

PENNSYLVANIA BULLETIN

Volume 34

Number 26

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Pages 3227—3360

See Part II page 3355
for the Department of Education's
No Child Left Behind Regulations

Agencies in this issue:

The Governor
The General Assembly
The Courts
Department of Banking
Department of Education
Department of Environmental Protection
Department of General Services
Department of Health
Department of Revenue
Department of Transportation
Environmental Hearing Board
Environmental Quality Board
Executive Board
Fish and Boat Commission
Health Care Cost Containment Council
Independent Regulatory Review Commission
Insurance Department
Liquor Control Board
Pennsylvania Public Utility Commission
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**Latest Pennsylvania Code Reporter
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No. 355, June 2004

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READER'S GUIDE TO THE PENNSYLVANIA BULLETIN AND PENNSYLVANIA CODE

Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Documents

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

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

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

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Printing Format

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

Fiscal Notes

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

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

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List of Pa. Code Chapters Affected

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

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THE GOVERNOR

Title 4—ADMINISTRATION

PART I. GOVERNOR'S OFFICE

[4 PA. CODE CH. 6]

[EXECUTIVE ORDER 2004-7]

Financial Education and Literacy

April 29, 2004

Whereas, over the past decade, there has been a significant decline in personal savings rates, an increase in personal bankruptcy and foreclosure filings, and rising percentages of family income devoted to servicing debt; and

Whereas, Pennsylvania has the second highest gap between whites and nonwhites in net worth among the states, has a very low small business ownership rate, and ranks low in women business ownership; and

Whereas, the understanding of personal finance has become increasingly important because the evolution of our financial system has resulted in an expanded availability of credit, a wider array of savings and investment products, and an increased responsibility for retirement savings by employees; and

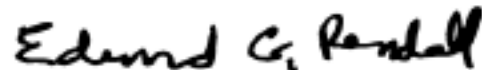
Whereas, financial literacy encourages greater economic self-sufficiency, higher levels of home-ownership and enhanced retirement security, and improves the quality of life for Pennsylvanians, providing them with the skills they need to be successful in managing their lives, homes, and businesses; and

Whereas, basic education and training in personal finance can help form a lifetime of habits devoted to sound money management, wise use of credit and debt, and increased savings and investing; and

Whereas, financial literacy will help diminish the problems of predatory lending, bankruptcy and high indebtedness, empowering individuals to make wise financial decisions, and reduce the confusion inherent in an increasingly complex economy; and

Whereas, there is limited coordination among the various agencies of state government, nonprofit organizations, businesses, and other entities that are addressing financial literacy issues.

Now, Therefore, I, Edward G. Rendell, Governor of the Commonwealth of Pennsylvania, by virtue of the authority vested in me by the Constitution of the Commonwealth of Pennsylvania and other laws, do formally establish the Office of Financial Education and the Governor's Task Force for Working Families and do order and direct as follows:



Governor

Fiscal Note: GOV 04-7. (1) Banking Fund; (2) Implementing Year 2003-04 is \$51,000; (3) 1st Succeeding Year 2004-05 is \$156,000; 2nd Succeeding Year 2005-06 is \$159,000; 3rd Succeeding Year 2006-07 is \$166,000; 4th Succeeding Year 2007-08 is \$173,000; 5th Succeeding Year 2008-09 is \$188,000; (4) 2002-03 Program—\$N/A; 2001-02 Program—\$N/A; 2000-01 Program—\$ N/A; (7) General Government Operations; (8) recommends adoption.

Annex A
TITLE 4. ADMINISTRATION
PART I. GOVERNOR'S OFFICE
CHAPTER 6. ADDITIONAL COUNCILS AND COMMITTEES
Subchapter M. FINANCIAL EDUCATION AND LITERACY

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6.202.	Governor's Task Force for Working Families.
6.203.	Responsibilities of other State agencies.
6.204.	Effective date.

§ 6.201. Office of Financial Education.

The Office of Financial Education (Office) is created.

(1) *Responsibilities.* The Office will be responsible for:

(i) Coordinating financial education programs across Commonwealth agencies.

(ii) Developing and maintaining a comprehensive database of financial education programs, materials and resources.

(iii) Providing support for the Task Force on Working Families.

(iv) Advising the Governor and other State agencies on financial education matters.

(v) Representing the Commonwealth in developing partnerships with appropriate public and private financial education agencies.

(vi) Performing other duties assigned by the Governor or the Secretary of Banking.

(2) *Director.* The Office will be headed by a Director of Financial Education.

(3) *Housing.* The Office will be housed within the Department of Banking.

§ 6.202. Governor's Task Force for Working Families.

The Governor's Task Force (Task Force) for Working Families is created.

(1) *Responsibilities.* The Task Force will be responsible for:

(i) Identifying and developing strategies and programs to:

(A) Build incomes and assets for working families.

(B) Promote financial education and literacy.

(C) Protect working families from predatory and abusive financial services.

(ii) Promoting the coordination of programs that affect the financial viability of working families.

(iii) Working with charitable foundations, local government, advocacy groups, community and religious leaders, academia, policy and research organizations, and other entities, as may be appropriate.

(2) *Report.* The Task Force shall issue a final report to the Governor containing its findings and recommendations and conclude its work by March 1, 2005.

(3) *Membership.* The Task Force shall consist of the following members, when appropriate, to be appointed by and serve at the pleasure of the Governor. The Governor will appoint two members to serve as Co-Chairs of the Task Force.

(i) Adjutant General.

(ii) Secretary of Aging.

(iii) Secretary of Banking.

(iv) Secretary of the Budget.

(v) Secretary of Community and Economic Development.

- (vi) Secretary of Education.
 - (vii) Insurance Commissioner.
 - (viii) Secretary of Labor and Industry.
 - (ix) Secretary of Public Welfare.
 - (x) Secretary of Revenue.
 - (xi) Secretary of the Commonwealth.
 - (xii) A member of the Securities Commission.
 - (xiii) President of the Pennsylvania Higher Education Assistance Agency.
 - (xiv) Executive Director of the Pennsylvania Housing Finance Agency.
 - (xv) Director of the Governor's Policy Office.
 - (xvi) Four members of the House of Representatives, two appointed by the Majority Leader, and two by the Minority Leader.
 - (xvii) Four members of the Senate, two appointed by the Majority Leader, and two by the Minority Leader.
 - (xviii) Representatives of the financial services industry, social service agencies, business organizations, organized labor and other advocacy organizations, to ensure broad representation of interests.
- (4) *Compensation.* Members of the Task Force will receive no compensation for their service.

§ 6.203. Responsibilities of other State agencies.

Neither the Governor's Task Force for Working Families (Task Force) nor the Office of Financial Education (Office) shall have direct responsibility for the day-to-day operations of any State agency. State agencies under the jurisdiction of the Governor shall provide services, information, records or materials, as necessary, for the Office and the Task Force to perform their responsibilities. The Department of Banking will provide administrative support for the Office, Task Force and the Director.

§ 6.204. Effective date.

This subchapter takes effect immediately.

[Pa.B. Doc. No. 04-1113. Filed for public inspection June 25, 2004, 9:00 a.m.]

[4 PA. CODE CH. 7]
[EXECUTIVE ORDER 2004-4]
Anti-Sweatshop Procurement Policy

March 18, 2004

Whereas, the Commonwealth, as a major purchaser of goods and services, must be cognizant of fair labor conditions in its actions as a market participant; and

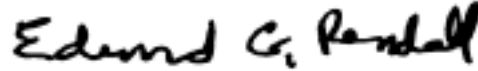
Whereas, the *Commonwealth Procurement Code* instructs the Department of General Services and the Office of the Budget to participate in the management and maintenance of a contractor responsibility program as directed by the Governor; (62 Pa.C.S. Sections 321(6) and 327(b)); and

Whereas, the Commonwealth has a compelling interest in assuring that the apparel it procures from vendors is manufactured and laundered in compliance with applicable laws relating to workplace conditions and by workers who receive fair wages for their work; and

Whereas, legitimate providers of apparel and apparel laundering services are placed at a competitive disadvantage when forced to bid for state procurement contracts against businesses that utilize sweatshop conditions; and

Whereas, the public interest requires that the Commonwealth use its stature and leadership as a market participant to promote fair treatment of the workforce and the elimination of sweatshop conditions.

Now, Therefore, I, Edward G. Rendell, Governor of the Commonwealth of Pennsylvania, by virtue of the authority vested in me by the Constitution of the Commonwealth of Pennsylvania and other laws, do hereby order as follows:



Governor

Fiscal Note: GOV 04-6. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 4. ADMINISTRATION

PART I. GOVERNOR'S OFFICE

CHAPTER 7. MISCELLANEOUS PROVISIONS

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7.818.	Waiver.
7.819.	Definitions.
7.820.	Effective date.

§ 7.811. Scope.

This subchapter applies to all apparel procured by or for Commonwealth agencies and all laundering services provided through contract to Commonwealth agencies. This subchapter does not apply to apparel manufactured by, or laundered by, inmates of any Pennsylvania Department of Corrections correctional institution and provided to Commonwealth agencies for their use.

§ 7.812. Contractor certification.

(a) A Commonwealth agency may not enter into a contract for the procurement of apparel or apparel laundering services until the contractor certifies and agrees that every employee engaged in the manufacture of the apparel, or the laundering of apparel, shall be or has been:

(1) Compensated by his employer at an hourly rate at least equivalent to the poverty threshold.

(2) Provided with working conditions that meet or exceed the International Labor Organization (ILO) Conventions' standards governing forced labor, child labor, payment of wages, hours of work, occupational health, occupational safety and nondiscrimination and that are in compliance with applicable Federal, State and local laws of the locality of manufacture, except when the conditions are preempted by Federal or State law.

(b) In the alternative, the contractor can certify that a collective bargaining agreement is in effect, and will remain in effect, during the manufacture of the apparel between the operator of the manufacturing facility and the employees engaged in the manufacture of the apparel and that the employees are represented by a responsible organization that is not influenced or controlled by management.

§ 7.813. Contents of bids and proposals.

(a) A Commonwealth agency shall require that each bid or proposal submitted for a contract for the procurement of apparel or apparel laundering services includes the following:

(1) A list of each proposed facility to be utilized in the manufacture of the apparel or the laundering of the apparel, including any subcontractors, with the business name, address, contact person and telephone number for each facility.

(2) The certification required by § 7.812 (relating to contractor certification).

(b) The information provided by bidders and offerors in response to the requirements of this section will be made available to the public (excluding other offerors and their representatives and agents) when requested, but subject to nondisclosure requirements.

§ 7.814. Responsibility determination.

A Commonwealth agency may not enter into a contract for the procurement of apparel or apparel laundering services until the agency determines that the apparel will not be manufactured in a facility that utilizes sweatshop conditions. In making the determination, the Commonwealth agency may do one or more of the following:

(1) Consider the contractor certifications required by § 7.812 (relating to contractor certification).

(2) Request further information and documentation from the contractor or the manufacturing or laundering facility.

(3) Seek and receive information from workers, labor unions, manufacturers, consumer groups, international organizations and groups, and other parties.

§ 7.815. Notice of changes during contract term.

A Commonwealth agency shall contractually require that each vendor awarded a contract to furnish apparel or apparel laundering services shall provide written notice to the purchasing Commonwealth agency of any changes during the term of the contract to the information provided in compliance with § 7.813 (relating to contents of bids and proposals).

§ 7.816. Remedies and sanctions.

(a) The Department of General Services shall pursue appropriate remedies and sanctions against a bidder, contractor, manufacturer or other party for any of the following:

(1) Failure to comply with the requirements of the bid or the contract.

(2) False certifications.

(3) Any retaliation or attempt to retaliate against employees who report alleged violations of this subchapter or noncompliance with a contract.

(4) Any other violation of this subchapter.

(b) Remedies may include rejection of a bid or proposal, termination of an award or contract, and collection of damages. Sanctions may include suspension or debarment, or both, from the privilege of contracting with any Commonwealth agency and possible criminal prosecution. A bidder may escape sanctions if, prior to submission of its bid, it obtains signed certifications from its subcontractors, meeting the requirements under § 7.812 (relating to contractor certification). This will not limit the Commonwealth agency's ability to terminate the award or the contract, upon 30 days notice of violation of this subchapter, after giving the vendor a reasonable right to cure.

§ 7.817. Applicable law.

Unless otherwise specified, applicable laws for purposes of this subchapter shall be determined as follows:

(1) Employers in this Commonwealth shall be in compliance with applicable Pennsylvania law and Federal law.

(2) Employers based in other states in the United States shall be in compliance with applicable laws of their states and Federal law.

(3) For employers whose locations for manufacture or assembly are outside the United States, those employers shall be in compliance with applicable laws of countries where the facilities are located.

§ 7.818. Waiver.

Specific requirements of this subchapter may be waived by the head of any Commonwealth agency when it is determined, in writing, that there is no vendor able to meet those specific requirements.

§ 7.819. Definitions.

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

Apparel—Products manufactured, woven, cut, sewn or otherwise similarly processed by mechanical or human effort from fabrics, leather or cloth made for use as clothing, shoes or other attire.

Commonwealth agency—An executive or independent agency as defined by 62 Pa.C.S. § 103 (relating to definitions).

Employer—The operator of a facility at which individuals are employed in the manufacture or laundering, or both, of apparel.

Poverty threshold—The poverty threshold for a family of three, as published by the United States Department of Health and Human Resources, plus an additional 20% in wages if health benefits are not provided, and reduced by any mandatory deductions in employee pay for housing, transportation, meals or required job equipment. For non-United States facilities, the Commonwealth purchasing agency may adjust the United States Department of Health and Human Resources' poverty threshold to reflect the country's level of economic development by using a factor such as purchasing power parity or relative standard of living.

Procure—To buy, purchase, rent, lease or otherwise acquire through an employee uniform allowance or voucher program.

Sweatshop conditions—Work conditions, as determined by the purchasing Commonwealth agency, where the following apply:

(i) Employees are compensated by their employer at an hourly rate below the poverty threshold.

(ii) Employees are not provided with working conditions that meet or exceed the International Labor Organization (ILO) Conventions' standards governing forced labor, child labor, payment of wages, hours of work, occupational health, occupational safety, and nondiscrimination and that are in compliance with applicable Federal, State and local laws of the locality of manufacture, except when the conditions are preempted by Federal or State law.

Working conditions—Conditions in the workplace such as hours of employment, cause for termination of employment, child labor, discrimination, environmental health and safety, freedom of association and assembly and applicable building and fire codes.

§ 7.820. Effective date.

This subchapter is effective for all invitations for bids and requests for proposals issued after March 18, 2004, and for all contracts awarded 30 days or more after March 18, 2004.

[Pa.B. Doc. No. 04-1114. Filed for public inspection June 25, 2004, 9:00 a.m.]

THE GENERAL ASSEMBLY

Recent Actions during the 2004 Regular Session of the General Assembly

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

<i>Doc. No.</i>	<i>Date of Action</i>	<i>Bill Number</i>	<i>Printer's Number</i>	<i>Effective Date</i>	<i>Subject Matter</i>
2004 GENERAL ACTS ENACTED—ACT 038 through 039					
038	Jun 15	SB0913	PN1162	immediately	HM3 Charles Edward ("Doc") Mariskanish Bridge—designation
039	Jun 15	HB2083	PN2773	60 days	Domestic Relations Code (23 Pa.C.S.)—Child custody jurisdiction and enforcement

* denotes an effective date with exceptions

Effective Dates of Statutes

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

Advance Copies of Statutes

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

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

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

[Pa.B. Doc. No. 04-1115. Filed for public inspection June 25, 2004, 9:00 a.m.]

THE COURTS

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

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

Amendments to the Pennsylvania Rules of Disciplinary Enforcement Relating to the Confidentiality of Disciplinary Proceedings

Notice is hereby given that The Disciplinary Board of the Supreme Court of Pennsylvania is considering recommending to the Pennsylvania Supreme Court that it amend the Pennsylvania Rules of Disciplinary Enforcement as set forth in Annex A to provide that disciplinary proceedings will not be confidential after the filing and service of a petition for discipline and the filing of an answer or the time to file an answer has expired or after the filing of a petition for reinstatement. In addition, Statements of Resignation would be public if a petition for discipline has been filed and served and the time to file an answer has expired.

Pa.R.D.E. 402(a)(1) currently provides that disciplinary proceedings are generally confidential until the Supreme Court enters an order imposing some form of public discipline. The Board believes that it will increase public confidence in the disciplinary system, and thus in the judicial system generally, if the disciplinary process is open to the public at an earlier stage.

40 of 51 jurisdictions throughout the United States have systems which become public not later than the filing of formal charges (i.e. a petition for discipline). Of those, 36 jurisdictions open the proceedings with the filing of formal charges. Arizona, Florida and West Virginia make all records accessible to the public after a finding of probable cause or dismissal for lack of probable cause and Oregon is entirely open from the filing of a complaint. Among the 11 jurisdictions which are not considered "open," Alabama, Delaware, Kentucky and South Dakota make the matter public after the Board recommends public discipline.

Prior to 1980, almost all systems had proceedings which were confidential until the state high court issued an order of public discipline. In 1980, the American Bar Association Commission on Evaluation of Disciplinary Enforcement (the McKay Commission) issued a Report which is a compilation of years of study of every state disciplinary system in the Country. One of the most important findings of the Commission was that public confidence in the system must be increased.

Interested persons are invited to submit written comments regarding the proposed amendments to the Office of the Secretary, The Disciplinary Board of the Supreme Court of Pennsylvania, First Floor, Two Lemoyne Drive, Lemoyne, PA 17043, on or before July 30, 2004.

By The Disciplinary Board of the Supreme Court of Pennsylvania

ELAINE M. BIXLER,
Executive Director and Secretary

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT

Subpart B. DISCIPLINARY ENFORCEMENT

CHAPTER 83. PENNSYLVANIA RULES OF DISCIPLINARY ENFORCEMENT

Subchapter A. PRELIMINARY PROVISIONS

Rule 104. Filings with the Supreme Court.

* * * * *

(c) *Centralized filing.* All filings with the Supreme Court under these rules shall be made only with the prothonotary, and the person making a filing shall not distribute copies to the members of the Court. **[It shall be the responsibility of the prothonotary to preserve the confidentiality of filings to the extent and as provided in Rule 402 (relating to confidentiality) and elsewhere in these rules.]**

Subchapter B. MISCONDUCT

Rule 208. Procedure.

* * * * *

(d) *Review and action by Board.*

* * * * *

(2) The Board shall either affirm or change in writing the recommendation of the hearing committee or special master by taking the following action, as appropriate within 60 days after the adjudication of the matter at a meeting of the Board;

* * * * *

(iii) *Other discipline.* In the event that the Board shall determine that the matter should be concluded by probation, censure, suspension, disbarment, or by informal admonition or private reprimand in cases where the respondent-attorney is unwilling to have the matter concluded by informal admonition or private reprimand, it shall file its findings and recommendations, together with the briefs, if any, before the Board and the entire record, with the Supreme Court. A respondent-attorney who is unwilling to have the matter concluded by an informal admonition or private reprimand **[shall evidence such unwillingness by filing,]** must file within thirty (30) days after notice of the determination of the Board, a notice of appeal **[including a statement that the respondent-attorney understands that the effect of the appeal will be to terminate the confidential status of the matter]. [See Rule 402(a)(5) (relating to confidentiality).]** Review by the Supreme Court shall be de novo and the Court may impose a sanction greater or less than that recommended by the Board.

* * * * *

Rule 209. Immunity.

(a) Complaints submitted to the Board or Disciplinary Counsel shall be confidential **unless the matter results in the filing of formal charges. See Rule 402(a) (relating to access to disciplinary information and confidentiality).** Members of the Board, members of hearing committees, special masters, Disciplinary Counsel

and staff shall be immune from civil suit for any conduct in the course of their official duties. All communications to the Board, a hearing committee, special master, or Disciplinary Counsel relating to misconduct by a respondent-attorney and all testimony given in a proceeding conducted pursuant to these rules shall be absolutely privileged and the person making the communication or giving the testimony shall be immune from civil suit based upon such communication or testimony, except that such immunity shall not extend to any action that violates Rule 402 [relating to confidentiality]. For purposes of this subdivision (a), the staff of the Board shall be deemed to include conservators and sobriety, financial or practice monitors appointed pursuant to these rules or the rules of the Board.

* * * * *

Rule 213. Subpoena power, depositions and related matters.

* * * * *

(c) *Confidentiality.* A subpoena issued under this rule shall clearly indicate on its face that the subpoena is issued in connection with a confidential investigation under these rules, and that it is regarded as contempt of the Supreme Court or grounds for discipline under these rules for a person subpoenaed to in any way breach the confidentiality of the investigation. It shall not be regarded as a breach of confidentiality for a person subpoenaed to consult with an attorney. The subpoena and deposition procedures of these rules shall be subject to the protective requirements of confidentiality provided in Rule 402 (relating to access to disciplinary information and confidentiality).

* * * * *

Rule 215. Resignations by attorneys under disciplinary investigation.

* * * * *

(c) The order disbaring the attorney on consent shall be a matter of public record, but for the purposes of Enforcement Rule 402(a)(1) (relating to confidentiality) the order shall not be an order for the imposition of public discipline. [The] If the statement required under the provisions of subdivision (a) of this rule is submitted before the filing and service of a petition for discipline and the filing of an answer or the time to file an answer has expired, the statement shall not be publicly disclosed or made available for use in any proceeding other than a subsequent reinstatement proceeding except:

* * * * *

Subchapter D. MISCELLANEOUS PROVISIONS

Rule 402. Access to Disciplinary Information and Confidentiality.

(a) All proceedings under these rules shall be open to the public after the filing and service of a petition for discipline and the filing of an answer or the time to file an answer has expired or a petition for reinstatement except as provided in subdivision (c).

(b) Until the proceedings are open under subdivision (a), all proceedings involving allegations of misconduct by or disability of an attorney shall be kept confidential [until or] unless:

(1) [the Supreme Court enters its order for the imposition of public discipline;

(2)] the respondent-attorney requests that the matter be public, or waives confidentiality for a particular purpose specified in writing;

[(3)] (2) the investigation is predicated upon a conviction of the respondent-attorney for a crime or reciprocal discipline;

[(4)] (3) in matters involving alleged disability, the Supreme Court enters its order transferring the respondent-attorney to inactive status pursuant to Enforcement Rule 301 (relating to proceedings where an attorney is declared to be incompetent or is alleged to be incapacitated); [or,

(5) the respondent-attorney appeals under Rule 208(d)(2)(iii) (relating to review and action by Board) a determination by the Board imposing an informal admonition or private reprimand.]

(4) the proceeding is based upon allegations that have become generally known to the public; or

(5) there is a need to notify another person or organization, including the Lawyers' Fund for Client Security, in order to protect the public, the administration of justice, or the legal profession.

[(b)] (c) This rule shall not be construed to:

(1) Deny access to relevant information at any point during a proceeding under these rules to:

(i) authorized agencies investigating the qualifications of judicial candidates, [or to]

(ii) the Judicial [Inquiry and Review] Conduct Board with respect to an investigation it is conducting, [or to]

(iii) other jurisdictions investigating qualifications for admission to practice [or to];

(iv) law enforcement agencies investigating qualifications for government employment;

(v) lawyer disciplinary enforcement agencies in other jurisdictions investigating misconduct by the respondent-attorney; or

(vi) the Pennsylvania Lawyers Fund for Client Security Board investigating a claim for reimbursement arising from conduct by the respondent-attorney.

* * * * *

(3) Prevent the Pennsylvania Lawyers Fund for Client Security from utilizing information obtained during any investigation to pursue subrogated claims.

(d) Subdivision (a) shall not be construed to provide public access to:

(1) the work product of the Board, Disciplinary Counsel, hearing committee members, or special masters;

(2) deliberations of a hearing committee, special master, the Board or the Court; or

(3) information subject to a protective order issued by the Board under subdivision (e).

(e) The Board may, upon application of any person and for good cause shown, issue a protective

order prohibiting the disclosure of specific information otherwise privileged or confidential, and the Board may direct that proceedings be conducted so as to implement the order, including requiring that a hearing be conducted in such a way as to preserve the confidentiality of the information that is the subject of a protective order.

(f) Except as provided in subdivision (g), if nonpublic information is requested pursuant to subdivision (b)(1) and the respondent-attorney has not signed an applicable waiver of confidentiality, the respondent-attorney shall be notified in writing at the last known address of the respondent-attorney of what information has been requested and by whom, together with a copy of the information proposed to be released to the requesting agency or board. The notice shall advise the respondent-attorney that the information will be released 20 days after mailing of the notice unless the lawyer objects to the disclosure. If the lawyer timely objects to the disclosure, the information shall remain confidential unless the requesting agency or board obtains an order of the Supreme Court requiring its release or the respondent-attorney withdraws the objection.

(g) If an agency or board requesting the release of information under subdivision (b)(1) has not obtained an applicable waiver of confidentiality from the respondent-attorney, and the agency or board requests that the information be released without giving notice to the respondent-attorney, the requesting agency or board shall certify that:

- (1) the request is made in furtherance of an ongoing investigation into misconduct by the respondent-attorney;
- (2) the information is essential to that investigation; and
- (3) disclosure of the existence of the investigation to the respondent-attorney would seriously prejudice the investigation.

(h) [In addition, the] The Board shall transmit notice of all public discipline imposed by the Supreme Court, [or transfer] transfers to or from inactive status[,] for disability, and reinstatements to the National [Discipline] Lawyer Regulatory Data Bank maintained by the American Bar Association.

Official Note: Paragraph [(b)](c)(2) is based on 18 Pa.C.S. § 5108 (relating to compounding). Otherwise Disciplinary Counsel may be in the anomalous position of violating Rule 8.4 of the Pennsylvania Rules of Professional Conduct.

[Pa.B. Doc. No. 04-1116. Filed for public inspection June 25, 2004, 9:00 a.m.]

[204 PA. CODE CH. 83]

Amendments to the Pennsylvania Rules of Disciplinary Enforcement Relating to Organization of Hearing Committees

Notice is hereby given that The Disciplinary Board of the Supreme Court of Pennsylvania is considering recommending to the Pennsylvania Supreme Court that it

amend the Pennsylvania Rules of Disciplinary Enforcement as set forth in Annex A to modify the way hearing committees are organized.

The Rules of Disciplinary Enforcement currently provide that a member of a hearing committee will be appointed to a particular hearing committee on which the member will serve for his or her full term. The Board is considering recommending a change to that system so that members would be appointed to a panel of hearing committee members within a disciplinary district and not assigned to a particular hearing committee until there was a matter to be handled by a hearing committee. Such a system would provide greater flexibility to the Secretary of the Board in hearings. The Board is also considering recommending that hearing committee members be classified based on their experience and that only members with specified experience be authorized to take certain actions.

Interested persons are invited to submit written comments regarding the proposed amendments to the Office of the Secretary, The Disciplinary Board of the Supreme Court of Pennsylvania, First Floor, Two Lemoyne Drive, Lemoyne, PA 17043, on or before July 12, 2004.

By The Disciplinary Board of the Supreme Court of Pennsylvania

ELAINE M. BIXLER,
Executive Director and Secretary

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT

Subpart B. DISCIPLINARY ENFORCEMENT

CHAPTER 83. PENNSYLVANIA RULES OF DISCIPLINARY ENFORCEMENT

Subchapter A. PRELIMINARY PROVISIONS

Rule 102. Definitions.

(a) *General rule.* Subject to additional definitions contained in subsequent provisions of these rules which are applicable to specific provisions of these rules, the following words and phrases when used in these rules shall have, unless the context clearly indicates otherwise, the meanings given to them in this rule:

* * * * *

“Experienced hearing committee member.” An attorney who at the time is a member of the panel of hearing committee members in a disciplinary district and who has previously served either (i) as a member of the Board, or (ii) as a member of a panel of hearing committee members for at least one year and on a hearing committee that has conducted at least one hearing into formal charges of misconduct by a respondent-attorney.

* * * * *

“Senior hearing committee member.” An attorney who at the time is a member of the panel of hearing committee members in a disciplinary district and who has previously served either (i) as a member of the Board, or (ii) a full three-year term on a panel of hearing committee members and on hearing committees that have conducted at least three hearings into formal charges of misconduct by respondent-attorneys for which formal transcripts have been prepared.

* * * * *

Subchapter B. MISCONDUCT

Rule 205. The Disciplinary Board of the Supreme Court of Pennsylvania.

* * * * *

(c) The Board shall have the power and duty:

* * * * *

(3) To appoint [three or more hearing committees] not less than 18 hearing committee members within each disciplinary district. [The Board may also appoint up to six persons in each disciplinary district to serve as alternate members of hearing committees within that district.] Each [member of a hearing committee or alternate appointed] person appointed as a hearing committee member for a district shall be a member of the bar of this Commonwealth who maintains an office for the practice of law within that district. [Only persons who have previously served as a member of a hearing committee or of the Board shall be eligible for appointment as an alternate. An alternate shall have the status of a member of a hearing committee, but shall not be eligible to serve under paragraph (7) of this subdivision (c) or in the capacities reserved to regular members of a hearing committee by Rule 206(a) (relating to hearing committees and special masters).]

Official Note: The last sentence of paragraph (3) of subdivision (c) is intended to make clear that an alternate hearing committee member will be subject, among other things, to the provisions of Rules 209 (relating to immunity) and 220 (relating to recusal of members of the Board or a hearing committee or a special master).]

* * * * *

(5) To assign formal charges or the conduct of an investigatory hearing to a hearing committee or special master. The assignment to a hearing committee of formal charges or the conduct of an investigatory hearing may be delegated by the Board to its Secretary. [The reviewing member of a] A hearing committee member who has passed upon Disciplinary Counsel's recommended disposition of the matter shall be ineligible to serve on the hearing [panel] committee that considers the matter.

* * * * *

(7) To assign periodically, through its Secretary, [the] senior or experienced hearing committee members [of hearing committees] within each disciplinary district to:

* * * * *

(ii) hear and determine attacks on the validity of subpoenas issued pursuant to Rule 213(a)(2) (relating to subpoena power, depositions and related matters), as provided in Rule 213(d)(2); or

(iii) consider a petition for reinstatement to active status from inactive status under Enforcement Rule 218(c)(3)(ii) (relating to reinstatement) of a formerly admitted attorney who has not been suspended or disbarred.

* * * * *

Rule 206. Hearing committees and special masters.

(a) When a hearing committee is [first selected, one of its members shall be appointed for a term of one

year, another member for a term of two years and the third member for a term of three years] required to handle a matter, the Board shall appoint a hearing committee consisting of three hearing committee members from the appropriate disciplinary district. At least one of the members of the hearing committee shall be a senior hearing committee member, and another member shall be either a senior hearing committee member or an experienced hearing committee member. The Board shall designate [the chairman] one of the members so appointed as the chair for the committee, who shall be a senior hearing committee member. [Thereafter all regular terms] The terms of hearing committee members shall be three years and no member shall serve for more than two consecutive three-year terms. [An alternate hearing committee member shall serve for a term of three years, and may serve for a second consecutive three-year term.] Board rules may authorize a [regular or alternate] hearing committee member whose term has expired to continue to serve until the conclusion of any matter commenced before the member prior to the expiration of such term. A [regular or alternate] hearing committee member who has served two consecutive three-year terms may be reappointed after the expiration of one year. [The] A hearing committee shall act only with the concurrence of a majority of its members and two members shall constitute a quorum, except that a single [regular, but not an alternate] senior or experienced hearing committee member may act for the committee when the committee is sitting as an investigatory hearing committee under Enforcement Rule 213(a)(1) (relating to subpoena power, depositions and related matters), [hearing and determining a challenge to a subpoena under Enforcement Rule 213(d)(2),] or when conducting a prehearing conference [or when considering a petition for reinstatement to active status from inactive status under Enforcement Rule 218 (c)(3)(ii) (relating to reinstatement) of a formerly admitted attorney who has not been suspended or disbarred]. The terms of hearing committee members shall commence on July 1.

(b) Hearing committees shall have the power and duty:

* * * * *

[(3) To review, by the member assigned, and approve or modify recommendations by Disciplinary Counsel for dismissals, informal admonitions, private reprimands and institution of formal charges.

(4) To hear and determine, by the member assigned, attacks on the validity of subpoenas issued pursuant to Rule 213(a)(2) (relating to subpoena power, depositions and related matters).]

(c) [Where a regular hearing committee member is disqualified or otherwise unavailable to serve with respect to any particular formal proceeding, the Secretary shall assign an alternate hearing committee member to serve in place of the unavailable member with respect to that proceeding. Particular formal charges may not be referred to a hearing committee unless at least one regular member of the committee serves on the committee during its handling of those charges.] If [the

chairman] a member of a hearing committee [is] becomes disqualified or otherwise unavailable to serve with respect to any particular [formal proceeding] matter, the Secretary shall designate [the chairman of the hearing committee for that proceeding who shall be a regular member of the committee] a replacement. [Where it is impracticable to refer particular formal charges to any established hearing committee within a disciplinary district, the Board in the manner provided by Board rule shall select a special hearing committee from all available regular hearing committee members within an adjacent district.]

* * * * *

Rule 213. Subpoena power, depositions and related matters.

* * * * *

(d) *Challenges.* Any attack on the validity of a subpoena issued under this rule shall be heard and determined by:

* * * * *

(2) a [member of a] hearing committee member in the disciplinary district in which the subpoena is returnable in the case of a subpoena authorized by subdivision (a)(2).

* * * * *

Rule 218. Reinstatement.

* * * * *

(c)(1) Petitions for reinstatement by formerly admitted attorneys shall be filed with the Board.

* * * * *

(7) A petition for reinstatement to active status from inactive status by a formerly admitted attorney who has not been suspended or disbarred shall be considered by a single senior or experienced hearing committee member who shall perform the functions of a hearing committee under this subdivision (c), and the rules of the Board may provide for abbreviated procedures to be followed by that hearing committee member.

* * * * *

[Pa.B. Doc. No. 04-1117. Filed for public inspection June 25, 2004, 9:00 a.m.]

Title 255—LOCAL COURT RULES

FAYETTE COUNTY

Local Rules 3.7 and 3.8; Orphans' Division No. 602 of 2004

Order

And Now, this 8th day of June, 2004, pursuant to Rule 1.2 the Pennsylvania Orphans' Court Rules, it is hereby ordered that the new Local Rules 3.7 and 3.8 are hereby promulgated to read as follows.

The Clerk of the Orphans' Court is directed as follows:

(1) Seven certified copies of the Local Rules shall be filed with the Administrative Office of Pennsylvania Courts.

(2) Two certified copies and diskette of the Local Rules shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

(3) One certified copy shall be sent to the Fayette County Law Library and to the Editor of the *Fayette Legal Journal*.

(4) This revision of the orphans' court rules shall also be published on the web site of the Administrative Office of Pennsylvania Courts (www.aopc.org).

This Local Rule shall be effective 30 days after the date of publication in the *Pennsylvania Bulletin*.

By the Court

CONRAD B. CAPUZZI,
President Judge

OCR 3.7 Presentation of Applications for Court Action

(a) All applications for Court action, including motions and any other requests for Court-ordered relief, shall be presented to the Court by following the Motions Court procedure set forth in OCR 3.8.

(b) As used herein, the term "motion" shall include every type of motion, petition, or other application for action by the Court, and shall be designated as either "Priority" or "Routine," the latter not requiring the presence of the parties or counsel. By definition, a "priority" motion is one which may be subject to contest or is so unusual as to require discussion or explanation, while "routine" motions include all other applications, such as uncontested matters to which the parties have consented in writing, requests for hearing, or requests for later argument.

(c) All motions and other applications for Court action presented as uncontested require certification as such, if no joinder has been attached.

(d) All documents seeking Court action which are filed and served pursuant to this Rule shall include a Certificate of Service, signed by the party's attorney, or the party if unrepresented, setting forth the date and manner of service (personal delivery, mail, facsimile), and the names, addresses and phone numbers of the persons served.

Example:

I hereby certify that I am this day serving the within document upon the persons and in the manner indicated below.

1. Service by certified mail, return receipt requested:
(Name of person served) _____, _____ Phone Number _____

Address _____

2. Service by facsimile at FAX number: _____
(Name of person served) _____, _____ Phone number _____

Address _____

3. Service in person:
(Name of person served) _____, _____ Phone number _____

Address _____

Date: _____ Signature _____

OCR 3.8 Motions Court Procedure

(a) In order to provide a uniform means of presenting to the Court all matters which require action by the Court, Motions Court will be held daily at 9:00 o'clock A.M. in the courtroom of the Motions Judge. The name of the assigned Motions Judge for each day shall be published periodically in the Fayette County Legal Journal.

(b) All motions and other applications for Court action must set forth a specific citation to relevant constitutional provisions, case law, statutory provisions or rules that provide the Court's authority to grant the relief requested. Said citation shall be placed on a Certificate of Presentation, which form appears in Paragraph (g) hereof.

(c) The Court Administrator shall maintain a Motions Docket and shall make daily entries of all motions filed and the disposition thereof. The moving party shall file the original motion, Certificate of Presentation, and any attachments in the appropriate office before presentment in Motions Court. An original proposed order, a copy of the Certificate of Presentation and motion, assembled in that order, shall be delivered to the Court Administrator and every other party of record. Such copies and notice shall be given so as to be received at least two (2) business days before presentation in Motions Court, unless there are emergency circumstances specified in the motion requiring presentation within a shorter time.

(d) All motions pertaining to matters already ruled on by a Judge shall be presented to that Judge in Motions Court, except in emergencies as set forth in paragraph (c) of this Rule immediately above.

(e) The Court Administrator shall assign any motion not otherwise assigned to a Judge for disposition.

(f) Failure to accurately provide the following information as required by Paragraph (g) may result in the matter not being listed for Motions Court.

(g) The Certificate of Presentation required to be presented with all motions shall be substantially in the following form:

IN THE COURT OF COMMON PLEAS OF
FAYETTE COUNTY, PENNSYLVANIA

:
:
:
:
: NO. _____ OF _____

CERTIFICATE OF PRESENTATION

1. The undersigned, _____, represents, _____ the moving party herein.
2. The attached motion will be presented in Motions Court on _____, _____, 20 ____ at 9:00 o'clock A.M.
3. The attached motion shall be classified as a Routine/Priority motion as defined in the preceding Rule entitled Presentation of Applications for Court Action. (If the motion is Routine, parties or counsel are not required to be present in Motions Court.)
4. Judge _____ has previously ruled on a matter relevant to this motion. (See attached relevant ruling.)
5. The SPECIFIC citation for the Court's authority to grant the relief requested is _____.

6. Estimated time for hearing or argument to resolve the motion on its merits: _____.

Respectfully submitted,

Date: _____

[Pa.B. Doc. No. 04-1118. Filed for public inspection June 25, 2004, 9:00 a.m.]

FAYETTE COUNTY

Local Rules 114.1, 305 and 305.1; Criminal Division; Nos. 114.1 31 AD 2004, 305 32 AD 2004 and 305.1 33 AD 2004

Order

And Now, this 8th day of June, 2004, pursuant to Rule 105 the Pennsylvania Rules of Criminal Procedure, it is hereby ordered that the new Local Rules 114.1, 305, and 305.1 are hereby promulgated to read as follows:

The Clerk of Courts is directed as follows:

- (1) Seven certified copies of the Local Rules shall be filed with the Administrative Office of Pennsylvania Courts.
- (2) Two certified copies and diskette of the Local Rules shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
- (3) One certified copy of the Local Rules shall be sent to the State Criminal Procedural Rules Committee.
- (4) One certified copy shall be sent to the Fayette County Law Library and to the Editor of the *Fayette Legal Journal*.
- (5) These revisions of the criminal rules shall also be published on the web site of the Administrative Office of Pennsylvania Courts (www.aopc.org).

These Local Rules shall be effective 30 days after the date of publication in the *Pennsylvania Bulletin*.

By the Court

CONRAD B. CAPUZZI,
President Judge

FCRCrim.P 114.1

The Court, by and through the President Judge, hereby designates the Court Administrator of Fayette County as the entity responsible for service of all Court notices on each party's attorney, or the party if unrepresented.

FCRCrim.P 305. Presentation of Applications for Court Action

(a) All applications for Court action, including motions and any other requests for Court-ordered relief, shall be presented to the Court by following the Motions Court procedure set forth in FCRCrim.P 305.1.

(b) As used herein, the term "motion" shall include every type of motion, petition, or other application for action by the Court, and shall be designated as either "Priority" or "Routine," the latter not requiring either the parties or counsel to appear. By definition, a "priority" motion is one which may be subject to contest or is so unusual as to require discussion or explanation, while "routine" motions include all other applications, such as

uncontested matters to which the parties have consented in writing, requests for hearing, or requests for later argument.

(c) All motions and other applications for Court action presented as uncontested require certification as such, if no joinder has been attached.

(d) Any motion relating to discovery must contain a certification that counsel has conferred or attempted to confer with the District Attorney in order to resolve the matter without court action.

FCRCrim.P 305.1. Motions Court Procedure

(a) In order to provide a uniform means of presenting to the Court all matters which require action by the Court, Motions Court will be held daily at 9:00 o'clock A.M. in the courtroom of the Motions Judge. The name of the assigned Motions Judge for each day shall be published periodically in the Fayette County Legal Journal.

(b) All motions and other applications for Court action must set forth a specific citation to relevant constitutional provisions, case law, statutory provisions or rules that provide the Court's authority to grant the relief requested. Said citation shall be placed on a Certificate of Presentation, which form appears in Paragraph (g) hereof.

(c) The Court Administrator shall maintain a Motions Docket and shall make daily entries of all motions filed and the disposition thereof. The moving party shall file the original motion, Certificate of Presentation, and any attachments in the appropriate office before presentation in Motions Court. An original proposed order (if any), a copy of the Certificate of Presentation and the motion, assembled in that order, shall be delivered to the Court Administrator and every other party of record. Pursuant to Pa.R.Crim.P 576 (B)(1), all motions and other documents for which filing is required shall be served on each party and the Court Administrator so as to be received at least two (2) business days before presentation in Motions Court, unless there are emergency circumstances specified in the motion requiring presentation within a shorter time.

(d) All motions pertaining to matters already ruled on by a Judge shall be presented to that Judge in Motions Court, except in emergencies as set forth in paragraph (c) of this Rule immediately above.

(e) The Court Administrator shall assign any motion not otherwise assigned to a Judge for disposition.

(f) Failure to accurately provide the following information as required by Paragraph (g) may result in the matter not being listed for Motions Court.

(g) The Certificate of Presentation required to be presented with all motions shall be substantially in the following form:

IN THE COURT OF COMMON PLEAS OF
FAYETTE COUNTY, PENNSYLVANIA

:
:
:
:
:
: NO. _____ OF _____

CERTIFICATE OF PRESENTATION

1. The undersigned, _____, represents _____, the moving party herein.

2. The attached motion will be presented in Motions Court on _____, _____, 20____ at 9:00 o'clock A.M.

3. The attached motion shall be classified as a Routine/Priority motion as defined in the preceding Rule entitled Presentation of Applications for Court Action. (If the motion is Routine, parties or counsel are not required to be present in Motions Court.)

4. Judge _____ has previously ruled on a matter relevant to this motion. (See attached relevant ruling.)

5. The SPECIFIC citation for the Court's authority to grant the relief requested is _____.

6. Estimated time for hearing or argument to resolve the motion on its merits: _____.

Respectfully submitted,

Date: _____

[Pa.B. Doc. No. 04-1119. Filed for public inspection June 25, 2004, 9:00 a.m.]

LEHIGH COUNTY

Administrative Order Requiring Dismissal of All Protection from Abuse Cases which Have Been Inactive for More than 18 Months; No. 2004-J-47

Order

Now, this 20th day of April, 2004, *It Is Ordered*, that the following Administrative Order No. 2004-J-47, in and for the 31st Judicial District of Pennsylvania composed of Lehigh County, be, and the same is, promulgated herewith, to become effective on the 30th day following publication of this rule in the *Pennsylvania Bulletin*.

The Court Administrator of Lehigh County is directed to:

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

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

3. File one (1) certified copy with the Civil Procedural Rules Committee of the Supreme Court of Pennsylvania.

4. File one (1) copy with the Clerk of Courts of the Lehigh County Court of Common Pleas.

By the Court

WILLIAM H. PLATT,
President Judge

[Pa.B. Doc. No. 04-1120. Filed for public inspection June 25, 2004, 9:00 a.m.]

LEHIGH COUNTY

Administrative Order Requiring Dismissal of All Protection from Abuse Cases which Have Been Inactive for More than 18 Months; No. 2004-J-47

Order

Now, this 20th day of April, 2004, *It Is Ordered*, that pursuant to the Pennsylvania Protection from Abuse Act¹ all protection from abuse cases which have had no

¹ 23 Pa.C.S. § 6108(d).

activity on their docket for more than 18 months shall be closed by the Lehigh County Clerk of Courts—Civil Division.

It Is Further Ordered that the prior Order of this Court dated November 25, 1998, requiring the dismissal of all protection from abuse cases which have been inactive for more than one year is hereby *Vacated*.

It Is Further Ordered that the application of this Order shall not relieve any party from liability for costs, fines, and/or restitution imposed in a protection from abuse case which is closed pursuant to this Order.

It Is Further Ordered that this Order shall apply with equal effect to all protection from abuse cases presently on the docket in Lehigh County and to those filed subsequent to this Order.

It Is Further Ordered that this Order shall remain in full force and effect until vacated by Order of the Court of Common Pleas of Lehigh County.

By the Court

WILLIAM H. PLATT,
President Judge

[Pa.B. Doc. No. 04-1121. Filed for public inspection June 25, 2004, 9:00 a.m.]

LEHIGH COUNTY

Adoption of New Rule of Criminal Procedure 114, Service of Orders and Court Notices; File No. 1262-M-2004

Order

And Now, this 7th day of June, 2004, *It Is Ordered* that the following New Rule of Criminal Procedure 114, Services of Orders and Court Notices, in and for the 31st Judicial District of Pennsylvania composed of Lehigh County, be, and the same is, promulgated herewith, to become effective thirty (30) days after their publication in the *Pennsylvania Bulletin*.

It Is Further Ordered that seven (7) certified copies of this Order and the following Rule of Criminal Procedure shall be filed with the Administrative Office of Pennsylvania Courts; that two (2) certified copies shall be filed with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*; that one (1) certified copy shall be filed with the Criminal Procedural Rules Committee of the Supreme Court of Pennsylvania; and that one (1) copy shall be filed with the Clerk of Courts—Criminal of the Court of Common Pleas of Lehigh County.

By the Court

WILLIAM H. PLATT,
President Judge

Leh.R.Cr.P. 114. Service of Orders and Court Notices

A. Except as otherwise provided in Paragraph (B) of this local rule, the Clerk of Courts—Criminal shall serve copies of all orders and court notices filed with the Clerk.

B. Copies of orders and court notices generated by the Court Administrator shall be served by the Court Administrator, who shall indicate on the original transmitted to the Clerk for filing, each attorney or party served,

including their names, as well as addresses, dates, and methods of service.

[Pa.B. Doc. No. 04-1122. Filed for public inspection June 25, 2004, 9:00 a.m.]

SOMERSET COUNTY

Consolidated Rules of Court; No. 31 Misc. 2004

Amended Adopting Order

Now, this 26th day of May, 2004, it is hereby *Ordered* that:

1. The following designated Somerset County Rules of Civil Procedure (Som.R.C.P.) are hereby adopted as Rules of this Court, effective on July 26, 2004:

- Som.R.C.P. 205.2(b). Cover Sheet.
- Som.R.C.P. 206.4(c). Form Of Petition. Rule To Show Cause. Adoption Of Alternative Procedure.
- Som.R.C.P. 208.2(d). Certification That Motion Is Uncontested.
- Som.R.C.P. 208.2(e). Certification Of Communication With Opposing Counsel And Unrepresented Parties With Respect To Motions Relating To Discovery.
- Som.R.C.P. 208.3(a). Motions Practice And Procedure.
- Som.R.C.P. 208.3(b). Motions Practice—Filing Of Briefs.
- Som.R.C.P. 1028(c). Preliminary Objections Procedure.
- Som.R.C.P. 1034(a). Motion For Judgment On The Pleadings—Procedure.
- Som.R.C.P. 1035.2(a). Motion For Summary Judgment—Procedure.

2. Somerset Rule of Civil Procedure 210 (Som.R.C.P. 210), Briefs, is amended to read in its entirety, as set forth in revised Som.R.C.P. 210.

3. The Somerset County Court Administrator is directed to:

A. File seven (7) certified copies of this Order and the attached Rules with the Administrative Office of Pennsylvania Courts.

B. Distribute two (2) certified copies of this Order and the Rules to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

C. File one (1) certified copy of this Order and the Rules with the Pennsylvania Civil Procedural Rules Committee.

D. File proof of compliance with this Order in the docket for these Rules, which shall include a copy of each transmittal letter.

By the Court

EUGENE E. FIKE, II,
President Judge

[Pa.B. Doc. No. 04-1123. Filed for public inspection June 25, 2004, 9:00 a.m.]

WAYNE COUNTY
Local Rule 205.2(b); No. 46-2004-Civil

Amended Order

And Now, to wit, this 3rd day of June, 2004, It is the Order of this Court that Wayne County Local Rule 1021.1 is Hereby Amended to read Local Rule 205.2(b), and is Hereby Adopted. In accordance with Pa. R.J.A. 103(c), this Order and the following Rule shall be effective on July 26, 2004. The Court Administrator of Wayne County is Ordered and Directed to submit seven (7) certified copies of this Amended Order and the following Rule to the Administrative Office of Pennsylvania Courts, two (2) certified copies and one (1) diskette, to be distributed to the Legislative Reference Bureau for publication in the Pennsylvania Bulletin, one (1) certified copy to the Civil Procedural Rules Committee, one (1) certified copy to the Wayne County Law Library and keep continuously available for public inspection and copying, one (1) copy in the Office of the Prothonotary of Wayne County.

By the Court

ROBERT J. CONWAY,
President Judge

Local Rule 205.2(b) Civil Cover Sheet

(a) Every new civil action commenced after July 26, 2004, including every summons or complaint filed by a plaintiff and every summons or complaint filed by a defendant against an additional defendant shall contain a completed Civil Cover Sheet substantially in the form set forth in subsection (c).

(b) No summons, complaint pleading or other document used to commence a new civil action shall be accepted for filing unless it is accompanied by a duly completed Civil Cover Sheet.

(c) Form of Civil Cover Sheet

[CAPTION] DOCKET NUMBER
CIVIL COVER SHEET
PLAINTIFFS' NAMES DEFENDANTS' NAMES
PLAINTIFFS' ADDRESSES DEFENDANTS' ADDRESSES
PLAINTIFFS' COUNSEL DEFENDANTS' COUNSEL
COUNSEL'S ADDRESS, (if known)
PHONE NUMBER, FAX NUMBER
SUPREME COURT ID NUMBER
AMOUNT IN CONTROVERSY:
COURT DISPOSITION SOUGHT:
Arbitration Jury Non-Jury Minor Court
Appeal Statutory Appeal Mortgage Foreclosure
Petition Other:

[Pa.B. Doc. No. 04-1124. Filed for public inspection June 25, 2004, 9:00 a.m.]

WAYNE COUNTY
Local Rule 206.4(c); No. 34-2004-Civil

Amended Order

And Now, to wit, this 3rd day of June, 2004, Wayne County Local Rule 206.4(c), is Hereby Adopted. In accordance with Pa. R.J.A. 103(c), this Order and the following Rule shall be effective on July 26, 2004. The Court Administrator of Wayne County is Ordered and Directed to submit seven (7) certified copies of this Amended Order and the following Rule to the Administrative Office of Pennsylvania Courts, two (2) certified copies and one (1) diskette, to be distributed to the Legislative Reference Bureau for publication in the Pennsylvania Bulletin, one (1) certified copy to the Civil Procedural Rules Committee, one (1) certified copy to the Wayne County Law Library and keep continuously available for public inspection and copying, one (1) copy in the Office of the Prothonotary of Wayne County.

By the Court

ROBERT J. CONWAY,
President Judge

Local Rule 206.4(c) Rules to Show Cause

A Rule to Show Cause shall be filed in the Wayne County Prothonotary's Office. There is no requirement to present a Rule to Show Cause in Motion Court. Issuance of a Rule to Show Cause shall be discretionary with the Court. All Rules to Show Cause shall be scheduled for hearing and/or argument as soon as is convenient for all parties and the Court.

The moving party shall file a brief no later than ten (10) business days prior to the Hearing/Argument date. The respondent's brief must be filed no later than five (5) business days prior to the Hearing/Argument date.

Failure to file a brief in a timely manner without written leave of the Court may result in judgment against that party without further notice.

The Court Administrator is HEREBY AUTHORIZED to sign and schedule Rules to Show Cause as part of his administrative duties and this action shall carry the same force and effect as if Ordered directly by this Court.

[Pa.B. Doc. No. 04-1125. Filed for public inspection June 25, 2004, 9:00 a.m.]

WAYNE COUNTY
Local Rule 208.2(c); No. 35-2004-Civil

Amended Order

And Now, to wit, this 3rd day of June, 2004, Wayne County Local Rule 208.2(c), is Hereby Adopted. In accordance with Pa. R.J.A. 103(c), this Order and the following Rule shall be effective on July 26, 2004. The Court Administrator of Wayne County is Ordered and Directed to submit seven (7) certified copies of this Amended Order and the following Rule to the Administrative Office of Pennsylvania Courts, two (2) certified copies and one (1) diskette, to be distributed to the Legislative Reference Bureau for publication in the Pennsylvania Bulletin, one (1) certified copy to the Civil Procedural Rules Committee, one (1) certified copy to the Wayne County Law Library and keep continuously available for public inspection and copying, one (1) copy in the Office of the Prothonotary of Wayne County.

tion and copying, one (1) copy in the Office of the Prothonotary of Wayne County.

