

# PENNSYLVANIA BULLETIN

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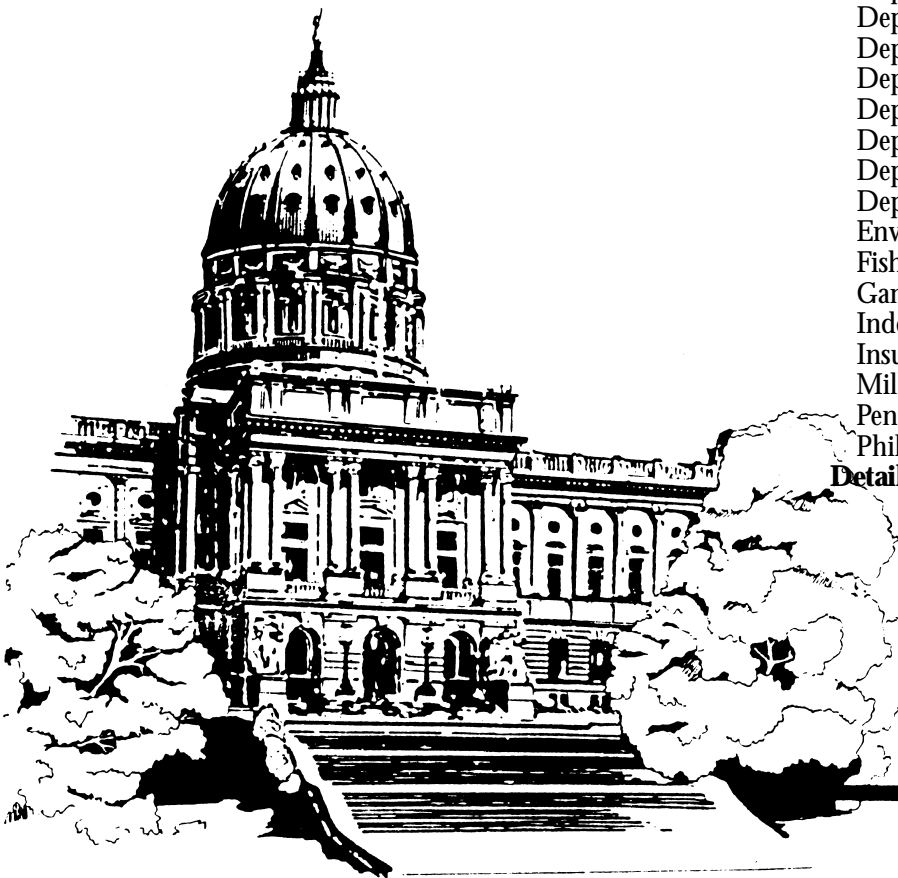
Saturday, June 12, 2004 • Harrisburg, Pa.

Pages 2979—3092

**Agencies in this issue:**

The Courts  
Department of Agriculture  
Department of Banking  
Department of Community and Economic  
Development  
Department of Conservation and Natural  
Resources  
Department of Corrections  
Department of Education  
Department of Environmental Protection  
Department of General Services  
Department of Health  
Department of Revenue  
Department of State  
Department of Transportation  
Environmental Hearing Board  
Fish and Boat Commission  
Game Commission  
Independent Regulatory Review Commission  
Insurance Department  
Milk Marketing Board  
Pennsylvania Public Utility Commission  
Philadelphia Regional Port Authority

**Detailed list of contents appears inside.**



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**No. 355, June 2004**

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# CONTENTS

## THE COURTS

### LOCAL COURT RULES

#### Beaver County

Objections to the consolidated return of the Tax Claim Bureau of Beaver County from an upset sale for delinquent taxes and petitions to disapprove a private sale; no. 10949 misc. 2004..... 2987

#### Carbon County

Adoption of local rules of judicial administration 101—title and citation of rules and 1901—prompt disposition of matters; termination of inactive cases; 04-1451; 72 MI 04; 04-9196..... 2991

Adoption of new local rules of criminal procedure and rescission of all old local rules of criminal procedure; 103 MI 00 ..... 2991

Amendment of criminal case management plan; 103 MI 00..... 2998

Criminal fee schedule for court appointed counsel in non-homicide and homicide cases; 71 MI 04 ..... 3008

#### Delaware County

Amendment of Orphans' Court local rule 6.11D(2); no. 00-3708..... 3009

### RULES OF EVIDENCE

Rule 601 comment changes..... 2987

### SUPREME COURT

Accreditation of the National Board of Trial Advocacy as a certifying organization; no. 29 disciplinary rules; doc. no. 1..... 3009

## EXECUTIVE AGENCIES

### DEPARTMENT OF AGRICULTURE

#### Notices

Fertilizer nutrient values..... 3019

### DEPARTMENT OF BANKING

#### Notices

Action on applications..... 3019

### DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

#### Notices

Weatherization assistance program public hearing .. 3020

### DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

#### Notices

Conservation and Natural Resources Advisory Council meeting ..... 3021

### DEPARTMENT OF CORRECTIONS

#### Proposed Rulemaking

Administration, State correctional institutions and facilities and release and prerelease programs..... 3010

### DEPARTMENT OF EDUCATION

#### Notices

Application of Carlow College for approval of university status..... 3021

### DEPARTMENT OF ENVIRONMENTAL PROTECTION

#### Notices

Applications, actions and special notices..... 3021  
Public meeting and request for comment for the proposed total maximum daily load (TMDL):

Big Run Watershed in Clearfield County ..... 3070

Birch Island Run Watershed in Clinton County..... 3071

Reopening of the site assessment grant program..... 3072

State Board for Certification of Water and Wastewater Systems Operators meeting ..... 3072

### DEPARTMENT OF GENERAL SERVICES

#### Notices

State contracts information..... 3089

State surplus property ..... 3072

### DEPARTMENT OF HEALTH

#### Notices

Applications for exception:

Albert Einstein Healthcare Network MossRehab/ Einstein @ Elkins Park ..... 3073

Main Line Spine..... 3073

UPMC Bedford Memorial..... 3073

### DEPARTMENT OF REVENUE

#### Notices

Realty Transfer Tax; 2003 common level ratio real estate valuation factors ..... 3074

### DEPARTMENT OF STATE

#### Notices

State Plan Advisory Board meeting ..... 3074

### DEPARTMENT OF TRANSPORTATION

#### Notices

Disadvantaged business enterprise participation in: Federal Aviation Administration funded contracts ..... 3074

Federal Highway Administration funded contracts ..... 3076

Federal Transit Administration funded contracts ..... 3077

### ENVIRONMENTAL HEARING BOARD

#### Notices

Grand Central Sanitary Landfill, Inc. v. DEP; EHB doc. no. 2004-114-MG ..... 3078

### FISH AND BOAT COMMISSION

#### Notices

Time restriction, Shehawken Access, West Branch, Delaware River; alcohol restrictions at various access areas; Wayne County ..... 3078

---

**Now Available Online at <http://www.pabulletin.com>**

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**GAME COMMISSION****Proposed Rulemaking**

Hunting and trapping; protective material.....	3016
Special permits; taxidermy .....	3017
Wildlife:	
Feeding .....	3015
Release .....	3015

**INDEPENDENT REGULATORY REVIEW COMMISSION****Notices**

Actions taken by the Commission.....	3078
Notice of comments issued .....	3079
Notice of filing of final rulemakings.....	3080

**INSURANCE DEPARTMENT****Notices**

Agency contract termination of The Lauersen Agency, Inc. under Act 143; Mercer Mutual Insurance Company; doc. no. AT04-05-045 .....	3080
Alleged violation of insurance laws; Allen J. Perry; doc. no. SC04-05-047 .....	3080
Application for approval to acquire control.....	3081
Dolsky, Richard, M.D. (McNamee); hearing .....	3081
Dolsky, Richard, M.D. (Mellow); hearing.....	3081
Germantown Hospital (Gioiso); prehearing.....	3082
Highmark Inc. d/b/a Highmark Blue Shield; rate increase for community group medical/surgical products for Blue Cross of Northeastern PA and Independence Blue Cross plan areas; rate filing.....	3082

Jones, Wendell E., M.D. (DeBold); prehearing.....	3082
Nazareth Hospital (Lavin); prehearing .....	3083
Nazareth Hospital (Montgomery); prehearing.....	3083
Nazareth Hospital (Troxell); prehearing .....	3083
Philadelphia College of Osteopathic Medicine (Carpenter); hearing .....	3084
Philadelphia College of Osteopathic Medicine (Lilly); hearing .....	3084
Philadelphia College of Osteopathic Medicine (Morgan); hearing .....	3084
Philadelphia College of Osteopathic Medicine (Zelenik); hearing.....	3085
Review procedure hearings; cancellation or refusal of insurance (2 documents) .....	3085, 3086
Review procedure hearings under the Unfair Insurance Practices Act .....	3086

**MILK MARKETING BOARD****Notices**

Hearing and presubmission schedule for all milk marketing areas; school milk in 8-ounce plastic containers.....	3087
---	------

**PENNSYLVANIA PUBLIC UTILITY COMMISSION****Notices**

Service of notice of motor carrier applications.....	3087
Telecommunications.....	3088

**PHILADELPHIA REGIONAL PORT AUTHORITY****Notices**

Request for bids .....	3088
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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.

**1 Pa. Code (General Provisions)**

**Adopted Rules**

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

**4 Pa. Code (Administration)**

**Adopted Rules**

1 ..... 2057, 2685  
 5 ..... 366, 2287  
 6 (with correction) ..... 366, 2162, 2164, 2288  
 91 ..... 1442  
 93 ..... 1442  
 95 ..... 1442  
 97 ..... 1442  
 99 ..... 1442  
 101 ..... 1442  
 105 ..... 1442  
 110 ..... 1442

**Statements of Policy**

9 ..... 855, 1234, 1335, 1337, 1966, 2075, 2332, 2830  
 114 ..... 63

**7 Pa. Code (Agriculture)**

**Adopted Rules**

138 ..... 2421  
 138e ..... 2421  
 138l ..... 2421

**Proposed Rulemaking**

76 ..... 831  
 104 ..... 561

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

**Statements of Policy**

123 ..... 488

**22 Pa. Code (Education)**

**Adopted Rules**

14 ..... 2324  
 403 ..... 2975

**25 Pa. Code (Environmental Protection)**

**Adopted Rules**

86 ..... 388  
 109 ..... 1758, 1762  
 207 ..... 2041

**Proposed Rulemaking**

93 ..... 2067  
 401 ..... 1329

**28 Pa. Code (Health and Safety)**

**Adopted Rules**

25 ..... 2711, 2808  
 1001 ..... 677  
 1003 ..... 677  
 1005 ..... 677  
 1007 ..... 677  
 1051 ..... 677

**31 Pa. Code (Insurance)**

**Proposed Rulemaking**

147 ..... 844  
 151 ..... 850

**34 Pa. Code (Labor and Industry)**

**Adopted Rules**

401 ..... 319  
 403 ..... 319  
 405 ..... 319

**Statements of Policy**

123 ..... 1684

**37 Pa. Code (Law)**

**Proposed Rulemaking**

42 ..... 853  
 91 ..... 3010  
 93 ..... 3010  
 94 ..... 3010

**Statements of Policy**

200 ..... 2573

**49 Pa. Code (Professional and Vocational Standards)**

**Adopted Rules**

3 (with correction) ..... 1574, 1683  
 7 ..... 2467  
 9 ..... 235  
 11 ..... 1768  
 13 ..... 39  
 16 ..... 40  
 18 ..... 43  
 23 ..... 1453  
 25 ..... 47  
 31 ..... 388  
 33 ..... 2326

**Proposed Rulemaking**

9 ..... 1948  
 13 ..... 1961  
 16 ..... 56, 1963  
 21 ..... 851  
 25 ..... 58, 563  
 29 ..... 565  
 31 ..... 1331  
 33 ..... 1949  
 35 ..... 61  
 39 ..... 55  
 41 ..... 60

**52 Pa. Code (Public Utility)**

**Proposed Rulemaking**

62 ..... 2071  
 63 ..... 1784, 1795

**55 Pa. Code (Public Welfare)**

**Adopted Rules**

3040 ..... 1575

**Proposed Rulemaking**

285 ..... 1774

**Statements of Policy**

6000 ..... 1234

**58 Pa. Code (Recreation)**

**Adopted Rules**

63 ..... 1231, 1232  
 65 ..... 1231  
 93 ..... 1231, 1232  
 141 ..... 2328, 2825

143 ..... 2826  
 147 ..... 2329, 2827, 2828  
 147a ..... 2329  
 147b ..... 2329

**Proposed Rulemaking**

63 ..... 1457  
 65 ..... 1458, 1460, 1461  
 135 ..... 1941  
 137 ..... 3015  
 139 ..... 1776  
 141 ..... 484, 1781, 1941, 3016  
 143 ..... 484, 1782, 1944  
 147 ..... 485, 486, 1946, 3017

**61 Pa. Code (Revenue)**

**Adopted Rules**

872 ..... 50

**64 Pa. Code (Securities)**

**Adopted Rules**

207 ..... 1940

**67 Pa. Code (Transportation)**

**Adopted Rules**

175 ..... 1327

**Proposed Rulemaking**

103 ..... 843  
 212 ..... 951

**Statements of Policy**

86 ..... 567  
 88 ..... 567

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

**Adopted Rules**

71 ..... 2062, 2063  
 81 ..... 9, 2537  
 83 ..... 1547, 2537  
 85 ..... 948  
 87 ..... 948  
 89 ..... 948

**Proposed Rulemaking**

71 ..... 1749  
 81 ..... 1752  
 83 ..... 1749

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

**Adopted Rules**

1 ..... 1670  
 9 ..... 1670  
 11 ..... 1670  
 13 ..... 1670  
 15 ..... 1670  
 17 ..... 1670  
 19 ..... 2064  
 21 ..... 1320, 2688  
 31 ..... 2688  
 37 ..... 2688  
 65 ..... 379

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

**Adopted Rules**

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

**Proposed Rulemaking**

I ..... 2689  
 VI ..... 2987

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

**Adopted Rules**

200 ..... 9, 557  
 400 ..... 9  
 1000 ..... 9, 1926  
 1300 ..... 22  
 1500 ..... 9  
 1600 ..... 9  
 1900 ..... 1754  
 1910 ..... 1754  
 1915 ..... 1754  
 1920 ..... 1754  
 1930 ..... 1754  
 2000 ..... 9  
 2020 ..... 9  
 2050 ..... 9  
 2100 ..... 9  
 2120 ..... 9  
 2150 ..... 9  
 2170 ..... 9  
 2200 ..... 9  
 2220 ..... 9  
 2250 ..... 9  
 2300 ..... 9  
 2320 ..... 9  
 2350 ..... 9  
 2950 ..... 22  
 3000 ..... 9, 22  
 4000 ..... 9, 1926

**Proposed Rulemaking**

3000 ..... 476  
 3300 ..... 476

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

**Adopted Rules**

1 ..... 1547, 1671, 1929, 2541, 2910  
 4 ..... 1547, 1929  
 5 ..... 1547, 1932, 2543, 2910  
 7 ..... 1547  
 9 ..... 1547, 1671

**Proposed Rulemaking**

1 ..... 1429  
 4 ..... 34  
 6 ..... 2543

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

**Adopted Rules**

300 ..... 2464  
 400 ..... 2465

**Proposed Rulemaking**

200 ..... 480  
 300 ..... 480  
 500 ..... 480  
 1000 ..... 1933

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

Unclassified ..... 36

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

Unclassified ..... 37, 231, 379, 482, 483, 557, 829,  
 830, 949, 1229, 1230, 1320, 1321, 1326, 1433  
 1570, 1571, 1573, 1674, 1936, 1937, 2289, 2312,  
 2545, 2551, 2690, 2704, 2705, 2706, 2710, 2798,  
 2801, 2912, 2914, 2987, 2991, 2998, 3008, 3009



# THE COURTS

## Title 225—RULES OF EVIDENCE

[225 PA. CODE ART. VI]

### Rule 601 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 601. This Comment Revision is being proposed to alert the bench and bar to the adoption by the Supreme Court of the concept of "taint" in 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.

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 15, 2004.

By the Committee on Rules of Evidence

CHARLES B. GIBBONS,  
Chair

### Annex A

## TITLE 225. RULES OF EVIDENCE

### ARTICLE VI. WITNESSES

#### Rule 601. Competency.

\* \* \* \* \*

#### Comment

\* \* \* \* \*

The competency of a child witness may be impaired or tainted by the implantation of false memories or the distortion of real memories caused by improper interview techniques, suggestive questioning, vilification of a party, or interview bias. *Commonwealth v. Delbridge*, \_\_\_ A.2d \_\_\_ (Pa. 2003). *Delbridge* is consistent with Pa.R.E. 601(b)(3). If a party challenges the competency of a child witness and offers some evidence that the child's memory may have been impaired or tainted in this way, the trial court must explore this question in the competency hearing. *Commonwealth v. Delbridge*, supra. The party challenging the competency of the child witness must establish that the

child is incompetent by clear and convincing evidence. *Commonwealth v. Delbridge*, supra.

Pa.R.E. 601(b) does not address the admissibility of hypnotically refreshed recollection. In *Commonwealth v. Nazarovitch*, 496 Pa. 97, 436 A.2d 170 (1981), the Supreme Court rejected hypnotically refreshed testimony, where the witness had no prior independent recollection. Applying the test of *Frye v. United States*, 293 F. 1013 (D.C. Cir. 1923) for scientific testimony, the Court was not convinced that the process of hypnosis as a means of restoring forgotten or repressed memory had gained sufficient acceptance in its field. *Commonwealth v. Nazarovitch*, supra; see also *Commonwealth v. Romanelli*, 522 Pa. 222, 560 A.2d 1384 (1989) (when witness has been hypnotized, he or she may testify concerning matters recollected prior to hypnosis, but not about matters recalled only during or after hypnosis); *Commonwealth v. Smoyer*, 505 Pa. 83, 476 A.2d 1304 (1984) (same). Pa.R.E. 601(b) is not intended to change these results. For the constitutional implications when a defendant in a criminal case, whose memory has been hypnotically refreshed, seeks to testify, see *Rock v. Arkansas*, 483 U.S. 44 (1987).

### REPORT

#### Proposed Revision of the Comment to Pa.R. E. 601

#### 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. 601.

This Comment revision is being proposed to alert the bench and bar to the introduction of a new concept in Pennsylvania for determining the competency of a child witness. Heretofore, evidence that the child's testimony had been influenced by improper suggestive techniques was admissible on the issue of credibility only. In *Commonwealth v. Delbridge*, \_\_\_ A.2d \_\_\_ (2003), the Supreme Court recognized that suggestive techniques could "taint" the child's testimony to such a degree as to render the child incompetent to testify.

[Pa.B. Doc. No. 04-997. Filed for public inspection June 11, 2004, 9:00 a.m.]

## Title 255—LOCAL COURT RULES

### BEAVER COUNTY

Objections to the Consolidated Return of the Tax Claim Bureau of Beaver County from an Upset Sale for Delinquent Taxes and Petitions to Disapprove a Private Sale; No. 10949 Misc. 2004

#### Standing Order of Court

The provisions set forth in this order shall govern the procedure in (a) all Objections to the Consolidated Return

of the Tax Claim Bureau of Beaver County from an Upset Sale for Delinquent Taxes, (b) all Petitions to Disapprove a Private Sale of Property Not Sold Because of Insufficient Bid at the Upset Sale, (c) all Applications for Judicial Sale of Real Property, (d) all Requests to Prohibit Judicial Sales of Real Property, and (e) all Requests to Set Aside Judicial Sales of Real Property.

As used in this Standing Order, an "Objection" is an Objection to the Sale of a Property at an Upset Sale for Delinquent Taxes (See 72 P. S. §§ 5860.601 through 5860.607), a "Petition" is a Petition to Disapprove a Private Sale of Property Not Sold Because of Insufficient Bid at the Upset Sale (See 72 P. S. §§ 5860.613 through 5860.615), "Application" is an Application to Sell Real Property at Judicial Sale (See 72 P. S. §§ 5860.610 through 5860.612), and "Request" is a Request to Prohibit a Judicial Sale of Real Property or a Request to Set Aside a Judicial Sale of Real Property (See 72 P. S. §§ 5860.610 through 5860.612).

1. The Prothonotary shall establish a special, separate numbering system and sequence to assign separate case numbers to the Consolidated Return of the Tax Claim Bureau of Beaver County from an Upset Sale for Delinquent Taxes, Objections, Petitions, Applications and Requests. The docketing of these matters shall be at the number assigned within this system and sequence. All Objections, Petitions, Applications, and Requests shall be assigned the next available docket number within this special, separate numbering system.

2. All Objections and Petitions shall contain a caption which designates it as an "Objection" or a "Petition" and which includes the identity of the delinquent taxpayer,

the property address, the tax parcel number of the property and the name of the purchaser at the Upset or Private Sale. All Applications and Requests shall contain a caption which designates it as an "Application" or a "Request" and which includes the identity of the delinquent taxpayer, the property address, the tax parcel number of the property and the name of the purchaser, if any, at the Judicial Sale. These captions shall be substantially in the form set forth in Paragraphs 6, 7, 8, 9 and 10 of this Order.

3. The Prothonotary shall initiate and maintain an individual file folder for each Objection, Petition, Application, and Request as defined herein. The Prothonotary shall also continue to initiate and maintain an individual file folder for the Consolidated Return of the Tax Claim Bureau of Beaver County from an Upset Sale for Delinquent Taxes. Henceforth, these files will be maintained in the filing sequence and system specified herein.

4. The Court requests the Court Administrator, the County Solicitor and the Law Librarian co-operate to have this order and its attachments appended to the Local Rules that are published on-line.

5. If the County Solicitor, Tax Claim Bureau or any interested party correctly notifies a filer of a Petition, Objection, Application, or Request that the same is not in compliance with this Standing Order and provides a copy of this Standing Order with that notice, the filer will have 10 working days in which to file an amended Petition, Objection, or Application that complies. If such amendment is not filed, the filer may be subject to sanctions.

6. Illustration of Caption for Objections:

IN THE COURT OF COMMON PLEAS OF BEAVER COUNTY, PENNSYLVANIA	
JOHN DOE,	: CIVIL DIVISION
	: :
Objector	: :
	: Upset Tax Sale
V.	: Objections
	: :
BEAVER COUNTY—TAX CLAIM BUREAU	: :
	: No. XXX57 of 2004
	: :
IN RE:	: :
	: :
CONSOLIDATED RETURN OF THE TAX	: :
CLAIM BUREAU OF THE COUNTY OF	: :
BEAVER FROM THE SEPTEMBER X, 20XX	: :
UPSET SALE FOR DELINQUENT TAXES	: :
	: :
	: :
	: :

SUBJECT PROPERTY: Beaver County Tax Parcel # 99-002-4444.000-01-1 ADDRESS OF SUBJECT PROPERTY: 321 High Street, Ohioville, PA 15XXX PUTATIVE PURCHASER: R. Smith
--

OBJECTIONS TO UPSET TAX SALE OF PROPERTY

7. Illustration of Caption for Petitions:

IN THE COURT OF COMMON PLEAS OF BEAVER COUNTY, PENNSYLVANIA	
JOHN DOE,	: CIVIL DIVISION
	: :
Petitioner	: :
V.	: Petition to Disapprove
	: Private Sale
	: :
BEAVER COUNTY—TAX CLAIM BUREAU	: :
_____	: No. XXX57 of 2004
	: :
IN RE:	: :
	: :
PRIVATE SALE OF REAL PROPERTY	: :
PURSUANT TO 72 P. S. § 5860.613	: :
	: :
	: :
	: :
	: :
	: :
	: :

SUBJECT PROPERTY: Beaver County Tax Parcel # 99-002-4444.000-01-1 ADDRESS OF SUBJECT PROPERTY: 321 High Street, Ohioville, PA 15XXX PUTATIVE PURCHASER: R. Smith
--

PETITION TO DISAPPROVE A PRIVATE SALE OF PROPERTY UNSOLD BECAUSE OF INSUFFICIENT BID AT THE UPSET SALE

8. Illustration of Caption for Applications:

IN THE COURT OF COMMON PLEAS OF BEAVER COUNTY, PENNSYLVANIA	
	: CIVIL DIVISION
	: :
	: :
IN RE:	: Application for Judicial
	: Sale of Real Property
	: :
APPLICATION OF THE BEAVER COUNTY	: :
TAX CLAIM BUREAU TO CONDUCT A	: :
JUDICIAL SALE OF REAL PROPERTY	: No. XXX57 of 2004
PURSUANT TO 72 P. S. § 5860.613 ON	: :
XXXXXX, XX, 20XX	: :
	: :
	: :
	: :
	: :
	: :
	: :
	: :
	: :
	: :

APPLICATION FOR PERMISSION TO CONDUCT A JUDICIAL SALE OF REAL PROPERTY

9. Illustration of Caption for Request to Prohibit Judicial Sale:

IN THE COURT OF COMMON PLEAS OF BEAVER COUNTY, PENNSYLVANIA

JOHN DOE,	:	CIVIL DIVISION
	:	
Requester	:	
	:	Request to Prohibit
V.	:	Judicial Sale of
	:	Real Property
BEAVER COUNTY—TAX CLAIM BUREAU	:	
_____	:	No. XXX57 of 2004
	:	
IN RE:	:	
	:	
APPLICATION OF THE BEAVER COUNTY	:	
TAX CLAIM BUREAU TO CONDUCT A	:	
JUDICIAL SALE OF REAL PROPERTY	:	
PURSUANT TO 72 P. S. § 5860.613 ON	:	
XXXXXX, XX, 20XX	:	
	:	

SUBJECT PROPERTY: Beaver County Tax Parcel # 99-002-4444.000-01-1  
 ADDRESS OF SUBJECT PROPERTY: 321 High Street, Ohioville, PA 15XXX  
 CURRENT OWNER: R. Smith

REQUEST TO PROHIBIT A JUDICIAL SALE OF REAL PROPERTY

10. Illustration of Caption for Request to Set Aside a Judicial Sale:

IN THE COURT OF COMMON PLEAS OF BEAVER COUNTY, PENNSYLVANIA

JOHN DOE,	:	CIVIL DIVISION
	:	
Requester	:	
	:	Request to Set Aside
V.	:	Judicial Sale of
	:	Real Property
BEAVER COUNTY - TAX CLAIM BUREAU	:	
_____	:	No. XXX57 of 2004
	:	
IN RE:	:	
	:	
APPLICATION OF THE BEAVER COUNTY	:	
TAX CLAIM BUREAU TO CONDUCT A	:	
JUDICIAL SALE OF REAL PROPERTY	:	
PURSUANT TO 72 P. S. § 5860.613 ON	:	
XXXXXX, XX, 20XX	:	
	:	

SUBJECT PROPERTY: Beaver County Tax Parcel # 99-002-4444.000-01-1  
 ADDRESS OF SUBJECT PROPERTY: 321 High Street, Ohioville, PA 15XXX  
 PUTATIVE PURCHASER: R. Smith

REQUEST TO SET ASIDE A JUDICIAL SALE OF REAL PROPERTY

11. Any party filing an Objection, Petition, or Request shall serve a true and correct copy of the same upon the Beaver County Solicitor’s Office, the Beaver County Tax Claim Bureau, and any putative purchaser within 10 working days of the filing. The filing party shall also file a written and verified proof of such service.

12. This Order shall be effective thirty (30) days after publication in the *Pennsylvania Bulletin*. The Prothonotary shall submit certified copies of this order 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 Civil Procedural Rules Committee of the Pennsylvania Supreme Court; one (1) with the Law Library of Beaver County; and one (1) shall be kept continuously available for public inspection and copying in the office of the Prothonotary of Beaver County.

*By the Court*

ROBERT E. KUNSELMAN,  
*President Judge*

[Pa.B. Doc. No. 04-998. Filed for public inspection June 11, 2004, 9:00 a.m.]

### CARBON COUNTY

#### Adoption of Local Rules of Judicial Administration 101—Title and Citation of Rules and 1901—Prompt Disposition of Matters; Termination of Inactive Cases; 04-1451; 72 MI 04; 04-9196

##### Administrative Order No. 12-2004

*And Now*, this 28th day of May, 2004, it is hereby *Ordered and Decreed* that, effective July 1, 2004, Carbon County *Adopts* new Local Rules of Judicial Administration 101 governing the title and citation of rules and Local Rule 1901 governing the prompt disposition of matters and termination of inactive cases.

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

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

*By the Court*

RICHARD W. WEBB,  
*President Judge*

#### Rule 101. Title and Citation of Rules.

All local Rules of Judicial Administration adopted by the Court of Common Pleas of Carbon County under the authority of Pa.R.J.A.101 shall be known as the Carbon County Local Rules of Judicial Administration and shall be cited as "CARB.R.J.A. \_\_\_\_\_."

#### Rule 1901. Prompt Disposition of Matters; Termination of Inactive Cases.

The Prothonotary, Register of Wills/Orphans' Court, Clerk of Courts and District Courts shall prepare a list of all cases in which no steps or proceedings have been taken for two years or more for call on the first Monday of December of each year. Notice shall be given to all

parties and/or attorneys and, if no good cause is shown, the Court shall enter an order dismissing the proceedings.

[Pa.B. Doc. No. 04-999. Filed for public inspection June 11, 2004, 9:00 a.m.]

### CARBON COUNTY

#### Adoption of New Local Rules of Criminal Procedure and Rescission of All Old Local Rules of Criminal Procedure; 103 MI 00

##### Administrative Order No. 9-2004

*And Now*, this 28th day of May, 2004, in order to implement Title 234—Rules of Criminal Procedure adopted March 3, 2004, effective July 1, 2004, it is hereby

*Ordered and Decreed* that, effective July 1, 2004, Carbon County *Adopts* new Local Criminal Rules of Procedure and hereby *Rescinds*, effective June 30, 2004, all old Local Criminal Rules adopted February 20, 2001, effective April 1, 2001.

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

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

*By the Court*

RICHARD W. WEBB,  
*President Judge*

#### Rule 102. Citing the Criminal Procedural Rules

All local criminal procedural rules adopted by the Court of Common Pleas of Carbon County under the authority of Pa.R.Crim.P. 105 shall be known as the Carbon County Local Rules of Criminal Procedure and shall be cited as "CARB.R.Crim.P. \_\_\_\_\_."

#### Rule 120. Attorneys—Appearances and Withdrawals

The Entry of Appearance required under Pa.R.Crim.P.120 (A) shall be substantially in the form as attached hereto.

IN THE COURT OF COMMON PLEAS OF CARBON  
COUNTY, PENNSYLVANIA  
CRIMINAL DIVISION

COMMONWEALTH OF PENNSYLVANIA :  
 : D.J.ID # \_\_\_\_\_  
-vs.- : O.T.N. # \_\_\_\_\_  
 : C.P. ID # \_\_\_\_\_  
 :  
\_\_\_\_\_ :  
Defendant :

ENTRY OF APPEARANCE

TO: CLERK OF COURTS—CRIMINAL DIVISION  
KINDLY ENTER MY APPEARANCE IN THE ABOVE  
CAPTIONED CASE ON BEHALF OF:

\_\_\_\_\_  
Attorney for Party Named Above and Bar ID Number

\_\_\_\_\_  
Firm

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip Code

\_\_\_\_\_  
Telephone Number

\_\_\_\_\_  
Fax Number for Service of Papers (Optional)

Date: \_\_\_\_\_  
Signature

**Rule 202. Approval of Search Warrant Application by Attorney for Commonwealth—Local Option**

The District Attorney of Carbon County, having filed on January 22, 2001 a certification pursuant to Pa.R.Crim.P. 202(A), search warrants in all circumstances shall not hereafter be issued by any judicial officer unless the search warrant application has the approval of an attorney for the Commonwealth prior to filing.

**Rule 507. Approval of Police Complaints and Arrest Warrant Affidavits by Attorney for the Commonwealth—Local Option**

The District Attorney of Carbon County, having filed on January 22, 2001 a certification pursuant to Pa.R.Crim.P. 507, criminal complaints and arrest warrant affidavits by police officers, as defined in the Rules of Criminal Procedures, charging one or more felony or misdemeanor of the first, second, or third degree, shall not hereafter be accepted by any judicial officer unless the complaint and affidavit has the approval of an attorney for the Commonwealth prior to filing.

**Rule 528(D)(3) and (4). Monetary Condition of Release on Bail**

(A) The defendant or a third party surety may post realty as security for bail. When posting realty as bail, a licensed real estate broker shall perform a written appraisal of the fair market value.

(B) Upon receipt of the written appraisal, a determination will be made whether the actual net value is at least equal to the amount of the bond, and, if sufficient, realty will be accepted as consideration for bail.

(C) A given piece of realty shall be used as bail only if it has not been posted or is not presently being used for bail for any other charges for defendants unless the Court has given approval.

(D) The Clerk of Courts shall enter a judgment of record in favor of the County of Carbon on any realty posted as bail for the full amount of the undertaking. The depositor shall pay a fee, which is established by the Prothonotary, for the cost of recording and satisfying the Judgment of Record to the Clerk of Courts upon the posting of the realty.

**Rule 530. Duties and Powers of a Bail Agency**

The Pretrial Services Division of the Adult Probation Office shall be appointed the bail agency for the Court of Common Pleas of Carbon County to monitor and assist defendants released on bail pursuant to Pa.R.Crim.P. 530, except for administering the percentage cash bail.

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

The Clerk of Courts shall retain \$75.00 of the amount deposited as an administrative fee. Any moneys deposited by a third party surety shall be returned in full less the administrative fee.

Where realty has been posted as bail, the Clerk of Courts shall satisfy the Judgment of Record.

**Rule 570. Pretrial Conference**

(A) In addition to the provisions of Pa.R.Crim.P. 570, the District Attorney shall conduct a status conference with defense counsel, defendant and, if unrepresented, the defendant on all cases that have not resulted in written agreements at the preliminary hearing level.

(B) Prior to the Defendant's status conference, the District Attorney shall obtain data of the prior criminal convictions, if any, of the defendant and shall calculate the prior record score for guideline sentencing purposes.

(C) At the status conference, the District Attorney shall make the Sentencing Guideline Report available to defense counsel, defendant, and, if unrepresented, the defendant.

(D) At the end of the status conference, written stipulations for pleas, trials, or other dispositions shall be completed signed by the District Attorney/Assistant District Attorney, defense counsel, and defendant. The original stipulation shall be filed in the Clerk of Court's office and service made pursuant to Pa.R.Crim.P. 576.

**Rule 571. Arraignment**

Arraignments in non-capital cases shall be conducted by the District Attorney.

**Rule 590. Plea and Plea Agreements**

When counseling a defendant relative to the entry of a plea of guilty or nolo contendere, counsel shall review and explain to the defendant the contents of the Guilty Plea Colloquy form or Nolo Contendere Colloquy form, which are attached hereto. If the Defendant is charged and to be sentenced under Megan's Law, counsel shall review the attached Megan's Law Supplement To Guilty Plea Colloquy form as required by 42 Pa.C.S.A. § 9795.3(6). Such forms shall be initialed and signed by the defendant. Defendant counsel's signature thereon shall constitute a certification by the attorney that he/she has read, discussed, and explained the plea form and, if required, the Megan Law form to the defendant, and that to the best of his/her knowledge, information, or belief, his/her client understands what he/she is doing by entering his/her plea.

Guilty Plea Colloquy and Megan Law Supplement forms shall be filed in open Court at the time of entry of any plea of guilty or nolo contendere.

IN THE COURT OF COMMON PLEAS OF CARBON COUNTY, PENNSYLVANIA CRIMINAL DIVISION

COMMONWEALTH OF PENNSYLVANIA :
-vs.- : NO.
Defendant :

GUILTY PLEA COLLOQUY

You are present before this Court because you or your lawyer have stated that you wish to plead guilty to some or all of the criminal offenses with which you have been charged. Please answer fully all the questions on this document. If you do not understand any explanations given to you on this document, say so by putting the word "no" in the blank provided after the questions. If you do understand the questions, you should write in the word "yes." None of the lines should be left blank.

After you have finished reading this and filling it out, you should sign it on the last page, on the line that says "Defendant." You should also initial each page at the bottom, but only if you have read and have understood that page. If there is anything that you do not understand, you should say so in writing on this form. You should also tell your lawyer and the Judge who hears your case, so that they can explain it to you fully, to make sure you understand all your rights.

Most of these questions are designed to be answered "yes" or "no." Where general information is asked for, however, please answer fully.

- 1. What is your full name?
2. Are you known by any other name or alias?
3. If the answer to Number 2 is "yes" state the other name or aliases.
4. What is your date of birth?
5. What was the last grade completed in school?
6. Can you read, write and understand the English language?
7. As you appear before the Court today to enter a guilty plea, are you under the influence of alcohol or any kind of drugs?
8. Have you ever been a patient in a mental institution or have you ever been treated for a mental illness?
9. If the answer to Number 8 is "yes," please explain the details.
10. Are you currently being treated for a mental illness?
11. If the answer to Number 10 is "yes," explain the details.
12. If you are presently being treated for a mental illness, do you feel that you have sufficient mental capacity to understand what you are doing today, and to understand these questions and answer them correctly?

13. Do you understand that you are here today to enter a guilty plea to some or all of the charges against you?

14. Do you understand the nature of the offenses to which you are pleading guilty?

15. Has your lawyer explained to you the elements of the criminal offenses to which you are pleading?

16. Do you admit to committing the offenses to which you are pleading guilty and to the legal elements explained to you making up those offenses?

17. Do you understand that you have a right to a trial by jury?

18. Do you understand that the right to trial by jury means that you can participate in the selection of a jury with your attorney; that the jury is randomly selected from the voter registration list of Carbon County and a cross-section of the citizens of Carbon County, and that the jury has to agree unanimously on your guilt before you can be convicted of the offenses with which you are charged?

19. Do you understand that you are presumed innocent until found guilty? In other words, do you understand that the Commonwealth must prove your guilt beyond a reasonable doubt before you can be convicted of the offenses charged?

20. Do you understand that the Commonwealth has the burden of proving you guilty beyond a reasonable doubt, which means you can remain silent and nothing can be held against you for refusing to testify in your own defense?

21. Do you understand that you have a right to confront and cross-examine all Commonwealth witnesses in your case who are necessary to prove your guilt?

22. Do you understand that by pleading guilty you are waiving that right of confrontation and cross-examination?

23. Do you realize that by pleading guilty you are giving up your right to present any pre-trial motions for consideration to this or a higher Court in the event those motions are denied?

24. Do you realize that if you were convicted after a trial you could appeal the verdict to a higher Court and raise any errors that were committed in the trial Court, and that this could result in your being awarded a new trial or discharged, and that by pleading guilty you are giving up this right?

25. Do you realize that if you were convicted after a trial you could appeal the verdict to a higher Court and you could also challenge whether the Commonwealth had presented enough evidence to prove you guilty beyond a reasonable doubt?

26. Are you aware that the Court is not bound by the terms of any plea agreement entered into between you, your counsel and the Attorney for the Commonwealth, until the Court accepts such plea agreement?

27. Do you understand that the Court is not a party to any agreement or recommendation made by the parties and that any recommendation and/or stipulation regarding sentence is not binding on the Court and you knowingly waive the right to withdraw this plea if the Court does not concur in the recommended sentence?

28. Are you aware of the permissible range of sentence and/or fines that can be imposed for the offenses to which you are pleading guilty? \_\_\_\_\_

29. Are you aware of the maximum sentence and/or fine, which the Court could impose upon you for each of the offenses to which you are pleading guilty? \_\_\_\_\_

30. Do you understand that any sentence imposed upon you for any of the offenses to which you are pleading guilty can be imposed consecutively to either (a) any sentence imposed upon you for any other offense for which you are pleading guilty in this case; or (b) any sentence imposed upon you in any other case? \_\_\_\_\_

31. Do you understand that "consecutive" sentences means that one sentence will follow after another and that "consecutive" sentences do not run at the same time? \_\_\_\_\_

32. Do you understand that the aggregate maximum sentence you could receive if you are pleading guilty to multiple offenses is the total of all maximum sentences for all the offenses added together? \_\_\_\_\_

33. Do you understand that you have a right to have witnesses present at your guilty plea hearing to testify for you? Are you willing to give up that right and have the Attorney for the Commonwealth summarize the facts against you? \_\_\_\_\_

34. After you enter your guilty plea and it is accepted by the Court, you still have a right to appeal your conviction. The appeal from a guilty plea is limited, however, to four grounds. They are:

(a) that your guilty plea was not knowing, intelligent and voluntary;

(b) that the Court did not have jurisdiction to accept your plea (in other words, the offenses for which you are pleading guilty did not occur in Carbon County);

(c) that the Court's sentence is beyond the maximum penalty authorized by law; and

(d) that your attorney was incompetent in representing you and advising you to enter a plea of guilty

Do you understand these four areas of appeal and what they mean? \_\_\_\_\_

In order to appeal your conviction by a plea of guilty, you must within ten (10) days file a written motion to withdraw your guilty plea and state any of the four above grounds as the basis for your petition to withdraw your guilty plea. This must be done within ten (10) days from the date you are sentenced. If you cannot afford a lawyer to represent you or you are contending that your attorney, who represented you at your guilty plea, was incompetent, you have the right to have other counsel appointed for you to raise those four claims. If your petition to withdraw your guilty plea is denied, you then have thirty (30) days to file an appeal from that denial with the Superior Court of Pennsylvania.

If you do not file your petition within ten (10) days of your sentence or do not file a Notice of Appeal to the Superior Court within thirty (30) days after your petition to withdraw your guilty plea is denied, you give up your right to ever complain again of any of those four areas, including incompetent counsel.

Do you understand the meaning of the various appeal rights that have just been explained to you? \_\_\_\_\_

35. Has anybody forced you to enter this plea of guilty? \_\_\_\_\_

36. Are you doing this of your own free will? \_\_\_\_\_

37. Have any threats been made to you to enter a plea of guilty? \_\_\_\_\_

38. Have any promises been made to you to enter a plea of guilty other than any plea agreement that has been negotiated for you by your attorney? \_\_\_\_\_

39. Do you understand that the decision to enter a guilty plea is yours and yours alone; that you do not have to enter a plea of guilty and give up all your rights, as previously explained to you and that no one can force you to enter a guilty plea? \_\_\_\_\_

40. Do you understand that if your plea is accepted by this Honorable Court, you would have the right to have a Pre-Sentence Report prepared on your behalf to aid the Judge in determining the appropriate sentence to be imposed upon you? Since this is a plea bargain, are you willing to waive the preparation of the pre-sentence investigation? \_\_\_\_\_ (if applicable)

41. Are you presently on probation or parole? \_\_\_\_\_

42. If you are on probation or parole, do you realize that your plea of guilty will mean a violation of that probation or parole and you can be sentenced to prison as a result of that violation caused by your guilty plea today? \_\_\_\_\_

43. Are you satisfied with the representation of your attorney? \_\_\_\_\_

44. Have you had ample opportunity to consult with your attorney before reading this document and entering your plea of guilty? \_\_\_\_\_

45. Has your attorney gone over with you the meaning of the terms in this document? \_\_\_\_\_

I affirm that I have read the above document in its entirety and I understand its full meaning, and I am still nevertheless willing to enter a plea of guilty to the offenses specified. I further affirm that my signature and initials on each page of this document are true and correct.

Date: \_\_\_\_\_  
Defendant

I, \_\_\_\_\_, Esquire, Attorney for \_\_\_\_\_, state that I have advised my client of the contents and meaning of this document; that it is my belief that he/she comprehends and understands what is set forth above; that I am prepared to try this case; and that the defendant understands what he/she is doing by pleading guilty.

Date: \_\_\_\_\_  
Attorney for the Defendant

IN THE COURT OF COMMON PLEAS OF CARBON COUNTY, PENNSYLVANIA  
CRIMINAL DIVISION

COMMONWEALTH OF PENNSYLVANIA :  
:  
-vs.- : NO.  
:  
Defendant :

NOLO CONTENDERE COLLOQUY

You are present before this Court because you or your lawyer have stated that you wish to plead Nolo Contendere to some or all of the criminal offenses with



which you have been charged. Please answer fully all the questions on this document. If you do not understand any explanations given to you on this document, say so by putting the word "no" in the blank provided after the questions. If you do understand the questions, you should write in the word "yes." None of the lines should be left blank.

After you have finished reading this and filling it out, you should sign it on the last page, on the line that says "Defendant." You should also initial each page at the bottom, but only if you have read and have understood that page. If there is anything that you do not understand, you should say so in writing on this form. You should also tell your lawyer and the Judge who hears your case, so that they can explain it to you fully, to make sure you understand all your rights.

Most of these questions are designed to be answered "yes" or "no." Where general information is asked for, however, please answer fully.

1. What is your full name? \_\_\_\_\_
2. Are you known by any other name or alias? \_\_\_\_\_
3. If the answer to Number 2 is "yes," state the other names or aliases. \_\_\_\_\_
4. What is your date of birth? \_\_\_\_\_
5. What was the last grade completed in school? \_\_\_\_\_
6. Can you read, write and understand the English language? \_\_\_\_\_
7. As you appear before the Court today to enter a plea of Nolo Contendere, are you under the influence of alcohol or any kind of drugs? \_\_\_\_\_
8. Have you ever been a patient in a mental institution or have you ever been treated for a mental illness? \_\_\_\_\_
9. If the answer to Number 8 is "yes," please explain the details. \_\_\_\_\_
10. Are you currently being treated for a mental illness? \_\_\_\_\_
11. If the answer to Number 10 is "yes," explain the details. \_\_\_\_\_
12. If you are presently being treated for a mental illness, do you feel that you have sufficient mental capacity to understand what you are doing today, and to understand these questions and answer them correctly? \_\_\_\_\_
13. Do you understand that you are here today to enter a plea of Nolo Contendere to some or all of the charges against you? \_\_\_\_\_
14. Do you understand the nature of the offenses to which you are pleading Nolo Contendere? \_\_\_\_\_
15. Has your lawyer explained to you the elements of the criminal offenses to which you are pleading? \_\_\_\_\_
16. Do you admit to committing the offenses to which you are pleading Nolo Contendere and to the legal elements explained to you making up those offenses? \_\_\_\_\_
17. Do you understand that you have a right to a trial by jury? \_\_\_\_\_
18. Do you understand that the right to trial by jury means that you can participate in the selection of a jury with your attorney; that the jury is randomly selected

from the voter registration list of Carbon County and a cross-section of the citizens of Carbon County, and that the jury has to agree unanimously on your guilt before you can be convicted of the offenses with which you are charged? \_\_\_\_\_

19. Do you understand that you are presumed innocent until found guilty? In other words, do you understand that the Commonwealth must prove your guilt beyond a reasonable doubt before you can be convicted of the offenses charged? \_\_\_\_\_

20. Do you understand that the Commonwealth has the burden of proving you guilty beyond a reasonable doubt, which means you can remain silent and nothing can be held against you for refusing to testify in your own defense? \_\_\_\_\_

21. Do you understand that you have a right to confront and cross-examine all Commonwealth witnesses in your case who are necessary to prove your guilt? \_\_\_\_\_

22. Do you understand that by pleading Nolo Contendere you are waiving that right of confrontation and cross-examination? \_\_\_\_\_

23. Do you realize that by pleading Nolo Contendere you are giving up your right to present any pre-trial motions for consideration to this or a higher Court in the event those motions are denied? \_\_\_\_\_

24. Do you realize that if you were convicted after a trial you could appeal the verdict to a higher Court and raise any errors that were committed in the trial Court, and that this could result in your being awarded a new trial or discharged, and that by pleading Nolo Contendere you are giving up this right? \_\_\_\_\_

25. Do you realize that if you were convicted after a trial you could appeal the verdict to a higher Court and you could also challenge whether the Commonwealth had presented enough evidence to prove you guilty beyond a reasonable doubt? \_\_\_\_\_

26. Are you aware that the Court is not bound by the terms of any plea agreement entered into between you, your counsel and the Attorney for the Commonwealth, until the Court accepts such plea agreement? \_\_\_\_\_

27. Do you understand that the Court is not a party to any agreement or recommendation made by the parties and that any recommendation and/or stipulation regarding sentence is not binding on the Court and you knowingly waive the right to withdraw this plea if the Court does not concur in the recommended sentence? \_\_\_\_\_

28. Are you aware of the permissible range of sentence and/or fines that can be imposed for the offenses to which you are pleading Nolo Contendere? \_\_\_\_\_

29. Are you aware of the maximum sentence and/or fine which the Court could impose upon you for each of the offenses to which you are pleading Nolo Contendere? \_\_\_\_\_

30. Do you understand that any sentence imposed upon you for any of the offenses to which you are pleading Nolo Contendere can be imposed consecutively to either (a) any sentence imposed upon you for any other offense for which you are pleading Nolo Contendere in this case; or (b) any sentence imposed upon you in any other case? \_\_\_\_\_

31. Do you understand that "consecutive" sentences means that one sentence will follow after another and that "consecutive" sentences do not run at the same time? \_\_\_\_\_

32. Do you understand that the aggregate maximum sentence you could receive if you are pleading Nolo Contendere to multiple offenses is the total of all maximum sentences for all the offenses added together? \_\_\_\_\_

33. Do you understand that you have a right to have witnesses present at your Nolo Contendere plea hearing to testify for you? Are you willing to give up that right and have the Attorney for the Commonwealth summarize the facts against you? \_\_\_\_\_

34. After you enter your Nolo Contendere plea and it is accepted by the Court, you still have a right to appeal your conviction. The appeal from a Nolo Contendere plea is limited, however, to four grounds. They are:

(a) that your Nolo Contendere plea was not knowing, intelligent and voluntary;

(b) that the Court did not have jurisdiction to accept your plea (in other words, the offenses for which you are pleading Nolo Contendere did not occur in Carbon County);

(c) that the Court's sentence is beyond the maximum penalty authorized by law; and

(d) that your attorney was incompetent in representing you and advising you to enter a plea of Nolo Contendere

Do you understand these four areas of appeal and what they mean? \_\_\_\_\_

In order to appeal your conviction by a plea of Nolo Contendere, you must within ten (10) days file a written motion to withdraw your Nolo Contendere plea and state any of the four above grounds as the basis for your petition to withdraw your Nolo Contendere plea. This must be done within ten (10) days from the date you are sentenced. If you cannot afford a lawyer to represent you or you are contending that your attorney, who represented you at your Nolo Contendere plea, was incompetent, you have the right to have other counsel appointed for you to raise those four claims. If your petition to withdraw your Nolo Contendere plea is denied, you then have thirty (30) days to file an appeal from that denial with the Superior Court of Pennsylvania.

