia PA 19143
- Karpin Robert Or Loretta Karpin 1002 Thomas Street Chester PA 19013
- Keeney Larry 60 Strickler Drive Lewisberry PA 17339
- Keeney Patrick And Anne C Keeney R. D. #1 Box # 535 Conneant Lake PA 16316
- Keller Edward Or Rebekah L Keller 808 Latshaw Road Spring City PA 19475
- Kelvington Jason
- Kershaw Ethlyn 2364 N Gratz Street Philadelphia PA 19132
- Kingkiner Theodore 158 Grape Street Philadelphia PA 19128
- Kirk Irene
- Kmecik Helen
- Kohn Virginia
- Kopelman Samuel Or Rhoda L Kopelman 200 Litman Road Butler PA 16001
- Korbler Johanna
- Kostrá Rosemarie
- Krier Kenneth 1211 W James Street Montgomery PA 19401
- Labby Anna 619 Tripoli Street Pittsburgh PA 15219
- Laberta Robert 57 Eagle Court Wilkes Barre PA
- Lafon Kimberly And Timothy D Lafon 3330 Circle Brooke Drive Roanoke VA 24001
- Lai My Dung 1732 South 16th Street Philadelphia PA 19145
- Laitsch Walter
- Largent Delsie
- Laver Arthur 265 Matson Road Boothwyn PA 19061

- Layne Cleo And Gail Washington 511 Munster Avenue  
Grensboro NC 27406
- Leach John 1340 Sharon Street NW Atlanta GA 30314-  
2408
- Leach Sylvester 2273 North Bouvier Street Philadelphia  
PA 19132
- Leach Warren
- Leavitt Charles Apt # 202 Philadelphia PA 19103
- Lee Charles
- Leggo Bonnie Or Theresa J Leggo Nuremberg PA 18241
- Leggo Robert
- LeGrande Richard 1568 Park Avenue Pittsburgh PA  
15221
- Lellis Dorothy 6102 Elmhurst Terrace Philadelphia PA  
19111
- Leman Arthur And Shirley Leman
- Leone Richard Or Jo Buccheri
- Lesch Mary
- Lewis Erwin 704 S 52 nd Street Philadelphia PA 19143
- Lewis James 7378 Rugby Street Philadelphia PA 19138
- Lexton Jean 210 Locust Street Philadelphia PA 19106
- Liccardi Michael Custodian Kimberly Liccardi 4389  
Greenwood Drive Kunkletown PA 18058
- Loadholt Marian And Lorraine Damon 47 N Ruby Street  
Philadelphia PA 19139
- Lockhart Gladys 7266 Somerset Street Pittsburgh PA  
15235
- Lockley Doris 102 Wiltshire Road Upper Darby PA 19082
- Loftus Maida
- Long David RR 1Box 342 Covington PA 16917
- Long Donald Or Virginia Long
- Long Spencer And David Roulhac 5252 Arlington Street  
Philadelphia PA 19131
- Lopez Victor
- Lord Alan
- Lucas John RT 1 Grover Road Pipersville PA 18947
- Lucas Patricia
- Lukas Emil Or Claire Lukas 2653 Woodstock Avenue  
Pittsburgh PA 15218
- Lunden Diane 4259 South Garwood Fairview PA 16415
- Madyun Zarifa Or Grace Bullock Mail to Audrey Pittman  
Philadelphia PA 19143
- Malone Maceo And Lesa Stevens 448 Francis Avenue  
Ambler PA 19002
- Marenbach Alfred And Karen Marenbach 8542 Marsdin  
Apts
- Marenbach Jennifer 4531 Enfield Street Philadelphia PA  
19136
- Markosi Charles Or Irene Markosi 698 Furnace Street  
Rubesonia PA 19551-9501
- Marley Anita
- Marryman W
- Martin Robert 724 W 50th Street Erie PA 16509
- Matus Daniel Or Paula Jean Matus 725 5th Avenue Ford  
City PA 16226
- McCandless Lynn Or Sarah J McCandless 1307 S Main  
Street Butler PA 16001
- McClelland William 1316 Oakmont Avenue Erie PA 16505
- McCoy Athalia
- McCoy Ferrison Or Elizabeth McCoy 101 Robert Street  
Pittsburgh PA 15219
- McDade Shirley
- McElfresh John
- McGonigle Heather Or John J McGonigle 3325 Morning  
Glory Rd Philadelphia PA 19154
- McGonigle John And Tammy McGonigle
- McGuire Rosemary
- McKibbin Cara 7829 Horrocks Street Philadelphia PA  
19152
- McKibbin Debra 7829 Horrocks Street Philadelphia PA  
19152
- McNamara Patricia 817 German Street Erie PA
- McNeely Janice 4001 Parrish Philadelphia PA 19139
- McPherson Dorothy 400 N 50th Street Philadelphia PA  
19139
- Meanor Jennifer
- Meixell Mary Louise
- Mendez-Vaz Mauricio 4522 Osage Ave. Philadelphia PA  
19143
- Meyer Robert
- Mihai Oana 15 Carlisle Street Wilkes Barre PA 18702
- Miller Frank Or Marcelle E Miller R. D. # 2 Zelienople PA  
16063
- Miller Kurt Or Alberta Miller 612 Farnsworth Avenue  
Clairton PA 15025
- Miller Ralph 915 Levensgood Road Pottstown PA 17464
- Miller Richard Or Rose Williams 218 Hays Glen Street  
Pittsburgh PA 0
- Mineo Joseph And Sarah Malara
- Miners & Merchants Heritage Bank Williamstown PA
- Minto Headely Or Brown Anthony 6129 North 7th Street  
Philadelphia PA 19120
- Misklow Julia
- Mitchell Melvita 845 N 7th Street Philadelphia PA 19123
- Mooney Thomas 102 E 24th Street Erie PA 16503
- Moore Nicole
- Moore Tanya 525 W Thompson Philadelphia PA 19114
- Morgan Sophronia And Perry L Stewart 5341 Chestnut  
Street Philadelphia PA 19139
- Morgan Thomas P O Box 24 Pittsburgh PA 15230
- Mosley Lavenia 1345 S Lindenwood Philadelphia PA  
19143
- Mrvos Mary
- Mulligan Sharon PO Box 76 Kempton PA 19529
- Mumma David And Carol L Mumma 113 N Gay Street  
Marietta PA 17547

