

NOTICES

DELAWARE RIVER BASIN COMMISSION

Meeting and Public Hearing

The Delaware River Basin Commission (Commission) will hold an informal conference followed by a public hearing on Tuesday, July 13, 2004. The hearing will be part of the Commission's regular business meeting. Both the conference session and business meeting are open to the public and will be held in West Trenton, NJ.

The conference among the commissioners and staff will begin at 9:30 a.m. Topics of discussion will include: an update on the Water Resources Plan for the Delaware River Basin (Basin Plan) and the Watershed Summit scheduled for September 13-15, 2004; a proposed resolution for the minutes to finalize and produce copies of the Basin Plan for the Watershed Summit; a summary and discussion of feedback from commissioners and the Water Quality Advisory Committee on the Lower Delaware Water Quality Monitoring Report and on a staff recommendation that the Lower Delaware be designated a Special Protection Water; a discussion regarding the role of project review in connection with an upgrade of an undocketed point source discharge to Special Protection Waters; a discussion regarding preliminary feedback and alternatives to a draft rule to require waste minimization plans for point and nonpoint dischargers; report and recommendations of the Data Quality Subcommittee of the Toxics Advisory Committee; and an update on letters to be sent to dischargers to require additional monitoring in accordance with DRBC Resolution No. 2003-27.

The subjects of the public hearing to be held during the 1:30 p.m. business meeting include the following dockets:

1. *TXU Pedricktown Cogeneration Co., L. P. D-92-37 2.* An application for the renewal of a ground water withdrawal project to continue withdrawal of 24.55 million gallons per 30 days (mg/30 days) to supply the applicant's cogeneration facility from existing Wells PW-1—PW-3 in the Potomac-Raritan-Magothy Formation in the Oldmans Creek Watershed. The project is located in Oldmans Township, Salem County, NJ.

2. *Pennsylvania American Water Company D-99-30 CP 2.* An application for approval of a ground water withdrawal project to supply up to 5.83 mg/30 days of water to the applicant's Glen Alsace public water supply distribution system from replacement Well GL-2A in the Brunswick Formation and to retain the existing withdrawal from all wells at 50 mg/30 days. Proposed replacement Well GL-2A will replace former Well GL-2 and is planned to be used as a regular source to the Glen Alsace distribution system. The project also includes two existing interconnections from the Reading Area Water Authority (45 mg/30 days) and the Mount Penn Water Authority (6 mg/30 days). The project is located in the Antietam Creek Watershed in Exeter Township, Berks County.

3. *Evesham Municipal Utilities Authority D-2000-29 CP.* An application to modify the discharge of the applicant's Elmwood sewage treatment plant (STP) to allow for rerouting of up to 0.3 million gallons per day (mgd) of treated effluent for irrigation of the Evesham Township Indian Spring Golf Course, located approximately 1/2 mile southwest of the STP off Marlton Pike and Elmwood

Road in Evesham Township, Burlington County, NJ. The project withdrawal will replace the 0.2 mgd of water currently utilized from an onsite well in the New Jersey Critical Area of the PRM aquifer. The STP will continue to discharge an average monthly flow of 1.67 mgd to the Southwest Branch Rancocas Creek during periods of peak usage.

4. *Town of Bovina D-2002-18 CP.* An application to construct a subsurface septic treatment system to process up to 0.025 mgd from the Hamlet of Bovina Center in the Town of Bovina, Delaware County, NY, which is adjacent to the Little Delaware River upstream from the Cannonsville Reservoir in the West Branch Delaware River Watershed. The Hamlet of Bovina Center is currently served by individual septic systems, many of which are failing. Following detention and treatment in large septic tanks, wastewater will be distributed to an absorption field for final treatment and disposal; therefore, no discharge to surface water is proposed.

5. *Village of Fleischmanns D-2002-33 CP.* An application to construct a 0.146 mgd STP to replace onlot septic systems and to provide tertiary level treatment to the predominantly residential area of the Village of Fleischmanns in the Town of Middletown, Delaware County, NY. The plant will be constructed off Main Street between Grocholl and Town Roads, within the Village of Fleischmanns, which it will exclusively serve. Following chemically enhanced sequencing batch reactor processing, STP effluent will be filtered, disinfected and discharged to Bush Kill upstream from the Pepacton Reservoir in the drainage area of Commission Special Protection Waters.

6. *Borough of East Greenville D-2004-3 CP.* An application for approval of a ground water withdrawal project to supply up to 10.368 mg/30 days of water to the applicant's public water distribution system from existing Well 1 in the Brunswick Formation and up to 350,000 gallons per day from an intake on the Perkiomen Creek and to limit the withdrawal from all sources to 10.5 mg/30 days. The project well is located in the Perkiomen-Macoby Creek Watershed in Upper Hanover Township, Montgomery County in the Southeastern Pennsylvania Ground Water Protected Area.

7. *Delaware Valley Fish Company D-2004-8 1.* An application for a ground water withdrawal project to increase withdrawal from 2.8 mg/30 days to 5.7 mg/30 days of water to supply the applicant's fish holding tanks from existing Well DV-1 in the Stockton Formation. The project is located in the Stony Creek Watershed in Norristown Borough, Montgomery County in the Southeastern Pennsylvania Ground Water Protected Area.

8. *Vineland Kosher Poultry Company, Inc. D-2004-9.* An application for approval of a ground water withdrawal project to supply up to 7.2 mg/30 days of water to the applicant's poultry processing facility from new Well 4 in the Kirkwood-Cohansey Formation and to retain the existing withdrawal from all wells of 7.2 mg/30 days. The project well is located in the Maurice River Watershed in the City of Vineland, Cumberland County, NJ.

9. *Riverton Borough D-2004-14 CP.* An application to revise Doc. D-89-92 CP to reflect the recent construction of a sequencing batch reactor system needed to replace the trickling filter process at the Riverton STP, which is located at the intersection of Third Street and Martha's Lane in Riverton Borough, Burlington County, NJ. The project modification continues to provide secondary treat-

ment and effluent equalization, plus ultraviolet light disinfection prior to submerged discharge to the Pompeston Creek at its confluence with the Delaware River in Water Quality Zone 2. The wastewater treatment capacity has remained at 0.22 mgd and the plant will continue to serve only Riverton Borough.

10. *Tidewater Utilities, Inc. D-2004-24 CP 1*. An application for approval of a ground water withdrawal project to supply up to 18.5055 mg/30 days of water to the applicant's public supply distribution system from Wells C01, C02, RG01, RG02, GG02 and GG03 in the Cheswold Formation and to limit the existing withdrawal from all wells to 18.5055 mg/30 days. The project is located in the Saint Jones River Watershed in the Towns of Camden and Wyoming and the City of Dover, Kent County, DE.

The Commission's 1:30 p.m. business meeting also may include resolutions for the minutes to finalize and produce copies of the Basin Plan; initiate notice and comment rulemaking processes to amend the *Water Quality Regulations, Water Code and Comprehensive Plan* by: (1) authorizing the Commission to require waste minimization plans for certain pollutants and classes of dischargers; and (2) designating the section of the main stem Delaware River known as the "Lower Delaware" as a Special Protection Water. These actions will depend upon

the outcome of discussion during the morning conference session. In addition, the meeting will include: adoption of the minutes of the June 2, 2004, business meeting; announcements; a report on Basin hydrologic conditions; a report by the executive director; and a report by the Commission's general counsel.

Draft dockets scheduled for public hearing on July 13, 2004, are posted on the Commission's website: www.drbc.net (select "Next DRBC Meeting"). Additional documents regarding the dockets and other items may be examined at the Commission's offices. Contact William Muszynski at (609) 883-9500, Ext. 221 with docket-related questions.

Individuals in need of an accommodation as provided for in the Americans With Disabilities Act who wish to attend the informational meeting, conference session or hearings should contact the Commission Secretary directly at (609) 883-9500, Ext. 203 or through the Telecommunications Relay Services (TRS) at 711, to discuss how the Commission may accommodate their needs.

PAMELA M. BUSH,
Secretary

[Pa.B. Doc. No. 04-1197. Filed for public inspection July 2, 2004, 9:00 a.m.]

DEPARTMENT OF BANKING

Action on Applications

The Department of Banking, under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending June 22, 2004.

BANKING INSTITUTIONS

Mutual Holding Company Reorganization

| <i>Date</i> | <i>Name of Corporation</i> | <i>Location</i> | <i>Action</i> |
|-------------|--|-----------------|---------------|
| 6-18-04 | First Savings Bank of Perkasio Perkasio Bucks County | Perkasio | Effective |
| | Represents reorganization into a mutual holding company to be known as FSB Mutual Holdings, Inc., Perkasio, PA, parent company of FSB Bankshares Corporation. First Savings Bank of Perkasio will be a wholly-owned subsidiary of FSB Bankshares Corporation, a newly-formed stock holding company, who in turn is a subsidiary of FSB Mutual Holdings, Inc., a newly-formed mutual holding company. | | |

Holding Company Acquisitions

| <i>Date</i> | <i>Name of Corporation</i> | <i>Location</i> | <i>Action</i> |
|-------------|---|-----------------|---------------|
| 6-10-04 | Susquehanna Bancshares, Inc., Lititz, acquired 100% of the voting shares of Patriot Bank Corp., Pottstown, and so indirectly acquired Patriot Bank, Pottstown | Lititz | Effective |
| 6-10-04 | National Penn Bancshares, Inc., Boyertown, acquired 100% of the voting shares of Peoples First, Inc., Oxford, and so indirectly acquired The Peoples Bank of Oxford, Oxford | Boyertown | Effective |

New Charters

| <i>Date</i> | <i>Name of Bank</i> | <i>Location</i> | <i>Action</i> |
|-------------|---|-----------------|---------------|
| 6-18-04 | Penn Liberty Bank Wayne Delaware County | Wayne | Approved |

Conversions

| <i>Date</i> | <i>Name of Bank</i> | <i>Location</i> | <i>Action</i> |
|-------------|--|-----------------|---------------|
| 6-18-04 | First Savings Bank of Perkasio Perkasio Bucks County | Perkasio | Effective |

Represents conversion from a State-chartered mutual savings bank to a State-chartered stock savings bank in conjunction with the reorganization into a mutual holding company form of ownership listed previously.

Consolidations, Mergers and Absorptions

| <i>Date</i> | <i>Name of Bank</i> | <i>Location</i> | <i>Action</i> |
|-------------|---|-----------------|---------------|
| 6-10-04 | Equity Bank, Marlton, NJ, and Patriot Bank, Pottstown, PA | Marlton, NJ | Effective |
| | Surviving Institution—Equity Bank, Marlton, NJ, with a subsequent change in title to Susquehanna Patriot Bank (refer to Holding Company Acquisitions) | | |
| 6-11-04 | National Penn Bank, Boyertown, and The Peoples Bank of Oxford, Oxford | Boyertown | Effective |
| | Surviving Institution—National Penn Bank, Boyertown (refer to Holding Company Acquisitions) | | |
| 6-14-04 | Mid Penn Bank Millersburg Dauphin County | Millersburg | Effective |
| | Purchase of certain assets/assumption of certain liabilities of one branch of Vartan National Bank, Dauphin | | |
| | Located at: *Allegheny and Swatara Streets Dauphin Dauphin County | | |
| | *Note: Mid Penn Bank will transfer the loans and deposits of the branch office to its existing office in Dauphin. Vartan National Bank will close the Allegheny and Swatara Streets office. | | |

Branch Applications

| <i>Date</i> | <i>Name of Bank</i> | <i>Location</i> | <i>Action</i> |
|-------------|--|---|---------------|
| 6-11-04 | Citizens Bank of Pennsylvania Philadelphia Philadelphia County | Acme 501 East Evesham Road Runnemede Camden County, NJ | Opened |
| 6-17-04 | Citizens Bank of Pennsylvania Philadelphia Philadelphia County | Application to establish eight branch offices in Giant Supermarkets at the following locations: 3935 Perkiomen Avenue Reading Berks County 32nd Street and Trindle Road Camp Hill Cumberland County 255 South Spring Garden Street Carlisle Cumberland County 450 East Main Street Middletown Dauphin County 550 Centerville Road Lancaster Lancaster County 3175 Cape Horn Road Red Lion York County | Filed |

| <i>Date</i> | <i>Name of Bank</i> | <i>Location</i> | <i>Action</i> |
|-------------|---------------------|--|---------------|
| | | 2415 East Market Street York York County | |
| | | 1750 Loucks Road York York County | |

SAVINGS INSTITUTIONS

No activity.

CREDIT UNIONS

No activity.

A. WILLIAM SCHENCK, III,
Secretary

[Pa.B. Doc. No. 04-1198. Filed for public inspection July 2, 2004, 9:00 a.m.]

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Snowmobile and ATV Advisory Committee Meeting

The Snowmobile and ATV Advisory Committee of the Department of Conservation and Natural Resources (Department) will hold a meeting on Thursday, July 15, 2004, at 9:30 a.m. in Room 105, First Floor, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Questions concerning this meeting or agenda items should be directed to Anthony DiGirolomo, (717) 787-9306.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Anthony DiGirolomo at (717) 787-9306 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

MICHAEL F. DIBERARDINIS,
Secretary

[Pa.B. Doc. No. 04-1199. Filed for public inspection July 2, 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 |

| <i>Location</i> | <i>Permit Authority</i> | <i>Application Type or Category</i> |
|-----------------|-------------------------|--|
| 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> |
|--------------------------------|--|---|------------------------------------|-------------------------|
| PA0060968 | Aldick Associates, Inc. d/b/a Swatara Village 101 Swatara Drive Pine Grove, PA 17963-9774 | Pine Grove Township Schuylkill County | Swatara Creek CWF 7d | Y |
| PA0063941 | Micropack Corp. 5 Commonwealth Road, Suite 3A Natick, MA 01760 | Lower Towamensing Township Carbon County | Aquashicola Creek 2B | 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> |
|--------------------------------|--|--------------------------------------|--|-------------------------|
| PA0038130 SEW | Mont Alto Municipal Authority Box 430 Mont Alto, PA 17237-0430 | Franklin County Mont Alto Borough | West Branch Little Antietam 13-C | Y |

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

| <i>NPDES Permit No. (Type)</i> | <i>Facility Name and Address</i> | <i>County and Municipality</i> | <i>Stream Name (Watershed No.)</i> | <i>EPA Waived Y/N ?</i> |
|--------------------------------|---|-----------------------------------|--|-------------------------|
| PA0112445 IW | P & N Packing, Inc. R. R. 2 Box 180 Wyalusing, PA 18853 | Terry Township Bradford County | North Branch Susquehanna River 4-D | Y |

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

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

PAS223502, Industrial Waste, SIC Code 3210, **Frey Brothers, Inc.**, 372 Puseyville Road, Quarryville, PA 17566. This facility is in East Drumore Township, **Lancaster County**.

Description of activity: Issuance of an NPDES permit for new stormwater storage ponds to collect stormwater runoff from mulch piles.

The facility is in the drainage basin of an unnamed tributary of the West Branch of the Octoraro Creek and downgradient from the stormwater storage ponds (Watershed 7-K) and classified for HQ CWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for the Navy Training Center is on the Susquehanna River, approximately 37 miles downstream. The discharge is not expected to affect the water supply.

The proposed monitoring requirements for Monitoring Wells 1 to 8 are:

| <i>Parameter</i> | <i>Concentration (mg/l)</i> | | |
|------------------------|-----------------------------|----------------------|------------------------------|
| | <i>Average Monthly</i> | <i>Maximum Daily</i> | <i>Instantaneous Maximum</i> |
| pH | | | shall be monitored quarterly |
| NO ₃ -N | | | shall be monitored quarterly |
| COD | | | shall be monitored quarterly |
| Total Dissolved Solids | | | shall be monitored quarterly |
| Total Suspended Solids | | | shall be monitored quarterly |
| Color | | | shall be monitored quarterly |
| Total Phenols | | | shall be monitored quarterly |
| Dissolved Oxygen | | | shall be monitored quarterly |

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

The EPA waiver is in effect.

PA0085677, Amendment No. 1, Groundwater Cleanup, **Harley-Davidson Motor Company Operations, Inc.**, 1425 Eden Road, York, PA 17402. The facility is in Springettsbury Township, **York County**.

Description of activity: A proposed amendment of the NPDES permit for an existing discharge of up to 0.576 million gallons of treated groundwater per day.

The receiving stream, unnamed tributary of Codorus Creek, is in Watershed 7-H and classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for the Wrightsville Water Supply Co. is approximately 17 miles downstream on the Susquehanna River. The discharge is not expected to adversely affect the water supply.

The proposed effluent limitations and monitoring requirements for Outfall 003 are:

| <i>Parameter</i> | <i>Average Monthly (mg/l)</i> | <i>Maximum Daily (mg/l)</i> | <i>Instantaneous Maximum (mg/l)</i> |
|---------------------------|-------------------------------|-----------------------------|-------------------------------------|
| pH (S. U.) | | 6.0 to 9.0 at all times | |
| 1,1-Dichloroethylene | 0.0005 | 0.001 | 0.00125 |
| Tetrachloroethylene | 0.001 | 0.002 | 0.0025 |
| Trichloroethylene | 0.00375 | 0.0075 | 0.0094 |
| Methylene Chloride | XXX | Monitor and Report | XXX |
| Vinyl Chloride | XXX | Monitor and Report | XXX |
| cis-1,2-Dichloro-ethylene | XXX | Monitor and Report | XXX |

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

The EPA waiver is in effect.

PA0052396, SIC Codes 3321, 3322, 3365 and 3644, Industrial Waste, **O-Z Gedney LLC**, 150 Birch Hill Road, Shoemakersville, PA 19555. This application is for renewal of an NPDES permit for an existing discharge of treated industrial waste to an unnamed tributary of the Schuylkill River in Perry Township, **Berks County**.

The receiving stream is classified for WWF, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water supply intake considered during the evaluation was the Pottstown Borough on the Schuylkill River. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.042 MGD are:

| <i>Parameter</i> | <i>Average Monthly (mg/l)</i> | <i>Maximum Daily (mg/l)</i> | <i>Instantaneous Maximum (mg/l)</i> |
|------------------|-------------------------------|-----------------------------|--|
| Flow | | | |
| pH | | | Monitor and Report |
| Temperature | | | 6.0 to 9.0 S. U. at all times as required each month |

The proposed effluent limits for Outfall 002 are:

| <i>Parameter</i> | <i>Average Monthly (mg/l)</i> | <i>Maximum Daily (mg/l)</i> | <i>Instantaneous Maximum (mg/l)</i> |
|------------------|-------------------------------|-----------------------------|-------------------------------------|
| CBOD | | | Monitor and Report |
| Oil and Grease | | | Monitor and Report |

| <i>Parameter</i> | <i>Average Monthly (mg/l)</i> | <i>Maximum Daily (mg/l)</i> | <i>Instantaneous Maximum (mg/l)</i> |
|------------------|-----------------------------------|---------------------------------|---|
| TSS | | Monitor and Report | |
| Total Chromium | | Monitor and Report | |
| Total Cadmium | | Monitor and Report | |
| Total Zinc | | Monitor and Report | |
| COD | | Monitor and Report | |
| pH | | Monitor and Report | |
| Total Lead | | Monitor and Report | |
| Total Copper | | Monitor and Report | |
| Total Arsenic | | Monitor and Report | |
| Total Iron | | Monitor and Report | |

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

The EPA waiver is in effect.

PA0042137, Industrial Waste, SIC Code 2851, **The Glidden Company**, 301 Bern Street, Reading, PA 19601-1252. This facility is in Reading City, **Berks County**.

Description of activity: Renewal of an NPDES permit for a existing discharge of treated industrial waste.

The receiving stream, Bernhart Creek, is in Watershed 3-C and classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Pottstown Borough is on the Schuylkill River, approximately 22 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfalls 002—004 are:

| <i>Parameter</i> | <i>Mass (lb/day)</i> | | <i>Concentration (mg/l)</i> | | <i>Instantaneous Maximum</i> |
|------------------|----------------------------|--------------------------|-----------------------------|--------------------------|----------------------------------|
| | <i>Average Monthly</i> | <i>Maximum Daily</i> | <i>Average Monthly</i> | <i>Maximum Daily</i> | |
| pH | | | | | 6.0 to 9.0 S. U. at all times. |

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

The EPA waiver is in effect.

PA0021601, Sewage, **Hamburg Municipal Authority**, 61 North Third Street, Hamburg, PA 19526. This facility is in Hamburg Borough, **Berks County**.

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

The receiving stream, Schuylkill River, is in Watershed 3-D and classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Pottstown Borough is on the Schuylkill River, approximately 40 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 1.0 MGD are:

| <i>Parameter</i> | <i>Average Monthly (mg/l)</i> | <i>Average Weekly (mg/l)</i> | <i>Instantaneous Maximum (mg/l)</i> |
|-------------------------|-----------------------------------|--------------------------------------|---|
| CBOD ₅ | 25 | 40 | 50 |
| Total Suspended Solids | 30 | 45 | 60 |
| NH ₃ -N | 20 | | 40 |
| Total Residual Chlorine | 0.50 | | 1.50 |
| Dissolved Oxygen | | minimum of 4.0 at all times | |
| pH | | from 6.0 to 9.0 inclusive | |
| Fecal Coliform | | | |
| (5-1 to 9-30) | | 200/100 ml as a geometric average | |
| (10-1 to 4-30) | | 10,000/100 ml as a geometric average | |

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

The EPA waiver is not in effect.

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

PA0003824, Industrial Waste, SIC, 2899, **Nalco Company**, P. O. Box 391, Ellwood City, PA 16117. This application is for renewal of an NPDES permit to discharge and untreated cooling water and stormwater from the Nalco Ellwood City Plant (North and South Plant) in Franklin Township, **Beaver County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as unnamed tributary to Connoquesnessing 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 Beaver Falls Municipal Authority, below the discharge point.

Outfall 001: existing discharge, design flow of 0.1 mgd.

| Parameter | Mass (lb/day) | | Concentration (mg/l) | | |
|-------------------------|--|---------------|----------------------|---------------|-----------------------|
| | Average Monthly | Maximum Daily | Average Monthly | Maximum Daily | Instantaneous Maximum |
| Flow | Monitor and Report | | | | |
| Temperature | 110 | | | | |
| Total Residual Chlorine | Monitor and Report | | | | |
| pH | not less than 6.0 nor greater than 9.0 | | | | |

Outfall 002—006 and 013—015: existing discharge, design flow of N/A mgd.

| Parameter | Mass (lb/day) | | Concentration (mg/l) | | |
|--|-----------------|---------------|----------------------|---------------|-----------------------|
| | Average Monthly | Maximum Daily | Average Monthly | Maximum Daily | Instantaneous Maximum |
| Discharge consists solely of uncontaminated stormwater runoff. | | | | | |

The EPA waiver is in effect.

PA0025992, Sewage, **McCandless Township Sanitary Authority**, 9600 Perry Highway, Pittsburgh, PA 15237-5597. This application is for renewal of an NPDES permit to discharge treated sewage from the Longvue No. 1 STP in McCandless Township, **Allegheny County**.

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

Outfall 001: existing discharge, design flow of 1.2 mgd.

| Parameter | Concentration (mg/l) | | | |
|----------------------------|--|----------------|---------------|-----------------------|
| | Average Monthly | Average Weekly | Maximum Daily | Instantaneous Maximum |
| CBOD ₅ | | | | |
| (5-1 to 10-31) | 20 | 30 | | 40 |
| (11-1 to 4-30) | 25 | 38 | | 50 |
| Suspended Solids | 30 | 45 | | 60 |
| Ammonia Nitrogen | | | | |
| (5-1 to 10-31) | 1.9 | 2.8 | | 3.8 |
| (11-1 to 4-30) | 2.8 | 4.2 | | 5.6 |
| Fecal Coliform | | | | |
| (5-1 to 9-30) | 200/100 ml as a geometric mean | | | |
| (10-1 to 4-30) | 2,000/100 ml as a geometric mean | | | |
| Total Residual Chlorine | | | | |
| (1st Month to 36th Month) | 0.3 | | | 0.9 |
| (37th Month to Expiration) | 0.05 | | | 0.16 |
| Dissolved Oxygen | not less than 6.0 mg/l | | | |
| pH | not less than 6.0 nor greater than 9.0 | | | |

The EPA waiver is not in effect.

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

PA0252646, Industrial Waste, SIC, 4925, **CB Energy, Inc.**, 1271 Grandview Road, Oil City, PA 16301. This proposed facility is in St. Clair Township, **Westmoreland County**.

Description of Proposed Activity: Discharge of treated groundwater produced by dewatering of coal seams from which methane gas will be extracted.

The receiving stream, Conemaugh River, is classified for aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, chloride and sulfate, the existing downstream water supply considered during the evaluation is in Freeport, PA, approximately 62.5 miles downstream of the discharge point.

The proposed effluent limits for Outfall 001 are:

| Parameter | Average Monthly | Maximum Daily | Instantaneous Maximum |
|----------------|----------------------|---------------|-----------------------|
| Flow | | 0.2 mgd | |
| Iron (total) | 3.5 mg/L | | 7 mg/L |
| Oil and Grease | 15 mg/L | | 30 mg/L |
| TSS | 30 mg/L | | 60 mg/L |
| Acidity | Monitor Only | | |
| Alkalinity | Greater than Acidity | | |
| pH | 6 to 9 S. U. | | |
| Chloride | Monitor Only | | |

| <i>Parameter</i> | <i>Average Monthly</i> | <i>Maximum Daily</i> | <i>Instantaneous Maximum</i> |
|------------------|----------------------------|--------------------------|----------------------------------|
| TDS | Monitor Only | | |
| Osmotic Pressure | Monitor Only | | |

PA0252611, Industrial Waste, SIC, 4925, **CNX Gas Company, LLC**, 1800 Washington Road, Pittsburgh, PA 15241. This proposed facility is in Jackson Township, **Greene County**.

Description of Proposed Activity: Discharge of treated groundwater produced by dewatering of coal seams from which methane gas will be extracted.

The receiving stream, Blockhouse Run, is classified for aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, chloride and sulfate, the existing downstream water supply considered during the evaluation is in Greensboro, PA, approximately 39.5 miles downstream of the discharge point.

The proposed effluent limits for Outfall 001 are:

| <i>Parameter</i> | <i>Average Monthly</i> | <i>Maximum Daily</i> | <i>Instantaneous Maximum</i> |
|------------------|----------------------------|--------------------------|----------------------------------|
| Flow | | 0.007 mgd | |
| Iron (total) | 3.5 mg/L | | 7 mg/L |
| Oil and Grease | 15 mg/L | | 30 mg/L |
| TSS | 30 mg/L | | 60 mg/L |
| Acidity | Monitor Only | | |
| Alkalinity | Greater than Acidity | | |
| pH | 6 to 9 S. U. | | |
| Chloride | Monitor Only | | |
| TDS | Monitor Only | | |
| Osmotic Pressure | Monitor Only | | |

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

PA0105295, Industrial Waste, **Minard Run Oil Company—Dent Water Treatment Facility**, P. O. Box 18, Bradford, PA 16701. This proposed facility is in Lafayette Township, **McKean County**.

Description of Proposed Activity: Renewal of an existing discharge of treated industrial waste.

For the purpose of evaluating effluent requirements for TDS, phenolics, sulfate and chloride, the existing/proposed downstream potable water supply (stream and public water supplier) considered during the evaluation is the Tunungwant Creek at the PA/NY state border, approximately 13 miles below point of discharge.

The receiving stream, Lewis Run, is in watershed 16-C and classified for HQ CWF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 002 are based on a maximum flow of 0.016 MGD.

| <i>Parameter</i> | <i>Loadings</i> | | <i>Concentrations</i> | | |
|---------------------------|-------------------------------------|-----------------------------------|--|---------------------------------|---|
| | <i>Average Monthly (lb/day)</i> | <i>Maximum Daily (lb/day)</i> | <i>Average Monthly (mg/l)</i> | <i>Maximum Daily (mg/l)</i> | <i>Instantaneous Maximum (mg/l)</i> |
| Flow (MGD) | | 0.016 | | | |
| Total Suspended Solids | | | 30 | | 60 |
| Oil and Grease | | | 15 | | 30 |
| Total Iron | | | 3.5 | | 7.0 |
| Osmotic Pressure (mOs/kg) | | | 3,038 | 6,076 | 7,595 |
| Benzene | | | 0.475 | 0.95 | 1.19 |
| Acidity | | | | less than alkalinity | |
| Alkalinity | | | XX | | |
| TDS | | | XX | | |
| pH | | | 6.0 to 9.0 standard units at all times | | |

XX—Monitor and Report

The EPA waiver is in effect.

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

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

WQM Permit No. 3874403, Amendment 04-1, Sewerage, **Borough of Myerstown**, 101 East Washington Avenue, Myerstown, PA 17067-1142. This proposed facility is in Jackson Township, **Lebanon County**.

Description of Proposed Action/Activity: Re-rating of the ELCO Wastewater Treatment Facility.

WQM Permit No. 0604408, Sewerage, **Tulpehocken Township**, 22 Rehrersburg Road, P. O. Box 272, Rehrersburg, PA 19550. This proposed facility is in Tulpehocken Township, **Berks County**.

Description of Proposed Action/Activity: Construction of wastewater treatment plant, two pump stations, gravity sewer and a force main to serve the Mount Aetna Area.

WQM Permit No. 0604409, Sewerage, **Tulpehocken Township**, 22 Rehrersburg Road, P. O. Box 272, Rehrersburg, PA 19550. This proposed facility is in Tulpehocken Township, **Berks County**.

Description of Proposed Action/Activity: Construction of a wastewater treatment plant, pumpstation, gravity sewers and forcemain to serve the Village of Rehrersburg area.

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

WQM Permit No. 0804201, Industrial Waste 2011, **Taylor Packing Company, Inc.**, P. O. Box 188, Wyalusing, PA 18853. This proposed facility is in Wyalusing Township, **Bradford County**.

Description of Proposed Action/Activity: The applicant proposes to construct and operate an anaerobic lagoon biogas collection system. The biogas fuel will be used in the plant boiler.

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

WQM Permit No. 0404403, Sewerage, **Beaver County Corporation for Economic Development**, 250 Insurance Street, Suite 300, Beaver, PA 15009. This proposed facility is in Big Beaver Borough, **Beaver County**.

Description of Proposed Action/Activity: Application for the construction and operation of sanitary sewers and pump station to serve the CED Route 18 Business Park.

WQM Permit No. 6304404, Sewerage, **Empire Mortgage Inc.**, 11350 McCormick Road, Hunt Valley, MD 21031. This proposed facility is in Mount Pleasant Township, **Washington County**.

Description of Proposed Action/Activity: Application for the construction and operation of a small flow sewerage treatment facility on 18 Cherry Valley Road.

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.

| <i>NPDES Permit No.</i> | <i>Applicant Name and Address</i> | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i> |
|-------------------------|---|---------------|---------------------|----------------------------|
| PAI011504035 | Immaculata University Park Lot F 1145 King Road Immaculata, PA 19345 | Chester | East Whiteland | Schuylkill River EV |

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

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

| <i>NPDES Permit No.</i> | <i>Applicant Name and Address</i> | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i> |
|-------------------------|--|---------------|---------------------|----------------------------|
| PAI024804020 | Monocacy Heights, L. P. 4383 Hecktown Rd. Suite J Bethlehem, PA 18020 | Northampton | Bath Borough | Monocacy Creek HQ-CWF |

Pike County Conservation District: HC 6, Box 6770, Hawley, PA 18428, (570) 226-8220.

| <i>NPDES Permit No.</i> | <i>Applicant Name and Address</i> | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i> |
|-------------------------|--|---------------|---------------------|----------------------------|
| PAI025204005 | Goodwin Excavating William Goodwin HCR 1, Box 26A Paupack, PA 18451 | Pike | Palmyra Township | Decker Creek HQ-CWF |

Wyoming County Conservation District: One Hollowcrest Complex, Tunkhannock, PA 18657, (570) 836-2589.

| <i>NPDES Permit No.</i> | <i>Applicant Name and Address</i> | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i> |
|-------------------------|---|---------------|---------------------|----------------------------|
| PAI026603001 | Department of Transportation District 4-0 Robert Doble P. O. Box 111 Scranton, PA 18501 | Wyoming | Monroe Township | Bowmans 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.

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

| <i>NPDES Permit No.</i> | <i>Applicant Name and Address</i> | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i> |
|-------------------------|--|---------------|---------------------|----------------------------|
| PAI041404009 | Wiltree Townhomes 2056 Encinal Ave., No. 4 Alameda, CA 94501 | Centre | College Township | UNT Thompson Run HQ-CWF |

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

| | |
|--------|--------------------------------|
| PAG-12 | CAFOs |
| PAG-13 | Stormwater Discharges from MS4 |

MS4 Notices of Intent Received

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

| <i>NPDES Permit No.</i> | <i>Applicant Name and Address</i> | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i> | <i>Department Protocol (Y/N)</i> |
|-------------------------|--|---------------|---------------------|--|----------------------------------|
| PAG132274 | Plymouth Township 925 West Main Street Plymouth Township, PA 18651 | Luzerne | Plymouth Township | Unnamed tributary to Susquehanna River Harveys Creek Susquehanna River | Y |

PUBLIC WATER SUPPLY (PWS) PERMIT

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

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

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

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

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

SAFE DRINKING WATER

Applications Received under the Pennsylvania Safe Drinking Water Act

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

Permit No. 5266529, Public Water Supply.

| | |
|----------------------|--|
| Applicant | United Dairy, Inc. Fike's Division 47 West Craig Street Uniontown, PA 15401 |
| Township or Borough | Uniontown |
| Responsible Official | Timothy Griglack, Operations Manager United Dairy, Inc. Fike's Division 47 West Craig Street Uniontown, PA 15401 |
| Type of Facility | Bottled Water Plant |
| Consulting Engineer | J. Scott Bush Company, P. C. 369 Stone Church Road Grindstone, PA 15442 |

Application Received Date May 26, 2004
 Description of Action Purchase spring water from the Indian Creek Valley Water Authority and potable water from the Pennsylvania American Water Company for bottling.

Central Office: Bureau Director, Water Supply and Wastewater Management, P. O. Box 8467, Harrisburg, PA 17105-8467.

Permit No. 9996417, Public Water Supply.

Applicant **DS Waters of America, LP**
 Township or Borough Mableton, GA
 Responsible Official Tracy Casper, Quality Control Manager
 Type of Facility Out-of-State Bottled Water System
 Application Received Date June 15, 2004
 Description of Action The applicant is requesting a major permit amendment to use the Georgia Mountain Spring source for their spring and distilled bottled water products. Bottled water to be sold in this Commonwealth under the brand names Crystal Springs Purified Water, Crystal Springs Distilled Water, Crystal Springs Spring Water with Fluoride, Crystal Springs Purified Water with Calcium, Georgia Mountain Water Distilled Water, Georgia Mountain Water Spring Water, Artic Mist Purified Water, Artic Mist Distilled Water, Crystal Springs Mountain Spring Water and Nursery Purified Water with Fluoride.

MINOR AMENDMENT

Applications Received under the Pennsylvania Safe Drinking Water Act

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

Application No. 6188503-MA1, Minor Amendment.

Applicant **Cooperstown Water Co.**
 Township or Borough Cooperstown Borough, **Venango County**
 Responsible Official Blaine E. Rhodes, President
 Type of Facility PWS
 Application Received Date June 14, 2004
 Description of Action Installation of two NSF approved 1,200-gallon polyethylene tanks inside the existing concrete block water storage tank.

WATER ALLOCATIONS

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

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

WA48-339B, Water Allocations, **Bethlehem Authority/City of Bethlehem**, 10 East Church Street, Bethlehem, PA 18018-6028, City of Bethlehem, **Northampton County**. The applicant is requesting the renewal of its existing water allocation permit for the Wild Creek supply. The Bethlehem Authority is also requesting the right to continue to take the entire flow at Wild Creek while maintaining a conservation release of 1.70 cfs or 1.1 million gpd from the Penn Forest Dam.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 1

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

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

Under sections 304(n)(1)(ii) and 305(c)(2) of the act, there is a 30-day public and municipal comment period for sites proposed for remediation using a Site-Specific Standard, in whole or in part, and for sites remediated as a special industrial area. This period begins when a summary of the Notice of Intent to Remediate is pub-

lished 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.

Tioga Pipe Supply Co., Inc. Property, City of Philadelphia, **Philadelphia County**. Darryl Borrelli, Manko, Gold, Katcher & Fox, LLP, 401 City Avenue, Suite 500, Bala Cynwyd, PA 19004 on behalf of David Keiser, Geaux Investment, Inc./Keiser General Partnership, 2450 Wheatshaf Lane, Philadelphia, PA 19137 has submitted a Notice of Intent to Remediate. Soils and groundwater at the site have been impacted by releases from two no. 2 fuel oil underground storage tanks. Site soils and groundwater are also impacted by metals, VOCs and polynuclear aromatic hydrocarbons from industrial operations.

Montgomery Commons Shopping Center, Montgomery Township, **Montgomery County**. Jeffrey Goudsward, Penn E & R, Inc., 2755 Bergey Road, Hatfield, PA 19440 on behalf of Donald Cafiero, Montgomery Commons Associates, LP c/o Pennmark, 1000 E. Germantown Pike, Suite A-2, Plymouth Meeting, PA 19462 has submitted a Notice of Intent to Remediate. This site is retail shopping center. A release of dry cleaning fluid containing tetrachloroethene (PCE) occurred from within a dry cleaning facility in Store L in the shopping center. Soils below the dry cleaner and an adjacent tenant space have been impacted with PCE and its breakdown products trichloroethene and cis-1,2-dichloroethene. The future use of the property is nonresidential for retail/commercial use. Proof of publication of notice in the *Reporter*, May 27, 2004.

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

JetNet Corporation, Scott Township, **Allegheny County**. Andrew C. Martin, Andrew Martin Associates Inc., 2700 West 21st Street, Suite 16, Erie, PA 16506 (on behalf of Donald Sartore, JetNet Corporation, 100 Keystone Drive, Carnegie, PA 15106) has submitted a Notice of Intent to Remediate soil and groundwater contaminated with lead and antimony. The applicant proposes to remediate the site to meet the Statewide Health Standard.

DETERMINATION FOR APPLICABILITY FOR MUNICIPAL WASTE GENERAL PERMITS

Applications for Determination of Applicability for General Permit under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and municipal waste regulations for a general permit to operate municipal waste processing facilities and/or the beneficial use of municipal waste.

Southwest Region: Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

General Permit Application No. WMGR038SW010. General Trade Corporation, 4158 Old William Penn Highway, Murrysville, PA 15668. The beneficial use of process waste tires as structural fill at the Central Preparation Plant, West Wheatfield Township, **Indiana County**. Request for determination of applicability was received in the regional office on June 11, 2004.

Comments concerning the application should be directed to David Eberle, Facilities Supervisor, Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. Persons interested in obtaining more information about the general permit application should contact the Southwest Regional Office at (412) 442-4000. TDD users should contact the Department through the Pennsylvania Relay Service, (800) 654-5984. Public comments must be submitted within 30 days of this notice and may recommend revisions to and approval or denial of the application.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

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

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

Permit Application No. 101662. ADC Recycling Corporation, 1060 Conshohocken Road, Conshohocken, PA 19428, Plymouth Township, **Montgomery County**. Application was received for the reissuance of the existing solid waste permit for the ADC Recycling Corporation Transfer Station from the ADC Recycling Corporation to Plymouth Transfer LLC. Application was received by the Southeast Regional Office on June 15, 2004.

Permit Application No. 100973. Republic Svc. of Pa., 4145 E. Baltimore Pike, Media, PA 19063, Philadelphia City, **Philadelphia County**. Application received for a 10-year renewal permit. The application was received by Southeast Regional Office on June 22, 2004.

