

PENNSYLVANIA BULLETIN

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Pages 4093—4400

See Part II page 4353 for the
Environmental Quality Board's
Concentrated Animal Feeding Operations
and Other Agricultural
Operations Proposed Rulemaking

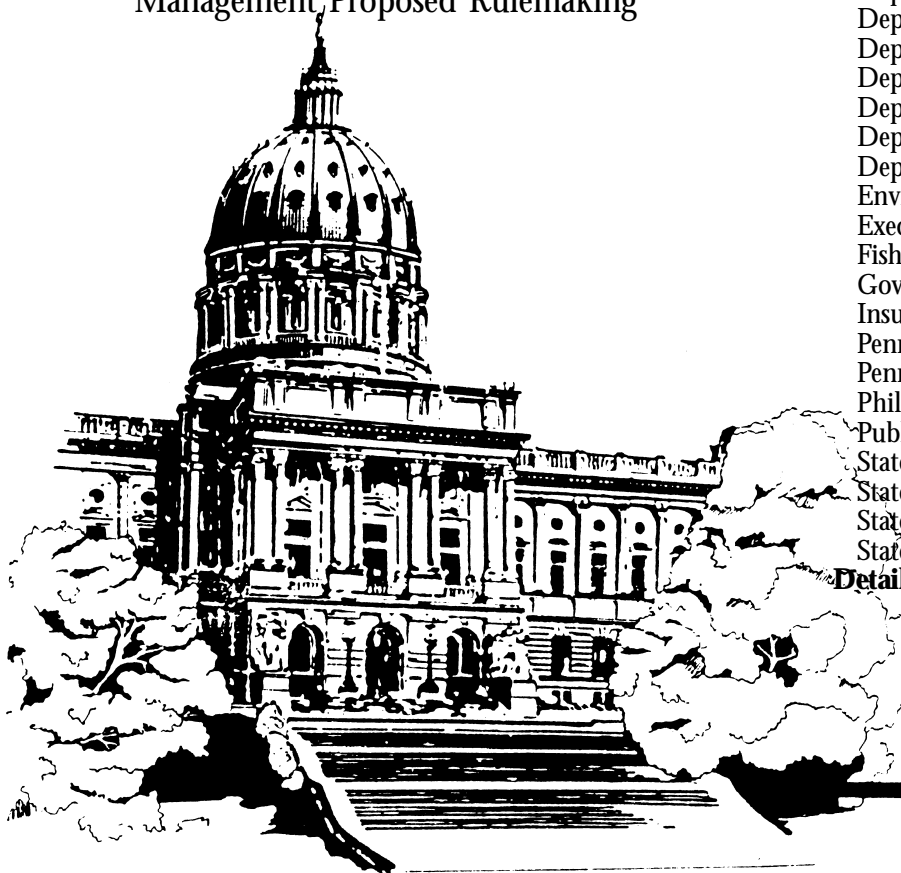
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Pennsylvania Public Utility Commission
Philadelphia Regional Port Authority
Public School Employees' Retirement Board
State Board of Nursing
State Board of Optometry
State Conservation Commission
State Employees' Retirement Board

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**Latest Pennsylvania Code Reporter
(Master Transmittal Sheet):**

No. 357, August 2004

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READER'S GUIDE TO THE PENNSYLVANIA BULLETIN AND PENNSYLVANIA CODE

Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Documents

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

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

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

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Printing Format

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

Fiscal Notes

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

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

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List of Pa. Code Chapters Affected

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

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GENERAL ASSEMBLY

Recent Actions during the 2004 Regular Session of the General Assembly

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

<i>Doc. No.</i>	<i>Date of Action</i>	<i>Bill Number</i>	<i>Printer's Number</i>	<i>Effective Date</i>	<i>Subject Matter</i>
2004 GENERAL ACTS ENACTED—ACT 052 through 095					
052	Jul 2	HB1488	PN1878	immediately	Repeal—law pertaining to salaries and compensation of officers, clerks and employees in office of recorder of deeds in certain counties
053	Jul 2	HB2042	PN4058	60 days	Game Code (34 Pa.C.S.)—wild turkey hunting
054	Jul 2	SB0319	PN1030	immediately*	Interstate Compact for Juveniles Act—enactment
055	Jul 2	SB0751	PN1432	60 days	Medical Practice Act of 1985—respiratory care practitioners and continuing respiratory care education
056	Jul 2	SB0752	PN1545	60 days	Osteopathic Medical Practice Act—licensing of physician assistants, respiratory care permits and continuing education
057	Jul 2	HB0445	PN4198	60 days	Sign Language Interpreter and Transliterator State Registration Act—enactment
058	Jul 2	HB0550	PN4101	immediately	Vehicle Code (75 Pa.C.S.)—standing and parking prohibitions
059	Jul 2	HB1937	PN2533	immediately	Edward A. Silk Memorial Bridge—designation
060	Jul 2	HB2268	PN3119	immediately	Repeals—laws pertaining to permanent centennial exposition building in Philadelphia
061	Jul 2	HB2378	PN3356	60 days	Jack E. Kuhn Memorial Highway—designation
062	Jul 2	HB2649	PN3944	60 days	Dr. Charles F. Taylor Memorial Highway and The Last Raft Memorial Bridge—designations
063	Jul 4	SB0200	PN1765	immediately	Education (24 Pa.C.S.)—termination of annuities
064	Jul 4	HB1965	PN2564	immediately	Repeal—law pertaining to Pennsylvania Post-War Planning Commission
065	Jul 4	HB2081	PN3424	60 days	Military and Veterans Code (51 Pa.C.S.)—early termination of housing rental agreement by military personnel and penalties
066	Jul 4	HB2512	PN4229	immediately	Milk Producers' Security Act—passage of title to milk, security bonds, new licenses, trusteeship, prohibitions and violations, etc.
067	Jul 4	HB2472	PN4320	immediately	Capital Facilities Debt Enabling Act—borrowing limitations, bond terms and conditions, Capital Debt Fund, etc.
068	Jul 4	HB2726	PN4321	immediately	Library Code—fiscal year waiver of standards and State aid for 2004-2005
069	Jul 4	HB1039	PN4230	immediately	Public Welfare Code—Medicaid, managed care organization assessments and intermediate care facilities for mentally retarded persons assessments

<i>Doc. No.</i>	<i>Date of Action</i>	<i>Bill Number</i>	<i>Printer's Number</i>	<i>Effective Date</i>	<i>Subject Matter</i>
070	Jul 4	HB0564	PN4325	immediately*	Public School Code of 1949—background checks of prospective employees, reports to Secretary of Education, withholding of State appropriations, Pennsylvania Athletic Oversight Committee, etc.
071	Jul 5	HB2330	PN4272	immediately	Amusements (4 Pa.C.S.)—Pennsylvania Race Horse Development and Gaming Act
072	Jul 5	SB0100	PN1789	60 days	Homeowner Tax Relief Act—enactment
073	Jul 13	SB0922	PN1438	60 days	Health and Safety (35 Pa.C.S.)—custodial care facilities
074	Jul 15	HB1117	PN4319	60 days	Crimes Code (18 Pa.C.S.) and Judicial Code (42 Pa.C.S.)—railroad protection, railroad vandalism, interference with transportation facilities and railroad civil immunity
075	Jul 15	HB1130	PN4139	60 days	Vehicle Code (75 Pa.C.S.)—learners' permits, drivers of emergency vehicles, Child Passenger Restraint Fund, oral hazard warnings and civil immunity for lenders of child passenger restraint systems
076	Jul 15	HB1912	PN4143	60 days	Vehicle Code (75 Pa.C.S.)—person with disability plate and placard, physical examinations, reports on mental or physical disabilities or disorders and determination of incompetency
077	Jul 15	HB1996	PN4282	60 days	Procurement (62 Pa.C.S.)—cooperative purchasing, legislative reports and guaranteed energy savings and contracts
078	Jul 15	HB2230	PN3040	immediately	Emergency Medical Services Act—support of emergency medical services
079	Jul 15	HB2351	PN3279	60 days	Borough Code—retirement benefits of employees transferred to wastewater authorities
080	Jul 15	HB2433	PN4246	immediately	Volunteer Fire Company and Volunteer Ambulance Service Grant Act—award of grants, expenses incurred by Pennsylvania Emergency Management Agency and allocation of appropriated funds
081	Jul 15	HB2467	PN3519	60 days	Municipal Pension Plan Funding Standard and Recovery Act—contents of actuarial valuation report
082	Jul 16	HB2654	PN4249	immediately*	General Local Government Code (53 Pa.C.S.)—parking authorities and taxicabs and limousines in cities of the first class
083	Jul 15	SB0157	PN1766	immediately*	Public School Code of 1949—firefighter and emergency service training as creditable high school courses, education empowerment districts and credit card marketing on college or university campus
084	Jul 15	SB0508	PN1727	60 days	Municipal Claim and Tax Lien Law—redemption of property and challenging foreclosure sales
085	Jul 15	SB0679	PN1549	60 days	Controlled Substance, Drug, Device and Cosmetic Act—possession or transporting of liquefied ammonia gas, possession of certain precursors and chemicals used in manufacture of controlled substances and clandestine drug laboratories
086	Jul 15	SB0769	PN1654	90 days	Elderly Immunization Act—enactment

<i>Doc. No.</i>	<i>Date of Action</i>	<i>Bill Number</i>	<i>Printer's Number</i>	<i>Effective Date</i>	<i>Subject Matter</i>
087	Jul 15	SB0971	PN1340	60 days	Public Employee Pension Forfeiture Act—definition of “crimes related to public office or public employment”
088	Jul 15	SB0979	PN1779	immediately	Judicial Code (42 Pa.C.S.)—child victims and witnesses
089	Jul 15	SB1039	PN1791	immediately	Public Officers (65 Pa.C.S.)—definition of “agency”
090	Jul 15	SB1092	PN1557	60 days	Fred Jaindl Memorial Highway—designation
091	Jul 15	SB1095	PN1565	60 days	Chuck Mattei Interchange—designation
092	Jul 15	SB1100	PN1573	60 days	General County Assessment Law—valuation of property
093	Jul 15	SB1139	PN1784	immediately	Pennsylvania Construction Code Act—application of act, adoption of regulations, administration and enforcement, changes in Uniform Construction Code and exemptions
094	Jul 15	SB1184	PN1734	60 days	Project 70 lands—release and imposition of restrictions on land in Scranton, Lackawanna County
095	Jul 20	HB0147	PN4323	immediately	Tax Reform Code of 1971—film production tax credit
2004 APPROPRIATION ACTS ENACTED—ACT 001A through 039A					
001A	Jul 2	HB2522	PN3665	immediately	Office of Consumer Advocate—operation
002A	Jul 2	HB2523	PN3666	immediately	Office of Small Business Advocate—operation
003A	Jul 2	HB2524	PN4196	immediately	State Employees' Retirement Board—expenses and payment of bills incurred and remaining unpaid at end of fiscal year ending June 30, 2004
004A	Jul 2	HB2525	PN3668	immediately	Public School Employees' Retirement Board—expenses and payment of bills incurred and remaining unpaid at end of fiscal year ending June 30, 2004
005A	Jul 2	HB2526	PN3669	immediately	Bureau of Professional and Occupational Affairs—support of professional licensure boards
006A	Jul 2	HB2527	PN4197	immediately	Department of Labor and Industry—administrative expenses and operation of Office of Small Business Advocate
007A	Jul 4	HB2579	PN4326	immediately	General Appropriation Act of 2004—enactment
008A	Jul 4	HB2521	PN4192	immediately	Pennsylvania Public Utility Commission—operation
009A	Jul 12	HB2529	PN4318	immediately	Pennsylvania State University—operation, instruction, medical education, children's hospital, agricultural research and extension services, etc.
010A	Jul 12	HB2531	PN4298	immediately	University of Pittsburgh—operation, maintenance, education, doctor of medicine instruction, veterinary activities and cardiovascular studies, etc.
011A	Jul 12	HB2532	PN4299	immediately	Temple University—operation, doctor of medicine instruction, dental clinics, podiatric medicine, Richard J. Fox Bio-Medical Center, etc.
012A	Jul 12	HB2533	PN4300	immediately	Lincoln University—operation, instruction, etc.

<i>Doc. No.</i>	<i>Date of Action</i>	<i>Bill Number</i>	<i>Printer's Number</i>	<i>Effective Date</i>	<i>Subject Matter</i>
013A	Jul 12	HB2535	PN4302	immediately	University of Pennsylvania—dental clinics, doctor of medicine program, veterinary activities and cardiovascular studies
014A	Jul 12	HB2536	PN4303	immediately	Philadelphia Health and Education Corporation—colleges of medicine, public health, nursing and health professions, operation, maintenance, etc.
015A	Jul 12	HB2537	PN4304	immediately	Thomas Jefferson University—Doctor of Medicine program, maintenance, College of Allied Health Sciences, student aid, Children's Heart Hospital and Tay-Sachs disease program
016A	Jul 12	HB2538	PN4305	immediately	Philadelphia College of Osteopathic Medicine—instruction
017A	Jul 12	HB2539	PN4306	immediately	Pennsylvania College of Optometry—instruction
018A	Jul 12	HB2540	PN4307	immediately	University of the Arts—instruction and student aid
019A	Jul 12	HB2541	PN4308	immediately	Berean Training and Industrial School—operation, maintenance and payment of debt service
020A	Jul 12	HB2542	PN4309	immediately	Johnson Technical Institute of Scranton—operation and maintenance
021A	Jul 12	HB2543	PN4310	immediately	Williamson Free School of Mechanical Trades—operation and maintenance
022A	Jul 12	HB2544	PN3686	immediately	Fox Chase Institute for Cancer Research—operation and maintenance and cancer research program
023A	Jul 12	HB2545	PN3687	immediately	Wistar Institute—operation and maintenance expenses and research
024A	Jul 12	HB2546	PN3688	immediately	Central Penn Oncology Group—operation
025A	Jul 12	HB2547	PN3689	immediately	Lancaster Cleft Palate—outpatient-inpatient treatment
026A	Jul 12	HB2548	PN3690	immediately	Pittsburgh Cleft Palate—outpatient-inpatient treatment
027A	Jul 12	HB2549	PN3691	immediately	Burn Foundation—outpatient and inpatient treatment
028A	Jul 12	HB2550	PN4311	immediately	Children's Institute—treatment and rehabilitation of young persons with disabling diseases
029A	Jul 12	HB2551	PN3693	immediately	Children's Hospital of Philadelphia—comprehensive patient care for children and general maintenance and operation of hospital
030A	Jul 12	HB2552	PN3694	immediately	Beacon Lodge Camp—services to the blind
031A	Jul 12	HB2553	PN4312	immediately	Carnegie Museums of Pittsburgh—Carnegie Museum of Natural History maintenance and purchases and Carnegie Science Center Planetarium and center operation
032A	Jul 12	HB2555	PN4314	immediately	Academy of Natural Sciences—maintenance expenses
033A	Jul 12	HB2556	PN4322	immediately	African-American Museum—operating expenses
034A	Jul 12	HB2557	PN3699	immediately	Everhart Museum—operating expenses
035A	Jul 12	HB2558	PN4315	immediately	Mercer Museum—operating expenses

<i>Doc. No.</i>	<i>Date of Action</i>	<i>Bill Number</i>	<i>Printer's Number</i>	<i>Effective Date</i>	<i>Subject Matter</i>
036A	Jul 12	HB2559	PN4316	immediately	Whitaker Center for Science and the Arts—operating expenses
037A	Jul 15	HB2534	PN4301	immediately	Drexel University—instruction and student aid
038A	Jul 15	HB2554	PN4313	immediately	Franklin Institute Science Museum—maintenance expenses
039A	Jul 15	HB2590	PN4317	immediately	Lake Erie College of Osteopathic Medicine—instruction in Doctor of Osteopathy program
2004 VETOES OF BILLS—VETO 003 through 004					
003	Jul 1	HB2128	PN3290		Public School Code of 1949—regulation of expelled students, Emergency Basic Education Subsidy Fund and basic education subsidy continuation funding
004	Jul 21	HB2758	PN4224		General Local Government Code (53 Pa.C.S.)—fire company reduction and closure provisions for cities of the first class

* denotes an effective date with exceptions

Effective Dates of Statutes

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

Advance Copies of Statutes

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

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

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

[Pa.B. Doc. No. 04-1429. Filed for public inspection August 6, 2004, 9:00 a.m.]

THE COURTS

Title 231—RULES OF CIVIL PROCEDURE

PART I. GENERAL

[231 PA. CODE CH. 200]

Amendment of Rule 227.1(b) Governing Post-Trial Practice; No. 412 Civil Procedural Rules; Doc. No. 5

Order

Per Curiam:

And Now, this 21st day of July, 2004, Pennsylvania Rule of Civil Procedure 227.1(b) is amended to read as follows.

Whereas prior distribution and publication of this amendment would otherwise be required, it has been determined that immediate promulgation of the amendment is required in the interest of justice and efficient administration.

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

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 200. BUSINESS OF COURTS

Rule 227.1. Post-Trial Relief.

* * * * *

(b) [**Post-trial**] Except as otherwise provided by Pa.R.E. 103(a), post-trial relief may not be granted unless the grounds therefor,

* * * * *

Official Note: If no objection is made, error which could have been corrected in pre-trial proceedings or during trial by timely objection may not constitute a ground for post-trial relief.

Pa.R.E. 103(a) provides that the specific ground for an overruled objection, or the substance of excluded evidence, need not be stated at or prior to trial, or without having made an offer of proof, if the ground of the objection, or the substance of the evidence sought to be introduced, was apparent from the context.

* * * * *

Explanatory Comment

Prior to the present amendment, Rule of Civil Procedure 227.1(b) was inconsistent with Pennsylvania Rule of Evidence 103(a). Civil Rule 227.1(b) required without exception that grounds for post-trial relief be raised in pre-trial proceedings or at trial. Evidence Rule 103(a), however, did not require that the specific ground for an erroneous evidentiary ruling be raised prior to or at trial if the ground was apparent from the context. The present amendment to Civil Rule 227.1 carves out an exception for matters within the scope of Evidence Rule 103(a), thereby eliminating the inconsistency between the two rules.

By the Civil Procedural Rules Committee

R. STANTON WETTICK, Jr.,
Chair

[Pa.B. Doc. No. 04-1430. Filed for public inspection August 6, 2004, 9:00 a.m.]

PART I. GENERAL

[231 PA. CODE CH. 1940]

Amendments to the Rules of Civil Procedure Relating to Domestic Relations Matters; No. 411 Civil Procedural Rules; Doc. No. 5

Order

Per Curiam:

And Now, this 21st day of July, 2004, Rule 1940.4 of the Pennsylvania Rules of Civil Procedure is amended as follows.

This order shall be processed in accordance with Pa. R.J.A. 103(b) and shall be effective immediately.

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 1940. VOLUNTARY MEDIATION IN CUSTODY CASES

Rule 1940.4. Minimum Qualifications of the Mediator.

(a) A mediator must have at least the following qualifications:

* * * * *

(2) successful completion of basic training in domestic and family violence or child abuse and a divorce and custody mediation program approved by the [**Academy of Family Mediators**] **Association for Conflict Resolution**, American Bar Association, American Academy of Matrimonial Lawyers, or Administrative Office of Pennsylvania Courts;

* * * * *

[Pa.B. Doc. No. 04-1431. Filed for public inspection August 6, 2004, 9:00 a.m.]

Title 255—LOCAL COURT RULES

BUTLER COUNTY

Local Civil Court Rules; MSD 04-40239

Administrative Order of Court

And now, this 23rd day of July, 2004, in order to comply with the Pennsylvania Rule of Civil Procedure, 239.8, it is hereby ordered and decreed that the following Butler County Local Rules of Procedure are herewith adopted. It

is further ordered that all prior Local Rules of Procedure that have been adopted and/or revised by this Court at various times and docketed to several different docket numbers are herewith rescinded.

This Order of Court shall be effective thirty days after publication of the Rules in the *Pennsylvania Bulletin*.

The Butler County District Court Administrator is ordered and directed to:

1. File seven certified copies of this Administrative Order, including the newly adopted rules, with the Administrative Office of the Pennsylvania Courts.

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

3. File one certified copy with the Pennsylvania Civil Procedural Rules Committee.

4. Electronically submit to the Administrative Office of the Pennsylvania Courts a copy of the following local rules for publication on the AOPC website.

5. Forward one copy for publication in the *Butler County Legal Journal*.

6. Forward one copy to the Butler County Law Library.

7. Keep continuously available for public inspection copies of the Order of Court and Local Rules in the office of the Prothonotary of Butler County.

By the Court

THOMAS J. DOERR,
President Judge

Butler County Local Civil Court Rules Promulgated pursuant to Pa. R.C.P. 239

Local Rules—Civil

The principles of interpretation and rules of construction embodied to Pa.R.C.P. 102 to 153 inclusive shall apply to these rules, with the substitution of the words "Court of Common Pleas of Butler County" for the words "Supreme Court." These rules shall be cited as "Butler County Local Rule _____."

Local Rule L206.1(a)—Petitions

"Petition" in Butler County means an application to open a default judgment or a judgment of non-pros.

Local Rule L206.4(c)—Rule to Show Cause—Issuance as of Course

A Rule to Show Cause on a Petition shall be issued as of course upon the filing of the Petition. See Pa.R.C.P. 206.6.

All Petitions must be filed with the Prothonotary of Butler County.

Local Rule L208.2(d)—Uncontested Motions—Certification

Any Motion, as defined in Pa.R.C.P. 208.1 bearing the written consent of the opposing party, or, if represented, the opposing party's attorney of record, may be submitted to the judge assigned to the case at any time without formal notice of presentation. If no judge assignment has been made, any uncontested Motion must be presented to the unassigned Motion Court judge. The party presenting any uncontested Motion shall certify how the party believes the Motion to be uncontested.

Local Rule L208.2(e)—Discovery Motions—Certification

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

Local Rule L208.3(a)—Motions Practice

All Motions, as defined in Pa.R.C.P. 208.1 requesting a judge's signature are subject to these Rules.

Civil cases are assigned to individual judges. All Motions are to be heard by the judge assigned to the case. Contact the court administrator's office if you do not know the assigned judge. In the interest of Family Court or Support Court cases, contact the Docketing Section of the Butler County Domestic Relations Section.

If no judicial assignment has been made, the Motion shall be presented to the judge designated by the Court Administrator or the Domestic Relations Section as appropriate.

All Motions shall be accompanied by a certification, in writing, substantially in the form set forth below, signed by the moving party or the moving party's attorney, that a true copy of the Motion was deposited in the mail at least seven (7) calendar days preceding its presentation.

Form of Certification

I hereby certify that I caused a true and complete copy of the within (name of Motion) to be served on (name of persons entitled to notice) by first class, regular mail or (date of mailing), along with notice of my intention to present the same to judge (name of assigned judge) on (date of presentation).

Failure to Provide Certification

Motions presented without the required Certification of Notice of Presentation will not be acted upon by the Court.

Comment

A Motion mailed on a Monday may be presented the following Monday or thereafter. The parties are permitted to consensually shorten the time for Notice of Presentation, but are obligated to note any such agreement on the Notice of Presentation. It is the responsibility of the moving parties to append the appropriate Certification. Absent Certification, the Court will not act.

Presentation of Motions

Except in an emergency fully described in the Motion, all Motions shall be presented to the judge assigned to the case in Motions Court. Contact the Court Administrator's office for civil court assignments and assigned Motion's Courts Dates. In the interest of Family Court or Support Court motions, contact the docketing section of the Butler County Domestic Relations Section. Requests for this information shall be responded to by the Court Administrator's office or the Domestic Relations Section within one business day.

Motions shall not be acted upon by the court unless the Notice of Presentation required above and one or more proposed Order(s) of Court are attached, along with a verification if required.

Local Rule L212.1—Civil Actions to be Tried

A civil action in which the damages sought exceed the jurisdictional limit for compulsory arbitration and which is ready for trial, shall be preaccepted for trial by filing the

same with the Prothonotary. The Praeceptum shall certify that all discovery is complete. Depositions for use at trial need not have been taken prior to Praeceptum. Objections to the Praeceptum shall be filed within ten (10) days.

After Praeceptum, the court administrator will schedule the case for a Pre-trial Conference. Pre-trial statements shall conform to Pa.R.C.P. 212.2 and shall be filed and served at least one week prior to the Pre-trial Conference.

After a Pre-trial Conference, the case may be listed for trial.

Local Rule L239(f)—Inactive Case

(f) Pursuant to Rule of Judicial Administration 1901, on the First Tuesday of December of each year, the Prothonotary of Butler County shall list for general call all civil matters, except those that are related to support, that are Inactive. A case is "Inactive" if no pleadings have been filed or actions taken for a period of two (2) years or more from the date the last pleading was filed or action was taken in that case. The Prothonotary shall give written notice of the intent to include the case on the general call list for termination of inactive cases to each of the parties of record by Certified Mail Return Receipt Requested and each attorney of record by Regular Mail at their last known addresses. Said notice shall be in the form of a Rule to Show Cause why the case should not be terminated for inactivity, and shall include, inter alia, a statement identifying the name of the case, the docket number, the date and type of the last pleading or action taken in the case, and the date, time and location that the Rule is Returnable. In addition, the Prothonotary shall cause to be published a notice listing, inter alia, all of the cases to be presented at the general call of the list, as well as the date, time and location of the general call of the list hearing. Said notice shall be published in the *Butler Eagle* and the *Butler County Legal Journal* for two (2) consecutive weeks prior to the date set for the general call of the list hearing. In the event the court is unable to conduct a hearing on the First Tuesday of December of each year for the purposes of terminating all inactive cases, the hearing shall be scheduled sua sponte for the first available date.

Local Rule L1018.1(c)—Notice To Defend Form

The name, address and telephone number of the office that a person may contact to find out where the person can obtain legal help is as follows:

Office of the Prothonotary of Butler County
1st Floor, Courthouse
124 West Diamond Street
PO Box 1208
Butler, Pennsylvania 16001
724/284-5214

Local Rule L1028(c)—Preliminary Objections

(a) Preliminary objections shall be filed with the Prothonotary. The Preliminary Objections shall have attached an Order of Court scheduling the matter for oral argument. A brief in support of the Preliminary Objections shall be filed with the Preliminary Objections. Briefs for the non-moving parties shall be filed and served one week prior to the scheduled argument.

(b) If an Amended Complaint is filed in response to the Preliminary Objection, the Plaintiff shall contemporaneously file a Motion to cancel oral argument on the Preliminary Objections.

Local Rule L1034(a)—Motion for Judgment on the Pleadings

(a) A Motion for Judgment on the Pleading shall be filed with the Prothonotary. The Motion shall have attached an Order of Court scheduling the matter for oral argument. A brief in support of the Motion shall be filed with the Motion. Briefs for the non-moving parties shall be filed and served one week prior to the scheduled argument.

Local Rule L1035.2(a)—Motion for Summary Judgment

(a) A Motion for Summary Judgment shall be filed with the Prothonotary. The Motion shall have attached an Order of Court scheduling the matter for oral argument. A brief in support of the Motion shall be filed with the Motion. Briefs for the non-moving parties shall be filed and served one week prior to the scheduled argument.

Local Rule L1301—Arbitration (Scope)

(a) These Rules apply to all Civil Actions or issues that shall be submitted to compulsory arbitration pursuant to Section 7361 of the Judicial Code, 42 Pa.C.S.A. § 7361, and Pa.R.C.P. No. 1301, et seq.

(b) A Board of Arbitrators, consisting of three (3) members of the bar actively engaged in the practice of law primarily in Butler County and selected as hereinafter provided, shall decide the following matters:

(1) All Civil Actions, as defined in Pa.R.C.P. No. 1001(b)(1), for money damages where the amount at issue is within the statutory arbitration limits, as provided by law and/or Order of Court. (See 42 Pa.C.S.A. § 7361.) The amount at issue shall be determined from the pleadings, by agreement of the parties, or the Court;

(2) All Civil Actions where no appearance has been entered and the plaintiff desires to have the damages assessed in an amount not to exceed the arbitration limits;

(3) All appeals from a civil judgment of a District Justice, except judgments for possession of real property; and

(4) By agreement of reference signed by the parties or their counsel. Such agreement shall define the issues and contain such stipulation as to facts, admissions or waivers of defenses or proofs as are agreed upon.

(c) These Rules shall not apply to the following actions:

- (1) Actions in Ejectment;
- (2) Action in Quiet Title;
- (3) Action in Replevin—except by Order of Court;
- (4) Action in Mandamus;
- (5) Action in Quo Warranto;
- (6) Action or Mortgage Foreclosure;
- (7) Actions upon Ground Rent;
- (8) Foreign Attachment; or
- (9) Fraudulent Debtors Attachment

Local Rule L1302—List of Arbitrators. Appointment to Board

(a) The Prothonotary of Butler County shall compile and maintain a list of persons eligible and willing to serve as arbitrators and a list of persons eligible and willing to serve as chairpersons of the Board of Arbitrators. This list shall be comprised of members of the bar actively engaged in the practice of law primarily in Butler

County. "Actively engaged in the practice of law primarily in Butler County" is defined as: Persons who regularly maintain an office in Butler County for the practice of law; public defenders; assistant and deputy district attorneys; and judicial law clerks of the Court of Common Pleas of Butler County. Persons who have been determined to be eligible shall file a written consent to serve as an arbitrator or chairperson with the Prothonotary. Arbitrators and chairpersons shall be selected by the Prothonotary from those persons who have filed a consent to serve.

(b) Should a vacancy on the Board of Arbitrators occur prior to the hearing for any reason, or should a member of the Board fail to attend the hearing, a member of the Board shall notify the Prothonotary who shall immediately vacate that appointment and make an appointment to fill that vacancy. Should a vacancy on the Board of Arbitrators occur after the hearing takes place but before an award is signed by all arbitrators, or should a member of the Board fail to or refuse to perform his duties, the award shall be signed and filed by the remaining members of the Board. If the remaining members of the Board are unable to agree, they shall notify the Prothonotary who shall appoint a third member. Thereafter, the Prothonotary shall schedule a rehearing for the new Board, which shall thereafter file an award.

(c) The Board shall be chaired by a member of the Bar admitted to the practice of law for at least ten (10) years.

(d) Each member of the Board of Arbitrators, who has been duly sworn in to hear a case, shall receive as compensation a fee in the amount set by the court from time to time by a Special Order. In cases requiring hearings that exceed one-half day, the arbitrators may petition the court for additional compensation, which the court may grant for cause shown. The arbitrators shall not be entitled to receive their compensation fees until after filing a report and award with the Prothonotary. Compensation fees paid to the arbitrators shall not be taxed as costs or follow the award as other costs.

(e) Upon the filing of the arbitrators' report and award, or a discontinuance by the parties after the swearing of the arbitrators or an award by the court in accordance with Pa.R.C.P. No. 1303(b), the Prothonotary shall certify such filing to the County Commissioners and to the County Controller together with the names of the sworn members of the Board of Arbitrators and submit an Order for payment. The County Commissioners and County Controller shall thereupon pay the applicable fee to each member of the Board of Arbitrators.

(f) If an arbitrator fails in his duties or the Board of Arbitrators fails to file an award promptly, as required by Pa.R.C.P. No. 1306, the result will be the forfeiture of the arbitrator's fee.

Local Rule L1303. Hearing Notice

(a)(1) The chairperson shall fix the date and time of the arbitration hearing at the Butler County Courthouse. The hearing shall be within sixty (60) days after the appointment of the Board. Not less than thirty (30) days Notice in writing of the date and time shall be given to the arbitrators and parties or their attorneys of record.

(2) All written Notices shall include the following statement:

This matter will be heard by a Board of Arbitrators at the time, date and place specified, but if one or more of the parties is not present at the hearing, the matter may be heard at the same time and date before a judge of the

court without the absent party or parties. There is no right to a trial de novo on appeal from a decision entered by a judge.

(b) The chairperson of the Board of Arbitrators shall have the powers conferred upon him by law, including but not limited to the following:

(1) To grant continuances for good and sufficient reason before the hearing convenes. Parties shall make requests for a continuance as soon as the need arises. In the event a party requests and secures a continuance of the hearing prior to the commencement thereof, it shall be the chairperson's duty to ascertain an appropriate date and time for a new hearing and to see that all parties and arbitrators are notified both of the continuance and the new hearing schedule. If there is a dispute as to a continuance, the issue shall be submitted to the Motion Court judge.

(2) To permit the amendment of any pleading except for good cause shown, such an amendment must be filed in writing. If the court grants a continuance of the hearing, the court may, in its discretion, impose a reasonable fee upon the party so requesting the continuance if the court finds the request for the continuance was not obtained in a timely fashion. The party upon whom such fees have been imposed may not, so long as such fees remain unpaid, take any further step in such arbitration without prior leave of court. The party upon whom such fees have been imposed may not recover such fees if that party is ultimately successful in the arbitration.

[Pa.B. Doc. No. 04-1432. Filed for public inspection August 6, 2004, 9:00 a.m.]

CUMBERLAND COUNTY

Rules of the Court of Common Pleas; No. 96-1335 Civil Term

Order of Court

And Now, this 22nd day of July, 2004, the following Rules of the Court of Common Pleas of Cumberland County, Pennsylvania, are hereby promulgated and adopted for use, effective July 26th, 2004, or thirty (30) days after publication in the *Pennsylvania Bulletin*.

Pursuant to Pa. R.C.P. 239, the Court Administrator is directed to forward seven (7) certified copies of this order to the Administrative Office of Pennsylvania Courts, two (2) certified copies to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin* together with a diskette, formatted in Microsoft Word for Windows reflecting the text in the hard copy version, one (1) copy to the Supreme Court Civil Procedural Rules Committee and/or the Supreme Court Domestic Relations Committee, and one (1) copy to the *Cumberland Law Journal*.

By the Court

GEORGE E. HOFFER,
President Judge

Proposed Local Rules to be Published in Accordance with Pa.R.C.P. 239(c)(7)

Rule 206.1. Petitions

In addition to petitions to open and for non pros, petition practice shall also be applicable to petitions to transfer venue on grounds of forum non conveniens and

petitions which seek the issuance of a rule to serve the interest of justice. See Pa.R.C.P. 206.1(a)(2)

Rule 206.4(c). Rules to Show Cause.

Cumberland County hereby adopts Pa.R.C.P. 206.5 as the procedure governing rules to show cause. The issuance of rules to show cause will be discretionary with the court upon presentation of a petition seeking the same.

(1) A petition for a rule to show cause shall be filed with the Prothonotary who shall docket the petition and forward same to the Court Administrator for assignment to a Judge.

(2) Upon a grant of a rule to show cause an order shall be issued in accordance with Pa.R.C.P. 206.5 governing the requirements for an answer, the scheduling of depositions, and the manner in which argument will be scheduled.

(3) The procedures with regard to rules to show cause shall also comply with the requirements with respect to motions, generally, set forth in Rule 208.3(a).

Rule 208.2(d). Concurrence of Counsel.

All motions and petitions shall contain a paragraph indicating that the concurrence of any opposing counsel of record was sought and the response of said counsel; provided, that this requirement shall not apply to preliminary objections, motions for judgment on the pleadings, motions for summary judgment, petitions to open or strike judgments, and motions for post-trial relief.

Rule 208.3(a). Motions.

All motions and petitions shall be initially presented to the Prothonotary who shall forward same to the Court Administrator for assignment to a Judge for disposition.

(1) All motions submitted to the Court shall be in writing and shall prominently indicate the individual attorney responsible for the matter. Where that attorney is not the one who personally submits the papers, the names of both attorneys shall be clearly indicated.

(2) The motion shall name each Judge who has ruled upon any other issue on the same or related matter, and shall specify the issue.

(3) A proposed order or decree shall be prepared by counsel and affixed to the front of each petition or motion submitted to the Court. Where the Court cannot make an ex parte determination of the matter, the proposed order shall be in the nature of a rule to show cause why relief sought ought not to be granted.

(4) The Judge to whom a motion has been assigned shall, thereafter, by order, schedule such briefing and argument as shall be deemed necessary.

(5) Except as provided in Rules 1028(c), 1034(a), and 1035.2(a), no petition or motion, including those relating to depositions and discovery, shall be placed on an argument court list unless directed by the Judge assigned thereto.

(6) Where notice of the entry of any order is required under Pa.R.C.P. 236, the petitioner or moving party shall include in the proposed order the names of the persons and/or attorneys who are required to be notified and to provide duplicate copies of the proposed order with stamped envelopes addressed to the said persons and/or attorneys.

(7) All motions regarding discovery in civil cases including, but not limited to, motions to compel, for protective orders, and for sanctions, shall be filed with the

Prothonotary who will transmit the motion/petition to the Court Administrator for assignment to a judge. Any answer or response to a discovery order or rule shall be filed, initially, with the Court Administrator who shall refer same to the judge assigned prior to filing with the Prothonotary.

(8) *Hybrid Representation.* In the event that a party who is represented by counsel of record attempts to file a motion, petition, answer or similar item on his or her own, the court will not docket the item but instead forward it to the counsel of record for such action as he or she deems appropriate on behalf of his or her client.

Rule 1028(c). Preliminary Objections.

All preliminary objections shall be filed with the Cumberland County Prothonotary's Office. Thereafter, the issues raised will be disposed of at regular sessions of argument court, which shall be scheduled as part of the annual court calendar. The procedure for disposition of matters at argument court shall be as follows:

(1) The Prothonotary shall maintain the argument court list.

(2) A case shall be listed by filing a praecipe, in duplicate, with the Prothonotary. The party listing the case for argument shall serve a copy of the praecipe on all counsel or any unrepresented party.

(3) The argument list shall be closed twenty (20) days prior to the date for argument. The list shall then be prepared by the Prothonotary and the cases shall be set out in order of their listing. Upon the closing of the argument list, the Prothonotary shall furnish notification to all attorneys and unrepresented parties, who have cases listed for argument, of the listing by regular mail.

(4) One week prior to argument, the Court Administrator, at the direction of the President Judge, shall prepare the final list of cases to be argued before either a single judge or an en banc panel of two judges, or three judges. The list of assigned cases shall be listed in the Prothonotary's Office and the Law Library six (6) days prior to the date for argument.

(5) A brief with two copies containing a statement of facts, discussion of the issues and reference to all authorities relied upon, shall be filed with the Court Administrator before argument. The party seeking the order shall furnish these briefs and serve a copy of the brief upon opposing counsel or any unrepresented party twelve (12) days before the date set for argument. A responding party shall furnish briefs in a similar manner five (5) days before the date set for argument. Argument may be denied to any party who fails to comply with the filing requirements of this paragraph. If the party seeking the order has not filed a timely brief in accordance with this rule, the Court may deny the relief sought on that basis alone.

(6) Issues raised, but not briefed, shall be deemed abandoned.

(7) References in any brief to parts of the record appearing in a reproduced record shall be to the pages and the lines in the reproduced record where said parts appear, e.g., "(r. pg. 30 l. 15)." If references are made in the briefs to parts of the original record not reproduced, the references shall be to the parts of the record involved, e.g., "(Answer p. 7)," "(Motion for Summary Judgment p. 2)."

(8) Counsel or any party presenting oral argument shall be limited to fifteen (15) minutes unless prior permission is granted to extend argument in a complex case.

(9) Prior approval of the Court must be obtained to present cases only on briefs. Any request is to be made to the Court Administrator no later than five (5) days prior to argument. Cases submitted for argument on briefs are subject to the briefing schedule set forth in paragraph (5).

(10) Briefs will not be retained by the Court past the current argument court session. If the case is praeciped for argument but not argued during that session, a new brief will be required when the case is relisted.

(11) All agreements for continuances and/or withdrawals shall be communicated to the Court Administrator no later than seven (7) days prior to argument court.

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

Motions for judgment on the pleadings shall be filed with the Cumberland County Prothonotary's Office and disposed of in the same manner as preliminary objections in accordance with Rule 1028(c).

Rule 1035.2(a). Motions for Summary Judgment.

All motions for summary judgment shall be filed with the Cumberland County Prothonotary's Office and disposed of in the same manner as preliminary objections in accordance with Rule 1028(c).

Note: The foregoing rules 206.1, 206.4(c), 208.2(d), 208.3(a), 1028(c), 1034(a) and 1035.2(a) are promulgated pursuant to Pa.R.C.P. 239.1 et seq. These Supreme Court Rules require that courts of common pleas adopt rules with respect to motions practice. The rules, thus adopted, are required to be published on the web site of the Administrative Office of Pennsylvania Courts.

The foregoing local rules retain current practices and are, to a large extent, existing rules renumbered and reconfigured in accordance with the requirements of the Pennsylvania Supreme Court. These rules are derived from and also rescind existing Cumberland County rules 205-1, 206-1 through 209-2, 210-1 through 210-14, 227.1-1, 227.1-2, and 4001-1.

[Pa.B. Doc. No. 04-1433. Filed for public inspection August 6, 2004, 9:00 a.m.]

ERIE COUNTY

Revision and Restatement of the Rules of Civil Procedure; Civil Division—Misc. Doc. No. 90047 Court Order 2004

Order

And Now, this 8th day of July, 2004, the following revisions and additions to the Rules designated as the Rules of Civil Procedure for the Court of Common Pleas of Erie County, Pennsylvania, are hereby approved, adopted and promulgated as the Rules of Court. These Rule changes, revisions and deletions shall become effective thirty (30) days after the publication of the same in the *Pennsylvania Bulletin* and they shall apply to all actions pending at the time.

WILLIAM R. CUNNINGHAM,
President Judge

The following Rules have been deleted from the Local Rules of the Court of Common Pleas of Erie County, 6th Judicial District of Pennsylvania:

Rule 205.3. Civil Cover Sheet

Rule 212.1(d—e)

Rule 217. Costs of Continuance

Rule 219. View of Premises

Rule 221.1. Examination of Jurors Before Trial

Rule 227.5. Judgment on Verdict

Rule 227.6. Judgments by Agreement

Rule 248. Modification of Time

Rule 302(d—k)

Rule 303(b)(f—g)

Rule 310. Termination of Action or Proceeding Because of Inactivity

Rule 314. Sanction for Late Settlement

Rule 500. Auditors and Auditors' Reports

Rule 501. Limitations on Bail and Surety

Rule 502. Distribution

Rule 503. Assignees of Creditors

Rule 504. Sheriff

Rule 505. Surveyors

Rule 1007.2 Number of Jurors, Civil Trial

BUSINESS OF COURTS

Rule 205.2. Physical Characteristics of Pleadings and Other Legal Papers

(a)(1) All papers filed in the Office of the Prothonotary shall be filed on letter-sized paper, 8-1/2" × 11".

(2) The caption of all papers allowed or required to be filed shall contain the term and number at which the action is filed.

(b) The document(s) filed to commence an action shall include a completed and signed civil cover sheet, in the form provided by the Court.

Rule 206.1 Petition. Definition.

(a) As used in these rules, "petition" means

(1) An application to open a default judgment or a judgment of non-pros.

Rule 206.4 Petition. Rule to Show Cause.

(a) A petition shall proceed upon a rule to show cause, the issuance of which shall be as of course in accordance with the procedure set forth in Pa. R.C.P. No. 206.6.

(b) [Reserved]

(c) The petitioner shall file the petition with the Prothonotary with a copy to the assigned judge, together with a proposed order in conformity with Pa. R.C.P. No. 206.6. The assigned judge shall issue the appropriate order, and the petitioner shall provide notice of entry of the order to all parties as contemplated by Pa. R.C.P. No. 206.6.

Rule 208.2. Motion. Form. Content.

(a) [Reserved]

(b) [Reserved]

(c) Unless a certification is filed that a motion is presented as uncontested, any motion shall include a brief statement of the applicable authority.

(d) Except as set forth in Erie L.R. 208.3(b), a motion shall be treated as a contested motion unless it contains a

certification by counsel or by an unrepresented party that the motion is uncontested. A motion may be presented as uncontested where counsel or an unrepresented party can certify that the opposing party has consented to the relief requested or where prior notice of intention to present the motion and proposed order has been served in accordance with Local Rule No. 440 and the opposing party has neither indicated an intention to object nor appeared at the time of presentation and expressed an objection.

(e) Any motion relating to discovery shall include a certification signed by counsel for the moving party or an unrepresented party certifying that counsel or the unrepresented party has conferred or attempted to confer with all interested parties to resolve the matter without Court action.

Rule 208.3. Motion Procedures.

(a) This rule describes the procedures governing non-dispositive motions within the scope of Pa.R.C.P. No. 208.1.

(1) The original of any motion shall be filed with the Prothonotary and a copy thereof shall be provided to the assigned judge. If a judge has not yet been assigned, the party seeking to present a motion shall first submit a request for judicial assignment with the trial court administrator and obtain assignment to a judge to whom the motion shall be presented. (See Erie L.R. 302 with respect to the filing of requests for judicial assignment.) The judge to whom the case has been assigned will schedule argument and either notify all parties or advise the moving party to notify all other parties of the time, date and location of argument.

(2) After any order is issued by the Court relating to a motion, whether such order grants or denies the relief requested, schedules argument thereon or deals with any other related matter, and unless the order states otherwise, the moving party shall immediately file the original of said order with the Prothonotary and contemporaneously therewith shall serve a copy of said order on all other counsel and unrepresented parties.

(3) To supplement the procedure set forth in (a)(1) above, each judge shall establish a schedule when he/she will be available for presentation of non-dispositive motions in cases assigned to that judge, which schedule must be published on the website of the Administrative Office of Pennsylvania Courts (www.aopc.org) and the website of the Erie County Court of Common Pleas (www.eriecountygov.org).

(4) If counsel and/or unrepresented party notifies opposing counsel and/or parties that a motion will be presented to a judge at a specific time and then fails to appear, the Court, upon motion, will consider an appropriate sanction including, but not limited to, an award of attorney's fees.

(b) With respect to any motion which is contested, a response shall be filed within twenty (20) days after service of the motion. All motions which are contested shall be accompanied by a rule to show cause for the scheduling of a hearing or argument as appropriate. Where no response is filed, the moving party shall notify the court and the motion shall be deemed to be uncontested and the Court may proceed to issue a ruling upon the motion. Oral argument shall be scheduled by the Court unless the parties waive oral argument. Nothing set forth herein shall be deemed to limit the discretion of the Court to enter an order in accordance with Pa.R.C.P. 208.4 upon initial consideration of a motion.

Rule 210. Form and Content of Briefs.

Except by prior permission of the Court, briefs (exclusive of pages containing the table of contents, table of citations and any addendum containing opinions, etc., or other similar supplementary matter) shall not exceed twenty-five (25) pages of double-spaced conventional typographical printing. This Rule shall not apply to briefs on post-trial motions. Non-conforming or illegible briefs will not be considered.

Rule 212.1. Pretrial Procedure

(a) Scope

This Rule shall encompass all civil actions, except actions where jurisdiction lies in the Family/Orphans Court Division.

(b) Case Management Orders (CMO)

1. Case Management Orders—General

(A) At the time of judicial assignment, the Office of Court Administration shall issue a CMO designating dates for the close of discovery, the filing of pretrial statements, and a proposed trial term.

(B) At any time prior to judicial assignment, the parties may agree to the entry of a CMO by filing a stipulation with the Office of Court Administration and the Prothonotary.

(C) Following the entry of the CMO, any request for modification shall be done by motion filed with the Prothonotary and mailing or delivering a copy to the assigned judge.

2. Case Management Orders—Time Limitations

(A) All CMOs, except those requested by stipulation, which are issued by the Office of Court Administration, shall provide the following time limitations:

(i) Close of discovery within two hundred forty (240) days of the issuance of the CMO.

(ii) Plaintiff's pretrial statement filed within thirty (30) days of the close of discovery.

(iii) Defendant's pretrial statement filed within sixty (60) days of the close of discovery.

(iv) The proposed trial term within one hundred twenty (120) days of the discovery, or as close thereto as the availability of trial terms may allow.

(B) If a case has been accepted by the Court as "complex," all CMOs shall designate dates consistent with the following time limitations:

(i) Close of discovery is five hundred forty (540) days from the issuance of the CMO.

(ii) Plaintiff's pretrial statement filed within forty five (45) days of the close of discovery.

(iii) Defendant's pretrial statement filed within ninety (90) days of the close of discovery.

(iv) The proposed trial term within one hundred eighty (180) days of close of discovery, or as close thereto as the availability of trial terms may allow.

(C) If a case has been accepted by the Court as "expedited," all CMOs shall designate dates consistent with the following time limitations:

(i) Close of discovery is ninety (90) days from the issuance of the CMO.

(ii) Plaintiff's pretrial statement filed within fifteen (15) days of the close of discovery.

(iii) Defendant's pretrial statement filed within thirty (30) days of the close of discovery.

(iv) The proposed trial term within ninety (90) days of close of discovery, or as close thereto as the availability of trial terms may allow.

(D) A party may request that a case be designated as complex or expedited by the filing of a stipulation or motion.

(E) All cases where the amount in controversy is within the limits for mandatory arbitration shall be designated as "expedited" cases and CMOs issued accordingly.

(c) *Settlement Conference*

A party may request that the assigned judge conduct a settlement conference at any time after the filing of the last responsive pleading.

(d) *Certification For Trial*

1. These certification procedures apply to all civil jury and non-jury cases.

2. In order to have a case assigned to a particular trial term, all counsel or parties must certify the case as ready for trial by filing with the Prothonotary and serving upon the Court Administrator a certification in substantially the form contained herein and designated "Certification I."

3. If a party has failed to comply with the timetables established in the CMO or has failed to sign a Certification I after being requested to do so in writing, a party wishing to place the case on the trial list must file a certification in substantially the same form contained herein and designated "Certification II."

4. A Certification I or II indicating readiness for trial shall be filed with the Office of Court Administration and the Prothonotary no later than the last Friday of the calendar month that precedes the month immediately before the beginning of the proposed trial term, unless a different deadline is established by notice published in the Erie County Legal Journal.

5. All "Certification II's" shall be forwarded to the assigned judge for disposition.

Rule 212.2. Pretrial Statements

(a) In addition to the requirements set forth at Pa. R.C.P. 212.2, all Pretrial Statements shall contain:

- 1. A list of any unusual legal issues.
- 2. Where appropriate, authorization to other parties to examine pertinent records unless earlier provided.

3. For any party asserting a claim for damages, the method of calculation and how damages will be proven.

4. For any party defending a claim for damages, any defenses to the damage claims.

5. *Filing Procedure.* The original Pretrial Statements are to be filed in the Prothonotary's Office. No copy shall be forwarded to the assigned judge.

Rule 212.3. Pretrial Conference

(a) Upon the completion of the trial list, the assigned judge shall schedule a pretrial conference. Attendance at the conference is mandatory for all counsel, and all persons needed to authorize or approve settlement shall be present or available by telephone.

(b) In cases proceeding to trial without a jury, a pretrial conference shall be scheduled at the discretion of the assigned judge or upon request of a party.

(c) At pretrial conference, in addition to the matters included in Pa. R.C.P. 212.3(b), the Judge:

1. Shall explore, with counsel and the parties, the possibility of settlement.

2. May decide all remaining motions and requests for relief.

Rule 212.4. Trial Lists and Continuances

1. After the deadline for certification has passed, the Office of Court Administration, in coordination with the assigned judge, shall list all certified cases for trial.

2. When a case is listed for trial, it shall not be continued except for just cause. Except in the case of exigent circumstances, all motions for continuance must be made at least ten (10) days before the start of the trial in non-jury cases. All motions for continuance must include the reasons for the request and must be presented to the assigned judge.

3. Motions for continuance which are being made with the agreement of all counsel must be signed by all counsel or parties.

FORMS

CERTIFICATION I

We the undersigned, counsel for the parties in the above case, hereby certify that:

- 1. The above action is ready for trial;
- 2. All outstanding motions have been resolved;
- 3. All pretrial narratives are filed;
- 4. Counsel have met and discussed settlement of this matter.
- 5. This case is to be tried _____ jury, _____ non-jury.

Plaintiff's attorney (date)

Defendant's attorney (date)

Additional Defendant's attorney (date)

CERTIFICATION II

1. The undersigned requests that the case be placed on the Trial List for the _____(month)_____ term.

2. A case management order was entered providing for a proposed trial term of _____(month)_____.

3. A request to file a Certification I has been made of all parties.

4. This Certification II has been filed because:

5. The case is otherwise ready for trial.

Signature (Counsel or Party)

Date

Rule 216. Re-Certification After Continuance

If a second consecutive continuance request is granted by the Court at the request of either counsel or an unrepresented party, the Court, in its discretion, may strike the case from the trial list. Re-certification will then be required to have the case placed on a future trial list.

Rule 220.1. Voir Dire.

(a) The court may present a written questionnaire to the prospective jurors, in the form attached hereto as exhibit _____.

(b) Supplemental voir dire may be submitted to the court for approval.

Rule 221. Challenges

Neither peremptory challenges nor challenges for cause need be exercised until all prospective jurors have been questioned.

Rule 252. Appeals in License Suspension Cases

(a) Upon filing a license suspension appeal, the petition shall be presented to the Office of Court Administration for a judge assignment and hearing date.

(b) The Office of Court Administration shall review the petition and upon determination that the appeal is timely, shall issue a "per curiam" order of court designating the assigned judge and setting the date and time of the hearing and where appropriate providing for supersedeas.

(c) No provision for supersedeas shall be included in an appeal, pursuant to 75 Pa.C.S.A. §§ 1503, 1504, 1509, 1514, 1519 and 1572. Requests for supersedeas in cases involving those sections shall be directed to the assigned judge.

(d) Notice of the time and date of the hearing shall be provided by the petitioner to the Commonwealth as provided by the Motor Vehicle Code.

Rule 253. Petitions for Change of Name

(a) Upon filing, all petitions for name change shall be presented to the Office of Court Administration for judge assignment.

(b) Petitions for name change shall be presented to the assigned judge for designation of the date and time of hearing.

(c) At the time of the hearing, the petitioner shall provide the Court with the following:

- (1) A copy of the proposed decree;
- (2) A certified copy of the lien search completed by the Clerk of Records;
- (3) A verification from the Pennsylvania State Police of compliance with any applicable fingerprint requirements; and
- (4) A verification of compliance with all notice and publication requirements.

COURT MATTERS

Rule 302. Trial Division Judicial Assignment

(a) Judicial assignment to a case will be made 60 days after the filing of the complaint. Counsel and

unrepresented parties will receive notice of the assignment on the returned copy of the civil cover sheet. If no cover sheet is filed, notice will be given based upon information available to the Prothonotary. All judicial assignments will be noted in the Prothonotary computer file.

(b) If judicial attention is required prior to judicial assignment pursuant to section (a) above, counsel shall submit a request for judicial assignment with the Court Administrator on a form substantially as contained herein.

(c) To obtain judicial attention in a case wherein a complaint was filed before April 1, 1996, counsel shall submit a request for judicial assignment with the Court Administrator on a form substantially as contained herein.

ERIE COUNTY COURT OF COMMON PLEAS
REQUEST FOR CIVIL JUDGE ASSIGNMENT

DATE COMPLAINT FILED	DOCKET NUMBER
PLAINTIFF(S)	PLAINTIFF'S ATTORNEYS (Address)
DEFENDANT(S)	DEFENDANT'S ATTORNEYS (Address)

HAS THIS CASE RECEIVED ANY PREVIOUS JUDICIAL ATTENTION?

NO _____ YES _____

If yes, name of Judge _____

ARE THERE ANY COMPANION CASES ALREADY ASSIGNED TO A JUDGE?

NO _____ YES _____

If yes, name of Judge _____ Docket Number _____

FOR COURT USE ONLY:

_____ has been assigned this case. This matter, and all future matters, should be taken directly to assigned judge per local rules of court.

DATE: _____ ASSIGNED BY: _____

Rule 303. Motion Court and Other Motions and Petitions—Civil—Civil

(a) Civil Motion Court shall be held two (2) times per week (Tuesday and Thursday) at 9:00 A.M. The only motions presented shall pertain to cases where a complaint has not yet been filed. (See Erie L.R. 302 for procedure in matters where complaint has been filed.) Effective July 1, 1997.

(b) All motions presented at civil motion court shall include a completed motion court cover sheet, in the form required by the court.

(c) (1) Motions and petitions that can be summarily heard by the Court and determined by brief order shall be heard immediately following Motion Court on Thursday of each week.

(2) The moving counsel desiring to have such summary determination of a motion or petition must notify opposing counsel and any opposing unrepresented party of his intention to argue the motion or petitions before the Court at such time. The Court may refuse to hear argument on such motions or petitions unless counsel for each side is present.

(3) The moving party shall attach to the motion or petition the proposed order.

Rule 305. Duties of the Prothonotary

(a) The Prothonotary shall immediately endorse all papers filed with the date and time of such filings and shall enter all rules, pleadings and other papers filed in the proper docket.

(b) The Prothonotary shall, when directed by the Court, endorse the order of the Court upon all motions presented and shall transcribe the same in the record.

(c) The Prothonotary shall be responsible for the safekeeping of all records and papers belonging to that office. The Prothonotary shall permit no papers to be taken from the office, without written order of Court except for temporary removal by an attorney for the purpose of conducting an arbitration hearing or for copying within the Court House.

(d) All attorneys who take a paper from the files of the Court shall give their receipt in a book to be kept for that purpose and shall be responsible for the same and for damages arising from any loss.

(e) Only the Prothonotary, office clerks and attorneys shall be permitted access to the files. No entries shall be made in the dockets except at the direction of the Prothonotary.

(f) The Prothonotary shall not accept for filing any paper filed by person which shall not have endorsed thereon the address and telephone number of the person filing the paper.

(g) The Prothonotary shall provide segregated docket numbers for the law and equity sides of the Court and shall consecutively number the cases each year.

(h) In the litigation involving the validity of a municipal lien, upon motion of either party, the matter shall be transferred, from the municipal liens docket to the appearance docket and given a term and number by the Prothonotary.

(i) In all appeals to the Court from a municipal zoning board or municipalities, when said appeal has been returned to said board or municipality by the Court, should the matter then be returned to Court, it will retain the same docket number as it had on the original appeal.

Rule 312. Fair Trial. Free Press.

A lawyer or law firm associated with a civil action shall not during its investigation or litigation make or participate in making an extra judicial statement, other than a quotation from or reference to public records, which a reasonable person would expect to be disseminated by means of public communication if there is a reasonable likelihood that such dissemination will interfere with a fair trial and which relates to:

(a) Evidence regarding the occurrence or transaction involved.

(b) The character, credibility or criminal record of a party, witness or prospective witness.

(c) The performance or results of any examinations or tests or the refusal or failure of a party to submit to such.

(d) An opinion as to the merits of the claims or defenses of a party, except as required by law or administrative rule.

(e) Any other matter reasonably likely to interfere with a fair trial of the action.

See Appendix, Court Order 84-1992.

ACTIONS AT LAW

CIVIL ACTION

Rule 1018.1. Notice to Defend. Form

With respect to the notice to defend form required by Pa.R.C.P. 1018 the Erie County organization shall be:

Lawyer Referral Service

P. O. Box 1742

Erie, PA 16507

814/459-4411

Mon—Fri

8:30 a.m.—3:00 p.m.

Rule 1028. Preliminary Objections

(a) [Reserved]

(b) [Reserved]

(c) 1. Preliminary objections shall be filed with the Prothonotary's office and a copy shall be served by the objecting party upon all counsel of record and unrepresented parties. Within thirty (30) days after the filing of preliminary objections, the objecting party shall file a brief and serve a copy of the brief upon all counsel of record and unrepresented parties. At that time, the objecting party shall also serve a copy of the preliminary objections and brief upon the assigned judge.

2. The non-moving party shall file with the Prothonotary's office a responding brief within thirty (30) days of receipt of the objecting party's brief. The non-moving party shall forward a copy of the brief to the assigned judge. This deadline does not affect the filing deadlines otherwise imposed upon the non-moving party by the Pennsylvania Rules of Civil Procedure.

3. After the passage of the filing date for the non-moving party's brief, the assigned judge shall schedule the matter for an argument on the preliminary objections, unless all parties waive argument. Notice of argument shall be given by the court to each attorney of record and to unrepresented parties by United States mail, facsimile transmission or personal delivery.

(d) If the brief of either the objecting party or non-moving party is not filed within the time periods above stated, unless the time shall be extended by the Court or by stipulation, the Court may then, or any time subsequent thereto:

(i) Overrule the objections where the objecting party has failed to comply.

(ii) Grant the requested relief where the responding party has failed to comply and where the requested relief is supported by law, or

(iii) Prohibit the noncomplying party from participating in oral argument although all parties will be given notice of oral argument and shall be permitted to be present at oral argument and/or

(iv) Impose such other legally appropriate sanction upon a noncomplying party as the Court shall deem proper including the award of reasonable costs and attorney's fees incurred as a result of the noncompliance.

Rule 1034. Motion for Judgment on the Pleadings.

(a) 1. The moving party shall file a motion for judgment on the pleadings, together with a supporting brief, with the Prothonotary and a copy of the motion and brief

shall be contemporaneously served by the moving party upon all counsel of record and unrepresented parties and upon the assigned judge.

2. The non-moving party shall file a brief in opposition to the motion for judgment on the pleadings within thirty (30) days after receipt of the motion and brief. At that time, the failure of the non-moving party to file a brief within the time required shall result in the disposition of the motion based solely upon the information received from the moving party.

3. After the passage of the filing date for the non-moving party's brief, the assigned judge shall schedule the matter for argument, unless all parties waive argument. Notice of argument shall be given by the court to each attorney of record and to unrepresented parties by United States mail, facsimile transmission or personal delivery.

(b) If the brief of either the moving party or non-moving party is not filed within the time periods above stated, unless the time shall be extended by the Court or by stipulation, the Court may then, or any time subsequent thereto:

(i) Dismiss the motion where the moving party has failed to comply.

(ii) Grant the requested relief where the responding party has failed to comply and where the requested relief is supported by law, or

(iii) Prohibit the noncomplying party from participating in oral argument although all parties will be given notice of oral argument and shall be permitted to be present at oral argument and/or

(iv) Impose such other legally appropriate sanction upon a noncomplying party as the Court shall deem proper including the award of reasonable costs and attorney's fees incurred as a result of the noncompliance.

Rule 1035.2. Motion for Summary Judgment

(a) 1. Procedure for Filing Summary Judgment Motions.

(A) The moving party shall file a motion for summary judgment, together with a supporting brief, with the Prothonotary and a copy of the motion and brief shall be contemporaneously served by the moving party upon all counsel of record and unrepresented parties and upon the assigned judge. Within thirty (30) days of receipt of the moving party's brief, the non-moving party shall file a brief and, at that time, shall deliver a copy to the assigned judge. Any depositions, answers to interrogatories or affidavits in support of or in opposition to the motion shall be filed with the Prothonotary not later than the due date of the respective party's brief.

(B) If the brief of either the moving party or non-moving party is not filed within the time periods above stated, unless the time shall be extended by the Court or by stipulation, the Court may then, or any time subsequent thereto:

(i) Dismiss the motion where the moving party has failed to comply.

(ii) Grant the requested relief where the responding party has failed to comply and where the requested relief is supported by law, or

(iii) Prohibit the noncomplying party from participating in oral argument although all parties will be given notice of oral argument and shall be permitted to be present at oral argument and/or

(iv) Impose such other legally appropriate sanction upon a noncomplying party as the Court shall deem proper including the award of reasonable costs and attorney's fees incurred as a result of the noncompliance.

2. Scheduling of Argument.

(A) There shall be oral argument in accordance with Pa.R.C.P. No. 211, unless all parties waive argument. Notice of argument shall be given by the Court to each attorney of record and to unrepresented parties by United States mail, facsimile transmission, or personal delivery.

(B) After the passage of the filing date of the brief of the non-moving party, the Court shall schedule argument on the motion with notice to all parties. After argument, the Court shall notify the parties of its decision.

COMPULSORY ARBITRATION

Rule 1301. Scope

(a) Compulsory arbitration of matters as authorized by the Judicial Code, 42 Pa.C.S. Section 7361 as amended, shall apply to all cases at issue where the aggregate amount in controversy shall be Thirty Thousand Dollars (\$30,000.00), or less, regardless of the number of parties, except those cases involving title to real estate or which seek equitable or declaratory relief.

(b) In all cases where a party has obtained a judgment by default under Pa. R.C.P. No. 1037, the party obtaining said judgment by default may elect to have unliquidated damages assessed at a trial by arbitration with the issues limited to the amount of damages which shall not exceed \$30,000.00. The election to assess damages by arbitration shall constitute a waiver by the party making such election of any damages in excess of \$30,000.00.

(c) Discovery shall be allowed in all cases.

Rule 1302. List of Arbitrators. Appointment to Board. Mediation

(a) (1) The Board of Arbitrators in any case shall be selected in accordance with one of the procedures set forth below, from a list of attorneys admitted to practice in Erie County, who have filed their consent to act with the Prothonotary.

Those attorneys having practiced for three (3) years or more who wish to be Chairman of Boards of Arbitration shall so inform the Prothonotary of their eligibility.

(i) *Selection by Praecipe:* Upon the filing of a Praecipe for Arbitration, the Prothonotary shall nominate a Board of potential Arbitrators consisting of three (3) attorneys plus one (1) attorney for each attorney of record and unrepresented party. Not more than two (2) of the potential Arbitrators shall have been admitted to the practice of law for less than three (3) years. The list of attorneys so nominated shall be sent by the Prothonotary to each attorney of record and the unrepresented party. Each attorney of record and unrepresented party may strike off one (1) nominated attorney and return the list to the Prothonotary within five (5) days. A failure to respond within five (5) days constitutes a waiver of the right to strike one (1) name from the list. The three remaining names will make up the Board. If no name of the same name is stricken from the list, the first three (3) remaining names will make up the Board.

Upon the expiration of five (5) days, the Prothonotary shall notify all parties of the names of the Arbitration Panel and designate as Chair the first Arbitration Panel and designate as Chair the first Arbitrator, so selected, who has been admitted to the practice of law for at least three (3) years.

(ii) *Selection by agreement*: By agreement of counsel, the Prothonotary shall nominate a list of nine (9) attorneys selected at random from the entire list of potential arbitrators with an additional three (3) attorneys for each additional party with an adverse interest. Each party shall have the right to strike off attorneys so named, one at a time and alternately. If, after the striking of Arbitrators, the selection will result in a panel of members none of whom are eligible to be Chairman, the Prothonotary at the request of either counsel, shall select three (3) additional attorneys for consideration. The selection shall continue until a panel is agreed upon. If none of the three (3) chosen Arbitrators have been practicing for more than three (3) years, the counsel shall be deemed to waive this requirement. The Chairman shall be selected by counsel.

(iii) *Selection of sole arbitrator*: In any case within the limits of compulsory arbitration, a sole Arbitrator may be selected to adjudicate the case by agreement of counsel. The award shall have the same effect as that of a three (3) person panel. The Prothonotary shall nominate a list of five (5) attorneys selected at random from the entire list with an additional two (2) attorneys for each additional party with an adverse interest. Each party shall then have the right to strike off two so named, one at a time and alternately. The remaining attorney shall comprise the Board of Arbitration and shall be considered the Chairman.

(2) In the event an arbitrator selected pursuant to the above procedures is unavailable to attend the hearing for any reason, that arbitrator shall give the parties written notice of his or her unavailability five (5) days before the hearing date, so as to allow the parties time to agree on selection of a replacement arbitrator and have said replacement available to attend the hearing so as not to cause the need for rescheduling of the same. If the arbitrator fails to comply with the five (5) day notice requirement, at the time of the regularly scheduled arbitration hearing the parties shall notify the Prothonotary of the arbitrator's failure. Thereafter, the arbitrator shall automatically be stricken from the list of arbitrators maintained by the Prothonotary with leave to reapply for inclusion on the list upon petition to the Court and cause shown.

(b) Mediation is available upon the agreement of all parties. The Prothonotary, upon request for appointment of a mediator shall appoint said mediator to conduct the process. If mediation is unsuccessful, the case shall proceed to arbitration.

The following procedure shall guide the mediation process when requested by the parties:

(1) Mediation shall be conducted in cases where the amount in controversy is not greater than \$30,000.00.

(2) The mediator shall be selected by the Prothonotary's Office from a list supplied by the Court.

(3) The mediator shall designate the time for hearing with written notice to each party or their counsel. Hearings may be held at the mediator's office or elsewhere upon agreement of the parties.

(4) All parties including counsel are required to attend the mediation hearing.

(5) The parties/counsel shall immediately notify the mediator if the matter has been resolved prior to the scheduled hearing.

(6) The mediator shall file a report with the Court, with copies to the parties or their counsel, stating

mediation was successful or unsuccessful. If unsuccessful, the case shall proceed to arbitration.

Rule 1303. Hearing. Notice

(a) (1) The Chairman of the Board of Arbitrators shall designate the time for hearing with written notice to each of the members of the Arbitration panel and to each party or their counsel in compliance with Pa. R.C.P. 1303.

(2) All hearings of the Board of Arbitrators shall be held in the Erie County Court House in a hearing room designated for that purpose or in a courtroom by leave of Court.

(3) All hearings shall promptly commence at 9:30 a.m. or 1:30 p.m., unless a different time shall specifically be established by the Board of Arbitrators. In the event an Arbitrator shall not be present at the time for the swearing-in, then counsel for represented parties and any unrepresented party who does in fact appear at the scheduled hearing time, may, only if they agree unanimously

(a) have the remaining Arbitrators immediately select a replacement from the list of Arbitrators; or

(b) themselves appoint any other eligible person to act as a replacement Arbitrator; or

(c) use any other method of selection of an eligible person to act as a replacement Arbitrator.

In the event that counsel for represented parties and any unrepresented party, who does in fact appear at the scheduled hearing time, are unable to unanimously agree upon any of the foregoing options, then the replacement Arbitrator shall be selected in accordance with Erie R.C.P. 1302(a)(1)(iii), governing selection of a sole Arbitrator.

Rule 1304. Conduct. Hearing. Generally

(a) The hearings shall be conducted by the chairman with decorum in full compliance with judicial proceedings as conducted by the Court of Common Pleas. Witnesses shall be sworn in the customary manner.

(1) Smoking shall not be allowed, either by Arbitrators, attorneys, parties or witnesses.

(2) Once the witnesses are sworn and the proceedings have commenced Arbitrators and attorneys shall, throughout the hearing, use the same procedure and decorum as used before a Common Pleas Court.

Rule 1305. Pretrial Exchange of Information

(a) In cases subject to compulsory arbitration where the amount in controversy exceeds \$10,000.00, the parties shall exchange the following information at least twenty (20) days prior to the arbitration.

(i) A copy of all reports containing the substance of the facts, findings or opinions and a summary of the grounds or reasons for each opinion of any expert, including physicians, whom that party expects to call as a witness at the arbitration. The report must be signed by the expert.

(ii) Names and addresses of all witnesses the party expects to call.

(iii) Copies of all exhibits the party intends to use at the arbitration, with a designation of those documents to be produced pursuant to Pa. R.C.P. 1305.

(b) If timely production is not made of any of the information required above, the testimony of that expert, that witness, or use of that exhibit, shall be excluded by

the arbitrator(s), except upon consent of the adverse party or parties, or upon a showing of good cause made to the arbitrator(s).

ACTION IN EQUITY

Rule 1531. Preliminary Injunction.

(a) Upon filing a motion for preliminary injunction, a request for a judge assignment shall be made to the Office of Court Administration.

(b) The motion for preliminary injunction shall be presented to the assigned judge to obtain a date and time for a hearing and/or consideration of a request for immediate or ex parte relief.

ACTIONS FOR SUPPORT

Rule 1915.20. Scheduling of Status Conference

A status conference will be scheduled by the Family Court Judge in each case where there is a request for a court hearing. A court order will be sent to both parties advising them of the date and time for the status conference, as well as the issues to be addressed. The purpose of the status conference is to identify issues which will be the focus of the hearing, to determine the time required for hearing, address other pretrial matters such as discovery requests and exchanges of expert reports, set the date for hearing and discuss other relevant matters.

A hearing before the Court shall comport with the requirements for conducting nonjury trials, and the parties shall adhere to established trial procedure and the rules of evidence.

Rule 1915.22. Pretrial Order.

(a) The Judge of the Family Division or the Judge's designee shall review the facts and matters agreed upon at the pretrial status conference and issue a pretrial order. The Court may compel agreement as to undisputed facts. Counsel must object to or be deemed to have accepted the pretrial order of the Judge entered therein.

(b) The pretrial order will address the following items, as determined by the facts/issues of the particular case discussed at the status conference:

- (1) Date and time of trial;
- (2) Exchange of reports prepared by health care providers which they may have in their possession concerning the health of the minor child/children;
- (3) Exchange of reports prepared by any person who shall be called as an expert witness. Such report shall describe the substance and opinions to be contained in the expert's testimony at the time of trial;
- (4) Requirement to provide notice to the Court one (1) week prior to the commencement of trial as to whether minor child/children will be called as a witness and how this testimony will be conducted;
- (5) Exchange of documents to be introduced at the time of trial, and a final list of witnesses the party intends to call;
- (6) Deadline for any briefs to be filed with the Court concerning the legal issue(s) discussed at the Status Conference; and
- (7) Requirement that notice shall be provided to the Court within a reasonable time and no later than two (2) weeks prior to the commencement of trial.

Rule 1915.23. Pretrial Narrative Statements

At the time of the status conference, as prescribed by Local Rules 1915.20 and 1915.21, the Court may order the filing of pretrial narrative statements by all parties if the Court deems it necessary.

Rule 1920.51. Hearing by the Court. Appointment of Master. Notice of Hearing

(a) Upon Motion of either party or upon its own Motion, the Court may appoint a Master to hear testimony and return the record together with the Report and Recommendation to Court. The moving party shall certify that all the parties have complied with the requirement of Pa.R.C.P. 1920.22, Pa.R.C.P. 1920.31, Pa.R.C.P. 1920.33 and Pa.R.C.P. 1920.46. The Motion and proposed Order requesting the appointment of a Master shall be in conformity with Pa.R.C.P. 1920.74 (see forms).

(1) Masters shall be appointed in rotation from the list of permanent part-time Masters appointed as such by the Court to determine issues of divorce, equitable distribution of property, permanent alimony and all other issues relevant thereto.

(2) Master shall be appointed to hear a claim of child and/or spousal support only upon presentation of an Affidavit of the party supplementing the Motion for appointment of a Master showing special circumstances which justify a departure from the procedure of Erie L.R. 1920.16. Should it later appear that special circumstances justifying referral of a claim for child and/or spousal support do not exist, either party or the Master may petition the Court to refer the claim to the Non-Support Intake Office.

(3) Upon appointment of a Master to hear issues which require expedited disposition (including, but not limited to, alimony pendente lite, child and/or spousal support when referred to a Master, occupancy of the marital residence, maintenance of insurance policies, and Counsel fees and expenses), a preliminary hearing will be held before the Master within thirty (30) days of the entry of the Order appointing a Master. Where discovery has not been completed or where all documents required to be filed by Pa. R.C.P. 1920.31 have not been filed prior to the preliminary hearing, the Master may, in his or her discretion, proceed with the hearing and filing of a report and recommendations (which may include recommended sanctions for failure to comply with Pa. R.C.P. 1920.31) or continue the hearing until said documents have been filed.

(b) PREHEARING STATUS CONFERENCE

In actions where expedited disposition is not required,

(1) The Master shall within fifteen days after receiving notice of the Master's appointment schedule a date for a pre-hearing conference to be held prior to the date of the Master's hearing and shall give notice of the time and place of the prehearing status conference by First class Mail to counsel for represented parties and directly to any unrepresented party. Said notice shall be mailed at least five business days prior the scheduled date of the conference.

(2) At the prehearing status conference, the Master shall review:

(A) The positions of the parties on each Claim, including those issues on which settlement has been reached;

(B) Discovery which has been completed, including the inventory and pretrial statements pursuant to Pa. R.C.P. 1920.33;

(C) Any documentary evidence to be presented at the hearing;

(D) The names and addresses of each witness any party proposes to call at the hearing;

(E) All matters which may be stipulated by the parties at the hearing;

(F) Establish a schedule for filing of Pretrial Narrative Statements, completion of discovery and any other relevant matters; and

(G) Such other relevant matters as should be raised by either of the parties or the Master.

(c) POST-STATUS CONFERENCE

(1) After the prehearing status conference the Master shall:

(A) Prepare a summary of the discussions and action taken at the prehearing status conference, including a statement of any stipulations, and of any matters which have been settled between the parties and which will not be raised at the hearing before the Master;

(B) Establish a schedule for the filing or service of any additional pleadings or discovery which may be deemed necessary and set hearing date(s);

(C) Serve a copy of the summary and filing schedule on counsel for the parties, or on any unrepresented party; and

(D) Indicate the amount of additional Master's fees to be paid by the litigants prior to hearing.

(d) MASTER'S HEARING

The Master shall establish a hearing date or dates at the prehearing status conference. These dates shall be included in the summary prepared pursuant to Section c (post status conference), as well as in the formal notice of Master's hearing as required by Pa. R.C.P. 1920.51(b). At least ten (10) days written notice of the time and place of any Master's hearing shall be given to the attorneys of record (or the parties where no attorney has appeared in the case) by the Master by ordinary mail.

(e) CONTINUANCES

(1) A request shall be granted by the master if both parties consent in writing at least fourteen (14) days prior to the scheduled hearing date.

(2) All other requests for continuance shall be at the discretion of the Master.

(f) SETTLEMENT

(1) In the event that all issues raised by the pleadings and referred to the Master are brought to a negotiated settlement, the parties shall, as a condition of postponement or cancellation of the Master's hearing, sign an all encompassing Marital Property Settlement Agreement prior to the time set for the Master's hearing.

(2) In the event that both parties have not signed such an Agreement, the parties, together with their respective counsel of record, shall attend the Master's hearing at the time scheduled for the purpose of entering the substance of their agreement on the record and stipulating to the entry thereof as a decree.

(g) FEES AND COSTS

(1) The initial fees, costs and compensation of the Master shall be in accordance with Administrative Order In Re Divorce Masters Miscellaneous Docket #87 and any amendments thereto.

(2) The Master shall determine additional fees due in accordance with the rate set by the Court and shall require an advance deposit of said amount prior to scheduling any further hearing.

(3) The Master shall receive compensation for a minimum of four hours for each day of a scheduled hearing that is not either:

(A) Continued in accordance with Erie L.R. 1920.51(e); or

(B) Cancelled with notice to the Master in writing at least fourteen days prior to the scheduled hearing date for the reason either that the case has been resolved or withdrawn.

(4) In the event the Master fails to grant the continuance, the parties may petition the Court for a continuance. The Court may grant a continuance and will determine the amount of additional Master's fees, if appropriate.

(5) At the conclusion of the case, the Master shall prepare a certification indicating the amount of Master's fees paid and the disposition thereof.

Rule 1920.75. Form of Inventory.

The Inventory required by Pa.R.C.P. 1920.33(a) shall be substantially in the following form:

(CAPTION)

INVENTORY OF

(Plaintiff) (Defendant) files the following inventory of all property owned or possessed by either party at the time this action was commenced and all property transferred within the preceding three years.

(Plaintiff) (Defendant) verifies that the statements made in this inventory are true and correct. (Plaintiff) (Defendant) understands that false statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

(Plaintiff) (Defendant)

ASSETS OF PARTIES

(Plaintiff) (Defendant) marks on the list below those items applicable to the case at bar and itemizes the assets on the following pages.

- () 1. Real Property
- () 2. Motor Vehicles
- () 3. Stocks, bonds, securities, and options.
- () 4. Certificates of deposit
- () 5. Checking accounts, cash
- () 6. Savings accounts, money market and savings certificates
- () 7. Contents of safe deposit boxes
- () 8. Trusts
- () 9. Life insurance policies (indicate face value, cash surrender value and current beneficiaries)
- () 10. Annuities
- () 11. Gifts
- () 12. Inheritances
- () 13. Patents, copyrights, inventions, royalties

- () 14. Personal property outside the home
- () 15. Business (list all owners, including percentage of ownership, and office/director positions held by a party with company)
- () 16. Employment termination benefits—severance pay, workers compensation claim/award
- () 17. Profit share plans
- () 18. Pension plans (indicate employee contribution and date plan vests)
- () 19. Retirement plans, Individual Retirement Accounts
- () 20. Disability payments
- () 21. Litigation claims (matured and unmatured)
- () 22. Military/V. A. benefits
- () 23. Education benefits
- () 24. Debts due, including loans, mortgages held
- () 25. Household furnishings and personality (including as a total category and attach itemized list if distribution of such assets is in dispute)
- () 26. Other

MARITAL PROPERTY

(Plaintiff) (Defendant) lists all marital property in which either or both spouses have a legal or equitable interest individually or with any other person as of the date this action was commenced:

<i>Item Number</i>	<i>Description of Property</i>	<i>Names of All Owners</i>
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NON-MARITAL PROPERTY

(Plaintiff) (Defendant) lists all property in which a spouse has a legal or equitable interest which is claimed to be excluded from marital property:

<i>Item Number</i>	<i>Description of Property</i>	<i>Reasons for Exclusion</i>
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PROPERTY TRANSFERRED

<i>Item Number</i>	<i>Description of Property</i>	<i>Names of All Creditors</i>	<i>Names of All Debtors</i>
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LIABILITIES

<i>Item Number</i>	<i>Description of Property</i>	<i>Names of All Creditors</i>	<i>Names of All Debtors</i>
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ACTIONS FOR WRONGFUL DEATH

Rule 2206. Settlement, Compromise, Discontinuance and Judgment

(a) All petitions for the compromise, discontinuance or settlement of wrongful death claims in which a minor or incapacitated person has an interest shall be submitted for approval to:

- (1) The assigned judge, where there is a civil action pending; or
- (2) A judge of the Orphans' Court Division where there is no civil action pending.
- (b) The petition and Order approving the petition in pending actions shall be filed with the Prothonotary and certified copies of the same shall be filed with the Register of Wills in the name of the minor or incapacitated person.

(c) The petition and Order approving the petition where there is no pending action shall be filed with the Register of Wills in the name of the minor or incapacitated person.

[Pa.B. Doc. No. 04-1434. Filed for public inspection August 6, 2004. 9:00 a.m.]

FAYETTE COUNTY

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

Order

And Now, this 22nd day of July, 2004, pursuant to Rule 1.2 the Pennsylvania Orphans' Court Rules, it is hereby ordered that Local Rule 3.7 is rescinded and Local Rule 3.8 is amended to read as follows.

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

- (1) Seven certified copies of the Local Rules shall be filed with the Administrative Office of Pennsylvania Courts.
- (2) Two certified copies and diskette of the Local Rules shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
- (3) One certified copy shall be sent to the Fayette County Law Library and to the Editor of the *Fayette Legal Journal*.

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

By the Court

CONRAD B. CAPUZZI,
President Judge

Rule 3.8 Motions Court Procedure

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

(b) All applications for Court action, including motions, petitions, and any other applications shall be presented to the Court by following this Motions Court procedure.

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

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

(e) All motions filed and served pursuant to this rule shall include a Certificate of Service, signed by the party's attorney, or the party if unrepresented, setting forth the date and manner of service (personal delivery, mail, facsimile), and the names, addresses and phone numbers

of the persons served. The Certificate of Service shall be substantially in the following form:

CERTIFICATE OF SERVICE

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

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

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

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

Date: _____ Signature _____

(f) All motions shall be accompanied by a Certificate of Presentation as set forth in O.C.R. 3.8(m).

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

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

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

(j) The Court Administrator shall maintain a Motions Docket and shall make daily entries of all motions filed and the disposition thereof.

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

(l) Failure to accurately provide the information required by paragraph (m) below may result in the matter not being listed for Motions Court.

(m) The Certificate of Presentation shall be substantially in the following form:

IN THE COURT OF COMMON PLEAS OF FAYETTE COUNTY, PENNSYLVANIA

:
:
:
:
:
: NO. ____ OF ____

CERTIFICATE OF PRESENTATION

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

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

3. The attached motion shall be classified as a Routine/Priority motion. (If the motion is Routine, parties or counsel are not required to be present in Motions Court.)

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

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

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

Respectfully submitted,

Date: _____

[Pa.B. Doc. No. 04-1435. Filed for public inspection August 6, 2004, 9:00 a.m.]

LEHIGH COUNTY

Administrative Order; Amendments and Deletions to the Rules of Civil Procedure; No. 2004-J-51

Order

Now, this 20th day of July, 2004, *It Is Ordered* that the following Lehigh County Rules of Civil Procedure are amended as follows:

1. Local Rules 105, 205.2, 210, 211, 212.1, 290, 430, 1303.2, and 1534 are amended to read as follows, and

2. Local Rules 205.2(a), 206.1(a), 206.4(c), 208.2(c), 208.2(d), 208.2(e), 208.3(a), 208.3(b), 229, 1028(c), 1034(a), and 1035.2(a) are promulgated to read as follows, and

3. Local Rules 205.1, 205.2(b), 229.2, 1507, 1521, and 1530 are deleted as follows.

4. Pursuant to Pa.R.C.P. 239(c) and 239.8(b)—(d) (as amended June 30, 2004), the following Local Rules shall be disseminated and published as follows:

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

(b) Two certified copies of the Local Rules and a computer diskette containing the text of the Local Rules in MS-DOS, ASCII, Microsoft Word, or WordPerfect format and labeled with the court's name and address and computer file name shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*;

(c) One certified copy of the Local Rules and a computer diskette containing the text of the Local Rules in MS-DOS, ASCII, Microsoft Word, or WordPerfect format and labeled with the court's name and address and computer file name shall be filed with the Civil Procedural Rules Committee which shall then forward a copy to the Administrative Office of the Pennsylvania Courts (AOPC) for publication on the AOPC web site;

(d) The Local Rules shall be kept continuously available for public inspection and copying in the office of the

Clerk of Courts, Civil Division, and upon request and payment of reasonable costs of reproduction and/or mailing the Clerk of Courts shall furnish to any person a copy of the requested Local Rule(s);

(e) A computer diskette containing the text of the following Local Rules in either MS/DOS, ACSII, Microsoft Word or WordPerfect format and labeled with the court's name and address and computer file name shall be distributed to The Bar Association of Lehigh County;

(f) The Local Rules shall be published on the web site of Lehigh County Pennsylvania Court of Common Pleas (<http://www.lccpa.org/>) and the web site of the Administrative Office of the Pennsylvania Courts (<http://ujportal.pacourts.us/>);

5. The following amendments and deletions to Local Rules 105, 205.2, 205.2(b), 211, 212.1, 229.2, 290, 430, 1303.2, 1507, 1521, 1530, and 1534 shall become effective thirty (30) days after the date of their publication in the *Pennsylvania Bulletin* as per Pa.R.C.P. 129(d); and

6. The following amendments and deletions to Local Rules 205.2(a), 206.1(a), 206.4(c), 208.2(c), 208.2(d), 208.2(e), 208.3(a), 208.3(b), 210, 1028(c), 1034(a) and 1035.2(a) shall become effective upon publication on the web site of the Administrative Office of the Pennsylvania Courts pursuant to Pa.R.C.P. 239.8(d).

By the Court

WILLIAM H. PLATT,
President Judge

Rule 105. Bonds and Surety.

(1) When a bond with approved security is required, the surety shall be a certified surety company in accordance with a list thereof filed in the office of the clerk of courts, or in lieu thereof, a certified check, bank money order payable to Lehigh County Clerk of Courts, or a deposit of cash.

(2) No attorney or other person officially connected with or concerned with the business of the court shall become bail or surety or post bond for any person in any proceeding, except with prior written approval of the court.

(3) Where cash is deposited in lieu of approved surety, the party required to post bond shall execute his personal bond in appropriate form stating the terms and conditions under which such cash deposit is made; provided, however, that this rule shall have no application to the posting of cash bail in criminal cases.

(4) Except in the cases of appeals from proceedings before the minor judiciary, any party filing a bond shall immediately serve a copy thereof upon the adverse party or his attorney.

(5) In all cases the form of the bond and the surety thereon shall be subject to review by the court upon the filing of a petition stating specifically the objections thereto, together with notice to the adverse party or his attorney in accordance with Leh.R.C.P. 206.1.

Rule 205.1. Size of Paper.

~~No paper or other document may be filed with the Court on any paper other than paper approximately 8 1/2" by 11" in size.~~

Rule 205.2. Court Records.

(1) Records. Filing. Docket Entries.

(i) The Clerk of Courts shall be responsible for maintaining systems for the filing of documents and shall

make appropriate entries in dockets maintained for that purpose. Documents filed shall be endorsed with the day and exact time of filing, which endorsement, in the absence of fraud, accident or mistake, shall be conclusive evidence of such date and time of filing.

(ii) The entry of a full or partial satisfaction and of the discontinuance, settlement, or termination of an action may be made by the Clerk of Courts upon praecipe of a party, the attorney of record for the party, or a duly authorized agent of the party, and such entry shall be attested by the Clerk of Courts.

(iii) Except as set forth in this rule, no person other than the Clerk of Courts or a duly appointed and sworn Deputy Clerk shall be permitted to make any entry on the court dockets.

(2) Removal of Court Records

(i) Except as hereinafter provided, no record, exhibit or document shall be taken from the office of the Clerk of Courts without a written order signed by one of the judges of the court and requiring the return of such record, exhibit or document within a specified time; provided, however, that under no circumstances shall a bond or recognizance be removed while the same continues in force and effect. In cases where the court authorizes the removal of records, exhibits or documents, the Clerk of Courts shall take a written receipt for the records, exhibits or documents removed and shall cause the same to be filed with the record papers in the case, which receipt shall be cancelled upon return of the records, exhibits or documents removed.

(ii) In cases pending in this court or in proceedings held before duly authorized officers of the court, the Clerk of Courts may deliver record papers or dockets to an appropriate officer of the court, accepting in return such officer's written receipt which shall be noted and filed as hereinbefore set forth.

Rule 205.2(a) Requirements Governing Content of Pleadings.

(1) All documents submitted to the clerk of courts for filing shall be on paper approximately 8-1/2" x 11" in size.

(2) All documents submitted to the clerk of courts for filing shall contain the following:

(i) the correct caption of the case, including the names of the parties, the docket number, the division of the court, and the name of the assigned judge, if any;

(ii) a title indicating the nature of the document;

(iii) the name, address, telephone number, fax number and Supreme Court identification number of the attorney filing the document;

(iv) if the party filing the document is not an attorney, the name, address, telephone number of such party.

Rule 205.2(b)

~~(1) Motions to withdraw as counsel shall contain a cover sheet in the form set forth as Appendix 1 to these Rules.~~

Rule 206.1 (a) Petitions

(1) A petition to open a default judgment or a judgment of non-pros shall be governed by Pa.R.C.P. 206.1 et seq.

(2) A petition to open and/or strike a judgment shall be governed by Pa.R.C.P. 2959 et seq.

(3) A petition to compromise, settle, or discontinue an action in which a minor has an interest under Pa.R.C.P. 2039 shall be prepared and filed pursuant to Lehigh R.C.P. 2039.

(4) A petition to compromise, settle, or discontinue an action in which an incapacitated person has an interest under Pa.R.C.P. 2064 shall be prepared and filed pursuant to Lehigh R.C.P. 2064.

(5) A petition to settle, compromise, or discontinue a wrongful death or survival action in which a minor or incapacitated person has an interest under Pa.R.C.P. 2206 shall be prepared and filed pursuant to Lehigh R.C.P. 2206.

(6) Except as otherwise provided by the Pennsylvania Rules of Civil Procedure or by statute, all other applications for relief shall be in the form of a motion and shall be governed by Lehigh R.C.P. 208(a) or (b).

Note: All Lehigh County Rules of Civil Procedure may be found on the website for the Lehigh County Court of Common Pleas, <http://www.lccpa.org>.

Rule 206.4 (c) Rule to Show Cause

(1) All petitions shall be filed with clerk of courts, and a copy thereof shall be delivered to the court administrator's office together with an unattached form of order as set forth in Pa. R.C.P. 206.5. If the petition is uncontested, the petition shall contain a certification to that effect.

(2) The assigned judge will address the petition and proposed rule to show cause. If the petition states prima facie grounds for relief, the assigned judge shall issue a rule to show cause and may grant a stay of proceedings. The assigned judge will determine the return date for the rule as well as the deadlines for completion of depositions, for an evidentiary hearing, or for argument, as the judge shall deem appropriate.

(3) The clerk of courts shall be responsible for service of the petition and rule to show cause on all parties.

(4) After being served with a copy of the petition and rule to show cause, the respondent shall file an answer on or before the return date fixed in the rule.

(5) All answers to petitions shall be filed with the clerk of courts, and a copy thereof shall be delivered to the court administrator's office.

Rule 208.2 (c) Content of Motions

(1) All motions shall identify any statute, caselaw, and/or procedural rules relied upon to justify the relief requested.

Rule 208.2 (d) Uncontested Motions

(1) An uncontested motion shall be accompanied by a certification of counsel that the motion is uncontested.

Rule 208.2 (e) Discovery Motions

(1) A motion relating to discovery must aver (i) that counsel for the movant or petitioner has conferred with opposing counsel and all unrepresented parties with respect to each matter set forth in the motion and has made a good faith effort to resolve the parties' differences, but has been unable to do so; or (ii) that counsel has made a good faith effort to confer, but has been unable to do so.

Rule 208.3 (a) Procedures for the Disposition of Certain Motions

(1) The following motions shall be governed by Pa.R.C.P. 208.3(a):

- (i) Motions certified as uncontested
- (ii) Motions for continuance
- (iii) Motions to extend time for discovery
- (iv) Motions to withdraw as counsel
- (v) Motions for special service
- (vi) Motions to compel discovery
- (vii) Motions regarding subpoenas, attendance and testifying based upon Pa.R.C.P. 234.1-239.9.
- (viii) Motions to reassess damages in mortgage foreclosure actions
- (ix) Emergency motions

(2) Motions shall be filed with the clerk of courts and a copy thereof, along with the original proposed order which would grant the relief requested, shall be delivered to the court administrator's office for transmittal to the assigned judge.

(3) Service of all motions shall be made and a certification of service filed in accordance with Rule 208.3(b)(3) hereinbelow. A motion to withdraw as counsel shall be served upon the movant's client as well as upon all counsel of record and any unrepresented parties.

(4) Notwithstanding the foregoing, motions for continuance may be presented directly to the assigned judge on the continuance form available from the court administrator's office. Such motions may be submitted directly to the assigned judge's chambers by hand delivery, by mail, or by facsimile transmission. Prior to submitting any such motion, the movant or his/her counsel shall confer with all counsel of record and any unrepresented parties to determine their position with respect to the continuance request, and shall indicate their position in the motion.

Note: Motions for continuances of arbitration cases shall be made pursuant to Lehigh R.C.P. 1303.1

(5) Unless the motion is certified as uncontested, the assigned judge shall provide an opportunity for argument either orally in open court, by written briefs, or by telephone conference, as the judge shall direct by written notice to all parties.

(6) In lieu of the procedures set forth in subparagraphs (2) through (4) of this rule, any motion governed by Pa.R.C.P. 208.3(a) may be presented in open court to the judge assigned to the case at this judge's weekly motion court. The movant shall give all counsel of record and all unrepresented parties not less than five days advance written notice of the date, time and place of the intended presentation of the motion, together with a complete copy of the motion. If the movant is unable to comply with this notice requirement because of an emergency, the movant shall have made a good-faith effort to notify all opposing counsel of record and all unrepresented parties as soon as possible of the intended presentation of the motion, and shall describe those efforts in the motion. This notice requirement may be waived with the consent of all interested parties, or it may be waived or modified by the court in emergency situations.

Note: The schedule of each judge's weekly motion court can be ascertained by contacting the court administrator's office (610-782-3014) or the assigned judge's chambers.

(7) Emergency motions. Motions that are certified as being emergent in nature, and setting forth the nature of the emergency, shall be filed with the clerk of courts and delivered to the judge assigned to the case, if any. If the assigned judge is not available, or if no judge has been

assigned, the motion shall be delivered to the court administrator's office for referral to another judge for scheduling and disposition.

Rule 208.3 (b) Procedures for the Disposition of All Other Motions

(1) All motions other than those governed by Pa.R.C.P. 208.3(a) shall be governed by the procedures set forth in this rule.

(2) Motions subject to this rule shall be filed with the Clerk of Courts, Civil Division, and shall be accompanied by a supporting brief. A copy of same, along with the original of the proposed form of order, shall be delivered to the court administrator's office for transmittal to the assigned judge.

(3) Immediately after filing a motion, the party filing the same shall serve a complete copy upon all other counsel of record and all unrepresented parties, in accordance with Pa.R.C.P. 440 (relating to service of legal papers other than original process). Within five days of the filing of the motion, the party filing the same shall file a certification of service, certifying that proper service has been made. The court in its discretion may strike, dismiss or deny any motion for failure to comply with the service and certification requirements of this rule.

(4) Any party opposing the motion shall file a response along with a supporting brief, within twenty (20) days after service of the motion. A copy thereof shall be delivered to the court administrator's office for transmittal to the assigned judge. If a response is not filed as provided above, the court may treat the motion as uncontested.

(5) If the movant does not file a supporting brief, the non-moving party need not do so, and the court may consider the movant to have abandoned the request for relief.

(6) If any motion governed by this rule requires emergency action by the court, the moving party shall indicate same in the title of the motion and shall follow either procedure set forth herein:

(i) Movant may present, with five (5) days written notice to all parties, the motion to the judge at his/her civil motion day; or

(ii) Movant may proceed as set forth in subparagraph (2) of this rule. The assigned judge, or such judge as is available, shall upon receipt of such motion from the court administrator's office, handle the motion as he/she determines appropriate.

Rule 210 Form of Briefs.

(1) Each brief shall contain (1) a history of the case, (2) a statement of the pertinent facts, (3) a statement of the questions involved, and (4) the argument.

(2) The argument shall be divided into as many parts as there are questions involved. Citations to opinions of an appellate court of this or another jurisdiction shall be to the official reports of that court.

Rule 211. Oral Arguments

(1) Any party who has failed to file a brief in accordance with applicable rules of court may be denied oral argument.

Rule 212.1 Trial Dates, Discovery Deadlines, Pre-trial Statements

(1) The requirements of Pa.R.C.P. 212.1 and 212.2 shall apply to civil actions to be tried non-jury.

(2) Notwithstanding the requirements of Pa.R.C.P. 212.1(b), in the event a pre-trial conference is scheduled, a pre-trial statement shall be filed by all parties, and a copy delivered to chambers of the assigned judge, not later than five (5) days prior to the pre-trial conference.

Rule 229 Discontinuance

(1) Upon the filing of a praecipe to settle, discontinue and end an action, the filing party shall deliver a copy of same to the court administrator's office for transmittal to the assigned judge.

Rule 229.2 Termination of Inactive Civil Cases

(a) ~~The clerk of courts shall prepare for call on the first Monday of October of each year or on such other date as the court by special order may direct a list containing all civil matters in which no steps or proceedings have been taken for two (2) years or more prior thereto and shall give notice thereof to counsel of record and to those parties for whom no appearance has been entered as required by Pa.R.J.A. No. 1901(c). If no compelling reason for delay in prosecution of the matter is shown at the call of the list, the court may issue an order dismissing such civil matter.~~

Rule 290. Eminent Domain.

(1) Petition for the appointment of viewers.

(i) The petition shall be filed with the clerk of courts, civil division.

(ii) Three copies of the petition and one proposed order to appoint the viewers shall be delivered to the court administrator's office for transmittal to the court and to the appointed viewers.

(iii) The initial petition presented to the court in any eminent domain proceeding shall cite the statute under which the petition is filed.

(2) Viewers shall be sworn to discharge the duties of their appointment as viewers with impartiality and fidelity according to the best of their learning and ability, upon their initial appointment to the board of view, and thereafter need not be sworn in any proceeding referred to them.

(3) A hearing shall be held at the time fixed by the viewers, and the witnesses shall be directed by the viewers or by the attorneys to appear at a time certain.

(4) Stenographic records of hearings will not be made except in unusual cases where, for good cause shown, the court has ordered the testimony to be taken stenographically or electronically.

Rule 430 Service by Publication

(1) Every motion for a special order directing the method of service pursuant to Pa. R.C.P. 430 shall be accompanied by a cover sheet in the form set forth as Appendix 2 of these rules.

(2) The *Lehigh Law Journal* shall be the legal periodical for the publication of all notices.

Rule 1028 (c). Preliminary Objections.

(1) Preliminary objections shall be filed with the clerk of courts, served upon the adverse parties or their counsel, and a time-stamped copy thereof shall be delivered to the court administrator's office for delivery to the assigned judge.

(2) Preliminary objections must be accompanied by a brief in support thereof unless factual issues are raised, in which case the procedure set forth in (4) shall be

followed. Failure to file a brief may result in automatic dismissal of the preliminary objections.

(3) Within twenty (20) days after service of the preliminary objections, the adverse parties or their counsel shall file an amended pleading or a responsive brief with the clerk of courts, serve same upon the opposing parties or counsel, and deliver a copy to the court administrator's office for delivery to the assigned judge.

(4) Preliminary Objections raising factual issues

(i) Preliminary objections which assert facts not otherwise of record, including but not limited to, an objection under Pa. R.C.P. 1028 (a) (1), (5), or (6) shall be endorsed with a notice to plead pursuant to Pa. R.C.P. 1361. Such preliminary objections shall state specifically in underlined capital letters: THESE PRELIMINARY OBJECTIONS ASSERT FACTS NOT OTHERWISE OF RECORD.

(ii) Any response thereto shall be filed with the clerk of courts, and a time-stamped copy delivered to the court administrator's office. If an answer is filed and served, the moving party or any other party wishing to do so, shall supplement the record with the necessary facts by affidavit or deposition within thirty (30) days from the filing of the answer, unless a hearing is required by the court.

(iii) Within fourteen (14) days from the completion of the supplementation of the record, whether by the adverse party's failure to file an answer to the preliminary objections or by affidavit, deposition, or hearing the moving party shall file a brief in accordance with these rules. The opposing party shall file its brief within fourteen (14) days thereafter.

Rule 1034 (a). Motion for Judgment on the Pleadings.

(1) A motion for judgment on the pleadings shall be filed with the Clerk of Courts, Civil Division, and shall be accompanied by a supporting brief. A Copy of the motion and brief shall be delivered to the court administrator's office for transmittal to the assigned judge.

(2) Any party opposing the motion shall file a response along with a supporting brief, within twenty (20) days after service of the motion. If a response is not filed as provided above, the court may treat the motion as uncontested.

(3) If movant does not file a supporting brief, the non-moving party need not do so, and the court may consider the movant to have abandoned the request for relief.

(4) After a response to the motion is filed or after the response period has elapsed, the assigned judge may schedule the motion for oral argument. If so, written notice of the argument date will be given to counsel for the parties and to any unrepresented parties.

Rule 1035.2 (a) Motion for Summary Judgment

(1) A motion for summary judgment shall be filed with the clerk of courts, and shall be accompanied by a supporting brief. A copy of the motion and brief shall be delivered to the court administrator's office for transmittal to the assigned judge.

(2) Any party opposing the motion shall file a response along with a supporting brief, within thirty (30) days after service of the motion. If a response is not filed as provided above, the court may treat the motion as uncontested.

(3) If movant does not file a supporting brief, the non-moving party need not do so, and the court may consider the movant to have abandoned the request for relief.

(4) After a response to the motion is filed or after the response period has elapsed, the assigned judge may schedule the motion for oral argument. If so, written notice of the argument date will be given to counsel for the parties and to any unrepresented parties.

Rule 1303.2. Scheduling of Arbitration Hearing: Notice.

(1) A matter subject to compulsory arbitration shall be listed for hearing by (1) praecipe of any party when the pleadings are closed or the time for filing pleadings has ended, and there are not any outstanding motions requiring disposition by the court, or by (2) the court administrator under circumstances hereafter described.

(2) By Praecipe of Any Party

A party may, following compliance with the discovery notice herein required, request that a matter be scheduled for arbitration by using forms provided by the clerk of courts, civil division for such purpose.

(i) A party shall not praecipe a case for arbitration until the party has served upon opposing counsel and any unrepresented parties a notice of intent to request arbitration. Within twenty (20) days after the date of the notice, a party desiring any additional discovery shall notify other counsel and unrepresented parties of the scope and nature of such additional discovery. Discovery must be completed within 120 days from the giving of notice to pursue additional discovery.

(ii) If no discovery request is sent within twenty (20) days after the date of the notice of intent to arbitrate, a party may praecipe the case for arbitration by filing same with clerk of courts.

(iii) If a discovery request is made, a party may praecipe the case for arbitration upon completion of discovery or the expiration of 120 days from the giving of the notice to pursue discovery, whichever comes first, unless the time for discovery is extended by the court.

(iv) A party shall not be required to serve notice of intent to request arbitration if the matter has been pending for a period one (1) year or more.

(v) Notwithstanding the foregoing, discovery in cases involving district justice appeals shall be completed within sixty (60) days from the filing of the appeal.

(3) As Set by the Court Administrator

The court administrator may schedule matters for arbitration under the following circumstances:

(i) All matters that are appeals from a district justice decision may be scheduled for arbitration hearing sixty (60) days after the appeal is taken, unless there are outstanding pleadings, motions, petitions, or other matters that require court disposition. The parties to a district justice appeal shall file pleadings and complete discovery within sixty (60) days of the date of the appeal.

(ii) All other matters which are subject to compulsory arbitration may be scheduled for arbitration hearing no later than one (1) year after the commencement of the action, unless there are outstanding motions, petitions, or other matters that require court disposition. The parties to an action which is subject to compulsory arbitration shall file all pleadings and complete all discovery within six (6) months of the date of the commencement of the

action, unless the time for completion of discovery has been extended by the court upon motion of any party.

(4) In the event one or more parties do not appear for the scheduled arbitration, the remaining parties may consent to having the judge assigned to monitor the case hear the matter on the same date as the scheduled arbitration hearing. It shall be discretionary with the judge whether to hear the case as requested.

(5) The filing of dispositive motions within thirty (30) days of the scheduled arbitration hearing shall not be grounds for continuance of the hearing unless good cause is shown.

Rule 1507. Action in Equity. Notice by Publication.

When notice by publication is given under Pa.R.C.P. 1507, the advertisement shall contain the caption of the action, a statement that an action in equity has been commenced by the named plaintiff against the named defendant concerning the subject matter briefly described, and a statement that the named person, if the name is known, or all persons interested in the subject matter, are required to appear in the action or a default decree may be entered which will affect their interests.

Rule 1521. Action in Equity. Indexing of Decree.

Decrees, nisi or final, shall also be entered on the ejectment and miscellaneous index of the court.

Rule 1530. Action in Equity. Accounting.

(a) When the court has entered a final order directing one party to account to another, the party directed to account shall state the account and file a written statement thereof in the office of the clerk of courts within thirty (30) days after notice of the entry of said order of court, unless the court shall for cause shown allow a longer time.

(b) The statement of account shall be signed and verified by the accountant, and it shall contain the following:

- (1) The dates and sources of all items of debit;
- (2) The dates and descriptions of all items of credit, including the names of all persons to whom disbursements were made and the purposes thereof;
- (3) A recapitulation showing the total debits, the total credits, and the balance remaining;

(c) Upon filing the account, the accountant shall forthwith serve a copy thereof upon all other parties in the same manner in which a pleading may be served under Pa.R.C.P. 440.

(d) Upon the filing of exceptions, the court may refer the exceptions to an auditor that the court may appoint or may direct that the exceptions be disposed of by placing same on an argument or hearing list.

(e) If the party directed to file an account shall fail to do so within thirty (30) days or such longer period as the court may fix, the court may, on petition of any other party, find that the party directed to file an account is in contempt of court, and/or appoint an auditor to state the account upon the basis of such evidence as may be submitted to the auditor.

(f) If an auditor is appointed pursuant to subparagraph (d) or (e) of this rule, the following procedures shall govern:

(1) The auditor shall give two weeks notice in writing to the parties or their attorneys of record of the time and place fixed for hearing the matter.

(2) Testimony taken by the auditor at the hearing shall be recorded stenographically. The notes of the testimony shall not be transcribed unless exceptions are filed to the auditor's report.

(3) Within forty-five days after the conclusion of the hearing the auditor shall file a written report which insofar as it is practicable shall contain (i) a history of the proceedings before the auditor, (ii) findings of fact, numbered consecutively, (iii) a concise discussion of the evidence presented and the legal issues involved, (iv) conclusions of law, numbered consecutively, and (v) a statement of the account.

(4) Upon filing of the report the auditor shall serve a copy of the same on the parties in accordance with Pa.R.C.P. 440.

(5) Exceptions to the report of the auditor may be filed by any party within twenty (20) days after service of the auditor's report. If timely exceptions are filed, the court shall schedule and hear argument on same and shall enter such order or judgment as may be appropriate. If timely exceptions are not filed, the court shall enter judgment for the amount, if any, determined by the auditor to be due.

(6) The court shall determine the compensation and reimbursement for expenses to be allowed the auditor and stenographer, and shall direct that such items be taxed in whole or in part against the fund available for distribution or against any party or parties to the action as may be just and equitable in the circumstances. Upon the appointment of an auditor the moving party shall promptly deposit with the clerk of courts the sum of \$250.00 for the compensation and expenses of the auditor and stenographer, and the moving party shall deposit such additional sums for such purpose as the court may from time to time direct. Any sum so deposited which is not required for such purposes shall be refunded to the moving party upon the entry of the final order or decree.

Rule 1534. Accounting by Fiduciaries.

(1) When a receiver, assignee or other fiduciary files an account, notice shall be given of the intention to apply for confirmation thereof not less than twenty (20) days in advance of such application.

(2) Notice to all parties in interest shall be given by certified mail unless the court otherwise directs and proof of service shall be filed with the application for confirmation.

[Pa.B. Doc. No. 04-1436. Filed for public inspection August 6, 2004, 9:00 a.m.]

MERCER COUNTY

**Revision and Restatement of the Local Civil Rules;
No. 2004-2375**

Order

And Now, this 19th day of July, 2004, the court hereby Approves, Adopts and Promulgates the Revision and Restatement of the Local Civil Rules of the Court of Common Pleas of Mercer County, effective thirty (30) days after the date of publication of these Rules in the *Pennsylvania Bulletin*; provided, however, the portion of the Local Rules governing motion practice will be considered published and effective when they appear on the AOPC web site pursuant to Pa. R.C.P. 239 and 239.8, said

date of publication believed to be July 26, 2004. In any event, they shall be effective no later than thirty (30) days following the date of publication thereof in the *Pennsylvania Bulletin* pursuant to Pa. R.C.P. 239(d).

When effective, these Local Rules of Civil Procedure supercede all prior Local Rules of Civil Procedure, which are hereby repealed.

It is also *Ordered and Directed* the Court Administrator of Mercer County, in accordance with Pa. Rule of Civil Procedure 239, shall file seven (7) certified copies of these Rules with the Administrative Office of Pennsylvania Courts, furnish two (2) certified copies to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*, file one certified copy with the Civil Procedural Rules Committee and file one copy with the Domestic Relations Procedural Rules Committee.

It is further *Ordered and Directed* that Local Rules shall be kept continuously available for public inspection and copying in the Office of the Prothonotary of Mercer County. Upon request and payment of reasonable costs of reproduction and mailing, the Prothonotary shall furnish to any person a copy of the Local Rules.

A copy of these Revised and Restated Rules shall be published in the *Mercer County Law Journal*.

By the Court

FRANCIS J. FORNELLI,
President Judge

**Local Rules of the Court of Common Pleas of
Mercer County, 35th Judicial District
Supplementing the Rules of Civil Procedure
Promulgated by the Supreme Court of
Pennsylvania**

Local Rules Committee:

Peter C. Acker, Esq., Chairman

Judges of the Court of Common Pleas of Mercer County,
35th Judicial District

Honorable Francis J. Fornelli, President Judge

Honorable Thomas R. Dobson, Judge

Honorable John C. Reed, Judge

Honorable Christopher J. St. John

PREFACE

The Rules of the Court of Common Pleas of Mercer County, 35th Judicial District, are intended to supplement the Rules of Civil Procedure promulgated by the Supreme Court of Pennsylvania. The latter's system of numbering has been preserved. Each local rule dealing with the same subject matter as one of the Rules of Civil Procedure has been given the same number. All local rules are preceded by the letter "L" to indicate their local character. All local rules must be read in connection with the Rules of Civil Procedure bearing the same numbers.

RULES OF CIVIL PROCEDURE

BUSINESS OF COURTS

Rule L200 Attorneys

(a) During the month of January of each year, the secretary of the Bar Association shall certify to the Prothonotary, the recorder of deeds, the register of wills, and the clerk of the Orphans' Court Division, any change in the members of the Mercer County Bar. Each of these officers shall retain a register of such list in his offices.

(b) One-tenth of all arbitrators' and auditors' fees and \$27.50 of each master's fee shall be deducted there from by the Prothonotary, clerk of courts or other officer and

paid over to the treasurer of the Mercer County Bar Association. The funds from this source shall be used by said treasurer to pay the dues of the members of the Mercer County Bar Association in the Pennsylvania Bar Association. The surplus, if any, remaining after the payment of said dues to the Pennsylvania Bar Association shall be used for the general purposes of the Mercer County Bar Association.

(c) No attorney shall be admitted as surety in any action pending in court and the Prothonotary shall not accept any bond or surety unless by leave of court for special cause shown.

Rule L205.2(a) Filing Legal Papers with the Prothonotary

All pleadings and other legal papers filed with the Prothonotary shall be prepared for flat filing on paper 8 1/2" x 11" in size and be bound by staples or similar binding.

Rule L205.2(b) Cover Sheet

All pleadings and other legal papers filed with the Prothonotary shall contain on the face sheet the following information: designation of the Court, date of filing, file number, caption, title of pleading, notice to plead or other form of notice, certification where applicable, and name, address, Supreme Court number, and telephone number of the attorney or law firm filing the pleading upon whom papers may be served.

Rule L206.1(a) Petition. Definition. Content. Form.

"Petition," as used in this chapter, shall mean an application for relief other than a motion including:

(1) an application to open a default judgment or a judgment of non pros;

(2) a request for special relief, unless the request seeks an expedited hearing date, a stay, or interim pre-hearing relief;

(3) a petition for civil contempt, except in a support or custody action;

(4) a motion for delay damages; and

(5) a petition for relief from a judgment by confession;

Rule L206.4(c) Rule to Show Cause. Alternative Procedures

(1) A petition seeking only the issuance of a rule to show cause shall be presented to the Court Administrator. No advance notice of the presentation need be given to any party. The Court Administrator shall transmit the petition to a Judge for disposition. It shall then be transmitted promptly to the Prothonotary for filing.

(2) A rule to show cause shall be issued by the Court as of course upon petition, pursuant to Pa.R.C.P. 206.6. The rule shall direct that an answer be filed to the petition within (20) days after service of the petition on the respondent. The Court may, in appropriate circumstances, direct that an answer be filed within a shorter period of time, or dispense with the necessity of filing an answer altogether. Every petition shall have attached to it a proposed order, providing for an evidentiary hearing. The Court on its own motion or upon request of a party may require a case to be submitted on the basis of the pleadings, depositions and/or oral argument instead of an evidentiary hearing.

(3) The petitioner shall attach to the petition a proposed order substantially in the following form:

IN THE COURT OF COMMON PLEAS OF MERCER COUNTY, PENNSYLVANIA

Plaintiff(s) :
 :
 vs. :
 : NO. _____—2004
 Defendant(s) :

ORDER

AND NOW, this ____ day of _____, 20____, upon consideration of the foregoing petition, it is hereby ordered and decreed that

- (1) a rule is issued upon the respondent to show cause why the petitioner is not entitled to the relief requested;
- (2) the respondent shall file an answer to the petition within twenty (20) days of service upon the respondent;
- (3) the petition shall be decided under Pa.R.C.P. 206.7;
- (4) depositions shall be completed within _____ days of this date;
- (5) a hearing shall be held on _____, _____, 20_____ in Courtroom _____ of the Mercer County Courthouse at _____ a.m./p.m.;
- (6) notice of the entry of this order shall be provided to all parties by the petitioner.

BY THE COURT:

 _____ J.

Rule L208.2(c) Motion. Statement of Applicable Authority.

A motion shall include a brief statement of the applicable authority for the relief requested.

Rule L208.2(d) Uncontested Motions

If the moving party intends to present the motion as uncontested, the motion shall include a written consent by opposing counsel and unrepresented parties; or the motion shall include a certification that the moving party has contacted opposing counsel and unrepresented parties and that opposing counsel and unrepresented parties do not contest the motion.

Rule L208.2(e) Motions Relating to Discovery

Any motion relating to discovery shall include a certification by the moving party that the moving party has conferred or attempted to confer with opposing counsel and unrepresented parties having an interest in the motion in order to resolve the matter without court action.

Rule L208.3(a) Motion Procedures

(1) Motions will be scheduled, argued, and decided at Motions Court or Argument Court as set forth herein:

- (a) By the filing of a scheduling praecipe in accordance with the procedure set forth in this Rule.
- (b) At Motions Court, in accordance with the procedure specified in subparagraph (2) of this Rule, if the motion is of the type permitted to be presented at Motions Court; or at Argument Court or otherwise by praecipe as set forth in paragraph (4) of this Rule.

(c) In the case of a motion for preliminary injunction or similar motions which require immediate date certain scheduling, by presentation to the Office of the Court Administrator for referral to a Judge.

(d) In the case of motions which are permitted to be presented ex parte, without prior notice of presentation

and opportunity to be heard, pursuant to provisions of subparagraph (3) of this rule, by presentation to the Office of the Court Administrator for referral to a Judge.

(2) Motions Court

(a) Motions Court will be held every Monday from 9:00 a.m. until 10:30 a.m. as reflected in the court calendar.

(b) Matters to be placed on Motions Court must be filed no later than 4:30 p.m. of the preceding Thursday with the Court Administrator.

(c) All matters submitted for Motions Court must have a scheduling order attached; and a certification that notice of the hearing has been given to opposing counsel or the opposing party and set forth the manner of the notice given.

(d) Motions Court will usually deal only with those matters which can be disposed of within 15 minutes.

(e) The Court Administrator shall have the right to place any matter submitted on any available Motions Court.

(3) Ex parte orders in adversary proceedings

(a) Ex Parte Motions to the court in an adversary proceeding will not be considered without prior notice of presentation to all parties with the opportunity to be heard, except in the following cases:

(1) Motions for relief which are routinely granted as of course, on a presumption of assent, such as motions for appointment of legal counsel and guardians ad litem, and the like.

(2) Motions affecting the issuance of service of initial papers upon another who is not yet subject to the jurisdiction of the court, such as applications for substituted service, extensions of time, and the like.

(3) Motions for preliminary orders granting or scheduling a hearing thereon, or directing process or notice to bring the opponent before the court to answer.

(4) Motions for stay orders in license suspension appeals.

(5) Cases in which the adverse party has waived the opportunity to be heard or has consented to the requested action.

(6) Cases in which there are special or compelling circumstances which the court finds justifies ex parte action.

(b) Prior notice of presentation of a motion to the court shall state the date, time and place of intended presentation and shall be accompanied by a copy of the motion and the proposed order.

(c) In cases where an ex parte order is made, a copy of the motion and order shall be served promptly on the opponent and on all other parties, who may file a prompt application for reconsideration of the order.

(d) In all cases where prior notice of presentation is required under statute or rule of court, the motion shall state that the requisite prior notice was given; the date, time and manner of giving notice. If the right to ex parte relief is based on the existence of special or compelling circumstances, the motion shall state such circumstances.

(4) Scheduling of Matters

(a) Argument Court

(1) Matters for Argument Court and all other matters to be scheduled by praecipe shall be scheduled by praecipe as set forth in subsection (b) below.

(2) Courts for hearing arguments shall be held on the first Monday of each month unless otherwise ordered by the court.

(3) The Prothonotary shall keep an argument docket wherein shall be set down all cases or matters requiring argument, special examination by the court, and the taking of testimony, except trials by jury and other matters specifically regulated by Act of Assembly.

(4) All cases for argument shall be placed on the argument docket at least thirty (30) days prior to the argument day by a praecipe as set forth in subsection (b) below.

(5) The praecipe to the Prothonotary shall include the name of opposing counsel, the precise nature of the matter requiring argument, and whether the matter listed requires the taking of testimony.

(6) The Court Administrator shall give notice to all counsel that the case has been placed on the argument list. Said notice shall contain the date upon which argument will be held, and the nature of the matter requiring argument. The argument list shall be published in the *Mercer County Law Journal* prior to Argument Court.

(b) Scheduling by Praecipe.

(1) Matters for Argument Court and all other matters to be scheduled by praecipe shall be scheduled by praecipe filed with the Prothonotary and shall be signed by counsel of record or an unrepresented party.

(2) The praecipe shall be served promptly on all other counsel and unrepresented parties in the case.

(3) Upon receipt of a scheduling praecipe any party may object as follows:

(a) If the objection is to an assertion in the praecipe of readiness of the case for disposition by the court, the objection shall be made promptly to the court in accordance with Motions Court practice with notice to other parties.

(b) If an objection relates to any other assertion in the praecipe, the objecting party shall promptly file a counter praecipe stating only the matter challenged.

(4) If a party files a scheduling praecipe, knowing that the matter is not ready for disposition by the court, or knowing that the matters certified to in the scheduling praecipe are not true, the court may impose sanctions on the offending party. Sanctions may include assessment of reasonable counsel fees incurred by other parties as the result of such conduct, prohibition of additional discovery, or other appropriate order.

(5) Form of Scheduling Praecipe: The praecipe shall identify the nature of the matter to be scheduled, all opposing counsel, and designate any Judge who has previously entered a ruling in the case.

(5) Preparation and Form of Orders and Decrees. Copies for Distribution.

(a) Unless otherwise directed by the court, decrees and orders requested by a party shall be drafted by the attorney at whose instance they are to be made, and shall be submitted to the court for approval.

(b) All proposed orders presented to the court shall list the names of all counsel of record and shall indicate the party represented by each.

(c) The proposed order and any accompanying documents shall be transmitted by the parties to the Court

Administrator for scheduling. The order and documents shall then be filed in the proper office.

Rule L208.3(b) Motions Practice. Filing of Argument Court Briefs

(1) When a moving party files a scheduling praecipe for Argument Court, the moving party's brief shall be filed with the Court Administrator at the time the scheduling praecipe is presented, and the moving party shall serve copies of the brief on opposing counsel and unrepresented parties. All other parties shall file with the Court Administrator a brief within fifteen (15) days after service.

(2) When a non-moving party files a scheduling praecipe, the moving party shall file with the Court Administrator and with all other parties a brief within fifteen (15) days after filing of the praecipe. All other parties shall file with the Court Administrator and all other parties a brief within ten (10) days of receipt of the moving party's brief.

(3) If a party's brief is not timely filed, the court may, in its discretion:

(a) Disregard any untimely brief;

(b) Refuse oral argument by the offending party;

(c) Consider the issues raised by the offending party to be waived;

(d) Order argument continued;

(e) Enter such other order as the interests of justice may require.

Rule L210 Form of Briefs

Briefs shall be in the form prescribed by Pennsylvania Rule of Civil Procedure 210, and shall consist of concise and summary statements, separately and distinctly titled, of the following items in the order listed:

(1) *Matter before the Court*: State the particular pleading (motion, petition, objection, exception, application, etc.) before the court for disposition, and the particular relief requested therein.

(2) *Statement of the question(s) involved*: State the issue(s) in question form containing factual context sufficient to present the precise matter to be decided by the Court; each susceptible of a yes or no answer; each followed by the answer advocated.

(3) *Facts*: State the material facts.

(4) *Argument*: State the reason(s) why the court should answer the questions involved as proposed, including proper citation of authorities.

Rule L212 Pre-Trial Conference

(a) All civil actions at law and in equity, both jury and non-jury, excluding those within the jurisdictional limits of compulsory arbitration and not appealed, and actions of divorce or annulment shall be pretried unless dispensed with by special order as unnecessary. No other civil action need be pretried unless required by special order of this court.

(b) Any and all admissions of fact or documents, amendments to pleadings, agreements of counsel and any other matters resolved or determined by the court at the pre-trial conference shall be made into an order by the court and made a part of the record.

(c) At the pre-trial conference, each counsel of record representing a party to the action shall present to the court, and serve a copy on all other counsel, a narrative statement of the facts that will be offered by oral or

documentary evidence at trial, and a statement of any unusual questions of law that may arise.

(d) Each person or corporation having an actual interest in the case—whether as a party, as the insurance carrier of a party, or otherwise—shall either be personally present at the pre-trial conference or shall there be represented by someone authorized to speak for him or it with respect to the trial of the case and its settlement.