- Mumma Lindsey 113 North Gay Street Marietta PA 17547
- Murphy Robert
- Murray Donald
- Myers Clarence Or Donna V Myers R. D. # 1 Acme PA 15610
- Myers Clarence Or Linda Aller R. D. # 1 Acme PA
- Neal Sharon 139 Roskeen Court Phoenixville PA 19460
- Nechetsky Richard
- Nelson Sarah 34 N Delaware Drive Easton PA 18042
- Nelson Thomas
- Nihel Chand
- Noss Irene Or Chelsie Adams P. O. Box # 234 Blairsville PA 15717
- Oberly John
- OConnell Dennis 34 Crystal Drive Oakmont PA 15139
- Ortiz Samuel 2072 E Bridge Street Philadelphia PA 19134
- Osborne Anna Or Selenria L Gregory 4128 Portsmouth Court Bensalem PA 19020
- Osborne Cassandra Transfer on Death Jonathon V Osborne 4128 Portsmouth Court Bensalem PA 19020
- Osborne Jonathan Transfer on Death Cassandra B Osborne 4128 Portsmouth Ct Cornwell Hights PA 19020
- Osborne Lanna 1428 Portsmouth Street Bensalem PA 19020
- Owens Anna
- Pastorek Lee
- Pavlakovich Susan 120 Tamaqui Village Beaver PA 15009
- Payne Dennis 1102 Pennsylvania Avenue Pittsburgh PA 15233
- Peeling William
- Peer Devendra
- Pettus Janet 1700 Buena Vista Street Pittsburgh PA 15212
- Petusky Joseph Or Agnes Petusky 605 Broadway Bethlehem PA
- Pierce Ed
- Pilarski Thomas
- Pittman Joyce 6045 Woodland Avenue Philadelphia PA 19142
- Plish Marie
- Potter Kenneth
- Powell Chico Or Loretta Powell 1106 Wheeler Street Pittsburgh PA 15208
- Pursel John Or Kim L Pursel 12-A South Market Street Duncannon PA 17020
- Rabena Julius 405 15th Street New Cumberland PA 17070
- Radiquet Gildas
- Randall Jim 2355 Beachwood Street Philadelphia PA 19121
- Reape Joan Or John James Reape Jr 114 Hickory Hills Drive Bath PA 18014
- Reavis Sonte And Isis DeJesus 130 South Ruby Street Philadelphia PA 19134
- Repcheck John And John J Repcheck 2313 Hidden Timber Drive Pittsburgh PA 15241
- Resuta John PO Box 2283 Hazleton PA 18201
- Richards Timothy
- Richardson Melissa
- Rickey Lee 335 Market Street Bangor PA 18013
- Rigby Harry
- Risbon James 221 Patton Terrace Patton PA 16668
- Roberts Lance 9038 Revere Street Philadelphia PA 19152
- Roberts Mitchel 9038 Revere Street Philadelphia PA 19152
- Roberts Suzanne 617 JFK Blvd Philadelphia PA 19146
- Roberts Walter
- Robins Edgar Or Christina A Robins 464 S Colle Encilia Palm Springs CA 92262
- Roccatto Gerald And Verna Roccatto
- Roccatto Michael 1602 Jackson Street Philadelphia PA 19145
- Roche Dorothy
- Rogosky Edward And Debra Rogosky RD # 1 BOX 125A Sligo PA 16255
- Rohrbach Charles
- Ross Amy General Delivery Lackawaxen PA 18435
- Ross Francesca Or A Jason Ross 460 College Avenue Haverford PA 19041
- Rue Tessie
- Santiago James 2619 N 2nd Street Philadelphia PA 19148
- Santucci
- Satchell Albert 5409 Chestnut Street Philadelphia PA 19139
- Scherba Elsie
- Schroth Ella 949 Highland Street Steelton PA 17113
- Schuessler Lorna 5515 Wissahickon Avenue Philadelphia PA
- Schuessler Regina Or Peter A Schuessler 174 South Bethlehem Pike Ambler PA 19002
- Schultz Alberta
- Sebastian Elizabeth
- Sharp Lillian
- Shields James
- Shoffner Lucell 2255 Bedford Avenue Pittsburgh PA 15219
- Shonkwiller Karen
- Sloan George
- Smail Elma
- Smith Benjaminia 7032 Bennett Street Pittsburgh PA 15208
- Smith Kevin
- Smith Stephen PO Box 675 Erie PA 16512
- Smith Theodore
- Smocheck Paul