By the Court

ROBERT J. CONWAY,
President Judge

Local Rule 208.2(c) Inclusion of Authority in All Motions

All motions shall include a brief statement of the applicable authority.

[Pa.B. Doc. No. 04-1126. Filed for public inspection June 25, 2004, 9:00 a.m.]

WAYNE COUNTY

Local Rule 208.2(d); No. 36-2004-Civil

Amended Order

And Now, to wit, this 3rd day of June, 2004, Wayne County Local Rule 208.2(d), is *Hereby Adopted*. In accordance with Pa. R.J.A. 103(c), this Order and the following Rule shall be effective on July 26, 2004. The Court Administrator of Wayne County is *Ordered and Directed* to submit seven (7) certified copies of this Amended Order and the following Rule to the Administrative Office of Pennsylvania Courts, two (2) certified copies and one (1) diskette, to be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*, one (1) certified copy to the Civil Procedural Rules Committee, one (1) certified copy to the Wayne County Law Library and keep continuously available for public inspection and copying, one (1) copy in the Office of the Prothonotary of Wayne County.

By the Court

ROBERT J. CONWAY,
President Judge

Local Rule 208.2(d) Certification Regarding Contested Motions

All motions shall include a certification, signed by counsel for the moving party, stating whether or not said motion is contested or uncontested.

[Pa.B. Doc. No. 04-1127. Filed for public inspection June 25, 2004, 9:00 a.m.]

WAYNE COUNTY

Local Rule 208.2(e); No. 37-2004-Civil

Amended Order

And Now, to wit, this 3rd day of June, 2004, Wayne County Local Rule 208.2(e), is *Hereby Adopted*. In accordance with Pa. R.J.A. 103(c), this Order and the following Rule shall be effective thirty on July 26, 2004. The Court Administrator of Wayne County is *Ordered and Directed* to submit seven (7) certified copies of this Amended Order and the following Rule to the Administrative Office of Pennsylvania Courts, two (2) certified copies and one (1) diskette, to be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*, one (1) certified copy to the Civil Procedural Rules Committee, one (1) certified copy to the Wayne County Law Library and keep continuously available for public inspec-

tion and copying, one (1) copy in the Office of the Prothonotary of Wayne County.

By the Court

ROBERT J. CONWAY,
President Judge

Local Rule 208.2(e) Certification of Attempt to Confer with Interested Parties

All motions relating to discovery shall include a certification signed by counsel for the moving party, certifying that counsel has conferred or attempted to confer with all interested parties in order to resolve the matter without Court action.

[Pa.B. Doc. No. 04-1128. Filed for public inspection June 25, 2004, 9:00 a.m.]

WAYNE COUNTY

Local Rule 208.3(a); No. 38-2004-Civil

Amended Order

And Now, to wit, this 3rd day of June, 2004, Wayne County Local Rule 208.3(a), is *Hereby Adopted*. In accordance with Pa. R.J.A. 103(c), this Order and the following Rule shall be effective on July 26, 2004. The Court Administrator of Wayne County is *Ordered and Directed* to submit seven (7) certified copies of this Amended Order and the following Rule to the Administrative Office of Pennsylvania Courts, two (2) certified copies and one (1) diskette, to be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*, one (1) certified copy to the Civil Procedural Rules Committee, one (1) certified copy to the Wayne County Law Library and keep continuously available for public inspection and copying, one (1) copy in the Office of the Prothonotary of Wayne County.

By the Court

ROBERT J. CONWAY,
President Judge

Local Rule 208.3(a) Motions

Except for motions made orally during a trial or hearing, all motions shall be written, shall contain a caption setting forth the name of the court, the number of the action, nature of the proceeding, names of the parties, and the name of counsel, or if no counsel of record, the name of the party making the motion. All motions shall include a proposed Order.

All motions shall be filed in the Wayne County Prothonotary's Office. Any motion which does not seek scheduling of a Rule to Show Cause or Appointment of a Master shall be presented in Motions Court.

If the Motion, Petition or Application is of such nature that opposing parties have the right to be heard, the moving party shall give each opposing party at least forty-eight (48) hours notice of the time when the moving party will appear and present such motion, petition or application, unless the emergency nature of the matter prevents such notice. In that situation, the moving party shall give as much notice as is reasonably possible.

[Pa.B. Doc. No. 04-1129. Filed for public inspection June 25, 2004, 9:00 a.m.]

WAYNE COUNTY
Local Rule 208.3(b); No. 39-2004-Civil

Order

And Now, to wit, this 3rd day of June, 2004, Wayne County Local Rule 208.3(b), is *Hereby Adopted*. In accordance with Pa. R.J.A. 103(c), this Order and the following Rule shall be effective on July 26, 2004. The Court Administrator of Wayne County is *Ordered and Directed* to submit seven (7) certified copies of this Amended Order and the following Rule to the Administrative Office of Pennsylvania Courts, two (2) certified copies and one (1) diskette, to be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*, one (1) certified copy to the Civil Procedural Rules Committee, one (1) certified copy to the Wayne County Law Library and keep continuously available for public inspection and copying, one (1) copy in the Office of the Prothonotary of Wayne County.

By the Court

ROBERT J. CONWAY,
President Judge

Local Rule 208.3(b) Requirement of Brief

All Motions which do not seek Issuance of a Rule to Show Cause or Appointment of a Master shall be presented with a brief containing appropriate authority, unless due to the exigent nature of the circumstances, one cannot be prepared.

A response to any motion shall be presented with a brief, unless due to the exigent nature of the circumstances, one cannot be prepared.

[Pa.B. Doc. No. 04-1130. Filed for public inspection June 25, 2004, 9:00 a.m.]

WAYNE COUNTY

Local Rule 1028(c); No. 40-2004-Civil

Amended Order

And Now, to wit, this 3rd day of June, 2004, Wayne County Local Rule 1028(c), is *Hereby Adopted*. In accordance with Pa. R.J.A. 103(c), this Order and the following Rule shall be effective on July 26, 2004. The Court Administrator of Wayne County is *Ordered and Directed* to submit seven (7) certified copies of this Amended Order and the following Rule to the Administrative Office of Pennsylvania Courts, two (2) certified copies and one (1) diskette, to be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*, one (1) certified copy to the Civil Procedural Rules Committee, one (1) certified copy to the Wayne County Law Library and keep continuously available for public inspection and copying, one (1) copy in the Office of the Prothonotary of Wayne County.

By the Court

ROBERT J. CONWAY,
President Judge

Local Rule 1028(c) Preliminary Objections

All Preliminary Objections shall be filed in the Wayne County Prothonotary's Office. If no Amended Complaint is filed within twenty (20) days, the Prothonotary shall schedule oral argument for the next available Argument

Day and notify all parties. The moving party shall file a brief no later than ten (10) business days prior to the Argument date. The respondent's brief must be filed no later than five (5) business days prior to the Argument date.

In the event that either or both parties wish to submit the matter on briefs without oral argument, they shall communicate that wish to the Court, in writing, prior to the Argument day. However, briefs shall still be due on the days previously indicated by the Court, unless continued in writing.

Failure to file a brief in a timely manner without written leave of the Court may result in judgment against that party without further notice.

[Pa.B. Doc. No. 04-1131. Filed for public inspection June 25, 2004, 9:00 a.m.]

WAYNE COUNTY

Local Rule 1034(a); No. 41-2004-Civil

Amended Order

And Now, to wit, this 3rd day of June, 2004, Wayne County Local Rule 1034(a), is *Hereby Adopted*. In accordance with Pa. R.J.A. 103(c), this Order and the following Rule shall be effective thirty on July 26, 2004. The Court Administrator of Wayne County is *Ordered and Directed* to submit seven (7) certified copies of this Amended Order and the following Rule to the Administrative Office of Pennsylvania Courts, two (2) certified copies and one (1) diskette, to be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*, one (1) certified copy to the Civil Procedural Rules Committee, one (1) certified copy to the Wayne County Law Library and keep continuously available for public inspection and copying, one (1) copy in the Office of the Prothonotary of Wayne County.

By the Court

ROBERT J. CONWAY,
President Judge

Local Rule 1034(a) Motions for Judgment on the Pleadings

All Motions for Judgment on the Pleadings shall be filed in the Wayne County Prothonotary's Office. The Prothonotary shall immediately schedule oral argument for the next available Argument Day and notify all parties. The moving party shall file a brief no later than ten (10) business days prior to the Argument date. The respondent's brief must be filed no later than five (5) business days prior to the Argument date.

In the event that either or both parties wish to submit the matter on briefs without oral argument, they shall communicate that wish to the Court, in writing, prior to the Argument day. However, briefs shall still be due on the days previously indicated by the Court, unless continued in writing.

Failure to file a brief in a timely manner without written leave of the Court may result in judgment against that party without further notice.

[Pa.B. Doc. No. 04-1132. Filed for public inspection June 25, 2004, 9:00 a.m.]

WAYNE COUNTY
Local Rule 1035.2(a); No. 42-2004-Civil

Amended Order

And Now, to wit, this 3rd day of June, 2004, Wayne County Local Rule 1035.2(a), is *Hereby Adopted*. In accordance with Pa. R.J.A. 103(c), this Order and the following Rule shall be effective on July 26, 2004. The Court Administrator of Wayne County is *Ordered* and *Directed* to submit seven (7) certified copies of this Amended Order and the following Rule to the Administrative Office of Pennsylvania Courts, two (2) certified copies and one (1) diskette, to be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*, one (1) certified copy to the Civil Procedural Rules Committee, one (1) certified copy to the Wayne County Law Library and keep continuously available for public inspection and copying, one (1) copy in the Office of the Prothonotary of Wayne County.

By the Court

ROBERT J. CONWAY,
President Judge

Local Rule 1035.2(a) Motions for Summary Judgment

All motions for Summary Judgment shall be filed in the Wayne County Prothonotary's Office. The Prothonotary shall immediately schedule oral argument for the next available Argument Day and notify all parties. The moving party shall file a brief no later than ten (10) business days prior to the Argument date. The respondent's brief must be filed no later than five (5) business days prior to the Argument date.

In the event that either or both parties wish to submit the matter on briefs without oral argument, they shall communicate that wish to the Court, in writing, prior to the Argument day. However, briefs shall still be due on the days previously indicated by the Court, unless continued in writing.

Failure to file a brief in a timely manner without written leave of the Court may result in judgment against that party without further notice.

[Pa.B. Doc. No. 04-1133. Filed for public inspection June 25, 2004, 9:00 a.m.]

PROPOSED RULEMAKING

INSURANCE DEPARTMENT

[31 PA. CODE CH. 167]

Workers' Compensation Act—Provider Fees; Payment for Anesthesia Services

The Insurance Department (Department) proposes to add Chapter 167 (relating to Workers' Compensation Act—provider fees) to read as set forth in Annex A. The proposed rulemaking is made under the general authority of sections 205, 506, 1501 and 1502 of The Administrative Code of 1929 (71 P. S. §§ 66, 186, 411 and 412) and section 306(f.1)(3)(i) of the Workers' Compensation Act (act) (77 P. S. § 531(3)(i)).

Purpose

The purpose of this proposed rulemaking is to add Chapter 167, setting the allowance for anesthesia services provided to patients under the act when the allowance utilizes the anesthesia conversion factor. The rate established by § 167.2 (relating to payment for anesthesia services) shall be used for the period from the effective date of adoption of this proposed rulemaking and updated annually thereafter in accordance with 34 Pa. Code § 127.162 (relating to medical fee updates on and after January 1, 1995—new allowances adopted by Commissioner) and section 306(f.1)(3)(ii) of the act.

Section 306(f.1)(3)(i) of the act establishes that compensation to providers of medical services, including anesthesiologists, shall be 113% of the Medicare reimbursement for the medical service or treatment, with the amounts to be modified by annual updates made under a formula in the act. Section 306(f.1)(3)(i) of the act also provides that when the Insurance Commissioner (Commissioner) determines that use of the Medicare reimbursement for a particular provider group or service is not reasonable, the Commissioner may adopt, by regulation, a new allowance. Section 306(f.1)(3)(v) of the act further provides that a Medicare allowance for a particular provider group shall be reviewed for reasonableness whenever the Commissioner determines that the use of the allowance would result in payments that are more than 10% lower than the average level of reimbursement the provider would receive from coordinated care insurers (CCOs), a classification that includes health maintenance organizations (HMOs) and preferred provider organizations under the act. In making the determination as to the reasonableness of an allowance under section 306(f.1)(3)(v) of the act, the Commissioner must consider the extent to which allowances applicable to other providers under Workers' Compensation deviate from the reimbursement those other providers receive from CCOs. In sum, to have an allowance reviewed for reasonableness, a provider group must demonstrate to the Commissioner's satisfaction that the allowance under the Medicare fee schedule is more than 10% lower than the average level of reimbursement that provider specialty receives from the private managed care market, and an allowance will not be found to be unreasonable unless that provider group can clearly demonstrate to the Commissioner's satisfaction through sufficient credible data that this disparity is substantially disproportionate to existing disparities in the allowances for other providers between the Workers' Compensation and private managed care markets.

Preexposure comments from the Insurance Federation of Pennsylvania, Inc. and the Department of Labor and Industry were taken into consideration in the drafting of this proposed rulemaking.

Explanation of the Proposed Rulemaking

In August 1995, the Pennsylvania Society of Anesthesiologists (PSA) filed a petition with the Department seeking to have the Department review the Workers' Compensation anesthesia conversion factor for reasonableness and, ultimately, to have the anesthesia conversion factor adjusted through the issuance of a regulation. The anesthesia conversion factor is an integral part of the formula under which surgical anesthesia services are reimbursed, typically multiplied by a time factor (number of units) and sometimes by other factors to determine compensation for an anesthesia procedure under the Workers' Compensation system.

Over the course of the past 8 years, the PSA submitted substantial amounts of data, including expert reports, and, through counsel, participated in a multitude of meetings with the Department to carry its initial burden of having the anesthesia conversion factor reviewed for reasonableness and to ultimately carry its burden of persuasion to convince the Department that this allowance for anesthesia services was unreasonable. Although the information and data submitted to the Department is confidential under the act, counsel for the PSA has agreed to provide an aggregate summary of the data upon request.

Based on the extensive, credible and persuasive nature of the data and expert reports submitted by the PSA, the Department eventually concluded that the PSA had met the standard required to have the anesthesia conversion factor reviewed for reasonableness. After an extensive and lengthy review process, the Department ultimately determined, based on the quantity and quality of the data presented, that the anesthesia conversion factor under Workers' Compensation was not reasonable in light of the fact that the disparity between anesthesia allowances under the Workers' Compensation and private managed care systems was substantially and patently disproportionate to disparities for other providers.

Among the data and materials considered by the Department in reaching this conclusion were four reports submitted by the PSA providing data and analysis in support of its assertion that the Workers' Compensation allowance for anesthesiologists is not reasonable compared to allowances for other medical specialties. The four reports are:

- *Survey of Anesthesia Reimbursement by Private Managed Care Payors and Comparison to Workers' Compensation Reimbursement* (January, 2001).
- *Reimbursement by HMOs and Comparison to Workers' Compensation Reimbursement for Specialties Other Than Anesthesia* (September 2001).
- *Letter of August 26, 2002, from PSA counsel providing data on reimbursement for non-surgical procedures.*
- *A Comparison of Reimbursement to Anesthesiologists and Other Medical Specialties Under Pennsylvania's Workers' Compensation Program and Private Market Fee Schedules*, prepared by Dennis Olmstead Chief Economist & Vice President of the Division of Practice Economics & Payer Relations for the Pennsylvania Medical Society (June, 2003).

In explaining the Department's decision, it is helpful to discuss the four reports individually.

1. *Survey of Anesthesia Reimbursement by Private Managed Care Payors and Comparison to Workers' Compensation Reimbursement* (January, 2001).

This report focused solely on reimbursements received by anesthesiologists under Workers' Compensation and from managed care payors looking at actual claims. The report included data from all four Workers' Compensation regions, for 27 different payors, from 12 anesthesia practices; 139 claims were reviewed and more than 55 distinct anesthesia conversion factors (by payor and practice) were identified. Only 2 of those 55 distinct conversion factors were less than that used in Workers' Compensation and both were from a single payor, a Medicaid HMO.

The data showed that Workers' Compensation was reimbursing anesthesiologists at about 50% of the level of most managed care payors. The overwhelming predominance of managed care conversion factors were between \$30 and \$55 and, within that, between \$35 and \$45, at a time when Worker's Compensation conversion factors ranged from \$19.55 to \$21.72. Based on this Report, the Department concluded that reimbursement to anesthesiologists satisfied the first statutory criteria—specifically, that the allowance be at least 10% less than the private managed care market—and that the PSA had met the

required burden to have the allowance reviewed for reasonableness. Certain of the other reports subsequently submitted, while they focused on reimbursements received by other specialties under Workers' Compensation and from managed care payors, contained some additional (and consistent) data on reimbursement to anesthesiologists.

2. *Reimbursement by HMOs and Comparison to Workers' Compensation Reimbursement for Specialties Other Than Anesthesia* (September 2001).

This report analyzed claims data on 666 "CPT Code data points" for 4 specialties—namely, cardiology, general surgery, ophthalmology and orthopedics, in three of the four Workers' Compensation regions with data from 11 managed care payors, including the major payors in all areas. A "CPT Code data point" is reimbursement of a CPT code to a distinct provider by a distinct payor. The results for the nonanesthesia specialties were virtually the mirror image of the results for anesthesiologists. While the Workers' Compensation anesthesia conversion was about 50% lower than the common range of private managed care rates (around \$35-\$45), Workers' Compensation was consistently higher, with a range around 50% higher, than the private managed care rates for the four specialties. The data was consistent in every respect among those specialties and entirely inconsistent with the anesthesia data, as the following table summarizes, by region and across specialties.

	<i>Number of CPT Code Data Points for which Workers' Compensation Allowance More than HMO Reimbursement/Total Number Data Points and Percentage</i>		<i>Average Percentage, Workers' Compensation versus HMO Reimbursement</i>
<i>Region 1</i>			
Cardiology	110/133	82.7%	145.97%
General Surgery	62/67	92.5%	165.86%
Ophthalmology	78/103	75.7%	127.49%
Orthopedics	127/144	88.79%	128.15%
Regional Summary	377/447	83.4%	141.87%
<i>Region 2</i>			
Cardiology	46/47	97.87%	152.89%
Ophthalmology	32/37	86.48%	159.70%
Regional Summary	78/84	92.86	156.30%
<i>Region 3</i>			
Cardiology	44/50	88%	198.68%
General Surgery	20/21	95.2%	155.42%
Ophthalmology	18/21	85.7%	158.63%
Orthopedics	40/43	93.02%	190.20%
Regional Summary	122/135	90.37%	175.73%

The column entitled "Average Percentage, Workers' Compensation versus HMO Reimbursement" is calculated for a specialty within a region by summing the percentages from all pertinent claims and dividing by the total number of inputs. The lowest average percentage (by region and specialty) by which Workers' Compensation payments exceeded managed care payments was 28.15% (orthopedics, Region I), while the highest was 98.68% (cardiology, Region III). There were some CPT Code data points (89 out of 666, or 13.4%) for which the managed care rates exceeded Workers' Compensation allowances by 200% to 400%, and a comparable number (99 out of 666, or 14.86%) in which Workers' Compensation allowances exceed managed care rates by 400% or more. For the overwhelming majority of CPT Code data points, however, the ratio of Workers' Compensation allowances to man-

aged care rates fell between 100% and 200% (478 out of 666 or 71.7%).

3. *Letter of August 26, 2002 from PSA counsel providing data on reimbursement for non-surgical procedures.*

At the Department's request, the PSA supplemented its analysis of the data it obtained for the second Report to examine nonsurgical procedures and nonprocedures. This included various Evaluation and Management (E & M) Codes, both generally and as to ophthalmology and cardiology, and pathology and radiology. The results were consistent with those for the four specialties reviewed in the second report. Workers' Compensation paid slightly more than 10% more than the HMOs for all E & M Codes at one large provider system and 58% more at another; approximately 22% more than the HMOs for E & M services provided by ophthalmologists and 11% more than

the HMOs for E & M services provided by cardiologists. Regarding radiology, Workers' Compensation paid approximately 45% more than the HMOs, using data from "chest codes" and those for Diagnostic Ultrasound, head and neck. Analyzing data from the six basic pathology codes, 88300—88309, from all three major HMOs, Workers' Compensation paid approximately 50% more than the HMOs. E & M, radiology and pathology were also looked at in the fourth study with consistent results. This data established that Worker's Compensation payments consistently exceed payments of other payors for two additional "nonsurgical" specialties (radiology and pathology) as well as all medical specialties that rely heavily on E & M codes.

4. *A Comparison of Reimbursement to Anesthesiologists and Other Medical Specialties Under Pennsylvania's Workers' Compensation and Private Market Fee Schedules.*

This report compared reimbursements to anesthesiologists, radiologists, pathologists, E & M Codes, surgery in general and the surgical specialties of dermatology, ENT gastroenterology and OB-GYN for 86 heavily utilized CPT

Codes (surgery—44 codes; radiology—20 codes; pathology—12 codes; and E & M—10 codes). The report compared Workers' Compensation reimbursements for these specialties with those of three Highmark fee schedules—the 5000S (poverty level fee schedule), UCR and Keystone Health Plan West (KHPW). 5000S is not a managed care plan but was included because it is a plan available only to persons whose incomes fall within established limitations and, as a consequence, has among the lowest reimbursement levels of Highmark fee schedules. The KHPW is a managed care network operated by Highmark that serves 29 counties in the western portion of this Commonwealth (Workers' Compensation Region II) and is the largest HMO in those counties by market share. The UCR schedule is also a nonmanaged care system and is considered to have relatively higher reimbursements.

The results confirmed the results of the first report that Workers' Compensation reimbursement to anesthesiologists was substantially less than that of managed care payors. The following chart summarizes the data with respect to anesthesiologists:

	Region I	Region II	Region III	Region IV	Average
Workers' Compensation	\$23.98	\$23.83	\$22.93	\$21.37	\$23.03
5000S	\$37	\$37	\$37	\$37	\$37
KHPW		\$42			
UCR	\$42	\$42	\$42	\$42	\$42
Percentage Difference, WC and 5000S	(35.2%)	(35.6%)	(38%)	(42.2%)	(37.8%)
Percentage Difference, WC and KHPW		(43.3%)			
Percentage Difference, WC and UCR	(42.9%)	(43.3%)	(45.4%)	(49.1%)	(45.2%)

Even the 5000S low income fee schedule reimbursed anesthesiologists substantially better than did Workers' Compensation. The KHPW reimbursement was approximately 43% greater (\$42 versus \$23.83) than Workers' Compensation.

The findings as to nonanesthesia specialties, including those performing surgery, those being reimbursed under E & M Codes and those (pathologists and radiologists) who primarily perform nonsurgical procedures were entirely consistent with the findings of the second and third reports. Almost without exception, Workers' Compensation reimbursed those physician specialties at levels above the managed care rates. Specifically, Workers' Compensation on average paid 41.9% more than the KHPW fee schedule for nonanesthesia codes in Workers' Compensation Region II; 74.8% and 60.5% greater than the 5000S fee schedule in Regions I and IV, respectively; and 47.1% and 35% greater than the UCR rate in Regions I and IV, respectively.

To summarize the previous information, in reviewing the PSA's initial petition and conducting its ultimate review, the Department considered data that included major HMOs; numerous codes for nonanesthesia specialties (cardiology, orthopedics, ophthalmology and surgery); surgical specialties (general surgery, ENT, dermatology and OB-GYN); nonsurgical procedures (pathology and radiology); and evaluative care (E & M). The data was very consistent from specialty to specialty and region-to-region in showing a consistent relationship between Workers' Compensation and managed care payors—Workers' Compensation is the better payor—with the sole exception of anesthesiology, in which the relationship between payors is essentially reversed. While the Workers' Compensation anesthesia conversion factor was about 50% lower than the common range of private managed

care rates (clustering between \$35-\$45 at a time when Worker's Compensation conversion factors ranged from \$19.55 to \$21.72), Workers' Compensation was consistently higher, with a range around 50% higher, than the private managed care rates for the other four specialties.

Based on the data, the Department has concluded that the Workers' Compensation Program reimburses anesthesiologists at a rate that is substantially below the rates of managed care payors throughout this Commonwealth.

Based on the data, the Department has concluded that this substantial disparity does not exist with respect to other specialties. In general, Workers' Compensation reimbursement to these specialties exceeds the payments in managed care, often by substantial amounts. This includes surgical specialties, nonsurgical specialties and E & M codes that are used by surgical and nonsurgical specialists alike (although generally excluding anesthesiologists).

Accordingly, the Department determined that the standards of section 306(f.1)(3)(i) of the act have been met with respect to the anesthesia conversion factor. The Department is proposing regulations establishing a new allowance for the anesthesia conversion factor for use in the Workers' Compensation Program.

Fiscal Impact

There is minimal fiscal impact as a result of the proposed rulemaking. There is no specific data available identifying the precise costs associated with the cost of anesthesiology benefits under the Workers' Compensation System. However, it is known that the expenses resulting from medical benefits are approximately 45% of total loss expenses. In addition, the loss expenses resulting from anesthesiology is a minor cost in comparison to the total

costs of surgical expenses. Therefore, even though the proposed rulemaking will increase the reimbursement of anesthesiology expenses by 63%, it should affect the overall costs only minimally.

Paperwork

There is no anticipated additional paperwork expected as a result of this proposed rulemaking.

Affected Parties

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

Effectiveness/Sunset Date

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

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on June 16, 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 Senate Banking and Insurance Committee and the House Insurance Committee. 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.

Contact Person

Questions or comments regarding the proposed rulemaking should be addressed to Peter J. Salvatore, Regulatory Coordinator, Insurance Department, 1326 Strawberry Square, Harrisburg, PA 17120, fax (717) 772-1969, psalvatore@state.pa.us within 30 days following the publication of this notice in the *Pennsylvania Bulletin*.

Under the Regulatory Review Act, the Department is required to write to all commentators requesting whether or not they wish to receive a copy of the final-form rulemaking. To better serve stakeholders, the Department has made a determination that all commentators will receive a copy of the final-form rulemaking when it is made available to IRRC and the legislative standing committees.

M. DIANE KOKEN,
Insurance Commissioner

Fiscal Note: 11-222. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 31. INSURANCE

PART VIII. MISCELLANEOUS PROVISIONS

CHAPTER 167. WORKERS' COMPENSATION ACT—PROVIDER FEES

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

§ 167.1. Purpose.

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

§ 167.2. Payment for anesthesia services.

The Workers' Compensation Part B Fee Schedule shall be amended by multiplying the anesthesia conversion factor applicable to Codes 100-1999 by a multiplier of 1.632. The Fee Schedule, as amended, shall apply to anesthesia services provided in all regions after _____ . (*Editor's Note:* The blank refers to the effective date of adoption of this proposed rulemaking.)

[Pa.B. Doc. No. 04-1134. Filed for public inspection June 25, 2004, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

[52 PA. CODE CHS. 29 AND 31]

[L-00020157]

Passenger Service and Property and Household Goods Carriers

The Pennsylvania Public Utility Commission, on March 18, 2004, adopted at proposed rulemaking order setting forth changes to regulations governing passenger service and property and household goods carriers.

Executive Summary

The Pennsylvania Public Utility Commission is vested with jurisdiction over common carriers operating within Pennsylvania. 66 Pa.C.S. §§ 102, 501, 1101, 1102, 1103. In furtherance of this statutory charge, the Commission has promulgated regulations governing common carriers of passengers and property, including household goods. 52 Pa. Code Chapters 29 and 31. Due to changes in the appropriate levels of Commission oversight of these industries mandated by federal preemption or as well as the changing dynamics within the transportation market, the Commission has proposed modifications and additions to its current regulations.

Proposed changes to regulations governing passenger service include implementation of procedural safeguards in the event of the death or incapacitation of a certificate holder, deletion of unduly burdensome accounting requirements, modification of accident reporting requirements, deletion of obsolete regulations governing smoking and passenger/driver conversation, modification of leasing regulations, implementation of a consumer information requirement for most carrier classes, and the addition of driver regulations for vehicles with seating capacities of 15 passengers or less.

Proposed changes to regulations governing property and household goods carriers include implementation of procedural safeguards in the event of the death or incapacitation of a certificate holder, modification of accident reporting requirements, modification of leasing regulations, modification of the "Information for Shippers" form provided by household goods carriers, implementation of a requirement that household goods carriers must prepare an Inventory and a Bill of Lading, and implementation of a requirement that household carriers obtain criminal history records for all persons providing moving services within a dwelling.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on June 16, 2004, the Commission 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 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 Commission, the General Assembly and the Governor of comments, recommendations or objections raised.

Public Meeting held
March 18, 2004

Commissioners Present: Terrance J. Fitzpatrick, Chairperson; Robert K. Bloom, Vice Chairperson; Glen R. Thomas; Kim Pizzingrilli; Wendell F. Holland

Proposed Rulemaking Amending 52 Pa. Code Chapters 29 and 31; Doc. No. L-00020157

Proposed Rulemaking Order

By the Commission:

On September 25, 2002, we issued an Advance Notice of Proposed Rulemaking Order, soliciting comments concerning changes to the Commission's regulations governing motor carriers of passengers and property, including household goods. 52 Pa. Code Chapters 29 and 31. The impetus for the Advance Notice was changes in the Commission's oversight of these industries mandated by federal preemption, (Federal Aviation Authorization Act of 1994 and the Transportation Equity Act for the 21st Century, P. L. 105-178), as well as changing dynamics within the transportation market. Comments were filed by numerous parties.¹ Having reviewed the comments, we now propose the following changes to the Commission's regulations at 52 Pa. Code Chapters 29 and 31.

52 Pa. Code Chapter 29

§ 29.11. Applicability.

We propose adding contract carriers of passengers to this section. This change is consistent with the scope and content of the chapter. See 52 Pa. Code § 29.111.

§ 29.31. Sale or transfer of certificates.

We propose redrafting this section to make it more readily understandable. There is no change in content.

¹ A complete list of commentators is available from the Commission's Secretary's Bureau.

§ 29.32. Death or incapacitation of a certificate holder.

We propose modifying this provision to delete the self executing termination language. Before canceling or allowing the abandonment of a certificate of public convenience, the Commission must consider whether cancellation or abandonment is in the public interest. See 66 Pa.C.S. §§ 501, 1102, 1103. The rights and obligations conferred by a certificate can be terminated only upon application for abandonment or complaint to cancel the certificate. We propose modifying this section so that it is consistent with our statutory charge.

§ 29.33. Transfer of certificate without a hearing.

We propose deleting this section. This section addresses the hearing requirement for certificate transfers. However, it is our position that this issue is adequately addressed at 52 Pa. Code § 29.31. Further, § 29.33 is not accurate to the extent that it does not contain a complete recitation of circumstances under which a certificate may be transferred without hearing.

§ 29.41. Accounts and records.

We propose deleting the requirement that motor carriers of passengers maintain books in conformity with the Uniform System of Accounts found at 99 CFR § 1206.2. Interstate carriers are no longer required to comply with the Uniform System of Accounts. We see no benefit in requiring intrastate carriers to comply with this accounting system. Rather, we will simply direct that intrastate passenger carriers follow generally accepted accounting principles for all accounting and reporting matters. We note that we will leave subsection (c) intact.

§ 29.44. Accident reports.

We propose amending this provision to provide for telephonic notification to our Bureau of Transportation and Safety within 24 hours of an accident that results in the death of a person.² Carriers must also provide a written report of the accident to the Commission within 30 days of the accident. Finally, carriers must maintain copies of police reports for any reportable accidents for one year from the date of the accident. We believe that these modifications adequately protect the public while not overburdening the industry or our staff.

Currently, our regulations provide that carriers must report accidents to the Commission within 30 days of occurrence involving death, personal injuries requiring medical attention, property damage of \$4,200 or more, or collisions at grade crossings. The Bureau of Transportation and Safety receives monthly accident reports from the Pennsylvania Department of Transportation on accidents involving all motor carriers. Therefore, the current reporting requirements are duplicative. However, in light of our paramount concern over safety, we believe that the requirement that carriers report accidents involving death be retained.

§ 29.61. Commencement of service.

We propose revising this provision to eliminate the automatic termination of the certificate of public convenience in the event a carrier fails to commence service within 30 days of authorization. See 52 Pa. Code § 29.32.

§ 29.62. Interruptions of service.

We propose amending this provision to change the reference from "order to show cause" to "complaint." This change is consistent with current practice.

² We limit applicability to carriers operating vehicles with seating capacities of 15 passengers or less, including the driver, since larger vehicles are governed by 52 Pa. Code § 37.204.

§ 29.73. Posting notice prohibiting conversation.

We propose deleting this section. This change is consistent with current Federal regulations. See 49 CFR Part 392, subpart G.

§ 29.81. Smoking limitations.

We propose deleting this section since we do not believe that it is necessary.

§ 29.101. Operation of leased equipment.

We propose modifying the current regulation by requiring drivers be qualified under the new driver regulations (subchapter F, below), prohibiting carriers (with the exception of call or demand carriers) from leasing vehicles to drivers, updating some cross references, and eliminating the formal inspection reports (subsection j) and annual reports (subsection h). The prohibition against leasing vehicles to drivers is consistent with the intent of this section to ensure that the certificated carrier maintains control over the service provided under its authority. The elimination of the inspection report does not relieve the carrier's obligation to inspect leased vehicles and to maintain a certificate of inspection. We believe that the inspection report does not enhance safety enforcement and is simply cumbersome. Further, elimination of the annual report is consistent with current Commission practice.

We have also eliminated various sections that no longer serve a useful purpose. Specifically, we have eliminated the section concerning receipts, since we believe that the lease itself suffices as adequate documentation for our purposes. Further, we have eliminated subsection (g), concerning scheduled route and group and party service. These provisions are not relevant in the current regulatory environment. We note that these carriers must continue to comply with the remainder of our leasing requirements.

We note that various commentators suggested amending this section to include a provision insulating carriers from prosecution if they utilize lease drivers who have a suspended or inactive driver's license. We decline to adopt this suggestion. As we have previously noted, it is a carrier's responsibility to ensure that all drivers operating under its authority are properly licensed. *Pa. PUC v. Yellow Cab Company of Pittsburgh*, Docket No. A-00049926C9803-C9812 (Order entered November 17, 1999). It is imperative that we take a zero tolerance stance on this issue. Public safety and insurance coverage are compromised through operation of vehicles by unlicensed drivers. We will not tolerate this at any level.

Commentators also suggest that we modify subsection 29.101(a)(3) to include reference to underinsured and uninsured motorist coverage. We decline to adopt this recommendation, since our regulations at 52 Pa. Code Chapter 32 adequately address insurance requirements.

Subchapter C. Contract carriers and brokers.

We propose deleting reference to "brokers" due to inapplicability.

§ 29.111. Accounts, records and memoranda.

We propose deleting references to 52 Pa. Code §§ 29.43, 29.73, and 29.81 to be consistent with current and proposed regulations. Further, we are deleting the annual report filing requirement for contract carriers.

Scheduled Route Service

§ 29.301. Conditions.

We propose revising this section to include reference to subchapters E (Vehicle Equipment and Inspection) and F (Driver Requirements, to be discussed below).

§ 29.303. Service standards and requirements.

This provision, concerning scheduled route carriers, is revised to ensure that particular schedule changes are provided to the Commission.

§ 29.306. Consumer information.

This provision was added in order to advise the public of the appropriate forum in which to address complaints over service. We believe that this requirement will have minimal cost to the carrier yet be a significant benefit to the public.

Call or Demand Service

§ 29.311. Conditions.

We propose revising this section to include reference to subchapters E (Vehicle Equipment and Inspection) and F (Driver Requirements, to be discussed below).

§ 29.313. Service standards and requirements.

We propose amending this provision to include a requirement that log sheets be completed contemporaneously with a trip. This requirement ensures reporting accuracy. Further, we propose that origin and destination points provided in log sheets include a street name with address, if available, or some identifiable landmark.

§ 29.314. Vehicle and equipment requirements.

We propose making meters mandatory for all call or demand carriers. We propose this as a more efficient and accurate means of charging the public for service. Meters are available at a cost of approximately \$225. Currently, approximately fifty per cent (50%) of call or demand carriers charge non-metered rates. We believe that the cost of installing the meters is not enormous and is certainly outweighed by the benefits associated therewith; i.e., charges that more accurately reflect the cost of transportation. Further, we will continue to require all meters to be sealed for security and accuracy purposes. We also will require carriers to provide an annual vehicle list to the Commission. This requirement will aid the Commission in its enforcement efforts. Further, we will require all taxicabs to have dome lights, which will aid the public in identifying taxicabs available for service. Finally, we propose that no vehicles older than eight years be permitted to be utilized in taxi service. We believe this vehicle age limitation will ensure a current, reliable fleet. This requirement will be phased in over a one year period.

§ 29.315. Alternative forms of compensation.

We propose technical amendments to this section updating cross references.

§ 29.316. Tariff requirements.

We propose amending this section by phasing out zone-based fares in three years.

§ 29.317. Accounting requirements for alternative forms of compensation for drivers.

We propose technical amendments to this section as well as phasing out references to zone-based fares. Further, the report required by subsection (c) will only be provided to drivers upon request. We believe that this

proposal minimizes unnecessary paperwork for the carrier while retaining necessary protections for the driver.

§ 29.318. Complaint decals.

We propose that all taxicabs be required to post a complaint decal inside their vehicles.³ The decal will advise a customer of relevant complaint information. The decals shall be provided by the Commission. Only decals provided by the Commission may be posted.

Limousine Service

§ 29.331. Conditions.

We propose amending this provision to include references to Subchapters E and F.

§ 29.332. Method of operation.

We propose amending this provision to prohibit the direct solicitation of passengers. While one commentator suggested establishing a 24 hour advance reservation requirement, we reject that suggestion as too restrictive. It is not our intention to deny the public a transportation service by establishing arbitrary and burdensome conditions. Rather, we believe the existing prohibition against street hail and the proposed prohibition against direct solicitation help to satisfactorily ensure the unique nature of limousine service.

§ 29.333. Vehicle and equipment requirements.

We propose amending this provision to include a requirement that limousines be no more than eight years old. This requirement helps to ensure the condition of the fleet and will be phased in over a one year period.

Further, we propose requiring limousine operators to provide the Commission with a vehicle list annually. This requirement will enhance enforcement efforts.

Finally, we reject one commentator's suggestion that Commission inspections will be performed only on a pre-arranged basis. Currently, the Commission conducts both routine and random inspections of limousines. Routine inspections are scheduled for a mutually convenient time. Random inspections are not scheduled. We believe that continuing random inspections enhances Commission enforcement efforts to help ensure the provision of safe and reliable limousine service.

§ 29.334. Tariff requirements.

We propose amending this section to prohibit the use of meters. We believe that meters are unique to taxi service and should not be utilized in luxury limousine service. Further, we propose restricting limousines from basing tariffs on mileage. We believe that a mileage based rate is more akin to taxicab service. Limousine service is a luxury service, and should not be viewed as a substitute for taxicab service. The industries serve different transportation needs. A time based tariff is more consistent with the nature of limousine service.

§ 29.335. Trip sheet requirements.

We propose amending this provision to include a requirement that the origin point be included on trip sheets. This requirement will aid in enforcement. Further, we propose deleting odometer recording requirements, as irrelevant under our proposed tariff changes.

§ 29.336. Consumer information.

The Commission proposes mandating a consumer information initiative that would provide the consumer with relevant information regarding service complaints. We

propose offering limousine carriers three choices to comply with this initiative: (1) posting a Commission supplied complaint decal, (2) providing information on the service contract, or (3) providing information on the receipt for service. We believe this initiative will aid the public and enhance transportation service.

Airport Transfer Service

§ 29.341. Conditions.

We propose amending this section to include reference to subchapters E and F.

§ 29.344. Consumer information.

The Commission proposes mandating a consumer information initiative that would provide the consumer with relevant information regarding service complaints. We propose offering airport transfer carriers two choices to comply with this initiative: (1) posting a Commission supplied complaint decal, or (2) providing information on the receipt for service. We believe this initiative will aid the public and enhance transportation service.

Other Services: Paratransit, Experimental

§ 29.351. Conditions.

We propose amending this section to include reference to subchapters E and F.

§ 29.356. Consumer information.

The Commission proposes mandating a consumer information initiative that would provide the consumer with relevant information regarding service complaints. We propose offering paratransit carriers two choices to comply with this initiative: (1) posting a Commission supplied complaint decal, or (2) providing information on the receipt for service. We believe this initiative will aid the public and enhance transportation service.

Subchapter E. Vehicle Equipment and Inspection.

§ 29.401. Applicability

We propose amending this provision to more clearly delineate its applicability to vehicles with seating capacities of 15 passengers or less, including the driver.

§ 29.402. Vehicle equipment requirements.

We propose amending this section to more clearly delineate applicability. See § 29.401.

We also propose amending this section to include a requirement that advertising be limited to the roof of the vehicle. We believe this requirement will ensure unobstructed views for driver and passenger. Further, it will aid in enforcement since vehicle identification markings will not be obscured by advertisements.

§ 29.403. Requirements for passenger service operation.

We propose amending subsection (1) of this provision to include a reference to removable seats which are currently common in vehicles. Further, we propose the following additional vehicle requirements: operative air conditioning, exterior free of dents or gouges more than four inches in diameter, vehicles must have four matching wheel covers or the equivalent, and seats shall be secure and undamaged with no protruding springs or cushioning. We believe these requirements are reasonable and serve to enhance the level of service to the public.

§ 29.404. Unsafe operations forbidden.

We propose amending this section to include a prohibition against operating a vehicle in violation of 52 Pa. Code § 29.403.

³ We note that we currently require this posting. *Call or Demand Service: Complaint Decals*, Docket No. M-00011476 (Order entered September 28, 2001).

§ 29.406. Inspection by enforcement officers.

We propose amending this provision to clarify and simplify the out-of-service procedures employed by the Commission. We will no longer differentiate between "out-of-service" and "out-of-passenger service." Our experience indicates that this distinction has no practical benefit and simply creates enforcement difficulties. Further, we propose deleting the requirement that carriers complete and provide the Commission with the "Motor Carrier Certification of Action Taken" form, since the Commission performs reinspections as a matter of course.

Subchapter F. Driver Regulations

We propose the addition of driver regulations for drivers of vehicles with seating capacities of 15 passengers or less, including the driver. We will require all drivers have a current license and be at least 21 years of age. Further, we shall require carriers to obtain a driver history for each driver and update that history every 12 months. We will require carriers to obtain a criminal history record for all drivers and update same every two years. Finally, we will prohibit operation of vehicles by anyone under the influence of alcohol or a controlled substance. We believe these requirements will help to ensure the quality and safety of public utility service in Pennsylvania.

We further propose additional driver standards for carriers operating vehicles with seating capacities of 9 to 15 passengers, including the driver. Recent amendments to federal regulations applicable to interstate carriers of this vehicle type are found at 49 CFR Part 390. We propose adopting similar standards. Specifically, we propose physical qualification and hours of service standards. We believe that the heightened scrutiny accorded drivers of these vehicles is warranted and in the public interest.

52 Pa. Code Chapter 31

Our proposed revisions to this chapter are primarily aimed at provisions governing household goods carriers, 52 Pa. Code §§ 31.121—31.130. Those proposed changes attempt to strike a continuing balance between the shipper and the carrier. We also propose some general revisions governing both property and household goods carriers.

§ 31.4. Transfer of Certificates and Permits.

We propose modifying this provision to delete the self executing termination language found in subsection (c). Before canceling or allowing the abandonment of a certificate of public convenience, the Commission must consider whether cancellation or abandonment is in the public interest. See 66 Pa.C.S. §§ 501, 1102, 1103. The rights and obligations conferred by a certificate can be terminated only upon application for abandonment or complaint to cancel the certificate. We propose modifying this section so that it is consistent with our statutory charge.

§ 31.11. Reports of Accidents and Damages.

We propose amending this provision to provide for telephonic notification to our Bureau of Transportation and Safety within 24 hours of an accident that results in the death of a person. Further, carriers must maintain copies of police reports for any reportable accidents for one year from the date of the accident. We believe that these modifications adequately protect the public while not overburdening the industry or our staff.

§ 31.32. Equipment.

We propose revising this section to simplify and clarify leasing requirements. The Commission's primary concern in leasing is that the carrier have substantial control over

the leased equipment and the transportation, ensuring compliance with relevant safety and insurance requirements. We believe that the proposed changes advance this goal while eliminating unnecessary regulatory requirements. The proposed modifications include making the regulation explicitly applicable to household goods carriers, deleting the minimum duration requirement as no longer relevant, deleting the additional documentation requirement for short term leases as no longer relevant, deleting the receipts for equipment requirement as no longer necessary, requiring carriers retain leases for 2 years following expiration of the lease, replacing the inspection report requirement with a certification requirement, deleting the prohibition on the amount of equipment leased, and deleting the interchange of equipment requirement for carriers authorized to interchange freight. The elimination of the inspection report does not relieve the carrier of its obligation to have leased vehicles inspected and to maintain a certificate of inspection. We believe that the report does not enhance the requirements.

§ 31.33. Identification of equipment.

The proposed changes include deleting excess language and replacing the requirement that identification markings be painted on the vehicle.

§ 31.121. Information for Shippers.

Our proposed modifications to this section include requiring carriers to provide shippers with the "Information for Shippers" form at least 48 hours in advance of the move, to ensure that shippers receive meaningful notice. Further, we propose requiring an Inventory be completed by the carrier and provided to the shipper, as well as a bill of lading. We propose raising the minimum insurance limits to 60 cents per pound per article.⁴ We also propose requiring carriers to use a Commission supplied form, which will be available on our web-site or upon request. This form will include the Commission's contact information for complaints. We also propose requiring carriers to retain an executed copy of the form for two years from the date of the move. We propose replacing "money order" with "cashier's check," due to the relative security of these instruments. Finally, we have reconfigured the form so that it is more user-friendly.⁵

§ 31.122. Estimate of Charges.

We propose delineating all contents required on an estimate of charges form. Further, we propose deleting current regulation § 31.130, which is a sample "Estimate of Charges" form, as unnecessary. We also propose that carriers retain the form for two years from the date of the move. Finally, we propose moving the "Notification of Charges" section, since that section is distinct from "Estimate of Charges."

§ 31.123. Delivery when Charges Exceed Estimates.

We propose replacing "money order" with "cashier's check," due to increased security.

⁴ We recognize that this proposal will necessitate a collateral proceeding to modify the existing rate structure.

⁵ We reject Commentators' suggested revisions to change damage notations. We believe the current language better informs the consumer of his rights and responsibilities. Commentators also proposed revising the required payment when charges exceed the estimate from the greater of \$25 or 10 percent to the greater of \$250 or 25 percent. We decline to adopt this proposal. For low cost moves, (under \$1,000.00) the proposed charges could place an undue hardship on a shipper. The \$250 minimum would be unduly burdensome to a shipper. We believe that limits currently in place strike a better balance between shipper and carrier. Finally, we reject commentators' suggestion to make supplying this form to the shipper optional. We believe that this form is the linchpin of consumer protection in the household goods market, and believe that supplying the shipper with same is mandatory.

§ 31.124. *Report of Underestimates.*

We propose deleting the sample report form attached to the regulations. Further, we propose carriers retain these reports for two years from the date of the move.

§ 31.125. *Obtaining Weight Tickets.*

We propose amending this section to eliminate the requirement for separate gross and tare weight tickets, since gross and tare weights are commonly included on the same weight ticket. Further, we propose eliminating the requirement that copies of bills of lading utilizing constructive weight be furnished to the Commission. This is an unnecessary requirement. If a dispute would arise, the bill of lading is available from the carrier. Finally, we propose that carriers retain the tickets for two years from the date of the move.

§ 31.127. *Failure to Comply with Provisions.*

We propose updating this section with appropriate statutory references.

§ 31.130. *Estimated Cost of Services.*

We propose deleting this provision since an example form is unnecessary in light of the specifications established for an estimated cost of services provided at § 31.122.

§ 31.131. *Notification to Shipper of Charges.*

We propose moving the notification requirement currently found at 52 Pa. Code § 31.122(1) to this location. This will reduce confusion and clarify that "Notification of Charges" is distinct from "Estimate of Charges." Further, we propose modifying the notification requirements by permitting notice by fax or e-mail.

§ 31.132. *Bill of Lading.*

We propose adding a new requirement that a household goods carrier prepare and provide to the shipper a bill of lading for the shipment. We believe that the bill of lading is currently used by carriers and should not be omitted from our regulations. The requirement is straightforward, places no undue burden on the carrier, and serves as a valuable consumer protection tool.

§ 31.133. *Inventory.*

We propose requiring a household goods carrier to prepare an inventory of the shipment. The inventory will provide a shipper with the opportunity to make any damage notations. It will act as security for items damaged, lost or misplaced. We believe that an inventory does not pose an undue burden on the carrier and aids in consumer protection.

§ 31.134. *Criminal History.*

We propose requiring carriers to obtain criminal history records for all persons providing moving services within a dwelling. Further, carriers may not permit an individual who has been convicted of a felony or a crime of moral turpitude, and who remains under court supervision, to provide moving services in a shipper's dwelling. We believe that these requirements are reflective of fundamental shipper expectations when engaging a licensed carrier.

The Annex A, proposed regulations, is permitted by Sections 501, 1102, 1103, 1501, 1502, 1504, 1506, 1508, and chapters 23 and 25 of the Public Utility Code. Accordingly, under section 501 of the Public Utility Code, 66 Pa.C.S. § 501, and the Commonwealth Documents Law, 45 P.S. §§ 1201 et seq., and regulations promulgated thereunder at 1 Pa. Code §§ 7.1, 7.2 and 7.5, we

propose to amend the regulations at Chapters 29 and 31 as set forth in Annex A. *Therefore,*

It Is Ordered That:

1. The Secretary shall submit this order and Annex A to the Office of Attorney General for preliminary review as to form and legality.

2. The Secretary shall submit a copy of this order, together with Annex A, to the Governor's Budget Office for review of fiscal impact.

3. The Secretary shall submit this order and Annex A for review and comment by the designated standing committees of both Houses of the General Assembly, and for review and comment by IRRC.

4. The Secretary shall duly certify this order and Annex A and deposit them with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

5. Within 30 days of this order's publication in the *Pennsylvania Bulletin*, an original and 15 copies of any comments concerning this order should be submitted to the Office of the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA, 17105-3265. Alternate formats of this document are available to persons with disabilities and may be obtained by contacting Sherri DelBiondo, Regulatory Coordinator, Law Bureau at (717) 772-4597 or through the AT&T Relay Center at (800) 654-5988. The contact person is John Herzog, Assistant Counsel, Law Bureau, (717) 783-3714.

6. A copy of this order shall be served on all commentators to the Advance Notice of Proposed Rulemaking order.

JAMES J. MCNULTY,
Secretary

Fiscal Note: 57-233. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 52. PUBLIC UTILITIES

PART I. PUBLIC UTILITY COMMISSION

Subpart B. CARRIERS OF PASSENGERS OR PROPERTY

CHAPTER 29. MOTOR CARRIERS OF PASSENGERS

Subchapter B. COMMON CARRIERS PRELIMINARY PROVISIONS

§ 29.11. Applicability.

This chapter applies to common carriers **and contract carriers of passengers**, and is subject to amendment, change, modification or exception as the Commission may deem advisable, just and proper.

TRANSFER OF RIGHTS

§ 29.31. Sale or transfer of certificates.

[No certificate or right described in §§ 29.31—29.35 (relating to transfer of rights) may be sold or transferred by act, deed or by operation of law, except as otherwise provided in §§ 29.31—29.35, unless the approval of the Commission is first obtained.] The approval of the Commission is required for the sale or transfer of a certificate, except as otherwise provided in this chapter. The approval may be granted with or without hearing and after such reasonable notice as the Commission may direct.

§ 29.32. Death or incapacitation of a certificate holder.

Upon the death of a holder of a certificate, or upon an individual certificate holder being legally declared insane or otherwise incompetent, the rights conferred by the certificate shall continue with the legal representative of the deceased or insane holder for a period of 1 year [, after which time the rights conferred shall terminate]. After the expiration of the one year period, appropriate proceedings shall be initiated to terminate the certificate, unless application has been made to transfer the rights to the heirs, guardian, trustees, legatees or others, in which case the rights shall continue with the legal representative until the application is granted or refused. In the event application is made by the legal representative not less than 30 days prior to the end of a period of 1 year, the Commission may, at its discretion and for cause shown, permit the transfer of the rights to the executors, administrators, guardians, trustees or other legal representatives of the deceased or insane holder for a period to be fixed by the Commission. Pertinent orders or decrees of the court having jurisdiction over the estate of the decedent or insane person may be deemed cause for the granting of the petitions by the Commission.

§ 29.33. [Transfer of certificate without a hearing] (Reserved).

[If the individual holder of a certificate dies or is legally declared insane or otherwise incompetent, and an application is made to transfer the rights granted under the certificate to his legal representative, or if the certificate holder is a copartnership and the application for a transfer is in effect to change one or more of the partners, the Commission may dispose of the application without a hearing.]

ACCOUNTS, RECORDS AND REPORTS

§ 29.41. Accounts and records.