AIR QUALITY

PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

NEW SOURCES AND MODIFICATIONS

The Department of Environmental Protection (Department) has developed an "integrated" plan approval, State operating permit and Title V operating permit program. This integrated approach is designed to make the permitting process more efficient for the Department, the regulated community and the public. This approach allows the

owner or operator of a facility to complete and submit all the permitting documents relevant to its application one time, affords an opportunity for public input and provides for sequential issuance of the necessary permits.

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

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

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

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

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

PLAN APPROVALS

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

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

48-304-032: Victaulic Co. of America (4901 Kess-leville Road, Easton, PA 18045) for modification of a cold core making process and associated air cleaning devices and installation of an additional air cleaning device at their facility in Forks Township, **Northampton County**.

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

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

09-0015F: Rohm and Haas (200 Route 413, Bristol, PA 19007) to construct five natural gas and no. 2 fuel oil fired new boilers to replace two existing boilers at their Bristol facility in Bristol Township, **Bucks County**. This facility is a Title V facility. This replacement will result in NOx emission decrease by over 1 ton per year and VOC emissions increase by 4.88 tons per year. The Plan Approval and Operating Permit will contain recordkeeping requirements and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

23-0024D: Hanson Aggregates Pennsylvania, Inc. (P. O. Box 231, Easton, PA 18044) for installation of two replacement baghouses that will control emissions from the secondary and tertiary crushing circuits at their Hanson Glen Mills Quarry—Hot Mix Asphalt Plant, the granite quarry and processing plant with hot mix asphalt plant/facility at 523 W. Forge Road, Glen Mills, PA 19342, Middletown Township, **Delaware County**. The installation of two replacement baghouses that will control emissions from the secondary and tertiary crushing circuits will result in the emissions of: 0.69 ton per year of PM, 0.33 ton per year of PM10 and 0.33 ton per year of particulate matter with an aerodynamic diameter of less than or equal to 2.5 micrometer body. The Plan Approval and Operating Permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

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

06-05078E: FR and S, Inc. (727 Red Lane Road, Birdsboro, PA 19508) for installation of a second enclosed ground flare at the Pioneer Landfill to control emissions of landfill gas from a municipal solid waste landfill in Exeter Township, **Berks County**. The landfill is subject to 40 CFR Part 60, Subpart WWW, Standards of Performance for New Stationary Sources and Part 63, Subpart AAAA, National Emission Standards for Hazardous Air Pollutants from Municipal Solid Waste Landfills. The approval will include emissions rate limits and annual emission limits. The approval will include monitoring, work practices, recordkeeping and reporting requirements designed to keep the source operating within all applicable air quality requirements. The facility is presently covered by Title V Operating Permit 06-05078. The plan approval will be incorporated into this permit in accordance with 25 Pa. Code § 127.450.

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

56-232B: Waste Management, Inc. (625 Charrington Parkway, Coraopolis, PA 15108) to allow expansion of their existing Shade Landfill, Inc. municipal solid waste disposal facility in Shade Township, **Somerset County**.

Under 25 Pa. Code §§ 127.44–127.48, the Department intends to issue a Plan Approval to allow the expansion of their existing Shade Landfill, Inc. municipal solid waste disposal facility in Shade Township, Somerset County. Emissions from the facility have been estimated at 56 tons of NOx per year, 72 tons of CO per year and 31 tons of NMOCs per year. The facility is subject to the operational, monitoring, recordkeeping, testing and reporting

requirements required by 40 CFR 60, Subpart WWW and 25 Pa. Code Chapter 127 and the Plan Approval has been conditioned accordingly. Copies of the Plan Approval application, the Department's analysis and the proposed Plan Approval are available for public inspection during normal business hours at the following address.

Persons wishing to oppose the plan approval may file a written protest. A 30-day comment period, from the date of this publication, will exist for the submission of protests. Written protests must contain the name, address and telephone number of the person filing the protest, identification of proposed Plan Approval PA-56-232B and a concise statement of the objections to the Plan Approval issuance and relevant facts upon which the objections are based.

A public hearing may be held, if the Department, in its discretion, decides that a hearing is warranted based on the information received. Persons submitting written protests or requesting a hearing will be notified of the decision to hold a hearing by publication in the *Pennsylvania Bulletin* or by telephone, where the Department determines notification by telephone is sufficient. Written comments or request for a public hearing should be directed to Barbara Hatch, Air Pollution Control Engineer, Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4000.

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.

46-00129: Central Montgomery Medical Center (100 Medical Campus Drive, Lansdale, PA 19446) for operation of their in-patient care facility in Hatfield Township, **Montgomery County**. The permit is for a non-Title V (State-only) facility. The facility's main sources include: three dual-fired boilers, each with a rated heat input capacity of 9.0 mmBtu/hr, and two diesel fueled emergency generators. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

09-00173: P and R Industries, Inc. (3826 Old Easton Road, Doylestown, PA 18901) for a non-Title V Facility, State-only, Natural Minor Operating Permit in Buckingham Township, **Bucks County**. P and R Industries, Inc. coats metal products to be used in industry with a protective PVC-type coating. The facility's major emission points are a fume incinerator and two boilers, from which the main pollutants emitted are PM and SOx. PM and SOx emissions from the facility each figure to be less than 1 ton per year. 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.

06-03012: Brenntag Northeast (Pottsville Pike and Huller Lane, P. O. Box 13788, Reading, PA 19612-3788) for operation of their Leesport (Snyder Road) chemical distribution facility in Ontelaunee Township, **Berks County**. The facility has actual estimated emissions of 8 tons/yr of VOCs. The State-only operating permit will

include monitoring, recordkeeping, reporting requirements, emission restrictions and work practice standards designed to keep the facility operating within all applicable air quality requirements.

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

41-00060: Frito Lay, Inc. (220 North Reach Road, Williamsport, PA 17701) for their Frito Lay—Williamsport plant in the City of Williamsport, **Lycoming County**. The facility's main sources include 14 natural gas fired combustion units, 1 natural gas or propane fired combustion units, 4 snack food fryers, 5 ovens, 2 extruders, corn kettles, 1 corn clipper cleaner, 1 cold cleaning degreaser, 1 natural gas fired emergency generator and 2 corn meal storage silos. 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 regulatory requirements including monitoring, recordkeeping and reporting conditions.

14-00034: Jostens Printing (401 Science Park Road, State College, PA 16803) for their plant in Ferguson Township, **Centre County**. The facility's main sources include six two-color printing presses, four four-color printing presses, two conventional camera processors and three film processors. 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 regulatory requirements including monitoring, recordkeeping and reporting conditions.

55-00020: Meckley's Limestone Products, Inc. (R. D. 1 Box 1682, Herndon, PA 17830) for their facility in Franklin Township, **Snyder County**. The facility is a manufacture of hot mix asphalt for road and paving construction. The facility's sources include one aggregate dryer, hot mix asphalt plant and three storage tanks. 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 reporting conditions.

18-00017: Mill Hall Clay Products, Inc. (44 Market Street, Mill Hall, PA 17751) for operation of their clay product manufacturing facility in Mill Hall Borough, **Clinton County**. The facility's main sources include 13 natural gas/propane fired kilns and a clay crushing and sizing operation. This facility has the potential to emit SOx, CO, NOx, VOCs, HAPs and PM10 below the major emission thresholds.

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

10-00287: Minteq International Inc. (395 Grove City Road, Slippery Rock, PA 16057) for a Natural Minor Permit to operate nonclay refectories in Slippery Rock Township, **Butler County**. Emission sources associated with this facility include mixers, dryers and mold shop. The facility has taken a restriction on VOC emissions from the facility. The VOC emissions shall not exceed 49 tons per year.

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.

54040201. Reading Anthracite Company (P. O. Box 1200, Pottsville, PA 17901), commencement, operation and restoration of a coal refuse reprocessing, preparation plant and coal refuse disposal operation in Butler, West Mahanoy and Union Townships, **Schuylkill County**, affecting 1,104.0 acres. Receiving streams: None. Application received June 16, 2004.

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

16940103 and NPDES Permit No. PA0211974. RFI Energy, Inc. (555 Philadelphia Street, Indiana, PA 15701), renewal of an existing bituminous surface strip,

tipple refuse disposal, coal ash placement and beneficial use of coal ash operation in Perry Township, **Clarion County**, affecting 764.0 acres. Receiving streams: unnamed tributaries to Allegheny River (WWF), unnamed tributary to Clarion River (CWF) and Dunlap Creek (WWF). The first downstream potable water supply intake from the point of discharge is the West Freedom Water Co. Application received June 17, 2004.

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

26000103 and NPDES Permit No. PA0202878. J. Construction Company (R. R. 2, Box 626, Farmington, PA 15437), revision application at an existing bituminous surface mine for pump treated discharge water into the abandoned Pittsburgh seam deep mine pool in Fairchance Borough and Georges Township, **Fayette County**, affecting 7.0 acres. Receiving streams: Muddy Run (WWF). There is no potable water supply intake within 10 miles from the point of discharge. Revision application received June 14, 2004.

65990107 and NPDES Permit No. PA0202657. Amerikohl Mining, Inc. (P. O. Box 427, Acme, PA

15610), renewal application for reclamation only of an existing bituminous surface mine in Mt. Pleasant Township, **Westmoreland County**, affecting 55.6 acres. Receiving streams: unnamed tributaries to Jacobs Creek (CWF). There is no potable water supply intake within 10 miles from the point of discharge. Renewal application received June 14, 2004.

03950113 and NPDES Permit No. PA0201529. Seven Sisters Mining Co., Inc. (200 Route 22, P. O. Box 300, Delmont, PA 15626), renewal application received for operation and reclamation of a bituminous surface mine in Burrell and South Bend Townships, **Armstrong County**, affecting 93 acres. Receiving streams: unnamed tributary and Crooked Creek (WWF). There is no potable water supply intake within 10 miles from the point of discharge. Renewal application received June 16, 2004.

63020102 and NPDES Permit No. PA0250309. Muligan Mining, Inc. (5945 Pudding Stone Lane, Bethel

Park, PA 15102), application received to revise permit to include a variance to mine within 100 feet of a township road and add mining acreage at an existing bituminous surface mine in Smith Township, **Washington County**, affecting 107.6 acres. Receiving streams: unnamed tributaries to Little Raccoon Run to Little Raccoon Run to Raccoon Creek to the Ohio River, Raccoon Creek and unnamed tributaries to Raccoon Creek to Raccoon Creek to the Ohio River (WWF). The first downstream potable water supply intake from the point of discharge is greater than 10 miles downstream of the site. Application received June 21, 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.

67990301C and NPDES Permit No. PA02233999. Glen-Gery Corporation (P. O. Box 7001, Wyomissing, PA 19610), renewal of NPDES Permit for discharge of treated mine drainage in Dover Township, **York County**. Receiving streams: unnamed tributary to Little Conewago Creek (TSF). The first downstream potable water supply intake from the point of discharge is the Pinchot Lake Intake. Application received June 8, 2004.

58990817. Holgate Bros. (P. O. Box 1, Hop Bottom, PA 18824), Stage I and II bond release for a quarry operation in Lenox Township, **Susquehanna County**, affecting 3.0 acres on property owned by Kevin and Larry Holgate. Application received June 17, 2004.

FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

The following permit applications, requests for Environmental Assessment approval and requests for 401 Water Quality Certification have been received by the Department of Environmental Protection (Department). Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341) requires the State to certify that the involved projects will not violate the applicable provisions of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) as well as relevant State requirements. Persons objecting to approval of a request for certification under section 401 of the FWPCA or to the issuance of a Dam Permit, Water Obstruction and Encroachment Permit or the approval of an Environmental Assessment must submit comments, suggestions or objections within 30 days of the date of

this notice, as well as questions, to the regional office noted before the application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

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

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

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

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

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.

E45-468. Thomas Grlica, H. C. 88, Box 111A, Pocono Lake, PA 18347 in Tobyhanna Township, **Monroe County**, U. S. Army Corps of Engineers, Philadelphia District.

To place fill in approximately 0.2 acre of PFO wetlands for the purpose of constructing a single-family dwelling and driveway on Lot 305, Section B of the Wagner Forest Residential Subdivision. The project is on the south side of SR 0940, approximately 500 feet west of SR 4003 (Blakeslee, PA Quadrangle N: 22.0 inches; W: 5.6 inches).

E39-436. Milford Square, Maplewood, Inc., Warrington Mews Pavilion, Suite 27, Warrington, PA 18976 in Lower Milford Township, **Lehigh County**, U. S. Army Corps of Engineers, Philadelphia District.

1. To construct and maintain a road crossing consisting of twin cell 13-foot by 4.5-foot concrete box culverts across Saucon Creek (CWF) and the placement of fill in 0.21 acre of PEM/PSS/PFO wetlands.

2. To construct and maintain a stormwater swale through 0.01 acre of wetlands.

3. To construct and maintain a stormwater outfall channel through 0.03 acre of wetlands in the floodway of Saucon Creek.

4. To construct and maintain a driveway crossing consisting of the placement of fill and a 12-inch diameter RCP with rip-rap apron in 0.01 acre of wetlands for the purpose of providing access to Lot 32.

5. To construct and maintain a driveway crossing of a tributary to Saucon Creek consisting of a 27-foot long, 42-inch diameter RCP with concrete endwalls and rip-rap apron for the purpose of providing access to Lot 15.

6. To construct and maintain a driveway crossing of a tributary to Saucon Creek consisting of a 33-foot long, 60-inch diameter RCP with concrete endwalls and rip-rap apron for the purpose of providing access to Lot 16.

7. To construct and maintain a driveway crossing of a tributary to Saucon Creek consisting of a 23-foot long, 36-inch diameter RCP with concrete endwalls and rip-rap apron for the purpose of providing access to Lot 56.

8. To construct and maintain a driveway crossing consisting of the placement of fill in 0.01 acre of wetlands for the purpose of providing access to Lot 16.

9. To remove two existing road crossings and to construct and maintain a 1,172-foot stream enclosure consisting of 900 feet of 36-inch diameter RCP, 172 feet of 42-inch diameter RCP and 100 feet of 38-inch by 60-inch RCP in a tributary to Saucon Creek.

10. To construct and maintain an outfall structure consisting of a 30-inch diameter RCP, concrete endwall, rip-rap apron and a concrete level spreader in the floodway of Saucon Creek.

11. To construct and maintain an outfall structure consisting of a 24-inch diameter RCP, concrete endwall, rip-rap apron and a concrete level spreader in the floodway of Saucon Creek.

The project is northwest of the Chestnuthill Road and Churchview Road intersection (Milford Square, PA Quadrangle N: 22.0 inches; W: 11.5 inches).

E35-376. City of Scranton, 340 North Washington Avenue, Scranton, PA 18503 in the City of Scranton, **Lackawanna County**, U. S. Army Corps of Engineers, Baltimore District.

To construct and maintain a 10.0-foot wide pedestrian bridge having a span of 100 feet and an approximate underclearance of 21 feet across Roaring Brook (CWF). The project is in Nay Aug Park (Scranton, PA Quadrangle N: 4.9 inches; W: 1.8 inches).

E40-637. Michael E. Daley, R. R. 3, Box 3033, Harveys Lake, PA 18618 in Harveys Lake Borough, **Luzerne County**, U. S. Army Corps of Engineers, Baltimore District.

To modify and maintain an existing dock and boathouse in Harveys Lake, with work including repair and renovation of the existing boathouse and dock including repair/replacement of wooden and concrete pilings and construction of a new pile-supported deck area and boat garage. The existing structure extends approximately 43 feet from the shoreline, has an overall width of approximately 30 feet and has an areal coverage of approximately 1,030 square feet. As modified, the overall width of the structure will be increased by approximately 11 feet and the areal coverage increased by approximately 490 square feet. The project is at Pole 295 (Harveys Lake, PA Quadrangle N: 18.4 inches; W: 5.6 inches).

E35-374. Lackawanna County Conservation District, 1300 Old Plank Road, Mayfield, PA 18433 in Carbondale Township, **Lackawanna County**, U. S. Army Corps of Engineers, Baltimore District.

To construct and maintain approximately 240 linear feet of trapezoidal riprap-lined channel in Lees Creek (CWF), for the purpose of stabilizing the channel. The project is downstream of SR 6006 (Business Route 6) and immediately upstream of the Carbondale Township/Mayfield Borough boundary (Carbondale, PA Quadrangle N: 9.2 inches; W: 4.1 inches).

E45-466. Effort United Methodist Church, P. O. Box 545, Effort, PA 18330 in Chestnuthill Township, **Monroe County**, U. S. Army Corps of Engineers, Philadelphia District.

To modify and maintain a portion of the existing Effort United Methodist Church situated in the floodway of Pohopoco Creek (HQ-CWF). The proposed work includes: (1) an earthen berm along the upstream and streambanks of the church; (2) removal of fill between the church and the stream; and (3) an outfall structure in the Pohopoco Creek. The project is north of the intersection of SR 3009 (Merwinburg Road) in SR 3014 (Valley Road) (Brodheads ville, PA Quadrangle N: 13.8 inches; W: 10.2 inches).

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

E05-324: Everett Church of the Brethren, 119 East 2nd Street, Everett, PA 15537 in the Borough of Everett, **Bedford County**, ACOE Baltimore District.

To remove 48 lineal feet of an existing 143-foot long, 5-foot by 8-foot and 6-foot by 10-foot enclosure and to construct and maintain 48 lineal feet of 7-foot by 10-foot open bottom concrete culvert at a point (Everett East, PA Quadrangle N: 2.5 inches; W: 17.1 inches), approximately 162 feet east of 2nd Street on an unnamed tributary to the Raystown Branch Juniata River (Bloody Run) (WWF, perennial) for the purpose of constructing a fellowship hall at the Everett Church of the Brethren in the Borough of Everett, Bedford County. The project will result in 48 lineal feet of direct impacts to the channel of the unnamed tributary to the Raystown Branch Juniata River.

E22-478: Mary Esquivel, 1630 Fishing Creek Valley Road, Harrisburg, PA 17112 in Middle Paxton Township, **Dauphin County**, ACOE Baltimore District.

To construct and maintain a 208 square foot addition to an existing dwelling within the floodway of Fishing Creek East (WWF), for the purpose of enlarging livable space, approximately 700 feet north of Route 443 (Harrisburg East, PA Quadrangle N: 21.4 inches; W: 16.2 inches) in Middle Paxton Township, Dauphin County.

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

E12-148. Cameron County Conservation District, 20 East Fifth Street, Room 105, Emporium, PA 15834. Schatz and Venture stabilization sites in Shippen Township, **Cameron County**, ACOE Baltimore District (Rich Valley, PA Quadrangle N: 6.45 inches; W: 6.55 inches).

The permit application proposes to stabilize two projects funded by the Department's Growing Greener program. The Venture site proposes to relocate 780 linear feet of Clear Creek (HQ-CWF) to stabilize failing banks and to reestablish a floodplain capacity. The project also proposes three J-hook rock structures and four cross vane rock structures to assist in stabilizing the newly constructed stream. The Schatz site proposes to remove a gravel bar and stabilize the stream bank totaling 650 linear feet of the Driftwood Branch of the Sinnemahoning Creek (TSF). Two J-hook rock structures and two cross vane rock structures are proposed to add stability to the project.

E12-149. Cameron County Commissioners, East Fifth Street, Emporium, PA 15834. Bridge construction in Shippen Township, **Cameron County**, ACOE Baltimore District (West Creek, PA Quadrangle N: 21.9 inches; W: 3.4 inches).

To: (1) remove the existing four span steel girder bridge which has an open steel deck, reinforced concrete piers and abutments, a clear normal span of 97.4 feet and to construct and maintain; (2) a single span prestressed concrete spread box beam bridge 108.48-foot long with a minimum underclearance of 11.09 feet, a waterway opening of 1,083 square feet and to construct and maintain; (3) four J-hook stream restoration structure of R-8 rectangular and subangular native rock, one is about 225 feet north of the centerline of the proposed bridge and the other three are on the downstream side to a distance of about 200 feet from the proposed bridge centerline; (4) native rock, abutment demolition rock and trees/root wad Natural Bank Revetment for distances of 75 feet beginning at the south west abutment proceeding downstream and 175 feet beginning at the south east abutment proceeding downstream; and (5) about 125 linear feet by 35 feet wide R-5 rock stabilized channel, five rock check dams and about 330 linear feet of natural material rock bank revetment (165 feet each side) from the mouth proceeding upstream of an unnamed tributary which discharges to wetlands at the south east side of the proposed bridge. The proposed bridge is on T-345, about 200 feet from the intersection of T-345 with SR 0120. The project will create about 0.65 acre of earth disturbance. The project will impact about 0.294 acre of wetlands and 700 feet of waterway. West Creek is a HQ-CWF stream.

E19-242. Columbia County Planning Commission, 702 Sawmill Road, Suite 104, Bloomsburg, PA 17815. Fishing Creek streambank stabilization project in the Town of Bloomsburg and Hemlock Township, **Columbia County**, ACOE Baltimore District (Bloomsburg, PA Quadrangle N: 2.4 inches; W: 13.3 inches).

The applicant proposes to utilize a Growing Greener Grant to stabilize a section of the bank of Fishing Creek (WWF, perennial). The application proposes to: (1) relocate 1,800 linear feet Fishing Creek; (2) place fill in the left floodway with the dimensions of 150 feet wide by 8 feet high; and (3) install rock structures in the bed of Fishing Creek, consisting of three cross-vane structures and two J-hook structures. The project proposes to directly affect a total of 2,500 linear feet of streambed and 17 acres of floodway. The project does not propose to impact any wetlands with the stabilization work.

E19-244. George Samuels, 593B River Hill Drive, Catawissa, PA 17820. Channel culvert in Catawissa Borough, **Columbia County**, ACOE Baltimore District (Catawissa, PA Quadrangle N: 12.30 inches; W: 11.30 inches).

To construct a stream crossing of 50 linear feet by 6 feet of gravity block abutments on each side of the stream covered with steel grate flooring measuring approximately 50 feet by 17 feet in Foundary Run on private property adjacent to SR 42 near the intersection of SR 487. The project will not impact wetlands while impacting approximately 50 feet of waterway. Approximately 300 square feet of earth will be disturbed by the project. Furnace Run is a CWF stream.

E53-399. Roydew W. Knowlton and Verda W. Knowlton, 143 Willis Road, Roulette, PA 16746-1215. Aspenwood Tree Farm road crossing Trout Brook in Roulette Township, **Potter County**, Pittsburgh ACOE District (Coudersport, PA Quadrangle N: 7.25 inches; W: 13.75 inches).

To construct, operate and maintain a private road crossing Trout Brook (CWF) to provide agricultural activity access for the Aspenwood Tree Farm. The private road

crossing shall be constructed with a single corrugated metal culvert pipe. The corrugated metal culvert pipe shall have a minimum rise of 5.6 feet, minimum span of 7.9 feet and a depression of 1 foot below the existing streambed elevations. The private road crossing Trout Brook shall also include concrete slab headwalls. Since Trout Brook is a wild trout fishery, no construction or future repair work shall be done in the stream channel between October 1 and December 31 without the prior written approval of the Fish and Boat Commission. All construction and future work shall be conducted at stream low flow. As proposed, the project will not impact wetlands while impacting 50 feet of waterway. The Aspenwood Tree Farm road crossing project is along the northern right-of-way of SR 0006 approximately 1.6 miles north of the T-323 and SR 0006 intersection. This permit does not authorize any temporary or permanent wetland impacts and, as such, the permittee shall ensure no wetland impacts result from the construction of the proposed road crossing.

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

E10-286A, Mine Safety Appliance Company, P. O. Box 426, Pittsburgh, PA 15230-0426. Out parcel at SR 0228, Cranberry Woods in Cranberry Township, **Butler County**, ACOE Pittsburgh District (Mars, PA Quadrangle N: 5.5 inches; W: 5.5 inches).

The original permit giving its consent to fill 2.29 acres of 14 wetland areas for development of building lots and roadways within Cranberry Woods Corporate Office Park and which required the construction of 2.29 acres of replacement wetlands is to be amended to include the construction and maintenance of: (1) fill within an additional 0.17 acre of PEM/PSS/PFO wetlands; (2) a 10-foot by 3.5-foot steel arch culvert 64 feet 10 inches long; (3) a 26-foot extension of a 54-inch diameter RCP culvert; (4) an 18-foot extension of a 54-inch diameter RCP culvert; (5) an 18-foot extension of a 36-inch diameter RCP culvert; and (6) to relocate and maintain approximately 460 linear feet of a UNT to Brush Creek (WWF) on the out parcel at the southeast corner of the intersection of SR 0228 and Cranberry Woods Drive. The applicant will construct an additional 0.17 acre of PEM/PSS wetlands as a part of this project.

E20-537, West Mead Township, 1150 Morgan Village Road, P. O. Box 491, Meadville, PA 16335. Thurston/Mill Run gravel and sediment removal in West Mead Township, **Crawford County**, ACOE Pittsburgh District (Blooming Valley, PA Quadrangle N: 0.7 inch; W: 16.9 inches).

The applicant proposes to conduct maintenance removal of gravel and sediment from the unnamed tributary (Thurston Run) to Mill Run (WWF, intermittent) to original stream contours for approximately 1,000 feet upstream from the confluence of the unnamed tributary and Mill Run (WWF, perennial) and from Mill Run approximately 100 feet upstream and 100 feet downstream of the confluence of the unnamed tributary and Mill Run approximately 0.2 mile northwest of the intersection of Thurston Road and Hunter Road. The project proposes to directly affect a total of approximately 1,200 linear feet of stream channel.

E25-689, Department of Transportation, District 1-0, 255 Elm Street, P. O. Box 398, Oil City, PA 16301-1412. SR 0006, Segment 0060, Offset 0252 Bridge over French Creek in LeBoeuf Township, **Erie County**, ACOE Pittsburgh District (Waterford, PA Quadrangle N: 1.3 inches; W: 16.9 inches).

The applicant proposes to remove the existing structure and to construct and maintain a steel span plate girder bridge having a clear span of 158.5 feet and a minimum underclearance of 13.42 feet on a 90 degree skew across French Creek (WWF, perennial) on SR 0006, Segment 0060, Offset 0252 approximately 250 feet east of the intersection of SR 0006 and SR 0019. The project proposes to directly affect a total of approximately 100 linear feet of stream channel.

E25-690, Department of Transportation, District 1-0, 255 Elm Street, P. O. Box 398, Oil City, PA 16301-1412. SR 3014 over Little Conneauttee Creek in Washington Township, **Erie County**, ACOE Pittsburgh District (Cambridge Springs NE, PA Quadrangle N: 10.3 inches; W: 11.3 inches).

The applicant proposes to remove the existing structure and to construct and maintain a prestressed concrete spread box beam bridge having a normal span of 45.87 feet and a minimum underclearance of 5.6 feet on a 65° skew across Little Conneauttee Creek (CWF, perennial) on SR 3014, Segment B01, Segment 0270, Offset 0000 approximately 0.4 mile west of intersection of SR 3014 and Draketown Road. Project includes wing walls, riprap protection and roadway approach work. The project proposes to directly affect a total of approximately 60 linear feet of stream channel.

E37-160, Jeff Reckard, 496 Old Ash Road, Mercer, PA 16137. Reckard subdivision in Scott Township, **Lawrence County**, ACOE Pittsburgh District (Harlansburg, PA Quadrangle N: 7.8 inches; W: 13.7 inches).

To construct and maintain: (1) a steel arch having a clear span of 12 feet, a rise of 5 feet and an instream length of 22 feet within Hottenbaugh Run (TSF); (2) a 48-inch diameter 20-foot long CPP culvert within a UNT Hottenbaugh Run (TSF); and (3) to place and maintain fill within 0.038 acre of PEM wetlands tributary to the UNT Hottenbaugh Run, all at a point/points within the Reckard subdivision approximately 3,500 feet west of the intersection of SR 0956 and Eastbrook-Harlansburg Road.

E42-310, Kinzua Valley Trail Club, 37 Mud Puddle Road, Westline, PA 16740. Libby Run pedestrian bridge in Hamilton Township, **McKean County**, ACOE Pittsburgh District (Westline, PA Quadrangle N: 5.7 inches; W: 8.2 inches).

To construct and maintain a pedestrian footbridge having a clear span of approximately 10 feet, an instream length of 15 feet and a rise of 3 feet (minimum) across Libby Run (HQ-CWF) along the existing railroad grade at a point approximately 200 feet north of the confluence with Kinzua Creek.

E61-268, United Refining Company of Pennsylvania, P. O. Box 688, Warren, PA 16365. Kwik Fill/Red Apple Food Mart M29 stream enclosure in Sandycreek Township, **Venango County**, ACOE Pittsburgh District (Franklin, PA Quadrangle N: 2.1 inches; W: 13.3 inches).

The applicant proposes to remove the existing structure and to construct and maintain a 258-foot long, 5-foot diameter reinforced concrete pipe stream enclosure in Chubb Run (WWF, perennial) approximately 0.15 mile northeast of the intersection of SR 8 and SR 62. Project includes installation of a trash rack and riprap energy dissipater. The project proposes to directly affect approximately 350 linear feet of stream.

E4011-005: Bureau of Abandoned Mine Reclamation, Wilkes-Barre District Office, 2 Public Square,

5th Floor, Wilkes-Barre, PA 18711-0790 in Hazle Township, **Luzerne County**, ACOE Baltimore District.

To perform the following water obstruction and encroachment activities associated with abandoned mine reclamation in and along Cranberry Creek (CWF) and adjacent wetlands.

1. Restore a section of Cranberry Creek (CWF), which used to flow into Black Creek (CWF), but was eradicated by past mining activities. The bed of the creek to be restored will start from the SR 0924 culvert and run west to a point near the confluence of the relocated channel, due to development, where the stream becomes defined again, approximately 1,000 feet east of northbound I-81 and 4,000 feet north of the intersection of I-81 and SR

0924. The creek will be south of the NS Railway tracks as it was historically and will be designed using Fluvial Geomorphology Methods. In stream structures that will be constructed are as follows: J-hook vanes for stabilization, cross vanes for grade control and rootwads for habitat (Conyngham, PA Quadrangle N: 13.1 inches; W: 2.5 inches)

2. To place fill in 0.04 acre of wetlands for the purpose of regarding the area of abandoned mines to near natural original conditions. This area is comprised of two separate wetlands and because of their combined size, would then qualify for a Category 2 exclusion under 25 Pa. Code § 105.12(a)(16) for restoration activities on abandoned mine sites (Conyngham, PA Quadrangle N: 13.25 inches; W: 3.3 inches and N: 13.75 inches; W: 2.25 inches).

ACTIONS

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

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

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

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

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

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

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

I. NPDES Renewal Permit Actions

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

| <i>NPDES Permit No. (Type)</i> | <i>Facility Name and Address</i> | <i>County and Municipality</i> | <i>Stream Name (Watershed No.)</i> | <i>EPA Waived Y/N?</i> |
|--------------------------------|--|--|------------------------------------|------------------------|
| PA0058757 | Stanley Wannop Elaine Gerwig 196 Springton Road Glenmoore, PA 19343 | Chester County West Brandywine Township | UNT to Culbertson Run | 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> |
|--------------------------------|--|---|------------------------------------|------------------------|
| PA0083623 IW | TB Woods, Inc. 440 N. 5th Ave. Chambersburg, PA 17201-1778 | Franklin County Chambersburg Borough | UNT Falling Spring Branch 13-C | Y |
| PA0085715 SEW | Mr. and Mrs. Lloyd Geib, Jr. 504 Hemlock Lane Lebanon, PA 17042-9015 | Lebanon County Cornwall Borough | UNT Shearer's Creek 7-G | Y |
| PA0080926 SEW | Robert Schroeder 205 Sleepy Hollow Road Lititz, PA 17543 | Lancaster County Elizabeth Township | UNT Hammer Creek 7-J | Y |

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

| <i>NPDES Permit No. (Type)</i> | <i>Facility Name and Address</i> | <i>County and Municipality</i> | <i>Stream Name (Watershed No.)</i> | <i>EPA Waived Y/N?</i> |
|--------------------------------|--|--|------------------------------------|------------------------|
| PA0228044 Sewerage | Bradford Heights Woodland Properties Management LLC 19 Birch Street Great Neck, NY 11023 | Bradford Township Clearfield County | UNT Abes Run 8-C | Y |
| PA0112020 (4952) | Brookside Manor Associates 215 West Church Road King of Prussia, PA 19406 | Columbia County North Centre Township | West Branch Briar Creek 5D | 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> |
|--------------------------------|--|---------------------------------------|---|------------------------|
| PA0096695 Sewage | Frazier School District 142 Constitution Street Perryopolis, PA 15473 | Fayette County Jefferson Township | UNT of Little Redstone Creek | Y |
| PA0098345 Sewage | Connellsville Area School District Administrative Building 125 North Seventh Street Connellsville, PA 15425 | Fayette County Saltlick Township | Indian Creek | Y |
| PA0098400 Sewage | Albert Gallatin School District 2625 Morgantown Rd. Uniontown, PA 15401 | Fayette County Springhill Township | Georges Creek | Y |
| PA0014311 Industrial Waste | Keystone Profiles 220 Seventh Avenue Beaver Falls, PA 15010 | Beaver County Beaver Falls | Walnut Bottom Run Beaver Falls Storm Sewer to Beaver Run | N |

This notice reflects changes from the notice published at 34 Pa.B. 866 (February 14, 2004):

| <i>Parameter</i> | <i>Average Monthly</i> | <i>Maximum Daily</i> | <i>Average Monthly</i> | <i>Maximum Daily</i> | <i>Instantaneous Maximum</i> |
|------------------|------------------------|----------------------|------------------------|----------------------|------------------------------|
| Zinc | | | 0.2 | 0.6 | 0.75 |

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

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

NPDES Permit No. PA0012572, Industrial Waste, **Jefferson Smurfit Corporation** 5000 Flat Rock Road, Philadelphia, PA 19127. This proposed facility is in the City of Philadelphia, **Philadelphia County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge from the facility into the Schuylkill River in Watershed 3F-Wissahickon.

NPDES Permit No. PA0011282, Industrial Waste, **Aqua Pennsylvania, Inc.**, 726 West Lancaster Avenue, Bryn Mawr, PA 19010. This proposed facility is in Springfield Township, **Delaware County**.

Description of Proposed Action/Activity: Approval for the discharge from the facility known as the Crum Creek Water Filtration Plant into Crum Creek into Crum Creek in Watershed 3G-Crum Creek.

NPDES Permit No. PA0012190, Industrial Waste, **Mueller Streamline Company**, 287 Wissahickon Avenue, North Wales, PA 19454. This proposed facility is in Upper Gwynedd Township, **Montgomery County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge from the facility known as Precision Tube Co. into a drainage swale to Wissahickon Creek.

NPDES Permit No. PA0057363, Sewage, **ARCCA Real Estate Corporation**, 2288 Second Street Pike, Penns Park, PA 18943. This proposed facility is in Wrightstown Township, **Bucks County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge from the facility into an unnamed tributary to Neshaminy Creek in Watershed 2E.

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

NPDES Permit No. PA0014605, Industrial Waste, **United Water Pennsylvania, Inc., Rabold Water Treatment Plant**, 4211 East Park Circle, Harrisburg, PA 17111-0151. This proposed facility is in Fairview Township, **York County**.

Description of Proposed Action/Activity: Authorization to discharge to the Yellow Breeches Creek in Watershed 7-E.

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

NPDES Permit No. PA0218502-A1, Industrial, **U. S. Army Corps of Engineers—Pittsburgh District**, 1000 Liberty Avenue, Pittsburgh, PA 15222-4186 is authorized to increase the discharge of treated process water, stormwater and untreated stormwater from the Charleroi Batch Plant to the Monongahela River.

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. 3604411, Sewerage, **City of Lancaster**, 120 North Duke Street, Lancaster, PA 17608. This proposed facility is in Lancaster Township, **Lancaster County**.

Description of Proposed Action/Activity: Grant Street Interceptor Relocation/PA Academy of Music. The replacement/relocation of an 18-inch sewer and a 24-inch sewer in Grant Street with a 42-inch sewer.

WQM Permit No. 2101402, Amendment 04-1, Sewerage, **Lois Matarrazi**, 2780 Commerce Drive, Middletown, PA 17057. This proposed facility is in Dickinson Township, **Cumberland County**.

Description of Proposed Action/Activity: This amendment changes to status of the permit from experimental to regular status. The facility consists of a Cromaglass CA-30D treatment plant, dosing tank a 48-foot by 104-foot sand mound and aerated biosolids holding tank.

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

WQM Permit No. 0804403, Sewage 4952, **Karen Cummins**, R. R. 4, Box 4262, Wyalusing, PA 18853. This proposed facility is in Standing Stone Township, **Bradford County**.

Description of Proposed Action/Activity: The applicant proposes to construct and operate a single residence sewage plant. The sewage plant will be an aerobic septic tank, two free access sand filters and chlorination.

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

WQM Permit No. 0273422-A2, Sewerage, **Moon Township Municipal Authority**, 1700 Beaver Grade Road, Suite 200, Moon Township, PA 15108. This proposed facility is in Moon Township, **Allegheny County**.

Description of Proposed Action/Activity: Construction and operation of expansion to the existing Moon Township Municipal Authority's Flaugherty Run SBR sewage treatment plant.

IV. NPDES Stormwater Discharges from MS4 Permit Actions

V. NPDES Waiver Stormwater Discharges from MS4 Actions

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

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

NPDES Permit

| No. | Applicant Name and Address | County | Municipality | Receiving Water/Use |
|--------------|---|---------|---------------------------|--|
| PAI011503074 | Stancato/Abadala, LLC Mendenhall Subdivision 7 West Gay Street West Chester, PA 19380-3010 | Chester | East Fallowfield Township | Unnamed tributary West Branch Brandywine Creek EV |

| <i>NPDES Permit No.</i> | <i>Applicant Name and Address</i> | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i> |
|-------------------------|--|---------------|-------------------------|----------------------------|
| PAI011504075 | Gambone Brothers Development Co. Saylor Tract Subdivision 1030 West Germantown Pike P. O. Box 287 Fairview Village, PA 19409 | Chester | South Coventry Township | Rock Run EV |

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

| <i>NPDES Permit No.</i> | <i>Applicant Name and Address</i> | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i> |
|-------------------------|--|---------------|--|--|
| PAI023903020 | Jaindl Land Co. 3150 Coffeetown Rd. Orefield, PA 18069 | Lehigh | South Whitehall and Upper Macungie Townships | Little Lehigh and Jordan Creeks 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> |
|-------------------------|---|---------------|---------------------|----------------------------|
| PAS804804 | Montour Oil Service Company 112 Broad Street Montoursville, PA 17754-2241 | Centre | Miles Township | Elk Creek HQ-CWF |

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

Cambria County Conservation District: 401 Candlelight Drive, Suite 221, Ebensburg, PA 15931, (814) 472-2120.

| <i>NPDES Permit No.</i> | <i>Applicant Name and Address</i> | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i> |
|-------------------------|--|---------------|---------------------|--|
| PAI051104003 (1) | Department of Transportation 1620 N. Juniata St. Hollidaysburg, PA 16648 | Cambria | Jackson Township | Findlay Run HQ-CWF Rummel Run CWF Laurel Run HQ-CWF Hinckston Run CWF Unnamed tributary to South Branch Blacklick Creek CWF |

Westmoreland County Conservation District: Center for Conservation Education, 211 Donohoe Road, Greensburg, PA 15601, (724) 837-5271.

| <i>NPDES Permit No.</i> | <i>Applicant Name and Address</i> | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i> |
|-------------------------|--|---------------|---------------------|-----------------------------------|
| PAI056504003 | Bruce Henderson P. O. Box 945 Austraw Road Ligonier, PA 15658 | Westmoreland | Ligonier Township | Tributary to North Fork HQ-CWF |

VII. Approvals to Use NPDES and/or Other General Permits

The EPA Region III Administrator has waived the right to review or object to this permit action under the waiver provision 40 CFR 123.23(d).