(e) All unusual questions of law shall be presented to the pre-trial judge with a statement of the authority supporting the position of that party. If a party desires, he may present such questions in the absence of the opposing party and his counsel.

(f) Exhibits may be marked prior to trial by the court stenographer. It is recommended, although it is not required, that a list of exhibits, including a description of each, be given to the court and to the stenographer at the commencement of the trial.

(g) At the pre-trial conference, each party shall submit to the court and to opposing counsel the following:

(1) A list of the names and addresses of all witnesses that party proposes to call, classifying them as witnesses to liability or to damages. The listing of a witness by a party shall impose no obligation on the party to call the witness or to procure attendance at the trial.

(2) A copy of any plan or plot that party proposes to introduce into evidence.

(h) If a party, in the exercise of reasonable diligence, first becomes aware of the necessity or the desirability of using a witness or a plan or plot subsequent to the pre-trial conference, that party shall forthwith file the name, address and classification of the witness or a copy of the plan or plot with the court and serve a copy upon opposing counsel. Filing and service less than forty-eight hours before the opening of the trial shall not be deemed compliance with this subsection.

(i) A party may not call a witness nor offer a plan or plot without complying with sub-section (g) or (h) hereof unless that party shall first secure the permission of the court upon cause shown.

Rule L225 Addresses and Summing Up

(a) Opening addresses may be made by all parties or groups of parties at the commencement of the trial in the order of their appearing in the pleadings. Any party may reserve opening address until immediately before presenting evidence.

(b) After the close of the testimony each party or group of parties shall have the right of final address or argument. The party or parties having the burden of proof shall have the right of final address or argument to the jury. However, a party who has presented no evidence and who does not appear on the record in another capacity shall have the right of final argument.

Rule L227.1 Post-Trial Relief.

Unless the court shall deem it unnecessary in a particular case, a post-trial conference shall be held, at a time fixed by the court, in every case in which a post-trial motion has been filed. The purpose of such conference will be to limit the issue which must be considered by the court in ruling upon the post-trial motion and to determine how much of the stenographic record of the trial should be transcribed.

COURT MATTERS

Rule L301.1 Copies of Writings

Whenever a copy of a writing is attached to a pleading, brief or other paper submitted to the court, whether such copy is mechanically produced or otherwise, it shall be clearly legible and faithfully represent the original in every respect, and unless the original itself is not legible the court may require a substitute copy to be made and filed before the pleadings shall be considered valid or the brief or other paper considered.

Rule L306 Prothonotary

(a) The Prothonotary shall immediately endorse all papers filed with the date of such filing. Such endorsement upon a bond shall not constitute approval thereof. The Prothonotary shall enter all rules, pleadings and other papers filed in every case in the Prothonotary docket.

(b) The Prothonotary shall be responsible for the safe keeping of all records and papers belonging to his/her office.

(c) Any attorney who takes a paper from the files of Prothonotary shall give his/her receipt for it. He/She shall be responsible for the same and for damages arising from any loss of same.

(d) Only the Prothonotary, clerks, and attorneys registered in the office of the Prothonotary shall be permitted access to the files.

(e) No entries shall be made in the docket except at the direction of the Prothonotary or by order of the courts, except an entry of appearance of counsel.

(f) All papers filed with the Prothonotary shall be designated numerically starting with the number one for each calendar year.

Civil Actions 2004-1

Rule L309 Trial and Trial List

(a) There shall be a session for the trial of jury cases each month to be held at the time fixed by the court calendar.

(b) A "watch book" shall be maintained by the Prothonotary in which all cases ready for trial shall be listed. A case may be placed upon the trial list after it is at issue, all motions have been disposed of and all discovery completed by the praecipe of any party so certifying. The party placing a case on the trial list shall serve a copy of the praecipe upon all opposing parties forthwith.

(c) Unless an extension of time is agreed to in writing by all parties or allowed by the court upon cause shown, all discovery shall be completed within sixty (60) days after any party has given notice to do so. Such notice may be given at any time after a case is at issue, shall specifically refer to the time limitation provided herein, and shall be filed in the office of the Prothonotary with copies served upon all other parties.

(d) If a praecipe for the trial list is signed by or on behalf of all parties, all discovery shall be deemed completed, without compliance with paragraph (c) hereof.

(e) Each month the court administrator shall schedule for trial an appropriate number of cases and shall select them in the order of their commencement, except as otherwise directed by the court. Written notice of the scheduling of the trial shall forthwith be given to all counsel.

Rule L310 Court Calendar

At the beginning of each calendar year, the court shall publish in the *Mercer County Law Journal*, a court calendar for the current year which shall have the effect of a rule of court for the matters and dates set forth therein.

Rule L312 Security for Costs

(a) The defendant or any interested party may require the plaintiff who resides out of state, or who is in bankruptcy, or has insolvency proceedings pending against him, to file security for costs.

(b) The court, by special order upon cause shown, may require a plaintiff or a defendant who seeks affirmative relief to enter security for costs.

(c) The claimant in a sheriff's interpleader issue shall be construed to be a plaintiff within the meaning of this rule.

(d) In default of security entered at the time fixed by the court, judgment of default or other appropriate court order may be made in favor of the party obtaining the order.

Rule L315 Bills of Costs

(a) Bills of costs must contain the names of the witnesses, the dates of their attendance, the number of miles actually traveled by them, and the place from which mileage is claimed. The bill shall be verified by the affidavit of the party filing it or by his/her agent or attorney that the witnesses named were actually present in court, and that, in his opinion, they were material witnesses. A copy of the bill of costs shall be served on opposing counsel.

(b) The party upon whom a bill of costs has been served may, within ten (10) days after such service, file exception thereto, and the issue shall be determined by the court. Failure to file exception within ten (10) days shall be deemed a waiver of all objections.

Rule 316.1 Judgment by Agreement

Except in actions to which a minor or an incapacitated person is a party and in actions for wrongful death in which a minor or incapacitated person has an interest, verdicts and non-suits, and judgments by agreement may be entered at any time but only upon written stipulation signed by the parties or by their counsel of record and filed in the case.

Rule L316.3 Striking or Opening Judgments

(a) Petition to open or strike a judgment shall be made to the court and, upon cause shown, a rule may be granted to show cause why the judgment should not be opened or stricken and the petitioner let in to a defense, with any further order proper in the discretion of the court. If a rule is granted by the court, a copy of the petition and order made thereto, shall be served upon the plaintiff or his attorney of record within five (5) days from the date of the order. It shall be the duty of the plaintiff, if he desires to make answer to the petition, to file said answer within twenty (20) days after service of the petition and order upon him or his attorney of record, unless the period for filing of an answer is otherwise ordered by the court, and also to serve a copy of said answer upon petitioner or his attorney of record at the time of filing the same.

(b) The prayer of the petition shall set forth whether a supersedeas is requested or not.

(c) In instances of petitions after execution has been issued, the court may, in its discretion, order a bond be filed for costs. Unless the order of the court provides otherwise, in cases where there is a levy made, the lien of any levy shall remain and continue until the matter is finally disposed of.

Rule L316.4 Judgments: Re-Indexing

Judgments entered on confession may be subsequently re-indexed against any defendant under any alias name upon the plaintiff's attorney filing a praecipe therefore supported by an affidavit that such alias defendant is the same person against whom the judgment was originally entered and indexed. The subsequent re-indexing shall be noted on the docket at the original number and term and shall be re-indexed on a separate line in the judgment index, clearly showing the date of such re-indexing.

Rule L320 Termination of Inactive Cases

During the month of July of each year, the Prothonotary shall determine in which matters not concluded there has been no activity during the previous two years. The Prothonotary shall then give notice in each such matter as provided by Pa. R.J.A. 1901(c). If no action is taken, or no written objection stating good cause is filed in such matter within 30 days, the Prothonotary shall enter an order terminating the matter. If written objection is filed in such matter within 30 days, the Prothonotary shall list the matter for the next available Argument List without further praecipe and give notice to all parties. Failure of the objector to appear and to show good cause may result in the dismissal of the action. Where publication is required, such publication shall be twice printed in the *Mercer County Law Journal*.

MISCELLANEOUS MATTERS**Rule L321 Auditors and Auditors' Reports**

(a) Auditors shall be appointed by the Court sua sponte or upon petition.

(b) Auditors' hearings shall be held at the Courthouse except with leave of court and testimony shall be taken by a court stenographer or by a stenographer agreed upon by the parties.

(c) Auditors shall give all parties notice of the time and place of hearings before them and give public notice by advertisement once per week for two successive weeks in the *Mercer County Law Journal* and in one daily newspaper of general circulation of this county, stating that all persons must prove their claims or they will be disallowed. Auditors shall obtain from the assignors or debtors, a list of their creditors, and if the proceeds of the sale of real estate are to be distributed, identify all liens and encumbrances thereon and award distribution after determining any objections thereto.

(d) Argument before the court shall be confined to the exceptions filed with the auditor. The court may take additional testimony on exceptions if justice requires.

(e) When facts are controverted before the auditor, he/she shall report the proven facts in a concise form and shall state concisely the questions of law raised before rendering decisions thereon, with the reasons therefore. When distribution is made a schedule of the liens on the funds, paid and unpaid, shall be made and presented with the report showing the disposition made. All testimony shall be returned separately and filed with the report.

(f) Upon a claim of misconduct or unreasonable delay on the part of any auditor, the court may either vacate

the appointment or issue a rule to show cause why the auditor should not proceed forthwith in the duties of appointment.

Rule L323 Assignees For Creditors

(a) Assignees for the benefit of creditors and receivers shall, after they have entered security, give notice of their appointment, to every creditor and party in interest of whom they have knowledge, and shall also publish notice thereof once a week for two successive weeks in the *Mercer County Law Journal* and in one newspaper of general circulation published within the county.

(b) The assignee shall file with the account a petition for distribution in form similar to that of petitions for distribution required by the Orphans' Court Division of this Court and all such accounts and petitions for distribution shall be filed in the office of the Prothonotary.

(c) The assignee shall give written notice of the filing of the account, the petition for distribution and of the call for the audit or confirmation thereof to all interested parties. Such notice shall be given by mailing to the last known address of such parties, at least three weeks before the presentation of the account to the court, and shall also be published by the Prothonotary for two successive weeks in one newspaper of general circulation published in Mercer County and in the *Mercer County Law Journal*.

(d) Any account filed for audit and confirmation shall be audited preliminarily by the Prothonotary and then presented to the court, together with the proofs of publication and proof of the giving of the required notice to interested parties at the time fixed for the audit or confirmation thereof. If no exceptions have been filed, the account may be confirmed absolutely.

Rule L324 Sheriff

It shall be the duty of the sheriff, or his/her deputy, to be always present in the Courthouse during the sitting of a court and promptly to execute all orders of the court and process issued.

Rule L325 Surveyors

(a) All cases affecting real estate wherein questions of boundary or of conflicting surveys may arise, the court, on application of any party, or a judge at chambers, on proof of ten days' notice to all the other parties or their attorneys of such intended applications, may appoint a registered civil engineer or professional land surveyor who, upon reasonable notice to both parties, shall survey and ascertain such boundaries and conflicts and furnish a diagram thereof describing the same, and any other circumstances material to a proper investigation of the subject, and if, on trial, or otherwise, such survey appears to have been necessary or proper, the reasonable expenses of the same shall be taxed and paid as other costs.

(b) The person so appointed, before entering upon his/her duties, shall take or subscribe an oath of affirmation that he/she will impartially, to the best of his/her skill and judgment, do and perform all things enjoined and required of him/her under said appointment, which oath or affirmation shall be filed in the cause.

Rule L326 Money Paid Into Court

(a) A party to an action may, upon motion and such notice to the adverse party as the court may direct, pay into court the amount admitted to be due, together with costs, if any. The party entitled to the money may accept the money and settle and discontinue the action or may refuse the money and proceed with the action. If the

adverse party shall not recover more than the amount paid into court, all additional costs shall be deducted from the money. This tender into court shall in no way alter the rights of the parties as to legal tender made before suit.

(b) Parties wishing to extinguish liens upon real estate in which they have an interest may, on motion and such notice to the creditor as the court may direct, pay into court the amount due and have satisfaction entered upon the lien.

(c) Upon payment of money into court, it shall be deposited by the Prothonotary in an account in the name of the Prothonotary kept for such purposes, and shall be payable only by a check signed by the Prothonotary pursuant to the order of court. A book shall be kept in the office of the Prothonotary, in which shall be entered all moneys paid into court, with the name of the case in which it shall have been paid.

(d) In matters of bulk transfer, the petition of the transferee shall, inter alia, provide the name, address and amount of claims of creditors of the transferor insofar as known to the transferee and may request the appointment of an auditor. If the petition be approved by the court, an auditor may be appointed to determine which creditors of the transferor are entitled to recommend distribution to the court. The auditor shall give notice of appointment. Notice of the time of filing claims shall be given to the transferors and transferees, or their attorneys, by registered or certified mail to each known creditor whose name and address is set forth in the petition.

Rule L327 Law Library

(a) The Mercer County Law Library shall be managed by a law librarian. A Law Library committee shall be appointed by the President Judge of the Court of Common Pleas of Mercer County and shall consist of three (3) members of the Mercer County Bar Association.

(b) The committee shall recommend to the President Judge such rules and regulations for the management of the library as may be expedient and necessary for its proper care and preservation.

(c) The Mercer County Law Library shall provide research facilities for the Court of Common Pleas, Mercer County Bar Association, county offices and the general public. As mandated by Title 42 of the Pennsylvania Consolidated Statute, Section 3724, the County Law Library shall receive from the county such necessary funds, accommodations, goods and services, as shall be specified by general rules or recommendations of the State Law Library. The law library shall also be operated in conformity with the Rules of the Court of Common Pleas of Mercer County and shall be available to the general public.

Rule L328 Official Legal Publication

The *Mercer County Law Journal* is designated as the place of legal publication for the publication of legal notices.

Rule L329 Pre-Trial Order

(a) Upon receipt of a praecipe for the trial list, the court shall issue an order in the form set forth below providing for the parties to object to the certification of the case as being ready for trial, limiting the taking of depositions for use at trial, and providing for the scheduling of the trial and the pre-trial conference.

(b) All depositions for use at trial shall be completed not later than five (5) days after the date of the pre-trial conference as scheduled by the court administrator, and the order shall so provide.

(c) Any party who does not agree with the praecipe's certification of the readiness of the case for trial shall file a written objection to the certification within ten (10) days of the entry of the order. The written objection shall include a proposed court order setting the date and time for a hearing on this objection. For good cause shown at the hearing, the case will be stricken from the trial list. If no written objections to the certification are filed, continuances from the trial list will not be granted except for compelling circumstances not known to counsel for the parties at the time the order is entered.

(d) Appropriate sanctions may be imposed for failure to comply with the order, including the striking of the case from the trial list and the assessment of attorney's fees and costs resulting from the delay. The court's contempt powers and the availability of damages for delay under Pennsylvania Rule of Civil Procedure 238 are not limited by this rule.

ORDER

AND NOW, this ____ day of _____, 20____, this case having been praeciped onto the trial list and the party filing the praecipe having thereby certified pursuant to Local Rule of Court L309 that all motions have been disposed of, that all discovery has been completed, and that this case is ready for trial, IT IS HEREBY ORDERED AND DECREED that any party who does not agree with that certification shall file a written objection to the certification within ten (10) days of the entry of this Order. If any objection is filed, a hearing will be scheduled on the objection to determine whether the case should be stricken from the trial list. The written objection shall include a proposed Order setting the date and time for this hearing. Whether or not written objections are filed, the Court Administrator will place this case on the trial list for _____ and schedule the pre-trial conference for the _____ day of _____, 20____. No continuances from the trial list will be granted hereafter by reason of the need to take or complete depositions for use at trial or on the basis that the case is not otherwise ready for trial, unless a timely, written objection to the certification of readiness for trial is filed.

IT IS FURTHER ORDERED AND DECREED that, if this case is not stricken from the trial list, all depositions to perpetuate testimony for use at trial shall be completed not later than five days after the pre-trial conference date scheduled by the Court Administrator. In their pre-trial statements required by Local Rule of Court L212, the parties shall list all depositions taken or to be taken to perpetuate testimony for use at trial. For those depositions yet to be taken, the parties shall list the dates and times within the five days after the pre-trial conference when they will be taken.

Failure to comply with this Order shall result in appropriate sanctions, including the striking of the case from the trial list and the assessment of attorney's fees and costs resulting from the delay. This Court's contempt powers and the availability of damages for delay under Pennsylvania Rule of Civil Procedure 238 are not limited by this Order.

The purpose of this Order is to insure that this case, which has been certified as ready for trial, is in fact in that posture. It is the intention of this Court that

meaningful stipulations and settlement discussions occur at the pre-trial conference and that the integrity of the trial list be preserved. There shall be no variations from this procedure.

BY THE COURT:

Francis J. Fornelli,
President Judge

CIVIL ACTIONS

Rule L1018.1 Notice to Defend

The organization to be named in The Notice to Defend from whom legal help can be obtained is:

Mercer County Lawyers Referral Service
c/o Mercer County Bar Association
P. O. BOX 1302
Hermitage, PA 16148
Telephone: (724) 342-3111

Rule L1028(c) Preliminary Objections Procedure

(1) Preliminary objections shall be scheduled for Argument Court by the filing of a praecipe in accordance with the procedure set forth in Local Rule L208.3(a)(4)

(2) Briefs shall be filed and in the form set forth in L210 and subject to L208.3(b).

Rule L1033 Amendment

Whenever an amended pleading is filed involving more than one paragraph of the original pleading, it shall be a complete pleading and not merely the amendments to the former pleadings. The amended pleading shall clearly indicate that it is an amended pleading and the paragraphs shall be appropriately re-numbered.

Rule L1034(a) Motion for Judgment on the Pleadings Procedure

(1) Motions for judgment on the pleadings shall be scheduled for Argument Court by the filing of a scheduling praecipe in accordance with the procedure set forth in Local Rule L208.3(a)(4).

(2) Briefs shall be filed and be in the form set forth in L210 and subject to L208.3(b).

Rule L1035.2(a) Motion for Summary Judgment Procedure

(1) Argument on motions for summary judgment shall be scheduled for argument by the filing of a praecipe in accordance with the procedure set forth in Local Rule L208.3(a)(4), provided however, no case shall be praeciped for argument until all parties have filed a response or thirty (30) days after filing the motion, whichever occurs first.

(2) Briefs shall be filed and be in the form set forth in L210 and subject to L208.3(b).

ACTION TO QUIET TITLE

Rule L1066 Form of Judgments on Order

Any order entered under subsection R.C.P. 1066(b)(1) shall include a description of the property.

ARBITRATION

Rule L1301 Scope

All cases which are now or later at issue where the amount in controversy shall be twenty-five thousand dollars (\$25,000) or less, exclusive of interest and costs, except those involving title to real estate, shall be

submitted to and heard by a board of arbitrators consisting of three (3) members of the Bar in active practice in this county.

Rule L1302 List of Arbitrators. Appointment to Board. Oath.

(a) Upon the filing of a praecipe for arbitration, the Prothonotary shall notify the court administrator who shall thereupon nominate a board of potential arbitrators consisting of three (3) attorneys, plus one (1) attorney for each counsel of record and each unrepresented party. The nomination shall be made from a list of members of the bar qualified to act as arbitrators, which shall be kept by the court administrator. Nomination shall be made in the order of listing, except where attorneys are excused on account of incapacity or illness, or for other reasons herein set forth. Not more than one (1) member of a firm or association of attorneys shall be appointed to the same board and no members of a firm or association of attorneys shall be appointed to a board to hear a case where another member of such firm or association of attorneys is counsel for any of the parties litigant.

(b) The list of attorneys nominated to the potential board shall be sent by the court administrator to the attorney for each party and to each unrepresented party. Each such party may strike off one (1) attorney so named and return the list to the court administrator within five (5) days of receipt. The remaining three (3) attorneys shall constitute the board of arbitration. If both or all parties strike the same name or no name from the list, the first three (3) remaining names will make up the board.

(c) As soon as the court administrator receives the returned list from the parties, or after (5) days if a list is not returned, he shall notify the Prothonotary of the arbitrators selected. The Prothonotary shall, within ten (10) days, notify the arbitrators in writing of their selection.

(d) The first member listed for a board who has been admitted to the practice of law not less than three (3) years shall be chairman of the board and shall be responsible for the setting of the date and place of hearing, for giving notice thereof to opposing counsel and to the Prothonotary, and for the filing of the board's report and award if any. The hearing must be set within sixty (60) days of the appointment of the board.

(e) Once an arbitration hearing is scheduled it may be continued once by the chairperson of the board. There may be no further continuances without leave of Court.

(f) The members of the board shall be sworn as arbitrators before entering upon their duties by a person authorized to administer oaths.

(g) All arbitration hearings shall be held in the Mercer County Courthouse unless otherwise approved by the Court at the request of the chairperson. When the hearing is to be held outside of the Courthouse, the original file shall remain at the Courthouse; and the arbiters and parties shall familiarize themselves with the file and obtain copies thereof as necessary.

Rule L1308 Appeal. Arbitrators' Compensation. Notice

(a) Each member of the Board of Arbitrators shall be paid by the county a fee, as fixed by the court from time to time, for each case heard, upon the filing of the board's report and award, if any.

(b) Upon the filing of the board's report or award, the Prothonotary shall certify to the county commissioners

and to the county controller that the report and award, if any, has been filed, together with the names of the members of the board serving in the case, and thereupon the county shall pay the aforesaid fee to each member of the board serving in the case.

(c) In the event a case is settled, compromised or withdrawn after the chairperson has scheduled a hearing and has mailed notice of the arbitration hearing, but before the arbiters are sworn, the chairperson shall receive a \$75.00 fee. The other two arbiters shall receive no fee. If the case is settled, compromised or withdrawn after the arbiters are sworn, fees for one-half (1/2) day's service shall be paid to all arbiters. The Board of Arbitration for a case which has been settled, withdrawn or terminated after the arbiters have been appointed but not sworn shall be assigned by the Prothonotary to hear the next case proper for arbitration. In the event an arbiter shall be disqualified from serving on the next case, such disqualified arbiter shall be appointed to a Board of Arbitration upon the first case for which the arbiter is eligible.

(d) The fees payable or paid to the members of the board of arbitrators under these rules shall not be taxed as costs, nor follow the award with other costs.

ACTION FOR CUSTODY, PARTIAL CUSTODY AND VISITATION OF MINOR CHILDREN

Rule L1915.3 Commencement of Action. complaint. Order.

(a) A conference before a court-appointed master shall be held in all cases involving claims for custody, partial custody or visitation. In all cases where the only issue unresolved is partial custody or visitation, a conference will be held before the Court appointed Master pursuant to Pennsylvania Rule of Civil Procedure 1915.4-2 unless either party files written notice prior to the Master's conference requesting a hearing before a Judge.

(1) A motion for the appointment of a Master shall be filed with any pleading which includes a claim for custody, partial custody or visitation. The motion shall be substantially in the form as provided by Pennsylvania Rule of Civil Procedure 1920.74.

(2) No fee shall be assessed for the appointment of a Master to hold a conference on a claim for custody, partial custody or visitation.

(3) The party filing a pleading involving a claim for custody, partial custody or visitation shall obtain from the Master appointed to conduct the conference, the time, date and place of conference for purposes of completing the Order required to be attached to such pleadings by Pennsylvania Rule of Civil Procedure 1915.3.

Rule L1915.26 Notice of Master's Conference

(a) If a party is represented, notice of the Master's conference shall be served on the party by the master by first-class United States mail, postage prepaid, addressed to the party's counsel.

(b) If a party is unrepresented, notice of the Master's conference shall be served on the party by the master by certified United States mail, postage prepaid, addressed to the party's last known address.

(c) A copy of said notice shall be filed with the Prothonotary.

(d) The following language shall be included in all notices of Master's conferences involving custody cases:

YOU ARE HEREBY NOTIFIED THAT A HEARING ON THE ISSUES OF PARTIAL CUSTODY AND/OR VISITATION WILL BE HELD BY THE COURT-APPOINTED MASTER UNLESS YOU REQUEST IN WRITING PRIOR TO THE COMMENCEMENT OF THE MASTER'S CONFERENCE THE MATTER BE HEARD BEFORE A JUDGE. THE FAILURE TO FILE SUCH WRITTEN REQUEST PRIOR TO THE CONFERENCE SHALL BE DEEMED A WAIVER OF YOUR RIGHT TO HAVE THE ISSUES OF PARTIAL CUSTODY AND/OR VISITATION HEARD BY A JUDGE.

A COPY OF THE REQUIRED WRITTEN REQUEST HAS BEEN INCLUDED WITH THIS NOTICE FOR YOUR CONVENIENCE.

(e) The following form shall be included with all notices of Master's conferences involving custody cases:

IN THE COURT OF COMMON PLEAS OF MERCER COUNTY, PENNSYLVANIA CIVIL ACTION

Plaintiff :
:
vs. : No.
:
Defendant :

REQUEST FOR A HEARING BEFORE A JUDGE

(f) I hereby certify that I desire a hearing before a Judge should the only unresolved issue involve either partial custody or visitation for the following reasons: There are complex questions of law, fact, or both.

A hearing on the issue of partial custody or visitation would take longer than one hour. There are serious allegations affecting the child's welfare.

Date: _____ Plaintiff/Defendant

Rule L1915.27 Master's Conference

(a) In the event the parties are able to resolve their differences, the Master shall dictate a proposed order which encompasses the parties' agreement in their presence. Said order shall be submitted to the appointing judge for his consideration.

(b) In the event the parties are unable to resolve their differences in cases involving disputes over primary physical custody, shared physical custody or legal custody, or in cases involving disputes over partial custody and/or visitation where either party has requested, in writing, a hearing by Judge to the commencement of the Master's conference, a hearing date before the appointing Judge shall be set by the Court Administrator. A report shall be prepared by the Master for the Court which, inter alia, shall indicate the relative positions of the parties and the Master's recommendations. Copies of said reports shall be served on the parties in accordance with L1915.26. No exceptions shall be filed to said reports.

(c) In the event the parties are unable to resolve their difference in cases involving disputes over partial custody and/or visitation and neither party has requested in writing, a hearing by a Judge prior to the commencement of the Master's conference, the parties will be deemed to have consented to a hearing before the Court-appointed Master on those issues in accordance with Pennsylvania Rule of Civil Procedure 1915.4-2 and the Master shall schedule a hearing date. The hearing shall be held in accordance with the provisions of Pennsylvania Rule of Civil Procedure 1915.4-2.

(d) A fee of \$25 shall be assessed against each party for a Master's Hearing on the issues, of partial custody

and/or visitation, however, the fee shall be waived for any party determined to be indigent.

ACTIONS OF DIVORCE OR ANNULMENT OF MARRIAGE

Rule L1920.51 Hearing by the Court. Appointment of Master. Notice of Hearing.

(a) All actions for divorce under Section 3301(a) (b) and (d)(l)(i) of the Divorce Code or for annulment, and all claims for alimony, alimony pendente lite, bifurcation, equitable distribution of marital property, exclusive possession of the marital residence, counsel fees, costs, expenses, or any aspect thereof shall be heard by a master in the absence of a court order to the contrary.

(1) All actions or claims described in Section (a) hereof will not be referred to a master until one of the parties files a motion for the appointment of a master to hear the action(s) and/or claims(s) at issue and pays an amount to be determined by court order, in addition to all other costs provided by law, for the appointment of a master. The motion shall be substantially in the form as provided by Pennsylvania Rule of Civil Procedure 1920.74. The motion shall be filed with the Prothonotary together with the proper fee.

(2) Upon receipt of the proper fee, the Prothonotary shall forward the motion to the court administrator for assignment to a master.

(3) Unless the moving party is granted leave to proceed in forma pauperis, no master will be appointed until the proper fee for the appointment of the master is paid, or the court permits otherwise. If the monies are not forthcoming and there are no other proceedings in the case for a period of two years, the matter will be subject to termination pursuant to Mercer County Local Rule L320.

Rule L1920.53 Hearing by Master. Report

(a) Where an action for divorce or annulment has been referred to a master, a conference shall be held before the master prior to a hearing in the absence of a court order to the contrary.

(1) The moving party shall deposit an amount to be determined by court order with the Prothonotary before a master's hearing on an action for divorce or annulment.

(2) In the event the master believes the amount of time (s)he must devote to the case will exceed four (4) hours said time, or does exceed four (4) hours, (s)he may recommend to the court that additional monies be deposited by a party prior to the hearing or assessed against a party as costs.

(3) The master's fee shall be taxed as part of the costs and paid as directed in the final decree.

(4) In the event the parties resolve their differences prior to the hearing, all sums deposited with the Prothonotary for the hearing shall be returned to the depositor.

(5) In the event the master's fee for the hearing is less than the amount deposited with the Prothonotary for the hearing, the difference shall be returned to the depositor. If there was more than one depositor, the difference shall be returned in proportion to the respective amounts deposited.

Rule L1920.54 Hearing by Master. Report. Related Claims.

(a) Where a claim for alimony, alimony pendente lite, bifurcation, equitable distribution of marital property exclusive possession of the marital residence, counsel

fees, costs, expenses or any aspect thereof, has been referred to a master. a conference shall be held before the master prior to a hearing in the absence of a court order to the contrary.

(b) With the exception of claims for alimony, alimony pendente lite, bifurcation, counsel fees, costs or expenses;

(1) The moving party shall deposit an amount to be determined by court order with the Prothonotary before the master's hearing: and,

(2) In the event the master believes the amount of time he must devote to the case will exceed four (4) hours said time or does exceed four (4) hours, (s)he may recommend to the court that additional monies be deposited by a party prior to the hearing or assessed against a party as costs.

(3) The master's fee shall be taxed as part of the costs and paid as directed in the final decree or a separate order.

(4) In the event the parties resolve their differences prior to the hearing, all sums deposited with the Prothonotary for the hearing shall be returned to the depositor.

(5) In the event the master's fee for the hearing is less than the amount deposited with the Prothonotary for the hearing, the difference shall be returned to the depositor. If there was more than one depositor, the difference shall be returned in proportion to the respective amounts deposited.

(6) The notes of testimony will not be transcribed unless exceptions are filed.

Rule L1920.55-2 Master's Report. Notice. Exceptions. Final Decree.

(a) Exceptions to a master's report must be filed with the Prothonotary within the time prescribed by law.

(1) The party filing the exceptions shall serve a copy thereof on the date of filing on every other party, the appointing judge, the master, the court administrator and the court reporter by first class mail, postage prepaid, or by handing them a true and correct copy thereof.

(2) After receipt of notice of the filing of exceptions to a master's report, the court administrator shall schedule a conference before the appointing judge.

(3) At the conclusion of the conference, an order will be entered setting forth what portions of the master's hearing are to be transcribed and setting the argument date on the exceptions.

(4) The party filing the exceptions shall pay all transcription charges in the absence of a court order to the contrary.

RULES RELATING TO DOMESTIC RELATIONS MATTERS GENERALLY

Rule L1930.7 Flat Filing of Papers

All papers filed with the clerk of the Domestic Relations Section shall be prepared for flat filing on paper approximately 8 1/2 inches x 11 inches in size. Such papers shall contain on their face the following information: designation of the Court, designation of the section of the Court, date of filing, file number, caption, title of pleading, notice to plead or other form of notice, certification when applicable, name, address, Supreme Court number, and telephone number of the attorney or law firm filing the pleading upon whom papers may be served when applicable.

Rule L1930.8 Clerk of the Domestic Relations Section

(a) The clerk of the Domestic Relations Section shall immediately endorse all papers submitted for docket filing with the date of such filing. The clerk of the Domestic Relations Section shall enter all rules, pleading and other papers submitted for docket filing in every case in the docket maintained by the Domestic Relations Section.

(b) The clerk of the Domestic Relations Section shall be responsible for the safekeeping of all records and papers submitted for docket filing in the Domestic Relations Office.

(c) No entry shall be made in the docket except at the direction of the clerk of the Domestic Relations Section or by Order of Court, except an Entry of Appearance by counsel.

(d) All papers filed with the clerk of the Domestic Relations Section shall be designated numerically starting with the number 1 for each calendar year and followed by the alphabetical symbols "D. R." and the year of filing.

Rule L1930.9 Information to Consumer Credit Bureaus

(a) The Domestic Relations Section shall, before releasing information as to arrearage for support owing by any obligor, notify the obligor by regular mail by sending the following notice:

This Notice is sent to inform you that

 (Name of Consumer Credit Bureau of organization)
 of _____
 (Address)

has requested information as to the arrearage you owe under your support Order through the Domestic Relations Section of the Court of Common Pleas of Mercer County, Pennsylvania. Our records indicate your arrearages are \$ _____ as of _____, 20 ____.

This information will be released to said Credit Bureau unless, within 20 days of this date, we receive a written objection from you contesting the accuracy of the calculated arrearages or stating a valid reason why the information should not be made available.

_____, 20 ____

 Director, Domestic Relations

(b) A fee will be imposed by the Domestic Relations Section upon the Consumer Credit Bureau of organization requesting information.

INCAPACITATED PERSONS AS PARTIES

Rule L2056 Procedure when Incapacity of a Party is Ascertained

Except as otherwise directed by the court, notice shall be given by personal service on such guardian, or by leaving a copy of the notice at his/her residence or place of business, or by mailing a notice by registered or certified mail. If service, as above cannot be made, then notice shall be given by such publication as the court may direct.

UNINCORPORATED ASSOCIATIONS AS PARTIES**Rule L2152 Actions by Associations**

The plaintiff's initial pleading in an action prosecuted by an association shall set forth the names and addresses of all officers thereof or of all persons known to be holding themselves out as such. In case the said officers do not constitute the trustees ad litem, or have not consented to the prosecution of the action by consent in writing attached to the initial pleading, the plaintiffs shall serve notice, in the manner provided in the Pennsylvania Rules of Civil Procedure of the bringing of the action upon said officers within ten (10) days thereafter and file proof thereof in the action; otherwise, the action shall be automatically stayed until such proof is filed.

ACTIONS FOR WRONGFUL DEATH**Rule L2205 Notice to Persons Entitled to Damages**

The notice shall in all cases be given personally or by registered or certified mail to each person entitled by law to recover damages in the action, unless the plaintiff shall file an affidavit that the identity or whereabouts of any such person is unknown to him after diligent search therefore, in which case the plaintiff shall cause the notice to be advertised once in a newspaper of general circulation published in Mercer County and in the *Mercer County Law Journal*.

CONFESSION OF JUDGMENT FOR MONEY**Rule L2952 Confessed Judgments**

When a judgment is entered upon any instrument containing a warrant of attorney, which instrument accompanies a mortgage, a statement shall be placed in the complaint showing the book and the page where said mortgage is recorded. If the instrument is entered without a complaint a statement shall be placed upon the instrument itself.

ENFORCEMENT OF MONEY JUDGMENTS FOR THE PAYMENT OF MONEY**Rule L3110 Execution Against Contents of Safe Deposit Box**

When the plaintiff seeks to serve a party by publication as provided in paragraph (c) of R.C.P. 3110, it shall be sufficient service to publish said notice once in a newspaper of general circulation in Mercer County and once in the *Mercer County Law Journal*. Proofs of publication shall be filed.

Rule L3112 Service of the Writ Upon Garnishee, Real Property of Defendant in Name of Third Party

Whenever a party seeks to serve a garnishee by publication as provided in paragraph (c) of R.C.P. 3112, it shall be sufficient service to publish said notice once in a newspaper of general circulation in Mercer County and once in the *Mercer County Law Journal*. Proofs of publication shall be filed.

Rule L3123 Debtor's Exemption

The sheriff following an appraisal or designation shall immediately thereafter and before sale give notice thereof by first class United States mail to all interested parties of the appraisal or designation, which notice shall set forth the right of appeal to the Court of Common Pleas within forty-eight (48) hours thereof.

Rule L3128 Notice of Sale Personal Property

One copy of the handbill shall be mailed by certified United States mail to the defendant by the sheriff.

DEPOSITIONS AND DISCOVERY**Rule L4010 Physical and Mental Examination of Persons**

When a mental or physical examination has been made pursuant to R.C.P. 4010, counsel shall be prepared to deliver and exchange medical reports, as provided therein, not more than five (5) days after any report, written or oral, has been received.

[Pa.B. Doc. No. 04-1437. Filed for public inspection August 6, 2004, 9:00 a.m.]

RULES AND REGULATIONS

Title 7—AGRICULTURE

DEPARTMENT OF AGRICULTURE

[7 PA. CODE CH. 76]

Food Employee Certification

The Department of Agriculture (Department) amends Chapter 76 (relating to food employee certification) to read as set forth in Annex A.

Statutory Authority

Chapter 65 of 3 Pa.C.S. (relating to the Food Employee Certification Act) (act) provides the legal authority for this final-form rulemaking. Sections 6503(d) and 6505 of the act (relating to certification advisory board and programs; and rules and regulations), respectively: (1) require the Department to adopt food safety protection and training standards for the certification of supervisory employees who are responsible for the storage, preparation, display or serving of food to the public in establishments regulated by the Department or local health organizations; and (2) delegate to the Department the power to adopt regulations necessary for the proper enforcement and administration of the act.

The act also requires that regulations be promulgated with the approval of the Food Employee Certification Advisory Board (Board). The Board approved the proposed rulemaking at its October 6, 2003, meeting. Although that document was subsequently revised in response to comments received from the public and the Independent Regulatory Review Commission (IRRC), the revisions were nonsubstantive and did not require further review by the Board.

Purpose

Chapter 76 took effect in October 1999. The act was subsequently amended by the act of December 20, 2000 (P. L. 934, No. 124) (Act 124) and then by the act of December 9, 2002 (P. L. 1495, No. 190) (Act 190). The purpose of the final-form rulemaking is to implement the statutory changes of Act 124 and Act 190.

The act was the product of an industry-driven initiative to establish minimum food safety training requirements to be met by at least one supervisory employee in most food establishments in this Commonwealth.

Act 124 revised the act by: (1) deleting the requirement that food safety training requirements be "industry-specific"; (2) extending the date by which food establishments must come into compliance with the act by 2 years (from July 1, 2001, to July 1, 2003); (3) exempting certain food establishments operated by charitable and nonprofit organizations from the requirements of the act; and (4) requiring the Department to develop a food safety training program for those organizations that, although exempt from the requirements of the act, elect to voluntarily seek certification under the act.

Act 190 revised the act by: (1) extending the date by which food establishments must come into compliance with the act by another year (from July 1, 2003, to July 1, 2004); (2) expanding the membership of the Board; and (3) requiring the Department to promulgate regulations (approved by the Board) by July 1, 2004, establishing training programs consistent with the revised act.

The act requires that the Department consider a number of factors in writing the final-form rulemaking, including: (1) the existence and operation of Department-approved employee training programs on safe food handling; (2) the fact that some food establishments engage in only the limited handling of potentially hazardous food; (3) the number of hours necessary to train food establishment employees to handle food safely, with consideration of the "scope" of the food establishment's business; and (4) the demonstration necessary for the Department to be satisfied that a particular supervisory employee is proficient in the safe handling of food. The Department has given consideration to all of these factors in the drafting of the final-form rulemaking.

Need for the Final-Form Rulemaking

The final-form rulemaking is needed to implement the changes to the act under Act 124 and Act 190.

Comments

Notice of proposed rulemaking was published at 34 Pa.B. 831 (February 14, 2004) and provided for a 30-day public comment period.

Comments were received from IRRC, the Director of Outdoor Education and Group Rentals for the South Mountain YMCA—Camp Conrad Weiser Outdoor Center (South Mountain YMCA), Goodtime Amusements (through Irvin L. Good, Jr.), the Chester County Health Department (CCHD), the Allegheny County Health Department (ACHD), the Pennsylvania Food Safety Alliance (PAFSA), with members who represent Commonwealth agencies abstaining from the comment process, and the Pennsylvania Food Merchants Association (PFMA). The Department's response to these comments follows:

Comment 1: The South Mountain YMCA acknowledged that the act specifically exempts certain tax-exempt and nonprofit organizations from having to comply with the certification requirements in the act, and questioned whether this serves the overall cause of food safety. Although the act allows otherwise-exempt organizations to voluntarily comply, the commentator believes compliance should be mandatory.

Response: The Department understands the commentator's concerns, but is constrained by the clear language of the act in this regard. The final-form rulemaking cannot undo the specific exemptions in the act. Section 6510 of the act (relating to exemptions) exempts certain food establishments from compliance and this exemption cannot be undone by regulation.

Comment 2: The CCHD noted that the proposed rulemaking did not prescribe duties and responsibilities for a person who becomes a certified supervisory employee. The commentator described the responsibilities it imposes on a "certified food manager" within its jurisdiction, and suggested the final-form rulemaking should impose similar requirements.

Response: The Department looks to the act for guidance as to the duties of a certified supervisory employee. The act does not impose any specific responsibilities upon a certified supervisory employee (other than to maintain certification), and the Department will not impose these duties through this final-form rulemaking. In addition, the basic duties the commentator imposes on its "certified food managers" are consistent with duties imposed under Chapter 46 (relating to food code).

Comment 3: IRRC reviewed proposed § 76.2 (relating to definitions), and noted that several defined terms that were proposed for deletion were used elsewhere in the proposed rulemaking, and suggested these definitions be retained unless the Department could explain why they are not needed. The defined terms involved are “food contact surface,” “HACCP,” “retail food store” and “water activity.”

Response: The Department has elected to retain the referenced defined terms in the final-form rulemaking.

Comment 4: IRRC suggested the defined term “food code” be deleted from § 76.2 in the final-form rulemaking, since it is not used in the body of the regulation.

Response: The Department has implemented this suggestion in the final-form rulemaking.

Comment 5: The PAFSA and the ACHD considered the definition of the phrase “limited handling of potentially hazardous foods” in proposed § 76.2, and recommended the definition be limited to the handling of a single potentially hazardous food. The commentator also suggested that “limited handling” should only include foods that are heated for immediate consumption (and exclude food that are heated and then held hot).

Response: The Department believes the proposed definition is adequate, and does not perceive a need to limit the term to only a single type of food. The Department believes it is the limited handling of the potentially hazardous food handled by a food establishment that determines the relative risk of that activity, rather than the number of different types of potentially hazardous food handled. With respect to the suggestion that the definition exclude foods that are heated and then held hot (as opposed to being immediately consumed), the Department declines to implement this suggestion.

Comment 6: IRRC recommended proposed § 76.3(b) (relating to requirements for food establishments) be revised by replacing the phrase “unless one of the following is accurate” with “unless one of the following applies.”

Response: The recommendation has been implemented in the final-form rulemaking.

Comment 7: The CCHD noted that the proposed rulemaking allows for a certified supervisory employee to be certified in a number of categories, depending upon the type of food establishment and food activity involved. These categories are the general, process-specific, modified and nonprofit certification categories, and are referenced throughout the proposed rulemaking, beginning with proposed § 76.3(b). The CCHD references its longstanding and well-regarded food safety program, and objects to the proposed rulemaking allowing for certification in anything but the “general” certification category. The commentator believes that all of the regulated community should have the same level of food safety training. It also believes that the Department will have difficulty tracking compliance with the requirements of the proposed rulemaking, as food employees change jobs or food establishments change their operations so that another certification category is applicable to that operation.

Response: The Department appreciates this well-reasoned comment. The Department believes that the most recent amendments to the act make clear the intention of the General Assembly that nonprofit food establishments and food establishments involving only the limited handling of potentially hazardous food be given special consideration in preparing the final-form rulemaking, and that they be subject to standards that

are somewhat less-strict than those imposed upon other food establishments. The Department agrees that having four different certification categories will present a more formidable paperwork and enforcement task, but believes it can handle this and, moreover, believes it is constrained by the current language of the act to establish and regulate different certification categories.

Comment 8: Goodtime Amusements noted that proposed § 76.3(c) would allow a new food establishment to remain open for up to 90 days before it would have to have a certified supervisory employee, and suggested this grace period be deleted.

Response: The Department declines to implement this suggestion. The Department maintains that the referenced regulatory provision is justified under the language of the act. Section 6503(d) of the act provides that a supervisory employee has up to 90 days within which to pass the test requisite to becoming a certified supervisory employee. Section 6504(d) of the act (relating to certification of employees) also provides that food establishments that are not in compliance with the act because of employee turnover have a grace period of 3 months from the date of loss of a certified supervisory employee to come back into compliance with the act. Against this backdrop, the Department believes it is reasonable and consistent with the act for the referenced subsection to allow a new food establishment 90 days within which to come into compliance with the requirements of the act.

Comment 9: Goodtime Amusements reviewed proposed § 76.3(d) and recommended the subsection be revised to allow a food establishment 45 days, rather than 3 months, within which to replace a certified supervisory employee lost through employee turnover.

Response: The Department cannot implement this recommendation, since the referenced 3-month period is prescribed by section 6504(d) of the act.

Comment 10: In the context of its review of proposed § 76.4 (relating to eligibility to apply for certification), the PFMA recommended that persons be allowed to take “challenge examinations” to demonstrate their food safety knowledge without having to first complete an approved certification training course.

Response: Section 6504(b) of the act provides that “No certificate shall be issued unless the applicant has successfully completed a training course and passed an examination recommended by the advisory board and approved by the department.” Although a training course must precede the examination, an organization would be free to develop a brief training course that that would only be offered to persons with specific credentials or experience in the area of food safety. That course could be comparatively shorter than other certified training courses. For this reason, although the Department is not free to adopt the commentator’s recommendation, the desired objective might be reached through the development and approval of a training course.

Comment 11: IRRC requested that the phrase “are accurate” in proposed § 76.5(b)(2)(iii) (relating to certification training programs: obtaining the Department’s approval) be replaced with “apply.”

Response: The requested change has been made in the final-form rulemaking.

Comment 12: IRRC reviewed proposed § 76.5(b)(2)(iv)(B), which describes the standards under which the Department would approve a certification training program in the nonprofit certification category. The commen-

tator suggested that, with respect to a program developed and administered by an entity other than the Department, the proposed requirement that the program "meet the requirements referenced in clause (A)" was too expansive, given that clause (A) contains a reference to section 6504(g)(2) of the act that is only applicable to the Department. IRRC suggested that the Department might have intended this requirement to be only that the course meet the course requirements in § 76.7(b) (relating to certification training programs: food safety protection and training standards).

Response: The commentator is correct, and the Department has revised the referenced provision in the final-form rulemaking to reflect that nonprofit certification category training programs must meet the course content requirements in § 76.7(b).

Comment 13: The PAFSA and the ACHD noted that proposed § 76.5(d)(4) would allow for certification training course examinations other than examinations that have been accredited by the Conference for Food Protection (CFP). The commentator recommended that, with respect to the general certification category, the final-form rulemaking only allow CFP-accredited examinations, and offered that this is the only way to "assure that the exams are valid and legally defensible."

Response: The Department declines to implement this recommendation for several reasons. Initially, the Department notes that the language with respect to which the comment is offered is part of the current regulation, rather than language in the final-form rulemaking. The Department notes that the act does not prescribe CFP-accredited examinations, but defers to the Department, in consultation with the Board, to develop adequate training programs. The Department intends the final-form rulemaking to afford persons a measure of flexibility in developing and administering examinations. Proposed certification program examination will be carefully reviewed by the Department and the Board. An examination that is approved by the Department and the Board, in accordance with the act, will be valid and legally defensible.

Comment 14: The PAFSA and the ACHD reviewed proposed § 76.5(d)(7) and, as in the preceding comment, recommended that only CFP-accredited examinations be allowed in home study courses in the general certification category.

Response: The Department references its response to Comment 13.

Comment 15: IRRC reviewed proposed § 76.7, and offered its opinion that the act requires the Department to establish, through regulation, the appropriate minimum number of hours of instruction necessary "... to prepare employees for safe food handling due to the food establishment's scope of business." IRRC noted that the proposed rulemaking would delete the specific minimum hour of instruction requirements in the current regulation, and asked how the regulation will be in compliance with the act if this is done.

Response: The Department does not read the act as rigidly requiring that the final-form rulemaking specify a minimum number of hours of instruction to be given on various topics as part of an approved certification training program. The General Assembly has given the Department the authority and responsibility to adopt a regulation that provides for the consideration of whether a minimum number of hours is necessary, but does not require that the regulation ultimately adopted under that authority establish a minimum-hour standard. The De-

partment believes that the course syllabus and the written examination requirements are, in combination, entirely adequate to ensure that persons who take a certification training course and pass the written examination at the conclusion of that class possess adequate food safety knowledge with respect to the certification category of the course (whether the certification training category is general, process-specific, modified or non-profit). To the extent that the proposed rulemaking might not have adequately reflected that the Department had considered the minimum number of hours necessary for this training, though, the Department has added a sentence to § 76.5 that more clearly constitutes a provision considering the number of hours necessary for certification.

Comment 16: The PAFSA and the ACHD offered comments with respect to proposed § 76.8 (relating to certification examination requirements). The commentators believe that an examination administered in the "modified" certification category should be multiple choice, and that language should be added to specify that the subject matter of the examination questions should relate specifically to the course content.

Response: The Department does not perceive a need to limit the referenced examination to a multiple-choice format. The Department will keep these comments in mind, though, as it administers the final-form rulemaking, and will revisit this question if it appears there is some problem that could be remedied by requiring the examination to be in multiple-choice format. As far as the comment regarding the examination subject matter is concerned, the Department believes the introductory paragraph in § 76.8 adequately links the examination content of the particular category of certification training course involved. That section provides that "The examination shall adequately test food protection knowledge with respect to the certification category of the approved certification training course."

Comment 17: The ACHD noted that proposed § 76.10(a) (relating to applying for certification) would allow a person who has taken an approved certification training course in the past to apply to the Department for certification as long as the certification examination was administered within 5 years preceding the application date. Given that 3 Pa.C.S. § 6504(f) provides that certification last for 5 years, the commentator offered that a person could go nearly 10 years without having to take another training course.

Response: The commentator is correct. The Department offers two considerations in response. First, it should be noted that the referenced 5-year window is offered as new regulatory language, and that the current regulation places no time limit whatsoever on the maximum allowable interval between the date of completion of a certification training course and the date of application for certification. The proposed 5-year limit, therefore, is a move in the direction espoused by the commentator. Second, it is significant to consider that once a person passes an approved certification training course and is certified by the Department, the only continuing education requirement is that the certified supervisory employee attend an approved continuing education course and submit an application for renewal of certification to the Department at intervals of no greater than 5 years. Section 6504(f) of the act states that there is to be no written examination required for this recertification. Given that, once certification is granted, the requirements for continuing education are mere attendance at a con-

tinuing education course without being tested on a mastery of the course material, the Department believes the referenced 5-year application window is justifiable.

Comment 18: Goodtime Amusements asked whether the Department will publish a list of the other states with respect to which it enters into the reciprocal agreement described in proposed § 76.14 (relating to reciprocity with other states).

Response: The Department will publish a list of states in the *Pennsylvania Bulletin* and provide a link to this list on its website: www.agriculture.state.pa.us. In addition, it will disseminate this list among groups representing the various segments of the food and restaurant industries in this Commonwealth.

Comment 19: Goodtime Amusements reviewed proposed § 76.19 (relating to civil penalties) and opined that the penalties prescribed by that section are too harsh. The commentator also offered that a “. . . \$300 fine for a hair net missing would be harsh.”

Response: Since the referenced civil penalty range is prescribed by section 6508 of the act (relating to civil penalties), the Department cannot change it through regulation. With respect to the comment regarding a \$300 civil penalty for a missing hair net, the Department offers that the referenced civil penalties can only be imposed with respect to violations of the provisions of the act or its attendant regulations. Although the act requires food establishments to have certified supervisory employees under certain circumstances, it does not require that these certified supervisory employees implement specific food safety or food sanitation practices. For this reason, the “missing hair net” referenced by the commentator could never be the basis for a civil penalty under the act or the regulation (although the conduct might constitute a violation of Chapter 46 (relating to food code)).

Fiscal Impact

Commonwealth: The final-form rulemaking will impose some costs upon the Commonwealth. The Department estimates its costs in administering the certification requirements imposed by the act at \$15,000 per year until July 1, 2004 (the date beyond which compliance with the certification requirements becomes mandatory) and \$30,000 per year starting July 1, 2004.

Political Subdivisions: The final-form rulemaking will impose no costs and have no fiscal impact upon political subdivisions.

Private Sector: The final-form rulemaking will impose no costs and have no fiscal impact upon the private sector. The amendments to the act by Act 124 and Act 190 relieve food establishments operated by certain exempt charitable and nonprofit organizations from the cost of training and certification a supervisory employee. These cost savings cannot be readily quantified, and are the product of the referenced legislation, rather than the proposed rulemaking. The overall cost of compliance with the certification requirements imposed by the act is estimated at \$2 million (approximately 100,000 affected food establishments, multiplied by the minimum \$20 fee prescribed by the act). This figure excludes the costs of obtaining the training required as a prerequisite to certification.

General Public: The final-form rulemaking will impose no costs and have no fiscal impact upon the general public. Although food establishments may incur some costs in obtaining certification for a supervisory employee, these costs are expected to be modest. Additionally, since

the act has been amended to exempt more types of food establishments from its requirements, these exempt food establishments shall no longer be required to bear the costs of compliance.

Paperwork Requirements

The final-form rulemaking is not expected to have an appreciable impact upon the Department's paperwork volume.

Sunset Date

There is no sunset date for the final-form rulemaking. The Department will review the efficacy of these regulations on an ongoing basis.

Contact Person

Further information is available by contacting the Department of Agriculture, Bureau of Food Safety and Laboratory Services, 2301 North Cameron Street, Harrisburg, PA 17110-9408, Attention: Martha M. Melton, (717) 787-4315.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on February 4, 2004, the Department submitted a copy of the notice of proposed rulemaking, published at 34 Pa.B. 831, to IRRC and the Chairpersons of the House and Senate Standing Committees on Agriculture and Rural Affairs for review and comment.

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

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on July 14, 2004, the final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on July 15, 2004, and approved the final-form rulemaking.

Findings

The Department finds that:

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

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

(3) The modifications that were made to this final-form rulemaking in response to comments received do not enlarge the purpose of the proposed rulemaking published at 34 Pa.B. 831.

(4) The adoption of the final-form rulemaking in the manner provided in this order is necessary and appropriate for the administration of the act.

Order

The Department, acting under authority of the act, orders that:

(a) The regulations of the Department, 7 Pa. Code Chapter 76, are amended by amending §§ 76.1, 76.4, 76.7, 76.8, 76.10—76.13, 76.16, 76.17 and 76.19 and by

deleting § 76.18 to read as set forth at 34 Pa.B. 831 and by amending §§ 76.2, 76.3, 76.5 and 76.9 to read as set forth in Annex A.

(b) The Secretary shall submit this order, 34 Pa.B. 831 and Annex A to the Office of General Counsel and to the Office of Attorney General for approval as required by law.

(c) The Secretary shall certify this order, 34 Pa.B. 831 and Annex A and deposit them with the Legislative Reference Bureau as required by law.

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

DENNIS C WOLFF,
Secretary

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 34 Pa.B. 4082 (July 31, 2004).)

Fiscal Note: Fiscal Note 2-145 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 7. AGRICULTURE

PART III. BUREAU OF FOOD SAFETY AND LABORATORY SERVICES

Subpart C. MISCELLANEOUS PROVISIONS

CHAPTER 76. FOOD EMPLOYEE CERTIFICATION

§ 76.2. Definitions.

The following words and terms, when used in this chapter, have the following meanings unless otherwise defined in Chapter 46 (relating to food code):

Act—3 Pa.C.S. Chapter 65 (relating to the Food Employee Certification Act).

Advisory Board or *Board*—The Food Employee Certification Advisory Board.

Bacteria—Single cell microorganisms.

CFP or *Conference for Food Protection*—An independent, National voluntary nonprofit organization to promote food safety and consumer protection.

(i) Objectives of the organization include identifying and addressing food safety problems and promoting uniformity of regulations in food protection.

(ii) Participants include Federal, State and local regulatory agencies, several universities, test providers, certifying organizations, consumer groups, food service and retail store trade associations and operators.

Certificateholder—A person holding a valid certificate.

Certification category—A designation of one of the four types of Department-approved certification training programs, indicating the depth of food safety training received by a person who successfully completes such a program. The four certification categories are as follows:

- (i) General certification category.
- (ii) Process-specific certification category.
- (iii) Modified certification category.
- (iv) Nonprofit certification category.

Certified supervisory employee—A supervisory employee holding a valid certificate.

Cleaning—The process by which dirt or other foreign matter is removed from an article.

Department—The Department of Agriculture of the Commonwealth.

Food—

(i) A raw, cooked or processed edible substance, ice, beverage or ingredient used or intended for use or for sale in whole or in part for human consumption, or chewing gum.

(ii) The term does not include medicines and drugs.

Food Act—The Food Act (31 P. S. §§ 20.1—20.18).

Food contact surface—One of the following:

(i) A surface of equipment or a utensil with which food normally comes into contact.

(ii) A surface of equipment or a utensil from which food may drain, drip or splash into a food or onto a surface normally in contact with food.

Food establishment—

(i) A room, building, place or portion thereof or vehicle maintained, used or operated for the purpose of selling to the public, commercially storing, packaging, making, cooking, mixing, processing, bottling, baking, canning, freezing, packing or otherwise preparing, transporting or handling food.

(ii) The term includes retail food stores and public eating and drinking licensees, except those portions of establishments operating exclusively under milk or milk products permits and those portions of establishments operating exclusively under United States Department of Agriculture inspection.

(iii) The term does not include dining cars operated by a railroad company in interstate commerce or a bed and breakfast, homestead or inn as defined in the Public Eating and Drinking Place Law.

Frozen dessert manufacturer—A food establishment that is located in this Commonwealth and that is required to be licensed under authority of the Frozen Dessert Law (31 P. S. §§ 417.1—417.14).

HACCP—*Hazard Analysis Critical Control Point*—A system that identifies and monitors specific foodborne hazards (biological, chemical or physical properties) that can adversely affect the safety of the food product.

Limited handling of potentially hazardous foods—

(i) Food handling activities that are limited to the placement of a potentially hazardous food on or into a warming, heating or cooking unit.

(ii) The term includes activities such as placing a hot dog on a roller, placing a pizza in a cooking/warming unit or warming a premade sandwich in a microwave oven.

Person—A corporation, partnership, limited liability company, business trust, other association, government entity (other than the Commonwealth), estate, trust, foundation or natural person.

Potentially hazardous food—

(i) A food which consists in whole or in part of milk or milk products, eggs, meats, poultry, fish, shellfish, edible crustaceans or other ingredients, including synthetic ingredients, and which is in a form capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms.

(ii) The term does not include foods that have a pH level of 4.6 or below or a water activity of 0.85 or less

under standard conditions or food products in hermetically sealed containers processed to maintain commercial sterility.

Public eating and drinking place—

(i) A place within this Commonwealth where food or drink is served to or provided for the public, with or without charge, or a place which otherwise conforms to the definition in section 1 of the Public Eating and Drinking Place Law (35 P. S. § 655.1).

(ii) The term does not include dining cars operated by a railroad company in interstate commerce or a bed and breakfast homestead or inn.

*Public Eating and Drinking Place Law—*The act of May 23, 1945 (P. L. 926, No. 369) (35 P. S. § 655.1—655.13).

*Retail food store—*A food establishment or a section of a food establishment where food and food products are offered to the consumer and intended for off-premises consumption.

*Sanitizing—*The application of cumulative heat or chemicals on cleaned food contact surfaces that, when evaluated for efficacy, yield a reduction of 5 logs, which is equal to a 99.999% reduction, of representative disease microorganisms of public health importance.

*Secretary—*The Secretary of the Department.

*Supervisory employee—*An owner or a person employed by or designated by the business owner to fulfill the requirements of the act, and who has supervisory authority and is responsible for the storage, preparation, display or serving of foods to the public in establishments regulated by the Department or local health organizations.

*Time and temperature—*Important factors in controlling the growth of pathogenic organisms in potentially hazardous foods.

*Water activity—*A measure of the free moisture in a food. The term is the quotient of the water vapor pressure of the substance divided by the vapor pressure of pure water at the same temperature, and is indicated by the symbol *AW_w*.

§ 76.3. Requirements for food establishments.

(a) *General requirement.* A food establishment that is not exempt from compliance under § 76.1(d) (relating to compliance) shall comply with the act and this chapter.

(b) *Certified supervisory employee.* A food establishment shall employ or designate at least one certified supervisory employee who holds a valid certificate issued by the Department under authority of the act and this chapter. The certificate shall be in the general certification category unless one of the following applies:

(1) The food establishment engages only in one or more specific, identified food processing activities (such as making cider or preparing frozen desserts), in which case a certificate in the process-specific certification category, pertinent to the processing conducted at the food establishment, shall suffice.

(2) The food establishment's personnel engage only in the limited handling of potentially hazardous foods (such as persons who handle food products that do not require any preparation by the food establishment other than to place the food on or in a cooking or warming unit), in which case a certificate in the modified certification category, pertinent to the food handling conducted at the food establishment, shall suffice.

(3) The food establishment is a nonprofit entity that, although otherwise exempt from compliance under § 76.1(d) voluntarily seeks certification under section 4(c)(2) of the act, regarding certification of employees, in which case a certificate in the nonprofit certification category shall suffice.

(c) *New food establishment.* A new food establishment shall comply with subsection (b) within 90 days of the date it commences operation.

(d) *Employee turnover.* If a food establishment loses its only certified supervisory employee through employee turnover or for any other reason, the food establishment shall comply with subsection (b) within 3 months of the date it lost its previous certified supervisory employee.

(e) *Certification records.* A food establishment shall maintain, at the food establishment site, a list of certified supervisory employees under its employment during the last 4 months including: name, certificate number, certification category, issuance date, expiration date, date employment began and date employment terminated.

(f) *Availability of records.* Upon request by the Department, a food establishment shall make the records described in subsection (e) available for inspection by the Department during normal business hours of the food establishment.

(g) *Posting of certificate.* A food establishment shall post the original certificate of its certified supervisory employee in public view at its business location.

(h) *Return of certificate.* A certificate is the property of the Department and is issued to the individual person identified on its face. A food establishment shall promptly deliver the certificate to a certified supervisory employee who leaves the employ of the food establishment or who otherwise ceases to be a certified supervisory employee with respect to that establishment.

§ 76.5. Certification training programs: Obtaining the Department's approval.

(a) *Approval required.* A person shall obtain the Department's approval of a training program before the certification training program will be considered an approved certification training program for purposes of the act and this chapter. Substantive revisions or changes to a previously-approved certification training program shall also be approved by the Department. Although nonsubstantive revisions to a previously-approved certification training program do not require approval of the Department, notice of these nonsubstantive revisions shall be communicated in writing to the Department, at the address in § 76.16 (relating to contacting the Department), before being implemented. Approval under this section authorizes a person to develop and approve certification examinations, conduct certification examinations and certify the results of certification examinations to the Department in accordance with this chapter.

(b) *General requirements for approval.*

(1) *Approval of program.* The Department will approve a certification training program if it meets the food safety protection and training standards described in § 76.7 (relating to certification training programs: Food safety protection and training standards), fits within one of the certification categories described in paragraph (2) and has been recommended for approval by the Advisory Board. The Department's approval of a certification training program will not be contingent upon any minimum number of hours of instruction, in light of the other requirements for certification training program approval described in this section.

(2) *Certification categories.* The Department may approve a certification training program in one of four certification categories. These categories, and the requisites for inclusion of a certification training program within each, are as follows:

(i) *General certification category.* The Department will approve a certification training program in the general certification category if one of the following applies:

(A) The training program addresses the topics set forth in § 76.7(a).

(B) The training program is a Federally-mandated HACCP training program for juice, seafood, meat or poultry.

(ii) *Process-specific certification category.* The Department will approve a certification training program in the process-specific certification category if both of the following apply:

(A) The subject matter of the training program relates to one or more specific, identified food processing activities (such as making cider or preparing frozen desserts).

(B) The training program addresses the topics in § 76.7(a) in a manner specifically directed to the food processing activities that are the identified subject matter of the training program.

(iii) *Modified certification category.* The Department will approve a certification training program in the modified certification category if both of the following apply:

(A) The subject matter of the training program is addressed to persons who handle potentially hazardous food on only a limited basis (such as persons who handle food products that do not require any preparation by the food establishment other than to place the food on or in a cooking or warming unit).

(B) The training program addresses the topics in § 76.7(a) in a manner specifically directed toward persons who handle potentially hazardous food on only a limited basis, and in a less-comprehensive manner than a certification training program in the general certification category.

(iv) *Nonprofit certification category.* The Department will approve a certification training program in the nonprofit certification category if either of the following apply:

(A) The training program is developed and administered by the Department under authority of section 4(g)(2) of the act regarding relating to certification of employees, and meets the course content requirements in § 76.7(b).

(B) The training program is developed and administered by an entity other than the Department, and meets the course content requirements in § 76.7(b).

(c) *Obtaining an application form.* The Department will provide an application form for certification training program approval, or an application form for approval of revisions or changes to a previously-approved certification training program, upon request. Requests for these forms shall be directed to the Department at the address in § 76.16.

(d) *Contents: application for certification training program approval.* The application form for certification training program approval shall require the following information:

(1) The applicant's name, address and telephone number.

(2) A course syllabus demonstrating that the program would meet the course content requirements in § 76.7.

(3) A designation of the certification category (whether general, process-specific, modified or nonprofit), as described in subsection (b)(2), with respect to which approval of the training program is sought.

(4) One of the following:

(i) A copy of the examination to be administered at the conclusion of the certification training program, together with an answer key for that examination, if these documents are available.

(ii) The name of the CFP-accredited examination to be administered at the conclusion of the certification training program.

(5) A copy of all teacher materials for the certification training program, unless the certification training program is a home-study program.

(6) A copy of all materials to be distributed to persons taking the program.

(7) If the certification program is a home study program, the proposed site and date the approved certification examination is to be administered, if available.

(8) Other information the Department might reasonably require in evaluating the certification training program.

(e) *Contents: application for approval of changes or revisions to a previously-approved certification training program.* The application form for approval of changes or revisions to a previously-approved certification training program shall require the applicant's name, address and telephone number and only the information listed in subsection (d) that is relevant to the change or revision with respect to which approval is sought.

(f) *Deadline for filing the application.* An application for certification training program approval or for approval of changes or revisions to a previously-approved certification training program shall be delivered to the Department, at the address in § 76.16, at least 90 days in advance of the proposed date upon which the program is to be conducted.

(g) *Departmental and Advisory Board action on application.* The Department and the Advisory Board will consider application materials submitted to them under subsection (d)(4)–(6) confidential and the proprietary documents of the applicant, and will make no distribution of these materials. The Advisory Board will consider whether to recommend Departmental approval of a certification training program. If a simple majority of a quorum of the Advisory Board recommends Departmental approval of a certification training program, the Department will grant its approval, if the other criteria in subsection (b) are met. The Department will mail the applicant its written approval of the certification training program, its denial of approval or a request for additional clarification or documentation.

§ 76.9. Reporting results of a certification examination.

(a) *Reporting results to the program participant.* A person who proctors a certification examination shall, within 30 calendar days of proctoring the examination, mail or deliver written confirmation of the following to any person who took the examination:

(1) The person's examination score, expressed as the percentage of correct answers.

(2) The date and location of the examination.

(3) The name of the course instructor.

(4) If the approved certification training program preceding the examination required a specific level of food-safety-related education or experience as a prerequisite to participating in the training program, confirmation that this requirement was met.

(b) *Reporting results to the Department.* Within the 30-day time period described in subsection (a), the proctor shall mail the same information to the Department at the address in § 76.16 (relating to contacting the Department), using either a form provided by the Department upon request, or a copy of the written confirmation the proctor provided the person who took the examination.

[Pa.B. Doc. No. 04-1438. Filed for public inspection August 6, 2004, 9:00 a.m.]

Title 31—INSURANCE

INSURANCE DEPARTMENT

[31 PA. CODE CH. 146c]

Standards for Safeguarding Customer Information

The Insurance Department (Department) amends Chapter 146c (relating to standards for safeguarding customer information) to read as set forth in Annex A.

Statutory Authority

The final-form rulemaking is adopted under the general authority of sections 205, 506, 1501 and 1502 of The Administrative Code of 1929 (71 P. S. §§ 66, 186, 411 and 412) and under the guidance of section 648 of The Insurance Department Act of 1921 (40 P. S. § 288). Likewise, this final-form rulemaking is made under the Department's rulemaking authority under the Unfair Insurance Practices Act (40 P. S. §§ 1171.1—1171.15) (the authority is further explained in *PALU v. Insurance Department*, 371 A.2d 564 (Pa. Cmwlth. 1977)), because the Insurance Commissioner (Commissioner) has determined that the improper disclosure or marketing, or both, of nonpublic personal financial and health information by members of the insurance industry constitutes an unfair method of competition and an unfair or deceptive act or practice.

Comments and Response

Notice of proposed rulemaking was published at 33 Pa.B. 4917 (October 4, 2003) with a 30-day comment period. During the 30-day comment period, comments were received from the American Council of Life Insurers, the American Insurance Association (AIA), the Alliance of American Insurers (AAI) and the Insurance Federation of Pennsylvania, Inc. (IFP). During its regulatory review, the Independent Regulatory Review Commission (IRRC) submitted comments to the Department. The following is a response to the comments that raised concerns with regard to this final-form rulemaking.

The AIA and the AAI noted the Department's definition of "customer" used in the proposed rulemaking goes well beyond the parameters of the National Association of Insurance Commissioners Model Privacy of Consumer Financial and Health Information Regulation (NAIC

Model) and effectively applies the data security standards to all types of nonpublic personal information, including information on applicants and claimants with whom the insurers have no continuing business relationship. Similarly, the IFP noted that including "consumers," as defined in Chapter 146a (relating to privacy of consumer financial information), would require insurers to apply the required information security system to individuals that do not have an ongoing relationship with the insurer, including rejected applicants and third party claimants. In addition, IRRC, during its review, questioned why the Department expanded the definitions in this regulation beyond those found in the NAIC Model.

The Department's intent was not to expand the definition of "customer" beyond the definition found in the NAIC Model. Therefore, upon review of the comments, the Department agrees that the definition of "customer" in this final-form rulemaking should read as follows:

"Either a 'customer' as defined in § 146a.2 (relating to definitions) or a 'consumer' as defined in § 146b.2 (relating to definitions)."

The IFP, as noted in its comments on an initial exposure draft of this final-form rulemaking, again noted its concern that the Department's health privacy regulation provision regarding insurer responsibility for third party service provider misconduct is not clear. The IFP proposed that the Department amend the regulation to provide that a licensee would be responsible for third party privacy breaches only if it knowingly played a role in the disclosure or failed to report a disclosure of which it became aware. Although the Department has attempted to address the IFP's concerns by including provisions that utilize a "knew or reasonably should have known" standard for the imposition of penalties and insurers will only be liable for patterns or practices of misconduct by service providers, the IFP seeks further amendment and a bright line standard. The AAI opposes any inclusion of a standard regarding third party service providers.

The Department believes that Chapter 146b (relating to privacy of consumer health information) and Chapter 146c, especially when read in conjunction with each other, are sufficiently clear with regard to the liability of insurers for violations by third party service providers. In addition, the Department believes that the bright line rule sought by the IFP will be administratively unworkable in that it lacks flexibility, and will not afford sufficient protections for insurance consumers. In addition, the Department does not believe that it is appropriate to attempt to revise or amend its health privacy regulation though this final-form rulemaking.

Affected Parties

The final-form rulemaking will affect all licensed insurers doing the business of insurance in this Commonwealth.

Fiscal Impact

There is no anticipated fiscal impact as a result of the final-form rulemaking. Insurers already need to comply with the Gramm-Leach-Bliley Act (15 U.S.C.A. §§ 6801—6827) and Chapters 146a and 146b. Therefore, most, if not all, of the information security methods required by this final-form rulemaking should be in place.

Paperwork

There is no anticipated additional paperwork expected as a result of this final-form rulemaking.

Effectiveness/Sunset Date

The final-form rulemaking will become effective March 1, 2005. The Department continues to monitor the effectiveness of regulations on a triennial basis. Therefore, no sunset date has been assigned.

Contact Person

Questions regarding this final-form rulemaking should be directed to Peter J. Salvatore, Regulatory Coordinator, Office of Special Projects, 1326 Strawberry Square, Harrisburg, PA 17120, (717) 787-4429, fax (717) 705-3873, psalvatore@state.pa.us.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on May 21, 2004, the Department submitted a copy of the notice of proposed rulemaking, published at 33 Pa.B. 4917, to IRRC and the Chairpersons of the House Insurance Committee and the Senate Banking and Insurance Committee for review and comment.

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

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on June 23, 2004, the final-form rulemaking was deemed approved by the House and Senate Committees. In accordance with section 5a(d) of the Regulatory Review Act (71 P. S. § 745.5a(d)), IRRC met on June 24, 2004, and approved the final-form rulemaking in accordance with section 5a(e) of the Regulatory Review Act.

Findings

The Commissioner finds that:

- (1) Public notice of intention to adopt this rulemaking as amended by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2.
- (2) The adoption of this rulemaking in the manner provided in this order is necessary and appropriate for the administration and enforcement of the authorizing statutes.

Order

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

- (a) The regulations of the Department, 31 Pa. Code Chapter 146c, are amended by adding §§ 146c.1 and 146c.3—146c.10 to read as set forth at 33 Pa.B. 4917 and by adding §§ 146c.2 and 146c.11 to read as set forth in Annex A.
- (b) The Commissioner shall submit this order, 33 Pa.B. 4917 and Annex A to the Office of General Counsel and Office of Attorney General for approval as to form and legality as required by law.
- (c) The Commissioner shall certify this order, 33 Pa.B. 4917 and Annex A and deposit them with the Legislative Reference Bureau as required by law.
- (d) This order shall take effect March 1, 2005.

M. DIANE KOKEN,
Insurance Commissioner

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 34 Pa.B. 3652 (June 26, 2004).)

Fiscal Note: Fiscal Note 11-215 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 31. INSURANCE

PART VIII. MISCELLANEOUS PROVISIONS

CHAPTER 146c. STANDARDS FOR SAFEGUARDING CUSTOMER INFORMATION

§ 146c.2. Definitions.

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

Act—The Insurance Department Act of 1921 (40 P. S. §§ 1—321)

Customer—Either a “customer” as defined in § 146a.2 (relating to definitions) or a “consumer” as defined in § 146b.2 (relating to definitions).

Customer information—Either “nonpublic personal financial information” as defined in § 146a.2 or “nonpublic personal health information” as defined in § 146b.2 about a customer, whether in paper, electronic or other form that is maintained by or on behalf of the licensee.

Customer information systems—The electronic or physical methods used to access, collect, store, use, transmit, protect or dispose of customer information.

Department—The Insurance Department of the Commonwealth.

Licensee—As defined in either § 146a.2 or § 146b.2, except that the term shall not include a purchasing group or a nonadmitted insurer in regard to the surplus lines business conducted pursuant to sections 1601—1625 of The Insurance Company Law of 1921 (40 P. S. §§ 991.1601—991.1625).

Service provider—A person that maintains, processes or otherwise is permitted access to customer information through its provision of services directly to the licensee.

§ 146c.11. Effective date.

Each licensee shall establish and implement an information security program, including appropriate policies and systems under this chapter by March 1, 2005.

[Pa.B. Doc. No. 04-1439. Filed for public inspection August 6, 2004, 9:00 a.m.]

Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS

**STATE BOARD OF OPTOMETRY
[49 PA. CODE CH. 23]**

Continuing Education, Fees, Certification to Treat Glaucoma

The State Board of Optometry (Board) amends §§ 23.82, 23.86 and 23.91 (relating to continuing education requirements; sources of continuing education hours;

and fees) and adds § 23.205 (relating to application procedure) to read as set forth in Annex A.

Response to Comments

Proposed rulemaking was published at 33 Pa.B. 4464 (September 6, 2003). Following publication, the Board received a comment from the Pennsylvania Academy of Ophthalmology (PAO). On September 30, 2003, the House Professional Licensure Committee (HPLC) voted to take no formal action until final rulemaking. On November 5, 2003, the Independent Regulatory Review Commission (IRRC) submitted comments to the Board.

The PAO noted that section 4.2(b) of the Optometric Practice and Licensure Act (act) (63 P.S. § 244.4b(b)) requires optometrists certified to treat glaucoma to maintain liability insurance of a minimum of \$1 million per occurrence and \$3 million per annual aggregate. The PAO noted that the Board did not include in the proposed rulemaking the insurance requirements for optometrists certified to treat glaucoma. Section 3(a)(2.5)(i) of the act (63 P.S. § 244.3(a)(2.5)(i)) requires all optometrists to have liability insurance in the minimum amount of \$200,000 per occurrence and \$600,000 per annual aggregate. Section 4.2(b) of the act requires optometrists certified to treat glaucoma to have the higher minimum liability coverage.

IRRC's comment also related to the insurance coverage requirement. IRRC asked the Board why the proposed rulemaking did not establish a procedure for optometrists applying for certification to treat glaucoma to demonstrate that they had obtained the required professional liability insurance. The Board indicated that the proposed rulemaking did not establish a procedure because the Board implementing the act of October 30, 1996 (P.L. 721, No. 130) (Act 130) has required optometrists to verify their compliance with the insurance requirements. In its written comments, IRRC suggested: "To provide sufficient notice to prospective applicants, the final-form regulation should include the greater insurance requirements established by the Act."

If the Board were to place the specific statutory requirements in the regulations, as suggested by IRRC, the Board would have to amend its regulations whenever the statutory requirements change. To repeat the mandatory insurance requirement in regulation would be unnecessary and redundant, and could lead to confusion if the statutory minimum coverage changes.

Since the amendments to the act by Act 130, every applicant for licensure as an optometrist is required to verify, under penalty of prosecution for making unsworn falsification to authorities (18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities)), that the applicant has obtained and will maintain the required liability insurance coverage, through the following statement on the application for licensure:

By my signature below, I verify that I have obtained and will obtain the minimum of \$200,000/occurrence and \$600,000/annual aggregate professional liability insurance. I further certify that I will notify the Board within 30 days of my failure to be covered by the required amount of insurance.

Similarly, consistent with the act of December 16, 2002 (P.L. 1950, No. 225), to be granted certification to treat glaucoma, every applicant must verify that the applicant has obtained and will maintain the required liability insurance coverage through the following statement:

By my signature below, I verify that I have obtained and will obtain the minimum of \$1,000,000/

occurrence and \$3,000,000/annual aggregate professional liability insurance required to treat glaucoma. I further certify that I will notify the Board within 30 days of my failure to be covered by the required amount of insurance.

In addition, every optometrist must reverify, at biennial renewal, that he has maintained and will maintain the required liability coverage. The biennial renewal application for optometrists contains the following statement:

_____ I have the following liability insurance policy with the minimum of \$200,000/occurrence and \$600,000/annual aggregate:

Insurance co. name _____

Policy number _____

Expiration date ___ / ___ / ___

The biennial renewal application for certification to treat glaucoma will contain the following statement:

_____ I have the following liability insurance policy with the minimum of \$1,000,000/occurrence and \$3,000,000/annual aggregate:

Insurance co. name _____

Policy number _____

Expiration date ___ / ___ / ___

The POA suggested that the Board "amend its regulations to establish a more formal process for optometrists to show satisfactory proof of required liability insurance that is at least as stringent as that which is outlined by the State Board of Medicine for its physicians." In addition, the POA recommended that an optometrist should be required to demonstrate compliance with the statutory insurance requirements prior to the Board granting the optometrist therapeutic certification or certification to treat glaucoma. As previously explained, an optometrist is already required to demonstrate compliance with the insurance requirements prior to being granted therapeutic certification or certification to treat glaucoma. The process for verification of insurance coverage required of optometrists is already more stringent than that required of physicians.

The Board notes that its rulemaking is similar to that of the State Board of Medicine's regulations, which did, at one time, include the statutorily mandated amounts of liability insurance. The State Board of Medicine amended its regulations so as not to unnecessarily duplicate provisions of the Medical Practice Act and Health Care Services Malpractice Act (now the Medical Care Availability and Reduction of Error (MCARE) Act (40 P.S. §§ 1303.101—1303.5108)) and to avoid the expense and confusion of periodically updating its regulations. See 30 Pa.B. 2474 (May 20, 2000).

The Board also added to its list of preapproved continuing education providers the College of Optometrists in Vision Development, the Council on Optometric Practitioner Education (COPE), vision and eye-related courses offered by accredited medical colleges and vision and eye-related courses offered by the American Medical Association and its state affiliates. These providers consistently offer high-quality continuing education relevant to the practice of optometry. COPE-approved courses are approved by every state board of optometry.

Statutory Authority

Section 3(b)(12) of the act authorizes the Board to approve continuing education. Section 3(b)(14) of the act authorizes the Board to "promulgate all rules and regula-

tions necessary to carry out the purposes of this act.” Section 4.2 of the act authorizes the Board to certify licensees to treat glaucoma.

Fiscal Impact and Paperwork Requirements

The final-form rulemaking should have only minimal fiscal impact on licensees who will be required to pay a \$25 application fee to obtain certification to treat glaucoma. There is minimal fiscal impact on the Board associated with amending and printing application forms and biennial renewal forms, notifying licensees of the changes and processing applications. There is no fiscal impact on the private sector, the general public or any political subdivisions. The final-form rulemaking will create only minimal additional paperwork for the Board in processing applications to treat glaucoma and will not create additional paperwork for the private sector.

Sunset Date

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

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on August 26, 2003, the Department submitted a copy of the notice of proposed rulemaking, published at 33 Pa.B. 4464, to IRRC and the Chairpersons of the HPLC and the Senate Consumer Protection and Professional Licensure Committee (SCP/PLC) for review and comment.

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

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on June 9, 2004, the final-form rulemaking was approved by the HPLC. On July 14, 2004, the final-form rulemaking was deemed approved by the SCP/PLC. Under section 5.1(e) of the Regulatory Review Act, IRRC met on July 15, 2004, and approved the final-form rulemaking.

Additional Information

Additional information regarding this final-form rulemaking may be obtained from Deborah Smith, Board Administrator, State Board of Optometry, P. O. Box 2649, Harrisburg, PA, 17105.

Findings

The Board finds that:

- (1) Public notice of proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.
- (2) A public comment period was provided as required by law and all comments were considered.
- (3) The regulation of the Board is necessary and appropriate for the administration of the act.
- (4) The amendments to this final-form rulemaking do not enlarge the original purpose of the proposed rulemaking published at 33 Pa.B. 4464.

Order

The Board therefore orders that:

- (a) The regulations of the Board, 49 Pa. Code Chapter 23, are amended by amending §§ 23.82 and 23.91 to read as set forth at 33 Pa.B. 4464 and by amending § 23.86 and by adding § 23.205 to read as set forth in Annex A.
- (b) The Board shall submit this order, 33 Pa.B. 4464 and Annex A to the Office of Attorney General and the Office of General Counsel for approval as required by law.
- (c) The Board shall certify this order, 33 Pa.B. 4464 and Annex A and shall deposit them with the Legislative Reference Bureau as required by law.
- (d) This order shall take effect upon publication in the Pennsylvania Bulletin.

STEVEN J. RETO, O.D.,
Chairperson

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 34 Pa.B. 4082 (July 31, 2004).)

Fiscal Note: Fiscal Note 16A-5211 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 23. STATE BOARD OF OPTOMETRY CONTINUING EDUCATION

§ 23.86. Sources of continuing education hours.

- (a) In addition to another provider which wishes to secure approval from the Board, the Board finds that the following providers have currently met the standards for provider approval for all acceptable courses of continuing education; accordingly, the following providers have program approval in all allowable areas for continuing education: the American Optometric Association, the Pennsylvania Optometric Association, all Board-accredited schools and colleges of optometry, the College of Optometrists in Vision Development (COVD), the Council on Optometric Practitioner Education (COPE), eye and vision-related continuing education courses offered by accredited medical colleges, as defined in section 2 of the Medical Practice Act of 1985 (63 P. S. § 422.2), the Optometric Extension Program, the American Academy of Optometry and its state affiliates, the American Academy of Ophthalmology and its state affiliates, and eye and vision-related courses offered by the American Medical Association and its state affiliates. The approval given to these providers is subject to reevaluation. A rescission of provider or program approval will be made only in accordance with 1 Pa. Code Part II (relating to general rules of administrative practice and procedure).
- (b) Courses which are provided by providers not indicated in subsection (a) will count as continuing education hours provided that the provider and subject matter are approved by the Board prior to implementation of the course. In addition, credits may be obtained on an individual basis for attendance at programs which have not had prior approval of the Board so long as the individual submits proper application for program approval and supporting documentation and verification of attendance; however, in this instance, the licensee cannot

guarantee himself proper credit from the Board unless the Board finds such course to be in compliance with the subject matter and the provider to be qualified.

(c) It shall be permissible to attend clinical conferences, clinical rounds, or training under a preceptor through clinical hospitals, medical centers, schools, and colleges which are acceptable at the rate of one continuing education hour for every 50 minutes.

(d) Credit hours will be given for correspondence programs, taped study programs, and other individual study programs at the rate of 1 continuing education hour for every 50 minutes. However, proper credit being given for such program is dependent upon the licensee proving, to the satisfaction of the Board, that the program meets the provisions of § 23.85 (relating to standards for providers).

(e) Credit hours will be credited for service as a teacher, preceptor, lecturer, or speaker and for publications, articles, books, and research relating to the practice of optometry. Application should be made prior to the service to assure that approval will be given by the Board to the program. Otherwise, the licensee will be required to secure retroactive approval as set forth in subsection (b).

(f) Each licensee is required to fulfill the continuing education hours using the following allocations:

(1) Subsections (a) and (b) count for a minimum of 50%. Continuing education hours may be completed from subsections (a) and (b).

(2) Subsections (c), (d) or (e) may be used up to a maximum of 25% of the required biennial credit hours. In

no case may the combined total from these three subsections exceed 50% of the total biennial requirement of 24 hours.

CERTIFICATION TO TREAT GLAUCOMA

§ 23.205. Application procedure.

An applicant for certification to treat glaucoma under section 4.2 of the act (63 P. S. § 244.4b) shall submit to the Board a completed application obtained from the Board together with the certification fee required by § 23.91 (relating to fees), and one of the following.

(1) A signed verification attesting that the licensee obtained therapeutic certification by passing the licensure examination to practice optometry. The examination shall have included the prescription and administration of pharmaceutical agents for therapeutic purposes (the examination required for therapeutic certification under section 4.1(a)(1) of the act (63 P. S. § 244.4a(a)(1)). The verification shall state the month and year the licensee passed this examination.

(2) A signed verification attesting that the licensee obtained therapeutic certification by passing an examination on the prescription and administration of pharmaceutical agents for therapeutic purposes (the examination required for therapeutic certification under section 4.1(a)(2) of the act) and certificates of attendance from Board-approved continuing education courses demonstrating at least 18 hours in glaucoma, completed since December 19, 2002.

[Pa.B. Doc. No. 04-1440. Filed for public inspection August 6, 2004, 9:00 a.m.]

PROPOSED RULEMAKING

FISH AND BOAT COMMISSION

[58 PA. CODE CH. 91]

Boating; General Provisions

The Fish and Boat Commission (Commission) proposes to amend Chapter 91 (relating to general provisions). The Commission is publishing this proposed rulemaking under the authority of 30 Pa.C.S. (relating to the Fish and Boat Code) (code). The proposed amendment relates to the age of operation for personal watercraft (PWC) and boats propelled by motors in excess of 25 horsepower.

A. *Effective Date*

The proposed rulemaking, if approved on final-form, will go into effect on January 1, 2005.

B. *Contact Person*

For further information on the proposed rulemaking, contact Laurie E. Shepler, Esq., P. O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7815. This proposed rulemaking is available on the Commission's website: www.fish.state.pa.us.

C. *Statutory Authority*

The proposed amendment to § 91.4 (relating to age of operator) is published under the statutory authority of section 5123 of the code (relating to general boating regulations). A person violating this section commits a summary offense of the third degree for which a \$50 fine is imposed.

D. *Purpose and Background*

The proposed rulemaking is designed to update, modify and improve the Commission's boating regulations. The specific purpose of the proposed rulemaking is described in more detail under the summary of proposal. The Commission's Boating Advisory Board (Board) considered the proposed amendment to § 91.4 and recommended that the Commission publish a notice of proposed rulemaking containing the proposed amendment. The Board further recommended that the Commission seek the input of the Governor's Youth Council for Hunting, Fishing and Conservation.

E. *Summary of Proposal*

The Commission previously adopted limitations on the age of operation to address concerns for the safety of young operators of larger boats and PWC and those that boat around them. At the time the regulation was adopted, 10 horsepower was considered to be a satisfactory horsepower limitation. Youthful operators could operate larger boats (that is, boats with motors greater than 10 horsepower) after obtaining a Boating Safety Education Certificate (certificate) or if they had an older operator onboard. A recent amendment to section 5103 of the code (relating to boating education) that provides for mandatory boating education increased the minimum horsepower to 25. Specifically, this section provides that any person born on or after January 1, 1982, shall not operate a motorboat greater than 25 horsepower without first obtaining a certificate. To be consistent with the code and to eliminate some complexity in the regulations, the Commission proposes to amend § 91.4.

Specifically, the Commission proposes to simplify the existing regulation and make it consistent with provisions of the mandatory boating safety education law. The Commission also proposes to eliminate the distinction between PWC and other motorboat operation by applying the same standards to both. A description of the major proposed amendments follows.

Subsection (a). The current regulation prohibits operation by children 11 years of age or younger of boats powered by motors greater than 10 horsepower. The code, on the other hand, requires a certificate for operators of boats powered by motors in excess of 25 horsepower. Under the proposed amendment, operators 11 years of age or younger would not be permitted to operate PWC and other boats with motors greater than 25 horsepower.

Subsection (b). Subsection (b) is proposed to be deleted. The current regulation provides that a person 12–15 years of age may not operate a boat propelled by a motor greater than 10 horsepower unless the person has obtained and possesses a certificate or at least one person 16 years of age or older is onboard. Because all operators in the 12–15 years of age group are required by the law to possess a certificate, the first part of this subsection is no longer necessary and may be removed. The second part of the subsection also should be removed because it is no longer consistent with the code to allow operation by someone less than 16 years of age who does not have a certificate as long as another person 16 years of age or older is onboard.

Old subsection (c)/new subsection (b). No change at this time. However, the Commission proposes that after January 1, 2008, a person 15 years of age or younger may not operate a PWC. Therefore, if the Commission adopts the amendment on final-form rulemaking, this subsection will have to be removed at a later date.

Subsection (c). This proposed rulemaking prohibits the operation of PWC by anyone 15 years of age or younger effective January 1, 2008.

The Commission proposes that § 91.4 be amended to read as set forth in Annex A.

F. *Paperwork*

The proposed rulemaking will not increase paperwork and will create no new paperwork requirements.

G. *Fiscal Impact*

The proposed rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The proposed rulemaking will impose no new costs on the private sector or the general public.

H. *Public Comments*

Interested persons are invited to submit written comments, objections or suggestions about the proposed rulemaking to the Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000 within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

Comments also may be submitted to rapfbcregs@state.pa.us. A subject heading of the proposal and a return name and address must be included in each transmission. In addition, electronic comments must be contained in the text of the transmission, not in an attachment. If an acknowledgment of electronic comments

is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt.

DOUGLAS J. AUSTEN, Ph.D.,
Executive Director

Fiscal Note: 48A-159. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART II. FISH AND BOAT COMMISSION

Subpart C. BOATING

CHAPTER 91. GENERAL PROVISIONS

§ 91.4. Age of operator.

(a) A person 11 years of age or younger may not operate a personal watercraft or a boat propelled by a motor greater than [10] 25 horsepower.

(b) [A person 12 through 15 years of age may not operate a boat propelled by a motor greater than 10 horsepower unless the person has obtained and has in his possession a Boating Safety Education Certificate or at least one person 16 years of age or older is present onboard.

(c)] A person 12 through 15 years of age may not operate a personal watercraft if there are any passengers onboard 15 years of age or younger.

(c) **Effective January 1, 2008, a person 15 years of age or younger may not operate a personal watercraft.**

[Pa.B. Doc. No. 04-1441. Filed for public inspection August 6, 2004, 9:00 a.m.]

[58 PA. CODE CH. 111]

Boating; Special Regulations Counties

The Fish and Boat Commission (Commission) proposes to amend Chapter 111 (relating to special regulations counties). The Commission is publishing this proposed rulemaking under the authority of 30 Pa.C.S. (relating to the Fish and Boat Code) (code). The proposed rulemaking relates to the creation of a slow, no wake zone on the Ohio River, Allegheny County, in the back channel of Neville Island from the Coraopolis Bridge upstream to the Interstate 79 bridge from May 1 through October 1 and the elimination of the slow, no wake zone in the Horseshoe Curve part of the Youghiogheny River Lake, Somerset County.

A. *Effective Date*

The proposed rulemaking, if approved on final-form, will go into effect on January 1, 2005.

B. *Contact Person*

For further information on the proposed rulemaking, contact Laurie E. Shepler, Esq., P. O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7815. This proposed rulemaking is available on the Commission's website: www.fish.state.pa.us.

C. *Statutory Authority*

The proposed amendments to §§ 111.2 and 111.56 (relating to Allegheny County; and Somerset County) are published under the statutory authority of section 5124 of the code (relating to particular areas of water). A person

violating the regulations contained in Chapter 111 commits a summary offense of the third degree for which a \$50 fine is imposed.

D. *Purpose and Background*

The proposed rulemaking is designed to update, modify and improve the Commission's boating regulations. The specific purpose of the proposed rulemaking is described in more detail under the summary of proposal. The Commission's Boating Advisory Board considered the proposed amendments to §§ 111.2 and 111.56 and recommended that the Commission publish a notice of proposed rulemaking containing the proposed amendments.

E. *Summary of Proposal*

(1) *Section 111.2.* In September 2003, Commission staff received a letter and petition to designate a slow, no wake zone, approximately 9/10 mile long in the back channel of the Ohio River at Neville Island on the Ohio River at Coraopolis.

There are four marinas and a restaurant in the section being requested as slow, no wake. Two of the marinas are fairly new and have approximately 80 boats moored. The back channel is rather narrow with several shoals. The area dead-ends at the Emsworth Dam. The letter states that wakes from careless boaters caused more than \$1,000 damage to one docked vessel during the 2003 boating season. Other undocumented reports also have been received. Regional law enforcement personnel report an increase in boat traffic in this area resulting in increased complaints, and they recommend that the area be restricted. Commission staff last reviewed this matter in 1992. At that time, sufficient justification did not exist to restrict this area. However, there has been an increase in the number of marinas and the addition of a popular restaurant. The Commission, accordingly, proposes to amend § 111.2 to read as set forth in Annex A.

(2) *Section 111.56.* The United States Army Corps of Engineers (Corps), Pittsburgh District, has requested that a provision of § 111.56(b)(1) be removed. Corps staff at Youghiogheny Lake state that the regulation is not necessary because the usage in the Horseshoe Curve part of the lake, even during peak usage periods, does not warrant the retention of a slow, no wake zone. In addition, subsection (b) combines personal flotation device requirements in the same subsection as the slow, no wake areas. Separating these subjects into different paragraphs increases the clarity of the regulation. The Commission proposes to amend § 111.56(b) to read as set forth in Annex A.

F. *Paperwork*

The proposed rulemaking will not increase paperwork and will create no new paperwork requirements.

G. *Fiscal Impact*

The proposed rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The proposed rulemaking will impose no new costs on the private sector or the general public.

H. *Public Comments*

Interested persons are invited to submit written comments, objections or suggestions about the proposed rulemaking to the Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000 within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

Comments also may be submitted to rapfbcregs@state.pa.us. A subject heading of the proposal and a return name and address must be included in each transmission. In addition, electronic comments must be contained in the text of the transmission, not in an attachment. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt.

DOUGLAS J. AUSTEN, Ph.D.,
Executive Director

Fiscal Note: 48A-158. No fiscal impact; (8) recommends adoption.

Annex A
TITLE 58. RECREATION
PART II. FISH AND BOAT COMMISSION
Subpart C. BOATING
CHAPTER 111. SPECIAL REGULATIONS
COUNTIES

§ 111.2. Allegheny County.

* * * * *

(e) *Ohio River.* Boats are limited to slow, no wake speed in the back channel of Neville Island from the Coraopolis Bridge upstream to the Interstate 79 bridge from May 1 through October 1.

§ 111.56. Somerset County.

* * * * *

(b) *Youghiogheny River Lake.* [**Persons shall wear a Coast Guard approved personal flotation device at**

all times when on board boats less than 16 feet in length or any canoe or kayak. Boats are limited to slow, minimum height swell speed within the following areas:

(1) *Wilkins Hollow Cove/Horseshoe Curve.* Starting at a point at the west bank approaching Wilkins Hollow Cove, within a line which follows the curve about 600—800 feet off the shore to a point about 1,000 feet east of the point where the shoreline turns abruptly northward.]

(1) **Persons shall wear a Coast Guard approved personal flotation device at all times when on board boats less than 16 feet in length or any canoe or kayak.**

(2) **Boats are limited to slow, no wake speed within the following areas:**

(i) *Wilkins Hollow Cove.*

[(2)] (ii) * * *

[(3)] (iii) * * *

[(4)] (iv) * * *

[(5)] (v) * * *

[(6)] (vi) * * *

[(7)] (vii) * * *

[(8)] (viii) * * *

[Pa.B. Doc. No. 04-1442. Filed for public inspection August 6, 2004, 9:00 a.m.]

STATEMENTS OF POLICY

Title 4—ADMINISTRATION

PART II. EXECUTIVE BOARD [4 PA. CODE CH. 9]

Reorganization of the Liquor Control Board

The Executive Board approved a reorganization of the Liquor Control Board effective July 26, 2004.

The organization chart at 34 Pa.B. 4155 (August 7, 2004) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of Code).

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

[Pa.B. Doc. No. 04-1443. Filed for public inspection August 6, 2004, 9:00 a.m.]

PART II. EXECUTIVE BOARD [4 PA. CODE CH. 9]

Reorganization of the Office of Administration

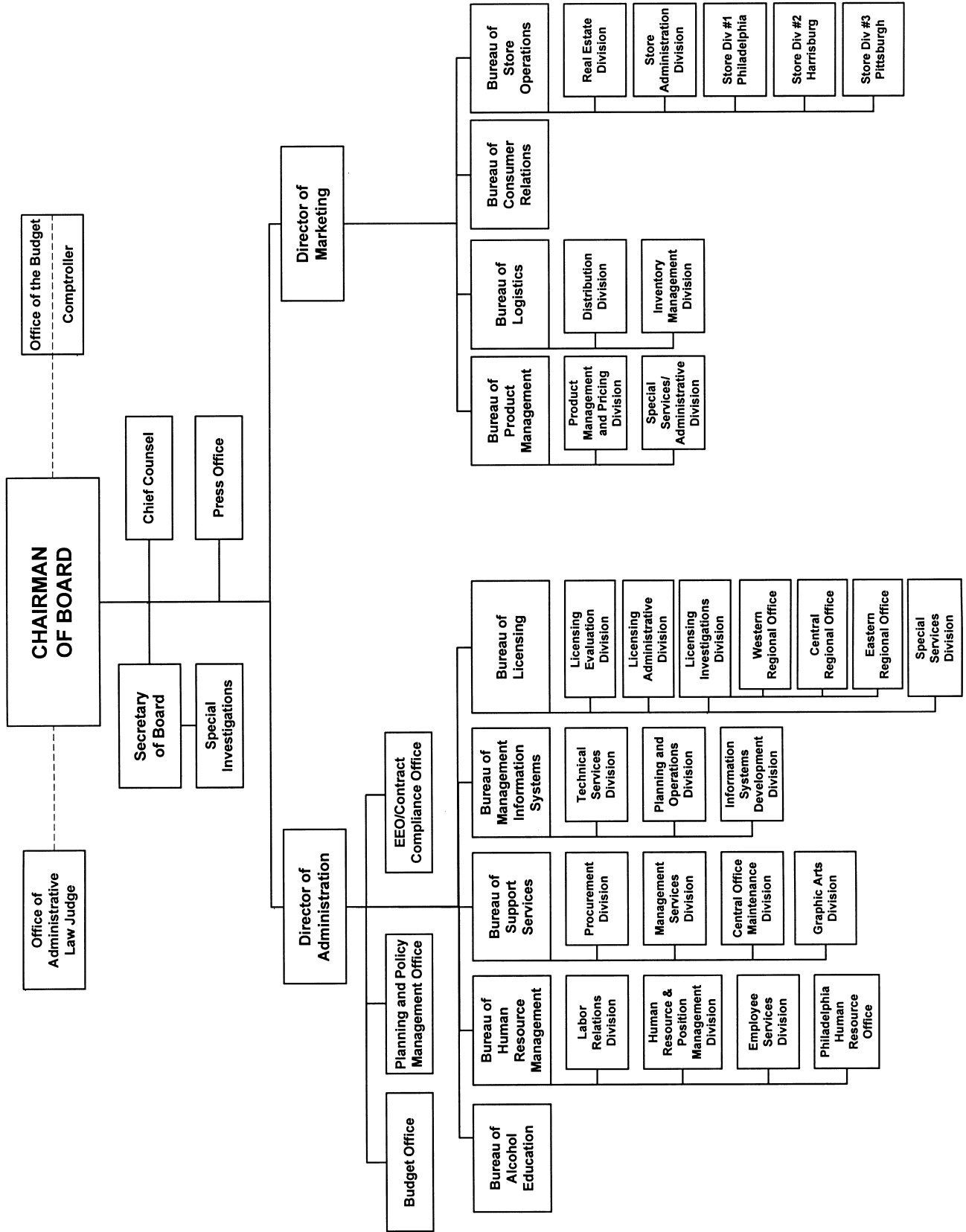
The Executive Board approved a reorganization of the Office of Administration effective July 21, 2004.

The organization chart at 34 Pa.B. 4156 (August 7, 2004) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of Code).

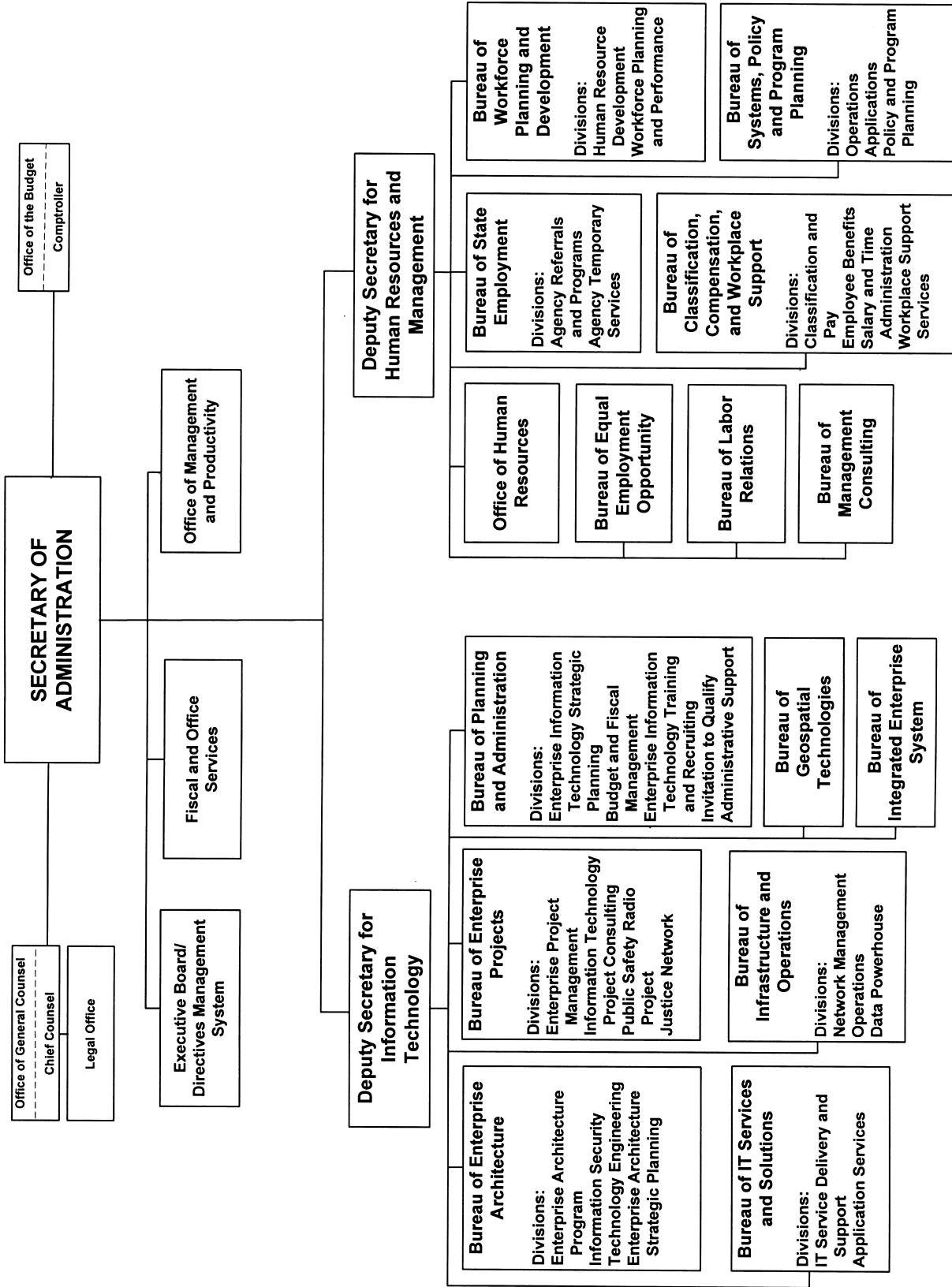
(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) (relating to contents of Pennsylvania Code) as a document general and permanent in nature which shall be codified in the Pennsylvania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

[Pa.B. Doc. No. 04-1444. Filed for public inspection August 6, 2004, 9:00 a.m.]

LIQUOR CONTROL BOARD



GOVERNOR'S OFFICE OF ADMINISTRATION



NOTICES

DEPARTMENT OF AGRICULTURE

FY 2004-2005 Annual Plan for Awarding Grants under the Pennsylvania Agricultural Fair Act

The Department of Agriculture (Department), under authority of section 8(a) of the Pennsylvania Agricultural Fair Act (act) (3 P. S. § 1508(a)), announces that the Secretary of Agriculture (Secretary), with the advice and assistance of the Agricultural Fair Advisory Committee (Committee) at its meeting of July 13, 2004, adopted the FY 2004-2005 Annual Plan on the awarding of grants to eligible organizations under the act.

The act authorizes the Department to make grants to organizations conducting eligible agricultural fairs, State-wide agricultural organizations that contribute to the development of agriculture and agribusiness and to eligible agricultural youth groups for support of their programs. The Secretary, with the advice and assistance of Committee created by the act, is to adopt an Annual Plan for awarding of grants subject to the limitations specified in section 5 of the act (3 P. S. § 1505).

The Annual Plan, as adopted by the Secretary, provides for the award of grants to eligible organizations subject to the availability of funds on the following basis:

1. For operating expenses, the maximum payment allowed for each class fair under section 5(1)(i)(A) of the act will be paid.

2. For premium reimbursement, the maximum payment allowed under section 5(1)(i)(B) of the act will be paid.

3. For reimbursement to eligible organizations conducting harness horse racing at annual fairs, other than races for colts and fillies 2 and 3 years of age, the maximum amount of reimbursement allowed under section 5(1)(iii) of the act will be paid.

4. For reimbursement to eligible organizations conducting races for colts and fillies 2 and 3 years of age at annual fairs, the maximum amount of reimbursement allowed under section 5(1)(iv) of the act will be paid.

5. For reimbursement of operating costs and premiums, a maximum amount of \$2,000 and in addition a maximum amount of \$10,000 based on a sum equal to 50% of the amount spent by eligible Statewide agricultural organizations for premiums that are not in the \$2,000 payment as provided under section 5(2) of the act. The total maximum payment shall not exceed \$12,000.

6. For actual expenses incurred for activities which contribute to the advancement of agriculture or agribusiness by 4-H groups, a payment which will be calculated according to the following formula will pay for maximum of 4,000 members per county: 4-H groups with 500 members or less will receive base funding of \$2,000, groups with more than 500 will receive \$2,000 for the first 500 members and an additional \$2 per member for every member over 500 with a total maximum funding of \$9,000.

7. For actual expenses incurred for activities which contribute to the advancement of agriculture or agribusiness by FFA youth groups, a payment which will be calculated according to the following formula:

Tier I: County FFA organizations with 100 members or less will receive base funding of \$1,000 with an additional \$2 per member.

Tier II: County FFA organizations with 101 to 210 members inclusive will receive a \$2,000 base funding with no additional moneys on a per member basis.

Tier III: County FFA organizations with 211 members or more will receive funding of \$2,000 with an additional \$2 per member for every member over 210.

8. One million dollars in addition to funds remaining after the grants have been awarded shall be utilized for capital improvement as provided in section 5(1)(ii) of the act.

9. The Secretary will endeavor to disburse the payments in accordance with the following schedule:

(a) By February 1, 2005, for payment under paragraphs 1—7.

(b) By October 30, 2005, for payment approved and authorized in FY 2004-2005 under paragraph 8.

DENNIS C WOLFF,
Secretary

[Pa.B. Doc. No. 04-1445. Filed for public inspection August 6, 2004, 9:00 a.m.]

Order Rescinding General Quarantine Order; Avian Influenza

The Department of Agriculture (Department) rescinds the general quarantine order issued on June 3, 2004, with respect to the following portion of Lancaster County. The general quarantine order was published at 34 Pa.B. 3153 (June 19, 2004) and sought to address a potential outbreak of avian influenza within the quarantined area. The Department is satisfied there is no immediate threat of avian influenza in the quarantined area.

The quarantined area described in the referenced general quarantine order was the roughly rectangular area of Lancaster County described as follows:

- Bordered on the east by SR 72, running in a southerly direction from the intersection of Elizabethtown Road and SR 72 (at/near Elstonville) to its intersection with SR 741 and running in a southerly direction on SR 741 to SR 30 (at/near Lancaster).

- Bordered on the south by SR 30, running in a westerly direction from the intersection of SR 741 and SR 30, to its intersection with SR 441 (at/near Columbia).

- Bordered on the west by SR 441, running in a northerly direction from the intersection of SR 30 and SR 441, to its intersection with SR 743 (at/near Marietta) and then by SR 743, running in a northerly direction to its intersection with Elizabethtown Road (at/near Elizabethtown).

- Bordered on the north by the Elizabethtown Road, running in an easterly direction from its intersection with SR 743 to its intersection with SR 72 (at/near Elstonville).

This order shall not be construed as limiting the Department's authority to establish additional quarantine or testing requirements on poultry, as circumstances warrant.

This order is effective July 26, 2004.

DENNIS C WOLFF,
Secretary

[Pa.B. Doc. No. 04-1446. Filed for public inspection August 6, 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 July 27, 2004.

BANKING INSTITUTIONS

Conversions

<i>Date</i>	<i>Name of Institution</i>	<i>Location</i>	<i>Action</i>
7-21-04	Prudential Savings Association Philadelphia Philadelphia County	Philadelphia	Approved
	<i>To:</i> Prudential Savings Bank Philadelphia Philadelphia County		
	Represents conversion from a State-chartered mutual savings association to a State-chartered mutual savings bank.		

Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
7-19-04	Wayne Bank Honesdale Wayne County	Meadowlake Plaza 5165 Milford Road (Route 209) Marshalls Creek Middle Smithfield Township Monroe County	Opened
7-21-04	1st Summit Bank Johnstown Cambria County	Super Wal-Mart 2600 Plank Road Commons Altoona Blair County	Filed
7-21-04	1st Summit Bank Johnstown Cambria County	Super Wal-Mart Old Greengate Mall U. S. Route 30 Greensburg Westmoreland County	Filed
7-21-04	Royal Bank America Narberth Montgomery County	418 Oak Lane Road Philadelphia Philadelphia County	Filed
7-21-04	Royal Bank America Narberth Montgomery County	6331 Castor Avenue Philadelphia Philadelphia County	Filed
7-21-04	Royal Bank America Narberth Montgomery County	7001 West Chester Pike Upper Darby Delaware County	Filed
7-21-04	Royal Bank America Narberth Montgomery County	1550 Lemoine Avenue Fort Lee Bergen County, NJ	Filed
7-26-04	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	3900 Welsh Road Willow Grove Montgomery County	Approved
7-26-04	Coatesville Savings Bank Coatesville Chester County	1082 Georgetown Road Georgetown Lancaster County	Filed

Branch Discontinuances

<i>Date</i>	<i>Location</i>	<i>Location</i>	<i>Action</i>
7-26-04	Firsttrust Savings Bank Conshohocken Montgomery County	Bala Cynwyd Shopping Center 41 East City Line Avenue Bala Cynwyd Montgomery County	Approved
7-26-04	Firsttrust Savings Bank Conshohocken Montgomery County	125 East Swedesford Road Exton Chester County	Approved
7-26-04	The Madison Bank Blue Bell Montgomery County	Summit Square Shopping Center Route 413 and Doublewoods Road Langhorne Bucks County	Approved
7-26-04	The Madison Bank Blue Bell Montgomery County	One Abington Plaza 101 Old York Road Jenkintown Montgomery County	Approved

SAVINGS INSTITUTIONS

No activity.

CREDIT UNIONS

Articles of Amendment

<i>Date</i>	<i>Name of Credit Union</i>	<i>Purpose</i>	<i>Action</i>
7-23-04	TruMark Financial Credit Union Trevose Bucks County	Amendment to Articles of Incorporation provides for a reduction in the par value of one share from \$50 to \$5.	Filed
7-26-04	Pittsburgh Teachers Credit Union Pittsburgh Allegheny County	Amendment to Articles of Incorporation provides for the addition of occupational or associational groups to the credit union's field of membership.	Filed

A. WILLIAM SCHENCK, III,
Secretary

[Pa.B. Doc. No. 04-1447. Filed for public inspection August 6, 2004, 9:00 a.m.]

**DEPARTMENT OF
COMMUNITY AND
ECONOMIC DEVELOPMENT**

Machinery and Equipment Loan Participation and Interest Rates

The Department of Community and Economic Development (Department) gives notice of the adoption of Machinery and Equipment Loan Fund (MELF) participation and interest rates for loans approved by the Department. The following rates are effective as of July 20, 2004, and will remain in effect until changed by a notice in the *Pennsylvania Bulletin*.

The Department retains the right to waive or modify the rates, to the extent that the rates are not mandated by law, on a case by case basis for good cause shown.

Further information can be obtained from the Department of Community and Economic Development, Center for Business Financing, Loans Division, 400 North Street, 4th Floor, Harrisburg, PA 17120, (717) 720-1410.

DENNIS YABLONSKY,
Secretary

MELF

**Participation and Interest Rates
for Counties and Municipalities*
over 25,000 Population**

**Effective for Applications Received after July 20,
2004**

	<i>Maximum MELF Participation*</i>	<i>Interest Rate** %</i>
ADAMS	50%	2.75
ALLEGHENY	50%	2.75
ARMSTRONG	50%	2.75
BEAVER	50%	2.75
BEDFORD	50%	2.75
BERKS	50%	2.75
BLAIR	50%	2.75
BRADFORD	50%	2.75
BUCKS	50%	2.75
BUTLER	50%	2.75
CAMBRIA	50%	2.75
CAMERON	50%	2.75
CARBON	50%	2.75
CENTRE	50%	2.75
CHESTER	50%	2.75

	<i>Maximum MELF Participation*</i>	<i>Interest Rate** %</i>		<i>Maximum MELF Participation*</i>	<i>Interest Rate** %</i>
CLARION	50%	2.75	MONTGOMERY	50%	2.75
CLEARFIELD	50%	2.75	MONTOUR	50%	2.75
CLINTON	50%	2.75	NORTHAMPTON	50%	2.75
COLUMBIA	50%	2.75	NORTHUMBERLAND	50%	2.75
CRAWFORD	50%	2.75	PERRY	50%	2.75
CUMBERLAND	50%	2.75	PHILADELPHIA	50%	2.75
DAUPHIN	50%	2.75	PIKE	50%	2.75
DELAWARE	50%	2.75	POTTER	50%	2.75
ELK	50%	2.75	SCHUYLKILL	50%	2.75
ERIE	50%	2.75	SNYDER	50%	2.75
FAYETTE	50%	2.75	SOMERSET	50%	2.75
FOREST	50%	2.75	SULLIVAN	50%	2.75
FRANKLIN	50%	2.75	SUSQUEHANNA	50%	2.75
FULTON	50%	2.75	TIOGA	50%	2.75
GREENE	50%	2.75	UNION	50%	2.75
HUNTINGDON	50%	2.75	VENANGO	50%	2.75
INDIANA	50%	2.75	WARREN	50%	2.75
JEFFERSON	50%	2.75	WASHINGTON	50%	2.75
JUNIATA	50%	2.75	WAYNE	50%	2.75
LACKAWANNA	50%	2.75	WESTMORELAND	50%	2.75
LANCASTER	50%	2.75	WYOMING	50%	2.75
LAWRENCE	50%	2.75	YORK	50%	2.75
LEBANON	50%	2.75			
LEHIGH	50%	2.75			
LUZERNE	50%	2.75			
LYCOMING	50%	2.75			
McKEAN	50%	2.75			
MERCER	50%	2.75			
MIFFLIN	50%	2.75			
MONROE	50%	2.75			

* Maximum participation; MELF loans are \$500,000 or 50% of eligible project costs, whichever is less.

** Based on calendar year 2003 unemployment rate. Subject to change at discretion of the Department.

[Pa.B. Doc. No. 04-1448. Filed for public inspection August 6, 2004, 9:00 a.m.]

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Wild Resource Conservation Program Meeting

A public hearing will be held on Wednesday, August 18, 2004, to comment on the applications submitted to the Wild Resource Conservation Program for grant funding in Fiscal Year 2004-2005. The meeting will be held at 1 p.m. at the Department of Conservation and Natural Resources, Bureau of Topographic and Geologic Survey Building, 3240 Schoolhouse Road, Middletown, PA.

Public comment is being solicited on the following proposals that have been submitted for consideration of funding.

Questions concerning this hearing should be directed to Teresa Witmer, (717) 783-1639, tewitmer@state.pa.us or Ronald A. Stanley, (717) 783-1337, rostanley@state.pa.us. Individuals who plan to make comments should contact Teresa Witmer or Ronald A. Stanley.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Ronald A. Stanley at (717) 783-1337 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department of Conservation and Natural Resources may accommodate their needs.

MICHAEL F. DIBERARDINIS,
Secretary

2004-2005 Wild Resource Conservation Grant Applications

<i>No.</i>	<i>Type</i>	<i>Request</i>	<i>Grantee</i>	<i>PI Surname</i>	<i>Location</i>
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Monitoring Reproductive Success of Cavity Nesting Birds on Metals Contaminated Restoration Site

46	Conserve	\$5,245	Wildlife Information Center	Kunkle	Carbon and Lehigh
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This project will restore a degraded section of ridge contaminated with heavy metals and will monitor reproductive success of Kestrels and bluebirds onsite and at nearby areas.

Bird Populations and Density in the Benton Area School District

37	Conserve	\$10,548.47	Benton Area School District	McHenry	Columbia
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<i>No.</i>	<i>Type</i>	<i>Request</i>	<i>Grantee</i>	<i>PI Surname</i>	<i>Location</i>
This project will create a bird population and density field study. Students will learn field study techniques and will build, place and monitor bird boxes.					
<i>Wildlife Propagation</i>					
34	Conserve	\$15,000	White Ash Land Assn.	Blasi	Sullivan
This project will convert old logging roads to long narrow food plots, 2.5-mile winding food plot 15 feet to 20 feet wide.					
<i>Artificial Brush Piles</i>					
7	Conserve	\$15,195	Penn State	San Julian	Huntingdon and Centre
This project will measure benefits to small mammals and birds for the commonly recommended use of brush piles to enhance wildlife habitat.					
<i>Delivering the Dillerville Wetland (DDW)</i>					
56	Conserve	\$22,750	Lancaster County Academy	Feeley	Lancaster
This project will remove invasive plants and introduce native flora, monitor water quality and construct duck blinds, a boardwalk and educational signage.					
<i>Six County PA Chestnut Breeding Program</i>					
49	Conserve	\$28,480	Pa. American Chestnut Foundation	Leffel	Statewide
This project will back-cross regionally adapted chestnuts using a male sterile technique, increasing nut production, diversity and adaptability.					
<i>Effects of Acidic Deposition on Forest Birds</i>					
8	Conserve	\$29,520	Penn State	Brittingham	Centre
This project will evaluate the effects of acid deposition on breeding birds in the central region of this Commonwealth where levels are known to be high and the effects of liming.					
<i>Prioritization of Riparian Areas for Restoration and Protection, a Pilot Study in the Lehigh River Watershed</i>					
72	Conserve	\$32,139.50	Wildlands Conservancy	Brandes	
This project will prioritize riparian buffers for restoration and protection based on ecological value. An advisory committee will be formed and a small pilot project will be conducted on the Little Lehigh Creek.					
<i>Restoration of Fossil Sand Dune Oak Savanna at Erie Bluffs State Park</i>					
33	Conserve	\$33,000	Lake Erie Region Conservancy	Fuhrman	Erie
This project will restore fossil dune ridge rare black oak savanna community threatened by encroachment of weedy/invasive species.					
<i>Barn Owl Reintroduction Satellite Telemetry Project</i>					
58	Conserve	\$42,420	Moraine Preservation Fund	Jerry	Western Pennsylvania
This project will track tagged barn owls to determine habitat needs and will install nesting boxes near preferred habitat.					
<i>Park Intruders: Moraine McConnell's Mill on the Offensive</i>					
69	Conserve	\$63,282.59	3mjc's	Price	Butler
This project will remove invasive species of plants from Moraine and McConnell's State Parks and will educate through a kiosk, brochure and training.					
<i>Invasive Species Management Plan</i>					
83	Conserve	\$65,000	Broadhead Watershed Association	Stevens	Monroe
This project will develop an invasive species management plan for a watershed known to have substantial invasives impacts on biodiversity.					
<i>Tioga County Keeping Track</i>					
53	Inventory	\$16,098.46	Tioga County Partnership	Weaver	Tioga
This project will train 15 Tioga County Keeping Tract volunteers who will monitor specially selected areas four times a year recording certain species.					
<i>The Roaring Rocks/Swamp Creeks Regional Biodiversity Study</i>					
43	Inventory	\$25,000	Tinicum Conservancy	Kyde	Bucks
This project will conduct a biological diversity inventory and habitat mapping study to augment Statewide databases and provide scientific support for regional conservation efforts.					

<i>No.</i>	<i>Type</i>	<i>Request</i>	<i>Grantee</i>	<i>PI Surname</i>	<i>Location</i>
<i>Montgomery County Natural Areas Inventory Implementation Plan</i>					
70	Inventory	\$50,000	County of Montgomery	Shaw	Montgomery
This project will use the existing Montgomery County Natural Areas Inventory to reevaluate, assess and prioritize identified critical natural areas for preservation and management activities.					
<i>Natural Areas Inventory for Philadelphia County</i>					
79	Inventory	\$125,400	Academy of Natural Sciences	Bouchard	Philadelphia
This project will inventory plant and animal species (vascular plants, butterflies and moths, land snails, ground beetles, freshwater decapod crustaceans, fishes, amphibians, reptiles and birds) and major plant communities, mainly in natural areas.					
<i>County Natural Areas Inventories—Eastern PA</i>					
23	Inventory	\$187,179	The Nature Conservancy	Gleason	Bradford, Montour, Carbon, Tioga and Susquehanna
This project will complete Bradford, Montour and Carbon Counties and add the final four counties in the eastern region of this Commonwealth to locate plant and animal species of special concern and exemplary natural communities.					
<i>County Natural Heritage Inventories—Western PA</i>					
29	Inventory	\$330,000	Western Pa Conservancy	Wagner	Armstrong, Cameron, Clarion, Forest, Indiana and McKean
This project will continue work in eight western counties and complete work in four other counties to locate plant and animal species of special concern and exemplary natural communities.					
<i>Preservation of Habitat by Hydrogen Fuel Cell Implementation</i>					
67	Outreach	\$652	Robert Bydlow	Bydlow	Lehigh
This project will assemble a hydrogen fuel vehicle and produce posters for stewardship and a video.					
<i>Wild Resource Speaker's Series</i>					
36	Outreach	\$4,000	Lackawanna College	Hatala	Lackawanna
This project will provide a speaker's series highlighting the need to protect and preserve this Commonwealth's wild resources and a series of hikes, walks and hands-on educational activities.					
<i>Wild Action Grant Program: Improving Habitat for Wildlife</i>					
14	Outreach	\$5,000	Game Commission	Alberici	Statewide
This project will support 20 schools to improve school ground habitat and to adapt environment and ecology standards.					
<i>Oley Valley Fence Row Research</i>					
35	Outreach	\$7,309.70	Oley Valley Ag. Science	Howe	Berks
This project will educate youth about the integration of the sciences of agriculture and the environment, provide project specific equipment and teach applied field research techniques.					
<i>Watershed Birding and Natural History Trail Map and Outreach</i>					
76	Outreach	\$8,525	Bushkill Stream Conservancy	Merwarth	
The project will develop a Birding and Natural History Trip Map to connect the community with the resources of the watershed, promote ecotourism and encourage support for natural resources.					
<i>Wilmington Area Outdoor Classroom</i>					
6	Outreach	\$9,980	Wilmington School District	White	Lawrence and Mercer
This project will build an outdoor classroom at the Wilmington Area School District, including a limestone trail and eight benches installed for classroom seating, planted with wildflowers/shrubs.					
<i>American Kestrel Children's Storybook</i>					
25	Outreach	\$10,950	Hawk Mountain Sanctuary	Bildstein	Berks
A storyline, rhymes and colorful illustrations will teach children to identify a life cycle, migration and conservation needs for the American Kestrel.					
<i>Land Snail Website</i>					
15	Outreach	\$11,271	Carnegie Museum of Natural	Hotopp	Carnegie Museum of Natural History
This project will make information about the identity and ecology of 100 species of native land snails and slug readily available.					