(a) [A common carrier with average gross annual revenues, intrastate and interstate combined, during the preceding year, of \$1 million and over, shall maintain books, accounts and records in conformity with the Uniform System of Accounts for Class I Common and Contract Motor Carriers of Passengers, 49 CFR Part 1206 (relating to common and contract motor carriers of passengers), and the applicable current sections of 49 CFR (relating to transportation) governing the preservation of records of Class I motor carriers.] Common carriers of passengers shall follow generally accepted accounting principles for all accounting and reporting matters.

(b) [Other common carriers shall have the election of maintaining books, accounts and records in conformity with those required of motor carriers with average gross revenues of \$1 million and over, or on a modified basis as will permit the filing of properly completed annual reports or assessment reports with the Commission, and shall preserve their records under the applicable current sections of 49 CFR governing the preservation of records of Class I and Class II motor carriers.

(c) [Amounts received as operating subsidies or payments for services rendered from a Federal, State or local governmental agency shall be included in the respective

passenger revenue classifications corresponding to the operating authority under which the services were provided, and shall be included in the reporting company's assessment liability under 66 Pa.C.S. § 510 (relating to assessment for regulatory expenses upon public utilities).

§ 29.44. Accident reports.

(a) [Within 30 days after a reportable accident occurs, a detailed report shall be mailed to Secretary, Pennsylvania Public Utility Commission, Post Office Box 3265, Harrisburg, Pennsylvania 17120.] *Accidents involving death of a person.* Motor carriers of passengers, operating vehicles with seating capacities of 15 passengers or less, including the driver, shall telephonically notify the Bureau of Transportation and Safety of any accident resulting in the death of a person within 24 hours of the accident. Carriers shall maintain a copy of the police report for 1 year from the date of the accident.

(b) [A reportable accident is one involving one or more of the following:

(1) The death of a person.

(2) Personal injuries which require medical attention.

(3) Property damage amounting to \$4200 or more, based on actual costs or reliable estimates.

(4) Collisions at grade crossings between motor vehicles operated under a certificate of public convenience and trains or streetcars, whether or not a person is killed or injured in the accident.

(c) In the event of the occurrence of an accident resulting in the death of a person, an immediate report of the accident shall be made by telephone or telegraph to the Bureau of Safety and Compliance of the Pennsylvania Public Utility Commission, in addition to the detailed written report required by subsection (a).

(d) The requirements of this section for the reporting of accidents correspond closely with those of the United States Department of Transportation, Federal Highway Administration, Bureau of Motor Carrier Safety, and the Department of Transportation, Bureau of Traffic Safety, of the Commonwealth. A copy of the report to the Bureau of Motor Carrier Safety or the Bureau of Traffic Safety will be accepted in lieu of a separate accident report.]

Other accidents. For all accidents resulting in the filing of a police report, a motor carrier shall maintain a copy of the police report for 1 year from the date of the accident.

CONTINUITY OF SERVICE

§ 29.61. Commencement of service.

A common carrier shall, within 30 days from the date of receipt of a certificate, begin operating and furnishing service. If it has not commenced operating and furnishing the authorized service within 30 days, [the rights granted by the certificate shall terminate,] appropriate proceedings shall be initiated to terminate the certificate unless, upon specific permission granted by the Commission, the time for commencement of service is extended.

§ 29.62. Interruptions of service.

An interruption of service for more than 48 hours shall be reported to the Commission with a statement of the

cause of interruption and its probable duration. Suspension of service for [a period of] 5 consecutive days without notice to the Commission will be deemed sufficient cause for revocation or cancellation of the rights of the carrier, except if the suspension is caused by strike or labor difficulties, riot, insurrection, war, government decrees or an act of God. No order of revocation will issue until the carrier is given opportunity for a public hearing on a [rule to show cause] complaint why the rights should not be revoked and cancelled.

MARKINGS AND POSTING NOTICE

§ 29.73. [Posting notice prohibiting conversation] (Reserved).

[The following notice or a notice approved by the Commission shall be posted in a conspicuous place in the front part of the interior of each bus having seating capacity in excess of nine passengers:

PENNSYLVANIA PUBLIC UTILITY COMMISSION ORDER PROHIBITING CONVERSATION

BY THE COMMISSION:

It is ordered: That operators of motor or trackless trolley buses engaged in intrastate common carrier service be and are hereby prohibited from conversing with passengers while the vehicle is in motion; and, further, that all passengers in such vehicles in motion be prohibited from distracting the attention of the operator by conversation or otherwise.]

[SAFETY]

§ 29.81. [Smoking limitations] (Reserved).

[(a) A motor common carrier of passengers subject to the act, which provides scheduled route service between fixed termini or over designated routes, and which desires to permit smoking of cigars, cigarettes or pipes, shall where smoking on passenger-carrying vehicles is not otherwise prohibited by law, provide a smoking area consisting of a number of seats at either the rear or the front of the passenger-carrying vehicle depending upon which area is best suited to the air circulating system of the vehicle, the area not to exceed 20% of the seating capacity of the vehicle.

(b) Subsection (a) does not apply to common carriers of passengers subject to the act when operating in call or demand or group or party service.]

MISCELLANEOUS PROVISIONS

§ 29.101. Operation of leased equipment.

(a) General provisions. General provisions [shall] include the following:

* * * * *

(2) Drivers. When used in the authorized service of the lessee, leased vehicles shall be operated by drivers qualified under Subchapter F (relating to driver regulations) when operating vehicles with seating capacities of 15 or less, including the driver, or Chapter 37 (relating to safety code for transportation of property and passengers), when operating vehicles with seating capacities of 16 or more, including the driver.

(3) Insurance and registration. Leased vehicles shall be covered by insurance as provided by § [29.104 (Reserved)] 32.11 (relating to passenger carrier insur-

ance) and shall conform with the requirements for registration of vehicles as set forth in 75 Pa.C.S. §§ 101—9910 (relating to the Vehicle Code).

* * * * *

(5) Control. Vehicles shall be owned by or leased by the certificate holder. Operation and service shall be under the direct control and supervision of the certificate holder. A common carrier of passengers may not lease a vehicle to a driver, except as provided in subsection (h), relating to call or demand service.

* * * * *

(c) [Receipts. When possession of the equipment is taken by the certificate holder or its regular employe or agent authorized to act for it, such certificate holder, employe or agent shall give to the owner of the equipment or to the owner's employe or agent a receipt specifically identifying the equipment and stating the date and time possession thereof is taken; and, when possession by the certificate holder ends, it or its employe or agent shall obtain from the owner of the equipment, or its regular employe or agent authorized to act for it a receipt specifically identifying the equipment and stating therein the date and the time possession thereof is retaken. The receipts shall be retained by the certificate holder for not less than 2 years.

(d) [Safety inspection. It is the duty of the certificate holder, before taking possession of equipment, to inspect the [same] equipment or to have the [same] equipment inspected by a person who is competent and qualified to make an inspection as a representative of the carrier to insure that the equipment is in a safe condition to be operated on the highway. The person making the inspection shall certify the results thereof [on a report in the form set forth in subsection (j)], which [report] certification shall be retained by the certificate holder for a period of not less than 1 year. If the inspection discloses that the equipment is not in a safe condition to be operated on the highways, possession thereof may not be taken by the certificate holder.

[(e)] (d) * * *

[(f)] (e) * * *

[(g) Scheduled route; group and party. The following applies to scheduled route carriers and to group and party carriers operating leased equipment:

(1) Leases for less than 10 days. Where a common carrier leases a vehicle for less than 10 days to another common carrier for operation in certificated service, subsections (c) and (d), relative to receipts and safety checks when taking possession of the leased vehicles are not applicable.

(2) Joint-line service. This section, with the exception of subsection (f), does not apply to vehicles when the vehicles are used in providing through transportation of passengers in regular service over the authorized routes of two or more carriers under a continuing interchange or lease of equipment arrangement between such carriers; provided that the schedules of the motor carriers show clearly the points or places between which each common carrier assumes and bears complete con-

trol and responsibility for the operation of the interchanged or leased vehicles.

(3) *Number of vehicles.* The seating capacity of the vehicles leased at any one time may not exceed the greater of one vehicle or 50% of the total seating capacity of the vehicles owned by the lessee and operated in the certificated service of the lessee; provided that, for purposes of this limitation, a vehicle shall be considered to be neither leased nor owned if the minimum duration of the lease is for a term of at least 120 days or if the lease has been continuously in force for a period of at least 120 days.

(h)] (f) *Call or demand.* The following applies to call or demand carriers operating leased equipment:

* * * * *

(2) The holder of a call or demand certificate may lease vehicles to drivers for operation in the service of the certificate holder only under the following conditions:

* * * * *

(iv) [The certificate holder shall be required to file an annual report in accordance with § 29.42 (relating to annual reports) which shall include gross operating revenues based upon the amount of the fares recorded on the daily log sheets maintained by the lessee-drivers.

(v)] The leasing plan of the certificate holder shall conform with the requirements of § 29.315 (relating to alternative forms of compensation).

[(i) [Reserved].

(j) *Form.* The following form is hereby made part of this section.]

(Editor's Note: As part of this proposed rulemaking, the Commission is proposing to delete the form which appears in 52 Pa. Code page 29-18, serial page (218744).)

Subchapter C. CONTRACT CARRIERS [AND BROKERS]

§ 29.111. Accounts, records and memoranda.

* * * * *

(b) A contract carrier shall comply with §§ 29.41, [29.43,] 29.44, [29.73, 29.81] and 29.101—29.103. [A contract carrier of passengers, regardless of the amount of gross annual revenues, intrastate and interstate combined, shall file, in properly completed form, signed and notarized, on or before March 31, covering the preceding calendar year, a contract carrier annual report form as prescribed and furnished by the Commission.

(c) Other matters relating to applications for permits by contract carriers shall, if practicable, conform with subsection (b).]

Subchapter D. SUPPLEMENTAL REGULATIONS SCHEDULED ROUTE SERVICE

§ 29.301. Conditions.

This section and §§ 29.302—29.305 (relating to scheduled route service) applies to operations in the scheduled route class of common carriage. This section and §§ 29.302—29.305 [applies] apply in addition to relevant provisions of Subchapters A [and], B, E and F [(relating to general provisions; and common carri-

ers] vehicle equipment and inspection; and driver regulations) as well as particular provisions contained in each certificate of a carrier.

§ 29.303. Service standards and requirements.

* * * * *

(b) *Notice of schedule changes.* Notice of proposed changes in routes or in time schedules involving retiming or withdrawal of a trip shall be conspicuously posted in vehicles engaged in services affected by the changes and at stations and stops where practicable, for [a period of not less than] at least 10 days prior to the effective date thereof. Notice of any changes shall be provided to the Commission, in writing, 10 days prior to implementation. This section relating to changes in time schedules [do] does not apply to that portion of the service that is and will continue to be rendered on headways of 20 minutes or less.

* * * * *

§ 29.306. Consumer information.

To provide passengers with the necessary information to file a complaint, scheduled route carriers shall post a Commission-issued complaint decal in a conspicuous location inside the vehicle which lists the telephone number and website to be used to lodge a complaint or provide the following notice on the receipt for service:

For complaints and information, contact the Pennsylvania Public Utility Commission at 1-800-782-1100 or at www.puc.paonline.com. Include the company name and A-number for all complaints.

CALL OR DEMAND SERVICE

§ 29.311. Conditions.

This section and §§ 29.312—29.316 (relating to call or demand service) [applies] apply only to operations in the "call or demand"—taxi—class of common carriage. These sections apply in addition to relevant provisions of Subchapters A [and], B, E and F [(relating to general provisions; and common carriers] as well as particular provisions contained in each certificate of a carrier.

§ 29.313. Service standards and requirements.

* * * * *

(c) *Log sheets.* A driver of a vehicle in call or demand service shall keep a log sheet or manifest for each shift he operates unless some other method is, upon petition, specifically approved by the Commission. These log sheets shall be filled out contemporaneously with the trip, on a form supplied by the [certificate holder] certificateholder. The log sheets shall be retained by the [certificate holder] certificateholder for at least 2 years. Log sheets shall be turned over upon request to an authorized representative of the Commission upon the rendering of a receipt. Drivers shall fill out the log sheets with the following information:

* * * * *

(4) The times and places of origin and destination of each trip including the odometer or meter mileage at the origin and destination of each passenger trip. Origin and destination places shall contain a street name and address or, if unavailable, an identifiable landmark.

* * * * *

§ 29.314. Vehicle and equipment requirements.

* * * * *

(b) *Meters.* Meters shall conform with the following requirements:

(1) A call or demand vehicle operated within [a city, borough or township having a population of 20,000 or more] this Commonwealth shall be equipped with a meter.

* * * * *

(8) Paragraph (7) does not apply when the filed tariff provides for a flat rate in lieu of a metered charge for transportation beyond a certain mileage point or for a zone-based fare structure. **This provision is invalid after January 1, 2007.**

(c) *Vehicle list.* Between December 1 and December 31 of each year, carriers shall provide the Commission with a current list of all vehicles utilized under its call or demand authority. The list shall contain the year, make, vehicle identification number and registration number for each vehicle. The list shall be mailed to Director, Bureau of Transportation and Safety, Pennsylvania Public Utility Commission, Post Office Box 3265, Harrisburg, Pennsylvania 17105-3265.

(d) *Vehicle age.* A vehicle may not be operated in call and demand service which is more than 8 model years old. For example, the last day on which a 1996 model year vehicle may be operated in taxi service is December 31, 2004. This provision is effective a date 1 year after _____. (*Editor's note:* The blank refers to the effective date of adoption of this proposed rulemaking.)

(e) *Dome lights.* Vehicles operated by call and demand carriers shall have a dome light affixed to the roof of the vehicle. The dome light shall be visible from a distance of 100 feet from the front and rear of the vehicle. The dome light shall be illuminated only when a customer does not occupy the vehicle.

§ 29.315. Alternative forms of compensation.

(a) [Certificate holders'] Certificateholders' plans for alternative forms of compensation for call or demand drivers, as permitted by § 29.101 (relating to operation of leased equipment), shall conform with the following conditions:

* * * * *

(2) The [certificate holder] certificateholder shall be responsible for providing and maintaining insurance as required by § [29.104 (Reserved)] 32.11 (relating to passenger carrier insurance).

(3) The [certificate holder] certificateholder shall comply with [Subchapter] Subchapters E and F (relating to vehicle equipment and inspection; and driver regulations).

* * * * *

§ 29.316. Tariff requirements.

(a) *Charges.* Every call or demand carrier shall charge according to its tariffs filed, posted[,] and published in accordance with law and [the provisions of] this title:

(1) [such] The amount as is calculated and registered on the meter [;].

(2) [when] When authorized by the tariff, a fixed amount for the trip or the amount shown to be due on the meter plus a surcharge[; or]. **This provision is invalid after January 1, 2007.**

(3) [when] When authorized by the tariff, a charge tabulated according to the zones entered in the course of the trip. **This provision is invalid after January 1, 2007.**

(b) *Zone tariff requirements.* If the rates of fare specified in the tariff of the [certificate holder] certificateholder are calculated according to the zones entered in the course of the trip: a map of the service territory on which each zone is delineated and in which the cost calculations for trips are described must be available in the vehicle for the passenger to examine, and a representative of the [certificate holder] certificateholder must be available to quote to the passenger in advance the estimated cost of the particular trip of the passenger. **This provision is invalid after January 1, 2007.**

* * * * *

§ 29.317. Accounting requirements for alternative forms of compensation for drivers.

(a) *Revenues.*

(1) *Metered rates.*

* * * * *

(ii) It is the responsibility of the [certificate holder] certificateholder to [insure] ensure that appropriate information from the log sheets is properly and correctly recorded under §§ 29.41[—] and 29.43 (relating to accounts and records[; annual reports]; and assessment reports).

(2) *Zoned rates and flat rates.* A requirement of paragraph (1) except for meter verification is applicable when the fare is based on zones entered in the course of the trip or on flat rates. **This provision is invalid after January 1, 2007.**

* * * * *

(c) *Reporting.* At the end of a calendar year, the [certificate holder] certificateholder shall supply a lease driver, upon request, with a statement of operating revenues and operating expenses based on the information supplied as required by subsections (a) and (b). The statement may be provided during the calendar year when appropriate.

§ 29.318. Complaint decals.

To provide passengers with the information necessary to file a complaint, taxicabs must display a Commission-issued complaint decal which lists the telephone number and web site to be used to lodge a complaint. The decal shall be posted on the inside of the right rear window of the vehicle, along the bottom edge.

LIMOUSINE SERVICE

§ 29.331. Conditions.

This section and §§ 29.332—29.335 (relating to limousine service) apply to operations in the limousine class of common carriage. These sections apply in addition to relevant provisions of Subchapters A [and], B, E and F [relating to general provisions; and common carriers] as well as a particular provision contained in a certificate of a carrier.

§ 29.332. Method of operation.

Unless otherwise specifically provided in the certificate of public convenience, a common carrier operating limousine service shall have the rights and be subject to the conditions as follows:

* * * * *

(3) A limousine driver may not directly solicit a passenger.

§ 29.333. Vehicle and equipment requirements.

* * * * *

(b) Luxury type vehicles are vehicles manufactured or subsequently modified so that they have physical configurations and accessory features that are not considered as being ordinary, standard or commonplace in lower to moderately priced vehicles. Luxury type vehicles are intended to afford patrons a higher level of service and comfort than are ordinarily available in call or demand, paratransit[,] and airport transfer services. To qualify as a luxury type vehicle, a vehicle shall have at a minimum: air conditioning, AM/FM stereo radio, deluxe leather or deluxe fabric upholstery, deluxe wheels or wheel covers, four doors and a wheelbase of at least 109 inches. Other amenities which limousine service might afford are [AM/FM cassette stereo radio,] CD changer, internet access, reading lights, work desk or table, cellular phone, refrigerator, television, VCR, DVD player, extended wheelbase and privacy dividers.

* * * * *

(d) Vehicle list. Between December 1 and December 31 of each year, carriers shall provide the Commission with a current list of all vehicles utilized under its limousine authority. The list shall contain the year, make, vehicle identification number and registration number for each vehicle. The list shall be mailed to Director, Bureau of Transportation and Safety, Pennsylvania Public Utility Commission, Post Office Box 3265, Harrisburg, Pennsylvania 17105-3265.

(e) Vehicle age. A vehicle may not be operated in limousine service which is more than 8 model years old. For example, the last day on which a 1996 model year vehicle may be operated in limousine service is December 31, 2004. This provision is effective _____. (Editor's note: The blank refers to 1 year from the effective date of adoption of this proposed rulemaking.)

§ 29.334. Tariff requirements.

Limousine rates [may] shall be based solely on [mileage or] time, [or both,] and shall be contained in a tariff filed, posted and published under statute and this title. The use of meters is prohibited.

§ 29.335. Trip sheet requirements.

(a) A driver of a luxury type vehicle engaged in providing limousine service shall have a trip sheet in the vehicle evidencing that the vehicle is in service. The trip sheet shall contain the following information:

* * * * *

(5) The origin and intended destination.

* * * * *

[(7) The initial odometer reading.]

(b) At the conclusion of the trip, the driver shall record the ending time [and final odometer reading] on the trip sheet.

(c) The trip sheet shall be retained by the certificateholder for a minimum of 1 year. Copies of the documents may be required to be submitted in support of carrier proposed tariff rate increases in addition to other documentation in § 23.64 (relating to data required in filing increases in operating revenues).

§ 29.336. Consumer information.

To provide passengers with the information necessary to file a complaint, limousines must:

(1) Post, on the inside of the right rear window of the vehicle, along the bottom edge, a Commission-issued complaint decal which lists the telephone number and website to be used to lodge a complaint, or provide the following notice on the contract for service:

For complaints and information, contact the Pennsylvania Public Utility Commission at 1-800-782-1100 or at www.puc.paonline.com. Include the company name and A-number for all complaints.

(2) Provide the following notice on the receipt for service:

For complaints and information, contact the Pennsylvania Public Utility Commission at 1-800-782-1100 or at www.puc.paonline.com. Include the company name and A-number for all complaints.

AIRPORT TRANSFER SERVICE

§ 29.341. Conditions.

This section and §§ 29.342—29.343 (relating to airport transfer service) apply to operation in the airport transfer, airport limousine, class of common carriage. These provisions apply in addition to relevant provisions of Subchapters A [and], B, E and F [(relating to general provisions; and common carriers)] as well as [a] particular provisions contained in a certificate of a carrier.

§ 29.344. Consumer information.

To provide passengers with the information necessary to file a complaint, airport transfer carriers shall post, on the inside of the right rear window of the vehicle, along the bottom edge, a Commission-issued complaint decal which lists the telephone number and website to be used to lodge a complaint, or provide the following notice on the receipt for service:

For complaints and information, contact the Pennsylvania Public Utility Commission at 1-800-782-1100 or at www.puc.paonline.com. Include the company name and A-number for all complaints.

OTHER SERVICES: PARATRANSIT, EXPERIMENTAL

§ 29.351. Conditions.

This section and §§ 29.352—29.355 (relating to other services: paratransit, experimental) apply to operations conducted under certificates granting paratransit or experimental rights. These provisions apply in addition to relevant provisions of Subchapters A [and], B, E and F

[(relating to general provisions; and common carriers] vehicle equipment and inspection; and driver regulations) as well as [a] particular provisions contained in a certificate of a carrier.

§ 29.356. Consumer information.

To provide passengers with the information necessary to file a complaint, paratransit and experimental service carriers shall post, on the inside of the right rear window of the vehicle, along the bottom edge, a Commission-issued complaint decal which lists the telephone number and website to be used to lodge a complaint, or provide the following notice on the receipt for service:

For complaints and information, contact the Pennsylvania Public Utility Commission at 1-800-782-1100 or at www.puc.paonline.com. Include the company name and A-number for all complaints.

Subchapter E. VEHICLE EQUIPMENT AND INSPECTION

§ 29.401. Applicability.

This subchapter applies to vehicles having a designed seating capacity of 15 passengers or less, including the driver, which are used by common carriers or contract carriers to transport passengers in scheduled route service, [in] call or demand service, group and party service, limousine service, airport transfer service, or paratransit and experimental service defined in § 29.13(6) (relating to scheme of classification).

§ 29.402. Vehicle equipment requirements.

A common carrier or a contract carrier may not permit a vehicle having a seating capacity of 15 passengers or less, including the driver, to be operated unless it complies with the following requirements:

* * * * *

(3) [Exterior and interior advertising] Advertising on vehicles is limited to the exterior roof of the vehicle. Advertising displayed on a vehicle shall be securely fastened and may not obscure the driver's view in any direction.

§ 29.403. Requirements for passenger service operation.

A common carrier or a contract carrier may not permit a vehicle having a designed seating capacity of 15 passengers or less, including the driver, to be operated to transport passengers unless it complies with the following requirements, in addition to those [set forth] in § 29.402 (relating to vehicle equipment requirements):

(1) Vehicles which are equipped with folding [or], temporary or removable seats shall have hinges, latches, brackets or other hardware associated with the seats in working order.

* * * * *

(6) A vehicle's exterior may not have any dents or gouges larger than 4 inches in diameter.

(7) A vehicle shall have 4 matching wheel covers, or the equivalent.

(8) A vehicle shall have operative air conditioning.

(9) A vehicle's seats shall be secure and not be damaged so as to allow springs or other cushioning or support devices to protrude through the seat.

§ 29.404. Unsafe operations forbidden.

A common carrier or contract carrier may not permit or require a driver to operate a vehicle revealed by inspection or operation not to comply with §§ 29.402 or § 29.403 (relating to vehicle equipment requirements; and requirements for passenger service operation). If a vehicle being operated on a highway is discovered not to comply with § 29.402 or § 29.403, it may be continued in operation to the carrier's nearest terminal, the carrier's place of business or other similar location where repairs can be effected safely; however, this operation may be conducted only if it is less hazardous to the public than permitting the vehicle to remain on the highway.

§ 29.406. Inspection by enforcement officers.

* * * * *

(b) [The PUC Driver—Equipment Compliance Check Form will] A form designated by the Commission shall be used to record findings from vehicles selected for inspection.

(c) Vehicles in operation which are found upon inspection not to comply with §§ 29.402 and 29.403 (relating to vehicle equipment requirements; and requirements for passenger service operations) [will] shall be declared [out of service] out-of-service by an enforcement officer employed by the Commission and shall be placed out of service utilizing the Commission's out of service sticker.

(d) [Vehicles being used to transport passengers which are found upon inspection not to comply with the requirements of § 29.403 (relating to requirements for passenger service operation) will be declared out-of-passenger service by an enforcement officer employed by the Commission and placed out-of-passenger service utilizing the Commission's out-of-passenger service sticker.

(e) A common carrier or contract carrier may not require or permit a person to operate nor may a person operate a vehicle declared and placed out-of-service until repairs required by the [PUC Driver—Equipment Compliance Check Form] Commission have been satisfactorily completed, except as provided in § 29.404 (relating to unsafe operations forbidden).

[(f) A common carrier or contract carrier may not require or permit a person to transport passengers, nor may a person transport passengers in a vehicle declared and placed out-of-passenger service until repairs or maintenance required by the PUC Driver—Equipment Compliance Check Form have been completed.

(g) (e) A person may not remove an out-of-service sticker [or an out-of-passenger service sticker] from a vehicle prior to completion of the repairs required by the [PUC Driver—Enforcement Compliance Check Form] Commission.

(h) (f) The person completing the repairs required by the out-of-service notice shall sign the Certificate of Repairman in accordance with the terms prescribed [on] by the [PUC Driver—Equipment Compliance Check Form] Commission, entering the name of the

person's shop or garage and the date and time the required repairs were completed. If the vehicle operator completes the required repairs, the operator shall sign and complete the Certification of Repairman.

[(i)] (g) The carrier's disposition of [PUC Driver—Equipment Compliance Check Form] the form shall be as follows:

(1) The operator of a vehicle receiving [a PUC Driver—Equipment Compliance Check Form] the form placing the vehicle out of service shall deliver the form to the common carrier or contract carrier operating the vehicle[; it shall be the sole responsibility of the common carrier or contract carrier to return the form to the Commission in accordance with the terms prescribed thereon and in paragraphs (2) and (3)].

* * * * *

(3) [Common carriers and contract carriers shall complete the Motor Carrier Certification of Action Taken on the form in accordance with the terms prescribed thereon. They shall return the form to the Commission at the address indicated on the form within 15 days following the date of the vehicle inspection.] Carriers shall retain a copy of the form at their principal place of business for 1 year from the date of inspection.

Subchapter F. DRIVER REGULATIONS

Sec.

- 29.501. Applicability.
- 29.502. Current drivers license required.
- 29.503. Age restrictions.
- 29.504. Driver history.
- 29.505. Criminal history.
- 29.506. Alcohol prohibition.
- 29.507. Controlled substance prohibition.
- 29.508. Common or contract carriers operating vehicles with seating capacities of 9 to 15 passengers, including the driver.
- 29.509. Civil penalties for violations.

§ 29.501. Applicability.

This subchapter applies to drivers of vehicles having a designed seating capacity of 15 passengers or less, including the driver, which are used by common carriers or contract carriers to transport passengers in scheduled route service, call or demand service, group and party service, limousine service, airport transfer service, or paratransit service and experimental service, as defined in § 29.13 (relating to scheme of classification).

§ 29.502. Current driver's license required.

A common or contract carrier may not permit a person to operate a vehicle in its authorized service unless that person has a current, valid driver's license.

§ 29.503. Age restrictions.

A common or contract carrier may not permit a person to operate a vehicle in its authorized service unless that person is at least 21 years of age.

§ 29.504. Driver history.

(a) A common or contract carrier may not permit a person to operate a vehicle in its authorized service until it has obtained a driver history from the appropriate agency of every state in which that person held a motor vehicle operator's license or permit during the preceding 3 years.

(b) Following receipt of the initial driver history report, a common or contract carrier shall, at least once every 12 months from the date of the last report, obtain a driver history for each driver operating under its authority from the appropriate agency of the state in which the driver held an operator's license during the time period. Compliance with this subsection does not relieve a common or contract carrier of the responsibility to ensure its drivers hold a current, valid driver's license.

(c) A copy of the driver history shall be maintained by the common or contract carrier for at least 2 years.

§ 29.505. Criminal history.

(a) *Criminal history record required.* A common or contract carrier may not permit a person to operate a vehicle in its authorized service until it has obtained a criminal history record from the Pennsylvania State Police and every other state in which the person resided for the last 12 months. For current drivers, carriers shall obtain a criminal history record by _____. (*Editor's note:* The blank refers to a date 90 days after the effective date of adoption of this proposed rulemaking.)

(b) *Frequency of record check.* Following receipt of the initial criminal history record, a common or contract carrier shall obtain a criminal history record for each driver operating under its authority from the Pennsylvania State Police every 2 years from the date of the last criminal history check.

(c) *Disqualification by reason of felony conviction.* A common or contract carrier may not permit a person to operate a vehicle in its authorized service when the person was convicted of a felony under the laws of the Commonwealth or under the laws of another jurisdiction and who is under the supervision of a court or correctional institution as a result of that conviction, so long as a court or correctional institution maintains some form of supervision. The supervision may include incarceration, probation, parole and furlough.

(d) *Disqualification for conviction of crime of moral turpitude.* A common or contract carrier may not permit a person to operate a vehicle in its authorized service when the person was convicted of a crime of moral turpitude, whether a felony or misdemeanor, under the laws of the Commonwealth or under the laws of another jurisdiction and who is under the supervision of a court or correctional institution as a result of that conviction, so long as a court or correctional institution maintains some form of supervision. The supervision may include incarceration, probation, parole and furlough.

(e) *Record retention.* A copy of the criminal history shall be maintained by the common or contract carrier for at least 3 years.

§ 29.506. Alcohol prohibition.

A driver may not use alcohol, be under the influence of alcohol, or have any measured alcohol concentration or detected presence of alcohol, while operating a vehicle in passenger service.

§ 29.507. Controlled substance prohibition.

A driver may not use a controlled substance, be under the influence of a controlled substance, or

have any measured concentration or detected presence of a controlled substance, while operating a vehicle in passenger service.

§ 29.508. Common or contract carriers operating vehicles with seating capacities of 9 to 15 passengers, including the driver.

(a) A common or contract carrier may not permit a person to drive a vehicle with a seating capacity of 9 to 15 passengers, including the driver, unless the driver complies with the following:

(1) The driver is physically qualified in accordance with 49 CFR 391.41—391.49 (relating to physical qualifications and examinations).

(2) The driver is in compliance with the hours of service provisions of 49 CFR 395.5 and 395.8 (relating to maximum driving time for passenger-carrying vehicles; and driver's record of duty status).

(3) Drivers are exempt from 49 CFR 395.8 if they fall within exemption in 49 CFR 395.1(e). In this circumstance, carriers shall keep time records in accordance with 49 CFR 395.1(e)(5) (relating to scope of rules in this part).

§ 29.509. Civil Penalties for violations.

A complaint may be initiated against the carrier for violations of this subchapter.

CHAPTER 31. MOTOR CARRIER PROPERTY AND HOUSEHOLD GOODS TRANSPORTATION
GENERAL PROVISIONS

§ 31.4. Transfer of certificates and permits.

* * * * *

(c) Upon the death of an individual holder of a certificate or permit or upon an individual certificate holder being legally declared incompetent, the rights conferred by the certificate or permit shall continue with the legal representative of the deceased or incompetent holder for 1 year. [After that time, the rights conferred shall terminate,] After the expiration of the 1 year period, appropriate proceedings shall be initiated to terminate the certificate unless application has been made to transfer the rights to the heirs, guardian, trustees, legatee or others, in which case the rights shall continue with the legal representative until the application is granted or refused. If application is made by the legal representative [not less than] at least 30 days prior to the end of the period of 1 year, the Commission may, for cause shown, permit the transfer of rights to the executors, administrators, guardians, trustees or other legal representatives of the deceased or incompetent holder for a period to be fixed by the Commission. Pertinent orders or decrees of the court having jurisdiction over the estate of the decedent or incompetent person may be deemed cause for the granting of the application by the Commission.

* * * * *

§ 31.11. Reports of accidents and damage.

(a) [Within 30 days after a reportable accident occurs, a detailed report shall be mailed to: Secretary, Pennsylvania Public Utility Commission, Post Office Box 3265, Harrisburg, Pennsylvania 17105.

(b) A reportable accident is one involving one or more of the following:

- (1) The death of a person.
- (2) Personal injuries which require medical attention.
- (3) Property damage amounting to \$4,200 or more, based on actual costs or reliable estimates.
- (4) Collisions at grade crossings between motor vehicles operated under a certificate of public convenience or contract carrier permit and trains or streetcars, whether or not a person is killed or injured in the accident.

(c) If the occurrence of an accident results in the death of a person, an immediate report of the accident shall be made by telephone or telegraph to the Bureau of Transportation and Safety, in addition to the detailed written report required by subsection (a).

(d) The requirements of this section for the reporting of accidents correspond closely with those of the United States Department of Transportation, Federal Highway Administration, Bureau of Motor Carrier Safety, and the Department of Transportation, Bureau of Traffic Safety, of the Commonwealth. A copy of the report to the Bureau of Motor Carrier Safety or the Bureau of Traffic Safety will be accepted in lieu of a separate accident report.]

Accidents involving death of a person. Motor carriers of property and household goods shall telephonically notify the Bureau of Transportation and Safety of any accident resulting in the death of a person within 24 hours of the accident. Carriers shall maintain a copy of the police report for 1 year from the date of the accident.

(b) *Other accidents.* For all accidents resulting in the filing of a police report, the carrier shall maintain a copy of that report for 1 year from the date of the accident.

COMMON CARRIERS OF PROPERTY AND HOUSEHOLD GOODS IN USE

§ 31.32. Equipment leasing.

(a) *Applicability.* This section applies to the [augmenting] leasing of equipment by motor carriers engaged in transporting property and household goods by motor vehicle between points in this Commonwealth[, the interchange of equipment between motor carriers of property by motor vehicle engaged in transporting property between points in this Commonwealth and the rental of equipment by motor carriers of property to private carriers and shippers, for use in transporting property between points in this Commonwealth].

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

* * * * *

Motor carrier—A person or corporation authorized to engage in the transportation of property or household goods as a common or contract carrier by motor vehicle under 66 Pa.C.S. §§ 1101—3315 (relating to Public Utility Code).

(c) [Augmenting] Leasing equipment. [The augmenting of equipment] Equipment leasing by a motor carrier shall conform with the following:

(1) *General.* [**Other than equipment exchanged between motor carriers in interchange service as defined in subsection (d), no**] A motor vehicle may not be operated between points in this Commonwealth in intrastate commerce by a motor carrier, unless the vehicle is either owned by the motor carrier or is leased to the motor carrier under the conditions in paragraphs (2)—(4).

(2) *Contract requirements.* A contract is subject to the following:

* * * * *

(iii) [*Minimum duration.* A lease between owners of equipment and motor carriers shall be in effect for a term of 30 days or more, except that the 30-day minimum period does not apply to the following:

(A) Dump equipment leased to a motor carrier for use in transporting salt and calcium chloride, in bulk, for ice and snow control purposes, during the period from October 1 to April 30, both inclusive, of each year.

(B) Equipment owned or held under lease by motor carriers of automobiles or tank truck carriers used respectively in the transportation of automobiles or commodities in bulk, if leased or subleased to other motor carriers.

(C) Equipment without drivers leased by a motor carrier.

(D) Equipment operated to meet peak demands, not exceeding 5 consecutive days in a 30-day period, or in case of an emergency such as equipment breakdown or publicly declared civil emergency.

(E) Equipment owned by the lessor or held by the lessor under a lease of 30 days or more.

(iv) [*Exclusive possession, control and responsibility.*

* * * * *

[(C) *Household goods carriers: intermittent operations under long-term lease.* If leases are entered into by motor carriers of household goods, clause (A) need only apply during the period the equipment is in operation by or for the motor carrier, lessee.

(v) [(iv) *Compensation.* The lease agreement shall specify the amount of compensation to be paid by the lessee for the rental of the leased equipment.

[(vi)] (v) *Duration.* The lease agreement shall specify the time and date or the circumstances on which the contract, lease or other arrangement begins and the time or the circumstances on which it ends. [**The duration of the contract, lease or other arrangement shall coincide with the time for the giving of receipts for the equipment as set forth in paragraph (3).**

(vii) [(vi) *Documentation.* A lease shall be executed in triplicate. The original shall be retained by the motor carrier in whose service the equipment is to be operated, one copy shall be retained by the owner of the equipment and one copy shall be carried on the equipment specified therein during the entire period of the contract, lease or other arrangement, unless a certificate is carried on the equipment in lieu thereof, certifying that the equipment is being operated by [**it**] lessee, the name of the owner, the date of the lease, contract or other arrangement, the period thereof and the location where the original of the

lease, contract or other arrangement is retained by the motor carrier. [**If the equipment is being leased for periods of less than 30 days, the motor carrier shall prepare and keep documents covering each trip for which the equipment is used in its service. The documents shall contain the name and address of the owner of the equipment, the point of origin, the time and date of departure and the point of final destination. The motor carrier shall also carry papers with the leased equipment during its operation containing this information and identifying the lading and clearly indicating that the transportation is under its responsibility. The papers shall be preserved by the motor carrier as part of its transportation records. Trip leases which contain the information required by this paragraph may be used and retained instead of the documents or papers.**] The certificate holder shall retain leases for 2 years following their expiration date.

(3) [*Receipts for equipment.* If possession of equipment is taken by the motor carrier or its regular employe or agent authorized to act for it, the carrier, employe or agent shall give to the owner of the equipment, or the owner's employe or agent, a receipt specifically identifying the equipment and stating the date and the time possession is taken. When possession by the motor carrier ends, the carrier or its employe or agent shall obtain from the owner of the equipment, or its regular employe or agent authorized to act for it, a receipt specifically identifying the equipment and stating therein the date and the time possession thereof is retaken. The receipts shall be retained by the motor carrier for a period of at least 1 year.

(4) [*Safety inspection of equipment.* It is the duty of the motor carrier, before taking possession of equipment, to ensure that the equipment has a valid State inspection decal or complies with the periodic inspection requirements in § 37.204(7) (relating to adoption of portions of 49 CFR by reference), or to inspect or to have the equipment inspected by a person who is competent and qualified to make an inspection and who has been authorized by the carrier to make the inspection as a representative of the carrier, to ensure that the equipment is in a safe condition to be operated on the highways. The [**inspection report**] **person making the inspection shall certify the results thereof, which certification shall be retained by the motor carrier for at least 1 year. If the inspection discloses that the equipment is not in a safe condition to be operated on the highways, possession thereof may not be taken by the motor carrier. [The person making the inspection shall certify the results on a report in the form which follows:]**

(*Editor's Note:* As part of this proposed rulemaking, the Commission is proposing to delete the form which appears in 52 Pa. Code page 31-12, serial page (241246).)

[(5) *Limitation on leasing.* The number of pieces of powered equipment leased by a motor carrier for operation in its certificated Commonwealth intrastate service may not exceed the number of pieces of powered equipment owned by that motor carrier and operating in its certificated Commonwealth intrastate service. For purposes of this paragraph, the following shall be considered to be neither leased nor owned:

(i) Leased equipment if the minimum duration of the lease is for a term of at least 120 days or if the lease has been continuously in force for a period of at least 120 days.

(ii) Equipment being leased under the interchange provisions of subsection (d).

(iii) Equipment specified in the minimum duration exemptions listed in paragraph (2)(iii).

(d) *Interchange of equipment between motor carriers.* This subsection applies to those motor carriers who own or hold equipment under a lease and who are authorized by their certificates or by the application of the regulations of the Commission to interchange freight. If carriers are so authorized, the movement to which the interchange applies shall be between points included in the interline authority of each carrier. Under these circumstances, a motor carrier may receive equipment from another motor carrier in connection with the through movement of freight, subject to the following:

(1) There shall be a written lease or other agreement describing specifically the time and date when the lease or agreement begins and ends, the equipment to be interchanged, the specific points of interchange, the use to be made of the equipment and the consideration for the use. The lease or agreement shall be signed by the parties thereto or their authorized employes or agents.

(2) The traffic shall move on a through bill of lading issued by the originating carrier and shall show the points of interchange with connecting carriers.

(3) The carrier receiving the equipment at the interchange point shall identify the equipment as required by § 31.33 (relating to identification of equipment) and shall remove the identification when the equipment is returned to the service of the originating carrier.

(e) (d) *Leasing equipment to shippers.* [Unless the service is specified in their operating authority, a] A motor carrier is prohibited from leasing equipment with or without drivers to shippers or private carriers.

§ 31.33. Identification of equipment.

(a) [This section applies to the augmenting of equipment by motor carriers engaged in transporting property by motor vehicle between points in this Commonwealth, the interchange of equipment between motor carriers of property between points in this Commonwealth, and the rental of equipment by motor carriers of property to private carriers and shippers, for use in transporting property between points in this Commonwealth.

(b) A motor carrier shall cause to be painted on each side of every [Every motor vehicle operated by [him] a motor carrier shall be marked on each side, in letters [not less than] at least 2 inches in height, and [not less than] at least 1/2 inch in width, the name and address of the motor carrier and the number of the certificate of public convenience or permit as follows: "PA. P.U.C. NO. A ____." If the vehicle is owned by someone other than the motor carrier operating it, there shall be shown on each side of the vehicle, in letters [not less than] at least two inches in height

and [not less than] at least 1/2 inch in width, the wording: "OPERATED BY (name and address of authorized motor carrier), PA. P.U.C. NO. A ____." If a removable device is used to identify the operating carrier as lessee, the device shall be of durable material and securely affixed, to the vehicle operated, throughout the duration of the lease.

[(c)] (b) * * *

[(d)] (c) * * *

TRANSPORTATION OF HOUSEHOLD GOODS IN USE

§ 31.121. Information for shippers.

(a) When a prospective shipper requests moving service and before an order for service is prepared, the household goods carrier shall furnish the prospective shipper with [a statement] the following Commission supplied form entitled "Information for Shippers [,]" [in accordance with the following specimen]:

[INFORMATION FOR SHIPPERS

The carrier must give you a written estimate that will approximate the amount he believes it will cost you to move your household furnishings. In this connection it is important that you inform the estimator of *everything* you intend to move. The total actual charges may be more or less than the estimate, depending on the size of your shipment, the distance it is to move, and other circumstances relating to your shipment.

You will be required ultimately to pay the mover's applicable tariff charges based on an hourly rate (if distance is 40 miles or less) or on a weight and mileage basis (if distance is over 40 miles).

Where the mover has not informed you *prior to delivery* that he will extend credit, the mover will expect you to make payment of the charges at time of delivery in cash, money order or certified check.

If the total actual charges *do not exceed* the estimate by more than 10 percent, you must be prepared to pay *all of the actual charges* prior to the mover unloading your goods. If the total actual charges *do exceed* the estimate by more than 10 percent, the mover is required to deliver the full and complete shipment upon payment of the estimated charges plus an additional \$25, or 10 percent of the estimate whichever is greater, and you may defer paying the balance for 15 days after delivery.

In case you sustain a loss or damage to your household effects, you are protected only up to but not exceeding 30 cents per pound per article. If you desire protection greater than 30 cents per pound, you may declare such valuation and pay the increased tariff rate applicable to the valuation you declare. You may also protect yourself to the full valuation of your goods by taking out a policy of transit insurance.

Upon completion of the delivery the driver will ask you to sign either the delivery receipt, the inventory, or both. Before signing either one, be sure that one or the other notes all the damage and any lost articles. If the driver will not make such notations, make them yourself before signing. Remember, telling the driver about these things is not enough. Do not sign any delivery papers for the driver until

delivery is completed. When you sign the delivery receipt, you accept your goods in apparent good condition, except as noted on the receipt.

I hereby certify that a copy of above Information for Shippers was furnished

_____ on _____
Name of Shipper Date

Signature of Carrier Representative]

INFORMATION FOR SHIPPERS

ESTIMATE

The carrier must give you a written estimate that will approximate the amount he believes it will cost you to move your household furnishings. It is important that you inform the estimator of *everything* you intend to move. The *actual* charges may be more or less than the estimate.

RATES

If the move is 40 miles or less, the charge will be based on an hourly rate. If the move is over 40 miles, the charge will be based on weight and mileage. You will be required to pay any increase in charges resulting from changes to the carrier's rates between the time of the estimate and the actual move.

INVENTORY

The carrier must complete a detailed inventory listing all items to be moved and their condition. All items must be given an identification number. The inventory must be completed before loading. You should observe and verify the inventory, noting the condition of all items. The carrier must provide you with a copy of the completed inventory before loading and it must be signed by you and the carrier. Upon delivery, you should verify all items in the inventory were delivered and their condition. You should note on the inventory any missing or damaged items. Retain your copy of the inventory until all disputes are settled.

BILL/RECEIPT

The carrier must give you a bill/receipt for the move within 15 days after the delivery date. The bill/receipt must detail all charges for the move. It must also contain copies of the Inventory and the Estimated Cost of Services.

PAYMENT

You will be required to pay the mover's tariff charges. If the mover has not informed you *prior to delivery* that he will extend credit, the mover will expect you to make payment of the charges at time of delivery in cash, cashier's check or certified check.

If the actual charges *do not exceed* the estimate by more than 10 percent, you must pay *all of the actual charges* prior to the mover unloading your goods. If the total actual charges *exceed* the estimate by more than 10 percent, the mover is required to deliver the full and complete shipment upon payment of the estimated charges plus an additional \$25, or 10 percent of the estimate, whichever is greater. You may defer paying the balance for 15 days after delivery.

LOSS AND INSURANCE

If you sustain a loss or damage to your goods, you are protected only up to but not exceeding 60 cents per pound per article. If you desire protection greater than 60 cents per pound, per article, you may secure increased coverage by paying a higher tariff rate applicable to the coverage you desire. You may also protect yourself to the full valuation of your goods by taking out a policy of transit insurance with an insurance agent.

PROOF OF DAMAGE/ RECEIPT

Upon completion of the delivery, the driver will ask you to sign the delivery receipt. Do not sign any delivery papers until delivery is completed. Before signing, be sure all damage and any lost articles are noted on the receipt or inventory. If the driver will not make such notations, make them yourself before signing. Remember, telling the driver about these things is not enough. Do not sign the delivery receipt if it contains language purporting to release or discharge the carrier from liability. Strike this language out before signing or refuse delivery if the mover refuses to provide a proper delivery receipt.

Complaints

For complaints and information, contact the Pennsylvania Public Utility Commission at 1-800-782-1100 or at www.puc.paonline.com. Include the company name and A-number for all complaints.

I hereby certify that a copy of above Information for Shippers was furnished on _____

Name of Shipper

Signature of Carrier Representative

(b) The carrier shall retain [a] an executed copy of this certification with shipping order for 2 years from the date of the move.

(c) [A sample form, Estimated Cost of Services, is set forth in § 31.130 (relating to estimated cost of services).] The carrier shall provide the form to the shipper at least 48 hours prior to the move.

§ 31.122. [Estimate of charges] Estimated cost of services.

(a) A [common carrier by motor vehicle engaged in transporting] household goods [in use between points in this Commonwealth] carrier shall prepare an [Estimate of Charges] estimated cost of services for the proposed service, on a form [and in the following manner:]. The form shall be supplied to the shipper prior to the move and shall contain the following information:

(1) [*Notification to shipper of charges.* Whenever the shipper specifically requests notification of the actual weight and charges on a shipment, and supplies the carrier with an address or telephone number at which the communication shall be received, the carrier shall comply with the request immediately upon determining the actual weight and charges. The notification shall be made by telephone, first-class mail or in person at the carrier's expense unless the carrier provides in its tariff that the actual cost of the notification shall be collected from the shipper.

(2) *Form for estimates of charges.* Across the top of each form there shall be imprinted in letters not less than 1/2 inch high the words "Estimated Cost of Services". The form shall be fully executed as appropriate in each case in accordance with the instructions therein and shall set forth special services for handling, packing, use of containers, the rates for vehicles and labor, weight and distance charges if applicable, and other information that may be provided in this chapter. The original or a true legible copy of each completed estimate of charges shall be given to the shipper, and a copy thereof shall be maintained by the carrier as part of its record of transportation.]

Across the top of each form there shall be imprinted in letters at least 1/2 inch high the words "Estimated Cost of Services."

(2) The names and addresses of the carrier and shipper.

(3) The origin and destination of the shipment.

(4) The date of the estimate and the date of the proposed move.

(5) A certification that the shipper accepts or rejects the minimum insurance limits.

(6) The applicable rates for handling, packing, container use, vehicles, labor, weight and distance, and excess insurance above the minimum.

(7) Notification to the shipper that he will be required to pay any increase in charges resulting from changes to the carrier's tariff between the time of the estimate and the actual move.

(8) The signature of the carrier representative and the shipper.

(b) The carrier shall maintain a copy of the estimated cost of services for 2 years from the date of the move.

§ 31.123. Delivery when charges exceed estimates.

If actual charges exceed the amount shown in the carrier's estimate, the carrier, upon request of the shipper or [his] the shipper's representative, shall relinquish possession of the complete shipment at destination upon payment of the estimated amount plus 10% over the estimate or \$25, whichever is greater. Carrier shall defer demand for the remainder of the tariff charges for [a period of] 15 days following delivery. [If carrier does not extend credit to shipper, he shall notify shipper prior to delivery that payment of charges shall be required to be made in cash, money order or certified check.]

§ 31.124. Report of underestimates.

(a) A motor common carrier of household goods in use shall file with the Pennsylvania Public Utility Commission, Bureau of [Investigations, Service and Enforcement] Transportation and Safety, Harrisburg, Pennsylvania, a quarterly report [commencing with the 3-month period ending December 31, 1973.] containing instances during the period wherein charges exceeded the estimate by more than 10% with the explanation of the reasons for the variances. [For this purpose the mover may use the Report of Underestimates which is set forth in subsection (b) or the quarterly report form prescribed by the Interstate Commerce Com-

mission.] The report shall be filed within 30 days after the end of the quarter reported. The carrier shall retain the report for 2 years after the date of filing.

(b) [A Report of Underestimates is attached hereto and made a part of this chapter:]

(Editor's Note: As part of this proposed rulemaking, the Commission is proposing to delete the form which appears in 52 Pa. Code page 31-26, serial page (241260).)

Content. The report shall contain the carrier's name, address and certificate number. The report shall also contain the total number of shipments made for the quarter, the total number of reportable underestimates, and the reasons for the underestimates.

§ 31.125. Obtaining weight tickets.

The carrier shall cause every shipment of household goods in use for distances over 40 miles to be weighed by a public weighmaster. [Separate weight] Weight tickets evidencing gross and tare weights shall be obtained from the public weighmaster, which the driver shall identify by recording thereon the bill of lading number of the shipment. True copies of the weight tickets shall be attached to the receipt or bill of lading accompanying the shipment and retained in the carrier's file. True copies of the weight tickets shall also be furnished to the shipper upon request. Under circumstances where a public weighmaster is not available to the mover at origin or at a point within a radius of 10 miles thereof, a constructive weight based on [seven] 7 pounds per cubic foot of properly loaded van space may be used. [Where] When constructive weight is used, the mover shall designate same on the bill of lading, and a copy of the bill of lading shall be furnished to the Pennsylvania Public Utility Commission, Bureau of [Investigations, Service and Enforcement] Transportation and Safety, Harrisburg, Pennsylvania. Weight tickets shall be maintained by the carrier for 2 years from the date of the move.

§ 31.127. Failure to comply with provisions.

A common carrier by motor vehicle engaged in transporting household goods shall comply with this chapter, and failure to comply therewith may subject the carrier to the penalties provided under [Article XIII of the Pennsylvania Public Utility Law (66 P. S. § 1491 et seq.) (Repealed)] 66 Pa.C.S. §§ 3301—3316 (relating to violations and penalties). Whenever circumstances are present which in the opinion of the Commission indicate that a common carrier of household goods is persistently in violation of this chapter or [the Pennsylvania Public Utility Law (66 P. S. 1101 et seq.) (Repealed)] 66 Pa.C.S. (relating to public utility code), the Commission may institute appropriate enforcement action [with the view of revoking or suspending the certificate of the common carrier].

§ 31.130. [Estimated cost of services] (Reserved).

[An estimated cost of services is attached hereto and made a part of this chapter:]

(Editor's Note: As part of this proposed rulemaking, the Commission is proposing to delete the form which appears in 52 Pa. Code page 31-29, serial page (241263).)

§ 31.131. Notification to shipper of charges.

Whenever the shipper specifically requests notification of the actual weight and charges on a shipment, and supplies the carrier with an address or telephone number, the carrier shall comply with the request immediately upon determining the actual weight and charges. The notification shall be made by telephone, first-class mail, fax, e-mail, or in person at the carrier's expense unless the carrier provides in its tariff that the actual cost of the notification shall be collected from the shipper.

§ 31.132. Bill of lading.

(a) A household goods carrier shall issue a bill of lading (receipt) for each shipment. The bill of lading shall contain the following information:

- (1) The name, address and telephone number of the carrier.
 - (2) The carrier's certificate number.
 - (3) The name and address of the shipper.
 - (4) The date of the shipment.
 - (5) The origin and destination of the shipment.
 - (6) A detailed account of the charges and applicable rates.
 - (7) A total of the charges due and acceptable methods of payment.
- (b) The carrier shall present the bill of lading to the shipper within 15 days of the delivery date.
- (c) The carrier shall attach a copy of the estimated cost of services and inventory to the bill of lading.
- (d) A copy of the bill of lading must accompany the shipment at all times.
- (e) Carriers shall retain a copy of the bill of lading for 2 years from the date of the move.