List of NPDES and/or Other General Permit Types

| | |
|-------------|--|
| PAG-1 | General Permit for Discharges from Stripper Oil Well Facilities |
| PAG-2 | General Permit for Discharges of Stormwater Associated with Construction Activities (PAR) |
| PAG-3 | General Permit for Discharges of Stormwater from Industrial Activities |
| PAG-4 | General Permit for Discharges from Single Residence Sewage Treatment Plants |
| PAG-5 | General Permit for Discharges from Gasoline Contaminated Ground Water Remediation Systems |
| PAG-6 | General Permit for Wet Weather Overflow Discharges from Combined Sewer Systems |
| PAG-7 | General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application |
| PAG-8 | General Permit for Beneficial Use of Nonexceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site |
| PAG-8 (SSN) | Site Suitability Notice for Land Application under Approved PAG-8 General Permit Coverage |
| PAG-9 | General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest or a Land Reclamation Site |
| PAG-9 (SSN) | Site Suitability Notice for Land Application under Approved PAG-9 General Permit Coverage |
| PAG-10 | General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines |
| PAG-11 | (To Be Announced) |
| PAG-12 | CAFOs |
| PAG-13 | Stormwater Discharges from MS4 |

General Permit Type—PAG-2

| <i>Facility Location and Municipality</i> | <i>Permit No.</i> | <i>Applicant Name and Address</i> | <i>Receiving Water/Use</i> | <i>Contact Office and Telephone No.</i> |
|---|-------------------|---|--|--|
| Chalfont Borough Bucks County | PAG2000903157 | Oxford Land Development Chestnut Street subdivision P. O. Box 841 Montgomeryville, PA | North Branch Neshaminy Creek WWF | Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900 |
| Bedminster Township Bucks County | PAG2000904055 | Heritage Building Group Country Meadow Estates 3326 Old York Road Furlong, PA 18925 | Cabin Run CWF | Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900 |
| Newtown Township Bucks County | PAG2000903176 | Pitcairn Properties Silver Lake Road Improvements 165 Township Line Rd. Suite 1500 Jenkintown, PA 19046-3599 | Core Creek CWF, MF | Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900 |
| Nockamixon Township Bucks County | PAG2000904038 | Beatrice Erhardt Subdivision 488 Center Hill Road Upper Black Eddy, PA 18972 | Gallows Run/Delaware River CWF | Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900 |
| Warminster Township Bucks County | PAG2000904011 | Masonic Homes Masonic Eastern Star Home One Masonic Drive Elizabethtown, PA 17022-2199 | Little Neshaminy Creek WWF, MF | Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900 |
| East Rockhill Township Bucks County | PAG2000904020 | Ken W. Wiley Subdivision 1069 Hackney Circle Warrington, PA 18976 | Lake Nockamixon TSF | Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900 |
| Warwick Township Bucks County | PAG2000904010 | Pulte Homes of PA Lmt. Ptnship. Bridge Valley Furlong 1100 Northbrook Drive Trevoise, PA 19053 | Neshaminy Creek TSF, MF | Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900 |

NOTICES

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| <i>Facility Location and Municipality</i> | <i>Permit No.</i> | <i>Applicant Name and Address</i> | <i>Receiving Water/Use</i> | <i>Contact Office and Telephone No.</i> |
|---|-------------------|---|---|--|
| Newtown Township Bucks County | PAG2000904029 | Katz Custom Homes Wright Estates Residential Subdivision 1243 Easton Road, Suite 200 Warrington, PA 18976 | Newtown Creek TSF, MF | Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900 |
| Middletown Township Bucks County | PAG2000903081 | Americorp Development, Inc. Durham Ridge 476 West Street Road Warminster, PA | Neshaminy Creek WWF, MF | Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900 |
| Warrington Township Bucks County | PAG2000904081 | Warrington Township Board of Supervisors West End Fire Station and Fields 852 Easton Road Warrington, PA 18976 | Mill Creek WWF | Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900 |
| Bedminster Township Bucks County | PAG2000903119-1 | Bedminster Municipal Authority Kirk Tract P. O. Box 92 Bedminster, PA 18910 | Unnamed tributary Deep Run Creek WWF | Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900 |
| Bensalem Township Bucks County | PAG2000904037 | Joseph B. Atkinson, III ABC Construction Stockpile 400 Street Road Bensalem, PA 19020 | Delaware River WWF, MF | Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900 |
| Richland Township Bucks County | PAG2000904063 | Richland Township Station Road Connection 1328 California Road Suite A Quakertown, PA 18951 | Tohickon Creek CWF | Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900 |
| Bedminster Township Bucks County | PAG2000904036 | Pennland Bedminster KP Pennland Farms East 2421 Bristol Road Warrington, PA 18976 | East Branch Perkiomen Creek TSF | Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900 |
| Bedminster Township Bucks County | PAG2000904068 | Heritage Building Group Snyder Tract 3326 Old York Road Suite A-100 Furlong, PA 18925 | Tributary Deep Run WWF | Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900 |
| Solebury Township Bucks County | PAG2000904034 | Solebury Township Solebury Township Municipal Building 3092 Sugas Road P. O. Box 139 Solebury, PA 18963 | Unnamed tributary Delaware River TSF | Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900 |
| Solebury Township Bucks County | PAG2000904053 | Andre D'Alessio D'Alessio/McGahn 3500 Windy Bush Road New Hope, PA 18938 | Delaware River WWF | Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900 |
| Bensalem Township Bucks County | PAG2000903168 | Commerce Bank 11000 Atrium Way Mt. Laurel, NJ 08054 Interstate Development Services 17000 Horizon Way Suite 100 Mt. Laurel, NJ 08054 | Unnamed tributary Neshaminy Creek WWF, MF | 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 Hope Borough Bucks County | PAG2000904080 | George Rhoads 240 New York Avenue New Brunswick, NJ 08901-1732 | Delaware River WWF | Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900 |
| Quakertown Borough Bucks County | PAG2000904041 | George Pauls 150 Woodsville-Marshal Corner Rd. Hopewell, NJ 08525-2819 | Tohickon Creek, Beaver Run, Delaware River TSF | Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900 |
| Limerick Township Montgomery County | PAG2004603242 | Quakertown Community School District Alumni Field 600 Park Avenue Quakertown, PA 18951 | MML, LLC The Woods at Hanover 484 Norristown Road Suite 100 Blue Bell, PA 19422 | Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900 |
| Worcester Township Montgomery County | PAG2004603227 | Baldrige Development, Inc. Eckerd Pharmacy 11825 Manchester Road St. Louis, MO 63131 | Sanatoga Creek WWF | Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900 |
| Plymouth Township Montgomery County | PAG2004603231 | Conicelli Nissan 1200 Ridge Pike Conshohocken, PA 19428 | Stoney Creek/Zacarias Creek TSF | Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900 |
| Upper Gwynedd Township Montgomery County | PAG2004604008 | Danny Jake Corporation Upper Gwynedd Stop N Stor 3625 Welsh Road Willow Grove, PA 19090 | Plymouth Creek WWF | Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900 |
| West Caln Township Chester County | PAG2001504017 | B & H Construction Woodview Hills Estates 127 Beacon Light Road Coatesville, PA 19320 | Wissahickon Creek TSF | Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900 |
| Londonderry Township Chester County | PAG2001504008 | David DellaPorta New Daleville 771 East Lancaster Avenue Villanova, PA 19085 | Unnamed tributary Pequea Creek CWF | Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900 |
| Franklin Township Chester County | PAG2001504023 | Wilkinson Heritage LLC Szymanski Property 1020 Broad Run Road Landenberg, PA 19350 | Unnamed tributary Doe Run WWF | Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900 |
| Moosic Borough Lackawanna County | PAG2003504019 | Joseph Occhipinti 104 Lake St. Dunmore, PA 18510 | East Branch White Clay Creek CWF | Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900 |
| Scott Township Lackawanna County | PAG2003504021 | Daniel Snipes 1030 Lincoln St. Dickson City, PA 18519 | Lackawanna River WWF | Lackawanna County Conservation District (570) 281-9495 |
| Upper Saucon Township Lehigh County | PAG2003904016 | South Mountain Properties Brian Regan 2019 Majestic Overlook Bethlehem, PA 18015 | Tunkhannock Creek TSF | Lackawanna County Conservation District (570) 281-9495 |
| Weisenberg Township Lehigh County | PAG2003904023 | Gateway Ridge, LLC 188 Jefferson St. Emmaus, PA 18049 | Saucon Creek CWF | Lehigh County Conservation District (610) 391-9583 |
| | | | Mill Creek CWF, MF | Lehigh County Conservation District (610) 391-9583 |

NOTICES

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| <i>Facility Location and Municipality</i> | <i>Permit No.</i> | <i>Applicant Name and Address</i> | <i>Receiving Water/Use</i> | <i>Contact Office and Telephone No.</i> |
|---|-------------------|---|-----------------------------------|--|
| Exeter Township Berks County | PAG2000604054 | Richard Sayers and James Smith II 5700 Perkiomen Avenue Reading, PA 19606 | Antietam Creek TSF | Berks County Conservation District 1238 County Welfare Road P. O. Box 520 Leesport, PA 19533 (610) 372-4657, Ext. 201 |
| Centerport Borough Berks County | PAG2000604058 | Centerport Borough P. O. Box 248 Centerport, PA 19516 | Plum Creek WWF | Berks County Conservation District 1238 County Welfare Road P. O. Box 520 Leesport, PA 19533 (610) 372-4657, Ext. 201 |
| Wyomissing Borough Berks County | PAG2000604062 | Wyomissing Equities, LLC 17000 Horizon Way Suite 100 Mt. Laurel, NJ 08054 | Cedar Run WWF | Berks County Conservation District 1238 County Welfare Road P. O. Box 520 Leesport, PA 19533 (610) 372-4657, Ext. 201 |
| Borough of Lemoyne Cumberland County | PAG2002104015 | Lemoyne Harrisburg Development Company LLC Gregory R. Cox 8150 Leesburg Pike Suite 810 Vienna, VA 22182 | Susquehanna River WWF | Cumberland County Conservation District 43 Brookwood Avenue Suite 4 Carlisle, PA 17013 (717) 921-8100 |
| Silver Spring Township Cumberland County | PAG2002104021 | Edward G. and Stephanie L. Stence Sage Crest 1016 Turnbridge Lane Mechanicsburg, PA 17050 | UNT to Simmons Creek WWF | Cumberland County Conservation District 43 Brookwood Avenue Suite 4 Carlisle, PA 17013 (717) 921-8100 |
| Centre County Patton Township | PAR10F092R | The Colonnade at State College Frank Acierno 4737 Concord Pike Wilmington, DE 19803 | Big Hollow CWF | Centre County Conservation District 414 Holmes Ave. Suite 4 Bellefonte, PA 16823 (814) 355-6817 |
| Union County Mifflinburg Borough | PAG2006004007 | Weis Market Inc. 1000 S. Second St. Sunbury, PA 17801 | Buffalo Creek CWF | Union County Conservation District 88 Bull Run Crossing Suite 5 Lewisburg, PA 17837 (570) 523-8782 |
| Fayette County North Union Township | PAG2002604016 | Garry Soisson 1116 Connellsville St. Uniontown, PA 15401 | Cove Run WWF | Fayette County Conservation District (724) 438-4497 |
| Somerset County Somerset Township | PAG2005604008 | JSH Partners 183 Phillippi Road Somerset, PA 15501 | East Branch of Coxes Creek WWF | Somerset County Conservation District (814) 445-4652 |
| Washington County Cecil Township | PAG2006304005 | Joseph Cerenzia 502 Park Drive Canonsburg, PA 15317 | Millers Run WWF | Washington County Conservation District (724) 228-6774 |
| Erie County Millcreek Township | PAG2002504019 | Millcreek Township 3608 West 26th Street Erie, PA 16506 | Municipal Separate Storm Sewer | Erie County Conservation District (814) 825-6403 |

| <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> |
|---|-------------------|--|--|--|
| Erie County City of Erie | PAG2002504020 | City of Erie 5240 Knowledge Parkway Erie, PA 16510 | Municipal Separate Storm Sewer | Erie County Conservation District (814) 825-6403 |
| Erie County Millcreek Township | PAG2002504021 | Erie Water Works 340 W. Bayfront Hwy. Erie, PA 16507 | Municipal Separate Storm Sewer | Erie County Conservation District (814) 825-6403 |
| Erie County Millcreek Township | PAG2002504022 | Joe Benacci 5650 Wattsburg Rd. Erie, PA 16509 | Tributary to Mill Creek WWF: MF | Erie County Conservation District (814) 825-6403 |
| Lawrence County North Beaver Township | PAG2003704002-1 | Gerald Davis 636 Paden Rd. New Galilee, PA 16141 | Edwards Run WWF Jenkins Run WWF | Lawrence County Conservation District (724) 652-4512 |

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> |
|---|-------------------|---|--|---|
| Wright Township Luzerne County | PAR202210 | Mideast Aluminum 330 Elmwood Road Crestwood Industrial Park Mountaintop, PA 18707 | Highway drainage on Oakwood Road | NERO Water Management Program 2 Public Square Wilkes-Barre, PA 18711-0790 (570) 826-2511 |
| Taylor Borough Lackawanna County | PAR232221 | Polychemie, Inc. 10 Stauffer Industrial Park Taylor, PA 18517 | Keyser Creek CWF Lackawanna River CWF | NERO Water Management Program 2 Public Square Wilkes-Barre, PA 18711-0790 (570) 826-2511 |
| Lancaster County Upper Leacock Township | PAR803558 | Skyline Corporation Nomad/Layton Travel Trailers P. O. Box 743 Elkhart, IN 46515-0743 | Mill Creek WWF | SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707 |
| Brady Township Clearfield County | PAR604812 | Richard Cherico Chapman Auto Parts, Inc. 20 Sayer Street Brookville, PA 15825 | UNT to Pentz Run CWF | Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666 |

General Permit Type—PAG-4

| <i>Facility Location and Municipality</i> | <i>Permit No.</i> | <i>Applicant Name and Address</i> | <i>Receiving Water/Use</i> | <i>Contact Office and Telephone No.</i> |
|---|-------------------|---|----------------------------|---|
| Curtin Township Centre County | PAG044809 | R. Terry and Sharon Peeler 2580 Marsh Creek Road Howard, PA 16841 | UNT to Marsh Creek CWF | Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666 |

| <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> |
|--|-----------------------|--|---------------------------------------|---|
| Standing Stone Township Bradford County | PAG045177 | Karen Cummins R. R. 4, Box 4262 Wyalusing, PA 18853 | Storm drain to Vought Creek WWF | Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666 |
| Boggs Township Centre County | PAG045074 Sewerage | Gregory and Cindy Cain 103 Fetzer Rd. Howard, PA 16841 | Antis Run 9C | Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666 |

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> |
|---|-------------------|--|----------------------------|---|
| Richhill Township Greene County | PAG106108 | Columbia Gas Transmission 950 Manifold Road Washington, PA 15301 | Wharton Run | Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000 |

**PUBLIC WATER SUPPLY (PWS)
PERMITS**

The Department of Environmental Protection has taken the following actions on applications received under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17) for the construction, substantial modification or operation of a public water system.

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

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

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once.

Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

SAFE DRINKING WATER

Actions taken under the Pennsylvania Safe Drinking Water Act.

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

This notice reflects changes from the notice published at 34 Pa.B. 3054 (June 12, 2004). The permit number was incorrect.

| | |
|--|--|
| Permit No. 1504501 , Public Water Supply. | |
| Applicant | Aqua Pennsylvania, Inc. 762 W. Lancaster Avenue Bryn Mawr, PA 19010 |
| Townships | Caln and East Brandywine |
| County | Chester |
| Type of Facility | PWS |
| Consulting Engineer | CET Engineering Services, Inc. 1240 North Mountain Road Harrisburg, PA 17112 |
| Permit to Construct Issued | June 1, 2004 |

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

Permit No. 0604509 MA, Minor Amendment, Public Water Supply.

| | |
|----------------------------|--|
| Applicant | Borough of Kutztown |
| Municipality | Maxatawny Township |
| County | Berks |
| Type of Facility | The Borough is repainting the interior and exterior of two existing finished water storage tanks. Along with the installation of the following upgrades on each tank: a 24-inch diameter shell manhole, a 24-inch roof ventilation manhole and a 24-inch aluminum pressure vacuum vent. Also, the existing interior ladders and hanging cathodic protection systems will be removed from both tanks. |
| Consulting Engineer | Steven E. Riley, P. E. Spotts Stevens and McCoy 345 North Wyomissing Blvd. Reading, PA 19530 0307 |
| Permit to Construct Issued | June 15, 2004 |

Operations Permit issued to **United Water Pennsylvania**, 7670061, Newberry Township, **York County** on June 21, 2004, for the operation of facilities approved under Construction Permit No. 6703509 MA.

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

Permit No. 2703503, Public Water Supply.

| | |
|----------------------------|--|
| Applicant | Forest Area School District |
| Borough or Township | Hickory Township |
| County | Forest |
| Type of Facility | NTNC Water Supply |
| Consulting Engineer | Pascoe Engineering Consultants 222 N Beaver St. New Castle, PA 16101 |
| Permit to Construct Issued | June 21, 2004 |

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.

Barnes Residence, Lower Makefield Township, **Bucks County**. Staci Nelson-Cottone, American Resource Consultants, Inc., P. O. Box 579, Quakertown, PA 18951 on behalf of Elaine Barnes, 41 North Homestead Road, Lower Makefield, PA 19067 has submitted Final Report concerning remediation of site soil contaminated with no. 2 fuel oil. The report was submitted within 90 days of the release and is intended to document remediation of the site to meet the Statewide Health Standard.

Peco Ardmore Service Building, Lower Merion Township, **Bucks County**. Bruce Middleman, Jacques Whitford Company, Inc., 450 South Gravers Road, Suite 105, Plymouth Meeting, PA 19462 has submitted Final Report concerning remediation of site soil contaminated with diesel fuel, leaded gasoline, MTBE and unleaded gasoline; and site groundwater contaminated with chlorinated solvents, diesel fuel, leaded gasoline, MTBE and unleaded gasoline. The report is intended to document remediation of the site to meet the Site-Specific and Background Standards.

Former Bridgestone Firestone Retail Store and Western Metal Bed Co., City of Philadelphia, **Philadelphia County**. Christopher Orzechowski, RT Environmental Services, Inc., 215 W. Church Rd., King of Prussia, PA 19406, on behalf of B. D. F. Corp., B. Featherman, D. Featherman, F. Featherman and Bridgestone/Firestone, 4035-4045 Torresdale Ave., Philadelphia, PA, has submitted Final Report concerning remediation of site soil and groundwater contaminated with solvents. The report is intended to document remediation of the site to meet the Site-Specific Standard.

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

Industrial Property (Former), Borough of Versailles, **Allegheny County**. Charles Haefner, Jr., P. G., KU

Resources, Inc., Business Innovation Center, One Library Place, Suite 207, Duquesne, PA 15110 (on behalf of Pat McGrail, Borough of Versailles, 1714 Lincoln Way, White Oak, PA 15131 and Stephen Pholar, West-to-West Coalition, P. O. Box 720, Duquesne, PA 15110) has submitted a Remedial Investigation Report, Risk Assessment Report and a Cleanup Plan concerning remediation of site soil and groundwater contaminated with inorganics, lead and PAHs. The report is intended to document remediation of the site to meet the Site-Specific Standard.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 3

The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).

Provisions of 25 Pa. Code § 250.8, administration of the Land Recycling and Environmental Remediation Standards Act (act), require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by provisions of the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media, benefits of refuse of the property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by provisions of the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the Environmental Cleanup Program manager in the Department regional office before which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the Community Relations Coordinator at

the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

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

Lot 52 Olmsted Development, Pocopson Township, **Chester County**. John Mostoler, NV Homes, 900 West Valley Road, Suite 1000, Wayne, PA 19087 on behalf of Michael and Myra Evers, 8 Emondson Drive, West Chester, PA 19382 has submitted a Final Report concerning the remediation of site soil contaminated with pesticides. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on June 16, 2004.

Atkinson Residence, Upper Dublin Township, **Montgomery County**. Staci Cottone, American Resource Consultants, Inc. on behalf of Mr. Atkinson, Upper Dublin Township, Montgomery County, has submitted a Final Report concerning the remediation of site soil contaminated with no. 2 fuel oil. The report was submitted within 90 days of the release-demonstrated attainment of the Statewide Health Standard and was approved by the Department on June 15, 2004.

Vacant Parcel, City of Philadelphia, **Philadelphia County**. Keith T. D'Ambrosio, P. E., Whitestone Associates, Inc., 1120 Welsh Rd., Suite 100, North Wales, PA 19454, on behalf of Michael Young, 229 W. Upsal St., Philadelphia, PA 19119, has submitted a Remedial Investigation/Cleanup Report concerning the remediation of site soil and groundwater contaminated with lead and PAH. The Department on June 14, 2004, approved the report.

Doylestown Liquor Store, Doylestown Borough, **Bucks County**. Ethan E. Prout, P. G., American Resource Consultants, Inc. P. O. Box 579, Quakertown, PA 18951 has submitted a Final Report concerning the remediation of site soil contaminated with no. 2 fuel oil. The Final Report was submitted within 90 days of the release and demonstrated attainment of the Statewide Health Standard and was approved by the Department on June 15, 2004.

Chester Township Commerce Drive, Chester Township, **Delaware County**. Jason R. Free, RT Environmental Servicers, Inc., 510 Herron Dr., P. O. Box 521, Bridgeport, NJ 08014, on behalf of Peter Schultz, 200 Phillips Rd., Exton, PA 19341-1326, has submitted a Final Report concerning the remediation of site soil contaminated with no. 2 fuel oil. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on June 16, 2004.

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

Reitz No. 4 Site (Former), Shade Township, **Allegheny County**. Peter A. Pellissier, P. E., EA Engineering, Science and Technology, Inc., 15 Loveton Circle, Sparks, MD 21152 (on behalf of Alan Comp, AMD&ART, Inc., 411 Third Ave., Johnstown, PA 15906) has submitted a Final Report concerning remediation of site soil and groundwater contaminated with inorganics, other organics, PCBs and PAHs. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on June 9, 2004.

**REGISTRATION FOR GENERAL
PERMIT—RESIDUAL WASTE**

Registration Approved under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Residual Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and residual waste regulations for a general permit to operate residual waste processing facilities and/or the beneficial use of residual waste other than coal ash.

Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17105-8472.

Registration under General Permit No. WMGR090R034. Peter J. Caruso & Sons, Inc., 352 Baldwin Road, Pittsburgh, PA 15207. General Permit No. WMGR090 authorizes the processing and beneficial use of reclaimed asphalt pavement materials as a roadway construction material. Central Office approved this registration for coverage under the general permit on June 17, 2004.

Persons interested in obtaining more information or obtaining copies of the general permit should contact Ronald C. Hassinger, Chief, General Permits and Beneficial Use Section, Division of Municipal and Residual Waste, Bureau of Land Recycling and Waste Management, Rachel Carson State Office Building, P. O. Box 8472, Harrisburg, PA 17105-8472, (717) 787-7381. TDD users should contact the Department through the Pennsylvania Relay Service, (800) 654-5984.

AIR QUALITY

Plan Approvals Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.

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

46-0243: Upper Montgomery Joint Authority (1100 Mensch Dam Road, Pennsburg, PA 18073) on June 16, 2004, to operate a thermal fluid dryer in Upper Hanover Township, **Montgomery County**.

46-0027A: Ortho McNeil Pharmaceutical (Welsh and McKean Road, Spring House, PA 19477) on June 17, 2004, to operate a selective catalytic reduction in Lower Gwynedd Township, **Montgomery County**.

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

40-309-037B: Polyglass USA, Inc. (555 Oak Ridge Drive, Hazleton, PA 18201) on June 8, 2004, to construct a second asphalt roofing production line and to utilize the existing air cleaning devices at their facility in Hazle Township, **Luzerne County**.

40-303-009C: Pennsy Supply, Inc. (1001 Paxton Street, Harrisburg, PA 17104) on June 16, 2004, to modify a batch asphalt plant and associated air cleaning device to utilize waste derived liquid fuel and recycled asphalt pavement material at their plant in Jenkins Township, **Luzerne County**.

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

56-00263C: RoxCoal, Inc. (P. O. Box 149, Friedens, PA 15541) on June 21, 2004, to install a screening plant at their Sarah Mine in Jenner Township, **Somerset County**.

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

43-011D: Greenville Metals, Inc. (99 Crestview Drive Ext., Transfer, PA 16154) on June 8, 2004, to change the sulfur dioxide emission limit for the MnS Exothermic Reaction Process at the Greenville Metals site in Pymatuning Township, **Mercer County**.

Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.13, 127.13a and 127.32.

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

15-0078A: Centocor, Inc. (200 Great Valley Parkway, Malvern, PA 19355) on June 15, 2004, to modify the operation of a 2,000 kW electric generator in East Whiteland Township, **Chester County**.

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

48-328-004: Lower Mount Bethel Energy LLC (2 North Ninth Street, GEN PL 6, Allentown, PA 18101) on June 15, 2004, to construct a combined cycle power plant at their facility on Depues Ferry Road, **Northampton County**.

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

22-05046A: Haines and Kibblehouse, Inc. (P. O. Box 196, Skippack, PA 19474-0196) on June 14, 2004, to construct a fabric filter at their Handwerk Materials asphalt plant in Lower Swatara Township, **Dauphin County**. This plan approval was extended.

28-03042: Advanced Recycling Technology, Inc. (340 South Broad Street, Hallam, PA 17406) on June 1, 2004, to construct an industrial dryer in Greene Township, **Franklin County**. This plan approval was extended.

29-03008A: H. B. Mellott Estate, Inc. (100 Mellott Drive, Suite 100, Warfordsburg, PA 17267) on May 18, 2004, to install a replacement fabric filter at their limestone crushing plant in Bethel Township, **Fulton County**. This plan approval was extended.

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

41-0008A: Koppers Industries, Inc. (P. O. Box 189, Montgomery, PA 17752) on June 11, 2004, to operate a wood-fired boiler fuel feeding system and associated air cleaning device (a fabric collector) on a temporary basis, until October 9, 2004, in Clinton Township, **Lycoming County**. The Plan Approval has been extended.

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.

38-03012: Sheridan Supply Co., Inc. (R. D. 2, 7 Furnace Road, Newmanstown, PA 17073) on June 14, 2004, to operate a crushing facility in Millcreek Township, **Lebanon County**.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745; Mark Wayner, Facilities Permitting Chief, (412) 442-4174.

26-00045: Coolspring Stone Supply, Inc. (P. O. Box 1328, Uniontown, PA 15401) on June 17, 2004, for their Coolspring Quarry in North Union Township, **Fayette County**.

Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401; Edward Jurdones Brown, Facilities Permitting Chief, (484) 250-5920.

23-0003: ConocoPhillips Co. (P. O. Box 428, Marcus Hook, PA 19061) on April 29, 2004, amended RACT facility major NOx and VOC in Trainer Borough, **Delaware County**.

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

49-304-004A: Somerset Consolidated Industries, Inc.—Watsonstown Foundry Division (Fifth and Ash Streets, Watsonstown, PA 17777) on June 11, 2004, to allow the production of up to 125 tons of Ni Hard per year in an electric induction iron melting furnace previously limited to the production of gray and ductile iron only provided that the Ni Hard production does not require the use of more than 12,000 pounds of nickel and 5,000 pounds of ferrochrome per year and, additionally, to allow the combined use of up to 100 pounds per year of nickel, ferrochrome, ferromoly and ferromanganese in the production of alloys other than Ni Hard in Watsonstown Borough, **Northumberland County**. Ferrochrome, ferromoly and ferromanganese contain chromium, molybdenum and manganese, respectively, all three of which are HAPs, as is nickel.

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.

35910102R2. Silverbrook Anthracite, Inc. (1 Market Street, Laffin, PA 18702), renewal of an existing anthracite surface mine operation in Archbald Borough, **Lackawanna County**, affecting 1,000.3 acres. Receiving stream: None. Application received February 28, 2003. Renewal issued June 16, 2004.

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

30841307 and NPDES Permit No. PA0213438. RAG Emerald Resources, LP (P. O. Box 1020, 158 Portal Road, Waynesburg, PA 15370), to revise the permit for the Emerald Mine No. 1 in Whiteley Township, **Greene County**, to add acreage to install five additional ventilation boreholes. Surface Acres Proposed 1.58. No additional discharges. Permit issued June 16, 2004.

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

61990103. Ancient Sun, Inc. (P. O. Box 129, Main Street, Shippensburg, PA 16254), revision to an existing bituminous strip operation to change the post-mining land use from forestland to pastureland/land occasionally cut for hay on the Albert M. and Pamela Desko property in Clinton Township, **Venango County**. Receiving streams: unnamed tributary to Bullion Run. Application received March 17, 2004. Permit issued June 14, 2004.

33980103 and NPDES Permit No. PA0227722. Original Fuels, Inc. (P. O. Box 343, Punxsutawney, PA 15767), renewal of an existing bituminous strip operation in Warsaw Township, **Jefferson County**, affecting 74.3 acres. Receiving streams: unnamed tributary to Mill Creek. This renewal is issued for reclamation only. Application received April 12, 2004. Permit issued June 10, 2004.

33950106 and NPDES Permit No. PA0227081. Falls Creek Energy Co., Inc. (P. O. Box 231, Kittanning, PA 16201), transfer of an existing bituminous strip operation from Beth Contracting, Inc. in Perry Township, **Jefferson County**, affecting 148.4 acres. Receiving streams: unnamed tributary to Mahoning Creek, unnamed tribu-

tary to Sawmill Run, unnamed tributary to Rose Run. Application received March 24, 2004. Permit issued June 14, 2004.

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

17020109 and NPDES Permit No. PA0243302. Gary C. Walls (P. O. Box 212, Clymer, PA 15728-0212). commencement, operation and restoration of a bituminous surface mine-auger permit in Bell Township, **Clearfield County**, affecting 40.6 acres. Receiving streams: unnamed tributary to West Branch Susquehanna River, Martin Run to West Branch Susquehanna River (CWF). The first downstream potable water supply intake from the point of discharge is beyond 10 miles of the site. Application received August 2, 2002. Application returned: June 16, 2004.

17663136 and NPDES Permit No. PA0126870. EnerCorp, Inc. (1686 Allport Cutoff, Morrisdale, PA 16858), renewal of an existing bituminous surface mine permit in Graham Township, **Clearfield County**, affecting 202 acres. Receiving streams: Flat Run and Mons Run, both to Alder Run to West Branch Susquehanna to Susquehanna River. Application received May 27, 2004. Permit issued June 16, 2004.

Noncoal Permit Actions

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

58040820. Richard Luce (R. R. 1, Box 1652, Hallstead, PA 18822), commencement, operation and restoration of a small noncoal surface mining quarry (bluestone, top rock, shale and fill) in Liberty Township, **Susquehanna County**, affecting 2.0 acres. Receiving streams: Rhiney Creek and unnamed tributary to Snake Creek. Application received March 24, 2004. Permit issued June 15, 2004.

64042801. Pykus Sand & Gravel, Inc. (R. R. 1, Box 1402, Honesdale, PA 18431), transfer and enlargement of the Margaret D. Fasceski Small Noncoal Surface Mining Permit No. 64810303 (shale, sandstone and fill) in Lebanon Township, **Wayne County**, affecting 5.0 acres. Receiving streams: Big Brook. Application received February 12, 2004. Permit issued June 16, 2004.

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

08030811. Cecil Johnson, Jr. (R. R. 4, Box 4158, Wyalusing, PA 18853), commencement, operation and restoration of a small industrial minerals (bluestone/shale) permit in Asylum Township, **Bradford County**, affecting 5 acres. Receiving streams: Bennetts Creek, tributary to Susquehanna River. Application received December 8, 2003. Permit issued June 16, 2004.

41040801. Kevin J. Shepard (364 Smith Road, Roaring Branch, PA 17765), commencement, operation and restoration of a small industrial mineral (flagstone/shale) permit in McNett Township, **Lycoming County**, affecting 5 acres. Receiving streams: unnamed tributary, tributary to Lycoming Creek. Application received March 11, 2004. Permit issued June 8, 2004.

14992801. John S. Craig (450 Myers Lane, Julian, PA 16844), transfer of an existing small industrial minerals (shale/topsoil) permit from B & K Excavating and Landscaping, Inc. The permit is in Huston Township, **Centre County** and affects 1 acre. Receiving streams: unnamed tributary, tributary to Bald Eagle Creek. Application received April 24, 2004. Permit issued June 7, 2004.

18040801. Benson W. Probst (668 German Road, Lock Haven, PA 17745), commencement, operation and restoration of a small industrial minerals (topsoil) permit in Wayne Township, **Clinton County**, affecting 5 acres. Receiving streams: Susquehanna River, Chesapeake Bay. Application received March 25, 2004. Permit issued June 7, 2004.

ACTIONS ON BLASTING ACTIVITY APPLICATIONS

Actions on applications under the Explosives Acts of 1937 and 1957 (73 P. S. §§ 151–161) and 25 Pa. Code § 211.124. Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.

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

36044051. J. Roy's, Inc. (Box 125, Bowmansville, PA 17507), construction blasting for Masonic Homes on Amosite Road and SR 241 in West Donegal Township, **Lancaster County**, with an expiration date of July 8, 2005. Permit issued June 16, 2004.

22044016. J. Roy's, Inc. (Box 125, Bowmansville, PA 17507), construction blasting for Victoria Abby in Lower Paxton Township, **Dauphin County**, with an expiration date of July 8, 2005. Permit issued June 16, 2004.

36044054. Warren's Excavating & Drilling, Inc. (P. O. Box 189, Bowmansville, PA 17507), construction at Murry Ridge Development in West Hempfield Township, **Lancaster County**, with an expiration date of December 31, 2004. Permit issued June 16, 2004.

06044025. Schlouch, Inc. (Excelsior Industrial Park, P. O. Box 69, Blandon, PA 19510), construction blasting for housing on Grande Valley Road, Lots 57 and 58 in Exeter Township, **Berks County**, with an expiration date of July 8, 2005. Permit issued June 16, 2004.

36044052. Gerlach's Drilling & Blasting, Inc. (172 Bender Mill Road, Lancaster, PA 17603), construction blasting at Sterling Place in Lancaster Township, **Lancaster County**, with an expiration date of July 8, 2005. Permit issued June 16, 2004.

36044053. Gerlach's Drilling & Blasting, Inc. (172 Bender Mill Road, Lancaster, PA 17603), construction blasting for Manheim Auto Auction expansion in Penn Township, **Lancaster County**, with an expiration date of July 8, 2005. Permit issued June 16, 2004.

15044021. Brubacher Excavating, Inc. (P. O. Box 528, 825 Reading Road, Bowmansville, PA 17507), construction blasting at East Coventry Offsite Waterline in East Coventry Township, **Chester County**, with an expiration date of July 11, 2005. Permit issued June 16, 2004.

36044056. Gerlach's Drilling & Blasting, Inc. (172 Bender Mill Road, Lancaster, PA 17603), construction blasting at 821 Landisville Road (Manure Pit and Barn Improvements) in East Hempfield Township, **Lancaster County**, with an expiration date of July 11, 2005. Permit issued June 16, 2004.

36044055. J. Roy's, Inc. (Box 125, Bowmansville, PA 17507), construction blasting at Lititz Elementary School in Lititz Borough, **Lancaster County** with an expiration date of July 11, 2005. Permit issued June 16, 2004.

36044057. Gerlach's Drilling & Blasting, Inc. (172 Bender Mill Road, Lancaster, PA 17603), construction

blasting at Owl Bridge Road (New Hog House) in Manor Township, **Lancaster County**, with an expiration date of July 11, 2005. Permit issued June 16, 2004.

15044022. Horst Drilling & Blasting, Inc. (141 Ranck's Church Road, New Holland, PA 17557), construction blasting at Bailey Station in Caln Township, **Chester County**, with an expiration date of July 11, 2005. Permit issued June 16, 2004.

15044023. Horst Drilling & Blasting, Inc. (141 Ranck's Church Road, New Holland, PA 17557), construction blasting at Dupont Property in West Bradford Township, **Chester County**, with an expiration date of July 11, 2004. Permit issued June 16, 2004.

15044024. Horst Drilling & Blasting, Inc. (141 Ranck's Church Road, New Holland, PA 17557), construction blasting at Woods at Rock Raymond in Caln Township, **Chester County**, with an expiration date of July 11, 2005. Permit issued June 16, 2004.

38044008. Keystone Blasting Services (381 Reifsnyder Road, Lititz, PA 17543), construction blasting at East Evergreen Development in South Lebanon Township, **Lebanon County**, with an expiration date of July 11, 2005. Permit issued June 16, 2004.

38044009. Follmer Excavating, Inc. (6 Summer Drive, Dillsburg, PA 17019) and **John W. Gleim, Jr., Inc.** (625 Hamilton Street, Carlisle, PA 17013), construction blasting at Thistledown Phase III in South Londonderry and Derry Townships, **Lebanon and Dauphin Counties**, with an expiration date of November 30, 2004. Permit issued June 16, 2004.

49044003. Thomas M. Durkin & Sons, Inc. (3030 Grant Avenue, Philadelphia, PA 19114) and **ORICA USA, Inc.** (5101 Beekmantown Road, Whitehall, PA 18062), construction blasting at Coal Township Industrial Park, Coal Township, **Northumberland County**, with an expiration date of October 31, 2004. Permit issued June 17, 2004.

46044020. Brubacher Excavating, Inc. (P. O. Box 528, 825 Reading Road, Bowmansville, PA 17507), construction blasting at Heritage Hills in Limerick and Lower Pottsgrove Townships, **Montgomery County**, with an expiration date of July 14, 2005. Permit issued June 18, 2004.

15044025. Brubacher Excavating, Inc. (P. O. Box 528, 825 Reading Road, Bowmansville, PA 17507), construction blasting at Creek View in East Coventry Township, **Chester County**, with an expiration date of July 16, 2005. Permit issued June 18, 2004.

46044021. Joao & Bradley Construction Co., Inc. (P. O. Box 20345, Lehigh Valley, PA 18002), construction blasting at Harrington Village in Franconia Township, **Montgomery County**, with an expiration date of March 15, 2005. Permit issued June 18, 2004.

22044017. Liberty Excavators, Inc. (4410 Gettysburg Road, Camp Hill, PA 17011), construction blasting at Gelder Park in Derry Township, **Dauphin County**, with an expiration date of December 14, 2004. Permit issued June 18, 2004.

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

63044002. Arden Landfill, Inc. and Waste Management, Inc. (625 Cherrington Parkway, Moon Township, PA 15108), blasting activity permit at the Washington County Fairgrounds Community Project in Washington

and Chartiers Townships, **Washington County**. The expected duration of blasting is 1 year. Permit issued June 17, 2004.

63044003. Smith Johnson Construction (1745 East Main Street, Columbus, OH 43205), blasting activity permit for road construction of the Findlay connector—54C in Robinson and Findlay Townships, **Washington and Allegheny Counties**. The expected duration of blasting is 2 years. Permit issued June 21, 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.

E45-441A. Stroudsburg Area School District, 123 Linden Street, Stroudsburg, PA 18360. Stroud Township, **Monroe County**, Army Corps of Engineers Philadelphia District.