<i>No.</i>	<i>Type</i>	<i>Request</i>	<i>Grantee</i>	<i>PI Surname</i>	<i>Location</i>
<i>Bird of Prey Environmental Education Program</i>					
28	Outreach	\$15,670	Great Valley Nature Center	Pascocello	Chester, Wayne, Montgomery, Philadelphia, Delaware and Bucks
This project will support a mentor program, teacher workshops and nest box program to increase student and public awareness and appreciation for birds of prey.					
<i>West Parks Wild Resource Education Initiative</i>					
50	Outreach	\$19,850	Lackawanna College	Hatala	Lawrence
This project will increase awareness, education, research and monitoring at West Park, installing trail signs, giving out 2,000 placemats, distributing 1,000 brochures and erecting Kestrel boxes.					
<i>Osprey Return</i>					
47	Outreach	\$20,000	Moraine Preservation Fund	Reperti	Butler
This project will renovate a pontoon boat for environmental education, water testing and public environmental ecotours of Lake Arthur at Moraine State Park.					
<i>A Database of PA Mammals in the Academy of Natural Sciences Mammalogy Collection with Interactive Key</i>					
68	Outreach	\$24,339	Academy of Natural Sciences	Morris	Statewide
This project will capture text data associated with mammal specimens and make it available for searching, mapping on the Internet with an online interactive key.					
<i>American Kestrel-Nestbox Placement Initiative</i>					
24	Outreach	\$25,075	Hawk Mountain Sanctuary	Bildstein	Berks
This project will cooperate with farmers, agricultural educators, FFA and 4-H groups to reverse Kestrel decline due to lack of cavity nests. It will provide 35,000 copies of an eight-page comprehensive brochure.					
<i>Farmlands and Wildlife</i>					
9	Outreach	\$29,274	Penn State	Brittingham	Statewide
This project will develop a guide for farmland owners on management practices to improve wildlife habitat, sources of assistance and means of minimizing potential nuisances.					
<i>Habitat Quality and Aquatic Biodiversity Protection—A Framework for Environmental Planning and Management</i>					
55	Outreach	\$32,310	Lancaster County Conservancy	Goodno	Lancaster
This project will develop focused scientific understanding and guidance on aquatic biodiversity in Lancaster.					
<i>The Lichen Flora of Eastern Pennsylvania</i>					
63	Status	\$3,356.06	Academy of Natural Science	Macklin	Eastern Pennsylvania
This project will perform fieldwork to collect vouchers and increase knowledge of the distributions of lichens in the eastern region of this Commonwealth.					
<i>Survey of a PA Endangered Plant</i>					
77	Status	\$5,000	Thiel College	Pale	Mercer
This project will survey selected endangered plant species, collect their seeds and germinate them in the laboratory or greenhouse.					
<i>Water Quality Monitoring</i>					
5	Status	\$6,675	Pen Argyl High School	Kopcho	Plainfield Township
Students in an aquatic biology class will monitor the Little Bushkill Creek for any signs of pollution and report their data to the Delaware River Basin Commission for use by State and local decision makers.					
<i>Wissahickon Valley Park Amphibian Habitat Inventory and Assessment</i>					
59	Status	\$7,500	Wissahickon Restoration Volunteers	Low	Philadelphia
This project will identify potential amphibian habitat, assess the condition of habitat, prioritize habitat for restoration and protection and map the habitat using GIS.					
<i>The Status of Crataegus (Hawthorns) in Eastern PA</i>					
64	Status	\$7,598.33	Academy of Natural Science	Macklin	Eastern Pennsylvania
This project will identify species using collected specimen and current literature on hawthorns, an important group of shrubs for bird food and habitat in this Commonwealth.					

<i>No.</i>	<i>Type</i>	<i>Request</i>	<i>Grantee</i>	<i>PI Surname</i>	<i>Location</i>
<i>Illustrated Field Guide to the Crane Flies of Pennsylvania</i>					
62	Status	\$11,648	Carnegie Museum of Natural	Young	Carnegie Museum of Natural History, Section of Invertebrate
This project will consolidate information on distribution and seasonal occurrence on crane flies and complete an illustrated field guide and website.					
<i>Genetic Characterization of Headwater Stream Fish Communities</i>					
75	Status	\$14,607	Penn State	Carline	
This project will evaluate genetic diversity for headwater fish populations to determine isolation, inbreeding and recovery for brook trout, blacknose dace and slimy sculpin.					
<i>Rare Plant Inventory within Northwestern PA</i>					
10	Status	\$15,000	The Cleveland Museum	Bissell	Erie, Crawford, Mercer and Tioga
This project will continue stewardship work at Edinboro Lake Fen, Erie National Wildlife Refuge, Bog Candle Fen, Presque Isle State Park and Pymatuning State Park and will search for POSCIP species.					
<i>Conservation & Genetic Status of the Timber Rattlesnake in Central and Eastern PA</i>					
3	Status	\$16,311	Arcadia University	Bushar	Pike, Carbon, Clearfield and Adams
This project will measure genetic variation and gene flow in 8 to 12 populations of timber rattlesnakes in the northeastern, southeastern, northcentral and southcentral regions of this Commonwealth.					
<i>Habitat Association, Occurrence, Phenology and Biology of a Terrestrial Indicator Group</i>					
52	Status	\$19,552.50	Carnegie Museum of Natural	Davidson	Statewide
This project will collect selected habitats to fill identified gaps in knowledge of biology and distribution and will create website images, maps and a database for ground beetles.					
<i>Non-Native Trout Effects of Pennsylvania Fishes and Associated Food Webs</i>					
13	Status	\$20,000	Penn State	Stauffer	Centre and Monroe
Trout species are often introduced to waters where they are exotic. Non-native trout often displace native trout. This project will study trout predation on bridle shiner and ironcolor shiner.					
<i>Acoustical Sampling of Bats over Created Wetlands in Western PA</i>					
31	Status	\$20,460	Wildlife Habitat Council	Maslonek	Allegheny, Beaver, Washington, Greene, Fayette and Somerset
This project will acoustically sample bats over 30 created wetlands of various ages, sizes and landscapes to investigate assemblages, richness, absence/presence and feeding activity.					
<i>Implementing the Pennsylvania Biodiversity Conservation Plan: Phase 1</i>					
65	Status	\$20,474	Pa Biodiversity Partnership	Thompson	Statewide
This project will begin to implement a comprehensive plan for biodiversity with outreach to a broad audience about the impact and importance of biodiversity.					
<i>The Burrowing Crayfishes of PA: Distribution, Genetics & Conservation</i>					
51	Status	\$20,583	Carnegie Museum of Natural	Fetzner, Jr.	Allegheny, Beaver, Bedford, Fayette, Green and Somerset
This project will make new collections of burrowing crayfishes, establish current distributions, distribution maps, create a website and assess population-level genetic variation.					
<i>Pennsylvania Odonate Database</i>					
21	Status	\$20,796.50	The Nature Conservancy	Ray	Statewide
This project will populate an Access database on dragonflies and damselflies to facilitate species conservation.					
<i>Taking Stock of American Ginseng in PA</i>					
71	Status	\$20,816	Penn State	Jacobson	Statewide
This project will gather information on ginseng occurrence, demography and human influences to resolve basic questions for husbandry and management.					

<i>No.</i>	<i>Type</i>	<i>Request</i>	<i>Grantee</i>	<i>PI Surname</i>	<i>Location</i>
<i>Herbarium Studies and Field Studies of PA Plants of Special Concern</i>					
44	Status	\$21,000	Carnegie Museum of Natural	Morton	Greene and Crawford
This project will monitor plant diversity by verifying historical records, documenting new localities and taxa and conducting field surveys.					
<i>Forest Stand Age, Composition, and Structure Associated with the State Endangered Northern Flying Squirrel</i>					
41	Status	\$22,493	Penn State Altoona	Mahan	Carbon, Monroe, Luzerne, Pike and Forest
This project will determine habitat for northern flying squirrel, its mature coniferous habitat, the crucial habitat components of stands and surrounding potential land use.					
<i>Use of Forested and Upland Shrub/Scrub Habitats by Spring Migrating Landbirds in Northeastern PA</i>					
38	Status	\$24,916	University of Scranton	Smith	Lackawanna
This project takes an integrated approach to understand habitat use and fitness consequences related to declines in landbird migrants and stopover habitat.					
<i>Status of the Endangered Darter in Lake Erie Drainage</i>					
74	Status	\$25,004	Penn State	Stauffer	Erie
This project will determine the current distribution, estimate the population size and investigate the life history of these fish in the Commonwealth waters of Lake Erie to better protect this population.					
<i>Biodiversity of Large Riverine Fish Assemblages of the Monongahela River</i>					
19	Status	\$25,469	California University of PA	Kimmel	Greene, Washington, Fayette, Westmoreland and Allegheny
This project will inventory the large-bodied ichthyofauna of the Monongahela for diversity and distribution.					
<i>Inventory of Riparian Habitat Along French Creek</i>					
26	Status	\$26,850	Allegheny College	Mumme	Crawford
This project will use GIS to study riparian habitats of biologically diverse French Creek. Work will include field surveys of vegetation, birds, reptiles and amphibians.					
<i>Verification of Gap Habitat Models for Birds for Conservation Planning</i>					
39	Status	\$28,483	Penn State	Brooks	Entire State
This project will test existing GAP habitat models for 12 species of special concern as a cost effective way resource agencies could do conservation, development and policy planning.					
<i>Endangered Species of Presque Isle Bay Watershed</i>					
73	Status	\$30,234	Penn State	Stauffer	Erie
This project will determine presence or absence, population estimates and habitat requirements for each of nine endangered fish species with website, brochures, handouts and a recovery plan.					
<i>Status Assessment of At-Risk Amphibian and Reptile Species in Pennsylvania</i>					
12	Status	\$33,355	Shippensburg University	Maret	Statewide
This project will determine status (abundance, distribution and population trends) of six amphibian and reptile species where information is inadequate or unavailable.					
<i>Avian Use of Grassland Habitats in Southwestern PA</i>					
18	Status	\$35,795.59	California University of PA	Argent	Greene, Washington, Fayette, Westmoreland and Allegheny
This project will determine seasonal use, as measured by avian density and diversity, of restored, privately-owned grassland habitats of various sizes.					
<i>Studies of Aquatic Plants of Glacial Lakes of Northeastern Pennsylvania</i>					
2	Status	\$38,002	Morris Arboretum	Rhoads	Pike, Monroe, Susquehanna, Sullivan, Wayne and Luzerne
This project will conclude current studies with quantitative mapping in five lakes to characterize emergent and submersed communities and correlate the results with water quality data.					

<i>No.</i>	<i>Type</i>	<i>Request</i>	<i>Grantee</i>	<i>PI Surname</i>	<i>Location</i>
<i>Land Snails of Limestone Communities and Update of Land Snail Distributions in PA</i>					
16	Status	\$39,486	Carnegie Museum of Natural	Pearce	Bedford, Butler, Centre, Fayette, Greene and Huntingdon
This project will fill knowledge gaps about distributions and habitat associations of land snails from museum records and inventory of land snails in limestone areas in the western region of this Commonwealth.					
<i>Field Surveys for Plant Species of Special Concern in Eastern Pennsylvania</i>					
11	Status	\$40,150	The Nature Conservancy	Kunsman	36 in Eastern Pennsylvania
This project will attempt to locate a minimum of 40 plant species of special concern, determine population size, habitat, associated species, threats and management recommendations with data mapped in PNHP.					
<i>Estimating Abundances and Habitat Associations for Breeding Birds in Year Two of the 2nd PA Breeding Bird</i>					
66	Status	\$40,540	Carnegie Museum of Natural	Mulvihill	Statewide
This project will provide rigorous abundance sampling and geo-referenced observations, assessments of habitat and specialized point counts for breeding birds.					
<i>Least Shrew and Other Grassland Small Mammal Species Inventory/Conservation in PA</i>					
22	Status	\$46,347	The Nature Conservancy	Hart	Adams, York and Lancaster
This project will predict suitable habitat for least shrew, a species of special concern from grassland habitat.					
<i>Hopewell Big Woods Ecological Greenway</i>					
45	Status	\$50,000	Union Township United	Blye, Jr.	Berks and Chester
This project will identify specific habitats for State-listed birds, mammals, reptiles and amphibians in the Hopewell Big Woods and identify specific parcels of unprotected land that provide habitat.					
<i>Ecological Studies and Inventory of PA's Aquatic Snails—Year 3</i>					
57	Status	\$56,531	Western Pa Conservancy	Evans	Statewide
This project will inventory aquatic snails in lakes and reservoirs, as well as larger rivers, to determine relationships to ecological factors and will produce species lists and distribution maps.					
<i>Long-term Monitoring of Small Mammal Communities in PA</i>					
54	Status	\$57,741	Wilkes University	Steele	Kempton
This project will produce a community-based habitat analysis for a species of small mammals at three Hawk Mountain sites.					
<i>Inventory of Dragonflies and Damselflies (Odonata) in Habitats of French Creek Watershed and Glacial Lakes</i>					
60	Status	\$59,280	NW Field Station, Western Pa	Smith	Erie, Crawford, Mercer and Venango
This project will increase knowledge of biodiversity in relation to aquatic habitats and water quality to support comprehensive conservation planning.					
<i>Bog Turtle Inventory—Cooks Creek Watershed</i>					
40	Status	\$59,850	Heritage Conservancy	Nowicki	Bucks
This project will locate existing bog turtle populations and areas containing suitable habitat in the Cooks Creek watershed.					
<i>Factors Affecting Diversity of Biota in Vernal Pools and Adjacent Forests in the South Mountain</i>					
32	Status	\$62,336.75	Messiah College	Lindquist	Franklin, Adams and Cumberland
This project will establish trends in biological diversity, construct ecological models and develop a site conservation plan for South Mountain.					
<i>Relations of Habitat to Mussel Communities of the Susquehanna and Potomac Basins</i>					
17	Status	\$69,815	The Nature Conservancy	Nightingale	Potomac, Mid Susquehanna
This project will determine the relationships among mussel communities, habitat and landscape factors, especially as related to gradients and human disturbance.					

No.	Type	Request	Grantee	PI Surname	Location
<i>Feasibility Study for Restoring Grasslands Native to Southeastern PA on DCNR Lands in the Region</i>					
78	Status	\$70,839	Natural Lands Trust	Thorne	Chester, Montgomery, Delaware, Bucks, Lehigh and Lancaster

This proposal will identify locations on Department and other lands where native grasslands can be restored using herbarium information and soil types.

Documenting the Flora Associated with Glacial Lakes in Northwest PA

27	Status	\$74,995.39	Western Pa Conservancy	Grund	Erie, Crawford and Mercer
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This project will map aquatic species to facilitate stewardship of the eight glacial lakes of the northwestern region of this Commonwealth.

Upper Ridley-Crum Important Bird Area American Kestrel Habitat Protection Project

20	Status	\$75,000	Willistown Conservation Trust	Van Alen	Chester and Delaware
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This project will determine American Kestrel habitat using aerial photographs and ground truthing and work for conservation easements and improved stewardship by private landowners.

Spatial Ecology of the Eastern Massasauga

30	Status	\$78,153	Western Pa Conservancy	Jellen	Butler, Mercer and Venango
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This project will use radio-telemetry to elucidate natural history of Massasauga on which to base conservation and management.

[Pa.B. Doc. No. 04-1449. Filed for public inspection August 6, 2004, 9:00 a.m.]

DEPARTMENT OF EDUCATION

Availability of 2004-2005 Registered Apprenticeship Programs for Youth Ages 16 and Over Funds

Applications are invited for FY 2004-2005 Registered Apprenticeship Programs for Youth Ages 16 and Over funding. The project period is from August 7, 2004, to June 30, 2005. The maximum amount per application is \$25,000. Available funds total \$160,000.

1. Eligibility Requirements

Funding is available on a competitive basis to career and technical centers/area vocational-technical schools and school districts with approved secondary career and technical education programs.

2. Applications Deadline

Proposal letters are due September 1, 2004, by 5 p.m.

3. How to Apply

The Department of Education (Department) has implemented an Internet-based e-grant system that requires eligible applicants to apply for funding online. The grant guidelines will be available on the Department's website: www.pde.state.pa.us. Click on "K-12 Schools," "Career/Technical Education," "Grants and Funding," "Funding Sources" and "Registered Apprenticeship Programs for In-School Youth Ages 16 and Older." This website provides a listing of the various funding guidelines.

4. Questions Concerning the Grant Application

Questions concerning the grant application should be addressed to Lee Burket, Work-Based Learning Coordinator, Department of Education, Bureau of Career and Technical Education, Division of Contract Administration, 333 Market Street, 6th Floor, Harrisburg, PA 17126-0333, (717) 787-8804, lburket@state.pa.us.

GERALD L. ZAHORCHAK, Ed.D.,
Acting Secretary

[Pa.B. Doc. No. 04-1450. Filed for public inspection August 6, 2004, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

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

This notice provides information about persons who have applied for a new, amended or renewed NPDES or WQM permit, a permit waiver for certain stormwater discharges or submitted a Notice of Intent (NOI) for coverage under a

general permit. The applications concern, but are not limited to, discharges related to industrial, animal or sewage waste, discharges to groundwater, discharges associated with municipal separate storm sewer systems (MS4), stormwater associated with construction activities or concentrated animal feeding operations (CAFOs). This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92 and 40 CFR Part 122, implementing The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act.

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

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

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

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

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

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

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

I. NPDES Renewal Applications

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

<i>NPDES Permit No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0009431 Industrial Waste	Pennsylvania American Water 105 Sodom Road Milton, PA 17847	Union County White Deer Township	White Deer Creek 10C	Y

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

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

PA0038903, Industrial Waste, SIC 5171, **Sunoco Partners Marketing & Terminals, L. P.**, 1801 Market Street, Philadelphia, PA 19103. This proposed facility is in East Whiteland Township, **Chester County**.

Description of Proposed Activity: Renewal of an NPDES permit to discharge treated stormwater runoff from an oil/water separator at the Petroleum Marketing Terminal at 41 Malin Road, East Whiteland Township.

The receiving stream, Little Valley Creek, is in the State Water Plan Watershed 3F and classified for EV, aquatic life, water supply and recreation. The nearest downstream public water supply intake is for the City of Norristown on the Schuylkill River, approximately 13 miles downstream of this discharge.

The proposed effluent limits for Outfall 001 are based on stormwater discharge.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		<i>Instantaneous Maximum (mg/l)</i>
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	
Oil and Grease					30
CBOD ₅					Monitor and Report
pH					Monitor and Report
Total Suspended Solids					Monitor and Report

In addition to the effluent limits, the permit contains the following major special conditions: remedial measures; change of ownership; product contaminated stormwater runoff; additional monitoring and reporting; PPC plan; other wastewater discharges; definitions; and petroleum marketing terminal BMPs.

The EPA waiver is in effect.

PA0040991, IW, SIC 5171, **ConocoPhillips Company**, 1400 Park Avenue, Linden, NJ 07036-1610. This proposed facility is in the City of Philadelphia, **Philadelphia County**.

Description of Proposed Activity: Stormwater runoff from a Philadelphia terminal.

The receiving stream, Frankford Creek, is in the State Water Plan watershed 3J and classified for WWF. Since stormwater normally percolates the ground and it may rarely reach to the distant creek, no downstream intake information is provided.

The proposed effluent limits for Outfall 002 are based on a design flow of 12,000 gpd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Recoverable Petroleum Hydrocarbons			Monitor and Report

In addition to the effluent limits, the permit contains the following other requirements: remedial measures; BAT/BCT reopener clause; change of ownership; monitoring and report; PPC plan; other discharges; definitions; DMDL analysis; and laboratory certification.

PA0036897, Sewage, SIC 4952, **Borough of South Coatesville**, 136 Modena Road, South Coatesville, PA 19320. This application is for renewal of an NPDES permit to discharge treated sewage from the Borough of South Coatesville Wastewater Treatment Plant in South Coatesville Borough, **Chester County**.

The receiving stream, West Branch Brandywine Creek, is in the State Water Plan watershed 3H Brandywine and classified for WWF, potable water supply, industrial water supply, livestock water supply, wildlife water supply, irrigation, boating, fishing, water contact sports and esthetics. There are no downstream public water supply intakes on West Branch Brandywine Creek or Brandywine Creek in this Commonwealth. Brandywine Creek crosses the State line approximately 9.5 miles downstream from the discharge point. Approximately 7.5 miles downstream from the State line is an intake for the City of Wilmington, DE.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.365 mgd.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
	CBOD ₅	25	40	
Suspended Solids	30	45		60
Ammonia (as N)				
(5-1 to 10-31)	7.0			14.0
(11-1 to 4-30)	21.0			42.0
Total Phosphorus				
(4-1 to 10-31)	2.0			4.0
Total Residual Chlorine	0.5			1.2
Fecal Coliform			200 colonies/100 ml	
Dissolved Oxygen			minimum of 2.0 at all times	
pH			within limits of 6.0—9.0 standard units at all times	

In addition to the effluent limits, the permit contains the following major special conditions: notification of designation of operator; average weekly definition; remedial measures if unsatisfactory effluent; no stormwater; acquire necessary property rights; watershed reopener; C¹² requirements; I-max limits; and proper sludge disposal.

PA0056197, SEW, SIC 4952, **Jay and Mary Powell**, 31 Timber Lane, Thornton, PA 19373-1050. This proposed facility is in Thornbury Township, **Delaware County**.

Description of Proposed Activity: Single residence sewage treatment plant.

The receiving stream, UNT to West Branch of Chester Creek, is in the State Water Plan watershed 3G and classified for TSF. There is no public water supply intake downstream to this discharge.

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

<i>Parameters</i>	<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Instantaneous Minimum</i>	<i>Instantaneous Maximum</i>
Flow (GPD)			20
CBOD ₅			
(5-1 to 10-31)	10		
(11-1 to 4-30)	20		
Total Suspended Solids	10		
Ammonia as N			
(5-1 to 10-31)	3.0		
(11-1 to 4-30)	9.0		
Fecal Coliform	200 #/100 ml		
pH (STD Units)		6.0	9.0
Total Residual Chlorine	Monitor and Report	Monitor and Report	Monitor and Report
Dissolved Oxygen		minimum of 3.0 mg/l at all times	

In addition to the effluent limits, the permit contains the following other requirements: abandon STP when municipal sewers available; remedial measures if unsatisfactory effluent; no stormwater; ownership transfer; proper sludge disposal; and laboratory certification.

PA0045187, SEW, SIC 4952, **Lee Williams**, 232 Yankee Road, Quakertown, PA 18951. This proposed facility is in Richland Township, **Bucks County**.

Description of Proposed Activity: Renewal application calls for discharge of 80,000 gpd of treated sewage from the Richland Meadows MHP into a dry swale to Morgan Creek.

The receiving stream, dry swale to Morgan Creek, is in the State Water Plan watershed 2D and classified for TSF. The nearest downstream public water supply intake for the Forest-Park Water Treatment Plant is on the Neshaminy Creek, 11 miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 80,000 gpd.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>	
	<i>Average Monthly</i>	<i>Average Monthly</i>	<i>Instantaneous Maximum</i>	<i>Instantaneous Minimum</i>
Flow	Monitor and Report			
CBOD ₅				
(5-1 to 10-31)	3.3	5	10	
(11-1 to 4-30)	6.6	10	20	
Suspended Solids	20	30	60	
Ammonia as N				
(5-1 to 10-31)	0.66	1	3	
(11-1 to 04-30)	2.0	3	9	
Phosphorus as P	0.33	0.5	1.0	
Fecal Coliform		200 #/100 ml		
Dissolved Oxygen				6.0
pH (STD Units)			9.0	6.0
Total Residual Chlorine		0.2	0.6	

In addition to the effluent limits, the permit contains the following other requirements: abandon STP; remedial measures; no stormwater; property rights; dry stream discharge; change of ownership; sludge disposal; and laboratory certification.

PA0058858, Sewage, SIC 4952, **Upper Makefield Township**, 1076 Eagle Road, Newtown, PA 18940. This proposed facility is in Upper Makefield Township, **Bucks County**.

Description of Proposed Activity: The STP serves the proposed Reeve Track residential development in Upper Makefield Township, Bucks County.

The receiving stream, tributary to Jericho Creek, is in the State Water Plan watershed 2E and classified for WWF. The nearest downstream public water supply intake for the Pennsylvania American Water Company, Yardley Plant, is on the Delaware River, approximately 7 miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 20,225 GPD.

<i>Parameters</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
	CBOD ₅	10	15
Total Suspended Solids	10	20	25
NH ₃ -N			
(5-1 to 10-31)	1.5		3.0
(11-1 to 4-30)	3.0		6.0

<i>Parameters</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Phosphorus as P	1.0		2.0
NO ₂ -N and NO ₃ -N	10.0		20.0
Dissolved Oxygen		minimum of 6.0 mg/l at all times	
pH		within limits of 6—9 STD at all times	
Fecal Coliform	#200/100 ml		

EPA waiver is in effect.

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

PA5212215, Industrial Waste, **Glenwood Stone Company, Inc.**, R. R. 1, Box 1130, Nicholson, PA 18846. This proposed facility is in New Milford Township, **Susquehanna County**.

Description of Proposed Activity: New NPDES permit to discharge stormwater associated with industrial activity.

The receiving stream, an unnamed tributary to Beaver Creek, is in the State Water Plan watershed 4E and classified as a HQ-CWF. The nearest downstream public water supply intake for the Danville Borough Water Authority is on the Susquehanna River, approximately 100 miles below the point of discharge.

The proposed effluent limits for Outfalls 001 and 002 are:

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>	
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>
CBOD				Report
COD				Report
Oil and Grease				Report
pH				Report
TSS				Report
TKN				Report
Total Phosphorus				Report
Iron (Dissolved)				Report

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

PA0025810, Sewage, **Shade-Central City Joint Authority**, 429 Sunshine Avenue, Central City, PA 15926. This application is for renewal of an NPDES permit to discharge treated sewage from the Shade-Central City Sewage Treatment Plant in Shade Township, **Somerset County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Dark Shade Creek, which are classified as a CWF 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 Saltsburg Municipal Water Works.

Outfall 001: existing discharge, design flow of 0.6 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	25	37.5		50
Suspended Solids	30	45		60
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,500/100 ml as a geometric mean			
Total Residual Chlorine	1.0			3.3
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA0032425, Sewage, **Department of Conservation and Natural Resources, Bureau of State Parks, Ohioypyle State Park**, P. O. Box 105, Dinnerbell Road, Ohioypyle, PA 15470-0105. This application is for renewal of an NPDES permit to discharge treated sewage from the Ohioypyle State Park Campground Sewage Treatment Plant in Stewart Township, **Fayette County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as unnamed tributary of Youghiogheny River, which are classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the North Fayette County Municipal Authority on the Youghiogheny River.

Outfall 001: existing discharge, design flow of 0.04 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	10			20
Suspended Solids	10			20
Ammonia Nitrogen				
(5-1 to 10-31)	1.5			3.0
(11-1 to 4-30)	2.5			5.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	0.01			0.02
Dissolved Oxygen	not less than 5.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA0034851, Sewage, **Parker Area Authority**, P. O. Box 342, Parker, PA 16049. This application is for renewal of an NPDES permit to discharge treated sewage from the Parker Area Authority STP in Parker City, **Armstrong County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Allegheny River, which are classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Pennsylvania American Water Company, Butler District, on the Allegheny River.

Outfall 001: existing discharge, design flow of 0.3 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	25	38		50
Suspended Solids	30	45		60
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	100,000/100 ml as a geometric mean			
Total Residual Chlorine	0.5			1.6
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

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

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

WQM Permit No. 4604410, Sewerage, **Chris Jordin**, P. O. Box 486, Colmar, PA 18915. This proposed facility is in Lower Salford Township, **Montgomery County**.

Description of Proposed Action/Activity: Construction and operation of an STP for a single family dwelling.

WQM Permit No. 4604411, Sewerage, **Upper Moreland-Hatboro Joint Sewer Authority**, P. O. Box 535, 2875 Terwood Road, Willow Grove, PA 19090. This proposed facility is in Upper Moreland Township, **Montgomery County**.

Description of Proposed Action/Activity: Construction of effluent pump station and upgrades to facility UV disinfection.

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

WQM Permit No. 2104411, Sewerage, **Silver Spring Township Authority**, 6415-Rear Carlisle Pike, Mechanicsburg, PA 17050. This proposed facility is in Silver Spring Township, **Cumberland County**.

Description of Proposed Action/Activity: Construction of pump station and sewer extension to serve the Foxwood Subdivision.

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

WQM Permit No. 4304412, Sewerage, **Pine Township**, 545 Barkeyville Road, Grove City, PA 16127 and **Liberty Township**, 2873 Mercer Butler Pike, Grove City, PA 16127. This proposed facility is in Pine and Liberty Townships, **Mercer County**.

Description of Proposed Action/Activity: This project is for the construction of a sewer extension with grinder pumps to serve a proposed subdivision named The Villas at Grove City with 60 single family homes and 84 condominiums.

WQM Permit No. 1604404, Sewerage, **Bryan L. and Michelle L. Kunselman**, 1440 Pumptown Road, Fairmount City, PA 16224. This proposed facility is in Redbank Township, **Clarion County**.

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

WQM Permit No. 6204408, Sewerage, **Carol and Kenneth A. Johnson**, 38 Peterson Hollow Road, Russell, PA 16345. This proposed facility is in Pine Grove Township, **Warren County**.

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

IV. NPDES Applications for Stormwater Discharges from MS4

V. Applications for NPDES Waiver Stormwater Discharges from MS4

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

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

NPDES Permit

<i>No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI011504040	Gen Terra Corporation Kimberton Meadows 101 Marchwood Road Exton, PA 19341	Chester	East Pikeland Township	Stoney Run HQ-TSF

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.

NPDES Permit

<i>No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024804026	James Carty Meadow View Homes, Inc. 619 East Lawn Road Nazareth, PA 18064	Northampton	Bushkill Township	Bushkill Creek HQ-CWF
PAI024804027	Halden Ballek R. D. 1, Box 360 Riegelsville, PA 18077	Northampton	Williams Township	Frya Run HQ-CWF
PAS10U123R	Pinewoods Associates, LLC P. O. Box 324 Orwigsburg, PA 17961	Northampton	Forks Township	Bushkill Creek HQ-CWF

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

NPDES Permit

<i>No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024504019	James P. Ertle R. R. 2, Box 30 Kunkletown, PA 18058	Monroe	Stroud Township	Pocono Creek HQ-CWF

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

NPDES Permit

<i>No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023904030	David Sell REEN Development 1348 Hamilton St. Allentown, PA 18102	Lehigh	Upper Macungie Township	Breinig Run HQ-CWF

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

Somerset County Conservation District: North Ridge Building, 1590 North Center Avenue, Suite 103, Somerset, PA 15501, (814) 445-4652.

NPDES Permit

<i>No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI055604002	Somerset County General Authority 146 West Main Street Somerset, PA 15501	Somerset	Boswell and Jennerstown Boroughs Conemaugh, Jenner, Lincoln and Somerset Townships	Coxes Creek CWF Quemahoning Creek CWF Wells Creek WWF

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

PAG-12	CAFOs
PAG-13	Stormwater Discharges from MS4

PUBLIC WATER SUPPLY (PWS) PERMIT

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

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

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

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

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

SAFE DRINKING WATER

Applications Received under the Pennsylvania Safe Drinking Water Act

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

Permit No. 1504507, Public Water Supply.

Applicant	North Coventry Water Authority
Township	North Coventry
Responsible Official	Dennis B. Hullmann P. O. Box 394 Pottstown, PA 19464
Type of Facility	PWS
Consulting Engineer	Spotts, Stevens & McCoy, Inc. 1047 North Park Street Reading, PA 19601
Application Received Date	July 19, 2004

Description of Action	Construction of a booster station, transmission main and storage tank.
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Northeast Region: Water Supply Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.

Permit No. 4804502, Public Water Supply.

Applicant	Messinger Enterprises, LLC
Township or Borough	Palmer Township, Northampton County
Responsible Official	Phillip J. Messinger, Owner 3260 Melanie Court Bethlehem, PA 18020 (610) 751-0657
Type of Facility	Retail Water Facility
Consulting Engineer	Dale R. Glatfelter, P. E. Gannett Fleming, Inc. P. O. Box 67100 Harrisburg, PA 17106-7100
Application Received Date	July 8, 2004

Description of Action	This application requests approval for installation of water treatment equipment to be associated with retail dispensing of water at the proposed Water To Go Plus Nutrition outlet at the Crown Plaza.
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LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 1

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

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. Persons intending to use the Background Standard, Statewide Health Standard, the Site-Specific Standard or who intend to remediate a site as a special industrial area must file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demonstrates attainment of one, a combination of the cleanup standards or who receives approval of a special industrial

area remediation identified under the act will be relieved of further liability for the remediation of the site for any contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

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

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

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

Northwest Region: Environmental Cleanup Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

Bradford Mall, Foster Township, **McKean County**. John R. Gee, GeoTrans, Inc., 198 Allendale Rd., Suite 302, King of Prussia, PA 19406 on behalf of Basil S. Donnelly, K R Bradford Mall LP, 580 W. Germantown Pike, Plymouth Meeting, PA 19462-1305 has submitted a Notice of Intent to Remediate. The former Bradford Mall Cleaners reportedly used tetrachloroethylene-containing fluid and released spent PCE in the sanitary sewer affecting both soil and groundwater. The current and future use of the property is a retail shopping mall. Publication of the NIR appeared in the *Bradford Era* on July 16, 2004.

DETERMINATION OF APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS

Application for Determination of Applicability Received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and residual waste regulations for a general permit to operate residual waste processing facilities and/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 17101-2301.

General Permit Application No. WMGR002D009. Waste Management & Processors, Inc., P. O. Box K,

Frackville, PA 17931-0609. For the beneficial use of wastewater treatment sludge generated by paper and pulp mills for use as a soil additive to: establish or re-establish agricultural activity on disturbed land; establish herbaceous wildlife habitat; and facilitate revegetation on disturbed land at permitted and abandoned mine sites. The application for determination of applicability was accepted as administratively complete on June 30, 2004.

Persons interested in obtaining more information about the general permit application should contact the 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 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 con-

structed 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.

48-317-019: ConAgra Food Ingredients Co. (312 East Broadfruit Drive, Treichlers, PA 18086) for modification of grain handling and cleaning operations and the associated air cleaning device at their facility in Lehigh Township, **Northampton County**.

48-322-005: Grand Central Sanitary Landfill, Inc. (1963 Pen Argyl Road, Pen Argyl, PA 18072) for installation of one additional enclosed flare for the combustion of landfill gas at their facility in Plainfield Township, **Northampton County**. This application does not represent any additional waste being introduced into the landfill or the expansion of the landfill, merely the installation of a control device. This is a Title V facility.

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

36-03129A: Kalas Manufacturing, Inc.—Plant No. 3 (25 Main Street, Denver, PA 17517) for construction of additional soldering pots and a baghouse in East Cocalico Township, **Lancaster County**.

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

55-399-005A: Professional Building Systems, Inc. (72 East Market Street, Middleburg, PA 17842) for construction of a modular home manufacturing facility in Middleburg Borough, **Snyder County**.

12-399-007H: GKN Sinter Metals (P. O. Box 493, Emporium, PA 15834) for construction of two powdered metal parts sintering furnaces (PF97 and PF98) in Plant No. 2 in Emporium Borough, **Cameron County**.

18-315-002: First Quality Products, Inc. (P. O. Box 331, McElhattan, PA 17748) for construction of 16 converting (absorbent products manufacturing) machines and associated air cleaning devices (3 stage drum filter/cartridge filter/HEPA filter units) in Wayne Township, **Clinton County**.

49-302-028B: Catawissa Lumber and Specialty Co., Inc. (P. O. Box 176, Catawissa, PA 17820) for construction of a 17.440 million Btu/hr. wood-fired boiler and associated air cleaning device (a multicyclone collector) at the Paxinos Plant (Plant No. 2) in Ralpho Township, **Northumberland 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.

09-0143A: Naceville Materials (P. O. Box 161, 1371 West Street Road, Warminster, PA 18974) for installation of a scalping screen with four conveyors and control equipment as an addition to the primary crushing circuit of an existing nonmetallic mineral processing plant at their Naceville Materials Quarry in Sellersville, West Rockhill Township, **Bucks County**. The rated capacity of the proposed equipment is 800 tons of processed material per hour. The facility is a non-Title V facility with site-wide emission limit for PM. This crushing plant and its sources are subject to 40 CFR Part 60 Subpart OOO—Standards of Performance (NSPS) for Non-Metallic Mineral Processing Plants. Due to the site-wide emission limit, no emission increase at the facility is expected. 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.

09-0126A: Air Liquide America, LP (19 Steel Road West, Morrisville, PA 19067) for replacement of an existing scrubber with an equivalent scrubber at their Morrisville Plant, Falls Township, **Bucks County**. This is a minor facility. The replacement includes removal of a two-stage wet scrubber (S-7) by another two-stage wet scrubber. The proposed scrubber will comprise of a 1,000-gallon tank containing NaOH and an eductor venturi with a packed tower. The scrubber will be controlling emissions from the same four purification processes, namely boron trichloride, chlorine, hydrogen chloride and hydrogen bromide gases. There will be no change in production rate, method of operation or current allowable emission limits. The Plan Approval will require stack tests to be performed. Appropriate monitoring and recordkeeping requirements will be included.

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

48-00017: C. F. Martin and Co., Inc. (510 Sycamore Street, Nazareth, PA 18064) for modification of the Binks paint booth 108 to replace the water wash filters with dry panel filters at their facility in Upper Nazareth Township, **Northampton County**.

In accordance with 25 Pa. Code §§ 127.44(b) and 127.424(b), the Department intends to issue a Plan Approval to C. F. Martin & Co., Inc., 510 Sycamore Street, Nazareth, PA 18064 for their facility in Upper Nazareth Township, Northampton County. The facility currently has Title V Operating Permit 48-00017. Plan Approval 48-318-135 will, in accordance with 25 Pa. Code § 127.450, be incorporated into the Title V Operating Permit through an administrative amendment at a later date.

Plan Approval 48-318-135 is for the modification of the Binks paint booth 108 to replace the water wash filters with dry panel filters. The particulate emissions from the paint booth's dry panel filters will not exceed the Best Available Technology standard of 0.02 grain/dscf and will result in a maximum particulate emission rate of 0.12 ton per year. The VOC emissions from this paint booth will be 11.26 tons per year of which 3.88 tons per year will be HAPs. The paint booth's VOC emissions are included in the facility's annual VOC emissions which shall never exceed 98.9 tons per year based on a 12-month rolling sum. The Plan Approval and Operating Permit will

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

Copies of the application, the Department's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at the Department of Environmental Protection, Bethlehem District Office, 4530 Bath Pike, Bethlehem, PA 18017. Appointments for scheduling a review should be made by calling (610) 861-2070.

Individuals wishing to provide the Department with additional information which they believe should be considered prior to the issuance of this permit may submit the information to the previous address. Written comments must contain the name, address and telephone number of the person submitting the comments, identification of proposed Plan Approval 48-318-135 and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department, in its discretion, decides that a hearing is warranted based on the comments received. Persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper, the *Pennsylvania Bulletin* or by telephone, when the Department determines notification by telephone is sufficient. Written comments or requests for a public hearing should be directed within 30 days after publication to Mark J. Wejkszner, P. E., Chief, New Source Review Section, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711, (570) 826-2435.

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

21-05013A: Fry Communications, Inc. (800 West Church Road, Mechanicsburg, PA 17055) to install a ten-unit quadruple-web heatset web offset printing press controlled by a regenerative thermal oxidizer at their Building No. 2 facility (Plant No. 1) in Mechanicsburg Borough, **Cumberland County**. Overall VOC emissions resulting from the installation of the new press are not expected to increase beyond 10.76 tons per year. The plan approval and ensuing update to the facility-wide operating permit shall contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

28-03025B: Wenger's Feed Mill, Inc. (P. O. Box 26, Rheems, PA 17570-0026) for construction of two pellet mills and a high efficiency cyclone system for their Shippensburg Mill, Southampton Township, **Franklin County**. This plan approval will include appropriate restrictions and requirements designed to keep the source operating within all applicable air quality requirements. Maximum estimated emissions for PM are projected to be 11.83 tpy.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701; Richard Maxwell, New Source Review Chief, (570) 327-3637.

18-00009B: Clinton County Solid Waste Authority (264 Landfill Lane, McElhattan, PA 17748) for construction of a tubgrinder and associated 1,000 horsepower diesel engine at the Wayne Township Landfill in Wayne Township, **Clinton County**. The Wayne Township Landfill is a major facility for which Title V Operating Permit 18-00009 has been issued.

The tubgrinder will grind woodwaste to produce mulch. The fugitive PM emissions from the operation of the

tubgrinder are generally expected to be minimal due to the moisture content of much of the woodwaste to be processed. The tubgrinder will, however, be equipped with a water spray dust suppression system to control the fugitive PM emissions resulting from the processing of woodwaste which lacks sufficient moisture. The 1,000 horsepower diesel engine associated with the tubgrinder has the potential to emit up to 7.15 tons of NOx, .82 ton of CO, .08 ton of total hydrocarbons, .07 ton of PM and .96 ton of SOx in any 12 consecutive month period.

The Department's review of the information contained in the application indicates that the proposed tubgrinder and associated diesel engine will comply with all applicable air quality requirements pertaining to air contamination sources and the emission of air contaminants, including the Best Available Technology requirements of 25 Pa. Code §§ 127.1 and 127.12. Based on this finding, the Department intends to issue plan approval for the construction of the proposed tubgrinder and associated diesel engine. Additionally, if the tubgrinder and diesel engine are subsequently determined by the Department to be operating in compliance with all applicable plan approval conditions and regulatory requirements after they are constructed, the conditions of the plan approval will be incorporated in Title V Operating Permit 18-00009 through administrative amendment in accordance with 25 Pa. Code § 127.450.

The following is a summary of the conditions the Department proposes to place in the plan approval to be issued to ensure compliance with all applicable regulatory requirements:

1. Only clean wood and green woodwaste such as tree limbs, shrubs, and the like, shall be processed in the tubgrinder.
2. The tubgrinder shall be equipped with water spray nozzles to control any fugitive PM emissions.
3. The diesel engine shall not emit NOx, total hydrocarbons, CO and particulate in excess of 6.49, .075, .75 and .067 grams per horsepower hour, respectively.
4. The tubgrinder and associated diesel engine shall not be operated more than 1,000 hours during any 12 consecutive month period. Records shall be maintained of the number of hours the tubgrinder and engine operate each month. records shall be retained onsite for at least 5 years and shall be made available to the Department upon request.
5. The sulfur content of the diesel fuel used in the diesel engine shall not exceed .3% by weight.
6. Visible emissions from the diesel engine shall not exceed 10% for a period or periods more than 3 minutes in any 1 hour and shall not exceed 30% or greater opacity at any time.
7. Within 180 days of commencement of tubgrinder operation, stack testing shall be performed on the diesel engine to determine its nitrogen oxides and CO emission rate.

OPERATING PERMITS

Intent to Issue Title V Operating Permits under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter G.

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

46-00037: Cabot Supermetals (County Line Road, Boyertown, PA 19512) for modification to their Title V Operating Permit 46-00037 in Douglass Township, **Montgomery County**. The permit is being modified to incorporate changes based on the appeal of the Title V Operating Permit, as well as to incorporate changes approved under Plan Approvals PA-46-0037C, 46-0037G, 46-0037I and 46-0037M. The modified Title V Operating Permit will contain additional monitoring, recordkeeping, reporting and work practice standards to keep the facility operating within all applicable air quality requirements.

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

36-05028: CNH America LLC (500 Diller Avenue, New Holland, PA 17557) for operation of a farm equipment manufacturing facility in New Holland Borough, **Lancaster County**. The facility is a major source of VOC emissions. This action reflects a change in ownership at the facility. Daily operations and emissions will not be affected. All of the requirements in the facility's Title V operating permit remain in full effect.

44-05002: CNH America LLC (36 Maple Street, Belleville, PA 17004) for operation of a farm equipment manufacturing facility in Union Township, **Mifflin County**. The facility is a major source of VOC emissions. This action reflects a change in ownership at the facility. Daily operations and emissions will not be affected. All of the requirements in the facility's Title V operating permit remain in full effect.

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

V04-003: Park Towne Place Apartments (2200 Ben Franklin Parkway, Philadelphia, PA) for operation of an apartment complex in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include two 25.1 mmBtu/hr boilers and four emergency generators rated at 35 kW each.

The operating permit will be issued under 25 Pa. Code, Philadelphia Code Title 3 and Air Management Regulation XIII. Permit copies and other supporting information are available for public inspection at the AMS, 321 University Ave., Philadelphia, PA 19104. For further information, contact Edward Wiener, (215) 685-9426.

Persons wishing to file protests or comments on the previous operating permit must submit protests or comments within 30 days from the date of this notice. Protests or comments filed with the AMS must include a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based. Based upon the information received during the public comment period, the AMS may modify the operating permit or schedule a public hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a local newspaper at least 30 days before the hearing.

Intent to Issue Operating Permits under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.

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

06-03010: Brenntag Northeast (Pottsville Pike and Huller Lane, P. O. Box 13788, Reading, PA 19612-3788) for operation of their Reading (Huller Lane) chemical

distribution facility in Ontelaunee Township, **Berks County**. The facility has actual estimated emissions of 8 ton/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.

06-03047: Metropolitan Steel Industries, Inc. (601 Fritztown Road, Sinking Spring, PA 17608) for operation of a structural steel fabrication facility in Spring Township, **Berks County**. The facility-wide (State-only) operating permit shall contain testing, monitoring, recordkeeping and reporting requirements, emission restrictions and work practice standards designed to keep the facility operating within all applicable air quality requirements.

06-05087: Haines and Kibblehouse, Inc. (P. O. Box 197, Skippack, PA 19474) for operation of a batch asphalt concrete plant controlled with a fabric collector in Colebrookdale Township, **Berks County**. The plant is a non-Title V (State-only) facility. The facility's emissions will be limited to levels below the Title V thresholds by the use of production limits. The plant will be permitted to operate with waste derived liquid fuels (WDLF) that comply with Department limitations. The permit will require sampling of the WDLF to show compliance with the limits. The permit will include additional monitoring, work practices, recordkeeping, testing and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

06-05092: Reading Materials, Inc. (P. O. Box 197, Skippack, PA 19474) for operation of a batch/drum mix asphalt concrete plant controlled with a fabric collector in Cumru Township, **Berks County**. The plant is a non-Title V (State-only) facility. The facility's emissions will be limited to levels below the Title V thresholds by the use of production limits. The plant will be permitted to operate with WDLF that comply with Department limitations. The permit will require sampling of the WDLF to show compliance with the limits. The permit will include additional monitoring, work practices, recordkeeping, testing and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

06-05104: H. B. Mellott Estate, Inc. (100 Mellott Drive, Suite 100, Warfordsburg, PA 17267) to operate crushing equipment in the Lehigh Cement Company quarry in Maiden creek Township, **Berks County**. The facility has the potential to emit more than 100 tons per year of NOx. The State-only operating permit will limit emissions to levels below the Title V permit thresholds. The permit will contain emission limits, monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

28-05037: Oshkosh Truck Corp.—Jerr-Dan Hykes Road Rollback Plant (1080 Hykes Road, Greencastle, PA 17225-9699) for their Synthetic Minor Operating Permit in Antrim Township, **Franklin County**. The facility's major sources of emissions include three paint booths which primarily emit VOC. This permit is a renewal of the expired Title V Permit 28-05014 with reduced emissions as a result of modification to the operations. The synthetic minor operating permit will contain monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

N04-004: Deer Meadows (8301 Roosevelt Boulevard, Philadelphia, PA) for operation of a residential care and nursing home in the City of Philadelphia, **Philadelphia County**. The facilities air emission sources include seven boilers at 5.5 mmBtu/hr or less that burn natural gas or no. 2 fuel oil and two emergency generators that burn no. 2 fuel oil.

The operating permit will be reissued under 25 Pa. Code, Philadelphia Code Title 3 and Air Management Regulation XIII. Permit copies and other supporting information are available for public inspection at the AMS, 321 University Avenue, Philadelphia, PA 19104. For further information, contact Edward Wiener, (215) 685-9426.

Persons wishing to file protests or comments on the previous operating permit must submit protests or comments within 30 days from the date of this notice. Protests or comments filed with the AMS must include a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based. Based upon the information received during the public comment period, the AMS may modify the operating permit or schedule a public hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a local newspaper at least 30 days before the hearing.

S03-005: Luithlen Dye Corp. (J and Tioga Streets, Philadelphia, PA 19134) for operation of a dyeing facility in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include two 400 HP boilers.

The operating permit will be reissued under 25 Pa. Code, Philadelphia Code Title 3 and Air Management Regulation XIII. Permit copies and other supporting information are available for public inspection at the AMS, 321 University Avenue, Philadelphia, PA 19104. For further information, contact Edward Wiener, (215) 685-9426.

Persons wishing to file protests or comments on the operating permit must submit protests or comments within 30 days from the date of this notice. Protests or comments filed with the AMS must include a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based. Based upon the information received during the public comment period, the AMS may modify the operating permit or schedule a public hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a local newspaper at least 30 days before the hearing.

COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous

Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). Mining activity permits issued in response to applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

The following permit applications to conduct mining activities have been received by the Department of Environmental Protection (Department). A copy of an application is available for inspection at the district mining office indicated before an application. Where a 401 Water Quality Certification is needed for any aspect of a particular proposed mining activity, the submittal of the permit application will serve as the request for certification.

Written comments, objections or requests for informal conferences on applications may be submitted by any person or any officer or head of any Federal, State or local government agency or authority to the Department at the district mining office indicated before an application within 30 days of this publication, or within 30 days after the last publication of the applicant's newspaper advertisement, as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34.

Where any of the mining activities listed will have discharges of wastewater to streams, the Department will incorporate NPDES permits into the mining activity permits issued in response to these applications. NPDES permits will contain, at a minimum, technology-based effluent limitations as identified in this notice for the respective coal and noncoal applications. In addition, more restrictive effluent limitations, restrictions on discharge volume or restrictions on the extent of mining which may occur will be incorporated into a mining activity permit, when necessary, for compliance with water quality standards (in accordance with 25 Pa. Code Chapters 93 and 95). Persons or agencies who have requested review of NPDES permit requirements for a particular mining activity within the previously mentioned public comment period will be provided with a 30-day period to review and submit comments on the requirements.

Written comments or objections should contain the name, address and telephone number of the person submitting comments or objections; the application number; and a statement of sufficient detail to inform the Department on the basis of comment or objection and relevant facts upon which it is based. Requests for an informal conference must contain the name, address and telephone number of requestor; the application number; a brief summary of the issues to be raised by the requestor at the conference; and a statement whether the requestor wishes to have the conference conducted in the locality of the proposed mining activities.

Coal Applications Received

Effluent Limits—The following coal mining applications that include an NPDES permit application will be subject to, at a minimum, the following technology-based effluent limitations for discharges of wastewater to streams:

<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Iron (total)	3.0mg/l	6.0mg/l	7.0mg/l
Manganese (total)	2.0mg/l	4.0mg/l	5.0mg/l
Suspended solids	35 mg/l	70 mg/l	90 mg/l

<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
pH*			
Alkalinity greater than acidity*		greater than 6.0; less than 9.0	

* 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.

13940201R2. Rossi Excavating Company (9 West 15th Street, Hazleton, PA 18201), renewal of an existing coal refuse reprocessing operation in Banks Township, **Carbon County**, affecting 11.5 acres. Receiving stream: none. Application received July 21, 2004.

54773215R3. Jeddo-Highland Coal Company (46 Public Square, Suite 600, Wilkes-Barre, PA 18701), renewal of an existing coal refuse reprocessing operation in Reilly and Frailey Townships, **Schuylkill County**, affecting 46.4 acres. Receiving stream: none. Application received July 22, 2004.

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

33733009 and NPDES Permit No. PA0602779. P. and N. Coal Co., Inc. (P. O. Box 332, Punxsutawney, PA 15767), renewal of an existing bituminous surface strip and auger operation in Gaskill Township, **Jefferson County**, affecting 336.2 acres. Receiving streams: Stoney Run and unnamed tributaries to Clover Run (HQ-CWF). There are no potable surface water supply intakes within 10 miles downstream. Application for reclamation only. Application received July 19, 2004.

16040102 and NPDES Permit No. PA0242551. Milestone Crushed, Inc. (521 South Street, P. O. Box 644, Clarion, PA 16214), commencement, operation and restoration of a bituminous surface strip operation in Richland Township, **Clarion County**, affecting 155.1 acres. Receiving streams: unnamed tributaries to Turkey Run (HQ-CWF). There are no potable surface water supply intakes within 10 miles downstream. Application received July 16, 2004.

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

03040101 and NPDES Permit No. PA02050597. AMFIRE Mining Company, LLC (One Energy Place, Latrobe, PA 15650), application for commencement, operation and reclamation of a bituminous surface mine in Gilpin Township, **Armstrong County**, affecting 62.1 acres. Receiving stream: unnamed tributary to Allegheny River (WWF). The first potable water intake within 10 miles downstream from the point of discharge is the Freeport Water Company. Application received July 1, 2004.

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

17040104 and NPDES Permit No. PA0243787. Forcey Coal, Inc. (P. O. Box 225, Madera, PA 16661-0225), commencement, operation and restoration of a bituminous surface mine permit in Jordan Township, **Clearfield County**, affecting 133.2 acres. The application includes a request to temporarily relocate a 2,482-foot section of Lawyer Road. The road relocation begins 5,000 feet from the intersection of SR 3022 and T-428 and concludes 7,699 feet from the same intersection. Upon completion of mining in this area, T-428 will be reconstructed in the original location in accordance with Jordan Township and Department specifications. The temporary relocation will be in place for approximately 4 years. Also included is a variance request to conduct mining within 100 feet of unnamed tributaries 3 and 7 to Potts Run. This variance includes the relocation of a portion of unnamed tributary 3 and the reconstruction of a missing section of unnamed tributary 3, which was displaced by previous mining. The stream relocation and reconstruction of unnamed tributary 3 is approximately 4,500 feet upstream from the confluence of unnamed tributary 3 to Potts Run and Potts Run and proceeds up gradient a distance of 2,836 feet. The reconstruction of the lost stream segment will result in the re-establishment of over 1,600 feet of stream channel. The encroachment of unnamed tributary 7 will occur as the result of the stream relocation and reconstruction project. Unnamed tributary 7 encroachment is from the confluence of unnamed tributaries 3 and 7, up gradient a distance of 275 feet. Receiving streams: unnamed tributaries 1 and 3 to Potts Run (CWF). There are no downstream potable surface water supply intakes from the point of discharge. Application received July 19, 2004.

17040105 and NPDES Permit No. PA0243795. W. Ruskin Dressler (P. O. Box 39, Rockton, PA 15856), commencement, operation and restoration of a bituminous surface mine permit in Brady Township, **Clearfield County**, affecting 74 acres. Receiving streams: unnamed tributaries to East Branch Mahoning Creek, East Branch of Mahoning Creek (HQ-CWF). The first downstream potable water supply intake from the point of discharge is the Pennsylvania American Water Company intake on the East Branch of Mahoning Creek, approximately 8 miles downstream. Application received July 14, 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.

01930302T and NPDES Permit No. PA0223239. ISP Minerals, Inc. (1455 Old Waynesboro Road, Blue Ridge Summit, PA 17214), transfer of an existing quarry operation from ISP Granules, Inc. in Hamiltonban Township, **Adams County**, affecting 313.2 acres. Receiving stream: unnamed tributary to Tom's Creek. Application received July 20, 2004.

6477SM5T2 and NPDES Permit No. PA0009059. ISP Minerals, Inc. (1455 Old Waynesboro Road, Blue Ridge Summit, PA 17214), transfer of an existing quarry operation from ISP Granules, Inc. in Hamiltonban and Washington Townships, **Adams County**, affecting 306.6 acres. Receiving stream: Miney Branch to Tom's Creek. Application received July 20, 2004.

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

37940302 and NPDES Permit No. PA0212041. G. L. McKnight, Inc. (P. O. Box 773, Slippery Rock, PA 16057), renewal of an existing sand and gravel operation in Scott and Plain Grove Townships, **Lawrence County** affecting 134.0 acres. Receiving streams: unnamed tributary to Slippery Rock Creek and unnamed tributary to Taylor Run (CWF). There are no potable surface water supply intakes within 10 miles downstream. Application received July 19, 2004.

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

65930401 and NPDES Permit No. PA0200492. Better Materials Corp. (2200 Springfield Pike, Connelville, PA 15425), NPDES renewal application to an existing noncoal surface mine in Derry and Ligonier Townships, **Westmoreland County**, affecting 172.6 acres. Receiving streams: unnamed tributaries to Loyalhanna Creek (CWF). The first potable water supply intake within 10 miles downstream from the point of discharge is the Latrobe Municipal Authority. Renewal application received July 12, 2004.

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

59042802. Dale Alan Aumick (R. D. 2, Box 76C, Tioga, PA 16946), commencement, operation and restoration of a small industrial minerals (sand and gravel) permit in Tioga Township, **Tioga County**, affecting 5 acres. Receiving streams: Mill Creek, tributary to Tioga River. Application received June 16, 2004.

08042801. Frank Bach IV (R. R. 1, Box 1450, Laceyville, PA 18623), commencement, operation and

restoration of a small industrial minerals (bluestone) permit in Tuscarora Township, **Bradford County**, affecting 3 acres. Receiving streams: Tuscarora Creek, tributary to Susquehanna River. Application received June 22, 2004.

08040808. Robert H. Fields (R. R. 1, Box 93, Stevensville, PA 18845), commencement, operation and restoration of a small industrial minerals (flagstone/shale) permit in Herrick Township, **Bradford County**, affecting 5 acres. Receiving streams: unnamed tributary, tributary to Cold Creek. Application received June 30, 2004.

18040802. Robert A. and Jeffery C. Maguire (P. O. Box 400, McElhattan, PA 17748), commencement, operation and restoration of a small industrial minerals (shale) permit in Dunnstable Township, **Clinton County**, affecting 4 acres. Receiving streams: Big Plum Run, tributary to the Susquehanna River. Application received June 30, 2004.

FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

The following permit applications, requests for Environmental Assessment approval and requests for 401 Water Quality Certification have been received by the Department of Environmental Protection (Department). Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341) requires the State to certify that the involved projects will not violate the applicable provisions of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) as well as relevant State requirements. Persons objecting to approval of a request for certification under section 401 of the FWPCA or to the issuance of a Dam Permit, Water Obstruction and Encroachment Permit or the approval of an Environmental Assessment must submit comments, suggestions or objections within 30 days of the date of this notice, as well as questions, to the regional office noted before the application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

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

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

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

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E15-716. Wilson King, 1140 Chrome Road, Oxford, PA 19363, Elk Township, **Chester County**, ACOE Philadelphia District.

To perform the following water obstruction and encroachment activities associated with the development of a single family dwelling and associated septic disposal system:

1. To install and maintain a 2-inch sewer force main across an unnamed tributary to Barren Brook (EV). The proposed sewer will be installed over an existing 6-foot RCP culvert (carrying Barren Brook under the intersection of Chrome and Barren Roads) and there will be no disturbance to the stream or wetlands.

2. To maintain an existing minor roadway crossing consisting of an 18-inch culvert across wetlands (PEM).

The site is at the intersection of Chrome and Barren Roads (Bay View USGS Quadrangle N: 18.2 inches, W: 9.0 inches).

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

E48-351. Strausser Enterprises, Inc., 604 Village at Stones Crossing, Easton, PA 18045-5080 in Palmer Township, **Northampton County**, U. S. Army Corps of Engineers, Philadelphia District.

To construct and maintain an approximate 680 lineal foot channel change in a tributary to Bushkill Creek (HQ-CWF) for the purpose of stabilizing the existing eroded channel and providing buildable area for a proposed 32-unit townhouse development known as Hay Terrace South. This project also includes two stormwater outfall structures and associated energy dissipaters and is east of SR 2028 (Greenwood Avenue) and north of SR 0022 (Nazareth, PA Quadrangle N: 10.6 inches; W: 1.2 inches).

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

E05-323: South Woodbury Township, 125 North Road, New Enterprise, PA 16664 in South Woodbury Township, **Bedford County**, ACOE Baltimore District.

To construct and maintain approximately 53,000 linear feet of 12-inch, 10-inch, 8-inch and 6-inch wastewater collection sewer and 4,000 linear feet of wastewater force main in South Woodbury Township, Bedford County, involving: (1) three dry trench stream crossings of Yellow Creek (HQ-CWF): (a) 45-foot by 8-inch (New Enterprise, PA Quadrangle N: 6.5 inches; W: 0.1 inch), (b) 40-foot by 8-inch (New Enterprise, PA Quadrangle N: 6.6 inches; W: 0.2 inch) and (c) 50-foot by 12-inch (New Enterprise, PA Quadrangle N: 7.0 inches; W: 0.3 inch); (2) one 60-foot by 16-inch bored stream crossing of Yellow Creek (New Enterprise, PA Quadrangle N: 11.9 inches; W: 0.2 inch); (3) one 70-foot by 12-inch dry trench stream crossing of an unnamed tributary to Yellow Creek (HQ-CWF) (New Enterprise, PA Quadrangle N: 6.6 inches; W: 0.0 inch); (4) one 10-foot by 2-inch dry trench stream

crossing of Beaver Creek (HQ-CWF) (New Enterprise, PA Quadrangle N: 5.7 inches; W: 1.1 inches); (5) 14 bored stream crossings of Three Springs Run (HQ-CWF): (a) 30-foot by 16-inch (New Enterprise, PA Quadrangle N: 8.5 inches; W: 0.8 inch), (b) 50-foot by 14-inch (New Enterprise, PA Quadrangle N: 8.6 inches; W: 1.0 inch), (c) 30-foot by 4-inch (New Enterprise, PA Quadrangle N: 8.6 inches; W: 1.1 inches), (d) 20-foot by 4-inch (New Enterprise, PA Quadrangle N: 8.6 inches; W: 1.3 inches), (e) 35-foot by 14-inch (New Enterprise, PA Quadrangle N: 8.4 inches; W: 1.5 inches), (f) 40-foot by 8-inch (New Enterprise, PA Quadrangle N: 8.3 inches; W: 2.0 inches), (g) 65-foot by 14-inch (New Enterprise, PA Quadrangle N: 8.4 inches; W: 2.4 inches), (h) 30-foot by 12-inch (New Enterprise, PA Quadrangle N: 8.4 inches; W: 2.6 inches), (i) 35-foot by 14-inch (New Enterprise, PA Quadrangle N: 8.3 inches; W: 3.1 inches), (j) 25-foot by 14-inch (New Enterprise, PA Quadrangle N: 8.2 inches; W: 3.5 inches), (k) 25-foot by 8-inch (New Enterprise, PA Quadrangle N: 8.2 inches; W: 4.0 inches), (l) 25-foot by 8-inch (New Enterprise, PA Quadrangle N: 8.2 inches; W: 4.05 inches), (m) 20-foot by 4-inch (New Enterprise, PA Quadrangle N: 7.9 inches; W: 5.7 inches) and (n) 20-foot by 4-inch (New Enterprise, PA Quadrangle N: 7.9 inches; W: 5.6 inches); (6) four dry trench stream crossings of Three Springs Run: (a) 45-foot by 4-inch (New Enterprise, PA Quadrangle N: 8.3 inches; W: 1.5 inches), (b) 20-foot by 8-inch (New Enterprise, PA Quadrangle N: 8.2 inches; W: 3.2 inches), (c) 25-foot by 8-inch (New Enterprise, PA Quadrangle N: 8.2 inches; W: 4.3 inches) and (d) 10-foot by 8-inch (New Enterprise, PA Quadrangle N: 8.0 inches; W: 5.2 inches); (7) five dry trench stream crossings of unnamed tributaries to Three Springs Run (HQ-CWF): (a) 20-foot by 8-inch (New Enterprise, PA Quadrangle N: 8.2 inches; W: 3.7 inches), (b) 20-foot by 8-inch (New Enterprise, PA Quadrangle N: 8.3 inches; W: 4.1 inches), (c) 20-foot by 8-inch (New Enterprise, PA Quadrangle N: 8.4 inches; W: 4.1 inches), (d) 20-foot by 8-inch (New Enterprise, PA Quadrangle N: 8.2 inches; W: 4.2 inches) and (e) 2-foot by 8-inch (New Enterprise, PA Quadrangle N: 8.4 inches; W: 1.9 inches); (8) one 15-foot by 8-inch stream crossing under an existing culvert on an unnamed tributary to Three Springs Run; (9) one 35-foot by 16-inch bored stream crossing of Potter Creek (HQ-CWF) (New Enterprise, PA Quadrangle N: 11.7 inches; W: 0.3 inch); (10) one 40-foot by 16-inch bored stream crossing of Hickory Bottom Creek (HQ-CWF) (New Enterprise, PA Quadrangle N: 12.4 inches; W: 0.3 inch); (11) one 10-inch outfall with a 22-foot by 5-foot riprap apron on Yellow Creek (Hopewell, PA Quadrangle N: 6.3 inches; W: 17.2 inches); and (12) 13 crossings of EV PEM wetlands on the floodplain of Yellow Creek or Three Springs Run resulting in 1.16 acres of temporary wetland impacts: (a) 200-foot by 35-foot (New Enterprise, PA Quadrangle N: 6.4 inches; W: 0.2 inch), (b) 265-foot by 35-foot (New Enterprise, PA Quadrangle N: 7.4 inches; W: 0.4 inch), (c) 210-foot by 35-foot (New Enterprise, PA Quadrangle N: 7.7 inches; W: 0.4 inch), (d) 122-foot by 35-foot (New Enterprise, PA Quadrangle N: 7.8 inches; W: 0.4 inch), (e) 16-foot by 35-foot (New Enterprise, PA Quadrangle N: 12.4 inches; W: 0.3 inch), (f) 10-foot by 35-foot (New Enterprise, PA Quadrangle N: 8.4 inches; W: 1.9 inches), (g) 250-foot by 35-foot (New Enterprise, PA Quadrangle N: 8.3 inches; W: 2.2 inches), (h) 50-foot by 35-foot (New Enterprise, PA Quadrangle N: 8.3 inches; W: 3.1 inches), (i) 98-foot by 35-foot (New Enterprise, PA Quadrangle N: 8.2 inches; W: 3.2 inches), (j) 78-foot by 35-foot (New Enterprise, PA Quadrangle N: 8.1 inches; W: 3.2 inches), (k) 67-foot by 35-foot (New Enterprise, PA Quadrangle N: 8.1 inches; W: 3.2 inches), (l) 10-foot by 35-foot (New Enterprise, PA

Quadrangle N: 8.2 inches; W: 3.4 inches) and (m) 83-foot by 35-foot (New Enterprise, PA Quadrangle N: 8.2 inches; W: 3.7 inches). The project includes a total of 140 linear feet of utility line stream impacts waived under 105.12(a)(2). The project proposes to temporarily impact a total of 1,158 linear feet of stream channel and temporarily impact 1.16 acres of EV PEM wetlands.

E07-384: J & W Interests, 352 East College Avenue, State College, PA 16801 in Snyder Township, **Blair County**, ACOE Baltimore District.

To construct and maintain a private bridge on California Run (TSF) having a single span of approximately 30 feet, a width of 19 feet and an underclearance of approximately 2.25 feet, to remove 600 square feet of the right and left floodways to a depth of up to 2.5 feet to widen the channel and improve the hydraulic capacity through the bridge and to impact 0.01 acre of PEM wetlands at a site (Tyrone, PA Quadrangle N: 22.0 inches; W: 4.1 inches) approximately 1,100 feet downstream of the Centre and Blair County line in Snyder Township, Blair County for the purpose of constructing a private residence.

E06-591: Exeter Township, 4975 DeMoss Road, Reading, PA 19606 in Earl Township, **Berks County**, ACOE Philadelphia District.

To construct and maintain two culvert crossings on Trout Run and five culvert crossings on unnamed tributaries and stormwater swales under East Neversink Road, all tributary to Trout Run (WWF), for the purpose of replacing inadequate conveyance structures, on the Reading, PA Quadrangle (N: 9.4 inches, W: 0.7 inch) in Earl Township, Berks County.

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

E02-1476. Township of Scott, Administrative Offices, 2nd Floor, 301 Lindsay Road, Carnegie, PA 15106. Scrubgrass Run stream relocation in the Township of Scott, **Allegheny County**, Pittsburgh ACOE District (Pittsburgh West, PA Quadrangle N: 1.1 inches; W: 12.1 inches—Latitude: 40° 22' 52" and Longitude: 80° 5' 13"). The applicant proposes to remove existing structures, relocate and maintain approximately 1,165 feet of Scrubgrass Run (WWF) and to construct and maintain a gabion wall approximately 390 feet long along the left bank within the relocated channel. The project is to provide flood mitigation and stream improvements. The project starts approximately 2,200 feet upstream of its confluence with Chartiers Creek and extends approximately 1,165 feet upstream in Scott Township.

E11-304. Johnstown Redevelopment Authority, 4th Floor, Public Safety Building, 401 Washington Street, Johnstown, PA 15901-1892. Cambria Iron Pedestrian Foot Bridge in the City of Johnstown, **Cambria County**, Pittsburgh ACOE District, Johnstown, PA Quadrangle N: 15.8 inches; W: 7.4 inches—Latitude: 40° 20' 13" and Longitude: 78° 55' 41". The applicant proposes to rehabilitate and maintain a historic pedestrian bridge having two spans of 143 feet and 142.8 feet and an underclearance of 30.3 feet across the Conemaugh River (WWF) to connect the Iron Street Trail to the Cambria City National Historic District.

E30-209. Greene County c/o Ann Bargerstock, 93 East High Street, Waynesburg, PA 15370. Greene County

Bridge No. 60 in Center Township, **Greene County**, Pittsburgh ACOE District (Rogersville, PA Quadrangle N: 2.2 inches; W: 10.6 inches—Latitude: 39° 53' 14" and Longitude: 80° 19' 32"). The applicant proposes to rehabilitate and maintain the Greene County Covered Bridge No. 60 having a clear span of 43.5 feet and an underclearance of 9.7 feet across South Fork Tenmile Creek (HQ-WWF) on T-424 at a point approximately 600 feet south of SR 21.

E63-562. Borough of Charleroi, 4th Street and Fallowfield Avenue, Charleroi, PA 15022. Seventh Street outfall structure in Charleroi Borough, **Washington County**, Pittsburgh ACOE District (Monongahela, PA Quadrangle N: 3.2 inches; W: 3.1 inches—Latitude: 40° 08' 28" and Longitude: 79° 53' 58"). The applicant proposes to construct and maintain a 72-inch diameter outfall structure on the left bank of the Monongahela River (WWF) for the purpose of separating the existing storm sewer system. The project is on Seventh Street approximately 1,300 feet upstream from Lock No. 4 and will impact approximately 10 feet of stream channel. Four other outfall structures will also be constructed: one along the left bank of the Monongahela River and three along the left bank of Maple Creek. These will be constructed using the Department's General Permit No. 4 (intake and outfall structures).

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

E43-315. D & L Energy, Inc., 2761 Salt Springs Road, Youngstown, OH 44509. Yesko Pipeline in Sugar Grove Township, **Mercer County**, ACOE Pittsburgh District (Greenville West, PA Quadrangle N: 13.8 inches; W: 0.5 inch). The applicant proposes to construct approximately 1,750 feet of 6-inch steel pipeline to transport natural gas from a proposed pipeline on an abandoned railroad right-of-way to an existing high pressure pipeline. The proposed pipeline will cross two (PEM/PSS) wetland areas and an unnamed tributary to the Little Shenango River (TSF, perennial) by the open cut method. The first wetland crossing is approximately 50 feet long and the second approximately 490 feet long. The unnamed tributary is approximately 15 feet wide and 3 feet deep. Approximately 0.037 acre of the approximate 15 acres wetland complex is to be impacted. The project is approximately 2,700 feet south of the intersection of the abandoned railroad grade and Goetsch Road (T-530).

Wilkes-Barre District: District Engineer, 2 Public Sq., Floor 5, Wilkes-Barre, PA 18711-0790.

E3511-001. Department of Environmental Protection, Bureau of Abandoned Mine Reclamation, 2 Public Sq., Floor 5, Wilkes-Barre, PA 18711-0790. Olyphant and Throop Boroughs, **Lackawanna County**, ACOE Baltimore District.

To eliminate a public health and safety hazard by restoring 2,500 feet of stream channel of Eddy Creek. The channel will be excavated and approximately 600 linear feet of concrete U-channel and 1,900 feet of rock lined trapezoidal channel will be constructed. The project will also involve the removal and replacement of two culverts. The project is south of the intersection of Valley Ave. (SR 1016) and South Valley Ave. (SR 0347), Olyphant Borough and Throop Borough, Lackawanna County. A total of 20 acres will be disturbed (Olyphant Quadrangle N: 15.5 inches; W: 14.5 inches).

STORAGE TANKS**SITE-SPECIFIC INSTALLATION PERMITS**

The following Storage Tank Site-Specific Installation Permit application has been received by the Department of Environmental Protection (Department) and is currently under review. Persons wishing to comment on the proposed permit are invited to submit a statement to the Bureau of Land Recycling and Waste Management, Division of Storage Tanks, P. O. Box 8763, Harrisburg, PA 17105-8763, within 30 days from the date of this publication. Comments received within this 30-day period will be considered in the formulation of the final determinations regarding this application. Responses should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of the comment and the relevant facts upon which it based.

The following applications have been received for Storage Tank Site-Specific Installation Permits under the authority of the Storage Tank Spill Prevention Act (35 P. S. §§ 6021.304, 6021.504, 6021.1101—6021.1102) and under 25 Pa. Code Chapter 245, Subchapter C.

<i>SSIP Application No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Tank Type</i>	<i>Tank Capacity</i>
04013	Scott Schober Allegheny Petroleum Products Co. 999 Airbrake Avenue Wilmerding, PA 15148	Beaver	Harmony Township	15 ASTs storing petroleum products	288,000 gallons total

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>
PA0054551	Paul Matthews 4 Fox Run Lane Newtown Square, PA 19073	Chester County Willistown Township	West tributary to Ridley Creek	Y
PA0055034	Kevin and Jonna McCoy 9 Hilldale Road Malvern, PA 19355	Chester County Willistown Township	UNT to Crum Creek 3G	Y

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>
PA0063185 IW	Eldorado Properties Corporation 900 Eisenhower Boulevard P. O. Box 2621 Harrisburg, PA 17105	Luzerne County Pittston Township	Collins Creek 5A	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>
PA0045802	Franklin A. Taddeo Pineview Manor Park 600 Pineview Drive Elizabeth, PA 15037	Westmoreland County Hempfield Township	Unnamed tributary of Sewickley Creek	Y
PA0216721	George E. and Patricia N. Meerhoff Thomas E. and Kelly G. Meerhoff 106 Old Route 31 Mount Pleasant, PA 15666	Westmoreland County Mt. Pleasant Township	Unnamed tributary of Jacobs Creek	Y

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

<i>NPDES Permit No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N ?</i>
PA0100315	Farma Parks, Inc. 87 Hughey Road Greenville, PA 16125-9628	Perry Township Mercer County	Unnamed tributary to Little Shenango River 20-A	Y

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

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

NPDES Permit No. PA0058823, Sewage, **Roger Eastman**, 76 Smith Road, Collegetown, PA 19426. This proposed facility is in Lower Providence Township, **Montgomery County**.

Description of Proposed Action/Activity: Approval for a new discharge into an unnamed tributary to Skippack Creek in Watershed 3E-Perkiomen.

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

NPDES Permit No. PA-0060640-A1, Sewage, **Pennsylvania American Water Company**, 800 West Hersheypark Drive, Hershey, PA 17033. This proposed facility is in Lehman Township, **Pike County**.

Description of Proposed Action/Activity: Transfer and issuance of NPDES Permit and Water Quality Management permits.

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

NPDES Permit No. PA0085782, Sewage, **Ruscombmanor Township**, 204 Oak Lane, Fleetwood, PA 19522. This proposed facility is in Ruscombmanor Township, **Berks County**.

Description of Proposed Action/Activity: Authorization to discharge to an unnamed tributary of Furnace Creek in Watershed 3-D.

NPDES Permit No. PA0087998, Sewage, **Urban Acres MHP**, 35 Ridge Drive, Fleetwood, PA 19522. This proposed facility is in Alsace Township, **Berks County**.

Description of Proposed Action/Activity: Authorization to discharge to Bernhart Creek in Watershed 3-C.

NPDES Permit No. PA0081515, Sewage, **Lancaster County Career and Technology Center, Brownstown Campus**, 1730 Hans Herr Drive, P. O. Box 527, Willow Street, PA 17548. This proposed facility is in West Earl Township, **Lancaster County**.

NPDES Permit No. PA0055328, Industrial Waste, **New Morgan Landfill Company, Inc.**, 420 Quarry Road, Morgantown, PA 19543. This proposed facility is in New Morgan Borough, **Berks County**.

Description of Proposed Action/Activity: Authorization to discharge to Conestoga River in Watershed 7-J.

NPDES Permit No. PA0247421, Sewage, **Mr. and Mrs. Rodney Groff**, 7729 Wertzville Road, Carlisle, PA 17013. This proposed facility is in Middlesex Township, **Cumberland County**.

Description of Proposed Action/Activity: Authorization to discharge to UNT Conodoguinet Creek in Watershed 7-B.

NPDES Permit No. PA0052396, Industrial Waste, **O-Z Gedney LLC**, 150 Birch Hill Road, Shoemakersville, PA 19555. This proposed facility is in Perry Township, **Berks County**.

Description of Proposed Action/Activity: Authorization to discharge to the receiving waters of an unnamed tributary of the Schuylkill River in Watershed 3-C.

NPDES Permit No. PA0055328, Industrial Waste, **New Morgan Landfill Company, Inc.**, 420 Quarry Road, Morgantown, PA 19543. This proposed facility is in New Morgan Borough, **Berks County**.

Description of Proposed Action/Activity: Authorization to discharge to Conestoga River in Watershed 7-J.

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

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

WQM Permit No. 4604404, Sewerage, **Roger Eastman**, 76 Smith Road, Collegeville, PA 19426. This proposed facility is in Lower Providence Township, **Montgomery County**.

Description of Proposed Action/Activity: Construction and operation of a single family residence sewage treatment plant.

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

WQM Permit No. 4504405, Sewerage, **Pennsylvania American Water Company**, 800 West Hersheypark Drive, Hershey, PA 17033. This proposed facility is in Middle Smithfield Township, **Monroe County**.

Description of Proposed Action/Activity: Issuance of Water Quality Management Permit.

WQM Permit No. 5204403 (Consolidates 5276401-T1, 5278401-T1, 5281402-T1, 4581405-T1, 5286403-T1, 5288406-T1, 5289402-T1, 5288408-T1, 5290408-T1, 5290404-T1 and 5298401-T1), Sewerage, **Pennsylvania American Water Company**, 800 West Hersheypark Drive, Hershey, PA 17033. This proposed facility is in Lehman Township, **Pike County**.

Description of Proposed Action/Activity: Transfer and issuance of Water Quality Management Permit.

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

WQM Permit No. 0693410 Amendment No. 04-1, Sewerage, **Ruscombmanor Township**, 204 Oak Lane, Fleetwood, PA 19522. This proposed facility is in Ruscombmanor Township, **Berks County**.

Description of Proposed Action/Activity: Approval for the construction of sewerage facilities consisting of a 0.025 mgd Dutchland sewage treatment plant.

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

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

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

WQM Permit No. 6304402, Sewage, **Cecil Township Municipal Authority**, 3599 Millers Run Road, Cecil, PA 15321. This proposed facility is in Cecil Township, **Washington County**.

Description of Proposed Action/Activity: Construction of collector sewer system, two pumping stations and a 0.52 mgd capacity sewage treatment plant throughout the Millers Run Watershed, Elm Drive and Klinger Road areas just outside the watershed.

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

Description of Proposed Action/Activity: Replacement of sludge drying beds at the Youghiogheny STP.

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

WQM Permit No. 2504414, Sewerage, **Calfin's Place Restaurant/Tavern**, 7495 Route 6N, Edinboro, PA 16412. This proposed facility is in Elk Creek Township, **Erie County**.

Description of Proposed Action/Activity: This project is for the construction and operation of a small flow treatment facility to serve a restaurant/tavern and to replace a malfunctioning on-lot system.

WQM Permit No. 1004403, Sewerage, **Breakneck Creek Regional Authority**, P. O. Box 1180, Mars, PA 16046. This proposed facility is in Adams Township, **Butler County**.

Description of Proposed Action/Activity: This project is for the construction of a pump station and sewer extension to serve the Gables at Brickyard Hill Development and the Adams Township Elementary School.

WQM Permit No. 2503407, Sewerage, **Department of Conservation and Natural Resources, Bureau of State Parks, Presque Isle State Park**, P. O. Box 8451, Harrisburg, PA 17105-8451. This proposed facility is in Millcreek Township, **Erie County**.

Description of Proposed Action/Activity: This project is for a sewage treatment facility and pump stations and sewers to rehabilitate the system in Presque Isle State Park.

WQM Permit No. 2004406, Sewerage, **Edward H. and Janet A. Vogt**, 8687 Peffer Road, Fairview, PA 16415. This proposed facility is in Spring Township, **Crawford County**.

Description of Proposed Action/Activity: Sewage discharge for a single residence.

WQM Permit No. 6204402, Sewerage, **William L. Knisley**, 12 Race Street, Sugar Grove, PA 16350. This proposed facility is in Freehold Township, **Warren County**.

Description of Proposed Action/Activity: Sewage discharge for a single residence.

WQM Permit No. 6204406, Sewerage, **David J. and Jeanette M. Bosko**, 829 Hatch Run Road, Warren, PA 16365. This proposed facility is in Glade Township, **Warren County**.

Description of Proposed Action/Activity: Sewage discharge for a single residence.

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.

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI011503099	The Nolan Group 7 Lee Boulevard Development 505 1/2 Germantown Pike Lafayette Hill, PA 19444	Chester	East Whiteland Township	Valley Creek EV
PAI011503114	Tevill Corporation Cedarmill Crossing Development 528 Main Street Harleysville, PA 19428	Chester	North Coventry Township	Schuylkill River HQ
PAI011504030	Department of General Services Lincoln University Campus Utilities 18th and Herr Streets Harrisburg, PA 17125	Chester	Lower Oxford Township	McDonald Run HQ-TSF-MF

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>
PAI021304001	Big Boulder Corp. P. O. Box 707 Blakeslee, PA 18610-0707	Carbon	Kidder Township	Tunkhannock Creek HQ-CWF
PAI023904013	Lower Macungie Township 3400 Brookside Rd. Macungie, PA 18062	Lehigh	Lower Macungie Township	Little Lehigh Creek HQ-CWF
PAI023504001	Valley View School District One Columbus Drive Archbald, PA 18403	Lackawanna	Blakely Borough	Lackawanna River HQ-CWF

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

Allegheny County Conservation District: Lexington Technology Park, Building 1, Suite 102, 400 North Lexington Avenue, Pittsburgh, PA 15208, (412) 241-7645.

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI050204002	William D. Redinger 1904 Lincoln Way McKeesport, PA 15131	Allegheny	North Versailles Township	Unnamed tributary of Jacks Run HQ-TSF

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>
PAI051104001	Municipal Authority of the Borough of Ebensburg 300 West High Street Ebensburg, PA 15931	Cambria	Borough of Ebensburg	Saltlick Run HQ-TSF Stewart Run HQ-CWF S. Branch Blacklick Creek CWF Howells Run CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI061603001	Clarion County Economic Development Corp.	Clarion	Beaver Township	Canoe Creek HQ-CWF

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

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

List of NPDES and/or Other General Permit Types

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

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>
Bethel Township Delaware County	PAG2002303067	Andrew Nolan 2316 Providence Road Chester, PA 19013	Naamans Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
City of Philadelphia Philadelphia County	PAG2015104008	Philadelphia Housing Authority Cambridge Plaza Phase III 12 South 23rd Street Philadelphia, PA 19103	Delaware River WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
City of Philadelphia Philadelphia County	PAG2015104011	Giuliano Verna Umbria Golf Center 5220 Umbria Street Philadelphia, PA 19128-4234	Schuylkill River WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Westfall Township Pike County	PAG2005203003	Wal-Mart Stores, Inc. 702 Southwest 8th St. Bentonville, AR 72716	Delaware River WWF, MF	Pike County Conservation District (570) 226-8220
Hegins Township Schuylkill County	PAG2005404004	Ashley Development 559 Main St., Suite 300 Bethlehem, PA 18108-5810	Pine Creek CWF	Pike County Conservation District (570) 226-8220
City of Pottsville Schuylkill County	PAG2005404017	City of Pottsville 401 N. Centre St. Pottsville, PA 17901	Schuylkill River WWF	Schuylkill County Conservation District (570) 622-3742
Columbia County Town of Bloomsburg	PAG2001904005	Honeysuckle Student Holdings Inc. Kehr Union, Suite 350 Bloomsburg, PA 17815	Fishing Creek WWF	Columbia County Conservation District 702 Sawmill Road Suite 204 Bloomsburg, PA 17815 (570) 784-1310
Tioga County Borough of Blossburg Covington and Richmond Townships	PAR106636-2	Department of Transportation Engineering District 3-0 P. O. Box 218 Montoursville, PA 17754	Tioga River CWF	Tioga County Conservation District 29 East Avenue Wellsboro, PA 16901 (570) 724-1801
Tioga County Tioga and Lawrence Townships Lawrenceville Borough	PAG2005904003	Department of Transportation Engineering District 3-0 P. O. Box 218 Montoursville, PA 17754	Tioga River Cowanessque River WWF	Tioga County Conservation District 29 East Avenue Wellsboro, PA 16901 (570) 724-1801
Armstrong County Manor Township	PAG2000303011	Rich Butler R. D. 3 Box 48E 10 Ford City, PA 16226	Campbell Run Crooked Creek WWF	Armstrong County Conservation District (724) 548-3425
Beaver County Beaver Borough	PAG2000404013	Fort McIntosh Realty Associates, LLC c/o Frank Papa 300 South Walnut Lane Beaver, PA 15009	Unnamed tributary to the Ohio River WWF	Beaver County Conservation District (724) 774-7090
Fayette County Menallen, Franklin, N. Union and S. Union Townships	PAG2002604022	Menallen Township Sewage Authority P. O. Box 576 Uniontown, PA 15401	Jennings Run WWF	Fayette County Conservation District (724) 438-4497
Fayette County Henry Clay Township	PAG2002604023	Uniontown Area School District 23 East Church Street Uniontown, PA 15401	Hall Run WWF	Fayette County Conservation District (724) 438-4497
Fayette County Fairchance Borough Georges Township	PAG2002604024	Fairchance Georges Joint Municipal Authority 141 Big Six Road Smithfield, PA 15478	Muddy Run Georges Creek WWF	Fayette County Conservation District (724) 438-4497
Indiana County Conemaugh, Young and Armstrong Townships	PAR103166-2	Norfolk Southern Corp. 175 Spring Street SW Atlanta, GA 30303	Blacklegs Creek CWF	Indiana County Conservation District (724) 463-8547
Westmoreland County Penn Township	PAG2006504021	Christopher D. Cox 137 Whitetail Drive Harrison, PA 15656	Unnamed tributary to Turtle Creek TSF	Westmoreland County Conservation District (724) 837-5271
Butler County Marion Township	PAG2001004011	Allegheny Mineral Corporation Murrinsville Plant P. O. Box 1022 Kittanning, PA 16201	Blacks Creek Watershed CWF	Butler County Conservation District (724) 284-5270

<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>
Butler County Cranberry Township	PAG2001004018	Oxford Development United States Postal Service—Thorn Hill Distribution Center Expansion One Oxford Center Pittsburgh, PA 15219	Brush Creek WWF	Butler County Conservation District (724) 284-5270
Elk County Ridgway Township	PAG2002404003	Ridgway Area School District Ridgway Area Soccer Association Proposed New Fields Boot Jack Road Ridgway, PA 15853	Elk Creek	Elk County Conservation District (814) 776-5373
Erie County Millcreek Township	PAG2002504012	City of Erie Erie Golf Club Renovations 626 State Street Erie, PA 16501	Walnut Creek Lake Erie CWF	Erie County Conservation District (814) 825-6403
Erie County Washington Township	PAG2002504013	Steve Hurley Majestic Heights MHP Section 2 50 Frytown Road Newville, PA 17241	UNT to Darrows Creek WWF	Erie County Conservation District (814) 825-6403
Erie County Summit Township	PAG2002504018	Vladimir Solop New Life Subdivision 1552 Kuntz Road Erie, PA 16509	UNT to Walnut Creek CWF	Erie County Conservation District (814) 825-6403
Erie County Washington Township	PAG2002504023	Cocca Development, Inc. Edinboro Dollar General Store 100 Debartolo Place Boardman, OH 44512	UNT to Edinboro Lake WWF	Erie County Conservation District (814) 825-6403
Erie County Greene Township	PAG2002504024	Wattsburg Area School District Seneca High School Paving and Building Additions 10774 Wattsburg Road Erie, PA 16509	UNT to East Branch LeBoeuf Creek French Creek Watershed TSF	Erie County Conservation District (814) 825-6403
Erie County Waterford Borough	PAG2002504025	Joseph Artello Paragon Equipment Co. 6661 Brier Hill Road Fairview, PA 16415	Municipal Separate Storm Sewer	Erie County Conservation District (814) 825-6403
Erie County Millcreek Township	PAG2002504026	National Fuel Gas Supply Corp. Line L 1100 State Street Erie, PA 16501	Mill Creek WWF, MF	Erie County Conservation District (814) 825-6403
Erie County Millcreek Township	PAG2002504027	Greater Erie Industrial Development Corporation Bundy Park Road Widening 5240 Knowledge Parkway Erie, PA 16510	Mill Creek WWF, MF	Erie County Conservation District (814) 825-6403
Cambria County Reade Township	PAG2091104003	BAMR Cambria Office 286 Industrial Park Road Ebensburg, PA 15931-4119	Fallentimber Run CWF	DEP—Cambria Office 286 Industrial Park Road Ebensburg, PA 15931-4119 (814) 472-1800
Boggs Township Clearfield County	PAG2101704004	BAMR P. O. Box 8476 Harrisburg, PA 17105-8476	Little Laurel Run CWF	BAMR P. O. Box 8476 Harrisburg, PA 17105-8476 (717) 783-1311

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>
Cumberland County Camp Hill Borough	PAR803629	United States Postal Service Camp Hill Post Office 1675 Camp Hill Bypass Camp Hill, PA 17011-9998	Conodoguinet Creek WWF	SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Dauphin County City of Harrisburg	PAR803628	United States Postal Service Uptown Station Post Office 2347 N. 7th Street Harrisburg, PA 17110-9998	Paxton Creek WWF	SCRO 909 Elmerton Ave. Harrisburg, PA 17110 (717) 705-4707
Dauphin County Lower Paxton Township	PAR803626	United States Postal Service Lower Paxton Post Office 5901 Jonestown Road Harrisburg, PA 17112	Beaver Creek WWF	SCRO 909 Elmerton Ave. Harrisburg, PA 17110 (717) 705-4707
York County Spring Garden Township	PAR233531	Graham Packaging Co., LP 500 Windsor Street York, PA 17403-1046	UNT Mill Creek WWF	SCRO 909 Elmerton Ave. Harrisburg, PA 17110 (717) 705-4707
Dauphin County Swatara Township	PAR803624	Pitt Ohio Express Harrisburg Terminal 15 27th Street Pittsburgh, PA 15222	Spring Creek WWF	SCRO 909 Elmerton Ave. Harrisburg, PA 17110 (717) 705-4707
Blair County North Woodbury Township	PAR803646	Curry Supply Company, Inc. P. O. Box 35 Curryville, PA 16631-0097	UNT Frankstown Branch Juniata River CWF	SCRO 909 Elmerton Ave. Harrisburg, PA 17110 (717) 705-4707
Cumberland County Lower Allen Township	PAR803514	Ward Trucking Corporation P. O. Box 1553 Altoona, PA 16603	UNT Cedar Run CWF	SCRO 909 Elmerton Ave. Harrisburg, PA 17110 (717) 705-4707
Cumberland County Carlisle Borough	PAR133501	Lear Operations Corporation 50 Spring Road P. O. Box 40 Carlisle, PA 17013	Letort Spring Run HQ-CWF	SCRO 909 Elmerton Ave. Harrisburg, PA 17110 (717) 705-4707
York County Manchester Township	PAR123525	Con Agra Foods, Inc. Manchester Flour Milling 3119 Paulowia Lane York, PA 17402	Codorus Creek WWF	SCRO 909 Elmerton Ave. Harrisburg, PA 17110 (717) 705-4707
Lancaster County Lititz Borough	PAR113516	NTN-BCA Corporation Lititz Plant P. O. Box 1400 Lititz, PA 17543-7020	Lititz Run WWF Santo Domingo Creek WWF	SCRO 909 Elmerton Ave. Harrisburg, PA 17110 (717) 705-4707
Tioga County Covington Township	PAR604811	Covington Salvage Yard, Inc. R. R. 1, Box 345C Covington, PA 16917	Tioga River CWF	Northcentral Regional Office Water Management Program 208 West Third Street, Suite 101 Williamsport, PA 17701 (570) 327-3666
Northumberland County Milton Borough	PAR224822	CMH Manufacturing, Inc. 201 North Industrial Park Road Milton, PA 17847	Unnamed tributary to West Branch Susquehanna River WWF	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>
Union City Borough Erie County	PAR228336	Ames True Temper, Inc. 465 Railroad Avenue Camp Hill, PA 17011	Unnamed tributary to South Branch of French Creek	NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

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>
Loyalsock Township Lycoming County	PAG045016	Timothy Ulmer 1065 Palmer Hill Road Williamsport, PA 17701	Unnamed tributary to Mill Creek TSF	Northcentral Regional Office Water Management Program 208 West Third Street, Suite 101 Williamsport, PA 17701 (570) 327-3666
Spring Township Crawford County	PAG048980	Edward H. and Janet A. Vogt 8687 Peffer Road Fairview, PA 16415	Unnamed tributary to Conneaut Creek	NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Hayfield Township Crawford County	PAG048632	Marsha A. Furno 18285 Black Road Saegertown, PA 16433-4905	Unnamed tributary to French Creek	NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Freehold Township Warren County	PAG048962	William L. Knisley 12 Race Street Sugar Grove, PA 16350	Unnamed tributary to Stillwater Creek	NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Glade Township Warren County	PAG048988	David J. and Jeanette M. Bosko 829 Hatch Run Road Warren, PA 16365	Hatch Run	NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

General Permit Type—PAG-12

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
West Beaver Township Snyder County	PAG124818	Adam Meily 1702 SR 103 South Mt. Union, PA 17066	UNT to Jacks Creek CWF	Northcentral Regional Office Water Management Program 208 West Third Street, Suite 101 Williamsport, PA 17701 (570) 327-3666

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.

Operations Permit issued to **Buckingham Township**, P. O. Box 413, Buckingham, PA 18912, PWS ID 1090137, Buckingham Township, **Bucks County** on July 22, 2004, for the operation of facilities approved under Construction Permit No. 0903502.

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

Operations Permit issued to **Lehigh County Authority**, 1053 Spruce Street, P. O. Box 3348, Allentown, PA 18106-0348, PWS ID 3390047, Heidelberg Township, **Lehigh County** on July 2, 2004, for the operation of facilities approved under Construction Permit N/A.

Operations Permit issued to **City of Allentown**, 435 Hamilton Street, Allentown, PA 18101-1699, PWS ID 3390024, City of Allentown, **Lehigh County** on July 8, 2004, for the operation of facilities approved under Construction Permit Minor Amendment dated May 24, 2004.

Operations Permit issued to **Aqua Pennsylvania, Inc.**, 762 West Lancaster Avenue, Bryn Mawr, PA 19010, PWS ID 3540070, East and North Union Townships, **Schuylkill County** and Bear Creek and Hazle Townships, **Luzerne County** on July 9, 2004, for the operation of facilities approved under Construction Permit No. 5474501 issued October 16, 1974.

Northcentral Region: Water Supply Program Manager, 203 West Third Street, Suite 101, Williamsport, PA 17701.

Permit No. 4903502, Public Water Supply.

Applicant	Merck and Company Inc.—Cherokee Plant
Township or Borough	Riverside Borough
County	Northumberland
Responsible Official	John M. Hinson Merck & Company Inc.—Cherokee Plant P. O. Box 600 Danville, PA 17821
Type of Facility	PWS—Operation.
Application Issued Date	July 22, 2004
Description of Action	Authorizes operation of two 500,000-gallon finished water storage tanks and a booster pump station.

Permit No. Minor Amendment, Public Water Supply.

Applicant	Wellsboro Municipal Authority
Township or Borough	Borough of Wellsboro
County	Tioga
Responsible Official	Thomas Rudy, Chairperson Wellsboro Municipal Authority 28 Crafton Street Wellsboro, PA 16901
Type of Facility	PWS—Operation.
Application Issued Date	July 19, 2004
Description of Action	Authorizing operation of the rehabilitated filter no. 1 and relocated chlorine residual analyzer only.

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

Operations Permit issued to **West Carroll Township Water & Sewer Authority**, P. O. Box 328, Elmora, PA 15737, PWS ID 4110058, West Carroll Township, **Cambria County** on July 22, 2004, for the operation of facilities approved under Construction Permit No. 1103505.

Operations Permit issued to **Pennsylvania American Water Company**, 800 West Hersheypark Drive, PA 17033, PWS ID 5020039, Jefferson Hills Borough, **Allegheny County** on July 22, 2004, for the operation of facilities approved under Construction Permit No. 0204501.

Operations Permit issued to **Rural Valley Borough**, Box 415, Rural Valley, PA 16249, PWS ID 5030012, Rural Valley Borough, **Armstrong County** on July 22, 2004, for the operation of facilities approved under Construction Permit No. 0302502.

Permit No. 3203502-A1, Minor Amendment. Public Water Supply.

Applicant	Ernest Borough Council P. O. Box 55 Ernest, PA 15739
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Borough or Township Ernest Borough
 County **Indiana**
 Type of Facility Water System
 Consulting Engineer Keller Engineers, Inc.
 420 Allegheny Street
 P. O. Box 61
 Hollidaysburg, PA 16648
 Permit to Construct July 22, 2004
 Issued

HAZARDOUS SITES CLEANUP UNDER THE ACT OF OCTOBER 18, 1988

Proposed Interim Response

Warrington PCE Site, Warrington Township, Bucks County

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act (HSCA) (35 P. S. §§ 6020.101—6020.1305), is proposing an interim response at the Warrington PCE Site (Site), Warrington Township, Bucks County.

The Department, under the authority of the HSCA, has conducted an investigation of the Site. This investigation has included sampling of more than 100 private drinking water supply wells. Forty-five wells are contaminated with detectable levels of tetrachloroethylene (PCE). The Department has been unable to identify the source of this groundwater contamination.

To address the release and threat of release of hazardous substances at the Site and corresponding threats to human health and the environment, the Department proposes a response action at the Site under section 501(a) of the HSCA (35 P. S. § 6020.501(a)). The Department is proposing the installation of water mains and lateral connections to the public water supply. This proposed alternative complies with applicable, relevant and appropriate requirements and is feasible and cost-effective. Other possible alternatives include no action or the installation and continued monitoring and maintenance of whole-house carbon filtration units.

An Administrative Record, which contains detailed information concerning this proposed response action, is available for public inspection from 8 a.m. until 4 p.m. at the Department's office at 2 East Main Street, Norristown, PA 19401. Persons interested in examining the Administrative Record should contact Mark Conaron at (484) 250-5730 to arrange for an appointment. An additional copy of the Administrative Record is available for review at the Warrington Township Administration Building, 852 Easton Road, Warrington, PA 18976.

A public hearing is scheduled, under section 506(d) of the HSCA (35 P. S. § 6020.506(d)), for September 29, 2004, at 7 p.m. in the Warrington Township Administration Building. Individuals who would like to present formal oral comments regarding the interim response may do so by registering with the Department before the meeting by calling Lynda Rebarchak, Community Relations Coordinator, (484) 250-5820.

Individuals person with a disability who wish to attend the public hearing and will require an auxiliary aid, service or other accommodation to participate in the proceedings should contact Lynda Rebarchak at the previous telephone number or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the

Department may accommodate their needs. The public may also submit written comments regarding the Department's proposed interim response action during the period of public comment. In accordance with section 506(c) of the HSCA, the Department has established a period for public comment that is open until close of business on November 12, 2004. Written comments should be addressed to Mark Conaron, Project Officer, Department of Environmental Protection, 2 East Main Street, Norristown, PA 19401. Individuals with questions regarding this notice should contact Mark Conaron, (484) 250-5730.

Proposed Consent Order and Agreement

East Tenth Street Site, Borough of Marcus Hook, Delaware County

The Department, under the authority of the HSCA and the Comprehensive Environmental Response Compensation and Liability Act (42 U.S.C.A. §§ 9601—9675), has entered into a Prospective Purchaser Agreement with Marcus Hook Developers, L. P. (MHD) for reimbursement of certain response costs incurred to remediate hazardous substances from the East Tenth Street Site (Site), near the intersection of East Tenth Street and Penn Avenue, Borough of Marcus Hook, Delaware County. The Site presently includes 24 individual parcels or lots owned by various entities.

The Site consists of a property formerly owned and operated by FMC Corporation (FMC). Prior to that time, the property was owned and operated by American Viscose Corporation. Both entities manufactured viscose rayon and cellophane on the 36-acre Site. American Viscose operated at the Site from 1910 to 1963 when it was sold to FMC, who continued operations until 1977 when FMC closed the facility. The Site was sold to Marcus Hook Development Park (MHDP) in 1978. MHDP conducted salvage operations at the property. In 1986, much of the Site was sold to Marcus Hook Business and Commerce Center (MHBCC). In February 1991, the EPA executed three Administrative Orders by Consent with FMC, Lassoff Group (a property manager for MHBCC at the time) and MHBCC to conduct solid waste removal activities under the oversight of the EPA.

The Department initiated an HSCA response at the Site under a Response Justification Document dated March 24, 1998. The Department has been conducting a Site characterization to determine if additional response actions are needed to address remaining hazardous substance at the Site, including soil and groundwater contamination, buried asbestos and abandoned hazardous materials remaining on the Site. A Prompt Interim Response was completed in 2000 and documented in the official HSCA Administrative Record at a public hearing held September 27, 2000, and in a Final End of Project Report, dated August 13, 2001. The findings of the first phase of the Site Investigation have been documented in a Final Report, dated June 2002. The Department has selected an Interim Response Action, under the provisions of the HSCA, based on the findings of the June 2002 Final Report. The Interim Response Action selected by the Department consists of excavating and removing, to properly permitted disposal facilities, the contaminated soils and contaminated contents of subsurface structures on the various parcels or lots at the Site. It is also the intention of the Department that the Site Investigation be expanded through the initiation of a deep groundwater study, the expansion of the prior surface water and sediment investigation and the detailed and through study of the carbon disulfide (CS²) contamination found on Lot 19. These activities are currently being carried out

at the Site by FMC under a Consent Order and Agreement between FMC and the Department.

The Department has determined that it is in the public interest to resolve its claim against MHD. Therefore, MHD shall reimburse the Department for certain response costs in the amount of \$15,000 and shall receive contribution protection for claims related to its purchase and ownership of the Site.

This notice is provided under section 1113 of the HSCA (35 P. S. § 6020.1113), which states the "settlement shall become final upon the Department's filing of responses to significant written comments." The Consent Order and Agreement that contains the specific terms of the agreement is available for public review and comment from 8 a.m. to 4 p.m. at the Southeast Regional Office, 2 East Main Street, Norristown, PA 19401 by contacting William H. Blasberg, (484) 250-5865, wblasberg@state.pa.us. A public comment period on the Consent Order and Agreement will extend 60 days from August 7, 2004. Interested parties may submit written comments regarding the Consent Order and Agreement within 60 days from August 7, 2004, by submitting them to William H. Blasberg at the previous address.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 2

The following plans and reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).

Provisions of Chapter 3 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, shall also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a site-specific standard remediation. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media; benefits of refuse of the property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

For further information concerning plans or reports, contact the Environmental Cleanup Program manager in the Department regional office after which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative

form, contact the Community Relations Coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

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

V & S Sandwiches, Wyomissing Borough, **Berks County**. Alternative Environmental Solutions, 930 Pointview Avenue, Suite B, Ephrata, PA 17522, on behalf of David Mogel, 11 State Hill Road, Wyomissing, PA 19610, submitted a combined Remedial Investigation/Final Report concerning remediation of site soils and groundwater contaminated with leaded gasoline. The report is intended to document remediation of the site to the Site-Specific Standard.

Former Teledyne Readco Facility, Spring Garden Township, **York County**. MACTEC Engineering and Consulting, Carnegie Office Park, Building 4, 700 North Bell Avenue, Suite 200, Pittsburgh, PA 15106, on behalf of Teledyne Industries, Inc., 1000 Six PPG Place, Pittsburgh, PA 15222, has submitted a Final Report concerning the remediation of site soils and groundwater contaminated with lead, solvents and BTEX. The report is intended to document remediation of the site to the Site-Specific Standard.

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

Aliquippa Tin Mill (Former), City of Aliquippa, **Beaver County**. Jason R. Cashmere, Trant Corporation (on behalf of Dick Dorothy, C. J. Betters Enterprises, 3468 Brodhead Road, Monaca, PA 15061) has submitted a Baseline Remedial Investigation Work Plan concerning remediation of site soil and groundwater contaminated with heavy metals, PCBs, inorganics and other organics. The report is intended to document characterization of the site to meet the Special Industrial Area Requirements.

American Refining Group—Indianola Plant, Indiana Township, **Allegheny County**. Key Environmental Inc., Don Blackert, 1200 Arch Street, Suite 200, Carnegie, PA 15106 and American Refining Group, Inc., 3240 William Pitt Way, Pittsburgh, PA 15238 (on behalf of Kinder Morgan Inc., 2010 William Pitt Way, Pittsburgh, PA 15238) has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with BTEX, PAHs and MTBE. The Final 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.

Former Exxon Station No. 2-7497, Horsham Township, **Montgomery County**. Jennifer L. O'Reilly, P. G., Groundwater & Environmental Svc., Inc., 410 Eagleview Blvd., Suite 110, Exton, PA 19341, has submitted a combined Remedial Investigation/Risk Assessment/Cleanup Plan/Final Report concerning the remediation of site soil and groundwater contaminated with BTEX. The combined Remedial Investigation/Risk Assessment/Cleanup Plan/Final Report demonstrated attainment of the Statewide Health and Site Specific Standards and was approved by the Department on June 21, 2004.

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

Former Envirotest Site, City of Lebanon, **Lebanon County**. Penn Environmental & Remediation, Inc., 2755 Bergey Road, Hatfield, PA 19440, on behalf of Environmental Systems Products, Inc., 11 Kripes Road, East

Granby, CT 06026, submitted a combined Remedial Investigation Report/Cleanup Plan concerning remediation of site soils and groundwater contaminated with inorganics, lead and PAHs. The applicant proposes to remediate the site to the Site-Specific Standard. The combined report was approved by the Department on July 19, 2004.

Mosby Residence, Penbrook Borough, **Dauphin County**. Skelly and Loy, 2601 North Front Street, Harrisburg, PA 17110, on behalf of Gene Mosby, 108 North 30th Street, Harrisburg, PA 17109-3503, submitted a Final Report concerning remediation of site soils contaminated with fuel oil no. 2. The final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on July 19, 2004.

AIR QUALITY

General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

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

GP5-65-00965: Great Lakes Energy Partners LLC (P. O. Box 235, Route 85 and Northern Avenue, Yatesboro, PA 15683) on July 23, 2004, to construct and operate a caterpillar model G3412TA 945 Bhp Engine and a Smith Ind. Model 35685 De-Hy unit with flame arrester at their Layman Compressor Station in East Huntingdon Township, **Westmoreland County**.

Plan Approvals Issued under the Air Pollution Control Act and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.

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

46-0161B: Reading Materials Inc. (394 Sanatoga Rd., Pottstown, PA 19464) on July 21, 2004, to operate a hot asphalt plant in Lower Pottsgrove Township, **Montgomery County**.

15-0004E: Reynolds Metals Co. (520 Lincoln Avenue, Downingtown, PA 19335) on July 23, 2004, to operate a rotogravure press no. 9 in Downingtown Borough, **Chester County**.

15-0077: Hanson Aggregates PA Inc. (499 Quarry Road, Downingtown, PA 19335) on July 26, 2004, to operate a crusher in East Caln Township, **Chester County**.

46-0035C: SmithKline Beecham Corp. d/b/a GlaxoSmithKline (709 Swedeland Road, King of Prussia, PA 19406) on July 26, 2004, to operate two boilers in Upper Merion 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.

35-305-003: Northampton Fuel Supply Co., Inc. (7500 Old Georgetown Road, Suite 13, Bethesda, MD 20814) on July 15, 2004, to construct a silt dry coal crushing and screening operation and associated air

cleaning device at their Powderly Bank in Carbondale Township, **Lackawanna County**.

40-305-024: Northampton Fuel Supply Co., Inc. (7500 Old Georgetown Road, Suite 13, Bethesda, MD 20814) on July 15, 2004, to construct a silt dry coal crushing and screening operation and associated air cleaning device at their facility in Hanover Township, **Luzerne County**.

48-313-092: Praxair, Inc. (145 Shimmersville Road, Bethlehem, PA 18015) on July 20, 2004, to construct a nitric oxide generation plant and associated air cleaning device at their facility in Bethlehem, **Northampton County**.

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

56-00181B: Southern Alleghenies Landfill, Inc. (843 Miller Picking Rd., Davidsville, PA 15928) on July 22, 2004, to allow the expansion of the existing landfill and the installation of a control system that consists of a collection system and an enclosed flare at this municipal solid waste landfill in Conemaugh Township, **Somerset County**. This is a TV facility.

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.

46-327-017: SPS Technologies, Inc. (301 Highland Avenue, Jenkintown, PA 19046) on July 21, 2004, to operate a vapor degreaser in Abington Township, **Montgomery County**.

46-0037C: Cabot Supermetals (P. O. Box 1608, County Line Road, Boyertown, PA 19512) on July 23, 2004, to operate a tantalum scrap digestion in Douglass Township, **Montgomery County**.

46-0062A: Jefferson Smurfit Corp.—US (500 Church Road, North Wales, PA 19454) on July 21, 2004, to operate a flexographic printing press in Upper Gwynedd Township, **Montgomery County**.

46-322-007: Waste Management Disposal Services of PA Inc. (1425 Sell Road, Pottstown, PA 19464) on July 26, 2004, to operate a municipal solid waste landfill in West Pottsgrove Township, **Montgomery County**.

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

8-318-027: Mill's Pride—Pennsylvania (100 Lamoka Road, Sayre, PA 18840) on July 9, 2004, to operate a wood kitchen cabinet finishing line and associated air cleaning device (a thermal oxidizer), various pieces of wood working equipment and associated air cleaning devices (fabric collectors) and various other pieces of equipment on a temporary basis, until November 6, 2004, in Athens Township, **Bradford County**. The plan approval has been extended.

8-318-027A: Mill's Pride—Pennsylvania (100 Lamoka Road, Sayre, PA 18840) on July 9, 2004, to operate a wood kitchen cabinet glazing line on a temporary basis, until November 6, 2004, in Athens Township, **Bradford County**. The plan approval has been extended.

55-310-002A: National Limestone Quarry (P. O. Box 397, Middleburg, PA 17842) on July 23, 2004, to construct various pieces of stone crushing, and the like, equipment, until November 20, 2004, and to operate various other pieces of stone crushing, and the like, equipment on a temporary basis until November 20, 2004, in Franklin Township, **Snyder County**. The plan approval has been extended.

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

56-00025D: New Enterprise Stone and Lime (P. O. Box 77, New Enterprise, PA 16664) on July 22, 2004, to construct a hot mix asphalt plant in Jefferson Township, **Somerset County**. This plan approval was extended.

Title V Operating Permits Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter G.

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

46-00060: Norristown State Hospital—Department of Public Welfare (P. O. Box 2675, Harrisburg, PA 17105) on July 22, 2004, to operate a facility Title V Operating Permit in Norristown Borough, **Montgomery County**.

09-00016: Exelon Generation Co. (200 Exelon Way, KSA 1-E, Kennett Square, PA 19348) on July 26, 2004, amended a facility Title V Operating Permit in Bristol Township, **Bucks County**.

Operating Permits for Non-Title V Facilities Issued 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 19401; Edward Jurdones Brown, Facilities Permitting Chief, (484) 250-5920.

09-00082: Quakertown Veterinary Clinic, PC (2250 N. Old Bethlehem Pike, Quakertown, PA 18951) on July 22, 2004, to operate a natural minor operating permit in Milford Township, **Bucks County**.

09-00008: Tavo Packaging, Inc. (2 Canal Road, Fairless Hills, PA 19030) on July 26, 2004, to operate a natural minor operating permit facility in Falls Township, **Bucks 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.

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

N96-051: Federal Reserve Bank (100 North 6th Street, Philadelphia, PA) on July 20, 2004, administratively amended to correct the Operating Permit number to N96-051 from N97-009. The facility's incinerator was also removed due to the fact it is no longer in operation. The Natural Minor Operating Permit was originally issued on June 12, 2001.

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.

54860107R3. Reading Anthracite Company (200 Mahantango Street, P. O. Box 1200, Pottsville, PA 17901), renewal of an existing anthracite surface mine operation in Cass Township, **Schuylkill County**, affecting 786.0 acres. Receiving stream: none. Application received December 13, 2003. Renewal issued July 22, 2004.

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

32011302 and NPDES Permit No. PA0235521. AMFIRE Mining Company, LLC (One Energy Place, Latrobe, PA 15650), to transfer the permit for the Gillhouser Run Mine in Buffington and Brush Valley Townships, **Indiana County** and related NPDES permit from Laurel Energy, LP. No additional discharges. Permit issued July 20, 2004.

32841602 and NPDES Permit No. PA0092631. AMFIRE Mining Company, LLC (One Energy Place, Latrobe, PA 15650), to transfer the permit for the Clymer Tipple in Cherryhill Township, **Indiana County** and related NPDES permit from Mears Enterprises, Inc. No additional discharges. Permit issued July 20, 2004.

33971301 and NPDES Permit No. PA0215031. AMFIRE Mining Company, LLC (One Energy Place, Latrobe, PA 15650), to transfer the permit for the Dora No. 8 Mine in Perry Township, **Jefferson County** and related NPDES permit from Mears Enterprises, Inc. No additional discharges. Permit issued July 20, 2004.

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

24030103 and NPDES Permit No. PA0242390. AMFIRE Mining Company, LLC (One Energy Place, Latrobe, PA 15650), commencement, operation and restoration of a bituminous strip in Horton Township, **Elk County**, affecting 581.1 acres. Receiving stream: Little Toby Creek. Application received June 9, 2003. Permit issued July 15, 2004.

11536-24030103-E-1. AMFIRE Mining Company, LLC (One Energy Place, Latrobe, PA 15650), application

for a stream encroachment to construct and maintain a haul road crossing over unnamed tributary B to Johnson Run in Horton Township, **Elk County**. Receiving stream: Little Toby Creek. Application received June 9, 2003. Permit issued July 15, 2004.

16030101. Ben Hal Mining Company (389 Irishtown Road, Grove City, PA 16127), revision to an existing bituminous strip operation to add blasting in Redbank and Limestone Townships, **Clarion County**, affecting 75.1 acres. Receiving streams: unnamed tributaries to Town Run. Application received April 19, 2004. Permit issued July 20, 2004.

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

11940103 and NPDES Permit No. PA0212733. M. B. Energy, Inc. (P. O. Box 1319, Indiana, PA 15701), surface mine renewal for reclamation only in Jackson Township, **Cambria County**, affecting 227.3 acres. Receiving streams: Laurel Run and tributaries to Laurel Run (CWF). There are no potable water supply intakes within 10 miles downstream. Application received April 13, 2004. Permit issued July 16, 2004.

56803015 and NPDES Permit No. PA0124575. Action Mining, Inc. (1117 Shaw Mines Road, Meyersdale, PA 15552), permit renewal for continued operation of a bituminous surface mine in Elklick Township, **Somerset County**, affecting 375.8 acres. Receiving streams: unnamed tributaries to the Casselman River (CWF). There are no potable water supply intakes within 10 miles downstream. Application received July 18, 2003. Permit issued July 19, 2004.

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

26783002 and NPDES Permit No. PA0600199. T. L. Hill Coal Company (2195 Morgantown Road, Uniontown, PA 15401), permit revision to add 5.0 acres to an existing bituminous surface mine in Georges Township, **Fayette County**, affecting 61.9 acres. Receiving stream: York Run to Georges Creek. Revision application received May 25, 2004. Revision permit issued July 23, 2004.

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

17940101 and NPDES Permit No. PA0219746. Forcey Coal, Inc. (P. O. Box 225, Madera, PA 16661), renewal of an existing bituminous surface mine permit in Beccaria Township, **Clearfield County**, affecting 53.0 acres. Receiving streams: unnamed tributary to Muddy Run, Muddy Run, Clearfield Creek, West Branch Susquehanna River. Application received May 28, 2004. Permit issued July 14, 2004.

Noncoal Permit Actions

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

14960801. Two Rock Stone Company (P. O. Box 496, Port Matilda, PA 16870), final bond release for a small noncoal mining operation in Curtin Township, **Centre County**. Restoration of 2 acres completed. Receiving streams: Eddy Lick Run, tributary to Beech Creek. Application for final bond release received April 2, 2004. Final bond release approved July 19, 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.

22044022. Miller-Warner Construction, Inc. (265 Plane Tree Drive, Lancaster, PA 17603), construction blasting at Autumn Ridge in Lower Paxton Township, **Dauphin County**, with an expiration date of August 12, 2005. Permit issued July 19, 2004.

28044029. Warren's Excavating & Drilling, Inc. (P. O. Box 189, Bowmansville, PA 17507-0189), construction blasting at Forest Ridge Acres in Southampton Township, **Franklin County**, with an expiration date of July 31, 2005. Permit issued July 19, 2004.

15044030. Popple Contracting, Inc. (202 Main Street, Laflin, PA 18702) and **DC Guelich Explosive Company** (P. O. Box 29, Bloomsburg, PA 17815), construction blasting at Belair Business Center in Sadsbury Township, **Chester County**, with an expiration date of August 12, 2005. Permit issued July 19, 2004.

64044008. Holbert Explosives, Inc. (237 Masthope Plank Road, Suite A, Lackawaxen, PA 18435), construction blasting at Dexter Construction House Foundation Operation in Berlin Township, **Wayne County**, with an expiration date of October 20, 2004. Permit issued July 19, 2004.

38044016. Hall Explosives, Inc. (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting in North Londonderry Township, **Lebanon County**, with an expiration date of October 30, 2004. Permit issued July 19, 2004.

39044012. J. Roy's, Inc. (Box 125, Bowmansville, PA 17507), construction blasting at Cedar Crest College for new ballfields in the City of Allentown, **Lehigh County**, with an expiration date of July 19, 2005. Permit issued July 19, 2004.

09044020. Eastern Blasting Company, Inc. (1292 Street Road, New Hope, PA 18938), construction blasting at Homejestures, Inc. in West Rockhill Township, **Bucks County**, with an expiration date of September 1, 2004. Permit issued July 19, 2004.

36044068. Gerlach's Drilling & Blasting, Inc. (172 Bender Mill Road, Lancaster, PA 17603), construction blasting at Nelson Shertzer Farm in Manor Township, **Lancaster County**, with an expiration date of August 19, 2005. Permit issued July 20, 2004.

36044070. Gerlach's Drilling & Blasting, Inc. (172 Bender Mill Road, Lancaster, PA 17603), construction blasting at Bridal Path in East Donegal Township, **Lancaster County**, with an expiration date of August 19, 2005. Permit issued July 20, 2004.

36044069. Gerlach's Drilling & Blasting, Inc. (172 Bender Mill Road, Lancaster, PA 17603), construction blasting at Woodcrest Villa in East Hempfield Township, **Lancaster County**, with an expiration date of August 19, 2005. Permit issued July 20, 2004.

22044024. ABEL Construction Co., Inc. (3925 Columbia Avenue, Mountville, PA 17554), construction blast-

ing at Meadows of Hanover Phase 1 in South Hanover Township, **Dauphin County**, with an expiration date of January 19, 2005. Permit issued July 20, 2004.

36044071. Fitz & Smith, Inc. (483 East Locust Street, Dallastown, PA 17313), construction blasting at Penske Leasing Facility in East Lampeter Township, **Lancaster County**, with an expiration date of August 19, 2005. Permit issued July 20, 2004.

23044005. Brubacher Excavating, Inc. (P. O. Box 528, 825 Reading Road, Bowmansville, PA 17507), construction blasting at Stoney Creek in Upper Chichester Township, **Delaware County**, with an expiration date of August 19, 2005. Permit issued July 20, 2004.

67044037. Fitz & Smith, Inc. (483 East Locust Street, Dallastown, PA 17313), construction blasting at Little Creek Phase II in West Manchester Township, **York County**, with an expiration date of July 31, 2005. Permit issued July 22, 2004.

36044072. ABEL Construction Co., Inc. (3925 Columbia Avenue, Mountville, PA 17554), construction blasting at Sterling Place in Lancaster Township, **Lancaster County**, with an expiration date of January 19, 2005. Permit issued July 22, 2004.

54044006. Kramer Enterprises, Inc. (17 Loop Road, Berwick, PA 18603) and **Bernard J. Hasara** (1125 East Mahanoy Avenue, Mahanoy City, PA 17948), construction blasting at Country Club Estates in Butler Township, **Schuylkill County**, with an expiration date of January 31, 2005. Permit issued July 22, 2004.

36044073. ABEL Construction Co., Inc. (3925 Columbia Avenue, Mountville, PA 17554), construction blasting at Newport Square Phase 6 in Warwick Township, **Lancaster County**, with an expiration date of August 19, 2005. Permit issued July 22, 2004.

46044025. Warren's Excavating & Drilling, Inc. (P. O. Box 189, Bowmansville, PA 17507-0189), construction blasting at Penns Crossing in East Norriton Township, **Montgomery County**, with an expiration date of August 19, 2005. Permit issued July 22, 2004.

28044030. Fayetteville Contractors, Inc. (P. O. Box FCI, Fayetteville, PA 17222), construction blasting at Franklin Storage in Guilford Township, **Franklin County**, with an expiration date of July 31, 2005. Permit issued July 22, 2004.

28044031. Fayetteville Contractors, Inc. (P. O. Box FCI, Fayetteville, PA 17222), construction blasting at Norlo Park in Guilford Township, **Franklin County**, with an expiration date of July 31, 2005. Permit issued July 22, 2004.

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

41044001. Glenn O. Hawbaker (2801 Canfield Lane, Montoursville, PA 17754), for construction blasting in Limestone Township, **Lycoming County**, with an expected duration of 170 days. Permit issued July 12, 2004.