If you do not file your petition within ten (10) days of your sentence or do not file a Notice of Appeal to the Superior Court within thirty (30) days after your petition to withdraw your Nolo Contendere plea is denied, you give up your right to ever complain again of any of those four areas, including incompetent counsel.

Do you understand the meaning of the various appeal rights that have just been explained to you? \_\_\_\_\_

35. Has anybody forced you to enter this plea of Nolo Contendere? \_\_\_\_\_

36. Are you doing this of your own free will? \_\_\_\_\_

37. Have any threats been made to you to enter a plea of Nolo Contendere? \_\_\_\_\_

38. Have any promises been made to you to enter a plea of Nolo Contendere other than any plea agreement that has been negotiated for you by your attorney? \_\_\_\_\_

39. Do you understand that the decision to enter a plea of Nolo Contendere is yours and yours alone; that you do not have to enter a plea of Nolo Contendere and give up all your rights, as previously explained to you and that no one can force you to enter a Nolo Contendere plea? \_\_\_\_\_

40. Do you understand that if your plea is accepted by this Honorable Court, you would have the right to have a Pre-Sentence Report prepared on your behalf to aid the Judge in determining the appropriate sentence to be imposed upon you? Since this is a plea bargain, are you willing to waive the preparation of the pre-sentence investigation? \_\_\_\_\_ (if applicable)

41. Are you presently on probation or parole? \_\_\_\_\_

42. If you are on probation or parole, do you realize that your plea of Nolo Contendere will mean a violation of that probation or parole and you can be sentenced to prison as a result of that violation caused by your Nolo Contendere plea today? \_\_\_\_\_

43. Are you satisfied with the representation of your attorney? \_\_\_\_\_

44. Have you had ample opportunity to consult with your attorney before reading this document and entering your plea of Nolo Contendere? \_\_\_\_\_

45. Has your attorney gone over with you the meaning of the terms in this document? \_\_\_\_\_

I affirm that I have read the above document in its entirety and I understand its full meaning, and I am still nevertheless willing to enter a plea of Nolo Contendere to the offenses specified. I further affirm that my signature and initials on each page of this document are true and correct.

Date: \_\_\_\_\_ Defendant

I, \_\_\_\_\_, Esquire, Attorney for \_\_\_\_\_, state that I have advised my client of the contents and meaning of this document; that it is my belief that he/she comprehends and understands what is set forth above; that I am prepared to try this case; and that the defendant understands what he/she is doing by pleading Nolo Contendere.

Date: \_\_\_\_\_ Attorney for the Defendant

IN THE COURT OF COMMON PLEAS OF CARBON COUNTY, PENNSYLVANIA CRIMINAL DIVISION

COMMONWEALTH OF PENNSYLVANIA :  
 :  
-vs.- : NO.  
 :  
 :

Defendant

MEGAN'S LAW SUPPLEMENT TO GUILTY PLEA COLLOQUY

One or more of the offenses to which you are pleading guilty will make you subject to the registration and notification provisions of Megan's Law relating to sexual offenders.

The purpose of the following questions is to make certain that you understand how these provisions will affect you. Please answer all questions "Yes" or "No." If there is anything that you do not understand, you should say so in writing on this form. You should also tell your lawyer and the Judge who hears your case so that they can explain it to you fully to make sure you understand all of your rights.

After you have read and filled out this form, you should sign it on the last page (on the line marked "Defendant"). You should also initial each page at the bottom where indicated, but only if you have read and have understood that page.

1. Do you understand that as a result of your conviction you will be required to register with the Pennsylvania State Police and inform them of your current address and any change of address within ten (10) days of such change? \_\_\_\_\_

2. Do you understand that failure to register or to update your registration is itself a crime, which may subject you to penalties, including imprisonment? \_\_\_\_\_

3. Do you understand that your registration information will be provided by the Pennsylvania State Police to the local police department of any community in which you may live? \_\_\_\_\_

4. Do you understand that the registration requirements will continue for the time period specified: \_\_\_\_\_ ten (10) years \_\_\_\_\_ for the rest of your life? \_\_\_\_\_

5. If this line \_\_\_\_\_ is checked, do you understand that the District Attorney has the right to request the Court to hold a hearing to determine whether you are a sexually violent predator, and if you are determined to be a sexually violent predator you will be subject to additional registration and notification requirements? These will include:

Notification to your victim of your current address.

Notification to your neighbors of your name and address, the offense of which you were convicted, the fact that you have been determined to be a sexually violent predator, which notification may be accompanied by your photograph.

The foregoing notification will also be sent to the local children and youth services agency, superintendent of schools, daycare centers, and colleges and universities; it is also available to any member of the public upon request.

Do you understand all of the above information relating to registration and notification requirements of persons determined to be sexually violent predators? \_\_\_\_\_

6. Do you understand that if you are determined to be a sexually violent predator, you will be required to attend and pay for monthly counseling sessions for the period you are required to register? \_\_\_\_\_

I affirm that I have read the above document in its entirety and I understand its full meaning, and I am still nevertheless willing to enter a plea of guilty to the offenses specified. I further affirm that my signature and initials on each page of this document are true and correct.

Date: \_\_\_\_\_  
Defendant

I, \_\_\_\_\_, Esquire, Attorney for \_\_\_\_\_, state that I have advised my client of the contents and meaning of this document; that it is my belief that he/she comprehends and understands what is set forth above; that I am prepared to try this case; and that the defendant understands what he/she is doing by pleading guilty.

Date: \_\_\_\_\_  
Attorney for the Defendant

**Rule 602. Presence of the Defendant**

In any criminal proceeding in which a court appearance by an adult prisoner will be required, the attorney for the prisoner or the party requesting the presence of the prisoner shall prepare a transport order and forward it to the judge assigned to the case. Absent genuine exigency or most unusual circumstances, a request for transport of prisoner shall be made to the Court not less than three (3) days before such appearance. The transport order shall be filed and served pursuant to Pa.R.Crim.P. 114.

All motions for deaf and/or language interpreters shall be in conformance with Pa.R.Crim.P. 575 and 576.

**Rule 700. Sentencing Judge**

The sentence following a plea of guilty or nolo contendere may be imposed by a judge other than the judge who received such plea whenever such substitution shall enhance the efficient disposition of cases. The defendant shall be given due notice at the time of entering the plea by signing the consent and waiver form as attached hereto.

IN THE COURT OF COMMON PLEAS OF CARBON COUNTY, PENNSYLVANIA  
CRIMINAL DIVISION

COMMONWEALTH OF PENNSYLVANIA :  
:  
-vs.- : NO.  
:  
Defendant :

CONSENT AND WAIVER

AND NOW, this \_\_\_\_\_ of \_\_\_\_\_, 20 \_\_\_\_\_, the above named Defendant does HEREBY acknowledge, agree and consent to the entry of a Guilty Plea before the Honorable \_\_\_\_\_, with the full and complete understanding that sentencing in the above captioned matter may be held at a later date and imposed by the Honorable \_\_\_\_\_, or any other judge assigned by the Court.

\_\_\_\_\_  
Defendant

\_\_\_\_\_  
Attorney for the Defendant

**Rule 702. Aids in Imposing Sentence**

(A) Before the sentencing hearing, defendant and his/her counsel, or if unrepresented, the defendant shall execute a form entitled "APPELLATE RIGHTS OF DEFENDANT AFTER SENTENCING," which is attached hereto. Defendant's counsel shall review and explain said form to the Defendant. The defendant and defendant's counsel shall sign this form. Defendant counsel's signature thereon shall constitute a certification by the attorney that he/she has read, discussed, and explained the form to the defendant, and that to the best of his/her knowledge, information, or belief that his/her client understands the form.

(B) On behalf of the Court, the Chief Adult Probation Officer shall submit a copy of the Guideline Sentencing Form to the Pennsylvania Commission on Sentencing as required by 204 Pa. Code § 303.1(d).

TO THE DEFENDANT:  
 PLEASE READ AND THEN REVIEW THE FOLLOWING INFORMATION WITH YOUR LAWYER. IT EXPLAINS THE RIGHTS YOU HAVE FOLLOWING SENTENCING. IF YOU DO NOT UNDERSTAND ANYTHING CONTAINED ON THIS DOCUMENT, ASK YOUR LAWYER OR THE SENTENCING JUDGE TO EXPLAIN IT TO YOU. DO NOT SIGN THIS DOCUMENT UNTIL YOU UNDERSTAND IT FULLY.

IN THE COURT OF COMMON PLEAS OF CARBON COUNTY, PENNSYLVANIA  
 CRIMINAL DIVISION

COMMONWEALTH OF PENNSYLVANIA :  
 :  
 -vs. : NO.  
 :  
 :  
 :  
 \_\_\_\_\_ :  
 DEFENDANT

APPELLATE RIGHTS OF DEFENDANT AFTER SENTENCING

1. After you are sentenced, you have the right to file either a post-sentence motion or an appeal to the Superior Court of Pennsylvania.
2. If you wish to file a post-sentence motion, it must be filed with the Criminal Clerk of Courts of Carbon County no later than ten (10) days after the imposition of sentence.
3. If you wish to file an appeal, a notice of appeal must be filed with the Criminal Clerk of Courts of Carbon County, within thirty (30) days of imposition of sentence. This is a right of appeal, which you may exercise without filing a post-sentence motion. If you file a post-sentence motion, you would also have a right to appeal from an order deciding that motion or denying the motion by operation of law.
4. If you file a post-sentence motion, all requests for relief must be stated with specificity and particularity, and consolidated in the motion, which may include:
  - a. a motion challenging the validity of a plea of guilty or nolo contendere, or the denial of a motion to withdraw a plea of guilty or nolo contendere;
  - b. a motion of judgment of acquittal;
  - c. a motion in arrest of judgment;
  - d. a motion for a new trial; and/or
  - e. a motion to modify sentence.
5. If you file a post-sentence motion, it and any supplemental motion you may be permitted to file, must be decided by the judge within 120 days of the filing of the original motion. The judge may, at your request, grant one 30-day extension for deciding the motion, if good cause is shown. If the judge fails to decide the motion within the allowed time, the motion will be denied by operation of law, and the clerk will enter an order denying the motion.
6. If you file a post-sentence motion, and wish to appeal from the order deciding or denying the motion, a notice of appeal must be filed with the Criminal Clerk of Courts of Carbon County, within thirty (30) days of that order.

7. Whether or not you file a post-sentence motion, all issues raised before or during trial are preserved for appeal.

8. You have the right to assistance of counsel in the preparation of a post-sentence motion or any appeal. If you are indigent, you have the right to proceed without payment of costs and with counsel appointed to represent you without charge. If you are now represented by the Public Defender's Office and continue to qualify for their services, that office would continue to represent you without cost.

9. If you qualify for bail and are released on bail after sentencing, a condition of release will be that you either file a post-sentence motion and perfect an appeal, or, when no post-sentence motion is filed, perfect an appeal with the time permitted by law.

I affirm that I have read the above information completely, that I understand its full meaning, and that I have been given a copy of this document for my records and review.

Date: \_\_\_\_\_  
 Signature of Defendant

I, \_\_\_\_\_, Esquire, Attorney for \_\_\_\_\_, state that I have advised my client of the meaning of this document and of his/her post-sentence and appeal rights as required by Pa.R.Crim.P. 704; that it is my belief that the defendant comprehends and understand those rights and what is set forth herein, and that Defendant has received a copy of this form.

Date: \_\_\_\_\_  
 Attorney for the Defendant

[Pa.B. Doc. No. 04-1000. Filed for public inspection June 11, 2004, 9:00 a.m.]

**CARBON COUNTY**  
**Amendment of Criminal Case Management Plan;**  
**103 MI 00**

**Administrative Order No. 13-2004**

*And Now*, this 28th day of May, 2004, it is hereby *Ordered and Decreed* that, effective July 1, 2004, Carbon County *Amends* the Criminal Case Management Plan and *Removes* this plan from the Local Rules of Criminal Procedure.

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

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

6. Keep continuously available for public inspection copies of the Order in the Clerk of Court's Office.

*By the Court*

RICHARD W. WEBB,  
*President Judge.*

### **CRIMINAL CASE MANAGEMENT PLAN**

#### **I. Judicial Commitment to Caseflow Management.**

Since May 6, 1992, the Court has assumed the responsibility of ensuring the fair and prompt disposition of all cases, as well as, assure effective and efficient use of Court resources paid for by taxpayers. Our success is attributable to the commitment of this principle by each District Justice, Judge, Court and County staff of the 56th Judicial District.

Goal setting provides the objectives and a benchmark for measuring its success. The Court must meet reasonable time standards for the processing and prompt disposition of standard types of cases in terms of their nature and legal issues. "Exhibit "1," attached hereto, shows the time standards for criminal cases adopted by the American Bar Association, the National Conference of State Trial Judges, the Conference of State Court Administrators and the Pennsylvania Association of Court Management (PACM). Carbon County's Plan adheres to the time standards adopted by PACM.

#### **II. Effective Communications With the Bar and Police.**

The Court coordinates scheduling of cases and makes reasonable accommodations to prosecuting attorneys, defense attorneys, and law enforcement personnel in the management of cases. Operative scheduling allows the District Attorney and Public Defender Offices to provide full coverage efficiently.

#### **III. Early and Continuous Court Supervision of Case Progress.**

The Court monitors the progress of cases from the time a summons or complaint is filed to ensure movement of cases to disposition, eliminating unnecessary delay and additional costs of prosecution. Mere agreement of counsel/parties is not sufficient grounds for the Court to grant continuances. When a continuance is granted, the matter is continued to a specified date.

#### **IV. Event-Date Certainty.**

Reasonable certainty about event dates avoids aggravation, waste and unnecessary cost to the parties and their attorneys. Moreover, national studies have found that nothing promotes pretrial dispositions more than the expectation that a trial is more likely than not to occur on or near the scheduled date. Events are scheduled at the District Court level with notice given to attorneys/parties of all event dates and times, assuring case flow and expeditious case dispositions.

#### **V. A Functional Case Management Information System.**

The fully automated court computer system provides relevant, accurate, and timely case information, supporting an efficient case management plan by tracking and maintaining cases and events.

#### **VI. Time Standards And Case Management Criteria.**

Standard types of criminal cases are processed and scheduled in accordance with the time-disposition goals listed below as diagramed on the attached Exhibit "2" marked Carbon County Criminal Case Flow Chart.

The following time-disposition goals apply:

1. Preliminary hearing/waiver—98% within 30 days of complaint, if case initiated by arrest; 98% within 50 days of complaint if by summons;
2. Court arraignment—98% within 40 days of preliminary hearing/waiver;
3. Trials—90% within 150 days of complaint; 98% within 180 days;
4. Sentences—90% within 30 days of guilt; 98% within 45 days.

Carbon County is divided into a Northern Division and Southern Division at the District Justice level. District Court 56-3-01 and District Court 56-3-02 comprise the Southern Division and District Court 56-3-03 and District Court 56-3-04 comprise the Northern Division.

All Preliminary Hearings for misdemeanor and felony cases are scheduled in clusters on Wednesdays every week. One District Justice from the Southern Division schedules Preliminary Hearings for 9:00 A.M. and the other District Justice from the Southern Division schedules Preliminary Hearings for 1:15 P.M. The same procedure is followed in the Northern Division.

##### **A. Preliminary Arraignment Before District Justice:**

1. If a defendant is brought before the District Justice on an arrest warrant or a summons is issued, he/she will receive, in addition to the other required papers, the following:

- (a) Criminal Complaint and Arrest Warrant Affidavit
- (b) District Court Notice of Preliminary Hearing (Exhibit 3)
- (c) Carbon County Public Defender Guidelines (Exhibit 4)—The District Justice advises the Defendant to read the Guidelines carefully and contact the Public Defender's Office for an appointment if Defendant believes he/she qualifies.

(d) Alternatives to Trial or Guilty Plea if First Time Offender (Exhibit 5), District Attorney Notice of Accelerated Rehabilitative Disposition (ARD) Program (Exhibit 6), Questionnaire to Determine Eligibility for ARD Program (Exhibit 7) and Prior Criminal Record Form (Exhibit 8)—The District Justice advises Defendant, if he/she is a first-time offender of a non violent crime, that Defendant may qualify for the ARD program.

Defendant should review the Alternatives to Trial or Guilty Plea if First Time Offender, and if he/she thinks they qualify, Defendant completes and has notarized the Questionnaire to Determine Eligibility for ARD Program, completes the Prior Criminal Record Form, and brings both to the Preliminary Hearing at the District Justice's Office.

##### **B. Preliminary Hearings Before District Justice:**

###### **1. Entry of Appearance:**

(a) The attorney representing the defendant at a preliminary hearing signs an Entry of Appearance pursuant to CARB.R.Crim.P.120 and provides it to the District Justice before beginning the preliminary hearing.

(b) The District Justice transmits the Entry of Appearance with the docket transcript to the Clerk of Courts to be filed of record.

2. A member of the District Attorney's Office is assigned to conduct the prosecution of all preliminary hearings and a member of the Public Defender's Office is

assigned to represent defendants who qualify for a public defender at the preliminary hearings. The court computer system accommodates the desire to have the same attorney handle the case from preliminary hearing through trial.

3. A significant percentage of cases result in ARD or guilty plea stipulations. In order to accelerate negotiation and avoid needless delays, the following elements occur at the preliminary hearing:

(a) The District Attorney provides the defense attorney with a copy of all police reports, and enlists the assistance of police departments in timely completion of such reports and supplemental reports;

(b) The defendant, as part of the negotiation process, signs a Prior Criminal Record Form (Exhibit 8) listing his/her known prior record, acknowledges that the negotiations are contingent on the accuracy of the information, and acknowledges that an INTENTIONAL misstatement of the record can result in additional charges; and

(c) Where a Guilty Plea or ARD agreement is reached, a written Stipulation for Trial, Guilty Plea or ARD Form (Exhibit 9), and if ARD, an Explanation of Accelerated Rehabilitation Program (ARD) and Waiver of Rights Form (Exhibit 10) are completed.

#### C. Scheduling at Preliminary Hearing:

1. A criminal case scheduling information form (Exhibit 11) is completed by the District Justice Office after each preliminary hearing/waiver. This form lists the Arraignment date, Pretrial Status Conference date, Last Date to Plea-Plea Day and Jury Selection date. The original of the scheduling form is forwarded by the District Justice with the docket transcript to the Clerk of Court with copies provided to the Defendant and defense counsel.

2. Waiver of Arraignment Form (Exhibit 12) is signed by defendant and defense counsel if defendant is waiving his Common Plea Arraignment at the time of the preliminary hearing.

3. When a DUI ARD has been negotiated, telephonic arrangements are made by a staff member of the District Justice Office to schedule a Court Reporting Network (CRN) evaluation. The defendant is provided with a written Notice of the Procedure for CRN Evaluation Form (Exhibit 13) indicating the scheduled date and time. Defendant acknowledges receipt of the form with his/her signature.

#### D. Common Pleas Scheduling:

Cases from two District Justices are assigned to each Common Pleas Judge. Caseload is adjusted when necessary to balance the workload and to keep cases in line with this management plan.

#### E. Arraignment at Common Pleas Level:

1. Local Rule CARB.R.Crim.P. 571 provides that arraignments in non-capital cases, if not waived, are conducted by the District Attorney. Arraignments are scheduled within 40 days from preliminary hearing/waiver and within 10 days of filing the criminal information. Arraignment and Waiver of Arraignment forms listing motion deadline and defendant rights information are executed.

#### F. Court Rulings on Motions:

1. Each Judge monitors the status of all outstanding motions.

2. Semi Annual Reports—Pursuant to Pennsylvania Rule of Judicial Administration 703(B)(2), each Judge is

responsible to report on matters submitted and undisposed for 90 days or more.

#### G. Pretrial Status Conferences:

1. Pretrial status conferences are held on all cases not stipulated to at the District Court level. The Pretrial Status Conferences are scheduled approximately 2—4 weeks before the scheduled trial date. They are conducted by the District Attorney's Office. All defendants must be present.

#### H. Sentencings:

1. Most sentences are imposed at time of plea. If sentences are not imposed at the time of plea, cases are scheduled for sentencing approximately 30 days thereafter. Sentences may be imposed by a Judge other than the Judge who took the guilty plea or plea of nolo contendere. See CARB.R.Crim.P. 700.

#### I. Dismissal and Expungement:

1. At the end of each month, the Adult Probation Office prepares a list of all cases/defendants who have successfully completed the ARD Program during the month. A copy of the list is provided to the District Attorney and District Court Administrator.

2. If the District Attorney objects to the automatic expungement, the District Attorney follows the procedure set forth in Pa.R.Crim.P. 320(b).

3. The District Attorney reviews the list, makes notation on the list of any case(s) in which Objections will be filed, approves the list by initialing it, and forwards it to the District Court Administrator.

4. In all cases where no objections are noted, the District Court Administrator forwards the Order of Dismissal to the appropriate Judge and, after filing same, prepares the Expungement Orders and Letters and expunges the cases from the public access screens of the Court Computer Database System after the thirty (30) day objection period expires.

5. The Court and other offices as prescribed by law maintain a confidential list of completed expungement cases.

### Exhibits

1. Comparative Time Standards For Criminal Cases
2. Carbon County Criminal Case Flow Chart
3. District Court Notice of Preliminary Hearing
4. Carbon County Public Defender Guidelines
5. Alternatives To Trial Or Guilty Plea If First Time Offender
6. District Attorney Notice of Accelerated Rehabilitative Disposition (ARD) Program
7. Questionnaire to Determine Eligibility for ARD Program
8. Prior Criminal Record Form
9. Written Stipulation for Trial, Guilty Plea or ARD Form
10. Explanation of Accelerated Rehabilitation Program (ARD) and Waiver of Rights Form
11. Criminal Case Scheduling Information Form
12. Waiver of Arraignment Form
13. Procedure for CRN Evaluation Form

EXHIBIT "1"

COMPARATIVE TIME STANDARDS FOR CRIMINAL CASES

	AMERICAN BAR ASSOCIATION & NATIONAL CONFERENCE OF STATE TRIAL JUDGES STANDARDS	CONFERENCE OF STATE COURT ADMINISTRATORS STANDARDS	PA ASSOCIATION OF COURT MANAGEMENT AND CARBON COUNTY STANDARDS	
	FROM ARREST	FROM ARREST	FROM COMPLAINT INCARCERATED	FROM COMPLAINT NOT INCARCERATED
FELONY	90% WITHIN 120 DAYS 98% WITHIN 180 DAYS 100% WITHIN 1 YEAR	100% WITHIN 180 DAYS	90% WITHIN 150 DAYS 98% WITHIN 180 DAYS	90% WITHIN 180 DAYS 98% WITHIN 240 DAYS
MISDEMEANORS	90% WITHIN 30 DAYS 100% WITHIN 90 DAYS	100% WITHIN 90 DAYS	90% WITHIN 150 DAYS 98% WITHIN 180 DAYS	90% WITHIN 180 DAYS 98% WITHIN 240 DAYS
SUMMARIES	90% WITHIN 30 DAYS 100% WITHIN 90 DAYS		90% WITHIN 30 DAYS 98% WITHIN 90 DAYS	
SUMMARY APPEALS			90% WITHIN 60 DAYS 98% WITHIN 90 DAYS	

EXHIBIT "2"

CARBON COUNTY CRIMINAL CASE FLOW CHART\*

ARREST OR COMPLAINT FILED	PRELIMINARY HEARING	ARRAIGNMENT GUILTY PLEA	PRE-TRIAL STATUS CONFERENCE	ARDS/ GUILTY PLEAS (LAST DAY TO PLEA)	JURY SELECTION	SENTENCING
	WITHIN 30 DAYS IF INITIATED BY ARREST WITHIN 50 DAYS IF INITIATED BY SUMMONS	WITHIN 40 DAYS FROM PRELIMINARY HEARING	WITHIN 30 DAYS FROM ARRAIGNMENT	2-15 DAYS FROM PRETRIAL CONFERENCE	4-32 DAYS FROM LAST DAY TO PLEA	WITHIN 45 DAYS AFTER PLEA OR VERDICT
	EVERY WEDNESDAY	EVERY WEDNESDAY				(IF NOT SENTENCED AT GUILTY PLEA)
	+30	+70	+100	+110	+142	(182)

\*The County is divided into a Northern Division and Southern Division for Preliminary Hearings in Misdemeanor and Felony Cases. Four District Justices conduct Preliminary Hearings in clusters every Wednesday. One District Justice in each division conducts Preliminary Hearings commencing at 9:00 A.M. and one District Justice in each Division conducts Preliminary Hearings commencing at 1:15 P.M.

(Rev. July 1, 2004)

EXHIBIT "3"

CARBON COUNTY

MAGISTERIAL DISTRICT No.

Dear Sir/Madam:

You have been summoned to appear for a preliminary hearing at \_\_\_\_\_ on \_\_\_\_\_, in the Office of \_\_\_\_\_.

Enclosed please find the following forms:

1. Criminal Complaint and Arrest Warrant Affidavit
2. Notice of Hearing
3. Carbon County Public Defender Guidelines
4. Alternative to trial or guilty plea program criteria—Accelerated Rehabilitation Disposition Program (ARD).
5. Questionnaire to Determine Eligibility for ARD Program, if you are eligible
6. Prior Criminal Record Statement

Examine the enclosed Carbon County Public Defender Guidelines. If you feel you are eligible, call the Public Defender's Office immediately to set up an appointment to fill out an application. The Public Defender's Office is

located in the Carbon County Courthouse, Jim Thorpe, Pennsylvania. The telephone number is 570-325-2343.

You should have either obtained an attorney or had a Public Defender assigned to you before your preliminary hearing. This attorney should be present with you at your preliminary hearing.

If this is your first criminal offense, you may be eligible for the ARD program. If you qualify, you should fill out and get notarized the enclosed Questionnaire to Determine Eligibility for the ARD program and complete the Prior Criminal Record Statement and bring both to the Preliminary Hearing at the District Justice Office.

Very truly yours,

District Justice

EXHIBIT "4"

Carbon County Public Defender Guidelines

The following financial guidelines established by the Public Defender's Office of Carbon County are to be used in determining eligibility for free legal counsel.

An individual may apply for free legal counsel in the following situations:

- criminal charges; misdemeanor and felony.
- summary cases only when there is a likelihood that the court will impose imprisonment.
- parole/probation violation. (individual must reapply)

The following applicants are presumed to be indigent and eligible for free legal representation:

- any individual presently detained in a correctional or state hospital facility that does not have asset(s) and is unable to pay for private counsel.
- any individual whose GROSS income is below the maximum income level.

A. In determining the GROSS income of the applicant, criteria to be considered but not limited to the following will include:

1. All income coming into the home: unemployment, worker's compensation, social security, pensions, stocks, bonds, interest earned, inheritances, rents received, lawsuits, etc. Assets: house(s), property, car(s), etc. We will require proof.
2. If the applicant is married and living with a spouse, both incomes will be considered. Dependant(s) are child(ren) 18 years and younger living with natural parents or are legally adopted. Proof is required. Single parents, who claim child (ren) as dependant(s), must be paying support by Court Order or have child(ren) living with him/her. Proof of Court Ordered support is required.

<i>Family</i>	<i>Yearly</i>	<i>Monthly</i>	<i>Weekly</i>
1	\$ 8,590	\$ 716	\$179
2	11,610	968	242
3	14,630	1,219	305
4	17,650	1,470	368
5	20,670	1,723	430
6	23,690	1,975	494
7	26,710	2,225	556
8	29,730	2,478	620
each additional	3,020	252	63

If you feel you are eligible, call the Public Defender's Office to set up an appointment to fill out an application. This must be done in person. You must apply at least five (5) days BEFORE your hearing. Please bring with you all paperwork you have received to date and any copies of proof of any and all income as stated above. The phone number is (570) 325-2343. The Public Defender hours are Monday - Friday, 8:30 a.m. to 4:30 p.m., except holidays. We do not accept applications after 4:00 p.m., since it takes approximately 20 minutes to fill out the application. WE DO NOT ACCEPT ANY COLLECT CALLS.

DO NOT have alcohol on your breath or look to be under the influence of any substances or you will be asked to return at another date to complete the application. We are not responsible for any delays if you do not call for an appointment or you are asked to come back because you appear to be under the influence of a substance, or have not brought the required copies of any and all proof mentioned above.

Remember: Statements made on the application for a Public Defender must be true and correct. Any false statements that are made are subject to penalties of 18 Pa.C.S., Section § 4904, relating to unsworn falsification to authorities.

EXHIBIT "5"

ALTERNATIVES TO TRIAL OR GUILTY PLEA IF FIRST TIME OFFENDER

CARBON COUNTY  
JIM THORPE, PENNSYLVANIA

ACCELERATED REHABILITATIVE DISPOSITION

WHAT IS ARD?

ARD is a ONE-TIME alternative to trial, conviction, and/or the mandatory jail sentence.

Upon application and completion of all conditions and a probation period, the criminal charges are dismissed and the record is expunged.

WHO QUALIFIES FOR ARD?

You may be eligible for ARD if you meet the following required standards for the program:

1. You have no charges of a sexual nature.
2. You have no prior DUI offenses.
3. You have not had any prior periods of revocation from supervision.
4. You do not have any F1 convictions or adjudications.
5. You do not have any F2 or F3 convictions or adjudications within the last TEN YEARS.
6. You cannot receive ARD if you falsify information on the ARD questionnaire.
7. If an accident was involved, there was NO serious injury or death.
8. You cannot have an extensive driving record.
9. You have not committed a new offense will waiting for your court date or while under supervision.
10. You attended the CRN appointment prior to the Court date.
11. You have no prior conviction for Homicide by Motor Vehicle.
12. There were no children under the age of 14 in the vehicle at time of incident.
13. You must possess necessary insurance, if accident was involved.
14. If applicant pleads guilty to any summary offense, he/she must sign a Waiver of Double Jeopardy Rights.

HOW DO I GET INTO THE ARD PROGRAM?

1. You must complete the Questionnaire to Determine Eligibility for Accelerated Rehabilitative Disposition (ARD) program and have it notarized, complete the Prior Criminal Record Statement, and, if DUI related, sign the Waiver of Rights Form attached to the Explanation of Accelerated Rehabilitation Program for Driving Under the Influence Offenders and bring it with you to the Preliminary Hearing at the District Justice's Office. If the ARD applicant is found to meet all of the criteria for inclusion into the ARD Program, the applicant will be recommended by the District Attorney to the Court for placement into the ARD Program and a Stipulation for ARD will be completed and you will receive a copy of the Stipulation and Order advising you when to appear for an ARD Hearing at the Court of Common Pleas.

2. A member of the District Justice staff will call and obtain an appointment for a CRN evaluation at the Carbon—Monroe—Pike Drug and Alcohol Office, First



Street, Lehigh, Pennsylvania, and given you notice of the appointment and procedure for obtaining a CRN evaluation.

**WHAT DOES PLACEMENT INTO THE ARD PROGRAM REQUIRE YOU TO DO?**

**NON-DUI OFFENDERS:**

1. Serve up to a TWO-YEAR probationary period.
2. SIGN an ARD written Waiver of your Preliminary Hearing and Arraignment.
3. COMPLETE a counseling program, if deemed necessary, and pay for it.
4. PAY one-half of the ARD Administrative Fee of \$350.00 on or before your scheduled ARD hearing date.
5. PAY ALL the ARD Program costs as may be set from time to time by Administrative Order.
6. COMPLIANCE with such rules and regulations as may be set forth by the Carbon County Courts.

**DUI OFFENDERS—RATE OF ALCOHOL .08 to .099:**

1. Serve a SIX-MONTH probationary period.
2. SIGN an ARD written Waiver of your Preliminary Hearing and Arraignment.
3. ATTENDANCE AND COMPLETION of an ALCOHOL SAFE DRIVING PROGRAM at the Carbon-Monroe-Pike Drug and Alcohol Office.
4. COMPLETE a counseling program, if deemed necessary, and pay for it.
5. PAY one-half of the ARD Administrative Fee of \$350.00 on or before your scheduled ARD hearing date.
6. PAY ALL the ARD Program costs as may be set from time to time by Administrative Order.
7. COMPLIANCE with such rules and regulations as may be set forth by the Carbon County Courts.

**DUI OFFENDERS—RATE OF ALCOHOL .10 to .159:**

1. Serve a ONE-YEAR probationary period.
2. SIGN an ARD written Waiver of your Preliminary Hearing and Arraignment.
3. THIRTY-DAY SUSPENSION of driving privileges.
4. ATTENDANCE AND COMPLETION of an ALCOHOL SAFE DRIVING PROGRAM at the Carbon-Monroe-Pike Drug and Alcohol Office.
5. COMPLETE a counseling program, if deemed necessary, and pay for it.
6. PAY one-half of the ARD Administrative Fee of \$400.00 on or before your scheduled ARD hearing date.
7. PAY ALL the ARD Program costs as may be set from time to time by Administrative Order.
8. COMPLIANCE with such rules and regulations as may be set forth by the Carbon County Courts.

**DUI OFFENDERS—RATE OF ALCOHOL .16 and higher and Refusal:**

1. Serve a ONE-YEAR probationary period.
2. SIGN an ARD written Waiver of your Preliminary Hearing and Arraignment.
3. SIXTY-DAY SUSPENSION of driving privileges.
4. ATTENDANCE AND COMPLETION of an ALCOHOL SAFE DRIVING PROGRAM at the Carbon-Monroe-Pike Drug and Alcohol Office.

5. COMPLETE a counseling program, if deemed necessary, and pay for it.

6. PAY one-half of the ARD Administrative Fee of \$450.00 on or before your scheduled ARD hearing date.

7. PAY ALL the ARD Program costs as may be set from time to time by Administrative Order.

8. COMPLIANCE with such rules and regulations as may be set forth by the Carbon County Courts.

**FAILURE TO ATTEND ANY APPOINTMENTS OR SCHEDULED COURT APPEARANCES WILL RESULT IN DENYING YOUR ACCEPTANCE IN ARD!**

**NO JAIL TERM, IF ACCEPTED FOR ACCELERATED REHABILITATIVE DISPOSITION AND IT IS COMPLETED SATISFACTORILY.**

**DUI OFFENDERS—ARD not stipulated at the District Court level must PAY one-half of the ARD Administrative Fee of \$500.00 on or before your scheduled ARD hearing date.**

**EXHIBIT "6"**

DISTRICT ATTORNEY OF CARBON COUNTY  
 CARBON COUNTY COURTHOUSE  
 P. O. BOX 36  
 JIM THORPE, PENNSYLVANIA 18229

**NOTICE**

Your case MAY be a proper one for handling under the Accelerated Rehabilitative Disposition Program (A.R.D.)

As you know, you were arrested and charged with a crime. You have the right to a trial and the Commonwealth must prove you are guilty beyond a reasonable doubt. However, being placed on probation may help you more than being convicted and sentenced to jail, so your case may be chosen for possible inclusion in the Accelerated Rehabilitative Disposition Program. Under this program, instead of being tried, you might be placed on probation immediately. If you stay out of trouble during the period of this program, these charges will be discharged and your record expunged. If you violate the conditions, you will be tried as if you never had been in this program.

If you desire to be considered for the A.R.D. Program, you MUST complete the enclosed questionnaire and have it notarized. Bring the notarized, completed questionnaire with you to the Office of the District Justice at the time of your preliminary hearing.

Be advised that applying for admission into the A.R.D. Program does not relieve you of your obligation to appear before the District Attorney's Office or the Court for all scheduled appearances. Failure to so appear will result in a bench warrant being issued for your arrest.

**YOU SHOULD BE CERTAIN TO CONTACT YOUR LAWYER SO THAT YOU UNDERSTAND WHAT THIS PROGRAM IS AND HOW IT WORKS.**

Very truly yours,  
 GARY F. DOBIAS  
 District Attorney

GFD/ndj  
 Enclosure

**EXHIBIT "7"**

APPROVED: \_\_\_\_\_  
 DISAPPROVED: \_\_\_\_\_  
 DATE: \_\_\_\_\_

OFFICE OF THE DISTRICT ATTORNEY
CARBON COUNTY COURTHOUSE
P. O. BOX 36
JIM THORPE, PENNSYLVANIA 18229
(570) 325-2718

COMMONWEALTH OF PENNSYLVANIA :
VS. : NO.

QUESTIONNAIRE TO DETERMINE ELIGIBILITY
FOR ACCELERATED REHABILITATIVE DISPOSITION
TO THE DEFENDANT:

The following questions are to be answered truthfully
and fully under oath or affirmation. Bring this question-
naire with you to the District Justice's Office at the time
of your preliminary hearing so the District Attorney can
determine your eligibility for consideration into the Accel-
erated Rehabilitative Disposition Program.

YOU ARE ADVISED THAT ANY FALSE STATEMENT
GIVEN IN ANSWER TO ANY QUESTION MADE WITH
INTENT TO MISLEAD THE DISTRICT ATTORNEY'S
OFFICE IS PUNISHABLE AS A MISDEMEANOR OF
THE SECOND DEGREE PUNISHABLE BY A FINE
NOT EXCEEDING \$5,000.00 AND IMPRISONMENT
NOT EXCEEDING TWO (2) YEARS, OR BOTH.

WRITE CLEARLY AND IN INK

- 1. State your full name, Social Security Number and
Driver's Operator Number.
2. What is your date of birth and current age?
3. Give your place of birth (city, state, and country).
4. State any other names by which you are known or by
which you have been known, including aliases.
5. State any nicknames by which you are known.
6. What is your present address and telephone number?
7. What is your marital status?
8. What is the name of your spouse?
9. Give the names and ages of any children.
10. Give the names of all persons with whom you live
and your relationship with each.
11. Give each and every address where you resided
during the last five-year period.
12. State your educational experience, giving the names
of schools you attended and the date of attendance.
Grade School:
High School:

College:
Other:

- 13. State your military status. (Check One)
Veteran Non-Veteran
If you have been in the military service of the United
States, state which branch, the years of service and
the type of discharge.
Branch: Years:
Discharge: Honorable: Dishonorable:
Other: Explain:

- 14. State what occupations or jobs you have held in the
last five (5) years:
Employer Job Description Years

- 15. What is your present occupation or employment and
how long employed?
Employer:
Describe Duties:
If unemployed, source of income:

- 16. What is your present average net income?
17. What is your ability to pay Court costs? AMT:
18. Have you been arrested for any Juvenile or Adult
criminal offenses?
Yes No
If so, state the following, using additional sheet(s) if
necessary.
Date of Arrest (Month/Year):
Charge:
Jurisdiction (City & State):
Sentence or other Disposition:

- 19(a). Have you ever been convicted of DUI or been
placed on an A.R.D. Program as a result of a DUI
Charge? Yes No
If so, state:
Date of Arrest:
Date of conviction or acceptance in the A.R.D. Pro-
gram:
County where this occurred:

- 19(b). Have you ever been placed in an A.R.D. Program
for a non-DUI offense?
Yes No
If so, state:
Date of Arrest:
Charge:
Date of conviction or acceptance in the A.R.D. Pro-
gram:
County where this occurred:

- 20. Are you presently on parole or probation?

21. Have you ever been treated for mental illness or hospitalized for mental illness:

Yes \_\_\_\_\_ No \_\_\_\_\_

If so, state when, where and period of time.

22. Do you have any disease or other disability at the present time?

Yes \_\_\_\_\_ No \_\_\_\_\_

If so, state the nature thereof: \_\_\_\_\_

23. Are you presently dependent upon or addicted to alcohol or drugs?

Yes \_\_\_\_\_ No \_\_\_\_\_

24. Are you presently enrolled in any treatment program for alcohol or drug addiction dependency?

Yes \_\_\_\_\_ No \_\_\_\_\_

THE FOLLOWING QUESTIONS ARE TO BE ANSWERED BY ANY PERSON CHARGED WITH DUI

25. Were you involved in an accident? Yes \_\_\_ No \_\_\_

If so:

(a) Do you have insurance? Provide the name of your insurance company.

(b) Was any person, other than you injured? Yes \_\_\_\_\_ No \_\_\_\_\_

(c) If so, give the name and address of injured party or parties, along with a description of the injuries suffered.

(d) Is there any restitution due? If any, approximately how much?

26. State any other offenses you were charged with, either under the vehicle code or the crimes code, which arose from this incident.

27. What was your blood alcohol reading? \_\_\_\_\_

28. WHERE were you drinking? \_\_\_\_\_

How long? \_\_\_\_\_

TO BE COMPLETED BY ALL APPLICANTS

29. State the name, address and telephone number of three reputable citizens, not related to you, who are willing to support your consideration for the Accelerated Rehabilitative Disposition Program:

NAME ADDRESS TELEPHONE NUMBER

30. State briefly why you feel you should be given the benefit of placement in the Accelerated Rehabilitative Disposition Program.

I, hereby, swear to (or affirm) the truth of the facts set forth in this Questionnaire to Determine Eligibility for Accelerated Rehabilitative Disposition and I fully realize that an intentionally falsification as to any answer, or part thereof, is a crime punishable by law.

Signature of Applicant

Acknowledgement:

Sworn to (affirm) and subscribe to

before me this \_\_\_\_\_ day of

\_\_\_\_\_, \_\_\_\_\_, A.D.

NOTARY

EXHIBIT "8"

CRIMINAL CASE MANAGEMENT PLAN 56TH JUDICIAL DISTRICT—CARBON COUNTY PRIOR CRIMINAL RECORD STATEMENT

DEFENDANT'S NAME: \_\_\_\_\_

OTN #: \_\_\_\_\_

DEFENSE COUNSEL: \_\_\_\_\_ DA: \_\_\_\_\_

Representations regarding prior record:

I, \_\_\_\_\_, defendant, represent that my prior criminal record, including prior ARDs, is set forth here in full, to the best of my memory. I understand that if this listing is in error, the parties will not be bound by the agreement. I ALSO UNDERSTAND THAT AN INTENTIONAL FALSE STATEMENT BY ME ON THIS DOCUMENT COULD RESULT IN A SEPARATE CRIMINAL PROSECUTION.

Table with 4 columns: Charge (include all arrests), Location (County and State), Disposition, Approximate Date. Multiple rows for listing offenses.

(Defendant) (Date) (Defense Counsel) (Date)

(DA assigned to case) (Date)

EXHIBIT "9"

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

COMMONWEALTH OF PENNSYLVANIA :

: CASE ID # \_\_\_\_\_

vs :

: 180 DAYS: \_\_\_\_\_

STIPULATION

CHARGES FOR TRIAL, GUILTY PLEA OR ARD

COUNT #1 \_\_\_\_\_

COUNT #2 \_\_\_\_\_

COUNT #3 \_\_\_\_\_

COUNT #4 \_\_\_\_\_  
COUNT #5 \_\_\_\_\_  
COUNT #6 \_\_\_\_\_

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, the following stipulation is entered into between the Commonwealth and the Defendant in connection with the above charges: (check one)

\_\_\_\_\_ TRIAL BY JURY \_\_\_\_\_ NON-JURY TRIAL  
\_\_\_\_\_ GUILTY PLEA \_\_\_\_\_ ARD

\_\_\_\_\_  
Defendant Attorney for the Defendant  
\_\_\_\_\_  
D.A. or Assistant D.A.

\_\_\_\_\_  
Address

\_\_\_\_\_  
Telephone Number

**ORDER**

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, it is hereby ORDERED and DECREED that the Defendant shall appear in Court Room #1/2, Carbon County Courthouse, Jim Thorpe, Pennsylvania, on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ at \_\_\_\_\_ .M. prevailing time or on further order of the Court, for \_\_\_\_\_.

BY THE COURT

\_\_\_\_\_  
District Justice/Judge  
EXHIBIT "10"

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

COMMONWEALTH OF PENNSYLVANIA :  
 : D.J. ID # \_\_\_\_\_  
vs. : O.T.N. # \_\_\_\_\_  
 : C.P. ID # \_\_\_\_\_

\_\_\_\_\_  
Defendant

EXPLANATION OF ACCELERATED REHABILITATION PROGRAM (A.R.D.)  
and  
WAIVER OF RIGHTS FORM

- 1. I understand that I have been charged with a crime and that I have a right to go to trial on that charge. I am presumed innocent of this charge and the prosecution must prove my guilty beyond a reasonable doubt.
- 2. Notwithstanding my right to go to trial, I ask to be placed in the Carbon County A.R.D. Program and I CERTIFY THAT I HAVE NOT PREVIOUSLY BEEN IN SUCH A PROGRAM IN THIS OR ANY OTHER JURISDICTION.
- 3. I understand the District Attorney will consider any prior criminal conviction I may have.
- 4. I understand the District Attorney will consider a victim's input on my request for A.R.D.

- 5. I am aware that I will be in the A.R.D. program for a specific period and that the special terms and condition of the program are as follows:
  - (a) I will pay the costs of the prosecution of the charges filed against me.
  - (b) I will attend and complete the Highway Safety Program at the Carbon-Monroe-Pike Drug & Alcohol Office and pay the costs thereof.
  - (c) I will receive an alcohol and/or drug evaluation and follow through with any recommended treatment and pay the costs thereof.
  - (d) I may have to receive a mental health evaluation and follow through with any recommended treatment and pay the costs thereof.
  - (e) I will complete any community service hours as may be ordered by the Court.
  - (f) If I caused any property damage or personal injury to anyone and do not have insurance to pay for such damage or personal injury, I will make restitution to the victim of the amount of such damage or personal injury.
  - (g) I will abide by the general rules and regulations applicable to all persons on A.R.D.
- 6. I understand that the charges which have been filed against me will not be further prosecuted while I am in the A.R.D. Program, but if I fail to complete the program satisfactorily, I will be removed from the program and the charges filed against me will then be prosecuted according to law as if I had never been in the A.R.D. Program.
- 7. I understand that if I successfully complete the A.R.D. Program the charges that have been filed against me will be dismissed and the record will be expunged. If my current charge is for an offense under the driving under influence statute and I am convicted of a subsequent offense of driving under the influence, I may be sentenced as a second or subsequent offender of driving under the influence.
- 8. I understand that I can reject this offer of A.R.D. and demand that my case be brought to trial instead and that neither rejection of A.R.D. nor any statement I make in these A.R.D. proceedings can be used against me at trial.
- 9. I understand that by participating in the A.R.D. Program I waive (give up) the following rights:
  - (a) My right to a preliminary hearing.
  - (b) My right to a formal Court arraignment.
  - (c) The right to have my case tried before a jury within three hundred and sixty-five (365) days from the date the charges were filed against me and dismissed if not tried within 365 days.
  - (d) The applicable statute of limitations within which prosecution must be commenced on the charges against me.
- 9. Time spent in processing the questionnaire for A.R.D. will be excluded in computing the 365 days under Rule 600.
- 10. I understand that if my case is removed from the A.R.D. program and sent back for trial, the District Attorney will then have one hundred and twenty (120) days within which to bring me to trial.