To amend Permit No. E45-441 to include the following work: (1) to construct and maintain a 60-inch diameter RCP culvert (which replaces a previously authorized open-bottom CMP arch culvert having a span of 22.9 feet an underclearance of 14.0 feet) in 0.02 acre of PFO, EV wetlands; (2) to maintain an approximate 250-foot long R-6 riprap lined channel that was previously constructed in approximately 0.05 acre of PFO, EV wetlands to stabilize an eroded area; and (3) to maintain a temporary road crossing consisting of four 12-inch diameter culverts and three 24-inch diameter culverts and clean rock fill in Flagler Run (HQ-CWF) and 0.03 acre of adjacent wetlands. The total wetland impact for the project, including previously authorized impacts, is 0.52 acre. The permittee is required to provide 0.20 acre of replacement wetlands. This work is associated with the proposed Stroudsburg Area Middle School and is southwest of the existing school campus along SR 2011 (Chipperfield Drive) (Stroudsburg, PA Quadrangle N: 22.4 inches; W: 15.4 inches) (Subbasin: 1E).

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

E67-735: Turnpike Commission, P. O. Box 67676, Harrisburg, PA 17106 in Highspire and Steelton Boroughs, Swatara and Lower Swatara Townships, **Dauphin County**, and Fairview Township, **York County**, ACOE Baltimore District.

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 and then to remove the existing bridge; 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 19 (Steelton, PA Quadrangle N: 14.6 inches; W: 7.6 inches; N: 16.15 inches; W: 6.25 inches, respectively) in Fairview Township York County and in Steelton and Highspire Boroughs, Swatara and Lower Swatara Townships, Dauphin County. The wetland impact is considered a de minimis impact; therefore, a replacement wetland is not required.

E07-368: Martinsburg Borough, 133 East Allegheny Street, Martinsburg, PA 16662 in Martinsburg Borough and North Woodbury Township, **Blair County**, ACOE Baltimore District.

To construct and maintain 364 feet of 52-inch by 77-inch CMPA stream enclosure on an unnamed tributary to Plum Creek (WWF), an intermittent stream, at a point (Martinsburg, PA Quadrangle N: 10.5 inches; W: 10.7 inches) along Spring Street approximately 300 feet southeast of SR 866 and to construct and maintain an 8-foot long by 1-foot high rock diversion structure in the channel of an unnamed tributary to Plum Creek (WWF, perennial), temporarily impact 0.01 acre of PEM wetlands and to do minor grading on approximately 0.44 acre of the left floodway of the unnamed tributary to Plum Creek for the construction of a 0.21 acre PEM treatment wetland at a point (Martinsburg, PA Quadrangle N: 10.85 inches; W: 11.5 inches) approximately 200 feet southeast of the Martinsburg Sewage Treatment Plant in Martinsburg Borough and North Woodbury Township, Blair County. The project proposes direct permanent impacts to 372 linear feet of the channel of the unnamed tributary to Plum Creek, 0.44 acre of the left floodway of the unnamed tributary to Plum Creek and 0.01 acre of temporary PEM wetland impacts.

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

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

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

E65-841. Dominion Transmission, Inc., 445 West Main Street, Clarksburg, WV 26301. Pipeline across a tributary to Haymakers Run in Washington and Bell Townships and the Municipality of Murrys ville, **Westmoreland County**, Pittsburgh ACOE District.

To repair, operate and maintain a 9-mile long, 20-inch gas pipeline across a tributary to Haymakers Run (HQ-CWF), Pucketa Creek (TSF) and adjacent wetlands, Poke Run (HQ-CWF) and adjacent wetlands, two tributaries to Poke Run (HQ-CWF), Beaver Run (TSF) and three tributaries to Beaver Run (HQ-CWF) and adjacent wetlands. The pipeline begins at the J. B. Tokin station (Murrysville, PA Quadrangle N: 15.95 inches; W: 2.0 inches; Latitude: 40° 27' 46" and Longitude: 79° 38' 22") and ends just south of the Westmoreland/Armstrong County line (Vandergrift, PA Quadrangle N: 8.75 inches; W: 4.6 inches; Latitude 40° 32' 53" and Longitude: 79° 31' 59").

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

E10-383, Seneca Valley School District, 124 Seneca School Road, Harmony, PA 16037. New lacrosse/soccer

field in Jackson Township, **Butler County**, ACOE Pittsburgh District (Evans City, PA Quadrangle N: 9.94 inches; W: 14.88 inches).

To place and maintain approximately 7,500 CY of fill material having dimensions 400 feet long, 220 feet wide and averaging 2.3 feet deep and to fill 0.15 acre of PEM and PSS wetlands all within the floodplain of the Little Connoquesnessing Creek (CWF) at a point 3,000 feet east of the intersection Interstate 79 and Seneca School Road on Seneca Valley School District property. The permittee is required to provide 0.20 acre of replacement wetlands.

E10-388, Department of Transportation, District 10-0. South Bear Creek bridge no. 2 replacement project in Fairview Township, **Butler County**, ACOE Pittsburgh District (Chicora, PA Quadrangle N: 20.18 inches; W: 15.14 inches).

To remove the existing reinforced concrete slab bridge having a clear span of 22 feet a minimum underclearance of 1.7 feet and to construct and maintain a precast concrete box culvert having an effective waterway opening 21 feet in length with a 3.5-foot rise and an instream length of 40 feet and to fill approximately 0.037 acre of PEM and PFO wetlands (de minimis) at a point along SR 1010 Section 250 Segment 310 Offset 0016 within the South Branch of Bear Creek (CWF).

E10-389, Department of Transportation, District 10-0, 2500 Oakland Avenue, Indiana, PA 15701-0429. South Bear Creek bridge no. 2 replacement project in Karns City Borough, **Butler County**, ACOE Pittsburgh District (Chicora, PA Quadrangle N: 20.18 inches; W: 15.14 inches).

To remove the existing reinforced concrete slab bridge having a clear span of 21.8 feet a minimum underclearance of 2.4 feet and to construct and maintain a precast concrete box culvert having an effective waterway opening 21.3 feet in length with a 4.0-foot rise and an instream length of 40.5 feet and to fill approximately .0023 acre of Riverine wetlands (de minimis) at a point along SR 1010 Section 251 Segment 310 Offset 1828 within the South Branch of Bear Creek (CWF).

E10-391, Butler County, P. O. Box 1208, Butler, PA 16003-1208. Hays Bridge replacement project, Butler County bridge no. 84 in Connoquesnessing Township, **Butler County**, ACOE Pittsburgh District (Evans City, PA Quadrangle N: 18.6 inches; W: 3.3 inches).

To remove the existing steel girder bridge with concrete deck and cut stone abutments having a clear span of 31 feet, a maximum underclearance of 9.5 feet and an instream length of 14 feet; and to construct and maintain a steel girder bridge with concrete deck and abutments having a clear span of 39.5 feet, a maximum underclearance of 8.65 feet and an instream length of 24 feet at a point across Semiconon Run (CWF) along Boy Scout Road approximately 1/2 mile west of the intersection of Boy Scout and Dick Roads.

E10-392, Butler County, P. O. Box 1208, Butler, PA 16003-1208. Snake Road bridge replacement project in Parker Township, **Butler County**, ACOE Pittsburgh District (Parker, PA Quadrangle N: 6.33 inches; W: 16.9 inches).

To remove the existing steel girder bridge with concrete deck having a clear span of 18 feet 2 inches, an instream length of 14 feet and an under clearance of approximately 8 feet and to construct and maintain a steel girder bridge with concrete deck having a clear span of 22 feet, an instream length of 25 feet and an approximate under

clearance of 8 feet at a point along Snake Road (T-638) spanning Silver Creek (HQ-CWF).

E25-683, Waterford Borough Municipal Authority, Waterford, PA 16441. Waterford Municipal Authority WWTP—man pump station upgrade in Waterford Borough, **Erie County**, ACOE Pittsburgh District (Waterford, PA Quadrangle Latitude: 41° 56' 20"; Longitude: 79° 58' 52").

To place and maintain fill material having dimensions 30 feet by 35 feet averaging 3.6 feet deep (approximately 140 cubic yards) at the Waterford Borough Municipal Authority pump station along SR 19/97 just north of the Waterford Township Boundary and within the floodplain of LeBoeuf Creek (TSF) to facilitate the placement of a backup generator with appurtenances as part of the pump station upgrade.

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 Department 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.

[Pa.B. Doc. No. 04-1200. Filed for public inspection July 2, 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: 381-2208-001. Title: Experimental Onlot Wastewater Technology Verification Program. Description: The purpose of this policy is to establish a process for independent third party verification of the performance of experimental onlot wastewater technologies. The Experimental System Guidance (DEP ID: 362-0300-008) is hereby rescinded. Notice for public comment on the draft of this technical guidance was published at 34 Pa.B. 917 (February 14, 2004) with provision for a 30-day comment period. Comments were received, and a comment and response document is included with the final guidance. No changes have been made in the final guidance. Effective Date: July 3, 2004. Contact: Tom Franklin, (717) 783-1820, thfranklin@state.pa.us.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 04-1201. Filed for public inspection July 2, 2004, 9:00 a.m.]

Mining and Reclamation Advisory Board Meeting

A meeting of the Mining and Reclamation Advisory Board is scheduled for July 8, 2004, at 8:30 a.m. at the Best Western Genetti Lodge, Hazleton, PA.

Questions concerning this meeting should be directed to G. Nevin Strock, (717) 787-6842, gstrock@state.pa.us. The agenda and meeting materials will be available through the Public Participation Center on the Department of Environmental Protection's (Department) website: www.dep.state.us (DEP Keyword: Participate.).

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact G. Nevin Strock at (717) 787-6842, gstrock@state.pa.us or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 04-1202. Filed for public inspection July 2, 2004, 9:00 a.m.]

State Water Plan Statewide Water Resources Committee, Critical Water Planning Area Subcommittee Meeting

The Critical Water Planning Area Subcommittee of the State Water Plan Statewide Water Resources Committee has scheduled a meeting to discuss the development of criteria/guidelines for designation of Critical Water Planning Areas. The meeting will be held at 10 a.m. on July 6, 2004, in the 14th Floor Conference Room, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17105.

Questions concerning this meeting should be directed to Susan 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. 04-1203. Filed for public inspection July 2, 2004, 9:00 a.m.]

DEPARTMENT OF HEALTH**Emergency Medical Services Operating Fund Funding Priorities**

Under 28 Pa. Code §§ 1001.22 and 1001.23 (relating to criteria for funding; and allocation of funds), the Department of Health (Department) gives notice of priorities for the distribution by the regional emergency medical services (EMS) councils of funding from the Emergency Medical Services Operating Fund (EMSOF) for the fiscal year beginning July 1, 2004, and ending June 30, 2005.

The EMSOF is to be used to provide funding to maintain, improve and develop the quality of the EMS system in this Commonwealth. The Department finds that the EMSOF is not sufficient to fully fund the EMS system. Therefore, it gives notice, under 28 Pa. Code § 1001.22(d), that recipients of EMSOF funding from regional EMS councils may be required to contribute funds toward all purchases, acquisitions and projects for which the Department permits the use EMSOF moneys.

Each regional EMS council shall prioritize the distribution of its EMSOF allocation based upon the Statewide EMS Development Plan and its regional EMS development plan, subject to the funding priorities in this notice. By September 30, 2004, the regional EMS councils shall notify the providers and other appropriate entities of the established funding priorities, the application process, acquisition documentation requirements and processing deadlines. Each regional EMS council must complete all documents required for the distribution of EMSOF funding by June 30, 2005.

The Department may increase the amount of the initial payment or reimbursement from the EMSOF based upon the EMS development plans (State and regional) or documented financial hardship of a provider of EMS. A provider of EMS that seeks additional funds due to financial hardship shall be required to submit a financial disclosure statement and other documentation deemed necessary by the Department.

A provider of EMS applying for EMSOF funding must be in compliance, or aggressively pursuing full compliance, with all regulations, policies and priorities of the State and regional EMS systems.

Funds for purchases, acquisitions and projects for the fiscal year beginning July 1, 2004, and ending June 30, 2005, must be expended by the regional EMS council by June 30, 2005, unless a written request for an extension of time, not to exceed 90 calendar days, is submitted by the regional EMS council and approved by the Department prior to June 30, 2005.

Funding Priorities

These priorities are not ranked. The priorities must be considered before a regional EMS council distributes EMSOF moneys for initiatives that are not listed. Funding must be distributed consistent with the regional and

Statewide EMS development plans. Consequently, if the priorities in this notice have been funded and additional funding is available, the request to use EMSOF money towards nonpriority items must still be supported by the Statewide and regional EMS development plans.

- * Development or improvement of an organizational risk management program (safety measures, hazard recognition/mitigation and the necessary organizational structure and support processes) proposed by an ambulance service. Proposals for funding must be comprehensive and include safe vehicle operations. Approval by the Department is required prior to funding.

- * Recruitment and retention programs, including scholarships/tuition reimbursement for emergency medical technician and paramedic training in areas with high prehospital personnel vacancy rates as determined by the regional EMS council and approved by the Department.

- * Automatic external defibrillators (AED) for Department-recognized quick response services (QRS) and basic life support (BLS) ambulance services.

- * Equipment required to meet BLS and advanced life support (ALS) ambulance service licensure.

- * Capnography equipment (especially wave-form end-tidal CO₂ monitor).

- * An ambulance for ambulance services that operate a single ambulance older than 10 years or for more than 200,000 miles.

- * Software/computer equipment to enable services to collect and transmit EMS patient care reports electronically.

- * Communication equipment and capabilities for EMS response in areas with poor to no communication capability between ambulances and medical command facilities or between ambulances and receiving facilities.

- * Quality assurance/improvement initiatives.

- * Continuous positive airway pressure (CPAP) devices approved by the Department.

- * Identification vests for mass casualty response and incident command roles.

- * EMS personnel protective respiratory equipment approved by the Department to protect the EMS practitioner from communicable diseases transmitted from person to person through airborne mechanisms.

Emergency Preparedness and Response Funding Requests

Emergency preparedness and response funding requests must be based on local and response roles of services, regional needs and needs identified by threat

vulnerability analysis. Purchases must be coordinated with county emergency, fire service, HAZMAT and hospital organizations in the applicant's service area to assure interoperability and to prevent duplication. Funding requests relating to response to terrorism and emergency preparedness must have a clear connection to the regional EMS catastrophic plan and the regional EMS development plan. Priority will be given to fund the ambulance services in each region that have committed to participating in the EMS surge capability project and respond to requests for EMS services, both interstate and intrastate, as identified in the State and regional catastrophic casualty care plans.

Provider Equipment

Purchases by providers of EMS are not limited to equipment. This has been a point of misunderstanding in past years. If an EMS provider requests EMSOF moneys to purchase equipment, the eligible provider equipment list identifies equipment for which EMSOF funds will be made available to purchase. This chart identifies the types of providers of EMS eligible for equipment purchases supported by EMSOF funding and the maximum allowable cost upon which the EMSOF contribution will be calculated.

EMSOF will fund 60% of the maximum allowable cost of an equipment item for rural providers and will fund 50% of the maximum allowable cost of an equipment item for nonrural providers. An eligible provider is responsible for the balance of the purchase price. The provider may purchase an item for an amount that exceeds the maximum allowable cost, but the provider will be responsible for any amount exceeding that figure. The last two columns of the chart identify the percentage of EMSOF contribution towards the purchase price, up to the maximum allowable cost of the item, based upon whether the provider operates in a rural or nonrural area.

AED capability must be funded for a QRS or a BLS ambulance service prior to the service being approved to receive EMSOF funds towards the purchase of any other equipment.

Questions regarding the eligible provider equipment list or other matter addressed in this notice should be directed to Margaret Trimble, Director, Emergency Medical Services Office, Department of Health, P. O. Box 90, Harrisburg, PA 17108-0090, (717) 787-8740. Persons with a disability who require an alternative format of this notice (for example, large print, audiotape or Braille) should contact Margaret Trimble at the previous address or telephone number. Speech or hearing impaired persons may use VTT: (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

Eligible Provider Equipment List

| <i>Equipment Description</i> | <i>Life Expectancy</i> | | <i>Eligible Purchase for</i> | | | <i>Allowable Costs¹</i> | <i>Nonrural (50%)</i> | <i>Rural (60%)</i> |
|---|------------------------|---------------|------------------------------|----------------|----------------|------------------------------------|-----------------------|--------------------|
| | <i>ALS</i> | <i>ALS/SQ</i> | <i>BLS</i> | <i>QRS</i> | <i>QRS</i> | | | |
| EKG Monitor/Defibrillator with Pacer | 5 years | Y | Y | N | N | 12,000 | 6,000 | 7,200 |
| 12 Lead EKG ² | 5 years | Y | Y | N | N | 20,000 | 10,000 | 12,000 |
| AED | 5 years | N | N | Y ³ | Y ³ | 3,500 | 1,750 | 2,100 |
| Oxygen Equipment (any combination) Cylinder Demand Valve w/Hose and Mask Regulator (combination or constant flow) Case | 5 years | Y | Y | Y | Y | 500 | 250 | 300 |
| Capnography Equipment | 3 years | Y | Y | N | N | 3,000 | 1,500 | 1,800 |

| Equipment Description | Life Expectancy | Eligible Purchase for | | | | QRS | Allowable Nonrural Costs ¹ | Nonrural (50%) | Rural (60%) |
|---|-----------------|-----------------------|----------------|----------------|----------------|-------|---------------------------------------|----------------|-------------|
| | | ALS | ALS/SQ | BLS | | | | | |
| CPAP Ventilation Portable Equipment | 5 years | Y | Y | N | N | 900 | 450 | 540 | |
| Pulse Oximeter | 5 years | Y | Y | N | N | 700 | 350 | 420 | |
| Nitrous Oxide Delivery System | 5 years | Y | Y | N | N | 2,000 | 1,000 | 1,200 | |
| Intravenous Infusion Pumps | 5 years | Y | Y | N | N | 2,000 | 1,000 | 1,200 | |
| Adult/Pediatric Intubation Kits | 5 years | Y ⁸ | Y ⁸ | N | N | 600 | 300 | 360 | |
| Transtracheal Jet Insufflators | 5 years | Y | Y | N | N | 200 | 100 | 120 | |
| Splinting/Immobilization Devices (any combination) | 3 years | Y | Y | Y | Y | 500 | 250 | 300 | |
| Backboard | | | | | | | | | |
| Cervical Immobilization Device | | | | | | | | | |
| Splints (rigid, traction, and the like) | | | | | | | | | |
| Stairchair | 5 years | Y | N | Y | N | 1,650 | 825 | 990 | |
| Stretcher—Primary | 5 years | Y | N | Y | N | 3,500 | 1,750 | 2,100 | |
| Stretcher/Chair Combination | 5 years | Y | N | Y | N | 700 | 350 | 420 | |
| Suction (portable, battery operated) | 3 years | Y | Y | Y | Y | 800 | 400 | 480 | |
| Ventilator, Automatic (per Department guidelines) | 5 years | Y ⁴ | Y ⁴ | Y ⁵ | Y ⁵ | 2,200 | 1,100 | 1,320 | |
| Ambulance | — | Y | N | Y | N | — | 15,000 | 20,000 | |
| Squad/Response Vehicle | — | N | Y | N | Y | — | 7,500 | 9,000 | |
| Data Collection Software ⁶ | — | Y | Y | Y | Y | 1,700 | 1,700 | 1,700 | |
| Data Collection Hardware ⁷ | 3 years | Y | Y | Y | Y | 1,500 | 750 | 900 | |
| Radio, Mobile (one per vehicle) | 5 years | Y ⁹ | Y ⁹ | Y ⁹ | Y ⁹ | 3,500 | 1,750 | 2,100 | |
| Radio, Portable (one per vehicle) | 5 years | Y ⁹ | Y ⁹ | Y ⁹ | Y ⁹ | 3,500 | 1,750 | 2,100 | |
| Triage Vest Set | 5 years | Y | Y | Y | Y | 150 | 75 | 90 | |
| Alerting Equipment (five per service at \$400 each) | 5 years | Y ⁹ | Y ⁹ | Y ⁹ | Y ⁹ | 2,000 | 1,000 | 1,200 | |
| Vehicle Safety Monitoring Systems | 5 years | Y | Y | Y | Y | 3,500 | 1,750 | 2,100 | |

¹ All figures are dollar amounts for each item of equipment.

² Amount includes \$1,000 for communications package. Receiving facility must have appropriate communications capabilities.

³ Must be an approved AED service or part of regional planning and AED medical director required.

⁴ Completion of approved training program required.

⁵ Completion of approved training program required and BLS service medical director approval required.

⁶ Must be a Department-approved software program, version and vendor.

⁷ Data collection hardware may include computer, modem, printer, backup device and battery system.

⁸ Must be durable equipment, not disposable equipment.

⁹ Must be compatible with regional and State EMS communications plan.

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

[Pa.B. Doc. No. 04-1204. Filed for public inspection July 2, 2004, 9:00 a.m.]

Human Immunodeficiency Virus (HIV) Community Prevention Planning Committee Public Meeting

The Statewide HIV Community Prevention Planning Committee, established by the Department of Health (Department) under sections 301(a) and 317(b) of the Public Health Service Act (42 U.S.C.A. §§ 241(a) and 247(b)), will hold a public meeting on Tuesday, July 6, 2004, from 9 a.m. to 3 p.m. at the Best Western Inn and Suites, 815 Eisenhower Boulevard, Middletown, PA, 17057.

The Department reserves the right to cancel this meeting without prior notice.

For additional information or persons with a disability who wish to attend the meetings and require an auxiliary aid, service or other accommodation to do so, contact Thomas M. DeMelfi, Department of Health, Bureau of Communicable Diseases, (717) 783-0572, for speech

and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

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

[Pa.B. Doc. No. 04-1205. Filed for public inspection July 2, 2004, 9:00 a.m.]

DEPARTMENT OF PUBLIC WELFARE

Designated Exceptional Durable Medical Equipment

On February 9, 2002, the Department of Public Welfare (Department) announced the adoption of amendments to 55 Pa. Code Chapter 1187 (relating to nursing facility

services). The amendments were adopted under sections 201 and 443.1 of the Public Welfare Code (62 P. S. §§ 201 and 443.1) and sections 1396a and 1396r of the Social Security Act (42 U.S.C.A. §§ 1396a and 1396r). The amendments expand the Department's exceptional payment policy to authorize additional payments to nursing facilities for nursing facility services provided to certain Medical Assistance residents who require medically necessary exceptional durable medical equipment (DME). See 32 Pa.B. 734 (February 9, 2002).

The amendments require the Department to publish an annual list of exceptional DME by notice in the *Pennsylvania Bulletin* in July of each year. Interested persons may petition the Department to consider additions to the exceptional DME list by submitting a written request to the Department. Requests received on or before December 31 will be considered in developing the list for the following July.

During calendar year 2003, the Department received no written requests to add or remove items of DME from the list of exceptional DME. Therefore, this notice makes no changes in either the acquisition cost or the list of qualifying DME.

Exceptional DME is defined as DME that has an acquisition cost of \$5,000 or more and is either specially adapted DME or other DME that is designated as exceptional DME by the Department annually by notice in the *Pennsylvania Bulletin*.

Specially adapted DME is DME that is uniquely constructed or substantially adapted or modified in accordance with the written orders of a physician for the particular use of one resident, making its contemporaneous use by another resident unsuitable.

The list of exceptional DME that has been designated by the Department is as follows:

(1) *Air fluidized beds*. The pressure relief provided by this therapy uses a high rate of airflow to fluidize fine particulate material (for example, beads or sand) to produce a support medium that has characteristics similar to liquid. May have a Gortex cover.

(2) *Powered air flotation bed (low air loss therapy)*. A semielectric or total electric bed with a fully integrated powered pressure-reducing mattress which is characterized by all of the following:

(a) An air pump or blower with a series of interconnected woven fabric air pillows which provides sequential inflation and deflation of the air cells or a low interface pressure throughout the mattress allowing some air to escape through the support surface to the resident. May have a Gortex cover.

(b) Inflated cell height of the air cells through which air is being circulated is 5 inches or greater.

(c) Height of the air chambers, proximity of the air chambers to one another, frequency of air cycling (for alternating pressure mattresses) and air pressure provide adequate patient lift, reducing pressure and prevent bottoming out.

(d) A surface designed to reduce friction and shear.

(e) May be placed directly on a hospital bed frame.

(f) Automatically readjusts inflation pressures with change in position of bed (for example, head elevation, and the like).

(3) *Augmentative communication devices*. Used by residents who are unable to use natural oral speech as a

primary means of communication. The specific device requested must be appropriate for use by the resident and the resident must demonstrate the abilities or potential abilities to use the device selected. Portable devices need to supplement, aid or serve as an alternative to natural speech for residents with severe expressive communication disorders. Nonportable devices may be covered only if required for visual enhancement or physical access needs that cannot be accommodated by a portable device.

(4) *Ventilators (and related supplies)*.

(a) Used by residents 21 years of age and older who require full ventilator support for a minimum of 8 hours per day to sustain life.

(b) Used by residents 20 years of age and younger who require ventilator support to sustain life (no minimum time requirement).

Effective Date

This notice is effective upon publication in the *Pennsylvania Bulletin*.

Public Comments

Interested persons are invited to submit written comments regarding this notice to the Department within 30 days of publication in the *Pennsylvania Bulletin* to Gail Weidman, Long Term Care Policy Section, Department of Public Welfare, Division of Long Term Care Client Services, P. O. Box 2675, Harrisburg, PA 17105. Persons with a disability may use the AT&T Relay Service, (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

ESTELLE B. RICHMAN,
Secretary

Fiscal Note: 14-NOT-386. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 04-1206. Filed for public inspection July 2, 2004, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Addendum and Revision of the Listing of Approved Speed-Timing Devices and Appointment of Maintenance and Calibration Stations

The Department of Transportation (Department), Bureau of Motor Vehicles, under the authority of 75 Pa.C.S. § 3368 (relating to speed timing devices), published at 33 Pa.B. 6469 (December 27, 2003) a notice of approved speed-timing devices and maintenance and calibration stations for use until the next comprehensive list is published.

Addition

As an addendum to the list of approved Official Maintenance and Calibration Stations, the Department hereby gives notice of the addition, as a radar calibration inspection station, of the following station:

YIS/Cowden Group, Inc., 1049 North Hartley Street, York, York County, PA 17404. The station number will be R10.

Comments, suggestions or questions should be directed to Peter Gertz, Manager, Admin/Tech Support Section, Vehicle Inspection Division, Bureau of Motor Vehicles, Third Floor, Riverfront Office Center, 1101 South Front Street, Harrisburg, PA 17104, (717) 783-7016.

Other approved speed-timing devices and appointment of maintenance and calibration stations appear at 34

Pa.B. 1295 (February 28, 2004) and 34 Pa.B. 2140 (April 17, 2004).

ALLEN D. BIEHLER, P. E.,
Secretary

[Pa.B. Doc. No. 04-1207. Filed for public inspection July 2, 2004, 9:00 a.m.]

GOVERNOR'S OFFICE

Regulatory Agenda

Executive Order 1996-1, requires all agencies under the jurisdiction of the Governor to submit for publication an agenda of regulations under development or consideration. The following is the seventeenth publication of the Administration's regulatory agenda, grouped by agency. Subsequent agendas will be published on the first Saturdays in February and July.

The agendas are compiled to provide members of the regulated community advanced notice of regulatory activity. It is the intention of the Administration that these agendas will serve to increase public participation in the regulatory process.

Agency contacts should be contacted for more information regarding the regulation and the procedure for submitting comments.

This Agenda represents the Administration's present intentions regarding future regulations. The nature and complexity of an individual regulation obviously will determine whether and when any particular regulation listed below (as well as any considered subsequent to publication of this Agenda) is published.

| <i>Regulation Being Considered</i> | <i>Proposed Date of Promulgation</i> | <i>Need and Legal Basis for Action</i> | <i>Agency Contact</i> |
|---|--------------------------------------|---|----------------------------------|
| ADMINISTRATION | | | |
| No regulations being developed or considered at this date. | | | |
| AGING | | | |
| Pa. Code Title VI Chapter 11 Older Adult Daily Living Centers | September 2005, as proposed. | This regulation is being reviewed for coordination with regulations from DPW and DOH. Review is also occurring as a result of Acts 169-96 and 13-97 amending the Older Adult Protective Services Act (35 P. S. §§ 10225.101—10225.5102) and of Executive Order 1996-1. | Robert Hussar 717-783-6207 |
| Pa. Code Title VI Chapter 3 Fair Hearings and Appeals | June 2005, as proposed. | This regulation has been initially reviewed by stakeholders in response to passage of Acts 169-96 and 13-97 amending the Older Adult Protective Services Act (35 P. S. §§ 10225.101—10225.5102) and of Executive Order 1996-1. It is being reviewed internally to improve Departmental procedures and efficiencies. | Robert Hussar 717-783-6207 |
| Pa. Code Title VI Chapter 21 Domiciliary Care Services for Adults | December 2005, as proposed. | A review of these regulations will be conducted in order to assure consistency with ongoing interdepartmental discussions regarding development of community living alternatives. | Robert Hussar 717-783-6207 |
| Pa. Code Title VI Chapter 15 Protective Services for Older Adults | December 2004, as proposed | The law and regulations are under review in light of the decision of the Pennsylvania Supreme Court in <i>Nixon et al. v. Commonwealth, et al.</i> , which found the current protective services law and regulations to be unconstitutional. | Robert Hussar 717-783-6207 |
| AGRICULTURE | | | |
| Domestic Animal 7 Pa. Code Chapter 2 | June, 2005, as proposed. | This long-term project is intended to update the Department's regulatory authority to make it more consistent with the provisions of the Domestic Animal Law (3 Pa.C.S. §§ 2301—2389). | John Enck, VMD (717) 772-2852 |
| Cervidae 7 Pa. Code Chapter 18 | June, 2005, as proposed. | Act 190 of 2002 amended the Domestic Animal Law to require the Department to license and regulate cervidae livestock operations. | John Enck, VMD (717) 772-2852 |

| <i>Regulation Being Considered</i> | <i>Proposed Date of Promulgation</i> | <i>Need and Legal Basis for Action</i> | <i>Agency Contact</i> |
|--|--------------------------------------|---|-------------------------------------|
| Animal Exhibition Sanitation 7 Pa. Code Chapter 21 | June, 2005, as proposed. | Act 190 of 2002 amended the Domestic Animal Law to require the Department to enforce sanitation requirements at animal exhibitions, and to regulate as necessary to meet this requirement. | John Enck, VMD (717) 772-2852 |
| Maple Products 7 Pa. Code Chapter 83 | December, 2004, as proposed. | This regulation is required by the Maple Products Act (3 Pa.C.S. §§ 6101—6112). This regulation would establish standards, product quality practices and facility requirements relating to the production of maple syrup and maple products. | Lenchen Radle (717) 772-3234 |
| Amusement Rides 7 Pa. Code Chapter 139 | July, 2004, as proposed. | This regulation will update the current regulation at 7 Pa. Code Chapter 139 to reflect changes to the Amusement Ride Inspection Act (4 P. S. §§ 401—418). | Kent D. Shelhamer (717) 787-9089 |
| Harness Racing Commission 58 Pa. Code Chapters 181, 183, 185 and 186—190 | September, 2004, as proposed. | This regulation is necessary to update current regulations, make them more user-friendly and address conditions which exist in harness racing that did not exist when the current regulations were originally promulgated. This regulation is a long-term project and would amend 58 Pa. Code Chapters 181, 183, 185 and 186—190, including the general authority of the Commission and provisions relating to associations licensed to conduct pari-mutuel wagering, individual licensing, licensing of officials, rules of the conduct of races, veterinary practices, equine health and medication, wagering, due process and disciplinary action. | Anton J. Leppler (717) 787-5196 |
| Land application of soil and groundwater contaminated with agricultural chemicals 7 Pa. Code Chapter 130d | July, 2004, as final. | This regulation is required under the Land Recycling and Environmental Remediation Standards Act, at 35 P. S. § 6026.101 et seq. This regulation would allow soil and groundwater contaminated with agricultural chemicals to be re-applied upon agricultural lands. Numerous comments have been received with respect to drafts of this regulation, and have been addressed in the final form regulation. | Vance R. Wagner (717) 772-5210 |
| Fruit Tree Improvement Program 7 Pa. Code Chapter 120 | November, 2006, as proposed. | This regulation would facilitate interstate and international export of Pennsylvania-grown fruit tree nursery stock. This regulation would amend 7 Pa. Code Chapter 120, which provides testing and inspection standards and procedures pursuant to which fruit tree nursery stock can be certified as to quality, consistency and disease/insect-free status. The regulation would be a technical update of current provisions, would bring this program into greater conformity with programs in other states and would provide more practical assistance to participating growers. | Ruth Welliver (717) 772-5222 |
| Pesticide Regulations 7 Pa. Code Chapter 128 | December, 2004, as proposed. | This regulation will amend 7 Pa. Code Chapter 128 and is necessary to update current regulations, to make them more user friendly, address pesticide security issues, set minimum certification age requirements, dealer licensing, and changes in federal pesticide registration changes. | David Scott (717) 772-5214 |

| <i>Regulation Being Considered</i> | <i>Proposed Date of Promulgation</i> | <i>Need and Legal Basis for Action</i> | <i>Agency Contact</i> |
|---|--------------------------------------|---|------------------------------------|
| Certification of Virus-Tested Geraniums 7 Pa. Code Chapter 122 | September, 2006, as proposed. | This regulation would amend the current regulatory authority to update the voluntary program pursuant to which geranium producers may obtain the Department's certification of virus-tested geraniums. This amendment would establish an inspection fee to help cover the Department's costs in inspecting and testing geraniums offered for certification. This regulation would amend 7 Pa. Code Chapter 122 to: 1) expand the certification of virus-tested geraniums to include Culture-Indexed Geraniums, which are free from certain economically-important bacterial and fungal pathogens; and 2) establish a reasonable fee for the Department's inspection and certification services. | Ruth Welliver (717) 772-5222 |
| Chemsweep Regulations 7 Pa. Code Chapter 128b | September, 2004, as final. | This regulation will amend 7 Pa. Code Chapter 128b to expand the pesticide disposal program which has been limited to agricultural pesticide products. The amendment will include all Commonwealth citizens who are in possession of cancelled, unused or suspended pesticides. | Vance Wagner (717) 772-5210 |
| Nutrient Management Certification Program 7 Pa. Code Chapter 130b | August, 2004, as proposed | This regulation will amend 7 Pa. Code Chapter 130b and is necessary to update and correct inconsistencies in the current regulations, redefine specialist categories; allow flexibility for the Department to modify competency areas and training focus; determine additional competency area needs and clarify continuing education requirements. The revision of this regulation will allow participants in the certification program to remain qualified to meet nutrient management planning requirements established in section 7(a) of the Nutrient Management Act of 1993 (Act 6). | Johan E. Berger (717) 772-4189 |
| Fertilizer Regulations 7 Pa. Code Chapter 73 | March, 2005, as proposed. | This regulation will replace 7 Pa. Code Chapter 73 and implement provisions of 3 Pa.C.S.A. §§ 6701—6725 (Fertilizer Act). | John Breitsman (717) 772-5213 |
| Soil and Plant Amendment Regulations 7 Pa. Code Chapter 130a | March, 2005, as proposed. | This regulation will replace 7 Pa. Code Chapter 130a and implement provisions of 3 Pa.C.S.A. §§ 6901—6921 (Soil and Plant Amendment Act). | John Breitsman (717) 772-5213 |
| Dog Law 7 Pa. Code Chapters 23, 25 and 27 | December, 2004, as proposed | House Bill 397 of 1996 accomplished revisions of the Dog Law that will necessitate regulatory revisions. This regulation is a long-term project and would amend 7 Pa. Code Chapters 23,25 and 27 to bring them into greater conformity with statutory revisions. The Dog Law (3 P. S. §§ 459-10 et seq.) is the statutory basis for this regulation. | Mary Y. Bender (717) 787-4833 |
| Lifetime Licensure of Dogs 7 Pa. Code Chapter 21 | September, 2004, as final. | This revision is necessary to make 7 Pa. Code § 21.51, regarding the insertion of microchips, consistent with the Veterinary Medicine Practice Act (63 P. S. § 485.1 et seq). | Mary Y. Bender (717) 787-4833 |
| Wine Marketing and Research Program; Sheep and Lamb Marketing Program 7 Pa. Code Chapter 104 | August, 2004, as final. | This will establish regulations for the newly-formed Pennsylvania Wine Marketing and Research Program at 7 Pa. Code Chapter 104. It will also rescind the regulations for the Sheep and Lamb Marketing Program, which is no longer in existence. | Kyle Nagurny (717) 787-2376 |
| BANKING | | | |
| Annual Assessment Regulation | Late 2004/Early 2005 | Required pursuant to 17 Pa.C.S. § 503(a) and 71 P. S. § 733-204.A. | Carter D. Frantz (717) 787-1471 |
| BOARD OF PARDONS | | | |
| No regulations being developed or considered at this date. | | | |

| <i>Regulation Being Considered</i> | <i>Proposed Date of Promulgation</i> | <i>Need and Legal Basis for Action</i> | <i>Agency Contact</i> |
|--|--------------------------------------|---|--|
| COMMUNITY AND ECONOMIC DEVELOPMENT | | | |
| Industrialized Housing and Components 12 Pa. Code Chapter 145 (final regulation) | Spring 2004 | The regulation will further clarify and strengthen the Department's and third party's role in monitoring the installation of industrialized housing; adopt the ICC International Building Code; update definitions to bring them into conformance with current terminology and with proposed changes to the placement of insignia of certification; place the determination regarding the frequency of inspection reports on the inspection agency; require manufacturers to ensure that instructions for installation are given to those installing industrialized housing; and increase the fees charged by the Department to offset increases in the cost of administering and enforcing the industrialized housing program. | Jill B. Busch (717) 720-7314 |
| Neighborhood Assistance Program 12 Pa. Code Chapter 135 (final regulation with rulemaking omitted) | Spring 2004 | The regulation will repeal this chapter, as it no longer effectively fulfills the goals for which it was intended. | Jill B. Busch (717) 720-7314 |
| Community Development Grant Program 12 Pa. Code Chapter 141 (final regulation with rulemaking omitted) | Fall 2004 | The regulation will repeal Sections 141.301 through 141.309 relating to the Section 108 Loan Program, as these sections no longer effectively fulfill the goals for which they were intended. | Jill B. Busch (717) 720-7314 |
| Building Energy Conservation Standards 12 Pa. Code Chapter 147 (final regulation with rulemaking omitted) | Fall 2004 | The regulation will repeal this chapter, as the statute upon which this chapter is based will be repealed upon the effective date (expected to occur as early as April 15, 2004) of regulations required by the Pennsylvania Construction Code Act. | Jill B. Busch (717) 720-7314 |
| Minority Business Development Authority 12 Pa. Code Chapter 81 (final regulation with rulemaking omitted) | Spring 2004 | The regulation will repeal this chapter, as it no longer effectively fulfills the goals for which it was intended and impedes PMBDA's ability to be responsive and flexible to its target market. | Timothy M. Anstine (717)-720-7312 |
| COMMISSION ON CRIME AND DELINQUENCY | | | |
| Office of Victims' Services, Victims Compensation Assistance Program—Deletion of 37 Pa. Code Chapter 191, replacement with new Chapter 411 | June 2004, as proposed | To create a new chapter reflecting elimination of Crime Victim's Compensation Board and inclusion of its functions under PCCD pursuant to Act 1995-27 of the Special Session on Crime; changes in terminology and operations brought about by that act and by subsequent legislation, including Act 1998-111 and its relocation of the Crime Victims Act to Purdon's Statutes Title 18 P. S. §§ 11.101—11.5102, and Act 85 of 2002. | Lynn Shiner (717) 783-5153 ext. 3210 |