14044016. Triangle Construction (1076 East Bishop Street, Bellefonte, PA 16823), for construction blasting in Walker Township, **Centre County**, with an expected duration of 120 days. Permit issued July 14, 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

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

E06-589: Richmond Township, P. O. Box 474, Fleetwood, PA 19522 in Richmond Township, **Berks County**, ACOE Philadelphia District.

To construct and maintain a 7-foot by 7-foot 11-inch precast reinforced concrete box culvert and remove an existing 6-foot by 6-foot concrete slab bridge, over an unnamed tributary to Maiden Creek (WWF), for the purpose of replacing a structurally deteriorating existing structure, on the Kutztown, PA Quadrangle (Latitude: 40°30'51"; Longitude: 75°52'24") in Richmond Township, Berks County.

E67-761: Department of Transportation, District 8-0, 2140 Herr Street, Harrisburg, PA 17103 in Spring Grove Borough, **York County**, ACOE Baltimore District.

To remove a 12-foot long box culvert and its wingwalls at the upstream end of an existing 10-foot by 5-foot stream enclosure and to construct and maintain a 10-foot by 5-foot by 53-foot long box culvert and related improvements at the channel of an unnamed tributary to Codorus Creek (WWF) to be connected at the upstream end of the existing structure to improve the turning lane and roadway alignment of SR 0116, Section 013 (West York, PA Quadrangle N: 1.5 inches; W: 15.93 inches) in Spring Grove Borough, York County.

E36-780: Ephrata Township, 265 Akron Road, Ephrata, PA 17522 in Ephrata Township, **Lancaster County**, ACOE Baltimore District.

To construct and maintain: (1) a two-span bridge with a total span of 130 feet on an average skew of 49 degrees with an underclearance of 8.8 feet over Cocalico Creek (WWF); and (2) an outfall pipe at the left bank to realign Rettew Mill Road (T-656), just north of Akron Borough (Ephrata, PA Quadrangle N: 8.14 inches; W: 11.2 inches) in Ephrata Township, Lancaster County.

E36-753: Daniel B. Lantz, 6151 Old Philadelphia Pike, Gap, PA 17527 in Salisbury Township, **Lancaster County**, ACOE Baltimore District.

To construct and maintain a steel girder bridge with a composite concrete deck having a 12-foot span, 3.65-foot rise and in-stream length of 26 feet at a point across Indian Spring Run (CWF) at a point approximately 400 feet northeast of the intersection of Philadelphia Pike and the Chester County line (Honey Brook, PA Quadrangle N: 4.6 inches; W: 10.0 inches) in Salisbury Township, Lancaster County.

E34-110: Kenneth B. Hackenberger, HCR 67, Box 57, Church Road, Mifflin, PA 17058 in Delaware Township, **Juniata County**, ACOE Baltimore District.

To construct and maintain a 20-foot by 54-inch CMP depressed 1 foot below the existing streambed elevation and parallel to the existing streambed slope on an unnamed tributary to the Juniata River (CWF) at a point

(Millerstown, PA Quadrangle N: 12.25 inches; W: 8.8 inches) along T-462 approximately 0.6 mile south of its intersection with T-554 for the purpose of improving a private driveway in Delaware Township, Juniata County. The project will result in direct permanent impacts to 20 linear feet of the channel of the unnamed tributary.

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

E19-243. Honeysuckle Student Holdings, Inc., Kehr Union, Suite 350, 400 East Second Street, Bloomsburg, PA 17815. Honeysuckle Apartments wetland encroachment in the Town of Bloomsburg, **Columbia County**, ACOE Baltimore District (Bloomsburg, PA Quadrangle N: 2.0 inches; W: 9.9 inches).

To place fill in approximately 0.10 acre of palustrine emergent wetlands on the Honeysuckle Apartment complex near the intersection of Honeysuckle Lane and First Street in the Town of Bloomsburg. Mitigation for the project will be done with a \$1,000 contribution to the National Fish and Wildlife Foundation, Pennsylvania Wetland Replacement Project, ID No. 95-096.

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

E63-534. Albico, Inc., Thomas Road, P. O. Box 179, Venetia, PA 15367. Wetland fill in Nottingham Township, **Washington County**, Pittsburgh ACOE District (Hackett, PA Quadrangle N: 21.0 inches; W: 12.0 inches—Latitude: 40° 14' 26" and Longitude: 80° 5' 10"). To place fill in 0.14 acre of wetland (PEM) associated with an unnamed tributary of Peters Creek (WWF) for the purpose of constructing Lot 306 of the Walnut Ridge Plan of Lots. This project is on the north side of Hickory Nut Drive, approximately 960 feet northeast from the intersection of Hickory Nut Drive and Walnut Drive. To mitigate for the wetland impacts, the applicant proposes to construct and maintain 0.20 acre of replacement wetlands (PSS).

E63-558. Washington County Commissioners, Courthouse Square, Suite 701, Washington, PA 15301. Bridge across Pike Run in West Pike Run Township, **Washington County**, Pittsburgh ACOE District (California, PA Quadrangle: N: 11.2 inches; W: 14.3 inches—Latitude: 40° 03' 42" and Longitude: 79° 58' 38"). To remove the existing structures and to construct and maintain a prestressed concrete, adjacent box beam bridge having a normal span of 32.9 feet and an underclearance of 6.3 feet across the channel of Pike Run (TSF); two 18-inch diameter reinforced concrete pipe outfall structures downstream from the bridge; two R-4 rock lined outfall structures upstream from the bridge; and temporary sandbag cofferdams during construction of the bridge abutments. The project is on Township Road 948 (Deems Park Road), just northwest from the intersection of SR 2071 and Township Road 948 (Deems Park Road). The project will impact 100 linear feet of perennial stream; no vegetated wetlands will be impacted.

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

E62-398, Conewango Valley Country Club, P. O. Box 7, Warren-Jamestown Road, Warren, PA 16365. Rhine Run Restoration in Conewango and Pine Grove Townships, **Warren County**, ACOE Pittsburgh District (Russell, PA-NY Quadrangle N: 6.5 inches; W: 3.6 inches).

To conduct the following activities in/along Rhine Run at the existing Conewango Valley Country Club golf course as repair and restoration of damage caused by July 2003 flooding:

1. To construct and maintain an 8-foot wide steel beam bridge having a structure length of 50 feet and providing a clear span of approximately 45 feet and a maximum underclearance of 6.5 feet across Rhine Run to provide golf cart access to the no. 16 green and no. 17 tee on the existing golf course.

2. To remove gravel deposits, repair stream bank scour, stabilize and maintain the following along a total reach of approximately 700 feet of the channel of Rhine Run extending upstream from the existing access road bridge adjacent to the no. 16 green:

a. Removal of a total of approximately 550 feet of five gravel bars.

b. Backfill of scoured bank area along both sides of the stream for approximately 500 feet, beginning approximately 300 feet upstream of the golf cart bridge and extending downstream.

c. Placement of rock riprap along approximately 650 feet of the right bank beginning 300 feet upstream of the golf cart bridge and extending downstream.

d. Placement of rock riprap along approximately 150 feet of the left bank downstream of the golf cart bridge.

e. Installation of approximately 180 feet of stone retaining wall along the left bank extending upstream from the golf cart bridge.

3. To remove debris from the channel and floodway area along a total reach of approximately 2,500 feet of Rhine Run beginning approximately 700 feet upstream of the access road bridge and extending upstream.

ENVIRONMENTAL ASSESSMENTS

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

EA43-06-003, Stream Restoration Inc. Fox Run Restoration Project—Phase 1 in Jackson Township, **Mercer County**, ACOE Pittsburgh District (Jackson Center, PA Quadrangle N: 8.5 inches; W: 0.2 inch).

To authorize, under Chapter 105 Dam Safety and Waterway Management, Section 105.12 Waiver of Permit Requirements (a)(16) for the construction of a passive treatment system (including a collection pool, collection ditch, settling pond and aerobic wetlands) for abandoned mine discharges impacting Fox Run (CWF). Existing wetlands impacted by the abandoned mine drainage (0.25 acre) will be reconstructed and expanded to 0.33 acre of wetlands. The purpose of the project is to remove 1,500 lbs/year of iron, improve water quality of 1 mile of Fox Run and to restore 1 mile of macroinvertebrate habitat on Fox Run.

Central Office: Bureau of Waterways Engineering, Rachel Carson State Office Building, Floor 3, 400 Market Street, Harrisburg, PA 17105.

D13-006EA. Lehighon Water Authority, P. O. Box 29, Lehighon, PA 18235. Mahoning Township, **Carbon County**, ACOE Philadelphia District. Project proposes to breach and remove Packerton Dam across Beaverdam Run (CWF) for the purpose of eliminating a public safety hazard and restoring the stream to a free flowing condition. The dam is along Packerton Dam Road (SR 3006) approximately 700 feet northeast of the intersection of

Packerton Dam Road and T416 (Lehigh, PA Quadrangle N: 17.30 inches; W: 14.35 inches).

[Pa.B. Doc. No. 04-1451. Filed for public inspection August 6, 2004, 9:00 a.m.]

Availability of Technical Guidance

Technical guidance documents are available on the Department of Environmental Protection's (Department) website: www.dep.state.us (DEP Keyword: Participate). The "Current Inventory" heading is the Governor's list of nonregulatory 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.

Draft Technical Guidance

DEP ID: 562-4100-301. Title: Compliance/Enforcement Procedures. Description: This document defines the procedures for taking enforcement actions on coal and industrial mineral mining sites. It is being revised to conform with the Department's standards and guidelines for identifying, tracking and resolving violations. Written Comments: Interested persons may submit written comments on draft technical guidance document #562-4100-301 by September 6, 2004. Comments submitted by facsimile will not be accepted. The Department will accept comments submitted by e-mail. A return name and address must be included in each e-mail transmission. Written comments should be submitted to William S. Allen, Jr., Bureau of Mining and Reclamation, P. O. Box 8461, Harrisburg, PA 17105-8461, wallen@state.pa.us. Questions regarding the draft technical guidance document should be directed to William S. Allen, Jr., (717) 787-5103, wallen@state.pa.us.

DEP ID: 562-4180-306. Title: Coal Civil Penalties. Description: This document defines the procedures for taking civil penalty actions on coal mining sites. It is being revised to conform with the Department's standards and guidelines for identifying, tracking and resolving violations. Written Comments: Interested persons may submit written comments on draft technical guidance document #562-4180-306 by September 6, 2004. Comments submitted by facsimile will not be accepted. The

Department will accept comments submitted by e-mail. A return name and address must be included in each e-mail transmission. Written comments should be submitted to William S. Allen, Jr., Bureau of Mining and Reclamation, P. O. Box 8461, Harrisburg, PA 17105-8461, wallen@state.pa.us. Questions regarding the draft technical guidance document should be directed to William S. Allen, Jr., (717) 787-5103, wallen@state.pa.us.

DEP ID: 562-4100-311. Title: Explosives Program Compliance/Enforcement Procedures. Description: This document defines the procedures for taking enforcement actions on blasting activity permits, mining permits and explosive storage sites. It is being revised to conform with the Department's standards and guidelines for identifying, tracking and resolving violations. Written Comments: Interested persons may submit written comments on draft technical guidance document #562-4100-311 by September 6, 2004. Comments submitted by facsimile will not be accepted. The Department will accept comments submitted by e-mail. A return name and address must be included in each e-mail transmission. Written comments should be submitted to Richard Lamkie, Bureau of Mining and Reclamation, P. O. Box 8461, Harrisburg, PA 17105-8461, rlamkie@state.pa.us. Questions regarding the draft technical guidance document should be directed to William S. Allen, Jr., (717) 787-5103, rlamkie@state.pa.us.

DEP ID: 508-3000-002. Title: Bureau of Deep Mine Safety's Compliance/Enforcement Procedures. Description: The Bureau of Deep Mine Safety is establishing this new technical guidance document in accordance and consistent with the Department's standards and guidelines for identifying, tracking and resolving violations. Written Comments: Interested persons may submit written comments on draft technical guidance document #508-3000-002 by September 6, 2004. Comments submitted by facsimile will not be accepted. The Department will accept comments submitted by e-mail. A return name and address must be included in each e-mail transmission. Written comments should be submitted to Joseph A. Scaffoni, Director, Bureau of Deep Mine Safety, Fayette County Health Center, 100 New Salem Road, Room 167, Uniontown, PA 15401, jscaffoni@state.pa.us. Questions regarding the draft technical guidance document should be directed to Joseph A. Scaffoni, (724) 439-7469, jscaffoni@state.pa.us.

DEP ID: 550-4000-001. Title: Enforcement Actions by DEP's Oil and Gas Management Program. Description: The purpose of this document is to provide guidance to the Oil and Gas Management Program (Program) staff in determining what courses of enforcement to pursue to resolve violations and bring about compliance and to provide advisory information to the regulated industry. This document is consistent with the Department's standards and guidelines for identifying, tracking and resolving violations. Written Comments: Interested persons may submit written comments on draft technical guidance document #550-4000-001 by September 6, 2004. Comments submitted by facsimile will not be accepted. The Department will accept comments submitted by e-mail. A return name and address must be included in each e-mail transmission. Written comments should be submitted to David C. Hogeman, Bureau of Oil and Gas Management, P. O. Box 8765, Harrisburg, PA 17105-8765, dhogeman@state.pa.us. Questions regarding the draft technical guidance document should be directed to David C. Hogeman, (717) 772-2199, dhogeman@state.pa.us.

DEP ID: 550-3000-001. Title: Compliance Monitoring of Oil and Gas Wells and Related Facilities and Activities. Description: This document summarizes policies regard-

ing field inspections and other compliance monitoring activities carried out by the Program. This document is consistent with the Department's standards and guidelines for identifying, tracking and resolving violations. Written Comments: Interested persons may submit written comments on draft technical guidance document #562-3000-001 by September 6, 2004. Comments submitted by facsimile will not be accepted. The Department will accept comments submitted by e-mail. A return name and address must be included in each e-mail transmission. Written comments should be submitted to David C. Hogeman, Bureau of Oil and Gas Management, P. O. Box 8765, Harrisburg, PA 17105-8765, dhogeman@state.pa.us. Questions regarding the draft technical guidance document should be directed to David C. Hogeman, (717) 772-2199, dhogeman@state.pa.us.

Final Technical Guidance

DEP ID: 562-4180-101. Title: Noncoal Civil Penalty Assessments. Description: This document describes the procedures for calculating and assessing civil penalties for industrial mineral mines. Notice soliciting public comment on the draft of this document was published at 32 Pa.B. 6216 (December 14, 2002) with provision for a 30-day public comment period. Effective Date: August 7, 2004.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 04-1452. Filed for public inspection August 6, 2004, 9:00 a.m.]

Proposed Revision to the State Implementation Plan for Architectural and Industrial Maintenance Coatings; SAU-SEA Swimming Pool Products, Inc. Variance Application for Swimming Pool Coatings; Public Hearings

SAU-SEA Swimming Pool Products, Inc. (SAU-SEA) has submitted an application, dated May 27, 2004, and revised on June 18, 2004, for a variance from the volatile organic compound (VOC) content limits in 25 Pa. Code § 130.603 (relating to standards) for interior SAU-SEA coatings. The SAU-SEA variance application was submitted in accordance with 25 Pa. Code § 130.606 (relating to application for variance), which provides that a person who cannot comply with the VOC content limits in 25 Pa. Code § 130.603(a) may apply in writing to the Department of Environmental Protection (Department) for a variance. In accordance with 25 Pa. Code § 130.606, the application for variance must address the specific grounds upon which the variance is sought, the proposed date by which compliance with 25 Pa. Code § 130.603(a) will be achieved and a compliance report detailing the methods by which compliance will be achieved. The Department will submit each Variance Order to the United States Environmental Protection Agency for approval as a State Implementation Plan (SIP) revision.

In accordance with 25 Pa. Code § 130.606, the Department will not grant a variance unless the applicant demonstrates in writing to the Department's satisfaction that:

(1) It is technologically infeasible for the applicant to comply with the requirements of 25 Pa. Code § 130.603(a).

(2) The public interest in issuing the variance would outweigh the public interest in avoiding increased emissions of air contaminants that would result from issuing the variance.

(3) The compliance program proposed by the applicant can reasonably be implemented and will achieve compliance as expeditiously as possible.

SAU-SEA claims, in its application for variance, that it is technologically infeasible for SAU-SEA to formulate certain swimming pool coatings to comply with the VOC content limit for swimming pool coatings specified in 25 Pa. Code § 130.603(a). In the application for variance, SAU-SEA describes a research and development compliance plan by which compliance with the regulations will be achieved, and SAU-SEA indicates that the company's research and development efforts are directed toward a compliance goal of January 1, 2008.

In accordance with the requirements of 25 Pa. Code § 130.610 (relating to public hearings), the Department is seeking public comment on the SAU-SEA variance application and on a proposed SIP revision. Specifically, the Department is seeking comment on the following:

(1) If a variance from the requirements in 25 Pa. Code § 130.603(a) is necessary.

(2) Under what conditions a variance from the requirements in 25 Pa. Code § 130.603(a) is necessary.

(3) To what extent a variance from the requirements in 25 Pa. Code § 130.603(a) is necessary.

In addition, the Department will also seek comment on a Department-proposed Variance Order for issuance to SAU-SEA, as well as proposed revisions to the SIP. The Department-proposed Variance Order for issuance to SAU-SEA includes a requirement that compliance with 25 Pa. Code § 130.603 will be achieved by January 1, 2008, and that incremental progress reports will be sent to the Department to assure timely compliance. A variance issued by the Department shall cease to be effective upon failure of the party to whom the variance was granted to comply with a term or condition of the variance.

Based on data provided by SAU-SEA regarding sales in this Commonwealth of the materials for which the variance is requested, the Department estimates that, if the variance is granted, Statewide VOC emissions will be approximately 0.032 ton per day higher than if SAU-SEA were to market coatings at the compliance level. For the five-county Southeast Pennsylvania ozone nonattainment area, the granting of the variance will result in VOC emissions approximately 0.01 ton per day higher than if the affected materials were formulated at compliance levels.

Availability of Documents

SAU-SEA's application for a variance and the Department's proposed Variance Order are available from Terry Black, Chief, Regulation and Policy Development Section, Division of Air Resource Management, Bureau of Air Quality, P. O. Box 8468, Harrisburg, PA 17105-8468, tblack@state.pa.us. SAU-SEA's application for variance and the Department's proposed Variance Order are also available on the Department's website: www.dep.state.pa.us (Subjects, Air Quality, Regs/Plans, Clean Air Plans).

Public Hearings

The Department will hold two public hearings to receive comments on the variance application submitted by SAU-SEA, as well as the proposed SIP revision and

the Department-proposed Variance Order. The public hearings will begin at 1 p.m. as follows:

- September 15, 2004 Southeast Regional Office
Stony Creek Room
2 East Main Street
Norristown, PA 19401
- September 17, 2004 Southcentral Regional Office
Susquehanna River Conference Room
909 Elmerton Avenue
Harrisburg, PA 17110.

Persons wishing to present testimony at a hearing should reserve a time by contacting Susan Ferree, P. O. Box 8468, Harrisburg, PA 17105, (717) 787-9495, sferree@state.pa.us. Persons who do not reserve a time will be able to testify as time allows. Witnesses should keep testimony to 10 minutes and should provide two written copies at the hearing. Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact Wick Havens, (717) 787-9495. TDD users should contact the AT&T Relay Service at (800) 654-5984 to discuss how the Department can best accommodate their needs.

Written Comments

Written comments should be sent by 12 p.m. on October 18, 2004, to Terry Black, Chief, Regulation and Policy Development Section, Division of Air Resource Management, Bureau of Air Quality, P. O. Box 8468, Harrisburg, PA 17105-8468.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 04-1453. Filed for public inspection August 6, 2004, 9:00 a.m.]

DEPARTMENT OF HEALTH

Equipment to Determine Blood Alcohol Content

The Department of Health (Department) has approved the following equipment for determining alcohol content of the blood by analysis of a person's breath. This list of approved equipment replaces the previous list published at 33 Pa.B. 5143 (October 11, 2003) and is published under the authority contained in the Motor Vehicle Code (75 Pa.C.S. § 1547(c)(1) (relating to chemical testing to determine amount of alcohol or controlled substance)), the Fish and Boat Code (30 Pa.C.S. § 5125(c)(1) (relating to chemical testing to determine amount of alcohol or controlled substance)), the Game and Wildlife Code (34 Pa.C.S. § 2502(c) (relating to chemical test to determine amount of alcohol)) and The Administrative Code of 1929 (71 P. S. § 532).

Equipment approved under this notice may be used by law enforcement officials to obtain test results which will

be admissible in evidence in any summary or criminal proceeding in which the defendant is charged with a violation of 75 Pa.C.S. § 3802 (relating to driving under influence of alcohol or controlled substance), any other violation of the Vehicle Code arising out of the same action, 30 Pa.C.S. § 5502 (relating to operating watercraft under influence of alcohol or controlled substance), any other violation of the Fish and Boat Code arising out of the same action, 34 Pa.C.S. § 2501 (relating to hunting or furtaking prohibited while under influence of alcohol or controlled substance) or any other violation of the Game and Wildlife Code arising out of the same action. Law enforcement agencies should determine that an approved training program in the use of the equipment is available in accordance with the previously referenced statutes before purchasing any of the devices contained on this list.

The approval of equipment by the Department is based on the evaluation of the equipment by the National Highway Traffic Safety Administration (NHTSA) of the United States Department of Transportation. Equipment which met the Federal requirements was published at 67 FR 62091 (October 3, 2002) as a Conforming Products List. The list contained in this notice is based on that Conforming Products List.

Instruments marked with an asterisk meet the model specifications detailed at 49 FR 48854 (December 14, 1984) (that is, instruments tested at breath alcohol concentrations of 0.000, 0.050, 0.101 and 0.151 gram of alcohol per 210 liters of air). Instruments not marked with an asterisk meet the model specifications detailed at 58 FR 48705 (September 17, 1993), and were tested at breath alcohol concentrations of 0.000, 0.020, 0.040, 0.080 and 0.160 gram of alcohol per 210 liters of air. Instruments whose precision and accuracy have been evaluated in the latter concentration range (that is, devices not marked with an asterisk) should be used when reliable results are required at blood concentrations below 0.050%.

The NHTSA also evaluates equipment to determine if it must be operated at fixed locations (that is, nonmobile equipment) or can be transported to nonfixed operational sites in the field (mobile equipment). Equipment on the list is approved for both mobile and/or nonmobile operation unless otherwise specified.

Inquiries concerning this notice should be directed to M. Jeffery Shoemaker, Ph.D., Director, Division of Chemistry and Toxicology, Bureau of Laboratories, Department of Health, P. O. Box 500, Exton, PA 19341-0500, (610) 280-3464.

Persons with a disability who require an alternative format of this notice (for example, large print, audiotape or Braille) should contact Dr. Shoemaker at the previously referenced address or phone number. Persons who are speech or hearing impaired may use V/TT: (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

Conforming Products List of Evidential Breath Measurement Devices

<i>Manufacturer and Model</i>	<i>Mobile</i>	<i>Nonmobile</i>
Alcohol Countermeasure Systems Corp., Mississauga, Ontario, Canada:		
Alert J3AD*	X	X
Alert J4X.ec	X	X
PBA3000C	X	X

<i>Manufacturer and Model</i>	<i>Mobile</i>	<i>Nonmobile</i>
BAC Systems, Inc., Ontario, Canada:		
Breath Analysis Computer*	X	X
CAMEC Ltd., North Shields, Tyne and Ware, England:		
IR Breath Analyzer*	X	X
CMI, Inc., Owensboro, KY:		
Intoxilyzer 200	X	X
Intoxilyzer 200D	X	X
Intoxilyzer 300	X	X
Intoxilyzer 400	X	X
Intoxilyzer 400PA	X	X
Intoxilyzer 1400	X	X
Intoxilyzer 4011*	X	X
Intoxilyzer 4011A*	X	X
Intoxilyzer 4011AS*	X	X
Intoxilyzer 4011AS-A*	X	X
Intoxilyzer 4011AS-AQ*	X	X
Intoxilyzer 4011AW*	X	X
Intoxilyzer 4011A27-10100*	X	X
Intoxilyzer 4011A27-10100 with filter*	X	X
Intoxilyzer 5000	X	X
Intoxilyzer 5000 (w/Cal. Vapor Re-Circ.)	X	X
Intoxilyzer 5000 (w/3/8" ID hose option)	X	X
Intoxilyzer 5000CD	X	X
Intoxilyzer 5000CD/FG5	X	X
Intoxilyzer 5000EN	X	X
Intoxilyzer 5000 (CAL DOJ)	X	X
Intoxilyzer 5000 (VA)	X	X
Intoxilyzer 8000	X	X
Intoxilyzer PAC 1200*	X	X
Intoxilyzer S-D2	X	X
Intoxilyzer S-D5	X	X
Draeger Safety, Inc., Durango, CO:		
Alcotest 7010*	X	X
Alcotest 7110*	X	X
Alcotest 7110 MKIII	X	X
Alcotest 7110 MKIII-C	X	X
Alcotest 7410	X	X
Alcotest 7410 Plus	X	X
Breathalyzer 900*	X	X
Breathalyzer 900A*	X	X
Breathalyzer 900BG*	X	X
Breathalyzer 7410	X	X
Breathalyzer 7410-II	X	X
Gall's Inc., Lexington, KY:		
Alcohol Detection System—A. D. S. 500	X	X
Intoximeters, Inc., St. Louis, MO:		
Photo Electric Intoximeter*	—	X
GC Intoximeter MK II*	X	X
GC Intoximeter MK IV*	X	X
Auto Intoximeter*	X	X
Intoximeter 3000*	X	X
Intoximeter 3000 (rev B1)*	X	X
Intoximeter 3000 (rev B2)*	X	X
Intoximeter 3000 (rev B2A)*	X	X
Intoximeter 3000 (rev B2A) w/FM option*	X	X
Intoximeter 3000 (Fuel Cell)*	X	X
Intoximeter 3000D*	X	X
Intoximeter 3000DFC*	X	X
Alcomonitor	—	X
Alcomonitor CC	X	X
Alco-Sensor III	X	X
Alco-Sensor III (Enhanced with Serial Numbers above 1,200,000)	X	X
Alco-Sensor IV	X	X
Alco-Sensor IV-XL	X	X
Alco-Sensor AZ	X	X
RBT-AZ	X	X
RBT III	X	X
RBT III-A	X	X

<i>Manufacturer and Model</i>	<i>Mobile</i>	<i>Nonmobile</i>
RBT-IV	X	X
RBT-IV with CEM (cell enhancement module)	X	X
Intox EC/IR	X	X
Intox EC/IR 2	X	X
Portable Intox EC/IR	X	X
Komyo Kitagawa, Kogyo, K. K.:		
Alcolyzer DPA-2*	X	X
Breath Alcohol Meter PAM 101B*	X	X
Lifeloc Technologies, Inc. (formerly Lifeloc, Inc.) Wheat Ridge, CO:		
PBA 3000-B	X	X
PBA 3000-P*	X	X
PBA 3000-C	X	X
Alcohol Data Sensor	X	X
Phoenix	X	X
FC 10	X	X
FC 20	X	X
Lion Laboratories, Ltd., Cardiff, Wales, UK:		
Alcolmeter 300	X	X
Alcolmeter 400	X	X
Alcolmeter SD-2*	X	X
Alcolmeter EBA*	X	X
Intoxilyzer 200	X	X
Intoxilyzer 200D	X	X
Intoxilyzer 1400	X	X
Intoxilyzer 5000 CD/FG5	X	X
Intoxilyzer 5000 EN	X	X
Luckey Laboratories, San Bernardino, CA:		
Alco-Analyzer 1000*	—	X
Alco-Analyzer 2000*	—	X
National Draeger, Inc., Durango, CO:		
Alcotest 7010*	X	X
Alcotest 7110*	X	X
Alcotest 7110 MKIII	X	X
Alcotest 7110 MKIII-C	X	X
Alcotest 7410	X	X
Alcotest 7410 Plus	X	X
Breathalyzer 900*	X	X
Breathalyzer 900A*	X	X
Breathalyzer 900BG*	X	X
Breathalyzer 7410	X	X
Breathalyzer 7410-II	X	X
National Patent Analytical Systems, Inc., Mansfield, OH:		
BAC Datamaster (with or without the Delta-1 accessory)	X	X
BAC Verifier Datamaster (with or without the Delta-1 accessory)	X	X
Datamaster cdm (with or without the Delta-1 accessory)	X	X
Omicron Systems, Palo Alto, CA:		
Intoxilyzer 4011*	X	X
Intoxilyzer 4011AW*	X	X
Plus 4 Engineering, Minturn, CO:		
5000 Plus 4*	X	X
Seres, Paris, France:		
Alco Master	X	X
Alcopro	X	X
Siemens-Allis, Cherry Hill, NJ:		
Alcomat*	X	X
Alcomat F*	X	X
Smith and Wesson Electronics, Springfield, MA:		
Breathalyzer 900*	X	X
Breathalyzer 900A*	X	X
Breathalyzer 1000*	X	X
Breathalyzer 2000*	X	X
Breathalyzer 2000 (Non-Humidity Sensor)*	X	X
Sound-Off Inc., Hudsonville, MI:		
AlcoData	X	X
Seres Alco Master	X	X
Seres Alcopro	X	X
Stephenson Corp.:		
Breathalyzer 900*	X	X

Manufacturer and Model

U. S. Alcohol Testing, Inc./Protection Devices, Inc., Rancho Cucamonga, CA:

Alco-Analyzer 1000
 Alco-Analyzer 2000
 Alco-Analyzer 2100

Verax Systems, Inc., Fairport, NY:

BAC Verifier*
 BAC Verifier Datamaster
 BAC Verifier Datamaster II*

<i>Mobile</i>	<i>Nonmobile</i>
—	X
—	X
X	X
X	X
X	X
X	X

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

[Pa.B. Doc. No. 04-1454. Filed for public inspection August 6, 2004, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania Double Lucky 7's Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Double Lucky 7's.

2. *Price:* The price of a Pennsylvania Double Lucky 7's instant lottery game ticket is \$1.

3. *Play Symbols:* Each Pennsylvania Double Lucky 7's instant lottery game ticket will contain four play areas known as "GAME 1," "GAME 2," "GAME 3" and "GAME 4." Each "GAME" is played separately. The play symbols and their captions located in the four play areas are: 1 (ONE), 2 (TWO), 3 (THR), 4 (FOR), 5 (FIV), 6 (SIX), 7 (SEV), 8 (EGT), 9 (NIN) and 77 (DBL).

4. *Prize Symbols:* The prize symbols and their captions located in the four play areas are: \$1⁰⁰ (ONE DOL), \$2⁰⁰ (TWO DOL), \$4⁰⁰ (FOR DOL), \$5⁰⁰ (FIV DOL), \$7⁰⁰ (SVN DOL), \$14\$ (FORTN), \$21\$ (TWY ONE), \$28\$ (TWY EGT), \$56\$ (FTY SIX), \$70\$ (SEVENTY), \$140 (ONEHUNFRY) and \$7,000 (SVN THO).

5. *Prizes:* The prizes that can be won in this game are \$1, \$2, \$4, \$7, \$14, \$21, \$28, \$56, \$70, \$140 and \$7,000. A player can win up to four times on a ticket.

6. *Approximate Number of Tickets Printed for the Game:* Approximately 13,440,000 tickets will be printed for the Pennsylvania Double Lucky 7's instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets with a play symbol of 7 (SEV) in any "GAME," and a prize symbol of \$7,000 (SVN THO) appearing in the prize area for that "GAME," on a single ticket, shall be entitled to a prize of \$7,000.

(b) Holders of tickets with a play symbol of 7 (SEV) in any "GAME," and a prize symbol of \$140 (ONEHUNFRY) appearing in the prize area for that "GAME," on a single ticket, shall be entitled to a prize of \$140.

(c) Holders of tickets with a play symbol of 77 (DBL) in any "GAME," and a prize symbol of \$70\$ (SEVENTY) appearing in the prize area for that "GAME," on a single ticket, shall be entitled to a prize of \$140.

(d) Holders of tickets with a play symbol of 7 (SEV) in any "GAME," and a prize symbol of \$70\$ (SEVENTY) appearing in the prize area for that "GAME," on a single ticket, shall be entitled to a prize of \$70.

(e) Holders of tickets with a play symbol of 7 (SEV) in any "GAME," and a prize symbol of \$56\$ (FTY SIX) appearing in the prize area for that "GAME," on a single ticket, shall be entitled to a prize of \$56.

(f) Holders of tickets with a play symbol of 77 (DBL) in any "GAME," and a prize symbol of \$28\$ (TWY EGT) appearing in the prize area for that "GAME," on a single ticket, shall be entitled to a prize of \$56.

(g) Holders of tickets with a play symbol of 7 (SEV) in any "GAME," and a prize symbol of \$28\$ (TWY EGT) appearing in the prize area for that "GAME," on a single ticket, shall be entitled to a prize of \$28.

(h) Holders of tickets with a play symbol of 77 (DBL) in any "GAME," and a prize symbol of \$14\$ (FORTN) appearing in the prize area for that "GAME," on a single ticket, shall be entitled to a prize of \$28.

(i) Holders of tickets with a play symbol of 7 (SEV) in any "GAME," and a prize symbol of \$21\$ (TWY ONE) appearing in the prize area for that "GAME," on a single ticket, shall be entitled to a prize of \$21.

(j) Holders of tickets with a play symbol of 7 (SEV) in any "GAME," and a prize symbol of \$14\$ (FORTN) appearing in the prize area for that "GAME," on a single ticket, shall be entitled to a prize of \$14.

(k) Holders of tickets with a play symbol of 77 (DBL) in any "GAME," and a prize symbol of \$7⁰⁰ (SVN DOL) appearing in the prize area for that "GAME," on a single ticket, shall be entitled to a prize of \$14.

(l) Holders of tickets with a play symbol of 7 (SEV) in any "GAME," and a prize symbol of \$7⁰⁰ (SVN DOL) appearing in the prize area for that "GAME," on a single ticket, shall be entitled to a prize of \$7.

(m) Holders of tickets with a play symbol of 7 (SEV) in any "GAME," and a prize symbol of \$4⁰⁰ (FOR DOL) appearing in the prize area for that "GAME," on a single ticket, shall be entitled to a prize of \$4.

(n) Holders of tickets with a play symbol of 77 (DBL) in any "GAME," and a prize symbol of \$2⁰⁰ (TWO DOL) appearing in the prize area for that "GAME," on a single ticket, shall be entitled to a prize of \$4.

(o) Holders of tickets with a play symbol of 7 (SEV) in any "GAME," and a prize symbol of \$2⁰⁰ (TWO DOL) appearing in the prize area for that "GAME," on a single ticket, shall be entitled to a prize of \$2.

(p) Holders of tickets with a play symbol of 77 (DBL) in any "GAME," and a prize symbol of \$1⁰⁰ (ONE DOL) appearing in the prize area for that "GAME," on a single ticket, shall be entitled to a prize of \$2.

(q) Holders of tickets with a play symbol of 7 (SEV) in any "GAME," and a prize symbol of \$1⁰⁰ (ONE DOL)

appearing in the prize area for that "GAME," on a single ticket, shall be entitled to a prize of \$1.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

<i>Find A "7" Win With Prize(s) of:</i>	<i>Win</i>	<i>Approximate Odds of 1 In:</i>	<i>Approximate No. of Winners Per 13,440,000 Tickets</i>
\$1	\$1	8.33	1,612,800
\$1 × 2	\$2	100	134,400
\$1 w/77	\$2	27.27	492,800
\$4	\$4	1,500	8,960
\$1 × 4	\$4	1,500	8,960
\$2 × 2	\$4	1,500	8,960
\$2 w/77	\$4	750	17,920
\$7	\$7	37.50	358,400
\$14	\$14	1,500	8,960
\$7 × 2	\$14	3,000	4,480
\$7 w/77	\$14	250	53,760
\$21	\$21	1,500	8,960
\$7 × 3	\$21	750	17,920
\$7 + \$14	\$21	750	17,920
\$28	\$28	16,000	840
\$7 × 4	\$28	16,000	840
\$14 × 2	\$28	16,000	840
\$14 w/77	\$28	8,000	1,680
\$56	\$56	24,000	560
\$14 × 4	\$56	24,000	560
\$28 × 2	\$56	24,000	560
\$28 w/77	\$56	24,000	560
\$70	\$70	240,000	56
\$140	\$140	240,000	56
\$70 w/77	\$140	240,000	56
\$7,000	\$7,000	960,000	14

77= DOUBLE THE PRIZE SHOWN

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Double Lucky 7's instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Double Lucky 7's, prize money from winning Pennsylvania Double Lucky 7's instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Double Lucky 7's instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be

disseminated through media used to advertise or promote Pennsylvania Double Lucky 7's or through normal communications methods.

GREGORY C. FAJT,
Secretary

[Pa.B. Doc. No. 04-1455. Filed for public inspection August 6, 2004, 9:00 a.m.]

Pennsylvania Majestic Money Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Majestic Money.

2. *Price:* The price of a Pennsylvania Majestic Money instant lottery game ticket is \$2.

3. *Play Symbols:* Each Pennsylvania Majestic Money instant lottery game ticket will contain one play area featuring one "GEM NUMBERS" area, one "YOUR NUM-

BERS" area and a "BONUS BOX" area. The play symbols and their captions located in the "GEM NUMBERS" area and the "YOUR NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN) and 16 (SIXTN). The prize play symbols and their captions located in the "BONUS BOX" area are: \$2.⁰⁰ (TWO DOL), \$4.⁰⁰ (FOR DOL), \$5.⁰⁰ (FIV DOL), \$10.⁰⁰ (TEN DOL), \$20\$ (TWENTY), \$40\$ (FORTY), \$100 (ONE HUN), \$400 (FOR HUN), \$2,000 (TWO THO) and NO BONUS (TRY AGAIN).

4. *Prize Symbols:* The prize symbols and their captions located in the "YOUR NUMBERS" area are: \$1.⁰⁰ (ONE DOL), \$2.⁰⁰ (TWO DOL), \$4.⁰⁰ (FOR DOL), \$5.⁰⁰ (FIV DOL), \$10.⁰⁰ (TEN DOL), \$20\$ (TWENTY), \$40\$ (FORTY), \$50\$ (FIFTY), \$100 (ONE HUN), \$400 (FOR HUN), \$2,000 (TWO THO) and \$20,000 (TWY THO).

5. *Prizes:* The prizes that can be won in this game are \$1, \$2, \$4, \$5, \$10, \$20, \$40, \$50, \$100, \$400, \$2,000 and \$20,000. The player can win up to eight times on a ticket.

6. *Approximate Number of Tickets Printed for the Game:* Approximately 7,200,000 tickets will be printed for the Pennsylvania Majestic Money instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "GEM NUMBERS" play symbols and a prize symbol of \$20,000 (TWY THO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$20,000.

(b) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "GEM NUMBERS" play symbols and a prize symbol of \$2,000 (TWO THO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$2,000.

(c) Holders of tickets with a \$2,000 (TWO THO) prize play symbol in the "BONUS BOX" area, on a single ticket, shall be entitled to a prize of \$2,000.

(d) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "GEM NUMBERS" play symbols and a prize symbol of \$400 (FOR HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$400.

(e) Holders of tickets with a \$400 (FOR HUN) prize play symbol in the "BONUS BOX" area, on a single ticket, shall be entitled to a prize of \$400.

(f) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "GEM NUMBERS" play symbols and a prize symbol of \$100 (ONE HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(g) Holders of tickets with a \$100 (ONE HUN) prize play symbol in the "BONUS BOX" area, on a single ticket, shall be entitled to a prize of \$100.

(h) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "GEM NUMBERS" play symbols and a prize symbol of \$50 (FIFTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(i) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "GEM NUMBERS" play symbols and a prize symbol of \$40\$ (FORTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$40.

(j) Holders of tickets with a \$40\$ (FORTY) prize play symbol in the "BONUS BOX" area, on a single ticket, shall be entitled to a prize of \$40.

(k) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "GEM NUMBERS" play symbols and a prize symbol of \$20\$ (TWENTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(l) Holders of tickets with a \$20\$ (TWENTY) prize play symbol in the "BONUS BOX" area, on a single ticket, shall be entitled to a prize of \$20.

(m) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "GEM NUMBERS" play symbols and a prize symbol of \$10.⁰⁰ (TEN DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(n) Holders of tickets with a \$10.⁰⁰ (TEN DOL) prize play symbol in the "BONUS BOX" area, on a single ticket, shall be entitled to a prize of \$10.

(o) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "GEM NUMBERS" play symbols and a prize symbol of \$5.⁰⁰ (FIV DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$5.

(p) Holders of tickets with a \$5.⁰⁰ (FIV DOL) prize play symbol in the "BONUS BOX" area, on a single ticket, shall be entitled to a prize of \$5.

(q) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "GEM NUMBERS" play symbols and a prize symbol of \$4.⁰⁰ (FOR DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$4.

(r) Holders of tickets with a \$4.⁰⁰ (FOR DOL) prize play symbol in the "BONUS BOX" area, on a single ticket, shall be entitled to a prize of \$4.

(s) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "GEM NUMBERS" play symbols and a prize symbol of \$2.⁰⁰ (TWO DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$2.

(t) Holders of tickets with a \$2.⁰⁰ (TWO DOL) prize play symbol in the "BONUS BOX" area, on a single ticket, shall be entitled to a prize of \$2.

(u) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "GEM NUMBERS" play symbols and a prize symbol of \$1.⁰⁰ (ONE DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

When Any of Your Numbers
Match Either of the Gem
Numbers, Win with Prize(s)
of:

	Win:	Approximate Odds of 1 In:	Approximate No. of Winners Per 7,200,000 Tickets
\$1 × 2	\$2	37.50	192,000
\$2	\$2	37.50	192,000
\$2 IN BONUS	\$2	23.08	312,000
\$1 × 4	\$4	37.50	192,000
\$4	\$4	37.50	192,000
\$4 IN BONUS	\$4	37.50	192,000
\$1 × 5	\$5	150	48,000
\$5	\$5	75	96,000
\$5 IN BONUS	\$5	150	48,000
\$2 × 5	\$10	300	24,000
\$1 × 6 + \$2 × 2	\$10	300	24,000
\$5 × 2	\$10	300	24,000
\$10	\$10	300	24,000
\$10 IN BONUS	\$10	300	24,000
\$5 × 4	\$20	500	14,400
\$20	\$20	500	14,400
\$20 IN BONUS	\$20	375	19,200
\$5 × 8	\$40	3,000	2,400
\$10 × 4	\$40	3,000	2,400
\$20 × 2	\$40	3,000	2,400
\$40	\$40	3,000	2,400
\$40 IN BONUS	\$40	1,379	5,220
\$10 × 6 + \$20 × 2	\$100	6,000	1,200
\$20 × 5	\$100	6,000	1,200
\$40 × 2 + \$5 × 4	\$100	6,000	1,200
\$100	\$100	6,000	1,200
\$100 IN BONUS	\$100	6,000	1,200
\$50 × 8	\$400	17,143	420
\$100 × 4	\$400	17,143	420
\$400	\$400	17,143	420
\$400 IN BONUS	\$400	20,000	360
\$400 × 5	\$2,000	120,000	60
\$2,000	\$2,000	120,000	60
\$2,000 IN BONUS	\$2,000	120,000	60
\$20,000	\$20,000	720,000	10

IN BONUS=WIN THAT PRIZE AUTOMATICALLY

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Majestic Money instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Majestic Money, prize money from winning Pennsylvania Majestic Money instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Majestic Money instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be

disseminated through media used to advertise or promote Pennsylvania Majestic Money or through normal communications methods.

GREGORY C. FAJT,
Secretary

[Pa.B. Doc. No. 04-1456. Filed for public inspection August 6, 2004, 9:00 a.m.]

Pennsylvania Power Payday Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Power Payday.

2. *Price:* The price of a Pennsylvania Power Payday instant lottery game ticket is \$5.

3. *Play Symbols:* Each Pennsylvania Power Payday instant lottery game ticket will contain one play area featuring a "POWER NUMBERS" area and a "YOUR NUMBERS" area. The play symbols and their captions

located in the "POWER NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENTY), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR) and 24 (TWYFOR). The play symbols and their captions located in the "YOUR NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENTY), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR) and a Coin Symbol (COIN).

4. *Prize Symbols:* The prize symbols and their captions located in the "YOUR NUMBERS" area are: \$2.⁰⁰ (TWO DOL), \$5.⁰⁰ (FIV DOL), \$10.⁰⁰ (TEN DOL), \$15\$ (FIFTEN), \$20\$ (TWENTY), \$50\$ (FIFTY), \$100 (ONE HUN), \$500 (FIV HUN), \$1,000 (ONE THO) and \$100,000 (ONEHUNTHO).

5. *Prizes:* The prizes that can be won in this game are \$2, \$5, \$10, \$15, \$20, \$50, \$100, \$500, \$1,000 and \$100,000. A player can win up to ten times on a ticket.

6. *Approximate Number of Tickets Printed for the Game:* Approximately 6,000,000 tickets will be printed for the Pennsylvania Power Payday instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "POWER NUMBERS" play symbols and a prize symbol of \$100,000 (ONEHUNTHO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100,000.

(b) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "POWER NUMBERS" play symbols and a prize symbol of \$1,000 (ONE THO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(c) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Coin Symbol (COIN), and a prize symbol of \$1,000 (ONE THO) appears under the Coin Symbol (COIN) on a single ticket, shall be entitled to a prize of \$1,000.

(d) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "POWER NUMBERS" play symbols and a prize symbol of \$500 (FIV HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$500.

(e) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Coin Symbol (COIN), and a prize symbol of \$500 (FIV HUN) appears under the Coin Symbol (COIN) on a single ticket, shall be entitled to a prize of \$500.

(f) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "POWER NUMBERS" play symbols and a prize symbol of \$100 (ONE HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(g) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Coin Symbol (COIN), and a prize symbol of \$100 (ONE HUN) appears under the Coin Symbol (COIN) on a single ticket, shall be entitled to a prize of \$100.

(h) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "POWER NUMBERS" play symbols and a prize symbol of \$50\$ (FIFTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(i) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Coin Symbol (COIN), and a prize symbol of \$50\$ (FIFTY) appears under the Coin Symbol (COIN) on a single ticket, shall be entitled to a prize of \$50.

(j) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "POWER NUMBERS" play symbols and a prize symbol of \$20\$ (TWENTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(k) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Coin Symbol (COIN), and a prize symbol of \$20\$ (TWENTY) appears under the Coin Symbol (COIN) on a single ticket, shall be entitled to a prize of \$20.

(l) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "POWER NUMBERS" play symbols and a prize symbol of \$15\$ (FIFTN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$15.

(m) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Coin Symbol (COIN), and a prize symbol of \$15\$ (FIFTN) appears under the Coin Symbol (COIN) on a single ticket, shall be entitled to a prize of \$15.

(n) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "POWER NUMBERS" play symbols and a prize symbol of \$10.⁰⁰ (TEN DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(o) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Coin Symbol (COIN), and a prize symbol of \$10.⁰⁰ (TEN DOL) appears under the Coin Symbol (COIN) on a single ticket, shall be entitled to a prize of \$10.

(p) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "POWER NUMBERS" play symbols and a prize symbol of \$5.⁰⁰ (FIV DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$5.

(q) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Coin Symbol (COIN), and a prize symbol of \$5.⁰⁰ (FIV DOL) appears under the Coin Symbol (COIN) on a single ticket, shall be entitled to a prize of \$5.

(r) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "POWER NUMBERS" play symbols and a prize symbol of \$2⁰⁰ (TWO DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$2.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

When Any of Your Numbers Match Any of the Power Numbers, Win With Prize(s) of:

	<i>Win:</i>	<i>Approximate Odds 1 In:</i>	<i>Approximate No. of Winners Per 6,000,000 Tickets</i>
\$5	\$5	15	400,000
\$5 w/Coin	\$5	15	400,000
\$2 × 5	\$10	75	80,000
\$5 × 2	\$10	150	40,000
\$10	\$10	150	40,000
\$10 w/Coin	\$10	150	40,000
\$5 × 3	\$15	300	20,000
\$10 + \$5	\$15	300	20,000
\$15	\$15	200	30,000
\$15 w/Coin	\$15	200	30,000
\$5 × 4	\$20	300	20,000
\$10 × 2	\$20	600	10,000
\$20	\$20	200	30,000
\$20 w/Coin	\$20	150	40,000
\$5 × 10	\$50	200	30,000
\$10 × 5	\$50	300	20,000
\$50	\$50	200	30,000
\$50 w/Coin	\$50	300	20,000
\$10 × 10	\$100	476.19	12,600
\$20 × 5	\$100	480	12,500
\$100	\$100	480	12,500
\$100 w/Coin	\$100	480	12,500
\$50 × 10	\$500	24,000	250
\$100 × 5	\$500	24,000	250
\$500	\$500	24,000	250
\$500 w/Coin	\$500	30,000	200
\$100 × 10	\$1,000	1,200,000	5
\$1,000	\$1,000	1,200,000	5
\$1,000 w/coin	\$1,000	1,200,000	5
\$100,000	\$100,000	600,000	10

Coin = Win prize automatically

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Power Payday instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Power Payday, prize money from winning Pennsylvania Power Payday instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Power Payday instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Power Payday or through normal communications methods.

GREGORY C. FAJT,
Secretary

[Pa.B. Doc. No. 04-1457. Filed for public inspection August 6, 2004, 9:00 a.m.]

Pennsylvania \$300,000 Club Casino Instant Lottery Game

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania \$300,000 Club Casino.

2. *Price:* The price of a Pennsylvania \$300,000 Club Casino instant lottery game ticket is \$10.

3. *Play Symbols:*

(a) Each Pennsylvania \$300,000 Club Casino instant lottery game ticket will contain three games: "BLACKJACK," "SLOTS" and "ROULETTE." Each game has a different game play method and is played separately.

(b) The play area for "BLACKJACK" will contain a "YOUR HAND" area and a "DEALER'S HAND" area in "GAME 1," "GAME 2" and "GAME 3." Each "Game" is played separately. The play symbols and their captions located in the "YOUR HAND" areas are: 17 (SVT), 18 (ETN), 19 (NTN), 20 (TWY) and 21 (TWN). The play symbols and their captions located in the "DEALER'S HAND" areas are: 16 (SXT), 17 (SVT), 18 (ETN), 19 (NTN) and 20 (TWY).

(c) The play area for "SLOTS" will contain "PULL 1," "PULL 2" and "PULL 3." Each "PULL" is played separately. The play symbols and their captions located in the play area for "SLOTS" are: Cherry Symbol (CHY), Bell Symbol (BELL), Melon Symbol (MEL), Banana Symbol (BAN), Star Symbol (STA), Lemon Symbol (LEM), Horse Shoe Symbol (SHO), Bar Symbol (BAR), 7 Symbol (SVN), and Crown Symbol (CRN).

(d) The play area for "ROULETTE" will contain three "WHEEL NUMBER" areas and three "YOUR NUMBERS" areas. The play symbols and their captions located in the "WHEEL NUMBER" areas and the "YOUR NUMBERS" areas are: 1 (ONE), 2 (TWO), 3 (THR), 4 (FOR), 5 (FIV), 6 (SIX), 7 (SVN), 8 (EGT), 9 (NIN), 10 (TEN), 11 (ELV), 12 (TLV), 13 (THT), 14 (FTN), 15 (FFN), 16(SXT), 17 (SVT), 18 (ETN), 19 (NTN), 20 (TWY), 21 (TWN), 22 (TWT), 23 (TWR), 24(TWF), 25 (TWV), 26 (TWX), 27 (TWS), 28 (TWE), 29 (TNI), 30 (THY), 31 (THN), 32 (TRT), 33 (TTR), 34 (THF), 35 (THV) and 36(THX).

4. *Prize Symbols:* The prize symbols and their captions located in the "PRIZE" areas for "BLACKJACK" and in the "YOUR" "NUMBERS" prize areas for "ROULETTE" are: \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL), \$15\$ (FIFTN), \$20\$ (TWENTY), \$25\$ (TWY FIV), \$50\$ (FIFTY), \$100 (ONE HUN), \$200 (TWO HUN), \$500 (FIV HUN), \$1,000 (ONE THO), \$10,000 (TEN THO) and \$300,000 (THRHUNTHO).

5. *Prizes:* The prizes that can be won in this game are \$5, \$10, \$15, \$20, \$25, \$50, \$100, \$200, \$500, \$1,000, \$10,000 and \$300,000.

6. *Approximate Number of Tickets Printed for the Game:* Approximately 9,600,000 tickets will be printed for the Pennsylvania \$300,000 Club Casino instant lottery game.

7. *Determination of Prize Winners:*

(a) Determination of prize winners for "BLACKJACK" are:

(1) Holders of tickets where the "YOUR HAND" play symbol is greater than the "DEALER'S HAND" play symbol in the same GAME," and a prize symbol of \$300,000 (THRHUNTHO) appears in the "PRIZE" area for that "GAME," on a single ticket, shall be entitled to a prize of \$300,000.

(2) Holders of tickets where the "YOUR HAND" play symbol is greater than the "DEALER'S HAND" play symbol in the same "GAME," and a prize symbol of \$10,000 (TEN THO) appears in the "PRIZE" area for that "GAME," on a single ticket, shall be entitled to a prize of \$10,000.

(3) Holders of tickets where the "YOUR HAND" play symbol is greater than the "DEALER'S HAND" play symbol in the same "GAME," and a prize symbol of

\$1,000 (ONE THO) appears in the "PRIZE" area for that "GAME," on a single ticket, shall be entitled to a prize of \$1,000.

(4) Holders of tickets where the "YOUR HAND" play symbol is greater than the "DEALER'S HAND" play symbol in the same "GAME," and a prize symbol of \$500 (FIV HUN) appears in the "PRIZE" area for that "GAME," on a single ticket, shall be entitled to a prize of \$500.

(5) Holders of tickets where the "YOUR HAND" play symbol is greater than the "DEALER'S HAND" play symbol in the same "GAME," and a prize symbol of \$200 (TWO HUN) appears in the "PRIZE" area for that "GAME," on a single ticket, shall be entitled to a prize of \$200.

(6) Holders of tickets where the "YOUR HAND" play symbol is greater than the "DEALER'S HAND" play symbol in the same "GAME," and a prize symbol of \$100 (ONE HUN) appears in the "PRIZE" area for that "GAME," on a single ticket, shall be entitled to a prize of \$100.

(7) Holders of tickets where the "YOUR HAND" play symbol is greater than the "DEALER'S HAND" play symbol in the same "GAME," and a prize symbol of \$50\$ (FIFTY) appears in the "PRIZE" area for that "GAME," on a single ticket, shall be entitled to a prize of \$50.

(8) Holders of tickets where the "YOUR HAND" play symbol is greater than the "DEALER'S HAND" play symbol in the same "GAME," and a prize symbol of \$25\$ (TWY FIV) appears in the "PRIZE" area for that "GAME," on a single ticket, shall be entitled to a prize of \$25.

(9) Holders of tickets where the "YOUR HAND" play symbol is greater than the "DEALER'S HAND" play symbol in the same "GAME," and a prize symbol of \$20\$ (TWENTY) appears in the "PRIZE" area for that "GAME," on a single ticket, shall be entitled to a prize of \$20.

(10) Holders of tickets where the "YOUR HAND" play symbol is greater than the "DEALER'S HAND" play symbol in the same "GAME," and a prize symbol of \$15\$ (FIFTN) appears in the "PRIZE" area for that "GAME," on a single ticket, shall be entitled to a prize of \$15.

(11) Holders of tickets where the "YOUR HAND" play symbol is greater than the "DEALER'S HAND" play symbol in the same "GAME," and a prize symbol of \$10⁰⁰ (TEN DOL) appears in the "PRIZE" area for that "GAME," on a single ticket, shall be entitled to a prize of \$10.

(12) Holders of tickets where the "YOUR HAND" play symbol is greater than the "DEALER'S HAND" play symbol in the same "GAME," and a prize symbol of \$5⁰⁰ (FIV DOL) appears in the "PRIZE" area for that "GAME," on a single ticket, shall be entitled to a prize of \$5.

(b) Determination of prize winners for "SLOTS" are:

(1) Holders of tickets with three 7 (SVN) play symbols in the same "PULL," on a single ticket, shall be entitled to a prize of \$300,000.

(2) Holders of tickets with three Bar (BAR) play symbols in the same "PULL," on a single ticket, shall be entitled to a prize of \$10,000.

(3) Holders of tickets with three Crown (CRN) play symbols in the same "PULL," on a single ticket, shall be entitled to a prize of \$1,000.

(4) Holders of tickets with three Horse Shoe (SHO) play symbols in the same "PULL," on a single ticket, shall be entitled to a prize of \$500.

(5) Holders of tickets with three Lemon (LEM) play symbols in the same "PULL," on a single ticket, shall be entitled to a prize of \$200.

(6) Holders of tickets with three Star (STA) play symbols in the same "PULL," on a single ticket, shall be entitled to a prize of \$100.

(7) Holders of tickets with three Banana (BAN) play symbols in the same "PULL," on a single ticket, shall be entitled to a prize of \$50.

(8) Holders of tickets with three Melon (MEL) play symbols in the same "PULL," on a single ticket, shall be entitled to a prize of \$20.

(9) Holders of tickets with three Bell (BELL) play symbols in the same "PULL," on a single ticket, shall be entitled to a prize of \$15.

(10) Holders of tickets with three Cherry (CHY) play symbols in the same "PULL," on a single ticket, shall be entitled to a prize of \$10.

(c) Determination of prize winners for "ROULETTE" are:

(1) Holders of tickets where any of "YOUR NUMBERS" play symbols matches the "WHEEL NUMBER" play symbol in the center of the same wheel, and a prize symbol of \$300,000 (THRHUNTHO) appears under the matching play symbol, on a single ticket, shall be entitled to a prize of \$300,000.

(2) Holders of tickets where any of "YOUR NUMBERS" play symbols matches the "WHEEL NUMBER" play symbol in the center of the same wheel, and a prize symbol of \$10,000 (TEN THO) appears under the matching play symbol, on a single ticket, shall be entitled to a prize of \$10,000.

(3) Holders of tickets where any of "YOUR NUMBERS" play symbols matches the "WHEEL NUMBER" play symbol in the center of the same wheel, and a prize symbol of \$1,000 (ONE THO) appears under the matching play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(4) Holders of tickets where any of "YOUR NUMBERS" play symbols matches the "WHEEL NUMBER" play symbol in the center of the same wheel, and a prize symbol of \$500 (FIV HUN) appears under the matching play symbol, on a single ticket, shall be entitled to a prize of \$500.

(5) Holders of tickets where any of "YOUR NUMBERS" play symbols matches the "WHEEL NUMBER" play symbol in the center of the same wheel, and a prize symbol of \$200 (TWO HUN) appears under the matching play symbol, on a single ticket, shall be entitled to a prize of \$200.

(6) Holders of tickets where any of "YOUR NUMBERS" play symbols matches the "WHEEL NUMBER" play symbol in the center of the same wheel, and a prize symbol of \$100 (ONE HUN) appears under the matching play symbol, on a single ticket, shall be entitled to a prize of \$100.

(7) Holders of tickets where any of "YOUR NUMBERS" play symbols matches the "WHEEL NUMBER" play symbol in the center of the same wheel, and a prize symbol of \$50\$ (FIFTY) appears under the matching play symbol, on a single ticket, shall be entitled to a prize of \$50.

(8) Holders of tickets where any of "YOUR NUMBERS" play symbols matches the "WHEEL NUMBER" play symbol in the center of the same wheel, and a prize symbol of \$25\$ (TWY FIV) appears under the matching play symbol, on a single ticket, shall be entitled to a prize of \$25.

(9) Holders of tickets where any of "YOUR NUMBERS" play symbols matches the "WHEEL NUMBER" play symbol in the center of the same wheel, and a prize symbol of \$20\$ (TWENTY) appears under the matching play symbol, on a single ticket, shall be entitled to a prize of \$20.

(10) Holders of tickets where any of "YOUR NUMBERS" play symbols matches the "WHEEL NUMBER" play symbol in the center of the same wheel, and a prize symbol of \$15\$ (FIFTN) appears under the matching play symbol, on a single ticket, shall be entitled to a prize of \$15.

(11) Holders of tickets where any of "YOUR NUMBERS" play symbols matches the "WHEEL NUMBER" play symbol in the center of the same wheel, and a prize symbol of \$10⁰⁰ (TEN DOL) appears under the matching play symbol, on a single ticket, shall be entitled to a prize of \$10.

(12) Holders of tickets where any of "YOUR NUMBERS" play symbols matches the "WHEEL NUMBER" play symbol in the center of the same wheel, and a prize symbol of \$5⁰⁰ (FIV DOL) appears under the matching play symbol, on a single ticket, shall be entitled to a prize of \$5.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

<i>Win With Prize(s) of:</i>	<i>Win:</i>	<i>Odds of 1 In:</i>	<i>Approximate No. of Winners Per 9,600,000 Tickets</i>
\$5 × 2	\$10	18.75	512,000
\$10	\$10	20	480,000
\$5 × 3	\$15	100	96,000
\$15	\$15	42.86	224,000
\$5 × 4	\$20	150	64,000
\$10 × 2	\$20	16.67	576,000
\$20	\$20	25	384,000
\$15 × 2 + \$10 × 2	\$50	600	16,000
\$5 × 8 + \$10	\$50	600	16,000
\$15 × 3 + \$5	\$50	600	16,000
\$20 × 2 + \$10	\$50	600	16,000
\$25 × 2	\$50	600	16,000
\$10 × 5	\$50	600	16,000
\$5 × 10	\$50	300	32,000
\$50	\$50	300	32,000
\$10 × 5 + \$50	\$100	600	16,000
\$25 × 3 + \$5 × 5	\$100	600	16,000
\$15 × 4 + \$20 × 2	\$100	600	16,000

<i>Win With Prize(s) of:</i>	<i>Win:</i>	<i>Odds of 1 In:</i>	<i>Approximate No. of Winners Per 9,600,000 Tickets</i>
\$50 × 2	\$100	600	16,000
\$20 × 5	\$100	600	16,000
\$10 × 10	\$100	300	32,000
\$100	\$100	200	48,000
\$15 × 10 + \$25 × 2	\$200	4,800	2,000
\$15 × 10 + \$10 × 5	\$200	4,800	2,000
\$20 × 5 + \$50 × 2	\$200	4,800	2,000
\$20 × 10	\$200	4,800	2,000
\$200	\$200	4,800	2,000
\$100 × 5	\$500	24,000	400
\$50 × 10	\$500	24,000	400
\$200 × 2 + \$100	\$500	24,000	400
\$500	\$500	24,000	400
\$100 × 10	\$1,000	30,000	320
\$200 × 5	\$1,000	30,000	320
\$500 × 2	\$1,000	30,000	320
\$1,000	\$1,000	30,000	320
\$1,000 × 10	\$10,000	240,000	40
\$10,000	\$10,000	240,000	40
\$300,000	\$300,000	480,000	20

BLACKJACK—When your hand beats the dealer’s hand within the same game, win prize shown for that game.

SLOTS—Match 3 across in the same pull, win prize shown in legend.

ROULETTE—When any of your numbers match the number in the center of the same wheel, win prize shown under the matching number.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania \$300,000 Club Casino instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania \$300,000 Club Casino, prize money from winning Pennsylvania \$300,000 Club Casino instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania \$300,000 Club Casino instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania \$300,000 Club Casino or through normal communications methods.

GREGORY C. FAFT,
Secretary

[Pa.B. Doc. No. 04-1458. Filed for public inspection August 6, 2004, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Disadvantaged Business Enterprise Participation in Federal Highway Administration Funded Contracts

Under the authority of the Transportation Act for the 21st Century (Pub. L. No 105-178) and in keeping with the requirements of 49 CFR Part 26, the Department of Transportation (Department) provides public notice of its annual goal for participation by disadvantaged business enterprises (DBEs) in Federally assisted contracts.

The Department’s methodology reflects an overall DBE goal of 10.4%.

Consistent with the public participation requirement for this process, the Department is making the methodology and goal available for inspection and review for 45 days from the date of this notice. To review the DBE goal documents, contact one of the following locations:

Bureau of Equal Opportunity
Commonwealth Keystone Building
400 North Street, 5th Floor
Harrisburg, PA 17101
(717) 787-5891
Attn.: Jocelyn I. Harper

Engineering District 1-0
255 Elm Street
P. O. Box 398
Oil City, PA 16301-398
(814) 678-7105
Attn.: William G. Petit, P. E.

Engineering District 2-0
1924-30 Daisy Street
Clearfield, PA 16830
(814) 765-0400
Attn.: George M. Khoury, P. E.

Engineering District 3-0
715 Jordan Avenue
Montoursville, PA 17754
(570) 368-8686
Attn.: James A. Kendter, P. E.

Engineering District 4-0
O'Neill Highway
P. O. Box 111
Dunmore, PA 18512
(570) 963-4061
Attn.: Stephen J. Shimko, P. E.

Engineering District 5-0
1713 Lehigh Street
Allentown, PA 18103
(610) 798-4100
Attn.: Amar C. Bhajandas, P. E.

Engineering District 6-0
7000 Geerdes Blvd.
King of Prussia, PA 19406
(610) 205-6660
Attn.: Andrew L. Warren

Engineering District 8-0
2140 Herr Street
Harrisburg, PA 17103-1699
(717) 787-6653
Attn.: Barry G. Hoffman, P. E.

Engineering District 9-0
North Juniata Street
P. O. Box 69
Hollidaysburg, PA 16648
(814) 696-7250
Attn.: Ronald L. Samuel, P. E.

Engineering District 10-0
250 Oakland Avenue
P. O. Box 429
Indiana, PA 15701
(724) 357-2806
Attn.: Richard H. Hogg, P. E.

Engineering District 11-0
45 Thoms Run Road
Bridgeville, PA 15017
(412) 429-5001
Attn.: Karl Ishman, P. E.

Engineering District 12-0
N. Gallatine Avenue Ext.
P. O. Box 459
Uniontown, PA 15401-0459
(724) 439-7340
Attn.: Joseph J. Szczur, P. E.

The document can also be reviewed on the following website: <http://pasdc.hbg.psu.edu/pasdc/dot/>.

Comments, questions or suggestions regarding the methodology and goal should be directed in writing to Jocelyn I. Harper, Director, Bureau of Equal Opportunity, Department of Transportation, P. O. Box 3251, Harris-

burg, PA 17105-3251, fax (717) 772-4026. Comments should be postmarked by September 21, 2004, for consideration.

ALLEN D. BIEHLER, P. E.,
Secretary

[Pa.B. Doc. No. 04-1459. Filed for public inspection August 6, 2004, 9:00 a.m.]

Disadvantaged Business Enterprise Participation in Federal Transit Administration Funded Contracts

Under the authority of the Transportation Act for the 21st Century (Pub. L. No 105-178) and in keeping with the requirements of 49 CFR Part 26, the Department of Transportation (Department) provides public notice of its annual goal for participation by disadvantaged business enterprises (DBEs) in Federally assisted contracts.

The Department's methodology reflects an overall DBE goal of 3.83%.

Consistent with the public participation requirement for this process, the Department is making the methodology and goal available for inspection and review for 45 days from the date of this notice. To review the DBE goal documents, contact one of the following locations:

Bureau of Equal Opportunity
Commonwealth Keystone Building
400 North Street, 5th Floor
Harrisburg, PA 17101
(717) 787-5891
Attn.: Jocelyn I. Harper

Engineering District 1-0
255 Elm Street
P. O. Box 398
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(814) 678-7105
Attn.: William G. Petit, P. E.

Engineering District 2-0
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P. O. Box 111
Dunmore, PA 18512
(570) 963-4061
Attn.: Stephen J. Shimko, P. E.

Engineering District 5-0
1713 Lehigh Street
Allentown, PA 18103
(610) 798-4100
Attn.: Amar C. Bhajandas, P. E.

Engineering District 6-0
7000 Geerdes Blvd.
King of Prussia, PA 19406
(610) 205-6660
Attn.: Andrew L. Warren

Engineering District 8-0
2140 Herr Street
Harrisburg, PA 17103-1699
(717) 787-6653
Attn.: Barry G. Hoffman, P. E.

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The document can also be reviewed on the following website: <http://pasdc.hbg.psu.edu/pasdc/dot/>.

Comments, questions or suggestions regarding the methodology and goal should be directed in writing to Jocelyn I. Harper, Director, Bureau of Equal Opportunity, Department of Transportation, P. O. Box 3251, Harrisburg, PA 17105-3251, fax (717) 772-4026. Comments should be postmarked by September 21, 2004, for consideration.

ALLEN D. BIEHLER, P. E.,
Secretary

[Pa.B. Doc. No. 04-1460. Filed for public inspection August 6, 2004, 9:00 a.m.]

GOVERNOR'S OFFICE

Catalog of Nonregulatory Documents

Pursuant to Executive Order 1996-1, agencies under the jurisdiction of the Governor must catalog and publish nonregulatory documents such as policy statements, guidance manuals, decisions, rules and other written materials that provide compliance related information. The following compilation is the eighth list of the non-regulatory documents. This list is updated and published annually on the first Saturday in August.

This catalog is being provided to ensure that the public has complete access to the information necessary to understand and comply with state regulations. We have made every effort to ensure that the catalog includes all documents in effect as of August 1, 2004; however, due to the breadth and changing nature of these documents, we cannot guarantee absolute accuracy. Facilitating access to information is important to enhancing the partnership between the regulated community and the state.



Governor

ADMINISTRATION

Editor's Note: The Index of Issuances, Manual M210.3, issued by the Governor's Office of Administration, Directives Management System, includes Executive Orders, Management Directives and Manuals. New or revised documents to the Index are published monthly in the PA Bulletin and the entire index is revised yearly in the PA Code.

AGING

DECISIONS:

Office of Chief Counsel

Contact: Jacqueline Welby, Assistant Counsel (717) 783-2529

- *Reynolds vs. Department of Aging*, 570 A.2d 1373 (Pa. Commw. 1990).
- *Pennsylvania Department of Aging v Lindbergh*, 469 A.2d 1012 (Pa.1983).
- *Suburban/Bustleton v Department of Aging*, 579 A.2d 426 (Pa. Commw. 1990).
- *McGuire v Department of Aging*, 592 A.2d 830 (Pa. Commw. 1991).
- *Dickey v Department of Aging*, 615 A.2d 990 (Pa. Commw. 1992).
- *In the Interest of M.B.*, 686 A.2d 87 (Pa. Commw. 1996).
- *Calabro v Department of Aging*, 689 A.2d 34 (Pa Commw. 1997).
- *Calabro v Department of Aging*, 698 A.2d 596 (Pa. 1997).
- *Schaffren v Philadelphia Corporation for Aging*, 1997 U.S. Dist. Lexis 17493 (Middle Dist. Pa., 1997).

- *Scanlon v. Department of Aging*, 739 A.2d 635 (Pa. Commw. 1999).
- *Nixon v. Com. of PA*, 789 A.2d 376 (Pa. Commw. 2001).

INTERNAL GUIDELINES:**PHARMACEUTICAL PROGRAM (PACE)**

Contact: Gretchen Beard, Chief of Compliance Division (717) 787-7313

PACE PROVIDER BULLETINS: 2004

- January 9, 2004—Federal Upper Limits (FUL) Pricing for A-Rated Multiple Source Products—Pending additional review, effective January 20th, 2004, the Department of Aging is temporarily suspending FUL reimbursement pricing on A-rated multiple source products.
- January 23, 2004—Provider Telephone Calls: Changes in PACE/PACENET Legislation have the potential for lessening the program's ability to address phone calls in a timely manner. The potential for thousands more to be enrolled in the program requires some interim information to be presented.
- February 6, 2004—Manufacturers' Rebate NON-PARTICIPATION NOTICE FOR: MYLAN AND UDL Labs. Effective February 9, 2004.
- February 13, 2004—Clarifications: This memo provides examples of the possible situations involved with helping people understand the use of the PACENET \$40 deductible.
- February 20, 2004—Manufacturers' Rebate REINSTATEMENT NOTICE FOR: MYLAN AND UDL Labs.
- February 27, 2004—Timoptic XE Days Supply Permissions: Merck was last manufacturer of 0.25% strength in 2ML size. Only 5ML size is available from Merck and Falcon. Days supply requirement is listed.
- March 12, 2004—Lorazepam/Clorazepate Assistance Program: On March 29, 2004, the Department of Aging will implement the Lorazepam/Clorazepate Assistance Program known as the PA (Pennsylvania) Patient Assistance Program. This new program reimburses for generic formulations of lorazepam and clorazepate.
- March 26, 2004—Renagel®: Effective Monday, March 29, 2004 all claims for sevalamer hydrochloride (Renagel®) will be denied at the point of sale.
- March 26, 2004—ProDUR Edit Revisions: Effective March 29, 2004, the following list shows the recommended initial maximum dose, maximum daily dose and duration criteria have been added to the Department of Aging's Prospective Drug Utilization Review Program for the following class of drugs.
- May 14, 2004—Non-Participating Drug Manufacturers: Manufacturer Rebate Program requires manufacturers' whose products are paid for by PACE, to pay a rebate to continue having PACE pay for their products. Attached is the latest information on non-participants.

PACE PROVIDER BULLETINS: 2003

- January 24, 2003—Pace Software Vendor List: Updates list of known software vendors that will be contacted regarding the requirements of the HIPAA initiative during the testing phase regarding NCPDP 5.1 and requests contact information from providers for vendors not included on the list.
- January 24, 2003—Requests to Void Prescriptions: The PACE Provider Manual, page IV.24 states that providers are responsible for voiding claims for prescriptions paid for by the Program but never received by the cardholder. This bulletin specifies costs and conditions involved with submitting voided claims.
- January 31, 2003—Important Cardholder Information Poster: Please post this provider bulletin. It summarizes general guidance for the cardholder regarding the major conditions under which PACE assistance can and cannot be used.
- February 14, 2003—Lumigan® (bimatoprost): Describes dosing restrictions recommended by the manufacturer Allergan and describes subsequent PACE claim handling procedures regarding this medication.
- February 14, 2003—Avage® and Botox Cosmetic®: PACE legislation prohibits payment for "drugs prescribed for wrinkle removal. . .". This bulletin includes these medications in the category and removed them from PACE coverage.
- February 14, 2003—Medical Exception Processing for Lotronex®, Forteo® and Humira®: Specific guidance for these medications.
- March 28, 2003—Early Refill Edit: Effective Monday, April 14, 2003, PACE cardholders must use 85% of their medication, based on the previous prescription's days supply, before the Program will consider the refill for reimbursement.
- April 4, 2003—HIPAA: This bulletin is in response to inquiries regarding the responsibility of the Department of Aging, PACE Program and its contractor, First Health in achieving HIPAA (Health Insurance Portability and Accountability Act of 1999) compliance.
- April 11, 2003—Cardholder Information for Early Refill Edit Poster: Illustrated poster describing that effective Wednesday, May 14, 2003, PACE cardholders must use 85% of their medication, based on the previous prescription's day's supply, before the Program will consider the refill for reimbursement.
- May 23, 2003—Provider Manual Insert: PACE legislation was amended in 1992 to require that cardholders be informed of the Usual and Customary price of the prescription they received under the PACE Program.
- June 6, 2003—Early Refill Edit: The Department of Aging is delaying the implementation of the revised early refill edit. As announced earlier, this revision will require that PACE cardholders must use 85% of their medication, based on the previous prescription's days supply, before the Program will consider the refill for reimbursement.

- August 1, 2003—Relocation: First Health Services announces its office relocation details. New address becomes effective August 11, 2003.
- August 8, 2003—Pro-DUR Edit Revisions: New drug classes to be added effective August 19, 2003.
- August 22, 2003—Important Telephone Numbers: Lists retained and changed general access telephone numbers, as well as, new address of First Health Services/PACE.
- November 28, 2003—Program Changes: Changes pursuant to House Bill 888 become effective January 1, 2004. This bulletin specifies the most notable changes applicable to providers.
- December 26, 2003—New Legislation Cardholder Impact: Further description of changes to PACE/PACENET detailing Income Limit Increases Co-pays, Generics, PACENET Claims Processing and Potential PACE/PACENET Applicants.

PACE PROVIDER BULLETINS: 2002

- January 18, 2002—Important Cardholder Information: It summarizes general guidance for the cardholder regarding the major conditions under which PACE assistance can and cannot be used.
- April 1, 2002—Non-Participating Manufacturers: Manufacturers are required to extend a rebate to PACE for medications purchased through the program. This bulletin lists all labelers that choose not to participate in extending the required rebate to PACE.
- April 19, 2002—ProDUR Additions: Specifies several new additions to PACE Prospective Drug Utilization Review System. Included are: Prozac Weekly, Rivastigmine, Galantamine, Perindopril, Meloxicam, Doxycycline, Acetaminophen, Propoxyphene Napsylate and Propoxyphene HCL.
- May 3, 2002—PACE Moratorium Information: Provides for a readjustment of the COLA factor used by PACE to reprocess enrollments that were affected by a 2000 Social Security COLA adjustment in mid 2001.
- May 24, 2002—Tracleer™: Specifies the addition of Actelion Pharmaceutical's Tracleer™ (bosentan) product to the PACE drug file. Describes the only approved diagnosis and explains the mandatory medical exception processing claims for Tracleer™ must undergo.
- August 23, 2002—PACE Moratorium Information: A supplemental PACE moratorium reprocessing project announcement. All affected cardholders and providers are being notified. A toll-free phone number is provided for additional information.
- September 6, 2002—Remodulin™: A treatment for pulmonary arterial hypertension (PAH), Remodulin™ (treprostinil) injection has been added to PACE program coverage but only for this diagnosis. Claims for this medication must go through the medical exception process to be considered for payment.
- November 8, 2002—HIPAA Compliance: Lists software vendors that will be contacted regarding the requirements of the HIPAA initiative and requests contact information from providers for vendors not included on the list.
- December 27, 2002—Mandatory Substitution of Prilosec: Identifies manufacturers that will be a source for the generic version of Prilosec, omeprazole.

PACE PROVIDER BULLETINS: 2001

- January 26, 2001—Prescription Records: Notified Providers that the Department of Aging will accept the "daily hardcopy record" identified in Section 22.62, (c)(3) of Chapter 22, Pharmaceutical Assistance Contract for the Elderly, as being a certification statement which will contain verbiage clearly identifying the prescriptions and stating that the pharmacist, identified by his or her signature, attests to the identified prescriptions' validity, accuracy and completeness. Reminder that Section 22.62 (c) and (d) state that "hardcopy prescriptions" and "other records necessary to disclose the full nature and extent of prescription drugs . . . dispensed by a provider shall be retained for 4 years . . .".
- February 23, 2001—Sarafem®: Effective February 26, 2001, the PACE Program will deny all claims for Sarafem®. This action is being taken based on the manufacturer's package insert which states, "Sarafem® is indicated for treatment of premenstrual dysphoric disorder (PMDD)."
- March 9, 2001—Immunosuppressants: Notified Providers that effective April 1, 2001, Medicare has eliminated the time limitation for Medicare recipients receiving immunosuppressant drug benefits. This change re-establishes coverage for disabled Medicare recipients as well as Medicare recipients over age 65 who had previously exceeded the Medicare time limit for immunosuppressant drug coverage. Effective April 1, 2001, all medical exceptions for immunosuppressants will calculate the PACE reimbursement based on the percentage NOT reimbursable by Medicare, which is currently 20%.
- March 16, 2001—Mandatory Substitution Coumadin®: Notified Providers that effective April 16, 2001, the PACE Program will mandate substitution for all new claims for Coumadin®.
- March 16, 2001—Ketoprofen Reminder: Notified Providers that as stated on page V.20 of your PACE Provider Manual, section m, "Ketoprofen being compounded for off-label use to treat arthritis will be disallowed when identified in utilization review reports." March 23, 2001—PACE—CRDP Cardholders Reminder: Notified Providers that PACE is payor of last resort.
- March 30, 2001—Renagel®: Notified Providers that effective Monday, April 9, 2001, PACE will deny all claims for Renagel®. No additional medical exceptions will be approved prior to the receipt of supporting diagnostic and treatment information.
- April 20, 2001—Non-Participating Manufacturers: Notified Providers of manufacturers not participating in the PACE Program.

April 20, 2001—Mandatory Substitution for Coumadin® Clarification: Notified Providers that Cardholders whose prescription history contains Coumadin® usage and therefore received a Medical Exception should submit the Coumadin® claim to PACE with a DAW code of "1." PACE will not disallow Coumadin® claims on future audits in those instances in which a medical exception was granted to continue Coumadin® therapy even in the absence of Brand Medically Necessary documentation. Cardholders with no history of Coumadin® usage are subject to the Program's mandatory substitution regulations unless a Medical Exception is authorized.

May 11, 2001—Imitrex®: Notified Providers that effective May 14, 2001, PACE will deny Claims for all forms of sumatriptan (Imitrex®). No medical exceptions will be approved prior to the receipt of a cardiovascular evaluation stating the patient is free of cardiovascular disease.

May 25, 2001—TOBI®: Notified Providers that effective June 4, 2001, PACE will deny claims for TOBI®. Only approved FDA indication is for the "management of cystic fibrosis patients with Pseudomonas aeruginosa." Off label indications will be denied. Medical Exceptions granted only upon confirmation from prescriber of a diagnosis of cystic fibrosis.

June 26, 2001—PACENET Expansion: Notified Providers that effective July 1, 2001, PACENET eligibility income limits have been increased. No change in PACE income limits.

June 26, 2001—PACENET Expansion: Pharmacy poster with details of program changes.

June 26, 2001—Legislative Changes: PACE Moratorium: Notified Providers that PACE cardholders whose eligibility was terminated in 2001 solely because of a Social Security cost-of-living-adjustment would be reinstated automatically in PACE. An automated process to be established to address PACENET claims for cardholders reinstated into PACE.

July 6, 2001—GLEEVEC™: Notified Providers that Novartis Pharmaceutical's anti-cancer drug added to PACE drug file. Approved only for treatment of chronic myelogenous leukemia (CML) and not currently covered by Medicare. Provider should understand that PACE will ensure that drug is approved FDA indication and is prescribed in the approved dosage before authorizing payment.

July 13, 2001—Cardholders with July 15, 2001 Ending Eligibility Dates: Notified providers of an extension of eligibility to August 21, 2001.

July 20, 2001—Renagel®: Notified Providers that effective immediately, only Medical Exception documentation received from prescriber verifying calcium phosphate products of 70 or greater will be considered for the granting of medical exceptions.

August 10, 2001—Baycol: Notifies Providers that effective August 9, 2001, PACE no longer reimburses for Baycol because of a voluntary manufacturer withdrawal of the product.

August 24, 2001—PACE Moratorium Agreements: Notifies Providers of agreement mailings and of process involved in the provider refunding the cardholder and PACE reimbursing the provider due to the Moratorium.

September 21, 2001—Broncholidator Drugs: Notifies Providers that effective October 1, 2001, the restriction of denying at point-of-sale the reimbursement of these agents has been removed. Medicare remains primary payor. PACE continues to reimburse at 20%, the part not covered by Medicare.

September 28, 2001—Miscellaneous Agents, Maximum Dosing Edit: Notifies providers that effective October 8, 2001, PACE will review several new agents. Patients whose prescribing regimen exceeds PACE maximum daily dose will have their prescriber contacted to obtain documentation to support dosing therapy.

November 30, 2001—National Drug Code (NDC) Accuracy: Reminds Providers of their responsibilities in accurately reporting NDCs. Discusses prohibited acts. Providers with error rates greater than 50% may be subject to recovery audit and termination.

December 14, 2001—Other Prescription Coverage Edit: Specifies proper use of "Other Coverage Code" field and identifies NCPDP claim denial responses in the event of improper submission.

PACE PROVIDER BULLETINS: 2000

February 4, 2000—Medical Exception Authorization. Notified Providers that requests for Medical Exceptions for medications routinely prepared during non-processing hours will not be considered. Requests for Emergency Medical Exceptions for medications dispensed under exceptional circumstances during non-processing hours may be reviewed.

February 4, 2000—Other Prescription Coverage. Notified Providers that effective February 14, 2000, PACE will edit claims for PACE cardholders identified by the following insurance carriers: Healthguard; Highmark; Qualmed; Health America; and KHP Central/Senior Blue. Claims submitted to PACE for cardholders identified by these companies will deny if the provider submits the claim with an incorrect Other Coverage value of "0"—"Not Specified" or "1"—"No Other Coverage Identified."

February 11, 2000—Alupent® Billing. Notified Providers that to assist providers in maintaining billing consistency, PACE is changing its reimbursement calculation for Alupent® 14 gm-10ml, NDC 00597007017 from price per ml to price per gram, effective with dates of service of February 19, 2000 and thereafter. Providers submitting a claim for 1 inhaler of Alupent® 14 gm-10 ml, NDC 00597007017 should submit a quantity of 14 in the metric decimal quantity field.

February 11, 2000—Medicare Billable Pharmaceuticals Additions. Notified Providers effective February 14, 2000, PACE will reject the following medications at the point-of-service: Synvisc®; Hyalgan®; Polygam®; Imovax®; Leukine®; and Aredia® because PACE has been advised that, with the proper diagnosis, physicians may submit these claims to Medicare.

March 3, 2000—Duplicate Therapy Edit. Notified Providers that effective March 13, 2000 and thereafter, PACE is implementing a Duplicate Therapy Edit for benzodiazepines and miscellaneous sedative hypnotics.

March 24, 2000—Non-Participating Manufacturers. Notified Providers of manufacturers not participating in the PACE Program.

March 24, 2000—Propulsid® Boxed Warning Revision. Notified Providers that Janssen Pharmaceutica has notified physicians of important changes to its Boxed Warnings, Drug Interactions and Dosage and Administration sections. Highlights of the changes included: 1) A 12-lead ECG should be obtained before Propulsid® is administered; 2) Propulsid® should not be initiated if the QTs value exceeds 450 milliseconds; and 3) Propulsid® is contraindicated in patients with electrolyte disorders (hypokalemia, hypocalcemia and hypomagnesemia). Serum electrolytes should be assessed in diuretic-treated patients before initiating Propulsid® and periodically thereafter.

March 24, 2000—Dentist Prescribers. Notified Providers that effective April 3, 2000, and thereafter, claims containing a dentist's license number in the prescriber license number field and submitted for pharmaceuticals other than antibiotics, analgesics, non-steroidals or fluoride preparations will reject with NCPDP Error 88, accompanied by the DUR response "CH".

March 24, 2000—Duplicate Therapy Edit. Notified Providers effective April 17, 2000 and thereafter, PACE is augmenting its Duplicate Therapy Edit for Benzodiazepines and Miscellaneous Sedative Hypnotics with the inclusion of Ambien® and Sonata®.

March 31, 2000—Oral Antidiabetic Agents. Notified Providers effective June 5, 2000 and thereafter PACE will review claims submitted for oral antidiabetic agents for maximum daily dose.

March 31, 2000—Antirheumatic Drug Therapy. Notified Providers that effective June 5, 2000 and thereafter, PACE will review claims submitted for the antirheumatic drug etanercept (Enbrel®).

March 31, 2000—COX-2 Inhibitors. Notified Providers that effective June 5, 2000 and thereafter, PACE will review claims submitted for the COX-2 inhibitors (Celebrex®) and rofecoxib (Vioxx®) for maximum daily dose.

March 31, 2000—Antiplatelet Agent PLETAL®. Notified Providers effective June 5, 2000 and thereafter, PACE will review claims submitted for the antiplatelet agent cilostazol (Pletal®) for maximum daily dose of 200 mg.

March 31, 2000—Skeletal Muscle Relaxants. Notified Providers effective June 5, 2000 and thereafter, PACE will review claims submitted for skeletal muscle relaxants for both maximum daily dose and duration of therapy.

March 31, 2000—Rezulin®. Notified Providers that effective March 22, 2000 PACE no longer reimburses for Rezulin®. This action is in response to the Warner Lambert Company's voluntary withdrawal of Rezulin® from the marketplace on Tuesday, March 21, 2000.

April 7, 2000—Propulsid® Reimbursement. Notified Providers effective April 10, 2000 PACE will deny all claims received for cisapride (Propulsid®). Physicians desiring their patients to continue taking cisapride (Propulsid®) have been advised they may request a Medical Exception. These exception requests will be considered only until the product is withdrawn from the market by Janssen Pharmaceutica effective July 14, 2000.

April 7, 2000—Dispensing Date. Reminded Providers that claims are to be submitted to PACE on the date they are dispensed. Advised PACE Providers enrolled as Nursing Home Providers as well as those providers servicing nursing homes that effective with dates of service of June 1, 2000 and thereafter, claims submitted with incorrect dates of service will have those claims disallowed.

May 12, 2000—Mandatory Substitution Dilantin®. Notified Providers effective May 22, 2000, PACE is mandating substitution for Dilantin®.

May 12, 2000—Generic Refills. Reminder to Providers that Section 22.55(e) of Title 28 (Health and Safety) of the Pennsylvania Code states: "Prescription refills, where permitted by the practitioner, shall be completed using the identical product (same distributor and manufacturer) as dispensed on the original, unless the person presenting the prescription and the practitioner authorize, in advance, a different manufacturer's generic equivalent product. Advance authorization is not required in an emergency, but the physician shall be notified by the pharmacist as soon as possible thereafter."

May 19, 2000—LOTROXEX®. Notified Providers that in the package insert that accompanies Lotronex®, Glaxo Wellcome Inc. states that "Lotronex® has NOT been shown to work in men with IBS." (Irritable Bowel Syndrome). Effective June 12, 2000, all claims for Lotronex® will be denied with NCPDP Code 70, PACE Code 055 "Drug not covered". At a future date this edit will be converted to a DUR drug-gender denial. In the interim, providers should contact Provider Services to receive a Medical Exception for female cardholders.

May 19, 2000—Zyvox®. Notified Providers effective June 5, 2000, PACE will deny all claims for Zyvox®. Medical Exceptions for the antibiotic linezolid (Zyvox®) will only be considered upon receipt of the appropriate documentation from the cardholder's physician. Providers should note that no evidence supports Zyvox® for use in the management of antibiotic associated colitis (AAC). No medical exceptions will be approved prior to the receipt of supporting diagnostic and treatment information.

May 26, 2000—Dispensing Date Update. Notified Providers enrolled as Nursing Home Providers and those who service nursing homes affected by the PACE Provider Bulletin of April 7, 2000, that the implementation date cited in this notification has been delayed thirty days until July 1, 2000.

June 9, 2000—Provider Update: Generic substitution for Dilantin®: Notified Providers as stated in the Provider Bulletin of May 12, 2000, PACE notified the physicians of all PACE cardholders currently receiving Dilantin® of the impending mandatory substitution and provided a Medical Exception Form if the prescriber did not wish the cardholder to receive the generic.

July 14, 2000—PACENET Deductible Reminder: Notified Providers that any providers refusing to submit PACENET deductible claims through the on-line claims adjudication system at the time of presentation or prior to dispensing the prescription are in violation of their PACE/PACENET Provider Agreement. Failure to abide by the terms and conditions of the Provider Agreement could result in provider termination and/or suspension of payments by the Department of Aging until such non-compliance is corrected.

- August 4, 2000—Dispensing Date & Nursing Home Providers: Notified Providers our Bulletin of April 7, 2000, instructed that all claims for cardholders residing in nursing homes are to be submitted to PACE on the date that they are dispensed. Subsequently, the Department has reviewed issues raised by nursing home providers and providers who service nursing homes regarding this requirement. Although the Department recognizes that it cannot dictate a nursing home's medication dispensing policy, the Program does encourage the submission of claims for those chronic maintenance drugs to be on a monthly basis. The authorizations apply ONLY to those cardholders residing in nursing homes who are subject to the nursing home's controlled environment and internal drug utilization review policy.
- August 18, 2000—Vaniqa®: Notified Providers that PACE will NOT reimburse for Bristol-Myers Squibb and Gillette's Vaniqa® (eflornithine HCL) cream recently approved by the FDA for the treatment of unwanted facial hair in women.
- September 15, 2000—Other Prescription Coverage: Notified Providers that effective October 16, 2000, PACE will edit claims for PACE cardholders with dual coverage. Providers enrolled in other third party point-of-sale prescription plans must have the ability to "dual bill." PACE is to be billed after the claim is adjudicated by the primary insurer but prior to dispensing.
- November 10, 2000—Reminder of Other Prescription Coverage: Notified Providers that PACE denies claims for cardholders identified as having other insurance if the provider submits the claim with an incorrect "other coverage" value.
- December 1, 2000—Manufacturers' Rebate: Notified Providers that Act 128-1992 amending the Lottery Fund Preservation Act, in part, requires all pharmaceutical manufacturers to have in effect a rebate agreement with the PACE Program if they wish to have their products covered. Sidmak Laboratories, Labeler Code 50111 is being added to PACE's non-participating list. Sidmak's products are no longer reimbursable effective December 18, 2000.

December 15, 2000—Sidmak Laboratories Reinstatement: Notified Providers that the Department of Aging advises that Sidmak Laboratories, Labeler Code 50111 will continue to participate in the Manufacturers' Rebate Program. Providers should disregard the previous December 18, 2000 termination announcement.

PACE PROVIDER BULLETINS: 1999

2/19/99: Kytril® and Zofran®: Reminder to providers that PACE will reimburse only on the 20% not reimbursed by DMER

2/19/99: Optometrists's Prescribing Privileges: Provides PACE Providers with a list of medications permitted by Department of Health regulation to be prescribed by optometrists. Warns providers to not dispense and bill the Program for pharmaceuticals that are prohibited by regulation from being prescribed by optometrists.

2/19/99: Optometrist's License Numbers: Notifies providers that Optometrists certified to prescribe and administer pharmaceutical agents for therapeutic purposes under section 4.1 of the Optometric Practice and Licensure Act are being issued a license with a suffix of "T".

3/5/99: PACENET Deductible: Reminder to PACE Providers that the \$500 PACENET deductible is accumulated based on each individual cardholder's enrollment year; not the calendar year.

4/9/99: Notified PACE Providers that effective May 14, 1999, PACE will mandate substitution on the following medications: Lasix®, Depakene®, Mysoline®, QuinagluteDura-tabs®, Mexitil®, Tegretol® and all sustained-release Theophylline preparations.

4/9/99: Betoptic® Solution: Notified PACE Providers that Alcon Laboratories had informed PACE that it had discontinued production of Betoptic® solution in the 2.5 and 5 ml sizes.

4/30/99: Propulsid® Drug to Drug Interactions: Notifies providers that effective May 10, 1999, PACE will review history across all providers and reject all prescriptions in the drug classes which are contraindicated for patients using Propulsid.

5/7/99: Drug Utilization Review Program: Notified Providers that effective May 15, 1999, several new and revised maximum daily dose criteria, duration criteria and duplicate criteria will be added to the PACE ProDUR Program.

7/2/99: Trovan®(Trovafloracin/Alatrofloracin Mesylate): Notified Providers that effective July 6, 1999, PACE will deny all claims for Trovan®. In accordance with FDA recommendations, PACE will reimburse for Trovan® only through the Medical Exception Process.

7/2/99: Medicare Reimbursable Chemotherapeutics: Notified Providers that effective July 12, 1999, the following pharmaceuticals will be included with those products being reimbursed by the PACE/PACENET Program at 20%: Oaklide® and Neumega®

July 16, 1999—HISMANAL®. Notified Providers that effective July 26, 1999, PACE will no longer reimburse for HISMANAL®. This action is in response to Janssen Pharmaceutica informing the U.S. Food and Drug Administration that it has voluntarily decided to discontinue the manufacturing and distribution of HISMANAL® 10 mg tablets.

July 16, 1999—Cellcept® and Prograf®. Notified Providers that effective July 26, 1999, PACE claims for Cellcept® and Prograf® may be submitted to the Program using the PACE On-Line Claims Adjudication System (POCAS) Medical Exception process.

July 16, 1999—Drug Utilization Review Program Anti-obesity Agents. Notified Providers that effective July 26, 1999, maximum dose and initial duration of therapy criteria will be added to the PACE ProDUR Program specifically for the anti-obesity class of medication.

September 3, 1999—NEORAL® and SANDIMMUNE®. Notified Providers that effective September 13, 1999, PACE claims for Neoral® and Sandimmune® will be adjudicated by the Program using the PACE On-Line Cclaims Adjudication System (POCAS) Medical Exception process.

October 20, 1999—Other Prescription Coverage. Notified Providers effective November 1, 1999, PACE cardholders identified by Highmark as possessing Security Blue prescription coverage, will have their claims denied by PACE IF the provider submits the claim with an incorrect Other Coverage value of: “0”—“Not Specified” or “1”—“No Other Coverage Identified.”

October 29, 1999—Multiple Point of Service Billing. Notified Providers whose software does not permit dual or multiple point-of-sale submissions may not bill cardholders for medications submitted to PACE after dispensing and experiencing a subsequent denial.

November 5, 1999—RAXAR®. Notified Providers that Glaxo Wellcome has announced the voluntary withdrawal of RAXAR® tablets from the market. Any claims submitted for RAXAR® on or after November 3, 1999 will deny.

November 19, 1999—PACENET Cardholders and Other Prescription Coverage. Reminded Providers that claims submitted to PACE during the PACENET cardholder's deductible period are to contain the dollar amount paid by the PACENET cardholder for the prescription. The out of pocket expense, borne by the cardholder, is the amount the Program accumulates toward the cardholder's \$500 deductible.

December 3, 1999—Medicare Reimbursable Agents. Notified Providers that effective December 13, 1999, PACE will deny claims submitted for all Medicare Reimbursable Agents. Providers attempting to bill for these products may contact Provider Services for a Medical Exception.

PACE PROVIDER BULLETINS: 1998

2/13/98: PACENET Deductible: Reminder to Providers that the PACENET \$500 deductible is accumulated based on each individual's enrollment year, not the calendar year.

2/13/98: PACE Required Documentation for “Brand Medically Necessary” (DAW Code 1) Prescriptions: Reminder to Providers who are being reimbursed for a Brand Name product having an A-rated generic because the Program has granted a cardholder medical exception or because the Program has elected not to require substitution must, by PACE regulation, have at the time of dispensing, a prescription on which the prescriber has handwritten “Brand Medically Necessary” or “Brand Necessary.”

- 2/13/98: Clozapine (Clozaril): Notified Providers that Clozaril is subject to the PACE Program's mandatory substitution requirement. Generic clozapine is available from Zenith Goldline Pharmaceuticals.
- 2/13/98: Use of NDC Codes and Calculation of Reimbursement: Reminder to PACE Providers that all claims submitted to the Program for reimbursement must accurately report the labeler code and product code of the drug dispensed. Reimbursement paid by the PACE Program will be based upon the package size as reported by the Provider.
- 2/20/98: Other Prescription Coverage: Notified Providers that EOB Message “041—Billable to Other Payor” will soon be rejected with an Error Code 041.
- 2/27/98: Bromfenac Sodium Capsules (DURACT): Reminder to Providers that DURACT is only intended for the short term (10 days or less) management of acute pain and is not indicated for long term use. Notified Providers effective March 2, 1998 PACE will reject all claims for DURACT at the point of sale. A one-time medical exception will be considered, upon request from the Provider, for a maximum 10-day supply at a maximum dose that does not exceed 150 mg per day. Written correspondence from the cardholder's physician will be necessary for reimbursement beyond ten days.
- 2/27/98: Mibefradil Dihydrochloride (POSICOR): Notified Providers of advisory issued by Roche Laboratories Inc. of reported cases of interaction of POSICOR with certain HMG-CoA Reductase Inhibitors. PACE claims for POSICOR identified as being coadministered with either lovastatin or simvastatin will reject with the NCPDP Error “88, DUR Reject”; PACE Error Code “706,” accompanied with the Conflict Code “DD,” the free text message of “DRUG-DRUG,” and the NDC of the drug in conflict.
- 4/10/98: PACE Cardholders Enrolled in Medicare HMO's: Reminder to Providers that PACE Cardholders enrolled in Medicare certified HMO's are entitled to the same prescription medications under the Medicare certified HMO as those covered under Medicare Part “B.” This entitlement is not affected by a cardholder's decision not to subscribe to supplemental HMO offered prescription coverage.
- 4/17/98: Drug Utilization Review Program: Notified Providers effective April 22, 1998, several new maximum daily dose criteria, duration criteria and duplicate therapy criteria will be added to the PACE ProDUR Program. The criteria is as follows: Mibefradil HCl (POSICOR) 100 mg maximum dose/duplicate therapy edit; Carvedilol (Coreg) 100 mg maximum dose/duplicate therapy edit; Losartan (Cozaar) 100 mg maximum dose/duplicate therapy edit with the ACE Inhibitors; Quetiapine (Seroquel) 400 mg maximum dose; Hydrocodone and Ibuprofen (Vicoprofen) 37.5 mg maximum dose/duration edit: 10 days out of every 30.
- 4/25/98: Mandatory Substitution Diltiazem Extended Release Capsules: Notified Providers effective April 29, 1998, the PACE Program will begin mandating substitution of Dilacor XR and Cardizem SR. This is a result of information received from the FDA granting therapeutic equivalence to capsules manufactured by Mylan Pharmaceuticals, Watson Labs, Andrx and Teva Pharmaceuticals.

- 5/8/98: Early Refill Edit: Notified Providers effective May 19, 1998, the additional classes will be added to the early refill edit: Intranasal Steroids; Topical Corticosteroids—Single Entity; Anti-diabetic Agents—Insulins; Bronchodilators; Conjugated Estrogens; Estrogens—Transdermal Patches; and Opiates. Reimbursement will not be made until 75% of the medication has been used.
- 5/22/98: Drug Utilization Review Program: Notified Providers effective May 26, 1998 several new criteria will be added to the PACE ProDUR Program and applied to all claims submitted on or after this date for the medication Viagra. The criteria added are: maximum daily dose of 50 mg. Claims submitted for greater than 50 mg daily will require a diagnosis and approval through the PACE medical exception process. Duration of therapy will be thirty tablets per month. PACE will only reimburse claims submitted for male cardholders. Claims submitted for female cardholders will be reversed.
- 6/1/98: Drug Utilization Review Program: Notified Providers that Pfizer, Inc. has recently reiterated that patients taking nitrates in any form, including nitroglycerin and long-acting nitrates commonly used for chest pain, should not take Viagra. PACE will reject prescriptions for Viagra and Nitroglycerin at the point-of-sale in order to comply with this guideline for appropriate use.
- 6/12/98: RECALL: Notified Providers that a Voluntary Class I recall has been initiated by Meridian Medical Technologies, manufacturer of both Epipen and Epipen Jr. Auto-Injectors. All PACE cardholders for whom reimbursement was made during this period have been instructed to return their product to their pharmacy for a lot number review.
- 6/12/98: RECALL: POSICOR—Notified Providers that Roche Laboratories Inc. is withdrawing POSICOR from the market effective June 8, 1998. The PACE Program will deny reimbursement for claims submitted with dates of service of June 9, 1998 or thereafter will be denied.
- 6/19/98: Cholinesterase Inhibitors: Notified Providers that effective June 22, 1998, several new maximum initial dose and maximum daily dose criteria will be added to the PACE ProDUR Program. The criteria added are for Tacrine (Cognex®), initial maximum dose 40 mg/6 weeks; 80 mg/6 weeks; 120 mg/6 weeks and a maximum dose of 160 mg; and Donepezil (Aricept®), initial maximum dose 5 mg and a maximum dose of 10 mg.
- 6/26/98: DURACT®: Notified Providers that effective June 22, 1998, Wyeth-Ayerst Laboratories is withdrawing Duract® capsules from the market. Accordingly, any Duract® claim submitted to PACE after June 22, 1998 is being denied.
- 6/26/98: Early Refill Edit Applied to Ophthalmics: Notified Providers that effective July 6, 1998, PACE is applying the early refill edit criteria to ophthalmic preparations requiring that at least 75% of the medication, based on the day's supply submitted on the previous claim, has been used before PACE will consider reimbursement for a prescription refill.

12/11/98: Meridia® Drug to Drug Interactions: Notified Providers that in order to comply with the manufacturers' warnings that Meridia® should not be used concomitantly with MAOI's (at least a two week interval after stopping an MAOI before commencing with Meridia®), PACE will review history across providers and reject all prescriptions for Nardil, Eldepryl and Parnate at the point of sale.

12/31/98: Drug Utilization Review Program: Notified Providers that effective January 4, 1999, revised criteria will be added to the PACE ProDUR Program and applied to all claims submitted on or after this date for the medication Viagra®. The criteria is as follows: Maximum Daily Dose—50 mg; Duration of Therapy decreased from thirty to eight tablets per month.

PACE PROVIDER BULLETINS: 1997

- 02/07/97: Brand Medically Necessary Update: Notified Providers that effective immediately PACE is no longer mandating generic reimbursement on the following brand medications: Lasix, Depakene, Tegretol, Mysoline, Quinaglute Duratabs (Quinidine Gluconate), Pronestyl SR, Mexitil, and All Sustained Release Theophylline Preparations.
- 02/14/97: Mandatory Substitution Nitroglycerin Transdermal Patch: Notified Providers that effective February 21, 1997, the PACE Program will be mandating substitution on both Nitro-Dur and Transderm-Nitro.
- 03/01/97: PACENET: Reminder to Providers to encourage their older customers to make application for the new PACENET Program. Bulletin includes income requirements, information regarding the crediting of out-of-pocket expenses; use of 1997 PACE applications to apply for both PACE and PACENET and a reminder to discard the old 1996 enrollment applications.
- 03/28/97: Drug Utilization Review Program: Notified Providers that effective April 14, 1997, PACE will be adding new criteria to our Prospective Drug Utilization Review Program for HMG Co-A Reductase Inhibitors.
- 05/09/97: PACENET Claim Submission: Provides explanation to Providers regarding the \$500 deductible and submission of out-of-pocket prescription expenses for PACENET cardholders.
- 06/20/97: Claim Timeliness: Reminder to Providers that PACE claims are to be submitted on the date of dispensing.
- 07/11/97: Fragmin: Notified Providers that on July 18, 1997, PACE would reimburse claims submitted for Fragmin only when being prescribed for the prevention of deep venous thrombosis, which may lead to a pulmonary embolism following abdominal surgery or hip replacement. Further, since Fragmin is indicated for short-term treatment (five to ten days), PACE would apply a duration of therapy edit of not greater than 14 days to all incoming claims.
- 8/7/97: Generic Update: Ranitidine: Notified Providers that Ranitidine currently being manufactured by Novopharm and Geneva is now available as a therapeutically equivalent generic for Zantac and effective Friday, August 15, 1997, PACE would be mandating substitution on Ranitidine.

- 8/7/97: 1997 Pharmacy Licensure: Reminder to Pharmacies that current pharmacy licenses expire August 31, 1997 and that PACE Regulations mandate that, "Only pharmacies and dispensing physicians that are currently licensed by the Commonwealth are eligible to participate as providers in the PACE Program."
- 8/15/97: PACENET Claims: Reminder to Providers that they must submit all PACENET Cardholder prescription claims on POCAS to permit the accurate recording of the amount accumulating toward the \$500 deductible.
- 8/15/97: Other Prescription Coverage: Reminder to Providers that, by statute, the PACE Program is the payor of last resort and will accept responsibility only for those costs not covered by the cardholder's other prescription drug benefit program.
- 8/15/97: Notified Providers effective August 18, 1997, several new maximum dose criteria will be added to the PACE ProDUR Program. These new additions are: 1) Maximum daily dose and duplicate therapy (with ACE inhibitors) edit for angiotensin II antagonist inhibitor: Valsartan (Diovan) 320 mg; 2) Maximum initial dose and maximum daily dose for antipsychotic agent Olanzapine (Zyprexa) 2.5 mg (initial) 10 mg (maximum); 3) Maximum daily dose and duplicate therapy for the HMG Co-A Reductase Inhibitor: Atorvastatin (Lipitor) 80 mg (maximum); 4) Maximum daily dose and duplicate therapy for the beta blocker: Cavedilol (Coreg) 100 mg (maximum); 5) Maximum initial dose and maximum daily dose for the antidepressant: Mirtazapine (Remeron) 15 mg (initial) 45 (maximum); 6) Maximum dose and duplicate therapy for the calcium channel blocker Nisoldipine (Sular) 60 mg (maximum); and 7) Maximum initial dose and maximum daily dose for the antipsychotic: Clozapine (Clozaril) 25 mg (initial) 100 mg (maximum).
- 8/29/97: Updated listing of Non-Participating Manufacturers.
- 9/12/97: Reinstatement of Common Package Size: Notified Providers effective September 15, 1997, PACE will reinstitute the Common Package Size pricing which was discontinued in November, 1996.
- 9/19/97: Audit Issues: Reminder to Providers their responsibilities regarding voiding claims' payments for prescriptions that are not picked up by cardholders as well as maintaining an accurate, current signature log to identify the individuals who are receiving the PACE prescriptions dispensed by the Provider.
- 9/19/97: DAW/Product Selection Code: Reminder to Providers of the five codes used by POCAS.
- 10/3/97: Injectable Chemotherapy Antineoplastics: Reminder to Providers that Injectable chemotherapeutic antineoplastic claims are only reimbursed based on the 20% not covered by Medicare.
- 10/3/97: Claim Submission Timeliness: Reminder to Providers that they are required by contract to submit claims prior to dispensing.
- 10/17/97: Other Prescription Coverage: Notification to Providers effective November 3, 1997, PACE is implementing edit criteria to ensure compliance with the Program's requirement of billing other prescription plans prior to billing PACE. Providers entering a TPL indicator identifying "no other coverage" for a cardholder identified as having other prescription coverage will have the claim denied with the NCPDP Error Code 41 "Submit Bill to Other Payor."
- 11/14/97: Drug Utilization Review Program: Notified Providers effective November 24, 1997, the following new maximum daily dose criteria will be added to the PACE ProDUR Program: Maximum daily dose edit for the centrally acting analgesic Tramadol (Ultram) 300 mg maximum for individuals 75 years of age or older and 400 mg for individuals younger than 75 years.
- 11/14/97: Drug Utilization Review Program: Notified Providers effective November 24, 1997, the following new maximum daily dose criteria will be added to the PACE ProDUR Program: Edits for the miscellaneous sedative/hypnotics are as follows: Amobarbital (Amytal) 200 mg; Butobarbital (Butisol) 100 mg; Chloral Hydrate 1 gm; Pentobarbital (Nembutal) 100 mg; Ethchlorvynol (Placidyl) 500 mg; Secobarbital (Seconal) 100 mg; Amobarbital/Secobarbital (Tuinal) 50/50 mg.
- 11/21/97: Reminder to PACE Providers to review their Remittance Advice and to pay particular attention to those claims with Message Codes 041 and 918, which address those claims for cardholders with other prescription coverage.
- 11/21/97: Oral Anti-Nausea Medication: Notified Providers effective December 1, 1997, PACE will be reimbursing only 20% of the Average Wholesale Price of oral formulations of Kytril and Zofran. Remaining cost of the drug will have to be submitted to the regional Medicare carrier, United Health Care in Wilkes-Barre for reimbursement.
- 12/26/97: Reminder to PACE Providers that claims submitted for brand name pharmaceuticals having an A-rated generic therapeutic equivalent will be denied unless a medical exception is granted or PACE does not mandate substitution for the product. PACE does not require substitution on these products with A-rated generics Warfarin Sodium (Coumadin); Carbamazepine (Tegretol); Phenytoin (Dilantin); or Furosemide (Lasix).

PACE PROVIDER BULLETINS: 1996

- 1/08/96: Prilosec and Prevacid: Notified Providers these drugs would be edited for maximum duration for all claims dispensed on or after January 8, 1996.
- 1/26/96: Non-Participating Manufacturer List.
- 5/24/96: Biaxin Filmtabs (NDC: 00074248660): Notified providers of an error on the formulary file from 1/22/96 to 3/21/96.
- 5/24/96: Solopak Pharmaceuticals: Notified providers that Labeler Codes 39769 and 59747 would be participating in the PACE Program.
- 7/12/96: PACE Cardholders with PEBTF Prescription Coverage: Notified Providers that PACE Cardholders with drug coverage through the Commonwealth's Retired Employees Health Plan had been notified they were being canceled from the PACE Program.

- 8/2/96: Other Insurance Coverage: Reminder to Providers to exercise reasonable diligence in ascertaining the existence of other prescription benefits before billing the PACE Program.
- 10/18/96: Injectable Chemotherapeutics: Reimbursement restrictions (20% of Average Wholesale Price) applied to injectable chemotherapy medications when administered through a home infusion pump or in a physician's office.
- 10/18/96: Vaccine Reimbursement: Notified Providers of a change in the reimbursement of vaccines to be implemented on November 11, 1996 for claims with a date-of-service on or after that date. The change is as follows: Vaccines used to provide immunization against pneumococcal pneumonia and influenza will no longer be reimbursed by the PACE Program. Vaccines used to provide immunization against hepatitis B will be reimbursed at 20% of the Average Wholesale Price.
- 10/18/96: Bronchodilator Drugs: Notified Providers that effective November 11, 1996, PACE will begin reimbursing only 20% of Average Wholesale Price for the following products: Acetylcysteine 10%; Acetylcysteine 20%; Albuterol Sulfate 0.083%; Albuterol Sulfate 0.5%; Cromolyn Sodium; Isoetharine HCl 0.1%; Isoetharine HCl 0.125%; Isoetharine HCl 0.167%; Isoetharine HCl 0.2%; Isoetharine HCl 0.25%; Isoetharine HCl 1.0%; Isoproterenol HCl 0.5%; Isoproterenol HCl 1.0%; Metaproterenol Sulfate 0.4%; Metaproterenol Sulfate 0.6%; and Metaproterenol Sulfate 5.0%.
- 11/21/96: PACE Legislative Changes: Notified Providers of increased income limits (\$14,000 maximum for singles and \$17,200 maximum for married); and Mandatory Substitution of A-Rated Multiple-source products.
- 11/21/96: PACENET Requirements: Notified Providers of income limits for PACENET cardholders (Between \$14,000 and \$16,000 if single; Between \$17,200 and \$19,200 if married); Annual Deductible (\$500 per person) which PACE Providers are expected to enter PACENET Enrollee's out-of-pocket prescription expenses in POCAS; Mandatory Copayments (\$8 per prescription for non-innovator, multiple-source (generic) products; and \$15 per prescription for single-source and innovator multiple-source products); Mandatory Substitution of A-Rated Multiple-source products after deductible is met; and the claims reimbursement formula for PACENET claims would be AWP-10% - + \$3.50 dispensing fee.
- 11/22/96: Third Party Liability: Notified Providers that a PACE cardholder's I.D. card could currently contain two indicators that may affect coverage. The first indicator is a "Y" appearing in the lower right quadrant of the I.D. card meaning the cardholder has informed PACE that they have other third party insurance that is to be billed before PACE. The second indicator is an "L" appearing in the lower right quadrant of the I.D. card. This "L" means the cardholder has been restricted into receiving his/her PACE benefits at one specific provider.
- 11/22/96: Lovenox: Notified Providers that effective December 9, 1996, PACE will reimburse claims submitted for Lovenox only when being prescribed for the prevention of deep venous thrombosis, which may lead to a pulmonary embolism following hip or knee replacement surgery or general surgery which includes abdominal, gynecologic, urologic or thoracic. Further, since Lovenox is indicated for short-term treatment (seven to ten days), the Program will apply a duration edit of not greater than 14 days to all incoming claims.
- 11/22/96: Oral Vancomycin: Notified Providers that PACE would be applying a duration of therapy edit of not greater than 14 days for all incoming claims for oral Vancomycin.
- 11/22/96: Bronchodilator Drug Update: Reminder for Providers that reimbursement for the bronchodilator solutions used in either IPPB machines or nebulizers is limited to 20% of the Average Wholesale Price by PACE and suggested that Providers who do not currently have a Medicare provider number contact the National Supplier Clearinghouse in North Carolina to request an application.
- 11/22/96: Non-Participating Manufacturers effective November 27, 1996.
- 12/01/96: Processing PACENET Claims: Provides information to assist pharmacies in the processing of claims for cardholders enrolled in PACENET.
- 12/13/96: Imitrex Tablets: Notified Providers that effective December 30, 1996, all claims for Imitrex will not be reimbursed for a quantity greater than nine or a days' supply less than or equal to 25.
- 12/13/96: Nimotop: Notified Providers that effective December 30, 1996, claims for Nimotop will be denied at the point-of-sale. After determining the diagnosis, providers can contact the POCAS operators and obtain a Medical Exception. Although this medication is approved only for use in subarachnoid hemorrhage, there are several other off-label uses for which reimbursement will be made.
- 12/13/96: Revision: Non-Participating Manufacturer List.
- 12/20/96: Mandatory Generic Substitution: Advises providers to direct cardholder questions about the new mandatory substitution policy to the Cardholder Services toll-free number (1-800-225-7223)

PACE PROVIDER BULLETINS: 1995

- 1/6/95: Drug Utilization Review Program: Addition of new criteria for antidepressants, antipsychotics and benzodiazepines.
- 2/17/95: Antidepressants, Antipsychotics and Benzodiazepines: Reminder to Pharmacy to carefully review both the reject codes and accompanying messages.
- 2/24/95: Toradol: Reimbursement restrictions.
- 2/24/95: Minitran: 30-day supply limit.
- 3/95: PACE Drug Utilization Review Criteria.
- 3/3/95: Medicare Update: Extended coverage for prescription drugs used in immunosuppressive therapy to three years following hospital discharge for an organ transplant.
- 3/3/95: Maximum Initial Dose for selected antipsychotic, antidepressant or benzodiazepine agents.
- 3/27/95: Non-Sedating Antihistamines and Oral Antifungals Coadministration is Contraindicated. PACE will reject

claims for Seldane, Seldane-D, Hismanal, Claritin, Claritin-D, Diflucan, Nizoral and Sporanox.

- 3/95: Third Party Billing Reminder: PACE is payer of last resort, pharmacy must bill other third parties first.
- 5/5/95: Brand Patent Expirations/Generic Substitutions.
- 7/95: CellCept Billing Instructions.
- 7/1/95: Claims Submissions: 90-day limit to file claims for reimbursement.
- 8/1/95: Injectable Chemotherapeutics: Effective 9/1/95 PACE Reimbursement for list of injectable chemotherapeutics limited to 20% of AWP.
- 8/18/95: Non-Participating Manufacturer List.
- 8/18/95: Drug Utilization Review Program: New maximum dose criteria added to the PACE ProDur Program effective 8/28/95—Nefazodone (Serzone) 600 mg/day; Fluvoxamine (Luvox) 50 mg/day (initial) and 300 mg/day (maximum); Lansoprazole (Prevacid) 30 mg/day.
- 9/1/95: Common Package Size Reimbursement Listing.
- 9/1/95: Epoetin Alfa (EPO) Injections: Effective 9/11/95 PACE reimbursing only 20% of AWP for Epogen and Procrit.
- 9/6/95: Early Refill Edit: Additional classes added to the Early Refill Edit.
- 9/22/95: Drug Utilization Review Program: Effective 9/25/95 duplicate therapy edit applied to the following class of drugs: Proton Pump Inhibitors—Prilosec and Prevacid.
- 10/95: PACE POCAS Telecommunications Number: New direct number available to pharmacy providers for Primary Claim Submission: 950-5545.

PACE PROVIDER BULLETINS: 1994

- 2/8/94: Reimbursement Criteria for Temazepam (effective 3/1/94).
- 5/23/94: Glyburide: Mandatory Substitution of Micronase and Diabeta.
- 5/94: Prograf Billing Instructions
- 5/94: Ophthalmics: Days Supply Provisions
- 5/94: Betaseron Billing Instructions
- 7/1/94 Ophthalmics: Noted billing discrepancies regarding pharmacies reporting of the days supply.
- 7/23/94: Narrow Therapeutic Index Exemption Listing (Revised)
- 8/94: Incorrect Physician License Numbers: Notice to Pharmacy Providers of Procedures to Disallow Claims Submitted with Wrong Prescriber I.D.
- 8/19/94: Physician/Medical Assistants: PACE Reimbursement of Prescriptions Written by Physician Assistants.
- 9/23/94: Serevent: PACE will no longer reimburse for more than 13 gm of Serevent per prescription.
- 9/26/94: Febatol—No PACE Reimbursement after 12/26/94.
- 9/30/94: Manufacturers' Rebate Update
- 10/3/94: DAW/Product Selection Code (Revised)
- 10/21/94: Oral Contraceptives: Effective 10/30/94 PACE no longer reimburses except through the Medical Exception process.
- 10/21/94: New Maximum Dose Criteria Added to the PACE ProDUR Program: Maximum daily dose and duplicate therapy criteria for NSAIDs (Trilisate; Disalcid; and Cataflam) and maximum daily dose criteria for miscellaneous anti-ulcer preparations (Propulsid and Reglan).
- 11/18/94: Oral Chemotherapeutics: Effective 12/15/94 PACE reimburses only 20% of AWP for Cyclophosphamide 25 mg/oral; Cytosan 50 mg/oral; Etoposide/Vepesid 50 mg/oral; and Melphalan/Alkeran 2 mg/oral.
- 12/2/94: 30-Day Supply Requirement: Humulin and Solganal.

PACE PROVIDER BULLETINS: 1993

- 1/1/93: PACE Legislative Changes Effective 1/1/93
 - Dispense as Written (DAW) Codes
 - Mandatory Generic Substitution when an "A" rated generic therapeutically equivalent drug is available.
 - Pricing Information
 - Consultation Fee Discontinued
- 2/28/93: Deadline for PACE Provider Reenrollment and Conversion to 3.2 NCPDP Telecommunications Standard for PACE. Telecommunications Standard for Claims Submission.
- 3/1/93: Standard Error Codes
- 3/1/93: Early Refill Edit
- 3/1/93: Halcion Error Code Revisions
- 3/1/93: Processing Requirements: Conversion to NCPDP Version 3.2
- 3/19/93: POCAS System Maintenance on 4/10/93 and 4/11/93.
- 5/14/93: Delay in Provider Reimbursement
- 5/21/93: Change in the ProDUR screening criteria for H2 Receptor Antagonists effective 6/1/93.
- 6/28/93: Implementation of PACE ProDUR Changes:
 - Maximum daily dose for NSAIDs
 - Maximum daily dose for Omeprazole, Sucralfate and Misoprostrol.
 - Maximum daily dosage allowed for Famotidine (Pepcid) changed from 80 mg/day to 40 mg/day.
- 6/28/93: Claims Processing Procedures When POCAS Is Not Available.
- 7/1/93: Non-Participating Manufacturers List
- 7/23/93: 30-Day Supply Requirements

- 7/23/93: Narrow Therapeutic Index Exemption Listing (Revised)
- 9/28/93: Manufacturers Rebate Update (Non-Participating Manufacturer List, effective 10/5/93 was attached.)

PACE PROVIDER BULLETINS: 1992

- 4/92: Provider Training Seminars (5/11/92 through 7/2/92)
- 5/29/92: Manufacturers' Rebate News: Center Laboratories
- 6/19/92: Manufacturers' Rebate News: Roxane Laboratories, Inc.
 - Astra Pharmaceutical Products
 - Ocumed
 - IPR Pharmaceutical
 - Immunex Corporation
- 8/16/92: PACE Rescue Plan: Implementation of ProDUR; NCPDP Version 3.2 and related Program Changes
- 9/92: Dixon-Shane recoupments/pharmacy credits.
- 11/9/92: PACE Pharmacy Provider Manual
- 12/23/92: Narrow Therapeutic Index Exemption Listing
- 12/92: Generic Substitution on Oral Prescriptions (Included Poster and Informational Flyers).