- Smoller Stanley Other Patricia D Smoller 5275 Rome Court Erie PA 16509
- Snow Lonnie 3-J Blair Heights Clairton PA 15025
- Solomon RoseMary 706 W Philadelphia Street York PA 17404
- Spectracom, Inc 1352 Easton Road Warrington PA 18976
- Spitalik John R. D. # 4 box # 134 Blairsville PA 15717
- Sqargnoli Angela 6525 Blue Ridge Avneue Harrisburg PA 17112
- Srokose John Or Carol W Srokose 1180 Alamo Lales Road Washington PA 15301
- Starr Tracy
- Stephen Dorothy 522 South Winebiddle Street Pittsburgh PA 15224
- Stewart Michele
- Stoltz William 3572 North View Lane Doylestown PA 18901
- Stone Allen 1230 S 51st Street Philadelphia PA 19143
- Straub Daniel And Patricia Straub 1060 Wind Dunes Way Duluth GA 30136
- Sturgis Earnest
- Tauski Kristie
- Taylor Belva 63 Walnut Street Philadelphia PA 19139
- Taylor Way Gang 1021 Taylor Way Wilkensburg PA 15221
- Tedesco Sharon
- Teich Steven Or Joanne Teich 20 N Logan Avenue Audobon NJ 8106
- Thesner Marilyn
- Thomas Clydie 715 Mercer Street Pittsburgh PA 15219
- Thomas Eunice 436 Fielding Drive Pittsburgh PA 15235
- Thomas Mark 5244 Cedar Avenue Philadelphia PA 19143
- Thompson Deborah Or William Thompson 6026 N 19th Street Philadelphia PA 19141
- Thompson Roland
- Thompson William And Deborah A Sherrod 8422 Micherner Avenue Philadelphia PA 19150
- Thorne Harry And Carol Thorne 5527 Oxford Street Philadelphia PA 19150
- Thornton Ernest P. O. Box # 92 New Brighton PA 15066
- Tokar James Or Michelle R Tokar 502 Lindsay Road Carnegie PA 15106
- Torro Edwin 3323 D Street Philadelphia PA 19134
- Tribble James 43 Spring Lane Phoenixville PA 19460
- Trotman Sylvia 01 Summit House West Chester PA 19382
- Uhler Jesse RR 3 Columbia Cross Roads PA 16914
- Valentine Luis 34 N Mascher Street Philadelphia PA 19133
- Valentine Rafel 458 Water Street Philadelphia PA 19134
- Valic Maryanne
- Vega Anthony 2622 N Lawrence Street Philadelphia PA 19121
- Vendette
- Vertacnik Robert
- Vinson Annabell 1743 French Street Philadelphia PA 19121
- Vogan William
- Voss Victoria 5433 Broad Street Pittsburgh PA 15206
- Wacha Madeline
- Waddell Elizabeth 417 South Street Wiconisco PA 17097
- Wagner Anna
- Wallace Debbie 34 Parsonage Street Pittston PA 18640
- Walter Harry Or Margaret T Walter 136 Popular Ridge Drive Pittsburgh PA 15235
- Wamboldt Helen
- Ward Donell 124 Wharton Street Philadelphia PA 19146
- Ward Paul 924 Wharton Street Philadelphia PA 19146
- Warner Delores And Sharon Demby 6930 N Broad Street Philadelphia PA 19126
- Warren Harriett 1212 Manhattan Street Pittsburgh PA 15233
- Washington Howard 516 N 58th Street Philadelphia PA 19131
- Washington Stanley And Lee Washington 6014 Columbia Avenue Philadelphia PA 19151
- Watlington Joseph And Angela Leaks 1740 Margaret Street Philadelphia PA 19124
- Watson Bruce 15 W 3rd Street Williamsport PA 17701
- Watts E Denise 104 Jacksonia Street Pittsburgh PA 15212
- Waugh Mary
- Webber Robin 402 W Crestwood Drive Camp Hill PA 17011
- Weiss Dorothy
- Weiss Mary And Bernard Weiss 7901 Henry Street Philadelphia PA 19128
- Wells Lavonda 4839 Pine Street Philadelphia PA 19143
- Welsh Ebenezer 2255 North 26th Street Philadelphia PA 19121
- Werner Christine Or Heather Lee McGonigle 41 East Mt Pleasant Avenue Philadelphia PA 19119
- Whalen Colette Rudwood Bldg Middeltown PA 17057
- Wheethey Susan
- Whilely William
- White Janet 8217 Chelwynde Avenue Philadelphia PA 19153
- White Kenneth
- White William Or Cristina White 526 North 3 rd Street Wormleysburg PA 17043
- Whitney Dawn
- Whitney Feil Transfer on Death Felicia A Whitney 1542 Jefferson Lane Philadelphia PA 19122
- Wible Elizabeth 423 New Castle Butler PA 16001
- Wiegner Michele 3740 L Street Philadelphia PA 19124
- Williams Betty And Annie R Williams 921 W Wyoming Avenue Philadelphia PA 19140
- Williams John 409 N 30th Street Philadelphia PA 19132