I have read the above and fully understand it.

DATE: \_\_\_\_\_ SIGNED: \_\_\_\_\_  
Defendant

As attorney for the above-named Defendant, I certify that I have fully discussed and reviewed the foregoing explanation and waiver of right to the Defendant and I believe he/she understands it.

DATE: \_\_\_\_\_ SIGNED: \_\_\_\_\_  
Attorney for Defendant

I agree that this case is suitable for inclusion in the A.R.D. Program and I move that the Defendant be placed on A.R.D.

DATE: \_\_\_\_\_ SIGNED: \_\_\_\_\_  
(Assistant) District Attorney

EXHIBIT "11"

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

COMMONWEALTH OF PENNSYLVANIA :  
 : D.J. ID # \_\_\_\_\_  
vs. : O.T.N. NO. \_\_\_\_\_  
 :  
Defendant :

CRIMINAL CASE SCHEDULING INFORMATION

Defense Counsel: \_\_\_\_\_ Asst. District Atty. \_\_\_\_\_

Entry of Appearance Signed? \_\_\_\_\_ Major Charge: \_\_\_\_\_

Is defendant in jail? \_\_\_\_\_ Date Complaint Filed: \_\_\_\_\_

Waiver of Arraignment signed? \_\_\_\_\_ Date of Preliminary Hearing: \_\_\_\_\_

IMPORTANT NOTICE

You and your attorney are required to appear for the following proceedings. These dates may not be changed without Leave of Court.

- 1. Arraignment (if not waived): \_\_\_\_\_ 9:00 A.M. Prevailing time, Courtroom Two, Courthouse, Jim Thorpe, PA 18229
- 2. Pre-trial Status Conference: \_\_\_\_\_ 9:00 A.M. Prevailing time, District Atty. Office, Courthouse, Jim Thorpe, PA 18229
- 3. Last Day to Plea-Plea Day: \_\_\_\_\_ 1:15 P.M. Prevailing time, Courtroom One, Courthouse, Jim Thorpe, PA 18229
- 4. Jury Selection: \_\_\_\_\_ 10:00 A.M. Prevailing time, Courtroom One, Courthouse, Jim Thorpe, PA 18229

\*\*\*FAILURE TO APPEAR MAY RESULT IN A FORFEITURE OF YOUR BAIL BOND AND THE ISSUANCE OF A BENCH WARRANT FOR YOUR ARREST\*\*\*

The undersigned defendant and defense counsel hereby acknowledge receipt of a copy of this notice.

Date: \_\_\_\_\_  
Defendant

Defendant's Counsel

District Justice

EXHIBIT "12"

IN THE COURT OF COMMON PLEAS OF CARBON COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA :  
 : D.J. ID # \_\_\_\_\_  
VS. : O.T.N. # \_\_\_\_\_  
 : C.P. ID # \_\_\_\_\_  
 :  
Defendant :

WAIVER OF ARRAIGNMENT

I, the undersigned attorney for the Defendant, do hereby waive the arraignment provided for in PA. Rule of Criminal Procedure No. 571 which is scheduled to be held in this case on \_\_\_\_\_.

I, the undersigned Defendant, understand that:

- 1. The information containing the charges against me will be filed in the Office of the Clerk of Courts and a copy will be mailed to my attorney and to me. \_\_\_\_\_ (Defendant's initials)
- 2. Any discovery must be concluded 14 days after the scheduled arraignment date. \_\_\_\_\_ (Defendant's initials)
- 3. I must file a request for a Bill of Particulars in writing within 7 days after the scheduled arraignment date. \_\_\_\_\_ (Defendant's initials)
- 4. If I intend to offer the defense of alibi, insanity or mental infirmity, I must notify the Attorney for the Commonwealth in writing within 30 days after the scheduled arraignment date. \_\_\_\_\_ (Defendant's initials)
- 5. I must file all pre-trial motions for relief on or before 30 days from the scheduled arraignment date. \_\_\_\_\_ (Defendant's initials)
- 6. If I fail to file any motions for discovery or pre-trial relief within the prescribed time limits, it shall be considered a waiver of the rights to file such motions. \_\_\_\_\_ (Defendant's initials)
- 7. I must give the Court notice prior to stated jury selection date if I desire to have my case tried before a Judge without a jury. \_\_\_\_\_ (Defendant's initials)

Date: \_\_\_\_\_  
Defendant's Signature

Attorney for Defendant

EXHIBIT "13"

PROCEDURE FOR CRN EVALUATIONS

- 1. The CRN (Court Reporting Network) evaluation is a computer-supported information system that provides the Courts with a detailed personality and alcohol intake profile of a person charged with Driving Under the Influence.

- 2. The Court MUST have in their possession, prior to your sentencing or acceptance into the ARD program, the complete CRN evaluation. It is important that you keep the scheduled appointment given to you to avoid any delays in your case.
- 3. Please have the following information with you at the time of your evaluation:
  - TIME AND DATE OF ARREST
  - DRIVER'S LICENSE NUMBER
  - BLOOD ALCOHOL CONCENTRATION LEVEL (BAC)
- 4. The cost of the CRN evaluation is \$50. Payment in full is required at the time of the evaluation. Failure to appear, failure to bring the \$50 fee and/or the above-requested information, will result in the re-scheduling of your appointment. A \$15 no-show fee will be assessed for missed appointments.

MASTERCARD AND VISA ARE ACCEPTED OR MAKE CHECK OR MONEY ORDER PAYABLE TO:

Carbon-Monroe-Pike Drug & Alcohol Commission, Inc.

\_\_\_\_\_  
Date of Appointment                      Time of Appointment

Bonnie Wright, BA, CAC  
AHSP Program Director

Carbon - Monroe - Pike Drug & Alcohol Commission, Inc.

I have read the above and fully understand it and I acknowledge receipt of the scheduled CRN evaluation date and time.

Date: \_\_\_\_\_

Defendant

CARBON OFFICE	MONROE OFFICE	PIKE OFFICE
110 S. First Street	724 A Phillips Street	Suite 303, 10 Buist Rd.
Lehighton, PA 18235	Stroudsburg, PA 18360	Milford, PA 18337
610-377-5177	1-866-824-3578	570-296-7255

[Pa.B. Doc. No. 04-1001. Filed for public inspection June 11, 2004, 9:00 a.m.]

**CARBON COUNTY**

**Criminal Fee Schedule for Court Appointed Counsel in Non-Homicide and Homicide Cases; 71 MI 04**

**Administrative Order No. 10-2004**

And Now, this 28th day of May, 2004, it is hereby Ordered and Decreed that, effective July 1, 2004, Carbon County Adopts the following schedule for payment of court-appointed counsel in Non-Homicide and Homicide criminal cases as follows:

*Non-Homicide Criminal Cases*

1. Counsel shall be assigned to represent defendants charged with non-homicide criminal offenses or in any post-conviction proceedings, and juveniles formally charged with delinquency where a conflict of interest or other sufficient reason exists and the individual cannot properly be represented by the Public Defender's Office.

2. At the conclusion of the representation, or any segment thereof, counsel shall be compensated at a rate

of forty dollars (\$40) per hour for time expended in Court and at a rate of thirty dollars (\$30) per hour for time reasonably expended out of Court and shall be reimbursed for all reasonable expenses.

3. Where one or more felonies are charged or for proceedings under the Post Conviction Hearing Act, the compensation paid to an attorney shall not exceed one thousand five hundred dollars (\$1,500). Where only misdemeanors or juvenile delinquencies are charged, payment shall not exceed seven hundred and fifty dollars (\$750).

4. Investigative, expert, or other services authorized by Order of Court shall not exceed five hundred dollars (\$500) and are reimbursable upon completion of services.

*Homicide Cases*

1. Counsel appointed shall not exceed one, except in cases of extreme complexity and those involving the death penalty where a conflict of interest or other sufficient reason exists and the individual cannot properly be represented by the Public Defender's Office.

2. At the conclusion of the representation, or any segment thereof, counsel shall be compensated for services rendered at a rate of fifty dollars (\$50) per hour for time reasonably expended in Court, and forty dollars (\$40) per hour for time reasonable expended out of Court and shall be reimbursed for all reasonable expenses.

3. Such compensation shall not exceed four thousand dollars (\$4,000) where one counsel has been assigned, and shall not exceed a total of six thousand (\$6,000) where two counsels have been assigned.

4. Investigative, expert, or other services authorized by Order of Court shall not exceed one thousand five hundred dollars (\$1,500) and are reimbursable upon completion of services.

*It Is Further Ordered and Decreed* that appointments made pursuant to this rule shall continue through all stages of the proceedings. Compensation payments shall be a charge upon the County of Carbon. Any payment in excess of the limits stated herein may only be made because of extraordinary circumstances that are necessary to provide fair compensation for representation and have been approved by the Court.

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

1. File seven (7) certified copies of this Administrative Order with the Administrative Office of Pennsylvania Courts.

2. File two (2) certified copies and one (1) diskette with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

3. File one (1) certified copy with the Pennsylvania Criminal Procedural Rules Committee.

4. Forward one (1) copy for publication in the *Carbon County Law Journal*.

5. Forward one (1) copy to the Carbon County Law Library.

6. Keep continuously available for public inspection copies of the Order in the Clerk of Court's Office.

*By the Court*

RICHARD W. WEBB,  
*President Judge*

[Pa.B. Doc. No. 04-1002. Filed for public inspection June 11, 2004, 9:00 a.m.]

## DELAWARE COUNTY

Amendment of Orphans' Court Local Rule  
6.11D(2); No. 00-3708**Order**

*And Now*, to wit, this 21st day of May, 2004, it is hereby *Ordered* that Orphans' Court Local Rule 6.11D(2) is *Amended* and shall read as follows:

**Rule 6.11D. Distribution of Real Estate**

(2) *Partition or Allotment of Real Estate Requested by Accountant or by a Party in Interest.* Whenever partition or allotment of real estate is requested by the accountant or a party in interest, the request shall be made at the audit in the form of a petition for partition in accordance with Orphans' Court Rule 12.8, including a request for a citation upon any parties in interest who have not joined as petitioners. The Court shall issue a Citation, if appropriate, and shall make such Order, including a direction to submit an information certificate, issued by an attorney or a responsible title insurance company, showing the current state of the title, if required, provisions for owelty, if any, the preparation of a schedule of distribution, notice to the parties, and fixing the dates of further hearings, as may be necessary under the circumstances to protect all parties in interest.

*By the Court*

KENNETH A. CLOUSE,  
*President Judge*

[Pa.B. Doc. No. 04-1003. Filed for public inspection June 11, 2004, 9:00 a.m.]

## SUPREME COURT

## Accreditation of the National Board of Trial Advocacy as a Certifying Organization; No. 29 Disciplinary Rules; Doc. No. 1

**Order**

*Per Curiam:*

*And Now*, this 1st day of June, 2004, upon consideration of the recommendation of the Pennsylvania Bar Association Review and Certifying Board, the National Board of Trial Advocacy is hereby accredited as a certifying organization in the areas of Civil Trial Advocacy, Criminal Trial Advocacy, and Family Law Advocacy for a period of five calendar years.

[Pa.B. Doc. No. 04-1004. Filed for public inspection June 11, 2004, 9:00 a.m.]

# PROPOSED RULEMAKING

## DEPARTMENT OF CORRECTIONS

[37 PA. CODE CHS. 91, 93 AND 94]

### Administration, State Correctional Institutions and Facilities and Release and Prerelease Programs

The Department of Corrections (Department) proposes to amend Chapters 91, 93 and 94 (relating to administration; State correctional institutions and facilities; and release and prerelease programs) to read as set forth in Annex A. The Department is acting under the authority of section 506 of The Administrative Code of 1929 (71 P. S. § 186). The proposed rulemaking revises outdated material.

#### *Purpose*

The proposed rulemaking amends Chapter 91 to update the section on use of force and restraints. The proposed rulemaking amends Chapter 93 to revise the section on inmate correspondence to provide alternative procedures for privileged correspondence. The sections on inmate visiting privileges and religious activities will be updated. The section on inmate discipline will be revised to change the procedures for inmate hearings. The section on prison medical services will be revised to clarify examination procedures and increase medical co-pay fees. The proposed rulemaking amends Chapter 94 to clarify pre-release procedures.

#### *Fiscal Impact and Paperwork Requirements*

Since the Department currently operates the State prison system in accordance with the proposed rulemaking, it does not expect the proposed rulemaking to have a fiscal impact on, or to create new paperwork requirements for, the Commonwealth, its political subdivisions or the private sector.

#### *Effective Date*

The proposed rulemaking shall be effective upon closure of the public comment period, the regulatory review process and final-form publication in the *Pennsylvania Bulletin*.

#### *Sunset Date*

No sunset date has been assigned; however, every facet of the proposed rulemaking will be continuously reviewed for effectiveness, clarity and whether they are serving the greater interests of citizens of this Commonwealth.

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on June 2, 2004, the Department submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Judiciary Committees. A copy of this material is available to the public upon request.

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

to final publication of the rulemaking, by the Department, the General Assembly and the Governor of comments, recommendations or objections raised.

#### *Public Comment Period/Contact Person*

Written comments concerning the proposed rulemaking shall be submitted to John S. Shaffer, Ph.D., Deputy Secretary for Administration, 2520 Lisburn Road, P. O. Box 598, Camp Hill, PA 17001-0598. Written comments must be received within 30 days of the publication of this proposed rulemaking in the *Pennsylvania Bulletin* and must include the name, address and telephone number of the interested party.

JEFFREY A. BEARD, Ph.D.,  
*Secretary*

**Fiscal Note:** 19-6. No fiscal impact; (8) recommends adoption.

#### Annex A

#### TITLE 37. LAW

#### PART III. AGENCIES AND OFFICES

#### Subpart B. DEPARTMENT OF CORRECTIONS

#### CHAPTER 91. ADMINISTRATION

#### § 91.1. Definitions.

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

\* \* \* \* \*

*Community corrections center*—A minimum security community-oriented facility operated **or contracted** by the Department for the purpose of facilitating special programs.

*Contraband*—Material listed as contraband in 18 Pa.C.S. §§ 5122 and 5123 (relating to weapons or implements for escape; and contraband), the Commonwealth of Pennsylvania *Department of Corrections Inmate Handbook*, or any Department document that is [ **disseminated** ] **available** to inmates, such as material that an inmate is prohibited from possessing or material that an inmate is permitted to possess that has been altered or is being used for something other than its intended purpose.

\* \* \* \* \*

*Facility*—An institution, motivational boot camp or community corrections center operated **or contracted** by the Department.

\* \* \* \* \*

#### § 91.6. Use of force and restraints.

(a) Force and restraints will be used by corrections personnel only to accomplish legitimate [ **peneological** ] **penological** and law enforcement objectives.

(1) A staff member may not use any greater force against an inmate than is necessary to protect himself or others from bodily harm or to protect property from damage or destruction **or to prevent a criminal act or to effect compliance with rules when other methods of control are ineffective.**

(2) A staff member may only use deadly force against an inmate when such force is necessary to prevent death, serious bodily harm to himself or others, or to prevent [ **an escape.** ] **one or more of the following:**



(i) An escape from a correctional facility or while in immediate pursuit of an inmate escaping from a correctional facility.

(ii) An escape from a work detail, transport or other approved temporary absence when deadly force is necessary to prevent the escape and the inmate has been convicted of a forcible felony.

\* \* \* \* \*

(c) Use of [mace] chemical munitions will be closely controlled. Appropriate medical attention will be provided for any person involved in an incident where [mace was] chemical munitions were used. Staff will follow the procedures [set forth] in Administrative Directives as to the availability and storage, method of use, training, medical staff role, and reporting of the use of [mace] chemical munitions.

CHAPTER 93. STATE CORRECTIONAL INSTITUTIONS AND FACILITIES

Subchapter A. RIGHTS AND PRIVILEGES

§ 93.2. Inmate correspondence.

\* \* \* \* \*

(b) Restrictions. The following restrictions apply:

(1) Correspondence with inmates of other facilities, former inmates, probationers or victims of the criminal acts of the inmate will not be permitted except upon [special] approval of the facility manager or a designee.

\* \* \* \* \*

(5) Mail addressed to an inmate organization will not be accepted unless the facility manager [has] and Secretary have approved the organization and it is addressed to the staff coordinator of the organization.

(c) Incoming mail. All mail sent to a facility will be opened and examined for contraband in the facility's mailroom or designated area except when permitted under paragraph (1).

(1) The Department may permit sealed mail to be opened in the presence of an inmate under the following conditions:

\* \* \* \* \*

(ii) An attorney may obtain a control number from the Department's Office of Chief Counsel if the attorney wishes to have correspondence addressed to an inmate client opened in the presence of the inmate.

(A) An attorney shall submit a written request for a control number to the Office of Chief Counsel. The request shall include the attorney's name, address, telephone and facsimile numbers, state attorney identification number and a verification subject to the penalties of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities) that all mail sent to inmates using the control number will contain only essential, confidential, attorney-client communication and will contain no contraband.

(B) The attorney shall place the control number on each envelope that the attorney wishes to have opened in an inmate's presence. The number is confidential. It shall only be placed on the outside of the envelope so that it can be obliterated before it is delivered to an inmate client.

(C) If a control number does not appear on the envelope, the mail will be treated as regular mail and opened in the mailroom unless the procedures in subparagraph (i) were followed.

(D) The Department may change the control number for any reason upon notice to the attorney who requested it.

[ (ii) ] (iii) \* \* \*

(2) Contraband in the form of money orders, certified checks, cash or other negotiable instruments will be recorded indicating the nature of the receipt, the sender, the amount received and the date. Personal checks, unless certified, will be returned to the sender. The facility is not responsible for cash sent through the mails. Confiscated coins and currency will be deposited in the Inmate General Welfare Fund. Contraband not specifically addressed in this section will be returned to the sender or destroyed [at the inmate's option unless it is transferred to appropriate criminal justice agencies at the discretion of the mailroom or security staff].

\* \* \* \* \*

(e) Scrutiny of correspondence.

(1) The facility manager or a designee may read incoming or outgoing mail, except mail sealed in accordance with subsection (c)(1), when there is reason to believe that it may reveal or discuss illegal or unauthorized activity or for reasons set forth in any Department document that is [disseminated] available to inmates.

\* \* \* \* \*

(f) Rejection of correspondence. An item of correspondence which appears to violate subsection (b) may be rejected by facility mailroom staff. The inmate and the sender, in cases when the inmate is not the sender, will be notified when the letter is rejected. The letter may be held for at least 7 business days after mailing of the notification to permit reasonable opportunity to protest the decision. If the letter is rejected, it will be returned to the sender.

(g) Incoming publications.

(1) [An incoming] A publication review committee [IPRC] consisting of staff designated by and reporting to the facility manager or a designee shall determine whether an inmate may receive a publication.

\* \* \* \* \*

(6) An inmate may receive only one copy of any publication unless granted permission by the [IPRC] publication review committee.

\* \* \* \* \*

§ 93.3. Inmate visiting privileges.

(a) Approved list of visitors. A list of approved visitors may contain [up to] at least 20 names or more if permitted by the Department. Inmates who can show that they have more than [20 regular visitors] the number of visitors permitted by the Department may be permitted to add additional names to their approved lists. [Members of a family living at the same address may be counted as one name.] Except for members of an inmate's immediate family, a minor's name may be placed on the approved list only with permission of the minor's parents or guardian. Children

under [ 12 ] 18 years of age may visit only when accompanied by [ an adult and need not be placed separately on the official list ] a parent, legal guardian or county children/youth services agency staff. A person may not be on more than one inmate's visiting list except in cases when the person is part of the immediate family of more than one inmate, unless special permission is granted by the facility manager. Changes or additions to the approved list may be made in accordance with established procedures. The name of a visitor may be removed [ for good cause ] upon authorization by the facility manager.

(b) *Religious advisor.* Designation by an inmate of a religious advisor as defined in § 93.6 (relating to religious activities) may be made at any time. The designation shall be in addition to the names on the approved list and will not be counted against the total [ of 20 ] designated by the Department.

(c) *Attorneys.* An inmate may designate attorneys for whom the inmate desires visiting privileges at any time. The designation shall be in addition to the names on the approved list and will not be counted against the total [ of 20 ] designated by the Department.

\* \* \* \* \*

(g) *Initial [ visits ] visits.* The inmate's first visit after admission should be scheduled following the medical quarantine period and may be held in the presence of a staff caseworker.

(h) *Number, time and place of visits.* Inmates shall be permitted to have visits as often as the situation at the facility will allow.

(1) *Visiting days.* Visits may be permitted every day of the year at the discretion of the facility manager.

(2) *Visiting hours.* Morning and afternoon visiting hours will be maintained at the discretion of the facility manager. Evening visits may be maintained at the discretion of the facility manager.

\* \* \* \* \*

(6) *Place.* Inmates in the general population will be permitted contact visits in a relaxed setting, under official supervision unless otherwise restricted as set forth in the Commonwealth of Pennsylvania Department of Corrections Inmate Handbook, or any Department document that is available to inmates.

\* \* \* \* \*

(j) *Media representatives.* Media representatives will have the same visiting privileges as visitors on an inmate's approved list of visitors as described in Department policy concerning inmate visitation. A media representative will not be in addition to the names on the approved list and will be counted against the total [ of 20 ] designated by the Department.

(1) [ Upon request, media ] Media representatives [ will be provided with ] may obtain a copy of the Department's policy regarding inmate visitation on the Department's website (www.cor.state.pa.us).

\* \* \* \* \*

§ 93.6. Religious activities.

(a) [ Policy. It is the policy of the Department to permit each inmate to satisfy the needs of his religious life, consistent with the security needs

and orderly administration of the facility. The Department will provide chapel facilities at each facility. The Department will also permit inmates to possess approved religious items and make reasonable accommodation for dietary restrictions.] Chapel facilities. The Department will provide chapel facilities at each facility and will permit inmates to request religious accommodations not already being permitted.

(b) *Religious advisors.*

(1) [ If the facility contains a sufficient number of inmates of the same faith, a qualified representative of that faith from the outside community will be appointed or approved by the facility manager and will be permitted to hold regular services in the facility. Qualified representative means a person from the outside community who has received endorsement from his faith group authority. ] Staff or volunteers will be permitted to hold services that are consistent with the security needs and orderly administration of the facility.

(2) Each inmate will be permitted to select a religious advisor from the outside community [ who has received endorsement from the faith group authority ] subject to security needs and orderly administration of the facility. This person will be permitted to visit the inmate on an individual basis in accordance with general rules governing visitation.

[ (c) Accommodation of faiths. Requests for accommodation of faiths will be handled as follows:

(1) Facility officials will secure written information from the outside faith group authority, including publications which describe the goals, beliefs and practices of the group.

(2) Information material will be forwarded to the Director of Chaplaincy Services for the Department for evaluation. ]

§ 93.7. Telephone calls.

(a) Inmates in general population may make phone calls in accordance with 66 Pa.C.S. § 2907 (relating to state correctional institutions) and the Commonwealth of Pennsylvania Department of Corrections Inmate Handbook. Phone calls, except confidential communications between attorneys and inmates, shall be subject to monitoring in accordance with 18 Pa.C.S. Chapter 57 (relating to wiretapping and electronic surveillance).

\* \* \* \* \*

§ 93.9. Inmate complaints.

(a) The Department will maintain an inmate grievance system which will permit any inmate to seek review of problems which the inmate experiences during the course of confinement. The system will provide for review and resolution of inmate grievances at the most decentralized level possible. It will also provide for review of the initial decisionmaking and for possible appeal to the Central Office of the Department. An inmate will not be disciplined for the good faith use of the grievance systems. However, an inmate who submits a grievance for review which is false, frivolous or malicious may be subject to appropriate disciplinary procedures. Copies of the directive governing grievance procedures will be made available to the inmates.

\* \* \* \* \*

§ 93.10. Inmate discipline.

(a) Rules which define expectations and prohibitions for inmate behavior will be established by the Department and [ distributed ] made available to the inmate population. There shall be two classes of misconduct charges, Class I and Class II.

(1) Inmates found guilty of Class I misconduct charges may be subjected to one or more of the following sanctions:

\* \* \* \* \*

(iii) Change of cell assignment, including placement in the restricted housing unit or restrictive confinement in a general population cell for a period not to exceed [ 6 months ] 90 days for any one misconduct charge.

\* \* \* \* \*

(b) Written procedures which conform to established principles of law for inmate discipline including the following will be maintained by the Department and [ distributed ] made available to the inmate population:

\* \* \* \* \*

(2) Hearing before an impartial hearing [ body ] examiner or an informal resolution process for charges specified by the Department in the Commonwealth of Pennsylvania Department of Corrections Inmate Handbook, or any Department document that is made available to inmates.

\* \* \* \* \*

(4) Assistance from an inmate or staff member at the hearing if the inmate is unable to collect and present evidence effectively.

(5) Written statement of the decision and reasoning of the hearing body, based upon [ the preponderance of the ] some evidence.

(6) Opportunities to appeal the misconduct decision [ of the hearing body ] in accordance with procedures in the Commonwealth of Pennsylvania Department of Corrections Inmate Handbook.

§ 93.12. Prison Medical Services Program.

\* \* \* \* \*

(b) The following words and phrases, when used in this section, have the following meanings unless the context clearly indicates otherwise:

\* \* \* \* \*

Health care professional—

(i) Any physician, physician assistant, nurse, dentist, optometric professional or other person licensed to provide health care under the laws of the Commonwealth.

(ii) The term does not include a corrections health care administrator performing the administrative duties of that position.

\* \* \* \* \*

(c) The Department will charge a fee to an inmate for any of the following:

\* \* \* \* \*

(6) Medical service provided to an inmate to determine whether his physical condition is suitable for participation in a sport unless the medical service is provided as

part of an inmate's [ initial, annual or biennial ] physical examination scheduled by the Department.

(d) The Department will not charge a fee to an inmate for any of the following:

\* \* \* \* \*

(4) [ Annual and biennial physical ] Physical and dental examination scheduled by the Department.

\* \* \* \* \*

(7) Medical treatment for a chronic or intermittent disease or illness.

(8) Infirmity care in a Department [ of Corrections ] facility excluding organ transplantation.

(9) Hospitalization outside of a Department [ of Corrections ] facility.

(10) Long-term care to an inmate not in need of hospitalization, but whose needs are such that they can only be met on a long-term basis [ and who needs the care ] or through personal or skilled care because of age, illness, disease, injury, convalescence or physical or mental infirmity.

\* \* \* \* \*

(e) The fee for any medical service in subsection (c) is \$[ 2 ] 3, and this amount will be increased to \$4 on July 1, 2005, and \$5 on July 1, 2007, except that an inmate is required to pay a fee equivalent to [ two-thirds of ] the total cost of medical services provided to another inmate as a result of the inmate's assaultive conduct.

(1) The fee will be assessed each time a medical service in subsection (c) is provided to an inmate, except when multiple services are performed at one visit at the discretion of the health care professional.

\* \* \* \* \*

(f) Payment for any medical service in subsection (c) shall be accomplished according to the following procedures:

\* \* \* \* \*

(2) An inmate who wishes to receive a medical service after being advised that a fee will be charged for the medical service, shall sign the authorization form acknowledging that his inmate account will be debited for the fee. [ A nonemergency medical service will not be provided to an inmate who refuses to sign the authorization form after having been advised that a fee will be charged for the medical service. ] An inmate who refuses to sign the authorization, who does not sign a refusal of treatment form, and who accepts medical treatment will receive the services and his account will be debited. An inmate will not be denied access to medical services because of an inability to pay the required fee. If an inmate lacks sufficient funds to pay a medical service fee, the inmate's account will be debited and the fee recouped as soon as sufficient funds are deposited in the inmate's account.

\* \* \* \* \*

(g) An inmate who has medical insurance shall pay for his own medical needs through that insurance by cooperating with the Department in submitting the proper paperwork to the insurance carrier.

\* \* \* \* \*

**Subchapter C. MOTIVATIONAL BOOT CAMPS**

**§ 93.303. Selection committee.**

\* \* \* \* \*

**[ (d) The superintendent of the State correctional institution in which a diagnostic and classification center is operated shall make the final decision as to inmate participation in a motivational boot camp. ]**

**§ 93.307. Inmate discipline.**

\* \* \* \* \*

(b) Serious rule infractions which constitute Class I misconducts listed in DC-ADM 801—*Inmate [ Disciplinary and Restricted Housing Procedures ] Discipline*—may result in an inmate's expulsion from a motivational boot camp.

(c) Minor rule infractions which constitute Class II misconducts listed in the DC-ADM 801—*Inmate [ Disciplinary and Restricted Housing Procedures ] Discipline*—will be dealt with according to a three-tiered approach.

\* \* \* \* \*

**CHAPTER 94. RELEASE AND PRERELEASE PROGRAMS**

**§ 94.2. Prerelease programs.**

\* \* \* \* \*

(c) *Community corrections.*

\* \* \* \* \*

(2) *Group home residency.* This is a program which complements community corrections center residency and consists of publicly or privately owned agencies approved by the Department for use by its residents. These residences provide specialized residential treatment, for example, drug and alcohol treatment, **or additional bed resources** and include 24-hour supervision, living quarters and special services for selected residents, and provisions for continued jurisdiction by community corrections. An exception to this paragraph shall have prior approval by the Director, Community Corrections Division and final approval by the Secretary or a designee.

(3) *Community corrections furlough program.* This is a program which complements community corrections center residency and is permitted with the approval of the community corrections center **[ staff ] director or contract coordinator**. It is the authorized leave of an inmate from a community corrections center or group home for a period not to exceed 7-consecutive days for the purpose of furthering the inmate's reintegration into the community. The inmate is required to return to the center or group home at a designated time.

**§ 94.3. Procedures for participation in prerelease programs.**

(a) The criteria for eligibility for prerelease programs are as follows:

(1) Inmates who have been sentenced to death or life imprisonment **or other offenses as specified in State and Federal statutes or specified by the Department in the Commonwealth of Pennsylvania Department of Corrections Inmate Handbook or any Department document that is available to inmates** are not eligible.

\* \* \* \* \*

(4) The inmate may have had no Class I misconduct and no more than one Class II misconduct during the 9 months prior to application, and have sustained no Class I **[ misconducts ] misconduct** and no more than one Class II misconduct from the time of application to the time of transfer.

\* \* \* \* \*

(6) The inmate's application shall be approved by the facility manager **and by the Secretary or regional director of the Department, or both, if an inmate is serving a sentence for an offense specified in the Commonwealth of Pennsylvania Department of Corrections Inmate Handbook, or any Department document that is available to inmates that requires approval.**

\* \* \* \* \*

(9) The inmate shall execute a written **[ agreement which requires him ] acknowledgement that he is required** to abide by the rules and regulations of the prerelease program. In the case of community corrections placement, the written agreement shall be signed prior to transfer.

\* \* \* \* \*

**§ 94.5. Notification process.**

\* \* \* \* \*

(b) If the inmate has not finished his minimum sentence and an objection is received from the judge or court, if the judge is unavailable, within 30 days of his receipt of the proposed prerelease plan, representatives of the Department will contact the judge or court and if necessary arrange for a meeting to attempt to resolve the disagreement. If, within 20 days of the Department's receipt of the objections, the judge or court does not withdraw the objection and the Department does not withdraw its proposal for transfer, or the judge and the Department do not agree on an alternate proposal for transfer, the Department will refer the matter to the Board for **[ arbitration ] a hearing.**

**§ 94.6. Staff responsibilities.**

\* \* \* \* \*

(b) It is the primary responsibility of the **[ classification and treatment manager ] Corrections Classification Program Manager (CCPM) or other staff person designated by the facility manager** to coordinate the staff evaluation and recommendation process.

(1) The **[ classification and treatment manager ] CCPM or other staff person designated by the facility manager** will chair a meeting of designated facility staff who shall make recommendations regarding prerelease programs. The inmate shall be present at this staff meeting for input.

(2) The staff's findings, recommendations and rationale shall be forwarded to the facility manager through both the Office of the Deputy Superintendent for **[ Treatment ] Centralized Services** and the Deputy Superintendent for **[ Operations ] Facilities Management**, with comments by both.

(c) It is the responsibility of the facility manager to give final approval or disapproval of recommendations regarding prerelease programs. The inmate will be advised by the **[ classification and treatment ] unit manager**, in the presence of the inmate's counselor, of the

final decision and its rationale. The decision and rationale will be documented in the cumulative adjustment record.

(d) Letters to judges and district attorneys shall be signed by the facility manager **or a designee.**

\* \* \* \* \*

[Pa.B. Doc. No. 04-1005. Filed for public inspection June 11, 2004, 9:00 a.m.]

# GAME COMMISSION

## [58 PA. CODE CH. 137]

### Wildlife; Feeding

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its April 20, 2004, meeting, proposed the following rule-making:

Amend § 137.33 (relating to feeding of certain wildlife prohibited) to allow the ban on feeding bears to remain in effect, until amended or deleted by the Commission, by removing the expiration language from the section.

The proposed rulemaking will have no adverse impact on the wildlife resources of this Commonwealth.

The authority for the proposed rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

The proposed rulemaking was made public at the April 20, 2004, meeting of the Commission. Comments can be sent until June 21, 2004, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

#### 1. Introduction

The Commission is proposing to amend § 137.33 to allow the ban on feeding bears to remain in effect, until amended or deleted by the Commission, by removing the expiration language from the section.

#### 2. Purpose and Authority

In recent years, bear populations have increased in parts of this Commonwealth. These increases in bear populations have unfortunately resulted in increased instances of bear/human conflicts. The feeding of bears has consistently been an aggravating factor in many of these conflicts, because this feeding has attracted bears to developed areas. In an effort to limit bear/human conflicts, Chapter 137 (relating to wildlife) was amended to make it unlawful to feed bears. This amendment, however, contained expiration language which directed that "This section shall expire October 31, 2004, unless a regulation is promulgated reauthorizing it." The Commission is proposing to reauthorize § 137.33 and allow it to remain in effect until it is amended or deleted by removing the expiration language.

Section 103(a) of the code (relating to ownership, jurisdiction and control of game and wildlife) states that "The ownership, jurisdiction over and control of game or wildlife is vested in the commission . . ." Section 2102(a) of the code (relating to regulations) provides that "The commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife . . . including regulations relating to the protection, preservation and management of game or wildlife and game . . . in this Commonwealth." The amendment to § 137.33 is proposed under this authority.

#### 3. Regulatory Requirements

The proposed rulemaking will amend § 137.33 by removing the expiration language, thus allowing the ban on feeding bears to remain in effect until it is amended or deleted by the Commission.

#### 4. Persons Affected

Persons living within areas where black bears are located would be affected by the proposed rulemaking.

#### 5. Cost and Paperwork Requirements

The proposed rulemaking should not result in additional cost or paperwork.

#### 6. Effective Date

The proposed rulemaking will be effective on final-form publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

#### 7. Contact Person

For further information regarding the proposed rule-making, contact Michael A. Dubaich, Director, Bureau of Law Enforcement, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

VERNON R. ROSS,  
*Executive Director*

**Fiscal Note:** 48-188. No fiscal impact; (8) recommends adoption.

### Annex A

#### TITLE 58. RECREATION

#### PART III. GAME COMMISSION

#### CHAPTER 137. WILDLIFE

#### § 137.33. Feeding of certain wildlife prohibited.

It is unlawful to, except for normal or accepted farming, habitat management practices, oil and gas drilling, mining, forest management activities or other legitimate commercial or industrial practices, intentionally lay or place food, fruit, hay, grain, chemical, salt or other minerals anywhere in this Commonwealth for the purpose of feeding bear, or to intentionally lay or place food, fruit, hay, grain, chemical, salt or other minerals that may cause bear to congregate or habituate an area. If songbird feeders are being used by bears, the Commission may issue a written notice prohibiting the songbird feeding. **[This section shall expire October 31, 2004, unless a regulation is promulgated reauthorizing it.]**

[Pa.B. Doc. No. 04-1006. Filed for public inspection June 11, 2004, 9:00 a.m.]

## [58 PA. CODE CH. 137]

### Wildlife; Release

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its April 20, 2004, meeting, proposed the following rule-making:

Amend § 137.2 (relating to release of turkeys) to make unlawful the release of captive held or captive raised game or wildlife into the wild without first securing a permit.

The proposed rulemaking will have no adverse impact on the wildlife resources of this Commonwealth.

The authority for the proposed rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

The proposed rulemaking was made public at the April 20, 2004, meeting of the Commission. Comments can be sent until June 21, 2004, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

### 1. Introduction

The Commission is proposing to amend § 137.2 to make unlawful the release of captive held or captive raised game or wildlife into the wild without first securing a permit.

### 2. Purpose and Authority

Currently, the Commission has no law or regulation that prohibits the release of captive held or captive raised game or wildlife into the wild. Release of captive held or captive raised game or wildlife into the wild is a sizable concern due to the possibility of the transmission of disease, unnatural predation and habitat competition. The transmission of disease by released animals is a concern because of the potential devastating effects that certain current diseases could have on the native wild animals of this Commonwealth. The recent problems with monkey pox or chronic wasting disease in other areas are prime examples. Released captive held or captive raised game or wildlife can also negatively impact native species by direct predation and by competition for habitat. The amendments to § 137.2 make unlawful the release of captive held or captive raised game or wildlife into the wild without first securing a permit.

Section 2102(c) of the code (relating to regulations) directs that "The commission shall promulgate regulations concerning the transportation, introduction into the wild, importation, exportation, sale, offering for sale or purchase of game or wildlife or the disturbing of game or wildlife in their natural habitat." Section 2102(a) of the code provides that "The commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking, the ways, manner, methods and means of hunting or furtaking, and the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth." The amendment to § 137.2 is proposed under this authority.

### 3. Regulatory Requirements

The proposed rulemaking will make unlawful the release of captive held or captive raised game or wildlife into the wild without first securing a permit.

### 4. Persons Affected

Persons who release captive held or captive raised game or wildlife into the wild in this Commonwealth without first securing a permit will be affected by the proposed rulemaking.

### 5. Cost and Paperwork Requirements

The proposed rulemaking should not result in additional cost or paperwork.

### 6. Effective Date

The proposed rulemaking will be effective upon final form publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

### 7. Contact Person

For further information regarding the proposed rulemaking, contact Michael A. Dubaich, Director, Bureau of Law Enforcement, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

*(Editor's Note: A proposal to amend this section which appeared at 33 Pa.B. 4680 (September 20, 2003), has been withdrawn by the Commission.)*

VERNON R. ROSS,  
*Executive Director*

**Fiscal Note:** 48-187. No fiscal impact; (8) recommends adoption.

## Annex A

### TITLE 58. RECREATION

### PART III. GAME COMMISSION

### CHAPTER 137. WILDLIFE

#### § 137.2. Release of [turkeys] animals.

**[It is unlawful to release turkeys into the wild without first obtaining a permit from the Commission. The permit applicant shall provide proof the turkeys to be released have been tested using procedures prescribed by the Department of Agriculture in 7 Pa. Code Chapter 15 (relating to control and eradication of pullorum disease) and have been found free of disease. If the turkeys to be released have been raised in this Commonwealth in accordance with 7 Pa. Code Chapter 15 and regularly tested under those regulations within 12 months of release, a permit is not required.] Except as otherwise provided, it is unlawful to release captive held or captive raised game or wildlife on to any lands, public or private, without first securing a permit from the Commission. Lawfully acquired mallard ducks, ringneck pheasant, bobwhite quail and chukar partridge may be released for dog training or hunting purposes.**

[Pa.B. Doc. No. 04-1007. Filed for public inspection June 11, 2004, 9:00 a.m.]

### [58 PA. CODE CHS. 141]

### Hunting and Trapping; Protective Material

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its April 20, 2004, meeting, proposed the following rulemaking:

Amend § 141.20 (relating to protective material required) to expand and clarify the list of specific animal species that may be hunted without wearing daylight fluorescent orange-colored material.

The proposed rulemaking will have no adverse impact on the wildlife resources of this Commonwealth.

The authority for the proposed rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

The proposed rulemaking was made public at the April 20, 2004, meeting of the Commission. Comments can be sent until June 21, 2004, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

1. *Introduction*

The Commission is proposing to amend § 141.20 to expand and clarify the list of specific animal species that may be hunted without wearing daylight fluorescent orange-colored material.

2. *Purpose and Authority*

In an effort to clarify the applicability of § 141.20, the Commission is proposing to add furbearers and coyotes (except from the first day to the last day inclusive of the regular firearms deer season or any bear season) to the list of specific animal species that may be hunted without wearing daylight fluorescent orange-colored material. This expansion should reduce the confusion to the public and enforcement officers relative to the wearing of daylight fluorescent orange protective clothing while hunting and trapping.

Section 2102(a) of the code (relating to regulations) provides that "The commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to . . . the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth." The amendment to § 141.20 is proposed under this authority.

3. *Regulatory Requirements*

The proposed rulemaking will add furbearers and coyotes (except from the first day to the last day inclusive of the regular firearms deer season or any bear season) to the list of specific animal species that may be hunted without wearing daylight fluorescent orange-colored material. Regulatory requirements will therefore be relaxed by the proposed rulemaking.

4. *Persons Affected*

Persons wishing to hunt or trap furbearers or coyotes within this Commonwealth will be affected by the proposed rulemaking.

5. *Cost and Paperwork Requirements*

The proposed rulemaking should not result in additional cost or paperwork.

6. *Effective Date*

The proposed rulemaking will be effective upon final-form publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

7. *Contact Person*

For further information regarding the proposed rulemaking, contact Michael A. Dubaich, Director, Bureau of Law Enforcement, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

VERNON R. ROSS,  
*Executive Director*

**Fiscal Note:** 48-186. No fiscal impact; (8) recommends adoption.

**Annex A**  
**TITLE 58. RECREATION**  
**PART III. GAME COMMISSION**  
**CHAPTER 141. HUNTING AND TRAPPING**  
**Subchapter A. GENERAL**

**§ 141.20. Protective material required.**

\* \* \* \* \*

(b) *Permitted acts.* It is lawful to:

(1) Hunt without wearing daylight fluorescent orange-colored material for:

\* \* \* \* \*

(vi) **Furbearers.**

(vii) **Coyotes except from the first day to the last day inclusive of any deer or bear season.**

\* \* \* \* \*

[Pa.B. Doc. No. 04-1008. Filed for public inspection June 11, 2004, 9:00 a.m.]

**[58 PA. CODE CHS. 147]**  
**Special Permits; Taxidermy**

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its April 20, 2004, meeting, proposed the following rulemaking:

Amend § 147.123 (relating to taxidermy examination) to clarify requirements regarding the use of reproductions and associated parts in addition to the types of species that may be used to mount fish, both in the General and Specialty class.

The proposed rulemaking will have no adverse impact on the wildlife resources of this Commonwealth.

The authority for the proposed rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

The proposed rulemaking was made public at the April 20, 2004, meeting of the Commission. Comments can be sent until June 21, 2004, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

1. *Introduction*

The Commission's taxidermy testing procedures and process has long been admired and respected throughout the country. Few other states impose professional standards on their taxidermists and it shows in the quality of completed work. In keeping with these standards, the Taxidermist Board has recommended to the Commission that the following amendments be made relative to the mounting of fish, both in the General and Specialty class.

2. *Purpose and Authority*

The Taxidermist Board has concerns that current regulations do not adequately address the use of reproductions and associated artificial parts in addition to the types of species that may be used to mount fish, both in the General and Specialty class, to complete the taxidermy examination. The amendments to § 147.123 are intended to eliminate this confusion while also maintaining the high standards and skill level required for a taxidermy permit.

Section 2901(b) of the code (relating to authority to issue permits) provides that "the commission may, as deemed necessary to properly manage the game or wild-life resources, promulgate regulations for the issuance of any permit and promulgate regulations to control the activities which may be performed under authority of any permit issued." Section 2102(a) of the code (relating to regulations) provides that "The commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife. . . in this Commonwealth. . ." The amendments to § 147.123 are proposed under this authority.

### 3. *Regulatory Requirements*

The proposed rulemaking will identify what types of reproductions and associated artificial parts in addition to the types of species that may be used to mount fish, both in the General and Specialty class, to complete the taxidermy examination.

### 4. *Persons Affected*

Persons wishing to obtain a taxidermy permit within this Commonwealth will be affected by the proposed rulemaking.

### 5. *Cost and Paperwork Requirements*

The proposed rulemaking should not result in additional cost or paperwork.

### 6. *Effective Date*

The proposed rulemaking will be effective on final-form publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

### 7. *Contact Person*

For further information regarding the proposed rule-making, contact Michael A. Dubaich, Director, Bureau of Law Enforcement, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

VERNON R. ROSS,  
*Executive Director*

**Fiscal Note:** 48-189. No fiscal impact; (8) recommends adoption.

## Annex A

### TITLE 58. RECREATION

#### PART III. GAME COMMISSION

#### CHAPTER 147. SPECIAL PERMITS

#### Subchapter G. TAXIDERMY

#### § 147.123. Taxidermy examination.

(a) General taxidermy permit applicants shall present five specimens that have been mounted by the applicant within the last 3 years. The required specimens shall be: One antlered whitetail deer head, one small mammal, one upland game bird, one duck or other waterfowl and one fish. **The fish must be skin mounted and the applicant would be permitted to use artificial cast head, fins or eyes.** All birds shall be mounted with the feet and legs visible. All specimens shall be found in the wild within this Commonwealth.

(b) Restricted taxidermy permit applicants shall present five specimens that have been mounted by the applicant within the last 3 years in the category they are attempting to secure a permit. Big and small game applicants shall present one antlered whitetail deer head, one other big game specimen, two small game specimens and one furbearer specimen. Fish applicants shall present five different fish specimens **[ , game ] to include two warm water specimens, two cold water specimens and one of the applicant's choice. Four of the specimens must be skin mounted. The fifth specimen can be a skin mount or a reproduction. If it is a reproduction, it must be cast by the applicant. It cannot be a commercially produced fish body.** Game bird applicants shall present one wild turkey, two upland game birds and two waterfowl specimens. All birds and waterfowl shall be mounted with the feet and legs visible. All specimens must be found in the wild within this Commonwealth.

\* \* \* \* \*

[Pa.B. Doc. No. 04-1009. Filed for public inspection June 11, 2004, 9:00 a.m.]



# NOTICES

## DEPARTMENT OF AGRICULTURE

### Fertilizer Nutrient Values

The Secretary of Agriculture, under the authority of 3 Pa.C.S. § 6710 (relating to commercial value), establishes the commercial values per pound of nitrogen, available phosphate and soluble potash.

The values are established as follows:

Nitrogen	31¢ per pound
Available phosphate	28¢ per pound
Soluble potash	16¢ per pound

### Further Information

Further information is available by contacting John W. Breitsman, Chief, Division of Agronomic and Regional Services, Bureau of Plant Industry, Department of Agriculture, 2301 North Cameron Street, Harrisburg, PA 17110-9408, (717) 787-4843.

### Effective Date

These commercial values are effective beginning July 1, 2004, and shall remain effective until further notice.

DENNIS C WOLFF,  
*Secretary*

[Pa.B. Doc. No. 04-1010. Filed for public inspection June 11, 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 June 1, 2004.

### BANKING INSTITUTIONS

#### Holding Company Acquisitions

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
3-22-04	Pitcairn Financial Group, Inc., Jenkintown, acquired 100% of the shares of common stock of Pitcairn Trust Company, Jenkintown, under section 112 of the Banking Code of 1965	Jenkintown	Effective

#### Conversions

<i>Date</i>	<i>Name of Institution</i>	<i>Location</i>	<i>Action</i>
5-26-04	Prudential Savings Association Philadelphia Philadelphia County <i>To:</i> Prudential Savings Bank Philadelphia Philadelphia County Application represents conversion of State-chartered mutual savings association to a State-chartered mutual savings bank.	Philadelphia	Filed

#### Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
5-26-04	Landmark Community Bank Pittston Luzerne County	Davis Street and Pittston Avenue Scranton Lackawanna County	Approved
5-27-04	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	2775 West Main Street Norristown Montgomery County	Opened
5-28-04	Citizens & Northern Bank Wellsboro Tioga County	130 Court Street Williamsport Lycoming County	Opened

**Branch Relocations**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
5-24-04	Peoples State Bank of Wyalusing Wyalusing Bradford County	<i>To:</i> Route 6 East Wyalusing Township Bradford County  <i>From:</i> 201 Church Street Wyalusing Township Bradford County (Customer Service Only)	Effective
5-26-04	S & T Bank Indiana Indiana County	<i>To:</i> 920 Fifth Avenue Ford City Armstrong County  <i>From:</i> 323 Ford Street Ford City Armstrong County	Filed

**SAVINGS INSTITUTIONS****Conversions**

<i>Date</i>	<i>Name of Association</i>	<i>Location</i>	<i>Action</i>
5-20-04	Citizens Savings Association Mount Pocono Monroe County  <i>To:</i> Citizens Savings Bank Clarks Summit Lackawanna County  Represents conversion from a State-chartered mutual savings association to a Federally-chartered mutual savings bank.	Mount Pocono	Effective

**CREDIT UNIONS****Branch Applications**

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
5-18-04	Freedom Credit Union Philadelphia Philadelphia County	636 East Main Street Lansdale Montgomery County	Opened

A. WILLIAM SCHENCK, III,  
*Secretary*

[Pa.B. Doc. No. 04-1011. Filed for public inspection June 11, 2004, 9:00 a.m.]

## DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

**Weatherization Assistance Program Public Hearing**

The Department of Community and Economic Development (Department) will hold a public hearing at 10 a.m. on Thursday, June 24, 2004, in Room H—East, 4th Floor, Commonwealth Keystone Building, 400 North Street, Harrisburg, PA. The purpose of this hearing is to receive comments on the Weatherization Assistance Program's proposed State Plan (Plan) to be submitted to the United States Department of Energy for the program year 2004-2005.

A copy of this Plan can be obtained by contacting the Department of Community and Economic Development, Office of Community Services, 4th Floor, Commonwealth Keystone Building, 400 North Street, Harrisburg, PA 17120, (717) 787-1984 or at the following Department regional offices:

Central Regional Office  
4th Floor, Commonwealth  
Keystone Building  
400 North Street  
Harrisburg, PA 17120  
(717) 214-5322

Southwest Regional Office  
1405 State Office Building  
300 Liberty Avenue  
Pittsburgh, PA 15222  
(412) 565-5002

Southeast Regional Office  
State Office Building—  
Penthouse  
1400 Spring Garden Street  
Philadelphia, PA 19130  
(215) 560-2256

Northeast Regional Office  
201 Samters Building  
101 Penn Avenue  
Scranton, PA 18503-2025  
(570) 963-4571

Northwest Regional Office  
Rothrock Building  
1200 Lovell Place  
Erie, PA 16503  
(814) 871-4241

Written comments should be submitted to Dennis Darling, Director, Office of Community Services, 4th Floor, Commonwealth Keystone Building, 400 North Street, Harrisburg, PA 17120 until 5 p.m. on June 24, 2004.

Persons with a disability who wish to attend this hearing and require auxiliary aid, services or other accommodations to participate in the proceedings should contact Dennis Darling at (717) 787-1984 to discuss how the Department can accommodate their needs. Alternative formats of the document (for example, large print or cassette tape) can be made available to the public upon request.

DENNIS YABLONSKY,  
*Secretary*

[Pa.B. Doc. No. 04-1012. Filed for public inspection June 11, 2004, 9:00 a.m.]

## DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

### Conservation and Natural Resources Advisory Council Meeting

The Conservation and Natural Resources Advisory Council to the Department of Conservation and Natural Resources (Department) will hold a meeting on Wednesday, June 23, 2004, at 10 a.m. in Room 105, Lobby Level, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Questions concerning this meeting or agenda items should be directed to Kurt Leitholf at (717) 705-0031.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Joan Dupes at (717) 705-0031 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

MICHAEL F. DIBERARDINIS,  
*Secretary*

[Pa.B. Doc. No. 04-1013. Filed for public inspection June 11, 2004, 9:00 a.m.]

## DEPARTMENT OF EDUCATION

### Application of Carlow College for Approval of University Status

#### Opportunity for Hearing and Invitation to Protest

Under 24 Pa.C.S. § 6503(e) (relating to certification of institutions), the Department of Education (Department) will consider the application of Carlow College for a Certificate of Authority approving the institution's status to that of a university and changing the name to Carlow University.

Under 24 Pa.C.S. § 6503(e), the Department will act upon the application without hearing, unless within 30 days after the publication of the notice in the *Pennsylvania Bulletin* a written request for public hearing is filed with the Department, along with a notice of intervention, a petition to intervene or protest in accordance with 1 Pa. Code §§ 35.23 and 35.25 (relating to protest) or 1 Pa. Code §§ 35.27—35.32 (relating to intervention).

Petitions to intervene, protest and request for hearing shall be filed with Paula Fleck, Chief, Division of Program Services, Department of Education, 333 Market Street, Harrisburg, PA 17126-0333, (717) 772-3623 on or before 4 p.m. on the due date prescribed by this notice. Persons wishing to review the application should telephone or write to the aforementioned office to schedule a time for an in-office review. Copies of the application are not available.

Persons with a disability who wish to attend the hearing, if held, and require an auxiliary aid, service or other accommodation to participate should contact Paula Fleck at (717) 772-3623 to discuss how the Department may best accommodate their needs.

VICKI L. PHILLIPS,  
*Secretary*

[Pa.B. Doc. No. 04-1014. Filed for public inspection June 11, 2004, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Applications, Actions and Special Notices

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#### APPLICATIONS

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### 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**

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

<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>
PA0051756	State Farm Mutual Automobile Insurance Company One State Farm Drive Concordville, PA 19331	Delaware County Concord Township	UNT West Branch Chester Creek	Y
PA0040665	Stone Barn Rentals 100 Stone Barn Drive Kennett Square, PA 19348-1132	Chester County West Marlborough Township	East Branch White Clay Creek	Y

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

<i>NPDES Permit No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0055123 IW/Transfer	Sunbeam Products, Inc. Bally Municipal Well No. 3 Air Stripper 2381 Executive Center Drive Boca Raton, FL 33431	Berks County Bally Borough	UNT Perkiomen Creek 3E	Y
PA0088064 CAFO	Country View Family Farms Perry Meadows Farm 120 Lake Street P. O. Box 526 Ephrata, PA 17522	Perry County Jackson Township	UNT to Sherman Creek 7A	Y
PA0086304 SEW	Earl Township Sewer Authority 517 North Railroad Avenue New Holland, PA 17557	Lancaster County East Earl Township	Mill Creek 7J	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>
PA0085448 SEW	East Earl Township 4610 Division Highway East Earl, PA 17519	Lancaster County East Earl Township	UNT Conestoga River 7J	Y

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

<i>NPDES Permit No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0113476 IW	Koppers Inc. P. O. Box 189 Montgomery, PA 17752	Clinton Township Lycoming County	UNT West Branch Susquehanna River 10-C	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>
PA0222593	William C. Hickman Building Sewage Treatment Facility 104 Atlantic Avenue Elizabeth, PA 13037	North East Township Erie County	Sixteen Mile Creek 15-sm	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.*

**PA0011096**, Industrial Waste, **Sunoco, Inc. (R & M)**, P. O. Box 426, Marcus Hook, PA 19061-0426. This application is for renewal/expansion of an NPDES permit to discharge noncontact cooling water from compressors and stormwater runoff from the Marcus Hook oil refinery area in the Borough of Marcus Hook, **Delaware County**. This is an existing discharge to Middle Creek and Delaware River Estuary Zone 4.

The receiving stream is classified for WWF.

The proposed effluent limits for Outfall 201 based on an average flow of 7.90 mgd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Suspended Solids (Net)	100	Monitor and Report	
Total Organic Carbon (Net)			5
Oil and Grease	15		30
Temperature*			110°F
pH	within limits of 6.0—9.0 standard units at all times		

The proposed effluent limits for Outfall 301 based on an average flow of 4.7 mgd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Organic Carbon (Net)			5
Total Suspended Solids (Net)	100	Monitor and Report	
Oil and Grease	15		30
Temperature *			110°F
pH	within limits of 6.0—9.0 standard units at all times		

\*Not more than 5°F above the average daily temperature during the 1961-1966 period, which follows, or a maximum of 86°F, whichever is less, which temperature shall be measured outside of designated heat dissipation areas as described in section 4.30, 6F of the Delaware River Basin Commission water quality regulations.

<i>Date</i>	<i>Average Daily Temperature (°F) (1961-1966)</i>
1-1 to 1-31	42
2-1 to 2-29	36
3-1 to 3-31	40
4-1 to 4-30	47
5-1 to 5-31	58
6-4 to 6-30	72
7-1 to 7-31	80
8-1 to 8-31	81
9-1 to 9-14	78
9-15 to 9-30	76

<i>Date</i>	<i>Average Daily Temperature (°F)</i> <i>(1961-1966)</i>
10-1 to 10-31	70
11-1 to 11-30	60
12-1 to 12-14	50
12-15 to 12-31	45

The proposed effluent limits for stormwater Outfalls 401, 020, 021A—021F and 022 are as follows:

<i>Parameter</i>	<i>Instantaneous</i> <i>Maximum (mg/l)</i>
CBOD <sub>5</sub>	Monitor and Report
COD	Monitor and Report
Oil and Grease	Monitor and Report
pH	Monitor and Report
Suspended Solids	Monitor and Report
Total Kjeldahl Nitrogen	Monitor and Report
Phosphorus as P	Monitor and Report
Iron (Dissolved)	Monitor and Report

The EPA waiver is not in effect.

**PA0058815**, IW, SIC 5411, **Hanover Land Corporation**, 614 East Barnard Street, West Chester, PA 19382. This proposed facility is in North Coventry Township, **Chester County**.

Description of Proposed Activity: Discharge of treated groundwater from groundwater remediation system.

The receiving stream, unnamed tributary to Pigeon Creek, is in the State Water Plan watershed 3D-Manatawny and classified for HQ. The nearest downstream public water supply intake for the Citizens Utility Home Water Company is on the Schuylkill River, 7.4 miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 12,000 GPD.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		<i>Instantaneous</i> <i>Maximum</i> <i>(mg/l)</i>
	<i>Average</i> <i>Monthly</i>	<i>Maximum</i> <i>Daily</i>	<i>Average</i> <i>Monthly</i>	<i>Maximum</i> <i>Daily</i>	
pH			Inst. Min		9.0 STD
Benzene			6.0 STD		Nondetect
Total BETX			Nondetect	Nondetect	Nondetect
Ethyl Benzene			Nondetect	Nondetect	Nondetect
Toluene			Nondetect	Nondetect	Nondetect
Xylene, Total			Nondetect	Nondetect	Nondetect
MTBE			Nondetect	Nondetect	Nondetect
Naphthalene			Nondetect	Nondetect	Nondetect
Oil and Grease			Nondetect	Nondetect	Nondetect
Total Suspended Solids			10	20	25
Iron, Dissolved			0.23	0.46	0.58
Cumene			Nondetect	Nondetect	Nondetect

**PA0053376**, SEW, **Scott A. Thomas, Strawberry Family Restaurant**, 3152 Middle Creek Road, Gilbertsville, PA 19525-9465. This facility is at 3773 Layfield Road, Pennsburg, PA 18073, Upper Hanover Township, **Montgomery County**.

Description of Activity: Renewal of an NPDES permit to discharge treated sewage from the Strawberry Family Restaurant to an unnamed tributary to West Branch Perkiomen Creek.

The receiving stream, unnamed tributary to West Branch to Perkiomen Creek, is in the State Water Plan watershed 3E Perkiomen and classified for CWF, aquatic life, water supply and recreation. The nearest downstream public water supply intake for the Suburban Water Company is on the Perkiomen Creek, approximately 12 miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 1,500 gpd.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		<i>Instantaneous</i> <i>Maximum</i> <i>(mg/l)</i>
	<i>Average</i> <i>Monthly</i>	<i>Instantaneous</i> <i>Daily</i>	<i>Average</i> <i>Monthly</i>	<i>Maximum</i> <i>Daily</i>	
Flow (GPD)	Monitor and Report				
CBOD <sub>5</sub>			10		20
Total Suspended Solids			15		30
Phosphorus as P			Monitor and Report		

Parameter	Mass (lb/day)		Concentration (mg/l)		Instantaneous Maximum (mg/l)
	Average Monthly	Instantaneous Daily	Average Monthly	Maximum Daily	
Ammonia as N			3.0		6.0
Fecal Coliform			200 #/100ml		
Dissolved Oxygen		5.0			
pH		6.0 (STD)			9.0 (STD)
Total Residual Chlorine			0.5		1.2
Oil and Grease			15		30

In addition to the effluent limits, the permit contains the following major special conditions: permit contains a phosphorus limit of 0.5 mg/l (average monthly) that will take effect in year 3 of the permit.

**PA0058823**, SEW, **Roger Eastman**, 76 Smith Road, Collegeville, PA 19426. This proposed facility is in Lower Providence Township, **Montgomery County**.

Description of Proposed Activity: New stream discharge from a single-family small flow sewage treatment facility.

The receiving stream, unnamed tributary to Skippack Creek, is in the State Water Plan watershed 3E-Perkiomen and classified for TSE, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 are based on a design flow of 500 gallons per day.

Parameter	Mass (lb/day)		Concentration (mg/l)		Instantaneous Maximum (mg/l)
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	
CBOD <sub>5</sub>			10		
Total Suspended Solids			20		
Fecal Coliform			200 colonies/100 mls		
pH			6.0—9.0		
Total Residual Chlorine			0.50		

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

**PA0043052**, Sewage, **Municipal Authority of the Township of Spring**, 2800 Shillington Road, Sinking Spring, PA 19608. This facility is in Spring Township, **Berks County**.

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

The receiving stream, Cacoosing Creek, is in Watershed 3-C and classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for the Pottstown Borough is on the Schuylkill River, approximately 26 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 1.28 MGD are:

Parameter	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
CBOD <sub>5</sub>	25	40	50
Total Suspended Solids	30	45	60
NH <sub>3</sub> -N			
(5-1 to 10-31)	3.5		7.0
(11-1 to 4-30)	10.5		21
Total Residual Chlorine	0.45		1.48
Dissolved Oxygen		minimum of 5.0 at all times	
pH		from 6.0 to 9.0 inclusive	
Fecal Coliform			
(5-1 to 9-30)		200/100 ml as a geometric average	
(10-1 to 4-30)		6,000/100 ml as a geometric average	

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

The EPA waiver is not in effect.

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

**PA0008419**, Industrial Waste SIC, 2833, **Merck & Company Inc.**, P. O. Box 600, Danville, PA 17821-0600. This existing facility is in Riverside Borough, **Northumberland County**.

Description of Proposed Activity: Renewal of an NPDES permit for an existing discharge of treated industrial wastewater, noncontact cooling water and stormwater.

The receiving stream, Susquehanna River, is in the State Water Plan watershed 5E and classified for WWF. The nearest downstream public water supply intake for the Sunbury Municipal Water is on the Susquehanna River, 12 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 12.2 MGD.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Daily Maximum	Average Monthly	Daily Maximum	Instantaneous Maximum
pH			within the range of 6.0 to 9.0		
TSS Supply Water	Report	Report			
Oil and Grease			15	30	30
Temperature shall not	caused a change in stream temperature of more than 20°F in any 1-hour period.				

The proposed effluent limits for Internal Outfall 101 based on a design flow of 1.74 MGD.

Parameter	Mass (lbs/day)		Concentration (mg/l)		
	Average Monthly	Daily Maximum	Average Monthly	Daily Maximum	Instantaneous Maximum
BOD <sub>5</sub>	6,250	12,500			
COD	12,422	24,307			
TSS	10,625	21,250			
Total Chlorine (5-1 to 9-30)			0.5		1.6
Fecal Coliform (5-1 to 9-30)			200 #/100 ml geometric mean		
BOD <sub>5</sub> Influent	Report	Report			
COD Influent	Report	Report			
TSS Influent	Report	Report			
Ammonia (as N)	427	1,221			
1-2-Dichloroethane	1.5	5.8			
Acetone	2.9	7.3			
Chloroform	0.19	0.29			
Isopropyl Acetate	7.3	19			
Methanol	60	145			
Methyl Formate	7.3	19			
Methylene Chloride	4.4	13			
Phenol	0.29	0.79			
Tetrahydrofuran	38	122			
Acetonitrile	148	363			
Benzene	0.29	0.79			
Dimethyl Sulfoxide	545	1,329			
Ethanol	60	145			
Ethyl Acetate	7.3	19			
Isopropanol	23	57			
n-Butyl acetate	7.3	19			
n-Hexane	0.29	0.44			
Toluene	0.29	0.87			
Triethyl Amine	1,481	3,630			
4-Methyl-2-Pentanone (MIBK)					Report
Amyl Alcohol					Report
Chlorobenzene					Report
Diethyl Amine					Report
Isobutyraldehyde					Report
Isopropyl Ether					Report
Methyl Cellosolve					Report
n-Amyl Acetate					Report
n-Heptane					Report
o-Dichlorobenzene					Report
Xylenes					Report

In addition to the effluent limits, the permit contains the following major special conditions: Part C 4 Chronic Biomonitoring and Part C 6 Net TSS Limits.

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

**PA0025852**, Industrial Waste, SIC, 5171, **Marathon Ashland Petroleum LLC**, 1100 Glass House Road, Jefferson Hills, PA 15025. This application is for renewal of an NPDES permit to discharge treated groundwater stormwater and untreated stormwater from the Floreffe Terminal in Jefferson Borough, **Allegheny County**.



The following effluent limitations are proposed for discharge to the receiving waters of Monongahela River (003) and Lobbs Run (001, 005 and 006), classified as WWF with existing and/or potential uses for aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the Pennsylvania American Water Company at Hays, 20 miles below the discharge point.

*Outfall 001: existing discharge, to Lobbs Run.*

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Total Recoverable Petroleum Hydrocarbons	Monitor and Report				
Oil and Grease			15		30

*Outfall 003: existing treated groundwater discharge to Monongahela River.*

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (mgd)	Monitor and Report				
TSS			10	20	
Benzene			0.01	0.02	
Iron					7.0
Trichloroethylene			0.03	0.06	
Naphthalene			0.14	0.28	
Vinyl Chloride			0.03	0.06	
pH	not less than 6.0 nor greater than 9.0				

*Outfall 005: existing discharge, truck parking lot stormwater discharge to Lobbs Run.*

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (mgd)	Monitor and Report				
Oil and Grease		15	30		

*Outfall 006: Tank 1365 dike area stormwater discharge to Lobbs Run.*

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (mgd)	Monitor and Report				
Oil and Grease		15	30		

The EPA waiver is in effect.

**PA0090948**, Industrial Waste, SIC, 4953, **CBF, Inc.**, P. O. Box 266, McClellandtown, PA 15458. This application is for renewal of an NPDES permit to discharge treated process water and stormwater from a landfill in German Township, **Fayette County**.

The following effluent limitations are proposed for discharge to the receiving waters, unnamed tributary of Dunlap Creek, classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is the Pennsylvania American Water Company—Brownsville at Brownsville, 19.4 miles below the discharge point.

*Outfall 001: existing discharge, design flow of 0.036 mgd.*

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (MGD)	Monitor and Report	0.050			
BOD <sub>5</sub>	11	42	37	140	175
TSS	8.1	26	27	88	110
NH <sub>3</sub> -N	1.1	2.2	3.5	7.0	8.0
x-Terpineol	0.005	0.01	0.016	0.033	0.04
Benzoic Acid	0.021	0.036	0.071	0.12	0.18
p-Cresol	0.004	0.007	0.014	0.025	0.035
Phenol	0.005	0.008	0.015	0.026	0.038
Zinc	0.033	0.06	0.11	0.2	0.275

## NOTICES

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)				200 #/100 ml 2,000 #/100 ml	1,000 #/100 ml
Antimony	0.009	0.019	0.031	0.062	0.078
Arsenic	0.015	0.030	0.05	0.10	0.13
Chromium	0.038	0.075	0.125	0.25	0.31
Copper	0.006	0.012	0.020	0.040	0.05
Lead	0.002	0.004	0.007	0.014	0.018
Mercury			Not Detectable		
Nickel	0.034	0.068	0.114	0.228	0.29
Selenium	0.003	0.006	0.011	0.022	0.028
Phenols, total	0.01	0.02	0.034	0.068	0.09
Aluminum	0.33	0.66	1.1	2.2	2.8
Barium	1.2	2.4	4	8	10
Boron	Monitor and Report		Monitor and Report		
Cobalt	0.013	0.026	0.042	0.084	0.11
Iron	0.45	0.9	1.5	3.0	3.8
Dissolved Iron	0.09	0.18	0.3	0.6	0.8
Manganese	0.3	0.6	1.0	2.0	2.5
1, 1 Dichloroethane			0.09	0.18	0.23
Methylene chloride			0.063	0.126	0.16
Toluene			0.05	0.1	0.13
Diethyl Ophthalate			0.025	0.05	0.063
Acetone			0.11	0.22	0.28
2-Hexanone			0.015	0.03	0.038
Methyl ethyl ketone			0.21	0.42	0.53
Methyl isobutyl ketone			0.015	0.03	0.038
1-Propanol			0.55	1.1	1.38
2-Propanol			0.54	1.08	1.35
Xylenes, total			0.01	0.02	0.025
Total Residual Chlorine			0.5	1.0	1.25
pH (SU)			not less than 6.0 nor greater than 9.0		

Outfall 002: existing discharge.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Iron					Monitor and Report

Outfall 003: existing discharge.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Iron					Monitor and Report

The EPA waiver is in effect.

**PA0096229**, Sewage, **Marianna-West Bethlehem Joint Sewerage Authority**, P. O. Box 428, Marianna, PA 15345. This application is for renewal of an NPDES permit to discharge treated sewage from the Marianna-West Bethlehem Sewage Treatment Plant in West Bethlehem Township, **Washington County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Ten Mile Creek, which are classified as a TSF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Tri-County Joint Municipal Authority on the Monongahela River.

Outfall 001: existing discharge, design flow of 0.307 mgd.

Parameter	Concentration (mg/l)		
	Average Monthly	Average Weekly	Instantaneous Maximum
CBOD <sub>5</sub> (5-1 to 10-31)	20	30	40
(11-1 to 4-30)	25	37.5	50
Suspended Solids	30	45	60

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Ammonia Nitrogen (5-1 to 10-31)	5.0	7.5		10.0
(11-1 to 4-30)	15.0	22.5		30.0
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	8,700/100 ml as a geometric mean			
Total Residual Chlorine	0.6			2.0
Dissolved Oxygen	not less than 4 mg/l			
pH	not less than 6.0 nor greater than 9.0			

Other Conditions: Outfall 002, which discharges to the receiving waters known as Ten Mile Creek, serves as a combined sewer overflow necessitated by stormwater entering the sewer system and exceeding the hydraulic capacity of the sewers and is permitted to discharge only for this reason. At this time, there are no specific effluent limitations on this outfall. Each discharge shall be monitored for cause, frequency, duration and quantity of flow. This outfall is required to be eliminated within 36 months of the permit issuance date.

The EPA waiver is in effect.

**PA0096318**, Sewage, **Municipal Authority of the Township of Robinson**, P. O. Box 15539, Pittsburgh, PA 15244-0539. This application is for a renewal of an NPDES permit to discharge treated sewage from the Covi/Douglas Sewage Treatment Plant in Robinson Township, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as tributary of Moon Run, which are classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Nova Chemicals, Beaver Valley Plant, on the Ohio River.

*Outfall 001*: existing discharge, design flow of .1538 mgd. The permittee is authorized to discharge during the period from effective date through the 59th month of the permit term, or the date the proposed plant expansion is completed and fully operational, whichever comes first.

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

*Outfall 001*: existing discharge, design flow of .1538 mgd. The permittee is authorized to discharge during the period from the beginning of the 60th month of the permit term through expiration date, or the date the proposed plant expansion is completed and fully operational, whichever comes first.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25	38		50
Suspended Solids	30	45		60
Ammonia Nitrogen (5-1 to 10-31)	2.2	3.3		4.4
(11-1 to 4-30)	5.1	7.7		10.2
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	0.1			0.31
Dissolved Oxygen	not less than 5 mg/l			
pH	not less than 6.0 nor greater than 9.0			

Other Conditions: The following effluent limitations will apply at Outfall 001 if/when the treatment plant is expanded to a flow of 0.210 mgd. The permittee is authorized to discharge during the period from the date the expansion is complete and operational through expiration date.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>	25	38		50
Suspended Solids	30	45		60
Ammonia Nitrogen (5-1 to 10-31)	2.1	3.2		4.2
(11-1 to 4-30)	4.5	6.8		9.0
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	0.08			0.26
Dissolved Oxygen	not less than 5 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

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

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

**WQM Permit No. 0604406**, Sewerage, **Ontelaunee Township Municipal Authority**, P. O. Box 621, Leesport, PA 19533. This proposed facility is in Ontelaunee Township, **Berks County**.

Description of Proposed Action/Activity: Expansion of the Maiden creek WWTP Service Area.

**WQM Permit No. 2204402**, Sewerage, **Swatara Township Authority**, 599 Eisenhower Boulevard, Harrisburg, PA 17111. This proposed facility is in Swatara Township, **Dauphin County**.

Description of Proposed Action/Activity: Construction of the Hoffman Heights pumping station and force main.

**WQM Permit No. 0604407**, Sewerage, **Hamburg Municipal Authority**, 61 North Third Street, Hamburg, PA 19526. This proposed facility is in Hamburg Borough, **Berks County**.

Description of Proposed Action/Activity: Construction to upgrade the Ridge Lawn pumping station.

**WQM Permit No. 2804201**, Industrial Waste, **Franklin County General Authority**, 5121-A Coffey Avenue, Chambersburg, PA 17201. This proposed facility is in Greene Township, **Franklin County**.

Description of Proposed Action/Activity: Construction/addition of a circular gravity settling tank/clarifier to process the backwash from the rapid sand filters and the solids from the primary settling tanks and flocculation tanks.

**WQM Permit No. 3804201**, Industrial Waste, **CHP Acquisition, LLC**, North Pine Grove Street, P. O. Box 10, Fredricksburg, PA 17026-0010. This proposed facility is in Fredricksburg Township, **Lebanon County**.

Description of Proposed Action/Activity: Modifications to existing wastewater treatment plant including construction/addition of a 250,000-gallon equalization tank.

**WQM Permit No. 0104202**, CAFO, **Donald C. Hershey, Hillandale Gettysburg, L. P.**, 370 Spicer Road, Gettysburg, PA 17325. This proposed facility is in Straban Township, **Adams County**.

Description of Proposed Action/Activity: Construction of a small flow treatment facility with spray irrigation.

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

**WQM Permit No. 1204401**, Sewerage 4952, **Mid-Cameron Authority**, 421 North Broad Street, Emporium, PA 15834. This proposed facility is in Shippen Township, **Cameron County**.

Description of Proposed Action/Activity: Mid-Cameron Authority proposes treatment upgrades and an increase in design flow of their wastewater treatment plant in Shippen Township, Cameron County. The proposed treatment upgrades will provide for the existing needs as identified in the Act 537 Plan and will also reduce the number of combined sewer overflow events.

**WQM Permit No. 1404403**, Sewerage 4952, **Spring-Benner-Walker Joint Authority**, 170 Irish Hollow Road, Bellefonte, PA 16823. This proposed facility is in Spring Township, **Centre County**.

Description of Proposed Action/Activity: Construction of a pump station and force main to serve the White Rock Quarry.

**WQM Permit No. 1992405-A1**, Sewerage 4952, **Camp Victory**, P. O. Box 810, Millville, PA 17846. This proposed facility is in Millville Borough, **Columbia County**.

Description of Proposed Action/Activity: The Camp Victory Wastewater Treatment Plant proposes to convert the existing holding tank into an equalization tank. The proposed conversion will allow the plant to more effectively treat seasonal peak flows.

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

**WQM Permit No. 0204405**, Sewerage, **Ohio Township Sanitary Authority**, 1719 Roosevelt Road, Pittsburgh, PA 15237. This proposed facility is in Ohio Township, **Allegheny County**.

Description of Proposed Action/Activity: Application for the construction and operation of the Kilbuck Run Sewerage Treatment Plant.

**WQM Permit No. 1104402**, Sewerage, **Indiana County Municipal Services Authority**, 827 Water Street, P. O. Box 351, Indiana, PA 15701. This proposed facility is in Susquehanna Township, **Cambria County**.

Description of Proposed Action/Activity: Application for the construction and operation of the proposed Emeigh sanitary sewer collection and conveyance system.

The Pennsylvania Infrastructure Investment Authority (PENNVEST), which administers the Commonwealth's State Revolving Fund, has been identified as a possible funding source. The Department's review of the sewage facilities plan revision has not identified any significant environmental impacts resulting from this proposal.

**WQM Permit No. 6571417-A4**, Sewerage, **Kiski Valley Water Pollution Control Authority**, 1200 Pine Camp Road, Leechburg, PA 15656. This proposed facility is in Allegheny Township, **Westmoreland County**.

Description of Proposed Action/Activity: Application for the modification and operation of the rehabilitation of six existing pumping stations, replacement of one existing pneumatic ejector station and the construction of improvements to the dewatering system and operations building at the wastewater treatment plant.

PENNVEST, has been identified as a possible funding source. The Department's review of the sewage facilities plan revision has not identified any significant environmental impacts resulting from this proposal.

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

**WQM Permit No. 2004406**, Sewerage, **Edward J. and Janet A. Vogt**, 8687 Peffer Road, Fairview, PA 16415. This proposed facility is in Spring Township, **Erie County**.

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

**WQM Permit No. 2504415**, Sewerage, **Patrick C. Mellin for A. M. Mellin Estate**, 1837 Miles Grove Avenue, Lake City, PA 16423. This proposed facility is in Fairview Township, **Erie County**.

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

**WQM Permit No. 6204405**, Sewerage, **Donald and Gloria A. Nolan**, 1548 Jackson Run Road, Warren, PA 16365. This proposed facility is in Conewango Township, **Warren County**.

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

**WQM Permit No. 1604403**, Sewerage, **LeRoy P. and Jannette M. Towner**, 82 Cherry Hill Lane, Lucinda, PA 16235. This proposed facility is in Knox Township, **Clarion County**.

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

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

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

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

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

##### *NPDES Permit*

<i>No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI011504028	Liberty Property Limited Partnership 46-67 Great Valley Parkway 65 Valley Stream Parkway Malvern, PA 19355	Chester	East Whiteland Township	Valley Creek EV
PAI011504029	BL Campbell, Inc. Reedville Business Park 402 Bayard Road, Suite 100 Kennett Square, PA 19348	Chester	Lower Oxford Township	Big Elk Creek HQ
PAI012304004	Arcus Design Group Architects, Inc. 361 Highland Avenue Subdivision 418 Eagleview Boulevard Exton, PA 19341-1130	Delaware	Upper Providence Township	Ridley Creek HQ

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023504001	Valley View School District One Columbus Drive Archbald, PA 18403	Lackawanna	Blakely Borough	Lackawanna River HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023904021	Liberty Property Limited Partnership 1510 Valley Center Parkway Bethlehem, PA 18017	Lehigh	Upper Macungie Township	Little Lehigh Creek HQ-CWF
PAI023904020	Kenneth Deangelis Lower Macungie Township 3400 Brookside Rd. Macungie, PA 18062	Lehigh	Lower Macungie Township	Little Lehigh Creek 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>
PAI024804018	Horst and Rosemarie Hoppe 1026 Blue Valley Drive Pen Argyl, PA 18072	Northampton	Plainfield Township	Bushkill Creek HQ-CWF

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

*Cambria County Conservation District: 401 Candlelight Drive, Suite 221, Ebensburg, PA 15931, (814) 472-2120.*

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI051104002	Dennis Storm 374 Hanlon Road Gallitzin, PA 16641	Cambria	Clearfield Township	Unnamed tributary to Chest Creek HQ-CWF

*Westmoreland County Conservation District: Center for Conservation Education, 211 Donohoe Road, Greensburg, PA 15601, (724) 837-5271.*

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI056504004	Department of Transportation District 12-0 P. O. Box 459 825 N. Gallatin Avenue Uniontown, PA 15401	Westmoreland	Derry Township	Spruce Run Tributaries to Spruce Run and Conemaugh River HQ-WWF

## **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>
PAG132273	Laurel Run Borough 2601 Pine Run Road Wilkes-Barre, PA	Luzerne	Laurel Run Borough	Susquehanna River WWF Laurel Run CWF Pine Run CWF	Y

<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>
PAG132259	Penn State Hazleton The Commonwealth College High Acres/Office of Physical Plant Room 101P University Park, PA 16802	Luzerne	Hazleton City	Black Creek to Nescopeck 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.

**SAFE DRINKING WATER**

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

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

<b>Permit No. 2504501</b> , Public Water Supply	
Applicant	<b>Summit Township Water Authority</b>
Township or Borough	Summit Township
Responsible Official	John Troutman, Manager
Type of Facility	PWS

Consulting Engineer	August E. Maas, P. E. Hill Engineering, Inc. 8 Gibson Street Northeast, PA 16428
Application Received Date	May 25, 2004
Description of Action	Construction of one well at the end of Moor Road, east of Route 97.

**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.*

**Narberth Main Post Office**, Narberth Borough, **Montgomery County**. Bruce R. Cushing, P.G., URS Corp., 1400 Union Meeting Rd., Suite 202, Blue Bell, PA 19422-1972, on behalf of USPS, Elizabeth Ann Carter, 22 West Maple Ave., 2nd Fl., Merchantville, NJ 08109-5100, has submitted a Notice of Intent to Remediate site groundwater contaminated with no. 2 fuel oil. The applicant proposes to remediate the site to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate was published in the *Main Line Times* on May 13, 2004.

**Smith Residence**, Willistown Township, **Chester County**. Richard D. Trimpi, Trimpi Associates, Inc., 1635 Old Plains Rd., Pennsburg, PA 18073, on behalf of William Smith, 769 S. Warren Ave., Willistown, PA 19355, has submitted a Notice of Intent to Remediate. A release of an estimated 1,000 gallons of no. 2 fuel oil occurred at this single family residence. Soil, groundwater and surface water was impacted. The intended future use of the property is residential.

**Phoenixville High School Site**, Phoenixville Borough, **Chester County**. Richard D. Trimpi, Trimpi Associates, Inc., 1635 Old Plains Rd., Pennsburg, PA 18073, on behalf of Phoenixville Area School District, David Noyes, Supt., 1120 S. Gay St., Phoenixville, PA 19460, has submitted a Notice of Intent to Remediate. A release of no. 2 fuel oil was documented during UST closure activities. Product stained soils and sheen were observed in the excavation. Holes and pitting were present in both USTs. The future use of the property is nonresidential.

**CVS Pennsburg**, Pennsburg Borough, **Montgomery County**. Craig Herr, RT Environmental Services, Inc., 215 W. Church Rd., King of Prussia, PA 19406, on behalf of John Zaharchuk, Summit Realty Advisors, LLC, 621 Delaware St., New Castle, DE 19720, has submitted a Notice of Intent to Remediate. The site was used as an electric generation power plant during the first part of the 20th century. In the area where coal was stored, shallow soil is impacted by lead and arsenic above the Statewide Health Standard. The site will be redeveloped as a CVS Pharmacy, hardware store and another commercial building.

**Integrus Metals**, City of Philadelphia, **Philadelphia County**. Peter Beyer, Environmental Resources Management, Inc., 350 Eagleview Blvd., Suite 200, Exton, PA

19341, on behalf of Ronald Giles, Integrus Metals, 455 85th Ave. NW, Minneapolis, MN 55433, has submitted a Notice of Intent to Remediate. The site consists of a 71,300 square foot building on an approximately 10-acre property. The main site building was constructed in 1968-69 and has been used for storage and distribution of metal goods, with limited cutting of the metal goods. Limited quantities of TCE were used to remove dirt and oil from rollers on a leveler used in the late 1980s and early 1990s. There were no reported releases or spills of TCE at the facility. TCE is reportedly no longer used at the facility. The intended future use of the site will be for continued commercial/light industrial purposes.

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

**Kathleen Kopta (Grace Church Secondary Property)**, Sandy Creek Township, **Mercer County**. Jeff Trotter, ECS&R, 3237 US Highway 19, Cochranon, PA 16314 on behalf of Kathleen Kopta, Owner, has submitted a Notice of Intent to Remediate; 150 gallons of no. 2 heating oil was spilled in basement of residence on this site when a delivery driver pumped into the wrong fill pipe. Contamination spread to an adjoining property when the sump pump automatically pumped fuel to a surface swale that ultimately entered a small stream about 350 feet from the source of spill. Primary property is intended to remain a private residence. Secondary property contains a vacant small church building. Future use of this property is unknown. Residential Statewide Health Standard.

#### MUNICIPAL WASTE GENERAL PERMITS

**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 municipal waste regulations for a general permit to operate municipal waste processing facilities and the beneficial use of municipal waste.**

*Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17105-8472.*

**General Permit Application No. WMGM026. Allegheny County Sanitary Authority (ALCOSAN)**, 3300 Preble Avenue, Pittsburgh, PA 15233. The Bureau of Land Recycling and Waste Management has received an application for General Permit Number WMGM026. The application is for the beneficial use of municipal waste incinerator ash, generated by ALCOSAN, as a soil conditioner. The Department determined the application to be administratively complete on May 28, 2004.

Comments concerning the application should be directed to Ronald C. Hassinger, Chief, General Permits and Beneficial Use Section, Division of Municipal and Residual Waste, Bureau of Land Recycling and Waste Management, P. O. Box 8472, Harrisburg, PA 17105-8472. Persons interested in obtaining more information about the general permit application should contact the Division at (717) 787-7381. 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.



## 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. 101494. Waste Mgmt. of Pa. Inc.**, 1121 Bordentown Rd., Morrisville, PA 19067, Falls Township and Borough of Tullytown, **Bucks County**. Application received for the renewal of permitted waste disposal operations at the Tullytown Resource Recovery Facility Landfill. The application was received by the Southeast Regional Office on May 25, 2004.

## AIR QUALITY

### PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

#### NEW SOURCES AND MODIFICATIONS

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

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

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

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

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

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

### PLAN APPROVALS

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

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

**40-399-053: Fabri-Kal Corp.** (150 Lions Avenue, Hazleton, PA 18202) for installation of air cleaning devices to control the atmospheric emission from plastic regrind operations at their facility in Hazle Township, **Luzerne County**.

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

**01-05016F: ISP Minerals, Inc.** (P. O. Box O, 1455 Old Waynesboro Road, Blue Ridge Summit, PA 17214-0914) for installation of a portable dryer and associated conveyors. These portable sources will be controlled by a portable fabric filter baghouse. The facility is in Hamiltonban Township, **Adams County**.

**22-03052: Kimmel's Coal and Packaging** (Machamer Avenue, P. O. Box 1, Wiconisco, PA 17097) for replacing the fluidized bed dryer with a rotary dryer and changing the venting of two baghouses at its coal preparation facility in Wiconisco Township, **Dauphin County**.

**22-05003A: Stroehmann Bakeries, LC** (3996 Paxton Street, Harrisburg, PA 17111) for installation of a replacement catalytic oxidizer to control VOC emissions from the ovens at the Capitol Bakery in Swatara Township, **Dauphin County**.

**38-05030A: Valspar Corp.** (4406 Industrial Park Road, Camp Hill, PA 17011) for construction of a latex paint manufacturing plant in North Lebanon Township, **Lebanon County**.

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

**17-399-023: Prism Enterprises, LLC d/b/a Perma-grain** (1191 Venture Drive, Forest, VA 24551) for construction of various pieces of wood and plastic sawing, sanding, and the like, equipment and associated air cleaning device (a fabric collector) in Karthaus Township, **Clearfield County**.

**60-318-011: Pik Rite, Inc.** (60 Pik Rite Lane, Lewisburg, PA 17855) for construction of a steel parts surface coating operation in Buffalo Township, **Union County**.

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

**32-00321B: Krystal Point Ventures, LLC** (2824 North Power Road, Suite No. 113-278, Mesa, AZ 85215) for operation of a biosolids processing plant in Young Township, **Indiana County**.

**32-00206B: AMFIRE Mining Co., LLC** (One Energy Place, Latrobe, PA 15650) for increase in production at Clymer Tipple Mine in Cherryhill Township, **Indiana County**.

**63-00922A: Robinson Power Co. LLC** (P. O. Box 127, 563 Route 18, Burgettstown, PA 15021) for construction of waste coal fired boiler electric generation facility at Beech Hollow Energy Project in Robinson Township, **Washington County**.

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

**37-304B: Heraeus Electro-Nite** (3 Fountain Avenue, Ellwood City, PA 16117) for addition of a skiving machine and replacement of the existing baghouse with a larger baghouse in Ellwood City Borough, **Lawrence County**. This is a State-only facility.

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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.*

**09-0082: Quakertown Veterinary Clinic, PC** (2250 North Old Bethlehem Pike, Quakertown, PA 18951) for installation of a 75-pound per hour, crematorium for animal remains at their existing State-only facility in Milford Township, **Bucks County**. This installation will result in maximum NOx emissions of 1.1 tons per year. 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.*

**22-03041: Librandi's Machine Shop, Inc.** (93 Airport Drive HIA, Middletown, PA 17057) for a natural minor permit for chromium electroplating operations controlled by surface tension method in Middletown Borough, **Dauphin County**. This permit will be administratively amended to incorporate Plan Approval No. 22-03041B for a chromium electroplating tank in System 6. Chromium electroplating operation is subject to 40 CFR Part 63, Subpart N. The chromium electroplating operation shall be controlled by chemical fume suppressant containing wetting agent to keep the surface tension of the electroplating bath at or less than 45 dynes per centimeter to meet the requirements of Subpart N. Also, this permit will incorporate General Permit No. GP4-22-03041 for a natural gas fired burn off oven (0.68 mmBtu/hr). This operating permit contains restrictions, testing, monitoring, recordkeeping, reporting and work practice standards designed to keep the sources operating within applicable air quality requirements.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701; Richard Maxwell, New Source Review Chief, (570) 327-3637.*

**41-00005C: Lycoming Engines** (652 Oliver Street, Williamsport, PA 17701) a batch vapor degreaser, a solvent flush booth and two solvent dip tanks at 652 Oliver Street, City of Williamsport, **Lycoming County**.

The respective facility is a major facility for which Title V Operating Permit 41-00005 has been issued.

The batch vapor degreaser will be used to clean metal aircraft engine parts with perchloroethylene which has been designated as an HAP by the EPA. It will incorporate a refrigerated freeboard chiller as well as various design features (cover, extended freeboard, and the like) to control the emission of perchloroethylene. The batch vapor degreaser is expected to emit up to 1.84 tons of perchloroethylene in a 12 consecutive month period.

The solvent flush booth and two solvent dip tanks will also be used to clean metal aircraft engine parts, but will do so using mineral spirits. They are expected to emit up to a combined total of .73 ton of VOCs in a 12 consecutive month period, of which .00073 ton will also be HAPs.

The Department's review of the information submitted by Lycoming Engines indicates that the batch vapor degreaser, solvent flush booth and two solvent dip tanks will meet all applicable air quality requirements pertaining to air contamination sources and the emission of air contaminants, including the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the requirements of 25 Pa. Code § 129.63 and the requirements of Subpart T of the National Emission Standards for Hazardous Air Pollutants for Source Categories, 40 CFR 63.460—63.470. Based on this finding, the Department intends to issue a plan approval for the construction of the batch vapor degreaser, solvent flush booth and two solvent dip tanks. Additionally, if the Department determines that the batch vapor degreaser, solvent flush booth and two solvent dip tanks are operating in compliance with all applicable plan approval conditions and regulatory requirements, the conditions established in the plan approval will be incorporated into Title V Operating Permit 41-00005 via administrative amendment under 25 Pa. Code § 127.450.

The following is a summary of the conditions the Department proposes to place in the plan approval to ensure compliance with all applicable regulatory requirements:

1. The batch vapor degreaser shall not use any solvent other than perchloroethylene (unless approval is first obtained from the Department) and it shall emit no more than 1.84 tons of perchloroethylene in any 12 consecutive month period.

2. The batch vapor degreaser shall not use more than 273.4 gallons of perchloroethylene in any 12 consecutive month period. In determining compliance with this limit, any used perchloroethylene removed from this degreaser and shipped offsite in liquid form need not be counted as usage provided it is 100% perchloroethylene. Mixtures of perchloroethylene, sludge, and the like, may not be excluded or subtracted unless the perchloroethylene content of each container of mixture removed from this degreaser has been determined by analysis and then only the perchloroethylene portion of the mixture may be excluded.

3. Records shall be maintained of the amount of perchloroethylene used in the batch vapor degreaser each month as well as the amount of 100% perchloroethylene removed from this degreaser and shipped offsite each month. If the permittee excludes or subtracts from the usage total any perchloroethylene which is contained in a mixture of perchloroethylene and sludge, and the like, removed from this degreaser, records must also be maintained of the amount of perchloroethylene in each container of the material removed which shall include the

perchloroethylene content of each container and a description of the analytical method by which this was determined.

4. The batch vapor degreaser shall have a freeboard ratio of no less than 1.86.

5. The batch vapor degreaser shall be equipped with a freeboard refrigeration device which achieves a temperature of no greater than 74.94°F at the center of the chilled air blanket created by the refrigeration device.

6. The chilled air blanket temperature of the batch vapor degreaser shall be monitored daily and at least one daily reading shall be recorded during each 1-week period.

7. The batch vapor degreaser shall be equipped with a cover that shall fully cover the degreaser opening during all times of operation except to add or remove parts or to add or remove perchloroethylene.

8. The batch vapor degreaser shall have an automated hoist which is capable of moving parts or parts baskets at a speed of 11 feet per minute or less during the loading of parts into the degreaser and during the removal of parts from the degreaser.

9. The batch vapor degreaser shall comply with all applicable requirements specified in Subpart T of the National Emission Standards for Hazardous Air Pollutants For Source Categories, 40 CFR 63.460—63.470.

10. The solvent flush booth and two solvent dip tanks shall use only solvent with a vapor pressure of less than 1.0 millimeter of mercury at 68°F and an HAP content of no greater than .1% by weight. Additionally, the solvent flush booth and two solvent dip tanks shall not emit more than a combined total of .73 ton of VOCs and .00073 ton of HAPs, respectively, in any 12 consecutive month period.

11. The solvent flush booth and two solvent dip tanks shall not use more than a combined total of 224.7 gallons of solvent in any 12 consecutive month period. In determining compliance with this limit, any used solvent removed from this solvent flush booth and two solvent dip tanks and shipped offsite in liquid form need not be counted as usage provided it is 100% solvent. Mixtures of solvent, sludge, and the like, may not be excluded or subtracted unless the solvent content of each container of mixture removed from this solvent flush booth and two solvent dip tanks has been determined by analysis and then only the solvent portion of the mixture may be excluded.

12. Records shall be maintained of the amount of solvent used in this solvent flush booth and two solvent dip tanks each month as well as the amount of 100% solvent removed from this solvent flush booth and two solvent dip tanks and shipped offsite each month. If the permittee excludes or subtracts from the usage total any solvent which is contained in a mixture of solvent and sludge, and the like, removed from this solvent flush booth and two solvent dip tanks, records must also be maintained of the amount of solvent in each container of material removed which shall include the solvent content of each container and a description of the analytical method by which this was determined.

13. Records shall also be maintained of the identity, vapor pressure and HAP content of the solvent used in the solvent flush booth and two solvent dip tanks.

14. All solvent used in the solvent flush booth shall be applied to the parts being cleaned in a solid solvent stream. At no time shall solvent be applied via atomized or shower spray.

15. The two solvent dip tanks shall be equipped with covers which shall be closed at all times except during the cleaning of parts or during the addition or removal of solvent.

16. The solvent flush booth and two solvent dip tanks shall comply with all applicable requirements of 25 Pa. Code § 129.63.

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

**56-181B: Southern Alleghenies Landfill, Inc.** (843 Miller Picking Road, Davidsville, PA 15928) for expansion of the existing landfill and the installation of a control system consisting of a collection system and a 5,000 CFM enclosed ground flare at this municipal solid waste landfill in Conemaugh Township, **Somerset County**.

Under 25 Pa. Code §§ 127.44—127.48, the Department intends to issue a Plan Approval to allow the expansion of the existing landfill and the installation of a control system consisting of a collection system and a 5,000 CFM enclosed ground flare at this municipal solid waste landfill in Conemaugh Township, Somerset County. Emissions from the facility have been estimated at 56 tons of NO<sub>x</sub> per year, 100 tons of CO per year and 36 tons of NMOCs per year. The facility is subject to the operational, monitoring, recordkeeping, testing and reporting requirements required by 40 CFR 60, Subpart WWW and 25 Pa. Code Chapter 127 and the Plan Approval has been conditioned accordingly. Copies of the Plan Approval application, the Department's analysis and the proposed Plan Approval are available for public inspection during normal business hours at the following address. This is a Title V Facility.