| <i>Regulation Being Considered</i> | <i>Proposed Date of Promulgation</i> | <i>Need and Legal Basis for Action</i> | <i>Agency Contact</i> |
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| CONSERVATION AND NATURAL RESOURCES | | | |
| Conservation of Native Wild Plants (Chapter 45) | Publish proposed rulemaking March 2005. | This proposal is being developed to update existing native wild plant regulations. The legal basis for these regulations is the Wild Resource Conservation Act of 1982. This update is necessary to change the status of various plants to reflect field work completed during the last three years. Recommendations of the Rare Plant Committee and the Vascular Plant Technical Committee will be considered during the development of this proposed rulemaking. | Chris Firestone, Mike Lester and Dan Devlin 717-783-3227 |
| CORRECTIONS | | | |
| Revisions to regulations governing the Department, 37 Pa. Code Chapters 91, 93 and 94. | Summer, 2004 as proposed | The regulations will be revised to eliminate unnecessary regulations and to ensure that the Department's regulations are consistent with current legal standards concerning prison administration and operation. The legal basis for the action is found at Section 506 of the Administrative Code of 1929, 71 P. S. § 186, which grants the Secretary of Corrections the authority to prescribe regulations for the Department that are not inconsistent with law. | John S. Shaffer, Ph.D. (717) 975-4868 |
| Revisions to regulations governing county correctional facilities, 37 Pa. Code Chapter 95. | Fall, 2004 as proposed | The regulations will be revised to eliminate unnecessary regulations and modernize necessary regulations. The legal basis for the action is found at Section 506 of the Administrative Code of 1929, 71 P. S. § 186, which grants the Secretary of Corrections the authority to prescribe regulations for county correctional institutions that are not inconsistent with law. | Catherine C. McVey (717) 975-4998 |
| EDUCATION | | | |
| Higher Education General Provisions, Foreign Corporation Standards, Institutional Approval, Program Approval 22 Pa. Code, Chapters 31, 36 and 40 | November 2004, as proposed. | These regulations are necessary to establish procedures for the approval and operation of institutions of higher education in the Commonwealth. Specific revisions are necessary to clarify the intent of the chapters, modify the time frame during which new institutions must achieve accreditation, update provisions for library and learning resources, and amend regulations to accommodate for-profit baccalaureate and higher education. These regulations are promulgated under authority of the Public School Code of 1949. 24 P. S. §§ 1-101—27-2702. | Jim Buckheit (717) 787-3787 or William Larkin (717) 787-5041 |
| Certification of Professional Personnel 22 Pa. Code, Chapter 49 | December 2004, as proposed. | Revisions to these regulations are necessary to incorporate provisions of Act 48 of 1999, which requires continuing professional development for all certificated educators. | Jim Buckheit (717) 787-3787 or William Larkin (717) 787-5041 |
| General Vocational Education Standards 22 Pa. Code, Chapter 339 | November 2004, as proposed. | A revision of Chapter 339 is necessary to assist schools in developing, funding and maintaining programs that will provide the Commonwealth with a competent workforce. Discussions with the State Board of Vocational Education, as well as practitioners in that field, will be initiated to revise these standards. These regulations are promulgated under the authority of the Pennsylvania School Code, Article 18, regarding Vocational Education, and section 2502.8, regarding Vocational Education Funding. These standards are also provided for under Chapter 4 of Title 22 of the <i>Pennsylvania Code</i> , section 4.32(a). | Jim Buckheit (717) 787-3787 or John C. Foster (717) 787-5530 |

| <i>Regulation Being Considered</i> | <i>Proposed Date of Promulgation</i> | <i>Need and Legal Basis for Action</i> | <i>Agency Contact</i> |
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| Standards for Approved Private Schools 22 Pa. Code, Chapter 171 Subchapters A and B | Fall 2004, as proposed. | These standards define the elements of Approved Private Schools and the Chartered Schools (schools for the deaf and blind). These standards contain general provisions and allowable expenses and costs. The standards are promulgated under the Authority of the Public School Code of 1949, as amended, PL 30, No. 14, March 16, 1949, P. S. Section 1-101, et. seq. The revised standards will reflect the changes in Chapter 14 and IDEA. | John Tommasini (717) 783-6134 |
| Regulations of the State Board of Private Academic Schools 22 Pa. Code, Chapters 51, 53, 55, 57, 61 and 63 | The Board has informally discussed revision of the regulations, received public input and is reviewing that input with the Department to determine appropriate next steps. | These regulations define the requirements for obtaining licensure as a Private Academic School. The Board plans to update the regulations, which were promulgated in 1988. The regulations are promulgated under the Authority of the Private Academic Schools Act (24 P. S. section 6701 et. seq.) | Eugene Heyman (717) 783-5146 or Mary Ramirez (717) 783-3755 |
| Academic Standards and Assessment, 22 Pa. Code, Chapter 4 | July 2004, as proposed | These regulations outline state academic standards that public schools must provide instruction to bring students up to proficiency and also provides for the Pennsylvania System of School Assessment, high school graduation requirements and requirements for credentials other than the high school diploma. | Jim Buckheit (717) 787-3787 or Ron Stainbrook (717) 787-4860 |
| Regulations of the State Board of Private Licensed Schools 22 Pa. Code, Chapter 73 | August 2004, as final. | These regulatory changes reduce the records requirements for schools, amend the definition of seminar to remove reference to entry level training, requires attendance at an orientation seminar prior to submission of an application for licensure, authorizes the Board to reject applications for licensure or program approval if the names of the school or the programs are misleading, mandates the maintenance of a surety bond throughout the period of licensure, requires payment of program application fees if more than one program is submitted with a new license application, and provides clarification of wording and policy. | Patricia Landis (717) 783-8228 |
| <i>EMERGENCY MANAGEMENT AGENCY</i> | | | |
| No regulations being developed or considered at this time. | | | |

| <i>Regulation Being Considered</i> | <i>Proposed Date of Promulgation</i> | <i>Need and Legal Basis for Action</i> | <i>Agency Contact</i> |
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| ENVIRONMENTAL HEARING BOARD | | | |
| Pa. Code Title 25 Chapter 1021 Practice and Procedure | The Environmental Hearing anticipates submitting proposed rulemaking in 2004 | The Environmental Hearing Board Rules Committee has recommended the following revisions to the Board's rules of practice and procedure: 1) 1021.2 (Definitions)—Amend the definition of "Department" from "Department of Environmental Resources" to "Department of Environmental Protection" to reflect the agency's current title, and to add "and other agencies, boards and commissions" to reflect the fact that decisions of certain entities other than the Department of Environmental Protection are statutorily appealable to the Environmental Hearing Board. 2) 1021.31(a) (Filing)—Amend to allow parties to file documents in the Board's Pittsburgh office. 3) 1021.33(b) (Service by a party)—Amend to require service on other parties by overnight delivery where filing with the Board is by overnight mail or personal service. 4) 1021.82 (Prehearing memorandum)—Amend to require that copies of exhibits be attached to the prehearing memorandum as well as "such other information as may be required in the Board's orders." 5) 1021.53 (Amendments)—Allow for the amendment of complaints. 6) 1021.51(g)—(j) (Commencement, form and content)—Amend who receives notice of a notice of appeal and who is named as an automatic party. | Mary Anne Wesdock 412-565-5245 |
| ENVIRONMENTAL PROTECTION | | | |
| Lake Redesignations Package Clean Streams Law 25 Pa. Code, Chapter 93 | February 2004 as proposed. | This proposal identifies three lakes (Blue Marsh Reservoir, Berks County; Lake Luxembourg, Bucks County; Walker Lake, Snyder County) that should be redesignated to provide the correct aquatic life use designation in the water quality standards for these Commonwealth lakes. | Robert Frey 717-783-2952 |
| Concentrated Animal Feeding Operations (CAFO) Program Amendments The Clean Streams Law 25 Pa. Code, Chapters. 92.5a, 91 and 92 | April 2004 as proposed | The CAFO regulations are being revised in response to the recently enacted Federal CAFO Final Rule, which established mandatory requirements for all CAFOs to apply for an NPDES permit and to develop and implement a nutrient management plan. The new effluent guidelines establish performance expectations for existing and new sources to ensure appropriate storage of manure, as well as expectations for proper and effective manure and wastewater management, including compliance with the Effluent Limitation Guidelines. | Cedric Karper 717-783-7577 |
| Chapter 86—Coal Mining Amendments Surface Mine Conservation and Reclamation Act 25 Pa. Code, § 86.6 | June 2004 as final | This rulemaking adds new Section 86.6 to clarify existing statutory requirements and to ensure the regulations are no more stringent than federal requirements. This amendment provides an exemption to the regulatory requirements for coal extraction incidental to federal, state and local government-financed highway or other construction and reclamation projects. The exemption currently exists in Pennsylvania's Surface Mine Conservation and Reclamation Act. | Nevin Strock 717-787-6842 |
| Small NO _x Stationary Internal Combustion Engines and Cement Kilns Air Pollution Control Act 25 Pa. Code, Chapters 121, 129 and 145 | August 2004 as final | This rulemaking establishes a program to limit NO _x emissions from smaller boilers, turbines and stationary internal combustion engines in the southeast portion of Pennsylvania. | James Stoner 717-772-3921 |

| <i>Regulation Being Considered</i> | <i>Proposed Date of Promulgation</i> | <i>Need and Legal Basis for Action</i> | <i>Agency Contact</i> |
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| Triennial Review of Water Quality Standards Clean Streams Law 25 Pa. Code, Chapters 16 and 93 | August 2004 as final | This rulemaking includes amendments to Chapter 93 to correct errors, update stream listings, and amend the dissolved oxygen (DO) criteria in some lakes. EPA regulations require the triennial review of states' water quality standards regulations. | Carol Young 717-783-2952 |
| Laboratory Accreditation Regulations Environmental Laboratory Accreditation Act 25 Pa. Code, Chapter 252 | August 2004 as proposed | Authorized by Act 90 of 2002 (The Environmental Laboratory Accreditation Act), this proposal will establish standards for laboratories and set forth requirements laboratories must meet to be accredited. | Richard Sheibley 717-705-2425 |
| New Chapters 301—305—Operator Certification Regulations Water and Wastewater Systems Operators' Certification Act 25 Pa. Code | September 2004 as proposed | This proposal will implement the provisions of Act 11 of 2002, the Water and Wastewater Systems Operators' Certification Act which restructures the testing and training program for operators and enhances security provisions for all water and wastewater treatment systems in Pa. | Veronica Kasi 717-772-4053 |
| Chapter 85—Bluff Recession and Setback Amendments Bluff Recession and Setback Act 25 Pa. Code, Chapter 85 | October 2004 as proposed | A proposal is being developed to update Chapter 85 based on a recently completed bluff study that resulted from a petition submitted by the Millcreek Township Board of Supervisors, Erie County. | Andrew Zemba 717-772-5633 |
| Chapter 109—Safe Drinking Water Act 25 Pa. Code, Chapter 109 | October 2004 as proposed | This general update will revise several sections in Chapter 109 to retain or obtain primacy, including monitoring/reporting requirements for lead, copper, inorganic chemicals, volatile synthetic organic chemicals, and synthetic organic chemicals. Other sections will be clarified, such as QA/QC requirements for on-line instrumentation; monitoring/reporting requirements for disinfectants and disinfection byproducts; requirements regarding the practice of engineering, land surveying and geology; reporting requirements for failure to monitor; and comprehensive monitoring plan requirements. | Lisa Daniels 717-772-2189 |
| Water Rights Replacements and Bonding Incentives Surface Mine Conservation and Reclamation Act 25 Pa. Code, Chapters 87 and 88 | December 2004 as proposed | The rulemaking will amend Chapters 87 and 88 relating to water rights and replacement to clarify regulatory language consistent with federal regulations. It will also delete the requirement that additional funds from the Remining Financial Assurance Fund be used to complete reclamation of forfeited mine sites if the actual cost of reclamation exceeds the amount reserved in the fund. | Mick McCommons 717-783-9888 |
| Chapters 86 and 89—Bond Adjustment and Bituminous Mine Subsidence Control and Standards 25 Pa. Code, Chapters 86 and 89 | December 2004 as final | This rulemaking amends Section 86.152(a) to require DEP to request additional bonds if changes to mining or reclamation activities cause the cost of reclamation to increase. It also amends Chapter 89 provisions dealing with subsidence control plans, subsidence control performance standards, relief from responsibility for subsidence damage, water supply replacement performance standards, and procedures for resolving both subsidence claims and water supply damage claims. | Harold Miller 717-787-3174 |

| <i>Regulation Being Considered</i> | <i>Proposed Date of Promulgation</i> | <i>Need and Legal Basis for Action</i> | <i>Agency Contact</i> |
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| Chapter 245—Storage Tank Amendments Storage Tank and Spill Prevention Act 25 Pa. Code, Chapter 245 | March 2005 as proposed | With the exception of Subchapter D (Corrective Action Process), this proposal represents comprehensive amendments to all other aspects of the Storage Tank and Spill Prevention Program provisions of Chapter 245, which was last updated in 1997. | Ray Powers 717-772-5809 |
| New Source Review Air Pollution Control Act 25 Pa. Code | Contingent on outcome of pending litigation and EPA action | The Department's existing new source review (NSR) regulations will be amended to clarify existing requirements and to develop an approvable "equivalency" demonstration as a revision to the State Implementation Plan. | Terry Black 717-787-2030 |
| Chapter 401—Mine Subsidence Fund Amendments Coal and Clay Mine Subsidence Insurance Act 25 Pa. Code, Chapter 401 | November as final | This proposal is under the purview of the Coal and Clay Mine Subsidence Insurance (MSI) Board and will amend 25 Pa. Code Chapter 401 (Mine Subsidence Fund) to clarify terms and provisions and to remove dynamic provisions of the insurance policy, such as coverage limits, premium surcharges and policy durations, that are also contained in the Insuring Agreement of the insurance policy. | Larry Ruane 717-783-9590 |
| Nutrient Management 25 Pa. Code, Chapter 83 | September as proposed | The State Conservation Commission proposes to revise the current nutrient management regulations. | Doug Goodlander 717-787-8821 |
| GENERAL SERVICES | | | |
| Responsibility 4 Pa. Code, Chapter 60 | Fall, 2004, as proposed | This chapter must be amended to conform with the legislative changes required by Act 57 and to provide for uniform Commonwealth agency debarment and suspension procedures. | Mary B. Seiverling (717) 772-2749 |
| Instructions to Bidders 4 Pa. Code, Chapter 61 | Summer, 2004, as final | This chapter has been superseded and should be repealed because such instructions should not be set out in regulatory form. There is a need for flexibility which can be of benefit to the Department as well as bidders. | Mary B. Seiverling (717) 772-2749 |
| General Conditions of the Construction Contract 4 Pa. Code, Chapter 63 | Summer, 2004, as final | This chapter has been superseded and should be repealed because contract conditions should not be set out in regulatory form. There is a need for flexibility that can be of benefit to the Department as well as bidders. | Mary B. Seiverling (717) 772-2749 |
| State Art Commission 4 Pa. Code, Chapter 65 | Summer, 2004, as final | The legislation creating the State Art Commission was sunsetted. | Mary B. Seiverling (717) 772-2749 |
| Emergency Construction Repairs 4 Pa. Code, Chapter 67 | Winter, 2004, as proposed | The regulation should be amended to more accurately reflect present practice and to delete contract provisions. Such provisions should not be in regulatory form and their deletion will serve the same purpose as noted for Chapter 61. | Mary B. Seiverling (717) 772-2749 |
| Contract Compliance 4 Pa. Code, Chapter 68 | Winter, 2004, as proposed | Executive Order 1996-8 transferred the contract compliance responsibilities to the Department of General Services. | Mary B. Seiverling (717) 772-2749 |
| Commonwealth Parking Facilities 4 Pa. Code, Chapter 71 | Fall, 2004, as proposed | Amendments are required because parking locations have been changed. | Mary B. Seiverling (717) 772-2749 |
| Commonwealth Automotive Fleet 4 Pa. Code, Chapter 73 | Fall, 2004, as proposed | The regulation will be amended to eliminate the requirement for a Pennsylvania license to drive a state vehicle and will permit out-of-state licenses. | Mary B. Seiverling (717) 772-2749 |

| <i>Regulation Being Considered</i> | <i>Proposed Date of Promulgation</i> | <i>Need and Legal Basis for Action</i> | <i>Agency Contact</i> |
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| Processing Subscriptions and Sales of <i>Pennsylvania Code</i> and Related Publications 4 Pa. Code, Chapter 81 | Fall, 2004, as final omitted | These regulations should be repealed since the Department of General Services' Bureau of Management Services no longer has responsibility for the processing of subscriptions and orders for the <i>Pennsylvania Code</i> . | Mary B. Seiverling (717) 772-2749 |
| Metrology Calibration Fees 4 Pa. Code, Chapter 90 | Summer, 2004, as proposed | New regulations required to allow Department of General Services to charge fees as authorized by Act No. 1996-155 § 4123 for metrology laboratory calibration, type evaluation and other testing services performed by the Pennsylvania Standards Laboratory. | Mary B. Seiverling (717) 772-2749 |
| Service of Process on General Services | Summer, 2004, as proposed | New regulation to require that legal process for suits against DGS be served on Chief Counsel's office. | Mary B. Seiverling (717) 772-2749 |
| HEALTH | | | |
| Health Facility Licensure—General & Special Hospitals & Health Planning 28 Pa. Code § 301.1 et seq. 28 Pa. Code § 401.1 et seq. | December 2004, as final-omitted. | Existing regulations in chapters on health planning (federal program and certificate of need) will be repealed as statutory authority for both chapters has terminated. Pursuant to the Health Care Facilities Act, 35 P. S. §§ 448.101—448.904b. | James T. Steele, Jr. 717-783-2500 |
| Health Facility Licensure—General Administrative Chapter & General and Special Hospitals 28 Pa. Code § 101.1 et seq. | April 2004, as proposed. | The amendments to existing regulations will update the licensure requirements for hospitals. Pursuant to the Health Care Facilities Act, 35 P. S. §§ 448.101—448.904b. | James T. Steele, Jr. 717-783-2500 |
| Communicable Diseases 28 Pa. Code § 27.1 et seq. | September 2004, as proposed. | The amendments to existing regulations will clarify the Department's authority to perform disease surveillance and investigation. Pursuant to the Disease Prevention and Control Law of 1955, 35 P. S. §§ 521.1—521.21. | Yvette M. Kostelac 717-783-2500 |
| Public Bathing Place Lifeguard Requirements 28 Pa. Code §§ 18.1 and 18.42 | September 2004, as final. | The amendments to existing regulations will provide lifeguard requirements for recreational swimming establishments, and add requirements for lifeguard certification and factors to be considered in determining adequate lifeguard coverage. Pursuant to Act 75 of 1998, amending 35 P. S. §§ 672—680 (the Public Bathing Law). | Stephanie Michel-Segnor 717-783-2500 |
| Bacterial Monitoring of Public Bathing Beaches 28 Code §§ 18.1, 18.28, 18.30 and 18.31 | June 2004, as final. | The amendments to existing regulations will extend the level of testing required for coastal beaches on the Great Lakes, pursuant to federal legislation, to all public bathing beaches in Pa. The amendments also add a requirement of public notice of beach closures pursuant to the Public Bathing Law, 35 P. S. §§ 672—680(d). | Stephanie Michel-Segnor 717-783-2500 |
| Head Injury Program | December 2004, as proposed. | The amendments to existing regulations will address client enrollment and provider issues. | Crystal Fox 717-783-2500 |
| Controlled Substances, Drugs, Devices and Cosmetics 28 Pa. Code § 25.72 | July 2004, as proposed. | The amendments to existing regulations will add five substances to the list of Schedule I Controlled Substances to allow for enforcement and prosecution under the Controlled Substances, Drugs, Devices and Cosmetics Act of the illegal manufacturer, distribution, sale and use of these substances. | Keith B. Fickel 717-783-2500 |
| HOUSING FINANCE AGENCY | | | |
| No regulations being developed or considered at this date. | | | |

| Regulation Being Considered | Proposed Date of Promulgation | Need and Legal Basis for Action | Agency Contact |
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| INFRASTRUCTURE INVESTMENT AUTHORITY | | | |
| <p>25 Pa. Code §§ 963.12(a)(6) and (7) 963.13(b) 2, 963.15(a), and 25 Pa. Code § 965.4((9).</p> | <p>Fall 2005</p> | <p>PENNVEST recommends the following revisions:</p> <p>(1). Delete Sections 963.12(a) (6) and the second sentence of Section 963.13(b)(2) thereby allowing PENNVEST to provide financial assistance (loan or grant) for costs associated with the development of an approvable official sewage plan under the Sewage Facilities Act, 35 P. S. § 750.1 et seq. While PENNVEST has always construed these costs to be encompassed with in the statutory definition of “eligible cost” (35 P. S. § 751.3), the agency chose as a matter of policy not to fund this planning process because the Pennsylvania Department of Environmental Protection already provided grant funds for 50% of these costs. PENNVEST is revising its policy because the agency is concerned that, in some instances, needed projects are unable to move forward in a timely manner due to a lack of funds to conduct this necessary planning. PENNVEST, therefore, is removing the impediment to funding imposed by the above regulatory provisions.</p> <p>(2). Delete 25 PA Code § 963.12(a)(7) thereby allowing PENNVEST to provide financial assistance (loan and grant) for costs associated with the extraction for profit of minerals or other resources from wastewater or sludge’s whether the project is sponsored by a public or private actor. While PENNVEST has historically allowed these costs for public facilities provided the profits were used to reduce system user costs it has not allowed financial assistance for such processes for private facilities. PENNVEST is revising its policy because it wants to support innovative solutions and aid economic development rather than stifle them. In order to further these objectives, PENNVEST is removing the impediment to funding imposed by the above regulatory provision.</p> <p>(3). Amend 25 Pa. Code § 963.15(a) by revising the first sentence to read in its entirety: “The term of the loans shall normally be twenty years beginning on the date construction is completed or three years from of the date of loan closing, whichever occurs first.” This amendment provides a level loan repayment and a defined term at loan closing (normally twenty years). Under the old policy the loan term was determined sometime in the future after construction closed out. Consequently, under the old policy a Borrower with a project that took two years to construct would have had only eighteen years to repay the loan. Under the new policy the repayment term would be twenty years plus two years of interest only payments to provide for construction.</p> <p>(4). Amend 25 Pa. Code § 965.4 (9) to place a period after the word “Board” and delete the remainder of the sentence. This amendment allows those costs associated with the acquisition of land under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 to be financed by PENNVEST. This change is necessary to reflect a shift in policy by the Environmental Protection Agency and the desire of PENNVEST to take advantage of the policy shift to finance such costs.</p> | <p>Jayne B. Blake (717)-783-6776</p> |

| <i>Regulation Being Considered</i> | <i>Proposed Date of Promulgation</i> | <i>Need and Legal Basis for Action</i> | <i>Agency Contact</i> |
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| INSURANCE | | | |
| Advertising of Insurance, 31 Pa. Code, Chapter 51, §§ 51.1—51.61 | Fall 2004, as proposed. | Amend pursuant to Executive Order 1996-1. | Peter J. Salvatore, Regulatory Coordinator 717-787-4429 |
| Private Passenger Automobile Policy Forms, 31 Pa. Code, Chapter 64, §§ 64.1—64.14 | Fall 2004, as proposed. | Repeal pursuant to Executive order 1996-1. | Peter J. Salvatore, Regulatory Coordinator 717-787-4429 |
| Replace Life Insurance Annuities, 31 Pa. Code, Chapter 81, §§ 81.1—9 | Winter 2004, as proposed. | Amend pursuant to Executive Order 1996-1. | Peter J. Salvatore, Regulatory Coordinator 717-787-4429 |
| Disclosure in Solicitation of Life Insurance, 31 Pa. Code, Chapter 83, §§ 83.1—57 | Winter 2004, as proposed. | Amend pursuant to Executive Order 1996-1. | Peter J. Salvatore, Regulatory Coordinator 717-787-4429 |
| Senior Protection in Annuity Transactions (NEW Chapter 83a) | Fall 2004, as proposed. | New regulation setting forth standards and procedures for recommendation to senior consumers involving annuity transactions. | Peter J. Salvatore, Regulatory Coordinator 717-787-4429 |
| Annuity Disclosure, (NEW Chapter 83b) | Winter 2004, as proposed. | A new regulation to eliminate misleading illustrations, make illustrations more understandable and to standardize the disclosure statement language to be use with the selling of annuities. | Peter J. Salvatore, Regulatory Coordinator 717-787-4429 |
| Requirements for Life Policies and Sales Practices, 31 Pa. Code, Chapter 87, §§ 87.1—87.42 | Winter 2004, as proposed. | Amend pursuant to Executive Order 1996-1. | Peter J. Salvatore, Regulatory Coordinator 717-787-4429 |
| Life Insurance Illustrations (New Chapter 87a) | Winter 2004, as proposed. | Act 154 of 1996 provides for life insurance illustration requirements for life insurance policies. The statute sunsets when a life insurance illustration regulation becomes effective. A life insurance illustration regulation will eliminate misleading illustrations, make illustrations more understandable, and standardize terms and illustration formats for the entire life insurance industry. Further, it is more appropriate that technical requirements, such as these, appear in a regulation rather than in statutory form. | Peter J. Salvatore, Regulatory Coordinator 717-787-4429 |
| Individual Accident & Sickness Minimum Standards, 31 Pa. Code, Chapter 88, §§ 88.1—88.195 | Winter 2004, as proposed. | Amend pursuant to Executive Order 1996-1. | Peter J. Salvatore, Regulatory Coordinator 717-787-4429 |
| Preparation of Forms, 31 Pa. Code, Chapter 89, §§ 89.12—16, 89.18—89.62 | Winter 2004, as proposed. | Amend pursuant to Executive Order 1996-1. | Peter J. Salvatore, Regulatory Coordinator 717-787-4429 |
| Prior Approval of Forms Required, 31 Pa. Code, Chapter 89, § 89.101 | Winter 2004, as proposed. | Amend pursuant to Executive Order 1996-1. | Peter J. Salvatore, Regulatory Coordinator 717-787-4429 |
| Preparation of Filing of Property and Casualty Forms for Approval, 31 Pa. Code, Chapter 133, §§ 133.1—133.12 | Fall 2004, as proposed. | Repeal pursuant to Executive Order 1996-1. | Peter J. Salvatore, Regulatory Coordinator 717-787-4429 |

| <i>Regulation Being Considered</i> | <i>Proposed Date of Promulgation</i> | <i>Need and Legal Basis for Action</i> | <i>Agency Contact</i> |
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| Description of Reserves—Prohibited Phrases, 31 Pa. Code, Chapter 139, §§ 139.1—139.3 | Winter 2004, as proposed | Amend pursuant to Executive Order 1996-1. | Peter J. Salvatore, Regulatory Coordinator 717-787-4429 |
| Unfair Insurance Practices; Unfair Claims Settlement Practices, 31 Pa. Code, Chapter 146, §§ 146.1—146.10 | Fall 2004, as proposed. | Amend pursuant to Executive Order 1996-1. | Peter J. Salvatore, Regulatory Coordinator 717-787-4429 |
| Standards for Safeguarding Customer Information, NEW 31 Pa. Code, Chapter 146c, 146c.1—146c.11 | Summer 2004, as final. | NEW. This implements the third part of the NAIC model privacy regulation with respect to safeguarding customer information. | Peter J. Salvatore, Regulatory Coordinator 717-787-4429 |
| Annual Audited Insurers' Financial Report Required, 31 Pa. Code, Chapter 147 | Summer 2004, as final. | Amend to prohibit a person or firm from being recognized as a qualified independent certified public accountant if the person or firm has entered into an agreement of indemnity or release from liability with respect to an audit of an insurer. | Peter J. Salvatore, Regulatory Coordinator 717-787-4429 |
| Continuing Care Providers, 31 Pa. Code, Chapter 151, § 151.7 | Summer 2004, as final. | Amend one section in conjunction with Chapter 147 in order for the regulations to be consistent. | Peter J. Salvatore, Regulatory Coordinator 717-787-4429 |
| Property and Casualty Actuarial Opinion (NEW) | Winter 2004, as proposed. | New regulation to require property and casualty insurers to annually submit an Actuarial Opinion Summary of the Actuarial Report on loss and loss adjustment expense reserves, including information on the opining actuary's best estimate and/or range of reasonable estimates. | Peter J. Salvatore, Regulatory Coordinator 717-787-4429 |
| Medical Catastrophe Loss Fund, 31 Pa. Code, Chapter 242 §§ 242.1—242.18 | Summer/Fall 2004, as proposed. | Amend the regulation to be consistent with the statute. | Peter J. Salvatore, Regulatory Coordinator 717-787-4429 |
| Health Maintenance Organizations, 31 Pa. Code, Chapters 301, §§ 301.1—301.126 | Winter 2004, as proposed. | Amend pursuant to Executive order 1996-1. | Peter J. Salvatore, Regulatory Coordinator 717-787-4429 |
| Premium Finance Companies (NEW chapter) | Winter 2004, as proposed. | New regulation addressing issues pertaining to Premium Finance Companies. | Peter J. Salvatore, Regulatory Coordinator 717-787-4429 |
| Viatical Regulations (NEW chapter) | Fall 2004, as proposed. | New regulation addressing issues pertaining to the Licensing of Viatical Brokers. | Peter J. Salvatore, Regulatory Coordinator 717-787-4429 |
| LABOR AND INDUSTRY | | | |
| Uniform Construction Code (UCC) regulations. Title 34, Chaps. 401—405. Bureau of Occupational and Industrial Safety | Submission of amendments in Spring 2004 | Act 45 of 1999, providing for a uniform statewide building code, requires department to promulgate regulations. Proposed rulemaking will make amendments reflecting legislative amendments since UCC enactment in April 2004 and to clarify utility coverage. | Jon Balson 717-787-3323 |
| Repeal of mine and excavation regulations, Title 34, Chap. 33, Bureau of Occupational and Industrial Safety. | Submit final-omitted regulation in Summer 2004. | Will revoke Labor and Industry's authority to regulate mines and excavations. The Department of Environmental Protection now has this authority. | Edward Leister 717-787-3323 |

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| Boiler requirements, Title 34. Bureau of Occupational and Industrial Safety. | Submit proposed rulemaking in Summer 2004. | The regulations will update requirements for boilers and unfired pressure vessels in accordance with the Boiler and Unfired Pressure Vessel Law. | Edward Leister 717-787-3323 |
| Liquefied Petroleum Gas, Title 34. Bureau of Occupational and Industrial Safety. | Submit proposed rulemaking in Fall 2004. | Will enact the Propane and Liquefied Petroleum Gas Act passed in June 2002. Will govern the design, installation and construction of containers and equipment for storage and handling of liquefied petroleum gas, specify the odorization of the gases and establish guidelines for the processing and technologies that are not covered by industry standards. | Edward Leister 717-787-3323 |
| Business Enterprise Program, Title 34. Bureau of Blindness and Visual Services | Submit proposed rulemaking in Fall 2004. | Concerns operation of snack bars and similar operations in Commonwealth facilities under the Federal Randolph-Sheppard Act and related Pennsylvania laws. | Mark Frankel 717-787-3667 |
| Prevailing Wage Appeals Board (PWAB), Title 34, Chap 213. | Submit proposed rulemaking in Fall 2004. | PWAB will amend its regulations to reduce paperwork requirements and improve/streamline procedures. | Richard C. Lengler 717-783-9288 |
| Flammable and Combustible Liquids, Title 37, Chap. 13. Bureau of Occupational and Industrial Safety. | Submit proposed rulemaking in Fall 2004. | Amendment to Flammable and Combustible Liquids regulation setting standards for unattended self-service gasoline dispensing. National Fire Protection Association standards will be incorporated. | Doug McAdam 717-787-4713 |
| Unemployment Compensation, Title 34, Bureau of Unemployment Compensation Benefits | Submit proposed rulemaking in Summer 2004. | Update requirements and procedures for filing benefit and claim applications. | Jeri Morris 717-787-6337 |
| Office of Unemployment Compensation Tax Services, Title 34, Chapters 61 and 63 | Submit proposed rulemaking in Fall 2004 | Update regulations on administration and employer responsibilities to reflect changes in law and procedures. | Sue Babski 717-772-0634 |
| Bureau of Workers' Compensation Title 34, Chapter 121 | Submit proposed rulemaking in Fall 2004. | Updating regulations concerning processing of claims forms/petitions to reflect changes in law and technology. | Jack Kupchinsky 717-783-5241 |
| Bureau of Workers' Compensation, Title 34, Chapter 127, Medical Cost Containment | Submit proposed rulemaking in Fall 2004. | Update processes governing medical care and costs under the Workers' Compensation Act. | Eileen Wunsch 717-772-1912 |
| Bureau of Workers' Compensation, Title 34, Chapter 123 | Submit proposed rulemaking Summer 2004. | Update procedures for qualifications of vocational experts to reflect passage of Act 53. | Jack Kupchinsky 717-783-5241 |
| MILITARY AND VETERANS AFFAIRS | | | |
| State Veterans Home 43 Pa. Code Section 7.1 et seq | October 2004, as proposed. | This regulation is necessary to update current regulations, make them more user-friendly. This regulation is a long-term project and would amend 43 Pa. Code Chapter 7. | Dennis T. Guise 717-861-8503 |
| PENNSYLVANIA MUNICIPAL RETIREMENT SYSTEM | | | |
| See Public School Employees' Retirement System. | | | |

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| PROBATION AND PAROLE | | | |
| The County Probation and Parole Officers Firearms Education and Training Law 61 P. S. § 332.5(13) requires the Commission to "make rules and regulations and to perform other duties as may be reasonably necessary or appropriate to implement the training program for county probation and parole officers." | The proposed regulation will be published in the <i>Pennsylvania Bulletin</i> in the fall of 2004. | The County Probation and Parole Officers' Education and Training Commission is in the process of promulgating these regulations and anticipates the completion of proposed regulations by Fall 2004 for publication in the <i>Pennsylvania Bulletin</i> . | Chester Cope 717-772-4185 |
| PUBLIC SCHOOL EMPLOYEES' RETIREMENT SYSTEM | | | |
| 22 Pa. Code Chapter 215 | Publication anticipated within 2—3 months | This proposal is being made to amend 22 Pa. Code, Chapter 215 and would delete the transitional provisions for electing to participate in an optional alternate retirement plan contained in § 215.36. The provision is no longer needed, and may conflict with current Retirement Code provisions. | Frank Ryder (717) 720-4733 |
| PUBLIC WELFARE | | | |
| Personal Care Homes 55 Pa. Code Chapters 2600, 2620 | December 2004, as final | This regulation strengthens health and safety requirements for personal care homes. | Ruth O'Brien (717) 783-2800 |
| Administration of County Children and Youth Programs 55 Pa. Code Chapter 3130 | February 2005, as proposed | This regulation incorporates the amendments to the Juvenile Act as a result of Act 126 of 1998 and the federal regulations (effective March 27, 2000) for Title IV-B and Title IV-E funding for child welfare services for children in their own homes and for children receiving placement services. Major changes include permanency hearings and the matters to be determined, requirements related to reasonable efforts including aggravated circumstances contrary to the welfare and best interests and redefining permanency goals for children. | Ruth O'Brien (717) 783-2800 |
| Subsidized Child Day Care Eligibility 55 Pa. Code Chapter 3040 | July 2004, as proposed | This regulation clarifies and revises the eligibility requirements for child day care subsidy. | Ruth O'Brien (717) 783-2800 |
| Administration and Operation of a Children and Youth Social Services Agency 55 Pa. Code Chapter 3680 | July 2005, as proposed | This regulation incorporates the changes identified in the Child and Family Services Review, including requirements for visitation with fathers and non-custodial parents and between siblings; concurrent planning; improving permanency outcomes for children; and preserving connections with family and community for children placed out of the home. | Ruth O'Brien (717) 783-2800 |

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| Workfare/Community Service 55 Pa. Code Chapters 166, 275 | March 2005, as proposed | This regulation clarifies who may be assigned and the priority and factors to be considered in making Workfare program assignments. The regulation also defines responsibilities of county assistance offices and project operators regarding participation expenses and program requirements and provides for grievance rights for Workfare recipients and regular employees. Provisions of Act 1995-20 will also be incorporated into this regulation. This regulation will be reviewed by representatives of community legal services agencies, the welfare rights organization and other client advocacy groups. | Ruth O'Brien (717) 783-2800 |
| Real Property Liens 55 Pa. Code Chapters 101, 121, 177, 183, 257, 297 | July 2005, as proposed | This regulation codifies the elimination of the requirement that applicants who own real property, including mobile homes, which are used as their primary residence, will no longer be required to sign a lien encumbering their residence as a condition of eligibility for cash assistance. The Department intends to rescind 55 Pa. Code Chapter 257 (relating to Reimbursement). Instead, the Department will propose a new chapter governing reimbursement policy for cash assistance recipients and applicants who own personal property. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization and other client advocacy groups. | Ruth O'Brien (717) 783-2800 |
| Criminal History 55 Pa. Code Chapters 125, 133, 141 | March 2005, as proposed | This regulation incorporates the Act 1995-20 provision that prohibits the granting of assistance to any person sentenced for a felony or misdemeanor who has not satisfied the penalty imposed by law by having completed the period of incarceration and by paying all fines, costs and restitution. Act 1996-35 expands the satisfied penalty requirement to include compliance with an approved payment plan. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization and other client advocacy groups. | Ruth O'Brien (717) 783-2800 |
| Medical Support Rights 55 Pa. Code Chapter 187 | March 2005, as proposed | This regulation will require Medical Assistance applicants recipients to assign their medical support rights to the Commonwealth and apply for Title IV-D support services as conditions of eligibility. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization and other client advocacy groups. | Ruth O'Brien (717) 783-2800 |
| Food Stamp Disqualification Penalties 55 Pa. Code Chapter 501 | February 2005, as proposed | This regulation incorporates a revision to the Food Stamp disqualification penalties as required under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA). The revision increases the Food Stamp intentional program violation disqualification penalties from six months to one year for the first violation and from one year to two years for the second violation. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization and other client advocacy groups. | Ruth O'Brien (717) 783-2800 |

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| Family Violence Option 55 Pa. Code Chapter 187 | March 2005, as proposed | This regulation codifies the provision in the TANF State Plan to screen and identify victims of domestic violence, refer those individuals to counseling and supportive services, establish service plans, provide universal notification and make appropriate referrals to social service agencies. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization and other client advocacy groups. | Ruth O'Brien (717) 783-2800 |
| Increases in Payment for Burial and/or Cremation 55 Pa. Code Chapter 285 | March 2005, as final-form | This regulation codifies an increase to the maximum payment for burial and/or cremation for eligible persons. A deceased person of any age who received or was eligible to receive a money payment—TANF, General Assistance, State Blind Pension, or Supplemental Security Income—may be eligible for a maximum burial and/or cremation payment of \$750, if there are no resources that reduce the payment. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization and other client advocacy groups. | Ruth O'Brien (717) 783-2800 |
| Medical Assistance for Workers with Disabilities 55 Pa. Code Chapter 140 | October 2004, as proposed | This regulation provides Medicaid benefits to Workers with Disabilities (MAWD) who would otherwise not be eligible, effective January 1, 2002. The Ticket to Work and Work Incentives Improvement Act of 1999 (P. L. 106-170) gave states the option of providing categorically needy Non-Money Payment Medicaid benefits to workers with disabilities who have higher incomes and resources than the current Medicaid standards. Pennsylvania exercised this option by passing Act 2001-77 of June 26, 2001 (P. L. 755), also known as the Tobacco Settlement Act, which establishes MAWD. MAWD is intended to provide individuals with disabilities the opportunity to enter and remain in the workforce while receiving Medicaid coverage. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization, disability advocacy organizations and other client advocacy groups. | Ruth O'Brien (717) 783-2800 |
| Breast and Cervical Cancer Prevention and Treatment Program 55 Pa. Code Chapter 140 | October 2004, as proposed | This regulation provides Medicaid benefits to individuals diagnosed with Breast and Cervical Cancer, effective January 1, 2002. The BCCPT Act of 2000 amended Title XIX of the Social Security Act by giving states the option of providing full Medicaid benefits to a new group of individuals. This regulation provides Medical Assistance for women who have breast and cervical cancer, including pre-cancerous conditions of the breast and cervix, in addition to full Medicaid benefits. Specifically, uninsured and underinsured women under the age of 65, screened and diagnosed with either breast or cervical cancer, including pre-cancerous conditions of the breast or cervix, by a provider or facility funded in full or part by the Centers for Disease Control and Prevention under its National Breast and Cervical Cancer Early Detection Program, will be eligible for Medicaid benefits. Pennsylvania has chosen the Department of Health Healthy Woman Project as the screening entity for this program. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization, professional medical organizations and other client advocacy groups. | Ruth O'Brien (717) 783-2800 |