Williams Kevin 6031 Allman Street Philadelphia PA 19142  
 Williams Minnie And Jeanne Williams 5238 Arlington Street Philadelphia PA 19131  
 Wilson Bonnie And Vincent Clark 2102 Gould Street Philadelphia PA 19142  
 Wilson Jameer Or Mrs Marian M Wilson 2186 5th Avenue New York City NY 10037  
 Wilson Vernice And Lawrence Wilson 1318 S 17th Street Philadelphia PA 19146  
 Wimbush William 5930 Thompson Street Philadelphia PA 19151  
 Winiarski Joe 88 High Street Mt Pleasant PA  
 Winokur Katherine 600 West Harvey Street Philadelphia PA 19144  
 Wise Clinton 1029 East Rittenhouse Street Philadelphia PA 19136  
 Wooden Christian Transfer on Death James Wooden 2915 North Park Avenue Philadelphia PA 19140  
 Woodson Clara And Lawrence T Allen Jr 216 N 57th Street Philadelphia PA 19139  
 Woodyard Stanley 527 McKenzie Street York PA 17402  
 Wright William 1413 East Mount Pleasant Avenue Philadelphia PA 19150  
 Wythe Joseph Or Alicia D Wythe C/O Almeda Santos 1800 10 Amdar Brasil  
 Young Frieda 813 Columbia Blvd National Park NJ 8063  
 Young Lydia 2144 N 23rd Street Philadelphia PA 19121  
 Youtz Jeanine 24 Stone Edge Road Sellersville PA 18960

Zavada Kelly Or Ted Dombrosky  
 Zubchynsky Virginia And Arango Diego 1124 W Lindley Avenue Philadelphia PA 19141

[Pa.B. Doc. No. 04-936. Filed for public inspection May 21, 2004, 9:00 a.m.]