Persons wishing to oppose the plan approval may file a written protest. A 30-day comment period, from the date of this publication, will exist for the submission of protests. Written protests must contain the name, address and telephone number of the person filing the protest, identification of the proposed Plan Approval PA-56-181B and concise statement of the objections to the Plan Approval issuance and relevant facts upon which the objections are based.

A public hearing may be held, if the Department, in its discretion, decides that a hearing is warranted based on the information received. Persons submitting written protests or requesting a hearing will be notified of the decision to hold a hearing by publication in the *Pennsylvania Bulletin* or by telephone, when the Department determines notification by telephone is sufficient. Written comments or requests for a public hearing should be directed to Barbara Hatch, Air Pollution Control Engineer, Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4000.

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

**37-243C: The International Metals Reclamation Co., Inc.** (245 Portersville Road, Ellwood City, PA 16117) for construction of a no. 8 electric cadmium distillation furnace in the cadmium recovery process in Ellwood City Borough, **Lawrence County**. This installation will not result in NSR or PSD applicability. This is a Title V facility. The public notice is required for sources required to obtain a Plan Approval at Title V facilities in accordance with 25 Pa. Code § 127.44. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorpo-

rated into the Title V operating permit through an administrative amendment at a later date. The source shall comply with the following conditions, which will satisfy the requirements of 25 Pa. Code § 127.12b (pertaining to plan approval terms and conditions) and will demonstrate Best Available Technology for the source:

The source shall comply with all the requirements in their Title V Operating Permit for Source 107 (Electric Cadmium Distillation Furnaces 1—7) along with an additional stack-testing requirement to ensure compliance with the PM emission limitation. These include the following:

- This source is subject to 25 Pa. Code §§ 123.1, 123.21 and 123.31.
- PM emissions shall not exceed 0.0052 gr/dscf and visible emissions shall not exceed 10% opacity.
- Stack test for PM emissions.
- The permittee shall monitor the pressure differential across the baghouse on a daily basis using a magnehelic gauge or equivalent.
- The permittee shall keep all the records associated with the monitoring requirements.
- The permittee shall develop an operating range for pressure drop.

#### OPERATING PERMITS

##### **Intent to Issue Title V Operating Permits under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter G.**

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

**20-00194: Lord Corp.** (601 South Street, Saegertown, PA 16433) for reissuance of a Title V Permit to operate an adhesive and coating manufacturing facility in Saegertown Borough, **Crawford County**. The facility's major emission sources include material preparation, milling, grinding, mixing and miscellaneous natural gas usage. The facility is a major facility due to its potential to emit VOCs.

##### **Intent to Issue Operating Permits under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.**

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19428; Edward Jurdonez Brown, Facilities Permitting Chief, (484) 250-5920.*

**09-00082: Quakertown Veterinary Clinic, PC** (2250 North Old Bethlehem Pike, Quakertown, PA 18951) for a non-Title V, State-only, Natural Minor Operating Permit in Milford Township, **Bucks County**. Quakertown Veterinary Clinic owns and operates an animal crematory that uses no. 2 fuel oil as an auxiliary fuel. This animal crematory was installed at the facility in 1975 and it predates the existing best available technology policies for crematories built today. Opacity, PM emissions and odors are limited through the conditions of this permit. The temperatures and throughput through the secondary chamber of the crematory control the opacity, PM emissions and odors emitted from this crematory. Monitoring, recordkeeping and reporting requirements have been added to the permit to address the applicable limitations.

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

**07-05024: Gulf Oil Limited Partnership** (90 Everett Avenue, P. O. Box 9151, Chelsea, MA 02150-2337) for a Synthetic Minor Operating Permit at their company's Altoona Terminal in the Allegheny Township, **Blair County**. The facility's major sources of emissions include a petroleum products loading rack, four gasoline and three distillate storage tanks, which primarily emit VOCs. The facility emissions of VOCs shall be limited to less than 50 tons per year. Additionally, HAP emissions will be limited to less than 10 tons of any one HAP and 25 tons of combined HAPs. The Synthetic Minor operating permit will contain restrictions, work practice standards, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

**67-05100: Cummins Power Systems, Inc.** (2727 Ford Road, Bristol, PA 19007) for operation of their Zions View Substation in East Manchester Township, **York County**. The site has the following potential annual emissions based on an annual operating restriction of 438 hours per electrical generating unit during any consecutive 12-month period: 63 tons of NOx; 10 tons of SOx; 9 tons of CO; 2 tons of VOC; 1 ton of PM10. The Synthetic Minor operating permit shall contain additional testing, monitoring, recordkeeping and reporting requirements, emission restrictions and work practice standards designed to keep the facility operating within all applicable air quality requirements.

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

**25-00917: Performance Castings, Inc.** (242 East 16th Street, Erie, PA 16503) for a Natural Minor Permit to operate an iron and aluminum foundry manufacturing facility in the City of Erie, **Erie County**. The significant emitting sources are an induction furnace, annealing operation, inoculation, charge handling, pouring/casting, cooling, shake out, grinding/cleaning, core ovens, shell core machines and binder operation.

**20-00266: Electro-Tech, Inc.** (100 West Poplar Street, Meadville, PA 16335) for a Natural Minor operating permit for emissions from hard chromium and nickel electroplating in the City of Meadville, **Crawford County**.

## COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

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

The following permit applications to conduct mining activities have been received by the Department of Environmental Protection (Department). A copy of an application is available for inspection at the district mining office indicated before an application. Where a 401 Water Quality Certification is needed for any aspect of a particu-

lar proposed mining activity, the submittal of the permit application will serve as the request for certification.

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

Where any of the mining activities listed will have discharges of wastewater to streams, the Department will incorporate NPDES permits into the mining activity permits issued in response to these applications. NPDES permits will contain, at a minimum, technology-based effluent limitations as identified in this notice for the respective coal and noncoal applications. In addition, more restrictive effluent limitations, restrictions on discharge volume or restrictions on the extent of mining which may occur will be incorporated into a mining activity permit, when necessary, for compliance with water quality standards (in accordance with 25 Pa. Code

Chapters 93 and 95). Persons or agencies who have requested review of NPDES permit requirements for a particular mining activity within the previously mentioned public comment period will be provided with a 30-day period to review and submit comments on the requirements.

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

*Coal Applications Received*

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

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

\* The parameter is applicable at all times.

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

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

**63723707 and NPDES Permit No. PA0215520. Maple Creek Mining, Inc.** (981 Route 917, Bentleyville, PA 15314), to revise the permit for the Ginger Hill Refuse Area II in Nottingham and Carroll Townships, **Washington County**, to modify the post-mining reclamation plan for Slurry Pond 3 and Refuse Area II. No additional discharges. Application received February 6, 2004.

**11841603 and NPDES Permit No. PA0235377. Cooney Bros. Coal Co.** (Box 246, Cresson, PA 16630), to renew the permit for the Sonman Preparation Plant in Portage Township, **Cambria County** and related NPDES permit. No additional discharges. Application received March 9, 2004.

**32753702 and NPDES Permit No. NA, EME. Homer City Generation, LP** (1750 Power Plant Road, Homer City, PA 15748-8009), to renew the permit for the Homer City Coal Refuse Disposal Site in Center Township, **Indiana County**. No additional discharges. Application received April 20, 2004.

**32971303 and NPDES Permit No. PA02156066. Penn View Mining, Inc.** (R. D. 1, Box 260D, Shelocta, PA 15774), to revise the permit for the Penn View Mine in Burrell and West Wheatfield Townships, **Indiana County**, to add acreage to the subsidence control plan

area. SCP Acres Proposed 89.0. No additional discharges. Application received April 30, 2004.

**02733702 and NPDES Permit No. PA0023370. Consolidation Coal Company** (P. O. Box 355, 172 Route 519, Eighty Four, PA 15330), to renew the permit for the Renton Refuse Area in Plum Borough, **Allegheny County** and related NPDES permit. No additional discharges. Application received May 18, 2004.

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

**32940102 and NPDES Permit No. PA0212709. GLR Mining, Inc.** (P. O. Box 105, Clymer, PA 15728), SMP renewal for reclamation only in Pine Township, **Indiana County**, affecting 150.4 acres. Receiving streams: unnamed tributaries to Leonard Run and Leonard Run (CWF). The first downstream potable water supply intake from the point of discharge is the Indiana County Water Authority Yellow Creek surface water intake. Application received May 4, 2004.

**32020103 and NPDES Permit No. PA0249211. AMFIRE Mining Company, LLC** (One Energy Place, Latrobe, PA 15650), SMP transfer in Cherryhill Township, **Indiana County**, affecting 67.5 acres. Receiving streams: unnamed tributaries to Two Lick Creek (CWF) and Two Lick Reservoir (TSF). The first downstream potable water supply intake from the point of discharge is the Pennsyl-

vania American Water Company Two Lick Creek Surface Water Intake. Application received May 5, 2004.

**32030103 and NPDES Permit No. PA0249416. Britt Energies, Inc.** (2450 Philadelphia Street, Indiana, PA 15701), surface mining permit renewal in Center Township, **Indiana County**, affecting 175.6 acres. Receiving streams: Tearing Run to Two Lick Creek to Black Lick Creek to Conemaugh River (CWF). Application received May 17, 2004.

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

**63020101 and NPDES Permit No. PA0250104. Neiswonger Construction, Inc.** (17592 Route 322, Strattanville, PA 16528), application received for transfer of permit currently issued to David Breeden Enterprises, Inc., for continued operation and reclamation of a bituminous surface mining site in Somerset Township, **Washington County**, affecting 261.6 acres. Receiving streams: unnamed tributary to Center Branch of Pigeon Creek to Pigeon Creek, to the Monongahela River (WWF). The first

downstream potable water supply intake from the point of discharge is the Ellsworth Borough Water Department and the Somerset Water Company. Transfer application received April 26, 2004.

**26783002 and NPDES Permit No. PA0600199. T. L. Hill Coal Company** (2195 Morgantown Road, Uniontown, PA 15401-9803), revision application to add 5 acres and change permit boundaries for an existing bituminous surface mine in Georges Township, **Fayette County**, affecting 61.9 acres. Receiving streams: York Run to Georges Creek (WWF). Potable water supplies with intakes within 10 miles downstream from the point of discharge are the North Fayette County Municipal Authority and the Mountain Water Association. Revision application received May 25, 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.*

**06980301C and NPDES Permit No. PA0223883. Highway Materials, Inc.** (1750 Walton Road, Blue Bell, PA 19422), renewal of NPDES permit for discharge of treated mine drainage in Alsace Township, **Berks County**. Receiving streams: unnamed tributary to Bernhart Creek (WWF). Application received May 26, 2004.

**7674SM1C9 and NPDES Permit No. PA0615312. Pennsy Supply, Inc.** (1001 Paxton Street, Harrisburg, PA 17105), correction to an existing quarry operation and NPDES permit for discharge of treated mine drainage in Jackson and South Lebanon Townships, **Lebanon County**, affecting 448.86 acres. Receiving streams: Tulpehocken Creek (CWF). Application received May 26, 2004.

**09890301C10 and NPDES Permit No. PA0594466. Naceville Materials** (1371 West Street Road, P. O. Box 161, Warminster, PA 18974), renewal of NPDES permit for discharge of treated mine drainage in West Rockhill Township, **Bucks County**. Receiving streams: unnamed tributary to Ridge Valley Creek (TSF). Application received May 27, 2004.

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

**08010821. Robert E. Palmer** (R. R. 2, Box 299A, Canton, PA 17724), final bond release for a small noncoal mining operation in Canton Township, **Bradford County**. Restoration of 1 acre completed. Application for final bond release received January 12, 2004. Final bond release approved May 26, 2004.

#### **ABANDONED MINE RECLAMATION**

Under Act 181 of 1984, the Department 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 513-101.1, Greenwood Township, Clearfield County, 25.7 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 July 12, 2004, to be considered. Telephone inquiries shall be directed to Chuck Siders, Division of Mine Hazards, (717) 783-0474.

#### **FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401**

The following permit applications, requests for Environmental Assessment approval and requests for 401 Water Quality Certification have been received by the Department of Environmental Protection (Department). Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341) requires the State to certify that the involved projects will not violate the applicable provisions of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) as well as relevant State requirements. Persons objecting to approval of a request for certification under section 401 of the FWPCA or to the issuance of a Dam Permit, Water Obstruction and Encroachment Permit or the approval of an Environmental Assessment must submit comments, suggestions or objections within 30 days of the date of this notice, as well as questions, to the regional office

noted before the application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

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

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

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

**WATER OBSTRUCTIONS AND ENCROACHMENTS**

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

**E09-874. Tuck Elfman**, 51 Elfman Drive, Doylestown, PA 18901, Bridgeton Township, **Bucks County**, ACOE Philadelphia District.

To construct and maintain a residential dwelling with in the 100-year floodway of the Delaware River (WWF). Total acreage of the property is 0.4 acre. An onsite underground septic system and driveway will also be constructed for the residence.

The site is about 0.75 mile northeast of intersection of Route 32 (River Road) and Narrows Hill Road (Riegelsville, PA USGS Quadrangle N: 13.20 inches W: 1.0 inch).

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

**E39-405C. City of Allentown, Bureau of Parks**, 2700 Parkway Boulevard, Allentown, PA 18104-5399 in City of Allentown, **Lehigh County**, U. S. Army Corps of Engineers, Philadelphia District.

To construct and maintain Phase IV of a stream restoration project in a 4,135-foot reach of Little Cedar Creek (HQ-CWF). The project is known as the Allentown Municipal Golf Course Little Cedar Creek Rehabilitation Project.

Phase IV of the multiphase project includes: (1) restoration of 1,000 linear feet of Little Cedar Creek with work consisting of reshaping the channel and stabilizing the banks with a combination of soil reinforcement matting, rock armor and vegetation; (2) removing three existing structures known as Bridges 5, 7 and 9; (3) removing the existing structure known as Bridge 4 and constructing and maintaining a golf cart bridge having a 30-foot span and a 4.1-foot underclearance; (4) removing the existing structure known as Bridge 6 and constructing and main-

taining a golf cart bridge having a 32-foot span in a 4.1-foot underclearance; (5) removing the existing structure known as Bridge 8 and constructing and maintaining a golf cart bridge having a 30-foot span in a 4.1-foot underclearance; and (6) modifying and maintaining a 30-inch diameter HDPE-type with work consisting of changing the alignment and adding a section of pipe and a flared end section (Allentown West, PA Quadrangle N: 18.4 inches; W: 5.8 inches).

Phase IV begins approximately 1,600 feet downstream of Little Cedar Creek's intersection with Springhouse Road and extends 1,000 feet downstream in the City of Allentown, Lehigh County.

**E40-634. Thomas and Patricia Castellano**, R. R. 1, Box 74A, Harveys Lake, PA 18618 in Harveys Lake Borough, **Luzerne County**, U. S. Army Corps of Engineers, Baltimore District.

To modify and maintain an existing dock and boathouse in Harveys Lake (HQ-CWF), having a total area of approximately 1,140 square feet with work consisting of constructing a pile-supported addition, having an area of approximately 450 square feet. The structure extends approximately 48 feet from the shoreline and has an overall width of approximately 50 feet. The project is along the northern shoreline of the lake, between Barnum Street and Newmarth Street (Harveys Lake, PA Quadrangle N: 22.1 inches; W: 6.8 inches).

**E40-635. Samuel M. Wolfe**, R. R. 1, Box 410, 17 Lakeside Drive, Harveys Lake, PA 18618 in Harveys Lake Borough, **Luzerne County**, U. S. Army Corps of Engineers, Baltimore District.

To modify and maintain a pile-supported dock in Harveys Lake (HQ-CWF), expanding the area from approximately 810 square feet to 1,840 square feet. As modified, the dock has overall dimensions of approximately 38 feet by 54 feet and is accessed by 7-foot long walkway. The structure is at Pole 17, along Lakeside Drive (Harveys Lake, PA Quadrangle N: 19.5 inches; W: 4.5 inches).

**E64-248. Lackawanna River Basin Sewer Authority**, P. O. Box 9068, Dickson City, PA 18519 in Clinton Township, **Wayne County**, U. S. Army Corps of Engineers, Baltimore District.

To construct and maintain a combined sewer overflow outfall consisting of a 20-inch diameter ductile iron pipe, concrete endwall, backflow preventer and a riprap outlet protection and to construct and maintain a stormwater outfall consisting of an 18-inch smooth-lined corrugated ethylene pipe and a riprap stilling basin in the floodway of the Lackawanna River (HQ-CWF). The project is adjacent to the Clinton Township wastewater treatment plant approximately 0.25 mile northeast of the intersection of SR 0247 and Main Street (Forest City, PA Quadrangle N: 4.0 inches; W: 11.9 inches).

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

**E22-471: Hummelstown Borough**, 136 South Hanover Street, Hummelstown, PA 17036 in Hummelstown Borough, **Dauphin County**, ACOE Baltimore District.

To fill and maintain 0.003 acre of wetlands adjacent and tributary to the Swatara Creek (WWF) for the purpose of upgrading, rehabilitating and lengthening the Hummel Nature Trail, approximately 1,000 feet north of U. S. 322 on the western side of Hummelstown, east of the Swatara Creek (Hershey, PA Quadrangle N: 3.0 inches; W: 14.0 inches) in Hummelstown Borough, **Dauphin County**.



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

**E02-1468. YMCA of Pittsburgh**, 330 Boulevard of the Allies, Pittsburgh, PA 15222. YMCA parking lot in the Borough of Franklin Park, **Allegheny County**, Pittsburgh ACOE District (Emsworth, PA Quadrangle N: 19.72 inches; W: 14.0 inches) (Latitude: 40° 36' 31" and 80° 06' 03"). The applicant proposes to place and maintain fill in a de minimis area of PEM/PSS wetlands (0.04 acre) and approximately 270.0 feet of an unnamed tributary to Fish Run (CWF) for the purpose of constructing a parking lot for the proposed North Hills YMCA facility. The project is on the west side of Nicholson Road, approximately 1,500 feet south from the intersection of Nicholson Road and SR 910 and will impact approximately 270 linear feet of stream channel and 0.04 acre of PEM/PSS wetlands.

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

**E25-643A, Venango Park and Natural Resources Authority**, 471 Beach Road, Franklin, PA 16323-9402. Justus Lake pedestrian bridge and additional docks in Oakland Township, **Venango County**, ACOE Pittsburgh District (Franklin, PA Quadrangle N: 18.0 inches; W: 4.75 inches).

To amend Permit E61-243 which authorizes Parks Unlimited, Inc. to conduct the following activities associated with improvements to an existing hiking trail in Two Mile Run County Park (Franklin, PA Quadrangle N: 19.6 inches; W: 3.1 inches) in Oakland Township, Venango County:

1. Construct and maintain a floating observation dock measuring 100 feet long projecting approximately 30 feet from the shoreline of Justus Lake having a dock surface area of 1,040 square feet at the north end of the lake.

2. Remove the existing bridge and to construct and maintain a timber pedestrian bridge having a span of 50 feet and an average underclearance of 3.5 feet across Two Mile Run immediately upstream of the lake.

The proposed amendment is to construct and maintain the following at various locations in Justus Lake at Two Mile Run County Park: (1) a floating pedestrian bridge having a length of 500 feet; (2) 24 fishing platforms measuring 6 feet by 10 feet (4 of the platforms have been constructed); (3) 7 floating docks associated with campsites and a beach area and meeting the requirements of General Permit-02; (4) an existing boat dock near the boat launch area; and (5) conversion of a diving platform at the beach area into a base for an art project.

**E27-071, East Resources, Inc.**, P. O. Box 279, 51 West Main Street, Allegany, NY 14706. Warrant 2366 access road and utility line across Iron Run in Howe Township, **Forest County**, ACOE Pittsburgh District (Russell City, PA Quadrangle N: 19.8 inches; W: 11.7 inches).

To construct and maintain a bridge having a structure length of 18 feet and providing a clear span of approxi-

mately 12 feet and underclearance of 3 feet and to install (by boring) and maintain two 2-inch diameter pipelines within a 6-inch diameter PVC casing pipe across Iron Run (HQ CWF, perennial) approximately 1,000 feet upstream of its confluence with South Branch Tionesta Creek as part of the development of Warrant 2366 southeast of the Village of Brookston. Project includes 0.007 acre of wetland impact associated with the crossing and 0.037 acre of wetland impact associated with other roadway construction. The project proposes to directly affect 0.044 acre (de minimis) of wetlands and is in the Tionesta Creek Watershed.

**E42-308, Ceres Township**, 2420 Kings Run Road, Shinglehouse, PA 16748. Church Hollow (T-427) bridge replacement in Ceres Township, **McKean County**, ACOE Pittsburgh District (Shinglehouse, PA Quadrangle N: 11.1 inches; W: 14.45 inches).

To remove: (1) the existing bridge having a clear span of 28 feet, an instream length of 14 feet and an average underclearance of 4.5 feet; and (2) the existing temporary crossing consisting of three 48-inch diameter pipes approximately 20 feet long and associated fill material and to construct and maintain a bridge having a clear span of 30 feet, an instream length of 22 feet and an average underclearance of 6.0 feet at a point along Church Hollow Road (T-427) over Bell Run (CWF).

#### ENVIRONMENTAL ASSESSMENTS

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

**EA43-003, Stream Restoration Incorporated**. Fox Run Restoration Project—Phase 1 in Jackson Township, **Mercer County**, ACOE Pittsburgh District (Jackson Center, PA Quadrangle N: 8.5 inches; W: 0.2 inch).

To authorize under Chapter 105 Dam Safety and Waterway Management, Section 105.12 Waiver of Permit Requirement (a)(16) for the construction of a passive treatment system (including a collection pool, collection ditch, settling pond and aerobic wetlands) for abandoned mine discharges impacting Fox Run (CWF). Existing wetlands impacted by the abandoned mine drainage (0.25 acre) will be reconstructed and expanded to 0.33 acre of wetlands. Project purpose is to remove 1,500 lbs/year of iron, improve water quality of 1 mile of Fox Run and to restore 1 mile of macroinvertebrate habitat on Fox Run.

#### DAM SAFETY

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

**D45-292. Brady's Lake Dam, Game Commission**, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797. To construct, operate and maintain Brady's Lake Dam across Trout Creek (HQ-CWF) for the purpose of replacing the existing breached dam which was removed because it did not meet current safety and engineering standards (Thornhurst, PA Quadrangle N: 6.8 inches; W: 4.3 inches) in Coolbaugh Township, **Monroe County**.



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**ACTIONS**


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

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

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

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

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

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

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

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**I. NPDES Renewal Permit Actions**


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

<i>NPDES Permit No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N ?</i>
PA0022209 SEW	Municipal Authority of the Borough of Bedford 244 West Penn Street Bedford, PA 15522	Bedford County Bedford Township	Raystown Branch Juniata River 11-C	Y
PA0087921 SEW	Berwick Township 85 Municipal Road Hanover, PA 17331-8992	Adams County Berwick Township	UNT Pine Run 7-F	Y
PA0087114 SEW	Mr. and Mrs. Manolo Calvo 103 Warrington Road Dillsburg, PA 17019	York County Carroll Township	UNT to Stony Run 7-E	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>
PAR10C273R	Corrado Homes 965 Park Road Blandon, PA 19510	Berks County Maidencreek Township	Willow Creek CWF	Y

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

<i>NPDES Permit No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N ?</i>
PA0114049 Sewerage	Municipal Authority of Lewis Township P. O. Box 51 Millmont, PA 17845	Lewis Township Union County	Cold Run 6A	Y

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

<i>NPDES Permit No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N ?</i>
PA0027928 Industrial Waste	Gulf Oil Limited Partnership 400 Grand Avenue Pittsburgh, PA 15225	Allegheny County Neville Township	Ohio River (Back Channel)	Y
PA0028029 Industrial Waste	Gulf Oil Limited Partnership 90 Everett Avenue Chelsey, MA 02150-2337	Westmoreland County Salem Township	Unnamed tributary to Turtle Creek	Y
PA0218791 Industrial Waste	U. S. Army Corps of Engineers Pittsburgh District 1000 Liberty Avenue Pittsburgh, PA 15222-4186	Washington County Carroll Township	Monongahela River UNT to the Monongahela River	Y
PA0021628 Sewage	Salisbury Borough P. O. Box 343, 171 Smith Ave. Salisbury, PA 15558	Somerset County Salisbury Borough	Casselman River	Y
PA0028525 Sewage	Bell Acres Municipal Sewage Authority Municipal Building 1151 Camp Meeting Road Sewickley, PA 15143	Allegheny County Bell Acres Borough	Unnamed tributary to Little Sewickley Creek	Y
PA0030651 Sewage	Canon-McMillan School District 1 North Jefferson Avenue Canonsburg, PA 15317	Washington County North Strabane Township	UNT of Little Chartiers Creek	Y
PA0030694 Sewage	Girl Scouts of Southwestern Pa. 606 Liberty Avenue Pittsburgh, PA 15222	Westmoreland County Fairfield Township	Snyders Run	Y
PA0046116 Sewage	Pressley Ridge School 305 Pressley Ridge Road Ohiopyle, PA 15470	Fayette County Henry Clay Township	UNT of Beaver Creek	Y
PA0092894 Sewage	Consol Pennsylvania Coal Company P. O. Box 355 Eighty Four, PA 15330	Greene County Richhill Township	Enlow Fork	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>
PA0100013	National Fuel Gas Distribution Corporation P. O. Box 2081 Erie, PA 16512	Fairview Township Erie County	Unnamed tributary to Elk Creek 15-EC	Y
PA0222801	Sarah Heinz House Association Camp 934 East Ohio Street Pittsburgh, PA 15212	Wayne Township Lawrence County	Slippery Rock Creek 20-C	Y
PA0221031	Daniel E. Long 1499 Mercer-New Wilmington Road New Wilmington, PA 16142	East Lackawannock Township Mercer County	Unnamed tributary to Little Neshannock Creek 20-A	Y

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

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

**NPDES Permit No. PA0038296**, Industrial Waste, **Sunoco Partners Marketing and Terminals, L. P.**, 1801 Market Street, 3/10 Penn Center, Philadelphia, PA 19103-1699. This proposed facility is in Upper Moreland Township, **Montgomery County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge from a facility known as Willow Grove Marketing Terminal into an unnamed tributary to Pennypack Creek.

**NPDES Permit No. PA0055344**, Sewage, **Upper Makefield Township**, 1076 Eagle Road, Newtown, PA 18940. This proposed facility is in Upper Makefield Township, **Bucks County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge into an unnamed tributary to Jericho Creek in Watershed 2E.

**NPDES Permit No. PA0053015**, Sewage, **Country Place Restaurant**, 1007 Route 313, Perkasio, PA 18944. This proposed facility is in East Rockhill Township, **Bucks County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge into an unnamed tributary to Three Mile Run into Watershed 2D-Three Mile Run.

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

**Permit No. PA0083542**. Final Notice is given that the Department, after public notice, on May 26, 2004, issued an NPDES Permit to **Flight Systems, Inc. (Hempt Road Facility)**, 505 Fishing Creek Road, Lewisberry, PA 17339-9517.

This notice reflects changes from the notice published in the *Pennsylvania Bulletin*.

Parameter	Average Monthly (mg/l)	Maximum Daily (mg/l)	Instantaneous Maximum (mg/l)
Trichloroethylene	0.005		

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

**NPDES Permit No. PA0247499**, Sewage, **Ruth Colledge**, 2228 French Bridge Road, Everett, PA 15522. This proposed facility is in East Providence Township, **Bedford County**.

Description of Proposed Action/Activity: Authorization to discharge to Tub Mill Run in Watershed 11-D.

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

**PA0228737**, Sewage 4952, **Westover Borough**, P. O. Box 199, Westover, PA 16692-0199. This proposed facility is in Westover Borough, **Clearfield County**.

Description of Proposed Activity: Applicant is applying for NPDES coverage for treated sewage discharge from 0.051 MGD wastewater treatment plant.

The receiving stream, Chest Creek, is in the State Water Plan watershed 8B and classified for CWF. The nearest downstream public water supply intake for the Pennsylvania American Water Company in White Deer is on West Branch of the Susquehanna River, 243 miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.051 MGD.

Parameter	Average Monthly (mg/L)	Average Weekly (mg/l)	Maximum Daily (mg/l)	Instantaneous Maximum (mg/l)
Flow				Monitor
Fecal Coliform (5-1 to 9-31) (10-1 to 4-30)			200/100mL 2,000/100mL	
CBOD <sub>5</sub>	25	40	50	
Total Suspended Solids	30	45	60	
Dissolved Oxygen				3.0 minimum at all times
pH				within the range of 6.0 to 9.0

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

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

**WQM Permit No. 4504403**, Sewerage, **Stroud Township Sewer Authority**, 1211 North Fifth Street, Stroudsburg, PA 18260. This proposed facility is in Stroud Township, **Monroe County**.

Description of Proposed Action/Activity: Issuance of Water Quality Management Permit.

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

**WQM Permit No. 2180402, Amendment 05-4**, Sewerage, **Hampden Township Sewer Authority**, 230 South Sporting Hill Road, Mechanicsburg, PA 17055. This proposed facility is in Hampden Township, **Cumberland County**.

Description of Proposed Action/Activity: Phase 1 Solids Handling Improvements.

**WQM Permit No. 0504401**, Sewerage, **Ruth Colledge**, 2228 French Bridge Road, Everett, PA 15522. This proposed facility is in East Providence Township, **Bedford County**.

Description of Proposed Action/Activity: Construction of a small flow treatment system to serve their single family residence at 1180 East Graceville Road, Breezewood, PA 15533.

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

**WQM Permit No. 0297202-A2**, **Bettis Atomic Laboratory, Pittsburgh Naval Reactors**, P. O. Box 109, West Mifflin, PA 15122-0109. This proposed facility is in West Mifflin, **Allegheny County**.

Description of Proposed Action/Activity: Construction and modification of the Bettis Atomic Power Laboratory Springwater Interceptor System.

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

Description of Proposed Action/Activity: Construct a small flow sewage treatment plant.

**WQM Permit No. 5603402**, Sewerage, **Shanksville Borough**, P. O. Box 58, Shanksville, PA 15560. This proposed facility is in Shanksville Borough, **Somerset County**.

Description of Proposed Action/Activity: Construction of a new sewage treatment plant, two pump stations, force main and sanitary sewers that will discharge to Stony Creek.

**WQM Permit No. 6569433-A2**, Sewerage, **Kenneth Hurlbut**, 4751 Kendor Drive, Lower Burrell, PA 15068. This proposed facility is in Allegheny Township, **Westmoreland County**.

Description of Proposed Action/Activity: Proposing to replace the existing High Meadows STP.

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

**WQM Permit No. 2004403**, Sewerage, **Jesse D. Arnett Small Flow Treatment Facility**, 4104 U. S. Highway 19, Cochranon, PA 16314. This proposed facility is in Greenwood Township, **Crawford County**.

Description of Proposed Action/Activity: This project is for the construction and operation of a small flow treatment facility to serve two existing homes and a small studio plus two proposed homes.

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#### IV. NPDES Stormwater Discharges from MS4 Permit Actions

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#### V. NPDES Waiver Stormwater Discharges from MS4 Actions

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

NPDES Permit No.	Applicant Name and Address	County	Municipality	Receiving Water/Use	Department Protocol (Y/N)
PAG136347	Finleyville Borough 3515 Washington Avenue Finleyville, PA 15332	Washington	Finleyville Borough	N/A	N/A

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

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

NPDES Permit No.	Applicant Name and Address	County	Municipality	Receiving Water/Use
PAI011503103	Ruth S. Coldiron Subdivision P. O. Box 7959 Newark, DE 19714-7959	Chester	East Nottingham Township	Little Elk Creek HQ-TSF

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

*Potter Conservation District: 107 Market Street, Coudersport, PA 16915.*

NPDES Permit No.	Applicant Name and Address	County	Municipality	Receiving Water/Use
PAI045304005	Dominion Transmission Inc. 91 Gas Plant Lane Renovo, PA 17764	Potter	Stewardson Township	Little Greenlick Greenlick Run HQ-CWF

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

NPDES Permit No.	Applicant Name and Address	County	Municipality	Receiving Water/Use
PAI006204001	Eldred Township R. D. 2 Box 123A Pittsfield, PA 16340	Warren	Eldred Township	Caldwell Creek HQ-CWF

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**VII. Approvals to Use NPDES and/or Other General Permits**


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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).

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**List of NPDES and/or Other General Permit Types**


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PAG-1	General Permit for Discharges from Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated with Construction Activities (PAR)
PAG-3	General Permit for Discharges of Stormwater from Industrial Activities
PAG-4	General Permit for Discharges from Single Residence Sewage Treatment Plants
PAG-5	General Permit for Discharges from Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges from Combined Sewer Systems
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Nonexceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines
PAG-11	(To Be Announced)
PAG-12	CAFOs
PAG-13	Stormwater Discharges from MS4

*General Permit Type—PAG-2*

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Westtown Township Chester County	PAG2001504012	Westtown School Baseball Field P. O. Box 1799 Westtown, PA 19395	Unnamed tributary East Branch Chester Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
City of Philadelphia Philadelphia County	PAG2015104006	K. Hovnanian at Philadelphia, LLC National Products— West 385 Oxford Valley Road Suite 411 Yardley, PA 19067	Schuylkill River CWF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Plymouth Township Montgomery County	PAG2004603233	Turnpike Commission Pennsylvania Turnpike Widening P. O. Box 67676 Harrisburg, PA 17105	Diamond Run Plymouth Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Limerick Township Montgomery County	PAG2004603184	Kennedy Automotive Group Kennedy Ford Expansion 620 Bustleton Pike Feasterville, PA 19503	Unnamed tributary Schuylkill River WWF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Upper Providence Township Montgomery County	PAR10T460-1	Oaks Mills, Inc. Properties of Audubon Land Dev. 2629 Egypt Road Norristown, PA 19403	Schuylkill River WWF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Worcester Township Montgomery County	PAG2004603150	Vincent Cane Subdivision 819 North Park Avenue Trooper, PA 19403	Stoney Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Upper Gwynedd Township Montgomery County	PAG2004603161	WB Homes, Inc. Hall/Myers Tract a/k/a Kingsley at Gwynedd 404 Sumneytown Pk. Suite 200 North Wales, PA 19454	Towamencin Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Montgomery Township Montgomery County	PAG2004604007	North Penn Church of Christ 423 Dertsine Road Lansdale, PA 19446	Unnamed tributary Wissahickon Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Upper Providence Township Montgomery County	PAR10T541-R1	The Nolen Group Providence Corporation Center 6 East Germantown Pike Plymouth Meeting, PA 19462	Doe Run TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Lower Providence Township Montgomery County	PAG2004604038	HTC Associates, LLC Highley Acres 1741 Valley Forge Road Worcester, PA 19490	Mine Run TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Norristown Borough Montgomery County	PAG2004603130	Anthony Rental and Sales 935 East Main Street Norristown, PA 19401	Schuylkill River WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Upper Saucon Township Lehigh County	PAG2003904018	Our Lady's Missionaries of The Eucharist 4530 Vera Cruz Rd. Center Valley, PA 18034	Saucon Creek CWF	Lehigh County Conservation District (610) 391-9583
East Stroudsburg Borough Monroe County	PAG2004503006	LTS Development, Inc. P. O. Box 160 Shawnee on Delaware, PA 18356	Sambo Creek CWF, MF	Monroe County Conservation District (570) 629-3060
Pine Grove Borough and Township Schuylkill County	PAG2005404014	Pine Vista Estates Arthur "Pat" Aungst 45 Tremont St. Pine Grove, PA 17963	Daubert Creek to Swatara Creek CWF	Schuylkill County Conservation District (570) 622-3742
Sinking Spring Borough Berks County	PAG20000604050	Fiorino Grande 424 Miller Street Sinking Spring, PA 19608	Cacoosing Creek to Tulpehocken Creek WWF	Berks County Conservation District 1238 County Welfare Road P. O. Box 520 Leesport, PA 19533 (610) 372-4657, Ext. 201
Caernarvon Township Berks County	PAG200060422	John Krantz 224 Mill Road Morgantown, PA 19543	Conestoga Creek WWF	Berks County Conservation District 1238 County Welfare Road P. O. Box 520 Leesport, PA 19533 (610) 372-4657, Ext. 201
Exeter Township Berks County	PAG200604042	David Lavipour 444 Park Avenue South Suite 302 New York, NY 10016	Antietam Creek CWF	Berks County Conservation District 1238 County Welfare Road P. O. Box 520 Leesport, PA 19533 (610) 372-4657, Ext. 201

## NOTICES

3049

<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>
Alsace Township Berks County	PAG2000604045	Darryl Koch 179 Kutz Road Fleetwood, PA 19522	Laurel Run CWF	Berks County Conservation District 1238 County Welfare Road P. O. Box 520 Leesport, PA 19533 (610) 372-4657, Ext. 201
Exeter Township Berks County	PAG2000604019	R. M. Palmer Co. 77 2nd Avenue West Reading, PA 19611	Antietam Creek CWF	Berks County Conservation District 1238 County Welfare Road P. O. Box 520 Leesport, PA 19533 (610) 372-4657, Ext. 201
Heidelberg Township Berks County	PAG2000604043	Angelo Corrado Corrado Homes 965 Park Road Blandon, PA 19510	Tulpehocken Creek WWF	Berks County Conservation District 1238 County Welfare Road P. O. Box 520 Leesport, PA 19533 (610) 372-4657, Ext. 201
Windsor Township Berks County	PAG2000603029	James Penturelli Blue Mountain Mushroom Co., Inc. 670 Clauss Road P. O. Box 243 Lenhartsville, PA 19534	UNT to Maiden Creek TSF	Berks County Conservation District 1238 County Welfare Road P. O. Box 520 Leesport, PA 19533 (610) 372-4657, Ext. 201
North Middleton Township Cumberland County	PAG2002104017	Dauphin Oil Co., Inc. P. O. Box 600 Carlisle, PA 17013	Conodoguinet Creek WWF	Cumberland County Conservation District 43 Brookwood Avenue Carlisle, PA 17013 (717) 240-7812
North Middleton Township Borough of Carlisle Cumberland County	PAG2002104016	Carlisle Area School District 623 West Penn Street Carlisle, PA 17013	Conodoguinet Creek WWF	Cumberland County Conservation District 43 Brookwood Avenue Carlisle, PA 17013 (717) 240-7812
City of Harrisburg Dauphin County	PAG20022040011	Harrisburg Area Community College One HACC Drive Harrisburg, PA 17110	Swatara Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100
Lower Swatara Township Dauphin County	PAG2002204021	Lower Swatara Volunteer Fire Co. 800 Oberlin Rd. Middletown, PA 17057	Swatara Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100
West Hanover Township Dauphin County	PAG2002204018	Highmark Blue Shield 1800 Center Street Camp Hill, PA 17011	Manada Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100
City of Harrisburg Dauphin County	PAG2002204028	Landex Corp. 575 S. Charles Street Suite 506 Baltimore, MD 21201	Susquehanna River WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100

<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>
West Lampeter Township Lancaster County	PAG20036083	Desmond Construction Co. 1085 Manheim Pike Lancaster, PA 17601	Mill Creek CWF	Lancaster County Conservation District 1383 Arcadia Road Room 6 Lancaster, PA 17601 (717) 299-5361
Paradise Township Lancaster County	PAG2003603115	Jonas King 3314 Lincoln Highway East Paradise, PA 17562	Eshelman Run CWF	Lancaster County Conservation District 1383 Arcadia Road Room 6 Lancaster, PA 17601 (717) 299-5361
East Lampeter Township Lancaster County	PAG2003604023	Conestoga Valley School District 2110 Horseshoe Road Lancaster, PA 17601	Stauffer Run WWF	Lancaster County Conservation District 1383 Arcadia Road Room 6 Lancaster, PA 17601 (717) 299-5361
Lititz Borough Lancaster County	PAG2003604045	Walnut Street Apartment Associates 325 Church Street Lancaster, PA 17602	Lititz Run WWF	Lancaster County Conservation District 1383 Arcadia Road Room 6 Lancaster, PA 17601 (717) 299-5361
West Lampeter Township Lancaster County	PAG2003604049	West Lampeter Township 852 Village Road Lampeter, PA 17537	UNT to Big Spring Run WWF	Lancaster County Conservation District 1383 Arcadia Road Room 6 Lancaster, PA 17601 (717) 299-5361
Lancaster City Lancaster County	PAG2003604050	General Growth Properties Inc. 110 N. Wacker Drive Chicago, IL 60606	Little Conestoga Creek WWF	Lancaster County Conservation District 1383 Arcadia Road Room 6 Lancaster, PA 17601 (717) 299-5361
East Earl Township Lancaster County	PAG2003604052	Weaverland Mennonite Church 2010 Weaverland Valley Road East Earl, PA 17519	Conestoga River WWF	Lancaster County Conservation District 1383 Arcadia Road Room 6 Lancaster, PA 17601 (717) 299-5361
Brecknock Township Lancaster County	PAG2003604056	Gehmans Mennonite School 650 Gehman School Road Denver, PA 17517	Little Muddy Creek WWF	Lancaster County Conservation District 1383 Arcadia Road Room 6 Lancaster, PA 17601 (717) 299-5361
North Cornwall Township Lebanon County	PAG2003804016	Oaklea Corporation 103 Farmstead Circle Lebanon, PA 17042	Snitz Creek TSF	Lebanon County Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 (717) 272-3908
Jackson Township Lebanon County	PAG2003804-14	Joseph Horning 901 South College Street Myerstown, PA 17067	Tulpehocken Creek TSF	Lebanon County Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 (717) 272-3908



## NOTICES

3051

<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>	
North Annville Township Lebanon County	PAG2003804019	Tom Wyshock 2702 Capital Trail-Kirkwood Highway Newark, DE 19711	Quittapahilla Creek TSF	Lebanon County Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 (717) 272-3908	
Bethel Township Lebanon County	PAG2003804010	Linford Snyder 831 Greble Road Lebanon, PA 17046	Little Swatara Creek WWF	Lebanon County Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 (717) 272-3908	
North Cornwall Township Lebanon County	PAG2003804018	Lebanon Valley Exposition Corp. 2120 Cornwall Road Lebanon, PA 17042	Quittapahilla Creek TSF	Lebanon County Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 (717) 272-3908	
Bethel Township Lebanon County	PAG2003804022	Leroy Zimmerman 1020 Houtztown Road Myerstown, PA 17067	Little Swatara Creek WWF	Lebanon County Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 (717) 272-3908	
Penn Township Perry County	PAG005000401	Cocoa Development 100 Debartolo Place Boardman, OH 44512	Susquehanna River	Perry County Conservation District P. O. Box 36 31 West Main Street New Bloomfield, PA 17068	
Allegheny County Baldwin Borough	PAG2000203076	Holly Hill Development Corp. 550 Washington Ave. Carnegie, PA 15106	Glass Run WWF	Allegheny County Conservation District (412) 241-7645	
Allegheny County North Fayette Township	PAG2000204008	Kozik Brothers 144 Martin Road Gibsonia, PA 15044	Samalex Trust 7 Wood Street Pittsburgh, PA 15222	Montour Run TSF	Allegheny County Conservation District (412) 241-7645
Allegheny County North Fayette Township	PAG2000204016	G. E. Equipment Mgt. 426 W. Lancaster Ave. P. O. Box 1075 Devon, PA 19333	North Branch WWF	Allegheny County Conservation District (412) 241-7645	
Allegheny County Stowe Township	PAG2000204019	Falbo-Penrose Joint Venture One Wood Street Pittsburgh, PA 15222	Ohio River WWF	Allegheny County Conservation District (412) 241-7645	
Allegheny County Jefferson Hills Borough	PAG2000204020	Southersby Development Corp. 245 Summerlawn Dr. Sewickley, PA 15143	Peters Creek TSF	Allegheny County Conservation District (412) 241-7645	
Allegheny County Shaler Township	PAG2000204028	Blackstone Group 1830 Craig Pk. Ct. St. Louis, MO 63146	Pine Creek TSF	Allegheny County Conservation District (412) 241-7645	
Allegheny County Hampton Township	PAG2000204029	Allegheny County—Department of Public Works 501 County Office Bldg. Pittsburgh, PA 15219	Pine Creek WWF	Allegheny County Conservation District (412) 241-7645	

<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>
Allegheny County Ohio Township Sewickley Hills Borough	PAG2000204032	Ohio Township Sanitary Authority 1719 Roosevelt Rd. Pittsburgh, PA 15237	Kilbuck Run CWF	Allegheny County Conservation District (412) 241-7645
Allegheny County Edgeworth Borough	PAG2000204034	Quaker Valley School District 203 Graham Street Sewickley, PA 15143	Ohio River WWF	Allegheny County Conservation District (412) 241-7645
Allegheny County Robinson Township	PAG2000204035	Balfour Beatty Construction, Inc. 125 Technology Dr. Canonsburg, PA 15317  Bayer Corporation 100 Bayer Road Pittsburgh, PA 15205-9741	Campbells Run WWF	Allegheny County Conservation District (412) 241-7645
Allegheny County Hampton and Indiana Townships	PAG2000204040	St. Mary of the Assumption 2510 Middle Road Glenshaw, PA 15116	Little Pine Creek TSF	Allegheny County Conservation District (412) 241-7645
Allegheny County South Fayette Township	PAG2000204050	Cuddy Associates P. O. Box 136 619 Millers Run Rd. Cuddy, PA 15031	Millers Run WWF	Allegheny County Conservation District (412) 241-7645
Washington County North Franklin Township	PAG2006304019	James Cameron 169 Fawn Valley Dr. McMurray, PA 15317	Tributary to Catfish Creek WWF	Washington County Conservation District (724) 228-6774
Cranberry Township Butler County	PAG2001004005	Dennis Zeitler Mine Safety Appliances Company 241 Emmett Rd. Wexford, PA 15090-8803	Brush Creek WWF	Butler County Conservation District (724) 284-5270
Harborcreek Township Erie County	PAG2002504014	Harborcreek School District 6375 Buffalo Rd. Harborcreek, PA 16421	Sevenmile Creek CWF-MF	Erie County Conservation District (814) 825-6403
Millcreek Township Erie County	PAG2002504015	Millcreek Township School District 3740 West 26th Street Erie, PA 16506	Lake Erie CWF	Erie County Conservation District (814) 825-6403
Millcreek Township Erie County	PAG2002504016	Erie Cemetery Association 2116 Chestnut Street Erie, PA 16502	Tributary to Walnut Creek CWF; MF	Erie County Conservation District (814) 825-6403
Millcreek Township Erie County	PAG20025046017	Millcreek Township School District 3470 West 26th Street Erie, PA 16506	Walnut Creek Watershed CWF; MF	Erie County Conservation District (814) 825-6403

## NOTICES

3053

<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	PAG2004304004	Hermitage Municipal Auth. 800 North Heritage Rd. Heritage, PA 16148	Bobby Run WWF	Mercer County Conservation District (724) 662-2242
<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>
Riverside Borough Northumberland County	PAR234817	Merck & Co., Inc. P. O. Box 600 Danville, PA 17821-0600	Susquehanna River WWF	Water Management Program Manager 208 West Third Street Williamsport, PA 17701 (570) 327-3666
Springdale Borough Allegheny County	PAR216105	R I Lampus Co. 816 R I Lampus Avenue P. O. Box 167 Springdale, PA 15144	Allegheny River	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Chartiers Township Washington County	PAR236117	Industrial Rubber Products Inc. 726 Trumbull Drive Pittsburgh, PA 15205	Chartiers Creek	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
<i>General Permit Type—PAG-4</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>
Rayne Township Indiana County	PAG046281	Robert and Marianne Coffman 3940 Groft Road Home, PA 15747	Coal Run, tributary of Beaverdam Run	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Greenwood Township Crawford County	PAG048958	Jesse D. Arnett Small Flow Treatment Facility 4104 U. S. Highway 19 Cochranon, PA 16314	Unnamed tributary to Conneaut Outlet Watershed 16-d	NWRO Water Management 230 Chestnut Street Meadville, PA (814) 332-6942
<i>General Permit Type—PAG-5</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>
Upper Moreland Township Montgomery County	PAG050054	Motiva Enterprises, LLC P. O. Box 1243 Waynesboro, VA 22980-1243  Former Texaco Station 1135 North York Road Willow Grove, PA 19090 (Site Location)	UNT of the Pennypack Creek TSF MF	Southeast Region 2 East Main Street Norristown, PA 19401

*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>
Upper Frankford Township Cumberland County	PAG083570	Borough of Carlisle 53 W. South St. Carlisle, PA 17013	Dennis Ruth Farm	SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707

*General Permit Type—PAG-9*

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Contact Office and Telephone No.</i>
Derry Township Westmoreland County	PAG096115	John S. Pavlik Sanitation 900 Livermore Road Blairsville, PA 15717	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

*General Permit Type—PAG-9 (SSN)*

<i>Facility Location and Municipality</i>	<i>Applicant Name and Address</i>	<i>Contact Office and Telephone No.</i>
Weaver Farm Biosolids Site East Mahoning Township Indiana County	Jeffrey A Mulligan, Chief Plant Operator City of Johnstown WWTP 241 Asphalt Road Johnstown, PA 15006	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

## 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. 0904502**, Public Water Supply.

Applicant	<b>Olde Colonial Greene</b> One Olde Colonial Drive Doylestown, PA 18901
Township	Doylestown
County	<b>Bucks</b>
Type of Facility	PWS
Consulting Engineer	Weldon C. Harris and Associates P. O. Box 1361 Doylestown, PA 18901
Permit to Construct Issued	May 24, 2004

#### **Permit No. 1504504**, Public Water Supply.

Applicant	<b>Aqua Pennsylvania, Inc.</b> 762 W. Lancaster Avenue Bryn Mawr, PA 19010
Townships	Caln and East Brandywine
County	<b>Chester</b>
Type of Facility	PWS
Consulting Engineer	CET Engineering Services, Inc. 1240 North Mountain Road Harrisburg, PA 17112
Permit to Construct Issued	June 1, 2004

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

**Permit No. 4102502.**

Applicant **Montoursville Borough**  
 Borough or Township Montoursville Borough  
 County **Lycoming**  
 Type of Facility PWS—Operate booster pump station.  
 Permit to Operate Issued May 20, 2004

**Permit No. 1402502.**

Applicant **Aaronsburg Water Pipes, Inc.**  
 Borough or Township Haines Township  
 County **Centre**  
 Type of Facility PWS—Operation of pressure diatomaceous earth filtration system and finished storage tank.  
 Consulting Engineer Herbert, Rowland and Grubic, Inc. 474 Windmere Drive State College, PA 16801  
 Permit to Operate Issued May 28, 2004

**Permit No. 1401506.**

Applicant **Aaronsburg Water Pipes, Inc.**  
 Borough or Township Haines Township  
 County **Centre**  
 Type of Facility PWS—Operation of well no. 4.  
 Consulting Engineer Herbert, Rowland and Grubic, Inc. 474 Windmere Drive State College, PA 16801  
 Permit to Operate Issued May 28, 2004

**Permit No. 1400502.**

Applicant **Aaronsburg Water Pipes, Inc.**  
 Borough or Township Haines Township  
 County **Centre**  
 Type of Facility PWS—Operate the Innovative Technology ClorTec onsite sodium hypochlorite generation system.  
 Consulting Engineer Herbert, Rowland and Grubic, Inc. 474 Windmere Drive State College, PA 16801  
 Permit to Operate Issued May 28, 2004

**Permit No. Minor Amendment. Public Water Supply.**

Applicant **Penn Township Municipal Authority**  
 Borough or Township Penn Township  
 County **Clearfield**  
 Type of Facility PWS—Operate Stronach storage tank and transmission lines to connect the tank to the distribution system.  
 Consulting Engineer Gwin, Dobson & Foreman 3121 Fairway Drive, Suite B Altoona, PA 16602-4475

Permit to Operate Issued May 24, 2004

**Permit No. Minor Amendment.**

Applicant **Canton Borough Authority**  
 Borough or Township Canton Borough  
 County **Bradford**  
 Type of Facility PWS—Construction of a 300,000-gallon finished water storage tank and replacement of distribution piping.