(f) The bill of lading may not contain any language purporting to release or discharge the carrier from liability for damage. The bill of lading may include a statement that the property was received in apparent good condition except as noted on the inventory.

§ 31.133. Inventory.

- (a) A household goods carrier shall prepare a written, itemized inventory for each shipment. The inventory shall identify every carton and every uncartoned item shipped. An identification number corresponding to the inventory shall be placed on each article in the shipment.
- (b) The inventory shall be prepared before the shipment is loaded for transportation.
- (c) The shipper shall be provided the opportunity to observe and verify the accuracy of the inventory.
- (d) The carrier shall provide a copy of the inventory, signed by both the shipper and carrier, to the shipper prior to loading.

(e) Upon delivery, a carrier shall provide the shipper with the opportunity to observe and verify that the same articles are being delivered and the condition of the articles. A carrier shall also provide the shipper the opportunity to note, in writing, any missing articles and the condition of any damaged articles. The carrier shall provide the shipper with a copy of all notations.

(f) The carrier shall retain an inventory for 2 years from the date of the shipment.

§ 31.134. Criminal history.

(a) *Criminal history record required.* A household goods carrier may not permit a person to provide moving services in a shipper's dwelling until it has obtained a criminal history record from the Pennsylvania State Police and from every other state in which the person resided for the last 12 months. For current employees, carriers must obtain a criminal history record by _____. (*Editor's note:* The blank refers to a date 90 days after the effective date of adoption of this proposed rulemaking.)

(b) *Frequency of record check.* Following receipt of the initial criminal history record, a household goods carrier shall obtain a criminal history record for each employee providing moving services from the Pennsylvania State Police every 2 years from the date of the last criminal history check.

(c) *Disqualification by reason of felony conviction.* A household goods carrier may not permit a person to provide moving services in a shipper's dwelling when the person was convicted of a felony under the laws of the Commonwealth or under the laws of another jurisdiction and who is under the supervision of a court or correctional institution as a result of that conviction, so long as a court or correctional institution maintains some form of supervision. The supervision may include incarceration, probation, parole and furlough.

(d) *Disqualification for conviction of crime of moral turpitude.* A household goods carrier may not permit a person to provide moving services in a shipper's dwelling when the person was convicted of a crime of moral turpitude, whether a felony or misdemeanor, under the laws of the Commonwealth or under the laws of another jurisdiction and who is under the supervision of a court or correctional institution as a result of that conviction, so long as a court or correctional institution maintains some form of supervision. The supervision may include incarceration, probation, parole and furlough.

(e) *Record retention.* A copy of the criminal history shall be maintained by the household goods carrier for at least 3 years.

[Pa.B. Doc. No. 04-1135. Filed for public inspection June 25, 2004, 9:00 a.m.]

STATEMENTS OF POLICY

Title 4—ADMINISTRATION

PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

Reorganization of the Department of Education

The Executive Board approved a reorganization of the Department of Education effective June 9, 2004.

The organization chart at 34 Pa.B. 3278 (June 26, 2004) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of Code).

(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) (relating to contents of Pennsylvania Code) as a document general and permanent in nature which shall be codified in the Pennsylvania Code.)

[Pa.B. Doc. No. 04-1136. Filed for public inspection June 25, 2004, 9:00 a.m.]

[4 PA. CODE CH. 9]

Reorganization of the Department of Public Welfare

The Executive Board approved a reorganization of the Department of Public Welfare effective June 9, 2004.

The organization chart at 34 Pa.B. 3279 (June 26, 2004) is published at the request of the Joint Committee

on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of Code).

(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) (relating to contents of Pennsylvania Code) as a document general and permanent in nature which shall be codified in the Pennsylvania Code.)

[Pa.B. Doc. No. 04-1137. Filed for public inspection June 25, 2004, 9:00 a.m.]

[4 PA. CODE CH. 9]

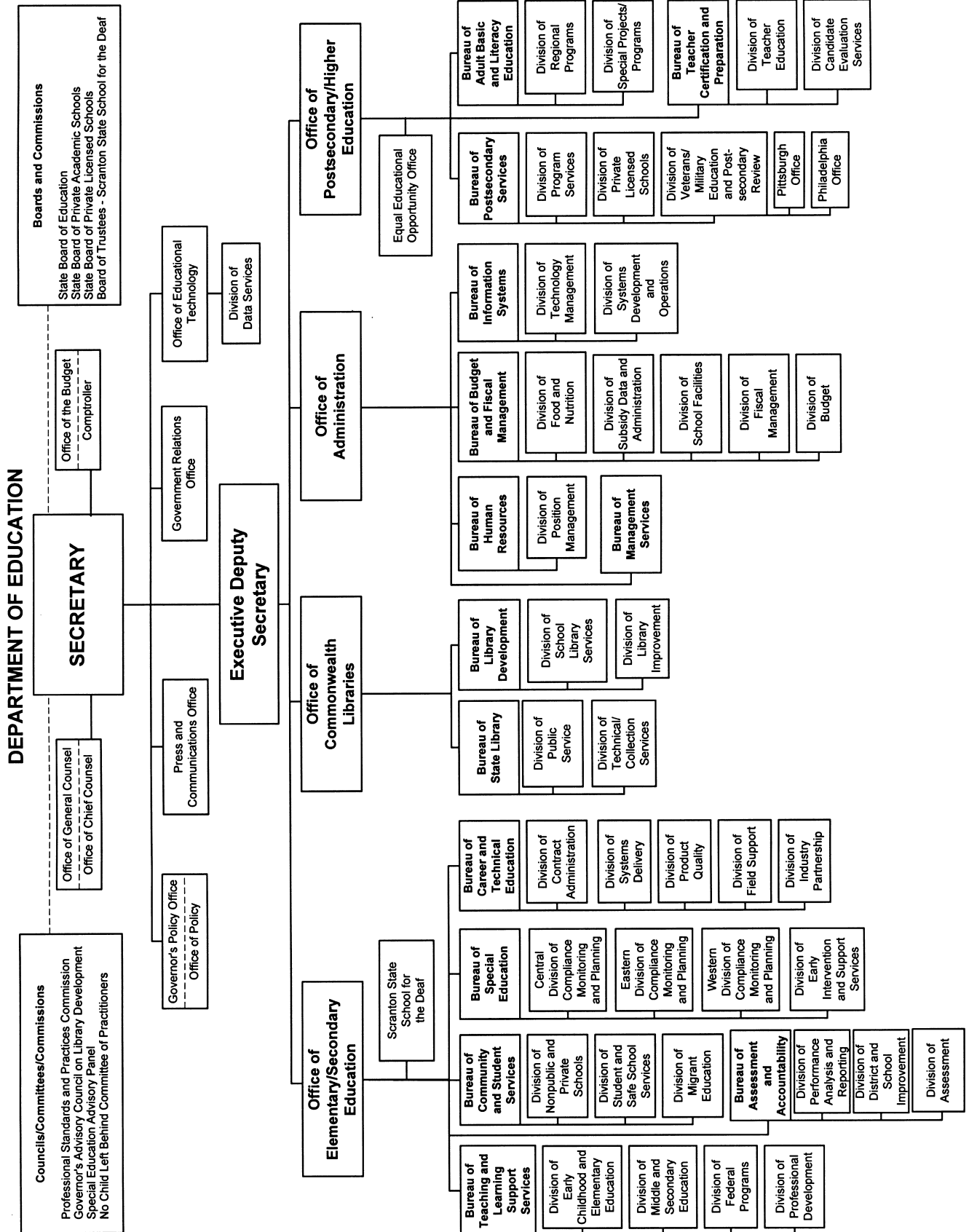
Reorganization of the Pennsylvania State Police

The Executive Board approved a reorganization of the Pennsylvania State Police effective June 9, 2004.

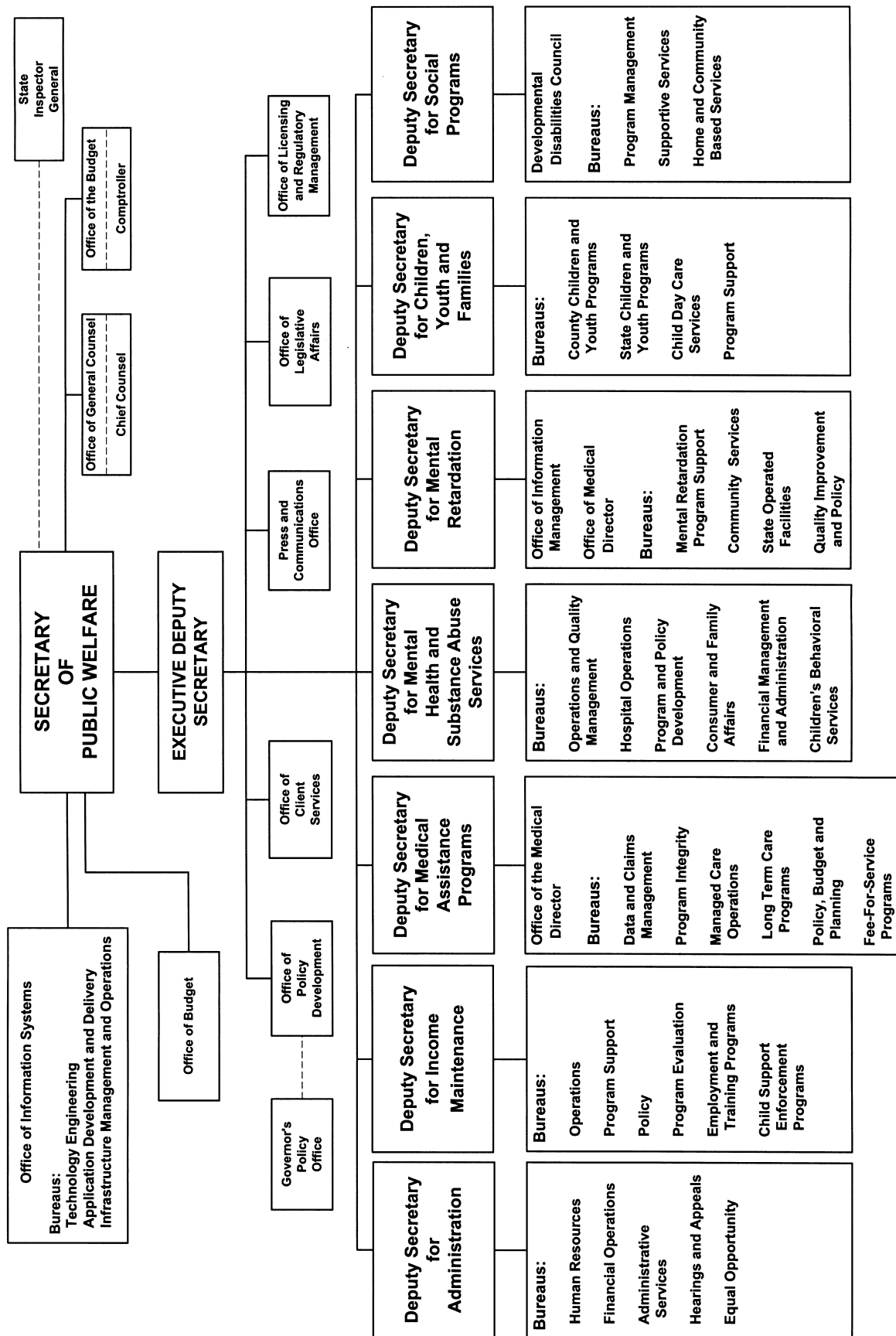
The organization chart at 34 Pa.B. 3280 (June 26, 2004) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of Code).

(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) (relating to contents of Pennsylvania Code) as a document general and permanent in nature which shall be codified in the Pennsylvania Code.)

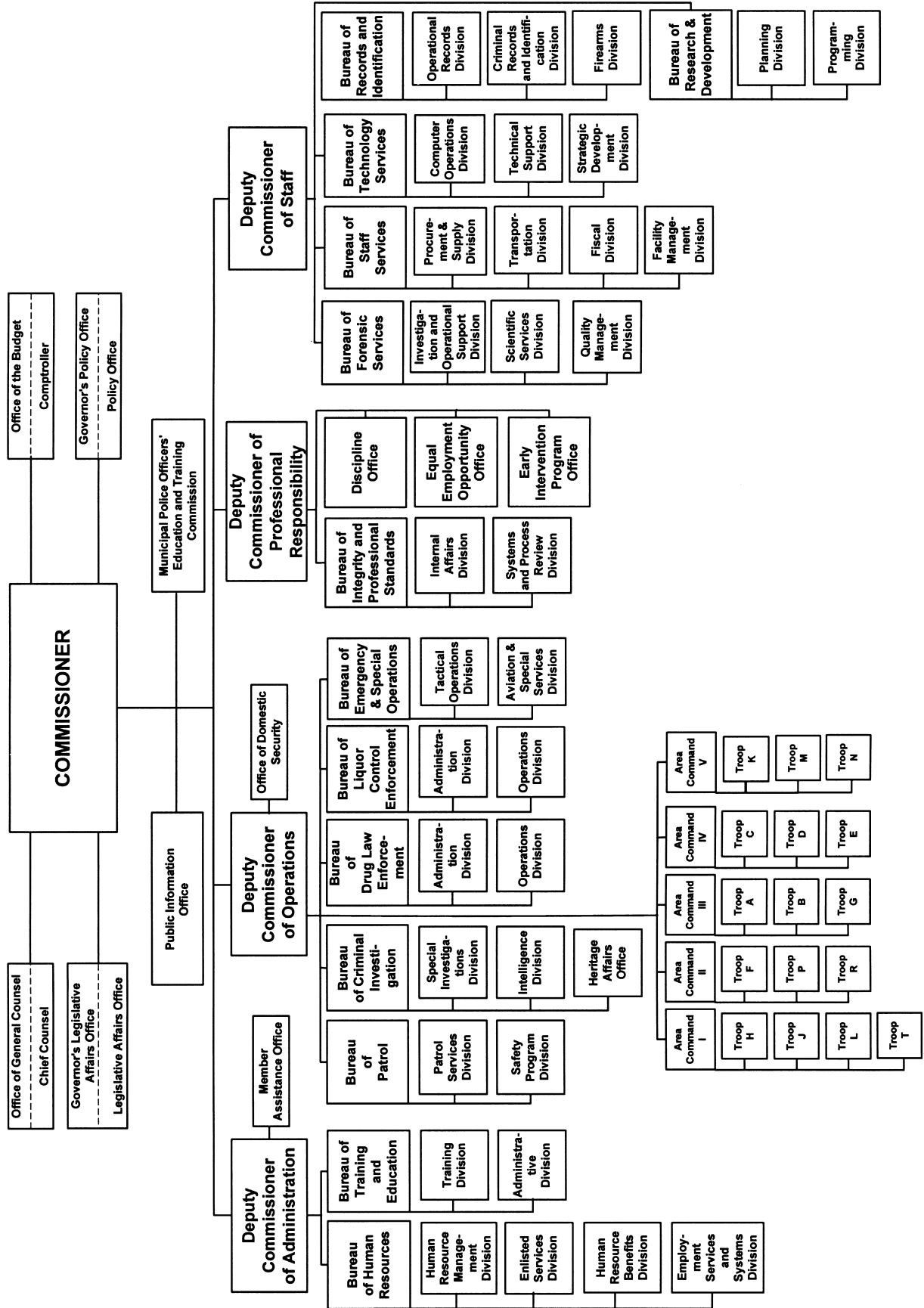
[Pa.B. Doc. No. 04-1138. Filed for public inspection June 25, 2004, 9:00 a.m.]



DEPARTMENT OF PUBLIC WELFARE



PENNSYLVANIA STATE POLICE



NOTICES

DEPARTMENT OF BANKING

Action on Applications

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

BANKING INSTITUTIONS

Mutual Holding Company Reorganizations

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
6-11-04	Abington Savings Bank Jenkintown Montgomery County	Jenkintown	Filed

Application represents reorganization into a mutual holding company to be known as Abington Mutual Holding Company.

Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
5-24-04	Community Banks Millersburg Dauphin County	One East Harrisburg Street Dillsburg York County	Opened
6-10-04	New Century Bank Phoenixville Chester County	155 East Lancaster Avenue Wayne Radnor Township Delaware County	Opened

Branch Relocations/Consolidations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
6-9-04	NorthSide Bank Pittsburgh Allegheny County	<i>Into:</i> 100 Federal Street Pittsburgh Allegheny County <i>From:</i> 701 Liberty Avenue Pittsburgh Allegheny County	Filed
6-14-04	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	Approved

Branch Discontinuances

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
6-4-04	The Legacy Bank Harrisburg Dauphin County	422 North Elmira Street Sayre Bradford County	Effective
6-4-04	The Legacy Bank Harrisburg Dauphin County	304 Main Street Towanda Bradford County	Effective

NOTICES

SAVINGS INSTITUTIONS

No activity.

CREDIT UNIONS

Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
6-15-04	Belco Community Credit Union, Harrisburg, and Wellspan Federal Credit Union, York Surviving Institution—Belco Community Credit Union, Harrisburg	Harrisburg	Approved

A. WILLIAM SCHENCK, III,
Secretary

[Pa.B. Doc. No. 04-1139. Filed for public inspection June 25, 2004, 9:00 a.m.]

DEPARTMENT OF EDUCATION

Eligible Partnerships Postsecondary Grant Application Guidelines for Conducting Praxis Preparation in Core Academic Areas for Professional Development for Educators in this Commonwealth

The Department of Education (Department) has established Eligible Partnerships Postsecondary Grant (grant) application guidelines to provide direction to eligible partnerships for submitting applications targeting the preparation of special education and middle school teachers to meet the core academic content areas required under the No Child Left Behind Act (act). An eligible partnership that receives a grant under these guidelines shall use the grant for designing and implementing core academic content in professional development for Praxis preparation for special education and middle school teachers in this Commonwealth to meet the highly qualified status under the act. The guidelines define a partnership that is eligible to apply. Each partnership must designate either an institution of higher education or an intermediate unit as the lead organization to execute a contract or memorandum of understanding with the Commonwealth. Approximately \$275,000 is available on a competitive basis under these guidelines. Eight to ten contracts or memoranda of understanding will be awarded in amounts ranging from \$10,000 to \$60,000.

Copies of the application guidelines are available from the Issuing Office, Division of Program Services, Bureau of Postsecondary Services, Department of Education, 333 Market Street, Harrisburg, PA 17126-0333, (717) 772-3623, TDD (717) 783-8445. Copies of the application guidelines are also available on the Department's website: www.pde.state.pa.us.

Applications submitted in response to the guidelines for conducting Praxis preparation in core academic content areas are due in the Division of Program Services by 5 p.m. on Friday, July 16, 2004.

VICKI L. PHILLIPS, Ed.D.,
Secretary

[Pa.B. Doc. No. 04-1140. Filed for public inspection June 25, 2004, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

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

This notice provides information about persons who have applied for a new, amended or renewed NPDES or WQM permit, a permit waiver for certain stormwater discharges or submitted a Notice of Intent (NOI) for coverage under a general permit. The applications concern, but are not limited to, discharges related to industrial, animal or sewage waste, discharges to groundwater, discharges associated with municipal separate storm sewer systems (MS4), stormwater associated with construction activities or concentrated animal feeding operations (CAFOs). This notice is provided in

accordance with 25 Pa. Code Chapters 91 and 92 and 40 CFR Part 122, implementing The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act.

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

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

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

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

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

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

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

I. NPDES Renewal Applications

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

<i>NPDES Permit No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0029653	Jewish Community Center Day Camp 601 Jefferson Avenue Scranton, PA 18510	Covington Township Lackawanna County	Spring Brook 5A	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>
PA0247081 Amendment No. 1	Hopewell Township Bedford County 2759 Raystown Road Hopewell, PA 16650	Bedford County Hopewell Township	Piper's Run 11-D	Y
PA0080594	Bristolpipe Corporation 88 Newport Road Leola, PA 17540	Lancaster County Leola City	UNT to Mill Creek 7-J	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>
PA0210820	Michael P. and Cheryl L. Nass 2670 Old State Road Waterford, PA 16441	Waterford Township Erie County	Unnamed tributary to Little Conneauttee Creek	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>
PA0222780	Scott W. Zimmerman SFTF 4822 Glen Hazel Road Wilcox, PA 15870	Jones Township Elk County	Unnamed tributary to East Branch of the Clarion River 17-B	Y
PA0222887	Gateway Lodge Box 125, Route 36 Cooksburg, PA 16217	Barnett Township Jefferson County	Unnamed tributary to Clarion River 17-B	Y
PA0222712	Sykesville Borough 21 East Main Street Sykesville, PA 15865	Henderson Township Jefferson County	Stump Creek 17-D	Y
PA0021521	Borough of Smethport Authority P. O. Box 152 201 West Water Street Smethport, PA 16749	Borough of Smethport McKean County	Potato Creek 16-C	Y

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

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

PA0063118, Industrial, **Tri-Cell Plastics**, 1149 Franklin Street, Old Forge, PA 18518. This proposed facility is in Old Forge Borough, **Lackawanna County**.

The receiving stream, St. John's Creek, is in State Water Plan watershed no. 5A and classified for CWF. The nearest downstream public water supply intake for the Danville Borough Water Authority is on the Susquehanna River, about 50 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 0.003 MGD.

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

PA0027715, Industrial Waste, SIC, 4953, **MAX Environmental Technologies, Inc.**, 1815 Washington Road, Pittsburgh, PA 15241. This application is for renewal of an NPDES permit to discharge treated process water, sewage, stormwater and leachate from a landfill in South Huntingdon Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, Sewickley 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 Westmoreland County Municipal Authority at McKeesport, 26.2 miles below the discharge point.

Outfall 001: existing discharge, design flow of 0.28 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				
TSS			30	60	
Oil and Grease			15		30
NH ₃ -N			45	90	
TRC			0.5	1.0	
Barium			4.0	8.0	
Iron			3.5	7.0	

Outfall 001: existing discharge, design flow of 0.117 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>
Cadmium			0.025	0.05	
Chromium			0.5	1.0	
Hexavalent Chromium			0.05	0.1	
Copper			0.1	0.2	
Lead			0.12	0.24	
Nickel			1.0	2.0	
Zinc			0.35	0.70	
Cyanide (free)			0.1	0.2	
Phenols			0.1	0.2	
Osmotic Pressure (mo/kg)			1,000	2,000	
Aluminum			1.0	2.0	

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Silver			0.005	0.01	
Tin			Monitor and Report		
Molybdenum			Monitor and Report		
Antimony			Monitor and Report		
pH (S. U.)		not less than 6.0 nor greater than 9.0			

Outfall 201: new discharge, design flow of 0.163 MGD.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (MGD)	Monitor and Report				
TSS			31	60	
Oil and Grease			50.2	205	
Antimony			0.206	0.249	
Arsenic			0.104	0.162	
Cadmium			0.0962	0.474	
Chromium			3.07	15.5	
Cobert			0.124	0.192	
Copper			1.06	4.14	
Cyanide, Total			178	500	
Lead			0.283	1.32	
Mercury			0.000739	0.00234	
Nickel			1.45	3.95	
Silver			0.0351	0.120	
Tin			0.120	0.409	
Titanium			0.0618	0.0947	
Vanadium			0.0662	0.218	
Zinc			0.641	2.87	
pH (S. U.)	not less than 6.0 nor greater than 9.0				

Outfall 005: existing discharge.

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

Outfall 007: new discharge, design flow of 0.0018 MGD.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (MGD)	Monitor and Report				
CBOD ₅			25		50
TSS			30		60
TRC			0.5		1.0
Fecal Coliform (#/100 ml)					
(5-1 to 9-30)			200		1,000
(10-1 to 4-30)			2,000		
pH (S. U.)	not less than 6.0 nor greater than 9.0				

The EPA waiver is not in effect.

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

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

WQM Permit No. 4804403, Sewerage, **Palmer Township Municipal Authority**, 3 Weller Place, P. O. Box 3039, Palmer, PA 18043-3039. This proposed facility is in Palmer Township, **Northampton County**.

Description of Proposed Action/Activity: This project consists of the construction of a pump station to serve Palmer North, a proposed 251-residential development.

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

WQM Permit No. 0503404 Amendment 04-1, Sewerage, **Hopewell Township Supervisors**, 2759 Raystown Road, Hopewell, PA 16650. This proposed facility is in Hopewell Township, **Bedford County**.

Description of Proposed Action/Activity: Construction of a wastewater collection and treatment system.

WQM Permit No. 2904401, Sewerage, **Seema Sinha and Sridhar Ramasubbu, All Seasons Hospitality, LLC**, 6512 Limerick Court, Clarksville, MD 21029. This proposed facility is in Brush Creek Township, **Fulton County**.

Description of Proposed Action/Activity: Replacement of existing wastewater treatment facility.

WQM Permit No. 2204403, Sewerage, **Lower Paxton Township**, 425 Prince Street, Suite 139, Harrisburg, PA 17109. This proposed facility is in Lower Paxton, South Hanover and West Hanover Townships, **Dauphin County**.

Description of Proposed Action/Activity: Construction of a wastewater treatment plant, pump station improvements and conveyance system improvements.

WQM Permit No. 2104407, Sewerage, **David W. Ketner**, 308 Steeleastown Road, Newville, PA 17241. This proposed facility is in North Newton Township, **Cumberland County**.

Description of Proposed Action/Activity: Construction of a small flow treatment facility.

WQM Permit No. 2888407, Amendment 04-1, Sewerage, **Greencastle, Franklin County, Authority, Borough of Greencastle**, 60 North Washington Street, Greencastle, PA 17225-1230. This proposed facility is in Antrim Township, **Franklin County**.

Description of Proposed Action/Activity: Additions and alterations to aeration and sludge handling.

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

WQM Permit No. 0291205-A2, Industrial Waste, **United States Steel Corp., Clairton Works**, 400 State Street, Clairton, PA 15025-1855. This proposed facility is in Clairton, **Allegheny County**.

Description of Proposed Action/Activity: Application for the modification and operation of the United States Steel Corp. Clairton Works 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>
PAI011504033	Camp Hill Village—Kimberton Hill, Inc. Development P. O. Box 1045 Kimberton, PA 19442	Chester	West Vincent Township	French Creek HQ-TSF-MF
PAI011504032	Roger Evans Elk Ridge Subdivision 135 Watson Mill Road Landenberg, PA 19350	Chester	West Vincent Township	McDonald Run HQ-TSF-MF
PAI011504034	Rouse/Chamberlin Homes Providence Hill Subdivision 500 Exton Commons Exton, PA 19341	Chester	East Fallowfield Township	Unnamed tributary West Branch Brandywine Creek EV-MF-WWF

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

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

NPDES Permit

<i>No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023904022	Lehigh Valley Hospital Cedar Crest and I-78 P. O. Box 689 Allentown, PA 18105	Lehigh	South Whitehall Township	Little Lehigh Creek HQ-CWF
PAI023904023	Buckeye Pipeline Co., LP P. O. Box 368 5002 Buckeye Rd. Emmaus, PA 18049	Lehigh	Lower Macungie Township	Little Lehigh Creek HQ-CWF

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023903044	TEMPLE BETH-EL of Allentown, Inc. 1702 Hamilton St. Allentown, PA 18104	Lehigh	South Whitehall Township	Little Lehigh Creek HQ-CWF
PAI023904001	Robert Bender Heritage Building Group 3326 Old York Rd. Suite 4100 Furlong, PA 18925	Lehigh	Upper Macungie Township	Schaeffer Run HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024504017	Sevenson Environmental Services, Inc. 2749 Lockport Rd. Niagara Falls, NY 14305	Monroe	Coolbaugh Township	Tobyhanna Creek HQ-CWF
PAI024504016	C & M Developers, LLC 2421 Bristol Rd. Warrington, PA 18976	Monroe	Stroud Township	Brodhead Creek HQ-CWF

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

Tioga Conservation District: 29 East Ave., Wellsboro, PA 16901, (570) 724-1801.

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI045904001	Department of Conservation and Natural Resources Tioga State Forest 1 Nessmuk Lane Wellsboro, PA 16901	Tioga	Elk Township	Kramer Run, tributary of Francis Branch of Slate Run EV

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

Conservation District: Elk County Conservation District, P. O. Box 448, 300 Center Street, Ridgway, PA 15853, (814) 776-5373.

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI062404002	Army Corps of Engineers—Baltimore District 10 South Howard Street Baltimore, MD 21201	Elk	Benezette Township	Dents Run HQ CWF

Northwest Region: Oil and Gas Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6860.

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI084204001	DL Resources, Inc. 1066 Hoover Road Smicksburg, PA 16256	McKean	Hamilton Township	Markham Run HQ-CWF

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

PAG-12	CAFOs
PAG-13	Stormwater Discharges from MS4

PUBLIC WATER SUPPLY (PWS) PERMIT

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

Persons wishing to comment on a permit application are invited to submit a statement to the office listed

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

of comments received during the 30-day public comment period.

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

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

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

SAFE DRINKING WATER

Applications Received under the Pennsylvania Safe Drinking Water Act

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

Permit No. 6704511, Public Water Supply.

Applicant	The York Water Company
Municipality	York
County	York
Responsible Official	Jeffrey R. Hines, Vice President—Engineering 130 E. Market St. P. O. Box 15089 York, PA 17405-7089
Type of Facility	PWS
Consulting Engineer	Ryan M. Ural, P. E. The York Water Company 130 East Market Street P. O. Box 15089 York, PA 17405-7089
Application Received Date	May 27, 2004
Description of Action	This permit application is for the installation of a packaged booster pump station on Oak Street.

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

Permit No. 5904502, Public Water Supply.

Applicant	George Dear Mobile Home Park
Township or Borough	Lawrence Township
County	Tioga
Responsible Official	George Dear R. R. 2 Box 174 Tioga, PA 16946
Type of Facility	PWS—Construction.

Consulting Engineer	Alfred Benesch & Co. 400 One Norwegian Plaza P. O. Box 1090 Pottsville, PA 17901
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Application Received Date	June 1, 2004
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Description of Action	Major amendment for ion exchange system.
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Permit No. 1404501, Public Water Supply.

Applicant	Centre Hall Borough Municipal Water Authority
Township or Borough	Center Hall Borough
County	Centre
Responsible Official	Lynn Dutrow, Manager Centre Hall Borough P. O. Box 54 Centre Hall, PA 16828
Type of Facility	PWS—Construction.
Consulting Engineer	Dana R. Boob Surveying & Engineering 136 West Main St. P. O. Box 699 Millheim, PA 16854
Application Received Date	June 7, 2004
Description of Action	Construction of a new well and disinfection system.

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

Permit No. 3204504, Public Water Supply.

Applicant	Indiana County Municipal Services Authority
Responsible Official	Indiana County Municipal Services Authority
Type of Facility	Water Treatment Plant
Consulting Engineer	Gibson Thomas Engineering Co., Inc. 1004 Ligonier Street P. O. Box 853 Latrobe, PA 15650
Application Received Date	May 6, 2004
Description of Action	Construction of a 1 MGD water treatment plant on Crooked Creek at Creekside, construction of 81,300 LF of 8-inch water line to interconnect existing ICMSA water systems. A 1 MG storage tank and two pump stations are also proposed.

Permit No. 3204505, Public Water Supply.

Applicant	Cherry Tree Borough Municipal Authority Box 156 Cherry Tree, PA 15724
Township or Borough	Susquehanna Township

Responsible Official Ronald Homer, Manager
Cherry Tree Borough Municipal Authority
Box 156
Cherry Tree, PA 15724

Type of Facility Water Treatment Plant

Consulting Engineer Gibson-Thomas Engineering Co., Inc.
1004 Ligonier Street
Latrobe, PA 15650

Application Received Date January 14, 2004

Description of Action Permitting of an existing well source.

Application Received Date June 1, 2004

Description of Action The applicant requests the transfer of PWS Permit No. 2400036 from the Community Bank to Country Crest LLC.

WATER ALLOCATIONS

Applications received under the act of June 24, 1939 (35 P. S. §§ 631—641) relating to the acquisition of rights to divert waters of this Commonwealth

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

WA2-200E, Water Allocations, **Pennsylvania American Water Company**, 300 Galley Road, McMurray, PA 15317, **Allegheny County**. The applicant is requesting a subsidiary allocation to purchase 12 million, peak month, on an emergency basis, from the Pittsburgh Sewer and Water Authority.

WA2-200F, Water Allocations, **Pennsylvania American Water Company**, 300 Galley Road, McMurray, PA 15317, **Allegheny County**. The applicant is requesting a subsidiary allocation to purchase 50,000, peak month, from the Municipal Authority of Westmoreland County.

WA11-1000C, Water Allocations, **Blacklick Valley Municipal Authority**, P. O. Box 272, Twin Rocks, PA 15960, **Cambria County**. The applicant is requesting to purchase 150,000 gpd, peak month, from the Municipal Authority of the Borough of Ebensburg and for a service area expansion in Blacklick and Cambria Townships along US Route 422.

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

MINOR AMENDMENT

Applications Received under the Pennsylvania Safe Drinking Water Act

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

Application No. Minor Amendment.

Applicant **Pennsylvania American Water Company**

Township or Borough Lehman Township, **Pike County**

Responsible Official William C. Kelvington, VP Operations
Pennsylvania American Water Company
800 West Hersheypark Drive
Hershey, PA 17033
(717) 531-3365

Type of Facility Community Water System

Consulting Engineer Michael P. Goodwin, P. E.
Milnes Engineering, Inc.
12 Frear Hill Road
Tunkhannock, PA 18657
(570) 836-2145

Application Received Date May 28, 2004

Description of Action Application for construction of a 242,000-gallon glass-lined, bolted steel storage tank as an alternative to the 250,000-gallon welded steel tank (and pump station) which was previously permitted for the Saw Creek Estates development under a PWS minor amendment issued April 16, 2004.

Application No. Minor Amendment.

Applicant **Country Crest LLC**

Township or Borough Lehman Township, **Luzerne County**

Responsible Official Gordon Banzhuff
Country Crest LLC
1 South Baltimore Street
Dillsburg, PA 17019

Type of Facility PWS

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.

Corell Steel Site, Bristol Township, **Bucks County**. Samuel Kucia, Environmental Consulting, Inc., 500 East Washington Street, Suite 375, Norristown, PA 19401 on behalf of Michael Dvorak, STD Associates, L. P., 1027 Conshohocken Road and P. O. Box 580, Conshohocken, PA 19428 has submitted a Notice of Intent to Remediate. The remediation consists of the removal of three USTs and nine drums of petroleum. The intended future use of the property is to rehabilitate the existing structures and incorporate the site into Crownwood Industrial Estates, a larger development of nonresidential, commercial/industrial properties adjacent to the site.

Island Realty Corp. Property, City of Philadelphia, **Philadelphia County**, Jeffrey S. Moore, Environmental Liability Management, Inc., Buckingham Green II, 14920 York Road, Suite 290, P. O. Box 306, Holicong, PA 18928-0306 on behalf of Kevin Lumpe, Island Realty Corporation c/o Steel Equities, Inc., 700 Hicksville Road, Bethpage, NY 11714 has submitted a Notice of Intent to Remediate. The remnant of remediation is benzene, which is detected in groundwater and soil. Separate phase liquid detected in groundwater. Proposed remediation for SPL site is product recovery to the extent practicable through passive collection devices. The intended future use of the property will be for warehousing (nonresidential).

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

The SYGMA Network, Inc., City of Harrisburg, **Dauphin County**. Professional Services Industries, Inc., 1707 South Cameron Street, Suite B, Harrisburg, PA 17104, on behalf of The SYGMA Network, Inc., 5550 Blazer Park-

way, Suite 300, Dublin, OH 43017, submitted a Notice of Intent to Remediate site soils contaminated with petroleum hydrocarbons and lead. The proposed future use of the property will remain as a nonresidential warehouse facility.

Lancaster Laboratories, Inc., Upper Leacock Township, **Lancaster County**. Liesch Associates, Inc., 13400 15th Avenue North, Plymouth, NM 55441, on behalf of Lancaster Laboratories, Inc., 2425 New Holland Pike, P. O. Box 12425, Lancaster, PA 17605-2425, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with VOCs, SVOCs, PCBs, pesticides and metals. The property is currently used as an analytical testing laboratory and will continue to operate into the foreseeable future. The applicant proposes to remediate the site to meet the Statewide Health Standards.

Roger Davis Property, York Haven Borough, **York County**. Chambers Environmental Group, Inc., 629 East Rolling Ridge Drive, Bellefonte, PA 16823, on behalf of R. J. Davis and Company, 655 Laura Drive, Lewisberry, PA 17339, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with no. 2 fuel oil. The applicant proposes to remediate the site to the Statewide Health Standard. The proposed future use of the property is both residential and nonresidential.

Dura-Bond Pipe, LLC, formerly Bethlehem Steel Corporation, Steelton Borough, **Dauphin County**. Alliance Environmental Services, Inc., 1414 North Cameron Street, Suite B, Harrisburg, PA 17103, on behalf of Capital Region Economic Development Corporation, 3211 North Front Street, Harrisburg, PA 17110 and Dura-Bond Pipe, LLC, 2716 South Front Street, Steelton, PA 17113, submitted a Notice of Intent to Remediate concerning remediation of site soils and groundwater contaminated with lead and arsenic, metals, VOCs and SVOCs. Dura-Bond proposes to continue operation of a steel pipe fabrication facility at this site. The applicant proposes to remediate the site to meet a combination of requirements for the Site-Specific and Statewide Health Standards.

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

Jersey Shore Steel, Pine Creek Township, **Clinton County**. Chambers Environmental, on behalf of Jersey Shore Steel, P. O. Box 5055, Jersey Shore, PA 17740, has submitted a Notice of Intent to Remediate soil and groundwater contaminated with waste oil. This site is being remediated to meet the Statewide Health Standards.

HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES

Applications received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations to operate a hazardous waste treatment, storage or disposal facility.

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

PAD085690592. Republic Environmental Systems PA, Inc., 2869 Sandstone Drive, Hatfield, PA 19440, Hatfield Township, **Montgomery County**. The application was received for class 2 permit modification to incorporate additional residual waste codes for nonhazardous waste managed at the facility. The application was received by the Southeast Regional Office on June 7, 2004.

RESIDUAL 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 residual waste regulations for a general permit to operate residual waste processing facilities and the beneficial use of residual waste other than coal ash.

Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, Floor 14, 400 Market Street, Harrisburg, PA 17105-8472.

General Permit Application No. WMGR102. Soil Technology, Inc., 7 Steel Road East, Morrisville, PA 19067. General Permit No. WMGR102 is for the beneficial use of engineered soil, which has been processed under Individual Permit 301254 at the Morrisville facility. The engineered soil is proposed for beneficial use as: (1) borrow source; (2) landfill cover; (3) general construction; (4) site development; (5) road embankments; (6) road base; (7) manufactured topsoil; (8) landscaping; (9) soil amendment; (10) quarry reclamation; (11) mine reclamation; and (12) brownfield redevelopment. The Central Office received the application on March 29, 2004, and determined administratively complete on June 10, 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

Application Received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and 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. 400682. East Norriton Plymouth Whitpain Joint Sewer Authority, 200 Ross Street, Plymouth Meeting, PA 19462-2740, Plymouth Township, **Montgomery County.** This application was received for the permit renewal for the facility. The application was received by the Southeast Regional Office on June 8, 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 regu-

lated 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.

39-318-112: Mack Truck, Inc. (7000 Alburtis Road, Macungie, PA 18062) for amendment of their facility's Title V Permit 39-00004 to increase the allowable emission limits therein for the facility in Lower Macungie Township, **Lehigh County.**

35-317-004: Polarized Meat Co., Inc. (107 Keystone Industrial Park, Dunmore, PA 18512) for installation of an air cleaning device to control the atmospheric emission from two ovens at their facility in the Keystone Industrial Park, Dunmore Borough, **Lackawanna County.**

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

07-05027A: Millennium Rail, Inc. (US Route 22, Hollidaysburg, PA 16648) for replacement of a baghouse controlling their shot blast operations in Hollidaysburg Borough, **Blair County**.

22-05034B: Pennsy Supply, Inc. (1001 Paxton St., P. O. Box 3331, Harrisburg, PA 17104-3331) for construction of a pulverized mineral processing operation, Hummelstown Quarry, South Hanover Township, **Dauphin County**.

36-03147A: A and M Composting, Inc. (2022 Mountain Road, Manheim, PA 17545) for increasing the capacity of their sludge composting facility in Penn Township, **Lancaster County**.

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

10-027E: Penreco (138 Petrolia Street, Karns City, PA 16041) for construction of a new gas/oil fired boiler rated at 91 mmBtu/hr to replace the existing coal fired boiler in Karns City Borough, **Butler County**. The new boiler is subject to the New Source Performance Standards for boilers greater than 10 mmBtu and less than 100 mmBtu. The facility is a Title V Facility.

10-0344A: Fannie's Friends, Inc. (352 Railroad Street, Evans City, PA 16033) for construction of a new pathological waste incinerator for pet remains rated at 130 pounds per hour in Evans City, **Butler County**.

24-012D: C/G Electrodes LLC—St. Marys Plant (800 Theresia Street, St. Marys, PA 15857-1898) for reactivation of the 25-inch press and dust collector in their extrusion department in St. Marys City, **Elk County**. This is a Title V facility.

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

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

15-0090A: National Service Industries (303 Eagleview Boulevard, Exton, PA 19341) for installation of a state-of-the-art flexographic printing press (Cerutti) at their Atlantic Envelope Company facility in Uwchlan Township, **Chester County**. This facility is a non-Title V facility. The facility is making the following modifications: (1) removal of individual hourly and annual emission limits for flexographic and lithographic printing presses; (2) incorporation of a facility-wide emission limit for VOCs of 24.66 tons per year; (3) incorporation of a facility-wide emission limit for HAPs of 12.62 tons per year; and (4) transfer of printer from one flexographic printing press to another flexographic printing press. The Plan Approval will contain recordkeeping and further operating restrictions designed to keep the facility operating within the allowable emissions and all applicable air quality requirements.

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

13-399-008B: Horsehead Corp. (900 Delaware Avenue, Palmerton, PA 18071) for modification to the blower unit of a calcine kiln receiving bin and associated bin vent collectors at the company's facility in Palmerton

Borough, **Carbon County**. This high temperature metal recovery facility is a Title V facility. Particulate emissions from the modification will be less than 1 ton per year. The plan approval will include all appropriate monitoring, recordkeeping and reporting requirements designed to keep the source operating within all applicable air quality requirements and will be incorporated into the Title V Operating Permit through an Administrative Amendment in accordance with 25 Pa. Code § 127.450.

48-328-006A: Conectiv Bethlehem LLC (P. O. Box 6066, Newark, DE 19714) for amendment of language related to the start-up definitions of the combustion turbines as described in Plan Approval 48-328-006 at their facility in the City of Bethlehem and Lower Saucon Township, **Northampton County**. There is no new equipment being constructed under this plan approval, nor is there any increase of any pollutants related to the amended language. The plan approval will include all appropriate monitoring, recordkeeping and reporting requirements designed to keep the source operating within all applicable air quality requirements. The facility has submitted an application to the Department to obtain a Title V Operating Permit. This plan approval will subsequently be incorporated into the Title V Operating Permit or the Title V Operating Permit will be administratively amended in accordance with 25 Pa. Code § 127.450.

39-304-026: Ransom Industries LP—Tyler Pipe Penn Division (101 North Church Street, Macungie, PA 18062) for construction of a thermal sand reclamation system and associated air cleaning devices (fabric collectors) at their facility in Macungie Borough, **Lehigh County**. The particulate emissions from each fabric collector will not exceed the Best Available Technology standard of 0.02 grain per dry standard cubic foot. 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. The facility has submitted an application to the Department for a Synthetic Minor Operating Permit, has been assigned Permit 39-00068 and is currently under review. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the Synthetic Minor Operating Permit.

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

22-03055A: 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 their coal preparation facility in Wiconisco Township, **Dauphin County**. These changes will result in an actual increase in PM emissions of 0.6 ton per year. This plan approval will include monitoring, recordkeeping and reporting requirements designed to keep the sources operating within all applicable air quality requirements.

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

42-178A: Glenn O. Hawbaker, Inc.—Plant No. 7—Turtlepoint (Chaplin Hill Road, Turtlepoint, PA 16750) for modification of a plan approval to burn reprocessed/recycled oil in Annin Township, **McKean County**. In accordance with 25 Pa. Code §§ 127.44(b) and 127.424(b), the Department intends to issue a plan approval. This plan approval will, in accordance with 25

Pa. Code § 127.450, be incorporated into a State-only operating permit through an administrative amendment at a later date.

10-293B: Quality Aggregates (201 Deer Road, Boyers, PA 16020) for replacement of two 150 top crushers with one 300 tph crusher at their nonmetallic crushing/screening plant at the Boyers plant in Marion Township, **Butler County**. In accordance with 25 Pa. Code §§ 127.44(b) and 127.424(b), the Department intends to issue a plan approval that will, in accordance with 25 Pa. Code § 127.450, be incorporated into a State-only operating permit through an administrative amendment at a later date. Issuance of the plan approval is recommended with the appropriate conditions in the plan approval.

OPERATING PERMITS

Intent to Issue Title V Operating Permits under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter G.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401; Edward Jurdones Brown, Facilities Permitting Chief, (484) 250-5920.

23-00034: Villanova University (800 Lancaster Avenue, Villanova, PA 19085) for renewal of their Title V Operating Permit in Radnor Township, **Delaware County**. The initial permit was originally issued on August 10, 1999. Villanova University owns and operates 4 dual-fired natural gas and no. 6 fuel oil boilers, 19 natural gas fired emergency generators, 18 no. 2 fuel oil fired emergency generators, 34 natural gas fired heaters and 5 furnaces. As a result of potential emissions of NOx, the facility is a major stationary source as defined in Title I, Part D of the Clean Air Act amendments and is therefore subject to the Title V permitting requirements adopted in 25 Pa. Code Chapter 127, Subchapter G. The proposed Title V operating renewal does not adopt any new regulations and does not reflect any change in air emissions from the facility. The facility is not subject to Compliance Assurance Monitoring (CAM) under 40 CFR Part 64. The renewal contains all applicable requirements including monitoring, recordkeeping and reporting.

15-00017: Transcontinental Gas Pipeline Corp. (60 Bacton Hill Rd., Frazer, PA 19355) for renewal of their Title V Operating Permit in East Whiteland Township, **Chester County**. The initial permit was issued on July 19, 1999. The facility is a natural gas pipeline gas compressor station. As a result of potential emissions of VOCs, the facility is a major stationary source as defined in Title I, Part D of the Clean Air Act amendments and is therefore subject to the Title V permitting requirements adopted in 25 Pa. Code Chapter 127, Subchapter G. No new sources have been added to the facility since the Title V permit was issued in 1999. No sources at this facility are subject to CAM under 40 CFR Part 64. The renewal contains all applicable requirements including monitoring, recordkeeping and reporting.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701; Muhammad Zaman, Facilities Permitting Chief, (570) 327-0512.

18-00006: Dominion Transmission Inc. (625 Liberty Avenue, Pittsburgh, PA 15222) for renewal of the Title V operating permit for their Leidy natural gas storage and transmission facility in Leidy Township, **Clinton County**. The facility is currently operating under Title V Operating Permit 18-00006. The facility's main sources include two 3,400 horsepower natural gas fired internal

combustion gas transmission engines, eight 2,000 horsepower natural gas fired internal combustion gas transmission engines, three 1,000 horsepower natural gas fired internal combustion engines and three 40.0 mmBtu/hr natural gas fired boilers which have the potential to emit major quantities of NOx, VOCs, formaldehyde (HAP) and CO. The facility has the potential to emit PM10 and SOx below the major emission thresholds. The facility is subject to all applicable regulatory requirements of Reasonably Available Control Technology for NOx and VOC emissions. The proposed Title V operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

17-00005: Glen-Gery Corp. (P. O. Box 338, Bigler, PA 16825) for renewal of the Title V operating permit for their brick manufacturing facility in Bradford Township, **Clearfield County**. The facility is currently operating under TVOP 17-00005, which was issued on June 15, 1999. The facility's sources include three natural gas fired furnaces, a number of natural gas fired space heaters, a natural gas fired water heater, raw material crushing, grinding, screening, mixing and forming, two natural gas and sawdust fired brick kilns, a sawdust screen, a parts washer, an aluminum oxide blasting and painting operation, four natural gas fired brick dryers, two small specialty dryers, a natural gas fired holding room and a chromite storage bin, which have the potential to emit major quantities of CO, PM10, SOx and HAPs. The facility has the potential to emit NOx and VOCs below the major emission thresholds. The proposed Title V operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

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

43-00196: GE Transportation System—Grove City Plant (1503 W. Main Street Extension, Grove City, PA 16127) for issuance of a Title V Operating Permit to operate their diesel engine manufacturing plant in Pine Township, **Mercer County**.

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 Jurdones Brown, Facilities Permitting Chief, (484) 250-5920.

23-00055: Cheyney University of PA (1837 University Cir., Cheyney, PA 19319) for a non-Title V Facility, State-only, Synthetic Minor Operating Permit in Thornbury Township, **Delaware County**. The permit is for the operation of 10 boilers, 5 A/C chiller units, 12 hot water heaters and 5 emergency generators firing natural gas, no. 2 or LPG as fuel. The permit will include monitoring, recordkeeping, reporting and work practice standards designed to keep the facility operating within all applicable air quality requirements.

09-00161: Giles & Ransome, Inc.—Bensalem (2975 Galloway Road, Bensalem, PA 19020) for a non-Title V Facility, State-only, Synthetic Minor Operating Permit in Bensalem Township, **Bucks County**. Giles & Ransome, Inc.—Bensalem rents out, repairs and repaints construction equipment for use in industry. The facility's major emission points are a paint booth, paint shop and 16 cold parts cleaners, from which the main pollutants emitted are VOCs. The facility pollutant potential to emit for

VOCs exceed the major facility threshold of 25 tons per year. The facility will limit the hours of operation and material usage. The permit will contain monitoring, recordkeeping, reporting and work practice standards designed to keep the facility operating within all applicable air quality requirements.

23-00035: Community Light and Sound, Inc. (333 East Fifth Street, Chester, PA 19013) for a non-Title V Facility, State-only, Synthetic Minor Operating Permit in the City of Chester, **Delaware County**. Community Light and Sound, Inc. manufactures commercial loudspeakers for indoor and outdoor use at concerts, amusement parks and other locations. The facility's major emission points are paint booths and coating booths, from which the main pollutants emitted are VOCs. The facility pollutant potential to emit for VOCs exceeds the major facility threshold of 25 tons per year. The facility will limit their material usage to prevent exceeding this threshold. The permit will contain monitoring, recordkeeping, reporting and work practice standards designed to keep the facility operating within all applicable air quality requirements.

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

06-03029: Yuasa Battery, Inc. (2901 Montrose Avenue, Laureldale, PA 19605) for a lead/acid storage battery manufacturing facility controlled by various fabric collectors and wet scrubbers in the Borough of Laureldale, **Berks County**. The facility is subject to 40 CFR Part 60, Subpart KK, Standards of Performance for New Stationary Sources. The permit will include emission limits for lead from the various manufacturing sources. The permit will include monitoring, testing, work practices, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

08-00021: Mill's Pride—Pennsylvania (P. O. Box 158, 100 Lamoka Road, Sayre, PA 18840) for their Sayre plant in Athens Township, **Bradford County**. The facility's main sources include 2 natural gas and wood waste fired boilers, 1 wood predryer, 18 wood drying kilns, various woodworking equipment, 1 wood waste storage silo, a wood finishing operation, veneer pressing operations, 2 solvent parts washers and 2 diesel-fired engines. The facility has the potential to emit major quantities of PM (PM10). The facility has taken a synthetic minor restriction to limit its PM (PM10) emissions below the major emission thresholds. The facility has the potential to emit SOx, NOx, CO, VOCs, individual HAPs and combined HAPs below the major emission thresholds. The proposed operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

19-00008: Bloomsburg Hospital (549 East Fair Street, Bloomsburg, PA 17815) for operation of their facility in Bloomsburg, **Columbia County**. The facility's main sources include five no. 2 fuel oil/natural gas fired boilers and a diesel fired generator. This facility has the potential to emit SOx, CO, NOx, VOCs, HAPs and PM10 below the major emission thresholds.

08-00023: Faithful Companions Pet Cemetery (R. D. 2, Box 210, Ulster, PA 18850) for their pet cremation facility in Smithfield Township, **Bradford County**.

The facility's main sources include two natural gas fired animal crematory incinerators. The facility has the potential to emit SOx, NOx, CO, PM (PM10), VOCs and HAPs below the major emission thresholds. The proposed operating permit contains all applicable requirements including Federal and State regulations. In addition, monitoring, recordkeeping and reporting conditions regarding compliance with all applicable requirements are included.

14-00022: State College Area School District (131 West Nittany Avenue, State College, PA 16801) for their junior-senior high school in State College Borough, **Centre County**. The facility's main sources include five natural gas/no. 2 fuel oil fired boilers and four natural gas fired emergency generators. The facility has the potential to emit major quantities of SOx. The facility has taken a synthetic minor restriction to limit its SOx emissions below the major emission thresholds. The facility has the potential to emit NOx, CO, PM (PM10), VOCs and HAPs below the major emission thresholds. The proposed operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

08-00022: Cummings Lumber Co., Inc. (P. O. Box 6, Troy, PA 16947) for their lumber mill facility in Troy Township, **Bradford County**. The facilities main source includes a stoker wood-fired boiler for producing steam for nine lumber-drying kilns. Other sources at the facility include a two parts cleaning stations and mill operations, which process green wood. These sources have the potential to emit PM (PM10), NOx, SOx, CO and VOCs below the major emission thresholds. The proposed operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and report conditions.