PACE PROVIDER BULLETINS: 1991

- 6/21/91: Co-Pay Change (\$4 to \$6 effective 7/1/91)
- 8/14/91: General Program Issues:
 - Claims Payment
 - Cardholder Eligibility Changes (Income Eligibility Changed to \$13,000 for Single and \$16,200 for Married Couples)
 - Nursing Home Providers
 - Cosmetic Drugs (Effective 10/1/91 claims for Rogaine and Retin-A no longer paid)
 - Paper Claims (Only claims for Compound Drugs or claims whose Quantity is in Excess of 9999 accepted as paper claims)
 - Persantine and Dipyridamole (These two drugs must have an indication on the prescription that it is being used as an adjunct to Coumadin anticoagulants for the prevention of postoperative thromboembolic complications of cardiac valve replacement in order to be allowed payment by (PACE).
 - Audit Issues (Telephone Prescriptions and Brand Medically Necessary Requirements).
- 8/21/91: Final Instructions Concerning the PACE On-line Claims Adjudication System (POCAS).
- 9/27/91: Billing Instructions
 - Cosmetic Drugs
 - Exception Claim Processing
 - POCAS, post payment review
 - Nursing Home Claims

DIVISION OF CONSUMER PROTECTION

Contact: Robert Hussar, Division Chief (717)-783-6207

Current Aging Program Directives

Provided below is a comprehensive list of current Aging Program Directives. Directives which do not appear on the list are no longer in effect. Current directives are as follows:

Program Area 01—"AAA Administration"

- 88-01-07 Personnel Action Plan for Private Non-Profit Area Agencies on Aging (AAA)
- 91-01-01 Certification and Disclosure Regarding Lobbying
- 91-01-05 Area Agency on Aging Involvement in Corporate Eldercare Activities
- 92-01-01 Single Audit Act Audit Requirements
- 92-01-06 Minimum Standards for Governing Boards of Private Non-Profit Area Agencies on Aging
- 93-01-04 Providing AAA Funded Services to Domiciliary Care and Personal Care Home Residents
- 94-01-02 Indirect Cost Policy for Department of Aging Contracts
- 94-01-04 Department of Aging Heat Emergency Plan
- 95-01-05 Emergency Cooling Project
- 95-01-09 Assessments of Persons With "An Other Related Condition" Who Are Exceptional Admissions
- 97-01-02 Accounting Manual For AAA Programs
- 98-01-02 Area Agency on Aging Program Income Policies
- 00-01-04 PDA Waiver Paid Claims Reconciliation
- 01-01-02 AAA Utilization of Federal Funds in Provision of Caregiver Services
- 01-01-08 The Bridge Program
- 01-01-10 Assistive Technology/Risk Reduction Home Modification Program
- 02-01-03 Contract Procurement Requirements
- 02-01-11 Updated Area Plan Assurances—Attachment a—Attachment B
- 03-01-03 OPTIONS Cost Sharing-Fee Scale Attachment
- 03-01-04 2002-2003 Tobacco/Bridge Program Amendment
- 03-01-06 Home and Community Based Services Procedures Manual (This Manual is a comprehensive guide to Department of Aging procedures. It is the operational handbook used by employees of Area Agencies on Aging. The following are individual chapters from the Manual. They contain a significant number of appendices, which are not yet displayed. They will be added to this site in the near future. In the meantime, please contact the Department at 717-783-6207 for additional information.)

- Table of Contents
- Chapter 1—Assessments
- Chapter 2—Care Management
- Chapter 3—Programs and Requirements
- Chapter 4—Services
- Chapter 5—Hearings and Appeals
 - Comprehensive OPTIONS Assessment Form (COAF) Instructions
 - Comprehensive OPTIONS Assessment Form
 - Nursing Facility OPTIONS Assessment Form
- 03-01-07 HIPAA Standards for Privacy of Individually-Identifiable Health Information and How the Requirements Impact the Pennsylvania Aging Network
- 03-01-10 FY 2004-2008 Four-Year Plan Requirements
- 04-01-01 2003-2004 Aging Block Grant Amendment: Final Funding Allocation
- 04-01-02 AAA Program Requirements, Planning Allocations and Aging Services Block Grant Format for Fiscal Year 2004-2005

Program Area 02—“Home Delivered Meals”

—See APD #04-03-01

Program Area 03—“Congregate Meals”

—04-03-01 Policies and Standards for the Department of Aging Funded Nutrition Service Programs

Program Area 04—“Socialization/Recreation/Education/Health Promotion”

—96-04-01 Senior Community Center And Satellite Center Policies and Standards
 —98-04-01 PrimeTime Health Program

Program Area 05—“Employment Services”

—95-05-02 Title V Senior Community Service Employment Program: Final Rule
 —96-05-02 Title V S.C.S.E.P.: Eligibility and Assessment Forms

Program Area 06—“Volunteer Services”

—85-06-01 Volunteer Services

Program Area 07—“Passenger Transportation Services”

—85-07-01 Policies for Transportation Services

Program Area 09—“Legal Assistance”

—85-09-01 AAA Program of Legal Services to the Elderly

Program Area 10—“Ombudsman”

—98-10-01 Long-Term Care Ombudsman Program
 —02-10-01 Implementation of Ombuds Manager
 —04-10-01 Components of an Effective Ombudsman Program

Program Area 11—“Information and Referral”

—85-11-01 Policies and Procedures for the Provision of I & R Services by AAAs

Program Area 12—“Home Health”

—See APD #03-01-06.

Program Area 13—“Personal Care”

—See APD #03-01-06.

Program Area 14—“Personal Assistance Service”

—See APD #03-01-06.

Program Area 18—“Medical Equipment, Supplies and Adaptive Devices”

—See APD #03-01-06.

Program Area 19—“Home Support”

See APD #03-01-06.

Program Area 20—“Adult Day Care”

See 6 Pa. Code Chapter 11, Sections 11.1 to 11.292 and APD #03-01-06.

Program Area 22—“Assessments”

See Book I of APD #03-01-06.

Program Area 23—“Care Management”

See APD #03-01-06.

Program Area 24—"Protective Services Intake/Investigation"

- 89-24-02 Required Standard Forms for Protective Services
- 93-24-01 Protective Services Investigations
- 93-24-02 Protective Services Investigations
- 97-24-01 Protective Services Report of Need and Investigation Summary and Assessment Form
- 00-24-01 Perpetrator Designation and Notification in P. S. Cases

Program Area 25—"Domiciliary Care"

- 85-25-02 Statewide Expansion of Domiciliary Care Program
- 93-25-01 Keys Amendment Implementation as It Relates to the Domiciliary Care Program
- 03-25-01 Revised Domiciliary Care Agreement Forms
- 04-25-01 Domiciliary Care Consumer Payment To Providers

Program Area 29—"Other"

- 85-29-01 Changes in PSA Boundaries
- 85-29-02 Generic Policies and Procedures for the Request and Consideration of Waivers of PDA Policies
- 85-29-06 Interdepartmental Cooperative Agreement between the PDA and DPW, Office of Mental Health
- 92-29-07 Advance Notice to Health Care Facilities Prior to Termination of Utility Service
- 96-29-01 Statement of PDA Intent Re: Allocation To New Area Agencies
- 97-29-01 Retention of AAA Records
- 97-29-02 Emergency Operations Plan for the Department of Aging
- 00-29-01 Department of Aging Energy Emergency Response Plan

AGRICULTURE

POLICY STATEMENTS:**Bureau of Animal Health and Diagnostic Services**

- Scrapie Containment and Eradication Strategy
Contact: Dr. Paul Knepley (717-783-8300)
- Chronic Wasting Disease Containment and Eradication Strategy
Contact: Dr. Paul Knepley (717-783-8300)

Bureau of Food Distribution

- Allowable Uses of State Food Purchase Program Capital Asset Program (CAP) Monies
Contact: Sandy Hopple (717-772-2693)

Bureau of Market Development

- Instructions for Completion of Application for Capital Improvement Matching Funds Grant
Contact: Brant Bickel (717-787-5342)
- Guidelines: Agricultural and Rural Youth Grant Program Direct and Matching Grants
Contact: G. Carl Muller (717-783-9944)

Bureau of Plant Industry

- Fertilizer Enforcement Action Penalty Matrix
Contact: John Breitsman (717-787-4843)
- Soil and Plant Amendment Enforcement Action Penalty Matrix
Contact: John Breitsman (717-787-4843)
- Pesticide Enforcement Action Penalty Matrix
Contact: Joseph Uram (717-787-4843)

Pennsylvania State Conservation Commission

- Pennsylvania's Nutrient Management Plan Implementation Grants Program Application Form and Guidelines
Contact: Karl Brown (717-787-8821)
- Pennsylvania's Nutrient Management Act Technical Manual
Contact: Karl Brown (717-787-8821)
- Nutrient Management Program Administrative Manual
Contact: Karl Brown (717-787-8821)

GUIDANCE MANUALS:**Bureau of Animal Health and Diagnostic Services**

- Pennsylvania Animal Diagnostic Laboratory System User Guide
Contact: Dr. Helen Acland (717-787-8808)

Bureau of Food Distribution

- Farmers Market Nutrition Program—Farmer/Vendor Procedure Manual
- Woman, Infants and Children (“WIC”) Clinic Procedure Manual
- Self Declaration of Need: Income Poverty Guidelines for TEFAP

Contact: Sandy Hopple (717-772-2693)

Bureau of Food Safety and Laboratory Services

- rBST Labeling Information
- Application to Install or Remodel a Milking System
- Supplement to a Farm Refrigerated Bulk Milk Storage Tank and/or a Precooler Installation Application

Contact: James C. Dell (717-787-4316)

- Food Safety Concession Guidelines
- Ice Manufacturing Plants Consumer Confidence Program Guidelines
- Listeria Handbook for Retail Food Establishments
- Model Food Service Self-Inspection Checklist
- Procedures for Vacuum Packaging Foods in Reduced Oxygen Packages
- Retail Food Establishment Consumer Confidence Program Self-Inspection Checklist

Contact: Lenchen Radle (717-787-4315)

Pennsylvania Harness Racing Commission

- Guidelines for Medications in Racehorses

Contact: Anton J. Leppler (717-787-5196)

- Licensing Procedures and Standards for Applicants

Contact: Anton J. Leppler (717-787-5196)

Pennsylvania Horse Racing Commission

- Guidelines for Medications in Racehorses

Contact: Benjamin H. Nolt, Jr. (717-787-1942)

- Licensing Procedures and Standards for Applicants

Contact: Benjamin H. Nolt, Jr. (717-787-1942)

Bureau of Plant Industry

- Instructions for Licensing under the Pennsylvania Commercial Feed Law
- Instructions for Licensing under the Pennsylvania Fertilizer Act
- Directions for Renewing Specialty Fertilizer Registration in Pennsylvania
- Instructions for Licensing under the Pennsylvania Agricultural Liming Materials Act

Contact: John Breitsman (717-787-4843)

- Directions for Registering Pesticides in Pennsylvania

- Experimental Pesticide Use Permits

- Grower Record Keeping Guidelines for Pesticide Applications made under an Emergency Exemption

- Instructions for Licensing under the Pennsylvania Soil and Plant Amendment Act

- Directions for Soil and Plant Amendment Registration in Pennsylvania

Contact: John Lake (717-787-4843)

- IPM for Pennsylvania Schools: A How-To Manual

Contact: Ken Long (717-772-5227)

Bureau of Ride and Measurement Standards

- Amusement Ride Operators’ and Attendants’ Manual

Contact: Kent Shelhamer (717-787-6772)

Pennsylvania State Conservation Commission

- Best Management Practices Manual for Pennsylvania Livestock and Poultry Operations

Contact: Karl Brown (717-787-8821)

- Interim Guidance Addressing Phosphorus and other Nutrients in Nutrient Management Plans

Contact: Doug Goodlander (717-705-3895)

INTERNAL GUIDELINES:**Bureau of Farmland Preservation**

- Checklist for Review of an Agricultural Conservation Easement Purchase Recommendation
- Checklist for Evaluation of a County Agricultural Conservation Easement Purchase Program

Contact: Sandra Robison (717-783-3167)

Bureau of Food Safety and Laboratory Services

- Summary of Enforcement Requirements for Violations of Bacterial Count, Somatic Cell Count and Antibiotic Residue Tests for Individual Milk Producer Samples
- Clarification of Enforcement Policy for a Producer Utilizing Two Bulk Milk Tanks
- Producer Record Transfer Program

Contact: James C. Dell (717-787-4316)

- Tolerances for Egg Quality, below which a Warning Letter shall be issued to a store
- Tolerances for Egg Quality, below which Seizure of Eggs will be made at a store
- Tolerances for Egg Quality, below which Prosecution will be initiated against a store
- Tolerances for Egg Quality, below which Seizure of Eggs will be made at a plant

Contact: Kim F. Miller (717-787-294)

- Guidelines for Inspection of Food Concessions at Fairs
- Inspection Guidelines for Farmers Markets and Stands

Contact: Lenchen Radle (717-787-4315)

Bureau of Market Development

- Agricultural Fair Program State Premium Guideline Book

Contact: Brant Bickel (717-787-5342)

Bureau of Plant Industry

- *Turfgrass Seed Certification Interagency and Interstate Certification*

Contact: Joe Garvey (717-787-5609)

- *Plant Pest Act Enforcement Action Penalty Matrix*

Contact: Walt Blosser (717-772-5205)

Pennsylvania Harness Racing Commission

- *Procedures with respect to Unlicensed Owners*

Contact: Anton J. Leppler (717-787-5196)

OTHER:**Bureau of Food Safety and Laboratory Services**

- Industry Responsibilities with respect to Broken Seals

Contact: James C. Dell (717-787-4316)

- Temperature Requirements for Safe Handling of Hot and Cold Foods
- Guidelines for Self-Service Bulk Food Displays
- Guidelines for Maple Syrup Operations

Contact: Lenchen Radle (717-787-4315)

- A Retailer's Guide to Assuring Shelf Egg Safety & Quality
- Safe Handling of Eggs
- Safe Handling of Fresh Fruits & Vegetables

Contact: Kim F. Miller (717-787-3294)

Bureau of Plant Industry

- Pennsylvania Pesticide Hypersensitivity Registration Information

Contact: Dave Scott (717-772-5214)

BANKING

Nonregulatory public documents of the Department of Banking are divided into three indexed categories listed below: Letters from Secretaries of Banking to Regulated Entities; Guidance Available Regarding Compliance with Depository Institution Statutes and Regulations; and, Guidance Available Regarding Compliance with Licensee Statutes and Regulations. The contact person for all Department of Banking documents is Carter Frantz (717) 787-1471.

SECRETARIES' LETTERS

The following is a historical list of letters to regulated entities from respective Secretaries of Banking providing guidance regarding compliance with statutes and regulations applicable to Pennsylvania state-chartered banking institutions, savings associations, credit unions, and nondepository institutions licensed to make mortgage and other types of loans in Pennsylvania.

2004

03/19/04 The Secretary's Letter discusses the terms and conditions of "selective first payment due date" options and "deferred first payment" options that may be offered to buyers as part of installment sale contracts originated by licensees under the Motor Vehicle Sales Finance Act.

2003

9/30/03 The Secretary's Letter provides guidance to state-chartered savings associations offering overdraft or "bounce" protection programs to customers.

9/2/03 The Secretary's Letter informs all mortgage lenders and/or mortgage brokers of the restrictions regarding the use of lock-in agreements.

8/22/03 The Secretary's Letter reminds all motor vehicle lenders that PA law requires motor vehicle lienholders to mail or deliver the outstanding motor vehicle certificate of title to the vehicle owner immediately upon satisfaction of the respective lienholder's security interest in the vehicle.

8/11/03 The Secretary's Letter, informs all mortgage lenders and/or mortgage brokers of the requirement to provide the written cautionary notice disclosure to an applicant for a "covered loan" at least three business days prior to consummation of that type of mortgage loan transaction.

7/25/03 The Secretary's Letter discusses the terms and conditions of deferred payment programs that may be offered to buyers as part of installment sales contracts originated by licensees.

6/25/03 The Secretary's Letter is intended to clarify the Department's position regarding the terms and conditions of deferred payment programs that may be offered to buyers as part of installment sales contracts originated by licensees under the MVSFA.

6/11/03 The Secretary's Letter that requests licensees and registrants under the Check Casher Licensing Act to voluntarily adopt a policy of cashing all government-issued checks at the rate authorized for government assistance checks in Section 503(a)(1) of the Check Casher Licensing Act.

5/8/03 The Secretary's Letter states that the Act 207 of 2002 provides Pennsylvania state-chartered credit unions parity with federally-chartered credit unions in regard to activities, field of membership requests, and investing in credit union service organizations, subject to a notice requirement.

5/2/03 Secretary's Letter stating that check cashers licensed by the Department of Banking must comply with the statement of policy issued May of 1998 concerning the Check Casher Licensing Act. The statement of policy provides that check cashers should post a notice of exact fees and charges, which shall be within the maximum prescribed in the act. The notice should be in plain view and in a location readily apparent to the consumer transacting business at each check casher location.

5/2/03 Secretary's Letter stating that retail food stores registered with the Department of Banking must comply with the statement of policy issued May of 1998 concerning the Check Casher Licensing Act. The statement of policy provides that check cashers should post a notice of exact fees and charges, which shall be within the maximum prescribed in the act. The notice should be in plain view and in a location readily apparent to the consumer transacting business at each check casher location.

4/1/03 The Secretary's Letter discusses state-charted banks engaging in payday lending activities.

3/26/03 The Secretary's Letter discusses the Streamlined Call Report filing requirements.

2002

9/23/02 The Secretary's Letter discusses that the Act 55 of 2001 definition of "Covered Loan" changes effective October 1, 2002; and that "Median Family Income" statistical estimates necessary for lenders to calculate (a) repayment ability of potential obligor under Section 512(b), and (b) whether negative amortization terms may be imposed on a potential obligor under Section 511(c), are now stated in the convenient chart attached to the letter.

6/3/02 Secretary's letter discusses the Pilot Program for Residential Real Estate and Small Business Loans.

3/15/02 Secretary's Letter announces that by virtue of publication in the March 2, 2002 *Pennsylvania Bulletin* (Vol. 32, No. 9), the Mortgage Bankers and Brokers and Consumer Equity Protection Act ("MBBCEPA") Continuing Education Regulation (the "Regulation") is now in effect for all licensees under the MBBCEPA. Therefore, all licensees must be in compliance with the requirements contained in the Regulation by June 30, 2003, in order to renew a license.

2001

12/21/01 This letter is to set forth in writing the Pennsylvania Department of Banking (the "Department") position on issues related to the ability of a Pennsylvania state-chartered bank, bank and trust company, or savings bank ("PA Bank") under Section 322 of the Banking Code of 1965 ("Section 322"). 7 P. S. § 322.

- 10/19/01 Secretary's Letter regarding President Bush's Executive Order Blocking Property and Prohibiting Transactions with Persons Who Commit, Threaten to Commit or Support Terrorism.
- 8/17/01 Letter to announce Act 55 of 2001, the Mortgage Bankers and Brokers and Consumer Equity Protection Act. A summary of Act 55 is attached to the Secretary's letter.
- 3-13-01 Department's position is that partially-exempt entities under the MBBA may request and be granted relief from the requirement that they maintain an office in Pennsylvania, provided that each partially-exempt entity receives approval from and enters into an agreement with the Department to maintain its records at a particular out-of-state location pursuant to Section 8(a)(2) of the MBBA, 63 P. S. § 456.089a(2).
- 1/4/01 Letter announces that Pennsylvania state banking institutions and Pennsylvania national banks are hereby permitted to observe Monday, November 12, 2001, as an optional legal holiday in recognition of Veteran's Day.

2000

- 11/29/00 Governor Ridge signed into law as Act 89 of 2000, the Bank Parity Bill, HB 2533 of 2000 (P.N. 4073).
- 3-30-00 Pennsylvania State-chartered banks, bank and trust companies and savings banks may establish and operate messenger service branches.
- 3-23-00 Loans to Directors and Section 1414.
- 1-18-00 Department's General Position on Internet Banking.

1999

- 8-23-99 Holidays for 2000.
- 5-26-99 Letter interprets section 1414 of the Banking Code of 1965 as permitting Pennsylvania state-chartered banks, bank and trust companies, and savings banks to charge interest on loans to their executive officers to the same extent as permitted under Federal Reserve "Regulation O."
- 5-12-99 Permissible Bank Holidays for 2000.
- 5-12-99 Letter states that state-chartered banking institutions and offices of national banks located in Pennsylvania may remain open for business on January 1, 2, and 3, 2000, in order to address customers' questions and concerns regarding Year 2000 computer transaction issues.
- 1-22-99 Record Keeping Guidelines under the Mortgage Bankers and Brokers Act.
- 1-22-99 Record Keeping Guidelines under the Consumer Discount Company Act.

1998

- 1-23-98 Year 2000 readiness and credit underwriting criteria for credit unions.
- 1-15-98 Year 2000 readiness and credit underwriting criteria.

1997

- 8-27-97 Holidays for 1998.
- 6-9-97 Letter addresses electronic submission of Call Reports.
- 4-24-97 Letter discusses computer problems in the year 2000.
- 1-31-97 Letter regarding federal regulatory agencies having adopted a revised Uniform Financial Institutions Rating System which has been known as CAMEL.

1996

- 11-25-96 Letter discusses the adjustment to the overhead assessment methodology for non-depository trust companies that it implemented in 1994.
- 4-16-96 Letter regarding authority of Pennsylvania state-chartered banking institutions to sell annuities issued by insurance companies.
- 1-26-96 Letter regarding heavy snowfall and floods having had a profound impact upon many communities in Pennsylvania and the financial hardships imposed upon your customers by this devastation.

1995

- 10-10-95 Letter to Presidents of Pennsylvania State-chartered Credit Unions forwarding Investment Powers, Standards and Accounting Guidelines for Pennsylvania state-chartered credit unions as required by Section 501(b)(7) of the Credit Union Code which was amended by House Bill 2563, effective February 12, 1995.
- 7-11-95 Letter regarding Act 39 of 1995, amends the provisions of Pennsylvania's Banking Code to authorize full interstate banking and branching under Pennsylvania law and to facilitate the operations of interstate banks in Pennsylvania.
- 3-24-95 Letter regarding the Simplification and Availability of Bank Credit Act.

1994

- 11-17-94 Letter to the Presidents and Chief Compliance Officers of Pennsylvania First Mortgage Companies regarding mortgage companies disbursing loan proceeds in a form prescribed by applicable law.

- 11-8-94 Letter to all Chief Executive Officers of Banks, Bank and Trust Companies, Savings Banks regarding Assets pledged for uninsured trust deposits.
- 10-13-94 Letter to the Presidents of Pennsylvania State-Chartered Credit Unions regarding automated teller machines at locations other than credit union's principal place of business.
- 10-5-94 Letter to all Chief Executive Officers of Banks, Bank and Trust Companies, Trust Companies, Savings Banks, Savings and Loan Associations regarding role change for outside auditors.
- 8-22-94 Letter to Chief Executive Officers of Pennsylvania Banking Institutions regarding bank holidays.
- 8-9-94 Letter to the Chief Executive Officers of Pennsylvania State-Chartered Banking Institutions, Savings Associations and Entities Licensed by the Department of Banking regarding enforcing the regulations of the Department of Banking Code, which provides for assessments of penalties and interest against financial institutions for failing to pay assessment and examination fees in a timely manner.
- 3-29-94 Letter to the Chief Executive Officers of Pennsylvania State-Chartered Non-Depository Trust Companies regarding the Department revising its examination/assessment billing method for non-depository trust companies.
- 1993**
- 12-9-93 Letter to the Presidents and Chief Executive Officers of Pennsylvania State-Chartered Banking Institutions regarding a new schedule for costs associated with the examination and supervision of state-chartered banks.
- 1992**
- 9-24-92 Letter to the Presidents and Chief Executive Officers of Pennsylvania State-Chartered Banking Institutions regarding evaluating the adequacy of capital and loan loss reserves separately.
- 1991**
- 9-3-91 Letter to all Motor Vehicle Sales Finance Companies discussing the problems with late delivery of certificates of title by motor vehicle lenders upon satisfaction of the existing loan. Letter states that title must be released immediately upon satisfaction of a loan.
- 8-23-91 Letter to all CEOs of Pennsylvania Chartered Savings Associations and all Pennsylvania Department of Banking Examiners clarifying its 7-29-91 interpretation of section 510 of the Savings Association Code of 1967, 7 P. S. § 6020-70(a)(3) which states that the Department will not object to and will not cite in an examination report a savings association employer for offering and providing favorable terms and rates on loans to such association's employees.
- 7-29-91 Letter to all CEOs of Pennsylvania Chartered Savings Associations and all Pennsylvania Department of Banking Examiners interpreting section 510 of the Savings Association Code of 1967, 7 P. S. § 6020-70(a)(3).
- 5-2-91 Letter to all Pennsylvania State-Chartered Banks, Savings Associations, and Credit Unions, OCC, OTS, NCUA, FDIC, Federal Reserve Board and all State Financial Regulatory Agencies informing them that Settlers Trust Savings Bank has not been and is not currently chartered to be a Pennsylvania state-chartered or federally chartered bank, bank and trust company, savings bank, or savings association.
- 1990**
- 12-3-90 Letter to the Executive Officer of the banking institution addressed: regarding the new minimum requirements for Annual Audits performed by Certified Public Accountants.
- 7-10-90 Letter to CEOs of Pennsylvania Financial Institutions informing them of an enforcement order against Mellon Bank, N.A. by the Pennsylvania Department of Insurance—re: Collateral Protection Insurance. Letter requests a summary of any existing collateral protection insurance programs to be used by the Department to assist the Department in drafting regulations to determine reasonable fees for licensees under the MVSFA.
- 7-10-90 Letter to CEOs of all Pennsylvania financial institutions informing them of the Department's opinion on the applicability of the "Anti-takeover law", Act 36 of 1990.
- 7-10-90 Letter to CEOs of all Pennsylvania Credit Unions informing them that credit unions must take immediate action in order to retain the power to indemnify their directors and volunteer officers. Also informing them that a special meeting of the board of directors should be called immediately to discuss adoption of a bylaw opting out of new provisions of the recently enacted "Anti-takeover Law", Act 36 of 1990.
- 6-11-90 Letter to CEOs and Boards of Directors of State-Chartered Credit Unions informing them that strict compliance with section 27 of the Credit Union Act, 15 Pa. C.S.A. § 12327, is required whenever a state-chartered credit union plans to merge or consolidate with any other credit union. In the future, failure to submit a merger application to the Department prior to the consummation of a merger will be viewed as a violation of law.
- 6-6-90 Letter to CEOs of state-chartered commercial banks and state-chartered credit unions informing them of the Department's opinion on the permissibility of the Federal Home Loan Bank of Pittsburgh ("FHLB/P") offering membership to other depository institutions in PA. Specifically, the FHLB/P would like to extend offers of membership to state-chartered commercial banks and state-chartered credit unions in PA.
- 5-17-90 Letter to CEOs of all Pennsylvania banking institutions informing them that the Department has recently issued an opinion regarding the impermissible collateralization of interest rate swap agreements.
- 4-30-90 Letter to all state-chartered credit unions issuing a new fee schedule for overhead assessment.

- 3-5-90 Letter to CEOs of all federally-insured state-chartered banks and S & Ls discussing the Resolution Trust Corporation, who is soliciting potential bidders for failing S&Ls. Letter requests institutions who are considering bidding to notify this Department before the bidding process begins.
- 1-18-90 Letter discusses FIRREA and additional language added to Section 222, entitled ACTIVITIES OF SAVINGS ASSOCIATIONS, which adds a new section to the Federal Deposit Insurance Act, Section 28, which states that Disclosures by Uninsured Savings Associations which are not insured by the Corporation, shall disclose clearly and conspicuously that the savings association's deposits are not federally insured.
- 1989**
- 11-1-89 Letter to CEOs of PA Banking Institutions discusses legal holidays for 1990. The Department has been advised by the Federal Reserve Banks of Philadelphia and Cleveland that it is their intention to observe Veterans' Day on Mayday, November 12. The Department exercises its authority under Section 113(b)(x) that all state-chartered institutions have the option to observe Monday, November 12, 1990, as an optional holiday.
- 9-29-89 Letter lists legal bank holidays for 1990.
- 8-11-89 Letter to PA savings associations which are insured by the PSAIC regarding Financial Institutions Reform, Recovery and Enforcement Act and Section 222, entitled "Activities of Savings Associations" which requires certain disclosures be made by non-federally insured savings associations.
- 4-13-89 Letter discusses House Bill 979, Act 173 of 1988 which makes several significant changes in the Banking Code of 1965, including provisions which provide real estate investment and development authority to commercial savings banks; permit commercial and mortgage-backed securities powers; and, permit commercial and savings banks to make investments not presently permitted under statute in amounts up to 3% of assets with no more than 1% in any one investment.
- 1988**
- 11-3-88 Letter regarding survey of institutions offering low-cost checking and savings accounts.
- 11-2-88 Letter announces survey to be conducted by the Department regarding low-cost deposit accounts availability at banks and savings and loan associations.
- 10-17-88 Letter lists legal bank holidays for 1989.
- 9-30-88 Letter mailed to state-chartered banking institutions asking for a Report of Condition and Report of Income as of the close of business 9-30-88.
- 7-15-88 Letter to lenders asking them to act with forbearance toward farmers who may have been experiencing financial difficulties due to poor weather conditions.
- 6-30-88 Letter announces increase in assessments.
- 6-27-88 Letter to CEOs of bank and trust companies discusses the review of assessment fees for trust companies and trust departments. Letter asks institutions to complete a Report of Trust Assets.
- 6-3-88 Letter announces legislative amendments to sections 112, 166 & 117 of the Banking Code of 1965.
- 5-31-88 Letter to realtors discusses Senate Bill 7 of 1988, the Mortgage Bankers and Brokers Act.
- 4-6-88 Letter discusses the liquidation of TMIC Insurance Company and the need for some financial institutions to obtain alternate coverage.
- 1987**
- 12-11-87 Letter to bank and savings and loan association CEOs-re: provisions of the Uniform Commercial Code regarding full-day hours during the holidays.
- 11-4-87 Letter lists fixed and optional bank holidays for 1988.
- 8-28-87 Letter permit closing of institutions for Constitution Day celebration in Philadelphia, September 17, 1987.
- 6-24-87 Letter discusses requirements under Section 403 of the Banking Code of 1965 relating to report of condition & report of income.
- 3-23-87 Letter addressed to CEOs of all PA state-chartered banking institutions discusses Sections 1407(a) and 1407(c) of the Banking Code of 1965, which revises the minimum requirements for Directors' audits performed by CPAs.
- 2-5-87 Letter discusses permissibility of purchase or establishment of discount brokerage office subsidiaries under sections 311(b), 502(d) and 203(d) of the Banking Code of 1965.
- 1-16-87 Letter discusses Senate Bill 1389, Act No. 205 of 1986, amending various provisions of the Banking Code of 1965 (P. L. 847 No. 346) particularly § 1610 relating to fair pricing provisions.
- 1-6-87 Letter discusses permissibility of investment on mutual funds under the provision of the Banking Code of 1965, 7 P. S. § 307.
- 1986**
- 11-6-86 Letter contains a list of fixed and optional bank holidays for 1987.
- 9-30-86 Letter requests Report of Condition and Income as of September 30, 1986.

- 8-21-86 Letter discusses ownership of stock by state chartered institutions of out-of-state bank holding companies and 7 P. S. §§ 116, 311.
- 6-26-86 Letter requests Report of Condition and Income as of the close of business June 30, 1986.
- 3-17-86 Letter announces CSBS Computer Audit & Control Conference for bankers.
- 1985**
- 12-20-85 Letter requests report of condition and income for 4th Quarter of 1985.
- 12-16-85 Letter announces Martin Luther King, Jr.'s Birthday as a fixed holiday.
- 11-4-85 Letter lists all fixed and optional bank holidays for 1986.
- 9-25-85 Letter requests report of condition and income as of the close of business—9/30/85.
- 6-14-85 Letter announces upcoming examination of all corporations licensed under Pennsylvania's Secondary Mortgage Loan Act.
- 5-31-85 Letter discusses brokered loan fraud.
- 5-16-85 Letter announces "Day with the Secretary" program.
- 4-29-85 Letter discusses requirements for directors' audits pursuant to 7 P. S. § 1407(a) and the relevant regulations.
- 4-2-85 Letter announces CSBS Computer Audit & Control Conference for bankers.
- 1-30-85 Letter announces substantive amendments to 7 P. S. § 408, House Bill No. 2453, Act No. 1984-217.
- 1984**
- 12-20-84 Letter announces staff changes in the banking bureau of the Department.
- 12-12-84 Letter discusses requirement of § 1407 of the Banking Code of 1965 regarding audit requirements.
- 11-28-84 Letter discusses increasing fees and charges for traditional financial services.
- 10-19-84 Letter announces banking legal holidays for 1985.
- 10-9-84 Letter discusses Section 105(B.1) of the Banking Code of 1965, establishment of additional offices in Pennsylvania by foreign banking organizations.
- 7-26-84 Letter discusses Senate Bill 1304, Act No. 128 of 1984, Senate Bill 1305, Act. No. 129 of 1984 and amendments to § 302, § 303, § 401 of the Banking Code of 1965.
- 7-26-84 Letter discusses Senate Bill No. 1304, Act No. 128 of 1984 which amended sections 203, 306, 308, 310, 311, 404, 405, 505, 805, 908, 1415, 1609, 1910, 2002 of the Banking Code of 1965.
- 7-26-84 Letter discusses Senate Bill No. 1080, Act No. 125 of 1984 which amended sections 311, 404, 514, 610, 802, 1217, 1405, 1609, 1801 and 1809 of the Banking Code of 1965.
- 7-13-84 Letter discusses amendment to Section 1910(d) of the Banking Code of 1965, which requires directors and officers to have an audit performed of the books and affairs of the institution at least once per year.
- 6-18-84 Letter announces Department's revisions to branch application forms.
- 6-14-84 Letter discusses Banking Code of 1965, § 307—Investment Securities (other than stock) and OCC revising its interpretation of ruling 7.1100, redefining capital and surplus for the purposes of investment limitations.
- 3-5-84 Letter is a reminder of importance of making and maintaining arrangements to backup data processing equipment and provide for reconstruction of records.
- 2-23-84 Letter discusses Section 319 of the Banking Code of 1965 and variable rate consumer installment loans.
- 2-17-84 Letter discusses the technological revolution which is affecting the banking industry. The letter also announces a presentation of CSBS Computer Audit and Control Conference for Bankers to be held in Philadelphia, PA on April 23-26, 1984.
- 1-24-84 Letter discusses Section 307 of the Banking Code of 1965 and investments in shares of money market mutual funds.
- 1983**
- 12-5-83 Letter discusses annual audits of one-bank holding companies and multi-bank holding companies in compliance with Sections 1407 of the Banking Code of 1965.
- 12-1-83 Letter discusses impact of deregulation on industry.
- 10-13-83 Letter announces deletion of Section 14.1 and 14.2 from Title 10 of the Pa. Code.
- 10-7-83 Letter announces 1984 legal bank holidays.
- 4-14-83 Letter discusses Garn-St. Germain Depository Act of 1982 and preemption of state law re: alternative mortgage loans and override of 7 P. S. § 505.
- 4-12-83 Letter regarding electronic automation.
- 4-8-83 Letter regarding the Garn-St Germain Depository Institutions Act of 1982 overrides state law to the extent that it permits adjustable-rate mortgages to be made or purchased by state-chartered banks, bank and trust companies, trust companies, and private banks.

- 2-28-83 Letter discusses annual audits requirement contained in Section 17.1(a), Title 10 of the Pennsylvania Code.
- 2-15-83 Letter discusses mortgage loans requiring special consideration such as those affected by temporary unemployment of borrower.
- 2-2-83 Letter discusses Garn-St. Germain Depository Institution Act of 1982 overriding substantially equal payments requirements of Section 310 of the Banking Code of 1965.
- 1-24-83 Letter discusses exercising of compassion and forbearance in dealing with unemployed customers.
- 1-17-83 Letter discusses recent amendments to Chapter 7 of the Banking Code of 1965, as amended.
- 1-3-83 Letter concerns substantial increase in the number of institutions advertising repurchase agreements.
- 1982**
- 12-8-82 Letter discusses examination of PA Bank Holding Companies by Department.
- 11-1-82 Letter lists legal bank holidays for 1983.
- 7-30-82 Letter addressed to thrift CEOs and discusses asset restatement accounting.
- 7-2-82 Letter to MVSFA licensees discusses Act No. 160 of 1982 and maximum permissible finance charges.
- 6-4-82 Letter discusses House Bill No. 1739, Act No. 79 of 1982, which amended sections 202, 308, 311, 319, 320, 407, 504, 506, 610, 702, 703, 1414, 2004 and 1609 of the Banking Code of 1965.
- 6-4-82 Letter discusses House Bill No. 1889, Act No. 44 of 1982, which amended sections 113, 114, 115, 903, 904 and 905 of the Banking Code of 1965.
- 4-5-82 Letter announces change of policy from capital-to-deposit ratio as a measurement of capital adequacy to capital-to-assets ratio.
- 4-2-82 Letter discusses the technological revolution which is affecting the banking industry. The letter also announces a presentation of CSBS Bank Executives EDP/EFT Conference to be held in Philadelphia, April 27-28, 1982.
- 3-26-82 Letter discusses the technological revolution which is affecting the banking industry. The letter also announces a presentation of CSBS Bank Executives EDP/EFT Conference to be held in Philadelphia, April 27-28, 1982.
- 1981**
- 11-20-81 Letter lists legal bank holidays for 1982.
- 10-13-81 Letter discusses sections 702(c) and 610(c) of the Banking Code of 1965, as amended.
- 10-9-81 Letter announces CSBS Computer Audit and Control Conference for Bankers.
- 1-21-81 Notice of authorization to close banks in Philadelphia for official celebrations.
- 1980**
- 11-7-80 Letter lists legal bank holidays for 1981.
- 10-28-80 Letter discusses proposed amendments to Department regulations pertaining to Legal Reserve Funds, 10 Pa. Code, Chapter 11.
- 7-7-80 Letter announces "Day with the Secretary" program.
- 6-17-80 Letter discusses Chapter 7 and Section 103 of the Banking Code of 1965, as amended, and Section 202 of the Banking Code of 1933, as amended, legal reserves of PA nonmember banks.
- 6-10-80 Letter discusses Section 318 of the Banking Code of 1965 and permissible interest computations.
- 5-29-80 Letter discusses Act No. 51 of 1980, amending various provisions of the Banking Code of 1965 (P. L. 847, No. 346).
- 3-13-80 Letter discusses proposed legislation requiring mandatory reserves to be maintained at the Federal Reserve.
- 2-14-80 Letter discusses Act No. 286 of 1980 and new requirements for CPAs.
- 2-4-80 Letter discusses conversions of PA National Banks to State Charters.
- 1-2-80 Letter discusses federal law preemption of first lien residential mortgage rate portion of Pennsylvania usury law.
- 1979**
- 11-29-79 Letter discusses whether a bank or a bank and trust company may charge the Federal Reserve discount rate plus 1% on a residential mortgage loan.
- 11-16-79 Letter discusses legal bank holidays.
- 11-1-79 Letter discusses attempts to curb inflation and to maintain stability and balance in Pennsylvania.
- 10-26-79 Letter regarding a Conference on technological revolution involving electronics.
- 10-9-79 Letter discusses Outstanding Mortgage Loans
- 10-8-79 Letter discusses Outstanding Mortgage Loans

10-3-79 Letter discusses to what extent PA banks may invest in mortgage-backed pass-through certificates sold by banks through an underwriting syndicate.

7-26-79 Letter discusses outstanding mortgage loans.

1975

3-7-75 Letter discusses instructions for filing documents with the Corporation Bureau of the Department of State.

1966

3-14-66 Letter discusses Saturday Banking Hours

POLICY STATEMENTS

- *10 Pa. Code §§ 13.61-13.68—Exception to Definition of “Branch”*
- *10 Pa. Code § 21.61—Insurance and Annuities (Act 40 of 1997 was enacted after issuance of this Statement of Policy)*
- *10 Pa. Code § 41.3a—Calculation of Consumer Discount Company Act default charges—Statement of Policy*
- *10 Pa. Code Chapter 81—Check Cashers-Statement of Policy*
- *10 Pa. Code § 13.51—Simplification and Availability of Bank Credit—Statement of Policy*

INDEX OF GUIDANCE AVAILABLE REGARDING COMPLIANCE WITH DEPOSITORY INSTITUTION STATUTES AND REGULATIONS

The following is a list of applications and instructions to assist depository institutions in complying with various provisions of the statutes and regulations respectively applicable to Pennsylvania state-chartered banking institutions, thrift institutions, and credit unions.

• *Branch Applications:*

DeNovo Branch—Bank, Savings Association, Credit Union, Non—Depository Trust Company

Purchase of Assets/Assumption of Liabilities—Bank, Savings Association

Remote Service Facility—Savings Association Branch

Relocation—Bank, Savings Association

Relocation of Main Office—Savings Association

Branch Discontinuance—Bank, Savings Association

Foreign Bank Office

• *Conversions*

National Bank to State Bank

Savings Association to Savings Bank

Mutual Savings Bank to Stock Savings Bank

Mutual Savings Association to Stock Savings Association

Federal Credit Union to State Credit Union

• *Mergers*

Banks

Savings Associations

Credit Unions

• *Charters*

Bank

Interim Bank

Savings Association

Interim Savings Association

Credit Union

Non-Depository Trust Company

• *Dissolutions*

Savings Associations

Bank

• *Intrastate Acquisitions*

Bank Holding Company

Thrift Holding Company

- *Interstate Acquisitions*

Thrift Holding Company

- *Other*

Change In Bank Control—Individuals

Mutual Holding Company Reorganizations

Trust Department—Bank, Savings Association

Bank Subsidiary and Parity Notice

INDEX OF GUIDANCE AVAILABLE REGARDING COMPLIANCE WITH LICENSEE STATUTES AND REGULATIONS

Instructions for license applications, and Guidelines for compliance are available regarding each of the following statutes and, to the extent that regulations have been promulgated, their respective underlying regulations:

- Mortgage Bankers and Brokers Act,
- Secondary Mortgage Loan Act,
- Consumer Discount Company Act,
- Money Transmitter Act,
- Motor Vehicle Sales Finance Act,
- Pawnbrokers License Act,
- Check Cashers Licensing Act, and
- Credit Services Act.

In addition to the above indices, the Department of Banking maintains interpretive letters addressing the applicability of statutes and regulations administered by the Department of Banking to specific fact patterns. The Department may provide a summary of the Department's position on a particular issue or a redacted interpretive letter when appropriate in response to particular questions previously addressed by the Department, in order to assist the public and members of the lending industry in complying with laws administered by the Department. The Department of Banking will continue to issue interpretive letters on a case basis when appropriate regarding new issues raised by persons requesting such interpretive information.

COMMUNITY & ECONOMIC DEVELOPMENT

I. POLICY STATEMENTS:

Center for Business Financing

Loans:

Machinery and Equipment Loan Fund
 Pennsylvania Industrial Development Authority
 Scott Dunkelberger (717-787-7120)

Center for Private Financing

Private Activity Bonds

Gail Wagner (717-783-1109)

Strategic Planning and Operations Office

Community Revitalization Program
 Richard Guinan (717-787-7402)

II. GUIDANCE MANUALS:

Business Development Deputate

Business Financing Programs

Customer Service: 1800-379-7448 or 717-787-3405

Center for Entrepreneurial Assistance

Entrepreneurs Guide: Starting and Growing a Business in Pennsylvania
 Isabelle Smith (1-800-280-3801)

Governor's Center for Local Government Services

Administering Police Services in Small Communities

Annual Audit and Financial Report

Auditor's Guide

Borough Council Handbook

Borough Mayor's Manual

Boundary Change Procedures

Chart of Accounts

Citizen's Guide to Local Government

City Government

Councils of Governments, 2002 Directory

Councils of Governments Director's Handbook

County Annual Financial Report
 County Chief Clerk's/Administrator's Manual
 County Commissioners Manual
 Debt Management Handbook
 Elective Office in Local Government
 Financial Monitoring Workbook
 Home Rule in Pennsylvania
 Insurance Primer for Municipal Officials
 Intergovernmental Cooperation Handbook
 Local Taxpayers Bill of Rights, and Real Property Tax Payer Programs under Act 50 of 1998
 Model Hiring Manual
 Municipal Authorities
 Municipal Secretary's Manual
 Municipalities Financial Recovery Act
 Open Meetings/Open Records, The Sunshine Act and Right to Know Law
 Pension Manual
 Public Works Manual
 Purchasing Handbook
 Referendum Handbook
 Regional Police
 Regulation of Cell Towers
 Risk Manager's Insurance Guide
 Solicitor's Handbook
 Supporting Volunteer Fire Services in Pennsylvania
 Tax Collector's Manual
 Taxation Manual
 Township Commissioner's Handbook
 Township Supervisor's Manual

Planning Series

Municipalities Planning Code
 No. 1—Local Land Use Controls In Pennsylvania
 No. 2—The Planning Commission
 No. 3—The Comprehensive Plan
 No. 4—Zoning
 No. 5—Technical Information on Floodplain Management
 No. 6—The Zoning Hearing Board
 No. 7—Special Exceptions, Conditional Uses and Variances
 No. 8—Subdivision and Land Development
 No. 9—The Zoning Officer
 No. 10—Reducing Land Use Barriers to Affordable Housing
 Growing Smarter Toolkit: Catalog of Financial and Technical Resources Planning for Agriculture
 Ken Klothen (1-888-223-6837)

Office of Community Development

Building Energy Conservation
 Ed Geiger (717-787-5327)
 CDBG Grantee Monitoring Systems
 CDBG Grantee Performance Evaluation Report Handbook
 Civil Rights Manual
 Economic Development Handbook
 Environmental Review Guide
 Housing Rehabilitation Guide
 Labor Standards Handbook
 Procedures for Closeout of Contracts
 Procurement/Contract Guide
 Sample Construction Contract Documents
 Special Assessments Guide
 Scott Dunwoody (717-720-7402)

Travel, Film, and Economic Development Marketing Office

Regional Marketing Initiative
 James (Mickey) Rowley (717-720-1302)
 The Pennsylvania Economic Development Regional Marketing Grant Program
 James (Mickey) Rowley (717-720-1302)
 Tourist Promotion Agency Matching Fund Program Manual
 James (Mickey) Rowley (717-720-1302)

III. DECISIONS:**IV. INTERNAL GUIDELINES:****Center for Business Financing****Grants:**

Child Care Challenge Grant Program
 Critical Job Training Grant Program
 Customized Job Training
 Guaranteed Free Training Program (WEDnet)
 Industrial Sites Reuse Program
 Infrastructure Development Program
 Local Economic Development Assistance Program
 Opportunity Grant Program
 Workforce Leadership Grants
 Scott Dunkelberger (717-787-7120)

Loans:

Machinery and Equipment Loan Fund
 Pennsylvania Industrial Development Authority
 Scott Dunkelberger (717-787-7120)

Small Business Financing:

Community and Economic Development Loan Program
 Export Financing Program
 Pollution Prevention Assistance Account
 Small Business First
 Underground Storage Tank Loan Program
 Scott Dunkelberger (717-787-7120)

Tax Credits and Incentives:

Educational Improvements Tax Credits
 Job Creation Tax Credit Fund
 Scott Dunkelberger (717-787-7120)
 Keystone Opportunity Zone
 Thomas Usiadek (717-720-7344)
 Pre-Kindergarten Tax Credit Business Guidelines
 Scott Dunkelberger (717-787-7120)

Center for Entrepreneurial Assistance

Pennsylvania Minority Business Development Authority
 Jeffrey Baltimore (717-720-7420)

Center for Private Financing

Pennsylvania Capital Access Program
 Accreditation Standards
 Capacity Building Grants
 Pennsylvania Community Development Bank Business Plan
 State Accreditation Guidelines and Application
 Underwriting
 Carlton Ketchen (717-783-1109)

Pennsylvania Economic Development Financing Authority

Conventional Bond Financing Taxable
 Exempt Facility & Small Issue Bonds
 Industrial Development Fund Financing
 Revenue Bond & Mortgage Program
 Gail Wagner (717-783-1109)

Tax-Exempt Bond Financing
 Craig Petrasic (717-783-1109)

Community Affairs and Development

Appalachian Regional Commission
 Neil Fowler (717-214-5395)

Local Government Services Center

Floodplain Management
 Kerry Wilson (1-888-223-6837)
 Land Use Planning and Technical Assistance Program
 John Mizerak (1-888-223-6837)
 Local Government Capital Project Loan Program
 Sharon Grau (1-888-223-6837)
 Municipalities Financial Recovery Act Program
 Fred Reddig (1-888-223-6837)

Regional Police Assistance Program
Dale Frye (1-888-223-6837)
Shared Municipal Services Program
Fred Reddig (1-888-223-6837)
Shared Municipal Services Code Enforcement Program
Fred Reddig (1-888-223-6837)
Tax Collector Training, Examination, Qualification and Continuing Education Program
Sharon Grau (1-888-223-6837)

Office of Community Development

Community Development Block Grant
Community of Opportunities
Elm Street Program
Emergency Shelter Grant Program
HOME Investment Partnerships Program
New Communities Program
PA Community Development Bank Grant Program
Pennsylvania Access Grant Program
Section 108 (of the Housing & Community Dev. Act) Loan Guarantee Program
Ed Geiger (717-787-5327)

Office of Community Services

Community Services Block Grant Directives
Community Services Block Grant Program
Community Services Block Grant Discretionary Grants
Enterprise Zone Tax Credit Program
Jamie Reed (717-787-1984)
Family Savings Account
Neighborhood Assistance Comprehensive Service Program
Neighborhood Assistance Enterprise Zone Tax Credit Program
Neighborhood Assistance Program
Dennis Darling (717-787-1984)
Weatherization Program
Tony Kimmel (717-720-7439)

Office of International Business Development

Export 2000 Block Grant
Governor's Export Excellence Award
Market Access Grant
Lois Batcheler (717-787-7190)

Office of Policy and Technology

Ben Franklin Technology Partners
Bill Cook (717-787-4147)
Cyberstart
Sue Klosinski (717-705-6755)
Keystone Innovation Zones Program
Tom Palisin (717-787-4147)
Pennsylvania Infrastructure Technology Alliance, PITA
Bill Cook (717-787-4147)
Pennsylvania Industrial Resource Center Program
Tom Palisin (717-787-4147)
Technology Company Investment
Technology Development Grant
Jeanine Marttila (717-787-4147)
University Research Grant
Kelly Wylam (717-214-5330)

Strategic Planning and Operations Office

Community Conservation and Employment Program
Emergency Responders Program
Local Municipal Resources & Development Program
Urban Development Program
Richard Guinan (717-787-7402)

IV. OTHER**Office of Community Development**

Consolidated Plan
Ed Geiger (717-787-5327)

CONSERVATION AND NATURAL RESOURCES

POLICY STATEMENTS:**Bureau of Forestry**

State Forest Natural Areas

Contact: Dan Devlin (717-787-2105)

Transfer or Exchange of State Forest Land

Contact: Dan Devlin (717-787-2105)

Bureau of State Parks

State Park User Fees

Contact: John K. Wiediger (717-783-3303)

Transfer or Exchange of State Park Land

Contact: Ed Deaton (717-787-6674)

State Park Natural Areas

Contact: James Barr (717-787-6674)

Bureau of Recreation and Conservation

Land Acquisition Grants

Contact: Mike Schneider (717-772-3742)

GUIDANCE MANUALS:**Bureau of Forestry**Cooperative Forest Insect Pests Suppression Program—Procedure for Cooperator Participation Manual—County/
Municipal CooperatorCooperative Forest Insect Pests Suppression Program—Procedure for Cooperator Participation Manual—Other Agency
CooperatorCooperative Forest Insect Pests Suppression Program—Procedure for Cooperator Participation Manual—Forest
Stewardship Cooperator

Cooperative Gypsy Moth Suppression Program Operating Procedure and Deadlines Manual

Contact: Donald Eggen (717-948-3941)

Forest Fire Warden Manual

Contact: Paul Sebasovich (717-783-7953)

Wildland/Urbanface Guidance Document

Contact: Paul Sebasovich (717-783-7953)

Forest Camp Lease Manual

Right-of-Way Manual

Contact: Jason Hall (717-787-2014)

Snowmobile Instructor's Manual

Contact: W. Paul Szabara (717-783-7941)

Forest Products Permit

Contact: Mark Deibler (717-787-4009)

Camping Permit

Contact: James Foose (717-783-7941)

District Forester Permit

Contact: Mark Deibler (717-787-4009)

Road Use Agreement

Contact: Jason Hall (717-787-2014)

Special Activities Agreement

Contact: James Foose (717-783-7941)

License for Right of Way

Contact: Jason Hall (717-787-2014)

Prospecting Permit

Contact: Ted Borawski (717-787-4835)

Seismic Survey Agreement

Contact: Ted Borawski (717-787-4835)

Oil and Gas Leases

Contact: Ted Borawski (717-787-4835)

Surface Use Agreements

Contact: Ted Borawski (717-787-4835)

Gas Storage Leases

Contact: Ted Borawski (717-787-4835)

Agreements of Consent to Assignments
Contact: Ted Borawski (717-787-4835)

Coal Agreements
Contact: Ted Borawski (717-787-4835)

Hard Mineral Agreement
Contact: Ted Borawski (717-787-4835)

Bureau of Recreation and Conservation

Pennsylvania Scenic Rivers Program Guidelines
Pennsylvania Scenic Rivers Program Management Guidelines
Contact: Marian Hrubovcak (717-787-2316)

Community Conservation Partnership Grants Manual and Forms
Contact: Greg Gove (717-783-2662)

Swimming Pool Management Manual
Contact: Greg Gove (717-783-2662)

Heritage Parks Program Manual and Forms
Contact: Tim Keptner (717-772-3839)

County Greenways and Open Space Network Guidelines
Contact: Diane Kripas (717-772-1282)

Bureau of State Parks

Boat Docks
Rights-of-Way and Antenna Sites
Marina Manuals
Contact: John K. Wiediger (717-783-3303)

EDUCATION

POLICY STATEMENTS:

Bureau of Community and Student Services

- Secretary of Education's Plan to Require and Assist Each School District to Establish and Maintain a Program of Appropriate Counseling and Support Services to Students Experiencing Problems Related to the Use of Drugs, Alcohol and Dangerous Controlled Substances
- BEC Drug and Alcohol Education, Counseling, and Support Services; 24 P. S. § 15-1547
Contact: Kim Swarner (717-783-6777)
- BEC Education for Homeless Youth; 42 U.S.C. § 11431 et seq.
Contact: Sheldon Winnick (717-772-2066)
- BEC Pregnant & Parenting Teen; 24 P. S. § 13-1327
Contact: Dorothy Hershey (717-783-7089)

Bureau of Teacher Certification and Preparation

- Pennsylvania Department of Education Standards, Policies and Procedures for State Approval of Certification Programs and for the Certification of Professional Educators for the Public Schools of Pennsylvania
Contact: Marjorie Blaze (717-783-9252)
- Certification and Staffing Policies and Guidelines Regarding Education Certification and Staffing Requirements for Public Schools
Contact: Marjorie Blaze (717-783-9252)
- Policy on Evaluation Procedure for Certificate of Preliminary Education Evaluation of Credentials
- Commonly Asked Questions on Act 48
- Memorandum to inform school entities of Computer Education Guideline
- Memorandum to inform school entities of Emergency Permits
- Memorandum to inform school entities of Emergency Permit Updates and Revised 338E Form
- Memorandum to inform school entities of Emergency Permit Electronic Processing for Day-to-Day Substitute Teachers
- Memorandum to inform school entities of English as a Second Language: General Policies and Competencies
- Memorandum to inform school entities of Education Resolutions for No Child Left Behind Legislation
- Memorandum to inform colleges/universities of Test Rules for 2002-2003
- Notice to inform Out-of-State Certificate Candidates of Chapter 354 Regulations Regarding GPA and Math/English Requirements
- Notice to Inform State Board Resolutions for Interstate Agreement and Replacement of PLT
Contact: Kevin Corcoran (717-787-3356)
- Memorandum to Pennsylvania teacher preparing colleges and universities announcing six new Praxis series assessments for beginning teachers effective November 1, 1997 and the qualifying scores for these assessments.
- Memorandum to teacher preparing colleges and universities providing instruction and policies for the use of new application forms for professional educator certification.
- Memorandum to provide for new processing procedures for Emergency Certificates.
- Memorandum to Pennsylvania teacher preparation institutions announcing changes to the Pennsylvania Certification Testing program effective September 1, 2001.
- Memorandum to Pennsylvania teacher preparing institutions announcing changes to major reviews and changes to the Pennsylvania Teacher Testing Program for the 1998-99 program year.

- Memorandum: Important Notice on Tests Required (March 2000)
- Memorandum: Important Notice on Tests Required (March 2001)
- Memorandum: Important Notice on Tests Required (April 2001)
- Guidelines for Reporting Pennsylvania Institutions of Higher Education Responses to Title II, Section 207 of the Higher Education Act of 1998 & General Standards for the Institutional Preparation of Professional Educators-Chapter 354
- Memorandum: Important Notice Regarding Title II, Section 207 of the Higher Education Act of 1998.
- Professional Educator Memorandum-01 (February 2001) Guide to Interpreting Chapter 354
- Professional Educator Preparation Memorandum—02 (July 27, 2001)
- Professional Educator Preparation Memorandum—03 (September 18, 2001)
- Professional Educator Preparation Memorandum—04 (December 7, 2001)
- Professional Educator Preparation Memorandum—05 (February 20, 2002)
- Professional Educator Preparation Memorandum—06 (November 12, 2002)
- Professional Educator Preparation Memorandum—07 (May 19, 2003)
- Professional Educator Preparation Testing Memorandum—01 (January 22, 2002)
- Professional Educator Preparation Testing Memorandum—02 (April 29, 2002)
- Professional Educator Preparation Testing Memorandum—03 (May 30, 2002)
- Professional Educator Preparation Testing Memorandum—04 (January 10, 2003)
- Professional Educator Preparation Testing Memorandum—05 (August 25, 2003)
- Professional Educator Preparation Testing Memorandum—06 (November 21, 2003)

Contact: Marjorie Blaze (717-783-9252)

- Specific Program Guidelines for State Approval of Professional Educators (January 2001)

Contact: Marjorie Blaze (717-783-9252)

Bureau of Adult Basic and Literacy Education

- Application Procedures and Program Guidelines—Program Year 2004-05—Pennsylvania Act 143 of 1986, The Workforce Investment Act of 1998, Title II (Adult Education and Family Literacy Act), Federal Even Start Family Literacy Program (Title I, Part B of Improving Americas Schools Act)
 - Policy Guidance A.100, Definition of Bureau of ABLE Policy
 - Policy Guidance A.110, Bureau Policy, Indicators of Program Quality and Program Evaluation
 - Policy Guidance B.100, Adult Education (Including PA Literacy Corps), Family Literacy and State Leadership (PY 2004-05)
 - Policy Guidance B.110, Workforce Development Services (PA WIN) (PYs 2001-04)
 - Policy Guidance C.100, Adult Education Performance Standards
 - Policy Guidance C.110, Family Literacy Performance Standards
 - Policy Guidance C.120, Data Quality Standards
 - Policy Guidance C.130, Verification and Reporting of Data
 - Policy Guidance C.135, Core Outcomes Methodology
 - Policy Guidance C.140, Instruction Manual for eData System
 - Policy Guidance C.141, Glossary for eData System
 - Policy Guidance C.200, Residency Requirements for Issuance of the Commonwealth Secondary School Diploma through GED Testing
 - Policy Guidance C.300, Family Literacy Summer Reading Programs
 - Policy Guidance C.310, Even Start Independent Local Evaluations
 - Policy Guidance C.320, Workplace Education Reporting
 - Policy Guidance C.330, Early Childhood Assessment
 - Policy Guidance C.900, Safety and Security
 - Policy Guidance D.100, Adult Learner Assessment
 - Policy Guidance D.110, Individual Learning Plans
 - Policy Guidance D.120, Special Populations Agency Accountability Plans
 - Policy Guidance E.100, Program Improvement Teams
 - Policy Guidance E.110, Q-Stamp Certification
 - Policy Guidance E.120, Reserved
 - Policy Guidance E.130, Adult Education On-Site Evaluation Field Guide
 - Policy Guidance E.140, Family Literacy On-Site Evaluation Field Guide
 - Policy Guidance F.100, Reserved
 - Policy Guidance F.110, Reserved
 - Policy Guidance F.120, Fees for Professional Development Activities and non-Bureau-Funded Agencies
 - Policy Guidance F.130, Reserved
 - Policy Guidance G.100, Adult Education and Workforce Investment Boards
- Contact: Donald Paquette (717-787-6344)

Office of Postsecondary and Higher Education

- Policies, Regulations and Guidelines for Pennsylvania Community Colleges
- Tuition Compliance Calculation at Community Colleges

Contact: Sandra Edmunds (717-772-3623)

- Education for Corporations Interested in Receiving Authority to Offer Academic Programs in Pennsylvania Leading to Collegiate Level Degrees

Contact: Paula Fleck (717-772-3623)

Bureau of Postsecondary Services

- Private Licensed School Memoranda—Student Complaint Questionnaire
- Private Licensed School Memoranda—Board Policy on the Use of the Term Tuition “Savings”

- Private Licensed School Memoranda—Final Rulemaking—Chapter 73 Regulations
 - Private Licensed School Memoranda—Scholarships
 - Private Licensed School Memoranda—Revised Board Policy on the Use of the Term Tuition “Savings”
 - Private Licensed School Memoranda—Revised Scholarships Policy
 - Private Licensed School Memoranda—Certificates of Preliminary Education and Correspondence High School Programs
 - Private Licensed School Memoranda—Return of Title IV Funds—Definition of Withdrawal Date
 - Private Licensed School Memoranda—Board; Calendar; Act 174; Procedures
 - Private Licensed School Memoranda—Bonds, Statement of Reasonable Service and Business Ethics, Multi—branch Training Schools
 - Private Licensed School Memoranda—Applications for Approval of New Programs
 - Private Licensed School Memoranda—Review Form for New Program
 - Private Licensed School Memoranda—Student Information Publications
 - Private Licensed School Memoranda—License and User Fees
 - Private Licensed School Memoranda—Clock Hour/Lesson/Semester Credit/Quarter Credit
 - Private Licensed School Memoranda—Statement Concerning Transfer of Credit Hours
 - Private Licensed School Memoranda—Act 174 of 1986 and Chapter 73 Regulations
 - Private Licensed School Memoranda—Tuition Change Report—Description and Instructions
 - Private Licensed School Memoranda—Contract Bond Form
 - Private Licensed School Memoranda—Board—Approved Private Surety Fund
 - Private Licensed School Memoranda—Termination; Leave of Absence
 - Private Licensed School Memoranda—Financial Reporting—Annual Reporting Rescinded; Biennial Reporting Reinstated
 - Private Licensed School Memoranda—Revised Qualification Form for Instructional Staff
 - Private Licensed School Memoranda—Allowable Administrative Fee and Refunds of \$25.00 or Less
 - Private Licensed School Memoranda—Fees
 - Private Licensed School Memoranda—Non-Resident Program Application
 - Private Licensed School Memoranda—Program Applications
 - School License Application Guidelines
 - New Program Application Guidelines
 - Private Licensed School Memoranda—Leave of Absence
 - Private Licensed Schools Memoranda—Enrollment in Single Courses
 - Private Licensed Schools Memoranda—Non-Resident Program Application
- Contact: Patricia Landis (717-783-8228)

Scranton State School for the Deaf

- Various internal and external policy statements relating to the operation of Scranton State School for the Deaf, such as: Student Immunization, Child Abuse, AIDS, Human Growth and Development, Admission Policy, the Recognition of Scranton State School for the Deaf as a Magnet School and Student Drug and Alcohol Policy, etc.
- Contact: William O'Neill (570-963-4420)

Bureau of Career and Technical Education

- Pennsylvania State Plan for the Administration of the Carl D. Perkins Vocational and Technical Education Act of 1998
- Contact: John Foster (717-787-5530)

Bureau of Teaching and Learning Support Services

- Pennsylvania State Board of Education AIDS Policy—Admissions/Readmissions of Students or Staff Persons with AIDS, March 1987
- Contact: Shirley A. Black (717-772-0067)
- Enhanced Driver Education Program Guide
 - Procedures for Establishing a Private Driver Training School
- Contact: Harry Sherman (717-783-4382)

Bureau of Special Education

- State Plan under the Individuals with Disabilities Education Act—Part B
- Contact: John Tommasini (717-783-6134)
- Memorandum to Local Education Agencies: Periodic Reporting Requirements of IDEA '97
 - Memorandum to Local Education Agencies: Linking IEP Goals and Objectives/Benchmarks to the General Education Curriculum
 - Memorandum to Local Education Agencies: The General Education Curriculum and IDEA '97
- Contact: John Tommasini (717-783-6134)
- Memorandum to Local Education Agencies (Penn*Link): Transition to School Age from Early Intervention—Questions & Answers (February 12, 1997)
 - Clarification of Policy on Transfer of Records from MAWAs to School Districts (July 3, 2002)
 - Memorandum to Local Education Agencies (Penn*Link): Revised Special Education Forms and Formats (May 3, 2000)
- Contact: Dr. Richard Price (717-783-6879)
- Memorandum to Local Education Agencies (Penn*Link): Institutionalized Children's Programs/Program Approval Change, Joint Memo from the Bureau of Special Education and the Bureau of Budget and Fiscal Management (April 4, 1997)
- Contact: Patricia Hozella (717-783-6876)
- Memorandum to Local Education Agencies: Transition Individualized Education Program (IEP) Format
- Contact: Ellen Romett (800-446-5607)

- Memorandum to Local Education Agencies (Penn*Link): Reporting of Scores of Students With Disabilities on the Pennsylvania System of School Assessment (PSSA) and Alternate Assessment (October 21, 1999)
Contact: Barbara Thrush (717-783-6881)
- Memorandum to Local Education Agencies (Penn*Link): IDEA Regulations Section 300.142(e)(f)(g)(h)(i) Relating to Methods of Ensuring Service (February 24, 2000)
Contact: Michael Carricato (717-783-6137)
- Memorandum to Local Education Agencies (Penn*Link): Reporting Students Assigned to Instruction in the Home and Homebound Instruction (April 3, 2000)
Contact: Donna Bricker (717-772-2645)

Bureau of Budget and Fiscal Management

- School Construction Policies and Procedures (This booklet describes how reimbursement is calculated along with examples and formulas.)
Contact: Carle Dixon (717-787-5480)
- Community Colleges Reimbursement for Equivalent Full-Time Students Enrolled in Stipend Programs
- Debt Service at Community Colleges
Contact: Larry Snell (717-787-5993)

School Services

- BEC—Charter Schools, 24 P. S. Section 17-1701-A July 03 (on PDE Website)
Contact: Dr. Dan Felix (717-787-9819)

GUIDANCE MANUALS:

Bureau of Special Education

- Special Education Information System
- Memorandum to Local Education Agencies (Penn*Link): Age of Majority and the Pennsylvania Guidelines for Secondary Transition for Students with Disabilities (April 5, 2000)
- Special Education Mediation Services
- Education of Students with Hearing Loss
Contact: John Tommasini (717-783-6134)
- Effective Behavior Support
Contact: Bill Galbraith (717-541-4960)
- Guidelines for Intermediate Unit Special Education Plans, 2000-2001
- School District Special Education Plan Guidelines
- Intermediate Unit Special Education Plan Guidelines
Contact: Patricia Hozella (717-783-6876)
- Comprehensive System of Personnel Development
- Comprehensive System for Personnel Development Submission Packet
- Procedures for Requesting Technical Assistance
Contact: Shatarupa Bose (717-772-2646)
- Education of Mentally Gifted Students
Contact: Barbara Thrush (717-783-6881)
- Disabilities Education Act-Part B Program Guidelines for Local Education Agency Applications for 2001/2002
Contact: Patty Todd (717-783-6888)

Office of Educational Technology

- Secondary Career and Technical Education Information System Instruction Manual for Student Data Submission, 2003-2004
Contact: Steve Simchock (717-787-2644)
- Adult Career and Technical Education Instruction Manual, 2003-2004
Contact: John S. Creason (717-787-2644)
- Elementary/Secondary Professional Personnel Instruction Manual, 2002-03
Contact: Barbara Kern (717-787-2644)
- Postsecondary Career and Technical Education Instruction Manual, 2003-2004
Contact: Ron Hoerner (717-787-2644)
- Elementary/Secondary Professional Personnel Instruction Manual, 2002-03, Charter Schools
Contact: Barbara Kern (717-787-2644)
- Electronic Dropout/Graduate Report (EDGR): Graduate Instructions for School Year 2002-2003
Contact: Joanne Bobek (717-787-2644)
- Electronic Dropout/Graduate Report (EDGR): Dropout Instructions for School Year 2002-2003
Contact: Richard Hruska (717-787-2644)

Bureau of State Library

- Revised Classification Scheme for Pennsylvania State Publications,-Provides Call Numbers to be Used in Classifying Pennsylvania State Publications
Contact: Ann Kemper (717-783-3884)

Bureau of Library Development

- Guidelines for Negotiating Agreements, 2003—Guidance for District Library Centers in Negotiating Service Agreements With Local Libraries
- Guidelines for Statewide Library Card System, 1999 rev.—Rules for Public Libraries Participating in the Statewide Library Card System

- A Handbook for Public Library Trustees, Fifth Edition, 2003—Guidance for People Serving as Trustees for Pennsylvania Public Libraries
- Continuing Education Guidelines for Public Library Staff, 1999—Guidance for Determining What Kinds of Continuing Education are Acceptable for Meeting the Continuing Education Requirements in The Library Code.
- Library Services and Technology Act Five-Year Plan 2003—2007, 2002—A Focused Program for the Improvement of Library Services for the People of Pennsylvania through Federal LSTA Funds.
- Pennsylvania Guidelines for School Library Information Programs, 1999—Suggestions for Implementing Quality Library Programs in Pennsylvania
- Measuring Up To Standards: The Impact of School Library Programs and Information Literacy in Pennsylvania Schools 2000—Recent research on the impact of school library programs on academic achievement.
- The Pennsylvania School Library Information Specialist TOOLKIT for Implementing Information Literacy in Schools Supplement 2003—Defines information literacy standards integrated into curricular areas.

Contact: Barbara W. Cole (717-783-5722)

Bureau of Community and Student Services

- Pregnant and Parenting Teen Evaluation Packet
- Education Leading to Employment and Career Training Monthly Attendance Instructions
- Education Leading to Employment and Career Training Operational Manual

Contact: Dorothy Hershey (717-783-7089)

- Services for Nonpublic School Students Program Guidelines

Contact: Mary Ramirez (717-783-3755)

- Guidelines for Student Assistance Program Implementation (Guidelines for Secondary Student Assistance Program Teams), September 1991
- Commonwealth Student Assistance Program Training System Handbook: Guidelines, Monitoring Procedures, and Related Information, March 2003

Contact: Kim Swarner (717-783-6777)

Office of Elementary and Secondary Education

- Basic Education Circulars (BECs)—(Updated and indexed collection of Pennsylvania Department of Education guidance statements on state and federal basic education laws and regulations. These guidance statements cover several areas of the School Code within Title 24 of Purdon's Statutes, Articles 1-25, State Board of Education Regulations—Title 22 of the Pennsylvania Code, Chapters 1-23, 342 and 349, and other state and federal laws, regulations and court cases: Topics include among others: Early Intervention—Department of Education Services—Employee Rating Form—School and Student Records—Home Education Programs—Special Education—Payments for Education—Graduation of Seniors—School Construction—Safe Schools—Copyright Law)

Contact: Sarah Pearce (717-787-4860)

- Child Labor Laws and Employment of Minors

Contact: Stephen Fisher (717-787-6016)

- Guidelines and Application for the Alternative Education for Disruptive Youth Program
- Guidelines and Application for Private Alternative Education Institutions

Contact: Nancy Avolese (717-705-6908)

Bureau of Teacher Certification and Preparation

- Pennsylvania Teacher Intern Certification Handbook and Institutional Listing (Revised, 1998)

Contact: Marjorie Blaze (717-783-9252)

- Programs Approved for Teacher Education in Pennsylvania Colleges and Universities
- Education Testing Service Praxis Series Registration Bulletin

Contact: Marjorie Blaze (717-783-9252)

- Pennsylvania Department of Education Application and Instructions for Professional Educator (Includes background information, application forms, and directions.
- Alternative Certification
- Teacher Certification Information Sheets (Various handout papers used to respond to queries on professional educator certification in Pennsylvania.)

Contact: Kevin Corcoran (717-787-3356)

- Guidelines for the Preparation of Self-Study Materials for Certification in Pennsylvania

Contact: Marjorie Blaze (717-783-9252)

- Certification for Charter School Professional Staff
- Application Booklets (Revised May 2001)

- Applicant Prepared Outside of Pennsylvania
- Emergency Permits and Act 97 Waivers
- Letter of Equivalency for Master's Degree
- Applicant Prepared In Pennsylvania
- Professional Educator Certificate (Revised 6/01)
- Letter of Equivalency for Master's Degree (Issued 3/00)
- Letter of Equivalency for Bachelor's Degree (Issued 3/00)
 - Application information and form
 - Letter of Equivalency with seal
- Emergency Permit with seal (Issued 3/00)
- Private School Certificate Application (Revised 5/00)
- Requirements of Act 48 of 1999
 - Application for Voluntary Inactive Certification (Form 338R)
 - Approval notice for Voluntary Inactive Certification

- Application for Removal of Voluntary Inactive Certification (Form 338R2)
- Approval notice for Removal of Voluntary Inactive Certification
- Four and five-year notices for educators and school entities
- Informational Handout: Important Information About Your Certificate (Revised 6/02)

Contact: Kevin Corcoran (717-787-3356)

Bureau of Postsecondary Services

- Pennsylvania Department of Education Guidelines for the Approval of Degree Programs
- Materials Related to the Approval of Postsecondary Institutions Requesting a Certificate of Approval to Award the Associate in Specialized Business and/or the Associate in Specialized Technology Degree

Contact: Paula Fleck (717-772-3623)

- Eligible Partnerships Application Guidelines

Contact: Linda J. Benedetto (717-772-3623)

Deputy Secretary's Office of Postsecondary and Higher Education

- Chart of Activities for a Group Wishing to Establish a Domestic Nonprofit/For-Profit Degree-Granting Institution in Pennsylvania or a Foreign Nonprofit/For-Profit Degree-Granting Corporation Wishing to Operate in Pennsylvania

Contact: Paula Fleck (717-772-3623)

Bureau of Career and Technical Education

- Application Information on Career and Technical Education Federal/State Leadership Funding
- Application Information on Career and Technical Education Federal/State Leadership Funding for Graduate Research
- Application Information on Career and Technical Education State Economic Development Funding
- Application Information on Innovative Learning and Workforce Development Grants
- Application Information on Innovative Learning and Workforce Development Grants for Agriculture Programs
- Community College Variable Stipend Program
- Community College Variable Stipend Program Approved for 04-05

Contact: John Bonchalk (717-772-4177)

- Application Information on Career and Technical Education Registered Apprenticeship Programs

- Cooperative Education Guidelines for Administration

Contact: Lee Burket (717-772-4968)

- Application for Approval of the Nurse Aide Training Program Submission Guidelines

- Act 14 Nurse Aide Resident Abuse Prevention Training Curriculum Guidelines

Contact: Carlyn Forlizzi (717-783-6975)

- Implementing a Statewide System of Core Performance Measures and Standards for Vocational-Technical Education in Pennsylvania

- A Guide to Student Occupational Competency Testing in Pennsylvania

- Pennsylvania Student Occupational Competency Testing

Contact: Paul Munyofu (717-783-6867)

- Tech Prep Secondary and Postsecondary Guidelines 2000-2004

- Concordance

- Tech Prep Works

- Tech Prep Works for Schools

- Tech Prep Works for Students

Contact: Susan Will (717-787-8804)

- Managing Local Plans: A Guide to Accountability for the Carl D. Perkins Vocational and Applied Technology Act of 1990, P. L. 101-392

- Managing Local Plans Part II Technical Assistance Manual for Perkins One-Stop Partners in Pennsylvania Career Link Centers

- Secondary & Postsecondary Perkins Local Plan Guidelines 2000-2004

Contact: Jerilynn Millvan (717-783-6619)

- Secondary Vocational-Technical Education Program Approval Application Procedure

Contact: Forrest Keiser (717-772-4968)

- New Choices/New Options Career Development for Single Parents, Displaced Homemakers, Single Pregnant Women and Individuals Interested in Nontraditional Vocational Education

- New Choices/New Options

- Surviving and Thriving in a Nontraditional Skilled Trade

Contact: Marian Thomas (717-787-8022)

- National Skill Standards Provider List: A Resource Guide

- Retention-Based Skills Training Long Term Care

Contact: Carlyn Forlizzi (717-781-6974)

- Self-Study Guidelines—Accreditation System of Institutions for Adult Education

- Administration Guidelines for the Accreditation System of Institutions for Adult Education

Contact: Robert Kline (717-783-6867)

- The Occupational Competency Assessment Program Brochure

Contact: Robert Kline (717-783-6867)

- American Careers Parent Edition

- American Careers Student Edition

- American Careers Teacher Edition

Contact: Jay Cannon (717-787-8022)

Jim Potts (717-787-8022)

- Pennsylvania's Workforce Leadership Grants 2003-2004
Contact: John Foster (717-787-5530)
- Consider a Career as a Business, Computer and Information Technology Teacher: Educating for Success in Business and Life Brochure
- Business, Computer and Information Technology: Education for Success in Business and Life Brochure
Contact: Roberta Brown (717-772-4968)
- Pennsylvania's Career Clusters: Focusing Education on the Future (PDE and PA Dept of L&I)
Contact: Lydia Hess (717-787-8022)
- National Skill Standards Provider List: A Resource Guide
Contact: James Gronski (717-787-8022)
- Pennsylvania Area Career and Technical Education Schools 2001 Report
Contact: Ron Hoerner (717-783-6760)
- Career and Technical Student Organizations Brochure
- Career and Technical Student Organizations in Pennsylvania
- FCCLA: The Ultimate Leadership Experience
- FCCLA State Officer and Adviser Handbook
- FCCLA Membership Brochure
- FCCLA Chapter Directory
- American FFA Degree Applications
- Ag Proficiency Award Applications
- PA SkillsUSA Personal and Liability Release Form
- PA HOSA Regional Directory
Contact: Katherine Simchock (717-787-8804)
- Retention-Based Skills Training—Long Term Care
Contact: Esther Brown (717-772-4968)
- Successful Graduates of PA CTE
Contact: Jim Potts (717-787-8022)
- High Schools That Work
Contact: Vincent Safran (717-772-4968)
- Pennsylvania Career and Technical Facts
Contact: John Foster (717-772-4968)

Bureau of Teaching and Learning Support Services

- Chapter 4 Strategic Planning Guidelines, May 2002
Contact: Parker Martin (717-783-4307)
- Act 48 Professional Education Plan Guidelines, November 2002
Contact: Susan Harafimowicz (717-787-8913)
- Act 48 Approved Provider Guidelines, July 2002
Contact: Dale Baker (717-772-4944)
- Guidebook for Planning Programs for English Language Learners
- Instructions for Completing PDE 3044-45, Programs and Services for Students of Limited English Proficiency
Contact: Ana Sainz de la Pena (717-783-6649)
Barbara Mowrey (717-787-3499)
- ESL Monitoring Program
Contact: Barbara Mowrey (717-787-3499)
- Education of Mentally Gifted Students
Project REAL (Rural Education for Accelerated Learners)
Contact: Karen Cobb (717-787-8913)
Marian Sutter (717-772-4944)
- Induction Plan Guidelines, May 2002
Contact: Susan Harafimowicz (717-787-8913)
- No Child Left Behind Act-Supplemental Education Services-Instructions for Completing the Provider Application (on PDE Website)
Contact: Norma Hull (717-787-8631)

Bureau of Budget and Fiscal Management

- Planning and Construction Workbook (Forms Used to Apply for Commonwealth Reimbursement for a School Construction Project)
- Revised Self-Certification Application Forms for Non-Reimbursable Construction Projects (PDE-3074(a), PDE-3074(b) and PDE-3074(c))
- Charter School Lease Reimbursement Program 2002-2003
Contact: Carle Dixon (717-787-5480)
- Guidelines for Approval of Capital Expenses for Community Colleges
- Application for State Assistance for Construction of Community College Facilities
- Space Approval Formula for Community Colleges
- Procedures for Funding Institutional Equipment Grant Program
- Procedures for Funding Engineering Schools Equipment Grant Program
Contact: Larry Snell (717-787-5993)
- Individuals with Disabilities Education Act Part B (IDEA-B) 2004-2005 Administrative and Fiscal Guidelines for Rider H—Program Application of LEA; Rider I—Support Services and Rider J—Direct Services

- Individuals with Disabilities Education Act Part B (IDEA-B) 2004-2005 Administrative and Fiscal Guidelines for Approved Private Schools
- Individuals with Disabilities Education Act Part B (IDEA-B) 2004-2005 Administrative and Fiscal Guidelines for Institutions of Higher Education and other Nonpublic School Entities
- Procedures for Commonwealth Reimbursement of the Special Education Cost of Wards of the State
- Out-of-State Special Education Placements Approval and Reimbursement (jointly with the Bureau of Special Education [John Tommasini])

Contact: Ralph Girolamo (717-783-6535)

Scranton State School for the Deaf

- Student Handbook, 2004

Contact: William O'Neill (570-963-4420)

School Services

- Charter School Application (on PDE Website)
- Cyber Charter School Application (on PDE Website)
- Pennsylvania Charter School Annual Report—Late Summer/Early Fall 2003 (on PDE Website)
- Competitive Charter School Federal Grant Program-Guidelines and Application Forms—Late Summer/Early Fall 2003 (on PDE Website)
- Competitive PA Charter School Planning Grants-Guidelines and Application Forms—Late Summer/Early Fall (on PDE Website)
- Cyber Charter Schools Review (On PDE Website)
- Pennsylvania Charter School Operator's Manual-binder available through Department Contact

Contact: Dr. Dan Felix (717-787-9819)

Bureau of Assessment and Accountability

- Educational Empowerment Act-Annual Report

Contact: Sheri Rowe (717-705-8020)

- Applying for a Waiver on PDE Website)
 - Shortcuts (on PDE Website) ◦ Provisions not Subject To Waiver (on PDE Website)
 - Instructions for Mandate Waiver Application (on PDE Website)
 - PDE-417 Mandate Waiver Application (on PDE Website)
 - Mandate Waiver Program Evaluation Guidelines & Form (on PDE Website)

- Mandate Waiver Program—Annual Reports

Contact: Sally Chamberlain (717-705-8020)

- State, District and School Report Cards CD ROMs

Contact: Sheri Rowe (717-772-8020)

- Writing Assessment Handbook

Contact: Ray Young (717-783-6636)

- Reading Assessment Handbook

Contact: Ray Young (717-783-6636)

- Mathematics Assessment Handbook

- Released Mathematics Items from the 2000 and 2001 Assessments

Contact: Ray Young(717-783-6636)

DECISIONS:

State Charter School Appeal Board

- Vitalistic Therapeutic Center Charter School (Bethlehem Area SD) CAB # 1999-6
- William Bradford Academy Charter School (Keystone Oaks SD) CAB # 1999-8
- Wonderland Charter School (State College Area SD) CAB # 1999-3
- Sugar Valley Rural Charter School (Keystone Central SD) CAB # 1999-4
- Phoenix Academy Charter School (Phoenixville Area SD) CAB # 1999-10
- Hills Academy Charter School (Penn Hills SD) CAB # 1999-12
- Collegium Charter School (West Chester Area SD) CAB # 1999-9
- Vitalistic Therapeutic Center Charter School (Allentown City SD) CAB # 1999-5
- Shenango Valley Regional Charter School (Hermitage and Sharon City SD) CAB # 1999-11
- Ronald G. Brown Charter School (Harrisburg City SD) CAB # 1999-1
- Edith & Eloise Academy (Steel Valley and Pittsburgh School Districts) CAB # 1999-13
- Creative Educational Concepts Charter School (Chester Upland SD) CAB # 1999-15
- Souderton Charter School Collaborative (Souderton Area SD) CAB # 1999-2
- Bucks County Montessori Charter School (Pennsbury SD) CAB # 1999-7
- Environmental Charter School (Palisades SD) CAB # 1999-14
- W.E.B. Dubois Charter School (Philadelphia SD) CAB # 2000-10
- William Bradford Academic Charter School (Philadelphia SD) CAB # 2000-1
- Dimensions of Learning Academic Charter School (Philadelphia SD) CAB # 2000-7
- Rising Sun Academy Charter School (Philadelphia SD) CAB # 2000-4
- Leadership Learning Partners Charter School (Philadelphia SD) CAB # 2000-8
- Delaware Valley High Charter School (Philadelphia SD) CAB # 2000-5
- Lincoln-Edison Charter School (York SD) CAB # 2000-11
- Independence Charter School (Philadelphia SD) CAB # 2000-2
- Kemetic Institute Charter School (Philadelphia SD) CAB # 2000-6
- Genesis Charter School (Philadelphia SD) CAB # 2000-9

- Legacy Charter School (Council Rock SD) CAB # 2000-14
 - Lehigh Valley Academy Regional Charter School (Bethlehem Area SD) CAB # 2000-12
 - Lehigh Valley Academy Regional Charter School (Saucon Valley SD) CAB # 2000-13
 - Vitalistic Therapeutic Center Charter School (Bethlehem Area SD) CAB # 2000-15
 - Dr. Lorraine K. Monroe Academy Charter School (Millcreek Township SD) CAB # 2000-16
 - Learning Connection Charter School (Chester Upland SD) CAB # 2001-1
 - Renaissance Academy of Pittsburgh, Alternative of Hope Edison Charter School (SD of Pittsburgh) CAB #2001-2
 - Elan Charter School (Pennsbury SD) CAB # 2001-3
 - Ricci J. Hausley Charter School (Philadelphia SD) CAB # 2001-4
 - Thurgood Marshall Charter School (Wilkes-Barre SD) CAB # 2001-5
 - Phoenix Charter School (Philadelphia SD) CAB # 2001-6
 - Penn Hills Charter School (Penn Hills SD) CAB # 2001-7
 - David P. Richardson Charter School (Philadelphia SD) CAB # 2001-8
 - Fell Charter School (Carbondale Area SD) CAB # 2001-9
 - Graystone Academy Charter School (Coatesville Area School District) CAB #2002-1
 - Infinity Charter School (Central Dauphin School District) CAB #2002-4
 - Einstein Academy Charter School (Morrisville Borough School District) CAB #2002-6
 - Wonderland Charter School (State College Area School District) CAB #2002-7
 - Lincoln-Edison Charter School (School District of the City of York) CAB #2002-03
 - Montessori Regional Charter School (Millcreek Township School District) CAB #2002-05
 - Einstein Academy Charter School (Morrisville Borough School District) CAB #2002-06
 - Wonderland Charter School (State College Area School District) CAB #2002-07
 - Propel Charter School (Steel Valley School District) CAB #2003-01
 - Bear Creek Community Charter School (Wilkes-Barre School District) CAB #2003-03
 - Bucks County Montessori Charter School (Pennsbury School District) CAB #2003-04
- Contact: Ernest Helling, (717-787-5500)

Office of Chief Counsel Teacher Tenure Appeal Opinions

- Patricia A. Gorman v. East Allegheny School District, Teacher Tenure Appeal No. 4-96
- In Re: Petition of Stroudsburg Area School District, Teacher Tenure Appeal No. 6-96
- Bridget E. Kelly v. Stroudsburg Area School District, Teacher Tenure Appeal No. 6-96A
- Joseph G. Cesari v. North Schuylkill School District, Teacher Tenure Appeal No. 2-96
- Deborah N. Collins v. Bethlehem Area Vocational-Technical School, Teacher Tenure Appeal No. 3-96
- Renee Czubowicz-Drouse v. Mid Valley School District, Teacher Tenure Appeal No. 6-95
- Margaret M. McMackin v. Pittsburgh School District, Teacher Tenure Appeal No. 8-95
- Wayne Sousa v. Palisades School District, Teacher Tenure Appeal No. 10-95
- James D. Holt v. Muncy Area School District and Board of Directors, Teacher Tenure Appeal No. 12-94
- Roland H. Holvey v. Northumberland County Area Vocational-Technical School, Teacher Tenure Appeal No. 13-94
- Sally Bollinger v. Curwensville Area School District and Board of School Directors, Teacher Tenure Appeal No. 9-94
- William Dopko, et al. v. Riverside Board of School Directors, Teacher Tenure Appeal No. 2-94
- Callie Anderson, et al. v. Board of Education of the School District of Philadelphia, Teacher Tenure Appeal No. 16-94
- Patricia Peiffer v. Lake-Lehman School District, Teacher Tenure Appeal No. 9-93
- Mary Ellen Mela v. Morrisville School District, Teacher Tenure Appeal No. 5-95
- Angela Martino v. Philadelphia City School District, Teacher Tenure Appeal No. 7-95
- Shawn-Kimberly Kocher v. Salisbury School District, Teacher Tenure Appeal No. 5-97
- Dale Kessler v. Line Mountain School District, Teacher Tenure Appeal No. 11-94
- Thomas Katruska v. Bethlehem-Center School District, Teacher Tenure Appeal No. 4-97
- Jane L. Shaffer v. Riverview Intermediate Unit, Teacher Tenure Appeal No. 6-97
- John Reber and Thomas L. McDevitt v. Reading School District, Teacher Tenure Appeal No. 12-95
- Mark Berman, et al v. Philadelphia School District, Teacher Tenure Appeal No. 3-97
- Jay Mastro v. City of Pittsburgh School Board, Teacher Tenure Appeal No. 1-98
- Carol Ann Russo v. Easton Area School District, Teacher Tenure Appeal No. 4-98
- Mary Anne Norris v. Penns Valley Area District, Teacher Tenure Appeal No. 2-98
- Alice Hirsch v. Montour School District, Teacher Tenure Appeal No. 2-97
- Karen Korman v. Penns Valley Area School District, Teacher Tenure Appeal No. 1-99
- Kevin Santry v. Philadelphia School District, Teacher Tenure Appeal No. 2-99
- Stephen Moiles v. Marple Newtown School District, Teacher Tenure Appeal No. 1-00
- James B. Dickinson, Jr. v. Gettysburg Area School District, Teacher Tenure Appeal No. 3-98
- Dale Clymer v. Berks County Intermediate Unit, Teacher Tenure Appeal No. 2-00
- Nancy J. Zelno v. Lincoln Intermediate Unit, Teacher Tenure Appeal No. 3-00
- Colleen Shepstock v. Muncy School District, Teacher Tenure Appeal No. 4-00
- Priscilla Barto v. Williamsport Area School District, Teacher Tenure Appeal No. 3-99
- Margaret McMackin v. Pittsburgh School District, Teacher Tenure Appeal No. 5-99
- Mary Claire Brown v. Parkland Area School District, Teacher Tenure Appeal No. 7-97
- Robert Adams v. Harrisburg School District, Teacher Tenure Appeal No. 5-00
- Dr. Henry Benz v. Board of Public Education of the School District of Pittsburgh, Teacher Tenure Appeal No. 3-01
- Glenn Gow v. Big Spring School District, Teacher Tenure Appeal No. 1-97
- Carol Ann Russo v. Easton Area School District, Teacher Tenure Appeal No. 4-98A
- Maureen Joyce v. Board of Directors of Spring-Ford School District, Teacher Tenure Appeal No. 2-01
- Kenna Williams v. Clearfield County Vocational-Technical School, Teacher Tenure Appeal No. 4-99
- Barbara Palumbo v. Board of Directors of DuBois Area School District, Teacher Tenure Appeal No. 4-01

- Jacquelyn N'Jai v. Pittsburgh School District, Teacher Tenure Appeal No. 5-01
 - William Brunson v. Coatesville Area School District, No. 1-02
 - Thomas Hajduz v. Peters Twp. School District, No.1-03
 - Dr. Linda Portlock v. Harrisburg Area School District, No. 2-02
 - Edwin Hasson v. Glendale School District, No. 5-03
 - Joanne Henshaw v. Boyertown Area School District, No. 7-03
 - Shirley Curl v. Solanco School District, No. 1-04
- Contact: Karen Feuchtenberger (717-787-5500)

Certification Appeal Committee Decisions

- Daniel Waterman, Certification Appeal #99-01
- Colleen Kosiarski, Certification Appeal #99-02
- Richard Struck, Certification Appeal #99-03
- Lynne Smith, Certification Appeal #99-04
- Lynne Smith, Certification Appeal #99-05
- Daniel M. McAboy, Certification Appeal #99-06
- Joseph Adams, Certification Appeal #99-07
- Deborah K. Warren, Certification #99-09
- Leonid Khazin, Certification Appeal #95-06
- Dr. Fred G. Loveland, Certification Appeal #95-07
- Karen Linker, Certification Appeal #96-01
- David G. Stephany, Certification Appeal #96-02
- David Momper, Certification Appeal #00-15
- Richard Spires, Certification Appeal #00-20
- Shadrach Boyer, Certification Appeal #00-21
- John Spaulding, Certification Appeal #00-22
- Lawrence Barlow, Certification Appeal #00-24
- Theodore Wing, Certification Appeal #00-25
- Michael Lowe, Certification Appeal #00-26
- Joan Awkward-Young, Certification Appeal #00-27
- Rebecca Draper, Certification Appeal #00-28
- Erin Breault, Certification Appeal #00-29
- James Dennion, Certification Appeal #00-30
- Harry Miller, Certification Appeal #00-31
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- Contact: Bette H. Williams (717-705-7787)

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- Contact: Marjorie Blaze (717-783-9252)

Certification Audit Appeals

- Lancaster School District
- Contact: Amy Foerster (717-787-5500)

Teacher Decertification Decisions

- Commonwealth of Pennsylvania v. Benjamin Lucciola, DI-87-07
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- Contact: M. Patricia Fullerton (717-787-5500)
- Commonwealth of Pennsylvania v. Bobby Wilson
- Contact: Joseph Miller (717-787-5500)

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- Lower Kensington Environmental Center Youth Services, Child Care Food Program 1995-1
 - Tots Yearn to Learn, Inc.
 - Cassoria Learning Centers, Inc.
- Contact: Ernest Helling (717-787-5500)
- Blessed Hope S.D.C. Church
- Contact: Ann St. Ledger (717-787-5500)
- Little People Day Care School, Inc.
- Contact: Karen Feuchtenberger (717-787-5500)
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- Contact: Robert Tomaine (717-787-5500)

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- Contact: Carolyn Angelo (717-787-6576)

State Board of Private Licensed Schools

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- Contact: Patricia Landis (717-783-8228)

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- K.B., #1470
- C.B., #1472
- E.M., #1473
- D.H., #1474
- A.H., #1475
- J.A., #1480
- F.S., #1483

* Recently filed appeals, cases not decided as yet.

Contact: John Tommasini (717-783-6134)

School Construction Decisions

- In the Matter of: Reimbursement for the Rose Tree Media School District

Contact: Ernest Helling (717-787-5500)

Miscellaneous Decisions

- Farrell Area School District v. Commonwealth of Pennsylvania, Department of Education, Office of School Services

Contact: Marion K. Echols-Clark (717-783-3618)

- Shane B. Peck v. Edward L. Rech, Office of Postsecondary/Higher Education, Division of Private Licensed Schools

Contact: Patricia Landis (717-783-8228)

- Greater Latrobe School District v. Bureau of Elementary and Secondary Education

- Pottsgrove Taxpayers Alliance v. Department of Education

- Hazleton Area School District v. Department of Education

- Sleighton School v. Department of Education

Contact: Ernest Helling (717-787-5500)

- Potomac College, Application for Certificate of Authority

Contact: Paula Fleck (717-772-3623)

- Montgomery County Community College v. Department of Education

- Wyoming Valley West School District v. Department of Education, Bureau of Curriculum and Academic Services, Division of Federal Programs

- In Re: Commonwealth Connections Academy Charter School Cyber Charter School Application—2002

- In Re: Pennsylvania Leadership Charter School Cyber Charter School Application—2002

- In Re: Pennsylvania Distance & Electronic Learning Academy Charter School Cyber Charter School Application—2002

- In Re: Achievement House Charter School Cyber Charter School Application—2002

- In Re: Millennium Cyber Charter School Cyber Charter School Application—2002

- In Re: Commonwealth Connections Academy Charter School Revised Application—2003

- In Re: Pennsylvania Leadership Charter School Revised Application—2003

- In Re: Achievement House Charter School Cyber Charter School Resubmission Application (2004)

- In Re: Achievement House Charter School Cyber Charter School Second Resubmission Application (2004)

- In Re: Commonwealth Connections Academy Charter School Cyber Charter School Second Resubmission Application (2003)

- In Re: Pennsylvania Distance Learning Charter School Cyber Charter School Resubmission Application (2003)

- In Re: Pennsylvania Distance Learning Charter School Cyber Charter School Second Resubmission Application (2004)

- In Re: Pennsylvania Leadership Charter School Cyber Charter School Second Resubmission Application (2003)

- In Re: Pennsylvania Leadership Charter School Cyber Charter School Third Resubmission Application (2003)

- In Re: Anchorage Cyber Charter School Cyber Charter School Application (2004)

- In Re: Pennsylvania Hinterland Mobil Cyber Charter School Cyber Charter School Application (2003)

- In Re: SusQ Cyber Charter School Cyber Charter School Renewal Application (2003)

Contact: Karen Feuchtenberger (717-787-5500)

- Jeanette School District

- Kennett Consolidated School District

- Reading School District

Contact: Ann St. Ledger (717-787-5500)

School Services

- Cyber Charter School Application Decisions (On PDE Website)
- Contact: Sheri Rowe, (717-705-8020)
Karen Feuchtenberger (717-787-5500)

Bureau of Teaching and Learning Support Services

- No Child Left Behind Act—Supplemental Education Services—Approved Provider List (on PDE Website)
- Contact: Norma Hull (717-705-8014)

Bureau of Performance Accountability and Reporting

- 2000 Mandate Waiver Applications Received and Action Taken (on PDE Website)
 - 2001 Mandate Waiver Applications Received and Action Taken (on PDE Website)
 - 2002 Mandate Waiver Applications Received and Action Taken (on PDE Website)
 - 2003 Mandate Waiver Applications Received and Action Taken (on PDE Website)
- Contact: Sally Chamberlain (717-705-8020)

INTERNAL GUIDELINES:**Bureau of Special Education**

- Compliance Monitoring System
 - Internal Policy: Transportation as a Related Service (May 13, 1997)
- Contact: Patricia Hozella (717-783-6876)
- Procedures for Complaint Management
- Contact: Michael Carricato (717-783-6137)
- Internal Policy: Participation of Psychologists in Multidisciplinary Evaluations
 - Internal Policy: Serving as a Representative of the District at Individualized Education Program Meetings
- Contact: John Tommasini (717-783-6134)

Bureau of Human Resources

- Americans with Disabilities Act (ADA) Procedures/Management Guides—Provides the Department's Procedures for Providing Alternate Formats, Accommodations and Accessibility to Persons with Disabilities
- Contact: Jan Pricer (717-783-9339)

Bureau of Community and Student Services

- Learn and Serve America Request for Application Guidelines
 - 21st Century Community Learning Centers Funding Application Guidelines
- Contact: Dorothy Hershey (717-783-7089)
- Education for Homeless Children and Youth Request for Application Guidelines
- Contact: Sheldon Winnick (717-772-2066)
- Certificate of Eligibility of Migrant Education Children to Enroll in Program
 - State Parent Involvement Committee Members for Migrant Education Program
 - Travel Expense Policy for Reimbursement to Parents of Migrant Education Children Participating in State Parent Involvement Committee Meeting
 - Equal Educational Opportunities to Pennsylvania Children Regardless of their Legal Status
- Contact: Mary Ramirez (717-783-3755)
- Safe Schools Grant Application Guidelines
- Contact: Mary Ramirez (717-783-3755)
- Successful Students' Partnership Dropout Prevention Program Funding Application Guideline
 - Education Mentoring Grant Application Guidelines
- Contact: Mary Ramirez (717-783-3755)
- Safe and Drug-Free Schools and Communities Act; 2003-04 eGrant Application Guidelines; May 2003
- Contact: Dan Iser (717-787-6406)

Bureau of Teacher Certification and Preparation

- Interstate Agreement on Qualification of Educational Personnel—Policy for Certification of Educational Professionals Across State Jurisdictions
- Contact: Kevin Corcoran (717-787-3356)
- Policy Regarding Acceptance on Educational Testing Service Facsimile Score Reports
 - Program Approval for Teacher Certification Programs: Chairperson's Handbook
 - Program Approval for Teacher Certification Programs: Team Member's Handbook
 - General Standards Interpretation and Guidelines: Review Team Worksheets
- Contact: Marjorie Blaze (717-787-3470)

Bureau of Adult Basic and Literacy Education

- Program Monitoring Review Field Guide
- Contact: Donald F. Paquette (717-787-6344)

Bureau of Career and Technical Education

- Monitoring/Self-Study Booklet of the Nurse Aide Training and Competency Evaluation Program
 - Teaching the Educator Workshop for Nurse Aide Training and Competency Evaluation Program
 - Onsite Review of the Approved Nurse Aide Training and Competency Evaluation Program
- Contact: Carlyn Forlizzi (717-783-6975)
- Federal Carl Perkins Vocational and Technical Education Local Performance Review/Report
- Contact: Jerilynn Millvan (717) 786-3319

- Pennsylvania Department of Education Methods of Administration for Complying with Civil Rights Guidelines in Vocational Education

Contact: John Foster (717-787-5530)

- Federal and State Final Performance Reports

Contact: John Bonchalk (717-772-4177)

- Program Administration Manual: Policy and Procedures for Perkins Subgrants and Related State Grants

Contact: Allan Mensky (717-772-4177)

- Establishing & Operating Effective Local Advisory Committees

- Establishing & Operating Effective Occupational Advisory Committees

Contact: Lydia Hess (717-787-8022)

Equal Educational Opportunity Office

- Manual for Deriving Indicators of Equal Opportunity for Higher Education in The Commonwealth of Pennsylvania

- Act 101 Regulations and Guidelines

Contact: Carrie M. Patterson (717-783-9531)

Bureau of Assessment and Accountability

- Education Empowerment Act-SEA Procedural Manual

Contact: John Nau (717-705-8014)

- Mandate Waiver Program Procedural Manual

Contact: Sally Chamberlain (717-705-8020)

OTHER:

Bureau of State Library

- Disaster Response and Recovery Manual

- State Library of Pennsylvania Collection Development Policy

Contact: Sharon Anderson (717-783-5983)

- State Library of Pennsylvania Information Services Guidelines

Contact: Gene Smith (717-783-7014)

Bureau of Teacher Certification and Preparation

- Certification Testing Booklets

Contact: Marjorie Blaze (717-787-3470)

Office of Postsecondary and Higher Education

- Professional Standards and Practices Commission—Pa. Code Title 22—Chapter 233 Bylaws—Statement of Policy, Annual Report, Professional Educator Discipline Act 24 P. S. §§ 2070.1-2070.18)

Contact: Carolyn Angelo (717-787-6576)

- Postsecondary and Higher Education Operating Institutions of Higher Education in Pennsylvania Legally Authorized to Grant Degrees

Contact: Paula Fleck (717-772-3623)

Bureau of Teacher and Learning Support Services

- Pennsylvania Literacy Framework

Contact: Joel Geary (717-772-1716)

- No Child Left Behind/Blue Ribbon Program—United States Department of Education Guidelines

Contact: Dale Baker (717-772-4944)

Bureau of Budget and Fiscal Management

- Standard Contract for Food Service Management Services

Contact: Sandy Souder (717-787-3186) or (800-331-0129)

- Basic Education Circular 24 P. S. Section 7-707, Sale or Lease of Unused and Unnecessary Lands and Buildings

- Basic Education Circular 24 P. S. Section 7-733, School Construction Reimbursement Criteria

- Basic Education Circular 24 P. S. Section 7-775, Department Approval of School Buildings, Equipment and Premises Leased for Educational Purposes by School Districts Except School Districts of the First Class

- Basic Education Circular 24 P. S. Section 25-2574, Reimbursement for School Construction Bond Issues

- Basic Education Circular 22 PA Code Section 349.28, Subsidy Payments on Closed School Buildings

Contact: Carle Dixon (717-787-5480)

School Services

- Western Michigan University Five-Year Charter School Evaluation (on PDE Website)

Contact: Dr. Dan Felix (717-787-9819)

EMERGENCY MANAGEMENT AGENCY

Circulars:

D2003-1 Training and Test Authorization Requests

D2003-2 Pennsylvania Emergency Incident Reporting System (PEIRS)

D2003-4 Comprehensive Exercise Program

D2003-5 Emergency Management Training and Education

D2002-2 Testing Program and Protocol for State Emergency Voice Alerting Network (SEVAN)

D2002-3 Radiological Instructor Classification System and Code of Professionalism

- D2002-4 Emergency Equipment Materials and Supplies
- D2002-5 Requirements for the Preparation, Review and Update of Municipal Emergency Operation Plans (EOPs) and Accompanying Documents.
- C2003-1 Weather Emergency Preparedness Exercise
- C2003-2 Radiation Emergency Response Fund (RERF) Grant Guidance
- C2003-3 Hazardous Material Emergency Response After-Action Reviews and Reports
- C2003-4 Nuclear Power Plant Accident Emergency Worker Dosimetry and Potassium Iodide (KI)
- C2003-5 Hazardous Material Response Fund Guidance and Grant Application
- C2003-6 Emergency Management Performance Grant Annual Submission

2002

- C2002-1 Weather Emergency Preparedness Exercise (BOOT)
- C2002-2 Hazardous Material Response Fund Guidance and Grant Application (BOA)
- C2002-3 Radiation Emergency Response Fund (RERF) Grant Guidance (BOA)
- C2002-4 Emergency Management Performance Grant Annual Submission (BOA)
- C2002-5 Requirements for Preparation of Annual County Report on Hazardous Material Emergency Response Preparedness—Reporting Year 2002
- C2002-6 Hazardous Materials Emergency Preparedness (HMEP) Planning and Training Grant Guidance

2001

- C2001-5 Requirements for Preparation of Annual County Report on Hazardous Material Emergency Response Preparedness *Reporting Year 2001* (BOP)
- C2001-6 Hazardous Materials Emergency Preparedness (HMEP) Planning and Training Grant Guidance-(BOA)
- C2001-7 Release of Sensitive Documents or Information to the General Public in Light of the Terrorist Threat (EO)

2000

- C2000-1 Radiological Preparedness Program (BOOT)
- C2000-4 Guidance for Enforcement of the Hazardous Material Emergency Planning and Response Act (Act 1990-165) (BOP)
- C2000-6 Planning Guidance For Mass Fatalities Incidents (BOP)
- C2000-8 Radiation Transportation Emergency Response Fund (RTERF) Grant Guidance (BOA)
- C2000-10 Evacuation Authority (EO)
- C2000-12 Movement of Authorized Persons on Commonwealth Highways During a Blizzard or Major Winter Storm (EO)

1999

- C99-4 Nuclear Power Plant Accident Emergency Worker Dosimetry and Potassium Iodide (KI) (BOP)
- C99-5 Emergency Management Exercise Program (BOOT)
- C99-9 Hazardous Materials After-Action Reviews and Reports—(BOP)

1993

- C93-1 Guidance for Appropriate Emergency Response to Spills or Leaks from Vehicle Fuel Tanks or Heating System Fuel Supply Tanks or Lines (SFCO)

Directives**2001**

- D2001-1 Expenditure of Act 165-Generated Revenues at The County Level (BOP)
- D2001-2 Preparation, Review, and Maintenance of SARA Title III Off-Site Response Plans and the State SARA Facility Database. (BOP)
- D2001-3 Certified Hazardous Material Response Teams In Pennsylvania (BOP)

2000

- D2000-1 Official Enrollment Of Emergency Management Volunteers (EO)
- D2000-2 Training and Test Authorization Requests (EO)
- D2000-3 Compensation for Accidental Injury (EO)
- D2000-4 Testing Program and Protocol for State Emergency Voice Alerting Network (SEVAN) (BOOT)
- D2000-5 Act 1990-165 Facility and Vehicle Inspections (BOP)
- D2000-6 PA Emergency Incident Reporting System (PEIRS) (BOOT)

- D2000-7 Emergency Equipment, Materials and Supplies (BOA)
1995
- D95-2 Instructor Classification System and Code of Professionalism (SFCO)
1991
- D91-3 Firefighter's Memorial Flag (SFCO)
- D91-4 Guidelines for the Operation of a Fire Service Certification Advisory Committee (SFCO)
1990
- D90-3 Emergency Management Training and Education (BOOT)

ENVIRONMENTAL HEARING BOARD

GUIDANCE MATERIALS:

Filing Instructions and appeal form that are provided to the public on request.

Internal Operating Procedures published in the Pennsylvania Bulletin on May 20, 2000 at 30 Pa. Bulletin 2541.

Electronic Filing Instructions located on the Board's website at www.ehb.verilaw.com.

Practice and Procedure Manual effective January 2003.

The Board also publishes an annual report in August for each fiscal year ended in June as well as an annual summary of a selected number of its decisions.

These materials are distributed broadly and may be accessed on the Board's website at www.ehb.verilaw.com.