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| Semi-annual Budgeting 55 Pa. Code Chapters 142, 168, 175, and 183 | March 2005, as proposed | This regulation will change the manner of reporting and adjusting earned income for employed clients. Reporting of earned income will be required for specific periods within six-month intervals. Benefits will be adjusted on a post-adjustment basis so that income reported for period A will affect benefits received in period B, etc. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization and other client advocacy groups. | Ruth O'Brien (717) 783-2800 |
| Medical Assistance Changes (MAC) 55 Pa. Code Chapters 133, 140, 141, 178 and 181 | February 2005, as proposed | This regulation incorporates eligibility requirements for Temporary Assistance for Needy Families (TANF)-related, Supplemental Security Income (SSI)-related and General Assistance (GA)-related Medicaid. Some of the major changes include revisions to: 1) the application and redetermination process; 2) the qualification requirements and eligibility rules for Healthy Beginnings; 3) the income eligibility methodologies for TANF-related categories of Medicaid; 4) the income and resource requirements for the Medicaid Program; 5) Extended Medical Coverage to include provisions as set forth in the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA); 6) the GA-related Nonmoney Payment (NMP) and Medically Needy Only (MNO) eligibility criteria as set forth in Act 35; 7) the qualifying criteria for TANF-related categories to include a new eligibility group as set forth in § 1931 of the Social Security Act. | Ruth O'Brien (717) 783-2800 |
| Time Out Benefits 55 Pa. Code Chapter 281 | July 2004, as final | The current regulation sunsets July 1, 2004. The Department plans to readopt the existing regulation to allow continuation of the Time Out program which benefits cash assistance recipients by allowing them to "stop the clock" for purposes of applying the 60-month limitation for the receipt of benefits under the Temporary Assistance to Needy Families (TANF) program. | Ruth O'Brien (717) 783-2800 |
| Early and Periodic Screening Diagnosis Treatment (EPSDT) 55 Pa. Code Chapters 1101, 1121, 1123, 1147, 1241 | December 2005, as final omitted | This regulation relating to services provided as a follow-up to an EPSDT visit or encounter that are not currently recognized under the approved Medical Assistance State Plan. This regulation will be reviewed by the Medical Assistance Advisory Committee. | Ruth O'Brien (717) 783-2800 |
| Medical Assistance Case Management Services 55 Pa. Code Chapter 1239 | March 2005, as proposed | This regulation codifies payment for medically necessary case management services as mandated by Omnibus Budget Reconciliation Act '89 to Medical Assistance recipients under the age of 21. This regulation will be reviewed by the Medical Assistance Advisory Committee. | Ruth O'Brien (717) 783-2800 |

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| OMNIBUS MA 55 Pa. Code Chapters 1101, 1121, 1149 | December 2005, as final omitted | This final regulation codifies Act 1994-49 provisions that affect the medical benefits of General Assistance recipients over the age of 21 when these services are solely state funded. These recipients are no longer eligible for (1) dental services unless their medical condition or handicap requires services to be provided in an ambulatory surgical center, short procedures unit or inpatient hospital; (2) medical supplies and equipment except as prescribed for family planning or with home health agency service and (3) prescription drugs except legend birth control drugs. This regulation also implements Act 1996-35 provisions imposing a \$150 deductible on inpatient and outpatient hospital services and ambulatory surgical center services, except laboratory and x-ray services for General Assistance and General Assistance-related Medical Assistance recipients. In addition, this regulation removes family planning clinics from the list of providers limited under the General Assistance Basic Health Care Package to 18 practitioner's office and clinic visits per year. This regulation will be reviewed by the Medical Assistance Advisory Committee. | Ruth O'Brien (717) 783-2800 |
| OMNIBUS Pharmacy 55 Pa. Code Chapters 1121, 1126, 1129, 1141, 1163, 1221, 1225, 1243 | October 2004, as final omitted | This final regulation codifies Act 1994-49 provisions that discontinue payment for all drugs, devices, products, services and procedures that are used or related to treating infertility, including surrogacy services, effective September 1, 1994. This regulation also provides that the medical assistance program provides drug coverage to medically needy only recipients receiving nursing facility services. This includes medically needy only recipients who reside in nursing facilities and intermediate care facilities/mental retardation (ICF/MR). This regulation was reviewed by the Medical Assistance Advisory Committee in 2001. | Ruth O'Brien (717) 783-2800 |
| Residential Treatment Facilities (RTF) for Mental Health Services 55 Pa. Code Chapters 1157, 1165 | July 2005, as proposed | This regulation codifies coverage for mental health services to children under 21 years of age that are provided in a residential treatment facility. This regulation was reviewed by the Medical Assistance Advisory Committee on 3/28/02. The Department received comments from 6 agencies. Revised regulations are under review by the Department. | Ruth O'Brien (717) 783-2800 |
| Physician Assistant/Midwife 55 Pa. Code Chapter 1141 | December 2004, as final omitted | This final regulation codifies revised supervision requirements for physician assistants and midwives. This regulation will be reviewed by the Medical Assistance Advisory Committee. | Ruth O'Brien (717) 783-2800 |
| Discontinuance of the Mandatory Second Opinion Program 55 Pa. Code Chapter 1150 | September 2004, as final omitted | This final regulation removes the mandatory second opinion program requirement for certain surgical procedures. This regulation will be reviewed by the Medical Assistance Advisory Committee. | Ruth O'Brien (717) 783-2800 |
| Capital Component Payment for Replacement Beds 55 Pa. Code Chapter 1187 | July 2005, as proposed | This regulation takes the policy as set forth in the Statement of Policy published at 27 Pa.B. 6238 (November 29, 1997) and promulgates it into the regulations. This regulation will specify the conditions under which the Department will recognize nursing facility beds as replacement beds for purposes of making capital component payments for those beds. This regulation will be reviewed by the Medical Assistance Advisory Committee. | Ruth O'Brien (717) 783-2800 |

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| New Definition of "Emergency Medical Condition" 55 Pa. Code Chapters 1101, 1141, 1150, 1221 | March 2005, as proposed | This regulation codifies the revised definition of "emergency medical condition" contained in the Balanced Budget Act of 1997, effective July 1, 1998. This regulation will be reviewed by the Medical Assistance Advisory Committee. | Ruth O'Brien (717) 783-2800 |
| Definition of Medically Necessary 55 Pa. Code Chapter 1101 | March 2005, as proposed | This proposed regulation replaces the current definition of "medically necessary" with the definition found in the HealthChoices Request for Proposal. This regulation was reviewed on 9/21/01 by the Medical Assistance Advisory Committee. | Ruth O'Brien (717) 783-2800 |
| Tobacco Cessation and Nutritional Supplements 55 Pa. Code Chapter 1121 | October 2004, as final omitted | This final regulation will provide coverage under the Medical Assistance Program for tobacco cessation products and counseling services and will extend coverage for nutritional supplements to eligible Medical Assistance recipients 21 years of age and older. This regulation will be reviewed by the Medical Assistance Advisory Committee. | Ruth O'Brien (717) 783-2800 |
| Dental Services 55 Pa. Code Chapter 1149 | March 2005, as final omitted | This final regulation will provide coverage for crown core build-up and will revise the Medical Assistance Orthodontia Program. This regulation will be reviewed by the Medical Assistance Advisory Committee. | Ruth O'Brien (717) 783-2800 |
| Preadmission Requirements for Nursing Facility Services (Mandatory 12 month spend-down) 55 Pa. Code Chapter 1187 | February 2005, as proposed | This regulation will require nursing facilities to have all individuals applying for nursing facility services, evaluated by the Department or an independent assessor if it is likely that the applicant will use Medical Assistance as a payer source within 12 months of admission. The purpose of this regulation is to allow an individual to remain in the community by delaying or eliminating the need for admission to a nursing facility. This regulation will be reviewed by the Medical Assistance Advisory Committee. | Ruth O'Brien (717) 783-2800 |
| Penile Prosthesis 55 Pa. Code Chapters 1141, 1163, | September 2004, as proposed | This regulation revises the current § 1141.59(8) non-compensable services and § 1163.59(a)(4) noncompensable services, items and outliers days. | Ruth O'Brien (717) 783-2800 |
| Extension of County Transition Payments and Double Disproportionate Share 55 Pa. Code Chapter 1187 | December 2004, as final omitted | This regulation will extend the county nursing facility transition rates for the period July 1, 2003, through June 30, 2008, and will increase the disproportionate share incentive payments to qualified nursing facilities for the period July 1, 2003 through June 30, 2007. The disproportionate share incentive payment shall be increased to equal two times the disproportionate share per diem incentive calculated in accordance with 55 Pa. Code Chapter 1187 § 1187.111(c). This regulation will be reviewed by the Medical Assistance Advisory Committee. These changes are made in accordance with the Intergovernmental Transfer Agreements. | Ruth O'Brien (717) 783-2800 |
| MA Day of Care 55 Pa. Code Chapter 1187 | July 2004, as proposed | The regulation will revise the definition of an MA day of care to include days of care for which an MCO under contract with the Department or LTCCAP provider pays 100 percent of the negotiated rate or fee for the MA resident's care in a nursing facility and days of care for which the resident and an MCO under contract with the Department or LTCCAP provider pays 100 percent of the negotiated rate or fee for the MA resident's care in the nursing facility. In addition, the regulation will further expand the definition of an MA day of care to include days of care for which the Department makes payment for MA residents receiving hospice services in a nursing facility. | Ruth O'Brien (717) 783-2800 |

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| Metropolitan Statistical Area (MSA) 55 Pa. Code Chapter 1187 | July 2004, as proposed | The proposed regulation changes the manner in which the Department establishes the peer groups used to set net operating prices under the case-mix payment system. The Department is proposing to change the payment system to specify that it will use the historical MSA group classification issued by the Federal Office of Management and Budget (OMB) in OMB Bulletin No. 99-04 to classify nursing facilities into peer groups. The Federal OMB revised its definitions of MSA and recommended that the definitions not be used for the development or implementation of any Federal, state or local nonstatistical policies without full consideration of the effects that the changes will have on the programs. If the Department adopts the MSA changes, it has been determined that nursing facilities (except hospital-based and special rehabilitation nursing facilities) participating in the MA Program would experience, in the aggregate, a negative impact in their reimbursement rate under the case-mix payment system. | Ruth O'Brien (717) 783-2800 |
| Home Health Regulation 55 Pa. Code Chapter 1249 | February 2005, as proposed | The proposed regulation: 1. removes the State requirement that clients be homebound to receive home health agency services. Requiring a client to be homebound is in violation of "Olmstead Update No. 3" codified at 42 CFR 440.230(c) and 440.240(b); 2. moves service limitations from the regulations to the fee schedule which will permit program exceptions to the limitations when appropriate. | Ruth O'Brien (717) 783-2800 |
| Medical Assistance Provider Appeal Procedures 55 Pa. Code Chapter 31 | July 2004, as proposed | This regulation implements 67 Pa.C.S. § 1106 which provides that the Department's Bureau of Hearings and Appeals, in consultation with an advisory committee, will promulgate regulations establishing rules of procedure governing Medical Assistance Provider appeals. | Ruth O'Brien (717) 783-2800 |
| Third Party Liability Programs 55 Pa. Code Chapter 259 | December 2005, as proposed | Section 1902(a)(25) of the Social Security Act (42 U.S.C. § 1396a(a)(25)) requires the Department to develop and implement a TPL program to insure that Medicaid is the payor of last resort. Section 1906 of the Social Security Act (42 U.S.C. § 1396(e)) authorizes the Department to have a special program to enroll certain MA recipients into group health insurance. Both the general TPL program and the special group health insurance program have been in operation in Pennsylvania for a number of years. During this period of operation, questions have arisen as to interpretation and procedures under the Federal and state's statutes. This proposed regulation is needed to supply guidance with respect to issues not directly addressed by the Federal and state statutes, to resolve ambiguities and to fill gaps in the state statutory language. | Ruth O'Brien (717) 783-2800 |
| REVENUE | | | |
| Construction Contractors 61 Pa. Code, Article II | September 2004, as proposed. | The regulation will provide an update to the rules regarding contracts with exempt and nonexempt entities. | Douglas Berguson 717-346-4633 |
| File-by-phone (TeleFile) System and Federal and State Electronic Tax Filing Program 61 Pa. Code §§ 117.19—117.21 | September 2004, as proposed. | The file-by-phone (TeleFile) program involves the filing of a Pennsylvania personal income tax return by phone. The Federal and State electronic tax filing program involves the filing of a Pennsylvania personal income tax return as part of the Federal and State Electronic Filing Program. | Douglas Berguson 717-346-4633 |

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| Lucky For Life Lotto 61 Pa. Code §§ 873.1—873.19 | September 2004, as final. | The regulation establishes and details the procedures that will be followed in operating and administering the Lucky for Life Lotto. | Douglas Berguson 717-346-4633 |
| Prebuilt Housing | July 2004, as proposed. | The regulation codifies legislative changes relating to prebuilt housing that were set forth in Act 23-2000 (72 P. S. §§ 7201(g)(8), (vv)—(zz), 7202(f) and 7204(60)). | Douglas Berguson 717-346-4633 |
| Realty Transfer Tax Amendments 61 Pa. Code, Chapter 91 | September 2004, as proposed. | The amendments to Chapter 91. Realty Transfer Tax, are made to address numerous legislative changes and to bring the regulatory provisions into conformity with Departmental policy. | Douglas Berguson 717-346-4633 |
| Small Games of Chance Amendments 61 Pa. Code, Part VII | July 2004, as proposed. | The regulation contains comprehensive amendments to Part VII to incorporate legislative changes made to the Local Option Small Games of Chance Act (10 P. S. §§ 311—328) in 1990 and 2000 and to codify policy and administrative changes regarding games of chance. | Douglas Berguson 717-346-4633 |
| Support Offset and Other Personal Income Tax Provisions | September 2004, as proposed | This regulatory change will amend certain regulatory provisions to provide for the intercept of income tax refunds from individuals who are delinquent in support payments and redirect the funds accordingly. Other amendments are proposed to update and/or clarify personal income tax provisions. | Douglas Berguson 717-346-4633 |
| SECURITIES COMMISSION | | | |
| Rule 144A exchange transactions 64 Pa. Code § 203.203 | Proposed Rulemaking July 2004 | The Commission plans to propose a regulation to exempt from registration certain transactions in Rule 144A securities with certain accredited investors. | G. Philip Rutledge (717) 783-5130 |
| Investment adviser registration procedures 64 Pa. Code § 303.012 | Proposed Rulemaking July 2004 | The Commission plans to amend this regulation to update its provisions and make it consistent with SEC rules. | G. Philip Rutledge (717) 783-5130 |
| Investment adviser capital requirements 64 Pa. Code § 303.042 | Proposed Rulemaking July 2004 | The Commission plans to amend this regulation to update its provisions and make it consistent with SEC rules. | G. Philip Rutledge (717) 783-5130 |
| Investment adviser required records 64 Pa. Code § 304.012 | Proposed Rulemaking July 2004 | The Commission plans to amend this regulation to update its provisions and make it consistent with SEC rules. | G. Philip Rutledge (717) 783-5130 |
| Investment adviser required financial reports 64 Pa. Code § 304.022 | Proposed Rulemaking July 2004 | The Commission plans to amend this regulation to update its provisions and make it consistent with SEC rules. | G. Philip Rutledge (717) 783-5130 |
| Investment adviser custody or possession of funds or securities of clients 64 Pa. Code § 404.013 | Proposed Rulemaking July 2004 | The Commission plans to amend this regulation to update its provisions and make it consistent with SEC rules | G. Philip Rutledge (717) 783-5130 |
| STATE | | | |
| State Board of Accountancy—General Revisions— 49 Pa. Code, Chapter 11. (16A-559) | Fall 2004, as Proposed. | The regulation would clarify certain issues related to the enforcement of the C.P.A. Law; make requirements consistent with the language of the C.P.A. Law; repeal outdated and unnecessary requirements; and make editorial changes. Statutory Authority: Section 3 of the C.P.A. Law, 63 P. S. § 9.3. | Dorna Thorpe (717) 783-1404 |

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| State Architects Licensure Board —Definition of Sole Proprietorship and Clarification of Renewal Fee for Firms— 49 Pa. Code §§ 9.2 and 9.3 (16A-418) —Schedule of Civil Penalties— 49 Pa. Code § 43b.21. (16-32) | Fall 2004, as Final. Fall 2004, as Proposed | This regulation is needed to clarify which types of firm practice are subject to the annual fee for registered architecture firms. Statutory Authority: Section 6(a) of the Architects Licensure Law, 63 P. S. § 34.6(a). This regulation would amend the schedule of Act 48 civil penalties for violations of the Architects Licensure Law and the Board's regulations. Statutory Authority: Section 5(a) of Act 48 of 1993, 63 P. S. § 2205(a). | Dorna Thorpe (717) 783-3397 |
| State Athletic Commission —Communicable Disease Testing— 58 Pa. Code §§ 1.1 and 28.1 (16-34) | Summer 2004, as Proposed | This regulation would expand the Commission's current regulations that authorize the testing of boxers for HIV to permit testing for other communicable diseases, including Hepatitis C. Statutory Authority: Sections 103(b) and 501 of the State Athletic Code, 5 Pa.C.S. §§ 103(b) and 501. | Greg Sirb (717) 787-5720 |
| State Board of Auctioneer Examiners —Deletion of Reference to Examination Fees— 49 Pa. Code § 1.41. (16A-647) | Fall 2004, as Final. | The regulation would delete references to examination fees. Statutory Authority: Section 6(a) of the Auctioneer and Auction Licensing Act, 63 P. S. § 734.6(a). | Tammy Radel (717) 783-3397 |
| State Board of Barber Examiners —Schedule of Civil Penalties— 49 Pa. Code § 43b.4 (16-32) | Fall 2004, as Proposed | This regulation would amend the schedule of Act 48 civil penalties for violations of the Barbers' Licensing Law and the Board's regulations. Statutory Authority: Section 5(a) of Act 48 of 1993, 63 P. S. § 2205(a). | Sara Sulpizio (717) 783-3402 |
| State Board of Certified Real Estate Appraisers —General Revisions— 49 Pa. Code, Chapter 36. (16A-7014) —Act 48 of 1993 Civil Penalties— 49 Pa. Code, Chapter 43b. (16-29) | Fall 2004, as Proposed. Summer 2004, as Statement of Policy. | The regulation represents a comprehensive revision of requirements relating to education and experience for initial certification; continuing education for renewal of certification; standards of practice; and supervision of appraisal assistants. Statutory Authority: Section 5(2) of the Real Estate Appraisers Certification Act, 63 P. S. § 457.5(2); and Section 3 of the Assessors Certification Act, 63 P. S. § 458.3. The policy statement would establish a schedule of Act 48 of 1993 civil penalties for violations of the Real Estate Appraisers Certification Act and the Board's regulations. Statutory Authority: Section 5(a) of Act 48 of 1993, 63 P. S. § 2205(a). | Michelle Smey (717) 783-4866 |
| State Board of Chiropractic —Chiropractic specialties— 49 Pa. Code Chapter 5 (16A-4312) | Fall 2004, as Proposed. | The Chiropractic Practice Act prohibits licensees from holding themselves out as specialists unless they possess a post-graduate certification in that specialty. The regulation would identify the certifications acceptable to the Board. Statutory Authority: Section 302(3) of the Chiropractic Practice Act, 63 P. S. § 625.302(3). | Deborah Smith (717) 783-7155 |

| <i>Regulation Being Considered</i> | <i>Proposed Date of Promulgation</i> | <i>Need and Legal Basis for Action</i> | <i>Agency Contact</i> |
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| —Patient records— 49 Pa. Code § 5.51 (16A-4313) | Fall 2004, as Proposed. | The regulation would clarify the requirements for patient records. Statutory Authority: Section 302(3) of the Chiropractic Practice Act, 63 P. S. § 625.302(3). | |
| —Volunteer license— 49 Pa. Code § 5.20 (number not yet assigned) | Fall 2004, as Proposed. | This regulation is required by the amendments to the Volunteer Health Services Act under Act 58 of 2002. Statutory Authority: Section 302 of the Chiropractic Practice Act, 63 P. S. § 625.302. | |
| Commissioner, BPOA | | | Cynthia K. Montgomery (717) 783-7200 |
| —Schedule of Civil Penalties— 49 Pa. Code §§ 43b.4; 43b.8; 43b.9; 43b.10a and 43b.11a (16-32) | Fall 2004, as Proposed. | The regulation would amend the schedules of civil penalties for the State Board of Barber Examiners; State Real Estate Commission; State Board of Vehicle Manufacturers, Dealers and Salespersons; State Board of Accountancy; and State Architects Licensure Board that were previously codified as regulations under Act 48 of 1993. Statutory Authority: Section 5(a) of Act 48 of 1993, 63 P. S. § 2205(a). | |
| —Schedule of Civil Penalties— 49 Pa. Code §§ 43b.15; 43b.16; 43b.17; 43b.18; 43b.19 and 43b.20 (16-29) | Summer 2004, as Statement of Policy | This Statement of Policy would establish Act 48 Civil Penalty Schedules for six additional boards (State Board of Certified Real Estate Appraisers; State Board of Examiners in Speech-Language and Hearing; State Board of Examiners of Nursing Home Administrators; State Board of Nursing; State Board of Occupational Therapy Education and Licensure; and State Board of Medicine). Statutory Authority: Section 5(a) of Act 48 of 1993, 63 P. S. § 2205(a). | |
| Bureau of Commissions, Elections & Legislation —Fees for Notary Services— (16-33) | Summer 2004, as Proposed. | This regulation would increase the fees that notaries are permitted to charge for their services. An increase has not occurred since February 1984. Statutory Authority: Sections 21 and 22.3 of the Notary Public Law, 57 P. S. §§ 167 and 168.3. | Nancy Chavez (717) 787-5280 |
| Corporations Bureau —UCC Revised Article 9— (16-35) | Fall 2004, as Proposed. | This regulation would adopt (with some revisions) the Model rules promulgated by the International Association of Corporate Administrators, which call for the delivery of filings by electronic means and acceptance of credit card payments. Statutory Authority: Section 9526 of the Uniform Commercial Code Modernization Act of 2001, 13 Pa.C.S. § 9526. | Christal Pike-Nase (717) 787-6802 |
| State Board of Cosmetology —Sanitation/ Disinfection— 49 Pa. Code §§ 7.90—7.101 (16A-454) | Fall 2004, as Final. | The proposed regulation would update the Board's sanitation and disinfection requirements for manicuring, cosmetician and cosmetology shops and schools. Statutory Authority: Sections 11 and 14 of the Beauty Culture Law, 63 P. S. §§ 517 and 520. | Sara Sulpizio (717) 783-7130 |
| State Board of Dentistry —Administration of General Anesthesia, Conscious Sedation and Nitrous Oxide/Oxygen Analgesia— 49 Pa. Code §§ 33.331—33.344. (16A-4614) | Fall 2004, as Final. | This regulation would amend requirements for administration of anesthesia/analgesic in response to a Commonwealth Court case and the enactment of Act 135 of 2002. Statutory Authority: Section 3(o) of the Dental Law, 63 P. S. § 122(o) and Section 2 of Act 135 of 2002. | Lisa Burns (717) 783-7162 |

| <i>Regulation Being Considered</i> | <i>Proposed Date of Promulgation</i> | <i>Need and Legal Basis for Action</i> | <i>Agency Contact</i> |
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| <p>—Sexual Misconduct— 49 Pa. Code, Chapter 33. (16A-4613)</p> <p>—Expanded Function Dental Assistants— 49 Pa. Code § 33.103. (16A-4612)</p> <p>—Volunteer license— 49 Pa. Code § 33.110 (number not yet assigned)</p> | <p>Fall 2004, as Final.</p> <p>Fall 2004, as Final.</p> <p>Fall 2004, as Proposed</p> | <p>Through the monitoring of its disciplinary process, including consumer complaints and disciplinary actions, the Board believes that enforcement standards are needed to notify licensees of acts of a sexual nature which the Board deems unprofessional when occurring or resulting from a professional relationship. Statutory Authority: Section 3(o) of the Dental Law, 63 P. S. § 122(o).</p> <p>This regulation would eliminate the clinical examination component with respect to expanded function dental assistants. Statutory Authority: Section 3(o) of the Dental Law, 63 P. S. § 122(o).</p> <p>This regulation is required to amend the current regulations to conform to amendments to the Volunteer Health Services Act made by Act 58 of 2002. Statutory Authority: Section 3(o) of the Dental Law, 63 P. S. § 122(o).</p> | |
| <p>State Registration Board for Engineers, Land Surveyors and Geologists —Fees— 49 Pa. Code § 37.17 (number not yet assigned)</p> | Fall 2004, as Proposed. | The regulation would increase biennial renewal fees for all license classes, delete examination fees as unnecessary, and make editorial and organizational changes to the other fees. Statutory Authority: Section 4 of the Engineer, Land Surveyor and Geologist Registration Law, 63 P. S. § 151(d) and (e). | Shirley Klinger (717) 772-8528 |
| <p>State Board of Funeral Directors —Unprofessional Conduct— 49 Pa. Code § 13.201, 202. (16A-4814)</p> <p>—General Revisions— 49 Pa. Code, Chap. 13 (16A-4815)</p> <p>—Continuing Education— 49 Pa. Code, Chapter 13 (16A-489)</p> <p>—Limited License— 49 Pa. Code §§ 13.1, 13.12, and 13.77 (16A-4810)</p> <p>—Forms Review— 49 Pa. Code §§ 13.204 and 13.244 (16A-4813)</p> | <p>Fall 2004, as Proposed.</p> <p>Fall 2004, as Proposed.</p> <p>Fall 2004, as Final.</p> <p>Fall 2004, as Final.</p> <p>Fall 2004, as Proposed</p> | <p>The amendment would add to the Board's standards of practice and conduct. Statutory Authority: Section 16(a) of the Funeral Director Law, 63 P. S. § 479.16(a).</p> <p>These amendments would update the Board's regulations related to advertising, application procedures, facility requirements, qualifications for licensure and responsibilities of supervisors. Statutory authority: Section 16(a) of the Funeral Director Law, 63 P. S. § 479.16(a).</p> <p>This regulation is being promulgated to comply with the requirement of Act 48 of 2000 that the Board adopt regulations to implement continuing education, as now required by Section 10(b) of the Funeral Director Law. Statutory Authority: 63 P. S. § 479.10(b).</p> <p>This regulation is being promulgated to implement the provisions of Act 48 of 2000 that authorized the Board to enter into agreements with other states to issue limited licenses to funeral directors from other states. Statutory Authority: Section 9(c) of the Funeral Director Law, 63 P. S. § 479.9(c).</p> <p>This proposed regulation would clarify the criteria by which the Board will review form statements of funeral goods and services and preneed contracts and add grounds for the Board to disapprove forms. Statutory Authority: Section 16(a) of the Funeral Director Law, 63 P. S. § 479.16(a).</p> | Michelle Smey (717) 783-3397 |
| <p>State Board of Landscape Architects —Deletion of Reference to Examination Fees— 49 Pa. Code § 15.12. (16A-617)</p> | Summer 2004, as Final. | The regulation would delete references to examination fees. Statutory Authority: Section 4(2) of the Landscape Architects' Registration Law, 63 P. S. § 904(2). | Shirley Klinger (717) 772-8528 |

| <i>Regulation Being Considered</i> | <i>Proposed Date of Promulgation</i> | <i>Need and Legal Basis for Action</i> | <i>Agency Contact</i> |
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| —General Revisions— 49 Pa. Code, Chapter 15. (16A-618) | Fall 2004, as Proposed. | The regulation would entail general revisions of the Board's current regulations. Statutory Authority: Section 4(9) of the Landscape Architects' Registration Law, 63 P. S. § 904(9). | |
| State Board of Medicine —Continuing Medical Education— 49 Pa. Code, Chap. 16 (16A-4914) | Fall 2004, as Final. | This regulation would implement the act of March 20, 2002 (P. L. _____, No. 13) (Act 13). Act 13 requires the Board to promulgate regulations establishing CME requirements for physicians, including training in patient safety and risk management. Statutory Authority: Section 910 of Act 13. | Joanne Troutman (717) 783-1400 |
| —Athletic Trainers— 49 Pa. Code, Chap. 16 (16A-4915) | Fall 2004, as Proposed | This regulation would implement Act 92 of 2001, which gave the Medical and Osteopathic Boards jurisdiction over athletic trainers (athletic trainers had formerly been overseen by the State Board of Physical Therapy). Statutory Authority: Section 3 of Act 92 of 2001. | |
| —Licensure of Medical Doctors— 49 Pa. Code §§ 17.1(b), 17.2(c) and 17.5(c)(2) (16A-4917) | Fall 2004, as Proposed. | This regulation would delete the requirements that graduates of foreign medical schools demonstrate 32 months and 4000 hours of instruction and 72 weeks of clinical instruction. It would also amend the regulation pertaining to licensure by endorsement to prove the Board greater discretion in assessing the qualifications of physicians who have extensive practice experience. Statutory Authority: Section 8 of the Medical Practice Act of 1985, 63 P. S. § 422.8. | |
| —Disciplinary Procedures— 49 Pa. Code, Chapter 16, Subchapter E. (16A-4918) | Fall 2004, as Final. | This regulation would amend the Board's disciplinary procedures regulations to codify existing practices and to assure that in light of the passage of the MCARE Act, the procedures suggested by the Health Care Services Malpractice Act survive. Statutory Authority: Sections 8 and 9 of the Medical Practice Act of 1985, 63 P. S. §§ 422.8 and 422.9. | |
| —Acupuncture Registration— 49 Pa. Code, Chapter 18, §§ 18.11—18.19 (16A-4919) | Fall 2004, as Proposed. | This proposed regulation will amend the Board's existing regulations so that they comport with the Act 49 amendments to the Acupuncture Registration Act. Statutory Authority: Section 3 of the Acupuncture Registration Act, 63 P. S. § 1803. | |
| —Physician's Assistants— 49 Pa. Code, Chapter 18, Subchapter D (number not yet assigned) | Fall 2004, as Proposed. | This regulation amends the Board's regulations pertaining to physician assistants. Statutory Authority: Section 13 of the Medical Practice Act of 1985, 63 P. S. § 422.1. | |
| —Act 48 of 1993 Civil Penalties— 49 Pa. Code, Chapter 43b. (16-29) | Summer 2004, as Statement of Policy. | This statement of policy would establish a schedule of Act 48 civil penalties for failure to report under the MCARE Act. Statutory Authority: Section 5(a) of Act 48 of 1993, 63 P. S. § 2205(a); Section 8 of the Medical Practice Act of 1985, 63 P. S. § 422.8; and Section 903(1) of the MCARE Act, 40 P. S. § 1303.903(1). | |
| —Volunteer License— 49 Pa. Code § 16.18 (number not yet assigned) | Fall 2004, as Proposed. | This regulation is required to amend the current regulations regarding volunteer licenses to conform to recent amendments to the Volunteer Health Services Act made by Act 58 of 2002. Statutory Authority: Section 8 of the Medical Practice Act of 1985, 63 P. S. § 422.8. | |
| State Board of Nursing | | | |

| <i>Regulation Being Considered</i> | <i>Proposed Date of Promulgation</i> | <i>Need and Legal Basis for Action</i> | <i>Agency Contact</i> |
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| —CRNP Program Approval— 49 Pa. Code §§ 21.260—278, 286—289. (16A-5119) | Fall 2004, as Proposed. | This regulation would establish requirements for CRNP education programs approved by the Board. Statutory Authority: Section 2.1(k) of the Professional Nursing Law, 63 P. S. § 212.1(k). | |
| —Update of CRNP Prescriptive Authority Fees— 49 Pa. Code § 21.253. (16A-5116) | Fall 2004, as Final. | This regulation would revise the Board's schedule of fees to reflect the actual cost of the services provided. Statutory Authority: Section 11.2 of the Professional Nursing Law, 63 P. S. § 221.2. | |
| —CRNP Continuing Education— 49 Pa. Code § 21.253. (16A-5117) | Fall 2004, as Final | This regulation pertains to continuing education requirements associated with Certified Registered Nurse Practitioners. Statutory Authority: Sections 2.1(k) and 8.1 of the Professional Nursing Law, 63 P. S. §§ 212.1(k) and 218.1. | |
| —Programs in Transition— 49 Pa. Code § 21.51 (16A-5118) | Fall 2004, as Final. | This regulation sets requirements for hospital-based registered nurse diploma education programs to transition to degree-granting status under the authority of a college or university which is pursuing, but has not yet attained, regional accreditation. Statutory Authority: Section 2.1(k) and Section 6 of the Professional Nursing Law, 63 P. S. §§ 212.1(k) and 216. | |
| —Licensed Dietitian-Nutritionist Regulations— 49 Pa. Code §§ 21.701—21.717 (16A-5120) | Fall 2004, as Proposed. | Act 99 of 2002 amended the Professional Nursing Law to include the licensure of dietitian-nutritionists. These regulations implement those amendments. Statutory Authority: Section 2.1(k) of the Professional Nursing Law, 63 P. S. § 212.1(k). | |
| —Temporary Practice Permits— 49 Pa. Code §§ 21.7 and 21.149 (16A-5121) | Fall 2004, as Proposed | The regulation provides for temporary practice permits for graduate professional nurses and graduate practical nurses and for currently-licensed professional nurses and practical nurses practicing in other jurisdictions who apply for licensure in this Commonwealth. Statutory Authority: Sections 2.1(k) and 4.1 of the Professional Nursing Law, 63 P. S. §§ 212.1(k) and 214.1; and sections 3.1 and 17.6 of the Practical Nurse Law, 63 P. S. §§ 653.1 and 667.6. | |
| —LPN / IV Therapy— 49 Pa. Code § 21.145 (16A-5122) | Fall 2004, as Proposed | This regulation addresses the LPN's role in working with peripherally inserted catheters (PIC lines). Statutory Authority: Section 17.6 of the Practical Nurse Law, 63 P. S. § 667.6. | |
| —RN and LPN Program Examination Pass Rates— 49 Pa. Code, Chapter 21 (number not yet assigned) | Fall 2004, as Proposed | This regulation will clarify the procedure for removing a nursing education program from the approved list and further establish standards for placing a nursing education program on provisional approval or removing the program from the approved list based on the failure rate for first-time examinees on the licensure examination. Statutory Authority: Section 2.1(k) of the Professional Nursing Law, 63 P. S. § 212.1(k), and section 17.6 of the Practical Nurse Law, 63 P. S. § 667.6. | |
| —Volunteer License— 49 Pa. Code, Chapter 21, Subchapter F, §§ 21.601—21.607. (number not yet assigned) | Fall 2004, as Proposed. | This regulation is required to amend the Board's regulations to conform to amendments to the Volunteer Health Services Act made by Act 58 of 2002. Statutory Authority: Section 2.1(k) of the Professional Nursing Law, 63 P. S. § 212.1(k). | |

| <i>Regulation Being Considered</i> | <i>Proposed Date of Promulgation</i> | <i>Need and Legal Basis for Action</i> | <i>Agency Contact</i> |
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| —Act 48 of 1993 Civil Penalties— 49 Pa. Code, Chapter 43b. (16-29) | Summer 2004, as Statement of Policy | The policy statement would establish a schedule of Act 48 civil penalties for violations of the Professional Nursing Law and the Practical Nurse Law. Statutory Authority: Section 5(a) of Act 48 of 1993 (63 P. S. § 2205(a)). | |
| State Board of Examiners of Nursing Home Administrators— Deletion and Correction of Fees— 49 Pa. Code § 39.72. (16A-628) —Requirements for Admission to Examination— 49 Pa. Code § 39.5. (16A-627) —Act 48 of 1993 Civil Penalties— 49 Pa. Code, Chapter 43b. (16-29) | Summer 2004, as Final. Fall 2004, as Proposed. Summer 2004, as Statement of Policy. | This regulation would delete licensing examination fees. Statutory Authority: Section 4(c) of the Nursing Home Administrators Licensing Act, 63 P. S. § 1104(c). This regulation would update and revise the requirements for admission to the licensing examination. Statutory Authority: Section 4(c) of the Nursing Home Administrators Licensing Act, 63 P. S. § 1104(c). This Statement of Policy would establish a schedule of Act 48 civil penalties for violations of the Nursing Home Administrators Licensing Act. Statutory Authority: Section 5(a) of Act 48 of 1993, 63 P. S. § 2205(a). | Christina Stuckey (717) 783-7155 |
| State Board of Occupational Therapy Education and Licensure —Act 48 of 1993 Civil Penalties— 49 Pa. Code, Chapter 43b. (16-29) | Summer 2004, as Statement of Policy. | The Statement of Policy would establish a schedule of Act 48 of 1993 civil penalties for violations of the Occupational Therapy Practice Act and Board's regulations. Statutory Authority: Section 5(a) of Act 48 of 1993, 63 P. S. § 2205(a). | Lisa Burns (717) 783-1389 |
| State Board of Optometry —General Revisions— 49 Pa. Code §§ 23.1, 23.33, 23.34, 23.42, 23.64, 23.71. (16A-528) —Continuing Education, Certification to Treat Glaucoma— 49 Pa. Code §§ 23.82, 23.86, 23.91, and 23.205 (16A-5211) —Volunteer License— 49 Pa. Code § 23.26 (number not yet assigned) | Fall 2004, as Final. Summer 2004, as Final. Spring 2004, as Proposed. | The Board is making general revisions to its current regulations, including requirements that must be met for contact lens prescriptions provided at the discretion of the licensee. Statutory Authority: Sections 3(a)(2.1) and (b)(14) of the Optometric Practice and Licensure Act, 63 P. S. §§ 244.3(a)(2.1), (b)(14). This regulation implements amendments to the Act made by Act 225 of 2002, adds the American Academy of Ophthalmology and its affiliates to the list of pre-approved continuing education providers, and establishes an application procedure and related fee for certification to treat glaucoma. Statutory Authority: 63 P. S. §§ 244.2b and 244.3(b)(12) and (14). This regulation is required to amend the Board's regulations to conform to amendments to the Volunteer Health Services Act made by Act 58 of 2002. Statutory Authority: Section 3(b)(14) of the Optometric Practice and Licensure Act, 63 P. S. § 244.3(b)(14). | Deborah Smith (717) 783-7155 |
| State Board of Osteopathic Medicine —Continuing Medical Education— 49 Pa. Code, Chap. 16 (16A-5313) | Fall 2004, as Final. | This regulation would implement the act of March 20, 2002 (Act 13). Act 13 requires the Board to promulgate regulations requiring osteopathic physicians to complete CME in patient safety and risk management. Statutory Authority: Section 910 of Act 13. | Gina Bittner (717) 783-4858 |