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## TURNPIKE COMMISSION

### Requests for Information; RFI No. 04-130-2925

The Turnpike Commission (Commission) is requesting technical information on toll system technologies and toll plaza configurations that would provide E-Z Pass capabilities on the Turnpike's Beaver Valley Expressway (James A. Ross Highway), Greensburg By-Pass (Amos K. Hutchinson By-Pass), open portions of the Mon-Fayette Expressways including West Virginia to Uniontown, Route 40 to I-70 and I-70 to SR 51, the Findlay Connector portion of the Southern Beltway and the Clarks Summit and Keyser Avenue Interchanges on the Turnpike's North East Extension. Responding firms should include innovative proven alternative toll collection technologies and systems that maximize vehicular throughput and customer services while minimizing toll system operations and maintenance costs and capital expenditures. Interested parties are invited to view the entire Requests for Information on the Commission's website: [www.paturndpike.com](http://www.paturndpike.com) (Doing Business with PTC/Requests For Proposals/All Other Types/04-130-2925).

MITCHELL RUBIN,  
*Chairperson*

[Pa.B. Doc. No. 04-937. Filed for public inspection May 21, 2004, 9:00 a.m.]

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# STATE CONTRACTS INFORMATION

## DEPARTMENT OF GENERAL SERVICES

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". The penalties apply to invoices for goods or services when payments are not made by the required payment date or within a 15 day grace period thereafter.


Act 1984-196 redefined a "qualified small business concern" as any independently owned and operated, for-profit business concern employing 100 or fewer employees. See 4 Pa. Code § 2.32. The business must include the following statement on every invoice submitted to the Commonwealth: "(name of business) is a qualified small business concern as defined in 4 Pa. Code 2.32."

A business is eligible for payments when the required payment is the latest of:  
 The payment date specified in the contract.  
 30 days after the later of the receipt of a proper invoice or receipt of goods or services.  
 The net payment date stated on the business' invoice.

A 15-day grace period after the required payment date is provided to the Commonwealth by the Act.

For more information: contact: Small Business Resource Center  
 PA Department of Community and Economic Development  
 374 Forum Building  
 Harrisburg, PA 17120  
 800-280-3801 or (717) 783-5700

### Reader's Guide



Legal Services & Consultation

① Service Code Identification Number

② Commodity/Supply or Contract Identification No.

**B-54137.** Consultant to provide three 2-day training sessions, covering the principles, concepts, and techniques of performance appraisal and standard setting with emphasis on performance and accountability, with a knowledge of State Government constraints.

Department:	General Services			
Location:	Harrisburg, Pa.			
Duration:	12/1/93-12/30/93			
Contact:	Procurement Division			
	787-0000			

③ Contract Information

④ Department

⑤ Location

⑥ Duration

⑦

(For Commodities: Contact:  
 Vendor Services Section  
 717-787-2199 or 717-787-4705

#### REQUIRED DATA DESCRIPTIONS

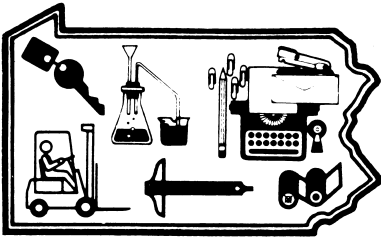
- ① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.
- ② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.
- ③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.
- ④ Department: State Department or Agency initiating request for advertisement.
- ⑤ Location: Area where contract performance will be executed.
- ⑥ Duration: Time estimate for performance and/or execution of contract.
- ⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.  
  
(For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

## PA TREASURY BUSINESS OUTLET—PLUG INTO IT!

The Treasury Department's Bureau of Contracts and Public Records can help you do business with state government agencies. Our efforts focus on guiding the business community through the maze of state government offices. The bureau is, by law, the central repository for all state contracts over \$5,000. Services are free except the cost of photocopying contracts or dubbing a computer diskette with a list of current contracts on the database. A free brochure explains how to take advantage of available services.

Contact: **Bureau of Contracts and Public Records**  
 Pennsylvania State Treasury  
 Room 201 Finance Building  
 Harrisburg, PA 17120  
 717-787-4586  
 1-800-252-4700  
 BizOutlet@patreasury.org

BARBARA HAFER,  
*State Treasurer*

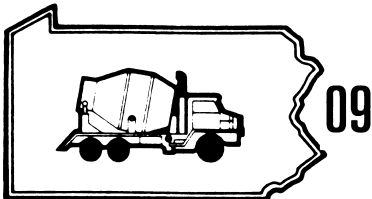


Commodities

**SU-03-21** Shippensburg University is seeking a vendor to furnish a 1000BASE-SX capable portable network analysis and test tool with reporting and analysis software for in-depth analysis of packets captured. Product must have wireless network analysis capability including the results of seven layer protocol analysis, active discovery, SNMP device analysis, RMON2 traffic analysis and physical layer testing monitoring all 802.11b channels to capture and decode data packets, identify rejected association requests and pinpoint access-point conflicts. Vendors interested in receiving a bid package must fax or email a request to Pamela King, Shippensburg University, 1871 Old Main Drive, Shippensburg, PA 17257; Fax (717) 477-1350; email: paking@wharf.ship.edu. All responsible bidders are invited to participate including MBE/WBE firms.