Contact: William T. Phillipy (717) 787-3483

ENVIRONMENTAL PROTECTION

Policy Office**Contact: Michele Tate, 717-783-8727***Document ID#**Title of Document*

- | | |
|--------------|--|
| 012-0100-001 | Environmental Quality Board Policy for Processing Petitions |
| 012-0200-001 | Policy for Consideration of Local Comprehensive Plans and Zoning Ordinances in Permit Review |
| 012-0200-002 | Policy for Consideration of Local Comprehensive Plans and Zoning Ordinances in Grants Review |
| 012-0200-003 | Interim Public Access to Information Policy |
| 012-0501-001 | DEP Mediation Confidentiality |
| 012-0501-002 | Environmental Justice Public Participation Policy |
| 012-0700-001 | Policies and Procedures for Implementing the History Code |
| 012-0700-002 | Guidance for Implementation of the Agricultural Land Preservation Policy |
| 012-0820-001 | Policy for Development, Approval and Distribution of Regulations |
| 012-0840-001 | Policy to Encourage Voluntary Compliance by Means of Environmental Audits |
| 012-0900-001 | Policy for Development, Approval and Distribution of Guidance |
| 012-0900-002 | Secretary's Directive/Review of Existing Regulations and Technical Guidance Documents |
| 012-0900-006 | Adoption by Reference of EPA's Y2K Enforcement Policy |
| 012-1920-001 | Public Participation in the Development of Regulations and Technical Guidance |
| 012-4180-001 | Policy/Acceptance/Community Environmental Projects in lieu of Civil Penalties |
| 012-5500-001 | 2004 Environmental Education Grants Program Manual and Forms |
| 012-5500-002 | Environmental Education Grants Elective Program |

Office of Information Technology**Contact: Gail Jackson, 717-772-4786**

- | | |
|--------------|---|
| 013-0830-001 | Data Standards for Names and Addresses |
| 013-0830-002 | Data Standards for PA Municipality Codes |
| 013-0830-003 | DEP Locational Data Policy |
| 013-0830-004 | Loan of DEP Personal Computers to Local Procurement Units |
| 013-0830-005 | Suggested Formats for Required Electronic Deliverable Attachments |
| 013-0830-006 | Formats for Required Electronic Deliverable CAD Attachments |
| 013-0830-007 | Formats for Required Electronic Deliverable GIS Attachments |
| 013-0830-008 | Geospatial Digital Data Submission Guideline |
| 013-2000-001 | Policy for the DEP Money-Back Guarantee Permit Review Program |
| 013-2000-002 | Policy for Implementing the Pennsylvania Natural Diversity Index |

Management and Technical Service Contact: Lisa Miller, 717-787-7193

- 150-0200-001 DEP Policy on Professional Work Assignments Conducted by Licenses Professional Engineers, Geologists
- 150-0200-002 Operator Certification Program Guidelines
- 150-2302-001 Critical Elements for Certification of Laboratories for Chemistry
- 150-2302-002 Critical Elements for Certification of Laboratories for Microbiology
- 150-2302-003 Critical Elements for Certification of Laboratories for Radionuclides
- 150-2302-004 Procedures for the Approval and Accreditation of Laboratories in PA, Utilizing the NELAC Standards

Bureau of Land Recycling and Waste Management Contact: Mike Texter, 717-783-6006

- 250-3100-001 Final Guidance Document on Radioactivity Monitoring at Solid Waste Processing and Disposal Facilities
- 250-3100-401 Quality Assurance Program
- 250-3120-320 Execution of Release Forms by Waste Management Field Inspectors
- 250-3130-763 Purge Water from Groundwater Sampling
- 250-4180-302 Calculation of Civil Penalties
- 251-0300-402 Risk Assessment Guidelines for Facilities Burning Hazardous Waste
- 251-2000-704 Exclusionary Siting Criteria—Hazardous Waste Treatment & Disposal
- 251-2000-705 Revisions to Exclusionary Siting Criteria Document
- 251-2000-706 Time Frame for Application of Hazardous Waste Exclusionary Siting Criteria
- 251-2100-203 Hazardous Sites Cleanup Act, Preapplication Meetings
- 251-2100-727 Policy and Procedure for Municipal Waste Facilities Equivalency Approvals
- 251-2100-754 Change of Ownership/Transfer of Permit
- 251-2149-713 Review Procedure for Hazardous Waste Transfer Facilities for PBR Status
- 251-2200-502 Household Hazardous Waste Collection Program
- 251-2200-515 Establishment of Household Hazardous Waste (HHW) Program
- 251-5500-758 Reimbursement to Host County for Hazardous Review
- 252-5500-100 Section 902 Recycling Grant Applications that must comply with Act 57
- 252-6600-516 Review of Residual and Hazardous Waste Source Reduction Strategies
- 253-0300-100 Land Recycling Program Technical Manual
- 253-0300-101 Land Recycling Program TGM—Section IV.A.4—Vapor Intrusion
- 253-4500-601 Closure Requirements for Underground Storage Tank Systems
- 253-4500-606 ARARs—Cleanup Response and Remedial Actions
- 253-4500-608 Environmental Emergency Response Actions
- 253-4500-613 Mitigating Remedies under the Orphan Sites Program
- 253-5500-612 Issuance of Grants for Technical Evaluations under HSCA
- 253-5700-621 Off-site Audit Manual for Hazardous Sites Cleanup Program
- 253-5700-632 Community Relations Activities for State HSCP and Federal Superfund Program
- 253-5700-634 Prep of Analysis of Alternatives/HSCA Proposed Response Document
- 253-5800-638 Environmental Emergency Response Program Response Actions
- 254-2000-715 Clean Fill Policy and Procedures
- 254-2100-100 Local Municipality Involvement Process
- 254-2100-101 Environmental Assessment Process, Phase I Review
- 254-2100-102 Municipal Waste Facility Review—Traffic Analysis
- 254-2100-103 Process for Evaluating Daily Volume
- 254-2153-721 Areas Where Municipal Waste Landfills (MWLF) are Prohibited
- 254-2153-723 Leak Detection Tests for Installed Liners
- 254-2157-717 Pumping Requirements for Construction/Demolition Landfills in Noncoal Mines
- 254-2157-718 Liners for Construction/Demolition Waste Landfills
- 254-2158-745 Issue of Emergency Municipal Waste Transfer

254-2160-762	Management of Municipal Ash Waste from Resource Recovery Facility
254-2167-702	Clarification of the Identification of Infectious Waste Generators
254-2167-703	Co-mingling of Infectious & Chemotherapeutic Waste in One Container
254-2167-708	Procedures for Container/Vehicle Decontamination & Small Spill Cleanup
254-2167-709	Clarification of Requirements Related to Storage Bags
254-2167-712	Clarification of the Permit-by-Rule Provision for Mixed Waste/Residual Waste
254-2167-725	Temp Storage & In-Transit Provisions during Transport or Transfer
254-2167-726	Policy/Procedures for Infectious Waste Definition
254-2212-504	Guidelines for the Development of County Waste Management Plan Revisions
254-5400-001	BMP's for Storage, Processing, or Disposal of Land-Clearing, Grubbing, and Excavation Wastes
254-5400-100	The Food Processing Residual Management Manual
254-5401-001	Best Practices for Environmental Protection in the Mushroom Farm Community
254-5403-100	Guidelines for Yard Waste Composting Facilities
254-5900-001	Guidelines for the Development and Implementation of PPC Plans for Generators & Burners—Waste Oil
255-5400-001	Outdoor Shooting Range Guidance
257-2212-501	County Option to Retain or Eliminate Municipal Waste Flow Control
257-2318-005	Policy for Implementing the General Operating Permit Strategy for Aboveground Storage Tanks
257-4180-002	Storage Tank Program Compliance Assistance Strategy
257-4200-001	Closure Requirements for Aboveground Storage Tank Systems
258-2000-764	New Waste Streams Review
258-2000-765	General Permitting Procedure
258-2000-767	Chemical Analysis
258-2000-768	Implementation Guidance
258-2182-773	Management of Fill
Bureau of Air Quality Contact: Janette Van Skike, 717-787-4325	
271-5000-001	Employer Trip Reduction Policy
271-5000-002	Interstate Ozone Reduction/Chapter 145 Regulation Overview
273-4000-001	Compliance Assurance Policy for Cement Kilns with CEMS
273-4000-002	Compliance Assurance Policy for Hospital Waste Incinerators
273-4000-003	Compliance Assurance Policy for Municipal Waste Incinerators, including Revisions
273-4000-004	Enforcement Policy for CEMS on Fluid Catalytic Cracking Units
273-4000-005	Enforcement Policy—CEMS and Coal Sampling/Analysis Systems
273-4000-007	Interim Compliance Strategy on RACT for NOx Sources with CEMS
273-4000-008	Policy for Sampling/Determination of Compliance with Low RVP Gasoline Requirements in the Pittsburgh
273-4100-005	Air Pollution Control Act/Compliance History Review/Civil Penalty Assessment Procedure
273-4130-001	DEP/EPA Asbestos Demolition/Renovation Civil Penalty Policy
273-4130-003	Guidance for Application of Regional Civil Assessment Procedure
273-4130-004	Compliance Docket Procedure
273-4130-006	Stage I Penalty Assessment Guidance
273-4130-007	Stage II Enforcement Strategy
273-5401-001	Compliance Strategy for Mushroom Composting Operations
274-0300-001	Continuous Source Monitoring Manual
274-0300-002	Source Testing Manual
274-0300-003	Continuous Emissions Monitoring Manual
274-0300-004	Applicability Determination for Continuous Source Monitoring Manual Revision No. 7
274-3100-001	Policy for Stage II Vapor Recovery Testing Requirements
274-3100-002	Interim Procedures Pertaining to Continuous Source Monitoring System Quarterly Data Reports
275-2101-001	Air Quality Operating Permit—Protocol

275-2101-002	AQ Operating Permit—Permitting Procedures
275-2101-003	Air Quality Permit Exemptions
275-2101-004	AQ Operating Permit—Modification/Reactivation
275-2101-005	AQ Operating Permit—Delegation Conditions & Policy Performance Test Waivers
275-2101-006	AQ Operating Permit—Requirements
275-2101-007	AQ Operating Permit—Best Available Technology & Other Permitting Criteria
275-2101-008	AQ Operating Permit—Hazardous Waste Incineration
275-2101-009	AQ Operating Permit—Waste Derives Liquid Fuel Policies
275-2101-010	AQ Operating Permit—Air Toxics Policies
275-2101-011	AQ Operating Permit—Public Notification
275-2101-014	AQ Operating Permit—Prevention of Significant Deterioration
275-2101-015	Q Operating Permit—Volatile Organic Compounds
275-2101-016	AQ Operating Permit—Continuous Source Monitors
275-2101-017	Proposed Policy Concerning the Alternative Analysis Required for Major New or Modified Facilities

Bureau of Radiation Protection Ben Seiber, 717-787-2489

291-0400-001	P & P Summary, Radiation Control Division
291-4100-001	Compliance and Enforcement Policy
292-0400-002	Nuclear Power Generating Station Incident Manual
293-0400-001	Policy and Procedures, Nuclear Safety Division
293-0400-002	Low Level Radioactive Waste Section Policies and Procedures
293-2400-001	Conducting Radiological Performance Assessments For LLRW Disposal in PA
293-2400-003	Requirements for LLRW Minimization Plan
294-2309-001	Radon Certification Policy
294-2309-002	Radon Mitigation Standards
294-2309-003	Pennsylvania Radon Certification Guide
294-2309-004	Schematic Radon Mitigation Installation for New Construction
294-2309-005	Radon Reduction Techniques for Existing Detached Houses
294-2309-006	Application of Radon Reduction Techniques
294-2400-002	Enhanced Containment through Engineered Barriers Staff Technical Report

Bureau of Waterways Engineering Dennis Dickey, 717-772-5951

310-0600-002	Interagency Agreement with the Susquehanna River Basin
310-2139-002	Land Acquisition Policies
310-2140-001	Criteria and Fees for Dam Safety Limited Power Permits
310-3120-001	Annual Dam Inspection Report Policy
310-3140-002	Category 3 Dam Inspection Program
310-4000-001	Compliance Assistance and Enforcement Manual

Bureau of Watershed Mgt/ Bur of Water Supply and Wastewater Management Trudy Troutman, 717-783-3795

361-0100-001	Conservation District Fund Allocation Program
361-0100-002	Chesapeake Bay Nonpoint Source Pollution Abatement Program
361-0100-003	Water Quality Toxics Management Strategy
361-0300-001	Manure Management for Environmental Protection
361-0300-002	Field Application of Manure
361-5500-004	Chesapeake Bay Financial Assistance Funding Program Guidelines
362-0300-001	Domestic Wastewater Facilities Manual
362-0300-002	Guidelines for Design, Installation and Operation of Small Flow Treatment Facilities
362-0300-003	Sewage Facilities Planning: Preparing Act 537 Update Revisions
362-0300-004	A Guide To Requirements and Procedures For Obtaining Permits etc for Industrial Wastewater Mgt System
362-0300-005	Handbook—NPDES Permit for POTW and Non-Municipal Wastewater Dischargers

362-0300-006	Handbook—NPDES Permit for Industrial Wastewater Dischargers
362-0300-007	Alternate Systems Guidance
362-0300-008	Experimental Systems Guidance
362-0400-001	NPDES Program Implementation—MOU Concerning WQM, NPDES Program Implementation, and Related Matters
362-0600-001	National Pollutant Discharge Elimination System Program Implementation
362-0600-002	Agreement Between Oil/Gas Mgmt and Water Quality on Pollution Discharge
362-0830-001	Locational Data Policy for the Wastewater Management Program
362-2000-001	Guidelines for the Development and Implementation on Writing Emergency Response Plans
362-2000-001	Permitting Policy and Procedure Manual
362-2000-003	Policy for Permitting Surface Water Diversions
362-2000-005	Subsurface Disposal of Carwash Waste
362-2000-007	Conducting Technical Reviews of Water Quality Management (Part II) Permit
362-2000-008	Conducting Technical Reviews of Minor NPDES Renewal Applications
362-2000-009	Manual for Land Application of Treated Sewage and Industrial Wastewaters
362-2000-010	Interim CAFO Policy
362-2183-001	Technical Guidance for Permitting Landfill Leachate Discharges
362-2183-003	Technology-Based Control Requirements for Water Treatment Plant Wastes
362-2183-004	Technical Guidance for Development of NPDES Permit Requirements Steam Electric Industry
362-2192-001	Biosolids Program Implementation Guidance
362-2192-002	Biosolids Odor Control Plan Guidance
362-2192-003	Guidelines for Agricultural Utilization of Sewage Sludge
362-2206-001	Review and Coordination of Chapter 94 Reports and Act 537 Planning
362-2206-007	Policy Establishing New Program Direction for Act 537 Comprehensive Planning
362-2207-004	Impact/Subsurface Disposal on Ground Water Nitrate-Nitrogen Levels
362-2207-008	Administration of Fee Collection for Planning Module Reviews
362-2208-002	Municipal Guidance—Reconstructive Planning
362-2208-003	Technical Decision Making and the Use of Conventional Technology, Alternate Technology, Experimental Technology, and Best Technical Guidance (BTG) in Onlot Sewage System Repair Situations
362-4000-001	Calculation of Contingent Penalties for Effluent Violations
362-4000-002	Field Manual for Compliance Orders
362-4180-001	Guidance for Civil Penalty Calculation for Effluent Violations
362-4180-002	Civil Penalty Assessment Procedures for Pollution Incidents
362-4180-003	Calculation of Civil Penalties for Willfulness
362-5512-001	PA Sewage Facilities Act 537, Enforcement Reimbursement
362-5512-002	Act 537 Sewage Facilities Planning Grants
362-5512-003	Recognition of Selected Cost Items Associated with “Inflow and Infiltration Studies”
363-0200-002	Delegation of Authority for Chapters 105-106
363-0200-003	Pennsylvania Wetland Replacement Project
363-0300-001	Design Criteria—Wetland Replacement/Monitoring
363-0400-001	Chapter 105 Program Manual
363-0600-001	Delegation of Chapter 105 Functions to County Conservation Districts
363-0600-003	Agreement with the U.S. Army Corps of Engineers
363-2100-002	Delegation of Chapter 105 Functions to Oil & Gas and Field Operations
363-2134-008	Erosion and Sedimentation Pollution Control Manual
363-2134-010	Earth Disturbance Permit Policies and Procedures
363-2134-013	Permit Guidelines for Phased Projects for NPDES Strmwtr Discharges, w/ Erosion and SPC &WRP Permits
363-2140-001	Criteria and Fees for Waterways Management Limited Power Permits

363-2141-001	Chapter 105 General Permits
363-2191-014	NPDES Permit: Discharge of Storm Water from Construction Activities
363-2316-001	Certification for Corps Nationwide Permits (Wetlands)
363-2505-001	Guidelines for Determining Bonds
363-3000-013	Inspection of Earth Disturbance Sites
363-4000-001	Compliance Assistance and Enforcement Manual
381-2208-001	Experimental Onlot Wastewater Technology Verification Program
381-5500-001	Guidance for Reviewing Capital Grants for Construction
381-5511-012	DEP and Pennsylvania Infrastructure Investment Authority Agreement
381-5511-014	Guidance on the Utilization of Minority and Women's Business Enterprise Firms
381-5511-111	Guidelines for the Uniform Environmental Review Process
381-5511-113	Handbook for PennVest Wastewater Projects
381-5513-001	Guidance for the Review and Processing Act 339 State Grants for Operation of Sewage Treatment Works
383-0300-001	Ground Source Heat Pump Manual
383-0300-107	Working Guide to the Lead and Copper Rule
383-0400-104	Health Effects and Risk Management Staff Handbook
383-0400-110	Safe Drinking Water Program Compliance Strategy
383-0400-114	Pennsylvania's Capacity Enhancement Program
383-0800-001	Principles for Ground Water Pollution Prevention and Remediation
383-0810-101	Summary of Key Requirements, Community Water Systems
383-0810-102	Summary of Key Requirements for Total Coliform Rule
383-0810-105	Summary of Key Requirements for Phase 2 & Phase 5 Wellhead Protection Rule
383-0810-106	Summary of Key Requirements for Surface Water Filtration Rule
383-0810-107	Summary of Key Requirements for Lead and Copper Rule
383-0810-201	Summary of Key Requirements for Transient Noncommunity Water Systems
383-0810-203	Summary of Key Requirements for Bottled Water Systems
383-0810-206	Summary of Key Requirements for Surface Water Identification Protocol
383-0810-301	Summary of Key Requirements for Nontransient/Noncommunity Water Systems
383-0810-303	Summary of Key Requirements for Vended/Bulk Water Hauling
383-0810-401	Summary of Key Requirements for Consecutive Water Systems
383-0830-001	Quality Management Plan for the Bureau of Water Supply and Wastewater Management
383-2000-030	Comprehensive State Ground Water Protection Program (CSGWPP)
383-2000-108	Guidance for Construction and Operation Permits Guidance
383-2000-208	Pilot Plant Filtration Studies for Filtration of Surface Sources
383-2100-108	Department of Environmental Protection (DEP) Permit Guide to Public Water Systems
383-2100-208	DEP Approval Guide for Noncommunity Water Systems
383-2125-001	Proposal to Add or Remove Fluoridation Treatment by a Community Water System
383-2125-108	Public Water Supply Manual, Part 2—Community Water System Design Standards
383-2126-103	Permitting of Vended Water Systems
383-2126-203	Permitting of Retail Water Facilities
383-2126-303	Public Water Supply Manual, Part III
383-2127-103	Permitting of Bulk Water Hauling Systems
383-2128-108	Public Water Supply Manual, Part IV—Noncommunity System Design Standards
383-2129-001	Enhanced Coagulation Calculator Spreadsheet
383-2131-001	Screening Criteria on Water Quality/Quantity Impacts for Drinking Water Permits
383-2200-108	Guidance for the Review & Approval of an Existing Well Water Source for Use at a Public Water System
383-2300-001	Pennsylvania's Interim Program for Operator Certification
383-2300-002	Training Provider Manual for the PA Water and Wastewater System Operator Training Program

383-3000-001	Groundwater Monitoring Guidance Manual
383-3000-101	Safe Drinking Water Program Field-Related Compliance
383-3000-102	Program Guidance on the Total Coliform Rule Guidance
383-3000-307	Corrosion Control Treatment—Basic Feasibility Study
383-3100-111	Public Water Supply Manual, Part 7
383-3110-111	Public Water Supply Manual—Part 5, Sections 1 & 2
383-3110-211	Public Water Supply Manual, Part 5, App A
383-3120-101	Surveillance Strategy and Implementation Guidelines
383-3120-106	Filter Plant Performance Evaluations and Response
383-3130-106	Giardia Sampling and Response
383-3130-108	New Source Sampling Requirements for Surface Water Sources
383-3130-208	Community and Nontransient Noncommunity Water Systems: New Source Sampling for Groundwater Sources
383-3130-308	Transient Noncommunity Water Systems: New Source Sampling Requirements for Groundwater Sources
383-3200-009	Pennsylvania's Ground Water Quality Monitoring Network: Ambient and Fixed Station Network
383-3200-009	Ground Water Quality Monitoring Network: Ambient and Fixed Station Network (FSN)
383-3200-016	Quality Assurance Work Plans for Groundwater Monitoring Stations
383-3301-102	Laboratory Reporting Instructions for Total and Fecal Coliform Bacteria
383-3301-103	Guide to Laboratory Reporting Instructions for BVRBs
383-3301-105	Laboratory Reporting Instructions for Chemical Contaminants
383-3301-106	Filter Rule Reporting Instructions/Public Water Systems Using Filtered Surface-Water
383-3301-107	Laboratory Reporting Instructions, Lead and Copper Rule
383-3301-205	Laboratory Reporting Instructions/ Radiological Contaminants/ Drinking Water Distribution
383-3301-206	Filter Rule Reporting Instructions for Public Water Supply Systems Using Unfiltered Surface Water
383-3301-305	Laboratory Reporting Procedures for Total Trihalomethanes
383-3310-109	Pennsylvania Drinking Water Information System (PADWIS) Inventory User's Manual
383-3310-209	PADWIS Inventory Reports by PWSID
383-3310-409	Pennsylvania Drinking Water Information System (PADWIS) Violation and Enforcement Users Manual
383-3310-609	PADWIS Reporting
383-3500-105	Pennsylvania Vulnerability Assessment Summary
383-3500-106	Guidance for Surface Water Identification
383-3500-112	Surface Water Identification Protocol—NCWS
383-5000-001	Source Water Assessment and Protection Program
383-5500-113	PENNVEST Guidance
383-5500-613	Small Water Systems Consolidation Construction Grant Program
383-5900-111	Public Water Supply Manual, Part VI
385-2000-011	Pennsylvania Combined Sewer Overflow Policy
385-2000-012	Pa's Phase II NPDES Stormwater Permitting Strategy / MS4 Municipal Separate Storm Sewer—Industrial
391-0300-002	Pa's Water Quality Antidegradation Implementation Guidance
391-2000-002	Establishment of Alternate Thermal Effluent Limitations
391-2000-003	Determining Water Quality Based Point Source Effluent Limits
391-2000-006	Implementation Guidance Design Conditions
391-2000-007	Technical Reference for the Water Quality Model 6.3 for Windows (WQM63W)
391-2000-008	Implementation Guidance for the Sampling and Analysis of Osmotic Pressure
391-2000-010	Implementation Guidance for Phosphorus Discharges to Lakes, Ponds, and Impoundments
391-2000-011	Technical Reference Guide for the Pennsylvania Single Discharge Toxics Model
391-2000-012	Users Guide for the Pennsylvania Single Discharge Toxics Model

391-2000-013	Implementation Guidance of Section 93.7 Ammonia Criteria
391-2000-014	Implementation Guidance for Evaluating Wastewater Discharges to Drainage Ditches and Swales
391-2000-015	Implementation Guidance for Total Residual Chlorine (TRC) Regulation
391-2000-017	Implementation Guidance for Temperature Criteria
391-2000-018	Implementation Guidance for Section 95.9 Phosphorus Discharges to Free Flowing Streams
391-2000-019	Implementation Guidance for Application of Section 93.5 (e)
391-2000-020	Protocol/Estimating First Order Pollutant Fate Coefficients/ Volatile Organic Substances
391-2000-021	Field Data Collection & Evaluation Protocol/Determining Stream & Point Source Discharge Hardness
391-2000-022	Ambient Water Quality in the Determination of Wasteload Allocations and NPDES Effluent Limitations
391-2000-023	Design Stream Flows
391-2000-024	Field Data Collection and Evaluation Protocol for Deriving Daily and Hourly Discharge Coefficients
391-3200-003	Quality Assurance Work Plan: Cause/Effect Surveys
391-3200-004	Aquatic Life Use Attainability Studies—Flow Water & Impoundment
391-3200-005	Aquatic Life Special Water Quality Protection Survey
391-3200-006	Quality Assurance Work Plan: Toxics Surveys
391-3200-007	Stream Enrichment Risk Analysis
391-3200-008	Quality Assurance Work Plan: Advanced Treatment Model —Calibration/Verification Surveys
391-3200-010	Standardized Biological Field Collection & Laboratory Methods
391-3200-013	Evaluation of Phosphorus to Lakes, Ponds & Impoundments
392-0300-001	Stormwater Management Guidelines and Model Ordinances
392-0300-002	Comprehensive Stormwater Management Policy
392-0300-003	Guidance on MS4 Ordinance Provisions
392-2130-001	General Policy and Procedures for the Review of Water Allocation Permit Applications
392-2130-002	Subsidiary Water Allocation Permit Requirement
392-2130-003	Attorney General Opinion 361 re: 1939 Water Rights Act
392-2130-004	Rescission of Water Rights
392-2130-005	Policy for Regulation of Interbasin Transfers
392-2130-006	Metering of Withdrawals under Orders of Confirmation
392-2130-007	Constant Gallons per Capita per Day (GPCD)
392-2130-008	Permit Life
392-2130-012	Recognizing Succession to Water Rights as a Result of Changes of Ownership
392-2130-013	Protecting Aquatic Resources & Related Stream Uses In Processing Approvals For Water Rights etc.
393-0900-006	Stationary/Nonstationary Tanks
393-0900-009	Exemption from Reg Fees for Volunteer Fire Cos/Volunteer EMS Orgs
393-0900-011	Modification and Maintenance Issues
393-0900-012	Storage Tank Cleaning Activities
393-0900-014	Applicability of 40 CFR, Subpart 280, Sub G to Previously Closed Tanks
393-0900-015	Implementation of Act 16
393-0900-016	Implementation of Act 34
393-0900-018	Summary of the Technical Requirements for Aboveground Storage Tanks
393-0900-019	Summary of the Simplified Program for Small Aboveground Storage Tanks
393-0900-020	Summary of the Technical Standards for Underground Storage Tanks
393-0900-021	UST/AST System Variances
393-0900-022	Verification of Emergency Containment Structures for Aboveground Storage Tanks
393-2300-001	Storage Tanks Certification Program (Chapter 245, A and B)
393-2318-001	ASNT Level II Certification

- 393-2318-002 PE Certification for Aboveground Storage Tanks (ASTs)
- 393-2318-003 Upgrade Requirements/Substantial Modification of Underground Storage Tanks
- 393-2318-004 Summary of the Permitting of Underground and Aboveground Storage Tank Systems and Facilities
- 393-2320-001 Statement of Policy—Definition of Underground Storage Tank
- 393-3300-002 Permeability of Secondary Containment & Emergency Containment
- 393-4180-001 Penalty Assessment Matrix
- 393-4180-003 Strategy for Addressing the 1998 Federal and State Deadline for Upgrading Existing USTs
- 394-0300-001 Commonwealth of Pennsylvania Coastal Zone Management Program and Final Environmental Impact Statement
- 394-0810-001 PA's Continuous Planning Process (CPP) for Water Quality Management 1999 Update
- 394-2000-001 Municipal Reference Document- Department Guidance for the Bluff Recession and Setback Act
- 394-2000-002 PA's Nonpoint Source Mgt. Program
- Field Operations Kris Lutz, 717-787-9240**
- 400-0200-001 Policy for PA Natural Diversity Inventory (PNDI) Coordination During Permit Review and Evaluation
- 400-2000-300 Policy for Model Permit Application Process
- 400-2200-001 Guidelines for the Development and Implementation of Environmental Emergency Response Plans
- 400-5900-101 Emergency Operations Plan
- 400-5900-102 Policy for Authorizing Emergency Response Expenditure
- 400-5900-103 Policy for Emergency Response Critiques
- 400-5900-104 Policy for Authorities of DEP On-Scene Coordinators
- 400-5900-105 Policy for Emergency Response Contracting
- 400-5900-107 Policies for Authorities of DEP's Director of Emergency Response
- 400-5900-108 Policy for Contracting with Fire Companies or HAZMAT Teams
- 400-5900-109 Policy for Authorization of Emergency Transport/Storage of Hazardous Waste
- 400-5900-110 Policy for Field Order Authorization of Emergency Response Team
- 400-5900-111 Procedures for Emergency Contracting to Extinguish Mine Fire
- 400-5900-112 Policy for Gasoline Fume Emergency Criteria
- 400-5900-113 Chlorine Safety Procedures
- 400-5900-114 Hazardous Material and Hazardous Atmosphere Safety Policy
- 400-5900-115 Confined Space Safety Policy
- 400-5900-116 Policy for Electrofishing Personnel and Equipment Safety
- 400-5900-117 Standard Operating Procedures for the Acceptance, Collection, Transport etc of Elemental Mercury
- Bureau of Oil and Gas Management Joyce Williams, 717-787-4817**
- 550-0300-001 Oil and Gas Operators Manual
- 550-0800-001 PA's Plan for Addressing Problem Abandoned Wells and Orphaned Wells
- 550-2000-001 Administrative Policies and Procedures Manual
- 550-2100-002 Oil and Gas Wastewater Permitting Manual
- 550-2100-003 Oil and Gas Well Drilling Permit Applications and Related Approvals through 007
- 550-2100-008 Interim Policy for NPDES Permits for Stormwater Discharges Assoc'd w/ Constr Activities @ O & G Wells
- 550-2100-009 Oil and Gas Locational Guidance
- 550-2500-001 Interim Technical Guidance For Attachments to Electronic Submissions—Oil and Gas Program
- 550-2501-101 Guidelines for Submitting Oil/Gas Bonds
- 550-3000-001 Compliance Monitoring of Oil and Gas Wells and Related Facilities and Activities
- 550-4000-001 Enforcement Actions by DEP's Oil and Gas Management Program
- 550-4180-001 Civil Penalty Assessments in the Oil and Gas Program
- 550-5600-001 Waste Minimization in the Oil and Gas Exploration and Production Industry

Bureau of Mining and Reclamation Nevin Strock, 717-787-6842

560-0600-101	Interagency Agreement with the Fish and Boat Commission
560-0600-102	MOU Between PA Game Commission and DEP
560-0600-104	Interagency Agreement, Historical Museum Commission
560-0600-105	Interagency Agreement, Waste Management
560-0600-204	Office of Surface Mining MOU
560-0700-302	Fish and Boat Commission Coordination
560-0700-303	Game Commission Coordination
560-0700-304	Review of Surface Mine Applications on High Quality Waters
561-2305-201	SOAP and ROAP Application Processing and Preassignment Field Conference
561-2305-203	Small Operator and Remining Operator Assistance Programs (SOAP & ROAP) Report Review
561-2305-601	SOAP and ROAP Applicant Liability and Reimbursement Procedure
561-5300-101	Mine Subsidence Insurance (MSI) Coverage Issuance Procedures
561-5300-201	Mine Subsidence Insurance (MSI) Damage Claim Processing Procedures
562-2000-001	Projects and Activities under the Environmental Good Samaritan Act
562-2000-703	Licensing, Name Changes
562-2100-001	Blasting Activity Permits and Permits by Rule
562-2100-002	Alternative Peak Particle Velocity or Airblast Level
562-2100-704	Municipal Mining Licenses, Permits and Bonds
562-2112-315	Prompt Closure of Abandoned Underground Mine Openings
562-2112-316	Sealing Mine Openings, Bituminous
562-2112-317	Sealing Anthracite Underground Mine Openings
562-2112-503	Bituminous Coal Surface Mining/Blasting near Utilities and Pipelines
562-2112-504	Blasting Complaint Protocol
562-2402-501	Blaster's License Suspension and Revocation Procedure
562-2403-505	Drop Trailer and Tanker Guidelines
562-2500-702	Insurance Requirements and Water Supply Replacement Assurance
562-2504-312	Surety Reclamation of Bond Forfeiture Sites
562-3000-102	Inspections
562-3000-105	Field Evaluation of Pit Size Variances
562-3000-110	Applicant Violator System (AVS) Inspections
562-3000-802	Applicant Violator System (AVS) Compliance
562-3200-203	Fixing Water Samples
562-3200-205	Normal/Favorable Planting Season
562-3900-402	Citizens' Requests: Receiving, Tracking, Investigating, Appealing and Filing
562-4000-101	Water Supply Replacement and Compliance
562-4100-301	Compliance/Enforcement Procedures
562-4100-307	Enforcement, Alternative
562-4100-311	Enforcement Procedures for Non-Mining Blasting Operations and Explosives Storage Sites
562-4170-308	Bond Forfeiture
562-4180-101	Noncoal Civil Penalty Assessments
562-4180-306	Civil Penalty Assessments
562-4180-309	Reclamation in Lieu of Cash Payment for Civil Penalties
562-4180-310	Bankrupt Surety Company Bond Replacement Requirements and Civil Penalty Calculations
562-4180-311	Civil Penalty Collections
562-5900-001	Surface Mine Accident Investigations
563-0300-101	Engineering Manual for Coal
563-2000-001	Government Financed Construction Contracts
563-2000-102	Coal Exploration

563-2000-105	Coal Exploration by Slope Development
563-2000-203	Noncoal Underground Mine Permit Applications
563-2000-204	Homeowner Notification of Right to Pre-Blast Survey (Industrial Minerals)
563-2000-208	Right of Entry
563-2000-223	Review Process, Bituminous Coal Blast Plan
563-2000-602	Beneficial Use of Sewage Sludge at Active Mine Sites
563-2000-609	Technical Review, Coal Mining
563-2000-610	Validating Abandoned Underground Mine Maps and Establishing Barrier Pillars
563-2000-655	Stream Protection—Bituminous Underground Mining Operations
563-2100-216	Permit Renewals
563-2111-101	Noncommercial Exemption from Requirements of the Noncoal SMCRA
563-2111-102	Building Construction Exemption from Requirements of the Noncoal SMCRA
563-2111-111	Noncoal Operations
563-2111-112	Highwall Stability In Long-Term Multiple Bench Quarries
563-2112-203	Insignificant Boundary Corrections for Surface Mining Activities
563-2112-205	Application Review, Mining Permit
563-2112-206	Beneficial Use of Coal Ash at Active Coal Mine Sites
563-2112-211	Application Review, Coal Mining Activity Completeness
563-2112-212	Evaluation and Approval of Land Use Changes for Surface Water Coal Mine Operations
563-2112-214	Application Review, Coal Mining Activity Preapplication
563-2112-215	Application Review, Accepted Coal Mining Activity
563-2112-217	Alkaline Addition for Surface Coal Mines
563-2112-218	Permit Transfers
563-2112-219	Cumulative Hydrologic Impact Assessments (CHIAs)
563-2112-222	Coal Surface Mining—Oil and Gas Barriers
563-2112-224	Certification Guidelines for Beneficial Uses of Coal Ash
563-2112-225	Beneficial Uses of Coal Ash
563-2112-603	Evaluation and Approval of Innovative Mining and Reclamation Techniques
563-2112-604	Auger Mining
563-2112-605	Water Supply Replacement and Permitting
563-2112-607	Marketing of Anthracite Coal Reject Materials
563-2112-608	Contracted Wetlands for Mine Drainage Treatment
563-2112-610	Determining Eligibility of Pre-Existing Pollutational Discharges
563-2112-611	Technical Review, Permitting Pre-existing Pollutational Discharges
563-2112-616	Effluent Limits for Postmining Discharges
563-2112-652	Underground Mining near Oil and Gas Wells
563-2112-653	Permitting Ventilation Boreholes for Underground Coal Mines
563-2112-654	Technical Review, Mine Stability
563-2112-656	Liners—Impoundments and Storage Areas
563-2112-657	Technical Review, Public Water Protection Zones
563-2112-658	Imminent Hazards Associated with Subsidence from Active Mining
563-2113-660	Coal Refuse Disposal—Site Selection
563-2500-401	Noncoal Surface Mining Payment in Lieu of Bond
563-2504-001	Conventional Bonding for Land Reclamation
563-2504-101	Procedures for Calculating Mine Subsidence Bonds
563-2504-405	Anthracite Mine Operator's Emergency Bond Loan (A.E.B.L.) Program
563-2504-407	Bonding, Direct Submittal of Bonds
563-2504-409	Phased Deposit of Collateral Coal and Noncoal Mining
563-2504-411	Processing Completion Reports

563-2504-412	Evaluating Postmining Discharges
563-2504-451	Bonding, Anthracite Underground Mines
563-2504-501	Qualifying, Processing and Tracking Financial Guarantees and Bond Credits
563-2504-612	Monitoring and Compliance and Bond Release for Subchapters F and G Permits
Bureau of Deep Mine Safety Allison Gaida, 724-439-7469	
580-2200-003	Section 316(h): Use of Electronic Atmospheric Detectors in lieu of Approved Flame Safety Lamps
580-2200-004	Procedures for Processing Requests to Adopt New Items or Methods
580-2200-008	Guidelines for Use of Internal Combustion Motors in Underground Mines other than Coal
580-2200-009	Use of Electronic Methane/Oxygen Detectors in Lieu of Approved Flame Safety Lamps
580-2200-010	Underground Storage of Explosives
580-2219-002	Section 247—Guidelines to Approve Ventilation Plans for Abandoned and Unused Mine Areas
580-2219-003	Section 253(b)—Guidelines for Approving Roof Bolts as Primary Support
580-2219-004	Alternate Method of Test Drilling
580-2219-008	Submission of Mine Maps when a Mine is Abandoned
580-3000-001	Deep Mine Safety Program Guidance Manual
580-3000-005	Clarification of Pertinence of DEP Statutes re: Coal Processing Facilities
580-3300-001	Underground Mine Accident and Production/ Manhour Reporting
Office of Energy & Technology Development Eric Thumma, 717-783-0540	
700-0200-001	Technology Management Process
700-5600-001	Guidance for Pollution Prevention and Energy Efficiency Site Visits

GENERAL SERVICES

POLICY STATEMENTS:**Deputy Secretary for Property Management** (Contact: Daniel Wheeler, 783-5028)

—Use of the Public Areas of the Capitol Complex, 4 Pa. Code § 86.1 et seq.

Bureau of Minority and Women Business Opportunities (Contact: Tyrone Powell, 783-3119) www.dgs.state.pa.us, Keyword: BMWBO

—Contract Compliance—Pre-qualification of Vendors and Nonconstruction Contractors, 4 Pa. Code § 68.1, et seq.

—Contract Compliance—Construction Contracts, 4 Pa. Code § 68.101, et seq.

—Internal Guidelines for MBE/WBE Certification, 4 Pa. Code § 68.201, et seq.

GUIDANCE MATERIALS:**Bureau of Construction** (Contact: David McCarty, 787-6330)

—Administrative Procedures (1999)

Bureau of Minority and Women Business Opportunities (Contact: Tyrone Powell, 783-3119) www.dgs.state.pa.us,

Keyword: BMWBO

—Contract Compliance Orientation and Training Manual

Bureau of Engineering and Architecture (Contact: Robert Glenn, 787-3709)

—Bureau of Engineering and Architecture Procedure Manual

Bureau of Police and Safety (Contact: Richard Shaffer, 787-9013)

—Building Evacuation—Emergency Action Plan

—Capitol Police Duty Manual

Bureau of Publications & Paperwork Management (Contact: Audrey Marrocco, 787-3707)

—M210.4 Forms Managements (8/16/83)—Rev. 1-2 (8/1/84 & 10/27/86)

—M210.5 Standard (STD) Forms Management (9/15/98)

—M210.6 Publications Management (8/1/84)—Rev. 1 (10/17/86)

Bureau of Purchases (Contact: John Troxel, 787-4719)

—Field Procurement Handbook (3/20/01)—Rev. 1-4 (6/21/01, 10/5/01, 3/25/02 & 4/17/03)

Bureau of Supplies and Surplus Operations (Contact: Joseph Gurzenda, 787-5940)

—State Surplus Property Manual (2/3/98)

—M610.1 Commodity Distribution Center Catalog (8/8/00)

Bureau of Vehicle Management (Contact: Josie Sharp, 787-3162)

—Automotive Service Facilities

Bureau of Professional Selections and Administrative Services (Contact: Gary Lee, 787-4479)

—Instructions to Bidders

Bureau of Real Estate (Contact: James Hickey, 787-0274)

—M260.1 Manual for Space Utilization (3/11/04)

INTERNAL GUIDELINES**MANAGEMENT DIRECTIVES AND ADMINISTRATIVE CIRCULARS:****Property Management** (Contact: William Dempster, 787-5240)

—205.19 Smoking in Commonwealth Facilities (7/1/97)

—625.10 Card Reader and Emergency Response Access to Certain Capitol Complex Buildings and Other State Office Buildings (4/21/04)

Bureau of Facilities Management (Contact: Todd Garrison, 787-3893)

—625.8 Contracting for Bargaining Unit Work (2/25/94)

—03-28 Live Christmas Trees and Decorations (11/19/03)

Bureau of Financial and Management Services (Contact: Barbara Seiler, 787-5051)

—220.10 Processing Automated Mail (2/21/91)

—240.7 Submission of Changes to the Commonwealth Telephone Directory, Agency Organization & Functional Listings, and Employee Locator File (9/26/97)

Bureau of Police and Safety (Contact: Richard Shaffer, 787-9013)

—205.2 Powers and Duties of Policing Forces (2/9/77)

—625.4 Enforcement of Fire and Panic Regulations (3/27/91)

—720.3 Guidelines for Preparing for, and Reporting Emergencies at State Offices (6/28/02)

Bureau of Publications and Paperwork Management (Contact: Audrey Marrocco, 787-3707)

—220.9 Graphic Design, Typesetting, Reproduction, and Printing Services (6/4/87)

Bureau of Purchases (Contact: John Troxel, 787-4719)

—215.9 Contractor Responsibility Program (4/16/99)

—620.1 Coal Sampling and Reporting (2/6/02)—Rev 2 (5/28/02)

Commonwealth Agency Recycling Office (Contact: John Rarig, 772-2300)

—205.22 Implementation of Act 1998-101, Municipal Waste Planning, Recycling & Waste Reduction Act (8/7/89)

Bureau of Risk and Insurance Management (Contact: Kenneth Love, 787-2492)

—630.1 Agency Insurance Coordinators (10/2/87)

—630.2 Reporting of Employee Liability Claims (4/28/98)

—720.4 Safety and Loss Prevention Program (10/2/87)

Bureau of Minority and Women Business Opportunities (Contact: Tyrone Powell, 783-3119) www.dgs.state.pa.us, Keyword: BMWBO

—215.16 Contract Compliance Program (6/30/99)

Bureau of Professional Selections & Administrative Services (Contact: Gary Lee, 787-4479)

—625.9 Payment of Contractors and Design Professionals for Agency Funded Construction Projects Undertaken by the Department of General Services (3/9/01)

Commonwealth Media Services (Contact: Kristin Snow, 787-9777)

—220.1 Commonwealth Media Services (6/21/90)

Bureau of Real Estate (Contact: James Hickey 787-2834)

—615.15 Vehicle Parking License Agreements (7/19/01)

—625.1 Repairs, Alterations, and Improvements to Commonwealth Buildings Under the Direct Supervision of the Department of General Services (6/20/03)

—625.2 Inventory of Commonwealth Property (6/3/96)

—625.5 Reporting Surplus Real Property (5/6/96)

—625.6 Lease Amendment Exceptions for Leasehold Improvements Costing Less than \$5,000 (2/28/01)

—625.7 Use of STD-291, Request for Lease Action and Budget Approval (11/6/97)

—03-21 Availability of State Surplus Real Property for Transfer to Commonwealth Agencies

—Lackawanna County (8/20/03)

—03-22 Availability of State Surplus Real Property for Transfer to Commonwealth Agencies—Venango County (8/20/03)

Bureau of Supplies and Surplus Operations (Contact: Joseph Gurzenda, 787-5940)

—03-17 Availability—Commonwealth Telephone Directory (7/11/03)

Bureau of Vehicle Management (Contact Josie Sharp, 787-3162)

—615.1 Temporary Assignment of Commonwealth Automotive Fleet (12/2/92)

—615.2 Motor Vehicle Liability Insurance and Accident Reporting (6/17/96)

—615.3 Rates and Billing for Motor Vehicles of the Commonwealth Automotive Fleet (5/6/04)

—615.6 License Plates for Commonwealth-Owned Vehicles (6/30/97)

—615.7 Commonwealth Vehicle Invoices (7/3/97)

—615.8 Use of State Automobile (3/26/80)

—615.9 Permanent Assignment of Commonwealth Automotive Fleet Vehicles (11/20/02)

—615.11 Use and Condition Inspections of Commonwealth-Owned Motor Vehicles (4/21/82)

—615.12 Motor Vehicle Authorization List (8/11/83)

—615.13 Emission Control Test Program—Commonwealth Automotive Fleet (9/26/97)

—615.14 Repairs and Maintenance, Commonwealth Automotive Fleet (6/25/97)

—04-7 Refueling of Commonwealth Automotive Fleet Vehicles (4/9/04)

—04-9 State Employees Purchasing Vehicles at the Commonwealth Auction (5/6/04)

—04-10 Placing of Decals and Logos on Commonwealth Vehicles (5/6/04)

Press Secretary (Contact: Frank Kane 787-3197)

—720.5 Personal Electrical Devices in Commonwealth-Owned or Leased Building (10/14/03)

EXTERNAL GUIDELINES**Bureau of Engineering and Architecture** (Contact: Robert Glenn, 787-3709)

—Professional Agreement and General Conditions to that Agreement

Bureau of Minority and Women Business Opportunities (Contact: Tyrone Powell, 783-3119) www.dgs.state.pa.us, Keyword: BMWBO

- The Pennsylvania Minority and Women Business Enterprise Program
- Application and Instruction Guide for Certification as a Minority/Women Business Enterprise
- Disadvantaged Business Program
- Socially and Economically Restricted Business Program
- Commonwealth Construction Contracts (11/03)
- Finding States Bids on the Internet (11/03)
- Selling Computer Services to the Commonwealth (11/03)
- Ensuring Timely Payments (11/03)
- You have a Right to Know! (11/03)

Bureau of Supplies and Surplus Operations (Contact: Joseph Gurzenda, 787-5940)

- Drug Reduction Property Program
- State Surplus Property Program
- Federal Surplus Property Program

Bureau of Purchases (Contact: John Troxel, 787-4719)

- Cooperative Purchasing Program

Executive Office (Contact: Anne Rung, 705-3896)

- Doing Business with the Department of General Services

HEALTH**POLICY STATEMENTS****Bureau of Chronic Diseases and Injury Prevention**

- Position Statement on Colorectal Cancer Screening (Revised 3/04)
- Position Statement on Prostate Cancer Screening (Revised 3/04)
- Position Statement on Cervical Cancer Screening (Revised 3/04)
- Position Statement on Sun Safety (9/99) (Revised 5/03)
- Policy Statement on Clinical Trials (3/04)
- Policy Statement on Unsolicited Proposals Requesting Funding From the Cancer Control Program (10/03)
- Position Statement on Breast Cancer Screening (Revised 5/04)

Contact: Leslie A. Best, (717) 787-6214

Bureau of Drug and Alcohol Programs

- Confidentiality and Student Assistance Programs (1/92)
- Disclosure of Confidential Information to the Criminal Justice System (10/92)
- Oral Polio Vaccine (12/91)
- Provision of Outpatient Treatment Services Within the School Setting (11/94)
- Reporting of Communicable Diseases (12/92)
- Requests for Exceptions to Regulations and Requirements in State Plan
- Single County Authorities Subcontracts with Providers (1/97)
- Tuberculosis Testing (9/92)

Contact: Hector Gonzales, (717) 783-8200

GUIDANCE MANUALS**Bureau of Community Health Systems**

- Bathing Place Manual, Part I: Swimming Pools
 - Bathing Place Manual, Part II: Bathing Beaches
 - Bathing Place Manual, Part III: Hot Tubs and Spas
 - Local Health Officer Handbook (revised 04/2004)
- Contact: Dennis Wilson, (717) 787-4366
- Guidelines for Documentation & Maintenance of School Health Records (1988)
 - Request for Reimbursement and Report of School Health Services Instruction Manual (1997)
 - Guidelines for School Based Program for Control of Lice, Scabies and Ringworm (1986)
 - Procedures for the Growth Screening Program for Pennsylvania's School-Age Population
 - Procedures for the Scoliosis Screening Program for Pennsylvania's School-Age Population (2001)
 - Procedures for the Hearing Screening Program for Pennsylvania's School-Age Population (2001)
 - Guidelines for School Tuberculin Testing Program (1986)
 - Procedures for the Vision Screening Program for Pennsylvania's School-Age Population (2002)
 - Guidelines for School Dental Health Program (1986)
 - Guidelines for Care: Children Assisted by Medical Technology in Education Settings (1989)
 - Indoor Air Quality Guidelines for Pennsylvania Schools (1999)
- Contact: Heather Vaught, (717) 787-2390

Bureau of Community Program Licensure and Certification

- Free Standing Treatment Facility Guidelines
- Health Care Treatment Facility Guidelines
- Inpatient Hospital Activities Detoxification, Treatment and Rehabilitation Activity Guidelines
- Prevention and Intervention Facility Guidelines
- Staffing Requirements for Drug and Alcohol Activities Guidelines
- Protocol for Sharing Drug & Alcohol Information

Contact: Cheryl Williams, (717) 783-8765

Drug and Alcohol Licensing Interpretive Guidelines

- Chapter 157. Inpatient Hospital Activities Detoxification and Treatment and Rehabilitation
- Chapter 704. Staffing Requirements for Drug and Alcohol Treatment Activities
- Chapter 705. Physical Plant Standards
- Chapter 709. Free-Standing treatment facilities
- Subchapter C. General Standards for Free-Standing Treatment Activities
- Subchapter D. Standards for Intake, Evaluation and Referral Activities
- Subchapter E. Standards for Inpatient Non-Hospital Activities—Residential Treatment and Rehabilitation
- Subchapter F. Standards for Inpatient Non-Hospital Activities—Short-Term Detoxification
- Subchapter G. Standards for Inpatient Non-Hospital Activities—Transitional Living Facilities (TLFs)
- Subchapter H. Standards for Partial Hospitalization Activities
- Subchapter I. Standards for Outpatient Activities
- Subchapter K. Standards for Inpatient Hospital Drug and Alcohol Activities Offered in Free-Standing Psychiatric Hospitals
- Chapter 711. Health Care Facilities treatment facilities
- Subchapter D. Standards for Intake, Evaluation and Referral Activities
- Subchapter E. Standards for Inpatient Non-Hospital Activities-Residential Treatment and Rehabilitation
- Subchapter F. Standards for Inpatient Non-Hospital Activities-Short-Term Detoxification
- Subchapter G. Standards for Inpatient Non-Hospital Activities-Transitional Living Facilities (TLFs)
- Subchapter H. Standards for Partial Hospitalization Activities
- Subchapter I. Standards for Outpatient Activities
- Chapter 715. Standards for Approval of Narcotic Treatment Program
- Chapter 715. Standards for Approval of Narcotic Treatment Program-Modified by Exception
- Letter dated May 2004 concerning availability of Chapter 715 Modified Narcotic Addiction Treatment Regulations and Guidelines for the Development of Standard Operating Procedures

Contact: Cheryl D. Williams, (717) 783-8675

Bureau of Epidemiology

- Guidelines on Bloodborne Pathogens for the Public Sector

Contact: Judy Gostin, (717) 787-1708

Emergency Medical Services Office

- Overview of Pennsylvania Department of Health Ambulance Licensure Program
- EMS Continuing Education Manual
- EMS Training Manual—Guidelines for Medical Command Authorization for Prehospital Personnel
- Emergency Medical Services Study Guide (Basic Life Support and Advanced Life Support)
- Medical Command Accreditation Manual
- Medical Command Course
- Pennsylvania Emergency Medical Services Continuing Education Handbook for Prehospital EMS Personnel
- Prehospital Personnel Manual
- Overview of Pennsylvania Department of Health Quick Response Service Recognition Program
- Trauma Patient Triage Protocols
- Pennsylvania EMS Information Management System Patient Encounter Form Instruction Manual
- Statewide Basic Life Support Protocols
- Out-of-Hospital Do-Not-Resuscitate Questions and Answers

Contact: Margaret E. Trimble, (717) 787-8740

Bureau of Family Health

- Case Management and Tracking Protocol for Community Health Nurses, Including Protocols for Early Intervention Referrals (Revised 8/95)
- Pennsylvania Lead Lab Data Management System (PALL) Blood Lead Level Reporting Manual (11/97)

Contact: Frank Maisano, (717) 787-7192

Bureau of Health Planning

- Primary Health Care Practitioner Loan Repayment Program Brochure (Revised 12/06/01)
- Primary Health Care Practitioner Loan Repayment Program, Policies and Guidelines (Revised 1/02)
- Loan Forgiveness for Primary Care Practitioners Fact Sheet (Revised 1/03)
- Commonwealth of Pennsylvania Appalachian Regional Commission J-1 Visa Waiver Application Procedure (Revised 2/03)
- J-1 Visa Waiver Program Appalachian Regional Commission Fact Sheet (Revised 2/03)
- State 30 J-1 Visa Waiver Program Application Policy and Procedure (Revised 10/02)
- State 30 J-1 Visa Waiver Program Fact Sheet (Revised 2/03)
- Guidelines for Federally Designated Health Professional Shortage Areas (HPSAs)

- Guidelines for Federally Designated Medically-Underserved Shortage Area
 - Guidelines for Development of a Rural Health Clinic
- Contact: Marina Matthew, (717) 772-5298

Bureau of Health Statistics and Research

- Application for Access to Protected Data (Revised 5/02)
 - User's Guide for Access to Protected Data, (Revised 5/02)
- Contact: Craig Edelman, (717) 783-2548

Bureau of Managed Care

- Technical Advisory: Sample Enrollee Consent Form (6/26/04)
 - Technical Advisory: Enrollee Consent for Provider-Initiated Grievances (6/19/04)
- Contact: Stacy Mitchell, (717) 787-5193

Division of Immunizations

- School Immunization Catch Up Booklet
 - Adolescent and Adult High-Risk Immunization Program Manual
 - Standards for Adult Immunization Practices
 - Mass Immunization Liability Protection Guidelines
 - Vaccine Preventable Disease Protocols
 - Vaccines for Children Provider Handbook (for public providers)
 - Vaccines for Children Provider Handbook (for private providers)
 - 2004 List of Immunizing Agents and Average Wholesale Prices
- Contact: Alice Gray, (717) 787-5681

STD Program

- Participating Provider Agreement (PPA) Providers Information Manual
 - STD Annual Report, Pennsylvania 2002
 - Region III Infertility Prevention Project Service Protocols
 - Region III Infertility Prevention Project Data Manager's Manual
- Contact: Steve Kowalewski, (717) 787-3981

INTERNAL GUIDELINES

Bureau of Health Statistics and Research

- Policy and Procedures for Assisted Conception Birth Registrations (10/03)
- Contact: Frank Yeropoli, (724) 656-3113

Immunization Program

- Perinatal HB Protocols
 - Biological Room Standard Operating Procedures
- Contact: Alice Gray, (717) 787-5681

STD Program

- Guidelines: Use of the Internet to Perform Partner Service and Health Education Activities
- Contact: Steve Kowalewski, (717) 787-3981

Institutional Review Board

- Institutional Review Board Policies and Procedures (03/04)
- Contact: Deborah Blackburn, (717) 705-6740

OTHER

Bureau of Community Program Licensure and Certification

- Abortion Control Act (footnoted)
 - Ambulatory Gynecological Surgery in Hospitals and Clinics Regulations (footnoted)
 - Abortion: Making a Decision
 - A Guide to Services for Pregnant Women
 - Application of Abortion Control Act to Abortions Induced by Drugs
- Contact: Carol Williams, (717) 783-8665

Licensing Alerts

- Complaint Investigations (Licensing Alert 2-96)
- Distinction between Outpatient and Partial Hospitalization Services (Licensing Alert 3-97)
- Drought Emergency (Licensing Alert (3-99))
- Drug and Alcohol Staffing Regulations Interpretive Guidelines (Licensing Alert 6-96)
- Facility Closures (Licensure Alert 5-98)
- Group Counseling (Licensing Alert 2-94)
- Licensed Capacity (Licensing Alert 1-94)
- Minimum Content Requirements for Pennsylvania Department of Health Approved Curriculum for Tuberculosis and Sexually Transmitted Diseases (Licensing Alert 6-97)
- Minimum Content Requirements for Pennsylvania Department of Health Approved HIV/AIDS Curriculum (Licensing Alert 1-97)
- Older Adult Protective Services Act not Applicable to D&A Treatment Programs (Licensing Alert 1-02))
- Physical Examinations (Licensing Alert 1-96)
- Physical Plant Standards (Chapter 705) (Licensing Alert 1-02)
- Psychosocial Histories (Licensing Alert 4-96)

- Relocation (Licensing Alert 3-94)
 - Reporting of Unusual Incidents (Licensing Alert 5-97)
 - Request for Exceptions to Regulations (Licensing Alert 4-97)
 - Rescheduling of LAAM (Licensing Alert 2-98)
 - Rescission of Shelter, Drop-in and Hot-line Regulations (Licensing Alert 1-98)
 - Restrictions on Licenses/Certificates of Compliance/Approval (Licensing Alert 2-97)
 - Scheduling of Licensing Inspections (Licensing Alert 3-96)
 - Scheduling of Licensing Inspections (Licensing Alert 6-98)
 - Staffing Regulations—Requirements for Direct Observation and Close Supervision of Counselor Assistants (Licensing Alert 4-02)
 - Staffing Regulations—Primary Care Hours and Detoxification Activities (Licensing Alert 3-02)
 - Staffing Regulations—Qualifications/Degree in a Related Field (Licensing Alert 2-02)
 - Staffing Regulations—Qualifications/Degree in a Related Field (Licensing Alert 4-98)
 - Staffing Qualifications for Clinical Supervisors & Counselors Hired Prior to 3/4/96 (Licensing Alert 5-99)
 - Staffing Regulations Qualifications/Degree from a Foreign Non- Accredited University/College (Licensing Alert 1-00)
 - Staffing Regulations—Qualifications/Degree from a Foreign Non-Accredited University College (Licensing Alert 3-98)
 - 1998 Standards Deficiencies (Licensing Alert 4-99)
 - Unannounced Visits (Licensing Alert 5-96)
 - Verification of Training, Experience and Professional Licensure or Certification (Licensing Alert 2-99)
- Contact: Cheryl Williams, (717) 783-8765

Bureau of Health Planning

- State Health Improvement Plan
 - State Health Improvement Plan Special Report and Plan to Improve Rural Health Status
 - State Health Improvement Plan Special Report on the Health Status of Minorities in Pennsylvania
- Contact: Joseph B. May, (717) 772-5298

Emergency Medical Services Office

- Prehospital Care Response Report
 - State Emergency Medical Services System Development Plan
- Contact: Margaret E. Trimble, (717) 787-8740

Information Bulletins

- EMS Information Bulletin #1—Active Military Duty (8/5/03)
 - EMS Information Bulletin #2—Epinephrine Auto Injector Administration by EMTs (8/13/03)
 - EMS Information Bulletin #4—EMS Instructor Update Requirement (Revised 3/2/04)
 - EMS Information Bulletin #5—Cyanide Compound Exposure Protocol (9/9/03)
 - EMS Information Bulletin #6—Continuing Education Requirement—ALS Medical Command (11/5/03)
 - EMS Information Bulletin #7—On-Line Continuing Education (11/6/03)
 - EMS Information Bulletin #8—Distribution of Continuing Education Handbook (12/9/03)
 - EMS Information Bulletin #9—Statewide Trauma Patient Destination Air Ambulance Transport Protocol (Revised 3/10/04)
 - EMS Information Bulletin #10—EMS License Plates (2/11/04)
 - EMS Information Bulletin #11—Public Access AED (2/13/04)
 - EMS Information Bulletin #12—Suspension of Driver's License and Operation of an Ambulance (3/24/04)
 - EMS Information Bulletin #13—EMS Vehicle Collision and Personal Injury Form (Revised 4/1/04)
 - EMS Information Bulletin #14—Epinephrine Auto-Injector Administration (Revised 3/10/04)
 - EMS Information Bulletin #15—Emergency Response Employees (ERES) (4/30/04)
 - EMS Information Bulletin #16—Electronic Ambulance Licensure Application Amendment Procedure (4/30/04)
 - EMS Information Bulletin #17—Statewide BLS Medical Treatment Protocols and Guidelines (5/6/04)
 - EMS Information Bulletin #18—Accelerated Rehabilitative Disposition (ARD) (6/7/04)
 - EMS Information Bulletin #19—CD and Web-Based ACLS Programs (6/18/04)
 - EMS Information Bulletin #20—Certificates, Wallet Cards and Patches (6/8/04)
- Contact: Margaret E. Trimble, (717) 787-8740

Bureau of Facility Licensure and Certification (Long Term Care Provider Bulletins)

- Influenza in Nursing Homes—LTC PB No. 4 (Revised 10/25/99)
- Physicians Participation in Resident Care Planning—LTC PB No.12 (Revised 7/1/99)
- MRSA Guidelines—LTC PB No.16 (Updated 7/1/99)
- Resident Assessment State Designated Instrument—LTC PB No. 19 (Effective 1/31/91) (Updated 9/17/97)
- Admission/Treatment of Persons with AIDS or AIDS Related Conditions—LTC PB No. 21 (Revised 7/99)
- Abuse, Neglect, Misappropriation of Property by Nurse Aides or Others—LTC PB No. 22 (Revised 2/2/01)
- Securing Copies of Nurse Aide-Enrollment Information—LTC PB No. 24 (Revised 7/1/99)
- Potential Hazards of Restraint Devices-FDA Alert—LTC PB No. 28 (Revised 7/1/99)
- Nurse Aide Registry Update—LTC PB No. 29 (Revised 7/1/99)
- Training of Companions/Sitters in T18 or 19 Facilities—LTC PB No. 31 (Revised 7/1/99)
- Adjustment of Licensure Fees—LTC PB No. 34 (Revised 7/1/99)
- Disposition of Patient Medications—LTC PB No. 35 (Revised 7/1/99)
- Advance Directives for Health Care/Durable Power of Attorney/Do Not Resuscitate Orders—LTC PB No. 36 (Revised 7/1/99)
- Exception/Waiver Requests—LTC PB No. 37 (Revised 7/1/99)
- Federal Clarification of RAI Issues-Amended—LTC PB No. 38 (Revised 7/1/99)
- Incident/Accident Reporting Procedures—LTC PB No. 41 (Revised 7/1/99)

- Taping of Exit Conference—LTC PB No. 42 (Revised 7/1/99)
 - Precautions for Excessive Temperatures—LTC PB No. 43 (Revised 7/1/99)
 - Informal Dispute Resolution—LTC PB No. 44 (Revised 5/30/00)
 - Ban on Use of Egg Breaking Centrifuges—LTC PB No. 46 (6/28/96)
 - Surety Bond Requirements—Clarification of "Obligee"—LTC PB No. 48 (6/16/97)
 - Department Access to Records at Nursing Homes Pursuant to 35 P. S. § 448.813—LTC PB No. 49 (6/16/97)
 - Consumer Hotline—LTC PB No. 50 (3/24/98)
 - Ninety-Day Advance Notice Requirement for Changes in Ownership, Structure, or Name—LTC PB No. 51 (7/1/99)
 - Federal Requirements Regarding Use of the Comprehensive Resident Assessment—LTC PB No. 52 (6/12/98)
 - Resident Choice of Pharmacy Provider—LTC PB No. 53 (1/9/98)
 - Vancomycin Resistant Enterococci (VRE) Recommendations—LTC PB No. 54 (11/12/97)
 - Nursing Hours—LTC PB No. 55 (6/4/00)
 - Metallic Mercury Precautions—LTC PB No. 56 (6/13/00)
 - Nurse Aide Registry Information—LTC PB No. 57 (Revised 2/11/03)
 - Advance Directives Requirements—LTC PB No. 58 (11/8/01)
 - Elopement, Resident Smoking and Water Temperatures—LTC PB No. 59 (1/23/03)
 - MPPS Assessment Form—LTC PB No. 60 (9/17/02)
 - Single Licensure for Multiple Nursing Care Facilities—Interim Policy (2/01)
- Contact: William Bordner, (717) 787-8015

Division of Acute and Ambulatory Care

- Inpatient Care in Outpatient Settings
 - Resident Choice of Pharmacy Provider
 - Vancomycin Resistant Enterococci (VRE) Recommendations
 - Director of Nursing
 - Hospital Bed Count Clarification
 - Guidelines to Determine the Issuance of Single or Multiple Hospital Licenses(s)
 - Hospital Diversion Policy
 - Chapter 51 Event Notification Form
 - On-Line/WebSite Based Process for Reporting of Statements of Deficiency and Plans of Correction With Public Access
 - EMTALA during a bio-terrorism event (CMS)
 - Provider Bulletin No. 2001-1 HOSPITAL DIVERSION POLICY
 - Division staff changes and Chapter 51 event reporting form
 - Patient Safety Plan Guidance
 - On-line Event Reporting System
 - Recall of smoke/fire damper actuating devices
 - CMS-Physician Orders for Influenza and Pneumonia Vaccine
 - MedWatch Safety Alert
 - Safe Haven Act
 - Email to hospital administrators on SARS
 - Patient Safety Plan-Psychiatric Hospitals
 - Letter on use of non-licensed beds from DSQA
 - DAAC Hospital Alert Dialysis Blood Sets
 - Enhancements to the Events Reporting System
 - Pa. Bulletin Notice-Specified Professional Personnel
- Contact: Sandra Knoble, (717) 783-8980

Bureau of Family Health

- Screening Young Child For Lead Poisoning: Guidance for State and Local Public Health Officials, Statement by the Centers for Disease Control—11/97 (Federal guidelines adopted by Department)
 - Application for Chronic Renal Disease Transportation Services
 - Application for Services (Division of Program Support and Coordination-Form #HD1072F)
 - Universal Newborn Hearing Screening Program Guidelines for Infant Hearing Screening
- Contact: Frank Maisano, (717) 787-7192
- WIC State Plan of Operations
- Contact: Frank Maisano, (717) 783-1289
- Traumatic Brain Injury Needs Assessment (2003)
 - Traumatic Brain Injury State Action Plan (2003)
- Contact: Carolyn Cass, (717) 783-5436

TB Program

- TB In the Commonwealth, 2003 (annual report)
 - TB Control Manual
 - TB Outbreak Response Plan
- Contact: Donna Murray, (717) 787-6267

STD Program

- STD Outbreak Response Plan
 - STD Electronic Resource Guide, 2003 (CD-ROM)
 - PA NEDSS STD Program Reference Guide
 - PA's Strategic Plan for STD's, 2002-2005
- Contact: Steve Kowalewski, (717) 787-3981

Bureau of Health Statistics and Research

- Application for Certified Copy of Birth or Death Record, Form H105.102.
- Form Utilized for Birth Corrections, Form H105.133
- Death Correction Statement, Form H105.135
- Application for Multi-Year Search of Birth Record, Form HD1124F.
- Application for Multi-Year Search of Death Record, Form HD 1125F.
- Biological Parent Registration Identification Form, Form H105.700.
- Withdrawal of Biological Parent Consent Form, Form H105.702.

The following forms are electronically available at www.health.state.pa.us/vitalrecords:

- Application for Certified Copy of Birth Record—Mail Requests, Form HD1105F
 - Application for Certified Copy of Birth Record—FAX Request, Form HD1106F
 - Application for Certified Copy of Death Record—Mail Requests, Form HD1107F
 - Application for Certified Copy of Death Record—Fax Request, Form HD1108F
 - Form Utilized for Birth Corrections, Form HD1104F
 - Death Correction Statement, Form HD1109F
 - Application for Multi-Year Search of Birth Record, Form HD1131FW
 - Application for Multi-Year Search of Death Record, Form HD1132FW
- Contact: Donna Ritchie, (724) 656-3114

The following order form (as well as various publication) is available at www.health.state.pa.us/stats:

- Order Form for Health Statistics Publications, Form HD1033F
- Contact Donna Livering, (717) 783-2548)

Bureau of Laboratories

- Submission of Rabies Specimens
 - General Specimen Submission
 - Compliance with Shipping of Diagnostic Specimen/Etiologic Agent
 - Laboratory Submission Form for Viral Encephalitis/Meningitis
- Contact: Nancy Warren, Ph.D., (610) 280-3464, Ext. 3283
- Postmortem Blood Testing on Motor Vehicle Accident Victims-Specimen Submittal Requirements
 - Blood Lead Analysis-Specimen Submittal Requirements
 - Environmental Lead Analysis-Specimen Submittal Requirements
 - Neonatal Testing for Genetic Disorders-Specimen Submittal Requirements
 - Blood Alcohol Proficiency Testing Program Requirements
 - Blood Lead Proficiency Testing Program Requirements
 - Erythrocyte Protoporphyrin Proficiency Testing Program Requirements
 - Abused Drugs in Blood Proficiency Testing Program Requirements
 - Abused Drugs in Urine Proficiency Testing Program Requirements
- Contact: M. Jeffrey Shoemaker, Ph.D., (610) 280-3464
- Clinical Laboratory Application Procedure
 - Glucose/Cholesterol Screening Procedure
 - Multiphasic Screening Procedure
 - Out-of-State Laboratory Licensure/Certification Procedure
 - Understanding State Clinical Laboratory Regulation
 - Nursing Home Laboratory Licensure Procedure
 - Proficiency Testing Evaluation Procedure
- Contact: Marianne Porter, (610) 280-3464, Ext. 3233

Bureau of Chronic Diseases and Injury Prevention

- Why We Recommend Community Water Fluoridation
 - Policy for Determining Eligibility and Compliance of Service Providers Currently Receiving Funding From a Tobacco Company, a Tobacco Company Subsidiary, or Their Agent (6/04)
- Contact: Leslie A. Best, (717) 787-6214

Many of these documents are also available on the Department of Health's website, www.health.state.pa.us

INSURANCE

I. NOTICES:**Executive Office***Insurance Department Notices*

<i>No.</i>	<i>Date Published</i>	<i>Description</i>
2004-06	07/24/2004	Repeal of Outdated Bulletins and Notices
2004-05	06/19/2004	Per Diem Charges for Market Conduct Examinations of Insurance Companies
2004-04	06/19/2004	Per Diem Charges for Financial Examinations Conducted by the Department
2004-03	04/24/2004	Officers Required to Certify Financial Statements

<i>No.</i>	<i>Date Published</i>	<i>Description</i>
2004-02	04/17/2004	Medical Care Availability and Reduction of Error Fund; Calculation of Podiatrist Liability
2004-01	01/17/2004	Reserve and Surplus Levels of Hospital Plan and Professional Health Services Plan Corporations; Application
2003-11	11/29/2003	Coverage for Chiropractic Care
2003-10	11/29/2003	Disclosure of Departures from Statutory Accounting Principles
2003-09	11/01/2003	Medical Care Availability and Reduction of Error Fund; Notice of and Amount of Assessment Action
2003-08	09/27/2003	List of Approved Guide Source Method Vendors
2003-07	09/20/2003	Notice to Companies Writing Private Passenger Auto Insurance in Pennsylvania
2003-06	08/09/2003	Drug and Alcohol Use and Dependency Coverage
2003-02	01/19/2003	Federal Terrorism Risk Insurance Act of 2002
2003-01	01/04/2003	Procedures Applicable to Right-to-Know Request
2002-13	11/02/2002	Notice of and Amount of Assessment Action
2002-10	10/19/2002	Proper Reporting of Uncovered Medical Liabilities and Expenses (Uncovered Claims)
2002-09	09/21/2002	Medical Care Availability and Reduction of Error Fund's Assessment
2002-08	09/14/2002	Medical Care Availability and Reduction of Error Fund Administrative Hearings Process
2002-07	09/07/2002	2003 MCare Fund Assessment
2002-01	01/12/2002	Limit on Cancellations, Refusals to Renew, Refusals to Write, Surcharges, Rate Penalties and Point Assignments
2001-08	09/29/2001	Arson and Insurance Fraud Reporting
2001-07	06/30/2001	Deregulation of Life Insurance Forms
2001-04	04/21/2001	Book Transfers
2000-07	06/10/2000	Record Retention
2000-04	02/26/2000	The Violent Crime Control and Law Enforcement Act of 1994, 18 U.S.C., Sections 1033 and 1034
2000-03	02/19/2000	Federally Mandated Health Care Fraud and Abuse Reporting
2000-02	02/12/2000	Codification of Statutory Accounting Principles
1998-04	07/25/1998	Codification of Statutory Accounting Principles
1997-03	08/09/1997	Mutual to Stock Notices
	06/28/1997	Deregulation of Accident and Health Forms
	04/12/1997	Deregulation of Accident and Health Forms
	03/20/1996	Deregulation of Accident and Health Forms
1995-09	08/23/1995	Deregulation of Commercial Lines Property and Casualty Forms
1995-07	07/19/1995	Modification of Contract for Use When an Annuity Premium Tax is Not Applicable
1994-14	10/03/1994	Separate Account Modified Guaranteed Life Insurance
1994-13	10/03/1994	General Account Modified Guaranteed Life Insurance
1994-12	10/03/1994	Separate Account Modified Guaranteed Annuity
1994-11	10/03/1994	General Account Modified Guaranteed Annuity
1994-09	07/07/1994	Approval and Solicitation of Long Term Care Policies for Continuing Care Retirement Communities

Statements of Policy

31 Pa. Code, Chapter 67, Sections 67.41-67.45 and Appendix A, Motor Vehicle Financial Responsibility Law, Subchapter D. Adopted 05/19/1989.

31 Pa. Code, Chapter 89, Sections 89.451-89.474, Approval of Life, Accident and Health Insurance. Subchapter H. Statements of Policy. Adopted 02/05/1982.

31 Pa. Code, Chapter 90c, Sections 90c.1-90c.25, Individual Applications. Adopted 01/18/1991.

- 31 Pa. Code, Chapter 90d, Sections 90d.1-90d.9, Individual Accidental Death Benefits; Provided by Riders or Built into Policies. Adopted 01/18/1991.
- 31 Pa. Code, Chapter 90e, Sections 90e.1-90e.13, Individual IRA Endorsements for Life Insurance and Annuities. Adopted 01/18/1991.
- 31 Pa. Code, Chapter 90f, Sections 90f.1-90f.16, Individual Imminent Death/Lifetime Health Care Facility Confinement Benefits Provided as Accelerated Death Benefit or Settlements of Death Benefit; Provided by Riders or Built into Policies. Adopted 01/18/1991.
- 31 Pa. Code, Chapter 90g, Sections 90g.1-90g.16, Individual Health Care Facility Benefits Provided as Accelerated Death Benefit or Settlement of Death Benefit; Provided by Riders or Built into Policies. Adopted 01/18/1991.
- 31 Pa. Code, Chapter 90h, Sections 90h.1-90h.11, Individual Waiver of Surrender Charges for Life and Annuity Contracts Resulting From Health Care Facility Usage; Provided by Riders or Built into Policies. Adopted 01/18/1991.
- 31 Pa. Code, Chapter 90i, Sections 90i.1-90i.3, Certificates of Assumption. Adopted 03/05/1993.
- 31 Pa. Code, Chapter 119, Sections 119.1-119.26, Anti-Fraud. Adopted 08/27/1993.
- 31 Pa. Code, Chapter 120, Sections 120.1-120.5, Loss Cost Adjustment Filing. Adopted 08/27/1993.
- 31 Pa. Code, Chapter 150, Sections 150.1-150.5, Uniform Health Insurance Claim Form. Adopted 07/02/1993.
- 31 Pa. Code, Chapter 152, Sections 152.101-152.105, Preferred Provider Organizations, Primary Care Gatekeeper PPO Products. Adopted 09/27/1991.
- 31 Pa. Code, Chapter 153, Section 153.2, Permission to file accident and health, life and annuity insert pages. Adopted 10/19/1990.
- 31 Pa. Code, Chapter 153, Section 153.3, Simplified review of company merger, assumption or name change form and rate filing. Adopted 06/28/1991.
- 31 Pa. Code, Chapter 301, Sections 301.201-301.204, Health Maintenance Organization, Subchapter H. Point-of-Service Products Group Specific Community Rating. Adopted 09/27/1991.
- 31 Pa. Code, Chapter 301, Sections 301.301-301.321, Health Maintenance Organization, Subchapter I. Contractual Arrangements Between HMOs and IDSs. Adopted 04/05/1996.
- 31 Pa. Code, Chapter 303, Section 303.1, Out-of-State Health Maintenance Organization Investments. Adopted 03/25/1988.

Contact: Peter J. Salvatore, Regulatory Coordinator, Special Projects Office, 717-787-4429; fax 717-772-1969

II. OTHER:

Special Projects Office

Regulatory Procedures Manual

Internal procedures regarding drafting of regulations

Contact: Peter J. Salvatore, Regulatory Coordinator, Special Projects Office, 717-787-4429; fax 717-772-1969

Administrative Hearings Office

Digest of Automobile Policy Terminations (Act 68 and 78)

Insurance Commissioner Decisions on Automobile Insurance Administrative Hearings

Digest of CAT Fund Adjudications

Insurance Commissioner Decisions on Automobile CAT Fund Administrative Hearings

Digest of Homeowners Policy Terminations (Act 205)

Insurance Commissioner Decisions on Homeowners Insurance Administrative Hearings

Digest of Agency Terminations (Act 143)

Administrative Hearing Officer Decisions on Insurance Agency Administrative Hearings

Practice and Procedure Digest

Describes the Administrative Hearing Process

Contact: K. Bernhard, Docket Clerk, Administrative Hearings Office, 717-783-2126; fax 717-787-8781

Bureau of Administration

Public Documents Room Procedures

Procedures to review public documents at the Insurance Department

Contact: Jeffrey Wallace, Director, Bureau of Administration, 717-787-4298; fax 717-705-3873

LABOR AND INDUSTRY

POLICY STATEMENTS:

Secretary Stephen M. Schmerin

- Equal Opportunity Policy Statement
- Labor and Industry Contract Compliance Policy Statement
- Weapons Policy Statement
- Disability—Related Employment Policy Statement
- Commonwealth's Policy of Sexual Harassment and Procedures for Distribution

- Health Policy Statement
- Security Policy Statement
- Workplace Violence Statement

Office of Equal Opportunity

- Equal Employment Opportunity Policy Statement
- Contact: Merry-Grace S. Majors (717-787-1182)

Bureau of Occupational and Industrial Safety

- Universal Accessibility Interpretation
 - 1) November 8, 1999
 - 2) March 15, 2002

Contact: Jerry Seville (717-787-3329)

Bureau of Workers' Compensation

- Guidelines for Employment Screening Programs under Act 115 of 2001
- Contact: George W. Knehr, Acting Director and Chief, Self-insurance Division, BWC (717-783-5421)

- Health Care under the Workers' Compensation Act

Contact: Eileen K. Wunsch, Chief, Health Care Services Review Division, BWC (717-772-1912)

- Vocational Experts

Contact: John T. Kupchinsky (717-783-5421)

- Health Care Under Workers' Compensation Act

Contact: Eileen Wunsch (717-772-1912)

- Guidelines for employment screening programs under Act 115 of 2001

Contact: John T. Kupchinsky (717-783-5421)

GUIDANCE MANUALS:

Office of Vocational Rehabilitation

- OVR Counselor Policy Manual

Contact: Roger Barton (717-772-3511) Bureau of Workers' Compensation

- PA Workers' Compensation Employer Information Pamphlet (Workers' Compensation guidelines for employers.)

Contact: Employer Information Services (717-772-3702)

- Workers' Compensation and the Injured Worker Pamphlet (Workers' Compensation Guidelines for injured workers.)

Contact: Employer Information Services—long distance within PA: 1-800-482-2383, local or outside PA: 717-772-4447, TTY 1-800-362-4228

- Section 305 Prosecutions

Contact: Dan Pugh (717-787-3567)

- BWC Forms Tip Sheets

Contact: Claims Information Services—long distance within PA: 1-800-482-2383, local or outside PA: 717-772-4447, TTY 1-800-362-4228

- Procedures for Completing an Application for Fee Review

Contact: Eileen K. Wunsch, Chief, Health Care Services Review Division, BWC (717-772-1912)

- Employer's Guide to Self-Insuring Workers' Compensation

Contact: George W. Knehr, Acting Director and Chief, Self-insurance Division, BWC (717-783-4476)

INTERNAL GUIDELINES:

NONE

OTHER:

Center for Workforce Information and Analysis

- New Hire Program booklet guidelines and form for businesses to use to report new hires-found at www.panewhires.com.

Bureau of Employer and Career Services

- Workforce Investment Information Notice 2-01 dated July 13, 2001—regarding Team PA CareerLink Employment Services Registration Policy—can be found on the PA Workforce website at www.paworkforce.state.pa.us.

- Workforce Investment Information Notice 3-01 dated July 17, 2001—can be found on the PA Workforce website at www.paworkforce.state.pa.us

Office of Vocational Rehabilitation

- OVerVIEW—The OVR Online Newsletter

- The OVR Annual Report Chris Forbrich (717-787-3940)

- OVR Combined Agency State Plan Update—Chris Forbrich (717-787-3940)

- OVR Program Brochure Carl Marshall (717-783-3129)

- Employment Services for Persons with Disabilities—Carl Marshall (717-787-3940)

- The OVR Rehabilitation Services Handbook—Carl Marshall (717-787-3940)

- OVR Transition Pamphlet—Joan Kester

- Disability Management (OVR Ability Management) Carl Marshall (717-787-3940)

- OVR—Transition From Substance Abuse to Recovery and Work (A Guide for Vocational Rehabilitation) Carl Marshall (717-787-3940)

- Getting Your Business Ready for ADA—Carl Marshall (717-787-3940)

- ICAN Program Guidelines—Raymond Walker (717-787-5735)

- ICAN Application—Raymond Walker (717-787-5735)

- ICAN Application Checklist Raymond Walker (717-787-5735)

State Workers' Insurance Fund

- Injury Hotline Reporting Sticker
- Employee Information for reporting of Work Related Injuries
- Workers' Compensation Employee Notice
- SWIF District Office Map and Directory
- Notice of Employer W/C coverage with SWIF (English & Spanish)
- SWIF Information Pamphlet
- "You as a Witness" in a Workers' Comp. Proceeding
- Benefits of Early Reporting of Injuries
- State Workers' Insurance Fund "Checklist"
- SWIF's Early Return to Work Program
- Telephonic Reporting Questionnaire
- "21 day rule" Reporting guideline letter
- SWIF Safety Policy and Program Outline
- Certified Safety Committee Addendum
- Governor's Initiative on Workplace Safety, Pennsafe
- Drug Free Pennsylvania Packet
- Claimant Authorization for Direct Deposit of SWIF Benefits

Team Pennsylvania CareerLink

- Workforce Investment Information Notice 5-01—dated September 14, 2001 regarding Governance Agreement Revision/Cost Allocation Agreement Plan and Resource Sharing Agreement—found on the PA Workforce website at www.paworkforce.state.pa.us.
- Workforce Investment Information Notice 5-01, change 1—dated February 8, 2002—regarding Governance Agreement Revision/Cost Allocation Agreement Plan and Resource Sharing Agreement found on the PA Workforce website at www.paworkforce.state.pa.us.
- Workforce Investment Information Notice 6-01 dated February 8, 2002—regarding Combined Business Plan/Agreement Process—found on the PA Workforce website at www.paworkforce.state.pa.us.

Bureau of Workers' Compensation

- Questions and Answers about Funded Employment

Contact: Claims Information Services—(long distance within PA: 1-800-482-2383, local or outside PA: 717-772-4447, TTY 1-800-362-4228)

- Maximum Pennsylvania Workers' Compensation Payable

Contact: Nathaniel Holmes, Chief, Claims Management Division, BWC (717-772-0621)

- Range of Fees Charged by Utilization Review Organizations and Peer Review Organizations for Services Performed under the Workers' Compensation Act

Contact: Eileen K. Wunsch, Chief, Health Care Services Review Division, BWC (717-772-1912)

- Claim Petition for Additional Compensation from the Subsequent Injury Fund pursuant to section 306.1 of the Workers' Compensation Act

Contact: Claims Information Services—long distance within PA: 1-800-482-2383, local or outside PA: 717-772-4447, TTY 1-800-362-4228)

Bureau of Workforce Investment

- Workforce Investment Information Notice 1-00, change 2 dated April 2, 2002—regarding WIA Performance Requirements for the Subsequent Eligibility Certification Process of Eligible Training Programs/Providers—found on the PA Workforce website at www.paworkforce.state.pa.us
- Workforce Investment Information Notice 7-01 dated November 2, 2001 regarding Clarification of Federal Interpretation of Reasonable Cost of Training and Transportation Payments for the TAA/Nafta-TAA Programs—found on the PA Workforce website at www.paworkforce.state.pa.us

Bureau of Unemployment Compensation Benefits and Allowances

- UCP-7 The Problem of "Localized" and "NonLocalized" Employment"
- UCP-25 Employee Contributions
- UCP-33 UC Services, Unemployment Compensation Service Centers
- UCP-36 Employers' Reference Guide to Unemployment Compensation
- UCP-37 A Guide For Setting Up a Claim By Telephone or Internet

Bureau of Unemployment Compensation Benefits and Allowances—Discontinued Non-Regulatory Documents

- Form UCP-1(SC), Pennsylvania Unemployment Compensation Handbook
- UCP-1 (Insert) How to Figure Your Weekly Benefit Rate
- UCP-3 Unemployment Compensation Information for Contributing Employers
- UCP-6 Unemployment Compensation for Federal Civilian Employees
- UCP-10 Unemployment Compensation for Ex-Servicemen
- UCP-19 Unemployment Compensation in Pennsylvania
- UCP-27 (Cert) Transitional Adjustment Assistance Benefits
- UCP-28 Services Provided By Pennsylvania Teleclaims (PAT)
- UCP-28Z Services Provided by Pennsylvania Teleclaims (PAT) For Interstate
- UC-87Z How to File Pennsylvania Interstate Claims on the Internet System

Bureau of Employer Tax Operations

- UCP-29 Pennsylvania Unemployment Compensation (UC) Tax Appeals
- UCP-32 Employee or Independent Contractor?
- PA- 100 Pennsylvania Enterprise Registration Form and Instructions

Unemployment Compensation Board of Review

- UC-53 Notice of Hearing
- UC-53BR Notice of Board Hearing
- UC-53C Notice of Continuance of Hearing
- UC-59 Referee's Decision/Order
- UC-59RFC Referee's Decision/Order—Relief from Charges

Bureau of Labor Law Compliance

- Updated procedures for workers' protests of prevailing wage settlements.

Contact: Robert V. O'Brien, Director (717-787-3681)

Bureau of Occupational and Industrial Safety

- Notification of applicants for new liquefied petroleum gas facilities or for expansion of facilities.

Contact: Edward Leister (717-787-3323)

MILITARY & VETERANS AFFAIRS**POLICY STATEMENTS:**

- ADA Policy Statement
- HIV/AIDS Policy
- Sexual Harassment Policy
- Substance Abuse in the Workplace Policy
- Workplace Violence Policy

Contact: Jeff Thomas (717) 861-8849

- Equal Opportunity Statement

Contact: Kristi Smith (717) 861-8796

- Emergency Fire Evacuation Plan
- Operation of Clubs within National Guard Facilities
- Privately Owned Weapons on National Guard Facilities

- Smoking Policy

Contact: Jeff Thomas (717) 861-8849

- Emergency Fire Evacuation Plan, Veterans' Homes

Contact: Cecil Hengeveld (717) 861-8903

- Public Affairs Airlift Policy

Contact: Colonel Latchford (717) 861-8825 LtCol Cleaver (717) 861-8468

- Resident Abuse Policy and Procedures
- Staff/Resident Fraternalization Policy, Veterans' Homes

Contact: Cecil Hengeveld (717) 861-8903

- Standard Operating Procedure for Armory Rentals

Contact: Duke Munford (717) 861-8580

INTERNAL GUIDELINES:

- Adherence to Work Hours/Wear of Military Uniform
- Bomb Threat Plan—DMVA contains classified information
- Curtailment of Activities at FTIG Due to Inclement Weather
- Discipline Manual
- Photo ID Cards for State Civilian Employees at FTIG
- Political Activity
- Reporting Procedures for Workplace Violence
- Retired Guardsmen Involvement
- Notification of VIP Visits for FTIG and DMVA Organizations
- Overtime/Compensatory Leave Policy
- Work Schedule

Contact: Jeff Thomas (717) 861-8849

- Discrimination Complaint Process

Contact: Kristi Smith (717) 861-8796

- Employee Orientation Checklist
- Employee Orientation Checklist
- Review of Procedures for Responding to PHRC/EEOC Complaints
- Sexual Harassment: Your rights and responsibilities
- Work Rules/Standards of Conduct

Contact: Jeff Thomas (717) 861-8849

OTHER/GUIDANCE/INSTRUCTIONAL MANUALS:

- Personnel Manual
- DMVA Guide to Classification
- Employee Handbook
- Guide to Managing the Official Personnel Folder
- Leave Manual for the DMVA
- Employee Safety Handbook
- DMVA Guide for Controlling Sick Leave Abuse and Time and Attendance Problems
- PA Worker and Community Right to Know Training Booklet
- Partial and Full-Day Closings for State Employees at Ft. Indiantown Gap

- Training Guidelines Manual
 - Work-Related Disability Leave and Modified Light Duty Manual
- Contact: Jeff Thomas (717) 861-8849
- Equal Opportunity Plan
 - Contract Compliance Plan for DMVA
 - DMVA Workforce Profile 2003
 - Training Plan and Report
- Contact: Kristi Smith (717) 861-8796
- Organizational and Functional Statement for the DMVA
 - Index of Administrative Publications (contains classified information) Pamphlet 310-1
 - Military Publications Index of Blank Forms (contains classified information) Pamphlet 25-32
- Contact: Jeff Thomas (717) 861-8849
- Patient Care Policy Manual, Veterans' Homes
 - State Home Construction Grant Program
 - Veterans Administration Guidelines for State Veterans' Homes
- Contact: Cecil Hengeveld (717) 861-8903
- Adjutant General's Biennial Report
- Contact: LtCol Cleaver (717) 861-8468
- Directory of Agencies Providing Information to Veterans
 - PA Veterans' Memorial
 - Telephone Directory for Veterans Organizations
 - Scotland School's Admission Packet
- Contact: Cecil Hengeveld (717) 861-8903
- Hollidaysburg Veterans' Home
 - PA Soldiers' and Sailors' Home
 - Delaware Valley Veterans' Center
 - Northeastern Veterans' Center
 - Southeastern Veterans' Center
 - Southwestern Veterans' Center
- Contact: Cecil Hengeveld (717) 861-8903
- Standard Operating Procedure for Armory Rentals
- Contact: Duke Munford (717) 861-8580
- PA Air National Guard Fact Sheet
 - PA Army National Guard Fact Sheet
- Contact: LtCol Cleaver (717) 861-8468

PENNSYLVANIA BOARD OF PROBATION AND PAROLE

Publications available through the Pennsylvania Board of Probation and Parole

Parole in Pennsylvania Parole in Pennsylvania (Spanish version)

Pre-Parole Information Bulletin (for parolees)

Parole Plan Investigations (info for potential home plan provider with district-by-district domestic violence resources)

SAVE: Substance Abuse Violators Effort (general public)

SAVE: Substance Abuse Violators Effort (for parolees) County

SAVE: County Substance Abuse Violators Effort

Triennial Report: PA Board of Probation and Parole (FY1997-2000)

Biennial Report: PA Board of Probation and Parole (FY-2000-2002)

PENNSYLVANIA COMMISSION ON CRIME AND DELINQUENCY

Bureau of Training Services

- Constables' Training Bulletins, August 1994 to present.
- Deputy Sheriffs' Training Bulletins, April 1990 to present.
- Criteria for instructors as listed on constables' certification application.
- Constables' Education and Training Board (CETB) instructor information, produced solely for contractor schools.
- Code of Conduct for deputy sheriffs training, distributed by training contractor to trainees in each basic training and waiver class.
- DARE Officers Policy and Procedures Manual.

Office of Criminal Justice System Improvements

- U.S. Department of Justice, Bureau of Justice Assistance, "Byrne Formula Grant Program Guidance."
- U.S. Department of Justice Bureau of Justice Assistance, State and Local Assistance Division (SLAD) Information Memorandums.
- U.S. Department of Justice, Bureau of Justice Assistance, Fact Sheets.
- Drug Education and Law Enforcement Grant Program Guidelines and Application (Drug Abuse Resistance Education—D.A.R.E.—grants)

Office of Financial Management and Administration

- PCCD Applicant's Manual on PCCD website, revised May 2001.
- U.S. Department of Justice, Office of Justice Programs, Office of the Comptroller, Financial Guide.
- Commonwealth of Pennsylvania, Governor's Office, Management Directive 305.20, Grant Administration.
- Funding guidelines disseminated as needed by various divisions.
- PCCD Grant Procedures Manual, June 2001.

Office of Juvenile Justice and Delinquency Prevention

Funding announcements that provide guidelines and requirements for applicants:

- Post Traumatic Stress Disorder (PTSD)/Gender Specific Services Coordinator Positions, March 14, 2003.
- Prevention and Intervention for Juvenile Offenders, April 29, 2002.
- System Planning, Coordination and Enhancement, April 29, 2002.
- Juvenile Prosecution and Defense Capacity Building, April 15, 2002.
- Gender Specific Services Funding, February 19, 2002.
- Research -Based Delinquency and Violence Prevention Program Funding, February 19, 2002.
- Nurse Family Partnership Program Funding, February 19, 2002.
- Juvenile Prosecution and Defense Capacity Building, Dec. 12, 2003.
- Juvenile Accountability and Incentive Block Grant (JAIBG), Oct. 1, 2003.
- JJDP Category 3 Research-Based Funding Announcement, Sept.8, 2003.
- Post Traumatic Stress Disorder (PTSD)/Gender Specific Services Coordinator, Dec. 22, 2003.
- State Partnership and federal Title V Funding, June 18, 2004.

Center for Research, Evaluation and Statistical Analysis

- Funding guidelines for research/evaluation projects, April 15, 2004.

Office of Victims' Services**Victims Compensation**

- Victims Compensation Claim Form. (Standard)
- Victims Compensation Claim Form. (One Page)
- Claim Form Instruction Booklet.
- Financial Assistance for Victims of Crime pamphlet.
- Compensation Resource Guide for Victim Service and Allied Professionals brochure.
- Rights and Services Available to Victims of Crime in PA booklet.
- Victim Advocate Manual—revised February 27, 2003.
- Victims Compensation Assistance Program Procedure Manual.
- Victims Compensation Assistance Program Standard Operating Guidelines.
- Annual Report for FY 2002-2003.
- Compensation Fact Sheet—Information for Law Enforcement.
- Compensation Instruction Sheets: Counseling Claims; Crime-Scene Cleanup Claims; Death Claims and Funeral Expenses; Loss of Earnings Claims; Loss of Support Claims; Motor Vehicle Related Claims; Personal Injury Claims; Relocation Expense Claims; and Stolen Benefit Cash Claims.

Victims Services

- Local Policy Board Requirements, revised December, 2001.
- Federal STOP Funding Guidelines relating to domestic violence.
- STOP Funding Announcement, revised February 2004.
- Rights and Services Act (RASA) Funding Announcement, revised June 2004.
- State Victim/Witness Standards and Procedures Manual, April 1999.
- Victims of Juvenile Offenders (VOJO) Standards and Procedures, effective December 2000.
- VOJO Funding Announcement, revised June, 2004.
- Comprehensive Victim Service Center Standards, Revised February 2001.
- Monitoring tools for Drug Control and System Improvement (DCSI), VOJO, revised July 2001; RASA, revised June 2001; Victims of Crime Act (VOCA), revised April 2001.
- Subgrantees' Training Guide published by U.S. Department of Justice, Office of Victims of Crime, September 1999.
- Concept paper formats.
- VOCA Funding Announcement January, 2004.

Pennsylvania Weed and Seed Program

- Operations Manual, current for 2003-2004.

PENNSYLVANIA HOUSING FINANCE AGENCY**POLICY STATEMENTS****Rental Housing Program**

12 PA. Code, Section 31.11-31.25

Contact: William Koons (717-780-3882)

Owner-Occupied Residential Housing Program

12 PA. Code, Section 31.101-31.105

Contact: Donald Plunkett (717-780-3871)

Programs Generally

12 PA. Code, Section 31.111-31.117

Contact: Donald Plunkett (717-780-3871)

Policy Statement on Homeowners' Emergency Mortgage Assistance Program (including Program Guidelines, Act 91 Notice, and list of counseling agencies)

12 PA. Code, Section 31.201 et. seq.

Contact: Daryl Rotz (717-780-3922)

GUIDANCE MANUALS**Development Division**

PHFA Multifamily Housing Application and Guidelines (contains PennHOMES, Taxable and Tax-Exempt Financing and Low Income Housing Tax Credit Guidelines)

PHFA Preprocessing Manual for Projects with Agency Federal HOME Funds

PHFA Preprocessing Manual for Projects with Agency Reserve Funds

Contact: Kristina Avery (717-780-3876)

Technical Services Division

Architectural Submission Guide

Submission Guide for Small Projects

PHFA Preconstruction Meeting Guide

General Payout Procedures for Mortgagees & Contractors

Contact: Dottie Shipley (717-780-3860)

Housing Management Division

PHFA Policies, Procedures and Compliance Manual (PennHOMES Program)

PHFA Management Office Policies and Procedures Manual-Section 8 New Construction and Substantial Rehabilitation Programs

PHFA Low-Income Housing Tax Credit Compliance Manual

Contact: Donna Farnham (717-780-3814)

PHFA PennHOMES Financial Reporting Manual

Contact: Maggie McCutcheon (717-780-3819)

Housing Services Division

Seniors Supportive Services Program Operating Manual

Family Supportive Services Program Manual

Contact: Sandy Klunk (717-780-3874)

Single Family Housing Division

PHFA Seller's Guide

HOMESTEAD Program Guidelines

Individual On-Lot Sewage Disposal System Loan Program Guidelines

PHFA Servicing Manual

Contact: Donald Plunkett (717-780-3871)

INTERNAL GUIDELINES

Homeowners' Emergency Mortgage Assistance Program Policies and Procedures

Contact: Daryl Rotz (717-780-3922)

PHFA Board Minutes and Resolutions

PHFA Employee Manual

Bylaws of the Pennsylvania Housing Finance Agency

PHFA Right To Know Act Policy

Contact: Carrie Barnes (717-780-3846)

OTHER

PHFA Annual Report

Pennsylvania Housing Study (available only on website at www.phfa.org)

Inventory of Assisted Rental Housing

Funding Affordable Housing (resource guide)

PHFA Homebuyer Workbook

Doable Renewable Home (Accessibility Workbook)

Report on the Economic Benefits of Affordable Housing Development in Pennsylvania

Report on the Use of Act 137—Implementation of Pennsylvania's County Housing Trust Fund Legislation

PHFA Possibilities (newsletter)

PHFA Service Connections (supportive services newsletter)

Answers to Common Questions about the Homeowners' Emergency Mortgage Assistance Loan Program (fact sheet)

Home Equity Conversion Mortgage Lenders List (reference sheet)

List of Counseling Agencies for Mortgage Bankers and Brokers and Consumer Equity Protection Act (Act 55 of 2001)

Contact: Paula Brightbill (717-780-3915)

PHFA Brochures

Programs of the Pennsylvania Housing Finance Agency

Keystone Home Loan Program (English & Spanish)

Keystone Home Loan PLUS Program (English and Spanish)

Homeownership Opportunities for Persons with Disabilities

Important Information About the Federal Recapture Tax

Home Energy Efficiency and Home Buying

Homeowners' Emergency Mortgage Assistance Program (English & Spanish)

Future Homebuyer Education

Homebuyer Tips

Housing Services

PennHOMES Multifamily Rental Development Funding Program

Business Opportunities with the Pennsylvania Housing Finance Agency
Tax Credit Program
Contact: Paula Brightbill (717-780-3915)

Additional information is available on PHFA's website (www.phfa.org) from time to time (including funding notices, Requests for Proposals, and news and public notices)

PENNSYLVANIA INFRASTRUCTURE INVESTMENT AUTHORITY—PENNVEST

Guidelines:

- PENNVEST: Financing Clean Water for Pennsylvania, 2004.
- On-Lot Sewage Disposal System for the Individual Homeowner Funding Program January 2004.
- A Water, Sewer and Stormwater Utility's Guide to Financial and Technical Assistance Program, January 2003.
- PENNVEST Annual Report, November 2003.
- Liquid Assets/ Newsletter; Spring '04 & Fall '03
- PENNVEST—How to Apply—June 2004
- PENNVEST ON-LINE—2003
 - Mission
 - PENNVEST Process
 - How to Apply
 - Loan Calculator
 - Cap Rates by County
 - Guide to Uniform Environmental Review Process
 - Single Audit Process Pamphlet
 - Continuing Education Guidelines & Forms
 - Frequently Asked Questions
 - Legislation & Regulations
 - Financial Assistance Simulator
 - Compare Subsidy Calculator
 - Utility Guide

Contact: Lou Ann Buffington (717) 787-8138.

Public Procedure:

- PENNVEST Right to Know Policy
- Contact: Elaine Keisling (717) 783-4494.

Internet Policy:

- PENNVEST Privacy Policy
 - PENNVEST Site Security
- Contact: Laura A. Lewis (717) 783-4491.

**PUBLIC SCHOOL EMPLOYEES' RETIREMENT SYSTEM
PENNSYLVANIA MUNICIPAL RETIREMENT SYSTEM**

Public School Employees' Retirement System

POLICY STATEMENTS (BENEFITS):

Paying of Benefits when PSERS has been Notified of Pending or Completed Divorce Action
Purchase of Service Waiving of Payroll Deductions
Paying Death Benefits when Ex-Spouse is Last Named Beneficiary
Contested Death Benefits
Maternity Leave of Absence
Elimination of Frozen Present Value
Crediting Service For Lockouts
Method of Payment For Purchase of Service
Return to School Service for an Emergency Annuitant
Direct Rollover Limitations
Overpayments and Direct Rollovers
Alternate Retirement Dates and Termination Date
Special Retirement Incentive 30-Year Window
Inactive Interest
Employment and Income Restrictions for Disability Annuitants
Interpretation of Declaration of Intent to Retire Under Mellow
Multiple Service Election
Leaving Service Before Age 62 With Less Than Ten Years of Service
Converting Hours to Days
Crediting Purchases of Service during a Non-Qualifying Year
Definition of "School Year"
Rate of Contribution
Paying Death Benefits and Collecting Overpayments from Deceased Members' Accounts
Activated Military Leave (Approved Military Leave of Absence)
Paying Death Benefits and Collecting Overpayments from Deceased Members' Accounts
Cadet Nurse Service

Birthday Rule for Determining Eligibility for Retirement Benefits
 Designation of Primary and Contingent Alternate Payees in an Approved Domestic Relations Order

- Processing Faxed Documents
- Contested Death Benefits
- Purchase of Service Payment Plan
- Purchase of Previous Non-Qualifying School Service
- Worker's Compensation Offset Under Act 57

Contact: Evelyn Tatkovski (717) 720-4734

GUIDANCE MANUALS:

PSERS Active Member Handbook (Current Ed. 2002)

PSERS Retired Member Handbook (Current Ed. 2000)

PSERS Update

PSERS Pamphlets:

- Let's Talk About: Leaving Employment & Your PSERS Benefits
 - Let's Talk About: Taxes on Your Retirement Benefits
 - Let's Talk About: Disability Retirement Benefits
 - Let's Talk About: Being Retired
 - Let's Talk About: Your Retirement Benefit and Divorce
 - Let's Talk About: Death Benefits During Employment
 - Let's Talk About: Death Benefits During Retirement
 - Let's Talk About: Purchasing Credit for Service
 - Sample Domestic Relations Order and Instruction Memo
 - PSERS Retirement Chalkboard (Active Members Newsletter)
 - PSERS Benefits Hotline (Retired Members Newsletter)
 - The Employer Bulletin
 - PSERS Employer Reference Manual
- Contact: Evelyn Tatkovski (717) 720-4734

DECISIONS:

- PSERS Board of Trustees Adjudications Topics:
 - Accelerated Option
 - Act 1991-23 ("Mellow Bill")
 - Beneficiary Change
 - Change Employment Status
 - Change of Option
 - Change Retirement Date
 - Class T-D Election
 - Cost of Living Increase
 - Credited Years of Service
 - Death Benefit
 - Disability
 - Divorce Effective
 - Date of Retirement
 - Final Average Salary
 - Frozen Present Value
 - Forced Maternity Leave
 - Full-Year Service
 - Health Care Premium Assistance
 - Mandatory Membership
 - Membership Eligibility
 - Merchant Marine
 - Military Service (purchase of)
 - Multiple Service Credit
 - Overpayment
 - Payment of Interest
 - Pension Forfeiture
 - Purchase of Service
 - Recalculation of Benefit
 - Reinstatement
 - Retirement-Covered Compensation
 - Tax Collector
 - Miscellaneous
- Contact: Evelyn Tatkovski (717) 720-4734

INTERNAL POLICY STATEMENTS and GUIDELINES:

- PSERS Board Automation Policy
- PSERS Bylaws
- PSERS External Board Appointment and Attendance Policy
- PSERS Election Procedures and Guidelines
- PSERS Domestic Proxy Voting Guidelines
- PSERS ISS Domestic Proxy Voting Guidelines Summary

- PSERS International Proxy Voting Guidelines
- PSERS ISS International Proxy Voting Guidelines Summary
- PSERS Investment Policy Guidelines
- PSERS Public Information Policy
- PSERS Securities Litigation Policy
- PSERS Travel and Education Policy

Contact: Evelyn Tatkovski (717) 720-4734

OTHER:

- PSERS Website: www.psers.state.pa.us
- PSERS Comprehensive Annual Financial Report (Includes Mission Statement)
- PSERS Board Minutes and Resolutions
- PSERS Asset Allocation Plan
- Actuarial Report (annual and 5 year)
- Actuarial Tables and Computational Procedures, Pa. Bulletin, Vol. 31, No. 14, pp. 1930-1945, April 7, 2001
- Health Options Program Enrollment Package

Contact: Evelyn Tatkovski (717) 720-4734

Pennsylvania Municipal Retirement System

POLICY STATEMENTS:

- Calculation of Withdrawing Plan's Portion of Retired Member's Reserve
- Allocation of Excess Interest to Municipal Account, Member's Accounts, and Retired Member's Reserve Accounts
- Portability: Individual Member
- Portability: Plan Spin-offs
- Business and Educational Travel Policy
- Y2K Statement
- Return to Work Policy Statement
- Actuarial Tables
- Disposition of Surplus Equipment
- Public Information
- PMRS Indemnification
- Permanent Employee

Contact: James B. Allen (717) 787-2065

GUIDANCE MANUALS:

- PMRS Notes & News
- PMRS Pamphlets:
 - Plan Benefit Summary (individualized for each municipality)
 - Evaluating Your Pension Plan
 - Pennsylvania Municipal Retirement System
- Individual Municipality Plan Benefit Agreements
- PMRS Procedures Manual (1984)

Contact: James B. Allen (717) 787-2065

DECISIONS:

- PMRS Board of Trustees Adjudications Topics:
 - Death Benefit
 - Pension Forfeitures
 - Purchase of Service
 - Vesting
 - Disabilities
 - Miscellaneous

Contact: James B. Allen (717) 787-2065

INTERNAL GUIDELINES:

- PMRS Investment Guidelines and Proxy Voting
- Investment Consultant Quarterly Reports
- Comprehensive Annual Financial Report
- Annual Report Summary
- Actuarial Reports (Annual Evaluation and 5 year Experience Study Report)
- Actuarial Tables
- Sample Domestic Relations Order and Instruction Memo
- PMRS Board Minutes and Resolutions
- PMRS Policy on Public Information

Contact: James B. Allen (717) 787-2065

PUBLIC WELFARE

(Editor's Note: Statements of Policy are in upper and lower case. Notices of Rule Change are in all capitals. Notices of Rule Change adopted more than 180 days before deposit are starred (*).

Office of Income Maintenance—Contact: Edward J. Zogby (717) 787-4081

POLICY STATEMENTS:

<i>Year</i>	<i>Code Citation</i>	<i>Subject</i>	<i>Date Issued</i>	<i>Bulletin Number</i>
1983	Ch. 166	Computation of CWEP Hrs.	10/25/83	166-83-57
	Ch. 275	Postmark Date as the Receipt Indicator for Appeals and for Requests for Reconsideration	03/15/84	275-84-10
1984	Ch. 297	Change in Reimbursement Policy for AFDC/SSI	03/15/84	297-84-1
1991	*CH. 140	MANDATORY CONTINUATION OF MA THROUGHOUT PREGNANCY AND POSTPARTUM PERIOD	08/20/91	0140-91-01
1993	*CH. 166	PROVIDING SUPPORTIVE SERVICES TO PARTICIPANTS IN THE COMMUNITY WORK EXPERIENCE PROGRAM	08/21/93	166-93-01
1994	*CH. 257	REVISIONS TO 55 PA. CODE CHAPTER 177 (RESOURCES) AND 257 (REIMBURSEMENT)	06/24/94	257-94-01
1995	*CH. 257	MA ESTATE RECOVERY—CHAPTER 178—MEDICAL ASSISTANCE RESOURCES; CHAPTER 257—REIMBURSEMENT	06/01/95	257-95-01
1996	CH. 125	ACT 1995-20 PROVISIONS RELATING TO PERSONS SENTENCED OR CHARGED FOR A FELONY OR MISDEMEANOR	04/05/96	125-96-01
2000	CH. 187	REVISION TO CHAPTER 187, SUPPORT FROM RELATIVES NOT LIVING WITH THE CLIENT, TO SUPPORT IMPLEMENTATION OF THE FAMILY VIOLENCE OPTION	06/10/00	187-00-01
	CH. 285	INCREASES IN PAYMENT FOR BURIAL AND/OR CREMATION AND MAXIMUM AMOUNT OF EXCLUDED CONTRIBUTIONS	06/10/00	285-00-01

GUIDANCE MANUALS:

- Cash Assistance Handbook
- Food Stamp Handbook
- Medical Assistance Eligibility Handbook
- Nursing Care Handbook
- Supplemental Handbook
- Medicaid in Pennsylvania
- Low-Income Home Energy Assistance Program Final State Plan
- Actions for Support
- TANF State Plan

Office of Medical Assistance—Contact: Donald Yearsley (717) 772-6341**POLICY STATEMENTS:**

<i>Year</i>	<i>Code Citation</i>	<i>Subject</i>	<i>Date Issued</i>	<i>Bulletin Number</i>
1981	Ch. 1251	Clarification of M.A. Bulletin # 22-80-01	08/19/81	22-81-01
	Ch. 1121	Info. Concerning Claims Submitted as Compounded Prescriptions	06/30/82	19-82-02
1984	Ch. 1101	Third Party Resource and Copay	11/01/84	99-84-15
1985	Ch. 1141	Decision Concerning Prof. Component Billing	01/25/85	01-85-01
	Ch. 1141	Physician Assistant Use	04/22/85	01-85-05
	Ch. 1245, 1163	Ambulance Transportation	04/22/85	11-85-08
	Ch. 1163	Psych. Inpatient Adm of Patients with D/A and Psychiatric Diagnoses	05/31/85	13-85-04
	Ch. 1101	Copayments/Guidelines/ Exemption for Pregnancy & Ability to Pay	10/17/85	99-85-12
	Ch. 1153	Requirements for Treatment Plans & Doc. of Treatment	10/31/85	29-85-01 33-85-02
	Ch. 1149	Clarification of Treatment Plan Requirements for Orthodontists	02/11/86	03-86-1
	Ch. 1163 Ch. 1151	Offset of Investment Income	02/21/86	11-86-04 12-86-02 13-86-01
1986	Ch. 1101.75 (a)(5)	Policy Clarification	07/23/86	19-86-06
	Ch. 1101	Policy Clarification Re: Provider's Signature	09/19/86	99-86-06
	Ch. 1101	Professional License No.	10/13/86	11-86-12 12-86-05
	Ch. 1101	Preclusion of Convicted Persons, Not Providers, from Participation or Involvement in the MA Program	10/24/86	99-86-09
	Ch. 1123	Durable Medical Equipment Warranties	10/28/86	05-86-02 19-86-07
	Ch. 1101	Records Maintenance and Avail. Requirements	11/05/86	23-86-02
1987	Ch. 1101	Physicians' Response. Home Health Services	01/12/87	01-87-01
	Ch. 1223	Letter of Agreement—D&A Single County Authorities	01/23/87	11-87-01 12-87-01 13-87-01
	Ch. 1223	Contractual Agreement Single County Authority	02/12/87	28-87-01

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<i>Year</i>	<i>Code Citation</i>	<i>Subject</i>	<i>Date Issued</i>	<i>Bulletin Number</i>
	Ch. 1149	Palliative Emerg. Treat.	04/24/87	03-87-02 27-87-01
	Ch. 1101	Records Maint. and Avail. Require. for Chiropractors	04/27/87	07-87-01
	Ch. 1249	Reimbursement—Home Health Services in PCH	05/22/87	23-87-01
	Ch. 1101	Professional Lic. No.	06/10/87	10-87-01
	Ch. 1223	Nonrecompensable Services Drug Screens	07/29/87	11-87-05 12-87-04 16-87-01 28-87-02
	Ch. 1101/ Ch. 1123	Coverage for Motorized Wheelchairs	07/30/87	05-87-02 01-87-08 19-87-06
	Ch. 1101	Policy Relating to Apnea Monitors	09/02/87	01-87-15 05-87-04 19-87-09
	Ch. 1150	Spec. Enroll. Req. to Bill Tech. Comp. of Ped. Pneumograms	10/07/87	05-87-05 19-87-10
1988	Ch. 1101	Policy Clarification Regarding Physician License	07/01/88	1101-88-01
	Ch. 1249	Clarification of Condition Under Which MA Recipients Are Considered Homebound	09/26/88	1249-88-01
1989	Ch. 1101	Policy Reminder Regarding Practitioner License Requirements	09/09/89	1101-89-02
	Ch. 1163	Assignment of DRG (Neonate)	11/18/89	1163-89-01
1990	Ch. 1150	Payment Policy for Consultations	04/27/90	1150-90-01
	Ch. 1249	Use of Medicare Form HCFA-485	06/08/90	1249-90-01
1991	*CH. 1101 CH. 1121 CH. 1123 CH. 1241	EPSDT—OBRA '89	08/02/91	1101-91-01 1121-91-02 1123-91-01 1241-91-01
1992	*CH. 1141 *CH. 1153	CLOZAPINE SUPPORT SERVICES	01/31/92	1141-92-01 1153-92-01
	Ch. 1241	Revised EPSDT Immunization Guidelines	12/11/92	1241-92-01
1993	*CH. 1165	PAYMENT FOR MENTAL HEALTH SERVICES PROVIDED IN A RESIDENTIAL TREATMENT FACILITY FOR ELIGIBLE INDIVIDUALS UNDER 21 YEARS OF AGE	01/01/93	1165-93-01
	*CH. 1121	CHANGES IN THE MEDICAL ASSISTANCE PHARMACEUTICAL BENEFITS	07/09/93	1121-93-01
	*CH. 1149	DENTAL SERVICES FOR ADULTS	07/09/93	1149-93-01

<i>Year</i>	<i>Code Citation</i>	<i>Subject</i>	<i>Date Issued</i>	<i>Bulletin Number</i>
	*CH. 1101	BASIC HEALTH CARE FOR ADULT GENERAL ASSISTANCE RECIPIENTS (FELIX ET. AL. V. CASEY ET. AL.) STIPULATION OF SETTLEMENT	07/21/93	1101-93-03
	*CH. 1101	UPDATE TO EXCEPTIONS PROCESS AND CRITERIA UNDER THE GENERAL ASSISTANCE BASIC HEALTH CARE PACKAGE	07/21/93	1101-93-04
	Ch. 1241	Centers for Disease Control Blood Lead Testing	09/03/93	1241-93-01
	Ch. 1101	Business Arrangements Between Nursing Facilities and Pharmacy Providers	10/08/93	1101-93-05
1994	Ch. 1241	Update to Blood Lead Testing Guidelines	04/08/94	1241-94-01
	*CH. 1239	M.A. CASE MANAGEMENT SERVICES FOR RECIPIENTS UNDER THE AGE OF 21	05/17/94	1239-91-01
	*CH. 1121	PHARMACEUTICAL SERVICES DRUG COVERAGE FOR MEDICALLY NEEDY IN NURSING FACILITIES	06/24/94	1121-94-01
	*CH. 1249	PRIOR AUTHORIZATION OF HOME HEALTH SERVICES (REVISED)	07/01/94	1249-94-02
	*CH. 1121	PHARMACEUTICAL SERVICES PRIOR AUTHORIZATION REQUIREMENT MULTISOURCE BRAND NAME DRUGS	08/26/94	1121-94-02
	*CH. 1121 CH. 1126 CH. 1129 CH. 1141 CH. 1163 CH. 1221 CH. 1225 CH. 1242	TREATMENT OF INFERTILITY— DISCONTINUED COVERAGE FOR DRUGS AND RELATED SERVICES	08/30/94	1121-94-03 1126-94-01 1129-94-01 1141-94-01 1163-94-01 1221-94-01 1125-94-01 1242-94-01
	*CH. 1101	GENERAL ASSISTANCE RESTRUCTURE AS A RESULT OF ACT 49	09/02/94	1101-94-01
1995	CH. 1153	ACCESSING OUTPATIENT WRAPAROUND MENTAL HEALTH SERVICES	09/08/95	1153-95-01
	CH. 1157	MENTAL HEALTH SERVICES PROVIDED IN NON-JCAHO	09/08/95	1157-95-01
	CH. 1165	UPDATE-JCAHO-ACCREDITED RTF SERVICES	09/08/95	1165-95-01
	*CH. 1153	PRIOR AUTHORIZATION OF PARTIAL HOSPITALIZATION	12/30/94	1153-95-01
	CH. 1163	PAYMENT POLICY FOR ABORTION SERVICES	12/15/95	1163-95-02
1996	CH. 1101	LIMITS ON OFFICE VISITS UNDER THE GENERAL ASSISTANCE (GA) BASIC HEALTH CARE PACKAGE	03/18/96	1101-96-01
	Ch. 1101	Medical Assistance Deductible	09/20/96	1101-96-02

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<i>Year</i>	<i>Code Citation</i>	<i>Subject</i>	<i>Date Issued</i>	<i>Bulletin Number</i>
1997	Ch. 1141	Revision to Physician Assistant and Nurse Midwife Supervision Requirement	07/30/97	1141-97-01
1998	Ch. 1101 Ch. 1141 Ch. 1150 Ch. 1221	Regulation Changes Regarding "Emergency Medical Condition"	07/01/98	1101-98-01 1141-98-01 1150-98-01 1221-98-01
	Ch. 1163	Revision of Utilization Guidelines for Inpatient Hospital Drug and Alcohol Services Under the Medical Assistance Program	05/18/98	1163-98-01
1999	Ch. 1187	Capital Component Payments for Post-Moratorium Beds	04/17/99	1187-99-01
	Ch. 1101	"Payment in Full"	09/17/99	99-99-06
2001	Ch. 1101	Clarification of Coverage for Motorized Wheelchairs and Other Durable Medical Equipment	02/16/01	01-01-02 05-01-01 17-01-01 19-01-02 49-01-02 50-01-01 1101-01-01 1123-01-01
	Ch. 1241	Revision to the Early and Periodic Screening, Diagnosis and Treatment (EPSDT) Program	7/1/01	01-01-10 10-01-03 11-01-05 17-01-04 26-01-03 49-01-07
		Breast and Cervical Cancer Prevention and Treatment Program	12/26/01	99-01-12
2002	Ch. 1223	Drug and Alcohol Clinics with Provisional Licenses	10/26/02	28-02-02
	Ch. 1241	Revision to the Early and Periodic Screening, Diagnosis and Treatment (EPSDT) Program	1/22/02	01-02-01 10-02-01 11-02-01 17-02-01 26-02-01 49-02-01
		Breast and Cervical Cancer Prevention and Treatment Program	5/3/02	99-02-06
	Ch. 1241	Addition of Procedure Code 90732 to Medical Assistance Fee Schedule for Administration of Pneumococcal Vaccine	11/18/02	01-02-13 10-02-04 11-02-06 17-02-07 26-02-04 49-02-06
2003	Ch. 1241	2003 Recommended Childhood Immunization Schedule	3/31/03	01-03-04 10-03-01 11-03-01 17-03-01 26-03-01 49-03-01

<i>Year</i>	<i>Code Citation</i>	<i>Subject</i>	<i>Date Issued</i>	<i>Bulletin Number</i>
	Ch. 1241	Coverage of Pediarix and Addition of Procedure Code 90723 to Medical Assistance Fee Schedule for Administration of Pediarix Vaccine	5/15/03	01-03-06 10-03-02 11-03-02 17-03-03 26-03-02 49-03-03
	Ch. 1241	Elimination of the Pennsylvania Children's Check-up (EPSDT) Form (MA-517)	9/5/03	01-03-08 10-03-03 11-03-05 17-03-04 26-03-03 49-03-05
	Ch. 1223	Elimination of the Requirement for the Outpatient Drug and Alcohol Clinic's Supervisory Physician to Perform a Comprehensive Medical Examination Within 15 days following the Intake and Before the Provision of Treatment	10/1/03	28-03-02
	Ch. 1101	Liability for Cost Sharing for Recipients Enrolled in Medical Assistance through Fee for Service or Managed Care and a Private Third Party Insurer	9/1/03	99-03-12
		Continuity of Care for Recipients Transferring Between and Among Fee for Service and Managed Care Organizations	9/1/03	99-03-13
2004	Ch. 1223	Methadone Take-Home Services	2/1/04	28-04-01

GUIDANCE MANUALS:

- Provider Handbook 01—Physician
- Provider Handbook 03—Dentist
- Provider Handbook 04—Podiatrist
- Provider Handbook 05—Medical Supplier
- Provider Handbook 06/08—Short Procedure Unit/Ambulatory Surgical Center
- Provider Handbook 07—Chiropractor
- Provider Handbook 09—Birth Centers
- Provider Handbook 10-I—Independent Medical/Surgical Clinic
- Provider Handbook 11-I—Inpatient Hospital (Encompasses provider types General Hospital, Rehabilitation Hospital, Private Mental Hospital, State Mental Hospital and Extended Acute Psychiatric Care)
- Provider Handbook 11-O—Outpatient Hospital (Encompasses provider types General Hospital, and Rehabilitation Hospital)
- Provider Handbook 15—Optometrist
- Provider Handbook 16—Independent Laboratory
- Provider Handbook 18—Ambulance Company
- Provider Handbook 19—Pharmacy
- Provider Handbook 20—Portable X-Ray Provider
- Provider Handbook 21—Renal Dialysis Center
- Provider Handbook 22—Funeral Director
- Provider Handbook 23—Home Health Agency
- Provider Handbook 26—Rural Health Clinic
- Provider Handbook 28—Drug and Alcohol Clinic
- Provider Handbook 29—Outpatient Psychiatric Clinic
- Provider Handbook 30—Family Planning Clinic
- Provider Handbook 31—Midwives
- Provider Handbook 33—Psychiatric Partial Hospitalization Facility
- Provider Handbook 36L—Nursing Facility Services only applies to County Nursing Facilities and Private Nursing Facilities. Nursing facility case mix regulations implemented in 1996 (Pa. Code Chapter 1187) do not encompass provider types State Mental Retardation Center, Private ICF/MR, or State Restoration Center
- Provider Handbook 37—Hospice
- Provider Handbook 41—Psychologist

- Provider Handbook 42—Comprehensive Outpatient Rehabilitation Facility
- Provider Handbook 43—Physical Therapist
- Provider Handbook 44—Certified RN Anesthetist
- Provider Handbook 49—Certified RN Practitioner
- Provider Handbook 50—Early Periodic Screening, Diagnosis and Treatment (EPSDT) Provider
- Provider Handbook 54—Nutritionist
- Provider Handbook 55—PA Department of Aging (PDA) Waiver
- Provider Handbook 59—COMMCARE Waiver

Office of Social Programs—Contact: David Kauffman (717) 705-7744

POLICY STATEMENTS:

<i>Year</i>	<i>Code Citation</i>	<i>Subject</i>	<i>Date Issued</i>	<i>Bulletin Number</i>
1993	Ch. 2620	Increase in Personal Needs Allowance for Residents of Personal Care Homes	08/16/93	2620-93-02
1998	Ch. 2620	Licensing Compliance Prediction System for the Personal Care Home Regulations	06/30/98	99-98-01
1999	Ch. 2620	Office of Social Programs Bulletin Clarifying Permissibility of Electronic Monitoring/Recording In Personal Care Homes	10/30/99	99/99/01
2000	Ch. 2620	Personal Care Home Planned, Intermittent, or Holiday Closures	03/01/00	99-00-01

GUIDANCE MANUALS:

Bureau of Home and Community Based Services

- Attendant Care Program Requirements
- Attendant Care Medicaid Waiver #0277
- Attendant Care Program Updates
- Community Services Program for Persons with Physical Disabilities (CSPPPD) Program Requirements—In Draft
- OBRA Medicaid Waiver #0235
- Independence Medicaid Waiver #0319
- COMMCARE Waiver #0386
- Community Services Program for Persons with Physical Disabilities Program Directives
- Interpretive Guidelines for Personal Care Home Regulations—Chapter 2620
- Operating A Personal Care Home
- Personal Care Home Administrator Training Requirements
- HCBS Management Directives

Bureau of Supportive Services

- Homeless Assistance Program—Instructions and Requirements
 - (Note: Revised/Reissued Annually)
- Human Services Development Fund—Instructions and Requirements
 - (Note: Revised/Reissued Annually)
- Human Services Development Fund (HSDF)—Instructions and Requirements Supplements:
 - Supplement A—Eligibility for Adult Services Funded Through the HSDF
 - Supplement B—Services Definitions—Adult Services
 - Supplement C—Services Definitions—Generic Services
- Medical Assistance Transportation Program—Instructions and Requirements (Note: Revised/Reissued Annually)

Office of Children, Youth & Families—Contact: Brian G. Kahler (717) 787-5199

POLICY STATEMENTS:

<i>Year</i>	<i>Code Citation</i>	<i>Subject</i>	<i>Date Issued</i>	<i>Bulletin Number</i>
1980	Ch. 3140	Funding of Basic Ed. Components of Private Day Treatment Center Programs	10/29/80	99-80-22
1981		OCYF Licensing Procedures: Clarification of Provider's Right to Appeal DPW Issuance of a Provisional Certification of Compliance	10/29/81	99-81-38
1983	Ch. 3130	Clarification of the Definition of "Accept for Service"	02/04/83	3130-83-03

<i>Year</i>	<i>Code Citation</i>	<i>Subject</i>	<i>Date Issued</i>	<i>Bulletin Number</i>
	Ch. 3700	Waiver for Foster Family Homes by Foster Family Care Agencies	02/04/83	3700-83-01
	Ch. 3130	Clarification of County C & Y Agency Requirements with Respect to Fee Setting	02/04/83	3130-83-04
	Ch. 3130	Participation on Agency Administrative Review Panel	02/04/83	3130-83-06
	Ch. 3130	Clarif. on Caseworker-to- Family Case Load Ratio & Case Management Functions	02/04/83	3130-83-07
	Ch. 3130	Case Management Responsibilities When a Report of Suspected Child Abuse is Received Involving a Case Already Accepted for Service	02/04/83	3130-83-01
	Ch. 3140	Clarif. of Adoption Asst. to Relatives in Adoption Cases	05/02/83	3140-83-07
	Ch. 3140	Responsibility of the Co. for Legal Representation for Children and Parents	06/10/83	3140-83-09
	Ch. 3140	Chapter 3140.22 Reimbursement Regulations Alternative Programs 3140.22(e)	02/04/83	3140-83-02
	Ch. 3140	Chapter 3140.22 Reimbursement Regulations Community Residential Service 3140.22(d)(3)	02/04/83	3140-83-03
	Ch. 3140	3130.64(b)(2), 3130.67(9), 3140.131(7), 3700.35(b)(1) Reimbursement to Parents for the Cost of Child Visits	08/15/83	3130-83-11 3140-83-13 3700-83-03
1984	Ch. 3140	Reimbursement Rates for Placements in VisionQuest Wilderness & Wagon Train Programs	01/12/84	3140-84-01
	Ch. 3001	Transmittal of Interdpt. Memo. on Nonimmunized Students Excluded from Attending School	07/08/84	99-84-13
	Ch. 3490	Release of Child Abuse Info. to the Media	08/15/84	99-84-20
	Ch. 3140	VisionQuest Policy	09/07/84	3140-84-05
1985	Ch. 3001.5	Unannounced Visits to Licensed & Approved Facilities/Agencies	08/20/85	99-85-18
	Ch. 3130	Interstate Compact on Juveniles	09/30/85	99-85-27
	Ch. 3490	Providing Copies of Child Abuse Reports to Subjects	11/20/85	99-85-28
1986	Ch. 3490	Law Enforcement Officials as Perpetrators of Suspected Child Abuse	07/15/86	3490-86-04
	Ch. 3490	Policy Clarifications Regarding Child Protective Services Law and Regulations as Related to Act 33	04/01/86	3490-86-02

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<i>Year</i>	<i>Code Citation</i>	<i>Subject</i>	<i>Date Issued</i>	<i>Bulletin Number</i>
	Ch. 3490	Policy Clarifications Regarding Child Protective Services Law and Regulations as Related to Act 33—Part II	06/16/86	3490-86-05
	Ch. 3490	Policy Clarifications Regarding Child Protective Services Law and Regulations as Related to Act 33—Part III	11/01/86	3490-86-08
	Ch. 3350	Screening Prospective Adoptive Parents Pursuant to Act 33 of 1985	09/02/86	3350-86-01
1987	Ch. 3490	Implementation of Child Protective Service Policies Relating to Alleged Medical Neglect of Disabled Infants	05/01/87	3490-87-01
	Ch. 3490	Sharing Child Abuse Info Among DPW Offices	09/01/87	3490-87-03
	Ch. 3490	Policy Clarification of the Child Protective Services Law and Regulations	06/01/87	3490-87-02
	Ch. 3140	Personal Incident Costs	10/01/87	3140-87-05
	Ch. 3140	OCYF Financial Participation in Costs of County Human Service Departments	08/31/87	3140-87-02
1988		Special Medical Assistance—Healthy Beginnings—for Pregnant Women and Qualified Children	11/02/88	99-88-08
	Ch. 3490	Screening Student Interns	05/88	3490-88-01
1989	Ch. 3350	Adoption Record Disclosure	06/06/89	3350-89-01
	Ch. 3130	Statements of Policy—Amendments to Chapter 3130 Due Process Protections for Parents and Children	10/10/89	3130-89-01
1991	Ch. 3130	Regulatory Interpretation Guidelines for Revisions to Chapter 3130		3130-91-03
1992	Ch. 3140	Title XX Invoicing Procedures for the Youth Development Centers and Youth Forestry Camps (YDCs/YFCs)	09/25/92	99-92-02
1994		Site Visits and Access to Records by PA Protection and Advocacy, Inc.	08/22/94	00-94-19
1995	Ch. 3270 Ch. 3280 Ch. 3290	Certified Childcare Professional Credential	11/01/95	3001-95-01
	Ch. 3490	Amendments to the Child Protective Services Law that Become Effective July 1, 1995	09/95	3490-95-02
1996	Ch. 3001	Day Care—Supervision of Children		3001-96-01
	Ch. 3001	Day Care—Posting DPW Inspection Summaries		3001-96-02
	Ch. 3001	Day Care—Inaccessibility of Above Ground Swimming Pools		3001-96-03

<i>Year</i>	<i>Code Citation</i>	<i>Subject</i>	<i>Date Issued</i>	<i>Bulletin Number</i>
	Ch. 3001	Day Care—Departmental Access to the Facility Premises		3001-96-04
	Ch. 3490	Certification and Training for Children and Youth Workers		3490-96-03
	00	Update of Policies and Procedures for Juveniles in Detention		00-96-03
	00	Maximization of the OCYF's Grant Funds		00-96-04
	00	Surveying and Evaluating Child Welfare Agencies Implementation and Compliance with MEPA		00-96-06
1997	Ch. 3001	Day Care—Exemption from Immunization Requirements	03/29/97	3001-97-01
	Ch. 3001	Day Care—Ground Surface Requirements	06/01/97	3001-97-02
	Ch. 3140	Availability of Federal Financial Participation For Profit Residential Child Care Facilities		3140-97-02
	Ch. 3140	AFCARS/SACWIS		3140-97-03
	Ch. 3140	Instructions—Random Moment Time Study	12/01/97	3140-97-11
		Access to Pennsylvania State Police Records	10/01/97	00-97-09
		Priority Placement Request Procedures for the Interstate Compact on the Placement of Children	12/01/97	00-97-12
1998	Ch. 3140	NMEPA 1994—Small Business	02/07/98	3140-98-03
		1997 Association of Juvenile Compact Administrators Rules and Regulations Amended Travel Permit	06/01/98	00-98-06
1999	Ch. 3001	Release of Children	09/07/99	3001-99-01
	Ch. 3140	Adoption Assistance Questions and Answers		3140-99-01
	Ch. 3490	Drug Convictions Prohibiting Hiring and Approving Foster/Adoptive Parent Applications	02/03/99	3490-99-01
	Ch. 3490	Implementation of Revisions to the Child Protective Services Law as Amended by Act 127 of 1998	10/01/99	3490-99-02
2000	Ch. 3140	YDC/YFC Interim Per Diem Rate	03/31/00	00-00-01
	Ch. 3140	TANF—Retroactive Eligibility Determinations	04/15/00	3140-00-01
	Ch. 3140	Invoicing Procedures—Child Welfare TANF	04/15/00	3140-00-03

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<i>Year</i>	<i>Code Citation</i>	<i>Subject</i>	<i>Date Issued</i>	<i>Bulletin Number</i>
	Ch. 3140	Needs-Based Instructions— FY 2001-02 Plan and FY 2000-01 Implementation Plan	05/09/00	3140-00-04
	Ch. 3140	Federal Financial Participation Rate Change for Title IV-E Placement Maintenance and Adoption Assistance Costs	12/29/00	00-00-05
	Ch. 3140	AFCARS Planning, Budgeting and Invoicing Procedures	08/15/00	3140-00-02
	Ch. 3140	Youth Development Centers/ Youth Forestry Camps—Interim Per Diem Rates	05/18/01	00-01-02
	Ch. 3270 Ch. 3280	Overpopulation of Indoor Child Care Space	06/01/00	3001-00-01
	Ch. 3490	Child Death Review and Report Protocols	10/10/00	3490-00-01
	Ch. 3490	Safety Assessment and Safety Planning Protocol and Format	11/13/00	3490-00-02
	Ch. 3800	Child Residential and Day Treatment Facilities Licensing Measurement Instrument Revisions	05/30/00	3800-00-01
2001	Ch. 3130	The Second Revised Interim Guidelines for the Adoption and and Safe Families Act of 1997	01/02/01	3130-01-01
	Ch. 3140	Youth Development Centers/ Youth Forestry Camps— Interim Per Diem Rates	5/18/01	00-01-02
	Ch. 3140	Revised Policies and Procedures: Title IV-E Placement Maintenance Eligibility and Reimbursability, Title IV-E Adoption Assistance Eligibility and Title XX Medicaid Eligibility	04/09/01	3140-01-01
	Ch. 3490	Revised Certification and Training Requirements for Children and Youth Supervisors	09/25/01	3490-01-02
2002	Ch. 3140	YDC/YFC Interim Per Diem Rates July 2002	05/18/01	00-02-02
	Ch. 3140	YDC/YFC Interim Per Diem Rates July 2003	05/18/01	00-02-05
	Ch. 3140	Children, Youth and Families Fiscal Year 2003-2004 Needs-Based Plan and Fiscal Year 2002-2003 Implementation Plan Instructions	07/01/02	3140-02-02
2003		Kinship Care Policy	06/30/03	00-03-03
		Megan's Law	04/13/03	00-03-02
	Ch. 3130	Permanent Legal Custodianship Policy	06/30/03	3130-03-01 3140-03-07

<i>Year</i>	<i>Code Citation</i>	<i>Subject</i>	<i>Date Issued</i>	<i>Bulletin Number</i>
	Ch. 3140	YDC/YFC Interim Per Diem Rates Effective July 1, 2004	06/30/03	00-03-05
	Ch. 3140	Act 148 Invoicing Procedures for County Child Welfare Service	07/01/03	3140-03-00
	Ch. 3140	Interstate Compact on Adoption and Medical Assistance	06/30/03	3140-03-02
	Ch. 3140	Children, Youth and Families Fiscal Year 2004-2005 Needs-Based Plan and Fiscal Year 2003-2004 Implementation Plan Instructions	07/01/03	3140-03-03
	Ch. 3140	Title IV-E Invoicing Procedures	07/01/03	3140-03-05
	Ch. 3350	Statewide Adoption Network Policies and Procedures	01/01/03	3350-03-01
	Ch. 3490	<i>A. Y. v. DPW</i> Allegheny County	03/10/03	3490-03-01
	Ch. 3490	Federal Criminal History Clearances for PA Residents	04/25/03	3490-03-02
	Ch. 3001	Emergency Plan	12/27/03	3001-03-01
2004	Ch. 3140	Approval/Licensing of Foster Family Homes	4/1/04	3140-04-02
	Ch. 3140	Child Welfare TANF Services Policies and Procedures	5/17/04	3140-04-06
	Ch. 3140	Independent Living	7/1/04	3140-01-04

GUIDANCE MANUALS:

- Clearance Statements for School Employees
- Office of Children, Youth and Families Bulletin Board System
- Education Portions of "Non-Educational" Residential Placements
- Federal Regulations Affecting Children's Eligibility for Supplemental Security Income (SSI) Benefits
- Children Living on Their Own: Referrals from School Districts
- Title IV-E Placement Maintenance and Adoption Assistance Invoicing
- Indirect Costs Guidelines for County Children and Youth Agencies
- Continuity of Health Care for Children in the Custody of County Children and Youth Agencies
- Revised Waiver Procedure for Regulations Governing Children and Youth Social Service Programs
- EPSDT Protocol for Children in Placement
- Consent to EPSDT Child Screening
- Medical Assistance for Children
- Planning Permanent Families for Children Residing in Mental Retardation Residential Facilities
- County Children and Youth Agency Responsibility for Juveniles in Police Custody
- Audit Clause Language for Use in All County Child Welfare Service Provider Contracts
- Interagency and Intergovernmental Agreements
- Coordination of Child Support Collections Between County Children and Youth Agencies and County Domestic Relations Sections
- County Claiming for Child Welfare Training Costs
- Title IV-D Collections/Title IV-E Invoicing
- Submission of Title IV-E Invoices and Quarterly Expenditure Reports
- COBRA (P. L. 99-272) Changes to Title IV-E Adoption Assistance and Placement Maintenance Costs Incident to Special Needs Adoption
- Early Intervention Services and Referrals by County Children and Youth Agencies for Handicapped or "At Risk" Preschool Children
- County Children and Youth Advisory Committee Guidelines
- Indirect Costs Under the County Costs Allocations Plan Guidelines
- Interstate Compact on the Placement of Children
- Reporting of Indirect Costs—County Children and Youth Services
- Interstate Compact on Juveniles
- Instruction for Completing the Revised Child Protective Services Investigation Report