Permit to Construct Issued May 25, 2004

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

**Permit No. 2503501, Public Water Supply.**

Applicant **Girard Borough/Chardonay Village**  
 Borough or Township Girard Borough  
 County **Erie**  
 Type of Facility PWS  
 Consulting Engineer Henry T Welka & Assoc. 3200 W 32nd St. Erie, PA 16506

Permit to Construct Issued April 14, 2004

**Permit No. 4303502, Public Water Supply.**

Applicant **Reynolds Water Company**  
 Borough or Township Pymatuning Township  
 County **Mercer**  
 Type of Facility PWS  
 Consulting Engineer Gannett Fleming Inc. Foster Plaza III, Suite 200 601 Holiday Dr. Pittsburgh, PA 15220

Permit to Construct Issued April 15, 2004

**SEWAGE FACILITIES ACT PLAN APPROVAL**

**Plan Approvals Granted under the Pennsylvania Sewage Facilities Act (35 P. S. §§ 750.1—750.20a)**

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Palmer Township	3 Weller Place P. O. Box 3039 Palmer, PA 18043-3039	Northampton

Plan Description: The approved plan provides for 251 age-restricted residential dwelling units on a 63-acre tract. A gravity sewer collection system and an interim pump station operated and maintained by Palmer Township Municipal Sewer Authority will be constructed. Palmer Township will construct a gravity sewer interceptor within 5 years to serve this area of the municipality. Easton Area Joint Sewer Authority will provide conveyance and treatment facilities for the proposed 61,495 GPD of sewage flows. Public water will be supplied to the

project by Pennsylvania American Water. Any required NPDES permits or WQM permits must be obtained in the name of the municipality or authority as appropriate.

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Penn Township	97 North Penryn Road Lancaster, PA 17545	Lancaster

Plan Description: The approved plan provides for the expansion of the North Western Lancaster County Authority wastewater treatment facility from 0.25 MGD to 0.65 MGD. The Plan also provides for the extension of public sewers to the South Penryn Road, Penryn, Hi-View and Lexington areas as delineated in the Plan. In addition, the Plan provides for an onlot sewage disposal management ordinance requiring submission of pumping/inspection manifests to the township. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES permits or WQM permits must be obtained in the name of the municipality or authority as appropriate.

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Benner Township	1224 Buffalo Run Road Bellefonte, PA 16823	Centre

Plan Description: The approved plan provides for the extension of 5,500 feet of 8-inch sewers to provide service to 19 existing homes in the Buffalo Run Road area. This project is estimated to cost \$351,960. A sewage management program will be put in place to manage the unsewered areas of the Township. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal.

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
South Versailles Township	Box 66 Coulter, PA 15028	Allegheny

Plan Description: The approved plan provides for extension of sanitary sewers to serve six existing homes with malfunctioning on-lot sewer systems in the lower Railroad Street area of South Versailles Township, Allegheny County. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES permits or WQM permits must be obtained in the name of the municipality or authority as appropriate.

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Somerset Township	615 Vanceville Road Eighty Four, PA 15330	Washington

Plan Description: The approved plan provides for construction of a 400-gallon per day single residence sewage

treatment plant to serve the John Navrat single family home. The property is on McIlvaine Road, Somerset Township, Washington County. The proposed discharge point is the North Branch of Pigeon Creek (WWF). The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES permits or WQM permits must be obtained in the name of the applicant as appropriate.

### SEWAGE FACILITIES ACT PLAN DISAPPROVAL

#### Plan Disapprovals Granted under the Pennsylvania Sewage Facilities Act

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Bethany Borough	438 Wayne Street Bethany, PA 18431	Wayne

Plan Description: The Plan was disapproved on May 7, 2004, because it did not meet the requirements of 25 Pa. Code § 71.21. This Plan proposed to construct a sewerage collection system to serve the Borough of Bethany. Treatment was to be provided by the Honesdale Municipal Treatment Facility. Specifically, capacity at the Honesdale Municipal Treatment Facility was not thoroughly evaluated. In addition, the Plan did not meet the requirements of 25 Pa. Code § 93.4c because all cost-effective nondischarge alternatives were not adequately evaluated.

### HAZARDOUS SITES CLEANUP UNDER THE ACT OF OCTOBER 18, 1988

#### Proposed Interim Response

#### Eastmont Dry Cleaners, Monroeville Borough, Allegheny County

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act (HSCA) (35 P. S. §§ 6020.101—6020.1305), has initiated a prompt interim response at the Eastmont Dry Cleaner Site (Site), 4137 William Penn Highway, Borough of Monroeville, Allegheny County. This response has been initiated under sections 501(a) and 505(b) of the HSCA (35 P. S. §§ 6020.501(a) and 6020.505(b)).

The property has been the location of dry cleaning operations dating to 1970. Analytical data generated by Walnut Capital, a prospective buyer for the Site, indicates that groundwater onsite and offsite in the area of Kenmar Drive is contaminated with tetrachloroethene (PCE), trichloroethene (TCE) and other chlorinated hydrocarbons.

The Department's response focused primarily on offsite contamination in the area of Kenmar Drive, which is hydraulically down gradient of the Site.

Because PCE and other chlorinated compounds may affect indoor air quality, the Department proceeded with an investigation that included sampling indoor air quality, as well as soil gases at residences on Kenmar Drive. The investigation has been conducted to determine whether or not the contamination associated with the Site may be affecting the health of area residents. In addition,

the Department will utilize the results of this investigation to determine whether or not future action may be necessary.

This notice is being provided under sections 505(b) and 506(b) of the HSCA. The administrative record, which contains the information that forms the basis and documents the selection of this response action, is available for public review and comment Monday through Friday from 8 a.m. to 4 p.m. at the Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA.

The administrative record will be open for comments from June 12, 2004, until September 10, 2004. Persons may submit written comments into the record, during this time only, by sending them to Paul Vogel, Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222 or by delivering them to this office in person.

In addition, persons may present oral comments, for inclusion in the administrative record, at a public hearing on July 22, 2004, at 6:30 p.m. at the Monroeville Municipal Building, 2700 Monroeville Boulevard. Persons wishing to present comments must register before July 22, 2004, with Helen Humphreys Short, 400 Waterfront Dr., Pittsburgh, PA 15222, (412) 442-4183.

Persons with a disability who wish to attend the hearing and require auxiliary aid, service or other accommodations to participate in the proceedings should call Helen Humphreys Short at (412) 442-4183 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 2

**The following plans and reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).**

Provisions of Chapter 3 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, shall also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a site-specific standard remediation. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media; benefits of refuse of the property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated

substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

For further information concerning plans or reports, contact the Environmental Cleanup Program manager in the Department regional office after which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the Community Relations Coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

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

**Doylestown Liquor Store**, Doylestown Borough, **Bucks County**. Ethan E. Prout, P. G., American Resource Consultants, Inc., P. O. Box 579, Quakertown, PA 18951, has submitted a Final Report concerning remediation of site soil contaminated with no. 2 fuel oil. The report was submitted within 90 days of the release and is intended to document remediation of the site to meet the Statewide Health Standard.

**Phoenixville High School Site**, Phoenixville Borough, **Chester County**. Richard D. Trimpi, Trimpi Associates, Inc., 1635 Old Plains Rd., Pennsburg, PA 18073, on behalf of Phoenixville Area School District, David Noyes, Supt., 1120 S. Gay St., Phoenixville, PA 19460, has submitted a Final Report concerning the remediation of site soil contaminated with no. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Chester Township Commerce Drive**, Chester Township, **Delaware County**. Jason R. Free, RT Environmental Services, Inc., 510 Herron Dr., P. O. Box 521, Bridgeport, NJ 08014, on behalf of Peter Schultz, 200 Phillips Rd., Exton, PA 19341-1326, has submitted a Final Report concerning the remediation of site soil contaminated with no. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**GE Elmwood Avenue Facility**, City of Philadelphia, **Philadelphia County**. Kristen Rolison, P. E., MWH Americas, Inc., 335 Phoenixville Pike, Malvern, PA 19355, on behalf of General Electric Co., Hal Heckman, 6901 Elmwood Ave., Philadelphia, PA 19142, has submitted a Final Report concerning the remediation of site soil contaminated with chlorinated solvents, no. 2 fuel oil, no. 6 fuel oil, inorganics, lead and PCB; and groundwater contaminated with chlorinated solvents diesel fuel, no. 2 fuel oil, no. 6 fuel oil, inorganics, lead and unleaded gasoline. The report is intended to document remediation of the site to meet Site-Specific Standards.

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

**Defense Distribution Depot Susquehanna PA SWMU 2**, Fairview Township, **York County**. Defense Logistics Agency, Defense Distribution Depot Susquehanna PA, 2001 Mission Drive, Suite 1, New Cumberland, PA 17070-5002, submitted a Remedial Investigation Report and a Cleanup Plan concerning remediation of site soils contaminated with chlorinated solvents, PAHs, PCBs, pesticides and inorganics. The applicant proposes to remediate the site to meet the Site-Specific Standards.

**Defense Distribution Depot Susquehanna PA SWMU 4**, Fairview Township, **York County**. Defense Logistics Agency, Defense Distribution Depot Susquehanna PA, 2001 Mission Drive, Suite 1, New Cumberland, PA 17070-5002, submitted a Remedial Investigation Report and a Cleanup Plan concerning remediation of site soils contaminated with chlorinated solvents, PAHs, PCBs, pesticides and inorganics. The applicant proposes to remediate the site to meet the Site-Specific Standards.

**Kimmel Iron and Metal Co., Inc.**, Manheim Township, **Lancaster County**. Marks Environmental, Inc., 140 Bollinger Road, Elverson, PA 19520, on behalf of the Kimmel Estate c/o Harry Yost, Esq., Appel & Yost, LLC, 33 North Duke Street, Lancaster, PA 17602 and Franklin & Marshall College, P. O. Box 3003, Lancaster, PA 17604-3003, submitted a Remedial Investigation and Cleanup Plan concerning remediation of site soils contaminated with inorganics and lead and site groundwater contaminated with chlorinated solvents. The applicant proposes to remediate the site to meet the Site-Specific Standard.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 3

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**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).**

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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.*

**Schulmerich Carillons, Inc.**, Sellersville Borough, **Bucks County**. Richard D. Trimpi, Trimpi Associates, Inc., 1635 Old Plains Rd., Pennsburg, PA 18073, on behalf of Bern Deichmann, Schulmerich Carillons, Inc., 1 Carillon Hill, P. O. Box 903, Sellersville, PA 18960-0903, has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with no. 2 fuel oil. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on May 12, 2004.

**Center Square Towers**, Doylestown Borough, **Bucks County**. Drew A. Gould, P. G., National Assessment Corp., 701 N. Pennsylvania Ave., Morrisville, PA 19067, on behalf of Center Square Towers, Jodi Goldstein, Mgr., 555 N. Broad St., Doylestown, PA 18901, has submitted a Final Report concerning remediation of site soil and groundwater contaminated with no. 2 fuel oil. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on May 14, 2004.

**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 Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on May 18, 2004.

**21 Thornbird Way Property**, Edgemont Township, **Delaware County**. Wesley P. Fitchett, P. G., Hocage Consulting, Inc., 987 Haddon Ave., Collingswood, NJ 08108, on behalf of Paul O'Brien, 21 Thornbird Way, Edgemont, PA, has submitted a Final Report concerning remediation of site soil contaminated with no. 2 fuel oil. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on May 20, 2004.

**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 demonstrated attainment of Site-Specific Standards and was approved by the Department on May 17, 2004.



**South Philadelphia Shopping Center**, City of Philadelphia, **Philadelphia County**. Darryl D. Borrelli, Manko, Gold, Katcher & Fox, LLP, 401 City Ave., Suite 500, Bala Cynwyd, PA 19004, on behalf of SPSP Corp., William Frutkin, V. P., 44 W. Lancaster Ave., Ardmore, PA 19003, has submitted a Remedial Investigation/Risk Assessment/Cleanup Plan Report concerning the remediation of site soil and groundwater contaminated with chlorinated solvents. The report was approved by the Department on May 18, 2004.

**Pacetti Site**, City of Philadelphia, **Philadelphia County**. Raymond A. Scheinfeld, P. G., Weston Solutions, Inc., 1500 Market St., Suite 1250 West, Philadelphia, PA 19101-2125, on behalf of Philadelphia Dept. of Aviation, C. Davenger, Philadelphia International Airport, Philadelphia, PA, has submitted a Final Report concerning remediation of site soil and groundwater contaminated with jet fuel. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on May 24, 2004.

**Broad and Washington Property**, City of Philadelphia, **Philadelphia County**. William F. Schmidt, P. E., Pennoni Associates, Inc., 3001 Market St., Suite 200, Philadelphia, PA 19104-2897, on behalf of Michael Fluehr, Broad & Washington Corp., 101 S. King St., Gloucester City, NJ 08030, has submitted a Remedial Investigation/Final Report concerning remediation of site soil contaminated with inorganics and PAH; and groundwater contaminated with chlorinated solvents. The report demonstrated attainment of Site-Specific Standards and was approved by the Department on May 24, 2004.

**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 demonstrated attainment of Statewide Health and Site-Specific Standards and was approved by the Department on May 25, 2004.

**Former AAA Mid-Atlantic Office Building**, City of Philadelphia, **Philadelphia County**. Samuel J. Kucia, Environmental Consulting, Inc., 500 E. Washington St., Suite 375, Norristown, PA 19401, on behalf of AAA Mid-Atlantic, Ray Surette, Managing Director, 2040 Market St., Philadelphia, PA 19103, has submitted a Final Report concerning the remediation of site groundwater contaminated with unleaded gasoline. The Final Report demonstrated attainment of Background Standards and was approved by the Department on May 26, 2004.

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

**Fogel Commercial Refrigeration Co.**, Tipton Borough and Longswamp Township, **Berks County**. Earth Tech, Inc., 2 Market Plaza Way, Mechanicsburg, PA 17055, on behalf of East Penn Manufacturing Co., Deka Road, Lyon Station, PA 19536, submitted a Baseline Environmental Report concerning remediation of site soils and groundwater contaminated with chlorinated solvents, lead, PAHs, organics, arsenic and inorganic chemical compounds. The site is being remediated as a Special Industrial Area as outlined in the report. The report was approved by the Department on May 24, 2004.

**Former Olivetti Supplies, Inc.**, Susquehanna Township, **Dauphin County**. Science Applications Interna-

tional Corp., 6310 Allentown Boulevard, Harrisburg, PA 17112, on behalf of Union Deposit Corporation, P. O. Box 11153, Harrisburg, PA 17111-4153 and Olivetti North America, Inc., 22425 East Appleway Avenue, Liberty Lake, WA, 99019-9534, submitted a Final Report concerning remediation of site groundwater contaminated with solvents. The final report demonstrated attainment of the Site-Specific Standard and was approved by the Department on May 26, 2004.

#### REGISTRATION FOR GENERAL PERMIT—RESIDUAL WASTE

**Registration Approved under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Residual Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and residual waste regulations for a general permit to operate residual waste processing facilities and/or the beneficial use of residual waste other than coal ash.**

*Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17105-8472.*

**Registration under General Permit No. WMGR090R032. A. Folino Construction, Inc.**, P. O. Box 111, Oakmont, PA 15139. General Permit No. WMGR090 authorizes the processing and beneficial use of reclaimed asphalt pavement (RAP) materials as a roadway construction material. The Central Office approved this registration for coverage under the general permit on May 25, 2004.

**Registration under General Permit No. WMGR090R033. Independence Construction Materials**, 638 Lancaster Avenue, Malvern, PA 19355. General Permit Number WMGR090 authorizes the processing and beneficial use of RAP materials as a roadway construction material. The Central Office approved this registration for coverage under the general permit on May 26, 2004.

Persons interested in obtaining more information or obtaining copies of a general permit should contact Ronald C. Hassinger, Chief, General Permits and Beneficial Use Section, Division of Municipal and Residual Waste, Bureau of Land Recycling and Waste Management, Rachel Carson State Office Building, P. O. Box 8472, Harrisburg, PA 17105-8472, (717) 787-7381. TDD users should contact the Department through the Pennsylvania Relay Service, (800) 654-5984.

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

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

*Southwest Region: Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**Permit ID No. 301246. Innovative Supply, Inc.**, R. R. 9, Box 320, Latrobe, PA 15650. Operation of a residual waste processing facility in Unity Township, **Westmoreland County**. Permit modification approving a Radioactive Materials Testing and Monitoring Plan issued in the Regional Office on May 25, 2004.

**Permit ID No. 101648. Genesis Autoclave and Transfer Facility, Healthcare Waste Solutions of**

**Pennsylvania, LLC d/b/a Genesis Environmental**, 380 Locust Street, McKeesport, PA 15132, for operation of an infectious/chemotherapeutic waste processing facility in the City of McKeesport, **Allegheny County**. Permit reissued in the Regional Office on May 25, 2004, to reflect change in ownership from Genesis Environmental, Ltd. to Healthcare Waste Solutions of Pennsylvania, LLC d/b/a Genesis Environmental.

## MUNICIPAL AND RESIDUAL WASTE TRANSPORTER AUTHORIZATION

**Issued applications for Municipal and Residual Waste Transporter Interim Authorization received under the Waste Transportation Safety Act (27 Pa.C.S. §§ 6201–6209) and regulations to transport municipal or residual waste.**

*Central Office: Bureau of Land Recycling and Waste Management, Division of Municipal and Residual Waste, P. O. Box 8472, Harrisburg, PA 17105-8472.*

**Eric Eaton Roofing & Remodeling**, 2578 White Church Rd., Chambersburg, PA 17201. Authorization No. WH3889. Effective May 25, 2004.

**M. Dasilva Trucking, LLC**, 50 Burnsford Ave., Bridgeport, CT 06606. Authorization No. WH5980. Effective May 18, 2004.

**Chicks Towing Services, Inc.**, 9035 Collins Ave., Pennsauken, NJ 08104. Authorization No. WH6106. Effective April 28, 2004.

**Wright F. Riley**, R. D. 3, Box 84-A, Tyrone, PA 16686. Authorization No. WH6111. Effective April 21, 2004.

**Interstate Waste Services**, 200 Sterling Mine Rd., Sloatsburg, NY 10974. Authorization No. WH6112. Effective April 28, 2004.

**David Hicks**, 31 Peterson St., Jamestown, NY 14701. Authorization No. WH6114. Effective April 27, 2004.

**Bianco Transport, Inc.**, 1071 10th Ave., Brockway, PA 15824. Authorization No. WH6115. Effective April 27, 2004.

**Gen Xer Hauling Co.**, 25 Staly Ave, Bedford Hills, NY 10507. Authorization No. WH6119. Effective May 10, 2004.

**Department of Transportation, Engineering District 8-0**, P. O. Box 399, New Bloomfield, PA 17068. Authorization No. WH6126. Effective April 28, 2004.

**Cancer Trucking Corp.**, P. O. Box 737926, 139 Dartmouth Ave., Elmhurst, NY 11373. Authorization No. WH6131. Effective May 10, 2004.

**Environmental Erosion Control, Inc.**, 2017 Ohio Ave., Atco, NJ 08004-2105. Authorization No. WH6132. Effective April 28, 2004.

**South Newton Township, Cumberland County**, 11 Mountain Road, P. O. Box 11, Walnut Bottom, PA 17266. Authorization No. WH6139. Effective April 28, 2004.

**Robert Express, Inc.**, 265 Broadway St. Rear, Jersey City, NJ 07306. Authorization No. WH6140. Effective May 10, 2004.

**Edgar Sinay**, 24 E. 16th St., Bayonne, NJ 07002. Authorization No. WH6141. Effective May 10, 2004.

**Dantonio Excavating, Inc.**, 364 E Madison Ave., Clifton Heights, PA 19018-2611. Authorization No. WH6143. Effective May 10, 2004.

**Chimento Trucking**, Poplar St., P. O. Box 540, Greenwood Lake, NY 10925. Authorization No. WH6144. Effective May 10, 2004.

**Ann Cal Trucking**, 411 Georges Place, Roselle, NJ 07203. Authorization No. WH6145. Effective May 18, 2004.

**Transunha LLC**, 56 Harrison Ave., North Plainfield, NJ 07060-3945. Authorization No. WH6147. Effective May 12, 2004.

**Pelican Leisure Sports PA, Inc.**, 1230 N. West End Blvd., Quakertown, PA 18951. Authorization No. WH6148. Effective May 10, 2004.

**Denarski Builders LLC**, 233 Cold Soil Rd., Princeton, NJ 08540. Authorization No. WH6149. Effective May 10, 2004.

**Rychlik Trucking d/b/a Richard L Rychlik Jr.**, 192 Willow Rd., Boyertown, PA 19512. Authorization No. WH6150. Effective May 10, 2004.

**Dilapidated Demolition**, P. O. Box 1522, Cumberland, MD 21501. Authorization No. WH6151. Effective May 10, 2004.

**Old Dominion Demolition Corp.**, P. O. Box 7128, Portsmouth, VA 23707. Authorization No. WH6152. Effective May 4, 2004.

**Gevian Trucking, Inc.**, 132 6th St., West New York, NJ 07093. Authorization No. WH6153. Effective May 18, 2004.

**Town and Country Pools**, 8400 State Rt. 405, Milton, PA 17847. Authorization No. WH6154. Effective May 18, 2004.

**Victor R. Gallo**, 5957 Pidcock Creek Rd., New Hope, PA 18938. Authorization No. WH6155. Effective May 18, 2004.

**Alberto Jara**, 50 Cherry St., Apt. 2, Elizabeth, NJ 07202. Authorization No. WH6156. Effective May 18, 2004.

**Thralls Contracting**, 222 Tollgate Rd., Waynesburg, PA 15370-7202. Authorization No. WH6157. Effective May 18, 2004.

**WWW Trucks Corp.**, 244 Van Buren St., Newark, NJ 07104. Authorization No. WH6158. Effective May 18, 2004.

**Trestle Transport, Inc.**, 565 Trestle Place, Downingtown, PA 19335. Authorization No. WH6159. Effective May 18, 2004.

**Morgan Hauling, Inc.**, P. O. Box 624, Boyertown, PA 19512. Authorization No. WH6160. Effective May 11, 2004.

**G. O. Trucking, LLC**, 6 Magnolia Ave., Norwalk, CT 06850. Authorization No. WH6162. Effective May 11, 2004.

**Environmental Solutions Group, Inc.**, 320 E. Lea Blvd., Wilmington, DE 19802. Authorization No. WH6163. Effective May 11, 2004.

**Cyril N. Walther**, 440 W. Maiden St., Washington, PA 19301-5730. Authorization No. WH6164. Effective May 11, 2004.

**Christophers Trucking Corp.**, 509 E. 32nd St. No. 3, Paterson, NJ 07504. Authorization No. WH6165. Effective May 11, 2004.

**Alphia United Company**, 5 Blue Spruce Dr., Erial, NJ 08081. Authorization No. WH6166. Effective May 11, 2004.

**Franks Electric Construction, Inc.**, HC 63, Box 34, Leck Kill, PA 17836. Authorization No. WH6167. Effective May 18, 2004.

**Kevin R. Fegley**, 119 Kutz Rd., Fleetwood, PA 19522. Authorization No. WH6168. Effective May 11, 2004.

**Ramos Trucking Corp.**, P. O. Box 737926, Elmhurst, NY 11373. Authorization No. WH6169. Effective May 11, 2004.

**Donald F. Reice**, 1853 Little Conestoga Rd., Elverson, PA 19520. Authorization No. WH6170. Effective May 11, 2004.

**E. A. Ward Excav., Inc.**, R. R. 3, Box 244, Troy, PA 16947-9430. Authorization No. WH6171. Effective May 11, 2004.

**Dalton E. Lainez**, Apt. 3, 1026 E. Jersey St., Elizabeth, NJ 07201. Authorization No. WH6172. Effective May 12, 2004.

**Lincoln & Company**, 300 Ashland Ave., Secane, PA 19015. Authorization No. WH6173. Effective May 12, 2004.

**Craig W. Brengle**, 844 E. Main St., Rockwood, PA 15557. Authorization No. WH6174. Effective May 18, 2004.

**Lloyds Trucking Company**, 22nd Floor, 67 Wall St., New York, NY 10005. Authorization No. WH6176. Effective May 12, 2004.

**Horseshoe Express, Inc.**, Little Trout Run Rd., 3543, Frenchville, PA 16836. Authorization No. WH6177. Effective May 12, 2004.

**TGI Cleanup, Inc.**, 1089 Clearwater Ave., P. O. Box 429, Manahawkin, NJ 08050. Authorization No. WH6178. Effective May 12, 2004.

**Fleetwood Borough, Berks County**, Suite 104, 110 W. Arch St., Fleetwood, PA 19522-1321. Authorization No. WH6179. Effective May 12, 2004.

**Keith D. Peters**, 371 Monument-Orviston Rd., Beech Creek, PA 16822. Authorization No. WH6180. Effective May 12, 2004.

**James W. Quandel & Sons Concrete, Inc.**, P. O. Box 220, Minersville, PA 17954-0220. Authorization No. WH6181. Effective May 12, 2004.

**Hardeep S. Sekhon**, 407 W. Country Dr., Westhampton, NJ, 08060. Authorization No. WH6182. Effective May 12, 2004.

**Regalado Consulting Corp.**, 78-14 87th Ave., Woodhaven, NY 11421. Authorization No. WH6183. Effective May 19, 2004.

**Ferrarie Construction**, 78 Bloomfield Ave, P. O. Box 914, Pine Brook, NJ 07058. Authorization No. WH6187. Effective May 24, 2004.

**LM&B Industrial Services, Inc.**, 214 N. Chestnut Ave., Box 148, Stoystown, PA 15563. Authorization No. WH6188. Effective May 19, 2004.

**GNA Transport**, 1 Kathleen Ct., Havertown, PA 19083. Authorization No. WH6189. Effective May 19, 2004.

**Jose A. Diaz**, 403 Warren St., Stewartsville, NJ 08886. Authorization No. WH6190. Effective May 19, 2004.

**Ibrahim S. Farhan**, 20 Comfort Place, Clifton, NJ 07011. Authorization No. WH6191. Effective May 19, 2004.

**Edgar Guerrero Trucking**, 37-39 Wilson Place, Belleville, NJ 07109. Authorization No. WH6192. Effective May 19, 2004.

**Carlos Bunay Trucking Co.**, P. O. Box 255, 264 Broad St., Bloomfield, NJ 07003. Authorization No. WH6193. Effective May 19, 2004.

**B. J. Mackey Transport**, 596 Vista Dr., Easton, PA 18042. Authorization No. WH6194. Effective May 19, 2004.

**Endless Waste Solutions, Inc.**, P. O. Box 172, Hop Bottom, PA 18824-0172. Authorization No. WH6195. Effective May 19, 2004.

**Satjit S Benipal**, 870 Rt. 30 Apt., Burlington NJ 08016. Authorization No. WH6196. Effective May 24, 2004.

**BPA Environmental Services, Inc.**, P. O. Box 1202, 67 King St., Pottstown, PA 19464. Authorization No. WH6197. Effective May 19, 2004.

**Lewis & Bryant Enterprises, LLC**, 326 Catherine St., Bel Aire, MD 21014. Authorization No. WH6199. Effective May 20, 2004.

**Gama ETA Construction Co.**, 65 Magee Rd., Ringwood, NJ 07456. Authorization No. WH6198. Effective May 21, 2004

**D. R. Transport**, 164 Stanhope Rd., Pine Grove, PA 17963. Authorization No. WH6200. Effective May 20, 2004.

**Guaranteed Auto Sales & Service, Inc.**, 600 N. Main St., Pittston, PA 18640-2202. Authorization No. WH6201. Effective May 20, 2004.

**Env. Svc. Group NY, Inc.**, 1008 Cooperate Ln., Export, PA 15632. Authorization No. WH6202. Effective May 20, 2004.

**Michael G. Rupert**, 6973 Rupert Ln., Alexandria, PA 16611. Authorization No. WH6203. Effective May 18, 2004.

**El Cantante Trucking**, P. O. Box 737926, Elmhurst, NY 11373. Authorization No. WH6205. Effective May 20, 2004.

**Angel R. Bunay**, 253 Green Ave., Kearny, NY 07032. Authorization No. WH6206. Effective May 20, 2004.

**Jim R. Noble**, 291 Beacon Rd., Renfrew, PA 16053. Authorization No. WH6207. Effective May 20, 2004.

**Baljit, L. Singh**, 14 Tudor Ct., Mt. Holly, NJ 08060. Authorization No. WH6209. Effective May 20, 2004.

**Paul Q. Ross Construction, Inc.**, R. R. 5, Box 1610, Sunbury, PA 17801-9207. Authorization No. WH6210. Effective May 20, 2004.

**INTI Envirotech, Inc.**, 3355 Minnesota Ave., St. Louis, MO 63118-2906. Authorization No. WH6211. Effective May 20, 2004.

**TGW Corp.**, P. O. Box 38, Pine Grove, PA 17963. Authorization No. WH6212. Effective May 24, 2004.

**All Phases of Maintenance & Construction**, 60 S. Delaware Dr., Bangor, PA 18013. Authorization No. WH6213. Effective May 24, 2004.

**James W. Denson**, 70 Rhodes Ave., Trenton, NJ 08638. Authorization No. WH6214. Effective May 24, 2004.

**Furniture Galleries, Inc.**, 669 Pittsburgh Rd., Butler, PA 16001. Authorization No. WH6215. Effective May 24, 2004.

**Maroneys Foreign Cars & Parts**, R. R. 1, Box 152, Smithton, PA 15479. Authorization No. WH6216. Effective May 24, 2004.

**Abdelaziz Abdelsadig**, 556 Sackett St., 1st Floor, Brooklyn, NY 11217. Authorization No. WH6217. Effective May 24, 2004.

**Larry R. Rebuck**, R. R. 1, Box 891, Paxinos, PA 17860. Authorization No. WH6219. Effective May 25, 2004.

**Anda Cocha Trucking Corp.**, 211 E. Cliff St., Somerville, NJ 08876. Authorization No. WH6220. Effective May 25, 2004.

**T & T Contracting, Inc.**, P. O. Box 410, Fairview Village, PA 19409-0419. Authorization No. WH6221. Effective May 25, 2004.

**Colby K. Bird**, 51 Roaring Creek Rd., Catawissa, PA 17820. Authorization No. WH6222. Effective May 25, 2004.

**Brian S. Canella**, 1601 Freeport Rd., P. O. Box 666, Erie, PA 16428. Authorization No. WH6223. Effective May 25, 2004.

**Ortiz Transportation Corp.**, 1310 Liberty Ave., 1st Floor, Hillside, NJ 07205. Authorization No. WH6224. Effective May 25, 2004.

**Patrycja I. Tecza**, 234 Hussa St., Linden, NJ 07036. Authorization No. WH6225. Effective May 25, 2004.

**Frank J Fanning & Sons**, 94 Yellow Meeting House Rd., Creamridge, NJ 08514. Authorization No. WH6226. Effective May 25, 2004.

**Leon L. Wojciechawski**, 6 Corner Dr., Delran, NJ 08075. Authorization No. WH6227. Effective May 25, 2004.

**American Weigh Trucking, Inc.**, 1400 10th St., Ronkonkoha, NY 11779. Authorization No. WH6228. Effective May 25, 2004.

**Tonys Disposal**, R. R. 1, Box 65B, Sunbury, PA 17801. Authorization No. WH6230. Effective May 27, 2004.

**M. E. Ford Trucking, Inc.**, R. R. 1, Box 1344, Nicholson, PA 18446-9450. Authorization No. WH6231. Effective May 27, 2004.

**Randall D. Birch**, 234 S. Center St., Cleona, PA 17042. Authorization No. WH6232. Effective May 27, 2004.

**Spring Transportation, LLC**, 138 46 60th Ave., Flushing, NY 11355. Authorization No. WH6233. Effective May 27, 2004.

## AIR QUALITY

**General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.**

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

**23-312-219GP: Sunoco Partners Marketing and Terminal LP** (1801 Market Street, 3-10 PC, Philadelphia, PA 19103) on May 27, 2004, to repair a seal storage tank no. 328 in Upper Chichester Township, **Delaware County**.

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

**GP3-34-03007: Independence Recycling** (5531 Canal Road, Valley View, OH 44125) on May 25, 2004, for Portable Nonmetallic Mineral Processing Plant under GP3 in Fermanagh Township, **Juniata County**.

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

**GP5-26-00485B: Douglas Oil and Gas** (400 Southpointe Boulevard, Suite 410, Canonsburg, PA 15317) on May 24, 2004, to renew a GP5 for operation of one Waukesha Model No. F 18GL, 400 BHP, natural gas-fired Compressor Engine, at their Douglas Oil and Gas, Vanderbilt Station in Dunbar Township, **Fayette County**.

**GP3-56-00011B: New Enterprise Stone and Lime Co., Inc.** (P. O. Box 77, New Enterprise, PA 16664) on May 24, 2004, a GP3 to install and operate one Allis-Chalmers 24X60 Gyratory Crusher, rated at 700 tph and one 475 BHP, Caterpillar Diesel Engine, at their New Enterprise Stone and Lime Company, Inc., Central City Sand Plant in Shade Township, **Somerset County**.

**Plan Approvals Issued under the Air Pollution Control Act and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.**

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

**15-0067C: Herr Foods, Inc.** (273 Old Baltimore Pike, Nottingham, PA 19362) on May 28, 2004, to operate a potato chip production line in West Nottingham Township, **Chester County**.

**23-0098: SAP America, Inc.** (3999 W Chester Pike, Newtown Square, PA 19073) on May 28, 2004, to operate four electric generators and three boilers in Newtown Township, **Delaware County**.

**46-0012: Philadelphia Newspaper, Inc.** (800 River Rd., Conshohocken, PA 19428) on May 28, 2004, to operate five platemaking plate processors in Upper Merion Township, **Montgomery County**.

**46-0222: Bostik Findley, Inc.** (1740 County Line Road, Huntingdon Valley, PA 19006) on May 28, 2004, to operate a solid storage silos and charging stations in Upper Moreland Township, **Montgomery County**.

**46-0234: Conshohocken Steel Products, Inc.** (301 Randolph Avenue, Ambler, PA 19002) on May 28, 2004, to operate a spray booth in Upper Dublin Township, **Montgomery County**.

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

**07-03048: Chimney Rock Animal Rest, Inc.** (R. R. 1, Box 136, Hollidaysburg, PA 16648) on May 25, 2004, to

install an animal crematory controlled by a thermal afterburner at their facility in Blair Township, **Blair County**.

**07-05023B: A. P. Green Refractories, Inc.** (R. R. 1, Box 588D, Claysburg, PA 16625) on May 26, 2004, to replace two fabric collectors in Greenfield Township, **Blair County**.

**22-05048: Amerigas Propane, LP** (5400 Paxton Street, Harrisburg, PA 17111) on May 26, 2004, to install a propane cylinder filling line in their facility in Swatara Township, **Dauphin County**.

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

**65-767A: Westmoreland Waste, LLC** (900 Tyrol Boulevard, Belle Vernon, PA 15909) on May 24, 2004, to expand the existing landfill and to install a control system consisting of a collection system, two 5,500 CFM enclosed ground flares and a 1,005 CFM generator set. The facility is subject to the requirements of 40 CFR 60, Subpart WWW.

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

**25-999A: Riley Power** (1420 Cascade Street, Erie, PA 16502) on May 19, 2004, for minor operation of a surface coating operation in the City of Erie, **Erie 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.*

**46-313-057E: Republic Environmental Systems of PA Inc.** (2869 Sandstone Drive, Hatfield, PA 19440) on May 26, 2004, to operate a hazardous waste TSD in Hatfield Township, **Montgomery County**.

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

**18-00016A: Pine Creek Veterinary Associates** (P. O. Box 82, McElhattan, PA 17748) on May 25, 2004, to operate an animal crematory incinerator on a temporary basis, until September 22, 2004, in Pine Creek Township, **Clinton County**. The plan approval has been extended.

**55-399-005: Professional Building Systems, Inc.** (72 East Market Street, Middleburg, PA 17842) on May 28, 2004, to operate a modular home manufacturing facility on a temporary basis, until September 25, 2004, in Middleburg Borough, **Snyder County**. The plan approval has been extended.

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

**32-00311A: IA Construction Corp.** (158 Lindsay Road, Zelienople, PA 16063) on May 25, 2004, to install storage tanks for their Homer City Hot Mix Asphalt Plant in Center Township, **Indiana County**. This plan approval was extended.

**26-00547A: Mypodiamond, Inc.** (1101 Mount View Drive, Smithville, PA 15478) on May 21, 2004, to con-

struct an industrial diamond processing in Georges Township, **Fayette County**. This plan approval was extended.

**03-00062A: Freeport Terminals Inc.** (514 North Main Street, Butler, PA 16001) on May 27, 2004, to install a crushing operation in Freeport Borough, **Armstrong 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.*

**61-011B: Merisol Antioxidants** (292 SR 8, Oil City, PA 16301) on May 31, 2004, to reduce VOC emissions in Cornplanter Township, **Venango County**.

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**Title V Operating Permits Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter G.**

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*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401; Edward Jurdon Brown, Facilities Permitting Chief, (484) 250-5920.*

**09-00046: RJM Manufacturing, Inc. d/b/a Taratape** (250 Canal Road, Fairless Hills, PA 19030) on May 28, 2004, amended facility Title V operating permit in Falls Township, **Bucks County**.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110; Yasmin Neidlinger, Facilities Permitting Chief, (717) 705-4702.*

**21-05006: Pennsylvania System of Higher Education, Shippensburg University** (1871 Old Main Drive, Shippensburg, PA 17257-2299) on May 24, 2004, for a Title V operating permit renewal for Shippensburg University in Shippensburg Borough, **Cumberland County**. This is a renewal of the Title V operating permit.

**36-05134: Lancaster Laboratories, Inc.** (2425 New Holland Pike, P. O. Box 12425, Lancaster, PA 17605-2425) on May 24, 2004, for a Title V Operating Permit in Upper Leacock Township, **Lancaster County**.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745; Mark Wayner, Facilities Permitting Chief, (412) 442-4174.*

**65-00181: Chestnut Ridge Foam, Inc.** (P. O. Box 781, Route 981 North, Latrobe, PA 15650) on May 18, 2004, for their Latrobe facility in Latrobe Borough, **Westmoreland County**. Chestnut Ridge Foam manufactures polyurethane, polychloroprene and natural rubber foam products. As a result of the levels of VOCs and HAPs emitted, they are considered a major stationary source.

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

**20-00194: Lord Corp.** (601 South Street, Saegertown, PA 16433) on May 26, 2004, to renew their Title V permit to operate an adhesive and coating manufacturing facility in Saegertown Borough, **Crawford County**. The facility's major emission sources include material preparation, milling, grinding, mixing and miscellaneous natural gas usage. The facility is a major facility due to its potential to emit VOCs.

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**Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.**

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*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401; Edward Jurdon Brown, Facilities Permitting Chief, (484) 250-5920.*

**09-00106: Univar USA Inc.** (50 Eisenhower Drive, Old Bridge, NJ 08875) on May 28, 2004, to operate synthetic minor operating permit in Falls Township, **Bucks County**.

**46-00043: Glasgow, Inc.** (P. O. Box 1089, Glenside, PA 19038) on May 28, 2004, to operate the synthetic minor operating permit in Plymouth Township, **Montgomery County**.

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

**21-05064: Atlas Roofing Corp.** (817 Spangler Road, Camp Hill, PA 17011) on May 21, 2004, for an Operating Permit to operate their polyisocyanurate foam manufacturing facility in Camp Hill Borough, **Cumberland County**.

**67-03083: Utz Quality Foods, Inc.** (900 High Street, Hanover, PA 17331) on May 27, 2004, to operate their snack food manufacturing facility in Hanover Borough, **York County**.

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

**03-00148: Altmeyer Farm and Stable** (R. D. 1, Box 136, Kittanning, PA 16201) on May 24, 2004, to operate a pet crematory in Plumcreek Township, **Armstrong County**.

**30-00091: Carmichaels Area School District** (225 North Vine Street, Carmichaels, PA 15320) on May 10, 2004, to operate two boilers and two incinerators in Cumberland Township, **Greene County**.

**65-00711: Airtek, Inc.—North Huntingdon Plant** (76 Clair Street, North Huntingdon, PA 15642) on May 26, 2004, to operate a natural gas fired heat cleaning oven equipped with an afterburner at their facility in North Huntingdon Township, **Westmoreland County**.

**56-00158: Turkeyfoot Valley High School** (172 Turkeyfoot Road, Confluence, PA 15424) on May 25, 2004, to operate a coal fired boiler in Lower Turkeyfoot Township, **Somerset County**.

**65-00596: St. Clair Cemetery Association** (964 St. Clair Way, Greensburg, PA 15601) on May 27, 2004, for a State-only operating permit for a crematory in Hempfield Township, **Westmoreland County**.

**Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.**

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

**40-00018: Exopack Holding Corp.** (3 Maplewood Drive, Hazleton, PA 19201) on May 24, 2004, to include the operation of two flexographic printing lines at their facility in Hazle Township, **Luzerne County**. Permit 40-00018 has been administratively amended to include the newly applicable requirements for the two new flexographic printing lines as approved and constructed under Plan Approval 40-320-019.

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

**04-00235: Pennsylvania Power Co.** (P. O. Box 128, Shippingport, PA 15077) on May 26, 2004, to install low NOx burners on Unit 3 at their Bruce Mansfield facility in Shippingport Borough, **Beaver County**. This covers the Selective Catalytic Reduction project on Units 1 and 2 respectively. 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.*

**54830107R4 and NPDES Permit No. PA0613568. Selkirk Mining Company** (96 Ryon Lane, Pottsville, PA 17901), renewal of an existing anthracite surface mine operation in Branch and Reilly Townships, **Schuylkill County**, affecting 2207.0 acres. Receiving streams: West Branch Schuylkill River. Application received January 15, 2004. Renewal issued May 26, 2004.

**54850108C2. Jett Contracting Company** (P. O. Box 243, Brockton, PA 17925), boundary correction to an existing anthracite surface mine in Blythe Township, **Schuylkill County**, affecting 56.9 acres, receiving stream: none. Application received November 4, 2003. Correction issued May 27, 2004.

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

**17031301 and NPDES Permit No. PA0235571. Parkwood Resources, Inc.** (P. O. Box 552, Somerset, PA 15501-0552), to operate the Cherry Tree Mine in Burnside Township, **Clearfield County**, a new mine. Surface Acres Proposed 47, Underground Acres Proposed 4,664, SCP Acres Proposed 3,531. Receiving streams: West Branch Susquehanna River (WWF); Hazelet Run (HQ-CWF); Cush Cushion Creek and unnamed tributaries to Cush Cushion Creek (HQ-CWF); Kilns Run (CWF); unnamed tributaries to West Branch Susquehanna River (CWF); Shyrock Run and unnamed tributaries to Shyrock Run (CWF); Powell Run and unnamed tributaries to Powell Run (CWF); and Cush Creek and unnamed tributaries to Cush Creek (CWF). Permit issued May 27, 2004.

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

**16940107 and NPDES Permit No. PA0226831. RFI Energy, Inc.** (555 Philadelphia Street, Indiana, PA

15701), renewal of an existing bituminous strip operation in Perry Township, **Jefferson County**, affecting 224.0 acres. Receiving streams: five unnamed tributaries to Cherry Run. Application received November 10, 2003. Permit issued May 27, 2004.

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

**32030102 and NPDES Permit No. PA0249386. Alverda Enterprises, Inc.** (P. O. Box 87, Alverda, PA 15710), for commencement, operation and restoration of a bituminous surface mine and for discharge of treated mine drainage in West Wheatfield Township, **Indiana County**, affecting 6.0 acres. Receiving streams: unnamed tributary to West Branch of Richards Run (CWF). There are no potable water supply intakes within 10 miles downstream. Application received January 15, 2003. Permit issued May 27, 2004.

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

**63-03-01 and NPDES Permit No. PA0250546. Newgate Development Corporation** (2201 Quicksilver Road, McDonald, PA 15057), Government Financed Construction Contract issued for reclamation of approximately 27 acres of abandoned mine lands in Robinson Township, **Washington County**. Receiving streams: unnamed tributary to Robinson Run, Robinson Run, Chartiers Creek and Ohio River. Application received March 22, 2004. Contract issued May 24, 2004.

**03990107 and NPDES Permit No. PA0202622. AMFIRE Mining Co., LLC** (One Energy Place, Latrobe, PA 15650), transfer of permit formerly issued to Walter L. Houser Coal Co., Inc., for continued operation and reclamation of a bituminous surface mining site in Washington and E. Franklin Townships, **Armstrong County**, affecting 203.8 acres. Receiving streams: unnamed tributaries of Limestone Run to Limestone Run to the Allegheny River. Application received April 22, 2003. Transfer permit issued May 24, 2004.