| <i>Regulation Being Considered</i> | <i>Proposed Date of Promulgation</i> | <i>Need and Legal Basis for Action</i> | <i>Agency Contact</i> |
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| —Athletic Trainers— 49 Pa. Code, Chap. 16 (16A-5314) | Fall 2004, as Proposed | This regulation would implement Act 92 of 2001, which gave the Medical and Osteopathic Boards jurisdiction over athletic trainers (athletic trainers had formerly been overseen by the State Board of Physical Therapy). Statutory Authority: Section 3 of Act 92 of 2001. | |
| —Delegation— 49 Pa. Code, Chap. 16 (16A-5312) | Fall 2004, as Final. | This regulation would establish standards for the delegation of osteopathic medical services to qualified personnel. Statutory Authority: Section 16 of the Osteopathic Medical Practice Act, 63 P. S. § 271.16. | |
| —Volunteer License— 49 Pa. Code, Chapter 25, Subchapter L, §§ 25.601—25.607. (number not yet assigned) | Fall 2004, as Proposed. | This regulation is required to amend the Board's regulations to conform to amendments to the Volunteer Health Services Act made by Act 58 of 2002. Statutory Authority: Section 16 of the Osteopathic Medicine Act, 63 P. S. § 271.16. | |
| State Board of Pharmacy —Technology and Automation— 49 Pa. Code, Chapter 27. (16A-5410) | Fall 2004, as Proposed. | The proposal would address issues raised by new technology now available in the field of pharmacy to allow the use of such technology while ensuring consumer safety. Statutory Authority: Sections 4(j) and 6(k)(1) and (9) of the Pharmacy Act, 63 P. S. §§ 390-4(j), 390-6(k)(1), (9). | Melanie Zimmerman (717) 783-7156 |
| —Drug Therapy and Administration of Injectable Medications, Biologicals and Immunizations— 49 Pa. Code, Chapter 27 (16A-5412) | Fall 2004, as Proposed. | Section 2 of Act 102 of 2002 requires the Board to adopt regulations establishing the parameters of written agreements or protocols for drug therapy management in institutional settings and to establish education and training standards and practice guidelines under which pharmacists may be authorized to administer injectable medications, biologicals, and immunizations to persons who are more than eighteen years of age. Statutory Authority: Sections 9.1 and 9.2 of the Pharmacy Act, 63 P. S. §§ 390-9.1 and 390-9.2. | |
| —Deletion of Examination Fees— 49 Pa. Code § 27.91 (16A-5413) | Fall 2004, as Proposed. | This proposed amendment deletes references to the examination fees from the board's schedule of fees to avoid the necessity of amending the regulations whenever the test administrator changes the fees. Statutory Authority: Sections 4(j) and 6(k)(1) of the Pharmacy Act, 63 P. S. §§ 390-4(j), and 390-6(k)(1). | |
| State Board of Physical Therapy —General Revisions— 49 Pa. Code §§ 40.11, 40.13, 40.15, 40.17, 40.18 and 40.21—40.24. (16A-659) | Fall 2004, as Final. | The regulation would correct and revise existing regulations regarding physical therapists. Statutory Authority: Section 3(a) of the Physical Therapy Practice Act, 63 P. S. § 1303(a). | J. Robert Kline (717) 783-7134 |
| —Certificate of Authorization to Practice Physical Therapy Without a Referral— 49 Pa. Code Chap. 40 (16A-651) | Summer 2004, as Final. | This regulation would implement the act of Feb. 21, 2002 (Act 6), which enables licensees to seek a certificate of authorization to practice physical therapy without a referral from a physician. Statutory Authority: Section 2 of Act 6 of 2002; Section 3 of the Physical Therapy Practice Act, 63 P. S. § 1303. | |
| State Board of Podiatry | | | Gina Bittner (717) 783-4858 |

| <i>Regulation Being Considered</i> | <i>Proposed Date of Promulgation</i> | <i>Need and Legal Basis for Action</i> | <i>Agency Contact</i> |
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| <p>—Professional Liability Insurance— 49 Pa. Code, Chapter 29, §§ 29.52—29.54 (16A-447)</p> <p>—Sexual Misconduct— 49 Pa. Code, Chapter 29 (16A-448)</p> <p>—Registration and Practice of Acupuncture— 49 Pa. Code, Chapter 29 (16A-449)</p> <p>—Volunteer License— 49 Pa. Code § 29.55 (number not yet assigned)</p> | <p>Fall 2004, as Proposed</p> <p>Fall 2004, as Final.</p> <p>Fall 2004, as Proposed.</p> <p>Fall 2004, as Proposed.</p> | <p>This regulation would amend the current regulations to eliminate references to the Health Care Services Act and replaces them with references to the Medical Care Availability and Reduction of Error (MCARE) Act. Statutory Authority: Section 15 of the Podiatry Practice Act, 63 P. S. § 42.15.</p> <p>Through the monitoring of its disciplinary process, including consumer complaints and disciplinary actions, the Board believes that enforcement standards are needed to notify licensees of acts of a sexual nature which the Board deems unprofessional when occurring or resulting form a professional relationship. Statutory Authority: Sections 15 and 16(3) of the Podiatry Practice Act, 63 P. S. §§ 42.15 and 42.16(3).</p> <p>This regulation is required to establish the registration fees and regulate the practice of acupuncturists under the Acupuncture Registration Act. Statutory Authority: Section 3 of the Acupuncture Registration Act, 63 P. S. § 1803.</p> <p>This regulation is required to amend the Board's regulations to conform to recent amendments to the Volunteer Health Services Act made by Act 58 of 2002. Statutory Authority: Section 15 of the Podiatry Practice Act, 63 P. S. § 42.15.</p> | |
| <p>State Board of Psychology —Education Requirements— 49 Pa. Code § 41.31 (16A-6313)</p> <p>—Notice Requirements— 49 Pa. Code §§ 41.65—41.66 (16A-6314)</p> | <p>Fall 2004, as Proposed.</p> <p>Fall 2004, as Final.</p> | <p>This regulation would require all doctoral degree programs in psychology and fields related to psychology within North American and the U. S. territories to either be accredited by the APA/CPA or designated by ASPPB. Statutory Authority: Sections 3.2(1) and 6(a)(2) of the Professional Psychologists Practice Act, 63 P. S. §§ 1203.2(1) and 1206(a)(2).</p> <p>This regulation would require licensees to provide notice to the Board of certain criminal convictions and disciplinary actions taken by licensing authorities in other jurisdictions and require licensees who have been suspended or revoked by the Board to notify all current clients/patients of the disciplinary action. Statutory Authority: Section 3.2(2) of the Professional Psychologists Practice Act, 63 P. S. § 1203.2(2).</p> | Christina Stuckey (717) 783-7155 |
| <p>State Real Estate Commission —Education— 49 Pa. Code, Chapter 35. (16A-561)</p> <p>—Deletion of Examination Fee— 49 Pa. Code, Chapter 35. (16A-569)</p> | <p>Fall 2004, as Final.</p> <p>Fall 2004, as Final.</p> | <p>This regulation proposes changes to the current pre-Licensure and continuing education requirements and adds distance education. Statutory Authority: Section 404.1(a) of the Real Estate Licensing and Registration Act, 63 P. S. § 455.404a(a).</p> <p>This regulation is needed to delete references to the examination fee, which is determined by contract and charged by the professional testing organization, from the schedule of fees and examination provisions. Statutory Authority: Section 812.1 of the Administrative Code, 71 P. S. § 279.3a.</p> | Deborah Sopko (717) 783-3658 |

| <i>Regulation Being Considered</i> | <i>Proposed Date of Promulgation</i> | <i>Need and Legal Basis for Action</i> | <i>Agency Contact</i> |
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| <p>—Reciprocity— 49 Pa. Code, Chapter 35. (16A-5610)</p> <p>—Schedule of Civil Penalties— 49 Pa. Code § 43b.8 (16-32)</p> | <p>Fall 2004, as Proposed.</p> <p>Fall 2004, as Proposed.</p> | <p>This Proposed regulation implements Act 58 of 2003, which adds provisions to the Real Estate Licensing and Registration Act related to reciprocal licenses. Act 58 became effective on February 28, 2004. Statutory Authority: Section 404 of the Real Estate Licensing and Registration Act, 63 P. S. § 455.404.</p> <p>This regulation would amend the existing Act 48 Schedule of Civil Penalties formerly promulgated by the Real Estate Commission in 1998. Statutory Authority: Section 5(a) of Act 48 of 1993, 63 P. S. § 2205(a).</p> | |
| <p>State Board of Social Workers, Marriage and Family Therapists and Professional Counselors</p> <p>—Continuing Education— 49 Pa. Code, Chapter 47 (16A-693)</p> <p>—Dual Licensing of Substance Abuse Services— 49 Pa. Code § 49.17 (16A-697)</p> <p>—Sexual Misconduct— 49 Pa. Code §§ 50.20—50.25. (16A-691)</p> <p>—Supervised Clinical Experience— 49 Pa. Code, §§ 47.12c, 48.13 and 49.13. (16A-698)</p> <p>—Technical Amendments— 49 Pa. Code §§ 47.1 and 47.1a. (16A-699)</p> | <p>Fall 2004, as Proposed.</p> <p>Spring 2004, as Statement of Policy.</p> <p>Fall 2004, as Proposed.</p> <p>Fall 2004, as Proposed.</p> <p>Fall 2004, as Proposed.</p> | <p>This regulation would require that licensees complete continuing education as a condition of license renewal. Statutory Authority: Sections 18(a) 6(2) of the Social Workers, Marriage and Family Therapists and Professional Counselors Act, 63 P. S. §§ 1918(a) and 1906(2).</p> <p>This Statement of Policy establishes the Board's position on the dual licensing of providers of Substance Abuse Services by the Board and the Department of Health. Statutory Authority: Section 2 of the Social Workers, Marriage and Family Therapists and Professional Counselors Act, 63 P. S. § 1902.</p> <p>This regulation defines the professional relationship and prohibits sexual intimacies between a client/patient and the social worker, clinical social worker, marriage and family therapist or professional counselor. Statutory Authority: Section 6(2) of the Social Workers, Marriage and Family Therapists and Professional Counselors Act, 63 P. S. § 1906(2).</p> <p>This regulation permits supervised clinical experience to include group supervisory sessions within educational, institutional and agency settings without the requirement that the supervisor supervise no more than six individuals at the same time. Statutory Authority: Sections 6(2) and 7 of the Social Workers, Marriage and Family Therapists and Professional Counselors Act, 63 P. S. §§ 1906(2) and 1907.</p> <p>This regulation clarifies the definition of "accredited school" and deletes the requirement that supervisors of clinical social work applicants for licensure hold a license to practice social work in this Commonwealth so long as they are currently licensed to practice social work in any jurisdiction. Statutory Authority: Section 6 of the Social Workers, Marriage and Family Therapists and Professional Counselors Act, 63 P. S. § 1906.</p> | <p>Cindy Warner (717) 783-1389</p> |
| <p>State Board of Examiners in Speech-Language and Hearing</p> | | | <p>Cindy Warner (717) 783-1389</p> |

| <i>Regulation Being Considered</i> | <i>Proposed Date of Promulgation</i> | <i>Need and Legal Basis for Action</i> | <i>Agency Contact</i> |
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| <p>—Continuing Education— 49 Pa. Code, Chapter 45. (16A-6802)</p> <p>—Assistant Regulations— 49 Pa. Code §§ 45.301—308. (16A-6801)</p> <p>—Act 48 of 1993 Civil Penalties— 49 Pa. Code, Chapter 43b. (16-29)</p> | <p>Fall 2004, as Proposed.</p> <p>Fall 2004, as Proposed.</p> <p>Summer 2004, as Statement of Policy.</p> | <p>This regulation would establish continuing education requirements to comply with Act 71 of 2000. Statutory Authority: Section 5(7) of the Speech-Language and Hearing Licensure Act, 63 P. S. § 1705(7).</p> <p>This amendment would update the regulatory provisions pertaining to assistants. Statutory Authority: Section 5(8) of the Speech-Language and Hearing Licensure Act, 63 P. S. § 1705(8).</p> <p>The policy statement would establish a schedule of Act 48 civil penalties for violations of the Speech-Language and Hearing Licensure Act and the Board's regulations. Statutory Authority: Section 5(a) of Act 48 of 1993, 63 P. S. § 2205(a).</p> | |
| <p>State Board of Vehicle Manufacturers, Dealers and Salespersons</p> <p>—Consignment Sales— 49 Pa. Code § 19.19. (16A-607) (formerly 16A-601)</p> <p>—Auction License— 49 Pa. Code § 19.21. (16A-603)</p> <p>—Display Requirements— 49 Pa. Code § 19.18. (16A-604)</p> <p>—Branch Lots— 49 Pa. Code § 19.18. (16A-605)</p> <p>—Protest Procedures— 49 Pa. Code, Chapter 19. (16A-608)</p> <p>—Act 48 of 1993 Civil Penalties— 49 Pa. Code, Chapter 43b. (16-32)</p> | <p>Fall 2004, as Final.</p> <p>Fall 2004, as Final.</p> <p>Fall 2004, as Final.</p> <p>Summer 2004, as Final.</p> <p>Fall 2004, as Proposed</p> <p>Fall 2004, as Proposed.</p> | <p>This regulation would set forth the standards by which dealers may engage in consignment sales. Statutory Authority: Section 4(9) of the Board of Vehicles Act, 63 P. S. § 818.4(9).</p> <p>This regulation would set out standards for licensure as a vehicle auction, a new category of licensure created by the 1996 amendments to the Act. Statutory Authority: Section 4(9) of the Board of Vehicles Act, 63 P. S. § 818.4(9).</p> <p>This regulation would create an exception in the Board's regulations to permit a vehicle dealer to display up to five vehicles in a non-conforming area so long as the public is not permitted to enter the non-conforming area. Statutory Authority: Section 4(9) of the Board of Vehicles Act, 63 P. S. § 818.4(9).</p> <p>This regulation permits vehicle dealers to (1) display a single vehicle, or series of single vehicles, at an unlicensed location if no sales activity is occurring at that location and (2) store vehicles at an unlicensed location if no sales activity is occurring at that location. Statutory Authority: Sections 2, 4 and 5 of the Board of Vehicles Act, 63 P. S. §§ 818.2, 818.4(4), 818.4(9), and 818.5(e).</p> <p>This regulation would establish procedures to be followed in franchise protest hearings. Statutory Authority: Section 4(9) of the Board of Vehicles Act, 63 P. S. § 818.4(9).</p> <p>This regulation would amend the schedule of Act 48 of 1993 civil penalties for violations of the Board of Vehicles Act and the Board's regulations. Statutory Authority: Section 5(a) of Act 48 of 1993, 63 P. S. § 2205(a).</p> | <p>Teresa Woodall (717) 783-1697</p> |

| <i>Regulation Being Considered</i> | <i>Proposed Date of Promulgation</i> | <i>Need and Legal Basis for Action</i> | <i>Agency Contact</i> |
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| State Board of Veterinary Medicine—Implanting Electronic Devices and Conforming Regulations to Act 167 of 2002—49 Pa. Code, Chapter 31. (16A-5715) | Fall 2004, as Final. | This regulation would add implanting electronic identification devices as a duty that may be performed by a veterinary technician or a non-certified employee. In addition, Act 167 of 2002 made terminology changes, changes to the continuing education provisions, and changes to the grounds for discipline of certified veterinary technicians. This regulation conforms the Board's regulations to Act 167 of 2002. Statutory Authority: Section 5 of the Veterinary Medicine Practice Act, 63 P. S. § 485.5, and Section 1 of Act 167 of 2002. | J. Robert Kline (717) 783-7134 |
| STATE EMPLOYEES' RETIREMENT SYSTEM | | | |
| 4 Pa. Code Chapter 243, Section 243.3 (relating to optional alternate retirement programs) 4 Pa. Code Chapter 249, Section 249.58 (relating to optional alternate retirement plans). | Summer 2004 | Revisions to Optional Alternate Retirement Program Regulations: 4 Pa. Code §§ 243.3 and 249.58—Amend to eliminate language that permits current members of SERS to withdraw from SERS to join an alternate retirement plan established under Act 2001-35. | M. Catherine Nolan (717) 237-0392 Sean Sanderson (717) 237-0261 |
| STATE POLICE | | | |
| Interception, maintenance, and destruction of Mobile Video Recordings 37 Pa. Code Chapter 50 | January 2005, as proposed. | Act 53 of 2002 requires the State Police Commissioner, in consultation with the Attorney General, to promulgate these regulations. 18 Pa.C.S. §§ 5704(16), 5749. | Syndi L. Guido 717-772-0905 |
| DNA Detection of Sexual and Violent Offenders. 37 Pa. Code Chapter 58 | January 2005, as proposed | Act 57 of 2002 amended Title 42 of the Judicial Code to include Chapter 47, which establishes a DNA database and provides for the collection and testing of DNA samples from individuals convicted of specified offenses. The act is a recodification of a prior DNA act. The act requires the Department to promulgate regulations to effectuate the act. | Syndi L. Guido 717-772-0905 |
| Administration of Megan's Law—Neighbor Notification 37 Pa. Code Chapter 55 | January 2005, as proposed | Act 18 of 2000, known as Megan's Law, provides for the registration of sexual offenders and community notification for sexually violent predators. The act requires the Department to promulgate guidelines for the general administration of the act in consultation with the Department of Corrections, the Office of Attorney General, the Pennsylvania Board of Probation and Parole, and the chairmen and minority chairmen of the Senate and House Judiciary Committees. The act also requires the Department to write regulations regarding neighbor notification of sexually violent predators' residence, school, or employer. Although the requisite guidelines and regulations have been promulgated, the Department is in the process of updating them. | Syndi L. Guido 717-772-0905 |
| Use of Unmarked Cars 37 Pa. Code Chapter 42 (Reg. 17-65) | August 2004, as final rulemaking | Act 75 of 2001 requires the State Police to promulgate regulations, in consultation with the Department of Transportation, for police officers' use of unmarked vehicles. | Syndi L. Guido 717-772-0905 |

| <i>Regulation Being Considered</i> | <i>Proposed Date of Promulgation</i> | <i>Need and Legal Basis for Action</i> | <i>Agency Contact</i> |
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| Administration of the Bureau of Liquor Control Enforcement Age Compliance Check Program 37 Pa. Code Chapter 23 (Reg. 17-64) | August 2004, as final rulemaking | Act 141 of 2002 amended the Crimes Code to allow individuals between the age of 18 and 21 to purchase, possess, and transport alcoholic beverages if they are working under the direct supervision of an adult liquor control enforcement officer. The act requires the State Police to promulgate regulations prescribing the manner in which age compliance checks will be performed. | Syndi L. Guido 717-772-0905 |
| Designation of Emergency Vehicles 37 Pa. Code Chapter 41 (Reg. 17-66) | August 2004, as final rulemaking | Pursuant to 75 Pa.C.S. § 6106 (relating to designation of emergency vehicles by Pennsylvania State Police), the State Police may designate any vehicle or group of vehicles as emergency vehicles upon a finding that the designation is necessary to the preservation of life or property or to the execution of emergency governmental functions. This final-form rulemaking amends § 41.5 (relating to eligibility) to allow the Department of Corrections (Department) to apply for emergency vehicle designation of vehicles used by its Hostage Rescue Teams, Hostage Negotiation Teams, Corrections Emergency Response Teams, Corrections Rifle Specialist Teams and Central Office Special Teams Coordinator. | Syndi L. Guido 717-772-0905 |
| STATE SYSTEM OF HIGHER EDUCATION | | | |
| No regulations being developed or considered at this date. | | | |
| TRANSPORTATION | | | |
| Authorized Vehicles and Special Operating Privileges 67 Pa. Code Chap. 15 | November 2004, as proposed | Section 6107 of the Vehicle Code requires a regulation, but some changes are necessary. | Arthur H. Breneman 717-787-3620 |
| Child Passenger Protection 67 Pa. Code Chap. 102 | November 2004, as proposed | Section 4581 of the Vehicle Code requires regulations for child passenger seats. This will be a new regulation. | D. J. Reed 717-783-4577 |
| Vehicles Required to Stop at Railroad Grade Crossings 67 Pa. Code Chap. 103 | July 2004, as final deletion | Section 3342(d) of the Vehicle Code no longer requires a regulation, but only a notice in the <i>Pennsylvania Bulletin</i> . Since a notice was published on 2/17/01, this regulation is no longer required. The proposed deletion was published on 2/14/04 (34 Pa.B. 843). | Arthur H. Breneman 717-787-3620 |
| Engineering and Traffic Studies 67 Pa. Code Chap. 201 | July 2004, as proposed deletion | The need for this chapter will be eliminated when Chapter 212 is adopted. The proposed Chapter 212, and the proposed deletion of this chapter, was published on 4/19/03 (33 Pa.B. 1930), but both will be published again as proposed. | Arthur H. Breneman 717-787-3620 |
| Work Zone Traffic Control 67 Pa. Code Chap. 203 | July 2004, as proposed deletion | The need for this chapter will be eliminated when Chapter 212 is adopted. The proposed Chapter 212, and the proposed deletion of this chapter, was published on 4/19/03 (33 Pa.B. 1930), but both will be published again as proposed. | Arthur H. Breneman 717-787-3620 |
| Official Traffic Control Devices 67 Pa. Code Chap. 211 | July 2004, as proposed deletion | The need for this chapter will be eliminated when Chapter 212 is adopted. The proposed Chapter 212, and the proposed deletion of this chapter, was published on 4/19/03 (33 Pa.B. 1930), but both will be published again as proposed. | Arthur H. Breneman 717-787-3620 |

| <i>Regulation Being Considered</i> | <i>Proposed Date of Promulgation</i> | <i>Need and Legal Basis for Action</i> | <i>Agency Contact</i> |
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| Official Traffic Control Devices 67 Pa. Code Chap. 212 | July 2004, as proposed | This regulation will adopt the federal Manual on Uniform Traffic Control Devices (MUTCD) and thereby eliminate the need for most of the requirements in the current Chapters 201, 203 and 211. The proposed Chapter 212 was published on 4/19/03 (33 Pa.B. 1930), but because the Department also needs to propose a regulation to implement Act 229 of 2002 regarding active work zones (and to eliminate guidelines currently contained in a Chapter 204), and because of other proposed changes (including the elimination of Chapter 217), the proposed Chapter 212 and the proposed deletion of Chapters 201, 203, 204, 211 and 217 will be republished for comments. | Arthur H. Breneman 717-787-3620 |
| Posting of Private Parking Lots 67 Pa. Code Chap. 217 | July 2004, as proposed deletion | The need for this chapter will be eliminated when Chapter 212 is adopted. | Arthur H. Breneman 717-787-3620 |
| Access to and Occupancy of Highways by Driveways and Local Roads 67 Pa. Code Chap. 441 | September 2004, as proposed | Update to better reflect current requirements. | Daniel R. Smyser 717-787-7445 |
| Pre-qualification of Bidders 67 Pa. Code Chap. 457 | September 2004, as proposed | Changes required as a result of a reengineering process. | Joseph F. Cribben 717-787-3733 |
| Vehicle Equipment and Inspection 67 Pa. Code Chapter 175 | December 2004 | Vehicle Code changes regarding Motorcycle handle-bar height and hours of inspection station operation need to be reflected in this chapter so language is consistent. The Department also has been asked to look at other (additional) documents that could be used as proof-of-ownership for the purpose of inspecting a vehicle. | Mike Rorick (717) 787-5523 |
| Driver's License Exam 67 Pa. Code Chapter 75 | January 2005 | Changes are being made to allow Chiropractors to give the basic driver qualification physical. Was forwarded to the Office of General Counsel on April 22, 2004. Is being packaged and reviewed. | Mike Rorick (717) 787-5523 |
| Transfer, Exchange & Reclassification of Registration 67 Pa. Code Chapter 51 | December 2004 | An amendment is needed to eliminate the transfer fee dollar amount reference or to change the transfer fee to \$6.00 to be consistent with Section 1927 of the Vehicle Code. | Phil VanBriggle (717) 787-2304 |
| Proportional Registration of Fleet Vehicles 67 Pa. Code Chapter 63 | July 2004 | Revisions were submitted to the Office of Chief Counsel in April 2004. The revision changes the temporary authorization from 30 days to 60 days, to be consistent with the International Registration Plan. | Mike Rorick (717) 787-5523 |
| Permit Agents 67 Pa. Code Chapter 65 | July 2004 | Revisions were submitted to the Office of Chief Counsel in April 2004. To be consistent with Chapter 63, the duration of a telegram of authority was changed from 30 days to 60 days. | Mike Rorick (717) 787-5523 |
| Physical & Mental Criteria—Including Vision Standards Relating to the Licensing of Drivers 67 Pa. Code Chapter 83 | July 2004 | These regulations are being updated to keep pace with medical advances, and reflect the recommendations of the PennDOT Medical Advisory Board. The Independent Regulatory Review Commission hearing was held May 13, 2004, and the regulations will likely be published as a final rulemaking in July, 2004 and included in the Pa. Code pages before January 2005. | Mike Rorick (717) 787-5523 |

| <i>Regulation Being Considered</i> | <i>Proposed Date of Promulgation</i> | <i>Need and Legal Basis for Action</i> | <i>Agency Contact</i> |
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| Occupational Limited License 67 Pa. Code Chapter 86 | December 2004 | Regulations were developed as a result of the DUI legislation of 2003, which mandates providing occupational limited licenses to some first-time DUI violators. A statement of policy has been published, and the Office of Chief Counsel has forwarded the regulations on for formal promulgation. | Mike Rorick (717) 787-5523 |
| Ignition Interlock 67 Pa. Code Chapter 88 | December 2004 | Regulations were developed as a result of the DUI legislation of 2003, which requires PennDOT to develop in regulation provisions for an ignition interlock hardship exemption. The economic hardship provisions are being updated. A statement of policy has been published, and the Office of General Counsel has forwarded the regulation for promulgation. | Mike Rorick (717) 787-5523 |

[Pa.B. Doc. No. 04-1208. Filed for public inspection July 2, 2004, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

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> |
|-----------------|--|---|-----------------------------|
| 57-232 | Pennsylvania Public Utility Commission Establishing Local Service Provider Abandonment Process for Jurisdictional Telecommunication Companies (34 Pa.B. 1795 (April 3, 2004)) | 5/18/04 | 6/17/04 |
| 57-230 | Pennsylvania Public Utility Commission Changing Local Service Providers (34 Pa.B. 1748 (April 3, 2004)) | 5/18/04 | 6/17/04 |

Pennsylvania Public Utility Commission Regulation #57-232 (IRRC #2393)

Establishing Local Service Provider Abandonment Process for Jurisdictional Telecommunications Companies

June 17, 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 18, 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.

The section designations differ between the original version submitted by the PUC and the version published by the Legislative Reference Bureau in the *Pennsylvania Bulletin*. These comments use the section numbering published in the *Pennsylvania Bulletin*.

1. Subchapter N. Local service provider abandonment process.—Feasibility.

This regulation assigns responsibilities to local service providers (LSPs), network service providers (NSPs), local service resellers and wholesale customers involved in the abandonment of service process. It requires the abandoning LSP to perform multiple functions over a period of several months in conjunction with the other affected parties.

LSPs typically abandon service because of poor financial health. While the regulation provides protections under the best case scenario, it would appear further protection of the end-use-customer is needed if that process breaks down. The final-form regulation should

include provisions to reassign functions of the abandoning LSP if it fails to, or is unable to, perform its required duties.

2. Agreements between NSPs and LSPs.—Implementation procedures; Economic impact; Reasonableness.

The time frames and requirements in the regulation may differ from existing agreements between an LSP and an NSP. Under these regulations, the PUC may order a time extension that was not in the interconnection agreement. If nonpayment is involved, the extension would be costly to the NSP. The regulation should address how implementation of the new regulatory requirements will affect existing and future interconnection agreements and whether the regulation supersedes existing agreements.

3. Section 63.302. Definitions.—Clarity.

Telephone service, local service, service and telecommunications service

This proposed rulemaking uses these terms throughout the regulation. Only the term “local service” is defined. The defined term “local service” should be used throughout the regulation.

LSP—Local Service Provider

We have two concerns. First, this definition includes the undefined terms “unbundled network elements (with or without platform)” and “nonjurisdictional services.” The final-form regulation should include definitions of these terms.

Second, the terms “NLSP” (new LSP) and “OLSP” (old LSP) should have stand alone definitions so that they can easily be found by the reader.

NSP—Network Service Provider

This definition includes the term “carrier.” This term should be defined in the final-form regulation.

4. Section 63.303. NSP embargo process.—Reasonableness; Clarity.

Subsection (a)

Paragraph (1) uses the date the bill is “rendered” as the trigger for the 30-day period. Is this the date sent, date postmarked, date of the bill or date received? The regulation should specify the beginning of the 30-day period.

Under paragraphs (2)—(4), an NSP may embargo services if the wholesale customer: fails to abide by the terms of a PUC-approved interconnection agreement; fails to comply with the terms of a payment agreement; or fails to comply with a PUC order. Initiation of an embargo allows an NSP to refuse to process local service change requests or initiate new local service requests. Who makes the determination that the wholesale customer has failed to abide by the agreements? What remedy does the wholesale customer have if they disagree?

Subsection (c)

Paragraph (1) requires 10 days notice prior to initiation of an embargo. Is this sufficient time for the wholesale customer to evaluate and respond to the NSP embargo notice to avoid § 63.304(a)?

Paragraph (2) lists information required in an embargo notice. However, it does not require a reason for the embargo or a breakdown of the amount owed. Without this information it may be difficult for the wholesale customer to evaluate the embargo notice and respond to it. Therefore, the regulation should require this information.

5. Section 63.304. NSP termination process for wholesale customers.—Reasonableness; Clarity.

Subsection (a)

Paragraph (3) requires a “properly filed dispute.” We have three questions. First, who makes the determination that the dispute is properly filed? If the determination is made by the NSP, the regulation should specify how this determination can be appealed.

Second, if a dispute was properly filed, how will the wholesale customer be notified?

Third, if a dispute was not properly filed, how will the wholesale customer be notified and what opportunity will the wholesale customer be given to correct the filing?

6. Section 63.305. Initiation of abandonment.—Clarity.

There are two concerns.

First, if the wholesale customer submits a properly filed dispute, there would be no need to initiate the abandonment of service. Therefore, the opening paragraph should end with the phrase “unless a properly filed dispute is filed under § 63.304(a)(3)” or similar language.

Second, paragraph (3) deals with voluntary abandonment, but only requires the 90-day notice to the PUC “. . . when financial or operational data indicates there is a likelihood that the LSP may not be able to provide service . . .” The 90-day notice should always be required. For example, if the LSP simply elects to exit a market area, but is otherwise in sound operational and financial condition, notice to the PUC should still be required.

7. Section 63.306. Abandoning LSP obligation for abandonment.—Economic impact; Reasonableness; Clarity.

Subsection (a)

This subsection requires the abandoning LSP to make a “good faith effort to secure an acquiring carrier to serve the customers it plans to abandon.” The term “acquiring carrier” is not defined and should be replaced by an appropriate defined term such as “acquiring LSP.”

Subsection (b)

The example in paragraph (13) uses the terms “UNE-P (x carrier), resale (y carrier), UNE-L (x carrier) and Full Facilities.” It is not clear what these terms mean. They should be explained within the example or defined.

Paragraph (17) requires “details of a transfer of assets or control that requires Commission approval.” A cross reference to the provisions that describe the “transfer of assets or control” that require PUC approval should be added.

Paragraph (22) refers to “default LSP provisions.” The final-form regulation should provide a citation to § 63.310.

Paragraph (22) also requires customer service records to be provided “. . . 28 days prior to the exit date . . .” Should this state “. . . at least 28 days prior to the exit date . . .”?

Subsection (c)

Paragraph (1) requires compliance with the “National Emergency Numbering Association’s (NENA) standards.” A more specific reference is needed to indicate where these standards can be found and which specific standards must be met.

Subsection (e)

Paragraph (1) uses the term “acquiring carrier,” which is not defined. Should this be “acquiring LSP”?

The second requirement of paragraph (2) states that the abandoning LSP must direct customers to choose a service provider “to replace the service it has been providing.” While basic dial tone service would need to be replaced, a customer would be free to add or delete other services. The notice to the customer should include this flexibility in acquiring new service.

Paragraph (4) lists the information required in the customer notice. This list should include who the customer should contact if the customer encounters problems with the transfer of service, such as the program manager appointed under § 63.307 or the PUC.

Paragraph (4)(i) requires “A printed teaser” What specifically qualifies as a “teaser”?

Paragraph (4)(vii) requires the abandoning LSP to provide their customers with “a list of alternative LSPs, including contact numbers and addresses, that serve the customer’s area.” To be competitively fair, this list should include all available alternative LSPs. How can an abandoning LSP obtain a comprehensive list of alternative LSPs that serve the area being abandoned?

8. Section 63.307. Abandonment process management.—Protection of the public safety.

Subsection (b) lists the parties to whom the program manager is accountable in the abandonment. Why doesn’t this list include the customers? Related to our comment on § 63.306(e)(4), who would customers contact if they are experiencing problems during the transition?

9. Section 63.309. Acquiring LSP provisions and obligations.—Protection of the public welfare; Clarity.

The notice to customers does not include the provision in § 63.301(a)(4) to “ensure customers have . . . the opportunity to select a new LSP of their choice.” This provision should be included in this notice so that customers are aware that the transfer of their service to the acquiring LSP does not affect their right to select a different LSP of their choice.

Subsection (a)

This subsection requires the acquiring LSP to send notice to customers of the pending changes 60 days in advance of the exit date. We note that the abandoning LSP must also send notice under § 63.306(e)(1) in the same time frame. Multiple notices may be confusing to the customer, especially if the acquiring LSP notice arrives before the abandoning LSP notice. Therefore, these notices should be combined into one notice sent by the abandoning LSP.

Subsection (c)

This subsection states the change of the customer’s LSP won’t be considered slamming. A cross reference to the slamming provision under § 64.23(b) should be added.

Subsection (d)

If the abandoning LSP either refuses or is unable to pay the carrier change charges under this subsection, can the acquiring LSP then bill the customer for those charges?

Subsection (e)

This subsection includes the phrase “unable to provide” as it relates to an acquiring carrier providing service to a

customer. This provision is broad. For example, would these circumstances be limited to processing and capacity problems, or could the credit history of the customer also be a reason the acquiring LSP is unable to provide service? The regulation should specify the circumstances under which an acquiring LSP would be permitted to make the determination that it is unable or unwilling to provide service. Furthermore, given the requirement placed on NSPs to serve as the default LSP under § 63.310, the PUC should explain why this provision is reasonable to a default NSP.

Subsection (e) also requires the abandoning LSP to continue to provide service if the acquiring carriers cannot and the customer is unable to select another carrier. What happens if the abandoning LSP discontinues service anyway?

10. Section 63.310. NSP obligations to serve as the default LSP.—Economic impact; Clarity.

In the public comments submitted on this regulation, an NSP and an LSP oppose this section. The LSP is concerned that NSPs will gain customers that the LSPs should get a chance to acquire. The NSP is concerned that they will be forced to accept customers they would otherwise reject. The PUC should explain the need for this section in a competitive market.

Related to our concern with § 63.309(e), what customers will the NSP be required to serve and under what circumstances? For example, if the acquiring LSP is permitted to reject customers who are not paying their bills, would the NSP also be allowed the same option?

11. Other miscellaneous clarity issues.

a. Should § 63.301(a)(2) state “. . . under any of the following circumstances:”? (Emphasis added.)

b. In the definition of “Abandoning LSP” in § 63.302, why is the phrase “in a service area” needed?

c. The title of § 63.306(d)(2) should be “NANPA abandonment notice” to be consistent with the format of paragraph (1).

d. Section 63.308(a) mentions the PUC’s website. The website address should also be included.

**Pennsylvania Public Utility Commission Regulation
#57-230 (IRRC #2394)**

Changing Local Service Providers

June 17, 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 18, 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.

The section designations differ between the original version submitted by the PUC and the version published by the Legislative Reference Bureau in the *Pennsylvania Bulletin*. These comments use the section numbering published in the *Pennsylvania Bulletin*.

1. Section 63.191. Statement of purpose and policy.—Clarity.

This section states that the purpose of this rulemaking is to “establish general rules, procedures and standards

governing the migration of customers between LSPs." The final-form rulemaking should specify that the regulation applies to both residential and business customers.

2. Section 63.192. Definitions.—Clarity.

Telephone service, local service, local basic service, service, vertical service, optional services and telecommunications service

This proposed rulemaking uses these terms throughout the regulation. Only the term "local service" is defined. The defined term "local service" should be used throughout the regulation.

Facilities and telephone facilities

Similar to the previous comment, this proposed regulation uses the terms "facilities" and "telephone facilities." One term should be defined and used consistently.

LSC—Local service confirmation

This definition includes the term "unbundled loop connections." The final-form regulation should define this term.

LOA—Letter of authorization

This definition contains two parts. The first part of this definition states the following: "Sometimes used in a general sense as the data or record indicating that the customer has authorized the new local service provider (NLSP) to act as the customer's agent." The phrase "sometimes used in general sense" is vague and ambiguous. Therefore, it should be deleted from the final-form regulation. In addition, the phrase "the term is used to indicate" that begins the second part of the definition should be deleted.

LSP—Local Service Provider

We have two concerns. First, this definition includes the undefined terms "unbundled network elements (with or without platform)" and "nonjurisdictional services." The final-form regulation should include definitions of these terms.

Second, subparagraph (i), which explains the terms "NLSP" (new LSP) and "OLSP" (old LSP), should be deleted. These terms are defined separately in this section.

LSP-to-LSP end user migration guidelines or migration guidelines

Subparagraphs (i) and (ii) of this definition explain how the migration guidelines will be developed and state that they will be amended from time to time. These provisions are substantive because they require certain parties to take action. Substantive provisions in a definition are not enforceable. In addition, they are not needed in the definition because § 63.203, regarding migration guidelines and industry work group, contains these provisions. Therefore, these subsections should be deleted.

NSP—Network Service Provider

This definition includes the term "carrier." Clarity would be improved if this term were defined in the final-form regulation.

3. Section 63.201. General migration standard.—Clarity; Reasonableness.

Subsection (b)

This subsection states that a NLSP shall communicate certain information to the customer "when applicable." We have two questions. First, under what circumstances would an NLSP not have to communicate that informa-

tion to the customer? Second, what specific information is required to be communicated and explained?

Subsection (c)

This subsection states, in part, "the OLSP has the right to protect itself from potential loss as permissible by Commission regulations." The final-form rulemaking should provide a citation to the applicable regulations. In addition, how can an OLSP protect itself from loss?

Subsection (e)

This subsection references the "interfering station procedure." The final-form regulation should include a citation to §§ 63.211—63.214.

Subsection (f)

This subsection states that "each LSP shall ensure that its 9-1-1 and Directory Listings/White Pages databases are accurate, accessible and updated as appropriate." We have two questions. First, if an LSP does not have its own "facilities," can it maintain accurate databases of the required information? If not, we recommend that this provision be amended to identify the actual party that maintains the database.

Second, the phrase "as appropriate" is unclear. When should a database be updated?

4. Section 63.202. Migration responsibilities of the NLSPs and the NSPs.—Clarity; Reasonableness; Need.

This section lists four responsibilities for NLSPs and one responsibility for NSPs. OLSPs are also involved in the migration process. This section of the final-form regulation should list the responsibilities of an OLSP when a migration occurs.