- PA Adoption Cooperative Exchange Standard Operating Procedures Manual
- Jurisdiction of Office of Hearing and Appeals in Family Service Plans Cases
- Model Case Plan Forms and Instructions
- Application of Chapter 3700 Regulations When Relatives Provide Substitute Family Care
- Implementation of Allowable Costs for Title IV-E Placement Maintenance and Adoption Assistance Program
- Audit Requirements for the County Children and Youth Audit Reports
- Clarification of Eligibility Requirements Re: Adjudicated Delinquent Youth Under Title IV-E Placement Maintenance Program
- Notice of Right to Appeal for Spanish Speaking Clients
- Release of Inspection/Monitoring Reports
- Guidelines for Approving Foster Families to Have More than Six Children in a Home
- Local Management Agency Policy and Procedures Manual
- "Dear Contractor Letters"—a series of letters providing contract clarifications for subsidized child day care
- PA Standards for Child Welfare Practice
- Audit Requirements for the County Children and Youth Audit Reports
- Licensing Indicator System for Child Day Care Centers
- Licensing Indicator System for Group Day Care Homes
- Supervised Independent Living Guidelines
- 1999-2000 Title IV-E Independent Living Program Application Guidelines
- Policy Clarifications Regarding Child Protective Services Regulations as Related to Act 33
- Policy Clarifications Regarding Child Protective Services Regulations as Related to Act 33—Part II
- Policy Clarifications Regarding Child Protective Services Regulations as Related to Act 33—Part III
- Compliance with Conflict of Interest Provisions of Chapter 3680—Administration of Private Children and Youth Social Service Agencies
- Child Residential Facilities and Child Day Treatment Facilities Potential Training Sources
- Reporting Unusual Incidents at Facilities and Agencies Licensed or Approved by the Office of Children, Youth and Families—Chapter 3130
- Reporting Unusual Incidents at Facilities and Agencies Licensed or Approved by the Office of Children, Youth and Families—Chapter 3680
- Reporting Unusual Incidents at Facilities and Agencies Licensed or Approved by the Office of Children, Youth and Families—Chapter 3700
- Federal Criminal History Clearance of PA Residents
- Act 151 Amendments
- Revised Certification and Training Requirements for Children and Youth Services
- Medication Administration Training for Child Residential and Day Treatment Facilities
- HealthChoices Information Sharing Policies and Procedures
- Interim Policies and Procedures for Subsidized Permanent Legal Custodianship (SPLC)
- CYF Fiscal Year 02-03 Implementation Plan Instructions for FY 03-04 Needs-Based Plan and Budget
- Revised Policies and Procedures: Title IV-E Placement Maintenance Eligibility and Reimbursability, Title IV-E Adoption Assistance Eligibility and Title XIX Medicaid Eligibility
- Costs Incident to Special Needs Adoption
- Protocol for Sharing Drug & Alcohol Information
- County Children and Youth Risk Assessment Policies and Procedures

INTERNAL GUIDELINES:

- Application of Child Day Care Service Regulations 10/21/94, Class I Bulletin, 00-94-10
- Procedures for the Regulation of Child Day Care Facilities 2/13/95, Class I Bulletin, 00-95-03
- Waivers of Child Day Care Service Regulations 7/3/95, Class I Bulletin, 00-95-07
- Youth Development Center/Youth Forestry Camp Policy Manual
- Child Residential and Day Treatment Facilities Licensing Measurement Instrument Revisions
- Model Petitions and Court Orders
- Report on Recommended Best Practices for IV-E & TANF Programs
- Foster Care Visitation Manual
- Statewide Adoption Network (SWAN) Adoption Manual
- SWAN Adoption Technical Guide

Office of Mental Health and Substance Abuse Services/Mental Retardation—Contact: Amanda Lee (717) 772-7935

POLICY STATEMENTS:

<i>Year</i>	<i>Code Citation</i>	<i>Subject</i>	<i>Date Issued</i>	<i>Bulletin Number</i>
1981		Collecting of Tuition Expenses for School-Age Residents in MR & MH Residential Facilities	9/2/81	199-81-01
1982	Ch. 4000	Respon. for Collection of Tuition Exp. Under Act 199 of 1980 for Out-of-State Residents	03/17/82	199-82-01

<i>Year</i>	<i>Code Citation</i>	<i>Subject</i>	<i>Date Issued</i>	<i>Bulletin Number</i>
	Ch. 4000	Notice of Assessments (Joint MH/MR Bulletin)	04/16/82	99-82-15
1985	Ch. 4000	County Indirect Cost Allocation Plan Guideline Update—Maintenance In Lieu of Rent as a Direct Cost (Joint MH/MR Bulletin)	8/22/85	99-85-17
1986	Ch. 6000	Procedures for Review of Service Eligibility and Termination Decisions	01/17/86	99-86-01
1987	Ch. 4305	Community MH/MR Liability	05/21/87	4305-87-2
1988	Ch. 4305	Quarterly Liability Summaries	01/29/88	4305-88-01
2000		Guidelines for Identifying Persons with Mental Retardation and Mental Illness for State Mental Health Hospital Discharge	5/15/00	00-00-04
	Ch. 4300	The Roles and Responsibilities of County Mental Health/Mental Retardation Programs in the Development of a Child's Individual Education Program	10/04/00	OMHSAS- 00-04
2002		Coordination of treatment and support for people with a diagnosis of serious mental illness who also have a diagnosis of mental retardation		00-02-16

Office of Mental Health and Substance Abuse Services—Contact: Amanda Lee (717) 772-7935

POLICY STATEMENTS:

<i>Year</i>	<i>Code Citation</i>	<i>Subject</i>	<i>Date Issued</i>	<i>Bulletin Number</i>
1983	Ch. 5001	Expiration of 4th Provisional Cert. of Compliance	12/15/83	99-83-49
1984	Ch. 5250	Guidelines for Delivery of MH Forensic Svs. to Persons in Co. Jails & Persons on Prob. or Parole	08/27/84	99-84-38
1985	Ch. 4210	Readmission from Community Placement Within 30 Days of Discharge	05/30/85	99-85-21
	Ch. 5001	Administration of Psychotropic Medication to Protesting Patients	03/11/85	99-85-10
1986	Ch. 5001	Implementation of Act 33 of 1985	03/19/86	99-86-11
	Ch. 5100	Involuntary Outpatient Commitment	05/08/86	99-86-14
1987	Ch. 4210	Dis. Plan. Response. for SMH Child/Adolescent Program & County MH/MR Program	01/16/87	99-87-10
	Ch. 5100	Guidelines for Assessing & Documenting the Dangerousness of Mentally Ill Adults	01/16/87	99-87-07

NOTICES

4311

<i>Year</i>	<i>Code Citation</i>	<i>Subject</i>	<i>Date Issued</i>	<i>Bulletin Number</i>
	Ch. 5100	Not. of Grievance & Appeal Proc. Involuntary Outpatient Commitment	09/08/87	99-87-23
1993	Ch. 5221	Intensive Case Management Record Requirements	09/21/93	5221-93-01
1998		Reporting Requirements for services funded through county base and CHIPP funds.	02/17/98	OMH-98-01
	Ch. 5310	Licensing Compliance Prediction Instrument Application in the Licensing of Community Residential Rehabilitation Services	08/01/98	OMH-98-02
	Ch. 4300	Revised Procedure for Waiver of Office of Mental Health and Substance Abuse Services (OMHSAS) Program Regulations	10/01/99	OMHSAS-99-08
		<i>Emerich v. Philadelphia Center for Human Development</i> 720 A.2d 1032 (Pa. 1998) (Duty to Ward Third Parties—Tarasoff in Pennsylvania)	09/15/99	OMHSAS-99-09
2001		Nursing Home Reform Implementation	02/01/01	OMHSAS-01-01
	Ch. 13	Use of Restraints, Seclusion and Exclusion in State Mental Hospitals and Restoration Center	06/01/01	SMH-01-02
	Ch. 5100	Age of Consent for Voluntary Outpatient Mental Health Treatment	06/18/01	OMHSAS-01-04
		Accessibility of Community Mental Health and Substance Abuse Services For Persons Who are Deaf, Hard of Hearing, Late Deafened, or Deaf-Blind	10/01/01	OMHSAS 01-06
	Ch. 5100	Procedures for Client Rights, Grievances and Appeals	8/10/01	SMH-01-03
		Accessibility of State Mental Health Facilities for Persons who are Deaf, Hard of Hearing, or Deaf-Blind	6/18/01	SMH-01-01
2002	Ch. 5100	Interpretation of Pennsylvania Law Related to 402(b) Commitment	9/12/02	OMHSAS 02-04
		The Use of Seclusion and Restraint in Mental Health Facilities and Programs	04/08/02	OMHSAS 02-01
		Performance Expectations and Recommended Guidelines for the County Child and Adolescent Service System Program (CASSP)	06/06/02	OMHSAS-02-02
		Generic Drugs	4/1/02	SMH-02-01
2003	Ch. 4300	Cost Settlement Policy and Procedures for Community-Based Medicaid Initiatives	8/12/03	OMHSAS 03-02

GUIDANCE MANUALS:

- County Mental Health Plan Guidelines
- Community Mental Health Services Block Grant

Office of Mental Retardation—Contact: Mel Knowlton (717) 783-5764

POLICY STATEMENTS:

<i>Year</i>	<i>Code Citation</i>	<i>Subject</i>	<i>Date Issued</i>	<i>Bulletin Number</i>
1981	Ch. 6000	Policies and Procedures Governing Admissions, Commitment, Transfers, and Discharges at State-Operated Mental Retardation Facilities	12/01/81	99-81-51
1984	Ch. 6000	Therapeutic Leave Guidelines for 2176 Waiver Facilities & State/Non-State ICFs/MR	08/01/84	99-84-08
	Ch. 6000	Community Residential Program Slot & Funding Adjustment	12/27/84	99-84-20
	Ch. 6000	Supplement & Amendment to DPW Policy on Support Services for Persons with MR and Their Families	12/27/84	99-84-21
1987	Ch. 6000	Revised Fair Hearing Proc. Related to Services Under 2176 Waiver Program	06/10/87	99-87-08
	Ch. 6000	Doc. Requirements—Waiver Requests Increases for Workers' Comp. Costs	09/25/87	99-87-15
	Ch. 6000	Submission of Cost Reports (MA-11s) to OMR	10/09/87	99-87-16
	Ch. 6000	Conversion of Comm. Res. MR Facilities to ICF/MR	10/23/87	99-87-17
1988	Ch. 6000	Mandatory Child Abuse and Criminal History Clearances	05/31/88	6000-88-02
	Ch. 6000	Licensing Policy & Procedure Manual	08/30/88	6000-88-03
	Ch. 6000	Administration and Management of Client Funds	10/05/88	6000-88-08
1989	Ch. 6000	Guidelines for Enhancing and Conducting Direct and Independent Assessment	10/16/89	6000-89-01
	Ch. 6000	Abatement of Liability for Psychological Evaluations	9/14/89	00-89-17
1990	Ch. 6000	Provider Agreements Under the 2176 Waiver	09/18/90	6000-90-04
	Ch. 6000	Family-Driven Family Support Services	12/12/90	6000-90-01
	Ch. 6000	Support for Independent Living	12/12/90	6000-90-02
	Ch. 6000	Therapy and Other Specialized Services	12/18/90	6000-90-05
	Ch. 6000	Policy on Employment for Persons with Mental Retardation	12/26/90	6000-90-06

NOTICES

4313

<i>Year</i>	<i>Code Citation</i>	<i>Subject</i>	<i>Date Issued</i>	<i>Bulletin Number</i>
1991	Ch. 4000	Services for Children in Foster Family Care Who Are Placed Out-of-County	11/22/91	4000-91-01
1994	Ch. 6000	Closure of Admissions of Children to State-Operated Intermediate Care Facilities for the Mentally Retarded	12/14/94	SC-94-01
1996	Ch. 6000	Criteria for Approval of New Intermediate Care Facilities for People with Mental Retardation	04/06/96	6000-96-01
	Ch. 6000	Procedures for Funding Reserved Hospital and Leave Days Under 2176 Waiver	04/15/96	6000-96-02
1998	Ch. 6000	Guidelines To Supporting People Moving From State Centers Into The Community	03/27/98	00-98-03
	Ch. 6000	Waiver Funding For Prevocational, Supported Employment And Educational Services	04/07/98	00-98-04
	Ch. 6000	Supplemental Grant Agreement Medicaid Waiver For Infants, Toddlers and Families	05/07/98	00-98-05
	Ch. 6000	Eligibility & Freedom of Choice in Medicaid Waiver for Infants Toddler & Families	8/2/99	00-98-07
1999	Ch. 6000	Natural Environments	8/2/99	00-99-08
	Ch. 6000	Acceptable Signers of the Beneficiary Choice Form for the Infant/Toddler/Family Waiver	9/15/99	00-99-13
	Ch. 6000	Individual Eligibility for Medicaid Waiver Services	12/10/99	00-99-14
2000	Ch. 6000	Service Preference in Medicaid Waivers for Individuals with Mental Retardation	08/04/00	00-00-09
	Ch. 6000	Person/Family Directed Support Waiver Supplemental Grant Agreement for 1999-2002	04/06/00	04-06-00
2001	Ch. 6000	Incident Management	8/7/01	00-01-05
	Ch. 6000	Statement of Policy—Incident Management (55 Pa. Code Ch. 6000)	3/28/02	00-01-05A
2002		Incident Management	04/27/02 (Effective 3/25/02)	
		Clarifying Eligibility for Mental Retardation Services and Supports	05/31/02	4210-02-05
	Ch. 6000	Revision of Definition of Conflict Free Providers for Targeted Service Management	4/12/02	00-02-06

<i>Year</i>	<i>Code Citation</i>	<i>Subject</i>	<i>Date Issued</i>	<i>Bulletin Number</i>
	Ch. 6000	Need for ICF/MR Level of Care	8/7/02	00-02-13
2004	Ch. 6000.901-985	Incident Management	2/18/04	6000-04-01

GUIDANCE MANUALS:

- Obtaining Criminal Clearances on Prospective Employees
- Substitute Decision-Making for Medical Treatment
- Positive Approaches
- Licensing Policies and Procedures for ICFs/MR
- Applicability of OMB Circular A-133 for Non-State ICFs/MR
- Issuance of Audit Guidelines for Non-State Operated ICFs/MR County Responsibilities for Waiver Case Management
- County Responsibilities for Waiver Funded Habilitation in a Private Home
- Supporting People in the Community
- Amendments to Licensing Policy and Procedure Manual
- Licensing Weighting System for Community Homes for Individuals with Mental Retardation
- Domiciliary Care for Persons with Mental Retardation
- Licensing Weighting System for Family Living Homes
- Early Intervention Program Issues for Children Who Are Deaf or Hard of Hearing
- Community Resource Development in Family Support Services Projects
- Targeted Service Management and Third Party Liability
- Movement of Funds in ICFs/MR
- Early Intervention Medical Assistance Eligible Service Coordination
- Early Intervention Reporting System Roles and Responsibility
- Payment for Sign Language Interpreters
- Assessments: Lifetime Medical Histories
- Facilitated Communication—Best Practices and Guidelines
- Educational and Vocational Training in ICFs/MR
- Early Intervention Principles
- Licensing Inspection Instrument for Family Living Homes Regulations
- Licensing Inspection Instrument for Community Homes Regulations
- Licensing Inspection Instrument for Adult Training Facilities Regulations
- Licensing Inspection Instrument for Vocational Facilities Regulations
- Coordination of Vocational Training and Supported Employment Under the 2176 Waiver
- Early Intervention Due Process System
- Guidelines for Identifying Persons with Mental Retardation and Mental Illness for State Mental Health Hospital Discharge
- Office of Mental Retardation's Monitoring of Counties
- Principles for the Mental Retardation System
- Accessing Public Transportation for Individuals Enrolled in the Consolidated or Person/Family Directed Support Waivers
- Foster Care Tax Reform as it Relates to the Lifesharing/Family Living Program
- Announcement: Step-By-Step Guide to Ready Providers for the Reporting of Incidents through HCSIS
- Revision of Definition of Conflict Free Providers for Targeted Service Management
- OBRA Time Limited Determinations
- Clarifying Waiver Funding and Domiciliary Care Payments
- Site Visits and Access by Pennsylvania Protection and Advocacy, Inc.
- Passage of Act 171 relating to the Older Adults Protective Services Act (OAPSA)
- Coordination of treatment and support for people with a diagnosis of serious mental illness who also have a diagnosis of mental retardation
- Guidelines Concerning Sexuality
- Regulation Interpretation—Family Living Medication Administration Training
- Survey Guidelines and Procedures Intermediate Care Facilities for the Mentally Retarded (ICFs/MR)
- Regulation Interpretation Unobstructed Egress
- Signature Requirement for Medical Assistance Case Management Services
- Claiming Federal Reimbursement for Targeted Service Management Administration Costs
- State Match Verification Signatures
- Revised Intermediate Care Facility for the Mentally Retarded (ICF/MR) Guidelines
- Coordination of Vocational Training and Supported Employment Under the 2176 Waiver
- Licensing Weighting System for Adult Training Facilities
- Part H/A Act 212-1990 Non-Compliance Resolution Process
- Agreement Between the Office of Mental Retardation and PP&A
- DPW Policy on Support Services for Persons with MR and Their Families
- Medication Administration Training Program
- Procedure Codes for Electronic Transfers of Health Care Services
- Clarifying the "30 Hour Rule"
- Payments for Psychological Testing to Diagnose Mental Retardation in Children and Adults

- Medical Assistance for Workers with Disabilities in the Community Mental Retardation Program
- Service Definitions and Procedure Codes for Healthcare and Non-Healthcare Waiver and Base Services
- Intermediary Service Organizations (ISOs)
- Procedure Codes for Medical Assistance Early Intervention Service FY 2003-2004
- Procedure Codes for Early Intervention Waiver Services FY 2003-2004 Early Intervention Services FY 2003-2004
- Procedure Codes for Early Intervention Base Services FY 2003-2004
- County MH/MR Programs
- Clarifying Procedures for Individual and Provider Appeals

INTERNAL GUIDELINES:

- Choking Prevention and Management
- State Employees Acting in Voluntary Capacity to Control Client Funds
- Maintenance of Resident Abuse Files
- Search of Visitors and Residents at State Centers and Mental Retardation Units
- Model Bylaws for State Center Boards of Trustees
- Guardianship Petitioning Process at State Centers
- Guidelines for State Center Boards of Trustees—Revision
- Changes in Reimbursement Method for Hospital Reserved Bed Days
- CRF-Reporting-Revised Procedures for 2176 Waiver Recipients
- Residential Data System Instruction Manual
- Correction to Residential Data System Instruction Manual
- Licensing Policies and Procedures for Intermediate Care Facilities for Mentally Retarded
- Amendments to Licensing Policy and Procedure Manual
- Pro Re Nata Medication Usage for Psychiatric Treatment—Clarification of Interpretation

OTHER:

- New Federal ICF/MR Regulations
- Childhood Lead Poisoning Prevention Program
- SSI Benefits for Children
- Resources for Children with Sensory Impairments
- Joint Statement by the Department of Public Welfare and the Department of Aging
- Opportunities and Supports for Older Persons with Mental Retardation
- Special Innovative Services Expenditures Under Family Support Services
- Medical Assistance for Children
- Providing Services to Persons with Autism/Pervasive Developmental Disorder
- Facilitated Communication
- Medical Assistance Funded Services for Children
- Act 28 of 1995
- Reorganization of the Office of Mental Retardation
- Medicaid Waiver for Infants, Toddlers and Families
- Announcement of Certified Investigator Training
- Medicaid Waiver for Infants, Toddlers and Families Renewal
- Guidelines for Identifying Persons with Mental Retardation and Mental Illness for State Mental Health Hospital Discharge
- Person/Family Directed Support Waiver Renewal
- Approved Consolidated Waiver
- Children's Cardiac Program
- Department of Health Programs for Young Children
- Federal Regulations on Occupational Exposure to Bloodborne Pathogens

Office of Administration—Contact: Charles Jones (717) 772-6247

POLICY STATEMENTS:

<i>Year</i>	<i>Code Citation</i>	<i>Subject</i>	<i>Date Issued</i>	<i>Bulletin Number</i>
1998	Ch. 259	Statement of Claim, Managed Care Organization	07/11/98 (effective 2/1/97)	

REVENUE

PLEASE ORDER FROM SPECIFIED BUREAU. THERE IS NO CHARGE UNLESS NOTED.

BUREAU OF ADMINISTRATIVE SERVICES, TAX FORMS DISTRIBUTION UNIT, 711 GIBSON BLVD., HARRISBURG, PA 17104-3200 OR TELEPHONE: 1-800-362-2050 (Toll-free number), or FAX requests to (717) 985-3234.

- PA-100 PA Enterprise Registration Forms and Instructions Booklet
- PA-40 Personal Income Tax Inst. Book-Resident/Nonresident/Part-year Res. (order by year needed)
- PAFastFILE—PIT Electronic Book for TeleFile/pa.direct.file.pa/irs e-file (2001 and later—order by year needed)
- PA-40EZ Personal Income Tax Instruction Book (order by year needed—prior to 1998)

- PA-40NR Personal Income Tax Instruction Book/Nonresidents (1995 & prior—order by year needed)
- PA-40T Personal Income Tax TeleFile Book (1998-2000—order by year needed—includes EZ single)
- PA-40EZ KOZ—Keystone Opportunity Zone Tax Return (order by year needed—after 1999)
- PA-40KOZ—Keystone Opportunity Zone Tax Return (order by year needed—after 1999)
- PAKOZ—SCHEDULE KOZ—Keystone Opportunity Zone Schedule (order by year needed—after 1999)
- PAKOZ P-S Schedule for Partnerships/Shareholders (Keystone Opportunity Zone) (order by year needed—after 1999)
- PAKOZPSI—Information for Schedule P-S
- PA-20S/PA-65 Partnership/PA S Corporation Information Return
- PA-65I Partnership/S Corp Information Book (order by year needed)
- PA-41 Fiduciary Income Tax Instruction Book (order by year needed)
- PA-1000 Property Tax/Rent Rebate Instruction Book (order by year needed)
- PA971 Innocent Spouse Relief
- PA8379 Injured Spouse Claim & Allocation
- PA8857 Request for Innocent Spouse Relief
- PA8453 Declaration of Electronic Filing/PIT
- PA12507 Innocent Spouse Statement
- PA12508 Non-requesting Spouse Information
- PA12510 Innocent Spouse Information Request
- PA20S-I S Corporation Tax Instruction Book (order by year needed—prior to 1997—was part of REV1200 book—beginning year 2002 will be part of PA65I book)
- PA-3R Sales & Use Tax Replacement Coupon/Instructions
- PA-4R Public Transportation Assistance Fund Taxes/Fees Replacement Coupon/Inst.
- PA-501R Employer Tax Deposit Statement Replacement Coupon/Instructions
- PA-W3R Employer Quarterly Reconciliation Return Replacement Coupon/Instructions
- PA-40ESR(I) Estimated PIT Replacement Coupon for Individuals
- PA-40ESR(F/C) Estimated PIT Replacement Coupon for Fiduciaries/Corporations
- PA-1 Use Tax Return
- RCT-101KOZ—Keystone Opportunity Zone Instruction Book
- REV-23 Board of Appeals Practices and Procedures Brochure
- REV-181 Application for Tax Clearance
- REV-183 Affidavit of Value Realty Transfer Tax
- REV-221 Sales & Use Tax Rate Chart
- REV-227 Sales & Use Tax Credit Chart
- REV-229 Estate Tax General Information
- REV-238 Out of Existence/Withdrawal Affidavit/Corp Tax
- REV-251 Tax Bulletin 53B and 53F Instructions Foreign Corp Clearance Cert./Withdrawal
- REV-252 Tax Bulletin 53C and 53E Security Clearance Cert./Domestic Out of Existence
- REV-253 Tax Bulletin 53D Instructions for Filing Corp Tax Reports
- REV-260 Petition for Refund Bd. of Finance and Revenue
- REV-276 Application for Extension of Time to File (PIT)
- REV-330 Electronic Filing Program Guide
- REV-331A Authorization for Electronic Funds Transfer Agreement
- REV-346 Estate Information Sheet
- REV-413I Instructions for Estimated Tax/PIT (Individuals)
- REV-413F Instructions for Estimated Tax/PIT (Fiduciaries)
- REV-413P/S Instructions for Estimated Tax/PIT (Partnership/Shareholders)
- REV-414I Worksheet for Estimated Tax/PIT (Individuals)
- REV-414F Worksheet for Estimated Tax/PIT (Fiduciaries)
- REV-414P/S Worksheet for Estimated Tax/PIT (Partnership/Shareholders)
- REV-415 General Information for Withholding PIT (for Employers)

- REV-440 Corp Tax Bulletin 116/Act 48 Changes
- REV-440D Corp Tax Bulletin 117/Act 21 Changes
- REV-443 IFTA Compliance Manual
- REV-459B Consent to Transfer PA Estimated Tax Account
- REV-460 Information Concerning Time Limitations for Filing Refund Petitions
- REV-467 Authorization for Release of Tax Records
- REV-489 Article XI Safe Deposit Box
- REV-502 FACT Line Brochure/ PATAXES
- REV-527 Taxpayer's Bill of Rights Brochure
- REV-552 TeleFile/E-File Information Insert
- REV-554 Disclosure Statement/Taxpayer Rights Advocate
- REV-555I Inheritance Tax General Information
- REV-556 Taxpayer Request for Assistance
- REV-573 CAQ-Property Tax/Rent Rebate Brochure
- REV-577 CAQ-Estimated Tax Payments Brochure
- REV-580 CAQ-Employer Withholding Brochure
- REV-581 CAQ-Personal Income Tax Brochure
- REV-582 CAQ-Corporation Taxes Brochure
- REV-584 CAQ-Inheritance Tax Brochure
- REV-585 CAQ-Sales & Use Tax Brochure
- REV-588 Starting a Business in PA (A Beginner's Guide)
- REV-591 CAQ-IFTA/Motor Fuel Tax Brochure
- REV-610 CAQ-Voluntary Disclosure Program Guidelines Brochure
- REV-611 CAQ-Determining Residency for PA PIT Purposes Brochure
- REV-612 CAQ-Military Pay for PA PIT Purposes Brochure
- REV-617 CAQ-Hiring Household Workers Brochure
- REV-618 CAQ-PA Realty Transfer Tax Brochure
- REV-625 CAQ-Sale of Principal Residence for PA PIT Purposes Brochure
- REV-627 CAQ-Construction Contracts Brochure
- REV-631 CAQ-TAX BACK/Tax Forgiveness
- REV-634 CAQ-Employee Fringe Benefits/Wage & Salary Supplements Brochure
- REV-635 CAQ-S Corp Brochure
- REV-636 CAQ-Roth IRAs Brochure
- REV-637 CAQ-Unreimbursed Employee Business Expenses Brochure
- REV-663 CAQ-Sales Tax Revocation Procedures Brochure
- REV-670 Instructions for Fuel Use Bond
- REV-671 KOZ Brochure-The Benefits of Living in a KOZ
- REV-672 KOZ Brochure-How They Affect Business Owners
- REV-695 KOZ Brochure-How Property Owners Benefit
- REV-696 CAQ-The Difference Between an Employee and an Independent Contractor Brochure
- REV-705 Strategic Planning Update 2000 Brochure
- REV-717 Retailer's Information Booklet
- REV-721 Corp Tax Bulletin 121/Estimated Settlement
- REV-745 Electronic Tax Filing Brochure
- REV-748 Electronic Services for PA Businesses Brochure
- REV-750 Limited Liability Companies Brochure
- REV-758 PA PIT for College Students Brochure
- REV-775 Credit Card Payment Stuffer
- REV-778 Brochure-What are your tax obligations?(for promoters)

- REV-791 Consumer Cig. Excise Floor Tax Return
- REV-816G Corp Tax Bulletin #92, Act 90 of December 1983
- REV-816I Corp Tax Bulletin #94, Shares Tax-Banks & Title Insurance Co.
- REV-816M Corp Tax Bulletin #108, Act 21, 1989 Shares Tax Base Rate
- REV-816N Corp Tax Bulletin #95 Credits/Gross Premiums Tax Liability
- REV-851E PA Inheritance & Estate Tax Act, 1995
- REV-853R Corp Tax Annual Payment/Extension Replacement Coupon
- REV-854R Corp Tax Filing Period/EIN/Address Change Form Replacement Coupon
- REV-857R Corp Tax Estimated Payment Replacement Coupon
- REV-1026 Information on Motor Carriers Road Tax and IFTA
- REV-1026A Information on Motor Carriers Road Tax-PA Only
- REV-1076 Tax Bulletin 53A Instructions for Securing Bulk Sales Certificate
- REV-1200 CT-1 Corporation Tax Instruction Book (order by year needed)
- REV-1220 Certificate of Exemption for Sales & Use Tax
- REV-1250 Realty Tax Act and Regulation
- REV-1501 Instruction Book Inheritance Tax Resident
- REV-1501B Inheritance Tax Life Estate Booklet
- REV-1611 Notice of Interest Rate and Calculation Changes
- REV-1633 PIT Pamphlet No. 2, Taxation of Shareholders
- REV-1640 Shareholders Consent Statement
- REV-1643 Listing of Tax Exempt PIT Obligations
- REV-1716 Employer Withholding Period Ending Due Dates
- REV-1729 Farming Information Booklet
- REV-1730 PA Realty Transfer Tax General Information
- REV-1736 Instruction Book/Inheritance Tax Nonresident
- REV-1737 Nonresident Inheritance Tax Returns/Schedules
- REV-1742 PIT Pamphlet No. 3, Gain or Loss on Property Acquired prior to June 1, 1971/Sch. D-71
- REV-1748 Use Tax & You Brochure
- REV-1799 Information Concerning Appeals/Time Limitations

REGULATIONS/PRONOUNCEMENTS

All regulations and revenue pronouncements issued by the Department of Revenue are published in Title 61 of the *Pennsylvania Code*. The Department does not reprint all of these documents. If you need to review a regulation or revenue pronouncement that is not included in this list, please consult Title 61 of the *Pennsylvania Code*.

- SEC05.1-05.7 Payments by Electronic Funds Transfer
- SEC06.01-06.22 Tax Amnesty
- SEC08A.1-8A.11 Enforcement
- SEC09.13 Pronouncement/S Corporation Election
- SEC09.17 Pronouncement/Research & Development Tax Credit Implementation Issues
- SEC31.04 Rentals or Leases of Tangible Personal Property
- SEC31.05 Persons Rendering Taxable Services
- SEC31.06 Persons Rendering Nontaxable Services
- SEC31.07 Use Tax
- SEC31.1-31.3 Scope of Taxable and Exempt Transactions
- SEC31.11-31.16 Construction Contractors
- SEC31.21 Advertising Agencies
- SEC31.22 Duplicating
- SEC31.23 Auctioneers
- SEC31.24 Florists
- SEC31.25 Licensing of Club Plan Secretaries
- SEC31.26 Financial Institutions

- SEC31.27 Morticians and Funeral Directors
- SEC31.28 Vending Machines
- SEC31.29 Books, Publications, and Advertising Materials
- SEC31.30 House Trailers and Mobile Homes
- SEC31.41-31.50 Vehicles
- SEC32.02 Exemption Certificates
- SEC32.03 Sales for Resale
- SEC32.04 Isolated Sales
- SEC32.05 Multi-State Sales
- SEC32.06 Wrapping Supplies
- SEC32.21 Charitable, Volunteer Firemen's, Religious Org/Nonprofit Education Inst.
- SEC32.22 Sales to the US Government
- SEC32.23 Sales to Comm. of PA and Political Subdivisions and Sales By Commonwealth
- SEC32.24 Sales to Ambassadors, Ministers
- SEC32.25 Steam, Gas, Electricity, Fuel Oil, Kerosene
- SEC32.31 Dairying
- SEC32.32 Manufacturing/Processing
- SEC32.33 Farming
- SEC32.34 Public Utilities
- SEC32.35 Mining
- SEC32.36 Printing
- SEC32.37 Photographers and Photofinishers
- SEC32.38 Commercial Motion Pictures
- SEC33.02 Purchase Price
- SEC33.03 Cancellations, Returns, Allowances & Exchanges
- SEC33.04 Credit and Layaway Sales
- SEC34.01 Registration
- SEC34.02 Keeping of Records
- SEC34.03 Tax Returns
- SEC34.04 Direct Payment Permit
- SEC35.01 Tax Examinations & Assessments
- SEC35.02 Interest/Additions/Penalties/Crimes & Offenses
- SEC35.03 Lien for Taxes
- SEC36.11 Board of Finance & Revenue
- SEC38.01 Hotel Occupancy/Imposition & Computation of Tax
- SEC38.02 Hotel Occupancy/ Exemptions
- SEC38.03 Hotel Occupancy/Definition
- SEC39.01-39.13 Transient Vendors
- SEC41.02 Concrete Transit Mixing Unit
- SEC41.03 Dry Ice for Packaging Ice Cream
- SEC41.04 Gas Used by a Manufacturer
- SEC41.05 Integrated Plants
- SEC41.06 Processing for Wholesale Distribution
- SEC41.07 Pump Used for Conveying Water Prior to Production Process
- SEC41.08 Recapping & Retreading of Tires
- SEC41.09 Research Exemption
- SEC42.1-42.5 Broadcasting
- SEC43.00 Water Well Drillers
- SEC44.01 Dairy Farm Paper Towels

- SEC44.02 Cooperative Agricultural Associations
- SEC44.03 Farm Water Heaters
- SEC44.04 Guns & Ammunition
- SEC45.01 Exemption of Electric Co-op Corp.
- SEC45.02 Automobiles for Attorneys
- SEC45.03 Street Repairs
- SEC46.01 Construction Contractor Cutting or Bending Steel Beam
- SEC46.02 Construction of Exempt Public Utility
- SEC46.03 Contractors Installing Stained Glass Windows
- SEC46.04 Fixed Price Construction Contract
- SEC46.05 Outdoor Advertising Signs
- SEC46.06 Contractor Renting Equipment to Others
- SEC46.07 Nonresident Contractors
- SEC46.08 Industrialized Housing
- SEC46.09 Financial Institutions Security Equipment
- SEC47.01 Coin Operated Amusement Devices
- SEC47.02 Films for Commercial Exhibitions
- SEC47.03 Frozen Food Lockers
- SEC47.04 Golf Bag Carts and Lockers
- SEC47.06 Miniature Golf Course
- SEC47.10 Riding Academies and Stables
- SEC47.11 Saws and Blades to Butchers
- SEC47.12 Soda Fountains
- SEC47.16 Rental of Equipment Between Affiliated Interests
- SEC47.17 Lease or Rental of Vehicles and Rolling Stock
- SEC47.18 Totalizator Equipment
- SEC47.19 Public Transportation Assistance Taxes and Fees
- SEC47.20 Vehicle Rental Tax
- SEC48.01 Utility Services Used by Exempt Organizations
- SEC48.04 Credit Unions
- SEC49.02 Game, Fish, Animals and Birds
- SEC50.01 Purchases & Sales by Wholesalers
- SEC51.01 Purchases of Replacement Parts
- SEC51.02 Use of Automobile Other than for Resale
- SEC51.04 Remittances for Payment of Sales Tax on Certain Vehicles
- SEC52.01 Purchases of Medicines/Med Supplies, Equipment, Devices, etc.
- SEC52.02 Fabrication of Dental Prothesis
- SEC52.04 Sellers & Repairers of Eyeglasses
- SEC53.01 Clothing
- SEC53.02 Footwear, Footwear Accessories and Footwear Repairs
- SEC54.01 Delivery Charges
- SEC54.02 Sign Painters
- SEC55.01 Automobile Towing Services
- SEC55.04 Taxidermy Service
- SEC55.05 Cleaning of Animals
- SEC55.06 Lawn Care Services
- SEC56.01 Maintaining Place of Business within Commonwealth
- SEC57.01 Carbonator for Soda Fountains
- SEC57.02 Gas Used by Restaurants

- SEC57.03 Icemaking Equipment
- SEC57.04 Merchandising Equipment
- SEC57.05 Sale of Equipment to Restaurants
- SEC57.06 Sales Order Books
- SEC57.07 Purchase of Soft Drinks by Liquor Licensees
- SEC58.01-58.02 Taxable & Exempt Personal Property
- SEC58.03 Timbering Operations
- SEC58.04 Commission Vendors
- SEC58.05 Decorated Cottage Cheese Containers
- SEC58.06 Barbers & Beauticians Supplies, Materials, Tools and Equipment
- SEC58.07 Trading Stamps
- SEC58.08 Commercial Airport and Aircraft Operators
- SEC58.09 School Textbook Exemption
- SEC58.10 Water Softeners & Conditioners
- SEC58.11 Taxes Paid/Purchases Resold
- SEC58.12 Flags
- SEC58.13 Carpeting and Other Floor Coverings
- SEC60.01 Pronouncement/Bldg. Maintenance or Bldg. Cleaning Services
- SEC60.03 Pronouncement/Disinfecting or Pest Control Services
- SEC60.04 Pronouncement/Help Supply Services
- SEC60.05 Pronouncement/Employment Agency Services
- SEC60.06 Pronouncement/Lobbying Services
- SEC60.07 Pronouncement/Sale and Preparation of Food & Beverages
- SEC60.08 Pronouncement/Secretarial & Editing Services
- SEC60.09 Pronouncement/Premium Cable Services
- SEC60.10 Pronouncement/Adjustment and Collection Services
- SEC60.11 Pronouncement/Credit Reporting Services
- SEC60.12 Pronouncement/Self Storage Services
- SEC60.13 Pronouncement/Computer Services
- SEC60.14 Pronouncement/Zero Emission Vehicles
- SEC60.15 Pronouncement/Sales Tax Refund Procedures Regarding Contracts
- SEC60.16 Pronouncement/Local Sale Use and Hotel Occupancy Tax
- SEC60.17 Pronouncement/Sale of Food/Beverages Sold to Nonprofit Associations
- SEC60.18 Pronouncement/ Sale and Installation of Prefabricated Housing
- SEC60.19 Pronouncement/Computer Software, Hardware and Related Transactions
- SEC60.20 Pronouncement/Telecommunications Service
- SEC60.21 Pronouncement/Commercial Racing Activities
- SEC60.23 Pronouncement/Electric Utility Services
- SEC71.04 Cigarette Tax

BUREAU OF CORPORATION TAXES, DEPT. 280700, HARRISBURG, PA 17128-0700, TELEPHONE (717) 787-8211.

- E69 Important 1967 Legislative Changes
- E70 Important 1969 Legislative Changes
- E71 Important 1970 Legislative Changes
- E72 Important 1970 Legislative Changes
- E73 Important 1971 Legislative Changes—Tentative Tax—Reports & Payments
- F74 Important 1971 Legislative Changes
- F75 1972 Disaster Relief Policy with respect to CNI/CIT
- F76 1973 CNI/CIT
- F77 1974 CNI/CIT

- F78 1974 Tentative Tax-Reports & Payments Rates/CNI/CIT
 - F79 1975 CNI/CIT
 - F81 1976 Recycling Process
 - F82 1977 New Address for Mailing Tax Reports and Remittances
 - F83 1978 Important 1977 Legislative Changes Tax Rate
 - F84 1979 Addressing Report and Remittances
 - REV-816 Corp Tax Bulletin F-85 1982 CNI/CIT
 - REV-816A Corp Tax Bulletin F-86 1982 CNI Tax, Delays application of depreciation changes in 1981 Federal Economic Recovery Tax Act
 - REV-816B Corp Tax Bulletin F-87 1982 Gilbert Asso. Inc. v. Commonwealth
 - REV-816C Corp Tax Bulletin 88 1983 CNI/Interest Rate/Oil Franchise Rate/Installment Payment of Tentative CNI Tax/Mutual Thrift Inst./PURTA/Employment Incentive Payments Credits
 - REV-816D Corp Tax Bulletin 89 1983 Tentative CNI/Method 2 Election
 - REV-816E Corp Tax Bulletin 90 1983 CNI Tax
 - REV-816F Corp Tax Bulletin 91 1984 Act No. 90/Election to be Taxed as a PA S Corp.
 - REV-816H Corp Tax Bulletin 93 1984 Act No. 29/Reporting and Payment of Public Utility Realty Tax Liability
 - REV-816J Corp Tax Bulletin 96 Fixed Formula-Valuation of Capital Stock/Domestic and Foreign Corporations
 - T-CT-1 Corp Tax Bulletin 98 1985 Gross Premiums Tax-Foreign Fire Insurance Co.
 - T-CT-2 Corp Tax Bulletin 99 1985 Economic Revitalization Tax Credit
 - T-CT-3 Corp Tax Bulletin 100 1985 Estimated CNI System
 - T-CT-4 Corp Tax Bulletin 101 1986 Capital Stock/Franchise Tax Regulated Investment Co.
 - T-CT-5 Corp Tax Bulletin 102 1986 Act No. 77—Reduction in rates for CNI/\$50,000 Deduction Capital Stock Value/Change in Definition of Net Worth
 - T-CT-6 Corp Tax Bulletin 103 1987 Act No. 58—Reduction in Capital Stock/Foreign Franchise/Tentative Capital Stock/Tentative Franchise Tax Rates
 - T-CT-7 Corp Tax Bulletin 104 1988 Notice to Mutual Thrift Institution Taxpayers
 - REV-1743 Corp Tax Bulletin 105 1988 Tentative Capital Stock/Franchise Tax Method 2 Election
 - DCT09 Corp Tax Bulletin 106 Notice to Mutual Thrift Institution Taxpayers
 - REV-816L Corp Tax Bulletin 107 1989 Shares Tax-Banks, Bank & Trust Co., Trust Co.
 - DCT13 Corp Tax Bulletin 109 Notice to Mutual Thrifts Inst./ Change in Base Rate
 - DCT18 Corp Tax Bulletin 110 Major Filing Changes for 1991
 - REV-176 Corp Tax Bulletin 111 1991 Major Changes on or after January 1, 1991
 - REV-173 Corp Tax Bulletin 112A Notice regarding Recomputation of Safe Harbor and Recovery Payments
 - REV-174 Corp Tax Bulletin 112B Notice of PA Corporations Fiscal Years beginning in July 1991 through and including December 1991
 - DCT27 Corp Tax Bulletin 113 1991 Utilities Gross Receipts/PURTA
 - DCT28 Corp Tax Bulletin 115 1991 Tax for Financial Inst. for Shares Tax/Mutual Thrift
 - DCT29 Corp Tax Bulletin 114 1991 Annuities for Gross Premiums Tax Retroactive to July 1, 1991
 - REV-440 Corp Tax Bulletin 116A 1994 Act 48 Changes
 - REV-440A Corp Tax Bulletin 116B 1994 Act 48 Amended Shares Tax/Allowing Apportionment
 - REV-440C Corp Tax Bulletin 116C 1995 Act 48 Concerning Business Trusts
 - REV-440D Corp Tax Bulletin 117 1995 Double Weighted Sales Factor, Tax Rate Changes Fixed Formula, Processing Exemptions, Insurance Gross Premiums Tax, Utilities Gross Receipts Tax Commercial Printers & Tax Amnesty
 - REV-440E Corp Tax Bulletin 118, Limited Liability Companies (LLC's) Reporting Requirements
 - REV-525 Corp Tax Bulletin 119, Motor Vehicle Gross Receipts/Ambulance Services
 - REV-545 PA Research and Development Tax Credit
 - DCT52 PURTA Brochure
 - DCT53 Corp Tax Bulletin 120/Purta Compensating Adjustment
 - DCT54 Corp Tax Bulletin 122/Tax Transition Impact Limitations
- OFFICE OF CRIMINAL TAX, 1854 BROOKWOOD ST., HARRISBURG, PA 17104, TELEPHONE 783-4649**
- DCI02 Guide to Cigarette Law Enforcement

PRESS OFFICE, DEPT. 281100, HARRISBURG, PA 17128-1100, TELEPHONE (717) 787-6960

- DPO4 Tax Update
- DPO22 Brochure/Working Together

BUREAU OF RESEARCH, DEPT. 281100, HARRISBURG, PA 17128-1100, TELEPHONE (717) 787-6300.

- DOP3 Compendium of Revenue
- DOP4 Personal Income Tax Statistics
- DOP7 Statistical Supplemental to Tax Compendium
- DOP9-Statistical Report—Capital Stock/Franchise Tax/CNI Tax
- DOP11 Strategic Planning Update

BUREAU OF INDIVIDUAL TAXES, DEPT. 280600, HARRISBURG, PA 17128-0600, TELEPHONE (717) 787-8346

- DEX42 Property Tax Statistical Report
- PA1345 Handbook for Electronic Filers
- PA1346 Electronic Return Filing Specifications for Individual Tax Forms
- PA1436 Electronic Filing Test Package

OFFICE OF CHIEF COUNSEL, DEPT. 281061, HARRISBURG, PA 17128-1061, TELEPHONE (717) 787-1382

- OCCPLR Office of Chief Counsel Private Letter Rulings (Fee Charged)

PA STATE LOTTERY, 2850 TURNPIKE INDUSTRIAL PARK, MIDDLETOWN, PA, 17057, TELEPHONE (717) 986-4714 (*Or from Lottery Retailer Outlets)

- *Instant Ticket Game Brochure
- *Winning Numbers Lists
- Lottery Line-Retailer Newsletter
- PA Lottery Game Guide
- Compulsive Gambling Brochure
- Benefits and Rights for Older Pennsylvanians Booklet
- *RSL-3 Lottery Retailer License Application
- *RSL-209 Standard Claim Form
- *RSL-291 On-Line Payout Odds Card
- *RSL-355 Beneficiary Statement
- *RSL-400 Lottery Fund Benefits Programs Brochure Comparative Statement of Income and Expenditures

PENNSYLVANIA SECURITIES COMMISSION GUIDANCE MANUALS:

- Compendium of Commission and Staff Positions, Summary of Significant Commission
 - Orders and Compilations of Staff No-Action Letters
 - Small Company Offering Registration (SCOR) In Pennsylvania
 - Coordinated Equity Review Notebook
- Contact: G. Philip Rutledge (717) 783-5130

SEXUAL OFFENDERS ASSESSMENT BOARD

Sexually Violent Predator—Treatment and Management Standards
Contact: Diane Dombach (717) 787-5430

STATE

POLICY STATEMENTS:**Secretary of the Commonwealth**

- Use of Public Areas Outside the Capitol, 49 Pa. Code, Chapter 61
 - Returned Check Fee, 49 Pa. Code, Chapter 63
- Contact: Peter Dalina (717) 787-3945

State Athletic Commission

- Athletic Agents, 58 Pa. Code §§ 41.1-41.3
- Contact: Gregory Sirb (717) 787-5720

Bureau of Professional and Occupational Affairs**State Board of Dentistry**

- Replacement of Dental Amalgams, 49 Pa. Code § 33.213
 - Disclosure of Financial or Ownership Interest, 49 Pa. Code § 33.214
 - Use of Lasers in the Dental Office, 49 Pa. Code § 33.215
 - Requirement of Anesthesia Permit for Nonparenteral Premedication of Dental Patients, 49 Pa. Code § 33.344
- Contact: Lisa Burns (717) 783-7162

State Board of Examiners of Nursing Home Administrators

- Temporary Permits, 49 Pa. Code § 39.17
 - Subordinate Supervision, 49 Pa. Code § 39.18
- Contact: Chris Stuckey (717) 783-7155

State Board of Examiners in Speech-Language and Hearing

- Disclosure of Financial or Ownership Interest, 49 Pa. Code § 45.3
- Contact: Cindy Warner (717) 783-1389

State Board of Medicine

- Disciplinary Guidelines for Use of Anabolic Steroids, 49 Pa. Code § 16.97
- Contact: Joanne Troutman (717) 783-1400

State Board of Nursing

- Scope of Practice Interpretations, 49 Pa. Code § 21.401
 - General Functions of Registered Nurses, 49 Pa. Code § 21.411
 - Venipuncture, Intravenous Fluids, Resuscitation and Respiration, 49 Pa. Code § 21.412
 - Administration of Drugs, 49 Pa. Code § 21.413
 - Functions of Licensed Practical Nurses, 49 Pa. Code § 21.414
- Contact: Ann Steffanic (717) 783-7142

State Board of Optometry

- Disclosure of Financial or Ownership Interest, 49 Pa. Code § 23.101
- Contact: Deb Smith (717) 783-7155

State Board of Osteopathic Medicine

- Disclosure of Financial or Ownership Interest, 49 Pa. Code § 25.291
- Contact: Gina Bittner (717) 783-4858

State Board of Pharmacy

- Radiopharmaceutical Prescriptions, 49 Pa. Code § 27.101
 - Return to Stock of Undelivered Medication, 49 Pa. Code § 27.102
- Contact: Melanie Zimmerman (717) 783-7156

State Board of Physical Therapy

- Disclosure of Financial or Ownership Interest, 49 Pa. Code § 40.54
- Contact: Robert Kline (717) 783-7134

State Board of Psychology

- Qualified Members of Other Recognized Professions, 49 Pa. Code § 41.7
 - Department of Health Licensing of Substance Abuse Services Provided by Psychology Practices, 49 Pa. Code § 41.8
- Contact: Chris Stuckey (717) 783-7155

GUIDANCE MANUALS:**Bureau of Professional and Occupational Affairs**

- Case Management Guidelines Manual for Professional Health Monitoring Programs
- Contact: Kevin Knipe (717) 783-4857

State Board of Barber Examiners

- Policy Manual
- Contact: Sara Sulpizio (717) 783-3402

State Board of Certified Real Estate Appraisers

- Policy Manual
- Contact: Michelle Smey (717) 783-4866

State Board of Cosmetology

- Policy Manual
- Contact: Sara Sulpizio (717) 783-7130

State Board of Medicine

- Policy Manual
- Contact: Joanne Troutman (717) 783-1400

State Board of Nursing

- Staff Suggestions for Nursing Education Curriculum Proposals (2000)
 - Curriculum Guidelines for the Approval of a CRNP Program (1993)
 - LPN and Central Venous Lines (1999)
 - Complying with Pennsylvania Continued Competency Regulations (2003)
 - Nursing Practice Guide RN/LPN (1999)
 - Alternative/Complementary Therapies (1997)
 - Criteria for a Pennsylvania Board Approved Intravenous Therapy Education Program for the Student/Graduate/Licensed Practical Nurse (1995)
- Contact: Ann Steffanic (717) 783-7142

State Board of Physical Therapy

- Policy Manual
- Contact: Robert Kline (717) 783-7134

State Board of Psychology

- Guidance Manual
 - Guideline: Education Requirements
 - Guideline: Persons Licensed in Other States
- Contact: Chris Stuckey (717) 783-7155

State Real Estate Commission

- Guideline: Assistants
 - Guideline: Home Offices
 - Guideline: Team Advertising
 - Guideline: Relationship Between Educational Providers and Real Estate Companies and Brokers
 - Guideline: Continuing Education
- Contact: Deborah Sopko (717) 783-3658

Bureau of Commissions, Elections and Legislation

- The Pennsylvania Voter Registration Implementation Manual for County Election Officials
- Contact: Monna Accurti (717) 787-5280
- A Guide to Agency-Based Voter Registration Programs
- Contact: Randy Drais (717) 787-5280

INTERNAL GUIDELINES:**Bureau of Professional and Occupational Affairs****State Board of Dentistry**

- Probable Cause Screening Committee
- Contact: Lisa Burns (717) 783-7162

State Board of Examiners of Nursing Home Administrators

- Guidelines for Continuing Education Audit
- Contact: Chris Stuckey (717) 783-7155

State Board of Medicine

- Probable Cause Screening Committee
- Contact: Joanne Troutman (717) 783-1400

State Board of Optometry

- Probable Cause Screening Committee
- Contact: Deb Smith (717) 783-7155

State Board of Osteopathic Medicine

- Probable Cause Screening Committee
- Contact: Gina Bittner (717) 783-4858

State Board of Psychology

- Probable Cause Screening Committee
- Contact: Chris Stuckey (717) 783-7155

State Board of Veterinary Medicine

- Probable Cause Screening Committee
Contact: Robert Kline (717) 783-7134

State Real Estate Commission

- Internal Operating Guidelines
Contact: Deborah Sopko (717) 783-3658

OTHER:**Bureau of Commissions, Elections and Legislation**

- Secretary's Advisories to County Election and Voter Registration Officials
- Election Calendars
- Becoming a Notary Public in Pennsylvania
- Instructions for Filing as a Candidate of a Minor Political Party
- Instructions for Filing as an Independent Candidate
- Nomination Petitions
- Nomination Papers
- Notice on What Constitutes a Vote
Contact: Monna Accurti (717) 787-5280
- Campaign Finance Reporting Law Pamphlet
Contact: Mary Heinlen (717) 787-5280
- Voter Registration Mail Application (English and Spanish)
- 2003 Report to the General Assembly—The Administration of Voter Registration in Pennsylvania
- Your Vote is Your Voice
Contact: Randy Drais (717) 787-5280
- The Commonwealth of Pennsylvania State Plan (as required by the Help America Vote Act of 2002)
- Elections News Poster (English and Spanish)
Contact: Gail Borger (717) 787-5280

Bureau of Charitable Organizations

- Registration Packets for Charitable Organizations, Professional Solicitors and Professional Fundraising Counsels
Contact: Elissa Brown (717) 783-1720

Corporation Bureau

- A Guide to Business Registration in Pennsylvania
Contact: Travis Blouch (717) 783-9210

Bureau of Professional and Occupational Affairs**State Board of Medicine**

- Interpretive Guidelines for Use of Controlled Substances in Treatment of Pain, Winter 1998/1999 Newsletter
Contact: Joanne Troutman (717) 783-1400

State Board of Nursing

- List of Approved Programs for RN, CRNP and LPN Education (updated as needed)
- List of Approved LPN Intravenous Therapy Education Programs (updated as needed)
- NCLEX Jurisdiction Program Summary of All First Time Candidates (updated quarterly)
Contact: Ann Steffanic (717) 783-7142

State Real Estate Commission

- Applications: Experience Requirements and Point System for Applicants for Broker's Licenses
- List of States Willing/Not Willing to Enter Into Reciprocal Agreements
Contact: Deborah Sopko (717) 783-3658

STATE EMPLOYEES' RETIREMENT SYSTEM

Pursuant to Executive Order 1996-1 (Regulatory Review and Promulgation), the State Employees' Retirement System (SERS) submits for publication in the *Pennsylvania Bulletin* the following list of the agency's non-regulatory public documents. For additional information on the listed items, contact the SERS Public Information Officer by calling (717) 787-9657.

Eric Henry
Executive Director

- SERS Board of Trustees Adjudications by Topic:
 - Cost of Living Increase
 - Change of Benefit Option
 - Transfer to Alternate Retirement Plan
 - Credited Years of Service
 - Death Benefit
 - Disability
 - Effective Date of Retirement
 - Final Average Salary
 - Fraternal Order of Police
 - Frozen Present Value
 - Membership Eligibility
 - Military Service
 - Multiple Service Credit
 - Overpayment
 - Payment of Interest
 - Pension Forfeiture
 - Purchase of Service
 - Reinstatement
 - Retirement-Covered Compensation
 - Miscellaneous
- SERS Member Handbook (current edition 2002)
- SERS pamphlets
 - Information for Retirees (SERS-149)
 - Special Membership Classes (SERS-150)
 - Social Security Integration Coverage for SERS Members (SERS-151)
 - How to Apply for a Disability Retirement (SERS-152)
 - Retirement Information for Pennsylvania State Police (SERS-153)
 - Retirement Options for SERS Members (SERS-154)
 - Provisions for the Purchase of Service (SERS-155)
 - Domestic Relations and Support Orders (SERS-157)
 - Frozen Present Value: Its Impact on State Pensions (SERS-158)
 - Refund Procedures for those Leaving State Service (SERS-159)
 - Information on Tax Form 1099-R for Tax Year 2003
- Management Directives and Administrative Circulars issued by SERS
- SERS Mission Statement
- SERS Investment Policy
- SERS Investment Guidelines
- SERS current five-year investment plan ("2003 Annual Five-Year Investment Plan")
- SERS Policy on Public Information (current June 2003)
- The FOP Decision: The resolution of the SERS Board of Trustees dated September 26, 1990, implementing the arbitration award issued February 17, 1988, in *Commonwealth of Pennsylvania v. Commonwealth of Pennsylvania State Police Lodges*, American Arbitration Association Case No. 14 390 1611 87 J (Thomas J. DiLauro, Chair)
- The "SERSNews" member newsletter
- SERS Information Bulletins
- SERS 2003 Comprehensive Annual Financial Report
- Sample Domestic Relations Order and Instruction Letter
- Power of Attorney form
- SERS Board Minutes and Resolutions
- Actuarial Reports (annual and five-year)
- Actuarial Tables
- Memoranda of Understanding currently in effect

STATE POLICE

GUIDANCE MANUALS, BROCHURES, FORMS AND OTHER MATERIALS**Bureau of Criminal Investigation, Heritage Affairs Office**

Cultural Awareness Brochure (SP5-344)

Bureau of Human Resources

Enlisted Employment Information

Application for State Police Cadet

General Cadet Information (SP5-349)

Pennsylvania State Police: A Challenging Career That Makes a Difference

Pennsylvania State Police General Information SP3-313 (7-2001)

Liquor Enforcement Employment Information

Application for Liquor Enforcement Officer Trainee

General Information Brochure (SP5-348)

Civilian Employment Information

General Information Pamphlet (SP5-346)

Police Communicators Operator Pamphlet (SP5-347)

Personal Data Sheet for Employment (STD-300)

Civil Service Application

Bureau of Liquor Control Enforcement

Bureau of Liquor Control Enforcement Brochure

Choices Program Brochure

Bureau of Patrol

Emergency Vehicle Designation (SP6-115)

Child Safety Seat Identification Decal (SP6-153)

Bureau of Professional Responsibility

Complaint Verification Form (SP1-108)

Bureau of Records and Identification

Information for Pennsylvania Firearms Purchasers and Basic Firearm Safety (SP4-135)

Request for Criminal Record Check (SP4-164)

Notice of Crash Investigation and Application to Obtain Copy of Police Crash Reporting Form (SP7-0015)

Bureau of Research and Development

Pennsylvania State Police Overview of Department Activities (2-01)

Pennsylvania State Police CALEA Facts About Accreditation (3-98)

Pennsylvania Annual Police Pursuit Report (2002)

Pennsylvania State Police Annual Report (2002)

Crime in Pennsylvania: Uniform Crime Executive Summary (2002)

Pennsylvania State Police Historical Facts and Highlights

Bureau of Training and Education

Youngster Protect Yourself from Attacks and Accidents (SP5-330)

Stop Burglary Brochure (SP5-331)

Crimes of Fraud: "The Con-Artist" (SP5-332)

Lady Beware (SP5-333)

Understanding Crime Prevention (SP5-334)

Accessing Your Pennsylvania State Police (SP5-335)

Protect Your Child (SP5-336)

Preventing Child Abduction and Child Runaway (SP5-337)

Drugs Aren't Part of Anyone's Future (SP5-342)

Child Identification Kit (SP5-342)

Municipal Police Officers Education and Training Commission—Lethal Weapons

Application for Agent Certification—LWTA (SP8-200)

Physical Examination—LWTA (SP8-200A)

Police Officer Exemption Application—LWTA (SP8-200C)

Active Municipal Office LWTA Verification Procedure for Training Waiver (SP8204)

Equal Employment Opportunity Office

Equal Employment Opportunity Plan, Statement of Management Commitment (1-02)

Equal Employment Opportunity Plan (1-02)

All of the non-regulatory compliance-related documents listed above are available from the Pennsylvania State Police by contacting the Department at the following address or phone number:

Pennsylvania State Police
Bureau of Research & Development
1800 Elmerton Avenue
Harrisburg, PA 17110
(717) 783-5536

Documents are also available from the State Library, Government Publication Section at 219 Forum Building, Harrisburg, PA 17120 and may be obtained through inter-library loan.

TRANSPORTATION

POLICY STATEMENTS:**Bureau of Equal Opportunity**

- Disability-Related Employment Policy for Applicants/Employees with Disabilities, 6/23/2004
- EEO Policy Statement, 6/23/2004
- Harassment/Hostile Work Environment Policy, 6/23/2004
- Sexual Harassment Policy Statement, 6/23/2004
- DBE Policy Statement, 5/21/2004
- Equal Opportunity Title VI Statement of Policy, 7/15/2002 (included in Title VI Compliance and Implementation Plan at pg. 9)
- External Contract Compliance Policy Statement, 5/21/2004
- MBE/WBE Policy 100% State Funded Construction Contracts, 9/21/1999 (This program and document is currently being reviewed by the Department)

Bureau of Design

- Standards for Hardware Glulam Bridge Design (Pub. 6M)
- Design Manual Part 1: Transportation Project Development Process (Pub. 10)
- Design Manual Part 1A: Transportation Engineering Procedures (Pub. 10A)
- Design Manual Part 2: Highway Design, Dual Units (Pub. 13M)
- Design Manual Part 3: Plans Presentation, Dual Units (Pub. 14M)
- Pile Load Test Summaries (Pub. 15A)
- Design Manual Part 4: Structures, Dual Units (Pub. 15M)
- Design Manual Part 5: Metric (Pub. 16M)
- Guidelines for Design of Local Roads and Streets, Dual Units (Pub. 70M)
- Roadway Construction Standards, Dual Units (Pub. 72M)
- Standards for Bridge Design, Dual Units (Pub. 218M)
- Standards for Bridge Construction, Dual Units (Pub. 219M)
- Right-of-Way Encroachments and Outdoor Advertising Sign Control (Pub. 266)
- Roadway Specifications (Pub. 408/2000)

Bureau of Maintenance & Operations

- Pavement Policy Manual (Pub 242)

Bureau of Construction & Materials

- Geo-technical Engineering Manual (Pub. 293, 1/97)

Bureau of Highway Safety & Traffic Engineering

- Traffic Signing Standards, TC-8700 Series (Pub. 111M)
- Traffic Signal Standards, TC-7800 Series (Pub. 148)
- Traffic Signal Design Handbook (Pub. 149)
- Guidelines for the Maintenance of Traffic Signal Systems (Pub. 191)
- Engineering and Traffic Studies (metric) (Pub. 201M)
- Work Zone Traffic Control (dual units edition) (Pub. 203M)
- Flagging Handbook (Pub. 234)
- Handbook of Approved Signs (Pub. 236M)
- Sign Blank Specifications (Pub. 306M)
- Statewide Bicycle & Pedestrian Master Plan
- Pennsylvania Bicycle Driver's Manual (Pub. 380)

Center for Program Development and Management

- PennPlan MOVES
- PennPlan MOVES—Report of Achievement 2000
- PennPlan MOVES—Report of Achievement 2001

- PennPlan MOVES—Report of Achievement 2002
- PennPlan MOVES—Report of Achievement 2003
- Action Plan Resulting from the 2003 Conference on Transportation and Land Use for Economic Development

Bureau of Municipal Services

- Mileage Addition Guidelines (Policies concerning adding local road mileage to a municipalities Liquid Fuels Road Inventory.)
- Liquid Fuels Allowable Expenditures (Expenditures that a municipality may make utilizing Liquid Fuels Funds.)
- Policies and Procedures for the Administration of Liquid Fuels Funds (Pub.9)

Strategic Environmental Management Program (SEMP) Office

- Waste Site Evaluation Procedures for the Highway Project Development Process (Pub. 281)

GUIDANCE MANUALS:

Bureau of Driver Licensing

- Pennsylvania Driver's Manual (Updated January 2004)
- Commercial Driver's Manual
- Motorcycle Operator Manual
- New Driver's License and Identification Cards
- A Guide to Obtaining a Pennsylvania Junior Learner's Permit and Junior Driver's License

Bureau of Motor Vehicles

- Apportioned Manual (Updated April 2004)
- Dealer Manual (Updated December 2003)
- Salvor Manual (Updated August 2003)
- Messenger Manual

Bureau of Equal Opportunity

- Minority/Female Resource Guide, 3/1999 (Currently under review for revision)
- OJT—Training Manual, 3/1995
- Highway and Bridge Subcontractor's Manual (Pub. 412), 2/2001
- Equal Employment Opportunity Plan, Federal/State (This Program is currently under review)
- Title VI Compliance and Implementation Plan, 7/15/2002
- Contract Compliance Plan (This Program is currently under review)
- Pennsylvania Unified Certification Program 2004

Bureau of Municipal Services

- Liquid Fuels Annual Qualifying Package (Yearly forms a municipality must complete to receive their annual Liquid Fuels Allocation.)
- Transfer of State Highways Program (Pub. 310)
- Procedures for Administration of Municipal Projects (Pub. 39)
- Dirt & Gravel Roads Manual
- Quality Assurance and Inspection Manual for Timber Bridges
- Municipal Services Guide for Road Construction (Pub 372)
- Approved Products for Lower Volume Local Roads (Pub 447)
- Liquid Fuels Forms & Information Packet

Bureau of Office Services

- Conducting Business with the PA Department of Transportation (Pub 4)

Bureau of Design

- Relocation Assistance Information (Pub. 47)
- Contract Proposal Preparation Guide, Dual Units (Pub. 51M)
- When Your Land Is Needed for Highway Use (Pub. 83)
- Local Public Agency Project Guidelines (Pub. 98)
- Surveying and Mapping Manual (Pub. 122M)
- Estimating Manual (Pub. 352)

- Guide to Roundabouts (Pub. 414)
- Specifications for Consultant Engineering Agreements (Form 442)

Bureau of Maintenance & Operations

- Trucker's Handbook (Pub. 194)
- Posting and Bonding Procedures for Municipal Highways (Pub. 221)
- Highway Occupancy Permit Handbook (Pub. 282)
- Guide for Obtaining Minimum Use Driveway Permits (Pub. 312)
- Oversize/Overweight Application for Special Hauling Permit M-936A
- How to Complete General Application Form M-936A Oversize/Overweight Application for Special Hauling Permit)
- Supplemental Application for Overweight Special Hauling Permit (M-936AS)
- How to Complete Supplemental Application Form M-936A, Excessively Overweight Movement (Supplemental Application for Overweight Special Hauling Permit)
- How to Complete an Application for a PA Super Load Permit
- Pennsylvania STAA Truck Routes (Pub. 411)
- Trucker's Guide to Pennsylvania

Bureau of Construction & Materials

- Procedures for Administration for Municipal Projects (Pub. 39)

Bureau of Highway Safety & Traffic Engineering

- Pennsylvania's Traffic Calming Handbook (Pub. 383)
- Guidelines to Implement Act 229 of 2002; Additional Traffic-Control Devices in Highway Work Zones; Statement of Policy

Center for Program Development and Management

- Congestion Management System (CMS) Planning Guidance
- Transportation Enhancements Program Guidance
- State Transportation Program Guidance
- PENNDOT User's Guide to Transportation Planning & Programming
- Public Involvement Program for Transportation Planning and Programming
- Transportation Management Association Assistance Program Guidelines
- PA Infrastructure Bank Handbook
- Pennsylvania's Transportation Program-Executive Summary, September 2001
- Sound Land Use Planning for Your Community
- PennDOT's Sound Land Use Implementation Plan
- Home Town Street & Safe Routes To School General Information and Program Guidance

Office of the Deputy Secretary for Planning

- Transportation Partnerships Guidelines Manual

Bureau of Planning and Research

- Pennsylvania Byways Program—Pamphlet

Bureau of Aviation

- Aviation Development Airport Sponsor's Guide (Pub 405)
- Environmental Evaluation Forms A, B & C for Airport Development Projects

INTERNAL GUIDELINES:

Bureau of Driver Licensing

- Physician Reporting Fact Sheet
- For the Tutor—How to Steer Them to Safe Driving

Bureau of Equal Opportunity

- DBE Plan, 9/1999
- PENNDOT Title VI Assurances, 7/15/2002 (Included in Title VI Compliance and Implementation Plan at pg. 77)
- State Assurances with Regard to Equal Opportunity as Required by the Federal-Aid Highway Act of 1968, 5/20/2004
- Pennsylvania Unified Certification Program Procedures Manual, 5/2004

Bureau of Design

- Administration of Consultant Agreements (Pub. 93)
- Project Level Highway Traffic Noise Handbook (Pub. 24)
- Environmental Impact Statement Handbook (Pub. 278)
- Categorical Exclusion Evaluation Handbook (Pub. 294)
- Public Involvement Handbook (Pub. 295)
- Needs Study Handbook (Pub. 319)
- PennDOT Project Level Air Quality Handbook (Pub. 321)
- Agriculture Resources Handbook (Pub. 324)
- Wetlands Resource Handbook (Pub. 325)
- Environmental Assessment Handbook (Pub. 362)

Bureau of Maintenance & Operations

- Maintenance Manual (Pub. 23)
- Engineering District and County Maintenance Offices Location Maps and Mailing Addresses (Pub. 22)
- Highway Maintenance Foreman Manual (Pub. 113)

Bureau of Construction & Materials

- Finals Unit Manual (Pub. 11) (Guidance for Highway Construction Project Closeouts) (Pub. 11)
- Field Computation Guidebook (Guidance for Highway Construction Projects) (Pub. 21)
- Contract Documentation System Field Operations Manual (Pub. 320)

Bureau of Planning and Research

- Conduct of Research at PennDOT
- 2002 PA Traffic Data Book
- 2002 PA Highway Statistics Book

Center for Program Development and Management

- Single Occupancy Vehicle Capacity Adding Project (SOVCAP) Guidance
- Rail-Highway Grade Crossing Safety Program Guidance
- HOP\Land Use Questionnaire

Bureau of Municipal Services

- Abandonment/Vacation/Deletions Procedure Letter (Policies and procedures governing the abandonment, vacation, and deletion of roads from the state road system and their return to local jurisdiction.)
- Transfer of State Highways Program (Pub 310)
- Procedures for Administration of Municipal Projects (Pub 39)
- Dirt & Gravel Roads Manual
- Quality Assurance and Inspection Manual for Timber Bridges

OTHER:**Bureau of Office Services**

- Price List, Maps & Publications (Pub. 12)

Bureau of Design

- Construction Items Catalog (Pub. 7)
- Construction Items Catalog (metric edition) (Pub. 7M)
- Construction Cost Catalog of Standard Construction Items (Pub. 287)
- Getting Involved Brochure (Pub. 304)

Bureau of Construction & Materials

- Aggregate Producers (Pub. 34)
- Approved Construction Materials (Pub. 35)
- Producers of Bituminous Mixtures (Pub. 41)
- Producers of Redi-Mixed Concrete (Pub. 42)
- Subsurface Boring, Sampling and Testing Contract (Pub. 222)
- Slope Stability Program, PASTABL (Metricated) (Pub. 318)

Bureau of Highway Safety & Traffic Engineering

- Bicycling Directory of Pennsylvania (Pub. 316)

Center for Program Development and Management

- Transportation Conformity State Implementation Plan

Bureau of Municipal Services

- Liquid Fuels Calendar (Tool for municipalities highlighting policies, procedures and information to assist with road and street maintenance.)
- Treasurer's Account Book (Accounting system for local governments.)
- PENNDOT Keeping you Connected—CD (a production that's designed to educate the public about PENNDOT's business.)
- Building Relationships for better Government (Pub 454)
- Bureau of Municipal Services Information and Forms CD

Bureau of Public Transportation

- PA Urban Transit Statistical Report 2002/2003 (Statistics for urban public transportation providers.)
- Pennsylvania Operating Assistance Programs Statistical Report (Rural and Small Urban Program, Fiscal Years 2001-02 and 2002-03)
- Shared-Ride Service Statistical Report 2001-02, September 2003

Bureau of Equal Opportunity

- Sexual Harassment Prevention (Pub. 109) (Currently under review for revision)
- BEO Brochure (Pub 317) (Currently under review for revision)

Bureau of Human Resources

- ADA Brochure (Pub. 359)

Many of the nonregulatory compliance-related documents listed, specifically those containing a publication number, are available from the PENNDOT Sales Store. Contact the Sales Store, P. O. Box 2028, Commonwealth Keystone Building 5th floor, Harrisburg, PA 17105-2028; telephone number (717) 787-6746; or the PENNDOT website at www.dot.state.pa.us, for more information. To request a non-numbered document, contact Penny Frey, PENNDOT Right to Know Officer, at (717) 783-8902. In some cases, printing or duplicating fees will be charged. Documents are also available from the State Library, Government Publications Section, 219 Forum Building, Harrisburg, PA 17120 and are available through inter-library loan.

[Pa.B. Doc. No. 04-1461. Filed for public inspection August 6, 2004, 9:00 a.m.]

INSURANCE DEPARTMENT

Eligible Surplus Lines Insurer List

In accordance with section 1605(b) of the Insurance Company Law of 1921 (40 P. S. § 991.1605(b)), the Insurance Department publishes the most recent Eligible Surplus Lines Insurer List (list). This list replaces in its entirety the list as of January 20, 2004, published at 34 Pa.B. 652 (January 31, 2004).

Individuals who have questions concerning this notice should contact Robert Brackbill, Chief, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, (717) 787-2735.

As of Monday, July 26, 2004

<i>Key No.</i>	<i>Company Name</i>	<i>Statutory Home Address</i>
48123	ACE INA UK LIMITED	100 LEADENHALL STREET LONDON, United Kingdom EC3A 3BP
10512	ADMIRAL INSURANCE COMPANY	1209 ORANGE STREET WILMINGTON, DE 19801
10513	ADRIATIC INSURANCE COMPANY	314 EAST THAYER AVENUE BISMARCK, ND 58501
39908	ALEA LONDON LIMITED	THE CORN EXCHANGE 55 MARK LANE LONDON, Great Britain EC3R7NE
40659	ALEA NORTH AMERICA SPECIALTY INSURANCE COMPANY	1209 ORANGE STREET WILMINGTON, DE 19801-1120

<i>Key No.</i>	<i>Company Name</i>	<i>Statutory Home Address</i>
48099	ALLIANZ MARINE & AVIATION VERSICHERUNG AG	GROBER BURSTAH 3 HAMBURG, Germany D-20457
10516	ALLIANZ UNDERWRITERS INSURANCE COMPANY	2350 EMPIRE AVENUE BURBANK, CA 91504-3350
10535	ALLIED WORLD ASSURANCE COMPANY (U. S.) INC.	2711 CENTERVILLE ROAD SUITE 400 WILMINGTON, DE 19808
10519	AMERICAN EMPIRE SURPLUS LINES INSURANCE COMPANY	1209 ORANGE STREET WILMINGTON, DE 19801
10520	AMERICAN EQUITY INSURANCE COMPANY	2401 WEST PEORIA AVENUE PHOENIX, AZ 85029
36855	AMERICAN HEALTHCARE SPECIALTY INSURANCE COMPANY	425 W. CAPITOL AVENUE SUITE 1800 LITTLE ROCK, AR 72201
10521	AMERICAN INTERNATIONAL SPECIALTY LINES INSURANCE COMPANY	1400 WEST BENSON BOULEVARD SUITE 315 ANCHORAGE, AK 99503
18146	AMERICAN SAFETY INDEMNITY COMPANY	600 BANK OF OKLAHOMA PLAZA 201 ROBERT S. KERR AVENUE OKLAHOMA CITY, OK 73102
10522	AMERICAN WESTERN HOME INSURANCE COMPANY	600 FIDELITY PLAZA OKLAHOMA CITY, OK 73102
10524	APPALACHIAN INSURANCE COMPANY	1301 ATWOOD AVENUE JOHNSTON, RI 02919-0500
33748	ARCH EXCESS & SURPLUS INSURANCE COMPANY	10306 REGENCY PARKWAY DRIVE OMAHA, NE 68113
10587	ARCH SPECIALTY INSURANCE COMPANY	300 FIRST STAMFORD PLACE STAMFORD, CT 06902
35611	ASPEN SPECIALTY INSURANCE COMPANY	316 NORTH FIFTH STREET BISMARCK, ND 58502
22348	ASSICURAZIONI GENERALI DI TRIESTE	PIAZZA DUCA DEGLI ABRUZZI, 2 TRIESTE, Italy 34132
22349	ASSOCIATED ELECTRIC & GAS INSURANCE SERVICES LIMITED	LIBERTY INTERNATIONAL 73 FRONT STREET, 3RD FLOOR HAMILTON, Bermuda HM11
10525	ASSOCIATED INTERNATIONAL INSURANCE COMPANY	TEN PARKWAY NORTH DEERFIELD, IL 60015
41586	ATLANTIC CASUALTY INSURANCE COMPANY	400 COMMERCE COURT GOLDSBORO, NC 27534
10526	AUDUBON INDEMNITY COMPANY	795 WOODLANDS PARKWAY SUITE 310 RIDGELAND, MS 39157
41562	AXA CORPORATE SOLUTIONS ASSURANCE	4 RUE JULES LEFEBVRE PARIS, France 75009
10536	AXIS SPECIALTY INSURANCE COMPANY	628 HEBRON AVENUE BUILDING TWO, SUITE 200 GLASTONBURY, CT 06033
10592	AXIS SURPLUS INSURANCE COMPANY	303 WEST MADISON SUITE 500 CHICAGO, IL 60606
22369	BRITISH AVIATION INSURANCE COMPANY LIMITED	FITZWILLIAM HOUSE 10 ST. MARY'S AXE LONDON, Great Britain EC3ABEQ
10528	CANAL INDEMNITY COMPANY	400 EAST STONE AVENUE GREENVILLE, SC 29601
48319	CAPITOL SPECIALTY INSURANCE CORPORATION	4610 UNIVERSITY AVENUE MADISON, WI 53705

<i>Key No.</i>	<i>Company Name</i>	<i>Statutory Home Address</i>
48890	CATLIN INSURANCE COMPANY LTD.	2ND FLOOR, SWAN BUILDING 26 VICTORIA STREET HAMILTON, Bermuda HM12
10529	CENTENNIAL CASUALTY COMPANY	2200 WOODCREST PLACE SUITE 200 BIRMINGHAM, AL 35209
10531	CENTURY SURETY COMPANY	465 CLEVELAND AVENUE WESTERVILLE, OH 43082
22371	CGU INTERNATIONAL INSURANCE PLC	ST. HELEN'S 1 UNDERSHAFT LONDON, Great Britain EC3P3DQ
10532	CHUBB CUSTOM INSURANCE COMPANY	32 LOOKERMAN SQUARE DOVER, DE 19901
18617	CLARENDON AMERICA INSURANCE COMPANY	224 WEST STATE STREET TRENTON, NJ 08608
10533	COLONY INSURANCE COMPANY	9201 FOREST HILL AVENUE SUITE 200 RICHMOND, VA 23235-6865
10582	COLONY NATIONAL INSURANCE COMPANY	9201 FOREST HILL AVENUE SUITE 200 RICHMOND, VA 23235-6865
10534	COLUMBIA CASUALTY COMPANY	CNA PLAZA CHICAGO, IL 60685
22388	COMMONWEALTH INSURANCE COMPANY	595 BURRARD STREET, SUITE 1500 BOX 49115 BENTALL TOWER THREE VANCOUVER, V7X 1G4
37372	CRUM & FORSTER SPECIALTY INSURANCE COMPANY	2999 NORTH 44TH STREET SUITE 250 PHOENIX, AZ 85018
37001	DISCOVER SPECIALTY INSURANCE COMPANY	500 WEST MADISON SUITE 2600 CHICAGO, IL 60661
10541	EMPIRE INDEMNITY INSURANCE COMPANY	809 NORTHWEST 36TH STREET OKLAHOMA CITY, OK 73118
10542	ESSEX INSURANCE COMPANY	1209 ORANGE STREET WILMINGTON, DE 19801
10543	EVANSTON INSURANCE COMPANY	TEN PARKWAY NORTH DEERFIELD, IL 60015
10544	EVEREST INDEMNITY INSURANCE COMPANY	CORPORATION TRUST CENTER 1209 ORANGE STREET WILMINGTON, DE 19801
10545	EXECUTIVE RISK SPECIALTY INSURANCE COMPANY	82 HOPMEADOW STREET SIMSBURY, CT 06070-7683
10547	FIREMAN'S FUND INSURANCE COMPANY OF OHIO	312 WALNUT STREET SUITE 1100 CINCINNATI, OH 45202
10548	FIRST FINANCIAL INSURANCE COMPANY	528 SOUTH FIFTH STREET SUITE 210 SPRINGFIELD, IL 62701-1822
10549	FIRST MERCURY INSURANCE COMPANY	ONE SOUTH WACKER DRIVE SUITE 2740 CHICAGO, IL 60606
10550	FIRST SPECIALTY INSURANCE CORPORATION	237 EAST HIGH STREET JEFFERSON CITY, MO 65102
18477	GEMINI INSURANCE COMPANY	CORPORATION TRUST CENTER 1209 ORANGE STREET WILMINGTON, DE 19801

<i>Key No.</i>	<i>Company Name</i>	<i>Statutory Home Address</i>
10553	GENERAL AGENTS INSURANCE COMPANY OF AMERICA, INC.	115 SOUTHWEST 89TH STREET OKLAHOMA CITY, OK 73139
10552	GENERAL SECURITY INDEMNITY COMPANY OF ARIZONA	818 EAST OSBORN ROAD PHOENIX, AZ 85014
10554	GENERAL STAR INDEMNITY COMPANY	695 EAST MAIN STREET P. O. BOX 10354 STAMFORD, CT 06904-2354
22411	GENERALI-FRANCE ASSURANCES	5 RUE DE LONDRES PARIS, France 75009
10555	GENESIS INDEMNITY INSURANCE COMPANY	316 NORTH FIFTH STREET BISMARCK, ND 58501
44715	GLENCOE INSURANCE LIMITED	RENAISSANCE HOUSE, 8 EAST P. O. BOX HM 2527 HAMILTON HM GX, Bermuda
10556	GOTHAM INSURANCE COMPANY	919 THIRD AVENUE 10TH FLOOR NEW YORK, NY 10022
10514	GREAT AMERICAN E & S INSURANCE COMPANY	THE CORPORATION TRUST COMPANY 1209 ORANGE STREET WILMINGTON, DE 19801
10518	GREAT AMERICAN FIDELITY INSURANCE COMPANY	THE CORPORATION TRUST COMPANY 1209 ORANGE STREET WILMINGTON, DE 19801
10540	GREAT AMERICAN PROTECTION INSURANCE COMPANY	2700 MARKET TOWER 10 WEST MARKET STREET INDIANAPOLIS, IN 46204
22412	GREAT LAKES REINSURANCE (UK) PLC	UPPER GROUND FLOOR 1 MINSTER MINCING LANE LONDON, Great Britain EC3R7AA
36489	GUILFORD INSURANCE COMPANY	528 SOUTH FIFTH STREET SUITE 210 SPRINGFIELD, IL 62701-1822
10557	GULF UNDERWRITERS INSURANCE COMPANY	ONE TOWER SQUARE HARTFORD, CT 06183
44169	HOMELAND INSURANCE COMPANY OF NEW YORK	201 OLD COUNTRY ROAD MELVILLE, NY 11747
10559	HOUSTON CASUALTY COMPANY	13403 NORTHWEST FREEWAY HOUSTON, TX 77040
37373	HUDSON SPECIALTY INSURANCE COMPANY	22 CORTLANDT STREET NEW YORK, NY 10007
45559	IF P & C INSURANCE LIMITED	BARKS VAG 15 BERGSHAMRA, Sweden
10560	ILLINOIS EMCASCO INSURANCE COMPANY	717 MULBERRY STREET DES MOINES, IA 50309-3872
10561	ILLINOIS UNION INSURANCE COMPANY	525 WEST MONROE STREET CHICAGO, IL 60631
22413	INDEMNITY MARINE ASSURANCE COMPANY LIMITED	ST. HELEN'S 1 UNDERSHAFT LONDON, Great Britain EC3P3DQ
10562	INDIAN HARBOR INSURANCE COMPANY	316 NORTH 5TH STREET 6TH FLOOR BISMARCK, ND 58501
10563	INEX INSURANCE EXCHANGE	1 SOUTH WACKER DRIVE SUITE 2720 CHICAGO, IL 60606-4617

NOTICES

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<i>Key No.</i>	<i>Company Name</i>	<i>Statutory Home Address</i>
45736	INTEGON SPECIALTY INSURANCE COMPANY	500 WEST FIFTH STREET WINSTON-SALEM, NC 27152
28076	INTERNATIONAL INSURANCE CO OF HANNOVER, LTD	HANNOVER HOUSE VIRGINIA WATER SURREY, Great Britain GU254AA
10564	INTERSTATE FIRE & CASUALTY COMPANY	33 WEST MONROE CHICAGO, IL 60603
10566	ITT PACIFIC INSURANCE COMPANY	HARTFORD PLAZA HARTFORD, CT 06115
10546	JAMES RIVER INSURANCE COMPANY	52 EAST GAY STREET COLUMBUS, OH 43215
26714	KEMPER INDEMNITY INSURANCE COMPANY	1 KEMPER DRIVE LONG GROVE, IL 60049-0001
38900	KEMPER SURPLUS LINES INSURANCE COMPANY	1 KEMPER DRIVE LONG GROVE, IL 60049-0001
8967	LANDMARK AMERICAN INSURANCE COMPANY	115 S. W. 89TH STREET OKLAHOMA CITY, OK 73139-8501
10567	LANDMARK INSURANCE COMPANY	777 SOUTH FIGUEROA STREET LOS ANGELES, CA 90017
45576	LANTANA INSURANCE LTD.	RENAISSANCE HOUSE 8-12 EAST BROADWAY HAMILTON, Bermuda HM 19
10569	LEXINGTON INSURANCE COMPANY	2711 CENTERVILLE ROAD SUITE 400 WILMINGTON, DE 19808
22415	LIBERTY MUTUAL INSURANCE EUROPE LIMITED	4TH FLOOR, ONE MINSTER COURT MINCING LANE LONDON, Great Britain EC3R7AA
18457	LIBERTY SURPLUS INSURANCE CORPORATION	175 BERKELEY STREET BOSTON, MA 02117
22416	LLOYD'S (UNDERWRITERS AT)	ONE LIME STREET LONDON, Great Britain EC3M7HA
22417	LONDON AND EDINBURGH INSURANCE COMPANY LIMITED	8 SURREY STREET NORWICH NR1 3NG ENGLAND, Great Britain EC3M5BT
22418	MARINE INSURANCE COMPANY LIMITED	ST MARKS COURT, CHART WAY HORSHAM, WEST SUSSEX ENGLAND, Great Britain RH 12 1XL
22455	MARKEL INTERNATIONAL INSURANCE COMPANY LIMITED	THE MARKEL BUILDING 49 LEADENHALL STREET LONDON, Great Britain EC3A2EA
10527	MAXUM INDEMNITY COMPANY	1209 ORANGE STREET WILMINGTON, DE 19801
10570	MONTICELLO INSURANCE COMPANY	1209 ORANGE STREET WILMINGTON, DE 19801
10571	MT. HAWLEY INSURANCE COMPANY	9025 N. LINDBERGH DRIVE PEORIA, IL 61615
10572	NAMIC INSURANCE COMPANY, INC.	3601 VINCENNES ROAD INDIANAPOLIS, IN 46268
10573	NATIONAL FIRE & MARINE INSURANCE COMPANY	3024 HARNEY STREET OMAHA, NE 681313580
10574	NAUTILUS INSURANCE COMPANY	7273 EAST BUTHERUS DRIVE SCOTTSDALE, AZ 85260

<i>Key No.</i>	<i>Company Name</i>	<i>Statutory Home Address</i>
10575	NIC INSURANCE COMPANY	ONE PENN PLAZA 55TH FLOOR NEW YORK, NY 101190002
10537	NOETIC SPECIALTY INSURANCE COMPANY	115 SOUTH LASALLE STREET CHICAGO, IL 60603
10576	NORTH AMERICAN CAPACITY INSURANCE COMPANY	650 ELM STREET MANCHESTER, NH 03101-2524
22420	NORTHERN ASSURANCE COMPANY LIMITED	ST. HELEN'S 1 UNDERSHAFT LONDON, Great Britain EC3P3DQ
10577	NORTHFIELD INSURANCE COMPANY	7117 HICKMAN ROAD DES MOINES, IA 50322
10578	NUTMEG INSURANCE COMPANY	HARTFORD PLAZA HARTFORD, CT 06115
22421	OCEAN MARINE INSURANCE COMPANY LIMITED	ST. HELEN'S 1 UNDERSHAFT LONDON, Great Britain EC3P3DQ
10579	OLD REPUBLIC UNION INSURANCE COMPANY	307 NORTH MICHIGAN AVENUE CHICAGO, IL 60601
10580	PACIFIC INSURANCE COMPANY	C/O CT CORPORATION 818 WEST 7TH STREET LOS ANGELES, CA 90017
23150	PRINCETON EXCESS AND SURPLUS LINES INSURANCE COMPANY	2711 CENTERVILLE ROAD SUITE 400 WILMINGTON, DE 19808
10583	PROFESSIONAL UNDERWRITERS LIABILITY INSURANCE COMPANY	50 WEST BROADWAY SALT LAKE CITY, UT 84101
22449	QBE INTERNATIONAL INSURANCE LIMITED	CORN EXCHANGE MARK LANE LONDON, Great Britain EC3R7NE
47448	QBE SPECIALTY INSURANCE COMPANY	314 EAST THAYER AVENUE BISMARCK, ND 58501
44436	RED MOUNTAIN CASUALTY INSURANCE COMPANY, INC.	100 BROOKWOOD PLACE SUITE 500 BIRMINGHAM, AL 35209
10588	ROYAL SURPLUS LINES INSURANCE COMPANY	9 FARM SPRINGS ROAD FARMINGTON, CT 06032
10589	SAFECO SURPLUS LINES INSURANCE COMPANY	SAFECO PLAZA SEATTLE, WA 98185
10590	SAVERS PROPERTY AND CASUALTY INSURANCE COMPANY	700 WEST 47TH STREET KANSAS CITY, MO 64112-1802
10591	SCOTTSDALE INSURANCE COMPANY	ONE NATIONWIDE PLAZA COLUMBUS, OH 43215
44276	SENECA SPECIALTY INSURANCE COMPANY	2999 NORTH 44TH STREET SUITE 250 PHOENIX, AZ 85018-7256
33514	SIRIUS INTERNATIONAL INSURANCE CORPORATION	BIRGER JARISGATAN 57B STOCKHOLM, Sweden SE 113 96
10565	SPECIALTY SURPLUS INSURANCE COMPANY	1 KEMPER DRIVE LONG GROVE, IL 60049-0001
22453	SR INTERNATIONAL BUSINESS INSURANCE COMPANY LIMITED	71-77 LEADENHALL STREET LONDON, Great Britain EC3A2PQ
22454	ST. PAUL REINSURANCE COMPANY LIMITED	LONDON UNDERWRITING CENTRE SUITE 1/2 LONDON, Great Britain EC3R7YJ

<i>Key No.</i>	<i>Company Name</i>	<i>Statutory Home Address</i>
10593	ST. PAUL SURPLUS LINES INSURANCE COMPANY	32 LOOCKERMAN SQUARE SUITE L-100 DOVER, DE 19901
38980	STARR EXCESS LIABILITY INSURANCE COMPANY, LTD.	2711 CENTERVILLE ROAD SUITE 400 WILMINGTON, DE 19808
10594	STEADFAST INSURANCE COMPANY	SUITE 202 32 LOOCKERMAN SQUARE DOVER, DE 19901
10595	STONEWALL INSURANCE COMPANY	C/O CT CORPORATE SYSTEM 441 VINE STREET CINCINNATI, OH 45202
22456	THROUGH TRANSPORT MUTUAL INSURANCE ASSOCIATION LIMITED	WINDSOR PLACE, QUEEN STREET P. O. BOX HM655 HAMILTON, Bermuda HMCX
10596	TIG SPECIALTY INSURANCE COMPANY	777 ARNOLD DRIVE SUITE 200 MARTINEZ, CA 94553
10597	TRAVELERS EXCESS AND SURPLUS LINES COMPANY	ONE TOWER SQUARE HARTFORD, CT 06183
10598	TUDOR INSURANCE COMPANY	91 COURT STREET KEENE, NH 03431
10599	U. S. UNDERWRITERS INSURANCE COMPANY	316 NORTH FIFTH STREET SIXTH FLOOR BISMARCK, ND 58501
10600	ULICO INDEMNITY COMPANY	320 WEST CAPITAL STREET SUITE 1000 LITTLE ROCK, AR 72201-3525
10603	UNITED COASTAL INSURANCE COMPANY	40 NORTH CENTRAL AVENUE PHOENIX, AZ 85004
44120	UNITED NATIONAL CASUALTY INSURANCE COMPANY	5253 HOHMAN AVENUE P. O. BOX 1150 HAMMOND, IN 46320
10558	UNITED NATIONAL SPECIALTY INSURANCE COMPANY	411 EAST WISCONSIN AVENUE SUITE 700 MILWAUKEE, WI 53202
10605	VOYAGER INDEMNITY INSURANCE COMPANY	260 INTERSTATE NORTH CIRCLE NW ATLANTA, GA 30339
10607	WESTCHESTER SURPLUS LINES INSURANCE COMPANY	500 COLONIAL CENTER PARKWAY SUITE 200 ROSWELL, GA 30076
10608	WESTERN HERITAGE INSURANCE COMPANY	6263 N. SCOTTSDALE ROAD SUITE 240 SCOTTSDALE, AZ 85250
10610	WESTERN WORLD INSURANCE COMPANY	91 COURT STREET KEENE, NH 03431
49219	WILSHIRE INSURANCE COMPANY	702 OBERLIN ROAD RALEIGH, NC 27605-0800
10604	XL SELECT INSURANCE COMPANY	735 FIRST NATIONAL BUILDING OKLAHOMA CITY, OK 73102
22460	YORKSHIRE INSURANCE COMPANY LIMITED	2 ROUGIER STREET YORK, Scotland YO90 1UU
10611	ZC SPECIALTY INSURANCE COMPANY	400 WEST 15TH STREET SUITE 710 AUSTIN, TX 78701

<i>Key No.</i>	<i>Company Name</i>	<i>Statutory Home Address</i>
22461	ZURICH INTERNATIONAL (BERMUDA) LIMITED	ZURICH CENTRE, 90 PITT'S BAY ROAD P. O. BOX HM 2268 HAMILTON, Bermuda HMJX
22462	ZURICH SPECIALTIES LONDON LIMITED	THE ZURICH BUILDING 90 FENCHURCH STREET LONDON, Great Britain EC3M4JX M. DIANE KOKEN, <i>Insurance Commissioner</i>

[Pa.B. Doc. No. 04-1462. Filed for public inspection August 6, 2004, 9:00 a.m.]

Fortis Insurance Company; Rate Increase Filing for Long Term Care Policy 4040-PA and Home Health Form 4042-PA; Rate Filing

Fortis Insurance Company is requesting approval to increase the premium 39% for the Long Term Care Policy 4040-PA if the policy was sold without Home Health Rider 2021. Fortis is not seeking a rate increase on 4040-PA policies sold with the home health rider. Fortis is requesting approval to increase the premium 56% for the Home Health Policy 4042-PA if the policy was sold without Nursing Home Rider 2020. Fortis is not seeking a rate increase on 4042-PA policies sold with the nursing home rider. The 4040-PA increase will affect 926 policyholders in this Commonwealth and the 4042-PA increase will affect 107 policyholders in this Commonwealth.

Unless formal administrative action is taken prior to October 21, 2004, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) website: www.ins.state.pa.us. To access the filing, select "Consumer Information" on the left side. Under "General Information," click on "Notices." The pdf copy is at the "Filing.pdf" link following the name of the filing.

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

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, jlaverty@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 04-1463. Filed for public inspection August 6, 2004, 9:00 a.m.]

Highmark Inc. d/b/a Highmark Blue Shield; Approval to Increase Base Rates for Central Region Small Group Customers; Rate Filing

On July 12, 2004, by filing no. 200405, Highmark Inc. d/b/a Highmark Blue Shield submitted a request to increase base rates for Central Region Small Group customers. The requested base rate increase is 9.2% in addition to the other prior base rate increases. The

cumulative annual increase in base rates as a result of this, and previously approved filings, would be 26.8% for the majority of the small group customers.

The requested client notification date is on or after September 1, 2004.

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

A copy of the filing is available on the Insurance Department's (Department) website: www.ins.state.pa.us. To access the filing, select "Consumer Information" on the left side. Under "General Information," click on "Notices." The pdf copy is at the "Filing.pdf" link following the name of the filing.

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

Interested parties are invited to submit written comments, suggestions or objections to Bharat Patel, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, bhpatel@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 04-1464. Filed for public inspection August 6, 2004, 9:00 a.m.]

Reserve and Surplus Levels of Hospital Plan and Professional Health Services Plan Corporations; Application Update; Notice 2004-07

As set forth in Notice 2004-01, published on January 17, 2004 at 34 Pa.B. 458, the Insurance Department (Department) previously directed Capital Blue Cross, Highmark, Inc. d/b/a Highmark Blue Cross Blue Shield and d/b/a Pennsylvania Blue Shield, Hospital Service Association of Northeastern Pennsylvania d/b/a Blue Cross of Northeastern Pennsylvania and Independence Blue Cross (collectively, Blues Plans) to make applications for approval of the reserves and surpluses they maintain pursuant to, inter alia, 40 Pa.C.S. Chapters 61, 63 (relating to health plan corporations). In its application, each Blues Plan was directed to address what is an appropriate maximum surplus level for that Plan, and where appropriate, offer a business plan on how any surplus that exceeds the maximum level would be used.

Initially, the Department intended to make the applications available for public inspection on April 15, 2004. However, issues were presented in a lawsuit captioned *Capital Blue Cross and Blue Cross of Northeastern Pennsylvania v. Insurance Department and M. Diane Koken, Insurance Commissioner*, No. 172 MD 2004 (Cmwth. Ct.) which prevented publication of the applications as planned. However, the Court has now ruled that the applications, with limited exceptions, may now be made available for public comment and may not be maintained by the Blues Plans as confidential.

The applications and certain other supplemental documents are now available on the Department's website (www.insurance.state.pa.us). Those materials will also be made available in the Department's public room and regional offices for inspection and copying.

A thirty (30) day public comment period will officially commence on August 16, 2004. Interested parties are invited to submit written comments regarding the applications on or before September 14, 2004, to Blues Reserve/Surplus Application, Insurance Department, Of-

ice of Insurance Product Regulation and Market Enforcement, 1311 Strawberry Square, Harrisburg, PA 17120, (717) 787-4192, ra-rateform@state.pa.us. An index of all public comments submitted will be posted and periodically updated on the Department's website.

The Department views the public input as a necessary and integral part of its evaluation of the applications and therefore encourages public comment. Determinations on the applications are intended to be issued promptly after there has been opportunity to consider all the public comments. The Department may also make further inquiries, audits and investigations, and may require the submission of such supplemental studies and information, as it deems necessary or proper, to enable it to reach a determination.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 04-1465. Filed for public inspection August 6, 2004, 9:00 a.m.]

PENNSYLVANIA INDUSTRIAL DEVELOPMENT AUTHORITY

Participation and Interest Rates

The Pennsylvania Industrial Development Authority (PIDA) gives notice of the adoption of PIDA participation and interest rates for loans approved by the PIDA Board of Directors (Board). The following rates, which were adopted by the PIDA Board at its meeting on July 7, 2004, are effective for loans approved at the September PIDA Board meeting and will remain in effect until changed by a notice in the *Pennsylvania Bulletin*.

The PIDA Board retains the right to waive or modify the rates, to the extent the rates are not mandated by law, on a case by case basis for good cause shown.

Further information can be obtained from the Pennsylvania Industrial Development Authority, Commonwealth Keystone Building, 400 North Street, 4th Floor, Harrisburg, PA 17120, (717) 787-6245.

DENNIS YABLONSKY,
Chairperson

PIDA
Participation and Interest Rates
for Counties and Municipalities*
over 25,000 Population
Effective September 2004

	(S)	<i>Maximum PIDA Participation</i>	(L)		<i>Interest Rate** %</i>
ADAMS	40	* * *	30	* * * *	4.00
ALLEGHENY	40	* * *	30	* * * *	4.00
McKeesport City	60		50		3.00
West Mifflin Borough	40	* * *	30	* * * *	3.00
ARMSTRONG	50		40	* * *	3.00
BEAVER	50		40	* * *	3.00
BEDFORD	60		50		3.00
BERKS	50		30	* * * *	3.00
Reading City	60		50		3.00
BLAIR	40	* * *	40	* * *	4.00
BRADFORD	40	* * *	30	* * * *	3.00
BUCKS	40	* * *	30	* * * *	4.00
BUTLER	40	* * *	30	* * * *	4.00
CAMBRIA	50		40	* * *	3.00
Johnstown City	60		50		3.00
CAMERON	50		40	* * *	3.00
CARBON	60		50		3.00
CENTRE	40	* * *	30	* * * *	4.00

NOTICES

	(S)	Maximum PIDA Participation	(L)	Interest Rate** %
CHESTER	30	* * * *	30	4.00
CLARION	40	* * *	40	4.00
CLEARFIELD	60		50	3.00
CLINTON	50		40	3.00
COLUMBIA	50		40	3.00
CRAWFORD	50		40	3.00
CUMBERLAND	40	* * *	30	4.00
DAUPHIN	40	* * *	30	4.00
Harrisburg City	50		30	3.00
DELAWARE	40	* * *	30	4.00
Chester City	60		50	3.00
ELK	50		40	3.00
ERIE	50		40	3.00
FAYETTE	60		50	3.00
FOREST	70		60	3.00
FRANKLIN	40	* * *	30	4.00
FULTON	50		40	3.00
GREENE	50		40	3.00
HUNTINGDON	60		50	3.00
INDIANA	50		40	3.00
JEFFERSON	50		40	3.00
JUNIATA	40	* * *	40	4.00
LACKAWANNA	40	* * *	40	4.00
LANCASTER	40	* * *	30	4.00
Lancaster City	50		30	3.00
LAWRENCE	50		40	3.00
New Castle City	60		50	3.00
LEBANON	30	* * * *	30	4.00
Lebanon City	40	* * *	30	4.00
LEHIGH	40	* * *	30	4.00
Allentown City	50		30	3.00
Whitehall Township	50		30	3.00
LUZERNE	50		40	3.00
LYCOMING	50		40	3.00
McKEAN	50		40	3.00
MERCER	40	* * *	30	4.00
MIFFLIN	50		40	3.00
MONROE	50		40	3.00
MONTGOMERY	40	* * *	30	4.00
Norristown Borough	50		30	3.00
MONTOUR	40	* * *	30	4.00
NORTHAMPTON	40	* * *	30	4.00
NORTHUMBERLAND	50		40	3.00
PERRY	40	* * *	30	4.00
PHILADELPHIA	50		40	3.00
PIKE	40	* * *	30	4.00
POTTER	50		40	3.00
SCHUYLKILL	50		40	3.00
SNYDER	40	* * *	30	4.00
SOMERSET	50		40	3.00
SULLIVAN	50		40	3.00
SUSQUEHANNA	50		40	3.00
TIOGA	50		40	3.00
UNION	40	* * *	30	4.00
VENANGO	50		40	3.00
WARREN	50		40	3.00
WASHINGTON	50		40	3.00
WAYNE	40	* * *	40	4.00
WESTMORELAND	40	* * *	40	3.00
WYOMING	40	* * *	40	4.00
YORK	40	* * *	30	4.00
York City	60		50	3.00

* Municipalities are listed only if PIDA rate differs from county rate.

** Based on calendar year 2003 unemployment rate. Subject to change at discretion of the PIDA Board.

(S) Small Business (less than 50 existing employees, including parent, subsidiaries and affiliates).

(L) Large Business.

Special Note: Projects located in Designated Enterprise Zones, Financially Distressed Municipalities under Act 47, Federal Empowerment Zones, Federal Enterprise Communities, Keystone Opportunity Zones, Keystone Opportunity Expansion Zones, Keystone Opportunity Improvement Zones, Brownfield Sites and Companies Designated as Advanced Tech Firms will receive an interest rate of 3.00%.

* * * 10% equity required.

* * * * 20% equity required.

*Financially Distressed Municipalities under Act 47**

Aliquippa City
Beaver County

Braddock Borough
Allegheny County

Chester City
Delaware County

Clairton City
Allegheny County

Duquesne City
Allegheny County

Farrell City
Mercer County

Franklin Borough
Cambria County

Greenville Borough
Mercer County

Homestead Borough
Allegheny County

Johnstown City
Cambria County

Millbourne Borough
Delaware County

Pittsburgh City
Allegheny County

Rankin Borough
Allegheny County

Scranton City
Lackawanna County

West Hazleton
Luzerne County

*Federal Empowerment Zones**

Portions of Pittsburgh and Philadelphia

*Federal Enterprise Communities**

Portions of Harrisburg, Dauphin County
Portions of Lock Haven, Clinton County

* Eligible for 3.0% interest rate.

[Pa.B. Doc. No. 04-1466. Filed for public inspection August 6, 2004, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Rescission Order

Public Meeting held
July 23, 2004

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

*Pennsylvania Public Utility Commission Law Bureau
Prosecutory Staff v. Coleman Enterprises, Inc.
(2003.0264); Doc. No. C-20031974; A-310572*

Rescission Order

By the Commission:

On October 17, 2003, Law Bureau Prosecutory Staff filed a Formal Complaint against Coleman Enterprises, Inc. (Coleman or Respondent), an IXC reseller certificated at A-310572, for failure to file its 2002 Annual Report. Subsequently, on April 8, 2004, the Commission entered a Default Order that sustained the complaint and cancelled Respondent's certificate of public convenience. The notice of the Default Order was published April 24, 2004, at 34 Pa.B. 2252 with a 20-day comment period.

On April 23, 2004, Respondent filed a Petition for Reconsideration and its 2002 Annual Report. Because its Petition was filed prior to the deadline stated in the Default Order, we will treat Coleman's pleading as a Petition for Rescission.

In its Petition, Respondent stated that it never received notice of the Complaint because it went to the wrong address. Coleman stated that it learned of the Complaint after it was served with the Default Order on April 15, 2004. In response to the Default Order, Coleman then filed its 2002 Annual Report and the instant Petition. Respondent alleged that the Complaint went to an old address, even though the Default Order was mailed to Coleman's current address that Coleman has used for the last 5 years. Commission records confirm that the Complaint went to an old address. While Commission records have since been updated to note Respondent's current address, it is not clear when the Commission received notification of the address change.

Based upon the evidence, it appears that the Complaint as well as the earlier certified letter notifying Coleman of its noncompliance were indeed sent to an incorrect address. We will therefore grant Respondent's request for rescission of the Default Order. Additionally, we will not require Coleman to pay the \$250 late-filing fee. We do not believe that any public benefit in the form of deterrent effect will inure from imposing a monetary penalty in this case. However, we caution Respondent that all future Annual Reports must be timely filed and all Commission correspondence must be answered in a timely manner. We also remind Respondent of the requirement to immediately notify the Commission of any address changes. The Commission hereby puts Coleman and the rest of the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of another remedy as the Commission may deem appropriate; *Therefore,*

It Is Ordered That:

1. The Default Order entered April 8, 2004 at this docket is hereby rescinded.

2. A copy of this order be published in the *Pennsylvania Bulletin*.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 04-1467. Filed for public inspection August 6, 2004, 9:00 a.m.]

PHILADELPHIA REGIONAL PORT AUTHORITY

Request for Bids

The Philadelphia Regional Port Authority (PRPA) will accept bids for Project # 04-116.P, CD, CD-ROM & DVD Duplication Equipment, until 2 p.m. on Thursday, August 19, 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 August 10, 2004. The cost of the bid document is \$15 (includes 7% Pennsylvania sales tax). The cost is nonrefundable. PRPA is an equal opportunity employer. Contractors must comply with all applicable equal employment opportunity laws and regulations.

JAMES T. MCDERMOTT, Jr.,
Executive Director

[Pa.B. Doc. No. 04-1468. Filed for public inspection August 6, 2004, 9:00 a.m.]

PUBLIC SCHOOL EMPLOYEES' RETIREMENT BOARD

Hearings Scheduled

Hearings have been scheduled, as authorized by 24 Pa.C.S. Part IV (relating to Public School Employees' Retirement Code), in connection with the Public School Employees' Retirement System's (System) denial of claimants' requests concerning the indicated accounts.

The hearings will be held before a hearing examiner at the Public School Employees' Retirement System, 5 North Fifth Street, Harrisburg, PA 17101:

September 15, 2004	Jaime L. Loyola (Purchase of Service)	1 p.m.
	Christopher S. Stultz (Class T-D Membership)	2:30 p.m.

Persons with a disability who wish to attend the listed hearings and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact Marilyn Fuller-Smith, Assistant to the Executive Director, (717) 720-4921 to discuss how the System may best accommodate their needs.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearings will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Under 22 Pa. Code § 201.1 (relating to applicability of general rules), procedural matters will be in conformance with 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure) unless specific exemption is granted.

JEFFREY B. CLAY,
Executive Director

[Pa.B. Doc. No. 04-1469. Filed for public inspection August 6, 2004, 9:00 a.m.]

STATE BOARD OF NURSING

**Bureau of Professional and Occupational Affairs v.
Kathy D. Godfrey, L.P.N.; Doc. No. 0241-51-04**

On May 21, 2004, Kathy D. Godfrey, L.P.N., license no. PN-093568-L, of Pittsburgh, Allegheny County, was suspended for at least 3 years, retroactive to February 13, 2004, based on her violation of the terms and conditions of her voluntary recovery program consent agreement and State Board of Nursing (Board) order.

Individuals may obtain a copy of the final order by writing to Martha H. Brown, Board Counsel, State Board of Nursing, P. O. Box 2649, Harrisburg, PA 17105-2649.

This final order represents the final 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. 04-1470. Filed for public inspection August 6, 2004, 9:00 a.m.]

STATE EMPLOYEES' RETIREMENT BOARD

Hearing Scheduled

A hearing has been scheduled, as authorized by 71 Pa.C.S. Part XXV (relating to State Employees' Retirement Code), in connection with the State Employees' Retirement System's denial of Claimant's request concerning the indicated account.

The hearing will be held before a hearing examiner at the State Employees' Retirement System, 30 North Third Street, Fifth Floor, Harrisburg, PA 17101:

September 8, 2004 Sally D. Davison (D) 1 p.m.
(Change Date of
Disability Retirement)

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearings will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Under 4 Pa. Code § 250.1 (relating to applicability of general rules), procedural matters will be in conformance with 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure) unless specific exemption is granted.

ERIC HENRY,
Secretary

[Pa.B. Doc. No. 04-1471. Filed for public inspection August 6, 2004, 9:00 a.m.]

STATE CONTRACTS INFORMATION

DEPARTMENT OF GENERAL SERVICES

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". The penalties apply to invoices for goods or services when payments are not made by the required payment date or within a 15 day grace period thereafter.


Act 1984-196 redefined a "qualified small business concern" as any independently owned and operated, for-profit business concern employing 100 or fewer employees. See 4 Pa. Code § 2.32. The business must include the following statement on every invoice submitted to the Commonwealth: "(name of business) is a qualified small business concern as defined in 4 Pa. Code 2.32."

A business is eligible for payments when the required payment is the latest of:
 The payment date specified in the contract.
 30 days after the later of the receipt of a proper invoice or receipt of goods or services.
 The net payment date stated on the business' invoice.

A 15-day grace period after the required payment date is provided to the Commonwealth by the Act.

For more information: contact: Small Business Resource Center
 PA Department of Community and Economic Development
 374 Forum Building
 Harrisburg, PA 17120
 800-280-3801 or (717) 783-5700

Reader's Guide



Legal Services & Consultation

① Service Code Identification Number

② Commodity/Supply or Contract Identification No.

B-54137. Consultant to provide three 2-day training sessions, covering the principles, concepts, and techniques of performance appraisal and standard setting with emphasis on performance and accountability, with a knowledge of State Government constraints.

Department:	General Services			
Location:	Harrisburg, Pa.			
Duration:	12/1/93-12/30/93			
Contact:	Procurement Division			
	787-0000			

③ Contract Information

④ Department

⑤ Location

⑥ Duration

⑦

(For Commodities: Contact:
 Vendor Services Section
 717-787-2199 or 717-787-4705

REQUIRED DATA DESCRIPTIONS

- ① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.
- ② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.
- ③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.
- ④ Department: State Department or Agency initiating request for advertisement.
- ⑤ Location: Area where contract performance will be executed.
- ⑥ Duration: Time estimate for performance and/or execution of contract.
- ⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.

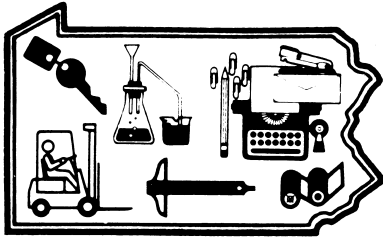
(For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

PA TREASURY BUSINESS OUTLET—PLUG INTO IT!

The Treasury Department's Bureau of Contracts and Public Records can help you do business with state government agencies. Our efforts focus on guiding the business community through the maze of state government offices. The bureau is, by law, the central repository for all state contracts over \$5,000. Services are free except for the cost of photocopying contracts (15 cents per page); postage; redaction, and certified copies. The bureau may assess reasonable fees for labor and other expenses necessary to comply with the request. A free brochure explains how to take advantage of available services.

Contact: **Bureau of Contracts and Public Records**
 Pennsylvania State Treasury
 Room 201 Finance Building
 Harrisburg, PA 17120
 717-787-4586
 1-800-252-4700
 BizOutlet@patreasury.org

BARBARA HAFER,
State Treasurer



Commodities

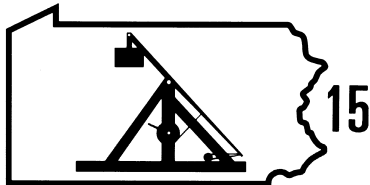
04-0003 College wants to purchase printers, cables, cartridges, photo paper, flat panel monitors, photo scanner, DVD, misc. other items - total of 33 items.

Department: State

Location: Thaddeus Stevens College of Technology, 750 E. King Street, Lancaster, PA 17602

Contact: Nancy Froeschle, (717) 299-7787

SERVICES



Environmental Maintenance Service

BF 488-101.1 Abandoned Mine Land Reclamation Project, McGal Coal Company, Mining Permit No. 3475SM27-2,-3. The principal items of work and approximate quantities include 1,600 cubic yards of grading, 1,050 cubic yards of ditch excavation, 325 square yards of high velocity erosion control mulch blanket, 725 square yards r-4 rock lining, 375 tons of r-5 rock lining, 685 linear feet of subsurface drain and 4 acres of seeding. This project issues on August 6, 2004 and bids will be opened on August 31, 2004 at 2:00 p.m. Payment in the amount of \$10.00 must be received before bid documents will be sent. Partial funding for this project has been made available from federal funds totaling \$24.7 million for Pennsylvania's 2002 AML Grant.

Department: Environmental Protection

Location: Forward Township, Allegheny County

Duration: 200 calendar days after the official starting date.

Contact: Construction Contracts Section, (717) 783-7994

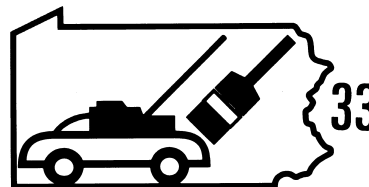
BF 440-201.1 Abandoned Mine Land Reclamation Project, Attilio Cicconi, Mining Permit No. 33A76SM10. The principal items of work and approximate quantities include 340,000 cubic yards of grading, 45,000 cubic yards of rock excavation, 1,720 cubic yards of ditch excavation, 1,060 square yards of rock lining with filter material and 54 acres of seeding. This project issues on August 6, 2004 and bids will be opened on August 31, 2004 at 2:00 p.m. Payment in the amount of \$10.00 must be received before bid documents will be sent.

Department: Environmental Protection

Location: Luzerne Township and Brownsville Borough, Fayette County

Duration: 360 calendar days after the official starting date.

Contact: Construction Contracts Section, (717) 783-7994



Property Maintenance

CN00010013 Demolition and replacement of chimney, install tile roof in areas where chimney and cricket were removed. To request a bid package, please fax your request to 570-587-7108 and include your company name, address, telephone and fax numbers, Federal ID number and PA State Vendor number. Bid Packages cannot be faxed.

Department: Public Welfare

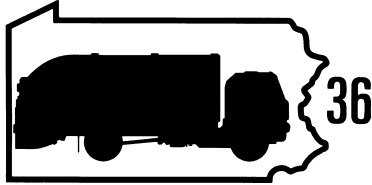
Location: Clarks Summit State Hospital, 1451 Hillside Drive, Clarks Summit, PA 18411-9505

Duration: August 1, 2004 through October 30, 2004

Contact: Stanley Rygelski, (570) 587-7291

CN00010034 Roof Repair Project - Housing Unit "B." Vendor will remove all existing gravel membrane roofing, all insulation, flashings, pitch pockets, roof edge gravel stops, scuppers, downspouts, splash blocks and fascia sumps. Install all new roofing components including membrane roofing and flashing, insulations, aluminum gravel stops, scuppers, and to reinstall existing fascia sumps. Any questions or to schedule a site visit contact Mr. David Schultz, Facility Manager I, at the State Correctional Institution at Pittsburgh, (412) 761-1955, Ext. 396.

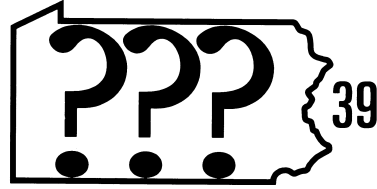
Department: Corrections
Location: State Correctional Institution at Pittsburgh, 3001 Beaver Avenue, P. O. Box 99901, Pittsburgh, PA 15233, 761-1955.
Duration: Approximately a four week project starting upon approval of service
Contact: Carol Schaeffer/Purchasing Agent, (412) 732-2115



Sanitation

CN00010047 Garbage/Refuse Service.

Department: Public Welfare
Location: Polk Center, Polk, PA 16342
Duration: November 1, 2004 - October 31, 2006
Contact: Amy Tatarek, (814) 432-0229



Miscellaneous

KURFP-0078 Kutztown University is seeking proposals from qualified firms to provide consulting services. Consulting services to include an assessment of current residential student housing, review of past housing and future campus housing needs, financial analysis, investigation of off-campus housing, and assistance in creating a Housing and Residential Services Master plan. Interested firms must submit a written request to receive a copy of the RFP to: Kutztown University, Purchasing Department, Attn: Craig Kleinsmith, P. O. Box 730, Kutztown, PA 19530; fax: (610) 683-4674; or e-mail to kleinsmi@kutztown.edu. RFP packets are available from August 9, 2004 through September 3, 2004. A pre-proposal conference will be held on September 8, 2004. Questions prior to proposal submission must be submitted in writing no later than 12 noon on September 15, 2004. Proposals must be received by 2 PM on September 27, 2004. Late submissions will not be accepted.

Department: State System of Higher Education
Location: Kutztown University, Kutztown, PA 19530
Duration: 1 year
Contact: Craig Kleinsmith, (610) 683-4774

[Pa.B. Doc. No. 04-1472. Filed for public inspection August 6, 2004, 9:00 a.m.]

DESCRIPTION OF LEGEND

- | | |
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| <p>1 Advertising, Public Relations, Promotional Materials</p> <p>2 Agricultural Services, Livestock, Equipment, Supplies & Repairs: Farming Equipment Rental & Repair, Crop Harvesting & Dusting, Animal Feed, etc.</p> <p>3 Auctioneer Services</p> <p>4 Audio/Video, Telecommunications Services, Equipment Rental & Repair</p> <p>5 Barber/Cosmetology Services & Equipment</p> <p>6 Cartography Services</p> <p>7 Child Care</p> <p>8 Computer Related Services & Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p>9 Construction & Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p>10 Court Reporting & Stenography Services</p> <p>11 Demolition—Structural Only</p> <p>12 Drafting & Design Services</p> <p>13 Elevator Maintenance</p> <p>14 Engineering Services & Consultation: Geologic, Civil, Mechanical, Electrical, Solar & Surveying</p> <p>15 Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core & Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p>16 Extermination Services</p> <p>17 Financial & Insurance Consulting & Services</p> <p>18 Firefighting Services</p> <p>19 Food</p> <p>20 Fuel Related Services, Equipment & Maintenance to Include Weighing Station Equipment, Underground & Above Storage Tanks</p> <p>21 Hazardous Material Services: Abatement, Disposal, Removal, Transportation & Consultation</p> | <p>22 Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental & Repair</p> <p>23 Janitorial Services & Supply Rental: Interior</p> <p>24 Laboratory Services, Maintenance & Consulting</p> <p>25 Laundry/Dry Cleaning & Linen/Uniform Rental</p> <p>26 Legal Services & Consultation</p> <p>27 Lodging/Meeting Facilities</p> <p>28 Mailing Services</p> <p>29 Medical Services, Equipment Rental and Repairs & Consultation</p> <p>30 Moving Services</p> <p>31 Personnel, Temporary</p> <p>32 Photography Services (includes aerial)</p> <p>33 Property Maintenance & Renovation—Interior & Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning & Planting, etc.)</p> <p>34 Railroad/Airline Related Services, Equipment & Repair</p> <p>35 Real Estate Services—Appraisals & Rentals</p> <p>36 Sanitation—Non-Hazardous Removal, Disposal & Transportation (Includes Chemical Toilets)</p> <p>37 Security Services & Equipment—Armed Guards, Investigative Services & Security Systems</p> <p>38 Vehicle, Heavy Equipment & Powered Machinery Services, Maintenance, Rental, Repair & Renovation (Includes ADA Improvements)</p> <p>39 Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
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DONALD T. CUNNINGHAM, Jr.
Secretary

PROPOSED RULEMAKING

ENVIRONMENTAL QUALITY BOARD

[25 PA. CODE CHS. 91 AND 92]

Concentrated Animal Feeding Operations and Other Agricultural Operations

The Environmental Quality Board (Board) proposes to amend §§ 91.1, 91.35, 91.36, 92.1 and 92.5a. This proposed rulemaking conforms current Department of Environmental Protection (Department) regulations to the revised Federal regulations for concentrated animal feeding operations (CAFOs). The proposed rulemaking also makes some substantive and organizational changes to existing regulations regarding agricultural operations in this Commonwealth.

This proposed rulemaking was adopted by the Board at its meeting on April 20, 2004.

A. Effective Date

The proposed rulemaking will go into effect upon final-from publication in the *Pennsylvania Bulletin*.

B. Contact Persons

For further information, contact Cedric Karper, Chief, Division of Conservation Districts and Nutrient Management, Bureau of Watershed Management, Rachel Carson State Office Building, P. O. Box 8465, Harrisburg, PA 17105-8465, (717) 783-7577; or Douglas Brennan, Assistant Counsel, Bureau of Regulatory Counsel, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101-2301, (717) 787-9373. Information regarding submitting comments on this proposed rulemaking appears in Section I of this preamble. Persons with a disability may use the AT&T Relay Service, (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This proposed rulemaking is available on the Department's website: www.dep.state.pa.us.

C. Statutory Authority

The proposed rulemaking is being made under the authority of sections 5(b)(1) and 402 of The Clean Streams Law (35 P. S. §§ 691.5(b)(1) and 691.402) and section 1920-A of The Administrative Code of 1929 (71 P. S. § 510-20).

D. Background and Purpose

The primary purpose of the proposed rulemaking is to allow the Commonwealth to maintain delegation of the National Pollutant Discharge Elimination System (NPDES) CAFO program, which was revised by the Federal government in 2003. The proposed rulemaking is also intended to implement a regulatory program for livestock operations that reasonably controls the risk to the environment in a sustainable way, with due regard for the economic importance of the industry and other societal benefits, using the input from important stakeholders and relying as much as possible on the existing successful CAFO program. The proposed rulemaking also strengthens existing requirements in key areas and codifies The Clean Streams Law requirement that smaller agricultural operations protect the quality of this Commonwealth's waters.

The proposed rulemaking is directly related to and an integral part of Governor Rendell's directive that was

issued with his veto of HB 1222. This directive includes development of a comprehensive, progressive plan to address municipal ordinances enacted in conflict with the act of June 10, 1982 (P. L. 454, No. 133) (3 P. S. §§ 951—957), known as the Right-to-Farm Law, and Nutrient Management Act (3 P. S. §§ 1701—1718) and the concerns over animal feeding operations that are driving these ordinances. As a result of that directive, the definition of "CAFO" was expanded in this proposed rulemaking to include all operations defined by Federal regulations as large CAFOs and a stream buffer/manure application setback provision was added in Chapter 91 (relating to general provisions). The proposed rulemaking also includes specific setback and buffer requirements for CAFOs. The expanded coverage of the CAFO permitting program and provisions for buffers/setbacks respond to local concerns behind municipal ordinances. A special request for public comment on the buffer/setback provisions is included in this publication. This public input will be considered in finalizing the rulemaking and in shaping the comprehensive, progressive plan requested in the directive.

The most recent (2002) Pennsylvania report on the quality of surface waters listed agriculture as the second leading cause of impairment. Improper management of nutrients such as manure and fertilizers, as well as lack of stormwater runoff controls, are the primary contributing factors to these water quality problems around this Commonwealth. Livestock operations, including large-scale operations whose animals generate large amounts of manure, present risks of water pollution. In addition, many of this Commonwealth's agricultural operations are in the Chesapeake Bay watershed. This requires a special focus on best management practices to protect and restore that important resource.