**Department:** State System of Higher Education  
**Location:** Shippensburg University, 1871 Old Main Drive, Shippensburg, PA 17257  
**Duration:** August 2004  
**Contact:** Pamela A. King, (717) 477-1386

## SERVICES



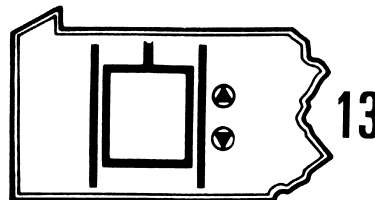
Construction & Construction Maintenance

**150452** Contract consists of the repair to a rock fall protection net to include furnishing the specified materials, equipment, safety equipment, personnel and other requirements to satisfactorily complete repairs.

**Department:** Transportation  
**Location:** The work will be on the damaged portions of the rock fall protection net located on SR 8 from the intersection with Relief Street at Seg. 0420, Offset 0756 then approximately 580 feet north of the intersection with Center Street to Segment 0442, Offset 0245, Oil City, PA. Seventy-five days after notification to proceed with expected completion by October 31, 2004.  
**Duration:**  
**Contact:** Timothy J. Wagner, (814) 432-3115

**CN00008898** The work for this project covers the supplying of all labor, materials, tools, equipment, and appurtenances to install a new bituminous wearing course, including repair of existing bituminous pavement over selected portions of Youth Forestry Camp #3 roadways and parking areas and new bituminous pavement, including excavation and stone base as required over other selected areas. This project requires prevailing wage rates.

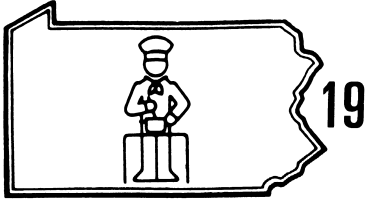
**Department:** Public Welfare  
**Location:** Youth Forestry Camp #3, R. D. #1, Box 175, James Creek, PA  
**Duration:** Unknown  
**Contact:** Dee Kuhn, Purchasing Agent, (717) 789-5509



Elevator Maintenance

**01** The contractor shall provide full maintenance and elevator service with straight time call backs for one Westinghouse passenger elevator and three Houghton freight cable elevators. The contract is anticipated for an 18 month period. Payments are monthly after services.

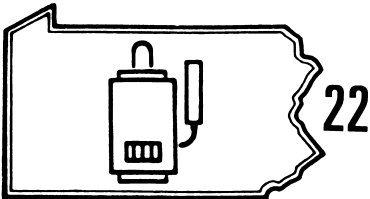
**Department:** Corrections  
**Location:** Department of Corrections, Training Academy, 1451 North Market Street, Elizabethtown, PA 17022  
**Duration:** 18 month contract  
**Contact:** Dave Patterson, (717) 361-4337



## Food

**02** Soda: cola, lemon lime, cherry cola, orange, diet cola (sugar free) - bag in box (approx. 5 gallons) for use in vendor provided 5 drink post mix dispenser with single electric fast fill valves and easy removable min. reg type 1/4 HP compressor and ice dispenser (self contained). Approximated # of bag in box needed per year is 250 for each flavor of soda. Vendor is responsible for supply and ownership of equipment needed for bag in box units for the duration of the contract period. Furnish/install/repair/removal of equipment. Vendor shall be responsible for all maintenance of the drink posts operation at no additional cost. CO<sub>2</sub> tanks are to be 20 lb. size cylinders.

**Department:** Corrections  
**Location:** PA DOC Training Academy, 1451 North Market Street, Elizabethtown, PA 17022  
**Duration:** 3 years  
**Contact:** George Chicoine, (717) 361-4321



## HVAC Services

**CN00008950** 12-Volt UPS Batteries needed for period of May 26, 2004 through June 30, 2005 with 270 WPC; Float Charge Voltage 13.5 to 13.8 VDC; Equalize Charge Voltage 14.4 to 14.8 VDC. Batteries equal to/comparable to #PRC 1290 76-AMP RH UPS Sealed Lead Acid Battery or Johnson Control Dynasty UPS Battery #12 VDC-270WPC.