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

62-00093: Torpedo Specialty Wire—Pittsfield City Plant (R. D. 2, Route 27, Pittsfield, PA 16340) for issuance of a Natural Minor Operating Permit to operate the nickel plating plant in Pittsfield Township, **Warren County**.

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

N04-001: Presbyterian Medical Center (51 North 39th Street, Philadelphia, PA 19104) for operation of a not-for-profit hospital in the City of Philadelphia, **Philadelphia County**. The facility's air emissions sources include two 400 HP boilers, a 250 HP boiler and four emergency generators.

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

Persons wishing to file protests or comments on the previous operating permit must submit protests or comments within 30 days from the date of this notice. Protests or comments filed with the AMS must include a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based. Based upon the information received during the public comment period, the AMS may modify the operating permit or schedule a public hearing. The hearing

notice will be published in the *Pennsylvania Bulletin* and a local newspaper at least 30 days before the hearing.

COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

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

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

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

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

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

Coal Applications Received

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

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

*The parameter is applicable at all times.

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

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

40920102R2. Susquehanna Coal Company (200 East Front Street, P. O. Box 27, Nanticoke, PA 18634), renewal of an existing anthracite surface mine operation in Newport Township, **Luzerne County**, affecting 1,325.0 acres. Receiving streams: Susquehanna River Watershed. Application received June 9, 2004.

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

16880104 and NPDES Permit No. PA0104710. Terry Coal Sales, Inc. (Box 58, Distant, PA 16223), renewal of an existing bituminous surface strip and tippie refuse disposal operation in Limestone, Porter and Monroe Townships, **Clarion County**, affecting 156.2 acres. Receiving streams: one unnamed tributary to Sloan Run, one unnamed tributary to Parsons Run and three unnamed tributaries to Leatherwood Creek (CWF). There are no potable surface water supply intakes within 10 miles downstream. Application for reclamation only. Application received June 7, 2004.

10040103 and NPDES Permit No. PA0242535. Anandale Quarries, Inc. (219 Goff Station Road, Boyers, PA 16020), commencement, operation and restoration of a bituminous surface strip and beneficial ash operation in Venango Township, **Butler County**, affecting 23.3 acres. Receiving streams: unnamed tributary to Seaton Creek (CWF). There are no potable surface water supply intakes

within 10 miles downstream. Application received June 7, 2004.

24930101 and NPDES Permit No. PA0211770. Fairview Coal Company (P. O. Box R, Ridgway, PA 15853), renewal of an existing bituminous surface strip, auger and beneficial use of residual waste sludge operation in Horton Township, **Elk County**, affecting 65.3 acres. Receiving streams: Johnson Run (CWF). There are no potable surface water supply intakes within 10 miles downstream. Application for reclamation only. Application received June 10, 2004.

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

56040102 and NPDES Permit No. PA0249564. Mountaineer Mining Corporation (1010 Garrett Shortcut Road, Berlin, PA 15530), commencement, operation and restoration of a bituminous surface mine in Brothersvalley Township, **Somerset County**, affecting 51.3 acres. Receiving streams: Swamp Creek and unnamed tributaries to Swamp Creek (CWF). There are no potable water supply intakes within 10 miles downstream. Application received June 1, 2004.

56010106 and NPDES Permit No. PA0249076. PBS Coals, Inc. (P. O. Box 260, Friedens, PA 15541), surface mining permit revision to add acreage in Shade Township, **Somerset County**, affecting 317.1 acres. Receiving streams: Dixie Run and Fallen Timber Run (CWF). The first downstream potable water supply intake from the point of discharge is Cambria Somerset Authority Stoneycreek Surface Water Intake. Application received May 28, 2004.

56920113 and NPDES Permit No. PA0212300. Action Mining, Inc. (1117 Shaw Mines Road, Meyersdale, PA 15552), surface mining permit renewal in Summit and Elk Lick Townships, **Somerset County**, affecting 106 acres. Receiving streams: unnamed tributaries to Casselman River and Casselman River (CWF, WWF). There are no potable water supply intakes within 10 miles downstream. Application received May 28, 2004.

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

03920103 and NPDES Permit No. PA0200484. Allegheny Mineral Corp. (P. O. Box 1022, Kittanning, PA 16201), renewal application for continued operation and restoration of an existing bituminous surface mine in West Franklin Township, **Armstrong County**, affecting 284.7 acres. Receiving streams: Buffalo Creek and Claypoole Run (TSF). The first potable water supply intake within 10 miles downstream from the point of discharge is Moonlight Mushrooms, Inc. Renewal application received June 7, 2004.

03980106 and NPDES Permit No. PA0202291. Thomas J. Smith, Inc. (R. D. 1, Box 260D, Shelocta, PA 15774), renewal application for reclamation only of an existing bituminous surface mine in South Bend Township, **Armstrong County**, affecting 94.1 acres. Receiving streams: unnamed tributary to Lindsay Creek. There is

no potable water supply intake within 10 miles from the point of discharge. Renewal application received June 7, 2004.

03900109 and NPDES Permit No. PA0200476. Short Brothers, Inc. (15 Rayne Run Road, Marion Center, PA 15759), application received for transfer of permit currently issued to State Industries, Inc. for continued operation and reclamation of a bituminous surface mining site in Kittanning Township, **Armstrong County**, affecting 92.5 acres. Receiving streams: Campbell Run to Crooked Creek to Allegheny River (WWF). The first downstream potable water supply intake from the point of discharge is greater than 10 miles from the site. Transfer application received June 1, 2004.

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

17040901 and NPDES Permit No. PA0243752. Larry Fahr Coal Company (2062 Ashland Road, Osceola Mills, PA 16666), commencement, operation and restoration of an incidental coal extraction permit in Decatur Township, **Clearfield County**, affecting 11.9 acres. Receiving streams: Morgan Run. Application received May 18, 2004.

17030121 and NPDES Permit No. PA0243671. AMFIRE Mining Company, LLC (One Energy Place, Latrobe, PA 15650), transfer of an existing bituminous surface mine-auger permit application from Moravian Run Reclamation Co., Inc. The permit is in Penn Township, **Clearfield County** and affects 43.2 acres. Receiving streams: unnamed tributary to Bell Run (CWF). Application received June 2, 2004.

17910113 and NPDES Permit No. PA0206610. AMFIRE Mining Company, LLC (One Energy Place, Latrobe, PA 15650), transfer of an existing bituminous surface mine-coal refuse disposal permit in Penn Township, **Clearfield County**, affecting 78 acres. Receiving streams: Bell Run and Poplar Run. Application received June 2, 2004.

17030101 and NPDES Permit No. PA0243418. AMFIRE Mining Company, LLC (One Energy Place, Latrobe, PA 15650), transfer of an existing bituminous surface mine-auger permit in Penn Township, **Clearfield County**, affecting 220.8 acres. Receiving streams: unnamed tributaries to Bell Run and Bell Run. Application received June 2, 2004.

17970110 and NPDES Permit No. PA0220655. AMFIRE Mining Company, LLC (One Energy Place, Latrobe, PA 15650), transfer of an existing bituminous surface mine-auger permit in Penn Township, **Clearfield County**, affecting 256 acres. Receiving streams: Bell Run, three unnamed tributaries to Bell Run. Application received June 2, 2004.

Noncoal Applications Received

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

<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Suspended solids	35 mg/l	70 mg/l	90 mg/l
pH*		greater than 6.0; less than 9.0	

*The parameter is applicable at all times.

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

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

7874SM3A1C6 and NPDES Permit No. PA0612537. Eastern Industries, Inc. (4401 Camp Meeting Road, Suite 200, Center Valley, PA 18034), correction to increase flow rate for the NPDES discharge of treated mine drainage in Whitehall Township, **Lehigh County**. Receiving streams: Coplay Creek. Application received June 7, 2004.

6376SM2A1C4 and NPDES Permit No. PA0594474. York Building Products Company, Inc. (P. O. Box 1708, York, PA 17405), renewal NPDES permit for discharge of treated mine drainage in Jackson Township, **York County**. Receiving streams: Little Conewago Creek (TSF). Application received June 8, 2004.

52980301C3 and NPDES Permit No. PA0223905. ER Linde Construction Corporation (9 Collan Park, Honesdale, PA 18431), renewal of NPDES permit for discharge of treated mine drainage in Lackawaxen Township, **Pike County**. Receiving streams: unnamed tributary to Little Blooming Grove Creek (CWF, MF). Application received June 8, 2004.

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

20870304. Heritage Excavating & Stone (P. O. Box 462, Wampum, PA 16157), revision to an existing sandstone operation in South Shenango Township, **Crawford County**, affecting 37.8 acres. Receiving streams: unnamed tributary to Pymatuning Reservoir (WWF). There are no potable surface water supply intakes within 10 miles downstream. Revision to add blasting. Application received June 8, 2004.

4673SM13. John D. Anderson (P. O. Box 676, Warren, PA 16365), transfer of an existing sand and gravel operation in Pine Grove Township, **Warren County**, affecting 28.5 acres. Receiving streams: North Branch Akeley Run to Conewago Creek (CWF). There are no potable surface water supply intakes within 10 miles downstream. Transfer from I. A. Construction Corporation. Application received June 9, 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 mine project:

Project No. NCF 006-101.1, Vandergrift Borough, **Westmoreland County**, 6.6 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 26, 2004, to be considered. Telephone inquiries should 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.

E23-443. Transcontinental Gas Pipe Line Corporation, 2800 Post Oak Boulevard, Level 17, Houston, TX 77056, Upper Chichester Township, **Delaware County**, ACOE Philadelphia District.

To maintain the existing Transcontinental Gas Pipe Line (Transco) at Naaman's Creek (WWF) by utilizing four 8-foot long by 20-foot wide mat sections, associated with the Marcus Hook Main Line A. The site is approximately 800 feet west of the intersection of Bethel Road and Mill Road (Marcus Hook, PA-NJ-DE USGS Quadrangle N: 15.2 inches; W: 10.6 inches).

E15-718. Borough of Avondale, P. O. Box 247, Avondale, PA 19311, Borough of Avondale, **Chester County**, ACOE Philadelphia District.

To modify and maintain three reaches of stream as part of the stream restoration project for the East Branch of White Clay Creek Watershed. Work will include the following:

(1) A 750 linear foot reach of Indian Run (CWF) between West State Street Bridge and the confluence of the creek by installing four treatment areas consisting of Branch Packing Stabilization and Boulder Toe Stabilization System.

(2) A 225 linear foot reach of the creek immediately east of terminus of Miller Drive by installing two treatment areas consisting of "Boulder Toe Stabilization System and Tree Revetment."

(3) A 2,034 linear foot reach of the creek between Third Street Bridge and SR 0041 by installing cross vane structures, j-hook structures, modifying the channels cross-section and relocating approximately 1,720 length of channel to add sinuosity to a reach with a linear meander geometry using natural channel design methods.

The project is within the Borough of Avondale (West Grove, PA Quadrangle N: 13.4 inches; W: 4.5 inches).

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

E39-434. Ward Trucking, Ward Tower, P. O. Box 1553, Altoona, PA 16603 in South Whitehall Township, **Lehigh County**, U. S. Army Corps of Engineers, Philadelphia District.

To place fill in 0.12 acre of PEM wetlands within the Little Cedar Creek Watershed (HQ-CWF) for the purpose of constructing the Ward Trucking facility. The project is on the north side of Crackersport Road approximately 0.3 mile west of Route 309 (Allentown West, PA Quadrangle N: 18.0 inches; W: 9.5 inches).

E39-435. Washington Township, P. O. Box 27, Slatedale, PA 18079-0027 in Washington Township, **Lehigh County**, U. S. Army Corps of Engineers, Philadelphia District.

To remove the existing structure and to construct and maintain a concrete arch bridge having a span of 20 feet and an underclearance of approximately 5 feet across a tributary to the Lehigh River (CWF). The project is on Shady Nook Road at its intersection with Walnut Street (Cementon, PA Quadrangle N: 20.5 inches; W: 13.5 inches).

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

E07-386: Department of Transportation, District 9-0, 1620 North Juniata Street, Hollidaysburg, PA 16648, Freedom Township, **Blair County**, ACOE Baltimore District.

To remove the existing bridges and then to construct and maintain: (1) a single clear span bridge of 45.32 feet on a 60 degree skew with an underclearance of 5.2 feet across Poplar Run (CWF) and related outfalls; and (2) a single clear span bridge of 41.0 feet on a 60 degree skew with an underclearance of 4.2 feet across Blue Knob Run (CWF) and related outfalls on SR 3010, Section 002, Segment 0140, Offsets 0446 and 0670 to improve the traffic safety conditions at the Village of Puzzletown (Hollidaysburg, PA Quadrangle N: 0.5 inch; W: 16.0 inches) in Freedom Township, Blair County.

E34-112: Department of Transportation, District 2-0, 1924 Daisy Street Extension, P. O. Box 342, Clearfield, PA 16830, Turbett and Milford Townships, **Juniata County**, ACOE Baltimore District.

To remove the existing steel truss bridge and then to construct and maintain a two-span concrete bridge with a

total span of 251.5 feet on an 84.68 degree skew with an average underclearance of 15.4 feet across the Tuscarora Creek (CWF) on SR 3008, Section A01, Segment 0170, Offset 1681 and to provide a 95-foot long right bank revetment to improve traffic safety about 1.7 miles west of Port Royal (Mifflintown, PA Quadrangle N: 2.85 inches; W: 6.2 inches) in Turbett and Milford Townships, Juniata County.

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

E47-078. Department of Transportation, Engineering District 3-0, P. O. Box 218, Montoursville, PA 17754. Bridge replacement in Anthony Township, **Montour County**, ACOE Baltimore District (Washingtonville, PA Quadrangle N: 15.4 inches; W: 9.0 inches).

To: (1) remove the existing single span timber deck steel I-beam bridge which is on a 90 degree skew, with a span length of 44 feet, a normal opening of 39 feet, a hydraulic opening of 281 square feet, an underclearance of 7.22 feet, a curb-to-curb width of 14.1 feet and an out-to-out width of 15.2 feet; (2) construct and maintain a single span prestressed concrete box beam bridge on a 70 degree skew with concrete wingwalls, a clear span of 62.8 feet, a normal opening of 59 feet, a hydraulic opening of 373 square feet, an underclearance of 6.32 feet, a curb-to-curb width of 34.8 feet and an out-to-out width of 38.2 feet; and (3) construct and maintain 229 cubic yards R-8 riprap scour protection extending 5 linear feet beyond the concrete wingwalls.

The project will involve about 0.5 acre of earth disturbance. The project is off SR 1004, Section 013, Segment 0010, Offset 1553 over Chillisquaque Creek (WWF) approximately 0.4 mile northeast of the intersection of SR 1004 with SR 54. The project will have a de minimis impact on 0.006 acre of wetlands while impacting about 105 feet of waterway.

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

E02-1471. Township of Upper St. Clair, 1820 McLaughlin Run Road, Upper St. Clair, PA 15241. Stream channel relocation in the Municipality of Bethel Park, **Allegheny County**, Pittsburgh ACOE District (Bridgeville, PA Quadrangle project begins at N: 14.4 inches; W: 8.6 inches and Latitude: 40° 19' 45" and Longitude: 80° 3' 42" and project Ends: N: 14.6 inches; W: 7.6 inches and Latitude: 40° 19' 49" and Longitude: 80° 3' 16"). The applicant proposes to relocate and maintain approximately 913 feet of Graesers Run (WWF) and stabilize and maintain in place and approximately 1,250 feet of the same stream channel. The project is along the north side of Bethel Church Road and Walter Lane. This project is using fluvial geomorphology to improve water quality and habitat as part of the McLaughlin Run watershed restoration Phase IV. The project starts at the Upper St. Clair Municipality border and extends approximately 2,163 feet upstream in Upper St. Clair Township and the Municipality of Bethel Park in Allegheny County.

E65-847. Penneco Oil Company, Inc., P. O. Box 300, 200 U. S. Route 22, Delmont, PA 15626. Haymakers Run culvert in the Municipality of Murrysville, **Westmoreland County**, Pittsburgh ACOE District (Murrysville, PA Quadrangle N: 16.2 inches; W: 1.05 inches) (Latitude: 40° 27' 50" and Longitude: 79° 37' 58"). The applicant proposes to construct and maintain a 65.0-foot long, 8.0-foot by 5.0-foot concrete box culvert in Haymakers

Run (HQ-CWF) for the purpose of providing access to an existing gas well. The project is on the south side of Mamont Road, approximately 1.7 miles east of its intersection with Sardis Road.

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

E10-397, Lawrence W. and Victoria L. Pacey, 103 Pointe Drive, Valencia, PA 16059-2125. Pacey Bridge project in Middlesex Township, **Butler County**, ACOE Pittsburgh District (Valencia, PA Quadrangle N: 12.5 inches; W: 9.9 inches).

To construct and maintain a pedestrian bridge having a clear span of 32.66 feet and an instream length of 6.0 feet across Glade Run (WWF) at a point approximately 1,500 feet southeast of the intersection of SR 0228 and Park Road, south of Park Road.

E42-309, Elk County Fishermen, 6231 Shawmut Road, Ridgway, PA 15853. Twomile Run AMD wetland treatment system in Sergeant Township, **McKean County**, ACOE Pittsburgh District (Hazel Hurst, PA Quadrangle N: 7.1 inches; W: 3.1 inches).

To construct and maintain an acid mine drainage treatment system along Twomile Run within the Upper Clarion River Watershed (HQ-CWF) consisting of: anaerobic vertical flow wetland cells, a flushing pond, limestone channel intakes and outfalls, a check dam and other appurtenant structures along with an access roadway having two minor road crossings all at a point approximately 13,750 feet southwest of the intersection of SR 0146 and the Wilcox/Clermont Road. This project will have a de minimis impact to 0.047 acre of PEM wetlands.

E43-313, Glenn R. Moore, 167 Tieline Road, Grove City, PA 16127. Tieline Road driveway culvert in Pine Township, **Mercer County**, ACOE Pittsburgh District (Grove City, PA Quadrangle N: 5.5 inches; W: 4.6 inches).

The applicant proposes to construct and maintain an approximately 14-foot long, 18-foot wide by 5.5-foot high pipe arch culvert in Swamp Run (CWF, perennial) in support of a private access driveway and a single family residence on Tieline Road approximately 1.7 miles northwest of the intersection of SR 8 and SR 58. The project proposes to directly affect a total of approximately 30 linear feet of stream channel.

E62-399, North Penn Pipe and Supply, 2351 Dorcon Road, Warren, PA 16365. Stream enclosure replacement in Mead Township, **Warren County**, ACOE Pittsburgh District (Warren, PA Quadrangle N: 13.9 inches; W: 0.5 inch).

The applicant proposes to remove the existing structure and to construct and maintain a 200-foot long, 8-foot diameter CMP stream enclosure in Ott Run (CWF, perennial) at the North Penn Pipe and Supply pipe yard approximately 0.7 mile northwest of the intersection of US Route 6 and SR 59. The current structure is deteriorated and the fill above the structure is sinking in several places in the pipe yard resulting in a potentially unsafe condition and loss of usable yard space for the business.

The Department issued Emergency Permit EP6204601 on June 10, 2004, to construct the stream enclosure and the applicant is continuing with the permitting process. The project proposes to directly affect a total of approximately 220 linear feet of stream channel.

Bureau of Waterways Engineering, Water Management Program Manager, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8554, Harrisburg, PA 17105-8554.

E4014-001, Department of General Services, Bureau of Engineering and Architecture, 18th and Herr Streets, Harrisburg, PA 17125, flood control project on Mill Creek, Borough of Dupont, **Luzerne County**, ACOE Baltimore District. Application to amend Permit E40-613.

Permit E40-613 authorized the Department of General Services to maintain the existing concrete trapezoidal channel and to construct and maintain new sections of rectangular concrete channel and concrete box culvert stream enclosure, within a 3,000-foot reach of Mill Creek and a 220-foot reach of Collins Creek, for the purpose of flood control.

The permit is requested to be amended to extend the flood protection project with the following activates associated with the construction of the project in and along approximately 1,870 linear feet (approximately 2.5 acres) of Mill Creek (CWF, perennial):

1. The upstream end of the project will tie into the existing Route 315 South Bridge and the downstream end will be just upstream of the junction of Mill Creek with Lidy Creek. The channel will follow the existing alignment of Mill Creek through a residential section of Dupont and will consist of the following work.

2. An 18-foot wide rectangular concrete channel between Route 315 South and Center Street. This channel will have wall heights between 9 feet and 7 feet high and will extend for a distance of 616 feet.

3. A 45-foot long precast concrete box culvert at Center Street. The box culvert is 18 feet wide and 6 feet high.

4. A 75-foot long rectangular concrete channel will be constructed downstream of Center Street. The channel width will vary between 18 feet and 23 feet and the wall height is 6 feet. This channel will connect to the existing stone walled channel.

5. Remove the sediment and debris from the existing stone walled channel downstream of Center Street. Repair damaged portions of the stone walls and construct a concrete invert to prevent undermining of the stone walls. This portion of the project is 443 feet long.

6. Construct a trapezoidal channel with a concrete invert and grouted riprap side slopes for a distance of 657 feet. The upstream end of this reach is at the downstream outlet of the existing stone walled channel and the downstream end is just above the junction of Mill Creek with Lidy Creek.

The project is just downstream of the Route 315 South Bridge (Avoca, PA Quadrangle N: 13.4 inches; W: 17.0 inches) in the Borough of Dupont, Luzerne County.

ACTIONS

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

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

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

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

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

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

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

I. NPDES Renewal Permit Actions

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

<i>NPDES Permit No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0063223	Martha J. Vetter P. O. Box 152 Damascus, PA 18415-0152	Wayne County Damascus Township	Delaware 1A	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>
PA0080489 SEW	New Buffalo Restaurant R. D. 4, Box 4940 Duncannon, PA 17020-9409	Perry County Watts Township	Susquehanna River 6-C	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>
PAS806104 Industrial Waste	Con-Way Central Express 736 Cooper Avenue Johnstown, PA 15906	Cambria County West Taylor Township	Wildcat and Laurel Runs	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>
PA0222780	Scott W. Zimmerman SFTF 4822 Glen Hazel Road Wilcox, PA 15870	Jones Township Elk County	Unnamed tributary to East Branch of the Clarion River 17-B	Y
PA0222887	Gateway Lodge Box 125, Route 36 Cooksburg, PA 16217	Barnett Township Jefferson County	Unnamed tributary to Clarion River 17-B	Y
PA0222712	Sykesville Borough 21 East Main Street Sykesville, PA 15865	Henderson Township Jefferson County	Stump Creek 17-D	Y
PA0021521	Borough of Smethport Authority P. O. Box 152 201 West Water Street Smethport, PA 16749	Borough of Smethport McKean County	Potato Creek 16-C	Y

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

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

NPDES Permit No. PA0082708, Sewage, **Calamus Estates, LLP**, 652 Georgetown Road, Ronks, PA 17572. This proposed facility is in Paradise Township, **Lancaster County**.

Description of Proposed Action/Activity: Authorization to discharge to the Calamus Run in Watershed 7-K.

NPDES Permit No. PA0246964, CAFO, **Kenneth R. Martin, Ken Martin Farm**, 1397 Fulton Highway, Quarryville, PA 17566. This proposed facility is in East Drumore Township, **Lancaster County**.

Description of Proposed Action/Activity: Authorization for operation of a 1,046.45 AEU swine, pullet and dairy CAFO with discharge in Watershed 7-K.

NPDES Permit No. PA0008435, Industrial Waste, **PPL Holtwood, LLC, Holtwood Hydroelectric Station**, Two North Ninth Street, Allentown, PA 18101. This proposed facility is in Martic Township, **Lancaster County**.

Description of Proposed Action/Activity: Authorization to discharge to the Susquehanna River in Watershed 7-K.

NPDES Permit No. PA0009741, Industrial Waste, **Exelon Generation Company, Muddy Run Pumped Storage Plant**, 300 Exelon Way KSB-320, Kennett Square, PA 19348. This proposed facility is in Drumore Township, **Lancaster County**.

Description of Proposed Action/Activity: Authorization to discharge to the Susquehanna River in Watershed 7-K.

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

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

WQM Permit No. 6704405, Sewerage, **Cornerstone Development Group, Inc., Buttonwood Gardens, L. P.**, 1 Market Way East, York, PA 17401. This proposed facility is in Hallam Borough, **York County**.

Description of Proposed Action/Activity: Permit returned.

WQM Permit No. 2104201, Industrial Waste, **Fish and Boat Commission**, 450 Robinson Lane, Bellefonte, PA 16823-9620. This proposed facility is in Penn Township, **Cumberland County**.

Description of Proposed Action/Activity: Approval of the construction/operation of industrial wastewater facilities consisting of an aerated sludge storage tank and associated equipment.

WQM Permit No. 3604202, CAFO, **Kenneth Martin**, 1397 Robert Fulton Highway, Quarryville, PA 17566. This proposed facility is in East Drumore Township, **Lancaster County**.

Description of Proposed Action/Activity: Construction/operation of manure storage facilities for a 1,047 AEU CAFO at the location identified in Part B. The facilities approved for construction and operation under this permit are described as follows: a circular 12-foot by 110-foot concrete manure storage structure with a concrete manure transfer gutter.

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

WQM Permit No. 0204401, Sewerage, **David Martin**, 1924 Shaler Drive, Glenshaw, PA 15116. This proposed facility is in Indiana Township, **Allegheny County**.

Description of Proposed Action/Activity: To construct a small flow sewage treatment plant.

WQM Permit No. 6570401-A2, Sewerage, **Alcoa, Inc., Alcoa Technical Center**, 100 Technical Drive, Alcoa Center, PA 15061-0001. This proposed facility is in Upper Burrell Township, **Westmoreland County**.

Description of Proposed Action/Activity: Modification of sewage treatment plant at the Alcoa Technical Center (Research and Development Facility).

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

WQM Permit No. 6103403, Sewerage, **Frenchcreek Township**, 4507 Georgetown Road, Franklin, PA 16323. This proposed facility is in Frenchcreek Township, **Venango County**.

Description of Proposed Action/Activity: This project is for pump stations, gravity sewers, low pressure force mains and sewer lines to serve various areas in Frenchcreek Township.

IV. NPDES Stormwater Discharges from MS4 Permit Actions

V. NPDES Waiver Stormwater Discharges from MS4 Actions

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

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

NPDES Permit

<i>No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI011504011	Richard and Sally McDonald Residence 2 Matthews Run Spring City, PA 19475	Chester	West Vincent Township	Birch Run EV
PAI011504012	Anthony P. Napolentano Residence 731 Jacques Circle Chester Springs, PA 19425	Chester	West Pikeland Township	Unnamed tributary Pickering Creek HQ-TSF
PAI010904004	Clifford Starr Funks Mill Rd. Development P. O. Box 84 Zion Hill, PA 18981	Bucks	Springfield Township	Cooks Creek EV

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

NPDES Permit

<i>No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI021304002	Blue Ridge Real Estate P. O. Box 707 Blakeslee, PA 18610-0707	Carbon	Kidder Township	Tobyhanna Creek HQ-CWF
PAI023903038	Ruby Tuesday, Inc. 350 Sentry Parkway Bldg. 620, Suite 110 Blue Bell, PA 19422	Lehigh	City of Allentown	Little Lehigh Creek HQ-CWF
PAI023904010	J & G Properties, Inc. 1327 Tilghman St. Allentown, PA 18102-2127	Lehigh	South Whitehall Township	Little Lehigh Creek HQ-CWF
PAI023903042	Pulte Homes of PA, LP 1100 Northbrook Dr., Suite 200 Trevose, PA 19053	Lehigh	Lower Macungie Township	Little Lehigh Creek HQ-CWF
PAI023904007	SAR Associates, LLC 3333 Lehigh St. Allentown, PA 18103-7036	Lehigh	Salisbury Township	Little Lehigh Creek HQ-CWF
PAS10Q123-R	Treetop Estates Development Company 7356 Spring Creek Rd. Macungie, PA 18062	Lehigh	Upper Macungie Township	Little Lehigh Creek HQ-CWF
PAS10U109R	Joleone K. Kinney 918 Blue Mountain Dr. Walnutport, PA 18088	Northampton	Plainfield Township	Little Bushkill Creek HQ-CWF

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024803040	Pennsylvania American Water Company 4 Wellington Blvd. Wyomissing, PA 19610	Northampton	Bushkill Township	Bushkill Creek HQ-CWF
PAI024804007	Northampton Hospital Corp. 250 South 21st St. Easton, PA 18042	Northampton	Wilson Borough	Bushkill Creek HQ-CWF
PAI024804003	Nic Zawarski & Sons Developers, Inc. 1441 Linden St. Bethlehem, PA 18018	Northampton	Forks Township	Bushkill Creek HQ-CWF
PAI024804008	Industrial Development International, Inc. 3424 Peachtree Road, N. E. Atlanta, GA 30326	Northampton	Hanover Township	Monocacy Creek HQ-CWF
PAS10Q161-R	Segal and Morel at South Whitehall, LLC 991 Highway 22 West, Suite 100 Bridgewater, NJ 08807	Lehigh	South Whitehall Township	Little Cedar Creek HQ-CWF
PAS10Q171-R	The Residuary Trust of Andrew Yastishok 6500 Chapman Rd. Allentown, PA 18106	Lehigh	Lower Macungie Township	Little Lehigh Creek HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI033804001	Arborgate, LTD 950 East Kerchner Avenue Myerstown, PA 17067	Lebanon	Jackson Township	UNT to Tulpehocken Creek TSF
PAI026703003	The Stephen Group, Inc. 4603 Compass Point Road Belcamp, MD 21017	York	East Hopewell Township	UNT to South Branch Muddy Creek HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041404001	Barry Begoumian Timberton Estates Dev. Inc. 2790 West College Ave. State College, PA 16801	Centre	Patton Township	Buffalo Run EV

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

Allegheny County Conservation District: Lexington Technology Park, Building 1, Suite 102, 400 North Lexington Avenue, Pittsburgh, PA, (412) 241-7645.

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI050204003	Fox Chapel Area School District 611 Field Club Road Pittsburgh, PA 15238-2406	Allegheny	O'Hara Township	Guyasuta Run HQ

VII. Approvals to Use NPDES and/or Other General Permits

The EPA Region III Administrator has waived the right to review or object to this permit action under the waiver provision 40 CFR 123.23(d).

List of NPDES and/or Other General Permit Types

PAG-1	General Permit for Discharges from Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated with Construction Activities (PAR)
PAG-3	General Permit for Discharges of Stormwater from Industrial Activities
PAG-4	General Permit for Discharges from Single Residence Sewage Treatment Plants

PAG-5	General Permit for Discharges from Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges from Combined Sewer Systems
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Nonexceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines
PAG-11	(To Be Announced)
PAG-12	CAFOs
PAG-13	Stormwater Discharges from MS4

General Permit Type—PAG-2

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
West Sadsbury Township Chester County	PAG2001504020	Peter Schiffer Schiffer Publishing, LTD 4880 Lower Valley Road Atglen, PA 19310	Valley Creek TSF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
West Bradford Township Chester County	PAG2001504042	Department of Transportation New Chester County Maintenance Complex—Embreeville Maintenance District 6-2 401 Montgomery Avenue West Chester, PA 19380	Unnamed tributary West Branch Brandywine Creek WWF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
West Bradford Township Chester County	PAG2001504014	Sawmill Realty Associates, LP Sawmill Residential Subdivision P. O. Box 1906 West Chester, PA 19380	Sawmill Run and East Branch Brandywine Creek WWF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
East Caln Township Chester County	PAR10G338-R	T. David Thomas Excavating, Inc. Trestle Bridge Lots 11 and 12 1 Wagner Lane East Fallowfield, PA 19320	East Branch Brandywine Creek WWF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Pennsbury Township Chester County	PAG2001504045	Michael Ritter 40 Bullock Rd. Chadds Ford, PA Tim Dewson 7 S. Lincoln St. Wilmington, DE	Brandywine Creek WWF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
London Grove Township Chester County	PAG2001504048	Southeastern Chester County Refuse Authority SECCRA—Stock Pile 219 Street Road West Grove, PA 19390	Chatham Run CWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Kennett Township Chester County	PAG2001504039	Harkins Property, LLC Martin Property Townhomes 242 Winged Foot Drive Blue Bell, PA 19422	West Branch Red Clay Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900

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<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Pocopson Township Chester County	PAG2001504024	Jack Becker Hallelynn Corporation 97T Harvey Road Chadds Ford, PA 19317	West Branch Brandywine Creek WWF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Franklin Township Chester County	PAG2001504030	Christopher Lang Frederic A. Lang Trust 1263 Newark Road Toughkenamon, PA 19374	West Branch White Clay Creek TSF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
West Grove Borough Chester County	PAG2001504038	Borough of West Grove West Grove Borough Property P. O. Box 61 West Grove, PA 19390	Unnamed tributary East Branch White Clay Creek CWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Middletown Township Delaware County	PAG2002303086	Middletown Baptist Church 28 South New Middletown Road Media, PA 19063	Chester Creek TSF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Darby Township Delaware County	PAG2002304028	Wal-Mart Stores, Inc. 2001 South East 100th Street Bentonville, AR 72716	Muckinipattis Creek WWF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Whitemarsh Township Montgomery County	PAG2004604058	Colonial School District Whitemarsh Elementary School 201 Germantown Pike Plymouth Meeting, PA 19462	Mill Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Towamencin Township Montgomery County	PAG2004603226	Gator Holdings, LLC The Court at Towamencin Village 240 Farmview Drive Harleysville, PA 19488	Skippack Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Plymouth Township Montgomery County	PAG2004604010	Philomeno and Salamone Aschmann Development 545 W. Germantown Pike Suite 200 Plymouth Meeting, PA 19462	Saw Mill Run WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Cheltenham Township Montgomery County	PAG2004604074	Department of Transportation Church Road Improvement Project 7000 Geerdes Boulevard King of Prussia, PA 19406	Tacony Creek TSF-CWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Newtown Township Bucks County	PAR10D424-R	Community Association of Underwriters Office Park 2 Caufield Place Newtown, PA 18940	Core Creek CWF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Falls Township Bucks County	PAR10D580-1	Pennsbury School District Pennsbury HS West Campus 134 Yardley Avenue P. O. Box 338 Falsington, PA 19058	Mill Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
New Britain Township Bucks County	PAR10D641	Clay Heckler Barclay Road Subdivision 2312 North Broad Street Colmar, PA 18915-1489	West Branch Neshaminy Creek WWF	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>
New Britain Township Bucks County	PAR10D702	Heritage Building Group, Inc. Loh, Hagey, DiCarlantonio 3326 Old York Road Suite A-100 Furlong, PA 18925	West Branch Neshaminy Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Upper Saucon Township Lehigh County	PAG2003904022	Robert Littner 512 N. New St. Bethlehem, PA 18018	Saucon Creek CWF	Lehigh County Conservation District (610) 391-9583
City of Pottsville Palo Alto Borough Schuylkill County	PAG2005404003	Greater Pottsville Area Sewer Authority Attn: Timothy Yingling, Asst. Exec. Director P. O. Box 1163 Pottsville, PA 17901	Schuylkill River CWF	Schuylkill County Conservation District (570) 622-3742
Butler Township Schuylkill County	PAG2005404016	Michelle Minakowski 2982 Fairgrounds Rd. Ashland, PA 17921	Mahanoy Creek CWF	Schuylkill County Conservation District (570) 622-3742
South Manheim Township Schuylkill County	PAG2005404009	Catherine S. Allen c/o Karl K. Kramer Atty-in-Fact P. O. Box 218 Orwigsburg, PA 17961	Plum Creek Schuylkill River CWF	Schuylkill County Conservation District (570) 622-3742
Wayne Township Schuylkill County	PAG2005404015	Keith Koch 2194 Montana Dr. Auburn, PA 17922	Plum Creek CWF	Schuylkill County Conservation District (570) 622-3742
Cumru Township Berks County	PAG2000604016	Joseph Deerin, Sr. Lancaster Avenue Assoc., LP 120 N. Pointe Boulevard Lancaster, PA 17601	Angelica 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	PAG2000604044	Carmine Lenzi P. O. Box 206 Robesonia, PA 19551	UNT to Tulpehocken Creek CWF	Berks County Conservation District 1238 County Welfare Road P. O. Box 520 Leesport, PA 19533 (610) 372-4657, Ext. 201
Hampden Township Cumberland County	PAG2002104023	The McNaughton Company 4400 Deer Path Road Harrisburg, PA 17110	Sears Run	Cumberland County Conservation District 43 Brookwood Avenue Carlisle, PA 17013 (717) 240-7812
Silver Spring Township Cumberland County	PAG2002104019	R. S. M. Associates Don Mowery 1000 Bent Creek Boulevard Mechanicsburg, PA 17050	Conodoguinet Creek WWF	Cumberland County Conservation District 43 Brookwood Avenue Carlisle, PA 17013 (717) 240-7812
South Middleton Township Cumberland County	PAG2002104011	Trammell Crow Services, Inc. Jeffery Goggins 101 West Elm Street Suite 400 Conshohocken, PA 19428	Alexander Spring Creek CWF	Cumberland County Conservation District 43 Brookwood Avenue Carlisle, PA 17013 (717) 240-7812
Lower Allen Township Cumberland County	PAG2002104002	RCP&P, LLC J. Michael Brill 5052 Ritter Road Suite 200 Mechanicsburg, PA 17055	Cedar Run CWF	Cumberland County Conservation District 43 Brookwood Avenue Carlisle, PA 17013 (717) 240-7812

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<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
City of Harrisburg Dauphin County	PAG2002204029	The Harrisburg Authority 1 Keystone Plaza Suite 104 Front and Market Streets Harrisburg, PA 17101	Spring Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100
City of Harrisburg Dauphin County	PAG200220431	Dauphin County Commissioners 2 South 2nd Street Harrisburg, PA 17101	Spring Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100
Swatara Township Dauphin County	PAG2002204020	Department of Transportation District 8-0 2140 Herr Street Harrisburg, PA 17103	Spring Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100
Leacock Township Lancaster County	PAG2003604029	Mose G. Riehl 3637 East Pequea Lane Gordonville, PA 17529	Pequea Creek WWF	Lancaster County Conservation District 1383 Arcadia Road Room 6 Lancaster, PA 17601 (717) 299-5361
Mount Joy Township Lancaster County	PAG2003604030	Harold Z. Musser 566 Green Tree Road Elizabethtown, PA 17022	UNT to Conoy Creek CWF	Lancaster County Conservation District 1383 Arcadia Road Room 6 Lancaster, PA 17601 (717) 299-5361
Warwick Township Lancaster County	PAG2003604039	Allen Martin-Green RAV Properties 70 Clay Road Lititz, PA 17543	Lititz Run WWF	Lancaster County Conservation District 1383 Arcadia Road Room 6 Lancaster, PA 17601 (717) 299-5361
Paradise Township Lancaster County	PAG2003604040	Dean Kready P. O. Box 369 3246 Lincoln Highway East Paradise, PA 17562	Eshleman Run CWF	Lancaster County Conservation District 1383 Arcadia Road Room 6 Lancaster, PA 17601 (717) 299-5361
West Lampeter Township Lancaster County	PAG2003604042	Willow Valley Associates, Inc. 100 Willow Valley Lakes Drive Willow Street, PA 17584	Big Spring Run WWF	Lancaster County Conservation District 1383 Arcadia Road Room 6 Lancaster, PA 17601 (717) 299-5361
Leacock Township Lancaster County	PAG2003604043	Benuel Stoltzfoos 3773 East Newport Road Gordonville, PA 17529	UNT to Pequea Creek WWF	Lancaster County Conservation District 1383 Arcadia Road Room 6 Lancaster, PA 17601 (717) 299-5361
Paradise Township Lancaster County	PAG2003604047	Milton Woods Home P. O. Box 40062 Jacksonville, FL 32231	Pequea Creek CWF	Lancaster County Conservation District 1383 Arcadia Road Room 6 Lancaster, PA 17601 (717) 299-5361

<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>
Manheim Township Lancaster County	PAG2003604048	Gerald Horst 120 N. Pointe Boulevard Lancaster, PA 17601	UNT to Little Conestoga TSF	Lancaster County Conservation District 1383 Arcadia Road Room 6 Lancaster, PA 17601 (717) 299-5361
East Cocalico Township Lancaster County	PAG2003604051	Betty Kindt 200 Brunners Grove Road Reinholds, PA 17569	UNT to Little Cocalico Creek WWF	Lancaster County Conservation District 1383 Arcadia Road Room 6 Lancaster, PA 17601 (717) 299-5361
East Hempfield Township Lancaster County	PAG2003604053	M. Gregory Gehman 556 Oak Tree Drive Manheim, PA 17545	Chiques Creek WWF	Lancaster County Conservation District 1383 Arcadia Road Room 6 Lancaster, PA 17601 (717) 299-5361
Lancaster City Lancaster County	PAG2003604057	Redevelopment Authority of Lancaster County 150 N. Queen Street Suite 110 Lancaster, PA 17603	Conestoga River WWF	Lancaster County Conservation District 1383 Arcadia Road Room 6 Lancaster, PA 17601 (717) 299-5361
Lititz Borough Lancaster County	PAG2003604059	Farmers First Bank P. O. Box 1000 26 N. Cedar Street Lititz, PA 17543	Lititz Run WWF	Lancaster County Conservation District 1383 Arcadia Road Room 6 Lancaster, PA 17601 (717) 299-5361
Leacock Township Lancaster County	PAG2003604062	Jacob Beiler 59 Orchard Road Bird in Hand, PA 17505	Muddy Run WWF	Lancaster County Conservation District 1383 Arcadia Road Room 6 Lancaster, PA 17601 (717) 299-5361
Ephrata Township Lancaster County	PAG2003604063	L/B Water Service Inc. 550 S. High Street P. O. Box 60 Selingsgrove, PA 17870	UNT to Conestoga Creek WWF	Lancaster County Conservation District 1383 Arcadia Road Room 6 Lancaster, PA 17601 (717) 299-5361
Bradford County Athens Township	PAG2000804005	Calvin C. Cole Inc. 809 N. Elmira St. Sayre, PA 18840	Buck Creek WWF	Bradford County Conservation District R. R. 5, Box 5030C Stoll Natural Resource Center Towanda, PA 18848 (570) 265-5539
Bradford County Towanda Borough	PAG2000804006	Towanda Area School District N. 4th St. Towanda, PA 18848	Mix Run WWF	Bradford County Conservation District R. R. 5, Box 5030C Stoll Natural Resource Center Towanda, PA 18848 (570) 265-5539
Beaver County Harmony Township	PAG2000404005	Cold Star Farms c/o Joseph Taylor 114 Heldon Drive Moon Township, PA 15108	Ohio River WWF	Beaver County Conservation District (724) 774-7090

<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>
Fayette County Dunbar Township	PAG2002604018	Fayette County Airport Authority 874 Airport Road Lemont Furnace, PA 15456	Redstone Creek WWF	Fayette County Conservation District (724) 438-4497
Elk County City of St. Marys	PAG2002403009	St. Mary's Clary Products c/o Alvin Wolfe P. O. Box 375 St. Marys, PA 15857	Tributary to Elk Creek CWF	Elk County Conservation District (814) 776-5373
Lawrence County Wayne Township	PAG2003704003	Wayne Township Municipal Authority 1418 Wampum Road New Castle, PA 16117	Squaw and Duck Runs WWF	Lawrence County Conservation District (724) 652-4512
Mercer County City of Sharon	PAG2004304007	Greystone Group 360 Corporate Circle 30050 Chagrin Blvd. Pepper Pike, OH 44124-5704	Pine Run Tributary WWF	Mercer County Conservation District (724) 662-3905
Venango County Oil Creek Township	PAG2006104004	Belden and Blake Corp. 22811 Titusville Rd. Pleasantville, PA 16341	Tributary to Oil Creek	Venango County Conservation District (814) 676-2832

General Permit Type—PAG-3

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Bethlehem City Lehigh County	PAR802245	Norfolk Southern Railway Company 110 Franklin Road, S. E. Roanoke, VA 24042-0013	Lehigh River WWF	NERO Water Management Program 2 Public Square Wilkes-Barre, PA 18711-0790 (570) 826-2511

General Permit Type—PAG-6

<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>
Borough of Homestead Allegheny County	PAG066103	Homestead Borough 1705 Maple Street Suite 112 West Homestead, PA 15120	Monongahela River	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Township of Stowe Allegheny County	PAG066107	Stowe Township 1301 Island Avenue McKees Rocks, PA 15136	Ohio River	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Township of Wilkins Allegheny County	PAG066108	Wilkins Township Irene J. Pohl Municipal Building 110 Peffer Road Turtle Creek, PA 15145-1192	Thompson Run	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

<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>
Borough of Aspinwall Allegheny County	PAG066113	Aspinwall Borough 217 Commercial Avenue Aspinwall, PA 15215	Allegheny River	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Borough of East Pittsburgh Allegheny County	PAG066120	East Pittsburgh Borough 811 East Pittsburgh Mall East Pittsburgh, PA 15112	Turtle Creek	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Borough of Swissvale Allegheny County	PAG066128	Swissvale Borough 7560 Roslyn Street Pittsburgh, PA 15218	Monongahela River	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Borough of Freedom Beaver County	PAG066131	Freedom Borough 901 Third Avenue Freedom, PA 15042	Ohio River	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Borough of East Rochester Beaver County	PAG066132	East Rochester Borough 760 Spruce Street East Rochester, PA 15074	Ohio River	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

General Permit Type—PAG-10

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
City of Erie Erie County	PAG109616	National Fuel Gas Supply Corporation 1100 State Street Erie, PA 16501	Statewide use—water/use information to be provided to the Department before the discharge.	Central Office 400 Market Street Harrisburg, PA 17105 (717) 787-8184

PUBLIC WATER SUPPLY (PWS) PERMITS

The Department of Environmental Protection has taken the following actions on applications received under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17) for the construction, substantial modification or operation of a public water system.

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel

Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of

itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

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

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

SAFE DRINKING WATER

Actions taken under the Pennsylvania Safe Drinking Water Act.

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

Operations Permit issued to **Air Products and Chemicals, Inc.**, 357 Marian Avenue, Tamaqua, PA 18252, PWS ID 3540445, Rush Township, **Schuylkill County** on June 7, 2004, for the operation of facilities approved under Construction Permit N/A.

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

Permit No. 0504502, Public Water Supply.

Applicant	Bedford Township Municipal Authority
Municipality	Bedford Township
County	Bedford
Type of Facility	Installation of 15,000 LF of water main, three pressure reducing stations, five fire hydrants, change of well 1 pump form a 30 hp to a 40 hp. And change of ownership of 4,000 feet of water main from the Borough of Bedford.
Consulting Engineer	Timothy A. Cooper, P. E. Stiffler McGraw & Associates Inc. 19 N. Juniata Street Hollidaysburg, PA 16648
Permit to Construct Issued	June 14, 2004

Permit No. 6704507 MA, Minor Amendment, Public Water Supply.

Applicant	West Manchester Township Authority
Municipality	West Manchester Township
County	York
Type of Facility	This permit approves the repainting and repair of the West Manchester Township Authority's 100,000-gallon finished water storage tank.
Consulting Engineer	Diana Young, P. E. Buchart-Horn, Inc. P. O. Box 15040 York, PA 17405-7040
Permit to Construct Issued	May 17, 2004

Permit No. 0604508 MA, Minor Amendment, Public Water Supply.

Applicant	Pennsylvania American Water Company
Municipality	Exeter Township
County	Berks
Type of Facility	This permit approves the interior and exterior painting of Pennsylvania American Water Company's Butler Lane tank, as well as safety and sanitary modifications.
Consulting Engineer	Scott M. Thomas, P. E. Pennsylvania American Water Company 800 West Hersheypark Drive Hershey, PA 17033
Permit to Construct Issued	June 4, 2004

Permit No. 3103501, Public Water Supply.

Applicant	Petersburg Borough Water Authority
Municipality	Logan Township
County	Huntingdon
Type of Facility	Installation of well 3 to supplement the existing sources.
Consulting Engineer	Mark V. Glenn, P. E. Gwin, Dobson & Foreman, Inc. 3121 Fairway Dr. Altoona, PA 16602-4475
Permit to Construct Issued	June 14, 2004

Permit No. 0604505, Public Water Supply.

Applicant	Western Berks Water Authority
Municipality	Lower Heidelberg Township
County	Berks
Type of Facility	Addition of chlorination equipment at the interconnection with the Wernersville Municipal Authority.
Consulting Engineer	Robert A. Stark, P. E. Gannett Fleming Inc. P. O. Box 67100 Harrisburg, PA 17106-7100
Permit to Construct Issued:	June 14, 2004

Permit No. 3102502, Public Water Supply.

Applicant	Mill Creek Area Municipal Authority
Municipality	Brady Township
County	Huntingdon
Type of Facility	Service extension to the Village of Fousetown including the construction of a 74,000-gallon water storage tank and pumping station.

Consulting Engineer David A. Hegemann, P. E.
Hegemann and Wray Consulting
Engineers
429 Park Avenue
Cresson, PA 16630

Permit to Construct June 8, 2004
Issued

Operations Permit issued to **The York Water Company**, 7670100, York, **York County** on June 4, 2004, for the operation of facilities approved under Construction Permit No. 6780503.

Operations Permit issued to **Blue Yonder Management**, 7670028, Fairview Township, **York County** on June 9, 2004, for the operation of facilities approved under Construction Permit No. 6787512.

Operations Permit issued to **Heritage Hill II Limited Partnership**, 7010022, Littlestown Borough, **Adams County** on June 14, 2004, for the operation of facilities approved under Construction Permit No. 0197505.

Operations Permit issued to **Heritage Hill II Limited Partnership**, 7010022, Littlestown Borough, **Adams County** on June 14, 2004, for the operation of facilities approved under Construction Permit No. 0101509.

Northcentral Region, 208 West Third Street, Williamsport, PA 17701.

Permit No. Minor Amendment. Public Water Supply.

Applicant **Whiskey Run Water Association**
Borough or Township Colebrook Township
County **Clinton**
Type of Facility PWS—Construction and rehabilitation of Spring 1.
Consulting Engineer Alfred Benesch & Co.
400 One Norwegian Plaza
P. O. Box 1090
Pottsville, PA 17901
Permit to Construct June 9, 2004
Issued

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

Permit No. 0498502-A1, Public Water Supply.

Applicant **Harshbarger Mobile Home Park**
P. O. Box 24509
Pittsburgh, PA 15234
Borough or Township Hanover Township
County **Beaver**
Type of Facility WTP
Consulting Engineer George J. Wagner, Jr., P. E.
1033 Stewart Road
McDonald, PA 15057
Permit to Construct June 2, 2004
Issued

Permit No. 1191503-A2, Minor Amendment. Public Water Supply.

Applicant **Glendale Yearound Water Company**
P. O. Box 89
Flinton, PA 16640
Borough or Township White Township
County **Cambria**
Type of Facility WTP
Consulting Engineer Dakota Engineering Associates, Inc.
35 Wilson Street, Suite 200
Pittsburgh, PA 15223
Permit to Construct June 8, 2004
Issued

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

Operations Permit issued to **Imperial Development Co., Glen Lakes Estates MHP**, 6315 Forbes Ave., Suite 123, Pittsburgh, PA 15217, PWS ID 6430014, Pine Township, **Mercer County** on June 9, 2004, for the operation of new treatment facilities for Well 2 as a primary source and Well 1 as a back-up (emergency) source, as approved under Construction Permit No. 4303501.

Permit No. 4303503, Public Water Supply

Applicant **Hemlock MHP**
Borough or Township Wolf Creek Township
County **Mercer**
Type of Facility PWS
Consulting Engineer Robert L. Rabell, P. E.
RL Rabell Surveying & Engineering
10560 Walnut St.
Albion, PA 16401
Permit to Construct June 9, 2004
Issued

SEWAGE FACILITIES ACT PLAN APPROVAL

Plan Approvals Granted under the Pennsylvania Sewage Facilities Act (35 P. S. §§ 750.1—750.20a)

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

Plan Location:

Borough or Township	Borough or Township Address	County
Borough of Coaldale	P. O. Box 116 Coaldale, PA 18218	Schuylkill

Plan Description: The Department agrees with the conclusions/course of action proposed in the Corrective Action Plan Final Report (Report). The Report is approved. The Borough should now complete implementation of the corrective tasks/activities outlined in the Report. The Department will continue its role in monitoring the Borough's final completion of the tasks/activities outlined in the Report. The Borough also needs to provide an update to the Department detailing the progress of the Borough's implementation of the tasks/activities outlined in the Report. This progress report should be included, as part of the Borough's required, annual submission to the Coaldale-Lansford-Summit Hill Sewer Authority's Annual Municipal Wasteload Management Report.

Additional wastewater related improvements, additions, deletions or changes outside of those explicitly described

in the Report and its correspondence must be in compliance with the Department's regulations and be submitted to and approved by the Department in writing.

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>
Paradise Township	82 Beaver Creek Road Abbottstown, PA 17301	York

Plan Description: A3-67949-155-3, Paradise Elementary School. The approved plan provides small package wastewater treatment plant that will address nitrate-nitrogen concerns and replace a malfunctioning elevated sand mound system at the Paradise Elementary School with total estimated sewage flows of 2,400 gpd. The elementary school is on the northeastern corner of the Lincoln Highway (US Route 30) and Lake Road in Paradise Township, York County. Any required NPDES permits or WQM permits must be obtained in the name of the Spring Grove Area School District.