**26980101 and NPDES Permit No. PA0202240. Marquise Mining Corp.** (3889 Menoher Boulevard, Johnstown, PA 15905), renewal permit for reclamation only of an existing bituminous surface mine in Franklin Township, **Fayette County**, affecting 170 acres. Receiving stream: unnamed tributary to Bolden Run (WWF). Renewal application received May 11, 2004. Renewal permit issued May 28, 2004.

#### *Noncoal Permit Actions*

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

**06920301C2 and NPDES Permit No. PA0595641. Martin Stone Quarries, Inc.** (P. O. Box 297, Bechtelsville, PA 19505), renewal of NPDES permit for discharge of treated mine drainage in Washington Township, **Berks County**. Receiving streams: Swamp Creek. Application received April 5, 2004. Renewal issued May 24, 2004.

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

**25990302. Waste Management Disposal Service of PA** (1121 Bordentown Road, Morrisville, PA 19467), renewal of NPDES Permit No. PA0227994 in Summit Township, **Erie County**. Receiving streams: unnamed tributary to Walnut Creek. Application received March 29, 2004. Permit issued May 24, 2004.

**37030303. S & S Processing, Inc.** (P. O. Box 32, Ellwood City, PA 16127), commencement, operation and restoration of a sand and gravel and topsoil operation in North Beaver Township, **Lawrence County**, affecting 37.0 acres. Receiving streams: None. Application received July 14, 2003. Permit issued May 24, 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.*

**40044004. Demtech, Inc.** (65 Bald Mountain Road, DuBois, WY 82513), demolition blasting of Carey Avenue Bridge in Plymouth Borough, **Luzerne County**, with an expiration date of August 31, 2004. Permit issued May 25, 2004.

**66044003. Hayduk Enterprises** (P. O. Box 554, Dalton, PA 18414), construction blasting at Hill Top Estates in Clinton Township, **Wyoming County**, with an expiration date of August 31, 2004. Permit issued May 25, 2004.

**36044047. Keystone Blasting Services** (381 Reifsnyder Road, Lititz, PA 17543), construction blasting for the Norlanco Family Health Center Building in Mt. Joy Township, **Lancaster County**, with an expiration date of September 24, 2004. Permit issued May 25, 2004.

**06044023. Brubacher Excavating, Inc.** (P. O. Box 528, 825 Reading Road, Bowmansville, PA 17507), construction blasting for Spring Township Sewer Main at Yerger Boulevard and State Hill Road in Spring Township, **Berks County**, with an expiration date of June 24, 2005. Permit issued May 25, 2004.

**36044045. Keystone Blasting Service** (381 Reifsnyder Road, Lititz, PA 17543), construction blasting at Cocalico Storage Units in East Cocalico Township, **Lancaster County**, with an expiration date of December 24, 2004. Permit issued May 25, 2004.

**36044046. Keystone Blasting Service** (381 Reifsnyder Road, Lititz, PA 17543), construction blasting at Brookshire Development in Rapho Township, **Lancaster County**, with an expiration date of June 24, 2005. Permit issued May 25, 2004.

**36044044. ABEL Construction Company, Inc.** (3925 Columbia Avenue, Mountville, PA 17554), construction blasting at Regent's Part Phase 2 in East Lampeter Township, **Lancaster County**, with an expiration date of June 24, 2005. Permit issued May 25, 2004.

**15044019. Horst Drilling & Blasting, Inc.** (141 Ranck's Church Road, New Holland, PA 17557), construction blasting at Hershey's Mill in East Goshen Township, **Chester County**, with an expiration date of June 24, 2005. Permit issued May 25, 2004.

**19044002. HRI, Inc.** (1525 Millville Road, Bloomsburg, PA 17815) and **DC Guelich Explosive Company** (P. O. Box 29, Bloomsburg, PA 17815), construction blasting at the Buckhorn Interchange Reconstruction Site in Hemlock Township, **Columbia County**, with an expiration date of May 31, 2005. Permit issued May 26, 2004.



**06044024. AMROC, Inc.** (7531 Chestnut Street, Zionsville, PA 18092), construction blasting at Douglass Village Home Park in Douglass Township, **Berks County**, with an expiration date of December 24, 2004. Permit issued May 26, 2004.

**36044048. Hall Explosives, Inc.** (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting at School Specialty Warehouse in Rapho Township, **Lancaster County**, with an expiration date of June 20, 2005. Permit issued May 26, 2004.

**40044005. Austin Powder** (P. O. Box 289, Northampton, PA 18067), construction blasting at Route 80 Slip Area Near Rt. 309 in Nescopeck Township, **Luzerne County**, with an expiration date of December 31, 2004. Permit issued May 26, 2004.

**01044008. Hall Explosives, Inc.** (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting for Cedar Fields in Mt. Pleasant Township and Bonneauville Borough, **Adams County**, with an expiration date of May 30, 2005. Permit issued May 26, 2004.

**21044035. M & J Explosives, Inc.** (P. O. Box 608, Carlisle, PA 17013), construction blasting in West Pennsboro Township, **Cumberland County**, with an expiration date of May 31, 2005. Permit issued May 26, 2004.

**67044027. Fitz & Smith, Inc.** (438 East Locust Street, Dallastown, PA 17313), construction blasting at Lutheran Home of Hanover, West Manheim Township, **York County**, with an expiration date of May 31, 2005. Permit issued May 26, 2004.

**21044034. Rogele, Inc.** (1025 South 21 Street, P. O. Box 1757, Harrisburg, PA 17105), construction blasting for new sanitary sewer and water lines in North Middleton Township, **Cumberland County**, with an expiration date of September 30, 2004. Permit issued May 26, 2004.

**21044036. Brubacher Excavating, Inc.** (P. O. Box 528, 825 Reading Road, Bowmansville, PA 17507), construction blasting at Bechtel Pool in Silver Spring Township, **Cumberland County**, with an expiration date of May 31, 2005. Permit issued May 26, 2004.

**21044037. Hall Explosives, Inc.** (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting at South Middleton Township Pump Station 12 in South Middleton Township, **Cumberland County**, with an expiration date of January 31, 2005. Permit issued May 26, 2004.

**01044009. Hall Explosives, Inc.** (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting at Summit Ridge in Berwick Township, **Adams County**, with an expiration date of June 30, 2005. Permit issued May 26, 2004.

**28044021. R & M Excavating** (403 Hilltop Road, Newburg, PA 17240), construction blasting at Municipal Park Sewer Line in Shippensburg Borough, **Franklin County**, with an expiration date of August 31, 2004. Permit issued May 26, 2004.

**28044022. David H. Martin, Inc.** (4961 Cumberland Highway, Chambersburg, PA 17201), construction blasting at Hoffman Transport in Antrim Township, **Franklin County**, with an expiration date of May 31, 2005. Permit issued May 26, 2004.

**38044007. ABEL Construction Co., Inc.** (3925 Columbia Avenue, Mountville, PA 17554), construction blasting at Village at Springbrook Farms Phase 1 in South

Londonderry Township, **Lebanon County**, with an expiration date of November 25, 2004. Permit issued May 27, 2004.

**36044049. Gerlach's Drilling & Blasting, Inc.** (172 Bender Mill Road, Lancaster, PA 17603), construction blasting in Manor Township, **Lancaster County**, with an expiration date of June 25, 2005. Permit issued May 27, 2004.

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

**29044002. David H. Martin Excavating** (4961 Cumberland Highway, Chambersburg, PA 17201), permit issued for building site construction in Ayr Township, **Fulton County**. Duration of blasting is 365 days. Permit issued May 27, 2004.

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

**65045003. Brentzel Contracting, Inc.** (217 Fifth Street, Irwin, PA 15642), blasting activity permit-by-rule for construction of a sewer line in Hempfield Township, **Westmoreland County**, with an expected duration of 1 day. Blasting activity permit-by-rule issued May 25, 2004.

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

**14044008. Forest Homes of Centre County** (P. O. Box 436, State College, PA 16804), for construction blasting in Walker Township, **Centre County**, with an expected duration of 218 days. Permit issued April 20, 2004.

**14044009. Stone Valley Construction, Inc.** (P. O. Box 369, Pine Grove Mills, PA 16868), for construction blasting in State College Borough, **Centre County**, with an expected duration of 239 days. Permit issued April 29, 2004.

**14044010. Glenn O. Hawbaker, Inc.** (P. O. Box 135, State College, PA 16804-0135), for construction blasting in Spring Township, **Centre County**, with an expected duration of 226 days. Permit issued May 18, 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.*

**E46-955. Robert and Kathryn Leber**, 2566 Swamp Creek Road, Green Lane, PA 18054, Marlborough Township, **Montgomery County**, ACOE Philadelphia District.

To construct and maintain a 160-foot long footbridge across the 100-year floodplain of Unami Creek (HQ-CWF) as an emergency access to an existing dwelling.

The site is at 2566 Swamp Creek Road (Perkiomenville, PA USGS Quadrangle N: 16.2 inches; W: 9.0 inches).

The issuance of this permit also constitutes approval of a Water Quality Certification under section 401 of the Federal Water Pollution Control Act.

**E46-952. Turnpike Commission**, P. O. Box 67676, Harrisburg, PA 17106-6766, Plymouth Township, **Montgomery County**, ACOE Philadelphia District.

To perform the following activities in and along unnamed tributaries to Plymouth Creek (WWF) associated with the reconstruction and roadway widening of the Pennsylvania Turnpike between the Norristown Interchange and Ridge Pike:

1. To improve and maintain all drainage systems, which consist of outfall pipes and collection systems impacting a total of 385 linear feet of stream channel.
2. To extend two existing enclosures.
3. To impact approximately 0.35 acre of wetland (PEM, FO, SS).

The project originates at the Norristown Interchange (MP 33.85) then extends 2.6 miles to its terminus at Ridge Pike (MP 331.24) (Norristown, PA Quadrangle N: 19.6 inches; W: 7.7 inches).

The issuance of this permit also constitutes approval of a Water Quality Certification under section 401 of the Federal Water Pollution Control Act.

**E46-953. Montgomery County**, Court House, Norristown, PA 19404, Lower Salford Township, **Montgomery County**, ACOE Philadelphia District.

To construct and maintain a new bridge adjacent to and upstream of an existing deteriorated bridge (County Bridge 147) carrying Freeman School Road over East Branch of Perkiomen Creek (TSF). The proposed bridge will be a single span composite steel structure with a span of 129 feet 10 inches, a total roadway width of 36 feet 3 inches, underclearance of 10 feet 9 inches and skew of 70°. This permit also authorizes the operation and maintenance of the existing bridge consisting of a single span with a span of 112 feet, roadway width 17 feet, under clearance of 10 feet 3 inches and skew of 90°. The existing bridge has been repaired and will be retained to serve as part of the Township Trail System. Work will also include 280 linear feet of R-8 riprap scour protection along both bridges. The site is about 200 feet southwest of the intersection of Indian Creek Road and Freeman School Road (Perkiomenville, PA USGS Quadrangle N: 5.4 inches, W: 4.88 inches).

The issuance of this permit also constitutes approval of a Water Quality Certification under section 401 of the Federal Water Pollution Control Act.

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

**E48-342. Department of Transportation, Engineering District 5-0**, 1713 Lehigh Street, Allentown, PA 18103, Forks Township, **Northampton County**, Army Corps of Engineers Philadelphia District.

To construct and maintain a stream channel improvement project in a tributary to the Delaware River (CWF) with work consisting of regrading and realigning approximately 1,025 LF of stream channel including the placement of R-7 riprap along both streambanks and to regrade an additional 195 LF of the right (northern) streambank at the downstream end of the project. The purpose of the project is to re-establish the eastbound

lane of SR 2038 (Frost Hollow Road) that was damaged by flood waters. The project is downstream of the bridge along Frost Hollow Road and continues east to SR 0611 (Easton, PA-NJ Quadrangle N: 18.3 inches; W: 9.4 inches) (Subbasin: 01F).

**E45-463. Pocono Mountain School District—West High School**, HC 89, Box 2002, Pocono Summit, PA 18346. Tobyhanna Township, **Monroe County**, Army Corps of Engineers Philadelphia District.

To place fill in a de minimis area of PFO wetlands equal to 0.02 acre for the purpose of constructing a 1,100-foot long by 2-foot wide low-impact cedar log boardwalk and associated 3-foot by 3-foot timber crib support structures. The boardwalk is to be used for educational purposes as part of the wetlands curriculum, as well as private environmental tours. The project is behind Pocono Mountain School District—West High School, approximately 0.5 mile south of SR 0940 (Pocono Pines, PA Quadrangle N: 19.5 inches; W: 7.9 inches) (Subbasin: 2A).

**E45-456. Lake Mineola Homeowners Association, Inc.**, 47 West Washington Street, Bethlehem, PA 18018. Chestnuthill Township, **Monroe County**, Army Corps of Engineers Philadelphia District, Subbasin 1-E.

To place a 6-inch layer of 1/2-inch to 1-inch clean gravel, having a volume of 8.75 cubic yards in Lake Mineola for the purpose of creating a more suitable wading and swimming area around an existing private recreational dock. The project is on the eastern side of the lake, approximately 0.3 mile north of the intersection of Township Road T378 and SR 0209 (Brodheads ville, PA Quadrangle N: 9.9 inches; W: 1.8 inches). The project proposes to directly affect 0.01 acre of lake bottom.

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

**E01-245: Eric W. Flynn, Ski Liberty Operating Corp.**, P. O. Box 703, 78 Country Club Trail, Fairfield, PA 17320 in Carroll Valley Township, **Adams County**, ACOE Baltimore District.

To maintain a 7-foot wide by 28-foot long wooden footbridge over an unnamed tributary to Tom's Creek (CWF) along Sanders Road (Iron Springs, PA Quadrangle N: 2.75 inches; W: 0.5 inch) in Carroll Valley Borough, Adams County. This permit is part of a voluntary compliance effort.

**E36-773: Glenn Good**, 321 Walnut Run Road, Willow Street, PA 17584 in Strasburg Township, **Lancaster County**, ACOE Baltimore District.

To relocate approximately 380 linear feet of Walnut Run (WWF) to reduce streambank erosion and improve access to an existing free-stall dairy barn at a point approximately 300 feet south of the intersection of Lime Valley and Bachman Roads on the Good Farm in Strasburg Township, Lancaster County (Quarryville, PA Quadrangle N: 16.1 inches; W: 12.6 inches).

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

**E14-456. Ferguson Township**, 3147 Research Drive, State College, PA 16801. Shadow Oaks Drainage Improvement Project in Ferguson Township, **Centre County**, ACOE Baltimore District (Pine Grove Mills, PA Quadrangle N: 20.44 inches; W: 1.25 inches).

To remove the existing undersized single culvert stream enclosure and appurtenant structures that flood overtop regularly, then to construct and maintain: (1) a 574-foot

by 18-foot by 6-foot temporary trench; (2) two 574-foot long by 64-inch by 43-inch CMP arch culverts and the associated concrete head wall; (3) a 90 linear foot by 5-foot by 6-foot cut stone right stream bank retaining wall immediately upstream of twin CMP arch culverts; (4) 170 linear feet of stream channel regrading immediately upstream of twin CMP arch culverts; (5) three upright railroad tie debris catchers 95 feet upstream of twin CMP arch culverts; (6) a permanent 350-foot by 15-foot by 4-foot roadside swale and a permanent 350-foot by 15-foot by 2.5-foot roadside swale, both to the left of the enclosure; (7) a concrete outfall for the twin culverts and two separate stormwater discharges; and (8) 50 linear feet of stream channel regrading and stabilization with R-5 and R-3 riprap immediately downstream of twin CMP arch culverts, all of which are in a very intermittent upper reach of Slab Cabin Run at the intersection of Selders Drive and Rosemont Drive.

**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 an existing structure and construct, operate and maintain a public road crossing Upper Three Runs to provide improved public access on Reservoir Road. The road crossing of Reservoir Road over 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. The project is along the eastern right-of-way of SR 1011 approximately 1.45 miles east of Reservoir Road and SR 1011 intersection. This permit authorizes the construction, operation, maintenance and removal of temporary roadways, dams, cofferdams and stream diversions needed for construction of the road crossing. All temporary structures shall be completed with clean, nonpolluting materials. Upon completing construction of the road crossing, all temporary structures shall be removed with areas restored to original contours and elevations. This permit does not authorize any wetland impacts; as such, the permittee shall ensure all necessary measures are taken to ensure the wetlands adjacent to the project are not impacted. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E41-536. Robert D. Mutchler**, 153 Wynwood Drive, Cogan Station, PA 17728-8455. Small Projects Water Obstruction and Encroachment Joint Permit Application in Pine Township, **Lycoming County**, ACOE Susquehanna River Basin District (English Center, PA Quadrangle N: 3.25 inches; W: 2.37 inches).

To construct and maintain an 18 foot wide by 20 foot long open-sided nonresidential pavilion in the floodway of Lick Run, all of which is 0.15 mile south of English Center along Wood Road in Pine Township, Lycoming County. The construction granted under this permit is an open sided pavilion; the new construction will not in-

crease the overall enclosed area on the property. This permit was issued under section 105.13(e) "Small Projects."

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

**E03-422. Freeport Area School District**, P. O. Drawer C, 621 South Pike Road, Sarver, PA 16055. Two-lane bridge to access South Buffalo Elementary School in South Buffalo Township, **Armstrong County**, Pittsburgh ACOE District (Freeport, PA Quadrangle N: 14.1 inches; W: 6.0 inches) (Latitude: 40° 42' 10" and Longitude: 79° 40' 06").

To remove the existing structure and to construct and maintain a two-lane bridge having a clear span of 25 feet and an underclearance of 7 feet across an unnamed tributary to the Allegheny River (WWF). The bridge provides access from SR 0128. The structure is approximately 250 feet east of SR 0128 in South Buffalo Elementary School.

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

**E42-305, University of Pittsburgh, Bradford Campus**, 300 Campus Drive, Bradford, PA 16701. Student housing building along the southern boundary of Campus Drive in Bradford Township, **McKean County**, ACOE Pittsburgh District (Bradford, PA Quadrangle N: 12.3 inches; W: 6.6 inches).

The applicant proposes to construct and maintain student housing with associated sidewalk and infrastructure involving the net removal of approximately 116 cubic yards of earth from the left mapped FEMA floodplain of West Branch Tunungwant Creek (CWF, perennial) along the southern boundary of Campus Drive approximately 0.3 mile southwest of the intersection of Corydon Street Extension and Dorothy Lane. The project would result in the net removal of approximately 116 cubic yards of earth from the left mapped FEMA floodplain.

**E62-393, Connie Holden and Dana Holden**, P. O. Box 292, Six Mile Road, Tiona, PA 16352-0292. Sixmile Run culvert in Mead Township, **Warren County**, ACOE Pittsburgh District (Clarendon, PA Quadrangle N: 2.6 inches; W: 5.0 inches).

The applicant proposes to remove the existing structure and to construct and maintain a 30-foot long, 6-foot diameter steel culvert in Sixmile Run (HQ CWF, perennial) approximately 1.8 miles northeast of the intersection of U. S. Route 6 and Six Mile Road. The project has been constructed. The existing structure was damaged during the storm of July 21, 2003. The project includes riprap protection of the culvert and adjacent stream banks. The project proposes to directly affect a total of approximately 70 linear feet of stream channel.

## 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.**

#### SSIP

Permit No.	Applicant Name and Address	County	Municipality	Tank Type	Tank Capacity
04-35-003	Beverly Baio A & B Plumbing Heating & Fuel Oil Route 507 and 4th St. P. O. Box 813 Gouldsboro, PA 18424-0813	Lackawanna	Clifton Township	Two ASTs storing no. 2 fuel oil	30,000 gallons each

## SPECIAL NOTICES

### Application for Solid Waste Variance

The Department of Environmental Protection (Department) has tentatively decided to grant a variance from classification as solid waste for certain material produced at Sartomer Company's (Sartomer) West Chester plant (610 South Bolmar Street, West Chester, PA 19382). This notice announces the opportunity for interested parties to review and comment on the variance application prior to a final decision by the Department. The variance request was submitted to the Department under Federal hazardous waste regulations in 40 CFR 260.30(c), which are incorporated by reference in 25 Pa. Code § 260a.1. This variance provision is available for materials that have been reclaimed but must be reclaimed further before the materials are completely recovered. The specific material for which Sartomer has requested a variance is a mixed heptane and toluene stream that will be partially reclaimed from an aqueous solution at Sartomer's West Chester facility. If the variance is granted, Sartomer plans to transport the partially reclaimed material, as a nonwaste material, to their Chatham, VA facility where it will be further reclaimed into separate heptane-rich and toluene-rich streams. The fully recovered material will then be reused directly as raw material in the manufacturing processes at either Sartomer's West Chester facility or Chatham, VA facility.

Persons wishing to comment on Sartomer's variance request and the Department's tentative decision to grant the request are invited to submit comments within 30 days from the date of this public notice to the Department at the following address. For more detailed information on the specific aspects of Sartomer's variance request, to obtain a copy of the request or to submit comments, contact Dwayne Womer, Department of Environmental Protection, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105, (717) 787-6239, dwomer@state.pa.us. Comments

received within the comment period will be considered by the Department in making the final decision regarding Sartomer's request. 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 this matter. A public hearing may be held if the Department 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.

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

#### **Certification to Perform Radon-Related Activities in this Commonwealth**

During May 2004, the Department of Environmental Protection, under the Radon Certification Act (63 P. S. §§ 2001—2014) and regulations promulgated thereunder in 25 Pa. Code Chapter 240, has certified the following persons to perform radon-related activities in this Commonwealth. The period of certification is 2 years. For a complete list of persons currently certified to perform radon-related activities in this Commonwealth and for information as to the specific testing devices that persons certified for testing or laboratory are certified to use, contact the Bureau of Radiation Protection, Radon Division, P. O. Box 8469, Harrisburg, PA 17105-8469, (800) 23RADON.

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Robert Beattie	851 Bangor Road Nazareth, PA 18064	Testing
James Bistline	61 Sunset Drive Carlisle, PA 17013	Testing
Edward Cummins	140 Walnut Street Spring City, PA 19475	Testing
Michael Cush Park House Associates, Inc.	P. O. Box 273 Gilbert, PA 18331	Mitigation
Kevin Deppe	P. O. Box 987 Cherryville, PA 18035	Testing
Jason Dinger	5728 Rosemont Way Medina, OH 44256	Testing
Enviroquest, Inc.	1738 North Third Street Suite A Harrisburg, PA 17102	Mitigation
Paul Fletcher Alpha Energy Labs	2501 Mayes Road Suite 100 Carrollton, TX 75006	Laboratory
Adam Ginocchi	407 Jenny Lane New Castle, PA 16101	Testing
Vilas Godbole	307 Dogwood Lane Wallingford, PA 19086	Mitigation
House-Check, Inc.	P. O. Box 731 Valley Forge, PA 19482	Testing
Robert Kerecz	634 West Broad Street Bethlehem, PA 18018	Testing
Frank Marsico	504 Woodcrest Drive Mechanicsburg, PA 17050	Testing
Surekha Paunikar Alpha Environmental, Inc.	2048 Carmel Drive Jamison, PA 18929	Testing
Edward Schluth	242 Newtown Road Warminster, PA 18974	Testing
Cesare Sportelli	750 Washington Street Easton, PA 18042	Testing
Gregory J. Stewart G. J. Stewart	5 Franklin Street Pittsburgh, PA 15209	Mitigation
Robert Wills	877 Williams Place Warminster, PA 18974	Testing

#### **Public Meeting and Request for Comment for the Proposed Total Maximum Daily Load (TMDL) for the Big Run Watershed in Clearfield County**

The Department of Environmental Protection (Department) will hold a public meeting to discuss and accept comments on a proposed TMDL for the Big Run Watershed in Clearfield County. The meeting will be held on July 14, 2004, at 6:30 p.m. at the Clearfield County Multiservice Center, Daisy Street, Clearfield, PA. Individuals who plan to make a

presentation at the public meeting should contact John Mital, Moshannon District Mining Office, (814) 342-8200 by 4 p.m. on Friday, July 9, 2004. The Department will consider all comments in developing the final TMDL for the Big Run Watershed, which will be submitted to the EPA for approval.

The proposed TMDL for the Big Run Watershed was established in accordance with the requirements of the Clean Water Act, section 303(d). Three stream segments in the Big Run Watershed have been identified as impaired on the 1996 Pennsylvania Section 303(d) list due to depressed pH and/or high concentrations of metals. The listed segments and miles degraded are shown in the following table:

<i>Stream Code (Segment ID)</i>	<i>Stream Name</i>	<i>Miles Degraded</i>
25971 (7162)	Big Run	1.1

The proposed plan provides calculations of the stream's total capacity to accept metals (aluminum, iron, manganese and acidity), pH and maintain levels below water quality criteria. The applicable water quality criteria are as follows:

<i>Parameter</i>	<i>Criterion Value (mg/l)</i>	<i>Total Recoverable/Dissolved</i>
Aluminum	0.75	Total Recoverable
Iron	1.5	Total Recoverable
Manganese	1.00	Total Recoverable
pH	6.0—9.0	N/A

The primary pollutant source for the watershed is abandoned mine workings. This watershed was mined for coal in the 1900s. The effects of this are still present.

The proposed TMDL was developed using Monte Carlo Simulation (MCS) to determine long-term average concentrations that each stream segment could accept and still meet water quality criteria 99% of the time. MCS allows for the expansion of a data set based on its statistical makeup. Since there was no critical flow condition where criteria were exceeded, the Department used the average flow to express the loading values in the proposed TMDL. The proposed TMDL for the Big Run Watershed sets allowable loading rates for metals and acidity at specified points in the watershed. Field data collected over the past 2 years was used to establish the proposed TMDL for the Big Run Watershed. The data and all supporting information used to develop the proposed TMDL are available from the Department.

The Department will accept written comments on the proposed TMDL for the Big Run Watershed. Written comments must be postmarked by August 11, 2004, and sent to John Mital, Geologic Specialist, Department of Environmental Protection, Moshannon District Mining Office, 186 Enterprise Drive, Philipsburg, PA 16866, (814) 342-8200, [jmital@state.pa.us](mailto:jmital@state.pa.us).

To request a copy of the proposed TMDL and associated information sheet or to obtain directions to the Clearfield County Multiservice Center, contact John Mital at the previous phone number or e-mail address.

The proposed TMDL for the Big Run Watershed can be accessed through the Department's website: [www.dep.state.pa.us](http://www.dep.state.pa.us) (DEP Keyword: TMDL). Persons with a disability who require accommodations to attend this meeting should contact the Department at (814) 472-1900 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users) to discuss how the Department may accommodate their needs.

#### **Public Meeting and Request for Comment for the Proposed Total Maximum Daily Load (TMDL) for the Birch Island Run Watershed in Clinton County**

The Department will hold a public meeting to discuss and accept comments on a proposed TMDL for the Birch Island Run Watershed in Clinton County. The meeting will be held on July 14, 2004, at 6:30 p.m. at the Clearfield County Multiservice Center, Daisy Street, Clearfield, PA. Individuals who plan to make a presentation at the public meeting should contact John Mital, Moshannon District Mining Office, (814) 342-8200 by 4 p.m. on Friday, July 9, 2004. The Department will consider all comments in developing the final TMDL for the Birch Island Run Watershed, which will be submitted to the EPA for approval.

The proposed TMDL for the Birch Island Run Watershed was established in accordance with the requirements of the Clean Water Act, section 303(d). Three stream segments in the Birch Island Run Watershed have been identified as impaired on the 1996 Pennsylvania Section 303(d) list due to depressed pH and/or high concentrations of metals. The listed segments and miles degraded are shown in the following table:

<i>Stream Code (Segment ID)</i>	<i>Stream Name</i>	<i>Miles Degraded</i>
25529 (7148)	Birch Island	6.2
25530 (7149)	Little Birch Island	4.3
25544 (7150)	Amos Branch	1.6

The proposed plan provides calculations of the stream's total capacity to accept metals (aluminum, iron, manganese and acidity), pH and maintain levels below water quality criteria. The applicable water quality criteria are as follows:

<i>Parameter</i>	<i>Criterion value (mg/l)</i>	<i>Total Recoverable/Dissolved</i>
Aluminum	0.75	Total Recoverable
Iron	1.5	Total Recoverable
Manganese	1.00	Total Recoverable
pH	6.0—9.0	N/A

The primary pollutant source for the watershed is abandoned mine workings. This watershed was mined for coal in the 1900s. The effects of this are still present.

The proposed TMDL was developed using MCS to determine long-term average concentrations that each stream segment could accept and still meet water quality criteria 99% of the time. MCS allows for the expansion of a data set based on its statistical makeup. Since there was no critical flow condition where criteria were exceeded, the Department used the average flow to express the loading values in the proposed TMDL. The proposed TMDL for the Birch Island Run Watershed sets allowable loading rates for metals and acidity at specified points in the watershed. Field data collected over the past 2 years was used to establish the proposed TMDL for the Birch Island Run Watershed. The data and all supporting information used to develop the proposed TMDL are available from the Department.

The Department will accept written comments on the proposed TMDL for the Birch Island Run Watershed. Written comments must be postmarked by August 11, 2004, and sent to John Mital, Geologic Specialist, Department of Environmental Protection, Moshannon District Mining Office, 186 Enterprise Drive, Philipsburg, PA 16866, (814) 342-8200, [jmital@state.pa.us](mailto:jmital@state.pa.us).

To request a copy of the proposed TMDL and associated information sheet or to obtain directions to the Clearfield County Multiservice Center, contact John Mital at the previous phone number or e-mail address.

The proposed TMDL for the Birch Island Run Watershed can be accessed through the Department's website: [www.dep.state.pa.us](http://www.dep.state.pa.us) (DEP Keyword: TMDL). Persons with a disability who require accommodations to attend this meeting should contact the Department at (814) 472-1900 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users) to discuss how the Department may accommodate their needs.

[Pa.B. Doc. No. 04-1015. Filed for public inspection June 11, 2004, 9:00 a.m.]

### Reopening of the Site Assessment Grant Program

The Department of Environmental Protection (Department) has reinstated the Pollution Prevention and Energy Efficiency Site Assessment Grant Program under the new name Site Assessment Grant Program (program). The Department temporarily suspended the Pollution Prevention and Energy Efficiency Site Assessment Grant Program on September 30, 2003 (see 33 Pa.B. 4229 (August 23, 2003)). The Department will accept new applications under the program beginning July 1, 2004. This program is authorized by section 204(h) of the Small Business and Household Pollution Prevention Program Act (35 P. S. § 6029.204(h)).

Under the program, qualified small businesses will receive a grant from the Department to conduct a site assessment of their facilities. A site assessment is a detailed survey and evaluation of a company's manufacturing processes, operational procedures, systems, energy consumption and costs, raw material use, waste streams and disposal costs. The purpose of the assessment is to identify pollution prevention and energy efficiency opportunities. A private consultant will conduct the site assessment under the program.

Companies can realize significant financial savings by implementing pollution prevention and energy efficiency recommendations identified during a site assessment and protect the environment at the same time. Savings result from reduced costs for materials, energy use, waste handling and disposal and from operational or process changes.

Guidelines for the program will be posted in early June on the Department's website: [www.dep.state.pa.us](http://www.dep.state.pa.us). Questions concerning the program should be directed to Mike Hitcho, (717) 772-8945, [mhitcho@state.pa.us](mailto:mhitcho@state.pa.us).

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 04-1016. Filed for public inspection June 11, 2004, 9:00 a.m.]

### State Board for Certification of Water and Wastewater Systems Operators Meeting

The State Board for Certification of Water and Wastewater Systems Operators (Board) has made the following change to its 2004 meeting schedule:

The Board has added a meeting on June 25, 2004, at 9 a.m. in the Delaware Room, 16th Floor, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Persons who have questions concerning the meeting should contact Lynn Rice, (717) 787-5236, [mlrice@state.pa.us](mailto:mlrice@state.pa.us).

Persons with a disability who require accommodation to attend this meeting should contact Lynn Rice at the previous telephone number or e-mail address or through Pennsylvania AT&T Relay Services at (800) 654-5984 (TDD) to discuss how their needs may be accommodated.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 04-1017. Filed for public inspection June 11, 2004, 9:00 a.m.]

## DEPARTMENT OF GENERAL SERVICES

### State Surplus Property

The Department of General Services, State Surplus Property is seeking contractors to remove scrap drums and waste oil/anti-freeze from State agencies throughout this Commonwealth. Some of these contracts begin on July 1, 2004. For more information, call (717) 787-4085 or write to the Department of General Services, State Surplus Property, Room G-12, 2221 Forster St., Harrisburg, PA 17125, [mthrush@state.pa.us](mailto:mthrush@state.pa.us) prior to the bid opening on June 25, 2003.

DONALD T. CUNNINGHAM, Jr.,  
*Secretary*

[Pa.B. Doc. No. 04-1018. Filed for public inspection June 11, 2004, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Application of Albert Einstein Healthcare Network MossRehab/Einstein @ Elkins Park for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Albert Einstein Healthcare Network MossRehab/Einstein @ Elkins Park 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: 10.15.A2 and 10.15.A7 (relating to minimum room size; and patient wardrobe).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from 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 Division at the previously listed address or phone number, 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. 04-1019. Filed for public inspection June 11, 2004, 9:00 a.m.]

### Application of Main Line Spine for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Main Line Spine has requested an exception to the requirements of 28 Pa. Code § 571.1 (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 exemption from the following standards contained in this publication: 9.5.A, 9.5.F1, 9.5.F3b and 9.5.F5k. The facility is also requesting exception to 28 Pa. Code § 571.2(d) (relating to modifications to HHS requirements).

This request is on file with the Department. Persons may receive a copy of a request for exception by request-

ing a copy from 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 Division at the previously listed address or phone number, 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. 04-1020. Filed for public inspection June 11, 2004, 9:00 a.m.]

### Application of UPMC Bedford Memorial for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that UPMC Bedford Memorial has requested an exception to the requirements of 28 Pa. Code § 107.2 (relating to medical staff membership).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from 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 Division at the previously listed address or phone number, 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. 04-1021. Filed for public inspection June 11, 2004, 9:00 a.m.]

# DEPARTMENT OF REVENUE

## Realty Transfer Tax; 2003 Common Level Ratio Real Estate Valuation Factors

The following real estate valuation factors are based on sales data compiled by the State Tax Equalization Board in 2003. These factors are the mathematical reciprocals of the actual common level ratio. For Pennsylvania Realty Transfer Tax purposes, these factors are applicable for documents accepted from July 1, 2004, to June 30, 2005, except as indicated. The date of acceptance of a document is rebuttably presumed to be its date of execution, that is, the date specified in the body of the document as the date of the instrument (61 Pa. Code § 91.102 (relating to acceptance of documents)).

<i>County</i>	<i>Common Level Ratio Factor</i>	<i>County</i>	<i>Common Level Ratio Factor</i>	<i>County</i>	<i>Common Level Ratio Factor</i>
Adams	2.89	Elk	5.05	Montour	11.36
Allegheny	1.07	Erie	1.09	Northampton	2.55
Armstrong	2.52	Fayette	1.03	Northumberland	7.46
Beaver	3.11	Forest	4.74	Perry	1.10
Bedford	5.13	Franklin	6.90	Philadelphia	3.73
Berks	1.16	Fulton	1.98	Pike	4.41
Blair	12.66	Greene	1.13	Potter	2.37
Bradford	2.31	Huntingdon	6.29	Schuylkill	2.32
Bucks	32.26	Indiana	7.30	Snyder	6.10
Butler	9.62	Jefferson	5.32	Somerset	2.47
Cambria	6.14	Juniata	5.65	*Sullivan	1.00
Cameron	2.68	Lackawanna	5.21	Susquehanna	2.42
Carbon	2.32	Lancaster	1.22	Tioga	1.11
Centre	2.68	Lawrence	1.08	Union	6.17
Chester	1.47	Lebanon	12.20	Venango	1.09
Clarion	5.26	Lehigh	2.45	Warren	2.72
Clearfield	5.24	Luzerne	14.71	Washington	6.49
Clinton	3.53	Lycoming	1.60	Wayne	12.20
Columbia	3.05	McKean	4.44	Westmoreland	4.74
Crawford	2.95	Mercer	3.50	Wyoming	4.22
Cumberland	1.11	Mifflin	2.03	York	1.24
Dauphin	1.14	Monroe	5.59		
Delaware	1.26	Montgomery	1.46		

\*Adjusted by the Department of Revenue to reflect assessment base change effective January 1, 2004.

GREGORY C. FAJT,  
*Secretary*

[Pa.B. Doc. No. 04-1022. Filed for public inspection June 11, 2004, 9:00 a.m.]

## DEPARTMENT OF STATE

### State Plan Advisory Board Meeting

On Friday, June 18, 2004, the State Plan Advisory Board (Board) will meet from 10 a.m. to 1 p.m. in Room 303, North Office Building, Commonwealth Avenue and North Street, Harrisburg, PA. If an additional meeting of the Board is necessary, it will be held on Friday, June 25, 2004, at the same location. The Board is responsible for advising the Secretary of the Commonwealth on the development of the State Plan required by the Federal Help America Vote Act of 2002 (HAVA). The State Plan details how the Commonwealth will use grants from the Federal government to meet the requirements of HAVA. The purpose of the meeting is to discuss updates to the Commonwealth's State Plan. Individuals wishing to attend should contact, by Wednesday, June 16, 2004, Barbara Smotherman, (717) 787-3796, bsmotherma@state.pa.us.

PEDRO A. CORTES,  
*Secretary of the Commonwealth*

[Pa.B. Doc. No. 04-1023. Filed for public inspection June 11, 2004, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Disadvantaged Business Enterprise Participation in Federal Aviation Administration Funded Contracts

Under the authority in the Transportation Act for the 21st Century, Act of June 9, 1998, Pub. L. No 105-178, 112 Stat. 113 (23 U.S.C.A. § 101), and in keeping with the requirements of 49 CFR Part 26 (relating to participation by disadvantaged business enterprises in Department of Transportation financial assistance programs), the Department of Transportation (Department) provides public notice of its revised goal for participation by disadvantaged business enterprises (DBE) in its Federally assisted contracts.

Pending receipt of public comments, the Department's revised goal is a work in progress.

As a recipient of Federal funds from the United States Department of Transportation (US DOT) through its agencies, including the Federal Aviation Administration, the Department must comply with the goal setting provisions of the US DOT DBE regulation in 49 CFR Part 26,



effective March 4, 1999. The Department is mandated to submit a goal and methodology for Federally assisted contracts in accordance with the provisions of 49 CFR 26.45 and 26.51 (relating to how do recipients set overall goals; and what do recipients use to meet overall goals). The goal and methodology must be submitted to the Federal Highway Administration by August 1, 2004. An important part of this process is providing notice to the public concerning the goal and methodology used to arrive at the final goal and affording the public the opportunity to provide comments on the goal proposal.

To comply with the goal setting provisions of the DBE regulation, the Department employed the two-step process outlined in 49 CFR 26.45. Under Step 1, the Department created a baseline goal using the goals of subrecipient airports meeting the \$250,000 threshold. US DOT regulations allow recipients to "use the goal of another DOT recipient" (49 CFR 26.45(c)(4)) to establish a Step 1 baseline goal. The first step in identifying qualifying recipients was to determine which recipients had received block grants totaling \$250,000 or more for in Airport Improvement Grants (AIG). The Department created "working goals" for the airports without goals for the purpose of computing a Department-wide baseline goal.

The Department calculated Step 1 working goals were created by averaging the approved goals of airports within a 100-mile radius for each subrecipient by calculating the ratio of DBE contractors to all contractors able to perform the pertinent work type at each subrecipient airport. When these goals are weighted according to the amount of Federal moneys they receive, they yield the Step 1 baseline goal.

Under Step 2 of the goal setting process, the Department examined all relevant evidence in its jurisdiction to determine what adjustments, up or down, were needed to arrive at the overall goal. Step 2 necessarily took into account other conditions or variables impacting DBEs in this Commonwealth including each airport's track record in utilizing DBE firms in the past. As part of the adjustment phase, the Department gave due consideration to the specific types of work being contracted under the various AIG block grants.

Consistent with the public participation requirement for this process, the Department is making the proposed revised goal and methodology available for inspection and review for 45 days from the date of this notice. The Department considers the overall goal and methodology a work in progress pending input from the public. To review the DBE goal documents, contact any of the following locations:

Bureau of Equal Opportunity  
Commonwealth Keystone Building  
400 North Street, 5th Floor  
Harrisburg, PA 17101  
(717) 787-5891

Attn.: Jocelyn I. Harper  
Engineering District 1-0  
255 Elm Street  
P. O. Box 398  
Oil City, PA 16301-398  
(814) 678-7105  
Attn.: William G. Petit, P. E.

Engineering District 2-0  
1924-30 Daisy Street  
Clearfield, PA 16830  
(814) 765-0400

Attn.: George M. Khoury, P. E.

Engineering District 3-0  
715 Jordan Avenue  
Montoursville, PA 17754  
(570) 368-8686  
Attn.: James A. Kendter, P. E.

Engineering District 4-0  
O'Neill Highway  
P. O. Box 111  
Dunmore, PA 18512  
(570) 963-4061  
Attn.: Stephen J. Shimko, P. E.

Engineering District 5-0  
1713 Lehigh Street  
Allentown, PA 18103  
(610) 798-4100  
Attn.: Amar C. Bhajandas, P. E.

Engineering District 6-0  
7000 Geerdes Blvd.  
King of Prussia, PA 19406  
(610) 205-6660  
Attn.: Andrew L. Warren

Engineering District 8-0  
2140 Herr Street  
Harrisburg, PA 17103-1699  
(717) 787-6653  
Attn.: Barry G. Hoffman, P. E.

Engineering District 9-0  
North Juniata Street  
P. O. Box 69  
Hollidaysburg, PA 16648  
(814) 696-7250  
Attn.: Ronald L. Samuel, P. E.

Engineering District 10-0  
250 Oakland Avenue  
P. O. Box 429  
Indiana, PA 15701  
(724) 357-2806  
Attn.: Richard H. Hogg, P. E.

Engineering District 11-0  
45 Thoms Run Road  
Bridgeville, PA 15017  
(412) 429-5001  
Attn.: Earl L. Neiderhiser, P. E.

Engineering District 12-0  
N. Gallatine Avenue Ext.  
P. O. Box 459  
Uniontown, PA 15401-0459  
(724) 439-7340  
Attn.: Joseph J. Szczur, P. E.

The document may also be reviewed at the following website: <http://pasdc.hbg.psu.edu/pasdc/dot/>.

Comments, questions or suggestions regarding this notice should be directed in writing to Jocelyn I. Harper, Director, Bureau of Equal Opportunity, Department of Transportation, Bureau of Equal Opportunity, P. O. Box 3251, Harrisburg, PA 17105-3251, (717) 787-5891, fax (717) 772-4026.

Comments should be postmarked by July 26, 2004, for consideration.

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

[Pa.B. Doc. No. 04-1024. Filed for public inspection June 11, 2004, 9:00 a.m.]

### Disadvantaged Business Enterprise Participation in Federal Highway Administration Funded Contracts

Under the authority in the Transportation Act for the 21st Century, Act of June 9, 1998, Pub. L. No 105-178, 112 Stat. 113 (23 U.S.C.A. § 101), and in keeping with the requirements of 49 CFR Part 26 (relating to participation by disadvantaged business enterprises in Department of Transportation financial assistance programs), the Department of Transportation (Department) provides public notice of its revised goal for participation by disadvantaged business enterprises (DBE) in its Federally assisted contracts.

Pending receipt of public comments, the Department's revised goal is a work in progress.

As a recipient of Federal funds from the United States Department of Transportation (US DOT) through its agencies, including the Federal Highway Administration (FHA), the Department must comply with the goal setting provisions of the US DOT DBE regulation in 49 CFR Part 26, effective March 4, 1999. The Department is mandated to submit a revised goal and methodology for Federally assisted contracts in accordance with the provisions of 49 CFR 26.45 and 26.51 (relating to how do recipients set overall goals; and what do recipients use to meet overall goals). The revised goal and methodology must be submitted to the FHA by August 1, 2004. An important part of this process is providing notice to the public concerning the revised goal and methodology used to arrive at the final goal and affording the public the opportunity to provide comments on the goal proposal.

To comply with the goal setting provisions of the regulation, the Department employed a two-step process, as outlined in 49 CFR 26.45. Under Step 1, the Department created a baseline figure for the relative availability of "ready, willing and able DBEs" in a relevant market, derived from demonstrative evidence of local market conditions. To this end, the Department developed a definition of "ready, willing and able DBEs" relative to any business "ready willing and able" to perform on Federally assisted Department contracts. The Department considered historical activity within specified market areas including research, engineering and design consulting, contractors (prime, subcontractors and suppliers) and other consultant activities. Additionally, the Department developed a ratio within market areas of "ready willing and able DBEs" relative to the universe of all other "ready willing and able" enterprises.

Under Step 2, the Department examined all relevant evidence in its jurisdiction to determine what adjustments, up or down, are needed to arrive at the overall goal, taking into consideration other conditions or variables impacting DBEs in this Commonwealth. As part of this adjustment phase, the Department considered market potential based upon employment security data and other public data. The Department also considered certain changes relative to counting and certification that occurred as the result of the new regulation.

Consistent with the public participation requirement for this process, the Department is making the proposed revised goal and methodology available for inspection and review for 45 days from the date of this notice. The Department considers the revised overall goal and methodology a work in progress pending input from the public. To review the DBE goal documents, contact any of the following locations:

Bureau of Equal Opportunity  
Commonwealth Keystone Building  
400 North Street, 5th Floor  
Harrisburg, PA 17101  
(717) 787-5891  
Attn.: Jocelyn I. Harper

Engineering District 1-0  
255 Elm Street  
P. O. Box 398  
Oil City, PA 16301-398  
(814) 678-7105  
Attn.: William G. Petit, P. E.

Engineering District 2-0  
1924-30 Daisy Street  
Clearfield, PA 16830  
(814) 765-0400  
Attn.: George M. Khoury, P. E.

Engineering District 3-0  
715 Jordan Avenue  
Montoursville, PA 17754  
(570) 368-8686  
Attn.: James A. Kendter, P. E.

Engineering District 4-0  
O'Neill Highway  
P. O. Box 111  
Dunmore, PA 18512  
(570) 963-4061  
Attn.: Stephen J. Shimko, P. E.

Engineering District 5-0  
1713 Lehigh Street  
Allentown, PA 18103  
(610) 798-4100  
Attn.: Amar C. Bhajandas, P. E.

Engineering District 6-0  
7000 Geerdes Blvd.  
King of Prussia, PA 19406  
(610) 205-6660  
Attn.: Andrew L. Warren

Engineering District 8-0  
2140 Herr Street  
Harrisburg, PA 17103-1699  
(717) 787-6653  
Attn.: Barry G. Hoffman, P. E.

Engineering District 9-0  
North Juniata Street  
P. O. Box 69  
Hollidaysburg, PA 16648  
(814) 696-7250  
Attn.: Ronald L. Samuel, P. E.

Engineering District 10-0  
250 Oakland Avenue  
P. O. Box 429  
Indiana, PA 15701  
(724) 357-2806  
Attn.: Richard H. Hogg, P. E.

Engineering District 11-0  
45 Thoms Run Road  
Bridgeville, PA 15017  
(412) 429-5001  
Attn.: Earl L. Neiderhiser, P. E.

Engineering District 12-0  
N. Gallatine Avenue Ext.  
P. O. Box 459  
Uniontown, PA 15401-0459  
(724) 439-7340  
Attn.: Joseph J. Szczur, P. E.

The document may also be reviewed at the following website: <http://pasdc.hbg.psu.edu/pasdc/dot/>.

Comments, questions or suggestions regarding this notice should be directed in writing to Jocelyn I. Harper, Director, Bureau of Equal Opportunity, Department of Transportation, Bureau of Equal Opportunity, P. O. Box 3251, Harrisburg, PA 17105-3251, (717) 787-5891, fax (717) 772-4026.

Comments should be postmarked by July 26, 2004, for consideration.

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

[Pa.B. Doc. No. 04-1025. Filed for public inspection June 11, 2004, 9:00 a.m.]

### **Disadvantaged Business Enterprise Participation in Federal Transit Administration Funded Contracts**

Under the authority in the Transportation Act for the 21st Century, Act of June 9, 1998, Pub. L. No 105-178, 112 Stat. 113 (23 U.S.C.A. § 101), and in keeping with the requirements of 49 CFR Part 26 (relating to participation by disadvantaged business enterprises in Department of Transportation financial assistance programs), the Department of Transportation (Department) provides public notice of its revised goal for participation by disadvantaged business enterprises (DBE) in its Federally assisted contracts.