**Department:** Corrections  
**Location:** SCI Greene, 169 Progress Dr., Waynesburg, PA 15370  
**Duration:** 5/26/04 through 6/30/05  
**Contact:** Laura Mohr, Purchasing Agent, (724) 852-5534



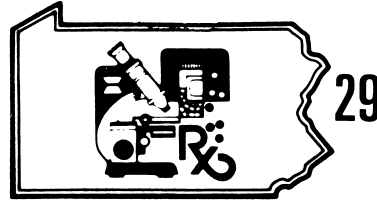
## Janitorial Services

**044803** Provide janitorial services for Department of Transportation (Milford, Pa.) office building. Office building consists of 5 small to medium office rooms, foyer, hallway, 3 restrooms and 1 lunchroom.

**Department:** Transportation  
**Location:** 101 Bennett Ave., Milford, Pa 18337  
**Duration:** 7/1/2004 to 6/30/2006  
**Contact:** Gene Donahue, 1-800-635-3953

**FM 8823** Furnish all labor, equipment and materials to perform janitorial services three (3) days per week at the PA State Police, Pittsburgh District Enforcement Office. Detailed Work Schedule and Bid must be obtained from the Facility Management Division, 717-705-5951.

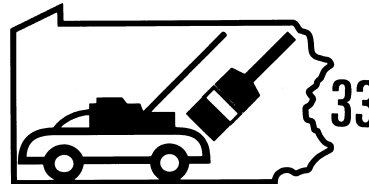
**Department:** State Police  
**Location:** Pittsburgh District Enforcement Office, 313 Mt. Nebo Road, Pittsburgh, PA 15237, Phone #412-922-0264  
**Duration:** 08/01/04 to 06/30/07  
**Contact:** Sandy Wolfe, (717) 705-5951



## Medical Services

**cn00008813** Vision Stimulation: Contractor will provide on site assessment, formal plan development, and detailed instructions for implementation of programs to be carried out by facility staff for individuals with visual disabilities at Polk Center.

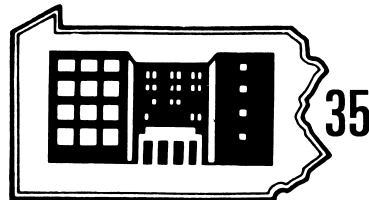
**Department:** Public Welfare  
**Location:** Polk Center, Main Street, P. O. Box 94, Polk, PA 16342  
**Duration:** September 1, 2004 through August 31, 2005  
**Contact:** Amy Taterek, Purchasing Agent, (814) 432-0229



## Property Maintenance

**0817-01-04** Grass Mowing and trimming at the 26 acre Conrad Weiser Homestead, a State historic site, located near Womelsdorf, Berks County, PA.

**Department:** Historical and Museum Commission  
**Location:** Conrad Weiser Homestead, 28 Weiser Road, Womelsdorf, PA 19567 (along Route 422)  
**Duration:** July 1, 2004 to June 30, 2005  
**Contact:** Steven Ling, (610) 589-2934



## Real Estate Services

**93689** Lease office space to the Commonwealth of PA. Proposals are invited to provide the Department of Public Welfare with 11,960 useable square feet of office space with a minimum parking requirement for 4 handicapped vehicles within a two (2) mile radius of the Armstrong County Courthouse, Kittanning, Armstrong County, PA. Downtown locations will be considered. For more information on SFP #93689 which is due on June 21, 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) 787-0952.

**Department:** Public Welfare  
**Location:** 505 North Office Building, Harrisburg, PA 17125  
**Contact:** Mrs. Cynthia T. Lentz, (717) 787-0952

**93691** Lease office space to the Commonwealth of PA. Proposals are invited to provide the Department of Public Welfare with 2,958 useable square feet of office space within the following boundaries: North: Rochester Road; South: Allegheny/Butler Counties Border; East: Perry Highway; West: Thomson Park Drive, Executive Drive, Old Freedom Drive, Cranberry Township, Butler County, PA. Downtown locations will be considered. For more information on SFP #93691 which is due on June 28, 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) 787-0952.