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>
Potter Township	124 Short Road Spring Mills, PA 16875	Centre

Plan Description: The approved plan provides for a gravity sewer extension from the Spring/Potter Township line to the top of the mountain along SR 144. The project will serve 70 EDUs, including the Empire Mobile Home Court. Sewers will be extended from a proposed Spring Township sewer extension, which was approved by the Department on May 11, 2004. Sewage will be conveyed through the proposed sewer extension to the existing Spring-Benner-Walker Joint Authority's existing collection system and treated at the Bellefonte Sewage Treatment Plant. 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.

HAZARDOUS SITES CLEANUP UNDER THE ACT OF OCTOBER 18, 1988

Proposed Interim Response

Wolf Run Site, Upper Pottsgrove Township, Montgomery County

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act (HSCA) (35 P. S. §§ 6020.101—6020.1305), is proposing an interim response at the Wolf Run Site (Site), Upper Pottsgrove Township, Montgomery County.

The Department, under the authority of the HSCA, is conducting an investigation of the Site. This investigation has included sampling of more than 200 private drinking water supply wells. To date, 87 wells are contaminated with detectable levels of trichloroethylene (TCE). The Department has not identified the source of this groundwater contamination.

To address the release and threat of release of hazardous substances at the Site, and corresponding threats to human health and the environment, the Department proposes a response action at the Site under section 501(a) of the HSCA (35 P. S. § 6020.501(a)). The Department is proposing the installation of water mains and lateral connections to the public water supply. This proposed alternative complies with Applicable, Relevant and Appropriate Requirements and is feasible and cost-effective. Other possible alternatives include no action or the installation and continued monitoring and maintenance of whole-house carbon filtration units.

An Administrative Record, which contains more detailed information concerning this proposed response action, is available for public inspection from 8 a.m. to 4 p.m. at the Department's office at 2 East Main Street, Norristown, PA 19401. Individuals interested in examining the Administrative Record should contact Sharon Mills at (484) 250-5722 to arrange for an appointment. An additional copy of the Administrative Record is available for review at the Upper Pottsgrove Administrative Offices, 1409 Farmington Avenue, Pottstown, PA 19464.

A public hearing is scheduled under section 506(d) of the HSCA (35 P. S. § 6020.506(d)) for Tuesday, August 3, 2004, at 7 p.m. in the Pottsgrove Middle School, 1351 N. Hanover Street, Pottstown, PA 19464. Individuals who would like to present formal oral comments regarding this interim response may do so by registering with the Department before the meeting. Individuals may register by calling Lynda Rebarchak, Community Relations Coordinator, (484) 250-5820.

Individuals with a disability who wish to attend the public hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact Lynda Rebarchak at the previous telephone number or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs. The public may also submit written comments regarding the Department's proposed interim response action during the period of public comment. In accordance with section 506(c) of the HSCA, the Department has established a period for public comment that will close on Thursday, September 23, 2004. Written comments should be addressed to Sharon Mills, Project Officer, Department of Environmental Protection, 2 East Main Street, Norristown, PA 19401.

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, documenta-

tion 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.

Corell Steel Site, Bristol Township, Bucks County. Samuel Kucia, Environmental Consulting, Inc., 500 East Washington Street, Suite 375, Norristown, PA 19401 on behalf of Michael Dvorak, STD Associates, L. P., 1027 Conshohocken Road and P. O. Box 580, Conshohocken, PA 19428 has submitted a Final Report concerning remediation of site soil contaminated with petroleum. The report is intended to document remediation of the site to meet the Special Industrial Area Requirements.

Former U. S. Magnet Site, Yardley Borough, Bucks County. Jeffery Fehr, P. G., Penn Environmental and Remediation, Inc., 2755 Bergey Rd., Hatfield, PA 19440, on behalf of Redevelopment authority of Bucks County, Robert White, Executive, Director, 1 N. Wilson Ave., Bristol, PA 19007 has submitted a Final Report/Baseline Environmental Report concerning remediation of site soil contaminated with fuel oils nos. 2, 4 and 6, other organics, benzo(a)pyrene, lead and arsenic. The report is intended to document remediation of the site to meet the Special Industrial Area requirements.

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

McCleary Oil Company at the Luben Burkholder Farm, Hamilton Township, Franklin County. BL Companies, 830 Sir Thomas Court, Harrisburg, PA 17109, on behalf of McCleary Oil Company, 19 West King Street, Chambersburg, PA 17201, has submitted a Final Report concerning remediation of site soils and groundwater contaminated with benzene, toluene, ethylbenzene and xylenes (BTEX). The report is intended to document remediation of the site to the Statewide Health Standard.

FCI USA, Inc., Hanover, Penn Township, York County. HRP Associates, Inc., 4811 Jonestown Road, Suite 235, Harrisburg, PA 17109, on behalf of FCI USA, Inc., 825 Old Trail Road, Eters, PA 17319, submitted a Remedial Investigation Report concerning remediation of

site soils and groundwater contaminated with VOCs. The applicant is seeking to attain a combination of the Statewide Health and Site-Specific Standards.

The SYGMA Network, Inc., City of Harrisburg, **Dauphin County.** Professional Services Industries, Inc., 1707 South Cameron Street, Suite B, Harrisburg, PA 17104, on behalf of The SYGMA Network, Inc., 5550 Blazer Parkway, Suite 300, Dublin, OH 43017, submitted a Final Report concerning remediation of site soils contaminated with petroleum hydrocarbons and lead. The report is intended to document remediation of the site to the Statewide Health Standard.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 3

The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).

Provisions of 25 Pa. Code § 250.8, administration of the Land Recycling and Environmental Remediation Standards Act (act), require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by provisions of the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media, benefits of refuse of the property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by provisions of the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the Environmental Cleanup Program manager in the Department regional office before which the notice of the plan or report appears. If information concerning a final report is required in an alternative

form, contact the Community Relations Coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

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

Former U-Haul Property, City of Philadelphia, **Philadelphia County**. William F. Schmidt, P. E., Pennoni Associates, Inc., 3001 Market St., Suite 200, Philadelphia, PA 19104, on behalf of Broad & Washington Corp., Michael Fluehr, 101 S. King St., Gloucester City, NJ 08030, has submitted a Remedial Investigation/Final Report concerning the remediation of site soil contaminated with lead and PAH and groundwater contaminated with chlorinated solvents, fuel oil no. 2 and PAH. The report demonstrated attainment of the Site Specific Standards and was approved by the Department on June 7, 2004.

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

AmerGen Energy Company LLC—Three Mile Island Nuclear Station, Londonderry Township, **Dauphin County**. ARM Group, Inc., P. O. Box 797, Hershey, PA 17033-0797, on behalf of AmerGen Energy Company, LLC, Route 441 South, P. O. Box 480, Middletown, PA 17057-0480, submitted a revised Final Report concerning remediation of site groundwater contaminated with fuel oil no. 2 and PAHs. The final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on June 2, 2004.

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

Ocker's Fuel Oil, Inc., Loyalsock Township, **Lycoming County**. Converse Consultants, on behalf of Robert Ocker, 1 Woodbryn Drive, Williamsport, PA 17701, has submitted a Final Report concerning site soil and groundwater contaminated with BTEX and PHCs. This Final Report demonstrated attainment of the Site-Specific Standard and was approved by the Department on June 9, 2004.

HAZARDOUS WASTE—INTENT TO REDUCE BOND

Proposed action on a request for a bond reduction under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations to operate a hazardous waste management facility.

Regional Office: Regional Manager, Waste Management, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Permit No. PAD059087072. MAX Environmental Technologies, Inc., 200 MAX Drive, Bulger, PA 15019, Smith Township, **Washington County**. On June 10, 2004, the Department received a request for bond reduction from MAX Environmental Technologies, Inc. for its closing hazardous waste impoundment no. 2. The Department has reviewed the request and has determined that it is consistent with 25 Pa. Code § 265a.165.

Persons wishing to comment on the proposed action are invited to submit a statement to the previous regional office within 45 days from the date of this public notice. Comments received within this 45-day period will be considered in the formulation of the final determination regarding this application. Responses should include the name, address and telephone number of the writer and

concise statement to inform the regional office of the exact basis of the comment and the relevant facts upon which it is based. A public hearing may be held if the regional office considers the public response significant.

Following the 45-day comment period and/or public hearing, the Department will make a final determination regarding the proposed permit action. Notice of this determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

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. 100620. Imperial Landfill, BFI Waste Systems of North America, Inc., 11 Boggs Road, P. O. Box 47, Imperial, PA 15126. Operation of a municipal waste landfill in Findlay Township, **Allegheny County**. Major permit modification for implementation of Radiation Protection and Meteorological Monitoring Plans issued in the regional office on June 10, 2004.

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.

Green Oak Farm, 2807 Johnsonville Rd., Farmersville, OH 45325. Authorization No. WH6184. Effective May 26, 2004.

Wayne Mattice, 6323 College Hill Rd., Vernon Center, NY 13447. Authorization No. WH6185. Effective May 26, 2004.

Gregory Gaudin, 3153 Simmons Rd., Vernon Center, NY 13477. Authorization No. WH6186. Effective May 26, 2004.

General Express Transportation Corp., Apt. 12, 559 Broadway Ave., Newark, NJ 07104. Authorization No. WH6204. Effective June 2, 2004.

Juda Construction, Ltd., 300 Fullerton Ave., Yonkers NY 10704. Authorization No. WH6229. Effective June 8, 2004.

Jolicoeur Desruisseaux d/b/a J & J Transportation, 711 Toulon Dr., Kissimmee, FL 34759. Authorization No. WH6234. Effective June 8, 2004.

C & C Tire, Inc., 21 Route 17 S., East Rutherford, NJ 07073-2106. Authorization No. WH6235. Effective June 2, 2004.

Heath Oil Co., P. O. Box 1128, Oil City, PA 16301-0628. Authorization No. WH6236. Effective June 2, 2004.

Jimmie Carter Equipment Rental, 200 Lake Spangenberg Rd., Lake Ariel, PA 18436. Authorization No. WH6237. Effective June 2, 2004.

Stewartstown Borough Authority, Suite 4, 6 N. Main St., Stewartstown, PA 17363. Authorization No. WH6238. Effective June 2, 2004.

Surinder P. Singh, 1212 Westminster Blvd., Parlin, NJ 08859. Authorization No. WH6240. Effective June 2, 2004.

Grasshopper Landscapes, Inc., 124 Beechwood Rd., Newtown Square, PA 19073. Authorization No. WH6241. Effective June 2, 2004.

Sperry Homes, LLC, R. R. 7, Box 7148, Lake Ariel, PA 18436. Authorization No. WH6242. Effective June 2, 2004.

Brookwood Construction Assoc., L. P., 600 Old Elm Street, Conshohocken, PA 19428. Authorization No. WH6243. Effective June 2, 2004.

Highmark Management, Inc., 1290 Loop Road, Lancaster, PA 17601. Authorization No. WH6244. Effective June 2, 2004.

Slippery Rock Commercial Roofing, Inc., 3941 Old Butler Road, New Castle, PA 16101. Authorization No. WH6245. Effective June 2, 2004.

Loners Salvage & Car Crushing, 11810 S. Eagle Valley Rd., Port Matilda, PA 16870. Authorization No. WH6246. Effective June 2, 2004.

Antoni J. Szot, 90 Marilyn Pl. No. D10, Clifton, NJ 07011. Authorization No. WH6247. Effective June 2, 2004.

Terry Dippery Trucking, 204 Long Ln., Lewistown, PA 17044. Authorization No. WH6248. Effective June 3, 2004.

Daniel E. Diehl, 1775 Briar Valley Rd., Bedford, PA 15522. Authorization No. WH6249. Effective June 3, 2004.

Murat U. Yucel, 3rd Floor, 34 Edward St., Newburgh, NY 12550-6035. Authorization No. WH6250. Effective June 3, 2004.

Paul C. Emery Co., Kimberton Rd., R. R. 3, Box 147, Phoenixville, PA 19460. Authorization No. WH6251. Effective June 8, 2004.

Roberto C. Hernando, 316 Hillside Ave., No. 1, Hillside, NJ 07205. Authorization No. WH6252. Effective June 3, 2004.

Metaza Transport Corp., P. O. Box 737926, Elmhurst, NJ 11373. Authorization No. WH6253. Effective June 8, 2004.

Robert L. Bartlett, 65 Decker St., Mansfield, PA 16933. Authorization No. WH6254. Effective June 8, 2004.

West Auto Sales, Inc., 1874 Round Top Rd., Wellsboro, PA 16901. Authorization No. WH6255. Effective June 8, 2004.

A Better Construction Co., 1330 Patterson Ave., Erie, PA 16508-1447. Authorization No. WH6256. Effective June 8, 2004.

SDA Mechanical Services, Inc., 2522 Metropolitan Dr., Trevose, PA 19053. Authorization No. WH6257. Effective June 8, 2004.

W. F. Anderson, LLC, 4 Old Mill Plain Rd., Danbury, CT 06811. Authorization No. WH6259. Effective June 8, 2004.

Francis J. Palo, Inc., 245 S. 4th Ave., Clarion, PA 16214-1307. Authorization No. WH6258. Effective June 8, 2004.

Arblaster Construction Company, 122 Debbie Ave., Slippery Rock, PA 16057-2408. Authorization No. WH6260. Effective June 9, 2004.

Smart Truck Training Company, 20-6 Cranberry Ridge, Reading, PA 19606. Authorization No. WH6261. Effective June 9, 2004.

Manuel K. Delgado, 2 Fish House Rd., South Kearny, NJ 07032. Authorization No. WH6262. Effective June 9, 2004.

All Type Fence Company, Inc., 1600 W. Schuylkill Rd., Douglasville, PA 19518. Authorization No. WH6263. Effective June 9, 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.

09-320-058GP: Consolidated Graphics (315 West Street Road, Warminster, PA 18974) on June 14, 2004, to operate a lithographic printing press in Warminster Township, **Bucks County**.

46-302-225GP: Montgomery Chemicals, LLC (901 Conshohocken Road, Conshohocken, PA 19428) on June 14, 2004, to operate a 500 HP steam boiler 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.

GP1-36-03150: Kunzler and Co., Inc. (652 Manor Street, P. O. Box 4747, Lancaster, PA 17604-4747) on June 10, 2004, for small gas and no. 2 oil fired combustion units under GP1 in the City of Lancaster, **Lancaster 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.

46-0155D: Sermatech International (155 S. Limerick Rd., Limerick, PA 19468) on June 11, 2004, to operate a spray booth in Limerick Township, **Montgomery County**.

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

ER-67-05016E: R. H. Sheppard Co., Inc. (P. O. Box 877, Hanover, PA 17331-0877) on June 10, 2004, for an Emission Reduction Credit approval for 14.84 tons of VOC resulting from the shutdown of three cold box core

making machines at their ductile and gray iron foundry in Hanover Borough, **York County**.

34-03005B: Energex American, Inc. (R. R. 5, Box 343, Mifflintown, PA 17059) on June 10, 2004, to modify their wood pellet manufacturing plant in Walker Township, **Juniata County**.

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

03-00237A: Rosebud Mining Co. (301 Market Street, Kittanning, PA 16201) on June 3, 2004, for a coal staging and coal sizing operation at Keystone East Mine in Plumcreek Township, **Armstrong County**.

04-412A: PSC Metals Inc. (20521 Chagrin Boulevard, Cleveland, OH 44122) on June 9, 2004, PSC Metals operates an auto shredder at their Koppel Plant in Big Beaver Borough, **Beaver County**. Plan Approval authorizes the replacement of the hammer mill with a new unit of the same size, installation of a water spray system on the hammer mill, rearrangement of existing equipment and installation of a replacement cyclone on the Z-box.

Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.13, 127.13a and 127.32.

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

09-0024C: Waste Management Disposal Services of PA Inc. (1121 Bordentown Road, Morrisville, PA 19067) on June 10, 2004, amended the operation of their landfill in Tullytown Borough, **Bucks County**.

09-0027E: Fres-Co Systems USA, Inc. (3005 State Road, Telford, PA 18969) on June 10, 2004, modified the operation of a thermal oxidizer in West Rockhill Township, **Bucks County**.

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

40-303-021: Reading Materials, Inc. (P. O. Box 79, Skippack, PA 19474) on June 9, 2004, to modify a batch hot mix asphalt plant and associated air cleaning device at their facility in Foster Township, **Luzerne County**. The Plan Approval has been extended.

40-320-017: Bemis Co., Inc. (20 Jaycee Drive, West Hazleton, PA 18201) on June 9, 2004, to modify two flexographic printing presses and associated air cleaning device at their facility in the Valmont Industrial Park, West Hazleton Borough, **Luzerne County**. The Plan Approval has been extended.

40-320-016: Quebecor World Hazleton, Inc. (Route 924, Humboldt Industrial Park, R. R. 1, Box 409Z, Hazleton, PA 18201) on June 9, 2004, to modify lithographic printing operations and associated air cleaning device at their facility in Hazleton, **Luzerne County**. The Plan Approval has been extended.

66-315-012B: The Procter and Gamble Paper Products Co. (P. O. Box 32, Route 87 South, Mehoopany, PA 18629) on June 10, 2004, to modify the 4M paper machine room and associated air cleaning device at their facility in Washington Township, **Wyoming County**. The Plan Approval has been extended.

40-303-013A: Barletta Materials and Construction, Inc. (East Broad Street, P. O. Box 550, Tamaqua, PA 18252) on June 10, 2004, to modify a batch hot mix asphalt plant and associated air cleaning device at their facility on Route 924, Hazle Township, **Luzerne County**. The Plan Approval has been extended.

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

36-05126A: McMinn's Asphalt Co., Inc. (P. O. Box 4688, Lancaster, PA 17604-4688) on April 30, 2004, to construct batch asphalt plant controlled by a fabric filter at Donegal Quarry, Heisey Quarry Road in West Donegal Township, **Lancaster County**. This plan approval was extended.

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

49-331-001: Merck and Co., Inc. (P. O. Box 600, Danville, PA 17821) on May 20, 2004, to operate the hazardous waste incinerator and associated ancillary equipment and air cleaning devices (quench, venturi scrubber, tray tower scrubber and wet electrostatic precipitator) identified in the respective plan approval on a temporary basis until September 12, 2004, at their Cherokee Plant in Riverside Borough, **Northumberland County**. The authorization has been extended.

41-310-012: Glenn O. Hawbaker, Inc. (711 East College Avenue, Bellefonte, PA 16823) on June 2, 2004, to operate a sandstone crushing, screening, and the like, plant and associated air cleaning devices (two fabric collectors) on a temporary basis, until September 30, 2004, in Armstrong Township, **Lycoming County**. The plan approval has been extended.

8-310-004: Glenn O. Hawbaker, Inc. (711 East College Avenue, Bellefonte, PA 16823) on June 9, 2004, to authorize the construction of a different mobile screening unit in a sand and gravel processing plant than that originally approved in Canton Township, **Bradford County**.

53-0009D: National Fuel Gas Supply Corp. (P. O. Box 2081, Erie, PA 16512) on June 11, 2004, to operate a 4,445 horsepower natural gas-fired reciprocating internal combustion compressor engine (Engine 1A) on a temporary basis, until October 9, 2004, at their Ellisburg Compressor Station in Allegany Township, **Potter 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.

03-00976A: AMFIRE (One Energy Place, Latrobe, PA 15650) on June 8, 2004, for a coal staging and coal sizing operation at their Deep Ridge mine in Southbend Township, **Armstrong County**. The Plan Approval for this facility has been revised to include two diesel engines not identified in the original application. A 125 HP Cummins 6BT5.9 engine will be used to power the coal screen and a 575 HP Caterpillar 3406 engine will be available for emergency backup power. The following conditions have been added to the Plan Approval as a result:

Plan Approval Condition 12: The Cummins diesel engine used to power the screen shall be limited to 4,000 hours of operation in any consecutive 12-month period (25 Pa. Code § 127.12b).

Plan Approval Condition 13: The Caterpillar emergency backup diesel engine shall be limited to 500 hours of operation in any consecutive 12-month period (25 Pa. Code § 127.12b).

Plan Approval Condition 14: The owner/operator shall maintain records of the 12-month rolling total of hours of operation of each diesel engine at this facility (25 Pa. Code § 127.12b).

26-00495A: Allegheny Energy Supply Co., LLC (4350 Northern Pike, Monroeville, PA 15146) on June 10, 2004, to modify the Plan Approval to provide an exemption from the short-term emission limits during startups and shutdowns at their Gans Power Station in Springhill Township, **Fayette County**. All emissions will be counted towards annual emission limits. Annual emission limits have not been changed. This is a Title V Facility.

11-00507B: Rosebud Mining Co. (301 Market Street, Kittanning, PA 16201) on June 4, 2004, to install an air jig operation in Blacklick Township, **Cambria County**. This plan approval was extended.

Title V Operating Permits Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter G.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701; Muhammad Zaman, Facilities Permitting Chief, (570) 327-3637.

53-00005: Dominion Transmission, Inc. (625 Liberty Avenue, Pittsburgh, PA 15222) on May 14, 2004, issued a renewal Title V operating permit for their Greenlick natural gas transmission facility in Stewardson Township, **Potter County**. This renewal Title V operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.

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

06-03025: Reading Plating and Polishing Works, Inc. (1833 Cotton Street, Reading, PA 19606) on June 10, 2004, to operate their decorative chrome plating facility in the City of Reading, **Berks County**.

07-03022: Juniata Fabrics, Inc. (P. O. Box 1806, Altoona, PA 16603) on June 10, 2004, to operate their fabric mill in the City of Altoona, **Blair County**.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745; Mark Wayner, Facilities Permitting Chief, (412) 442-4174.

03-00199: Kittanning Brick Co. (R. R. 1 Box 279, Adrian, PA 16210) on June 11, 2004, to operate a clay refractory at their Reesedale Facility in Washington Township, **Armstrong County**.

11-00282: Ameriserv Financial (216 Franklin St., Johnstown, PA 15903) on June 14, 2004, for the bank building in Johnstown, **Cambria County**. The facility's sources of emissions includes one tri-fuel boiler.

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

10-00326: Oesterling Sandblasting and Painting, Inc. (686 Glenwood Way, Butler, PA 16001) on June 8,

2004, issued a Natural Minor Operating Permit for emissions from the surface coating and abrasive blasting of metal parts in Center Township, **Butler County**.

Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.

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

38-05020: G and H Fortyniners, Inc. d/b/a Keystone Protein Co. (P. O. Box 37, Fredericksburg, PA 17026) on June 8, 2004, to modify their 400 hp boiler in Bethel Township, **Lebanon County**. The State-only operating permit was amended to include Source ID 02, a 400 hp boiler. This is Revision No. 1 of the operating permit.

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

41-00019: Specialized Vehicle Corp. (13442 Emerson Road, Kidron, OH 44636) on January 29, 2004, issued a revised operating permit, Revision No. 1, for the change of ownership of their Montgomery plant from Grumman Olson Industries, Inc. to Specialized Vehicle Corporation in Clinton Township, **Lycoming County**. This Title V operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

12-00002: GKN Sinter Metals (15420 Route 120, P. O. Box 493, Emporium, PA 15834) on May 14, 2004, issued a revised Title V operating permit, Revision No. 3, for their powdered metal parts manufacturing facility in Shippen Township, **Cameron County**. The revision of this permit authorizes the use of Dry Film RA/IPA as a replacement sizing lubricant for Krytox DF in the powdered metal parts dip sizing operation. The revision also included the removal of two electric discharge machines from the operating permit because they are no longer in operation. This Title V operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745; Mark Wayner, Facilities Permitting Chief, (412) 442-4174.

32-00055: Homer City OL1—OL8, LLC—EME Homer City Generation LP (1750 Power Plant Road, Homer City, PA 15748) on May 27, 2004, for the Homer City Station in Center Township, **Indiana County**. The change of the alternate designated representative is defined as an Administrative Amendment under 40 CFR 72.83(a)(2). This is a Title V Facility.

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

24-00009: Weyerhaeuser Inc. (100 Center Street, Johnsonburg, PA 15845) on June 8, 2004, for an administrative amendment of their Title V Operating Permit to operate a paper mill facility in Johnsonburg Borough, **Elk County**. The amendment incorporates the conditions of Plan Approval 24-009C.

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

V95-087: Calpine Philadelphia, Inc.—Southwest Water Pollution Control Plant (8200 Enterprise Avenue, Philadelphia, PA 19153) on June 14, 2004, administratively amended to change ownership from O'Brien (Philadelphia) Cogeneration, Inc. to remove two Dorman engines that have been shut down and to correct contact information. The Title V operating permit was originally issued on August 4, 2000.

V95-086: Calpine Philadelphia, Inc.—Northeast Water Pollution Control Plant (3895-99 Richmond Street, Philadelphia, PA 19137) on June 14, 2004, administratively amended to change ownership from O'Brien (Philadelphia) Cogeneration, Inc. and to correct contact information. The Title V operating permit was originally issued on August 4, 2000.

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.

54870102R3 and NPDES Permit No. PA0595923. Joe Kuperavage Coal Company (916 Park Avenue, Port Carbon, PA 17965), renewal of an existing anthracite surface mine operation in Blythe Township, **Schuylkill County**, affecting 106.1 acres. Receiving streams: unnamed tributary to East Branch Schuylkill River. Application received April 13, 2004. Renewal issued June 8, 2004.

54860206C14. WPS Westwood Generation, LLC (1088 Springhurst Drive, Green Bay, WI 54304), correction to an existing anthracite surface mine operation in Frailey and Porter Townships, **Schuylkill County**, affecting 441.4 acres. Receiving streams: Lower Rausch Creek. Application received August 21, 2003. Correction issued June 10, 2004.

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

56911602 and NPDES Permit No. PA0214400. Berwind Coal Sales Company (509 15th Street, Windber, PA 15963), to renew the permit for the Huskin Run Tipple in Shade Township, **Somerset County** and related NPDES permit. No additional discharges. Permit issued June 7, 2004.

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

32830113 and NPDES Permit No. PA0605778. Beilchick Brothers (P. O. Box 7, Heilwood, PA 15745), SMP renewal in Buffington Township, **Indiana County**, affecting 410.5 acres. Receiving streams: unnamed tributary to Mardis Run and Mardis Run (CWF). There are no potable water supply intakes within 10 miles downstream. Application received March 10, 2004. Permit issued June 10, 2004.

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

03020109 and NPDES Permit No. PA0250228. Thomas J. Smith, Inc. (R. D. 1, Box 260D, Shelocta, PA 15774), revision to permit to include auger mining to an existing bituminous surface mine in Plumcreek Township, **Armstrong County**, affecting 181 acres. Receiving streams: unnamed tributary to Cherry Run and Cherry Run. Revision application received April 14, 2004. Permit issued June 10, 2004.

65990102 and NPDES Permit No. PA0202479. AMFIRE Mining Co., LLC (One Energy Place, Suite 2800, Latrobe, PA 15650), transfer of permit formerly issued to Dunamis Resources, Inc. for continued operation and reclamation of a bituminous surface mining site in Fairfield Township, **Westmoreland County**, affecting 91 acres. Receiving streams: unnamed tributaries to Conemaugh River, to Conemaugh River. Application received March 11, 2003. Transfer permit issued June 10, 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.

21044041. M & J Explosives, Inc. (P. O. Box 608, Carlisle, PA 17013), construction blasting for the Commons at Parker Springs in North Middleton and Middlesex Townships, **Cumberland County**, with an expiration date of June 30, 2005. Permit issued June 9, 2004.

67044029. Stewart & Tate, Inc. (1020 North Hartley Street, York, PA 17405) and **DC Guelich Explosive Co.** (P. O. Box 29, Bloomsburg, PA 17815), construction blasting for Deer Creek Business Park in Hopewell Township, **York County**, with an expiration date of December 31, 2004. Permit issued June 9, 2004.

67044030. J. Roy's, Inc. (Box 125, Bowmansville, PA 17507), construction blasting at Emigsville Quarry Construction Project in Manchester Township, **York County**, with an expiration date of June 30, 2005. Permit issued June 9, 2004.

28044023. M & J Explosives, Inc. (P. O. Box 608, Carlisle, PA 17013), construction blasting at TMS/Foremost in Montgomery Township, **Franklin County**, with an expiration date of June 30, 2005. Permit issued June 9, 2004.

28044024. Hempt Brothers, Inc. (205 Creek Road, P. O. Box 278, Camp Hill, PA 17011-0278) and **Senex**

Explosives, Inc. (710 Millers Run Road, Cuddy, PA 15031), construction blasting at I-81 Project CMS 083056 in Chambersburg Borough, Guilford and Greene Townships, **Franklin County**, with an expiration date of September 30, 2004. Permit issued June 9, 2004.

21044043. M & J Explosives, Inc. (P. O. Box 608, Carlisle, PA 17013), construction blasting at Best Western in Middlesex Township, **Cumberland County**, with an expiration date of June 30, 2005. Permit issued June 9, 2004.

21044042. R & M Excavating (403 Hilltop Road, Newburg, PA 17240), construction blasting at Shippensburg Park in Shippensburg Township, **Cumberland County**, with an expiration date of June 30, 2005. Permit issued June 9, 2004.

40044006. Slusser Brothers Trucking & Excavating Company (125 North Warren Street, North Hazleton, PA 18202) and **DC Guelich Explosive Company** (P. O. Box 29, Bloomsburg, PA 17815), construction blasting at the Butler Teaching and Learning Center in Hazle Township, **Luzerne County**, with an expiration date of May 31, 2005. Permit issued June 9, 2004.

67044031. Follmer Excavating, Inc. (6 Summer Drive, Dillsburg, PA 17019) and **John W. Gleim, Jr., Inc.** (625 Hamilton Street, Carlisle, PA 17013), construction blasting at Old Orchard Development in Fairview Township, **York County**, with an expiration date of November 30, 2004. Permit issued June 9, 2004.

67044032. Brubacher Excavating, Inc. (P. O. Box 528, 825 Reading Road, Bowmansville, PA 17507), construction blasting at Brownstown Manor in Dover Township, **York County**, with an expiration date of June 30, 2005. Permit issued June 9, 2004.

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

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

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

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department of Environmental Protection (Department) has taken the following actions on previously

received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with the applicable provisions of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

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

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

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

Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and The Clean Streams Law (35 §§ 691.1—691.702) and Notice of Final Action for Certification under section 401 of the FWPCA (33 U.S.C.A. § 1341).

Permits, Environmental Assessments and 401 Water Quality Certifications Issued

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E39-429. Pulte Homes of PA, LP, 1100 Northbrook Drive, Suite 200, Treose, PA 19053. Lower Macungie Township, **Lehigh County**, Army Corps of Engineers Philadelphia District.

To construct and maintain an outfall channel having a 1-foot depth, 6-foot bottom width and 3H:1V side slopes, two 24-inch diameter RCP outfall structures with rip-rap aprons and approximately 375 feet of 8-inch diameter sanitary sewer line in the floodway of the Little Lehigh Creek (HQ-CWF, perennial). The project is on the south side of Spring Creek Road approximately 1.5 miles east of

Route 100 (Allentown West, PA Quadrangle N: 7.5 inches; W: 11.0 inches), Subbasin 2C. The project proposes to directly affect 31 linear feet of stream bank with the rip-rap aprons and 0.03 acre of floodway for the outfall channel and temporarily affect 375 linear feet of the right side floodway for the three sanitary sewer crossings.

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

E31-194: Huntingdon County Conservation District, R. R. 1 Box 7C, Huntingdon, PA 16552 in Coalmont Borough, **Huntingdon County**, ACOE Baltimore District.

To construct and maintain a stream rehabilitation project on Shoup Run (WWF) beginning at a point (Saxton, PA Quadrangle N: 15.7 inches; W: 10.7 inches), 50 feet upstream of the SR 913 bridge and continuing to a point (Saxton, PA Quadrangle N: 15.7 inches; W: 10.6 inches), 325 feet downstream using a natural stream channel design approach involving floodway excavation and grading, the placement of a 60-foot rock toe and the placement of two w-weirs and three rock vanes for the purpose of improving sediment transport and local channel stability around the SR 913 bridge in Coalmont Borough, Huntingdon County. The project proposes to directly affect 325 feet of Shoup Run.

E36-783: Marietta-Donegal Joint Authority, P. O. Box 167, Marietta, PA 17547 in Marietta Township, **Lancaster County**, ACOE Philadelphia District.

To construct and maintain a sewage treatment plant expansion within the floodplain of Susquehanna River for the purpose of increasing the capacity of the treatment plant (Columbia West, PA Quadrangle N: 10.24 inches; W: 4.94 inches) in Marietta Borough, Lancaster County.

E29-088: Empire Industries Limited, 100 Tonoloway Bluffs Lane, Needmore, PA 17238 in Thompson Township, **Fulton County**, ACOE Baltimore District.

To maintain a pedestrian suspension bridge 120 feet in length by 3 feet in width with a low chord 15 feet above the normal water surface elevation of Tonoloway Creek (WWF), at a point (Hancock, PA Quadrangle N: 20.1 inches; W: 2.8 inches) approximately 1 mile upstream of SR 2005 in Thompson Township, Fulton County.

E67-735: Turnpike Commission, P. O. Box 67676, Harrisburg, PA 17106 in Highspire and Steelton Boroughs and Swatara and Lower Swatara Townships, **Dauphin County** and Fairview Township, **York County**, ACOE Baltimore District.

To remove the existing bridge and then to construct and maintain the eastbound and westbound bridges of the Pennsylvania Turnpike (I-76) across the Susquehanna River (WWF) with a total length of 3,780 feet with an average underclearance of 65 feet, to extend and maintain the length of the existing 20-foot by 13.5-foot box culvert by 146.75 feet long at the channel of Laurel Run (WWF) and other related small structures and to fill in 0.004 acre of de minimis wetland to rehabilitate I-76 from Milepost 245.72 to Interchange No. 19 (Steelton, PA Quadrangle N: 14.6 inches; W: 7.6 inches; N: 16.15 inches; W: 6.25 inches, respectively) in Fairview Town-

ship, York County and in Steelton and Highspire Boroughs and Swatara and Lower Swatara Townships, Dauphin County. The wetland impact is considered a de minimis impact; therefore, a replacement wetland is not required.

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

E02-1436. Edward R. Buczkowski, 4330 Route 8, Allison Park, PA 15101. Buczkowski residential culvert in Hampton Township, **Allegheny County**, Pittsburgh ACOE District (Glenshaw, PA Quadrangle N: 14.15 inches; W: 10.9 inches) (Latitude: 40° 34' 41" and Longitude: 79° 57' 13"). To operate and maintain the existing 40-foot long 5-foot diameter culvert that was constructed under Emergency Permit EP0203203 in the channel of McCaslin Run (TSF) to provide access to the applicant's property. The project is on the east side of Route 8, approximately 200 feet south from the intersection of Route 8 and McCully Road.

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

E27-074, Richard J. Luty, Sr., 2385 Saxonburg Road, Cheswick, PA 15024 in Kingsley Township, **Forest County**, ACOE Pittsburgh District (Mayburg, PA Quadrangle N: 16.7 inches; W: 11.5 inches).

The applicant proposes to fill 0.22 acre of PEM/PSS wetland for the construction of a cabin with attached porch, privy and associated 1,000-gallon holding tank approximately 0.4 mile east of the intersection of SR 666 and Bobbs Creek Road. Payment to the Wetland Replacement Project fund shall compensate for wetland impacts. This is an after-the-fact permit. The project has already been constructed. The project proposes to directly affect 0.22 acre of wetland.

E37-159, Department of Transportation, District 11-0, 45 Thoms Run Road, Bridgeville, PA 15017. SR 4006, Segment 0050, Offset 0672 across Marshall Run in Mahoning Township, **Lawrence County**, ACOE Pittsburgh District (Edinburg, PA Quadrangle N: 6.4 inches; W: 11.35 inches).

To remove the existing culvert and to install and maintain a 35-foot long, 117-inch wide by 79-inch high corrugated steel pipe arch culvert having a 6-inch depressed invert in Marshall Run on SR 4006, Segment 0050, Offset 0672 approximately 1 mile west of SR 551.

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.

STORAGE TANKS**SITE-SPECIFIC INSTALLATION PERMITS**

The following Storage Tank Site-Specific Installation Permits, under the authority of the Storage Tank Spill Prevention Act (35 P. S. §§ 6021.304, 6021.504, 6021.1101—6021.1102) and under 25 Pa. Code Chapter 245, Subchapter C, have been issued by the Bureau of Land Recycling and Waste Management, Director, P. O. Box 8763, Harrisburg, PA 17105-8763.

<i>SSIP Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Tank Type</i>	<i>Tank Capacity</i>
04-15-001	Bud Mauger Mauger Oil Company 300 Lawrence Drive West Chester, PA 19380	Chester	City of West Chester	21 ASTs storage lubricating oil	154,000 gallons

SPECIAL NOTICES**Planning Grant Awards under section 901 of the Municipal Waste Planning Recycling and Waste Reduction Act of 1988, Act 101**

The Department of Environmental Protection (Department) announces the following grants to counties under the Pennsylvania Municipal Waste Planning, Recycling and Waste Reduction Act of 1988, Act 101, section 901 and section 208 of the Waste Tire Recycling Act/Small Business and Household Pollution Prevention Act (Act 190).

Planning grants are awarded to counties for 80% of approved costs for preparing municipal waste management plans as required by Act 101 for carrying out related studies, surveys, investigations, inquiries, research and analysis, including those related to siting, environmental mediation, education programs on pollution prevention and household hazardous waste and providing technical assistance to small businesses for pollution prevention. Grants may be awarded for feasibility studies and project development for municipal waste processing or disposal facilities, except for facilities for the combustion of municipal waste that are not proposed to be operated for the recovery of energy. Grant awards are predicated on the receipt of recycling fees required by sections 701 and 702 of Act 101 and the availability of moneys in the Recycling Fund.

Inquiries regarding the grant offerings should be directed to Sally Lohman, Chief, Waste Planning Section, Department of Environmental Protection, Bureau of Land Recycling and Waste Management, Division of Waste Minimization and Planning, P. O. Box 8472, Harrisburg, PA 17105-8472.

Act 101, Section 901 Planning Grant

<i>Region</i>	<i>County</i>	<i>Applicant</i>	<i>Project Description</i>	<i>Grant Award</i>
Southcentral	Blair	Blair County	Collection Study for the City of Altoona	\$87,318

Submission Date Extension for Recycling Program Development and Implementation Grant Applications under Act 101, section 902 of the Municipal Waste Planning, Recycling and Waste Reduction Act of 1988

The Department announces an extension to the deadline for Recycling Program Development and Implementation Grant applications from municipalities for grant assistance under section 902 of the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. § 4000.902).

The deadline for submission of applications has been extended to 3 p.m. on July 2, 2004. Applications received by the Department after that date will not be considered. Applications must be on forms provided by the Department, with two copies submitted to the Department's Central Office (Rachel Carson State Office Building, Harrisburg) and one copy submitted to the appropriate county recycling coordinator. Grant awards are predicated on the receipt of recycling fees required by sections 701 and 702 of Act 101 and the availability of moneys in the Recycling Fund.

Potential applicants must contact the appropriate Department regional planning and recycling coordinator to schedule a preapplication conference to discuss application requirements and program particulars. Applications will be returned to municipalities that fail to schedule preapplication conferences. Grant application forms are available from the Department's regional offices and the Department's website: www.dep.state.pa.us (DEP Keyword: Recycling Grants).

Inquiries concerning this notice should be directed to Todd Pejack, Department of Environmental Protection, Rachel Carson State Office Building, Bureau of Land Recycling and Waste Management, Division of Waste Minimization and Planning, P. O. Box 8472, Harrisburg, PA 17105-8472, (717) 787-7382, tpejack@state.pa.us.

[Pa.B. Doc. No. 04-1141. Filed for public inspection June 25, 2004, 9:00 a.m.]

Air Quality Technical Advisory Committee Meeting Cancellation

The Air Quality Technical Advisory Committee (Committee) meeting that was scheduled for June 29, 2004, has been cancelled. The next meeting of the Committee is scheduled for Tuesday, August 10, 2004.

For further information, contact Terry Black, (717) 787-2030, tblack@state.pa.us. The agenda and meeting materials for the August 10, 2004, meeting will be available through the Public Participation Center on the Department of Environmental Protection's (Department) website: www.dep.state.pa.us (DEP Keyword: Participate).

Persons with a disability who require accommodations to attend the August 10, 2004, meeting should contact the Department at (717) 787-2030 or through the Pennsylvania AT&T Relay Services at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 04-1142. Filed for public inspection June 25, 2004, 9:00 a.m.]

Availability of Technical Guidance

Technical guidance documents are on the Department of Environmental Protection's (Department) website: www.dep.state.pa.us (DEP Keyword: Participate). The "Current Inventory" heading is the Governor's list of nonregulatory guidance documents. The "Final Documents" heading is the link to a menu of the various Department bureaus and from there to each bureau's final technical guidance documents. The "Draft Technical Guidance" heading is the link to the Department's draft technical guidance documents.

The Department will continue to revise its nonregulatory documents, as necessary, throughout 2004.

Ordering Paper Copies of Department Technical Guidance

The Department encourages the use of the Internet to view guidance documents. When this option is not available, persons can order a bound paper copy of the latest inventory or an unbound paper copy of any of the final documents listed on the inventory by calling the Department at (717) 783-8727.

In addition, bound copies of some of the Department's documents are available as Department publications. Check with the appropriate bureau for more information about the availability of a particular document as a publication.

Changes to Technical Guidance Documents

Following is the current list of recent changes. Persons who have questions or comments about a particular document should call the contact person whose name and phone number is listed with each document.

Final Technical Guidance

DEP ID: 391-2000-007. Title: Technical Reference Guide WQM 7.0 for Windows Allocation Program for Dissolved Oxygen and Ammonia Nitrogen Version 1.0. Description: WQM 7.0 for Windows determines wasteload allocations and effluent limitations for Carbonaceous BOD (CBOD₅), Ammonia Nitrogen (NH₃-N)

and Dissolved Oxygen (DO) for single and multiple point source discharge scenarios. The model is designed primarily to assist Department staff in determining appropriate NPDES permit effluent limits for CBOD₅, NH₃-N and DO for sanitary waste treatment plants. It can handle both single and multiple discharge scenarios but is limited to single segment (one stream) scenarios. WQM 7.0 can be used to import previously developed WQAM 6.3 for DOS files into the WAT_QUAL database; export and then subsequently import temporary files consisting of selected stream, discharge and parameter records; view, edit, add, delete, save and analyze selected stream, discharge and parameter records from the WAT_QUAL database or from a selected temporary file; and save and retrieve completed analyses from the WAT_QUAL database. This document describes the technical methods contained in WQM 7.0 for conducting wasteload allocation analyses and for determining recommended NPDES effluent limits for point source discharges. Notice soliciting public comment on the draft of this document was published at 33 Pa.B. 4630. (September 13, 2003) with provision for a 30-day public comment period. The Department did not receive any comments from the public on the draft guidance document. Effective Date: June 26, 2004.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 04-1143. Filed for public inspection June 25, 2004, 9:00 a.m.]

Cleanup Standards Scientific Advisory Board, Risk Assessment Subcommittee Meeting on Resorcinol

The Cleanup Standards Scientific Advisory Board (Board) Risk Assessment Subcommittee (Subcommittee) will meet on July 12, 2004, from 9:30 a.m. to 12 p.m. to discuss issues related to the development and review of the reference dose (RfD) values of resorcinol (CAS # 108-46-3) and the development of the medium-specific concentrations (MSCs) for resorcinol. The meeting will be held in the large conference room on the 14th Floor, Rachael Carson State Office Building, 400 Market Street, Harrisburg, PA. A speaker phone will be provided as the Board members will be participating by teleconference. For further information, contact Dave Hess, (717) 783-9480, dahess@state.pa.us. The agenda and meeting materials for the July 12, 2004, meeting will be available through the Public Participation Center on the Department of Environmental Protection's (Department) website: www.dep.state.pa.us (DEP Keyword: Participate).

Persons with a disability who require accommodations to attend the July 12, 2004, meeting should contact the Department at (717) 783-9480 or through the Pennsylvania AT&T Relay Services at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

Resorcinol is one of the regulated substances listed at 25 Pa. Code Chapter 250, Appendix A, Table 6 (relating to threshold of regulation compounds) as a threshold-of-regulation compound. Compounds are listed in this table because reference dose and cancer slope factor were not available at the time of the last regulation amendment in 2001, so that the derivation of compound-specific MSCs was not possible. For resorcinol, the situation has changed since then. Additional toxicological data for resorcinol are now available.

The main purpose of this Subcommittee meeting is to review the latest information regarding the derivation of RfD values for resorcinol. Additional discussions will focus on issues specifically related to resorcinol under the Statewide health standard, including how the secondary maximum contaminant levels of foaming agents, color and odor may impact the implementation of MSCs for resorcinol.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 04-1144. Filed for public inspection June 25, 2004, 9:00 a.m.]

Cleanup Standards Scientific Advisory Board, Subcommittee on Attainment Meeting on Nonaqueous Phase Liquids

The Cleanup Standards Scientific Advisory Board (Board) Subcommittee on Attainment will meet on July 2, 2004, 9 a.m. to 11:30 a.m. to discuss issues related to developing guidance on the assessment and removal feasibility of nonaqueous phase liquids (NAPL) from groundwater. The meeting will be held in the large conference room on the 14th Floor, Rachael Carson State Office Building, 400 Market Street, Harrisburg, PA. A speaker phone will be provided as the Board members will be participating by teleconference. For further information, contact Dave Hess, (717) 783-9480, dahess@state.pa.us. The agenda and meeting materials for the July 2, 2004, meeting will be available through the Public Participation Center on the Department of Environmental Protection's (Department) website: www.dep.state.pa.us (DEP Keyword: Participate).

Persons with a disability who require accommodations to attend the July 2, 2004, meeting should contact the Department at (717) 783-9480 or through the Pennsylvania AT&T Relay Services at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

The standard regulatory approach with regard to NAPL is to recover NAPL to the maximum extent practicable. Experience indicates that using this approach leads to a "no endpoint" strategy that has no specific objectives. The lack of characterization of NAPL distribution and characteristics leads to ineffectively applied technology to remediate NAPL. This leads to delayed closures, backlogs and over-allocation of limited resources.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 04-1145. Filed for public inspection June 25, 2004, 9:00 a.m.]

Issuance of General Permit BWM-GP-11 for Maintenance, Testing, Repair, Rehabilitation or Replacement of Water Obstructions and Encroachments and 401 Water Quality Certification

The Department of Environmental Protection (Department), under the authority of section 7 of the Dam Safety and Encroachments Act (act) (32 P. S. § 693.7) and 25 Pa. Code Chapter 105, Subchapter L (relating to general permits), authorizes, by General Permit BWM-GP-11, the maintenance, testing, repair, rehabilitation or replace-

ment of water obstructions and encroachments. The Department is authorized by the act and regulations to issue general permits when it determines a category of projects are similar in nature and can be adequately regulated using standard specifications and conditions. The Department has found the maintenance, testing, repair, rehabilitation or replacement of water obstructions and encroachments to be a category that meets the general permit requirements.

Authorization provided by this general permit will eliminate the need of filing an application for an individual permit by an applicant who intends to maintain, test, repair, rehabilitate or replace a water obstruction or encroachment, in accordance with the terms, criteria and conditions of the general permit. The applicant will be required to register the project by submitting written notice and all applicable information to the Department indicating the intent to maintain, test, repair, rehabilitate or replace a water obstruction or encroachment.

This permit contains provisions for the protection of public health and safety through the development and Department review of engineering plans and calculations; places restrictions on the permit to protect species of special concern; requires the development and implementation of erosion and sediment control plans to protect water quality; and supports environmental enhancements and improvements by requiring fish passage, the protection of wild and stocked trout streams and the restoration and stabilization of all temporary impacts.

Since there is no individual permit application, there will be significant savings of both time and money for those using the general permit. In addition to the monetary savings, the general permit enables applicants to proceed on projects with reduced time and effort while still complying with the act. Traditionally, review times for individual permits reach 120 days. A general permit can be acknowledged in approximately 30 days. A review of the permit data from 1995 to the present indicates that approximately 20% of individual permit applicants will qualify for this proposed general permit.

Minor deviations in the structure's configuration or filled area are allowed. These include changes in materials, construction techniques, current construction codes or safety standards which are necessary to repair, modify or replace. These minor deviations will be allowed, however, only if the environmental impacts resulting from the repair, rehabilitation, modification or replacement are minimal and in compliance with the terms and conditions of the general permit and there is no impact on public health and safety. The minor deviations may not change the structure's configuration so that the structure could be put to a different use.

This permit may not be used for maintenance, repair, rehabilitation, removal or replacement of dams.

Notice of intent to issue the proposed BWM-GP-11 was published at 33 Pa.B. 4981 (October 4, 2003) with a 60-day public comment period. Two hundred sixty-three comments from 22 persons/agencies were received. Comments received in response to this notice were reviewed and incorporated into the General Permit where applicable. The major comments on the proposed BWM-GP-11 follow.

Several commentators stated that a search of the Pennsylvania Natural Diversity Inventory (PNDI) was necessary to protect endangered and threatened species. The permit has been revised to require that the PNDI search be current at the time work begins to screen for

species of special concern or their habitat to ensure their protection. The permit has been revised to utilize the bog turtle screening process in Adams, Berks, Bucks, Chester, Cumberland, Delaware, Franklin, Lancaster, Lebanon, Lehigh, Monroe, Montgomery, Northampton, Schuylkill and York Counties. The incorporation of the bog turtle screening protocol will facilitate Federal permitting under PAPSPG-2.

Some commentators suggested the language regarding the time of year restrictions for the protection of wild and stocked trout needed to be clarified. The permit has been clarified to highlight the time of year restrictions necessary for the protection of both wild and stocked trout.

Several commentators suggested that requirements for fish passage needed to be clarified. The permit has been revised to include conditions for fish passage including culvert depression, low flow channels and baffles.

Some commentators suggested that the General Permit should not be used to put a structure to a different use. The permit has been clarified to indicate that structures cannot be put to a different use than for which they were originally constructed (for example, conversion and upgrade of a logging road for use as subdivision access).

Several commentators suggested that Department engineers review the General Permit to ensure the protection of public health, safety and the environment and compliance with 25 Pa. Code Chapter 105 (relating to dam safety and waterway management). Department engineers and environmental staff will review the General Permit registrations to ensure protection of the public health, safety and the environment. The permit has been conditioned to require a hydraulics and hydrology report prepared by a professional engineer and Professional Engineering seals on plans for any bridge/culvert projects across a stream that will be used by the general public.

Many commentators believe that the review and approval of an erosion and sedimentation plan should be a condition of BWM-GP-11. The permit has been revised to require the submission of an erosion and sediment control plan for Department review. Further, the permit requires the plan be implemented and available onsite.

401 Water Quality Certification

The projects covered by the proposed general permit BWM-GP-11 may also require a Federal license or permit. Section 401(a) of the Clean Water Act (33 U.S.C.A. § 1341(a)) requires that any applicant for a Federal license or permit to conduct any activity which may result in any discharge into the waters of the United States provide the Federal licensing or permitting agency a certification from the state in which the discharge will originate that the discharge will comply with applicable provisions of the Clean Water Act as well as applicable State law related to water quality protection.

The Department, by this notice, certifies that the construction, operation and maintenance of encroachment or water obstructions, in accordance with the terms, criteria and conditions of BWM-GP-11, comply with the applicable provisions of sections 301—303, 306 and 307 of the Clean Water Act (33 U.S.C.A. §§ 1311—1313, 1316 and 1317). The Department further certifies that the construction, operation and maintenance of projects comply with applicable State laws related to water quality protection and standards, provided that the construction, operation and maintenance complies with the terms, criteria and conditions of the permit.

This permit, in accordance with section 7(d) of the act, will be effective on July 26, 2004.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 04-1146. Filed for public inspection June 25, 2004, 9:00 a.m.]

State Water Plan Statewide Water Resources Committee, Policy and Integration Subcommittee Meeting

The Policy and Integration Subcommittee of the State Water Plan Statewide Water Resources Committee has scheduled a meeting to discuss the development of the State Water Plan and fulfill the requirements of the act of December 16, 2002 (P. L. 1776, No. 220). The meeting will be held at 10 a.m. on June 29, 2004, in the 12th Floor Conference Room, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17105.

Questions concerning this meeting should be directed to Susan K. Weaver, Water Planning Office, P. O. Box 2063, Harrisburg, PA 17105-2063, (717) 783-8055, suweaver@state.pa.us.

Persons with a disability who require accommodations to attend the meeting should contact the Department of Environmental Protection (Department) at (717) 705-2425 or through the Pennsylvania AT&T Relay Services at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 04-1147. Filed for public inspection June 25, 2004, 9:00 a.m.]

DEPARTMENT OF HEALTH

Application of St. Joseph Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that St. Joseph Medical Center has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained 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: 7.2.A6, 7.2.B10, 7.2.B19 and 7.4.A7.

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care, (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

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

[Pa.B. Doc. No. 04-1148. Filed for public inspection June 25, 2004, 9:00 a.m.]

Application of Temple University Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Temple University Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exception from the following standard contained in this publication: 7.2.A4 (relating to handwashing stations).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care, (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

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

[Pa.B. Doc. No. 04-1149. Filed for public inspection June 25, 2004, 9:00 a.m.]