Pending receipt of public comments, the Department's revised goal is a work in progress.

As a recipient of Federal funds from the United States Department of Transportation (US DOT) through its agencies, including the Federal Transit Administration (FTA), the Department must comply with the goal setting provisions of the US DOT DBE regulation in 49 CFR Part 26, effective March 4, 1999. The Department is mandated to submit a goal and methodology for Federally assisted contracts in accordance with the provisions of 49 CFR 26.45 and 26.51 (relating to how do recipients set overall goals; and what do recipients use to meet overall goals). The goal and methodology must be submitted to the Federal Highway Administration by August 1, 2004. An important part of this process is providing notice to the public concerning the goal and methodology used to arrive at the final goal and affording the public the opportunity to provide comments on the goal proposal.

To comply with the goal setting provisions of the DBE regulation, the Department employed the two-step process outlined in 49 CFR 26.45. Under Step 1, the Department first identified transit authorities likely to have more than \$250,000 in contracting opportunity during fiscal year (FY) 2005. Transit authorities meeting this criterion were polled to see if they had submitted goals for FY 2005. US DOT regulations allow recipients to "use the goal of another DOT recipient" (49 CFR 26.45(c)(4)) to establish a Step 1 baseline goal. Transit authorities with no goals had "working goals" calculated for them, using goals of nearby transit authorities. Additionally, a goal for Department administered funds was developed by taking a count of DBEs in pertinent work types and dividing it by the universe of prequalified contractors in those work types. These goals were weighted according to the projected FY 2005 contracting opportunity to create the Step 1 goal.

Under Step 2 of the goal setting process, the Department examined all relevant evidence in its jurisdiction to determine what adjustments, up or down, were needed to arrive at the overall goal. Step 2 necessarily took into account other conditions or variables impacting DBEs in this Commonwealth. As part of the adjustment phase, the Department gave due consideration to the geographical location of the predominantly rural Department FTA subrecipients. The Department also considered market potential based upon employment security data and other public data.

Consistent with the public participation requirement for this process, the Department is making the proposed revised goal and methodology available for inspection and review for 45 days from the date of this notice. The Department considers the overall goal and methodology a work in progress pending input from the public. To review the DBE goal documents, contact any of the following locations:

Bureau of Equal Opportunity  
Commonwealth Keystone Building  
400 North Street, 5th Floor  
Harrisburg, PA 17101  
(717) 787-5891

Attn.: Jocelyn I. Harper  
Engineering District 1-0  
255 Elm Street  
P. O. Box 398

Oil City, PA 16301-398  
(814) 678-7105

Attn.: William G. Petit, P. E.

Engineering District 2-0  
1924-30 Daisy Street  
Clearfield, PA 16830  
(814) 765-0400

Attn.: George M. Khoury, P. E.

Engineering District 3-0  
715 Jordan Avenue  
Montoursville, PA 17754  
(570) 368-8686

Attn.: James A. Kendter, P. E.

Engineering District 4-0  
O'Neill Highway  
P. O. Box 111  
Dunmore, PA 18512  
(570) 963-4061

Attn.: Stephen J. Shimko, P. E.

Engineering District 5-0  
1713 Lehigh Street  
Allentown, PA 18103  
(610) 798-4100

Attn.: Amar C. Bhajandas, P. E.

Engineering District 6-0  
7000 Geerdes Blvd.  
King of Prussia, PA 19406  
(610) 205-6660

Attn.: Andrew L. Warren

Engineering District 8-0  
2140 Herr Street  
Harrisburg, PA 17103-1699  
(717) 787-6653

Attn.: Barry G. Hoffman, P. E.

Engineering District 9-0  
North Juniata Street  
P. O. Box 69  
Hollidaysburg, PA 16648  
(814) 696-7250

Attn.: Ronald L. Samuel, P. E.

Engineering District 10-0  
250 Oakland Avenue  
P. O. Box 429  
Indiana, PA 15701  
(724) 357-2806  
Attn.: Richard H. Hogg, P. E.

Engineering District 11-0  
45 Thoms Run Road  
Bridgeville, PA 15017  
(412) 429-5001  
Attn.: Earl L. Neiderhiser, P. E.

Engineering District 12-0  
N. Gallatine Avenue Ext.  
P. O. Box 459  
Uniontown, PA 15401-0459  
(724) 439-7340  
Attn.: Joseph J. Szczur, P. E.

The document may also be reviewed at the following website: <http://pasdc.hbg.psu.edu/pasdc/dot/>.

Comments, questions or suggestions regarding this notice should be directed in writing to Jocelyn I. Harper, Director, Bureau of Equal Opportunity, Department of Transportation, Bureau of Equal Opportunity, P. O. Box 3251, Harrisburg, PA 17105-3251, (717) 787-5891, fax (717) 772-4026.

Comments should be postmarked by July 26, 2004, for consideration.

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

[Pa.B. Doc. No. 04-1026. Filed for public inspection June 11, 2004, 9:00 a.m.]

## ENVIRONMENTAL HEARING BOARD

**Grand Central Sanitary Landfill, Inc. v. DEP; EHB  
Doc. No. 2004-114-MG**

Grand Central Sanitary Landfill, Inc. has appealed the issuance by the Department of Environmental Protection of an NPDES permit to Grand Central Sanitary Landfill for a facility in Plainfield Township, Northampton 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. 04-1027. Filed for public inspection June 11, 2004, 9:00 a.m.]

## FISH AND BOAT COMMISSION

**Time Restriction, Shehawken Access, West Branch, Delaware River; Alcohol Restrictions at Various Access Areas; Wayne County**

The Executive Director of the Fish and Boat Commission (Commission), acting under the authority of 58 Pa. Code § 53.4(a) (relating to limiting access to Commission property and other restrictions), has closed the Shehawken Access Area on the West Branch, Delaware River, Wayne County, to the public from 10 p.m. to 5 a.m. This restriction is effective when posted at the site. It is unlawful for any person to enter or remain upon Commission property during the times it is closed to public use without the express written consent of the Executive Director or a designee.

The Executive Director, acting under the authority of 58 Pa. Code § 53.4(c), has prohibited the use or possession of beer and alcoholic beverages at the following Commission access areas in northern Wayne County: Belmont Lake, Long Pond, Miller Pond, Lower Woods Pond, Upper Woods Pond, Duck Harbor Pond, Balls Eddy Access (West Branch, Delaware River), Shehawken Access (West Branch, Delaware River), Buckingham Access (Delaware River), Callicoon Access (Delaware River), Damascus Access (Delaware River) and Narrowsburg Access (Delaware River). These restrictions are effective when posted at the sites. It is unlawful to violate restrictions imposed by the Executive Director on behalf of the Commission under 58 Pa. Code § 53.4(c).

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

[Pa.B. Doc. No. 04-1028. Filed for public inspection June 11, 2004, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

**Actions Taken by the Commission**

The Independent Regulatory Review Commission met publicly at 10:30 a.m., Thursday, May 27, 2004, and announced the following:

*Regulations Deemed Approved under section 5(g) of the Regulatory Review Act—Effective May 26, 2004*

State Board of Barber Examiners #16A-426: Ten Chair Barber Schools (amends 49 Pa. Code § 3.82)

State Board of Vehicle Manufacturers, Dealers and Salespersons #16A-606: Emergency Vehicles (amends 49 Pa. Code § 19.18)

*Action Taken—Regulation Approved*

Department of Health #10-170: Public Swimming and Bathing Places (amends 28 Pa. Code Chapter 18)

**Approval Order**

Public Meeting held  
May 27, 2004

*Commissioners Voting:* John R. McGinley, Jr., Esq., Chairperson; Alvin C. Bush, Vice Chairperson; Daniel F. Clark, Esq.; Arthur Coccodrilli; Murray Ufberg, Esq.

*Department of Health—Public Swimming and Bathing Places; Regulation No. 10-170*

On September 25, 2002, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Department of Health (Department). This rulemaking amends 28 Pa. Code Chapter 18. The proposed regulation was published in the October 5, 2002, *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on April 30, 2004.

The regulation amends existing regulations relating to bacterial monitoring of public bathing beaches to reflect requirements included in the Federal Beaches Environmental Assessment and Coastal Health Act of 2000 (act). Although the act governs only Lake Erie beaches in this Commonwealth, the amendments apply to all public bathing beaches in this Commonwealth.

We have determined this regulation is consistent with the statutory authority of the Department (35 P. S. §§ 672—680(d) and 16 P. S. §§ 12001—12028) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

JOHN R. MCGINLEY, Jr.,  
*Chairperson*

[Pa.B. Doc. No. 04-1029. Filed for public inspection June 11, 2004, 9:00 a.m.]

**Notice of Comments Issued**

Section 5(g) of the Regulatory Review Act (71 P. S. § 745.5(g)) provides that the Independent Regulatory Review Commission (Commission) may issue comments within 30 days of the close of the public comment period. The Commission comments are based upon the criteria contained in section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b).

The Commission has issued comments on the following proposed regulation. The agency must consider these comments in preparing the final-form regulation. The final-form regulation must be submitted within 2 years of the close of the public comment period or it will be deemed withdrawn.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Close of the Public Comment Period</i>	<i>IRRC Comments Issued</i>
14-481	Department of Public Welfare Payment for Burial (34 Pa.B. 1774 (April 3, 2004))	5/3/04	6/2/04

**Department of Public Welfare Regulation No. 14-481 (IRRC No. 2395)**

**Payment for Burial**

**June 2, 2004**

We submit for consideration the following comments that include references to the criteria in the Regulatory Review Act (71 P. S. § 745.5b) which have not been met. The Department of Public Welfare (Department) must respond to these comments when it submits the final-form regulation. The public comment period for this regulation closed on May 3, 2004. If the final-form regulation is not delivered within 2 years of the close of the public comment period, the regulation will be deemed withdrawn.

**1. Chapter 285. Payment for burial.—Fiscal impact; Reasonableness; Clarity.**

*Title of chapter*

This chapter is entitled “Payment for Burial.” However, this chapter also includes arrangements for cremation. For clarity, the Department should change the title of this chapter to “Payment for Burial and Cremation” or “Payment for Disposition.”

*Funeral director*

The existing regulations state that the Department will pay a “funeral director” for burial services. There are two concerns.

First, the term “funeral director” is not defined in the existing regulations. The final-form regulation should include a reference to the statutory definition of “funeral director” in section 2(1) of the Funeral Director Law (63 P. S. § 479.2(1)).

Second, how will the Department assure that other providers will receive a portion of the payment for the services they provide related to burial or cremation? For example, do funeral directors face penalties for failure to proportion payments to other providers? If so, how does the Department inform funeral directors of these penalties?

*Estimated cost of the program*

Item 19 of the Regulatory Analysis Form (RAF) states “The Department estimates the annual cost for the program to be \$1.116 million in state funds.” This annual estimate is also found in the preamble of the proposed rulemaking. Item 13 of the RAF states “approximately 216 payments were distributed to funeral directors from the Department in the past two years.” Estimating 108 payments per year, at \$750 per payment, the total expenditure for this program per year would be \$80,000 annually. The Department should explain why the estimated costs of this program will increase so dramatically.

**2. Section 285.3. Requirements.—Fiscal impact; Reasonableness; Clarity.**

*Subsection (c)—standards for burial*

Several commentators expressed support for the proposed regulation but also suggested additional amendments. One group suggested the deletion of the minimum requirements for goods and services in subsection (c)(1) and (2). These requirements include: standard casket; standard outer case; suitable clothing for the remains; preparation of the remains; and transportation for the remains and the funeral party. This group claimed deletion of these specific items would provide recipients' families with greater flexibility and choice in planning funeral arrangements.

Another group suggested minor revisions to the minimum requirements while contending that most of the current requirements should be retained. They claimed the minimum requirements are useful for funeral directors, cemeteries, crematoriums and other providers in determining what is to be covered by the payments from the Department. The minimum requirements may also provide some protection to the recipients' families by assuring payment for certain items or services. The Department should thoroughly review the requirements and provide a rationale for retaining or revising the requirements or for deleting items from this subsection in the final-form regulation.

*Subsection (e)—resources that do not reduce Department payment*

The Department is proposing to delete clauses (A)—(C) of subsection (e)(1)(i). The references to clauses (A)—(C) in subsection (e)(1)(iii) should also be deleted in the final-form regulation.

JOHN R. MCGINLEY, Jr.,  
*Chairperson*

[Pa.B. Doc. No. 04-1030. Filed for public inspection June 11, 2004, 9:00 a.m.]

<i>Final-Form Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>
2-145	Department of Agriculture Food Employee Certification	6/2/04
JOHN R. MCGINLEY, Jr., <i>Chairperson</i>		

[Pa.B. Doc. No. 04-1031. Filed for public inspection June 11, 2004, 9:00 a.m.]

**INSURANCE DEPARTMENT**

**Agency Contract Termination of The Lauersen Agency, Inc. under Act 143; Mercer Mutual Insurance Company; Doc. No. AT04-05-045**

A pre-review telephone conference initiated by this office is scheduled for July 14, 2004, at 10 a.m. Each party shall provide the Hearings Administrator a telephone number to be used for the telephone conference on or before June 4, 2004. A date for a review shall be determined, if necessary, at the pre-review telephone conference.

Motion preliminary to those at the review, protests, petitions to intervene or notices of intervention, if any, must be filed on or before July 2, 2004, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any, shall be filed on or before July 8, 2004.

Persons with a disability who wish to attend the administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Jeffrey Wallace, Agency Coordinator, (717) 787-4298.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 04-1032. Filed for public inspection June 11, 2004, 9:00 a.m.]

**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>
16A-617	State Board of Landscape Architects Deletion of Examination Fees	5/26/04
16A-628	State Board of Examiners of Nursing Home Administrators Deletion and Correction of Fees	5/26/04
16A-5211	State Board of Optometry Continuing Education, Fees, Certification to Treat Glaucoma	5/26/04

**Alleged Violation of Insurance Laws; Allen J. Perry; Doc. No. SC04-05-047**

Notice is hereby given of the Order to Show Cause issued on May 25, 2004, by the Deputy Insurance Commissioner in the previously referenced matter. Violation of the following is alleged: section 604 of The Insurance Department Act of 1921 (40 P. S. § 234); 31 Pa. Code §§ 37.46—37.48 (relating to standards for denial of certificate/license; revocation, suspension, nonrenewal of certificates and licenses; and reporting requirements); and sections 4 and 5(a)(1)(v) and (2) of the Unfair Insurance Practices Act (40 P. S. §§ 1171.4 and 1171.5(a)(1)(v) and (2)).

Respondent shall file a written answer to the Order to Show Cause within 20 days of the date of issue. If respondent files a timely answer, a formal administrative hearing shall be held in accordance with 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure), 31

Pa. Code Chapter 56 (relating to special rules of administrative practice and procedure) and other relevant procedural provisions of law.

Answers, motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed in writing with the Hearings Administrator, Insurance Department, Administrative Hearings Office, 901 North 7th Street, Harrisburg, PA 17102.

Persons with a disability who wish to attend the previously referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Jeffery Wallace, Agency ADA Coordinator, (717) 787-4298.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 04-1033. Filed for public inspection June 11, 2004, 9:00 a.m.]

### Application for Approval to Acquire Control

First American Title Insurance Company has filed an application to acquire control of T. A. Title Insurance Company, a Pennsylvania domiciled title insurance company. The filing was made under the Insurance Holding Companies Act (40 P. S. §§ 991.1401—991.1413). Persons wishing to comment on the acquisition are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Written statements must include the name, address and telephone number of the interested party, identification of the application to which the statement is addressed and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Stephanie Ohnmacht, Insurance Company Licensing Specialist, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, sohnmacht@state.pa.us.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 04-1034. Filed for public inspection June 11, 2004, 9:00 a.m.]

### Richard Dolsky, M.D. (McNamee); Hearing

#### Appeal of Richard Dolsky, M.D. (McNamee) under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM04-05-044

On or before June 18, 2004, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's December 18, 2003, determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for July 9, 2004, at 10:30 a.m. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before June 11, 2004. A hearing shall occur on July 29, 2004, at 1:30 p.m. in Room 200, Administrative Hearings Office, Capitol Associates Building, 901 North Seventh Street, Harrisburg, PA.

On or before July 15, 2004, each party shall file with the Administrative Hearings Office a prehearing statement which shall contain: (1) a comprehensive statement of undisputed facts to be stipulated between the parties; (2) a statement of additional contended facts; (3) names and address of witnesses along with the specialties of experts to be called; (4) a list of documents to be used at the hearing; (5) special evidentiary or other legal issues; and (6) the estimated time for that party's case. Contemporaneously with service of the prehearing statement on the opposing party, each party shall supply the other with a copy of any report generated by an expert witness designated on the prehearing statement. Any report subsequently received from a party's expert witness prior to hearing shall be supplied to the other party within 2 business days. Copies of expert reports need not be filed with the Administrative Hearings Office.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before July 2, 2004, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any, shall be filed on or before July 7, 2004.

Persons with a disability who wish to attend the administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Jeffrey Wallace, Agency Coordinator, (717) 787-4298.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 04-1035. Filed for public inspection June 11, 2004, 9:00 a.m.]

### Richard Dolsky, M.D. (Mellow); Hearing

#### Appeal of Richard Dolsky, M.D. (Mellow) under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM04-05-043

On or before June 18, 2004, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's December 18, 2003, determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for July 9, 2004, at 10:30 a.m. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before June 11, 2004. A hearing shall occur on July 29, 2004, at 1:30 p.m. in Room 200, Administrative Hearings Office, Capitol Associates Building, 901 North Seventh Street, Harrisburg, PA.

On or before July 15, 2004, each party shall file with the Administrative Hearings Office a prehearing statement which shall contain: (1) a comprehensive statement of undisputed facts to be stipulated between the parties; (2) a statement of additional contended facts; (3) names and address of witnesses along with the specialties of experts to be called; (4) a list of documents to be used at the hearing; (5) special evidentiary or other legal issues; and (6) the estimated time for that party's case. Contemporaneously with service of the prehearing statement on

the opposing party, each party shall supply the other with a copy of any report generated by an expert witness designated on the prehearing statement. Any report subsequently received from a party's expert witness prior to hearing shall be supplied to the other party within 2 business days. Copies of expert reports need not be filed with the Administrative Hearings Office.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before July 2, 2004, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any, shall be filed on or before July 7, 2004.

Persons with a disability who wish to attend the administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Jeffrey Wallace, Agency Coordinator, (717) 787-4298.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 04-1036. Filed for public inspection June 11, 2004, 9:00 a.m.]

### **Germantown Hospital (Gioiso); Prehearing**

#### **Appeal of Germantown Hospital (Gioiso) under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM04-05-039**

On or before June 18, 2004, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's December 18, 2003, determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for July 7, 2004, at 2 p.m.. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before June 11, 2004. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before June 25, 2004, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any, shall be filed on or before July 2, 2004.

Persons with a disability who wish to attend the administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Jeffrey Wallace, Agency Coordinator, (717) 787-4298.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 04-1037. Filed for public inspection June 11, 2004, 9:00 a.m.]

### **Highmark Inc. d/b/a Highmark Blue Shield; Rate Increase for Community Group Medical/Surgical Products for Blue Cross of Northeastern PA and Independence Blue Cross Plan Areas; Rate Filing**

On May 27, 2004, by filing no. 200406, Highmark Inc. d/b/a Highmark Blue Shield submitted a request to increase rates for Community Group Medical/Surgical plans in Blue Cross of Northeastern PA and Independence Blue Cross Plan Areas. The filing requests an average increase of approximately 19.12% in the Blue Cross of Northeastern PA Plan Area and 49.25% in the Independence Blue Cross Plan Area.

The filing will affect about 12,000 contracts and produce additional annual premium income of about \$5.4 million. The requested effective date for the rate change is October 1, 2004.

Unless formal administrative action is taken prior to August 24, 2004, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) website: [www.ins.state.pa.us](http://www.ins.state.pa.us). To access the filing, select "Consumer Information" on the left side. Under "General Information," click on "Notices." The PDF copy is at the "Filing.pdf" link following the name of the filing.

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's regional office in Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections to Bharat Patel, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, [bhpatel@state.pa.us](mailto:bhpatel@state.pa.us) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 04-1038. Filed for public inspection June 11, 2004, 9:00 a.m.]

### **Wendell E. Jones, M.D. (DeBold); Prehearing**

#### **Appeal of Wendell E. Jones, M.D. (DeBold) under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM04-05-046**

A prehearing telephone conference initiated by this office is scheduled for July 6, 2004, at 9:30 a.m. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before June 11, 2004. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before June 25, 2004, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any, shall be filed on or before July 1, 2004.

Persons with a disability who wish to attend the administrative hearing and require an auxiliary aid,



service or other accommodation to participate in the hearing should contact Jeffrey Wallace, Agency Coordinator, (717) 787-4298.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 04-1039. Filed for public inspection June 11, 2004, 9:00 a.m.]

### Nazareth Hospital (Lavin); Prehearing

**Appeal of Nazareth Hospital (Lavin) under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM04-05-040**

On or before June 23, 2004, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's December 18, 2003, determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for July 15, 2004, at 1:30 p.m. This telephone conference shall also include the two other Nazareth Hospital cases, doc. nos. MM04-05-041 and MM04-05-042, and consider the possible consolidation of the three cases. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before June 18, 2004. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before July 2, 2004, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any, shall be filed on or before July 9, 2004.

Persons with a disability who wish to attend the administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Jeffrey Wallace, Agency Coordinator, (717) 787-4298.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 04-1040. Filed for public inspection June 11, 2004, 9:00 a.m.]

### Nazareth Hospital (Montgomery); Prehearing

**Appeal of Nazareth Hospital (Montgomery) under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM04-05-041**

On or before June 23, 2004, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's December 18, 2003, determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone

conference initiated by this office is scheduled for July 15, 2004, at 1:30 p.m. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before June 18, 2004. This telephone conference shall also include the two other Nazareth Hospital cases, doc. nos. MM04-05-040 and MM04-05-042, and consider the possible consolidation of the three cases. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before July 2, 2004, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any, shall be filed on or before July 9, 2004.

Persons with a disability who wish to attend the administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Jeffrey Wallace, Agency Coordinator, (717) 787-4298.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 04-1041. Filed for public inspection June 11, 2004, 9:00 a.m.]

### Nazareth Hospital (Troxell); Prehearing

**Appeal of Nazareth Hospital (Troxell) under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM04-05-042**

On or before June 23, 2004, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's December 18, 2003, determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for July 15, 2004, at 1:30 p.m. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before June 18, 2004. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before July 2, 2004, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any, shall be filed on or before July 9, 2004.

Persons with a disability who wish to attend the administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Jeffrey Wallace, Agency Coordinator, (717) 787-4298.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 04-1042. Filed for public inspection June 11, 2004, 9:00 a.m.]

**Philadelphia College of Osteopathic Medicine (Carpenter); Hearing**

**Appeal of Philadelphia College of Osteopathic Medicine (Carpenter) under the Medical Care Availability and Reduction of Error (MCARE) Act  
(40 P. S. §§ 1303.101—1303.910);  
Doc. No. MM04-05-035**

On or before June 22, 2004, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's December 18, 2003, determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for July 13, 2004, at 10:30 a.m. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before June 18, 2004. A hearing shall occur on July 30, 2004, at 10 a.m. in Room 200, Administrative Hearings Office, Capitol Associates Building, 901 North Seventh Street, Harrisburg, PA.

On or before July 16, 2004, each party shall file with the Administrative Hearings Office a prehearing statement which shall contain: (1) a comprehensive statement of undisputed facts to be stipulated between the parties; (2) a statement of additional contended facts; (3) names and address of witnesses along with the specialties of experts to be called; (4) a list of documents to be used at the hearing; (5) special evidentiary or other legal issues; and (6) the estimated time for that party's case. Contemporaneously with service of the prehearing statement on the opposing party, each party shall supply the other with a copy of any report generated by an expert witness designated on the prehearing statement. Any report subsequently received from a party's expert witness prior to hearing shall be supplied to the other party within 2 business days. Copies of expert reports need not be filed with the Administrative Hearings Office.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before July 1, 2004, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any, shall be filed on or before July 7, 2004.

Persons with a disability who wish to attend the administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Jeffrey Wallace, Agency Coordinator, (717) 787-4298.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 04-1043. Filed for public inspection June 11, 2004, 9:00 a.m.]

**Philadelphia College of Osteopathic Medicine (Lilly); Hearing**

**Appeal of Philadelphia College of Osteopathic Medicine (Lilly) under the Medical Care Availability and Reduction of Error (MCARE) Act  
(40 P. S. §§ 1303.101—1303.910);  
Doc. No. MM04-05-036**

On or before June 22, 2004, the appellant shall file a concise statement setting forth the factual and/or legal

basis for the disagreement with MCARE's December 18, 2003, determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for July 13, 2004, at 10:30 a.m. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before June 18, 2004. A hearing shall occur on July 30, 2004, at 10 a.m. in Room 200, Administrative Hearings Office, Capitol Associates Building, 901 North Seventh Street, Harrisburg, PA.

On or before July 16, 2004, each party shall file with the Administrative Hearings Office a prehearing statement which shall contain: (1) a comprehensive statement of undisputed facts to be stipulated between the parties; (2) a statement of additional contended facts; (3) names and address of witnesses along with the specialties of experts to be called; (4) a list of documents to be used at the hearing; (5) special evidentiary or other legal issues; and (6) the estimated time for that party's case. Contemporaneously with service of the prehearing statement on the opposing party, each party shall supply the other with a copy of any report generated by an expert witness designated on the prehearing statement. Any report subsequently received from a party's expert witness prior to hearing shall be supplied to the other party within 2 business days. Copies of expert reports need not be filed with the Administrative Hearings Office.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before July 1, 2004, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any, shall be filed on or before July 7, 2004.

Persons with a disability who wish to attend the administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Jeffrey Wallace, Agency Coordinator, (717) 787-4298.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 04-1044. Filed for public inspection June 11, 2004, 9:00 a.m.]

**Philadelphia College of Osteopathic Medicine (Morgan); Hearing**

**Appeal of Philadelphia College of Osteopathic Medicine (Morgan) under the Medical Care Availability and Reduction of Error (MCARE) Act  
(40 P. S. §§ 1303.101—1303.910);  
Doc. No. MM04-05-037**

On or before June 22, 2004, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's December 18, 2003, determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for July 13, 2004, at 10:30 a.m. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before June 18, 2004. A hearing shall occur on July 30, 2004, at 10 a.m. in Room

200, Administrative Hearings Office, Capitol Associates Building, 901 North Seventh Street, Harrisburg, PA.

On or before July 16, 2004, each party shall file with the Administrative Hearings Office a prehearing statement which shall contain: (1) a comprehensive statement of undisputed facts to be stipulated between the parties; (2) a statement of additional contended facts; (3) names and address of witnesses along with the specialties of experts to be called; (4) a list of documents to be used at the hearing; (5) special evidentiary or other legal issues; and (6) the estimated time for that party's case. Contemporaneously with service of the prehearing statement on the opposing party, each party shall supply the other with a copy of any report generated by an expert witness designated on the prehearing statement. Any report subsequently received from a party's expert witness prior to hearing shall be supplied to the other party within 2 business days. Copies of expert reports need not be filed with the Administrative Hearings Office.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before July 1, 2004, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any, shall be filed on or before July 7, 2004.

Persons with a disability who wish to attend the administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Jeffrey Wallace, Agency Coordinator, (717) 787-4298.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 04-1045. Filed for public inspection June 11, 2004, 9:00 a.m.]

### Philadelphia College of Osteopathic Medicine (Zelenik); Hearing

#### Appeal of Philadelphia College of Osteopathic Medicine (Zelenik) under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM04-05-038

On or before June 22, 2004, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's December 18, 2003, determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for July 13, 2004, at 10:30 a.m. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before June 18, 2004. A hearing shall occur on July 30, 2004, at 10 a.m. in Room 200, Administrative Hearings Office, Capitol Associates Building, 901 North Seventh Street, Harrisburg, PA.

On or before July 16, 2004, each party shall file with the Administrative Hearings Office a prehearing statement which shall contain: (1) a comprehensive statement of undisputed facts to be stipulated between the parties; (2) a statement of additional contended facts; (3) names and address of witnesses along with the specialties of experts to be called; (4) a list of documents to be used at

the hearing; (5) special evidentiary or other legal issues; and (6) the estimated time for that party's case. Contemporaneously with service of the prehearing statement on the opposing party, each party shall supply the other with a copy of any report generated by an expert witness designated on the prehearing statement. Any report subsequently received from a party's expert witness prior to hearing shall be supplied to the other party within 2 business days. Copies of expert reports need not be filed with the Administrative Hearings Office.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before July 1, 2004, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any, shall be filed on or before July 7, 2004.

Persons with a disability who wish to attend the administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Jeffrey Wallace, Agency Coordinator, (717) 787-4298.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 04-1046. Filed for public inspection June 11, 2004, 9:00 a.m.]

### Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insureds have requested a hearing as authorized by the act of June 17, 1998 (P. L. 464, No. 68), in connection with the termination of the insureds' automobile policies. The hearings will be held in accordance with the requirements of the act; 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearings will be held in the Insurance Department's regional offices in Harrisburg and Philadelphia, PA. Failure by an appellant to appear at a scheduled hearing may result in dismissal with prejudice.

The following hearings will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 N. Seventh Street, Harrisburg, PA 17102.

Appeal of Duwand Wright; file no. 04-181-04410; Shelby Insurance/Vesta Insurance Companies; doc. no. P04-05-028; June 30, 2004, 1:30 p.m.

Appeal of Sharon A. Carter; file no. 04-183-04616; State Farm Mutual Automobile Insurance Company; doc. no. P04-05-050; July 28, 2004, 10 a.m.

The following hearing will be held in the Philadelphia Regional Office, Room 1701 State Office Building, 1400 Spring Garden Street, Philadelphia, PA 19130.

Appeal of Richard Lee Byerly; file no. 04-182-04174; State Farm Mutual Automobile Insurance Company; doc. no. PH04-05-029; August 11, 2004, 9 a.m.

Parties may appear with or without counsel and offer relevant testimony or evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's

case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Insurance Commissioner (Commissioner) may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending. Reimbursement is available only when the insured is successful on appeal, and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend an administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator, (717) 787-4298.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 04-1047. Filed for public inspection June 11, 2004, 9:00 a.m.]

### Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insurer has requested a hearing as authorized by the act of June 17, 1998 (P. L. 464, No. 68) in connection with the termination of the insured's automobile policy. The hearing will be held in accordance with the requirements of the act; 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearing will be held in the Insurance Department's regional office in Harrisburg, PA. Failure by an appellant to appear at a scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 N. Seventh Street, Harrisburg, PA 17102.

Appeal of Erie Insurance Exchange; file no. 04-193-03369; Joan M. James; doc. no. P04-05-051; July 22, 2004, 10 a.m.

Parties may appear with or without counsel and offer relevant testimony or evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Insurance Commissioner (Commissioner) may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending. Reimbursement is

available only when the insured is successful on appeal, and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's order will be sent to those persons participating in the hearing or their designated representatives. The order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend an administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator, (717) 787-4298.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 04-1048. Filed for public inspection June 11, 2004, 9:00 a.m.]

### Review Procedure Hearings under the Unfair Insurance Practices Act

The following insured has requested a hearing as authorized by section 8 of the Unfair Insurance Practices Act (40 P. S. § 1171.8) in connection with the company's termination of the insured's policy. The administrative hearing will be held in the Insurance Department's regional office in Pittsburgh, PA. Failure by an appellant to appear at a scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in the Pittsburgh Regional Office, Room 304 State Office Building, 300 Liberty Avenue, Pittsburgh, PA 15222.

Appeal of Dorretta Fallen; file no. 04-308-70991; American Motorists Insurance Company; doc. no. PI04-05-056; July 15, 2004, 1:30 p.m.

Each party may appear with or without counsel and offer relevant testimony and/or other relevant evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

Following the hearing and receipt of the stenographic transcript, the Insurance Commissioner (Commissioner) will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend an administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator, (717) 787-4298.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 04-1049. Filed for public inspection June 11, 2004, 9:00 a.m.]

## MILK MARKETING BOARD

### Hearing and Presubmission Schedule for All Milk Marketing Areas; School Milk in 8-Ounce Plastic Containers

Under the Milk Marketing Law (31 P. S. §§ 700j-101—700j-1302), the Milk Marketing Board (Board) will conduct a public hearing for Milk Marketing Areas 1—6 on July 7, 2004, at 11 a.m. in Room 202, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA.

The purpose of the hearing is to receive testimony and exhibits regarding the minimum price of milk sold to schools in 8-ounce plastic containers.

The staff of the Board is deemed to be a party to this hearing, and the attorney representing staff is deemed to have entered his appearance. Other persons who wish to present evidence may be included on the Board's list of parties by: (1) having their attorney file with the Board on or before 4 p.m. on June 16, 2004, a notice of appearance substantially in the form prescribed by 1 Pa. Code § 31.25 (relating to form of notice of appearance); or (2) if unrepresented by counsel, filing with the Board on or before 4 p.m. on June 16, 2004, notification of their desire to be included as a party.

The parties shall observe the following requirements for advance filing of witness information and exhibits. The Board may exclude witnesses or exhibits of a party that fails to comply with these requirements. In addition, the parties shall have available in the hearing room at least 20 additional copies made available for the use of nonparties attending the hearing.

1. By 4 p.m. on June 18, 2004, each party shall file with the Board seven copies and ensure receipt by all other parties of one copy of:

a. A list of witnesses who will testify for the party, along with a statement of the subjects concerning which each witness will testify. A witness who will be offered as an expert shall be so identified, along with the witness's area or areas of proposed expertise.

b. Each exhibit to be presented, including testimony to be offered in written form.

2. By 4 p.m. on July 2, 2004, each party shall file and serve as set forth in paragraph 1 information concerning rebuttal witnesses and copies of rebuttal exhibits.

Parties that wish to offer in evidence documents on file with the Board, public documents or records in other proceedings before the Board or wish the Board to take official notice of facts, shall comply with, respectively, 1 Pa. Code § 35.164, § 35.165, § 35.167 or § 35.173. Whenever these rules require production of a document as an exhibit, copies shall be provided to each Board member

and to all other parties. In addition, at least 20 copies shall be available for distribution to nonparties attending the hearing.

Requests by parties for Board staff to provide data pertinent to the hearing shall be made in writing and received in the Board office by 4 p.m. on June 16, 2004.

The filing address for the Board is Milk Marketing Board, Room 110, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA 17110.

Persons who require this information in an alternate format should call (717) 787-4194 or (800) 654-5984 (Pennsylvania Relay Service for TDD users).

KEITH BIERLY,  
*Secretary*

[Pa.B. Doc. No. 04-1050. Filed for public inspection June 11, 2004, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by July 6, 2004. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

### **Application of the following for approval to *begin operating as common carriers for transportation of persons as described under the application.***

**A-00113101, Folder 4. Airport Limousine and Taxi Service, Inc.** (P. O. Box 1000, 702 Exeter Avenue, West Pittston, Luzerne County, PA 18543), a corporation of the Commonwealth—persons in airport transfer service: (1) from the Wilkes-Barre/Scranton International Airport, located in the Township of Pittston, Luzerne County, to points in that part of this Commonwealth on and east of U. S. Highway Route 15; (2) from points in the Township of Pittston, Luzerne County, and within an airline distance of 40 statute miles of the limits thereof, to the Wilkes-Barre International Airport, located in the Township of Pittston, Luzerne County; and (3) passengers from diverted flights and stranded passengers from the Wilkes-Barre/Scranton International Airport, located in the Township of Pittston, Luzerne County, to any airport in this Commonwealth. Application for temporary authority has been filed at A-00113101, Folder 4, for the rights cited previously. *Attorney:* W. Boyd Hughes, 1421 East Drinker Street, Dunmore, PA 18512.

**Application of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of persons by transfer of rights as described under the application.**

**A-00120799. Lancaster Cab Company, LLC** (114 Voganville Road, New Holland, Lancaster County, PA 18557)—persons in paratransit service, between points in the County of Lancaster, and from points in said county, to points in this Commonwealth, limited to the transportation of persons whose personal convictions prevent them from owning or operating motor vehicles: which is to be a transfer of the right authorized under the certificate issued at A-00103932, to Cecil C. Forrester, subject to the same limitations and conditions.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 04-1051. Filed for public inspection June 11, 2004, 9:00 a.m.]

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### Telecommunications

**A-311275F7003. Commonwealth Telephone Company and Southwestern Bell Mobile Systems, LLC d/b/a Cingular Wireless.** Joint petition of Commonwealth Telephone Company and Southwestern Bell Mobile Systems, LLC d/b/a Cingular Wireless for approval of a negotiated interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Commonwealth Telephone Company and Southwestern Bell Mobile Systems, LLC d/b/a Cingular Wireless, by its counsel, filed on May 21, 2004, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of a negotiated interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days

after the date of publication of this notice. Copies of the Commonwealth Telephone Company and Southwestern Bell Mobile Systems, LLC d/b/a Cingular Wireless 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. 04-1052. Filed for public inspection June 11, 2004, 9:00 a.m.]

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## PHILADELPHIA REGIONAL PORT AUTHORITY

### Request for Bids

The Philadelphia Regional Port Authority (PRPA) will accept sealed bids for Project # 04-059.4, LMSR Power Factor Correction Capacitors, Tioga Marine Terminal (TMT), until 2 p.m. on Thursday, July 1, 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 June 15, 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 24, 2004, at 10 a.m. at TMT, 3461 N. Delaware Ave. (corner of Tioga St. and Delaware Ave., inside gate entrance), Philadelphia, PA 19134.

JAMES T. MCDERMOTT, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 04-1053. Filed for public inspection June 11, 2004, 9:00 a.m.]

# STATE CONTRACTS INFORMATION

## DEPARTMENT OF GENERAL SERVICES

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". The penalties apply to invoices for goods or services when payments are not made by the required payment date or within a 15 day grace period thereafter.

Act 1984-196 redefined a "qualified small business concern" as any independently owned and operated, for-profit business concern employing 100 or fewer employees. See 4 Pa. Code § 2.32. The business must include the following statement on every invoice submitted to the Commonwealth: "(name of business) is a qualified small business concern as defined in 4 Pa. Code 2.32."

A business is eligible for payments when the required payment is the latest of:

The payment date specified in the contract.

30 days after the later of the receipt of a proper invoice or receipt of goods or services.

The net payment date stated on the business' invoice.

A 15-day grace period after the required payment date is provided to the Commonwealth by the Act.

For more information: contact: Small Business Resource Center  
PA Department of Community and Economic Development  
374 Forum Building  
Harrisburg, PA 17120  
800-280-3801 or (717) 783-5700

### Reader's Guide



Legal Services & Consultation

① Service Code Identification Number

② Commodity/Supply or Contract Identification No.

**B-54137.** Consultant to provide three 2-day training sessions, covering the principles, concepts, and techniques of performance appraisal and standard setting with emphasis on performance and accountability, with a knowledge of State Government constraints.

Department: General Services  
Location: Harrisburg, Pa.  
Duration: 12/1/93-12/30/93  
Contact: Procurement Division  
787-0000

③ Contract Information

④ Department

⑤ Location

⑥ Duration

⑦

(For Commodities: Contact:  
Vendor Services Section  
717-787-2199 or 717-787-4705

### REQUIRED DATA DESCRIPTIONS

- ① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.
- ② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.
- ③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.
- ④ Department: State Department or Agency initiating request for advertisement.
- ⑤ Location: Area where contract performance will be executed.
- ⑥ Duration: Time estimate for performance and/or execution of contract.
- ⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.

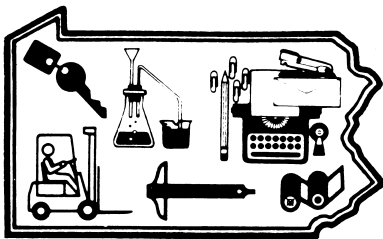
(For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

## PA TREASURY BUSINESS OUTLET—PLUG INTO IT!

The Treasury Department's Bureau of Contracts and Public Records can help you do business with state government agencies. Our efforts focus on guiding the business community through the maze of state government offices. The bureau is, by law, the central repository for all state contracts over \$5,000. Services are free except the cost of photocopying contracts or dubbing a computer diskette with a list of current contracts on the database. A free brochure explains how to take advantage of available services.

Contact: **Bureau of Contracts and Public Records**  
 Pennsylvania State Treasury  
 Room 201 Finance Building  
 Harrisburg, PA 17120  
 717-787-4586  
 1-800-252-4700  
 BizOutlet@patreasury.org

BARBARA HAFER,  
*State Treasurer*



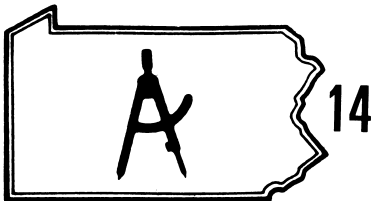
Commodities

**SU-03-25** Shippensburg University is seeking vendors interested in providing 71947 TI-84 Plus Calculators Package. (Package includes 30 calculators, viewscreen package, connectivity kit and hard suitcase for 30 graphing calculators.) P/N 70251 TI-15/TK-2 Calculator Package. (Package includes 20 calculators w/instruction book.) P/N 78010 TI-15 Overhead Calculator. 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 mmholtr@wharf.ship.edu. Package will be available 5/28/04 and bid responses will be due tentatively 6/21/04 by 4:00 PM. 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:** Delivery required by the beginning of August 2004.  
**Contact:** Mona M. Holtry, (717) 477-1386

## SERVICES



Engineering Services

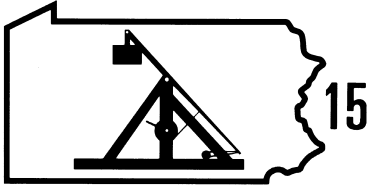
**RFP CLA-2004-1** Clarion University of Pennsylvania is soliciting from professionals specializing in investigation and design services for projects to identify, document, and design corrections for Inflow and Infiltration (I/I) problem areas and I/I amounts within wastewater facilities. The University will contract with one firm to provide these services on an as-needed basis under an open-ended professional design services agreement. Actual design work will be scheduled by individual work order. Professionals may request a proposal package by contacting Judy McAninch, 218 Carrier Hall, Clarion University, Clarion, PA 16214, (814) 393-2240, jmcaininch@clarion.edu. The complete request for proposal is also available on the University web site at the following address: <http://www.clarion.edu/admin/facilitiesmanagement/planning/rfpinfo.htm>. Proposals must be submitted no later than 4:00 p.m., June 17, 2004. The University encourages responses from small firms, minority business enterprises and womens business enterprises capable of performing the work solicited by this RFP to submit proposals. The University will consider joint ventures, which will enable these firms to participate.

**Department:** State System of Higher Education  
**Location:** Clarion University  
**Duration:** 2 year contract with option for 2 renewals  
**Contact:** Judy McAninch, Contract Specialist, (814) 393-2240

**SU-2003/12B** RFP 2003/12B—Student Recreation Building Professional Services for Design and Construction, SSHE, Shippensburg University, Shippensburg Township, Cumberland County, Pennsylvania. The university plans to construct a Student Recreation Building of approximately 63,200 gross square feet in the fall of 2005. The facility will consist of the following: 4 multi-activity courts, indoor track, fitness center, 2 racquetball courts, equipment storage rooms, men's and women's locker rooms, and administrative offices. Proposing firms shall demonstrate expertise in design of recreational facilities. Track record should indicate integrated design practices including energy efficiency, future maintenance requirements, and evaluation of alternatives on a life-cycle cost basis. To be responsive, firms must be full-service, capable of providing all necessary architectural and engineering disciplines, and located less than 150 miles from Shippensburg University. All applications submitted are subject to review by a System Selection Board at Shippensburg University. The System Boards disclaim any liability whatsoever as to their review of the applications submitted and in formulating their recommendations for selection. SSHE encourages responses from small firms, minority firms, and firms which have not previously performed work for the System. To be considered, firms must submit proposals in accordance with RFP, enclosing Commonwealth forms 150-ASP current within one year of the response date. To request RFP, contact Debbie Martin, phone 717-477-1121; fax 717-477-4004. Deadline for submission is July 2, 2004 at 4:00 PM.

**Department:** State System of Higher Education  
**Location:** Shippensburg University, Shippensburg, PA 17257  
**Duration:** Multiple years  
**Contact:** Deborah K. Martin, (717) 477-1121

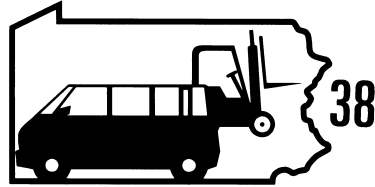




### Environmental Maintenance Service

**OSM 26(0151)202.1** Dunbar Township Mine Fire Control Project, Stormwater Management. The principal items of work and approximate quantities include constructing a stormwater detention pond, 140 cubic yards of ditch excavation, 670 square yards of high velocity erosion control mulch blanket, 600 linear feet of PA DOT Type 1 right-of-way fence and 3 acres of seeding. This project issues on June 11, 2004 and bids will be opened on July 8, 2004 at 2:00 p.m. Payment in the amount of \$10.00 must be received before bid documents will be sent. Funding for this project is made available through the \$24.7 million for Pennsylvania's 2002 AML Grant.

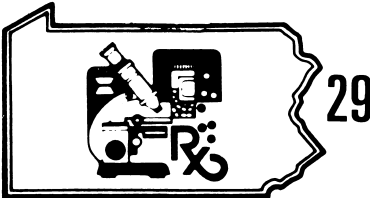
**Department:** Environmental Protection  
**Location:** Dunbar Township, Fayette County, PA  
**Duration:** 270 calendar days after the official starting date.  
**Contact:** Construction Contracts Section, (717) 783-7994



### Vehicle, Heavy Equipment and Powered Machinery Services

**045154** The PENNDOT Maintenance facility in Montrose is seeking vendors to provide sandblasting, priming and refinishing services for various types of equipment including, but not limited to Tandem Trucks, single axle trucks, and plows. A complete listing of equipment will be provided in bid package. Bidders facilities must be located within a 35 mile radius of Montrose, PA.

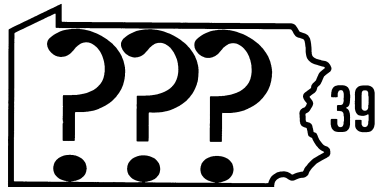
**Department:** Transportation  
**Location:** Pa. Department of Transportation, PO Box 40, Montrose, Pa. 18801  
**Duration:** 1 Year  
**Contact:** Frank Anderson, (570) 278-1171



### Medical Services

**CN00009342** Vision examinations for individuals of the Polk Center by a physician who is a specialist in the diseases of the eye or by an optometrist, certified to practice in the Commonwealth of Pennsylvania.

**Department:** Public Welfare  
**Location:** Polk Center, P. O. Box 94, Polk, PA 16342  
**Duration:** November 1, 2004 through June 30, 2009  
**Contact:** Amy Taterek, (814) 432-0229

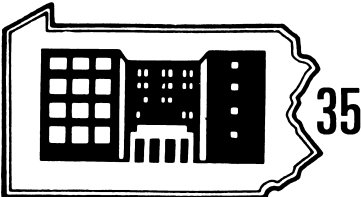


### Miscellaneous

**CN00009343** Service and calibrate fifty-eight (58) sets of scales on Polk Center grounds.

**Department:** Public Welfare  
**Location:** Polk Center, P. O. Box 94, Polk, PA 16342  
**Duration:** September 1, 2004 through August 31, 2009  
**Contact:** Amy Taterek, (814) 432-0229

[Pa.B. Doc. No. 04-1054. Filed for public inspection June 11, 2004, 9:00 a.m.]



### Real Estate Services

**93712** State-owned real estate for sale, Latrobe Armory. The Department of General Services will accept bids for the purchase of 0.32-acres of property and one building located at the northwest intersection of Ridge Avenue and Spring Street, City of Latrobe, Westmoreland County. Bids are due on August 11, 2004. Interested parties wishing to receive a copy of solicitation #93712 should view the Department of General Services' website at [www.dgs.state.pa.us](http://www.dgs.state.pa.us), and click on "Real Estate" to download an SFP package or call 717-783-0228.

**Department:** General Services  
**Location:** 505 North Office Building, Harrisburg, PA 17125  
**Contact:** Stephen J. Squibb, (717) 783-0228

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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> |
|--|---|

DONALD T. CUNNINGHAM, Jr.  
*Secretary*