**Department:** Public Welfare  
**Location:** 505 North Office Building, Harrisburg, PA 17125  
**Contact:** Mrs. Cynthia T. Lentz, (717) 787-0952



**93695** State-owned real estate for sale: Lycoming County Job Center, Loyalsock Township, Lycoming County, PA. The Department of General Services will accept bids for the purchase of a 0.8485 acre parcel with a one story 97'x120' brick building located at 1300 Sheridan Street, Loyalsock Township, Lycoming County, PA. Bids are due July 9, 2004. Interested parties wishing to receive a copy of solicitation #93695 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 a solicitation package or call Ms. Lisa Kettering at (717) 787-1321.

**Department:** General Services  
**Location:** 505 North Office Building, Harrisburg, PA 17125  
**Contact:** Ms. Lisa Kettering, (717) 787-1321

**93690** Lease office space to the Commonwealth of PA. Proposals are invited to provide the Department of Public Welfare with 2,871 useable square feet of office space within both sides of Northern Pike from Stroschen Road to Mossie Boulevard and both sides of Mossie Boulevard from Northern Pike to the William Penn Highway, Monroeville, Allegheny County, PA. Downtown locations will be considered. For more information on SFP #93690 which is due on June 28, 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) 787-0952.

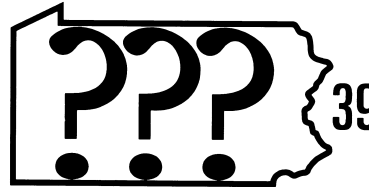
**Department:** Public Welfare  
**Location:** 505 North Office Building, Harrisburg, PA 17125  
**Contact:** Mrs. Cynthia T. Lentz, (717) 787-0952

**93693** Lease office space to the Commonwealth of PA. Proposals are invited to provide the Department of Labor and Industry with 5,196 useable square feet of office space within the City Limits of Pottsville, Schuylkill County, PA with a minimum parking requirement for 2 ADA vehicles. Downtown locations will be considered. For more information on SFP #93693 which is due on June 28, 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

**93694** Lease office space to the Commonwealth of PA. Proposals are invited to provide the Department of Labor and Industry with 1,560 useable square feet of office space within the City Limits of State College, Centre County, PA with a minimum parking requirement for 2 ADA vehicles. Downtown locations will be considered. For more information on SFP #93694 which is due on July 6, 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



### Miscellaneous

**SU-03-23** Service: Vendor shall furnish all necessary supervision, labor, tools, and equipment to demolish to scrap the existing coal hopper, grizzlies and damaged portion of the lid track channel. Supply and install a new 1/4" thick 304 stainless steel hopper; supply and install new carbon steel grizzly sections; supply and replace the carbon steel track channels for the hopper lid. New support for grating, grating must be removable. Hopper must have adjustable gate at discharge as per original drawings. Contractor required to remove demolished existing hopper, grating, and tracks. Work to be performed at the steam plant located on the campus of Shippensburg University and all work shall be completed by August 15, 2004. Vendors interested in receiving a bid package must fax a request to Mona Holtry, Shippensburg University, 1871 Old Main Drive, Shippensburg, PA 17257; Fax (717) 477-1350 or email [mmholt@wharf.ship.edu](mailto:mmholt@wharf.ship.edu). All responsible bidders are invited to participate including MBE/WBE firms.

**Department:** State System of Higher Education  
**Location:** Shippensburg University, 1871 Old Main Drive, Shippensburg, PA 17257

**Duration:** All work shall be completed by August 15, 2004  
**Contact:** Mona M. Holtry, (717) 477-1386

**KURFP-0073** Kutztown University is seeking proposals from qualified firms to provide serial subscription services for its campus library. The University currently houses up to 1,000 current journal newspaper titles in support of faculty and students. Interested firms must submit a written request to receive an RFP packet to: Kutztown University, Purchasing Department, Attn: Craig Kleinsmith, P. O. Box 730, Kutztown, PA 19530; Fax: (610) 683-4674; or e-mail to [kleinsmi@kutztown.edu](mailto:kleinsmi@kutztown.edu). RFP packets are available from May 24, 2004 through June 18, 2004. Questions prior to proposal submission must be submitted in writing no later than 12 noon on June 21, 2004. Proposals must be received by 2 PM on June 28, 2004. Late submissions will not be accepted.

**Department:** State System of Higher Education  
**Location:** Kutztown University, Kutztown, PA 19510  
**Duration:** 5 years  
**Contact:** Craig Kleinsmith, (610) 683-4774

[Pa.B. Doc. No. 04-938. Filed for public inspection May 21, 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*