Requests for Exception; Long-Term Care Nursing Facilities

The following long-term care nursing facilities are seeking an exception to 28 Pa. Code § 201.3 (relating to definitions):

Friendship Ridge
246 Friendship Circle
Beaver, PA 15009

West Haven Nursing Home
P. O. Box 278
Apollo, PA 15613

Hickory House Nursing Home
3120 Horseshoe Pike
Honey Brook, PA 19344
FAC ID 083002

Abington Crest Nursing and Rehabilitation Center
1267 South Hill Road
Erie, PA 16509

The Caring Place
103 North 13th Street
Franklin, PA 16323

Elk Haven Nursing Home
785 Johnsonburg Road
St. Marys, PA 15857

Grove Manor
435 North Broad Street
Grove City, PA 16127

Rouse-Warren County Home
701 Rouse Avenue
Youngsville, PA 16371

The following long-term care nursing facilities are seeking an exception to 28 Pa. Code § 205.6(a) (relating to function of building):

ManorCare Health Services—Pottsville
420 Pulaski Drive
Pottsville, PA 17901

Trinity Living Center
400 Hillcrest Avenue
Grove City, PA 16127

Wesbury United Methodist Community
31 North Park Avenue Extension
Meadville, PA 16335-9430

The following long-term care nursing facilities are seeking an exception to 28 Pa. Code § 205.26(e) (relating to laundry):

William Hood Dunwoody Care Center
3500 West Chester Pike
Newtown Square, PA 19073
FAC ID 041602

Naamans Creek Country Manor
1194 Naamans Creek Road
Boothwyn, PA 19061
FAC ID 122302

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.28(b) (relating to nurses' station):

Woodland Place
745 Greenville Road
Mercer, PA 16137

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.38(e) (relating to toilet facilities):

Woodland Place
745 Greenville Road
Mercer, PA 16137

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 211.12(b) (relating to nursing services):

Crawford County Care Center
20881 State Highway 198
Saegertown, PA 16433

These requests are on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, paexcept@health.state.pa.us.

Persons who wish to comment on this exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 15 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who require an alternative format of this document or who wish to comment in an alternative format (for example, large print, audiotape or Braille) should contact the Division of Nursing Care Facilities at the address or phone number listed previously, for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

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

[Pa.B. Doc. No. 04-1150. Filed for public inspection June 25, 2004, 9:00 a.m.]

Technical Advisory on Enrollee Consent for Provider-Initiated Grievances; Sample Enrollee Consent Form

Under 28 Pa. Code § 9.603 (relating to technical advisories), the Department of Health (Department), Bureau of Managed Care, is issuing the following sample enrollee consent form for provider-initiated grievances. If a provider and enrollee follow its format, this consent form will be deemed by the Department to be compliant with 28 Pa. Code § 9.706 (relating to health care provider initiated grievances) and constitute valid enrollee consent for the purpose of a provider grievance.

**Patient Consent for My Provider to
File a Grievance on my Behalf with my Health Insurance Plan**

Provider Name:	Provider Plan ID Number:
Provider Address:	
Description of services that may be appealed:	Date(s) services were provided:

I agree to allow this health care provider to file a grievance on my behalf with the following health plan if there is a question about coverage for the services listed below.

I understand that:

1. If I consent, I will not be able to file my own grievance concerning these same services, nor will any representative I appoint, unless this consent is rescinded in writing.
2. I have a right to rescind this consent at any time. My legal representative has the right to rescind this consent at any time.
3. This consent shall be automatically rescinded if my health care provider does not file a grievance, or stops grieving my case.

I have read this consent or have had it read to me, and it has been explained to my satisfaction.

I understand the information in the consent form, and grant my consent to this provider to file a grievance on my behalf.

Print Patient Name:	Patient Date of Birth:	Health Insurance Company:
Patient Address:		Patient Insurance ID Number:
Patient Signature:		Signature Date:

The above named enrollee is unable to sign this consent form because of the following reasons and I consent for the above named enrollee:		
Print Representative Name:	Relationship to the Patient:	
Representative Signature:	Signature Date:	
Print Witness Name:	Witness Signature:	Signature Date:

[Pa.B. Doc. No. 04-1151. Filed for public inspection June 25, 2004, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania Double Your Money Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Double Your Money.

2. *Price:* The price of a Pennsylvania Double Your Money instant lottery game ticket is \$1.

3. *Play Symbols:* Each Pennsylvania Double Your Money instant lottery game ticket will contain one play area featuring a "Lucky Number" area and a "Your Numbers" area. The play symbols and their captions located in the "Lucky Number" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE) and 10 (TEN). The play symbols and their captions located in the "Your Numbers" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN) and \$\$ Symbol (DOUBLE).

4. *Prize Play Symbols:* The prize play symbols and their captions located in the "Your Numbers" area are: FREE (TICKET), \$1⁰⁰ (ONE DOL), \$2⁰⁰ (TWO DOL), \$4⁰⁰ (FOR DOL), \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL), \$20\$ (TWENTY), \$40\$ (FORTY), \$80\$ (EIGHTY), \$100 (ONE HUN) and \$10,000 (TEN THO).

5. *Prizes:* The prizes that can be won in this game are one free ticket, \$1, \$2, \$4, \$5, \$10, \$20, \$40, \$80, \$100 and \$10,000. A player can win up to five times on a ticket.

6. *Approximate Number of Tickets Printed for the Game:* Approximately 14,400,000 tickets will be printed for the Pennsylvania Double Your Money instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the "Your Numbers" play symbols matches the "Lucky Number" play symbol and a prize play symbol of \$10,000 (TEN THO) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$10,000.

(b) Holders of tickets upon which any one of the "Your Numbers" play symbols matches the "Lucky Number" play symbol and a prize play symbol of \$100 (ONE HUN) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(c) Holders of tickets upon which any one of the "Your Numbers" is a \$\$ Symbol (DOUBLE), and a prize play symbol of \$40\$ (FORTY) appears under the \$\$ Symbol (DOUBLE) on a single ticket, shall be entitled to a prize of \$80.

(d) Holders of tickets upon which any one of the "Your Numbers" play symbols matches the "Lucky Number" play symbol and a prize play symbol of \$80\$ (EIGHTY) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$80.

(e) Holders of tickets upon which any one of the "Your Numbers" is a \$\$ Symbol (DOUBLE), and a prize play symbol of \$20\$ (TWENTY) appears under the \$\$ Symbol (DOUBLE) on a single ticket, shall be entitled to a prize of \$40.

(f) Holders of tickets upon which any one of the "Your Numbers" play symbols matches the "Lucky Number" play symbol and a prize play symbol of \$40\$ (FORTY) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$40.

(g) Holders of tickets upon which any one of the "Your Numbers" is a \$\$ Symbol (DOUBLE), and a prize play symbol of \$10⁰⁰ (TEN DOL) appears under the \$\$ Symbol (DOUBLE) on a single ticket, shall be entitled to a prize of \$20.

(h) Holders of tickets upon which any one of the "Your Numbers" play symbols matches the "Lucky Number" play symbol and a prize play symbol of \$20\$ (TWENTY) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(i) Holders of tickets upon which any one of the "Your Numbers" is a \$\$ Symbol (DOUBLE), and a prize play symbol of \$5⁰⁰ (FIV DOL) appears under the \$\$ Symbol (DOUBLE) on a single ticket, shall be entitled to a prize of \$10.

(j) Holders of tickets upon which any one of the "Your Numbers" play symbols matches the "Lucky Number" play symbol and a prize play symbol of \$10⁰⁰ (TEN DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(k) Holders of tickets upon which any one of the "Your Numbers" play symbols matches the "Lucky Number" play symbol and a prize play symbol of \$5⁰⁰ (FIV DOL)

appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$5.

(l) Holders of tickets upon which any one of the "Your Numbers" is a \$\$ Symbol (DOUBLE), and a prize play symbol of \$2⁰⁰ (TWO DOL) appears under the \$\$ Symbol (DOUBLE) on a single ticket, shall be entitled to a prize of \$4.

(m) Holders of tickets upon which any one of the "Your Numbers" play symbols matches the "Lucky Number" play symbol and a prize play symbol of \$4⁰⁰ (FOR DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$4.

(n) Holders of tickets upon which any one of the "Your Numbers" is a \$\$ Symbol (DOUBLE), and a prize play symbol of \$1⁰⁰ (ONE DOL) appears under the \$\$ Symbol (DOUBLE) on a single ticket, shall be entitled to a prize of \$2.

(o) Holders of tickets upon which any one of the "Your Numbers" play symbols matches the "Lucky Number"

play symbol and a prize play symbol of \$2⁰⁰ (TWO DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$2.

(p) Holders of tickets upon which any one of the "Your Numbers" play symbols matches the "Lucky Number" play symbol and a prize play symbol of \$1⁰⁰ (ONE DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$1.

(q) Holders of tickets upon which any one of the "Your Numbers" play symbols matches the "Lucky Number" play symbol and a prize play symbol of FREE (TICKET) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of one Pennsylvania Instant Lottery Game ticket of equivalent sale price which is currently on sale.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

When Any of Your Numbers Match the Lucky Number Win, With Prize(s) of:

<i>Win:</i>	<i>Approximate Odds 1 In:</i>	<i>Approximate No. of Winners Per 14,400,000 Tickets</i>
FREE	TICKET	20
\$1	\$1	13.04
\$2	\$2	60
\$1 w/\$\$	\$2	20
\$1 x 2	\$2	60
\$4	\$4	300
\$2 w/\$\$	\$4	100
\$1 x 4	\$4	300
\$2 x 2	\$4	300
\$5	\$5	600
\$1 x 5	\$5	600
\$2 w/\$\$ + \$1	\$5	150
\$10	\$10	600
\$5 w/\$\$	\$10	200
\$2 x 5	\$10	600
\$5 x 2	\$10	600
\$20	\$20	1,500
\$10 w/\$\$	\$20	1,500
\$4 x 5	\$20	1,500
\$5 x 4	\$20	1,500
\$10 x 2	\$20	1,500
\$40	\$40	80,000
\$20 w/\$\$	\$40	80,000
\$10 x 4	\$40	80,000
\$20 x 2	\$40	60,000
\$80	\$80	240,000
\$40 w/\$\$	\$80	240,000
\$20 x 4	\$80	240,000
\$100	\$100	240,000
\$20 x 5	\$100	240,000
\$10,000	\$10,000	1,440,000

\$\$ = Double the prize shown

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Double Your Money instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Double Your Money, prize money from winning Pennsylvania Double

Your Money instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Double Your Money instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State

Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Double Your Money or through normal communications methods.

GREGORY C. FAJT,
Secretary

[Pa.B. Doc. No. 04-1152. Filed for public inspection June 25, 2004, 9:00 a.m.]

Pennsylvania \$1 Million Blockbuster Instant Lottery Game

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania \$1 Million Blockbuster.

2. *Price:* The price of a Pennsylvania \$1 Million Blockbuster instant lottery game ticket is \$20.

3. *Play Symbols:* Each Pennsylvania \$1 Million Blockbuster instant lottery game ticket will contain one play area featuring a "Winning Numbers" area and a "Your Numbers" area. The play symbols and their captions located in the "Winning Numbers" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTEN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWY TWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRTY), 31 (THYONE), 32 (THYTWO), 33 (THYTHR), 34 (THYFOR), 35 (THYFIV), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN) and 40 (FORTY). The play symbols and their captions located in the "Your Numbers" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTEN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWY TWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRTY), 31 (THYONE), 32 (THYTWO), 33 (THYTHR), 34 (THYFOR), 35 (THYFIV), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN), 40 (FORTY), Star Symbol (STAR), Gold Bar Symbol (DOUBLE) and 5X Symbol (5 TIMES).

4. *Prize Play Symbols:* The prize play symbols and their captions located in the "Your Numbers" area are: \$10⁰⁰ (TEN DOL), \$20\$ (TWENTY), \$25\$ (TWY FIV), \$30\$ (THIRTY), \$40\$ (FORTY), \$50\$ (FIFTY), \$100 (ONE HUN), \$200 (TWO HUN), \$250 (TWOHNFTY), \$400 (FOR HUN), \$500 (FIV HUN), \$1,000 (ONE THO), \$5,000 (FIV THO), \$20,000 (TWY THO) and \$1MILL (ONE MIL).

5. *Prizes:* The prizes that can be won in this game are \$10, \$20, \$25, \$30, \$40, \$50, \$100, \$200, \$250, \$400,

\$500, \$1,000, \$5,000, \$20,000 and \$1,000,000. The \$1,000,000 top prize is a lump-sum, cash payment. A player can win up to 20 times on a ticket.

6. *Approximate Number of Tickets Printed for the Game:* Approximately 7,200,000 tickets will be printed for the Pennsylvania \$1 Million Blockbuster instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Winning Numbers" play symbols and a prize play symbol of \$1MILL (ONE MIL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$1,000,000.

(b) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Winning Numbers" play symbols and a prize play symbol of \$20,000 (TWY THO) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$20,000.

(c) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Star Symbol (STAR), and a prize play symbol of \$20,000 (TWY THO) appears under the Star Symbol (STAR) on a single ticket, shall be entitled to a prize of \$20,000.

(d) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Winning Numbers" play symbols and a prize play symbol of \$5,000 (FIV THO) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$5,000.

(e) Holders of tickets upon which any one of the "Your Numbers" play symbols is a 5X Symbol (5 TIMES), and a prize play symbol of \$1,000 (ONE THO) appears under the 5X Symbol (5 TIMES) on a single ticket, shall be entitled to a prize of \$5,000.

(f) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Winning Numbers" play symbols and a prize play symbol of \$1,000 (ONE THO) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(g) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Star Symbol (STAR), and a prize play symbol of \$1,000 (ONE THO) appears under the Star Symbol (STAR) on a single ticket, shall be entitled to a prize of \$1,000.

(h) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Gold Bar Symbol (DOUBLE), and a prize play symbol of \$500 (FIV HUN) appears under the Gold Bar Symbol (DOUBLE) on a single ticket, shall be entitled to a prize of \$1,000.

(i) Holders of tickets upon which any one of the "Your Numbers" play symbols is a 5X Symbol (5 TIMES), and a prize play symbol of \$200 (TWO HUN) appears under the 5X Symbol (5 TIMES) on a single ticket, shall be entitled to a prize of \$1,000.

(j) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Winning Numbers" play symbols and a prize play symbol of \$500 (FIV HUN) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$500.

(k) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Star Symbol (STAR), and a prize play symbol of \$500 (FIV HUN) appears under the Star Symbol (STAR) on a single ticket, shall be entitled to a prize of \$500.

(l) Holders of tickets upon which any one of the "Your Numbers" play symbols is a 5X Symbol (5 TIMES), and a prize play symbol of \$100 (ONE HUN) appears under the 5X Symbol (5 TIMES) on a single ticket, shall be entitled to a prize of \$500.

(m) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Winning Numbers" play symbols and a prize play symbol of \$400 (FOR HUN) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$400.

(n) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Star Symbol (STAR), and a prize play symbol of \$400 (FOR HUN) appears under the Star Symbol (STAR) on a single ticket, shall be entitled to a prize of \$400.

(o) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Gold Bar Symbol (DOUBLE), and a prize play symbol of \$200 (TWO HUN) appears under the Gold Bar Symbol (DOUBLE) on a single ticket, shall be entitled to a prize of \$400.

(p) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Winning Numbers" play symbols and a prize play symbol of \$250 (TWOHNFTY) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$250.

(q) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Star Symbol (STAR), and a prize play symbol of \$250 (TWOHNFTY) appears under the Star Symbol (STAR) on a single ticket, shall be entitled to a prize of \$250.

(r) Holders of tickets upon which any one of the "Your Numbers" play symbols is a 5X Symbol (5 TIMES), and a prize play symbol of \$50\$ (FIFTY) appears under the 5X Symbol (5 TIMES) on a single ticket, shall be entitled to a prize of \$250.

(s) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Winning Numbers" play symbols and a prize play symbol of \$200 (TWO HUN) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$200.

(t) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Star Symbol (STAR), and a prize play symbol of \$200 (TWO HUN) appears under the Star Symbol (STAR) on a single ticket, shall be entitled to a prize of \$200.

(u) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Gold Bar Symbol (DOUBLE), and a prize play symbol of \$100 (ONE HUN) appears under the Gold Bar Symbol (DOUBLE) on a single ticket, shall be entitled to a prize of \$200.

(v) Holders of tickets upon which any one of the "Your Numbers" play symbols is a 5X Symbol (5 TIMES), and a prize play symbol of \$40\$ (FORTY) appears under the 5X Symbol (5 TIMES) on a single ticket, shall be entitled to a prize of \$200.

(w) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Winning Numbers" play symbols and a prize play symbol of \$100 (ONE HUN) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(x) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Star Symbol (STAR), and a prize play symbol of \$100 (ONE HUN) appears under the Star Symbol (STAR) on a single ticket, shall be entitled to a prize of \$100.

(y) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Gold Bar Symbol (DOUBLE), and a prize play symbol of \$50\$ (FIFTY) appears under the Gold Bar Symbol (DOUBLE) on a single ticket, shall be entitled to a prize of \$100.

(z) Holders of tickets upon which any one of the "Your Numbers" play symbols is a 5X Symbol (5 TIMES), and a prize play symbol of \$20\$ (TWENTY) appears under the 5X Symbol (5 TIMES) on a single ticket, shall be entitled to a prize of \$100.

(aa) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Winning Numbers" play symbols and a prize play symbol of \$50\$ (FIFTY) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(bb) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Star Symbol (STAR), and a prize play symbol of \$50\$ (FIFTY) appears under the Star Symbol (STAR) on a single ticket, shall be entitled to a prize of \$50.

(cc) Holders of tickets upon which any one of the "Your Numbers" play symbols is a 5X Symbol (5 TIMES), and a prize play symbol of \$10⁰⁰ (TEN DOL) appears under the 5X Symbol (5 TIMES) on a single ticket, shall be entitled to a prize of \$50.

(dd) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Gold Bar Symbol (DOUBLE), and a prize play symbol of \$25\$ (TWY FIV) appears under the Gold Bar Symbol (DOUBLE) on a single ticket, shall be entitled to a prize of \$50.

(ee) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Winning Numbers" play symbols and a prize play symbol of \$40\$ (FORTY) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$40.

(ff) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Star Symbol (STAR), and a prize play symbol of \$40\$ (FORTY) appears under the Star Symbol (STAR) on a single ticket, shall be entitled to a prize of \$40.

(gg) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Gold Bar Symbol (DOUBLE), and a prize play symbol of \$20\$ (TWENTY) appears under the Gold Bar Symbol (DOUBLE) on a single ticket, shall be entitled to a prize of \$40.

(hh) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Winning Numbers" play symbols and a prize play symbol of \$30\$ (THIRTY) appears under the matching "Your Numbers"

play symbol, on a single ticket, shall be entitled to a prize of \$30.

(ii) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Star Symbol (STAR), and a prize play symbol of \$30\$ (THIRTY) appears under the Star Symbol (STAR) on a single ticket, shall be entitled to a prize of \$30.

(jj) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Winning Numbers" play symbols and a prize play symbol of \$25\$ (TWY FIV) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$25.

(kk) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Star Symbol (STAR), and a prize play symbol of \$25\$ (TWY FIV) appears under the Star Symbol (STAR) on a single ticket, shall be entitled to a prize of \$25.

(ll) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Winning Numbers" play symbols and a prize play symbol of \$20\$

(TWENTY) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(mm) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Star Symbol (STAR), and a prize play symbol of \$20\$ (TWENTY) appears under the Star Symbol (STAR) on a single ticket, shall be entitled to a prize of \$20.

(nn) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Gold Bar Symbol (DOUBLE), and a prize play symbol of \$10⁰⁰ (TEN DOL) appears under the Gold Bar Symbol (DOUBLE) on a single ticket, shall be entitled to a prize of \$20.

(oo) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Winning Numbers" play symbols and a prize play symbol of \$10⁰⁰ (TEN DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$10.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

<i>Win With Prize(s) of:</i>	<i>Win:</i>	<i>Odds of 1 In:</i>	<i>Approximate No. of Winners Per 7,200,000 Tickets</i>
\$10 × 2	\$20	75	96,000
\$10 w/Gold Bar	\$20	25	288,000
\$20 w/Star	\$20	75	96,000
\$20	\$20	30	240,000
\$25 w/Star	\$25	25	288,000
\$25	\$25	37.50	192,000
\$10 × 3	\$30	75	96,000
\$30 w/Star	\$30	150	48,000
\$30	\$30	75	96,000
\$10 × 4	\$40	150	48,000
\$20 × 2	\$40	150	48,000
\$20 w/Gold Bar	\$40	150	48,000
\$40 w/Star	\$40	150	48,000
\$40	\$40	150	48,000
\$10 × 5	\$50	184.62	39,000
\$25 × 2	\$50	200	36,000
\$25 w/Gold Bar	\$50	160	45,000
\$10 w/5X	\$50	133.33	54,000
\$50 w/Star	\$50	266.67	27,000
\$50	\$50	184.62	39,000
\$10 × 10	\$100	240	30,000
\$20 × 5	\$100	240	30,000
\$20 w/5X	\$100	96	75,000
\$50 w/Gold Bar	\$100	160	45,000
\$100 w/Star	\$100	240	30,000
\$100	\$100	240	30,000
\$10 × 20	\$200	1,714	4,200
\$20 × 10	\$200	1,714	4,200
\$25 × 8	\$200	1,714	4,200
\$40 w/5X	\$200	1,714	4,200
\$100 w/Gold Bar	\$200	1,714	4,200
\$100 × 2	\$200	1,714	4,200
\$200 w/Star	\$200	1,714	4,200
\$200	\$200	1,690	4,260
\$25 × 10	\$250	12,000	600
\$50 × 5	\$250	12,000	600
\$50 w/5X	\$250	12,000	600
\$250 w/Star	\$250	12,000	600

<i>Win With Prize(s) of:</i>	<i>Win:</i>	<i>Odds of 1 In:</i>	<i>Approximate No. of Winners Per 7,200,000 Tickets</i>
\$250	\$250	12,000	600
\$20 × 20	\$400	2,400	3,000
\$25 × 16	\$400	2,400	3,000
\$100 × 4	\$400	2,400	3,000
\$200 × 2	\$400	2,400	3,000
\$200 w/Gold Bar	\$400	2,400	3,000
\$400 w/Star	\$400	2,400	3,000
\$400	\$400	2,400	3,000
\$25 × 20	\$500	12,000	600
\$50 × 10	\$500	12,000	600
\$100 × 5	\$500	12,000	600
\$200 w/Gold Bar + \$100	\$500	12,000	600
\$100 w/5X	\$500	12,000	600
\$500 w/Star	\$500	12,000	600
\$500	\$500	12,000	600
\$50 × 20	\$1,000	40,000	180
\$100 × 10	\$1,000	40,000	180
\$200 × 5	\$1,000	40,000	180
\$200 w/5X	\$1,000	40,000	180
\$500 × 2	\$1,000	40,000	180
\$500 w/Gold Bar	\$1,000	40,000	180
\$1,000 w/Star	\$1,000	40,000	180
\$1,000	\$1,000	40,000	180
\$500 × 10	\$5,000	120,000	60
\$1,000 × 5	\$5,000	120,000	60
\$1,000 w/5X	\$5,000	120,000	60
\$5,000	\$5,000	120,000	60
\$1,000 × 20	\$20,000	1,440,000	5
\$20,000 w/Star	\$20,000	1,440,000	5
\$20,000	\$20,000	1,440,000	5
\$1,000,000 Cash	\$1,000,000	1,440,000	5

Star = Win prize automatically
 Gold Bar = Win double the prize shown
 5X = Win 5 times the prize shown

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania \$1 Million Blockbuster instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania \$1 Million Blockbuster, prize money from winning Pennsylvania \$1 Million Blockbuster instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania \$1 Million Blockbuster instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote

Pennsylvania \$1 Million Blockbuster or through normal communications methods.

GREGORY C. FAJT,
Secretary

[Pa.B. Doc. No. 04-1153. Filed for public inspection June 25, 2004, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Finding Elk County

Under section 2002(b) of The Administrative Code of 1929 (71 P.S. § 512(b)), the Deputy Secretary for Highway Administration makes the following written finding:

The Department of Transportation plans to replace the existing bridge carrying SR 0219 over Gallagher Run in the Borough of Ridgway, Elk County. This project will require the acquisition of portions of properties in the National Register-eligible Ridgway Historic District.

Information describing the project together with the associated environmental analysis is contained in the Categorical Exclusion Evaluation/Section 2002 Evaluation that was prepared for this project.

Based upon studies, there is no prudent and feasible alternative to the use of property from the National Register-eligible Ridgway Historic District.

The Deputy Secretary for Highway Administration has considered the environmental, economic, social and other effects of the proposed project as enumerated in section 2002 of The Administrative Code of 1929 and has concluded that there is no feasible and prudent alternative to the project as designed and all reasonable steps have been taken to minimize effects.

No adverse environmental effect is likely to result from the reconstruction of this section of highway.

GARY L. HOFFMAN, P. E.,
Deputy Secretary for Highway Administration

[Pa.B. Doc. No. 04-1154. Filed for public inspection June 25, 2004, 9:00 a.m.]

ENVIRONMENTAL HEARING BOARD

Duquesne Light Company v. DEP; EHB Doc. No. 2004-121-L

Duquesne Light Company has appealed the issuance by the Department of Environmental Protection of an NPDES permit to same for a facility in Union Township, Washington County.

A date for the hearing on the appeal has not yet been scheduled.

The appeal is filed with the Environmental Hearing Board (Board) at its office on the Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457 and may be reviewed by interested parties on request during normal business hours. If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the AT&T Pennsylvania Relay Center at (800) 654-5984.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code

§ 1021.81 (relating to intervention). Copies of the Board's rules of practice and procedure are available upon request from the Board.

MICHAEL L. KRANCER,
Chairperson

[Pa.B. Doc. No. 04-1155. Filed for public inspection June 25, 2004, 9:00 a.m.]

ENVIRONMENTAL QUALITY BOARD

Acceptance of Rulemaking Petition for Study

On June 15, 2004, the Environmental Quality Board (Board) accepted a rulemaking petition for study under 25 Pa. Code Chapter 23 (relating to Environmental Quality Board policy for processing petitions—statement of policy). The petition, submitted by the Board of Commissioners for Upper Gwynedd Township in Montgomery County, requests the Board to redesignate the Wissahickon Creek from its headwaters in Montgomery Township to State Route 73 (Skipack Pike) bridge from Trout Stocking Fishery to Warm Water Fishes.

Under 25 Pa. Code § 93.4d(a) (relating to processing of petitions, evaluations and assessments to change a designated use), the Department of Environmental Protection (Department) is required to publish a notice of intent to assess candidate waters before performing survey work. The Department's assessment notice for the Wissahickon Creek, as identified previously, will appear in a future issue of the *Pennsylvania Bulletin*.

The referenced petition submitted by the Upper Gwynedd Township Board of Commissioners is available to the public by contacting the Environmental Quality Board, P. O. Box 8477, Harrisburg, PA 17105-8477, (717) 787-4526 and is also accessible on the Department's website: www.dep.state.pa.us (DEP Keyword: EQB (under "Meeting Agendas/Handouts/Minutes" choose "2004" then "June 15, 2004").

KATHLEEN A. MCGINTY,
Chairperson

[Pa.B. Doc. No. 04-1156. Filed for public inspection June 25, 2004, 9:00 a.m.]

FISH AND BOAT COMMISSION

Proposed Special Regulation Designations and Redesignations

The Fish and Boat Commission (Commission) has approved guidelines with regard to encouraging public participation on possible changes to the designation of streams, stream sections or lakes for special regulation programs. Under 58 Pa. Code Chapter 65 (relating to special fishing regulations), the Commission designates certain streams, stream sections and lakes as being subject to special fishing regulations. These designations are effective after Commission approval when they are posted at the site and a notice is published in the *Pennsylvania Bulletin*. Under the Commission's guidelines, a notice concerning the proposed designation or redesignation of a stream, stream section or lake under special regulations ordinarily will be published in the *Pennsylvania Bulletin* before the matter is reviewed by the Commissioners.

At the next Commission meeting on July 26 and 27, 2004, the Commission will consider designating or redesignating the following streams, stream sections and lakes as waters subject to special fishing regulations under 58 Pa. Code Chapter 65, effective January 1, 2005:

58 Pa. Code § 65.1. Selective Harvest Program.

The Commission will consider removing the following stream sections from the list of waters regulated and managed under the Selective Harvest Program under 58 Pa. Code § 65.1:

<i>County</i>	<i>Water on which located</i>	<i>Description</i>
Clinton	Young Womans Creek	From Beechwood Trail downstream to the Sproul State Forest Property line, a distance of 5.5 miles
Lycoming	Grays Run	From Grays Run Hunting Club property line downstream to concrete bridge on Grays Run Road (T-842) at old CCC Camp, a distance of 2.2 miles
Northampton	Saucon Creek	From the upstream boundary of the City of Bethlehem property downstream to the SR 0412 bridge, a distance of 2.1 miles
York	Codorus Creek	From the confluence with West Branch of Codorus Creek downstream to cable 0.5 mile downstream of T-374 (Hayrick Rd.), a distance of 3.1 miles

58 Pa. Code § 65.4b. All-Tackle Selective Harvest Program.

The Commission will consider removing the following stream sections from the list of waters regulated and managed under the All-Tackle Selective Harvest Program under 58 Pa. Code § 65.4b:

<i>County</i>	<i>Water on which located</i>	<i>Description</i>
Cameron	Hunts Run	From the confluence with McNuff Branch downstream to the mouth, a distance of 4.7 miles
Clinton	Rauchtown Creek	From the confluence of Rockey Run and Krape Run downstream to the SR 0880 crossing upstream of the Ravensburg State Park picnic area, a distance of 1.2 miles
Potter	East Fork Sinnemahoning Creek	From the confluence with Wild Boy Run downstream to the confluence with Camp Run, a distance of 2.9 miles
Union	Cherry Run	From the mouth upstream for a distance of 2.7 miles

58 Pa. Code § 65.5. Catch-and-release areas.

The Commission will consider designating the following stream sections as catch-and-release areas to be regulated and managed under 58 Pa. Code § 65.5:

<i>County</i>	<i>Water on which located</i>	<i>Description</i>
Cameron	Hunts Run	From the confluence with McNuff Branch downstream to the mouth, a distance of 4.7 miles
Clinton	Rauchtown Creek	From the confluence of Rockey Run and Krape Run downstream to the SR 0880 crossing upstream of the Ravensburg State Park picnic area, a distance of 1.2 miles
Clinton	Young Womans Creek	From Beechwood Trail downstream to the Sproul State Forest Property line, a distance of 5.5 miles
Lycoming	Grays Run	From Grays Run Hunting Club property line downstream to concrete bridge on Grays Run Road (T-842) at old CCC Camp, a distance of 2.2 miles
Potter	East Fork Sinnemahoning Creek	From the confluence with Wild Boy Run downstream to the confluence with Camp Run, a distance of 2.9 miles
Union	Cherry Run	From the mouth upstream for a distance of 2.7 miles

58 Pa. Code § 65.6. Delayed harvest artificial lures only areas.

The Commission will consider designating the following stream sections as delayed harvest artificial lures only areas to be regulated and managed under 58 Pa. Code § 65.6:

<i>County</i>	<i>Water on which located</i>	<i>Description</i>
Dauphin	Powell Creek	Upper bridge crossing on T-551 downstream to the confluence of the unnamed tributary along T-358, a distance of 2.5 miles
Mifflin	Honey Creek	New Lancaster Valley Road bridge (SR 1002) downstream for a distance of 2.0 miles

58 Pa. Code § 65.7. Trophy Trout Program.

The Commission will consider adding the following stream sections to the list of waters regulated and managed under the Trophy Trout Program under 58 Pa. Code § 65.7:

<i>County</i>	<i>Water on which located</i>	<i>Description</i>
Northampton	Saucon Creek	From the upstream boundary of the City of Bethlehem property downstream to the SR 0412 bridge, a distance of 2.1 miles
York	Codorus Creek	From the confluence with West Branch of Codorus Creek downstream to cable 0.5 mile downstream of T-374 (Hayrick Rd.), a distance of 3.1 miles

At this time, the Commission is soliciting public input concerning the designations and redesignations listed in this notice. Persons with comments, objections or suggestions concerning the designations and redesignations are invited to

submit comments in writing to the Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000 within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically to ra-pfbcregs@state.pa.us. A subject heading of the proposal and a return name and address must be included in each transmission. In addition, electronic comments must be contained in the text of the transmission, not in an attachment. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt.

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

[Pa.B. Doc. No. 04-1157. Filed for public inspection June 25, 2004, 9:00 a.m.]

HEALTH CARE COST CONTAINMENT COUNCIL

Meetings Scheduled

The Health Care Cost Containment Council (Council) has scheduled the following meetings: Wednesday, June 30, 2004, Data Systems Committee meeting—10 a.m., Education Committee meeting—1 p.m.; Thursday, July 1, 2004, Council meeting—10 a.m. The meetings will be held in the conference room at the Council Office, 225 Market Street, Suite 400, Harrisburg, PA 17101. The public is invited to attend. Persons who need accommodation due to a disability who wish to attend the meetings should contact Cherie Elias, Health Care Cost Containment Council, 225 Market Street, Harrisburg, PA 17101, (717) 232-6787 at least 24 hours in advance so that arrangements can be made.

MARC P. VOLAVKA,
Executive Director

[Pa.B. Doc. No. 04-1158. Filed for public inspection June 25, 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, June 10, 2004, and announced the following:

Actions Taken—Regulations Approved

State Board of Physical Therapy # 16A-6510: Certificate of Authorization (amends 49 Pa. Code Chapter 40)

Environmental Quality Board # 7-383: Safe Drinking Water; Microbial and Disinfection Byproducts (amends 25 Pa. Code Chapter 109)

Environmental Quality Board # 7-387: Radiological Health (amends 25 Pa. Code Chapters 215—221, 223—228, 230 and 240)

Approval Order

Public Meeting held
June 10, 2004

Commissioners Voting: John R. McGinley, Jr., Esq., Chairperson, by proxy; Alvin C. Bush, Vice Chairperson; Daniel F. Clark, Esq.; Arthur Coccodrilli; Murray Ufberg, Esq.

State Board of Physical Therapy—Certificate of Authorization; Regulation No. 16A-6510

On November 12, 2003, the Independent Regulatory Review Commission received this proposed regulation from the State Board of Physical Therapy (Board). This rulemaking amends 49 Pa. Code Chapter 40. The proposed regulation was published in the November 22, 2003, *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on May 7, 2004.

This regulation implements Act 6 of 2002 by allowing qualified physical therapists to practice without a physician's referral in certain situations. It also establishes related fees and continuing education requirements.

We have determined this regulation is consistent with the statutory authority of the Board (63 P. S. § 1303(a)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

Approval Order

Public Meeting held
June 10, 2004

Commissioners Voting: John R. McGinley, Jr., Esq., Chairperson, by proxy; Alvin C. Bush, Vice Chairperson; Daniel F. Clark, Esq.; Arthur Coccodrilli; Murray Ufberg, Esq.

Environmental Quality Board—Safe Drinking Water; Microbial and Disinfection Byproducts; Regulation No. 7-383

On July 22, 2003, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Environmental Quality Board (Board). This rulemaking amends 25 Pa. Code Chapter 109. The proposed regulation was published in the August 2, 2003, *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on May 7, 2004.

This regulation: corrects several provisions in Chapter 109 relating to disinfectants, disinfection byproducts and

surface water treatments; makes these provisions no more stringent than federal requirements; clarifies several provisions for better understanding and readability; and corrects typographical errors.

We have determined this regulation is consistent with the statutory authority of the Board (35 P. S. § 721.4(a)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

Approval Order

Public Meeting held
June 10, 2004

Commissioners Voting: John R. McGinley, Jr., Esq., Chairperson, by proxy; Alvin C. Bush, Vice Chairperson; Daniel F. Clark, Esq.; Arthur Coccodrilli; Murray Ufberg, Esq.

*Environmental Quality Board—Radiological Health;
Regulation No. 7-387*

On August 20, 2003, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Environmental Quality Board (Board). This rulemaking amends 25 Pa. Code Chapters 215—221, 223—228, 230 and 240. The proposed regulation was published in the August 30, 2003, *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on May 7, 2004.

This regulation is an extensive update and revision of existing regulations. A major portion of the regulation updates references to the appropriate federal regulations

of the United States Nuclear Regulatory Commission (NRC). This regulation will maintain regulatory compatibility with other states and allow the Commonwealth to continue to assume authority from the NRC to regulate licensees.

We have determined this regulation is consistent with the statutory authority of the Board (35 P. S. §§ 7110.301 and 7110.302) 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. 04-1159. Filed for public inspection June 25, 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 regulations. 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>
57-229	Pennsylvania Public Utility Commission Permanent Standards of Conduct (34 Pa.B. 2071 (April 17, 2004))	5/17/04	6/16/04

**Pennsylvania Public Utility Commission Regulation
57-229 (IRRC # 2400)
Permanent Standards of Conduct
June 16, 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 Pennsylvania Public Utility Commission (PUC) must respond to these comments when it submits the final-form regulation. The public comment period for this regulation closed on May 17, 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. Section 62.141. Definitions.—Consistency with the statute; Reasonableness.

The definition of “NGS—Natural gas supplier” is similar to the corresponding definition in the Natural Gas Choice and Competition Act (act). However, the definition

in the proposed regulation includes the phrase “without regard to structural relationship” in subparagraph (i). This phrase is not included in the statutory definition. For consistency with the act, the PUC should delete this phrase or explain why it is necessary to vary from the statutory definition.

2. Section 62.142. Standards of conduct.—Consistency with the statute; Need; Reasonableness; Clarity.

Subsection (a)—general requirements

This subsection contains 20 separate paragraphs that set forth standards and requirements. We have concerns with the following five paragraphs under subsection (a).

Paragraph (2)—unreasonable preference

This paragraph of subsection (a) states:

An NGDC [natural gas distribution company] may not apply a tariff provision in a manner that would give its affiliated NGS an *unreasonable* preference over other NGSs” (Emphasis added.)

Section 2209(c)(1) of the act (66 Pa.C.S. § 2209(c)(1)) states that the standards of conduct will provide for “[n]o discrimination against or preferential treatment of any natural gas supplier, including an affiliated natural gas supplier.” It makes no distinction between “reasonable” or “unreasonable” preferential treatment. Therefore, the PUC should delete “unreasonable” from paragraph (2).

Paragraph (4)—waivers

If an NGDC grants a waiver to a tariff provision, paragraph (4) requires that the waiver be granted “without preference to its affiliated NGS or nonaffiliated NGS.” A commentator suggests requiring NGDCs to issue an announcement in advance of its granting any waivers related to paragraph (4). The PUC should consider adopting such a notice requirement or explain why a notice requirement is unnecessary or impracticable.

Paragraph (7)—favored customers

This paragraph includes the term “favored customers.” Under this provision, if an NGDC provides a discount, fee waiver or rebate to these customers, it must make the same offer to “other similarly situated customers.” It appears that it is unnecessary to label certain customers as “favored.” The provision is clear without this word. If certain accommodations are made for a customer, the same accommodations must be offered to other similarly situated customers. Therefore, we suggest that the word “favored” be deleted. If the PUC does not delete “favored,” it should define the term “favored customers” in § 62.141.

Paragraph (8)—Disclosure of customer proprietary information

The first sentence in paragraph (8) states that an NGDC may not disclose any customer proprietary information to its affiliated NGS without customer authorization. The second sentence states “To the extent that an NGDC does disclose customer information without customer authorization, it shall contemporaneously provide this same information to other similarly situated NGSs” The second sentence appears to contradict the prohibition on disclosing customer information without authorization.

Would the NGDC be required to seek customer authorization before releasing customer proprietary information to additional parties? The PUC should explain how and when disclosure without customer authorization would occur. Paragraph (8) and its implications need to be clarified in the final-form regulation.

Paragraph (17)—marketing or promotional advertising

This paragraph begins with the phrase “[e]xcept in competitive bid situations” This clause applies to the following subparagraphs (i) and (ii). However, its application is unclear. In addition, subparagraph (ii) includes language that creates another exception. It allows an NGDC to provide products or services to an affiliated NGS if the same products or services are also available to nonaffiliated NGSs on the same terms and conditions. The PUC needs to clarify the intent of paragraph (17) in the final-form regulation.

Subsection (b)—dispute resolution procedures

Subsection (b)(5) states that a party may file a complaint concerning a dispute with the PUC “under relevant provisions of 66 Pa.C.S. (relating to the Public Utility Code).” The final-form regulation should be amended to

include references to the specific sections of the pertinent regulations and law.

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 04-1160. Filed for public inspection June 25, 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. To obtain a copy of a regulation, contact the promulgating agency.

<i>Final-Form</i>		
<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>
11-220	Insurance Department Continuing Care Providers	6/11/04
11-217	Insurance Department Annual Audited Insurers' Financial Report Required	6/11/04
57-228	Pennsylvania Public Utility Commission Electric Service Reliability	6/16/04
<i>Final-Omit</i>		
<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>
15-427	Department of Revenue Lucky for Life Lotto	6/11/04

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 04-1161. Filed for public inspection June 25, 2004, 9:00 a.m.]

INSURANCE DEPARTMENT

Alleged Violation of Insurance Laws; Joseph A. Sciamanna; Doc. No. SC04-06-058

Notice is hereby given of the Order to Show Cause issued on June 10, 2004, by the Deputy Insurance Commissioner in the previously referenced matter. Violation of the following is alleged: 40 P. S. §§ 279, 310.6 and 310.11.

Respondent shall file a written answer to the Order to Show Cause within 30 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 administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Jeffrey Wallace, Agency ADA Coordinator, (717) 787-4298.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 04-1162. Filed for public inspection June 25, 2004, 9:00 a.m.]

Alexander Clark; Settlement Conference

License Denial; Doc. No. AG04-06-003

The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) and 31 Pa. Code Chapter 56 (relating to special rules of administrative practice and procedure).

A settlement conference is scheduled for June 22, 2004, at 1 p.m. in Room 200, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Should a hearing be held in this matter, both parties shall appear at the scheduled hearing prepared to offer all relevant testimony or other 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.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before June 18, 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 June 21, 2004.

Persons with a disability who wish to attend the administrative hearing and require an auxiliary aid, service or other accommodations to participate in the hearing should contact Jeffrey Wallace, Agency Coordinator, (717) 787-4298.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 04-1163. Filed for public inspection June 25, 2004, 9:00 a.m.]

Dunmore Oil Company, Inc.; Hearing

Appeal of Dunmore Oil Company, Inc. under the Storage Tank and Spill Prevention Act; Underground Storage Tank Indemnification Fund; USTIF File No. 99-215(F); Doc. No. UT04-04-028

A hearing in this case is scheduled for July 20, 2004, at 10 a.m. in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Room 200, Harrisburg, PA 17102.

On or before July 13, 2004, each party must file with the Administrative Hearings Office a prehearing statement which shall contain: (1) names and address of

witnesses along with the specialties of experts to be called; (2) a list of documents to be used at the hearing; (3) special evidentiary or other legal issues; and (4) 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 any expert witness designated in the 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. Experts will be permitted to testify only on matters substantially contemplated by reports supplied to the other party in accordance with this paragraph.

A jointly executed stipulation of facts must be prepared for presentation at the beginning of the hearing scheduled in this case.

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. 04-1164. Filed for public inspection June 25, 2004, 9:00 a.m.]

Nationwide Mutual Fire Insurance Company; Non-standard Automobile Rate Revision; Rate Filing

On June 10, 2004, the Insurance Department (Department) received from Nationwide Mutual Fire Insurance Company a filing for a rate level change for private passenger automobile insurance.

The company requests an overall 4.3% increase amounting to \$2.98 million annually, to be effective September 15, 2004.

Unless formal administrative action is taken prior to August 9, 2004, the subject filing may be deemed approved by operation of law.

The filing is available for review on the Department's website: www.ins.state.pa.us. To access the filing, under "Quick Links," choose "Rate filings published in the PA Bulletin."

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's regional offices in Harrisburg, Philadelphia and Pittsburgh.

Interested parties are invited to submit written comments, suggestions or objections to Michael W. Burkett, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, mburkett@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 04-1165. Filed for public inspection June 25, 2004, 9:00 a.m.]

Michael D. Perilstein, M.D., FACP; Pre-Review Telephone Conference

Appeal of Michael D. Perilstein, M.D., FACP under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM04-06-007 (Abatement)

On or before June 30, 2004, the appellant shall file a concise statement setting forth the factual and/or legal basis for his disagreement with MCARE's May 28, 2004, determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A pre-review telephone conference initiated by this office is scheduled for July 21, 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 21, 2004.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 04-1166. Filed for public inspection June 25, 2004, 9:00 a.m.]

Maurice Prendergast, M.D.; Prehearing

Appeal of Maurice Prendergast, M.D. under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM04-06-002

On or before July 14, 2004, the appellant shall file a concise statement setting forth the factual and/or legal basis for his disagreement with MCARE's 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 August 4, 2004, at 10:30 p.m. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before June 25, 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 23, 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 30, 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. 04-1167. Filed for public inspection June 25, 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 Scott and Nita Nissley; file no. 04-188-03113; Pennsylvania National Mutual Casualty Insurance Company; doc. no. P04-05-049; July 22, 2004, 2 p.m.

Appeal of Paula McDermott, Esquire; file no. 04-182-04631; Ohio Casualty Insurance Company; doc. no. P04-06-009; August 3, 2004, 10 a.m.

Appeal of Frederick and Sharon Haley; file no. 04-182-05040; Travelers Insurance Company; doc. no. P04-06-008; August 4, 2004, 1:30 p.m.

The following hearings will be held in the Philadelphia Regional Office, Room 1701 State Office Building, 1400 Spring Garden Street, Philadelphia, PA 19130.

Appeal of Robert Handfinger; file no. 04-215-01786; New Jersey Manufacturers Insurance Company; doc. no. PH04-06-011; August 11, 2004, 10 a.m.

Appeal of Marilyn and David Valentine; file no. 04-265-01670; AIG National Insurance Company; doc. no. PH04-05-023; August 11, 2004, 11 a.m.

Parties may appear with or without counsel and offer relevant testimony or evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Insurance Commissioner (Commissioner) may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending. Reimbursement is available only when the insured is successful on appeal, and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce 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 Jeffrey Wallace, Agency Coordinator, (717) 787-4298.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 04-1168. Filed for public inspection June 25, 2004, 9:00 a.m.]

Review Procedure Hearings under the Unfair Insurance Practices Act

The following insurer 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 insureds' policy. 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 Travelers Property and Casualty Insurance Company; file no. 04-181-03940; James and Wanda Glaze; doc. no. P04-06-010; August 5, 2004, 10:30 a.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 Jeffrey Wallace, Agency Coordinator, (717) 787-4298.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 04-1169. Filed for public inspection June 25, 2004, 9:00 a.m.]

LIQUOR CONTROL BOARD

Expiration of Leases

The following Liquor Control Board leases will expire:

Cumberland County, Wine & Spirits Shoppe #2103, Shippensburg Shopping Center, Shippensburg, PA 17257-9496.

Lease Expiration Date: June 30, 2005

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 4,500 to 5,000 net useable square feet of new or existing retail commercial space within Shippensburg Township.

Proposals due: July 9, 2004, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, Brandywine Plaza, 2223 Paxton Church Road, Harrisburg, PA 17110-9661
Contact: Charles D. Mooney, (717) 657-4228

Mifflin County, Wine & Spirits Shoppe #4401, 129 South Main Street, Suite 3, Lewistown, PA 17044-2119.

Lease Expiration Date: August 31, 2005

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 4,500 to 5,000 net useable square feet of new or existing retail commercial space within Lewistown Borough.

Proposals due: July 9, 2004, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, Brandywine Plaza, 2223 Paxton Church Road, Harrisburg, PA 17110-9661
Contact: Charles D. Mooney, (717) 657-4228
JONATHAN H. NEWMAN,
Chairperson

[Pa.B. Doc. No. 04-1170. Filed for public inspection June 25, 2004, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Creation of Fuel Cost Recovery Surcharge

Public Meeting held
June 10, 2004

Commissioners Present: Terrance J. Fitzpatrick, Chairperson; Robert K. Bloom, Vice Chairperson; Glen R. Thomas; Kim Pizzigrilli; Wendell F. Holland

Creation of Fuel Cost Recovery Surcharge; S. P. 28208

Order

By the Commission:

Over the past several weeks, the Commission has received written and verbal requests from passenger motor carriers, including a petition filed with the Secretary by Lehigh Valley Taxicab Co., Inc., and a written request from the Pennsylvania Taxicab and Paratransit Association (PTPA) on behalf of its 119 members, for the authorization of a fuel surcharge to offset the unanticipated increase in retail gasoline prices. The fuel surcharge would change the current rates for call or demand, paratransit and airport transfer carriers by adding an additional charge per trip for each paying passenger. Generally the requestors, including the PTPA, seek permission to temporarily increase rates, for a period of 1 year, with the possibility for an extension by the Commission.

In support of their proposals for a fuel surcharge, the motor carriers and the PTPA have provided the Commission with comparative information about the increases of retail prices of gasoline. The most comprehensive information was provided by the PTPA. The PTPA compared the average fuel cost of a trip during 2002 with the average fuel cost of a trip in 2004. The PTPA surveyed its members representing over 1,000 vehicles to support its analysis. The PTPA also provided statistics from its National organization: Taxicab, Limousine and Paratransit Association. The average fuel cost of a trip for call or demand carriers was calculated by dividing 6.8 miles (the average trip length for cabs as determined by the survey) by 11.5 (the average miles per gallon per cab

as determined by the survey). The results were multiplied by \$2 (the average cost of regular gas in 2004 according to the PTPA).

Cost Per Trip Basis—Call and Demand

<i>Average Cost of Fuel 2002</i>	<i>Average Cost of Fuel 2004</i>	<i>Average Cost per Trip 2002</i>	<i>Average Cost PER Trip 2004</i>	<i>Difference in Cost per Trip</i>
\$1.40	\$2.00	\$0.828	\$1.183	\$0.355

Cost Per Mile Basis—Call and Demand

<i>Average Cost of Fuel 2002</i>	<i>Average Cost of Fuel 2004</i>	<i>Average Cost per Mile 2002</i>	<i>Average Cost per Mile 2004</i>	<i>Difference in Cost per Mile</i>
\$1.40	\$2.00	\$0.122	\$0.174	\$0.052

The same calculations and analysis were done for paratransit and airport transfer carriers. The average fuel cost of a trip was calculated by dividing 13.61 (the average trip length for paratransit and airport transfer vehicles as determined by the survey) by 10 (the average miles per gallon per paratransit and airport transfer vehicles as determined by the survey). The results were multiplied by \$2 (the average cost of regular gas in 2004 according to the PTPA).

Cost Per Trip Basis—Paratransit and Airport Transfer

<i>Average Cost of Fuel 2002</i>	<i>Average Cost of Fuel 2004</i>	<i>Average Cost per Trip 2002</i>	<i>Average Cost per Trip 2004</i>	<i>Difference in Cost per Trip</i>
\$1.40	\$2.00	\$1.905	\$2.722	\$0.817

Cost Per Mile Basis—Paratransit and Airport Transfer

<i>Average Cost of Fuel 2002</i>	<i>Average Cost of Fuel 2004</i>	<i>Average Cost per Mile 2002</i>	<i>Average Cost per Mile 2004</i>	<i>Difference in Cost per Mile</i>
\$1.40	\$2.00	\$0.14	\$0.20	\$0.060

Under 66 Pa.C.S. § 1301, the Commission is required to ensure that all rates charged by a public utility are just and reasonable. In the case of common carriers, the Commission has traditionally examined the operating ratio to determine the propriety of a rate increase. We are aware of the recent surge in the retail price of fuel. To prevent financial hardships, it is imperative that call or demand, paratransit and airport transfer carriers under the jurisdiction of this Commission be afforded an opportunity to adjust rates and fares to offset unanticipated fuel expenditures.

While we recognize that the approval of the proposed surcharge may unduly benefit those carriers which have recently received rate increases, we are mindful that cost justification across all segments of the industry is not required to implement a fuel surcharge. We also need to bear in mind our obligation to address an industry-wide problem without creating a chaotic rate structure impossible to manage or police.

Based on our review, it appears that approval of a Fuel Cost Recovery is an appropriate way to address the unanticipated rise in retail gasoline prices. Its implementation will result in just and reasonable rates. We will use the average trip length information from the PTPA's survey of its members (6.8 miles for call or demand carriers and 13.61 miles for paratransit and airport transfer carriers), the average miles per gallon per vehicle provided by the PTPA from its National organization (15.04 for call or demand carriers and 13.01 for paratransit and airport transfer carriers) and the Department of Energy's report of retail on-highway gasoline prices for the Central Atlantic Region from May 31, 2002, to May 31, 2004. We concur with the PTPA's request to use the 2002 date. We note that gas costs began rising in May 2002 and continued to rise thereafter.

Cost Per Trip Basis—Call and Demand

<i>Date</i>	<i>Retail Gas Price</i>	<i>Average Cost/Trip</i>
2002	\$1.35	\$0.61
2004	\$2.00	\$0.90

*The increase in fuel prices has resulted in an increase of \$0.29 (from 2002 to 2004) in the average fuel cost per trip.

Cost per Trip Basis—Paratransit/Airport Transfer

<i>Date</i>	<i>Retail Gas Cost</i>	<i>Average Cost/Trip</i>
2002	\$1.35	\$1.41
2004	\$2.00	\$2.09

*The increase in fuel prices has resulted in an increase of \$0.68 (from 2002 to 2004) in the average fuel cost per trip.

Under 66 Pa.C.S. § 1308(a), we will permit call or demand, paratransit and airport transfer carriers to recover increased fuel costs. We are hereby authorizing a fuel surcharge of \$0.30 per trip for call or demand carriers and a fuel surcharge of \$0.70 per trip for paratransit and airport transfer carriers.