Subsection (a)

This subsection repeats the requirements contained in § 63.201(b), regarding general migration standards. Therefore, this subsection should be deleted from the final-form regulation.

Subsection (b)

This subsection states the following: "The prospective NLSP shall be responsible for coordinating the migration of the customer's local service with its NSP, if any, and with the OLSP." How can a prospective NLSP be responsible for coordinating a migration that depends on the cooperation of the OLSP?

Subsection (e)

This subsection includes the phrase "working days." This phrase is not defined. To improve clarity, the final-form regulation should use the phrase "business days."

5. Section 63.203. Migration guidelines and industry work group.—Noncompliance with Commonwealth Documents Law.

This section attempts to incorporate as yet undeveloped guidelines and enforce them against LSPs and NSPs. These guidelines, however, will constitute a statement of policy, not a regulation. Regulations have the force of law, and establish binding norms of general applicability and future effect. As such, they must be promulgated in compliance with the Commonwealth Documents Law. *DER v. Rushton Mining Co.*, 591 A.2d 1168 (Pa. Cmwlth. 1991), allocatur denied, 600 A.2d 541 (Pa. 1991).

In contrast, statements of policy are not binding on the agency, and may be challenged by regulated parties on a case-by-case basis. If the PUC wants to have enforceable

migration standards, the standards should be published as a new proposed regulation, in compliance with the Commonwealth Documents Law.

6. Section 63.204. Standards for the exchange of customer service information.—Clarity; Reasonableness; Need.

The phrase “customer service information” is used in the title of this section, but is not defined in this proposed rulemaking. Does “customer service information” differ from the defined term “customer service record”? For clarity, the final-form regulation should either use the defined term or a definition of “customer service information” should be added.

A commentator expressed concern with the potential for abuse of consumer confidentiality under this section. What guarantees are there that confidential consumer information will be protected?

Subsections (a) and (d)

These subsections include the phrase “additional procedures as may be authorized by the FCC or the Commission.” We have two questions regarding this phrase. First, how will the additional procedures be developed and communicated to the affected parties? Second, why aren’t the additional prospective procedures from the PUC included in this rulemaking?

In addition, these subsections include a 2-year recordkeeping requirement. What is the reason for keeping these records for 2 years?

Subsection (a)

The terms “third-party verification,” “recording verification permission” and “appropriate retained documentation” are used in this subsection. For clarity, the final-form regulation should explain or define these terms.

Subsection (c)

Under this subsection, a current LSP is prohibited from contacting a customer to retain or keep that customer as a result of a request for a customer service record (CSR). We have three questions. First, why is this protection needed? Second, when does this prohibition expire so the LSP can attempt to regain that customer? Third, what constitutes contact? For example, would a current LSP’s typical advertising practices, such as including new rate information in billing notices or phone solicitation, be considered “contact”?

Subsection (d)

We have two concerns with this subsection. First, it states that when a prospective NLSP has verified authorization to switch a customer’s LSP, the NLSP shall request the customer’s “network servicing arrangements and a CSR from the OLSP.” The term “network serving arrangements” is not clear. For clarity, the final-form regulation should either define this term or explain within this subsection what specific information is required.

Second, this subsection states that a prospective NLSP is not required to provide proof that it has verified authorization for the migration. Since prospective NLSPs are not required to show that they have obtained authorization to migrate a customer, how will the consumer and the OLSP be protected from illegal business activities such as “slamming”? “Slamming” is defined in § 64.2 as the unauthorized changing of a customer’s telecommunications provider, whether for local exchange service, intraLATA toll or interLATA toll.

Subsection (e)

We have three concerns with this subsection.

First, it requires 13 pieces of information when a CSR is requested. Is this information typically part of a CSR? If so, why is it necessary to list each piece of information separately? If this information is not typically found in a CSR, we recommend that those pieces of information should be included in the definition of CSR in § 63.192. If this approach is adopted, this subsection could be deleted.

Second, do any of the 13 pieces of information comprise what is referred to as “network serving arrangements” referenced in subsection (d)? If not, subsection (e) should also require the OLSP to provide “network serving arrangements” to the prospective NLSP.

Third, the terms “interLATA,” “intraLATA,” “UNE-P” and “unbundled loop” should be defined.

Subsection (f)

This subsection provides timetables for OLSPs to provide CSRs to prospective NLSPs. We have three concerns.

First, subsection (d) requires prospective NLSPs to request CSRs and “customer’s network serving arrangements” from OLSPs. Must OLSPs provide a “customer’s network serving arrangements” using the same timetable? If so, subsection (f) should be amended to reflect that fact.

Second, under paragraphs (1) and (2), CSRs are required to be provided within 48 and 24 hours respectively. What is the reason for establishing the timetables in hours instead of days?

Third, paragraph (3) uses the word “day.” Is it the PUC’s intent to interpret the meaning of “day” as a calendar day or a business day. The final-form regulation should make this distinction.

7. Section 63.205. Removal or lifting of LSPFs.—Clarity; Reasonableness; Need; Conflict with Federal regulations.

A commentator has alleged that these regulations conflict with Federal Communication Commission (FCC) regulations on the topic of antislamming found in 47 CFR 64.1130. The PUC should explain how these regulations are consistent with FCC regulations.

Subsection (a)

This subsection establishes the procedures for lifting an LSP freeze (LSPF). We have two concerns with this section.

First, it is unclear who can authorize the lifting of a LSPF. Paragraph (2) states that an applicant or “appropriate agent” shall contact the OLSP to have a freeze lifted. However, it is not clear who can be an “appropriate agent.” This term should be explained or defined in the regulation.

Second, there is an inconsistency between paragraph (3) and the preamble. Paragraph (3) states that a prospective NLSP may not authorize the removal of an applicant’s LSPF. However, the preamble states “... that status as a prospective NLSP should not preclude an entity from exercising an explicit delegation of freeze-lifting authority from its prospective customers.” Consumers who have established LSPFs should be protected from NLSPs who may attempt to circumvent the customer’s established LSPF. The final-form regulation should clearly establish who can lift an LSPF and, if that authority can be delegated, the specific consumer protections required before delegating that authority.

Subsection (c)

This subsection states that LSPs shall provide various methods to customers for lifting LSPFs, as required by the PUC or the FCC. Those methods are not specified. The final-form regulation should include the methods or provide a reference to where those methods can be found.

8. Section 63.207. Discontinuance of billing.—Reasonableness.

Subsection (b) requires a customer's OLSP to issue a final bill within 42 days of receiving notification from the prospective NLSP that the customer has requested to migrate service. Commentators believe that the trigger for final billing is inappropriate because in their experience many requests are never processed. Why is the final bill required upon request to change service rather than after the migration is final?

9. Section 63.211. Duties of OLSPs and NSPs when an interfering station condition is identified.—Clarity; Reasonableness; Need.

Subsections (a) and (b)

These subsections require either the OLSP or the NSP to perform certain duties. The final-form regulation should establish parameters that would clearly indicate when either the OLSP or the NSP must perform the required duty.

Subsection (b)

Under subsection (b), a commentator questioned the authority of an OLSP to review local service requests (LSR). What is the need for an OLSP to review LSRs?

Paragraph (2) requires an OLSP or the NSP to correct an incorrect LSR. Why is the responsibility placed on the OLSP or the NSP to correct this information?

10. Section 63.212. Duties of the prospective NLSP and the applicant when an interfering station condition is identified.—Clarity.

Subsections (c) and (d) are directly related and should be merged into a single subsection. Likewise, subsections (e) and (f) should be merged.

11. Section 63.213. Duties of the OLSP if notified by the prospective NLSP that an interfering station exists at a location where the existing service is provided by the OLSP and the applicant has shown proof of ownership or right of occupancy.—Reasonableness.

Subsection (a)

Under this subsection, timeframes for an OLSP to notify and terminate service are established. The termination date is 7 days from the date of mailing of the notice by first class mail. Is this a reasonable timeframe for a customer of record to respond to a termination notice?

Subsection (b)

This subsection requires the OLSP to remove the customer of record from billing and to release the facilities to the prospective NLSP when the customer of record does not respond to the termination notice. What is the reason for removing the customer of record from billing?

12. Section 63.221. Consumer complaint procedures.—Clarity.

The title of this section includes the word "consumer." That term is not defined and it is not used anywhere in

this section except the title. The PUC should amend the title of this section to "Customer complaint procedures."

Subsection (b)

This subsection references §§ 64.141—64.182. Should this reference be amended to §§ 64.131—64.182?

Subsection (c)

This subsection refers to an applicant, customer or third party. Who is a "third party" and when would it have standing to file a complaint?

Subsections (c) and (d)

These subsections require the PUC and the service provider to perform certain actions, but do not indicate the timeframes for performing these actions. The final-form regulation should provide timeframes that indicate when either the PUC or a service provider must perform the required duty.

13. Section 63.222. Expedited dispute process.—Clarity.

Subsection (a)

This subsection states that the PUC will designate contact persons through which LSPs and NSPs may request expedited resolutions. We have two questions. First, can a customer or applicant file a complaint under this section? Second, are the "contact persons" PUC employees?

Subsection (d)

This subsection refers to the PUC's alternate dispute or formal dispute resolution processes. Is this reference to the procedures under Subchapter G? The final-form regulation should include a cross reference to the processes to be used.

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 04-1209. Filed for public inspection July 2, 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.

Final-Form

| <i>Reg. No.</i> | <i>Agency/Title</i> | <i>Received</i> |
|-----------------|--|-----------------|
| 16A-659 | State Board of Physical Therapy General Provisions | 6/17/04 |
| 7-376 | Environmental Quality Board Coal Mining | 6/18/04 |
| 16A-569 | State Real Estate Commission Deletion of Examination Fees | 6/22/04 |
| 16A-4612 | State Board of Dentistry Expanded Function Dental Assistants | 6/22/04 |

| | | |
|-------------------|---|-----------------|
| <i>Final-Form</i> | | |
| <i>Reg. No.</i> | <i>Agency/Title</i> | <i>Received</i> |
| 16A-4914 | State Board of Medicine Continuing Medical Education | 6/22/04 |

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 04-1210. Filed for public inspection July 2, 2004, 9:00 a.m.]

INSURANCE DEPARTMENT

Farmers New Century Insurance Company; Pennsylvania Private Passenger Automobile; Rate Filing

On June 18, 2004, the Insurance Department (Department) received from Farmers New Century Insurance Company a filing for a rate level change for private passenger automobile insurance.

The company requests an overall 9.9% increase amounting to \$7.922 million annually, to be effective November 1, 2004.

Unless formal administrative action is taken prior to August 17, 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" click on "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. 04-1211. Filed for public inspection July 2, 2004, 9:00 a.m.]

HealthGuard of Lancaster; Commercial Insured Plans; Rate Filing

On June 21, 2004, HealthGuard submitted filing no. 200409, a base rate filing for the medical and pharmacy plans, requesting a rate increase of 22.5% for Base HMO and POS programs and 18.1% for prescription drug products. The filing will affect 56,500 members in medical plans and 40,500 in prescription drug plans. The annualized additional revenue from the proposed rate increase is approximately \$40.9 million. The proposed changes will apply to client notification dates on or after September 1, 2004.

A copy of the filing is available on the Insurance Department's (Department) website: www.ins.state.pa.us.

To access the filing, select "Consumer Information" on the left side. Under "General Information," click on "Notices." The pdf copy is at the "Filing.pdf" link following the name of the filing.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's regional office in Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections to Rashmi Mathur, Actuary, Bureau of Accident and Health Insurance, Insurance Department, 1311 Strawberry Square, Harrisburg, PA 17120 within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 04-1212. Filed for public inspection July 2, 2004, 9:00 a.m.]

State Farm Fire and Casualty Company; Homeowners Program; Rate Filing

On June 21, 2004, the Insurance Department (Department) received from State Farm Fire and Casualty Company a filing for a rate revision for homeowners insurance.

The company requests an overall 1.4% increase amounting to \$4.883 million annually, to be effective November 15, 2004, for new business and January 15, 2005, for renewal business.

Unless formal administrative action is taken prior to August 20, 2004, the subject filing may be deemed approved by operation of law.

A copy of the filing is available for review on the Department's website: www.ins.state.pa.us. To access the filing, under "Quick Links" click on "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 Xiaofeng Lu, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, xlu@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 04-1213. Filed for public inspection July 2, 2004, 9:00 a.m.]

MILK MARKETING BOARD

Hearing and Presubmission Schedule for All Milk Marketing Areas; Over-Order Premium

Under the Milk Marketing Law (31 P. S. §§ 700j-101—700j-1302), the Milk Marketing Board (Board) will conduct a public hearing for Milk Marketing Areas 1—6 on

September 1, 2004, at 9 a.m. in Room 202, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA.

The purpose of the hearing is to receive testimony and exhibits concerning the continuation of the Class I over-order premium that is scheduled to expire on September 30, 2004, and whether an adjustment should be made to the level of the over-order premium.

The staff of the Board is deemed to be a party to this hearing and the attorney representing staff is deemed to have entered an appearance. Other persons who wish to present evidence may be included on the Board's list of parties by: (1) having their attorney file with the Board on or before 4 p.m. on August 6, 2004, a notice of appearance substantially in the form prescribed by 1 Pa. Code § 31.25 (relating to form of notice of appearance); or (2) if unrepresented by counsel, filing with the Board on or before 4 p.m. on August 6, 2004, notification of their desire to be included as a party.

The parties shall observe the following requirements for advance filing of witness information and exhibits. The Board may exclude witnesses or exhibits of a party that fails to comply with these requirements. In addition, the parties shall have available in the hearing room at least 20 additional copies made available for the use of nonparties attending the hearing.

1. By 4 p.m. on August 13, 2004, each party shall file with the Board seven copies and ensure receipt by all other parties of one copy of:

a. A list of witnesses who will testify for the party, along with a statement of the subjects concerning which each witness will testify. A witness who will be offered as an expert shall be so identified, along with the witness's area or areas of proposed expertise.

b. Each exhibit to be presented, including testimony to be offered in written form.

2. By 4 p.m. on August 27, 2004, each party shall file and serve as set forth in paragraph 1 information concerning rebuttal witnesses and copies of rebuttal exhibits.

Parties that wish to offer in evidence documents on file with the Board, public documents or records in other proceedings before the Board or who wish the Board to take official notice of facts, shall comply with, respectively, 1 Pa. Code § 35.164, § 35.165, § 35.167 or § 35.173. Whenever these rules require production of a document as an exhibit, copies shall be provided to each Board member and to all other parties; in addition, at least 20 copies shall be available for distribution to nonparties attending the hearing.

Requests by parties for Board staff to provide data pertinent to the hearing shall be made in writing and received in the Board office by 4 p.m. on August 6, 2004.

The filing address for the Board is Milk Marketing Board, Room 110, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA 17110. Individuals who require this information in an alternate format should call (717) 787-4194 or (800) 654-5984 (Pennsylvania Relay Service for TDD users).

KEITH BIERLY,
Secretary

[Pa.B. Doc. No. 04-1214. Filed for public inspection July 2, 2004, 9:00 a.m.]

Hearing and Presubmission Schedule for Milk Marketing Area No. 2

Under the Milk Marketing Law (31 P. S. §§ 700j-101—700j-1302), the Milk Marketing Board (Board) will conduct a public hearing for Milk Marketing Area No. 2 on August 4, 2004, at 9 a.m. in Room 202, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA.

The purpose of the hearing is to receive testimony and exhibits concerning cost replacement in Milk Marketing Area No. 2. Evidence will be limited to the following: annualized processing, packaging and delivery costs; updated costs for containers, ingredients and Class II products; updated labor, utility and insurance costs based on comparisons between costs per point for the first quarters of calendar years 2003 and 2004; consideration of skim and butterfat contents of products regulated by the Board; adjustment for shrinkage, sales of bulk products and cream processing costs; container adjustments; calculation of the value of the butterfat in Class II products; in-store handling costs; and a reasonable rate of return to milk dealers and stores. Evidence shall be based on the audited costs of a cross-section of milk dealers and stores doing business in Milk Marketing Area No. 2. Cost information for containers, ingredients and Class II products shall be based on April 2004 data.

The staff of the Board is deemed to be a party to this hearing, and the attorney representing staff is deemed to have entered an appearance. Other persons that may be affected by the Board order fixing prices in Milk Marketing Area No. 2 may be included on the Board's list of parties by:

1. Having their counsel file with the Board, by 4 p.m. on July 9, 2004, a notice of appearance substantially in the form prescribed by 1 Pa. Code § 31.25 (relating to form of notice of appearance), which shall identify by name and address the party on whose behalf the appearance is made. Thereafter, documents and other written communications required to be served upon or furnished to that party shall be sent to the attorney of record.

2. If unrepresented by counsel and wishing to appear on their own behalf under 1 Pa. Code § 31.21 (relating to appearance in person), filing with the Board, by 4 p.m. on July 9, 2004, an address to which documents and other written communications required to be served upon them or furnished to them may be sent.

The parties shall observe the following requirements for advance filing of witness information and exhibits. The Board may exclude witnesses or exhibits of a party that fails to comply with these requirements. In addition, the parties shall have available in the hearing room at least 20 copies of each document for the use of nonparties attending the hearing.

1. By 4 p.m. on July 16, 2004, each party shall file with the Board six copies and serve on all other parties one copy of:

a. A list of witnesses who will testify for the party, along with a statement of the subjects concerning which each witness will testify. A witness offered as an expert shall be so identified, along with the witness's area or areas of proposed expertise.

b. Each exhibit to be presented, including testimony to be offered in written form.

2. By 4 p.m. on July 30, 2004, each party shall file and serve as set forth in paragraph 1 information concerning rebuttal witnesses and copies of rebuttal exhibits.

Parties that wish to offer in evidence documents on file with the Board, public documents or records in other proceedings before the Board or who wish the Board to take official notice of facts, shall comply with, respectively, 1 Pa. Code § 35.164, § 35.165, § 35.167 or § 35.173. Whenever these rules require production of a document as an exhibit, copies shall be provided to each Board member and to all other parties; in addition, at least 20 copies shall be available for distribution to nonparties attending the hearing.

Requests by parties for Board staff to provide data pertinent to the hearing shall be made in writing and received in the Board office by 4 p.m. on July 9, 2004.

The filing address for the Board is Milk Marketing Board, Room 110, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA 17110. Individuals who require this information in an alternate format should call (717) 787-4194 or (800) 654-5984 (Pennsylvania Relay Service for TDD users).

KEITH BIERLY,
Secretary

[Pa.B. Doc. No. 04-1215. Filed for public inspection July 2, 2004, 9:00 a.m.]

Hearing and Presubmission Schedule for Milk Marketing Area No. 3

Under the Milk Marketing Law (31 P. S. §§ 700j-101—700j-1302), the Milk Marketing Board (Board) will conduct a public hearing for Milk Marketing Area No. 3 on August 4, 2004, at 11 a.m. in Room 202, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA.

The purpose of the hearing is to receive testimony and exhibits concerning cost replacement in Milk Marketing Area No. 3. Evidence will be limited to the following: annualized processing, packaging and delivery costs; updated costs for containers, ingredients and Class II products; updated labor, utility and insurance costs based on comparisons between costs per point for the first quarters of calendar years 2003 and 2004; consideration of skim and butterfat contents of products regulated by the Board; adjustment for shrinkage, sales of bulk products and cream processing costs; calculation of the value of the butterfat in Class II products; in-store handling costs; and a reasonable rate of return to milk dealers and stores. Evidence shall be based on the audited costs of a cross-section of milk dealers and stores doing business in Milk Marketing Area No. 3. Cost information for containers, ingredients and Class II products shall be based on April 2004 data.

The staff of the Board is deemed to be a party to this hearing, and the attorney representing staff is deemed to have entered an appearance. Other persons that may be affected by the Board order fixing prices in Milk Marketing Area No. 3 may be included on the Board's list of parties by:

1. Having their counsel file with the Board, by 4 p.m. on July 9, 2004, a notice of appearance substantially in the form prescribed by 1 Pa. Code § 31.25 (relating to form of notice of appearance), which shall identify by name and address the party on whose behalf the appearance is made. Thereafter, documents and other written communications required to be served upon or furnished to that party shall be sent to the attorney of record.

2. If unrepresented by counsel and wishing to appear on their own behalf under 1 Pa. Code § 31.21 (relating to appearance in person), filing with the Board, by 4 p.m. on July 9, 2004, an address to which documents and other written communications required to be served upon them or furnished to them may be sent.

The parties shall observe the following requirements for advance filing of witness information and exhibits. The Board may exclude witnesses or exhibits of a party that fails to comply with these requirements. In addition, the parties shall have available in the hearing room at least 20 copies of each document for the use of nonparties attending the hearing.

1. By 4 p.m. on July 16, 2004, each party shall file with the Board six copies and serve on all other parties one copy of:

a. A list of witnesses who will testify for the party, along with a statement of the subjects concerning which each witness will testify. A witness offered as an expert shall be so identified, along with the witness's area or areas of proposed expertise.

b. Each exhibit to be presented, including testimony to be offered in written form.

2. By 4 p.m. on July 30, 2004, each party shall file and serve as set forth in paragraph 1 information concerning rebuttal witnesses and copies of rebuttal exhibits.

Parties that wish to offer in evidence documents on file with the Board, public documents or records in other proceedings before the Board or who wish the Board to take official notice of facts, shall comply with, respectively, 1 Pa. Code § 35.164, § 35.165, § 35.167 or § 35.173. Whenever these rules require production of a document as an exhibit, copies shall be provided to each Board member and to all other parties; in addition, at least 20 copies shall be available for distribution to nonparties attending the hearing.

Requests by parties for Board staff to provide data pertinent to the hearing shall be made in writing and received in the Board office by 4 p.m. on July 9, 2004.

The filing address for the Board is Milk Marketing Board, Room 110, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA 17110. Individuals who require this information in an alternate format should call (717) 787-4194 or (800) 654-5984 (Pennsylvania Relay Service for TDD users).

KEITH BIERLY,
Secretary

[Pa.B. Doc. No. 04-1216. Filed for public inspection July 2, 2004, 9:00 a.m.]

Hearing and Presubmission Schedule for Milk Marketing Area No. 4

Under the Milk Marketing Law (31 P. S. §§ 700j-101—700j-1302), the Milk Marketing Board (Board) will conduct a public hearing for Milk Marketing Area No. 4 on August 4, 2004, at 1:30 p.m. in Room 202, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA.

The purpose of the hearing is to receive testimony and exhibits concerning cost replacement in Milk Marketing Area No. 4. Evidence will be limited to the following: annualized processing, packaging and delivery costs; updated costs for containers, ingredients and Class II

products; updated labor, utility and insurance costs based on comparisons between costs per point for the first quarters of calendar years 2003 and 2004; consideration of skim and butterfat contents of products regulated by the Board; adjustment for shrinkage, sales of bulk products and cream processing costs; calculation of the value of the butterfat in Class II products; in-store handling costs; and a reasonable rate of return to milk dealers and stores. Evidence shall be based on the audited costs of a cross-section of milk dealers and stores doing business in Milk Marketing Area No. 4. Cost information for containers, ingredients and Class II products shall be based on April 2004 data.

The staff of the Board is deemed to be a party to this hearing, and the attorney representing staff is deemed to have entered an appearance. Other persons that may be affected by the Board order fixing prices in Milk Marketing Area No. 4 may be included on the Board's list of parties by:

1. Having their counsel file with the Board, by 4 p.m. on July 9, 2004, a notice of appearance substantially in the form prescribed by 1 Pa. Code § 31.25 (relating to form of notice of appearance), which shall identify by name and address the party on whose behalf the appearance is made. Thereafter, documents and other written communications required to be served upon or furnished to that party shall be sent to the attorney of record.

2. If unrepresented by counsel and wishing to appear on their own behalf under 1 Pa. Code § 31.21 (relating to appearance in person), filing with the Board, by 4 p.m. on July 9, 2004, an address to which documents and other written communications required to be served upon them or furnished to them may be sent.

The parties shall observe the following requirements for advance filing of witness information and exhibits. The Board may exclude witnesses or exhibits of a party that fails to comply with these requirements. In addition, the parties shall have available in the hearing room at least 20 copies of each document for the use of nonparties attending the hearing.

1. By 4 p.m. on July 16, 2004, each party shall file with the Board seven copies and serve on all other parties one copy of:

a. A list of witnesses who will testify for the party, along with a statement of the subjects concerning which each witness will testify. A witness offered as an expert shall be so identified, along with the witness's area or areas of proposed expertise.

b. Each exhibit to be presented, including testimony to be offered in written form.

2. By 4 p.m. on July 30, 2004, each party shall file and serve as set forth in paragraph 1 information concerning rebuttal witnesses and copies of rebuttal exhibits.

Parties that wish to offer in evidence documents on file with the Board, public documents or records in other proceedings before the Board or who wish the Board to take official notice of facts, shall comply with, respectively, 1 Pa. Code § 35.164, § 35.165, § 35.167 or § 35.173. Whenever these rules require production of a document as an exhibit, copies shall be provided to each Board member and to all other parties; in addition, at least 20 copies shall be available for distribution to nonparties attending the hearing.

Requests by parties for Board staff to provide data pertinent to the hearing shall be made in writing and received in the Board office by 4 p.m. on July 9, 2004.

The filing address for the Board is Milk Marketing Board, Room 110, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA 17110. Individuals who require this information in an alternate format should call (717) 787-4194 or (800) 654-5984 (Pennsylvania Relay Service for TDD users).

KEITH BIERLY,
Secretary

[Pa.B. Doc. No. 04-1217. Filed for public inspection July 2, 2004, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Railroad With Hearing

A-00119708. Norfolk Southern Railway Company. Application of Norfolk Southern Railway Company for the replacement of bridge LG-3.25 (DOT 592 203M), carrying two tracks of railroad over Carlisle Road SR 2018 (Carlisle Road), located in Lower Allen Township, Cumberland County.

An initial hearing on this matter will be held on Thursday, August 19, 2004, in an available hearing room, Ground Floor, North Office Building, North Street and Commonwealth Avenue, Harrisburg, PA, when and where all persons in interest may appear and be heard, if they so desire.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 04-1218. Filed for public inspection July 2, 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, on or before July 26, 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.

Applications of the following for approval to begin operating as common carriers for transportation of persons as described under each application.

A-00120840. Poconos Yellow Cab Services, LLC (502 Blue Mountain Lake, East Stroudsburg, Monroe County, PA 18301), a limited liability company of the Commonwealth—persons, upon call or demand, in the Boroughs of East Stroudsburg, Stroudsburg, Delaware

Water Gap and Mt. Pocono and the Townships of Stroud, Smithfield, Middle Smithfield, Tobyhanna, Coolbaugh, Pocono and Paradise, Monroe County.

A-00120841. Bellefonte Emergency Medical Services (369 Phoenix Avenue, Bellefonte, Centre County, PA 16823), a corporation of the Commonwealth—persons, in paratransit service, between points in the County of Centre, and from points in said county, to points in Pennsylvania, and vice versa.

A-00120837. Wayne A. Williams t/d/b/a Elk County Taxi Service (P. O. Box 712, St. Marys, Elk County, PA 15857-0712)—persons, upon call or demand, in the County of Elk.

A-00120844. Diamond “S” Cab LLC (249 Deerfield Road, Camp Hill, Cumberland County, PA 17011), a limited liability company of the Commonwealth—persons, upon call or demand, in the Counties of Cumberland, Dauphin and York. *Attorney:* Lillian S. Harris, 100 North Tenth Street, Harrisburg, PA 17101.

A-00120451 (Corrected). Peter D. Sauder (1415 Pinkerton Road, Mt. Joy, Lancaster County, PA 17552-8412)—persons paratransit service, between points in the Borough of Mt. Joy, Lancaster County, and within an airline distance of 10 statute miles of the limits thereof, and from points in said area, to points in Pennsylvania, and return, limited to the transportation of persons whose personal convictions prevent them from owning or operating motor vehicles.

A-00120843. Michael R. and Insur Napolitan, Co-partners, t/d/b/a Taxi South (P. O. Box 891, Bethel Park, Allegheny County, PA 15102)—persons, upon call or demand, in the Boroughs of Bethel Park and Castle Shannon and the Townships of Upper St. Clair and Mt. Lebanon, Allegheny County.

A-00120846. Hesham A. Mekled (900 South 17th Street, Harrisburg, Dauphin County, PA 17104)—persons, upon call or demand, in the Counties of Dauphin and Cumberland.

A-00120847. Joseph K. and Sharon L. Williams, Tenants by Entirety (30 London Vale Road, Gordonville, Lancaster County, PA 17529)—persons in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, between points in the County of Lancaster, and from points in said county, to points in Pennsylvania, and return.

A-00120848. Randolph Nunez (P. O. Box 5802, Harrisburg, Dauphin County, PA 17110)—persons, upon call or demand, in the Counties of Dauphin, York and Cumberland.

Applications of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of persons by transfer of rights as described under each application.

A-00111409, Folder 5. CWG Holdings, Inc. t/d/b/a Luxury Limousine Service (200 Ridgewood Road, Wilkes-Barre, Luzerne County, PA 18702), a corporation of the Commonwealth—persons in group and party service, in vehicles with a seating capacity of 11 to 15 passengers, including the driver, between points in the Counties of Luzerne, Lackawanna, Pike, Wayne, Susquehanna, Monroe, Wyoming and Carbon, limited to luxury executive vehicles equipped with a color TV, VCR, stereo and bar, which is to be a transfer of the rights authorized under the certificate issued at A-00113974 to

Luxury Limo Services, Inc. t/d/b/a Luxury Limousine Service, subject to the same limitations and conditions.

A-00120842. A to Z Limousine Service, Inc. (45 Annamarie Drive, Yardley, Bucks County, PA 19067), a corporation of the Commonwealth—persons, in limousine service, between points in Pennsylvania, which is to be a transfer of all the rights authorized under the certificate issued at A-00110764 to Private Coach, Inc., subject to the same limitations and conditions. *Attorney:* Jeffrey G. DiAmico, 403 Executive Drive, Langhorne, PA 19047.

Application of the following for approval of the additional right and privilege of operating motor vehicles as common carriers for transportation of persons as described under the application.

A-00118809, Folder 4. Carol J. Ahmed (2526 Shingletown Road, State College, Center County, PA 16801)—persons in paratransit service, between points in the County of Centre, and from points in said county, to points in Pennsylvania, and return.

Application of the following for amendment to the certificate of public convenience approval of the right and privilege to discontinue/abandon operating as common carriers by motor vehicle and for cancellation of the certificate of public convenience as described under the application.

A-00112763, Folder 3, Am-D. Eastern Medical Ambulance, Inc. (523 E. Market Street, Warren, Trumbull County, OH 44481), a corporation of the Commonwealth—discontinuance of service—persons, in paratransit service: (1) between points in the County of Crawford; (2) between points in the County of Mercer, and from points in the said county, to points in Pennsylvania, and return; (3) between points in the County of Venango, and from points in the Counties of Crawford and Venango, to points in Pennsylvania, and return; and (4) in vehicles not to exceed a seating capacity of 26 passengers, excluding the driver, between points in Lawrence County, and from points in said county, to points in Pennsylvania, and return.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 04-1219. Filed for public inspection July 2, 2004, 9:00 a.m.]

Telecommunications

A-310651F7003. Commonwealth Telephone Company and Service Electric Telephone Company, LLC. Joint petition of Commonwealth Telephone Company and Service Electric Telephone Company, LLC for approval of a negotiated interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Commonwealth Telephone Company and Service Electric Telephone Company, LLC, by its counsel, filed on June 18, 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 Service Electric

Telephone Company, 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. 04-1220. Filed for public inspection July 2, 2004, 9:00 a.m.]

Telecommunications

A-310593F7002. The United Telephone Company of Pennsylvania d/b/a Sprint and 1-800-RECONEX d/b/a U. S. Tel. Joint petition of The United Telephone Company of Pennsylvania d/b/a Sprint and 1-800-RECONEX d/b/a U. S. Tel for approval of an interconnection, collocation and resale agreement under section 252(e) of the Telecommunications Act of 1996.

The United Telephone Company of Pennsylvania d/b/a Sprint and 1-800-RECONEX d/b/a U. S. Tel, by its counsel, filed on June 15, 2004, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection, collocation and resale agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the The United Telephone Company of Pennsylvania d/b/a Sprint and 1-800-RECONEX d/b/a U. S. Tel 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. 04-1221. Filed for public inspection July 2, 2004, 9:00 a.m.]

Telecommunications

A-311201F7001. Verizon North Inc. and Econodial, LLC. Joint petition of Verizon North Inc. and Econodial, LLC for approval of adoption of an interconnection agreement under section 252(i) of the Telecommunications Act of 1996.

Verizon North Inc. and Econodial, LLC, by its counsel, filed on June 18, 2004, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of adoption of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon North Inc. and Econodial, 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. 04-1222. Filed for public inspection July 2, 2004, 9:00 a.m.]

Telecommunications

A-310489F7000. Verizon Pennsylvania Inc. and Cellco Partnership, Pittsburgh SMSA Limited Partnership, Pennsylvania RSA No. 6(II) Limited Partnership and Allentown SMSA Limited Partnership, collectively d/b/a Verizon Wireless (collectively f/k/a Cellco Partnership d/b/a Bell Atlantic NYNEX Mobile). Joint petition of Verizon Pennsylvania Inc. and Cellco Partnership, Pittsburgh SMSA Limited Partnership, Pennsylvania RSA No. 6(II) Limited Partnership and Allentown SMSA Limited Partnership, collectively d/b/a Verizon Wireless (collectively f/k/a Cellco Partnership d/b/a Bell Atlantic NYNEX Mobile) for approval of amendment no. 3 to an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania Inc. and Cellco Partnership, Pittsburgh SMSA Limited Partnership, Pennsylvania RSA No. 6(II) Limited Partnership and Allentown SMSA Limited Partnership, collectively d/b/a Verizon Wireless (collectively f/k/a Cellco Partnership d/b/a Bell Atlantic NYNEX Mobile), 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 Pennsylvania Inc. and Cellco Partnership, Pittsburgh SMSA Limited Partnership, Pennsylvania RSA No. 6(II) Limited Partnership and Allentown SMSA Limited Partnership, collectively d/b/a Verizon Wireless (collectively f/k/a Cellco Partnership d/b/a Bell Atlantic NYNEX Mobile) 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. 04-1223. Filed for public inspection July 2, 2004, 9:00 a.m.]

Telecommunications

A-311201F7000. Verizon Pennsylvania Inc. and Econodial, LLC. Joint petition of Verizon Pennsylvania Inc. and Econodial, LLC for approval of adoption of an interconnection agreement under section 252(i) of the Telecommunications Act of 1996.

Verizon Pennsylvania Inc. and Econodial, LLC, by its counsel, filed on June 18, 2004, at the Pennsylvania Public Utility Commission (Commission), a joint petition

for approval of adoption of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania Inc. and Econodial, 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. 04-1224. Filed for public inspection July 2, 2004, 9:00 a.m.]

Water Service

A-212285F0116. Pennsylvania American Water Company. Application of Pennsylvania American Water Company for approval of the right to offer, render, furnish or supply water service to the public in portions of Conewago Township, Dauphin 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 19, 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.

Applicant: Pennsylvania American Water Company

Through and By Counsel: Velma A. Redmond, Esquire, Susan Simms Marsh, Esquire, 800 West Hersheypark Drive, Hershey, PA 17033.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 04-1225. Filed for public inspection July 2, 2004, 9:00 a.m.]

PHILADELPHIA REGIONAL PORT AUTHORITY

Request for Bids

The Philadelphia Regional Port Authority (PRPA) will accept sealed bids for Project # 03-177.1, Building and Wall Repairs at Pier 78 South Annex, until 2 p.m. on Tuesday, July 20, 2004. The bid documents can be obtained from the Director of Procurement, PRPA, 3460 N. Delaware Ave., 2nd Floor, Philadelphia, PA 19134, (215) 426-2600 and will be available July 7, 2004. The cost of the bid document is \$35 (includes 7% Pennsylvania sales tax). The cost is nonrefundable. PRPA is an

equal opportunity employer. Contractors must comply with all applicable equal opportunity laws and regulations.

A mandatory prebid job site meeting will be held on Tuesday, July 13, 2004, at 10 a.m. at the Pier 78 South Annex Building, Columbus Blvd. and Snyder Ave., Philadelphia, PA.

JAMES T. MCDERMOTT, Jr.,
Executive Director

[Pa.B. Doc. No. 04-1226. Filed for public inspection July 2, 2004, 9:00 a.m.]

Request for Bids

The Philadelphia Regional Port Authority (PRPA) will accept sealed bids for Project # 04-082.6, Replace Dry Pipe Valves, Packer Avenue Marine Terminal (PAMT), until 2 p.m. on Thursday, July 22, 2004. The bid documents can be obtained from the Director of Procurement, PRPA, 3460 N. Delaware Ave., 2nd Floor, Philadelphia, PA 19134, (215) 426-2600 and will be available July 7, 2004. Additional information and project listings can be found at www.philaport.com. The cost of the bid document is \$35 (includes 7% Pennsylvania sales tax). The cost is nonrefundable. PRPA is an equal opportunity employer. Contractors must comply with all applicable equal opportunity laws and regulations.

A mandatory prebid job site meeting will be held on July 15, 2004, at 11 a.m. at the South Guard House (PAMT Service Road), 3201 S. Columbus Blvd., Philadelphia, PA 19148.

JAMES T. MCDERMOTT, Jr.,
Executive Director

[Pa.B. Doc. No. 04-1227. Filed for public inspection July 2, 2004, 9:00 a.m.]

Request for Proposals

The Philadelphia Regional Port Authority (PRPA) will accept sealed proposals for Project # 03-230.S, Wetlands Mitigation Analysis and Feasibility Study, until 4:30 p.m. on Thursday, July 29, 2004. The proposal documents can be obtained from the Director of Procurement, PRPA, 3460 N. Delaware Ave., 2nd Floor, Philadelphia, PA 19134, (215) 426-2600 and will be available on July 13, 2004. Additional information and project listings can be found at www.philaport.com. The cost of the proposal document is \$35 (includes 7% Pennsylvania sales tax). The cost is nonrefundable. PRPA is an equal opportunity employer. Contractors must comply with all applicable equal opportunity laws and regulations.

A mandatory pre-proposal meeting will be held on July 22, 2004, at 10 a.m. in PRPA's office, 3460 N. Delaware Ave., 2nd Floor, Philadelphia, PA 19134.

JAMES T. MCDERMOTT, Jr.,
Executive Director

[Pa.B. Doc. No. 04-1228. Filed for public inspection July 2, 2004, 9:00 a.m.]

STATE BOARD OF NURSING

**Bureau of Professional and Occupational Affairs v.
Susan O'Leary Rossell, R.N.; Doc. No. 0768-
51-02**

On April 28, 2004, Susan O'Leary Rossell, Pittsburgh, Allegheny County, had her professional nursing license indefinitely suspended for no less than 3 years, retroactive to June 24, 2002, based on findings she violated the terms and conditions of the Voluntary Recovery Program consent agreement and order. After no less than 2 years of active suspension, the respondent's suspension shall be stayed in favor of probation for 3 years.

Individuals can obtain a copy of the adjudication by writing to Teresa Lazo-Miller, Board Counsel, State Board of Nursing, P. O. Box 2649, Harrisburg, PA 17105-2649.

This adjudication and order represents the final State Board of Nursing (Board) decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of the petition for review. The Board contact for receiving service of appeals is the previously named Board counsel.

JANET HUNTER SHIELDS, MSN, CRNP, CS,
Chairperson

[Pa.B. Doc. No. 04-1229. Filed for public inspection July 2, 2004, 9:00 a.m.]