This Order requires that the fuel surcharge for call or demand carriers of First Class Cities be mandatory. 66 Pa.C.S. § 2410(b) requires that all call or demand carriers in First Class Cities charge a uniform rate as determined by the Commission. The institution of a fuel surcharge for all other call or demand carriers, paratransit carriers and airport transfer carriers under the Commission's jurisdiction shall be permissive.

We will permit the fuel surcharge to be effective on June 14, 2004. Notice to the public shall be accomplished by posting the notice in Appendix A in each vehicle operated by the carrier. The posting shall also advise that any questions regarding the fuel surcharge be directed to

the Bureau of Transportation and Safety's Motor Carrier Services and Enforcement Division.

We have determined that the authorized fuel surcharge is just and reasonable for both the passenger carrier and the paying passenger. *Therefore,*

It Is Ordered That:

1. Call or demand carriers rendering transportation service under the jurisdiction of the Commission may establish and charge a \$0.30 per trip for each paying passenger fuel surcharge under Special Permission No. 28208.

2. Call or demand motor carriers in First Class Cities rendering transportation service under the jurisdiction of the Commission are required to charge a \$0.30 fuel surcharge per trip for each paying passenger under Special Permission No. 28208.

3. Paratransit carriers and airport transfer carriers rendering transportation service under the jurisdiction of the Commission may establish and charge a \$0.70 per trip for each paying passenger fuel surcharge under Special Permission No. 28208.

4. The surcharge shall become effective on June 14, 2004, and shall terminate on June 12, 2005, unless changed, cancelled or extended by the Commission. The Bureau of Transportation and Safety shall investigate the merits of the fuel surcharge on a quarterly basis, beginning September 30, 2004, or as directed by the Commission.

5. That Call or Demand motor carriers shall notify the public by placing the notice in Appendix A in all vehicles, which shall read: "The PA Public Utility Commission has authorized a fuel surcharge under Special Permission No. 28208. The surcharge of \$.30 per trip for each paying passenger is effective on June 14, 2004, and shall terminate on June 12, 2005."

6. Paratransit and airport transfer motor carriers shall notify the public by placing the notice in Appendix A in all vehicles, which shall read: "The PA Public Utility Commission has authorized a fuel surcharge under Special Permission No. 28208. The surcharge of \$.70 per trip for each paying passenger is effective on June 14, 2004, and shall terminate on June 12, 2005."

7. That the Secretary shall duly certify this Order and deposit same with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

8. A copy of this Order shall be served by the Secretary to each motor carrier holding call or demand authority, paratransit authority and/or airport transfer authority.

9. Copies of this Order shall be served by the Secretary to the Office of Consumer Advocate and Office of Small Business Advocate.

10. The surcharges collected are subject to refund in the event that any formal complaints are filed, within 30 days of the date of publication of this Order, and are successful in challenging the surcharge.

JAMES J. MCNULTY,
Secretary

Appendix A

CALL OR DEMAND CARRIER

FUEL SURCHARGE

\$0.30

The PA Public Utility Commission has authorized a fuel surcharge under Special Permission No. 28208. The sur-

charge of \$.30 per trip for each paying passenger is effective on June 14, 2004, and shall terminate on June 12, 2005.

Questions should be referred to the Motor Carrier Services & Enforcement Division at 717-783-5010.

PARATRANSIT CARRIER AND
AIRPORT TRANSFER CARRIER

FUEL SURCHARGE

\$0.70

The PA Public Utility Commission has authorized a fuel surcharge under Special Permission No. 28208. The surcharge of \$.70 per trip for each paying passenger is effective on June 14, 2004, and shall terminate on June 12, 2005.

Questions should be referred to the Motor Carrier Services & Enforcement Division at 717-783-5010.

[Pa.B. Doc. No. 04-1171. Filed for public inspection June 25, 2004, 9:00 a.m.]

Rescission Order

Public Meeting held
June 10, 2004

Commissioners Present: Terrance J. Fitzpatrick, Chairperson; Robert K. Bloom, Vice Chairperson; Glen R. Thomas; Kim Pizzingrilli; Wendell F. Holland

*Pennsylvania Public Utility Commission Law Bureau
Prosecutory Staff v. U. S. Long Distance, Inc. (2003.0264);
Doc. No. C-20031976; A-310093*

Rescission Order

By the Commission:

On October 17, 2003, Law Bureau Prosecutory Staff filed a Formal Complaint against U. S. Long Distance, Inc. (USLD or Respondent), an IXC reseller certificated at A-310093, for failure to file its 2002 Annual Report. Subsequently, on April 8, 2004, the Commission entered a Default Order that sustained the complaint and cancelled Respondent's certificate of public convenience. The notice of the Default Order was published April 24, 2004, at 34 Pa.B. 2267 with a 20-day comment period.

On May 14, 2004, within the specified comment period, Respondent filed an Answer and New Matter to the Complaint, nunc pro tunc, Adverse Comments to the Default Order and its delinquent 2002 Annual Report. USLD's Answer requested that the Complaint be dismissed as satisfied and alleged that its 2002 Annual Report was in fact filed on May 1, 2003. USLD's Adverse Comments requested that the Default Order be rescinded and its certificate be reinstated for the same reason.

In both its Answer and Adverse Comments to the Default Order, Respondent stated the following. Respondent alleged that it filed its 2002 Annual Report on May 1, 2003. Although Respondent attached a copy of that report to its Answer, a review of Commission records does not confirm receipt of that report in May 2003. Secondly, Respondent stated that it is without knowledge that it was notified by first class and certified mail that the Commission had not received its 2002 Annual Report. Respondent states that the service address for USLD referenced in the Complaint was an incorrect address. USLD states that by certified letter with a return receipt

dated January 28, 2004, USLD clarified its proper service address. A review of Commission records also does not confirm receipt of this letter. In an effort to support its allegations, on May 28, 2004, USLD faxed to Commission staff a copy of a return receipt dated January 28, 2004, signed by a Commission employee and a copy of a letter dated January 16, 2004, addressed to the Commission listing its new address for all Commission correspondence. Respondent explains that because Commission correspondence went to the wrong address, it was never received. Since Respondent was never served with the Complaint, it requests that its Answer be accepted nunc pro tunc.

It appears that the certified letter, the Complaint and the Default Order were all sent to an incorrect address. It is also important to note here that prior to USLD sending notification of its address change to the Commission, notices concerning the 2002 Annual Report were sent and the Complaint had been filed.

Based upon the fact that Respondent filed Adverse Comments and its delinquent Annual Report within the 20-day comment period, we will grant Respondent's request for rescission of the Default Order. We will not require USLD to pay the \$250 late-filing fee because of the confusion surrounding notification of its address change. We do not believe that any public benefit will inure to imposing a monetary penalty in this case. However, we caution Respondent that all future Annual Reports must be timely filed and all Commission correspondence must be answered in a timely manner. The Commission hereby puts USLD and the rest of the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of another remedy as the Commission may deem appropriate.

In this Order, we also advise USLD of the requirement to notify the Commission of any change of address immediately to help the Commission maintain accurate records; *Therefore,*

It Is Ordered That:

1. The Default Order entered April 8, 2004, at this docket is hereby rescinded.
2. A copy of this order be published in the *Pennsylvania Bulletin*.
3. The Secretary's Bureau change its records to reflect that the correct mailing address for USLD is 1801 California Street, 47th Floor, Denver, CO 80205.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 04-1172. Filed for public inspection June 25, 2004, 9:00 a.m.]

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made

with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by July 19, 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-00120815 (corrected). Robert W. Alexander, Jr. and Linda L. Griffin (309 Main Street, Prospect, Butler County, PA 16052)—persons, in limousine service, between points in the Counties of Butler, Lawrence, Mercer, Armstrong, Allegheny and Indiana, and from points in said counties, to points in this Commonwealth, and return.

Application of the following for the approval of the *transfer of stock as described under the application.*

A-00101743 F.5000. Monroeville Moving and Storage, Inc. (603 Rodi Road, Pittsburgh, Allegheny County, PA 15235), a corporation of the Commonwealth—stock transfer—for the approval of the transfer of all of the issued and outstanding shares of stock (3,000 shares) from Jay Duquette to Erimik Development Corp. (2,400 shares) and to Monroeville Moving and Storage, Inc. (600 shares).

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 04-1173. Filed for public inspection June 25, 2004, 9:00 a.m.]

Telecommunications

A-310183F7003. Commonwealth Telephone Company and Sprint Communications Company, L. P. Joint petition of Commonwealth Telephone Company and Sprint Communications Company, L. P. for approval of a negotiated interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Commonwealth Telephone Company and Sprint Communications Company, L. P., by its counsel, filed on June 3, 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 Sprint Communications Company, L. P. 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. 04-1174. Filed for public inspection June 25, 2004, 9:00 a.m.]

Telecommunications

A-310489F7001. Verizon North Inc. f/k/a GTE North Incorporated and Cellco Partnership, Pennsylvania No. 4 Sector 2 Limited Partnership, Pittsburgh SMSA Limited Partnership, Pennsylvania RSA No. 6 (II) Limited Partnership, Bell Atlantic Mobile Systems of Allentown, Inc. and Allentown SMSA Limited Partnership, collectively d/b/a Verizon Wireless (collectively, successor to GTE Mobilenet of Cleveland Incorporated and GTE Mobilnet of Ohio Limited Partnership). Joint petition of Verizon North Inc. f/k/a GTE North Incorporated and Cellco Partnership, Pennsylvania No. 4 Sector 2 Limited Partnership, Pittsburgh SMSA Limited Partnership, Pennsylvania RSA No. 6 (II) Limited Partnership, Bell Atlantic Mobile Systems of Allentown, Inc. and Allentown SMSA Limited Partnership, collectively d/b/a Verizon Wireless (collectively, successor to GTE Mobilenet of Cleveland Incorporated and GTE Mobilnet of Ohio Limited Partnership) for approval of amendment no. 3 to an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon North Inc. f/k/a GTE North Incorporated and, Cellco Partnership, Pennsylvania No. 4 Sector 2 Limited Partnership, Pittsburgh SMSA Limited Partnership, Pennsylvania RSA No. 6 (II) Limited Partnership, Bell Atlantic Mobile Systems of Allentown, Inc. and Allentown SMSA Limited Partnership, collectively d/b/a Verizon Wireless (collectively, successor to GTE Mobilenet of Cleveland Incorporated and GTE Mobilnet of Ohio Limited Partnership), by its counsel, filed on May 27, 2004, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of amendment no. 3 to an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon North Inc. f/k/a GTE North Incorporated and Cellco Partnership, Pennsylvania No. 4 Sector 2 Limited Partnership, Pittsburgh SMSA Limited Partnership, Pennsylvania RSA No. 6 (II) Limited Partnership, Bell Atlantic Mobile Systems of Allentown, Inc. and Allentown SMSA Limited Partnership, collectively d/b/a Verizon Wireless (collectively, successor to GTE Mobilenet of Cleveland Incorporated and GTE Mobilnet of Ohio Limited Partnership) 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. 04-1175. Filed for public inspection June 25, 2004, 9:00 a.m.]

Telecommunications

A-311316F7001. Verizon North Inc. and CornerStone Telephone Co., LLC. Joint petition of Verizon North Inc. and CornerStone Telephone Co., LLC for approval of an interconnection agreement and amendment no. 1 under section 252(e) of the Telecommunications Act of 1996.

Verizon North Inc. and CornerStone Telephone Co., LLC, by its counsel, filed on May 21, 2004, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement and amendment no. 1 under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon North Inc. and CornerStone Telephone Co., LLC joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 04-1176. Filed for public inspection June 25, 2004, 9:00 a.m.]

Telecommunications

A-311284F7001. Verizon North, Inc. and Tristate Bell of PA d/b/a Connectel. Joint petition of Verizon North, Inc. and Tristate Bell of PA d/b/a Connectel for approval of an interconnection agreement and amendment no. 1 under section 252(e) of the Telecommunications Act of 1996.

Verizon North, Inc. and Tristate Bell of PA d/b/a Connectel, by its counsel, filed on May 21, 2004, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement and amendment no. 1 under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon North, Inc. and Tristate Bell of PA d/b/a Connectel 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. 04-1177. Filed for public inspection June 25, 2004, 9:00 a.m.]

Telecommunications

A-311140F7000. Verizon Pennsylvania Inc. and Comcast Phone of Pennsylvania, LLC f/k/a AT&T Broadband Phone of Pennsylvania, LLC. Joint petition of Verizon Pennsylvania Inc. and Comcast Phone of Pennsylvania, LLC f/k/a AT&T Broadband Phone of Pennsylvania, LLC for approval of adoption of amendment A to an interconnection agreement under section 252(i) of the Telecommunications Act of 1996.

Verizon Pennsylvania Inc. and Comcast Phone of Pennsylvania, LLC f/k/a AT&T Broadband Phone of Pennsylvania,

nia, LLC, by its counsel, filed on June 2, 2004, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of adoption of amendment A to an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania Inc. and Comcast Phone of Pennsylvania, LLC f/k/a AT&T Broadband Phone of Pennsylvania, LLC joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 04-1178. Filed for public inspection June 25, 2004, 9:00 a.m.]

Telecommunications

A-311316F7000. Verizon Pennsylvania, Inc. and CornerStone Telephone Co., LLC. Joint petition of Verizon Pennsylvania, Inc. and CornerStone Telephone Co., LLC for approval of an interconnection agreement and amendment no. 1 under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, Inc. and CornerStone Telephone Co., LLC, by its counsel, filed on May 21, 2004, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement and amendment no. 1 under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania, Inc. and CornerStone Telephone Co., LLC joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 04-1179. Filed for public inspection June 25, 2004, 9:00 a.m.]

Telecommunications

A-311284F7000. Verizon Pennsylvania, Inc. and Tristate Bell of PA d/b/a Connectel. Joint petition of Verizon Pennsylvania, Inc. and Tristate Bell of PA d/b/a Connectel for approval of an interconnection agreement and amendment no. 1 under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, Inc. and Tristate Bell of PA d/b/a Connectel, by its counsel, filed on May 21, 2004, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agree-

ment and amendment no. 1 under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania, Inc. and Tristate Bell of PA d/b/a Connectel 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. 04-1180. Filed for public inspection June 25, 2004, 9:00 a.m.]

Transfer of Stock

A-130375F5000. Trigen-Philadelphia Energy Corporation. Application of Trigen-Philadelphia Energy Corporation for approval of the transfer of control by the sale of all of its stock, currently owned by Trigen Energy Corporation, to Thermal North America, Inc.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before July 12, 2004. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

Applicants: Trigen-Philadelphia Energy Corporation, Trigen Energy Corporation and Thermal North America, Inc.

Through and By Counsel: Barnett Satinsky, Esquire, Martin G. Heckler, Esquire, Mark G. McCreary, Esquire, Fox Rothschild, LLP, 2000 Market Street, Tenth Floor, Philadelphia, PA 19103-3291; and John F. Povilaitis, Esquire, Alan Michael Seltzer, Esquire, Ryan, Russell, Ogden and Seltzer, LLP, 800 North Third Street, Suite 101, Harrisburg, PA 17102-2025.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 04-1181. Filed for public inspection June 25, 2004, 9:00 a.m.]

Water Service

A-210104F0051 and A-210033F2000. Aqua Pennsylvania, Inc. and Pennsview Water Company. Joint application of Aqua Pennsylvania, Inc. and Pennsview Water Company for approval of: (1) the acquisition by Aqua Pennsylvania, Inc. of the water system assets of Pennsview Water Company in Penn Township, Snyder County; (2) the right of Aqua Pennsylvania, Inc. to begin to offer, render, furnish and supply water service to the public in a portion of Penn Township, Snyder County; and (3) the abandonment by Pennsview Water Company of public water service within Penn Township, Snyder County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before July 12, 2004. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

Applicants: Aqua Pennsylvania, Inc. and Pennsview Water Company

Through and By Counsel: Frances P. Orth, Esquire, 762 West Lancaster Avenue, Bryn Mawr, PA 19010.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 04-1182. Filed for public inspection June 25, 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



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	③ Contract Information
Location:	Harrisburg, Pa.	④ Department
Duration:	12/1/93-12/30/93	⑤ Location
Contact:	Procurement Division 787-0000	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

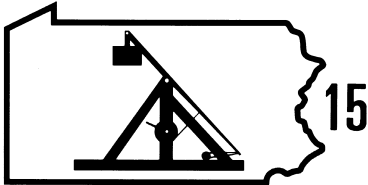
PA TREASURY BUSINESS OUTLET—PLUG INTO IT!

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

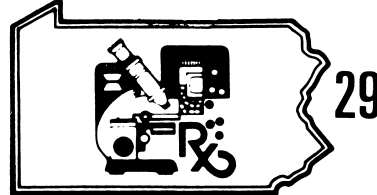
SERVICES



Environmental Maintenance Service

OSM 63(0046)101.1 Mine Subsidence Control Project, Chartiers. The principal items of work and approximate quantities include 16,570 linear feet of overburden drilling and casing, steel or PVC, 48,343 linear feet of four inch air rotary drilling, 46,888 linear feet of furnishing and installing four inch nominal steel or PVC injection casing, 94,682 tons of supply, delivery, and injection of grout material and sealing 1,182 boreholes. This project issues on June 25, 2004 and bids will be opened on July 29, 2004 at 2:00 p.m. Payment in the amount of \$10.00 must be received before bid documents will be sent. Federal funds have been made available for this project from the \$26.1 million for Pennsylvania's 2003 AML Grant.

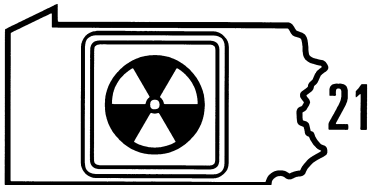
Department: Environmental Protection
Location: Chartiers Township, Washington County, PA
Duration: 820 calendar days after the official starting date.
Contact: Construction Contracts Section, (717) 783-7994



Medical Services

SPC-04-012 Contractor to supply qualified Registered Nurses (RNs) as required to fill absences of facility positions on an as needed basis. For detailed specifications please send request via fax to (570) 961-4400 or e-mail to bpartyka@state.pa.us. Please include company address, contact phone number and FID.

Department: Military Affairs
Location: Gino J. Merli Veterans Center, 401 Penn Avenue, Scranton, PA 18503-1213
Duration: September 1, 2004 through June 30, 2007 with renewal option
Contact: Barbara J. Partyka, PA, (570) 961-4354



Hazardous Material Services

020S03 Material analysis, waste determination, removal, transport, treatment, and disposal of hazardous/residual waste. To request bid package, e-mail to jamiele@state.pa.us or fax to 814-765-0424 to attention of Janis Miele your company name, address, contact person, phone, and e-mail address.

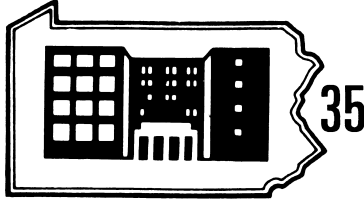
Department: Transportation
Location: Cameron, Centre, Clearfield, Clinton, Elk, Juniata, McKean, Mifflin and Potter Counties
Duration: One-year contract with four separate optional one-year renewals
Contact: Janis Miele, (814) 765-0404



Personnel, Temporary

CN00009542 A dental hygienist is needed to provide professional dental services, including cleaning of the teeth and gums, prophylaxes, and to educate inmates on proper oral hygiene care. This individual works with minimal supervision from the dentist at SCI—Chester. More detailed information may be obtained from the Institution.

Department: Corrections
Location: SCI—Chester, 500 E. 4th Street, Chester, PA 19013
Duration: July 15, 2004 to June 30, 2006
Contact: Jacqueline Newson, Purchasing Agent, (610) 490-4370



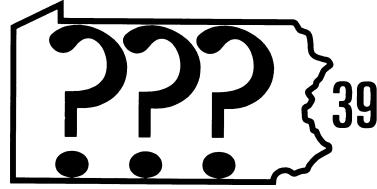
Real Estate Services

98447 Application for lease of right-of-way—notice is hereby given that pursuant to 67 Pa. Code § 495.4(d), an application to lease highway right-of-way has been submitted to the Department by Gregory S. Morris, 210 East Plank Road, Altoona, PA 16602, seeking to lease highway right-of-way located between 17th Street and Frankstown Road in Logan Township, Blair County, containing 6.74 acres, adjacent to State Route 1-99, Segments 320 to 324, for the purpose of parking. Interested persons are invited to submit, within 30 days from the publication of this notice in the *Pennsylvania Bulletin*, written comments, suggestions and/or objections regarding the approval of this application to Ronald L. Samuel, P. E., District Executive Engineering District 9-0, 1620 North Juniata Street, Hollidaysburg, PA 16648.

Department: Transportation
Location: Barry E. Clancy, Real Estate Specialist, 1620 North Juniata Street, Hollidaysburg, PA 16648, (814) 696 7211
Duration: 75 Years
Contact: Barry E. Clancy, (814) 696-7211

93715 Lease existing office/clinic space to the Commonwealth of PA. Proposals are invited to provide the Department of Health with 2,061 useable square feet of existing office/clinic space in Bradford County, PA with a minimum parking for 10 vehicles. Downtown locations will be considered. For more information on SFP #93715 which is due on July 26, 2004 visit www.dgs.state.pa.us and click on "Real Estate" to download an SFP package or call (717) 787-4396.

Department: Health
Location: 505 North Office Building, Harrisburg, PA 17125
Contact: John Hocker, (717) 787-7396



Miscellaneous

HUN-BOILER CONTROLS Technical services for preventative maintenance, repair, alignment and calibration of controls and monitoring equipment used for control and operation. Equipment is located in the Power House of the State Correctional Institution at Huntingdon.

Department: Corrections
Location: State Correctional Institution at Huntingdon, 1100 Pike St., Huntingdon, PA 16654
Duration: 7/01/04 to 6/30/07
Contact: Robert Jessell, Pur. Agt., (814) 643-2400, x 304

RFP 104-R-1939046308 The Pennsylvania Department of State, Bureau of Professional and Occupational Affairs, on behalf of the State Board of Dentistry, is seeking interested contractors to conduct evaluations and office inspections of licensed dentists who either hold or are applying for a permit to administer anesthesia and sedation in dental offices. The evaluations and office inspections will be in accordance with Act 135 of 2002 and corresponding regulations.

Department: State
Location: Statewide
Duration: Five years from contract execution
Contact: Judith L. Holjes, (717) 787-3945

HUN-Boilers Technical services for preventative maintenance, repair, alignment and calibration of controls and monitoring equipment used for control and operation. Equipment located in the Power House at the State Correctional Institution at Huntingdon.

Department: Corrections
Location: State Correctional Institution at Huntingdon, 1100 Pike St., Huntingdon, PA 16654
Duration: 7/01/04 to 6/30/07
Contact: Robert Jessell, Pur. Agt., (814) 643-2400, x 304

[Pa.B. Doc. No. 04-1183. Filed for public inspection June 25, 2004, 9:00 a.m.]

DESCRIPTION OF LEGEND

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| <p>1 Advertising, Public Relations, Promotional Materials</p> <p>2 Agricultural Services, Livestock, Equipment, Supplies & Repairs: Farming Equipment Rental & Repair, Crop Harvesting & Dusting, Animal Feed, etc.</p> <p>3 Auctioneer Services</p> <p>4 Audio/Video, Telecommunications Services, Equipment Rental & Repair</p> <p>5 Barber/Cosmetology Services & Equipment</p> <p>6 Cartography Services</p> <p>7 Child Care</p> <p>8 Computer Related Services & Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p>9 Construction & Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p>10 Court Reporting & Stenography Services</p> <p>11 Demolition—Structural Only</p> <p>12 Drafting & Design Services</p> <p>13 Elevator Maintenance</p> <p>14 Engineering Services & Consultation: Geologic, Civil, Mechanical, Electrical, Solar & Surveying</p> <p>15 Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core & Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p>16 Extermination Services</p> <p>17 Financial & Insurance Consulting & Services</p> <p>18 Firefighting Services</p> <p>19 Food</p> <p>20 Fuel Related Services, Equipment & Maintenance to Include Weighing Station Equipment, Underground & Above Storage Tanks</p> <p>21 Hazardous Material Services: Abatement, Disposal, Removal, Transportation & Consultation</p> | <p>22 Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental & Repair</p> <p>23 Janitorial Services & Supply Rental: Interior</p> <p>24 Laboratory Services, Maintenance & Consulting</p> <p>25 Laundry/Dry Cleaning & Linen/Uniform Rental</p> <p>26 Legal Services & Consultation</p> <p>27 Lodging/Meeting Facilities</p> <p>28 Mailing Services</p> <p>29 Medical Services, Equipment Rental and Repairs & Consultation</p> <p>30 Moving Services</p> <p>31 Personnel, Temporary</p> <p>32 Photography Services (includes aerial)</p> <p>33 Property Maintenance & Renovation—Interior & Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning & Planting, etc.)</p> <p>34 Railroad/Airline Related Services, Equipment & Repair</p> <p>35 Real Estate Services—Appraisals & Rentals</p> <p>36 Sanitation—Non-Hazardous Removal, Disposal & Transportation (Includes Chemical Toilets)</p> <p>37 Security Services & Equipment—Armed Guards, Investigative Services & Security Systems</p> <p>38 Vehicle, Heavy Equipment & Powered Machinery Services, Maintenance, Rental, Repair & Renovation (Includes ADA Improvements)</p> <p>39 Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
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DONALD T. CUNNINGHAM, Jr.
Secretary

RULES AND REGULATIONS

Title 22—EDUCATION

DEPARTMENT OF EDUCATION

[22 PA. CODE CH. 403]

Compliance with the No Child Left Behind Act of 2001

The Department of Education (Department) amends Chapter 403 (relating to compliance with the No Child Left Behind Act of 2001) to read as set forth in Annex A.

Contact Person

Questions regarding these standards should be directed to Ethan R. Cancell, Office of the Secretary, Department of Education, 333 Market Street, Harrisburg, PA 17126-0333, (717) 346-3291.

Effective Date

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

Statutory Authority

The Department acts under the authority of section 2603-B(d)(10)(i) of the Public School Code of 1949 (code) (24 P. S. § 26-2603-B(d)(10)(i)), which was added by section 31 of the act of June 29, 2002 (P. L. 524, No. 88) (Act 88) and was amended by section 37 of the act of December 23, 2003 (P. L. 304, No. 48) (Act 48). Section 2603-B(d)(10)(i) of the code empowers the Department, with the approval of the State Board of Education (State Board), to adopt standards to comply with the provisions of the No Child Left Behind Act of 2001 (NCLB) (Pub. L. No. 107-110, 115 Stat. 1425) to maintain the eligibility of the Commonwealth to receive Federal funding for education programs. Acting under section 2603-B(d)(10)(i) of the code, the State Board approved these amended standards at its meeting of June 18, 2003. Prior thereto, as required by section 2603-B(d)(10)(iv) of the code, the Department submitted the standard to the Office of Attorney General, which determined that the standard is necessary to comply with the provisions of the NCLB and thereby to maintain the eligibility of the Commonwealth to receive Federal funding for education programs. Notice of the Attorney General's determination was provided to the State Board.

Standards promulgated by the Department under section 2603-B(d)(10)(i) of the code must be deposited with the *Pennsylvania Bulletin* for publication. (See section 26-2603-B(d)(10)(ii) of the code.) Standards adopted under section 2603-B(d)(10)(i) of the code on or before June 30, 2004, are exempt from the following laws:

(a) Sections 201—205 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201—1205), known as the Commonwealth Documents Law (CDL).

(b) The Regulatory Review Act (71 P. S. §§ 745.1—745.15).

See section 26-2603-B(d)(10)(iii) of the code.

In light of these exemptions, the Attorney General's determination of necessity under section 2603-B(d)(10)(iv) of the code and the express approval of the State Board under section 2603-B(d)(10)(i) of code, the Department is depositing these standards for publication in final-form.

Description of Process

On September 18, 2002, the Department presented to the State Board two sets of proposed standards necessary to comply with the NCLB. Included in the proposed standards were elements of the State Plan required for compliance with NCLB (20 U.S.C.A. §§ 6301—6578 and 6801—7014). At its September 19, 2002, meeting, the State Board publicly voted to approve the proposed standards presented by the Department. On September 26, 2002, the chairperson of the State Board signed the two resolutions approved by the State Board; and they were published at 32 Pa.B. 5151 (October 12, 2002). As required by section 2603-B(d)(10)(i) of the code, the Department deposited the standards for publication in the *Pennsylvania Bulletin*, see 32 Pa.B. 6096 (December 14, 2002). The standards now appear in Chapter 403.

On May 24, 2004, the Department submitted proposed amendments to the standards to the Attorney General for review under section 2603-B(d)(10)(iv) of the code. On June 3, 2004, the Attorney General determined that the proposed amendments to the standards satisfy the legal necessity test prescribed by section 2603-B(d)(10) of the code. The Department presented the amendments to the State Board for consideration and approval under section 2603-B(d)(10)(i) of the code. At its meeting held June 18, 2004, the State Board adopted a resolution approving the changes to the standards as proposed by the Department.

Background and Need for Standards

The President signed the NCLB into law on January 8, 2002. The NCLB, inter alia, amends Titles I and III of the Elementary and Secondary Education Act of 1965 (ESEA) (Pub. L. No. 89-10, 79 Stat. 27) (Improving the Academic Achievement of the Disadvantaged). Title I's purpose is to ensure that all children have the opportunity to obtain a high-quality education and reach, at a minimum, proficiency on challenging state achievement standards and academic assessments. In furtherance of this purpose, Title I provides grants to state education agencies and subgrants to local educational agencies (LEAs). To remain eligible for funding under Title I, state and local educational agencies must comply with the NCLB.

Section 1111(b)(2)(A) of Title I, as added by the NCLB (20 U.S.C.A. § 6311(b)(2)(A)), requires each state to demonstrate that it has developed and is implementing a single, statewide accountability system that will be of high quality, technically valid and reliable, aligned with the state's academic content and student achievement standards and based upon the same content expectations for all children. It is further required, by section 1111 of the NCLB, that the single, statewide accountability system be effective in ensuring that all LEAs, public elementary schools and public secondary schools make adequate yearly progress (AYP), as defined in section 1111(b)(2)(C) of Title I.

In addition, section 1111(b)(3)(A) of Title I requires that, beginning no later than the 2005-06 school year, states assess all students in grades three through eight against the challenging state academic content standards in, at a minimum, math and reading or language arts, or both, and, beginning in the 2007-08 school year, in science for students in grades four, seven and ten.

Section 3121 of Title III of the ESEA, added by the NCLB, requires each state to approve evaluation measures that are designed to assess the progress of children

in attaining English proficiency, including a child's level of comprehension, listening, speaking, reading and writing skills.

Description of Standards

The standards in Chapter 403 provide for a single, Statewide accountability system. More specifically, the standards provide for the fulfillment of the NCLB's assessment requirements and the calculation of the AYP. The standards, as amended by the Department with the approval of the State Board, reflect changes consistent with the requirements of the NCLB.

First, the amended standard, in § 403.3(d)(1) (relating to single accountability system), broadens the grade spans at which assessments in science and writing will be given. The expansion for science brings Pennsylvania's standard in line with the language of the NCLB, which allows for grade spans, rather than requiring testing at a specific grade. See section 1111(b)(3)(C)(v)(II) of the ESEA. Additionally, the terms "intermediate, middle and high school" are the terms used in the regulations of the State Board that appear in Chapter 4 (relating to academic standards and assessment), which no longer require education programs to be organized by specific grades. See §§ 4.21—4.23 and 4.42. The use of those broader terms to describe the levels at which student must be assessed under the NCLB will also provide greater flexibility and enable the Commonwealth to react to any changes contained in the nonregulatory guidance issued by the United States Department of Education interpreting the requirements of the NCLB.

The amendment to § 403.3(d)(1)(i) is based on some of the same reasons that explain the change in science assessment. In addition, the Department seeks greater flexibility in determining when to administer the writing assessment. This flexibility will enable the Department eventually to incorporate the writing assessment and the reading assessment into one assessment measuring achievement of standards in language arts. Without this change, the two assessments could not be combined because the reading assessment is conducted at different grade levels.

Second, the amendment to § 403.3(d)(2)(ii) reflects the fact that, to comply with the NCLB, the Department needs the flexibility to opt out of the assessment instrument being developed by the Consortium if the Department believes that the test does not conform to the Commonwealth's achievement standards for students of limited English proficiency. The amendments to § 403.3(d)(2)(iii) reflect the fact that the Department actually identified only one commercially developed language assessment and has contracted with the vendor to provide that assessment until a new assessment is available.

Third, the amendments to § 403.4 (relating to highly qualified teachers) have been made so that the standard is consistent with current practice. The Principles of Learning assessment is no longer in use. The Commonwealth has entered into the Interstate Certification Agreement, which supersedes the language that now appears in § 403.4(c)(2).

All of the changes described in the preamble are necessary for the Commonwealth to comply with the NCLB and, thereby, to remain eligible for Federal funding under Federal law.

Fiscal Impact

The standards in Chapter 403 are necessary to ensure that the State and its LEAs remain eligible to receive

Federal funding under Titles I and III of the ESEA. The amended standards will result in additional costs only to the Commonwealth because the Department has determined to use Federal funds to purchase the English language proficiency assessment for school districts. The Department will use Title III funds to meet the annual cost of approximately \$1.5 million under Title III of the ESEA (Language Instruction for Limited English Proficient and Immigrant Students), as amended by the NCLB.

Paperwork Requirements

These amended standards do not impose additional paperwork requirements.

Regulatory Review

Under section 2603-B(d)(10)(iii)(C) of the code, these standards are exempt from the Regulatory Review Act.

Findings

The Department finds that:

(1) Proposed rulemaking in advance of the promulgation of standards is not required under section 2603-B(d)(10)(iii)(A) of the code, as added by Act 88 and amended by Act 48, which expressly provides that the standards are exempt from the requirements of sections 201—205 of the CDL.

(2) The State Board approved the amendments to the proposed standards by public vote at its June 18, 2004, meeting.

(3) The promulgation of these standards is necessary for compliance with the NCLB.

Order

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

(a) The standards of the Department, 22 Pa. Code Chapter 403, are amended by amending §§ 403.3 and 403.4 to read as set forth in Annex A.

(b) The Secretary of Education will certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(c) This order is effective upon publication in the *Pennsylvania Bulletin*.

VICKI L. PHILLIPS,
Secretary

Fiscal Note: 6-291. (1) General Fund; (2) Implementing Year 2003-04 is \$877,000; (3) 1st Succeeding Year 2004-05 is \$1.5 million; 2nd Succeeding Year 2005-06 is \$1.5 million; 3rd Succeeding Year 2006-07 is \$1.5 million; 4th Succeeding Year 2007-08 is \$1.5 million; 5th Succeeding Year 2008-09 is \$1.5 million; (4) 2002-03 Program—\$562,000; 2001-02 Program—N/A; 2000-01 Program—N/A; (7) Title III—Language Instruction for LEP and Immigrant Students; (8) recommends adoption. Federal Title III Language Instruction for LEP and Immigrant Students funds will be used to cover this cost.

Annex A

TITLE 22. EDUCATION

PART XVI. STANDARDS

CHAPTER 403. COMPLIANCE WITH THE NO CHILD LEFT BEHIND ACT OF 2001

§ 403.3. Single accountability system.

(a) *Requirement of NCLB.* Section 1111 of Title I, added by NCLB (20 U.S.C.A. § 6311), requires each state to

develop and implement a single, statewide state accountability system that will be effective in ensuring that all LEAs, public elementary schools and public secondary schools make AYP as defined in section 1111(b)(2)(C) of Title I.

(b) *Proficiency as a measure of student progress.*

(1) As the starting point for calculating the AYP, the Department will use the proficient level of student performance, as adopted by the State Board on May 10, 2001. See 31 Pa.B. 2763 (May 26, 2001).

(2) Using data from the 2001-02 school year as the baseline, the Department will determine the number of students meeting or exceeding the proficient level of achievement on State assessments.

(c) *Adequate yearly progress.*

(1) The Department will calculate the AYP by using the "intermediate method" of calculation, involving "stepped goals."

(2) The Department will provide yearly targets to assist the LEAs in measuring progress within the intermediate method.

(3) The Department will use graduation rates as an additional indicator of the AYP for secondary schools and students.

(4) The Department will use child attendance rates as an additional indicator of the AYP for elementary schools and students.

(5) The Department will use 40 as the required number of students tested per building to form a group for the purposes of measuring the AYP of students with disabilities, limited English proficient students and students who are members of economically disadvantaged, major racial and ethnic groups.

(d) *Assessments.*

(1) Section 1111(b)(3)(A) of Title I specifically requires that, beginning no later than the 2005-06 school year, states must assess all students in grades three through eight against the challenging state academic content standards in, at a minimum, math and reading or language arts, or both. In addition, beginning in the 2007-08 school year, states must assess all students at least once in each of the intermediate, middle and high school levels against the challenging state academic content standards for science.

(i) To accomplish the mandates described in paragraph (1), the LEAs shall continue to use the PSSA to assess students in grades three, five, eight and eleven in reading and mathematics and to assess students at least once in each of the intermediate, middle and high school levels in writing.

(ii) The Department will supplement the PSSA with a single assessment for reading and mathematics that will be administered to students in each of grades four, six and seven.

(iii) The Value Added Assessment System shall be implemented as a component of the Commonwealth's assessment system to provide the LEAs with analyses and reports to offer valuable information for focused program improvement to increase performance.

(2) Section 3121 of Title III of the ESEA, added by the NCLB (20 U.S.C.A. § 6841), requires that each state approve evaluation measures that are designed to assess the progress of children in attaining English proficiency,

including a child's level of comprehension, listening, speaking, reading and writing skills in English.

(i) To accomplish the mandates described in paragraph (2), the Commonwealth will serve as the leader in a consortium of states seeking to develop a language proficiency assessment that will meet the needs of the NCLB.

(ii) The Department may use the consortium's assessment to evaluate the progress of students in attaining English proficiency, including a child's level of comprehension, listening, reading and writing skills in English.

(iii) The Department will identify commercially developed language proficiency assessment that the LEAs shall administer.

§ 403.4. Highly qualified teachers.

(a) *Requirements of NCLB.* With the exception of teachers teaching in a public charter school who are exempt from certification under section 1724-A of the Public School Code of 1949 (Public School Code) (24 P. S. § 17-1724-A):

(1) Section 1119(a) of Title I (20 U.S.C.A. § 6319(a) (relating to teacher qualifications and measurable objectives)), added by the NCLB, requires LEAs receiving assistance under the NCLB to ensure that, beginning with the 2002-2003 school year, all newly hired teachers supported with Title I funds are highly qualified.

(2) Section 1119(a) of Title I, added by NCLB, requires each state to ensure that all teachers teaching in core academic subjects within the state are highly qualified by the end of the 2005-2006 school year.

(b) *Current certification system.*

(1) The Department may continue to utilize the intern certification program described in Chapters 49 and 354 (relating to certification of professional personnel; and preparation of professional educators), which culminates in the issuance of an Instructional I Certificate (see §§ 49.91, 49.92 and 354.24(5) and (6) (relating to criteria for eligibility; term of validity; and academic performance)) to provide flexible and accelerated pedagogical training to teachers who have demonstrated competency in a subject area, provided that the first year of teaching includes intensive supervision by an approved institution.

(2) In accordance with Chapter 49, the student teaching semester is structured to include assessment of the pedagogical skills of teacher candidates.

(c) *Additional certification avenues.* Provided that at the time of application for Pennsylvania instructional certification, the applicant satisfies the basic certification requirements of the Public School Code (see 24 P. S. §§ 11-1109, 12-1202 and 12-1209 (relating to qualifications; State certificates; and disqualifications)), and all other requirements in Chapters 49 and 354 which are not contrary to paragraphs (1)—(3):

(1) Teachers holding an Instructional certificate issued under the Public School Code (24 P. S. §§ 1-101—14-1411) may add an instructional area to the certificate by passing an appropriate content area test in the area to be certified without meeting further academic and testing requirements.

(2) Candidates holding a valid and current instructional certificate issued by one of the states party to the Interstate Certification Agreement with Pennsylvania may be eligible for certification if they meet the requirements outlined in § 49.65 (relating to out-of-state and Nationally-certified applicants).

(3) Teachers successfully completing a National teacher-training program approved by the State Board that requires a candidate to demonstrate mastery of the subject area to be taught and professional knowledge needed for classroom effectiveness may be certified to teach in this Commonwealth without meeting further academic and testing requirements.

(i) To the extent that the approved National teacher-training program involves a classroom teaching component requiring certification, the Department may issue an intern certificate to the teacher for use during the program.

(ii) The American Board for Certification for Teacher Excellence and Teach for America were approved by the State Board by means of resolution on November 14, 2002. See 32 Pa.B. 6030 (December 7, 2002).

(iii) National teacher-training programs identified for State Board consideration after December 28, 2002, may be approved by State Board resolution without the need to amend this chapter.

(*Editor's Note:* For the text of new § 403.4(d), see 34 Pa.B. 3359 (June 26, 2004).)

[Pa.B. Doc. No. 04-1184. Filed for public inspection June 25, 2004, 9:00 a.m.]

[22 PA. CODE CH. 403]

Compliance with the No Child Left Behind Act of 2001

The Department of Education (Department) amends Chapter 403 (relating to compliance with the No Child Left Behind Act of 2001) to read as set forth in Annex A.

Contact Person

Questions regarding these standards should be directed to Ethan R. Cancell, Office of the Secretary, Department of Education, 333 Market Street, Harrisburg, PA 17126-0333, (717) 346-3291.

Effective Date

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

Statutory Authority

The Department acts under the authority of section 2603-B(d)(10)(i) of the Public School Code of 1949 (code) (24 P. S. § 26-2603-B(d)(10)(i)), which was added by section 31 of the act of June 29, 2002 (P. L. 524, No. 88) (Act 88) and was amended by section 37 of the act of December 23, 2003 (P. L. 304, No. 48) (Act 48). Section 2603-B(d)(10)(i) of the code empowers the Department, with the approval of the State Board of Education (State Board), to adopt standards to comply with the provisions of the No Child Left Behind Act of 2001 (NCLB) (Pub. L. No. 107-110, 115 Stat. 1425) to maintain the eligibility of the Commonwealth to receive Federal funding for education programs. Acting under section 2603-B(d)(10)(i) of the code, the State Board approved these amended standards at its meeting of June 18, 2004. Prior thereto, as required by section 2603-B(d)(10)(iv) of the code, the State Board submitted the standards to the Office of the Attorney General, which determined that the standards are necessary to comply with the provisions of the NCLB and thereby to maintain the eligibility of the Common-

wealth to receive Federal funding for education programs. Notice of the Attorney General's determination was provided to the State Board.

Standards promulgated by the Department under section 2603-B(d)(10)(i) of the code must be deposited with the *Pennsylvania Bulletin* for publication, see section 26-2603-B(d)(10)(ii) of the code. Standards adopted under section 2603-B(d)(10)(i) of the code on or before June 30, 2004, are exempt from the following laws:

(a) Sections 201—205 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201—1205), known as the Commonwealth Documents Law (CDL).

(b) The Regulatory Review Act (71 P. S. §§ 745.1—745.15).

See section 26-2603-B(d)(10)(iii) of the code.

In light of these exemptions, the Attorney General's determination of necessity under section 2603-B(d)(10)(iv) of the code and the express approval of the State Board under section 2603-B(d)(10)(i) of the code, the Department is depositing these standards for publication in final-form.

Description of Process

On November 13, 2002, the Department presented proposed standards to the State Board addressing the highly qualified teacher requirements necessary to comply with the NCLB. Included in the proposed standards were elements of the State Plan required for compliance with the NCLB (20 U.S.C.A. §§ 6301—6578 and 6801—7014). At its November 14, 2002, meeting, the State Board publicly voted to approve the proposed standards presented by the Department. On November 14, 2002, the chairperson of the State Board signed the resolution approved by the State Board and it was published at 32 Pa.B. 6030 (December 7, 2002). As required by section 2603-B(d)(10)(i) of the code, the Department deposited the standards for publication in the *Pennsylvania Bulletin*, see 32 Pa.B. 6359 (December 28, 2002). The standards now appear in Chapter 403.

On June 8, 2004, the Department submitted proposed amendments to the standards to the Attorney General for review under section 2603-B(d)(10)(iv) of the code. On June 3, 2004, the Attorney General determined that the proposed amendments to the standards satisfy the legal necessity test prescribed by section 2603-B(d)(10)(iv) of the code. The Department presented the amendments to the State Board for consideration and approval under section 2603-B(d)(10)(i) of the code. At its meeting held on June 18, 2004, the State Board adopted a resolution approving the changes to the standards as proposed by the Department.

Background and Need for Standards

President George W. Bush signed the NCLB into law on January 8, 2002. The NCLB, inter alia, amends Titles I and III of the Elementary and Secondary Education Act of 1965 (ESEA) (Pub. L. 89-10, 79 Stat. 27) (Improving the Academic Achievement of the Disadvantaged), 20 U.S.C.A. (section 9532 of the Elementary and Secondary Education Act (ESEA) of 1965, as amended by the No Child Left Behind Act of 2001) et seq. Title I's purpose is to ensure that all children have the opportunity to obtain a high-quality education and reach, at a minimum, proficiency on challenging state achievement standards and academic assessments. In furtherance of this purpose, Title I provides grants to state education agencies and subgrants to local educational agencies. To remain eligible for funding under Title I, state and local educational agencies must comply with the NCLB.

Section 1119 of Title I, as added by the NCLB (20 U.S.C.A. § 6319 (relating to qualifications for teachers and paraprofessionals)) provides that each state education agency receiving assistance under the act must ensure that all teachers teaching in core academic subjects within the state are highly qualified by the end of the 2005-2006 school year. The NCLB defines a highly qualified middle or secondary school teacher as a teacher who has a bachelor's degree and has either passed a core content area test or has an academic major, graduate degree or coursework equivalent to an undergraduate major in the subject area to be taught.

In Non-Regulatory Guidance issued by the United States Department of Education dated January 16, 2004, states were advised of the opportunity to use a process called High, Objective, Uniform State Standard of Evaluation (HOUSSE) to determine when experienced middle and secondary school teachers and teachers of multiple core subjects can be considered highly qualified as required by the NCLB. The purpose of this evaluation process is to permit states to consider experienced teachers who meet designated criteria as highly qualified under the NCLB.

In November 2002, based on the guidance then available, the State Board adopted a resolution providing that teachers who are fully certified in this Commonwealth are highly qualified, with the exception of teachers teaching grades seven and eight without content area certification. This latter group of teachers were required to obtain content area certification by the end of the 2005-2006 school year. However, the Non-Regulatory Guidance, issued in January, clarified the United States Department of Education's requirements regarding highly qualified teachers. As a result, certain special education teachers, teachers in alternative education programs, certain English-as-Second Language teachers and others may now be considered highly qualified under an alternative evaluation system.

Description of Standards

The standards in § 403.4 (relating to highly qualified teachers) address compliance with the highly qualified teacher requirements of the NCLB. They also provide additional certification avenues for individuals wanting to become fully certified as well as for currently certified teachers, who because of their classroom assignment, are not considered highly qualified. The standards, as amended by the Department with the approval of the State Board, reflect changes consistent with the NCLB. Subsection (d) is added to § 403.4 to establish an additional pathway for certain currently certified teachers to be designated as highly qualified to meet the NCLB requirements by obtaining certification in the instructional area in which they teach.

This change is necessary for the Commonwealth to comply with the NCLB and, thereby, to remain eligible for Federal funding under Federal law.

Fiscal Impact

The standards in Chapter 403 are necessary to ensure that the Commonwealth and its LEAs remain eligible to receive Federal funding under the ESEA. The amended standard will result in additional costs to the Commonwealth to review and process an undetermined number of applications for NCLB Bridge Certificates. Since currently certified teachers, who are eligible for the NCLB Bridge Certificate, may also pursue one of the other pathways to certification and the resulting designation as being highly qualified, or schools may reassign teachers

to classroom assignments where they are considered highly qualified, it is not possible to accurately estimate the number of applications that will be submitted for the NCLB Bridge Certificate nor the corresponding cost.

Paperwork Requirements

These amended standards do not impose additional paperwork requirements.

Regulatory Review

Under section 2603-B(d)(10)(iii)(C) of the code, these standards are exempt from the Regulatory Review Act.

Findings

The Department finds that:

(1) Proposed rulemaking in advance of the promulgation of standards is not required under section 2603-B(d)(10)(iii)(A) of the code, as added by section 31 of Act 88 and amended by section 37 of Act 48, which expressly provides that the standards are exempt from the requirements of the CDL.

(2) The State Board approved the amendments to the proposed standards by public vote at its June 18, 2004, meeting.

(3) The promulgation of these standards is necessary for compliance with the NCLB.

Order

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

(a) The standards of the Department, 22 Pa. Code Chapter 403, are amended by amending § 403.4 to read as set forth in Annex A with ellipses referring to the existing text of the regulation.

(b) The Secretary of Education will certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(c) This order is effective upon publication in the *Pennsylvania Bulletin*.

VICKI L. PHILLIPS,
Secretary

Fiscal Note: 6-292. (1) General Fund; (2) Implementing Year 2004-05 is \$117,000; (3) 1st Succeeding Year 2005-06 is \$39,000; (3) 2nd Succeeding Year 2006-07 is \$39,000; 3rd Succeeding Year 2007-08 is \$39,000; 4th Succeeding Year 2008-09 is \$0; 5th Succeeding Year 2009-10 is \$0; (4) 2003-04 Program—\$2.458 million; 2002-03 Program—\$2.458 million; 2001-02 Program—\$2.458 million; (7) General Government Operations; (8) recommends adoption. The fee submitted by each applicant will cover the additional administrative costs incurred by the Department to process the applications.

Annex A

TITLE 22. EDUCATION

PART XVI. STANDARDS

CHAPTER 403. COMPLIANCE WITH THE NO CHILD LEFT BEHIND ACT OF 2001

§ 403.4. Highly qualified teachers.

(*Editor's Note:* For the text of the amended § 403.4(a)—(c), see 34 Pa.B. 3357 (June 26, 2004).)

* * * * *

(d) *NCLB Bridge Certificates.*

(1) Teachers holding a level I or II certificate issued prior to July 1, 2004, and who are employed in one of the

following listed circumstances may be awarded an NCLB Bridge Certificate if qualified therefore under paragraph (4):

(i) Teaching in grades seven, eight or nine in a middle/junior high school.

(ii) Teaching in a Department-approved Alternative Education Program.

(iii) Teaching direct core academic content on the secondary level and possess either an English as a Second Language or Special Education certificate.

(2) NCLB Bridge Certificates will not be issued to applicants after July 1, 2005. The Secretary of Education may extend this deadline on an individual, case-by-case basis, when exceptional situations warrant.

(3) The NCLB Bridge Certificate is valid for 3 years or until an earlier time at which the individual is awarded an Instructional I Certificate under paragraph (5). The NCLB Bridge Certificate cannot be renewed.

(4) Qualification for issuance of an NCLB Bridge Certificate shall be based on an evaluation system developed by the Department. The evaluation system shall be used to determine whether the applicant is highly qualified in the academic discipline or disciplines in which the applicant is teaching using the following criteria:

(i) Satisfactory teaching experience in delivering instruction in the academic content area at the appropriate level.

(ii) Professional education activities credited under section 2603-B(d) of the Public School Code of 1949 (24 P. S. § 2603-B(d)) (Act 2003-48) in the direct academic content area in which the applicant teaches. This may include college credit, postsecondary degrees and approved continuing professional education hours.

(iii) College credits earned in the academic subject area in which the applicant teaches.

(iv) Academic scholarship in the academic content area in which the applicant teaches, including the following:

(A) Recognition as school district or State teacher-of-the-year.

(B) Recipient of a State or National teaching award.

(C) Authorship of an article in a peer review journal.

(D) Authorship of a published textbook.

(E) Teaching a credit-based course at an approved postsecondary institution.

(v) Tutoring students in the academic content area in which the NCLB Bridge certificateholder seeks full certi-

fication in a satisfactory manner on a sustained basis in a structured, Department-approved tutoring program.

(5) An individual who holds an NCLB Bridge Certificate, awarded through the procedure outlined in paragraph (1), may be awarded an Instructional I Certificate based on evaluation of the applicant's experience, professional education and related professional criteria while engaged in teaching under the NCLB Bridge Certificate. The evaluation shall include the following:

(i) Satisfactory teaching experience in delivering instruction in the content area or areas at the appropriate level since receipt of their NCLB Bridge Certificate.

(ii) Professional education activities credited under sections 1205.1 and 1205.2 of the Public School Code of 1929 (24 P. S. §§ 12-1205.1 and 12-1205.2) in the direct content area or areas since receipt of their NCLB Bridge Certificate. This may include college credit, postsecondary degrees and approved continuing professional education hours directly in the content area or areas in which the applicant seeks certification.

(iii) College credits achieved in the academic subject area being taught or assessed.

(iv) Academic scholarship in the academic content area that one teaches including:

(A) School district or State teacher-of-the-year.

(B) Recipient of a State or National teaching award.

(C) Authorship of a published textbook in the content area.

(D) Authorship of an article within the academic field the individual instructs published in a peer review journal.

(E) Teaching the content area in a credit-based postsecondary institution.

(F) National board certification during the period in which the individual held the NCLB Bridge Certificate.

(6) The Department will develop and submit for the approval of the State Board the applicant evaluation and NCLB Bridge Certificateholder evaluation systems described in paragraphs (3) and (4) prior to November 1, 2004.

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