At the same time, agriculture is an important industry in this Commonwealth, providing livelihood for thousands of citizens and their families. In addition, agricultural lands provide significant aesthetic and environmental benefits to this Commonwealth. Finally, agriculture is an important part of the cultural fabric of this Commonwealth.

To address the environmental risks posed by large-scale livestock operations, the United States Environmental Protection Agency (EPA) promulgated a comprehensive set of revised regulations governing CAFOs in February 2003. These regulations greatly expand existing Federal rules put in place over 20 years ago, to strengthen the existing regulatory program for CAFOs. The regulations revise 40 CFR Parts 122 and 412.

The Department already has in place NPDES permit regulations for CAFOs in § 92.5a (relating to CAFOs). These regulations were previously approved by the EPA as part of a delegation agreement to administer the Federal program in this Commonwealth. To maintain delegation of the Federal program, the Department must demonstrate that its regulations meet the new Federal requirements. In the case of the Commonwealth, the existing CAFO regulations, along with Chapter 83, Subchapter D (relating to nutrient management) promulgated by the State Conservation Commission (Commission), Chapter 91 and Chapter 102 (relating to erosion and sediment control), already contain many of the new Federal requirements. These regulations have been in place for several years and have achieved wide acceptance

in the agricultural community as well as various stakeholders such as Department regional offices, the Department of Agriculture, the Commission, the Nutrient Management Advisory Board and the county conservation districts.

To develop the proposed rulemaking revising the current CAFO program, the Department created a CAFO Stakeholder Group (Group) in early 2003 to obtain advice from the various interested sectors of this Commonwealth—government, industry, environmental and academia—similar to the group convened in 1999 when the initial CAFO regulations were developed. The Group met six times between March and November 2003 to assist the Department in developing the proposed rulemaking. Much of the content of the proposed rulemaking reflects input from the Group.

During the Group meetings, water quality problems associated with this Commonwealth's numerous smaller livestock operations were identified. A variety of strategies were presented and discussed. Proposed § 91.36(c) (relating to pollution control and prevention at agricultural operations) emphasizes the responsibility of all agricultural operations to prevent the discharge of pollutants to waters of this Commonwealth under The Clean Streams Law. In addition, the proposed rulemaking extends the requirement for permits for manure storage to smaller operations to minimize the risk of impacts to water resources.

The Department has also sought the advice of the Agricultural Advisory Board in developing this proposed rulemaking. However, the Agricultural Advisory Board took no position and decided not to submit formal comments on the version reviewed by the Agricultural Advisory Board.

Summary of Regulatory Requirements

The regulatory scheme for agricultural operations contains several levels of requirements, which increase in stringency as the risk of impacts to water resources increases. The proposed rulemaking makes changes at several of those levels, and is being proposed concurrently with a proposed rulemaking by the Commission under Chapter 83 (relating to State Conservation Commission), which affect both CAFOs and other agricultural operations.

1. *CAFOs.* The main focus of this proposed rulemaking is CAFOs, the largest livestock operations in this Commonwealth. The basic requirement for CAFOs will continue to be to obtain a permit under the Department's program implementing the NPDES Program. The NPDES permit has several fundamental requirements, some of which are new or which contain new elements to conform to the new Federal requirements. These requirements, with the corresponding applicable regulation or law, are:

- Proper construction and operation of manure storage facilities (§ 91.36(a)).
- An erosion and sediment control plan for plowing and tilling (Chapter 102).
- A nutrient management plan (NMP) addressing stormwater runoff around the farmstead and application of nutrients on croplands (Chapter 83, Subchapter D).
- A preparedness, prevention and contingency (PPC) plan for chemicals (§ 92.5a(4)).
- Implementation of management controls on the export of manure away from the CAFO (Chapter 83, Subchapter D).

- Compliance with 3 Pa.C.S. §§ 2301—2389 (relating to the Domestic Animal Law) when handling animal mortality.

a. *Manure Management.* First, agricultural operations in this Commonwealth, including CAFOs, must meet construction and operation requirements for manure storage and management. These broad-based requirements are currently described in § 91.35 (relating to wastewater impoundments) and § 91.36, which are administered by the Department. The proposed rulemaking consolidates them into one section, § 91.36. CAFOs, which have large manure storage facilities, have special permitting requirements above and beyond those of most other livestock operations, and this proposed rulemaking preserves that extra protection. For poultry operations, these protections are increased in the proposed rulemaking, consistent with the revised Federal CAFO regulations.

b. *Conservation Practices.* Second, all agricultural operations that conduct plowing and tilling must develop and implement an erosion and sediment control plan to limit runoff, under Chapter 102, also administered by the Department. This applies to CAFOs. These plans are important to the prevention of surface water pollution by phosphorus from manure and other nutrients applied to the land as fertilizer. The proposed rulemaking specifies that the conservation practices must meet setback and buffer requirements approved by the Department.

c. *Nutrient Management.* Third, the approximately 800 "concentrated animal operations" (many of which are also CAFOs) regulated under Chapter 83 based on their concentration of animals (as opposed to their absolute numbers of animals) must meet a series of requirements related to nutrient management. These requirements include testing of soils and manure for nitrogen and phosphorus, determination of agronomic needs of the crops based on nitrogen, land application of manure based on those tests and on crop needs and stormwater runoff controls around the farmstead. These requirements, including the need to have a NMP approved by the local county conservation district, are also imposed on CAFOs under the existing and proposed regulations. The NMPs are subject to appeal to the Environmental Hearing Board.

Chapter 83 is promulgated by the Commission and is administered primarily through county conservation districts. Chapter 83 is currently undergoing sweeping revisions in a timeframe similar to this proposed rulemaking. (*Editor's Note:* For the document relating to these revisions see 34 Pa.B. 4361 (August 7, 2004).

The proposed amendments to Chapter 83 include new, additional requirements for addressing the impacts on water quality from phosphorus (in addition to nitrogen) and more frequent soil and manure testing for nitrogen and phosphorus. They also propose to significantly increase the regulation of the export of manure. These amendments are relevant to CAFOs because § 92.5a requires CAFOs to have an NMP under Chapter 83.

d. *Federal CAFO Requirements.* Finally, Chapter 92 (relating to National Pollutant Discharge Elimination System permitting, monitoring and compliance) contains the Department's NPDES regulations and § 92.5a governs CAFOs. Section 92.5a incorporates the other requirements already applicable to agricultural operations found in Chapters 83, 91 and 102 and adds special requirements for CAFOs within the Department's NPDES permit program. The proposed rulemaking makes several

changes to § 92.5a, as well as the related definitions in § 92.1 (relating to definitions), to conform to the new EPA CAFO regulations:

- A revised definition of “CAFO” to expand the scope of these regulations.
- A new definition of “livestock” to include horses.
- A timetable for poultry operations with dry manure to apply for NPDES CAFO permits.
- Setback requirements from water bodies for land application of manure.
- Recordkeeping and reporting requirements that are identified in the NPDES permit and also in the Department’s implementation strategy to be published later in 2004.
- A PPC plan for chemicals.
- Implementation of management controls on the export of manure away from the CAFO.
- Compliance with 3 Pa.C.S. §§ 2301—2389 when handling animal mortality.

The Board seeks comments in particular on two aspects of these amendments:

i. *Definition of a “CAFO.”* The Board proposes to amend the definition of a “CAFO” to alter the way in which a discharge to surface waters from the operation would trigger the CAFO requirements. The existing regulations consider any agricultural operation, no matter how small, to be a CAFO if it has a discharge to surface waters. The proposed rulemaking eliminates that threshold. This proposed amendment is based on the focus of the CAFO regulations: large animal operations. For the most part, these regulations do not allow discharges. Smaller operations that have discharges are subject to other, more basic requirements and prohibitions under The Clean Streams Law. The Board believes that the CAFO program should keep its focus on permitting (and monitoring) larger operations. The proposed rulemaking adds new language highlighting The Clean Streams Law general prohibitions against unpermitted discharges to surface waters.

In addition, the Board proposes to add a category of operations that will be a CAFO—operations designated as

large CAFOs by the EPA. The purpose of this provision is to satisfy the new Federal definition of a CAFO, which does not use the Pennsylvania approach of “animal equivalent units.”

Further, the Board proposes language that gives it the flexibility to include any agricultural operation that requires closer scrutiny under a permit based on certain risk factors.

Finally, the proposed rulemaking allows discharges designed to meet specified effluent limitations. This provision will encourage technologies that use manure for energy production. Some of these technologies include a treated wastewater discharge and, with this provision, can be covered under the CAFO rather than the more complex NPDES industrial waste permitting process. Public comment is specifically requested on other options that could be employed to further encourage use of manure for energy production.

ii. *Setback requirements.* The Board proposes to adopt new provisions to require manure land application setbacks as stated in the new EPA CAFO regulations—100 feet setback or 35 feet of vegetated buffer. However, the Board is soliciting comments on another option under consideration. Under that option, the setback requirement would refer solely to current setbacks allowed by the “Pennsylvania Technical Guide.” The “Pennsylvania Technical Guide,” published by the United States Department of Agriculture, Natural Resources Conservation Service (NRCS), is an integral part of the regulatory scheme in this Commonwealth. It contains design standards developed by the NRCS, with the assistance of cooperating agencies such as the Department, other State and Federal agencies, farm organizations and environmental groups. The current design standard for a vegetated buffer is 50 feet, which is more stringent than the Federal CAFO regulations. However, alternative buffer designs may be developed after scientific evaluation by the NRCS, review by cooperating agencies and approved by the State conservationist.

The following table summarizes the requirements in the Federal regulations and the associated Pennsylvania regulations that will satisfy those requirements if this proposed rulemaking is finalized:

<i>Issue</i>	<i>EPA—New Rule</i>	<i>Department/Commission Proposed Amendments</i>
CAFO definition	§§ 122.23(b)(4) and (6)	§ 92.1
NMP	§§ 122.42(e)(1) and 412.4(c)(1)	§ 92.5a(e)(1) and Chapter 83
—Manure storage	§ 122.42(e)(1)(i)	§§ 91.36(a) and 92.5a(e)(4)
—Dead animals	§§ 122.42(e)(1)(ii) and 412.37(a)(4)	§ 92.5a(e)(3)
—Stormwater management	§ 122.42(e)(1)(iii)	§ 92.5a(e)(1) and Chapter 83
—Animal contact with waters of the United States	§ 122.42(e)(1)(iv)	§ 92.5a(e)(1) and Chapter 83
—Chemical handling	§ 122.42(e)(1)(v)	§ 92.5a(e)(1)
—Conservation practices	§ 122.42(e)(1)(vi)	§ 92.5a(e)(1) and Chapters 83 and 102
—Testing of manure and soil	§§ 122.42(e)(1)(vii) and 412.4(c)(3)	§ 92.5a(e)(1) and Chapter 83
—Land application protocols	§§ 122.42(e)(1)(viii) and 412(c)(2)	§ 92.5a(e)(1) and Chapter 83
—Recordkeeping for NMP	§§ 122.42(e)(1)(ix) and (e)(2) and 412.37(b) and (c)	§ 92.5a(e)(5)
Manure transfer (export)	§ 122.42(e)(3)	§ 92.5a(d)(1) and (e)(1) and Chapter 83
Annual report	§ 122.42(e)(4)	§ 92.5a(e)(5)
Nitrogen and Phosphorus	§ 412.4(c)(1)	§ 92.5a(e)(1) and Chapter 83

<i>Issue</i>	<i>EPA—New Rule</i>	<i>Department/Commission Proposed Amendments</i>
Maintenance of land application equipment	§ 412.4(c)(4)	§ 92.5a(e)(1) and Chapter 83
Setback requirements	§ 412.4(c)(5)	§ 92.5a(d)(1)
Discharge prohibition from production areas	§ 412	§§ 91.36(a)(4) and 92.5a(e)(4)
Voluntary alternative performance standard	§ 412.31(a)(2)	§ 92.1
Visual inspections of production area	§ 412.37(a)(1) and (3)	§ 92.5a(e)(1) and Chapter 83
Depth markers	§ 412.37(a)(2)	§§ 91.36(a) and 92.5a(e)(4)

3. *Other agricultural operations.* The Group that assisted the Department in the development of this proposed rulemaking identified smaller livestock operations as causing a substantial portion of pollution problems created by agriculture. To address this, the proposed amendments to § 91.36(c) emphasize the responsibility of all agricultural operations to prevent the discharge of pollutants to waters of this Commonwealth under The Clean Streams Law. In addition, the proposed amendments in § 91.36(a)(3) and (7) require permits for liquid or semisolid manure storage at smaller operations than currently permitted to minimize the risk of impacts to water resources. Section 91.36(a)(3) establishes specific size, type and location criteria for new and expanded manure storage facilities. Section 91.36(a)(7) sets the general criteria for other facilities. These facilities would be evaluated on a case-by-case basis, taking site-specific conditions into consideration, such as the proximity to special protection waters or impaired waters, and considering the risk of pollution based on various factors such as the type of geology, the type of storage structure and the size of the structure. Department staff would perform this evaluation.

Finally, the Board is proposing to add § 91.36(b)(2), which establishes Statewide setback and buffer requirements. The Board seeks comments on this requirement, and in particular on the appropriate standard for water quality protection. As a starting point, the Department's current Manure Management Manual recommends setbacks consistent with the Commission's nutrient management regulations. These primarily involve proximity to environmentally sensitive areas such as drinking water sources, and, during times of frozen, saturated or snow covered ground, from streams, lakes, ponds and other surface water conveyances. In addition, proposed § 92.5a(d)(1) requires setbacks or buffers for CAFOs that would be consistent with the Federal rule: 100 foot setback from surface water (throughout the year) or a 35-foot wide vegetated buffer, in addition to the requirements of the nutrient management regulations. The Board seeks comments on whether and to what extent either of these setback and buffer standards, or others, would be appropriate for all agricultural operations Statewide.

E. Benefits, Costs and Compliance

Benefits

Human health and the environment will benefit because agricultural operations, including CAFOs, will be required to effectively manage the manure that they produce. The largest and most concentrated operations are targeted under the CAFO program. The Department estimates that there will be a total of 350 CAFOs in this

Commonwealth, as defined under this proposed rulemaking (there are approximately 160 now), mostly in the central parts of this Commonwealth. The population of the Susquehanna River Basin, in particular, will benefit from enhanced water quality and associated economic and recreational benefits. The proposed rulemaking will also complement the Commonwealth's efforts to meet its commitments to the Chesapeake Bay Program and will help to address agricultural nonpoint sources of pollution that are among the most significant sources of water quality impairment in this Commonwealth. The CAFO permitting process will also help farmers critically assess the costs and benefits of developing CAFOs before they make substantial financial commitments.

Compliance Costs

There will be compliance costs for some agricultural operations around this Commonwealth, especially existing poultry producers that will be newly regulated as CAFOs, new or expanded operations which will be CAFOs and some agricultural operations with manure storage capacity greater than 1 million gallons.

The approximately 190 operations that are expected to be directly affected by the new CAFO regulations should not be surprised by the changes. The EPA began soliciting comments on the proposed Federal rule changes about 3 years ago. Fact sheets, reports and the Federal AFO/CAFO Strategy were widely circulated to both government and industry for review and comment. The large poultry and swine integrators have been expecting these changes. In addition, Department staff have met with the poultry and swine representatives during the development of the proposed rulemaking. The technical capacity in the private sector for preparing the permit applications exists, although the timeline established by the Department in § 92.5a(c) will dictate the burden placed on these resources.

The Department does not have detailed information on the anticipated CAFO compliance costs in this Commonwealth. Using information from the EPA on the average costs of obtaining an NPDES CAFO permit, costs are estimated to be no more than the following:

- Existing operation, general permit: \$1,000 to \$2,500.
- Existing operation, individual permit: \$1,500 to \$3,500.
- New or expanded operation: \$10,000 to \$15,000.

In addition to the costs for obtaining a CAFO permit, smaller CAFOs and some agricultural operations will incur expenses to obtain permits for large manure storage facilities. The Department estimates those costs to be up to \$1,500 to \$3,500 per storage facility.

Compliance Assistance Plan

To help these livestock operations meet the proposed rulemaking's requirements, Congress increased funding for land and water conservation programs in the 2002 Farm Bill by \$20.9 billion Nationwide, bringing total funding for these programs to \$51 billion over the next decade. The Environmental Quality Incentives Program (EQIP) was authorized at \$200 million in 2002 and will ultimately go up to \$1.3 billion in 2007; 60% of those funds must go to livestock operations. The Commonwealth's allocation is approximately \$8 to \$10 million annually. New technology is also being perfected to aid farmers in meeting the proposed rulemaking.

Several financial assistance programs are available to livestock producers in this Commonwealth. Federal grants, such as EQIP and the Conservation Reserve Enhancement Program are available. State cost share and grant programs such as the Chesapeake Bay Program, Growing Greener and the Nutrient Management Program grants and low interest loans through Agrilink are also available.

Additionally, compliance assistance efforts following the enactment of the new regulations will be in the form of education and outreach by the conservation districts, Penn State Extension and Department trainings and fact sheets.

Paperwork Requirements

The proposed rulemaking will cause no additional paperwork (for example, reporting forms, recordkeeping, application forms, letters, public notices, and the like) for existing CAFOs in this Commonwealth.

It should be noted that the Department has been actively endorsing electronic data reporting instead of conventional paper form reporting to water systems throughout this Commonwealth. If employed, electronic data reporting would greatly reduce a CAFO's current paperwork requirements.

G. Sunset Review

The proposed rulemaking will be reviewed in accordance with the sunset review schedule published by the Department to determine whether the regulations effectively fulfill the goals for which they were intended.

H. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on July 28, 2004, the Department submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the Senate and House Environmental Resources and Energy Committees. A copy of this material is available to the public upon request.

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

ment, the General Assembly and the Governor of comments, recommendations or objections raised.

I. Public Comments

Written Comments—Interested persons are invited to submit comments, suggestions or objections regarding the proposed rulemaking to the Environmental Quality Board, P. O. Box 8477, Harrisburg, PA 17105-8477 (express mail: Rachel Carson State Office Building, 15th Floor, 400 Market Street, Harrisburg, PA 17105-2301). Comments submitted by facsimile will not be accepted. Comments, suggestions or objections must be received by the Board by November 5, 2004. Interested persons may also submit a summary of their comments to the Board. The summary may not exceed one page in length and must also be received by November 5, 2004. The one-page summary will be provided to each member of the Board in the agenda packet distributed prior to the meeting at which the final regulations will be considered.

Electronic Comments—Comments may be submitted by e-mail to the Board at RegComments@state.pa.us and must also be received by the Board by November 5, 2004. A subject heading of the proposed rulemaking and a return name and address must be included in each transmission. If an acknowledgement of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt.

J. Public Meetings and Hearings

The Department will hold two public informational meetings on this proposed rulemaking in conjunction with the meetings scheduled for the revised nutrient management regulations. The public informational meetings will be held at 6:30 p.m., September 13, 2004, at the Holiday Inn, 5401 Carlisle Pike, Mechanicsburg and at 6:30 p.m., September 16, 2004, at the Ramada Inn, 191 United Road, DuBois.

The Board will hold two public hearings coordinated with the revised nutrient management regulations. The hearings will be held at 7 p.m. on October 13, 2004, at the Holiday Inn, 5401 Carlisle Pike, Mechanicsburg and October 14, 2004, at the Ramada Inn, 191 United Road, DuBois.

Persons wishing to present testimony at a public hearing are requested to contact the Environmental Quality Board, P. O. Box 8477, Harrisburg, PA 17105-8477, (717) 787-4526 at least 1 week in advance of the hearing to reserve a time to present testimony. Oral testimony is limited to 10 minutes for each witness. Witnesses are requested to submit three written copies of their oral testimony to the hearing chairperson at the hearing. Organizations are limited to designating one witness to present testimony on their behalf at each hearing.

Persons in need of accommodations as provided for in the American With Disabilities Act of 1990 should contact the Board at (717) 787-4526 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,
Chairperson

Fiscal Note: 7-391. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 25. ENVIRONMENTAL PROTECTION
PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION

Subpart C. PROTECTION OF NATURAL RESOURCES

ARTICLE II. WATER RESOURCES

CHAPTER 91. GENERAL PROVISIONS

GENERAL

§ 91.1. Definitions.

The definitions in section 1 of [the act of June 22, 1937 (P. L. 187, No. 394)] The Clean Streams Law (35 P. S. § 691.1) apply to this article. In addition, the following words and terms, when used in this article, have the following meanings, unless the context clearly indicates otherwise:

AEU—Animal equivalent unit—One thousand pounds live weight of livestock or poultry animals, regardless of the actual number of individual animals comprising the unit, as defined in section 3 of the Nutrient Management Act (3 P. S. § 1703).

* * * * *

[**Animal equivalent unit**—One thousand pounds live weight of livestock or poultry animals, regardless of the actual number of individual animals comprising the unit, as defined in section 3 of the Nutrient Management Act.]

* * * * *

Earthen waste storage pond—A manure storage facility with an earthen structure lined with clay, plastic, concrete or other material acceptable to the Department.

* * * * *

Manure Management Manual—The guidance manual published by the Department that is entitled “Manure Management Manual for Environmental Protection,” including its supplements and amendments. The manual describes approved manure management practices for all agricultural operations as required by § 91.36. (relating to pollution control and prevention at agricultural operations).

Manure storage facility—A permanent structure or facility [or], a portion of a structure or facility, or a group of structures or facilities at one agricultural operation, utilized for the purpose of containing manure [as defined in § 83.201 (relating to definitions)].

* * * * *

Pennsylvania Technical Guide—

(i) The Pennsylvania Soil and Water Conservation Technical Guide, including supplements and amendments, which is the primary technical guide published by the Pennsylvania office of the Natural Resources Conservation Service of the U.S. Department of Agriculture.

(ii) The Guide contains technical information, including design criteria, about conservation of soil, water, air, plant and animal resources specific to Pennsylvania.

(iii) The Guide is also referred to as the Field Office Technical Guide in Federal regulations and other documents.

* * * * *

Setback—A specified distance from surface waters or potential conduits to surface waters where manure, litter, and process wastewater may not be land applied.

* * * * *

Vegetated buffer—A permanent strip of dense perennial vegetation established parallel to the contours of and perpendicular to the dominant slope of the field for purposes that include slowing water runoff, enhancing water infiltration, and minimizing the risk of any potential pollutants from leaving the field and reaching surface waters.

Waste storage structure—A manure storage facility that is a fabricated structure for storage of animal wastes or other organic agricultural wastes that is not an earthen waste storage pond.

* * * * *

MANAGEMENT OF OTHER WASTES

§ 91.35. Wastewater impoundments.

(a) Except as otherwise provided under subsections (c)—[(e)](d), a person may not operate, maintain or use or permit the operation, maintenance or use of a wastewater impoundment for the production, processing, storage, treatment or disposal of pollutants unless the wastewater impoundment is structurally sound, impermeable, protected from unauthorized acts of third parties, and is maintained so that a freeboard of at least 2 feet remains at all times. The person owning, operating or possessing a wastewater impoundment has the burden of satisfying the Department that the wastewater impoundment complies with these requirements.

* * * * *

(c) Except when a wastewater impoundment is already approved under an existing permit from the Department, a permit from the Department is required approving the location, construction, use, operation and maintenance of a wastewater impoundment subject to subsection (a) in the following cases:

* * * * *

(4) [If the impoundment is a new or expanded manure storage facility at an agricultural operation with more than 1,000 animal equivalent units, regardless of the capacity of the impoundment.

(5)] If the Department determines that a permit is necessary for effective regulation to insure that pollution will not result from the use, operation or maintenance of the wastewater impoundment.

(d) [The following types of agricultural operations are not subject to subsections (b) and (c) or the freeboard requirements of subsection (a), but shall provide a 12-inch freeboard for all waste storage ponds as defined in the “Pennsylvania Technical Guide” and a 6-inch freeboard for all waste storage structures at all times:

(1) An agricultural operation, which contains less than 1,001 animal equivalent units.

(2) An agricultural operation in existence prior to January 29, 2000, and designed in accordance with the "Pennsylvania Technical Guide" and addenda or amendments thereto.

(e)] This section does not apply to [residual]:

(1) Manure storage facilities at agricultural operations, which are governed by § 91.36 (relating to pollution control and prevention at agricultural operations).

(2) Residual waste processing, disposal, treatment, collection, storage or transportation.

§ 91.36. Pollution control and prevention at agricultural operations.

(a) *Animal manure storage facilities.* [Except as provided in paragraphs (1) and (2), animal manure storage facilities do not require a water quality management permit from the Department if the design and operation of the storage facilities are in accordance with the Department approved manure management practices as described in the publication entitled "Manure Management for Environmental Protection" and addenda or amendments thereto prepared by the Department, "The Pennsylvania Technical Guide" and addenda and amendments thereto, and when applicable, § 83.351 (relating to minimum standards for the design, construction, location, operation, maintenance and removal from service of manure storage facilities) and each animal manure storage facility is designed to prevent discharges to surface waters during a storm event of less than a 25-year/24-hour storm. In addition, in the case of animal manure storage facilities located at animal operations with over 1,000 animal equivalent units on or before January 29, 2000, a water quality management permit is not required if a registered professional engineer certifies that the design and construction of each manure storage facility is consistent with the "Pennsylvania Technical Guide."]

(1) A permit is required under § 91.35 (relating to wastewater impoundments) for the design, construction and operation of any new or expanded animal manure storage facility at an agricultural operation with more than 1,000 animal equivalent units. In addition to the requirements of § 91.35, the permit shall incorporate the requirements of this section.

(2) If a person chooses to design or construct manure storage facilities using criteria other than those described in "Manure Management for Environmental Protection" prepared by the Department and the "Pennsylvania Technical Guide" and addenda or amendments to those publications, approval of the Department or a permit under § 91.35 will be required. Operations which are required to or volunteer to submit nutrient management plans shall comply with the nutrient management regulations in Chapter 83 (relating to State Conservation Commission).]

(1) Except as provided in paragraphs (2) and (3), a manure storage facility shall be designed, constructed, operated and maintained in accordance with the Manure Management Manual and the Pennsylvania Technical Guide. For liquid or semisolid manure storage facilities constructed after January 29, 2000, the owner or operator shall meet one of the following:

(i) The design and construction of the facility shall be certified to meet the "Manure Management Manual" and "Pennsylvania Technical Guide" by a registered professional engineer.

(ii) The owner or operator shall obtain a water quality management permit from the Department for the manure storage facility.

(2) In the case of a liquid or semisolid manure storage facility located at an animal operation with over 1,000 AEUs for the first time after January 29, 2000, a water quality management permit is required.

(3) For a new or expanded agricultural operation after _____ (*Editor's Note: The blank refers to the effective date of adoption of this proposal.*), the following requirements apply to a liquid or semisolid manure storage facility:

(i) Where the manure storage capacity is between 1 million and 2.5 million gallons, a water quality management permit is required for any manure storage facility that meets one of the following:

(A) It is a clay-lined earthen waste storage pond.

(B) The nearest downgradient stream is classified as a High Quality or Exceptional Value water under Chapter 93 (relating to water quality standards).

(C) The nearest downgradient stream that has been assessed and has been determined by the Department to be impaired from nutrients from agricultural activities and the manure storage facility is on an agricultural operation that is not implementing a Nutrient Management Plan approved by the State Conservation Commission under Chapter 83, Subchapter D (relating to nutrient management).

(ii) Where the manure storage capacity is 2.5 million gallons or more, a water quality management permit is required.

(4) A manure storage facility at a CAFO as defined in Chapter 92 (relating to NPDES permitting, monitoring and compliance) shall be designed, constructed, operated and maintained to prevent discharges to surface waters during a storm event up to and including a 25-year/24-hour storm, except for new or expanded agricultural operations that are CAFOs, that commenced operations after April 13, 2003, and that include swine, poultry or veal calves. The facilities for those swine, poultry or veal calves shall prevent discharges to surface waters during a storm event up to and including a 100-year/24-hour storm.

(5) For a liquid or semisolid manure storage facility, the following minimum freeboard requirements apply and shall be maintained:

(i) For an agricultural operation with over 1,000 AEUs that was a new or expanded operation after January 29, 2000, a minimum 24-inch freeboard.

(ii) For all other facilities as follows:

(A) Earthen waste storage ponds, a minimum 12-inch freeboard, as described in the Pennsylvania Technical Guide.

(B) For all waste storage structures containing animal wastes, a minimum 6-inch freeboard, as described in the Pennsylvania Technical Guide.

(6) The requirements in this section are in addition to and do not replace those in Chapter 83, Subchapter D.

(7) The Department may require a water quality management permit for any manure storage facility, based on relevant criteria such as proximity to special protection waters or impaired waters under Chapter 93, or the risk of pollution.

(b) *Land application of animal manure, litter and process wastewater; setbacks and buffers.*

(1) The land application of animal manures [does not require], litter and process wastewaters requires a permit or approval from the Department [if] unless the operator can demonstrate that the land application [of manure] is in accordance with [the] requirements of paragraph (2) and one of the following is satisfied:

(i) The land application is in accordance with [Department approved manure management] practices as described in the [publication entitled "] Manure Management Manual [for Environmental Protection" and addenda or amendments thereto prepared by the Department. If a person chooses to apply animal manure using the criteria other than those described in "Manure Management Manual for Environmental Protection" and addenda or amendments thereto prepared by the Department, approval of the Department or a permit will be required. Operations which are required to or volunteer to submit nutrient management plans shall comply with Chapter 83].

(ii) For CAOs, the land application is in accordance with an approved nutrient management plan under Chapter 83, Subchapter D.

(iii) For CAFOs, the land application is in accordance with a CAFO permit as described in § 92.5a (relating to CAFOs).

(2) Appropriate vegetated buffers and setbacks established by the Department shall be followed to protect and maintain water quality.

(c) *Discharge of pollutants.* It is unlawful for agricultural operations to discharge pollutants to waters of this Commonwealth except as allowed by regulations or a permit administered by the Department. The Department is authorized to take an enforcement action against any agricultural operation in violation of this requirement. In addition, when an agricultural operation is found to be in violation of The Clean Streams Law (35 P. S. §§ 691.1—691.1001), the Department may require the agricultural operation to develop and implement a nutrient management plan under Chapter 83, Subchapter D, for abatement or prevention of the pollution.

CHAPTER 92. NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMITTING, MONITORING AND COMPLIANCE GENERAL PROVISIONS

§ 92.1. Definitions.

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

* * * * *

*CAFO—Concentrated animal feeding operation—*A CAO with greater than 300 AEUs any agricultural operation with greater than 1,000 AEUs [or an agricultural operation with a discharge to surface waters during a storm event of less than a 25-year/24-hour storm], any agricultural operation with a discharge to surface waters that is authorized by Department permit limits and conditions, any agricultural operation defined as a large CAFO under 40 CFR 122.23(b)(4) (relating to concentrated animal feeding operations (applicable to state NPDES programs, see 123.25)), or any other agricultural operation designated as a CAFO by the Department based on risk of pollution of surface waters using relevant criteria such as the size, location and management plan of the operation.

* * * * *

Livestock—

(i) Animals raised, stabled, fed or maintained on an agricultural operation with the purpose of generating income or providing work, recreation or transportation. Examples include: dairy cows, beef cattle, goats, sheep, swine and horses.

(ii) The term does not include aquatic species.

* * * * *

*Setback—*A specified distance from surface waters or potential conduits to surface waters where manure, litter and process wastewater may not be land applied.

* * * * *

*Vegetated buffer—*A permanent strip of dense perennial vegetation established parallel to the contours of and perpendicular to the dominant slope of the field for purposes that include slowing water runoff, enhancing water infiltration, and minimizing the risk of any potential pollutants from leaving the field and reaching surface waters.

* * * * *

PERMITS

§ 92.5a. CAFOs.

(a) [Each] Except as provided in subsections (b) and (c), each CAFO shall [apply] have applied for an NPDES permit on the following schedule:

* * * * *

(3) Prior to beginning operation, for any new or expanded CAFO that [begins] began operation after November 18, 2000, and before _____ (*Editor's Note: The blank refers to the effective date of adoption of this proposal.*)

(b) A poultry operation that is a CAFO, which is in existence on _____ (*Editor's Note: The blank refers to the effective date of adoption of this proposal.*) and that is not using liquid manure handling systems, shall apply for an NPDES permit no later than the following:

(1) _____ (*Editor's Note: The blank refers to a date 6 months after the effective date of adoption of this proposal.*) for operations with 500 or more AEUs.

(2) _____ (*Editor's Note: The blank refers to a date 15 months after the effective date of adoption of this proposal.*) for operations with 300—499 AEUs.

(c) After _____ (*Editor's Note: The blank refers to the effective date of adoption of this proposal.*), a new operation, and an existing operation that will become a CAFO due to changes in operations such as additional animals or loss of land suitable for manure application, shall do the following:

(1) Apply for an NPDES permit no later than 180 days before the operation commences or changes.

(2) Obtain an NPDES permit prior to commencing operations.

[(b)](d) The NPDES permit **[for each CAFO shall include conditions requiring]** application requirements shall include, but not be limited to, the following:

(1) A nutrient management plan meeting the requirements of Chapter 83 **[(relating to State Conservation Commission)]**, Subchapter D (relating to nutrient management) and approved by the county conservation district or the State Conservation Commission. The plan must include written agreements with importers or brokers related to the land application of manure, and nutrient balance sheets or a nutrient management plan for the importing farms. The plan must also include one of the following, whichever is more stringent:

(i) Buffers and manure application setbacks for the CAFO of no less than 100 feet from downgradient surface water, or vegetated buffer no less than 35 feet in width.

(ii) Buffers and setbacks as required by § 91.36(b)(2) (relating to pollution control and prevention at agricultural operations).

(2) An erosion and sediment control plan for plowing and tilling operations meeting the requirements of Chapter 102 (relating to erosion and sediment control).

(3) **[For earth disturbances of 5 acres or more, an NPDES permit for stormwater discharges associated with a construction activity meeting the requirements of Chapter 102.]** When required under § 91.36(a), a water quality management permit, permit application, or engineer's certification, as required.

(4) A preparedness, prevention and contingency plan for pollutants related to the CAFO operation.

[(c)](e) **[In addition to the requirements of subsection (b), the]** NPDES **[permit]** permits for each CAFO **[with greater than 1,000 AEU's]** shall include, but not be limited to, conditions requiring the following:

[(1)] A water quality management permit under § 91.36(a) (relating to pollution control and prevention at agricultural operations).

(2) A preparedness, prevention and contingency plan for chemicals related to the CAFO operation.

(3) Written agreements with importers or brokers related to the land application of manure and nutrient balance sheets for all exported manure.]

(1) Compliance with the Nutrient Management Plan, the Preparedness, Prevention and Contingency Plan and the Erosion and Sediment Control Plan.

(2) A separate NPDES permit for stormwater discharges associated with a construction activity meeting the requirements of Chapter 102 for any earth disturbance of 1 acre or more with a point source discharge to surface waters, or 5 acres or more regardless of the planned runoff.

(3) Compliance with 3 Pa.C.S. §§ 2301—2389 (relating to the Domestic Animal Law).

(4) Compliance with § 91.36.

(5) Recordkeeping and reporting requirements as described in the permit.

[Pa.B. Doc. No. 04-1473. Filed for public inspection August 6, 2004, 9:00 a.m.]

STATE CONSERVATION COMMISSION

[25 PA. CODE CH. 83]
Nutrient Management

The State Conservation Commission (Commission) proposes to amend Subchapter D (relating to nutrient management). The proposed rulemaking amends the current regulations implementing provisions of the Nutrient Management Act (act) (3 P. S. §§ 1701—1719).

This proposed rulemaking was adopted at the Commission's meeting on September 9, 2003.

A. Effective Date

The proposed rulemaking will go into effect upon final-form publication in the *Pennsylvania Bulletin*.

B. Contact Person

For further information, contact Karl G. Brown, Executive Secretary, State Conservation Commission, Suite 407, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA 17110, (717) 787-8821. Information regarding submitting comments on this proposed rulemaking appears in Section J. Persons with a disability may use the AT&T Relay Service, (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This proposed rulemaking is also available on the Commission's website: www.pascc.state.pa.us.

C. Statutory Authority

The proposed rulemaking is promulgated under the authority of section 4(1) and (3) of the act (3 P. S. § 1704(1) and (3)), which require the Commission to, 5 years after the effective date of the regulations, and periodically thereafter, promulgate regulations to make appropriate changes to the criteria used to define a concentrated animal operation (CAO), and to establish minimum criteria for nutrient management plans (NMP) and other requirements necessary to implement the act. The proposed rulemaking is promulgated under section 4 of the Conservation District Law (3 P. S. § 852), which authorizes the Commission to promulgate rules and regulations as may be necessary to carry out its functions. The proposed rulemaking is also promulgated under section 503(d) of the Conservation and Natural Resources Act (71 P. S. § 1340.503(d)), which modified the authority and responsibilities of the Commission, the Department of Environmental Protection (DEP) and the Department of Agriculture (Department).

D. Background and Summary

The proposed rulemaking is the culmination of several years' work administering the act across this Commonwealth, advances in the sciences of agronomics and manure management, as well as legislative hearings voicing public concerns with livestock agriculture and changes in the industry. Currently, 840 operations are subject to the existing nutrient management regulations, and an additional 950 farms have voluntarily complied with the requirements.

The act was enacted in May 1993 to, in part, provide for the management of nutrients on certain agricultural operations to abate nonpoint source pollution. The act requires the Commission, in conjunction with the Department, the DEP, the Penn State Cooperative Extension, the Nutrient Management Advisory Board (Advisory Board) and county conservation districts, to develop a program for the proper utilization and management of nutrients. The Commission staff has worked closely with these organizations in developing these proposed revisions.

Nitrogen is identified in section 4(1)(i) of the act as the nutrient of primary concern, but it allows for the Commission to address other nutrients under specific criteria established by the Commission. The rulemaking proposes to add another nutrient—phosphorus—to be considered within the development of an NMP. This proposed amendment, along with various provisions regarding the export of manure off of farms covered by these regulations, were two central issues with the current program identified to the Commission by the House Committee on Agriculture and Rural Affairs (House Committee) following public hearings in 2001.

The Commission is also required to provide education, technical assistance and financial assistance to the agricultural community regarding proper nutrient management. To date, the Commission has administered over \$15.9 million in financial assistance to farmers subject to the requirements of these regulations.

The Commission developed the proposed rulemaking in conjunction with the Advisory Board as required by the act. The Advisory Board, which represents a wide range of agricultural, academia, governmental, environmental and private interests, provided extensive and diligent assistance to the Commission over the past 2 years in an effort to develop workable and effective proposed revisions to the regulations. The development of the proposed rulemaking was also done with continued assistance and guidance from county conservation districts, the Department, DEP, the United States Department of Agriculture (USDA) Natural Resources Conservation Service, the USDA Agricultural Research Service and the Penn State College of Agricultural Sciences.

The proposed rulemaking directly affects the CAOs that are required to plan under the act as well as agricultural operations that volunteer to meet the requirements under the act. In addition, the proposed rulemaking will affect operations that agree to import manure from CAOs or volunteers, and others involved in export, such as commercial haulers and brokers.

The Commission has worked hard and has been successful in obtaining voluntary participation of other agricultural operations in the nutrient management program. The Commission believes that a strong voluntary program must operate simultaneously with the mandated regulatory program to further protect water quality in this Commonwealth.

NMPs are required to be developed by nutrient management specialists certified by the Department. Additionally, NMPs are to be submitted to the Commission or delegated county conservation district for approval. Nutrient management planning responsibilities are set forth in detail in this proposed rulemaking. Minimum standards for the construction, location, storage capacity and operation of animal manure storage facilities on agricultural operations that develop a plan under the act are included.

Agricultural operations may apply for financial assistance to develop and to implement NMPs. In accordance with the act, Commission responsibilities for administering the act and regulations can be delegated to county conservation districts and this is being done in a majority of the counties across this Commonwealth to ensure timely and effective implementation of the program.

E. Summary of Proposed Rulemaking

General

Clarifying and stylistic changes to the existing regulations are made throughout this proposed rulemaking. Many changes are intended to comply with the *Pennsylvania Code & Bulletin Style Manual* used by the Legislative Reference Bureau.

§ 83.201 (relating to definitions)

New definitions have been included for the terms "conservation plan," "Erosion and Sedimentation Control Plan," "existing agricultural operation," "in-field stacking," "livestock," "manure group," "nutrient balance sheet," "Phosphorus Index" and "VAO." The definition of "CAO" is revised to exclude operations having less than eight animal equivalent units (AEU) from the CAO category, regardless of animal density. The definition of "surface water" was revised to be consistent with the definition in similar regulations implemented by the Commonwealth.

Current definitions were revised to provide clarification based on implementation of the existing regulations over the past several years: "crop management unit," "farming resources," "Manure Management Manual," "perennial stream," "plan-nutrient management plan" and "temporary manure stacking areas." Minor, nonsubstantive revisions have been made to other existing definitions.

§ 83.202 (relating to scope)

Language is added to clarify the relationship between the criteria in these regulations, Chapter 92 (relating to National pollutant discharge elimination system permitting, monitoring and compliance) for "concentrated animal feeding operations" (CAFOs) and operations required by the DEP to develop a plan to address a Clean Streams Law violation. The volunteer portion of this section of the regulations was streamlined through the definition of a voluntary agricultural operation (VAO). Language is revised to allow the Commission to better oversee manure storage facilities used on operations falling under the act.

§ 83.204 (relating to applicability of requirements)

Language added to clarify the relationship between the criteria in the CAO portion of the regulations, Chapter 92 for the DEP CAFO program and operations required by the DEP to develop a plan to address a Clean Streams Law violation. The volunteer portion of this section was streamlined through the definition of a VAO.

§ 83.211 (relating to applicant eligibility)

This section is revised to change the eligibility date for operations to the effective date of the proposed rulemaking. Language is added to grant eligibility to operations that do not produce manure but utilize manure on

their operation. Language is added to deny funding to CAOs that are in violation of the act. Language is added to allow the Commission to provide funding to an operator revising an existing approved NMP to meet the standards of the proposed rulemaking.

§ 83.213 (relating to application procedure)

The provision to allow funding only to CAOs for a certain time frame is eliminated in the proposed rulemaking. A revised prioritization scheme is proposed to give priority to operations newly classified as CAOs under the proposed rulemaking, and to also provide priority to those operations with approved NMPs that need to revise those plans to bring them into compliance with the proposed rulemaking.

§ 83.214 (relating to eligible costs)

Language is added to provide funding for an amendment to an approved plan to bring it up to the standards of the proposed rulemaking, as well as initial plan development. Language is added to provide funding for soil and manure analysis.

§ 83.215 (relating to funding limitations)

Language is added to allow for a one-time reimbursement for a plan amendment to an already approved plan to bring that plan up to the standards of the proposed rulemaking.

§ 83.221 (relating to applicant eligibility)

Language is added to express that new operations are not eligible for funding under this program to install their NMP. Language is revised to state that the owner of the operation will be responsible for repayment (if that is necessary) unless the operator is specifically identified in the agreement to hold responsibility. Language is added to deny financial assistance funding to CAOs that are in violation of the provisions of the act, as well as denying funding to existing operations expanding to become a CAO after the effective date of the proposed rulemaking.

§ 83.222 (relating to condition for receipt of financial assistance)

Language is revised to change the eligibility date for operations applying for financial assistance to coincide with the effective date of the proposed rulemaking.

§ 83.224 (relating to project evaluation and prioritization criteria)

This section is amended to eliminate the priority evaluation of CAOs in receiving financial assistance for a given timeframe. The prioritization scheme was revised to give priority to those existing operations with already approved NMPs that need to take additional measures to address the new requirements imposed by the proposed rulemaking. Also, priority is given to operations newly defined as CAOs under this proposed rulemaking. Lastly, revised language is provided to change the date at which priority is given for CAOs coming into existence due to loss of rented acres.

§ 83.225 (relating to application procedure)

Language is revised to require the submission of the entire NMP along with an application for financial assistance, instead of just the plan summary. Language is revised to allow the Commission 60 days to take action on an application for financial assistance.

§ 83.226 (relating to eligible costs for the implementation of an approved plan)

Language is added to allow the use of alternative manure technology practices and equipment.

§ 83.229 (relating to grants)

Language is revised to accommodate operations that will be combining financial assistance from a variety of other public financial assistance programs.

§ 83.231 (relating to funding limitations)

Language is added to express more directly what circumstances the Commission will consider as valid for approval of a letter of no prejudice.

§ 83.232 (relating to implementation and reporting)

Language is added to extend the start date for a project to 9 months and to clarify that the beginning of that 9-month time period is when the Commission sends out its notice of approval of the grant application. Language is added to allow for the Commission to withdraw financial assistance if a project is not finished by the completion date set forth in the signed grant agreement.

§ 83.261 (relating to General)

Language is added to explicitly express the new timeframes by which CAOs must meet the provisions of the act. Specifically, newly defined CAOs will have 2 years to submit an NMP, newly defined CAOs due to loss of land will have 6 months to submit a plan, newly defined CAOs due to expansion in animal numbers shall obtain an approved plan prior to the expansion and new CAOs shall obtain an approved plan prior to the beginning of operation. Language is added to require amendment of an already approved CAO plan within the 3-year review requirement, or within 1 year of the effective date, whichever is later. VAOs with approved plans are given the same plan amendment timeframes if they wish to continue their volunteer status. VAOs that received financial assistance prior to the proposed rulemaking are permitted to maintain their plan in accordance with the standards at the time that they received the financial assistance. Language is added to require the operator to submit the plan. Language is added to require the signature of the planner and to indicate that those signing the plan are responsible for the validity of the information in the plan.

§ 83.262 (relating to identification of CAOs)

Language is revised to improve the readability of the calculation described in the regulations. Table A—the standard animal weights to be used in the CAO calculation—is proposed to be deleted and is referenced through Agronomy Fact Sheet 54, published by Penn State. Language is added to establish a minimum threshold of eight AEUs for an operation to be considered a CAO.

§ 83.272 (relating to content of plans)

Language is added to strengthen the link between the criteria in these regulations, the DEP CAFO program and operations required by the DEP to develop a plan to address a Clean Streams Law violation. Language is deleted to better indicate which requirements apply to CAOs and which apply to others. The volunteer portion of this section was streamlined through the definition of a VAO. Language is revised: to require a plan to contain the various plan sections as described in the regulations, as appropriate; to strengthen the necessity of the farmer's involvement in the development of the plan; and to require approval by the Commission or delegated conservation district for NMP BMPs that are inconsistent with other plans such as a conservation plan.

§ 83.281 (relating to Identification of agricultural operations and acreage)

This section is separated into four areas: agricultural operation identification sheet; maps and aerial photo-

graphs; Phosphorus index; and agreements with importers and brokers. Language is added requiring a brief farm description in the plan and outlining criteria to be included in the farm description. Language is added to subsection (a)(3) to ensure that the proper entity signs the plan when a corporation or partnership are the operators of the farm. Language is added: to clarify what acreage is to be included in the plan; to require the signature of the specialist responsible for the development of the plan; to require a scaled topographic map to be included in the plan; require any proposed or existing BMPs, any temporary manure stacking and any in-field manure stacking areas to be located on the farm map; and to require an appendix to the plan which is to include the information used to develop the Phosphorus Index values for the fields in the agricultural operation. Language has also been added to require an appendix to the plan containing relevant signed exporting agreements and associated nutrient balance sheets and maps.

§ 83.282 (relating to summary of plan)

Language is revised clarifying required information to be included in the nutrient application portion in the plan summary section of the plan.

§ 83.291 (relating to determination of available nutrients)

Language is revised in subsection (a) to clarify that all the various nutrient sources generated or planned to be used on a CAO must be addressed through the plan. Language is revised to require that the plan include the nutrient content of each manure group generated on the operation as per a chemical analysis of the manure. When it is not possible to test the manure prior to plan development, the proposed rulemaking allows for the use of book values to determine nutrient content of the manure (from the Pennsylvania Agronomy Guide) or the use of manure analysis figures from a similar facility, and the proposed rulemaking requires the manure to be tested within 1 year of implementing the plan. Language is added: to require manure tests to be taken annually for each manure group; to detail what constituents are to be tested when analyzing manure; to indicate that the Commission will specify manure testing procedures to be used; and to require actual manure production records to be used in the development of the plan, and if they are not available, a calculation is permitted to be used. The information used for calculating the manure generated figure must be included in the plan. The soil testing language is moved from this section to § 83.292 (relating to determination of nutrients needed for crop production).

§ 83.292

The soil testing language is moved from § 83.291 to subsection (c). Language is revised: to require soil testing every 3 years for maintenance of the plan; to require soil test results for phosphorus to be included in the plan as part of the Phosphorus Index analysis; and to document in the plan the amount of phosphorus necessary (based on the soil tests) to meet expected crop yields. The lime requirement language is deleted. Language is added to change the reference handbook that is to be used to generate nutrient recommendations for the plan when the soil test figures require adjustment.

§ 83.293 (relating to determination of nutrient application rates (Nutrient application for CAO plans))

A new provision is added to incorporate field specific phosphorus considerations in NMPs through the use of an onsite analysis of the farm's fields. This analysis is used to determine which fields are likely to affect water quality through the loss of phosphorus. This analysis, which has

been developed through a joint effort between the Penn State and the USDA Agricultural Research Service, also documents control measures to be taken to address fields having a likelihood of phosphorus loss.

Language is also added to require the following elements to be included in the plan: a Phosphorus Index analysis as part of the development of nutrient application rates for lands included in the agricultural operation; the information used in calculating the balanced rate for manure applications; and documentation of the difference between the amount of phosphorus necessary to meet crop needs and the amount of phosphorus applied to each crop management unit. Language regarding making up a nitrogen deficit with supplemental nitrogen applications is removed because it is already addressed in the previous sentence in the section.

§ 83.294 (relating to nutrient application procedures)

Language is added to require relevant plans to include manure spreader calibration information. For operators not able to meet this plan documentation, an operator will be required to do the necessary calibration prior to application and record this information in any plan amendments. Language is added to require an analysis of the water holding capacity of the soil when determining application rates for irrigated manure, and to provide the proper reference for calculating appropriate application rates for irrigated manure. Language is added to require the manure irrigation application rate calculations to be included in the plan for instances where liquid manure will be applied at rates exceeding 9,000 gallons per acre, regardless of the application method. Language is revised for the manure application setback from an active private drinking water well to require a 100-foot radius setback, regardless of conditions or management.

Language has also been added: to require a manure application setback from inactive open drinking water wells; to restrict the application of manure on lands having less than 25% cover unless additional BMPs approved by the Commission, such as cover crops, are implemented; to provide further detail of what is required in the plan when winter application is planned; to provide specific requirements for situations where manure is planned to be stacked in crop fields; and to establish commercial manure applicator requirements including testing, training, recordkeeping and compliance history qualifications (described in § 83.301 (relating to excess manure utilization plans for CAOs)).

§ 83.301

Amendments to this section provide more detailed oversight of manure exported from CAOs. This was a significant issue in hearings conducted by the House Committee. Based on Commission records of 839 approved CAO plans, 28.3% of the manure generated on CAO farms is exported.

Revised language regarding when manure is exported to known landowners includes a description of responsibilities between exporters, importers, brokers and others, and a requirement for signed agreements with importers indicating who is responsible for the application of exported manure. Language is also added to require nutrient balance sheets (including maps) or NMPs for importing sites. In addition, provisions were added to set forth eligibility criteria for any commercial haulers or applicators used for exported manure, such as testing, training, recordkeeping and compliance history.

Revised language regarding when manure is exported through a broker includes a requirement for signed

agreements with the brokers indicating that the broker is responsible for the proper handling and storage (if applicable) of the manure they accept. Language is also added to establish eligibility criteria for brokers similar to those for haulers and applicators, and to require the broker to develop nutrient balance sheets (or ensure there are approved NMPs) for the importing sites.

Revised language regarding when manure is exported for other than land application requires signed agreements with importers of the manure.

Revised language regarding when manure is exported using an open marketing system requires operators following this scenario to meet certain qualification requirements and to require them to complete nutrient balance sheets for importing sites unless the importing site has an approved NMP.

New language allows for an exception to these detailed exporting requirements if the importing site is to receive a minor amount of manure (as defined in the proposed rulemaking) from the CAO. Language is added to require a 150-foot manure application setback from surface waters on importing sites, unless an approved NMP on the importing site allows for manure to be applied in that area and to require all other manure application setbacks established in the regulations to be applied to importing sites.

§ 83.311 (relating to manure management)

Language is added: to clarify that manure management practices need to prevent pollution from storm events up to a 25-year, 24-hour storm; to clarify what conditions are to be addressed with the implementation of manure management BMPs; to require operators to address existing manure storage facilities that were constructed inconsistent with the DEP's manure storage facility regulations; to require the development of Operation and Maintenance Plans as part of the design for proposed BMPs; to establish animal concentration area (barnyards, feedlots, exercise areas, and the like) criteria to protect surface waters from polluted runoff; and to require the plan to include a description of any proposed manure storage facilities planned to be constructed on the operation including any alternative manure technology practices or equipment.

§ 83.312 (relating to site specific emergency response plans)

This section is added to require the development and implementation of a full-farm emergency response plan to address any possible accidental releases of manure to the environment. A copy of the emergency response plan is required to be kept onsite and is not required to be submitted with the NMP. The NMP is to include a verification from the planner that this emergency response plan is developed and available at the operation. This section establishes that manure storage contingency plans (as required under § 83.351 (relating to minimum standards for the design, construction, location, operation, maintenance and removal from service of manure storage facilities)) are required as an appendix to the emergency response plan.

§ 83.321 (relating to stormwater runoff control)

The word "runoff" is deleted from this section because the term "stormwater" is defined as runoff water. Language is added: to require the development of an Operation and Maintenance Plan as part of the design for proposed BMPs; and to require the NMP to include a verification that a current Erosion and Sedimentation

Control Plan (or conservation plan) exists for the plowed and tilled croplands included in the NMP. This new requirement is closely tied to the addition of phosphorus as a consideration in nutrient management planning, due to the runoff transport mechanisms which play a major role in phosphorus losses to streams and which are addressed in conservation plans. Finally, the animal concentration area language is moved from this section to § 83.311.

§ 83.342 (relating to recordkeeping relating to application of nutrients)

Language is added to require soil testing every 3 years and manure testing annually for each manure group. Revised language requires dates of manure application, rather than months of application. Language is added to require records to be kept of the time animals are on pastures.

§ 83.343 (relating to alternative manure utilization recordkeeping)

The "Manure Transfer Sheet" is renamed the "Manure Export Sheet." Language is added to clarify: who is to receive a copy of the Manure Export Sheet; what records are to be maintained when the exporter, or someone working for the exporter, applies the manure on importing sites; and what records brokers must maintain when they are involved in the export of the manure. Language regarding the submission of manure exporting records is deleted, recognizing that the new Commission policy requires program staff to review these records at the operation at least once every year. Subsection (f) is deleted because the amendments to § 83.291 require manure tests to be done of all manure generated on a CAO.

§ 83.344 (relating to exported manure information packets)

Language is added to provide a more defined paper trail with the commercial manure haulers and applicators. The fact sheet referenced in subsection (b)(1) is deleted because it is redundant with the inclusion of the nutrient balance sheet requirement in the proposed rulemaking.

§ 83.351

Language is added: to ensure that manure storage facilities built as part of an approved NMP are completed in compliance with § 91.36 (relating to pollution control and prevention at agricultural operations); to ensure that manure storage facilities built on CAOs after October 1, 1997, were completed in compliance with the criteria in the regulations at the time it was built; and to require the submission of an engineer's verification at least 2 weeks prior to the construction of a new storage facility or repair of an existing facility, to ensure that the design and location of the facility is in compliance with applicable program standards.

§ 83.361 (relating to initial plan review and approval)

The authority for the Commission or conservation district to "modify" a plan is deleted. Language is added: to require notification to the operator indicating the result of the 10-day completeness review; and to clarify when the 90-day plan review timeframe starts.

§ 83.362 (relating to plan implementation)

Language is added: to clarify that the plan needs to be implemented consistent with the approved implementation schedule in the plan; to clarify that approved nutrient application rates are to be carried out upon approval

of the plan; and to clarify conditions under which plan implementation can be extended past the 3-year limit. Language is deleted regarding plan implementation extensions due to the lack of funding provided through the Commission, because the Commission provides several funding sources for plan implementation.

§ 83.371 (relating to plan amendments)

Language is revised to require a plan amendment when exporting arrangements change unless it is for the loss of an importer who will not affect the CAO's ability to manage the manure generated on the operation. Language is added to require an amendment: when new organic nutrient sources will be used on the operation; if additional lands are bought or leased for the operation; and if a change in the manure management system is expected to result in a significant change in the manure nutrient content. Language is added to address nonsignificant changes on the operation that require the plan to be updated to reflect current conditions, but do not require a formal plan amendment.

§ 83.381 (relating to manure management in emergency situations)

Language is added to subsection (g) requiring soil tests to be taken annually for 3 consecutive years if manure has been over applied to an area in response to an emergency situation.

§ 83.391 (relating to identification of agricultural operations and acreage)

This section is separated into four areas: agricultural operation identification sheet; maps and aerial photographs; Phosphorus Index; and agreements with importers and brokers. Language is added to subsection (a)(3) to ensure that the proper entity signs the plan when a corporation or partnership are the operators of the farm. Language is added: to require a brief farm description in the plan and outlining criteria to be included in the farm description; to clarify what acreage is to be included in the plan; to require the signature of the specialist responsible for the development of the plan; to require a scaled topographic map to be included in the plan; to require any proposed or existing BMPs, any temporary manure stacking and any in-field manure stacking areas to be located on the farm map; to require an appendix to the plan which is to include the information used to develop the Phosphorus Index values for the fields in the agricultural operation; and to require an appendix to the plan containing relevant signed exporting agreements and associated nutrient balance sheets and maps.

§ 83.392 (relating to summary of plan)

Language is revised clarifying required information to be included in the nutrient application portion in the plan summary section of the plan.

§ 83.401 (relating to determination of available nutrients)

Language is revised in subsection (a) to clarify that all the various nutrient sources generated or planned to be used on a VAO must be addressed through the plan. Language is revised to require that the plan include the nutrient content of each manure group generated on the operation as per a chemical analysis of the manure. When it is not possible to test the manure prior to plan development, the proposed rulemaking allows for the use of book values to determine nutrient content of the manure (from the Pennsylvania Agronomy Guide) or the use of manure analysis figures from a similar facility, and the proposed rulemaking requires the manure to be tested within 1 year of implementing the plan. Language

is added: to require manure tests to be taken annually for each manure group, detail what constituents are to be tested when analyzing manure, and to indicate that the Commission will specify manure testing procedures to be used; and to require actual manure production records to be used in the development of the plan, and if they are not available, a calculation is permitted to be used. The information used for calculating the manure generated figure must be included in the plan. The soil testing language from this section is moved to § 83.402 (relating to determination of nutrients needed for crop production).

§ 83.402

The soil testing language is moved from § 83.401 to subsection (c). Language is revised: to require soil testing every 3 years for maintenance of the plan; to require soil test results for phosphorus in be included in the plan as part of the Phosphorus Index analysis; and to document in the plan the amount of phosphorus necessary (based on the soil tests) to meet expected crop yields. The lime requirement language is deleted in the proposed rulemaking. Language is added to change the reference handbook that is to be used to generate nutrient recommendations for the plan when the soil test figures require adjustment.

§ 83.403 (relating to determination of nutrient application rates)

A new provision is added to incorporate field specific phosphorus considerations in NMPs through the use of an onsite analysis of the farm's fields. This analysis is used to determine which fields are likely to affect water quality through the loss of phosphorus. This analysis, which has been developed through a joint effort between Penn State and the USDA Agricultural Research Service, also documents control measures to be taken to address those fields having a likelihood of phosphorus loss.

Language is added to require the following elements to be included in the plan: a Phosphorus Index analysis as part of the development of nutrient application rates for lands included in the agricultural operation; the information used in calculating the balanced rate for manure applications; and documentation of the difference between the amount of phosphorus necessary to meet crop needs and the amount of phosphorus applied to each crop management unit. Language regarding making up a nitrogen deficit with supplemental nitrogen applications is removed because it is already addressed in the previous sentence of the section.

§ 83.404 (relating to nutrient application procedures)

Language is added to require relevant plans to include manure spreader calibration information. For those not able to meet this plan documentation, the operator will be required to do the necessary calibration prior to application and record this information in any plan amendments. Language is added to require an analysis of the water holding capacity of the soil when determining application rates for irrigated manure, and to provide the proper reference for calculating appropriate application rates for irrigated manure.

Language has also been added to require the manure irrigation application rate calculations to be included in the plan for instances where liquid manure will be applied at rates exceeding 9,000 gallons per acre, regardless of the application method. Language is revised for the manure application setback from an active private drinking water well to require a 100-foot radius setback, regardless of conditions or management. Language is added: to require a manure application setback from

inactive open drinking water wells; to restrict the application of manure on lands having less than 25% cover unless additional BMPs approved by the Commission, such as cover crops, are implemented; to provide further detail of what is required in the plan when winter application is planned; to provide specific requirements for situations where manure is planned to be stacked in crop fields; and to establish commercial manure applicator requirements including testing, training, recordkeeping and compliance history qualifications.

§ 83.411 (relating to alternative manure utilization plans)

This section is completely rewritten to provide more detailed oversight of manure exported from operations having approved NMPs. This was a significant issue in hearings conducted by the House Committee. Based on Commission records of 949 approved VAO plans, only 3.3% of the manure generated on VAO farms is exported.

Language is added regarding when manure is exported to known landowners, so that the plan includes a description of responsibilities between exporters, importers, brokers and others, and a requirement for signed agreements with importers indicating who is responsible for the application of exported manure. Language is also added to require nutrient balance sheets (including maps) or NMPs for importing sites. In addition, provisions were added to set forth eligibility criteria for any commercial haulers or applicators used for exported manure, such as testing, training, recordkeeping and compliance history.

Language is added regarding when manure is exported to a broker: to require signed agreements with the brokers; to indicate the broker is responsible for the proper handling and storage (if applicable) of manure that they accept; to establish eligibility criteria for brokers similar to those for haulers and applicators; and to require the broker to develop nutrient balance sheets (or ensure there are approved NMPs) for the importing sites.

Language is added regarding when manure is exported: to known landowners for other than land application to require signed agreements with importers of the manure; using an open marketing system to require operators following this scenario to meet certain qualification requirements, and to require them to complete nutrient balance sheets for importing sites unless the importing site has an approved NMP.

New language allows for an exception to these detailed exporting requirements if the importing site is to receive a minor amount of manure (as defined in the regulations) from the CAO. Language is added to require a 150-foot manure application setback from surface waters on importing sites, unless an approved NMP on the importing site allows for manure to be applied in that area, and to require all other manure application setbacks established in the regulations to be applied to importing sites.

§ 83.421 (relating to manure management)

Language is added: to clarify that manure management practices need to prevent pollution from storm events up to a 25-year, 24-hour storm; to clarify what conditions are to be addressed with the implementation of manure management BMPs; to require operators to address existing manure storage facilities that were constructed inconsistent with the DEP's manure storage facility regulations; to require the development of Operation and Maintenance Plans as part of the design for proposed BMPs; to establish animal concentration area (barnyards, feedlots, exercise areas, and the like) criteria to protect surface waters from polluted runoff; and to require the plan to include a description of any proposed

manure storage facilities planned to be constructed on the operation including any alternative manure technology practices or equipment.

§ 83.422 (relating to site specific emergency response plans)

This section is added to require the development and implementation of a full-farm emergency response plan to address any possible accidental releases of manure to the environment. A copy of the emergency response plan is required to be kept onsite and is not required to be submitted with the NMP. The NMP is to include a verification from the planner that this emergency response plan is developed and available at the operation. This section establishes that manure storage contingency plans (as required under § 83.461 (relating to minimum standards for the design, construction, location, operation, maintenance and removal from service of manure storage facilities)) are required as an appendix to the emergency response plan.

§ 83.431 (relating to stormwater runoff control)

The word "runoff" is deleted from this section because the term "stormwater" is defined as runoff water. Language is added to require the development of an Operation and Maintenance Plan as part of the design for proposed BMPs. Language is added to require the NMP to include a verification that a current Erosion and Sedimentation Control Plan (or conservation plan) exists for the plowed and tilled croplands included in the NMP. This new requirement is closely tied to the addition of phosphorus as a consideration in nutrient management planning, due to the runoff transport mechanisms which play a major role in phosphorus losses to streams and which are addressed in conservation plans. Finally, the animal concentration area language is moved from this section to § 83.421.

§ 83.452 (relating to recordkeeping relating to application of nutrients)

Language is added to require soil testing every 3 years and manure testing annually for each manure group. Revised language requires dates of manure application, rather than months of application. Language is added to require records to be kept of the time animals are on pastures.

§ 83.453 (relating to alternative manure utilization recordkeeping)

This section is completely rewritten to allow for a more detailed tracking of manure exported from VAOs. The new language in the VAO section mirrors that used in the CAO section. The new language will require VAOs exporting manure to utilize Manure Export Sheets to document manure transfers and require VAOs to keep records of actual application methods, locations and rates where they, or their employee or contracted agent, apply the manure at the importing site. Language is added to indicate that when manure is exported to a broker, the broker is responsible for recordkeeping requirements.

§ 83.454 (relating to exported manure information packets)

This section is added for VAOs and it again mirrors the language used in the CAO section. This language is added to ensure that operators importing manure from VAOs have the information relevant to them for the proper handling and application of the manure they are importing.

§ 83.461

Language is added: to ensure that manure storage facilities built as part of an approved NMP are completed in compliance with § 91.36; to require the submission of an engineer's verification at least 2 weeks prior to the construction of a new storage facility or repair of an existing facility; and to ensure that the design and location of the facility is in compliance with applicable program standards.

§ 83.471 (relating to initial plan review and approval)

The authority for the Commission or conservation district to "modify" a plan is deleted. Language is added to require notification to the operator indicating the result of the 10-day completeness review.

§ 83.472 (relating to plan implementation)

Language is added to: clarify that approved nutrient application rates are to be carried out upon approval of the plan; and to clarify conditions under which plan implementation can be extended past the 3-year limit.

§ 83.481 (relating to plan amendments)

Language is added to require a plan amendment when exporting arrangements change unless it is for the loss of an importer who will not affect the VAOs ability to manage the manure generated onsite. Language is added to require an amendment: when new organic nutrient sources will be used on the operation; if additional lands are bought or leased for the operation; and if a change in the manure management system is expected to result in a significant change in the manure nutrient content. Language is added to address nonsignificant changes on the operation that require the plan to be updated to reflect current conditions, but do not require a formal plan amendment.

§ 83.491 (relating to manure management in emergency situations)

Language is added to subsection (g) requiring soil tests to be taken annually for 3 consecutive years if manure has been over applied to an area in response to an emergency situation.

*F. Benefits, Costs and Paperwork**Benefits*

The intended result of the proposed rulemaking is to strengthen the Commonwealth's current efforts to oversee CAO farms and farmers voluntarily complying with established nutrient management regulations to further protect this Commonwealth's water quality. The proposed rulemaking is necessary to address the Commission's expanded understanding of various program-related issues brought to the Commission's attention through the study of recent research efforts regarding water quality protection, and over 5 years of experience working with this innovative regulatory initiative.

The proposed rulemaking will provide for increased protection of water quality in this Commonwealth through an increased safeguard over phosphorus losses from agricultural operations and the application of manure on importing sites. These are the two major issues of concern that have been expressed to the Commission in the implementation of the current program.

The Commission, in cooperation and coordination with its program partners, has developed the proposed rulemaking after much deliberation and scientific study. The proposed rulemaking is scientifically based and developed to maximize water quality improvement while minimizing

possible negative impact on the regulated community. The proposed rulemaking is key to ensuring that the Commonwealth has an effective program in addressing nutrient losses and allow the State program to meet the new Federal CAFO regulations recently imposed by the Environmental Protection Agency.

The Commonwealth has worked hard over the past 5 years to ensure that the nutrient management planning standards developed through the act can be used as the singular plan format to meet all nutrient management planning requirements, both Federal and State. The proposed rulemaking is necessary to ensure we can continue to support the act plan format as one format in this Commonwealth for all farmers required to plan. Farmers benefit from this coordination of effort and standards which the proposed rulemaking allows. Farmers also benefit from the many hours of work the Commission and the Advisory Board have invested in developing a program which can advance efforts in water quality protection, but do so in a way that is practical for the industry to meet.

All citizens in this Commonwealth will benefit from the increase environmental protection the proposed rulemaking will provide. All water resources in rural and urban communities will be protected for recreational, industrial, municipal, individual and agricultural use. Tourism is a major industry in this Commonwealth and many elements of tourism are dependent upon high quality water resources. The cost of purification of surface and groundwater by water users and suppliers should decrease as these increased water protection efforts are initiated.

Costs

The proposed rulemaking will result in a cost increase for the development of plans required under the act. These cost increases are not easily quantified at this point but are expected to be in the range of approximately 50% over the current cost to develop a plan. The average cost over the past 18 months for developing an NMP meeting the current regulations is \$938. This increase will be especially true for those farms that have a significant number of farms importing manure from the planned farm. Farm operators can avoid consultant planning costs altogether by becoming individually certified to write their own NMPs.

The proposed rulemaking is not expected to increase the cost to install individual BMPs, but the revised plans may indicate an increase in the number of erosion control practices to be installed on some participating farms to address the phosphorus index portion of the plan. The increased costs are not expected to be significantly more than the costs the farmers would incur to implement their Erosion and Sedimentation Control Plan for the farm, as required in Chapter 102 (relating to erosion control). The increased costs of implementing the plan will not be required on all farms participating in the program and are most likely to be needed on farms that have not kept current with their erosion control efforts on the farm.

The proposed rulemaking may require some farmers to begin exporting manure, or increase manure exports under the proposed rulemaking as a result of the phosphorus indexing which may determine some lands as not suitable for manure applications because of a high likelihood of phosphorus applied to those areas reaching surface water. The impact of this requirement is difficult at best to quantify at this time because exporting the

manure may result in increased operational costs for the producer, or the exporting of manure may not impose any increased costs on the producer due to their ability to market the manure. There are operations from which the exported manure serves as an additional revenue source for the farm due to its marketable qualities.

The proposed rulemaking calls for manure haulers, applicators and brokers to meet certain testing and training provisions of the regulations to handle manure from a farm with an approved NMP. This will require commercial entities to spend some time resources to go through an accreditation process approved by the Commission's to demonstrate their knowledge and ability to handle manure properly. Commercial manure handlers see the benefit of these credentials. Over 90 haulers and brokers Statewide have already gone through a similar process on a voluntary basis. Also, the proposed rulemaking calls for these individuals to keep records and even develop nutrient balance sheets in certain instances. These steps will serve as documentation for these manure handlers to demonstrate that they are properly handling manure, a key benefit to these haulers and brokers of meeting the objectives of this process.

The proposed rulemaking calls for the inclusion of all high-density livestock operations into this program, with the exception of those having less than eight AEUs on the operation. This program revision will bring some new operations into the program (mainly larger horse operations) and will eliminate some very small-scale operations currently falling under the CAO designation. The net result of this is expected to be an increase in the number of farms required to plan under the act. This is considered to be necessary to address all animal operations of a significant scale (those not falling into the hobby farm size of less than eight AEUs) which, due to their limited amount of land available to apply manure when compared to the amount of manure they generate, have a potential to cause a negative effect on the environmental quality of waters in this Commonwealth.

There will be increased program expenses necessary to carry out the proposed rulemaking. The delegated conservation districts will have an increased workload in the review of the expanded scope of the plans called for under the proposed rulemaking. Due to the proposed rulemaking, more farmers are expected to fall within the CAO designation and conservation districts will have more farms to oversee at the local level. Current funding level support to conservation districts is \$1.78 million per year, funding needs for the conservation districts to administer the program under the proposed rulemaking is expected to be \$2.5 million.

The Commission is planning to offer increased financial assistance to farmers to help offset the expected increased planning costs. This will be done through the successful Plan Development Incentives Program as afforded through the proposed rulemaking. Also, the Commission is expecting to continue its Nutrient Management Plan Implementation Grants Program to assist farmers in installing BMPs needed to implement their approved plans. An expanded element of this assistance to farmers is likely to be the Commission's initiative to fund technological advances on farm sites, or combinations of farm sites, to assist farmers in installing practices to further process manure for those farmers challenged to find conventional application sites for their manure.

Overall, the Commission and the Advisory Board have been very deliberate in the development of additional program requirements in the proposed rulemaking to

ensure that the additional steps afforded through the proposed rulemaking are necessary and reasonable for the agricultural community to afford and implement. The proposed rulemaking is a necessary step for the Commission to take to ensure water quality is protected. The proposed rulemaking is developed to ensure the maximum benefit with minimum expense to the regulated community and the public sector.

Paperwork Requirements

The proposed rulemaking minimizes paperwork to the maximum extent but still maintains program integrity and tracking. Farmers are required to keep records, BMP designs, emergency response plans and erosion and sedimentation control plans on their farm, but are not required to submit those documents for Commission or conservation district filing. The program relies on the conservation district onsite plan review visits and annual status reviews to confirm proper documentation and to ensure that proper application and export efforts are implemented on farms with approved plans. The revisions reduce the amount of paperwork required by the operator to be submitted for program files by eliminating the need for the CAOs to submit exporting records for the program files where they are exporting for non-land application uses. The program does recognize the importance of good record keeping for the protection of water quality and the implementation of the limited liability clause of the act. The program requires these necessary records but does not require them to be submitted for inclusion in the program files, but they are reviewed annually with the operator during the program's annual onsite status review.

G. Sunset Review

The Commission will evaluate the effectiveness of the proposed rulemaking, as it has done for the existing regulations, on an ongoing basis. Therefore, no sunset date is being established for the regulations.

H. Regulatory Review

Commission

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on July 28, 2004, the Commission submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Committee and the Senate Agriculture and Rural Affairs Committee. A copy of this material is available to the public upon request.

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

I. Public Comment

Written comments—Interested persons are invited to submit comments, suggestions or objections regarding the proposed rulemaking to the State Conservation Commission, Agriculture Building, Room 405, 2301 North Cameron Street, Harrisburg, PA 17110. Comments submitted by facsimile will not be accepted. Comments, suggestions or objections must be received by the Commission within 90 days of publication in the *Pennsylvania*

Bulletin. Interested persons may also submit a summary of their comments to the Commission. The summary may not exceed one page in length and must also be received within 90 days following publication in the *Pennsylvania Bulletin*. The one-page summary will be provided to each member of the Commission in the agenda packet distributed prior to the meeting at which the final-form rulemaking will be considered.

Electronic Comments—Comments may be submitted electronically to the Commission at ag-sccstate.pa.us. A subject heading of the proposal must be included in each transmission. Comments submitted electronically must also be received by the Commission within 90 days following publication of the proposed rulemaking.

J. Public Meetings and Hearings

The Commission will hold two public informational meetings on this proposed rulemaking. The meetings will be held from 7 p.m. to 9 p.m. and will include time for questions from the audience.

The Commission will hold two public hearings for the purpose of accepting comments on this proposed rulemaking on October 13, 2004, at the Holiday Inn, 5401 Carlisle Pike Mechanicsburg, and on October 14, 2004, at the Ramada Inn, 191 United Road, Dubois. These hearings will begin at 6 p.m.

A complete announcement of the meetings and hearings will be published in the *Pennsylvania Bulletin* when arrangements are finalized.

Persons wishing to present testimony at a public hearing should contact Douglas Goodlander, State Conservation Commission, Agriculture Building, Room 405, 2301 North Cameron Street, Harrisburg, PA 17110, (717) 787-8821 at least 1 week in advance of the hearing to reserve a time to present testimony. Oral testimony is limited to 5 minutes for each witness. Witnesses are requested to submit three written copies of their oral testimony to the hearing chairperson. Organizations are limited to designating one witness to present testimony on their behalf at each hearing.

Persons with a disability who wish to attend a hearing or meeting and require an auxiliary aid, service or other accommodation to participate should contact Douglas Goodlander at (717) 787-8821 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users) to discuss how the Commission may accommodate their needs.

DENNIS C WOLFF,
Chairperson

Fiscal Note: 7-390. (1) Nutrient Management Fund;

- (2) Implementing Year 2003-04 is
- (3) 1st Succeeding Year 2004-05 is
- 2nd Succeeding Year 2005-06 is
- 3rd Succeeding Year 2006-07 is
- 4th Succeeding Year 2007-08 is
- 5th Succeeding Year 2008-09 is
- (4) 2002-03 Program—
- 2001-02 Program—
- 2000-01 Program—
- (8) recommends adoption.

	<i>Education, Research and Technical Assistance</i>	<i>Planning, Loans, Grants and Technical Assistance</i>	<i>Nutrient Management— Administration</i>
	\$0	\$0	\$0
	\$400,000	\$75,000	\$60,000
	\$800,000	\$710,000	\$120,000
	\$800,000	\$875,000	\$120,000
	\$800,000	\$945,000	\$120,000
	\$800,000	\$770,000	\$120,000
	\$1,245,000	\$4,136,000	\$248,000
	\$1,265,000	\$6,687,000	\$197,000
	\$1,190,000	\$3,029,000	\$0

Annex A

TITLE 25. ENVIRONMENTAL PROTECTION

Subpart C. PROTECTION OF NATURAL RESOURCES

ARTICLE I. LAND RESOURCES

CHAPTER 83. STATE CONSERVATION COMMISSION

Subchapter D. NUTRIENT MANAGEMENT

GENERAL PROVISIONS

§ 83.201. Definitions.

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

* * * * *

BMP—Best management practice—A practice or combination of practices determined by the Commission to be effective and practicable (given technological, economic and institutional considerations) to manage nutrients to protect surface water and groundwater taking into ac-

count applicable nutrient requirements for crop utilization. [**The term includes, but is not limited to:**

- (i) **Conservation tillage.**
- (ii) **Crop rotation.**
- (iii) **Soil testing.**
- (iv) **Manure testing.**
- (v) **Diversions.**
- (vi) **Manure storage facilities.**
- (vii) **Stormwater management practices.**
- (viii) **Nutrient application.]**

CAO—Concentrated animal operation—Agricultural operations with **eight or more animal equivalent units** where the animal density exceeds two AEU's per acre on an annualized basis.

* * * * *

Concentrated water flow areas—[**Those natural**] **Natural** or manmade areas where stormwater runoff is channeled and conveyed directly to [**a**] surface water [**body**] or groundwater. The term includes, but is not limited to, ditches, waterways, gullies and swales.

* * * * *

Conservation Plan—A plan that identifies conservation practices and includes site-specific BMPs which minimize the potential for accelerated erosion and sediment from agricultural plowing or tilling activities, and which contains:

(i) BMPs for agricultural plowing and tilling activities, including soil loss tolerance values (T), identified in the Pennsylvania Technical Guide.

(ii) A schedule for the implementation of the BMPs.

* * * * *

Critical runoff problem areas—[Those nonvegetated] Nonvegetated concentrated water flow areas directly discharging into surface water [bodies] or groundwater, and [those] areas where runoff containing nutrients that were applied after the growing season discharge directly into surface water or groundwater. The term includes gullies and unprotected ditches.

Crop [group] management unit—[A crop field or group of crop fields that are planted to the same crop, managed as a unit, have similar levels of residual nutrients and will produce similar crop yields.] The portion of cropland, hayland and pasture, including a field, a portion of a field, or group of fields, on an agricultural operation that has a unique management history (same rotation and manure history), similar production capability, and that will be managed uniformly as a distinct unit.

Department—The Department of Environmental Protection.

Erosion and Sediment Control Plan—A site-specific plan identifying BMPs to minimize accelerated erosion and sedimentation. An Erosion and Sediment Control Plan under Chapter 102 (relating to erosion control), required for plowing and tilling activities, may be that portion of a Conservation Plan identifying BMPs to minimize erosion and sedimentation.

Existing agricultural operation—For the sole purpose of determining the eligibility for the Nutrient Management Plan Implementation Grants Program established under the act, an existing operation is an agricultural operation producing crops, livestock or poultry as of _____ (*Editor's Note: The blank refers to the effective date of adoption of this proposed rulemaking.*), where the focus of the operation has not changed since _____ (*Editor's Note: The blank refers to the effective date of adoption of this proposed rulemaking.*). A change in focus includes a significant increase in the scope or magnitude of the operation as well as the inclusion of a new livestock type on the operation.

Farming resources—The animals, facilities and lands used for the production of crops, livestock or poultry. The lands are limited to those located at the animal production facility which are owned, rented or leased by the operator of the facility, and other owned, rented or leased lands [under agreement or] under the management control of the operator of the facility that are [an integral part of the production of crops, livestock or poultry and the associated management] used for the application, treatment or storage of nutrients generated [by the animal production] at the facility.

* * * * *

In-field stacking—The practice of stacking solid manure on unimproved cropland areas to be applied to the land as plant nutrients.

Livestock—

(i) Animals raised, stabled, fed or maintained on an agricultural operation with the purpose of generating income or providing work, recreation or transportation. Examples include: dairy cows, beef cattle, goats, sheep, swine and horses.

(ii) The term does not include aquatic species.

Manure Management Manual—The guidance manual published by the Department that is entitled "Manure Management Manual for Environmental Protection," [and] including its supplements [developed by an interagency workgroup and published by the Department] and amendments. The manual describes approved manure management practices for [which a permit or approval from the Department is not required as set forth in § 101.8] all agricultural operations as required by § 91.36 (relating to pollution control and prevention [from] at agricultural operations).

Manure group—A portion of the manure generated on the operation that is distinct due to factors including species, handling practices, storage location, manure consistency, anticipated nutrient content or application season.

Manure storage facility—

(i) A permanent structure or facility, or portion of a structure or facility, utilized for the primary purpose of containing manure. [The storage facility of a waste management system is the tool that gives the manager control over the scheduling and timing of the spreading or export of manure.]

(ii) Examples include: liquid manure structures, manure storage ponds, component reception pits and transfer pipes, containment structures built under a confinement building, permanent stacking and composting facilities and manure treatment facilities.

(iii) The term does not include the animal confinement areas of poultry houses, horse stalls, freestall barns or bedded pack animal housing systems.

* * * * *

Nutrient—A substance or recognized plant nutrient, element or compound which is used or sold for its plant nutritive content or its claimed nutritive value. The term includes, but is not limited to, livestock and poultry manures, compost as fertilizer, commercially manufactured chemical fertilizers, [sewage sludge] biosolids or combinations thereof.

Nutrient balance sheet—A crop management tool developed to protect and maintain water quality by providing the calculation for determining the amount of manure that can be applied to cropland, hayland and pasture, to meet the nitrogen needs of a given crop management unit, using procedures acceptable to the Commission. The nutrient balance sheet takes into account the type and yield of crop to be grown, the residual nitrogen from various nutrient sources and any planned chemical fertilizer applications.

Nutrient management specialist or specialist—A person satisfying the requirements of the Department of

Agriculture's Nutrient Management Certification Program in 7 Pa. Code §§ 130b.1—130b.51 (relating to nutrient management certification).

Pastures—Crop areas managed for forage production that are harvested by livestock or livestock and haying and where animal management practices [**assure**] **ensure** that [**uncollected**] manure nutrients [**are limited to**] **deposited by livestock does not exceed** the amounts utilized by the crop.

Pennsylvania Agronomy Guide—The [**quick**] reference book published by [**the**] Cooperative Extension and **updated periodically, used** as a practical guide to grain and forage production, soil fertility management, pest management and erosion control, with special reference to Pennsylvania conditions.

Pennsylvania Soil and Water Conservation Technical Guide—Pennsylvania Technical Guide—A primary reference document published by the United States Department of Agriculture's NRCS, which is used by technically trained persons to plan and apply appropriate BMPs.

Perennial stream—A body of water [**that normally flows year-round**] **flowing** in a [**defined**] channel or bed[,] **composed primarily of substrates associated with flowing waters** and [**is**] capable, in the absence of pollution or other manmade stream disturbances, of supporting bottom dwelling aquatic animals.

* * * * *

Phosphorus Index—The field evaluation tool developed specifically for this Commonwealth and approved by the Commission, which combines indicators of phosphorus sources and phosphorus transport, to identify areas that have a high vulnerability or risk of phosphorus loss to surface waters, and provides direction on the land application of phosphorus-containing nutrient sources to protect water quality.

Plan—nutrient management plan—

(i) A written site-specific plan which [**incorporates BMPs to manage the use of plant nutrients for crop production and water quality protection consistent with the criteria**] **meets the requirements** in sections 4 and 6 of the act (3 P. S. §§ 1704 and 1706), and in §§ 83.271, 83.272 and 83.281—83.331 for CAOs [**or**] and §§ 83.271, 83.272 and 83.391—83.441 for [**non-CAOs planning under the act**] VAOs.

(ii) **The term includes plan amendments required under §§ 83.371, 83.372, 83.481 and 83.482.**

Spring—A place where groundwater flows naturally from rock or soil onto the land surface [**or into a surface water body,**] for a total of 183 days or more per year.

Stormwater—Runoff from the surface of the land resulting from rain, [**or**] snow or ice melt.

Surface water [and groundwater]—[**All rivers, streams, creeks, rivulets, impoundments, ditches, water courses, storm sewers, lakes, dammed water, ponds, springs and all other bodies or channels of conveyance of surface and underground water, or parts thereof, whether natural or artificial, within or on the boundaries of this Commonwealth.**] **Perennial and intermittent streams, rivers, lakes, res-**

ervoirs, ponds, wetlands, springs, natural seeps and estuaries, excluding water at facilities approved for wastewater treatment such as wastewater treatment impoundments, cooling water ponds and constructed wetlands used as part of a wastewater treatment process.

Temporary manure stacking areas—Unimproved areas[, preferably located in crop fields,] that are [**planned**] **authorized** to be used [**in unforeseen circumstances**] for the storage of solid manure to be [**used**] **applied to the land as plant nutrients** during the next growing season, or for other acceptable uses, **except that these areas are only used as a contingency measure to address situations where the approved manure handling practice as described in the plan is not able to address the generated manure due to unforeseen circumstances.**

VAO—Voluntary agricultural operation—

(i) **Any operation not specifically required under the act or this chapter to submit and implement a nutrient management plan meeting the criteria established in this subchapter.**

(ii) **The term includes agricultural operations applying for financial assistance under the act.**

§ 83.202. Scope.

This subchapter specifies minimum criteria and requirements for:

(1) **Nutrient management plans required under the act for CAOs or other agricultural operations directed by the Commission or the Department to follow the CAO criteria established under the act.**

(2) [**Voluntary nutrient management plans developed on other agricultural operations and submitted to the Commission or delegated conservation district for approval under the act**] **Nutrient management plans submitted by VAOs.**

(3) [**Plans on other agricultural operations receiving financial assistance under the act or under the Chesapeake Bay Nonpoint Source Pollution Abatement Program.**

(4) **Compliance plans submitted by an agricultural operation found to be in violation of The Clean Streams Law (35 P. S. §§ 691.1—691.1001).**

(5) [**The construction, location, [storage capacity] design, installation and operation of animal manure storage facilities [constructed and existing facilities expanded or repaired as part of a plan developed under the act] on agricultural operations subject to the act.**

[(6)] (4) * * *

[(7)] (5) * * *

[(8)] (6) * * *

§ 83.204. Applicability of requirements.

(a) **CAOs required under the act, or other operations directed by the Commission or the Department to submit and implement a plan [under the act], shall [refer to] comply with the following sections [for applicable requirements]: §§ 83.261 and 83.271—83.381.**

(b) [Agricultural operations that plan voluntarily under the act or as a condition of receiving financial assistance under the act or the Chesapeake Bay Non-point Source Pollution Abatement Program,] VAOs shall [refer to] comply with the following sections [for applicable requirements: §§ 83.261, 83.271, 83.272 and 83.391—83.491.

§ 83.205. Preemption of local ordinances.

* * * * *

(b) After October 1, 1997, no ordinance or regulation of any political subdivision or home rule municipality may prohibit or in any way regulate practices related to the storage, handling or land application of animal manure or nutrients or to the construction, location or operation of facilities used for storage of animal manure or nutrients or practices otherwise regulated by the act or this subchapter if the municipal ordinance is in conflict with [the requirements of] the act and this subchapter.

(c) Nothing in the act or this subchapter prevents a political subdivision or home rule municipality from adopting and enforcing ordinances or regulations which are consistent with and no more stringent than the requirements of the act and this subchapter.

* * * * *

PLAN DEVELOPMENT INCENTIVES PROGRAM

§ 83.211. Applicant eligibility.

* * * * *

(b) [Only agricultural] Agricultural operations that were producing crops, livestock or poultry as of [October 1, 1997] _____ (Editor's Note: The blank refers to the effective date of adoption of this proposed rulemaking.), and are or will be producing or utilizing livestock or poultry manure or both on their operation, are eligible to receive funding under this program.

(c) [For the time period of October 1, 1997, to September 30, 1998, only CAOs are eligible to receive funding under this program.] CAOs that are in violation, as determined by the Commission, of the plan submission requirements or any other requirements of the act are not eligible for funding under this program.

(d) Agricultural operations having an approved plan prior to _____ (Editor's Note: The blank refers to the effective date of adoption of this proposed rulemaking.) that are in compliance with that plan and the act are eligible to receive funding to amend the plan to meet the requirements of this revised subchapter.

§ 83.213. Application prioritization criteria.

[(a) Only CAOs are eligible for funding from this program for the time period of October 1, 1997, to September 30, 1998.

(b) After September 30, 1998, the] The distribution of funding shall be provided to the extent funds are available based on the following prioritization:

(1) Agricultural operations newly classified as CAOs due to the revised criteria established in this subchapter.

(2) CAOs amending a plan approved prior to _____ (Editor's Note: The blank refers to the

effective date of adoption of this proposed rulemaking.) to conform with the revised program criteria.

(3) CAOs coming into existence after [October 1, 1997] _____ (Editor's Note: The blank refers to the effective date of adoption of this proposed rulemaking.), due to loss of rented acres.

[(2) Non-CAOs volunteering to comply with the act] (4) VAOs amending a plan approved prior to _____ (Editor's Note: The blank refers to the effective date of adoption of this proposed rulemaking.) to conform with the revised program criteria.

[(3) CAOs in existence before October 1, 1997] (5) VAOs submitting a plan under the act.

[(4)] (6) Other CAOs coming into existence after [October 1, 1997] _____ (Editor's Note: The blank refers to the effective date of adoption of this proposed rulemaking.).

§ 83.214. Eligible costs.

(a) Eligible costs considered by the Commission are those fees incurred by the development of the initial plan or the amendment of a plan approved prior to _____ (Editor's Note: The blank refers to the effective date of adoption of this proposed rulemaking.) to conform with the revised program criteria.

(b) [Only those] Costs of soil and manure tests [costs included in the service fee charged] (not including labor costs) for initial plan development, or for developing the amended plan as described in subsection (a), are eligible for reimbursement.

§ 83.215. Funding limitations.

* * * * *

(b) Funding under this program will be limited to a one-time reimbursement payment for initial plan development costs incurred after the operator's application has been approved, and as a one-time reimbursement payment for a plan amendment of a plan approved prior to _____ (Editor's Note: The blank refers to the effective date of adoption of this proposed rulemaking.) to conform with the revised program criteria.

* * * * *

FINANCIAL ASSISTANCE

§ 83.221. Applicant eligibility.

(a) An owner or operator of an existing agricultural operation [existing as of October 1, 1997], may apply for financial assistance for the implementation of plans developed under the act. The owner or operator shall have legal and financial responsibility for the agricultural operation during the term of the financial assistance provided by the Commission.

(b) Existing CAOs required to implement BMPs to conform with the revised criteria are eligible for financial assistance for the implementation of the BMPs.

(c) New agricultural operations coming into existence after _____ (Editor's Note: The blank refers to the effective date of adoption of this pro-

posed rulemaking.) are not eligible for financial assistance for the implementation of their approved plan.

(d) If the applicant is a lessee or operator, the applicant shall apply jointly with the owner of the agricultural operation for financial assistance. The [lessee or operator and] owner shall be [jointly] responsible for the repayment of financial assistance unless the agreement establishes the lessee or operator as having joint or principal responsibility.

(e) CAOs that were in violation of the plan submission requirements of the act prior to _____ (Editor's Note: The blank refers to the effective date of adoption of this proposed rulemaking.) or are in violation of any other provision of the act, are not eligible for funding under this program.

(f) Existing agricultural operations expanding to become a CAO after _____ (Editor's Note: The blank refers to the effective date of adoption of this proposed rulemaking.) are not eligible for financial assistance for the implementation of their approved plan.

§ 83.222. Condition for receipt of financial assistance.

An agricultural operation approved to receive financial assistance under the Chesapeake Bay Nonpoint Source Pollution Abatement Program after [October 1, 1997] _____ (Editor's Note: The blank refers to the effective date of adoption of this proposed rulemaking.), or otherwise receiving financial assistance under the act for plans, shall agree to develop and implement a plan as a condition for receiving the financial assistance.

§ 83.224. Project evaluation and prioritization criteria.

(a) Applications for financial assistance will be evaluated in accordance with project evaluation criteria guidelines developed by the Commission. [CAOs will receive priority evaluation from October 1, 1997, to September 30, 1998.]

(b) Applications for financial assistance will be prioritized for consideration as follows:

(1) CAOs in [existence on October 1, 1997, complying with the act and this subchapter] compliance with the act and properly implementing a plan approved prior to _____ (Editor's Note: The blank refers to the effective date of adoption of this proposed rulemaking.) which, due to the revisions to the regulations, are required to implement additional practices to meet the new criteria.

(2) Agricultural operations newly classified as CAOs due to the revised criteria established in this subchapter.

(3) CAOs coming into existence after [October 1, 1997] _____ (Editor's Note: The blank refers to the effective date of adoption of this proposed rulemaking.), due to loss of rented acres.

(4) VAOs having an approved plan as of (Editor's Note: The blank refers to the effective date of adoption of this proposed rulemaking.)

[(3) Non-CAOs] (5) Other VAOs with critical BMPs.

[(4)] (6) * * *

§ 83.225. Application procedure.

* * * * *

(b) An application received by the Commission or delegated agent will be reviewed for completeness and eligibility. An application shall include a [summary] copy of the approved plan which identifies the proposed BMPs for which financial assistance is being requested.

* * * * *

(d) [The Commission will approve or deny each application submitted.] Within [45] 60 days of receipt of all required information, applicants will be notified in writing of actions taken on their applications and [their] any right to appeal the actions.

* * * * *

§ 83.226. Eligible costs for the implementation of an approved plan.

* * * * *

(c) The Commission may consider alternative manure technology practices and equipment eligible to receive financial assistance under this chapter if these practices or equipment are considered to be effective in addressing nutrient management issues on the operation. Financial assistance funding levels and limitations for these alternative practices and equipment shall be established by the Commission.

§ 83.229. Grants.

* * * * *

(b) The Commission may limit individual grant awards to whatever amount it deems appropriate. The maximum amount of a grant may not exceed those maximum grant limits established by the Commission. An agricultural operation that has received or is approved to receive financial assistance under [the Chesapeake Bay Nonpoint Source Pollution Abatement Program is] any local, State, Federal or other financial assistance program may also be eligible for grants under the Nutrient Management [Financial Assistance] Plan Implementation Grant Program up to the grant limit established by the Commission in grants from those combined sources [of the Chesapeake Bay Program] and the Nutrient Management [Financial Assistance] Plan Implementation Grant Program.

* * * * *

§ 83.231. Funding limitations.

* * * * *

(e) Letters of no prejudice. Exceptions to the general prohibition against initiation of construction prior to consideration by the Commission may be made when immediate plan implementation is required to proceed before an application for financial assistance can be submitted to the Commission. Circumstances that would require immediate plan implementation and therefore appropriate for consideration by the Commission for a letter of no prejudice, shall relate to acute failures or malfunctions of practices where immediate implementation is necessary to address significant environmental degradation. In this case, a potential applicant may apply to the Commission for a letter of no prejudice wherein the Commission agrees to

consider a future application for financial assistance without limitation or prejudice even if project construction has begun at that time. If the Commission issues a letter of no prejudice, project construction can begin without jeopardizing or benefiting a future application.

§ 83.232. Implementation and reporting.

* * * * *

(b) Unless otherwise approved by the Commission, the applicant shall begin construction of the project, in accordance with its application within [6] 9 months [after] of the Commission sending notice of approval [by the Commission] of a grant application. If the applicant does not begin implementation within the specified time period [and], does not continue work without unreasonable interruption, or does not complete the project within the specified time period in the grant agreement, the financial assistance may be withdrawn by the Commission.

* * * * *

DELEGATION TO LOCAL AGENCIES

§ 83.241. Delegation to local agencies.

* * * * *

(d) A delegation agreement [shall] will:

* * * * *

NUTRIENT MANAGEMENT PLANS

§ 83.261. General.

[(a) A CAO in existence on October 1, 1997, shall submit to the Commission or a delegated conservation district, a plan by October 1, 1998.]

Agricultural operations shall meet the plan requirements of §§ 83.261—83.491 according to the following:

(1) Operations defined as a CAO prior to _____ (Editor's Note: The blank refers to the effective date of adoption of this proposed rulemaking.).

(i) For operations defined as CAOs operating as of October 1, 1997, a plan shall have been submitted prior to October 1, 1998.

(ii) For operations which were newly defined as a CAO due to expansion of operations prior to _____ (Editor's Note: The blank refers to the effective date of adoption of this proposed rulemaking.), a plan shall have been submitted within 3 months of the change in operations which classified them as a CAO.

(iii) For new operations defined as CAOs and commencing before _____ (Editor's Note: The blank refers to the effective date of adoption of this proposed rulemaking.), a plan shall have been submitted prior to commencement of operations.

[(b) A CAO which comes into existence after October 1, 1997, shall submit to the Commission or a delegated conservation district a plan by January 1, 1998, or prior to the commencement of manure operations, whichever is later. It is recommended that the CAO submit the plan for review and approval prior to construction.] (2) Operations defined as a CAO after _____ (Editor's Note: The blank refers to the effective date of adoption of this proposed rulemaking.) who were not defined as

CAOs prior to that date. An existing agricultural operation as of _____ (Editor's Note: The blank refers to the effective date of adoption of this proposed rulemaking.) which did not meet the CAO definition prior to _____ (Editor's Note: The blank refers to the effective date of adoption of this proposed rulemaking.) but which is defined as a CAO under this subchapter, shall submit a plan by _____ (Editor's Note: The blank refers to a date 2 years after the adoption of this proposed rulemaking.).

[(c) An agricultural operation which, because of expansion of animal units or loss of land suitable for manure application, meets the criteria for a CAO shall submit to the Commission or a delegated conservation district a plan within 3 months after the date of completion of the expansion or the loss of land. It is recommended that an operator who intends to expand an existing agricultural operation submit the plan for review and approval prior to expansion.] (3) Operations that become defined as CAOs after _____ (Editor's Note: The blank refers to the effective date of adoption of this proposed rulemaking.) due to expansion of an existing operation or loss of rented or leased land. Existing operations that make changes to their operations that result in becoming defined as CAOs for the first time, after _____ (Editor's Note: The blank refers to the effective date of adoption of this proposed rulemaking.), shall meet the following:

(i) An agricultural operation which becomes a CAO after _____ (Editor's Note: The blank refers to the effective date of adoption of this proposed rulemaking.) due to loss of land suitable for manure application, shall submit a plan within 6 months after the date which the operation becomes a CAO.

(ii) An agricultural operation which will become a CAO due to expansion of operations by the addition of animals shall obtain approval of the plan prior to the expansion.

[(d) An agricultural operation other than a CAO may voluntarily submit a plan at any time after October 1, 1997. It is recommended that the operator of an agricultural operation voluntarily submitting a plan under the act, submit the plan for review and approval prior to construction, if construction activities are called for in the plan.] (4) New Operations. A new operation which will commence after _____ (Editor's Note: The blank refers to the effective date of adoption of this proposed rulemaking.), and which will be a CAO, shall obtain approval of a plan meeting the requirements of this subchapter prior to the commencement of the operation.

(5) Revision of plans approved prior to _____ (Editor's Note: The blank refers to the effective date of adoption of this proposed rulemaking.). All operations (CAOs and VAOs) having an approved plan prior to _____ (Editor's Note: The blank refers to the effective date of adoption of this proposed rulemaking.) shall comply with the following:

(i) CAOs shall submit an amended plan to incorporate the requirements included in this amended subchapter under the 3 year review requirement of

§ 83.362 (relating to plan implementation), or by _____ (*Editor's Note: The blank refers to a date 1 year after the effective date of adoption of this proposed rulemaking.*), whichever is later.

(ii) VAOs shall submit an amended plan on the same schedule as CAOs in subparagraph (i) if they desire to maintain their status as a VAO.

(iii) VAOs that received funding under this subchapter shall implement the approved plan and maintain the BMPs installed using that funding.

(6) The plan shall be submitted to the Commission or delegated conservation district by the operator who shall sign the plan.

[(e)] (7) Plans and plan amendments shall be developed by nutrient management specialists certified in accordance with the Department of Agriculture's Nutrient Management Specialist Certification requirements in 7 Pa. Code §§ 130b.1—130b.51 (relating to nutrient management certification). The specialists shall certify, by signature, that the plans are in accordance with the act and this subchapter. **Operators and specialists who sign plans may be subject to penalties for any false information contained in the plans.**

§ 83.262. Identification of CAOs.

(a) *Procedure.* To determine if a particular agricultural operation is a CAO [**which is required to develop a plan**], the number of AEUs per acre on the agricultural operation shall be calculated using the following procedure:

(1) The number of AEUs on the agricultural operation shall be calculated by using the following steps:

(i) [**Multiply**] Compute the animal weight on a typical production day for the agricultural operation by multiplying the average number of animals on the agricultural operation on a typical production day by the standard animal weight contained in [**Table A to equal a total weight**] *Agronomy Facts 54—Pennsylvania's Nutrient Management Act: Who Will Be Affected?*, published by the Pennsylvania State University. [**Nonstandard**] Other animal weights may be used in place of those in [**Table A**] *Agronomy Facts 54*, if there is sufficient documentation to support the use of the nonstandard weights. For those animal types not included in [**Table A**] *Agronomy Facts 54*, the average animal weight for the operation shall be used for this calculation, taking into account, if applicable, the range of animal weights throughout the production cycle of the animal.

(ii) [**Multiply**] Annualize the average animal weight per production day by multiplying the [**total**] animal weight [**reached**] on a typical production day derived in subparagraph (i) by the number of production days per year, then divide by 365 days.

(iii) [**Divide**] Compute the number of AEUs for the particular animal type by dividing the number [**reached**] derived in subparagraph (ii) by 1,000 [**to equal the number of AEUs for each type of animal**].

(iv) [**Total the number**] Compute the total AEUs for the operation by adding together the number of AEUs for each type of animal to equal the total number of AEUs on the agricultural operation.

(v) Operations having less than eight AEUs are not classified as CAOs regardless of the animal density.

[Table A

<i>Type of Animal</i>	<i>Standard Weight in Pounds During Production (Range)</i>
Swine	
Nursery Pig	30 (15—45)
Finishing Pig	145 (45—245)
Gestating Sow	400
Sow and Litter	470
Boar	450
Beef	
Calf 0—8 Mo.	300 (100—500)
Finishing 8—24 Mo.	850 (500—1,200)
Cow	1,150
Veal	
Calf 0—16 Wk.	250 (100—400)
Poultry	
Layer 18—65 Wk.	3.25 (2.75—3.76)
Layer 18—105 Wk.	3.48 weighted avg.
Layer Brown Egg 20—65 Wk.	4.3 (3.6—5)
Layer Brown Egg 20—105 Wk.	4.63 weighted avg.
Pullets 0—18 Wk.	1.42 (0.08—2.75)
Broiler, Lg. 0—57 Days	3.0 (0.09—5.9)
Broiler, Med. 0—43 Days	2.3 (0.09—4.5)
Roaster	
Male 0—8 Wk.	3.54 (0.09—7)
Female 0—10 Wk.	3.54 (0.09—7)
Turkey, Tom 0—18 Wk.	14.1 (0.12—28)
Turkey, Hen 0—14 Wk.	7.1 (0.12—14)
Duck 0—43 Days	3.56 (0.11—7)
Guinea 0—14 to 24 Wk.	1.9 (0.06—3.75)
Pheasant	
0—13 to 43 Wk.	1.53 (0.05—3)
Chukar	
0—13 to 43 Wk.	0.52 (0.04—1)
Quail	
0—13 to 43 Wk.	0.26 (0.02—0.5)
Dairy	
Holstein/Brown Swiss	
Cow	1,300
Heifer 1—2 Yr.	900 (650—1,150)
Calf 0—1 Yr.	375 (100—650)
Bull	1,500
Ayrshire/Guernsey	
Cow	1,100
Heifer 1—2 Yr.	800 (575—1,025)
Calf 0—1 Yr.	338 (100—575)
Bull	1,250
Jersey	
Cow	900
Heifer 1—2 Yr.	600 (400—800)
Calf 0—1 Yr.	225 (50—400)
Bull	1,000

<i>Type of Animal</i>	<i>Standard Weight in Pounds During Production (Range)</i>
Sheep	
Lamb 0—26 Wk.	50 (10—90)
Ewe	150
Ram	185
Goat	
Kid 0—10 Mo.	45 (5—85)
Doe	125
Buck	170
Horse	
Foal 0—6 Mo.	325 (125—625)
Yearling	750 (625—875)
Nondraft Breeds, Mature	1,000
Draft Breeds, Mature	1,700]

(2) [The] Compute the number of AEU's per acre [shall be calculated] by dividing the total number of AEU's by the total number of acres of land suitable for the application of manure [to equal the number of AEU's per acre].

(i) [Land suitable, for] For the sole purpose of determining whether an agricultural operation is a CAO, "land suitable for the application of manure" is considered to be land [in] under the management control of the operator, that meets the following criteria:

(A) The land is cropland, hayland or pastureland that is an integral part of the agricultural operation, as demonstrated by title, rental or lease agreements, crop records or information on a form provided by the Commission.

* * * * *

(ii) The term "land suitable for application of manure" does not include farmstead acres or forestland.

* * * * *

CONTENT REQUIREMENTS FOR ALL PLANS

§ 83.272. Content of plans.

(a) Plans developed for CAOs or other agricultural operations required by the Commission or the Department to plan under the act shall [, at a minimum,] comply with §§ 83.261 and 83.271—83.331.

(b) [A plan] Plans developed for [an agricultural operation under the act either voluntarily, or as a condition of receiving financial assistance under the act or the Chesapeake Bay Nonpoint Source Pollution Abatement Program] VAOs shall [, at a minimum,] comply with this section and §§ 83.261, 83.271 and 83.391—[38]83.441.

(c) A plan shall be organized to [correspond to the appropriate sections described] contain individual sections as referred to in subsections (a) and (b) as applicable. [A plan shall have a separate section for each of these sections.] The operator shall be [consulted during the preparation of all sections of] involved in the development of each section [of] included in the plan.

(d) The BMPs listed in the plan shall be consistent with the management practices listed in other relevant plans, such as [a conservation plan,] the Conservation Plan developed for the operation, unless otherwise [justified in writing by the planner to] approved by the Commission or delegated conservation district.

PLAN SUMMARY INFORMATION FOR CAO PLANS

§ 83.281. Identification of agricultural operations and acreage.

(a) *Agricultural operation identification sheet.* The plan shall include an agricultural operation identification sheet which shall include the following information:

(1) The operator name, address and telephone number.

(2) A brief description of the operation including:

(i) Animal types included on the operation.

(ii) General scope of the operation (general acreage of the cropland, hayland and pastures, and farmstead acres, and animal numbers for the various types of animals on the operation).

(iii) The crop rotation planned to be used on the operation.

(iv) The dimensions and capacity of any existing manure storage facilities on the operation.

(v) The capacity and practical application rates of manure application equipment that will be used on the operation, as applicable.

(3) The signature of the operator, which meets the signature requirements of the Commission, indicating the operator's concurrence with the practices outlined in the plan.

[(3)] (4) * * *

[(4)] (5) The watersheds [of] in which the land included in the plan is located. The existence of any special protection waters, as identified in [§ 93.9] Chapter 93 (relating to [designated water uses and water quality criteria] water quality standards), shall also be noted.

[(5)] (6) The total acreage of the agricultural operation included in the plan. This acreage shall include:

(i) Lands located at or adjacent to the animal production facility, which are owned by the operator of the facility.

(ii) Other owned, rented or leased lands, under the management control of the operator of the facility, that are used for the application, treatment or storage of manure generated at the facility.

[(6)] (7) The total acreage of land of the agricultural operation on which nutrients shall be applied. The total acreage shall be separated into acres of owned land and acres of rented or leased land.

[(7)] (8) * * *

[(8)] (9) The name [and], nutrient management certification program identification number [,] and signature of the nutrient management specialist that prepared the plan, the date of plan preparation and the date of revisions, if any.

(b) **Maps and aerial photographs.** The plan shall include a topographic map drawn to scale identifying the lands included in the agricultural operation, and shall also contain maps or aerial photographs of sufficient scale which clearly identify:

* * * * *

(4) The identification of all soil types and slopes on the agricultural operation. An NRCS soil survey map with the soil identification legend [shall] will be sufficient to satisfy this requirement. These soil survey maps may be available at the county NRCS office or conservation district office.

(5) The location of areas where manure application [may be limited based on] is restricted under § 83.294[(5)] (f) (relating to nutrient application procedures).

(6) The location of proposed or existing structural BMPs, including manure storage facilities, on the operation.

(7) The location of proposed or existing temporary manure stacking areas or in-field stacking locations.

(c) **Phosphorus Index.** The plan shall include an appendix containing the completed Phosphorus Index spreadsheet or other similar information summary which shall list the individual source and transport factor values, as appropriate, and the final Phosphorus Index value, for each individual area evaluated on the operation, as required by the Phosphorus Index.

(d) **Agreements with importers and brokers.** The plan shall include an appendix containing signed exporter/importer and exporter/broker agreements, and nutrient balance sheets and associated maps, for operations where these documents are required under this subchapter.

§ 83.282. Summary of plan.

- (a) The plan shall contain a summary that includes:
- (1) A [chart] manure summary table listing:
 - (i) The total amount of manure planned to be generated on the operation annually.
 - (ii) The total amount of manure planned to be used on the operation annually.
 - (iii) The total amount of manure planned to be exported from the operation annually.
 - (2) [Nutrient] A nutrient application [rates by field or crop group] summary documenting the planned nutrient applications for each crop management unit listing:
 - (i) Acres.
 - (ii) Expected yield.
 - (iii) Nutrients applied as starter chemical fertilizer.
 - (iv) Planned manure application period.
 - (v) Planned manure application rate and type of manure to be applied.
 - (vi) Planned manure incorporation time.
 - (vii) Rate of other organic nutrient sources planned to be applied.

(viii) Other nutrients applied through chemical fertilizer.

(ix) Other comments or notes.

(3) [Procedures] General procedures and provisions for the utilization or proper disposal of excess manure.

(b) [Manure] The summary shall also reference manure management and storage practices, stormwater runoff control practices and other appropriate BMPs necessary to protect the quality of surface water and groundwater [shall be referenced in the summary].

NUTRIENT APPLICATION FOR CAO PLANS

§ 83.291. Determination of available nutrients.

(a) The plan shall [include the amount of] address each type of nutrient source [used] generated or planned to be used on the agricultural operation, including: manure, [sludges] biosolids, compost, [cover crops,] commercial fertilizers and other [nutrients that will be applied to the agricultural operation] nutrient sources.

(b) The amount and nutrient content of each manure [to be applied] group generated on the agricultural operation shall be [determined] documented in the plan as follows:

(1) [The plan shall include] List the average number of animals [of each animal type] for each manure group, on a typical production day, for the agricultural operation.

(2) [The] List the amount of manure [produced] generated and when it is available for [spreading] land application on the agricultural operation or for other planned uses. If actual manure production records are available for the operation, these records shall be used for determining the manure produced on the operation. If actual records of manure production do not exist for the operation, the amount of manure produced shall be calculated based on the average number of [AEU] animal units on the agricultural operation [or actual production data], and the storage capacity of manure storage facilities, if present. Bedding, wash water, rain and runoff, when mixed with the manure, shall be included in determining the total volume of manure [to be applied] generated. The plan shall include the calculations or variables used for determining the amount of manure produced on the operation.

(3) Test the nutrient content of manure as follows:

(i) Analytical manure testing results shall be used in the development of the plan. These manure tests shall include an analysis of the percent solids, total nitrogen (as N), ammonium nitrogen (as NH₄-N), total phosphate (as P₂O₅), and total potash (as K₂O), for each manure group generated on the operation, and these analytical results shall be recorded in the plan. [For the preparation of the plan and plan amendments, it is recommended that the nutrient content of the manure be determined by] These manure analyses shall be performed using accepted manure sampling and chemical analysis methods as [outlined in the *Manure Management*

Manual, or the Pennsylvania Agronomy Guide] specified by the Commission.

(ii) [When sampling and analysis is not done, the nutrient management specialist] For newly proposed operations, and for manure groups on existing operations where sampling and analysis are not possible prior to initial plan development, the plan shall use either standard book values such as those contained in the [Manure Management Manual or the] Pennsylvania Agronomy Guide to determine the nutrient content of the manure[.], or analytical results from a similar facility using a like management scheme, as approved by the Commission or delegated conservation district. The nutrient content of the manure shall be recorded in the plan. Samples and chemical analysis of the manure generated on the operation shall be obtained within 1 year of implementation of the approved plan, and the requirements of § 83.371 (relating to plan amendments) shall be followed as applicable.

(iii) After approval of the initial plan, manure tests are required to be taken annually for each manure group generated on the operation.

(c) The nitrogen available from manure shall be based on the appropriate availability factors such as those contained in the [Manure Management Manual or the] Pennsylvania Agronomy Guide. The plan shall include the amount of nitrogen available in the manure, and the planned manure incorporation time used to determine the nitrogen available[, shall be included in the plan].

* * * * *

[(e) For the development of the initial plan, soil tests shall be required to represent the fields in the operation for phosphorus (P), potassium (K), soil pH and lime requirement using those procedures for the Northeastern United States, Bulletin # 493, published by the University of Delaware, or other Commission approved procedures. Soil tests conducted within the previous 3 years prior to submitting the initial plan are acceptable. After the approval of the initial plan, soil tests shall be required at least every 6 years from the date of the last test. Soil tests, or the results of the soil tests, are not required to be submitted with the plan, but shall be kept on record at the operation.]

§ 83.292. Determination of nutrients needed for crop production.

(a) The plan shall include the acreage and realistic expected crop yields for each crop [group] management unit.

(b) For the development of the initial plan, expected crop yields may not exceed those considered realistic for the soil type and climatic conditions, as set by the operator and the specialist, and approved by the Commission or delegated conservation district. If actual yield records are available during the development of the initial plan, the expected crop yields [may] shall be based on these records.

[(1)] (c) If after the first 3 years of implementing the plan, the yields do not average at least 80% of the planned expected yield, the plan shall be amended to be consistent with the documented yield levels unless suffi-

cient justification for the use of the higher yields is [provided in writing to] approved by the Commission or delegated conservation district. The amendment shall be submitted as required under §§ 83.361—83.371.

[(2) For] (d) When determining expected crop yields for [future] plan [updates and] amendments, expected crop yields shall be based on documented yield levels achieved for the operation. Expected crop yields higher than historically achieved may be used if the operator provides sufficient justification in writing to the Commission or delegated conservation district for the use of the higher yields [to the Commission or delegated conservation district].

(e) When developing the initial plan, soil tests shall be required for each crop management unit on the operation, to determine the level of phosphorus (as P), potassium (as K), and soil pH, as follows:

(1) Use those procedures recommended by Penn State and published in *Recommended Soil Testing Procedures for the Northeastern United States*, Bulletin # 493, published by the University of Delaware, or other Commission-approved procedures.

(2) Soil tests conducted within the previous 3 years prior to submitting the initial plan are acceptable.

(3) After the approval of the initial plan, soil tests are required for each crop management unit at least every 3 years from the date of the last test.

(4) The plan shall include soil test results for phosphorus (as P) in parts-per-million (ppm) as a component of the Phosphorus Index analysis for each crop management unit. Other soil test results are not required to be submitted with the plan, but shall be kept on record at the operation.

[(c)] (f) The plan shall include [a determination of] recommendations based on current soil tests for the amount of [nutrients] nitrogen (as total N) and phosphorus (as P2O5) necessary for achieving realistic expected crop yields.

[(d)] (g) The [Pennsylvania Agronomy Guide or Manure Management Manual may] procedures in the *Soil Test Recommendations Handbook For Agronomic Crops*, Penn State Agricultural Analytical Services Laboratory, shall be used when necessary to [assist in determining] determine or adjust the recommended amount of nutrients necessary [for achieving] to achieve realistic expected crop yields. Other methodologies for this adjustment may be used as approved by the Commission.

§ 83.293. Determination of nutrient application rates.

(a) [Nitrogen] Manure and other nutrient sources shall be applied [only in the amounts] so as not to exceed the amount of nitrogen necessary to achieve realistic expected crop yields or at a rate not exceeding [what] the amount of nitrogen the crop will utilize for an individual crop year.

(b) In addition to the nitrogen limitations described in subsection (a), applications of manure

and other nutrient sources shall also be limited as determined by the Phosphorus Index, as follows:

(i) Apply the Phosphorus Index on all areas of the agricultural operation where nutrients will be applied.

(ii) Implement the resulting management actions as provided through the Phosphorus Index on each crop management unit.

(c) The planned manure application rate shall be recorded in the plan. The planned manure application rate [may] shall be the lesser of any rate equal to or less than the balanced manure application rate based on nitrogen or the rate as determined by the Phosphorus Index.

(i) The balanced manure application rate based on nitrogen shall be determined by first subtracting the amount of available residual nitrogen and any other applied nitrogen, such as nitrogen applied in the starter fertilizer, from the amount of nitrogen necessary for realistic expected crop yields, and then dividing this by the available nitrogen content of the manure as determined by standard methods under § 83.291 (relating to determination of available nutrients).

(ii) The calculation or variables used for determining the balanced rates shall be recorded in the plan.

[(c)] (d) The plan shall include calculations for each crop management unit indicating the difference between the [recommended nitrogen] amount of nitrogen and phosphorus necessary for realistic expected crop yields under § 83.292 (relating to determination of nutrients needed for crop production) and the nitrogen and phosphorus applied through all planned nutrient sources, including, but not limited to, manure, [sludge] biosolids, starter fertilizer and other fertilizers, and residual nitrogen. [A deficit may be made up with supplemental nitrogen applications.] A nitrogen availability test may also be used to determine supplemental nitrogen needs.

§ 83.294. Nutrient application procedures.

[The plan shall include nutrient application procedures that meet the following criteria:

(1)] (a) Nutrients shall be uniformly applied to fields during times and conditions that will hold the nutrients in place for crop growth, and protect surface water and groundwater in accordance with the approved manure management practices as described in the *Manure Management Manual*.

[(2)] (b) * * *

[(3) Application] (c) Manure application rates and procedures shall be consistent with the capabilities, including capacity and calibration range, of available application equipment. For existing operations and any operation using a commercial manure applicator, the plan shall include the capacity and practical application rates, based on calibration of the existing equipment. For proposed operations not using a commercial custom manure applicator, or where this calibration is not feasible at planning time, the operator shall perform this application equipment calibration analysis prior to the first application of manure, or within 1 year of the facility beginning

operation, whichever is sooner, and this information shall be included in any necessary amendments to the plan.

[(4)] (d) If manure will be applied using an irrigation system, the following applies:

(1) Application rates for irrigated liquid manure [irrigation] shall be based on the lesser of [either the nutrient plan] the following:

(i) The planned application rates in gallons per acre determined in accordance with § 83.293 [(a) and (b)] (c) (relating to determination of nutrient application rates) [, or the rates].

(ii) The combination of the following:

(A) The liquid application rate in inches per hour determined to be within infiltration capabilities of the soil [such as those contained in the NRCS *Pennsylvania Irrigation Guide* or the Mid West Plan Service, *Livestock Waste Facilities Handbook*].

(B) The liquid application depth in inches not to exceed the soil's water holding capacity within the root zone or any restricting feature at the time of application.

(2) The liquid application rate and application depth shall be consistent with the current versions of Penn State Fact Sheets F254 through F257 as applicable to the type of irrigation system planned to be used on the operation, and the *NRAES-89 Liquid Manure Application System Design Manual*.

(e) If liquid or semisolid manure is planned to be applied at rates greater than 9,000 gallons per acre at any one application time, the rates and amounts shall be limited based on the infiltration rate and water holding capacity of the application areas as described in subsection (c). In these instances, the plan shall include the computations for the infiltration rates and water holding capacity of the various application areas, and these applications shall not be allowed to exceed either the determined infiltration rate or the water holding capacity of the application sites.

[(5)] (f) Manure may not be applied in the following situations:

* * * * *

(ii) Within 100 feet of active private drinking water sources such as wells and springs [, where surface water flow is toward the water source, unless the manure is mechanically incorporated within 24 hours of application].

(iii) Within 100 feet of an inactive open drinking water well, where surface water flow is toward the water well, unless the manure is mechanically incorporated within 24 hours of application.

[(iii)] (iv) * * *

[(iv)] (v) * * *

[(v)] (vi) * * *

[(vi)] (vii) Within 100 feet of streams, springs, lakes, ponds, intakes to agricultural drainage systems (such as in-field catch basins, and pipe outlet terraces), or other types of surface water conveyance, [where] if surface

water flow is toward the identified area, [when] and if soil is frozen, snow covered or saturated.

[(vii)] (viii) Within 200 feet of streams, springs, lakes, ponds, intakes to agricultural drainage systems (such as in-field catch basins, and pipe outlet terraces), or other types of surface water conveyance, [where] if surface water flow is toward the [identified area and where] surface water or conveyance, if the slope is greater than 8% as measured within the 200 feet, [during times when] and if the soil is frozen, snow covered or saturated.

(ix) On crop management units having less than 25% plant cover or crop residue at the time of manure application, unless:

(A) For fall applications, the crop management unit is planted to a cover crop in time to allow for appropriate growth (according to standards contained in the *Pennsylvania Technical Guide*).

(B) For applications in the spring or summer, the crop management unit is planted to a crop that growing season.

(C) For winter applications, the crop management unit is addressed under subsection (g).

(D) Other practices are implemented to protect surface water and groundwater, which are approved by the Commission and are consistent with the operator's Erosion and Sediment Control Plan.

[(6)] (g) If winter [spreading] application of manure is [anticipated] planned, the application procedures [for the winter spreading of manure] shall be described in the plan. The procedures described in the plan shall be consistent with those contained in the *Manure Management Manual*. [If procedures other than those in the *Manure Management Manual* are to be used, approval shall be obtained from the Department or a delegated conservation district.] The plan shall list all crop management units where winter application is anticipated or restricted, planned ground cover on the application sites, and what procedures shall be utilized for each crop management unit to protect the quality of surface water and groundwater.

(h) In-field stacking of dry manure as a part of manure application is permissible if the manure is land applied on the crop management unit prior to the beginning of the next growing season. If stacking occurs for a longer period, the stack area shall meet *Pennsylvania Technical Guide* standards for a waste stacking and handling pad. All in-field stacking areas shall be located, and stacks shall be shaped, to minimize water absorption and impacts from runoff in accordance with the criteria approved by the Commission.

(i) If a commercial manure applicator will be used for the application of the manure on the agricultural operation, the commercial applicator shall meet the requirements of § 83.301(a)(5) (relating to excess manure utilization plans for CAOs).

ALTERNATIVE USES FOR EXCESS MANURE FOR CAO PLANS

§ 83.301. Excess manure utilization plans for CAOs.

(a) [When] If manure will be exported [to] for use off the CAO at known [landowners or operators]

agricultural operations for agricultural land application, the [plan shall list] following apply:

(1) [The name and general location of the proposed importing agricultural operation.] The plan shall include signed agreements, on a form acceptable to the Commission, between the CAO and each importing operator agreeing to accept the manure from the exporting operation. If the importing operator will be applying manure on lands rented or leased to that importing operator, the agreement shall state that the importing operator has the authority to apply manure on the leased or rented lands.

(2) [The estimated number of acres available for spreading manure at each importing agricultural operation.] The importing operator is responsible for the proper handling and application of the imported manure accepted from an exporter, in accordance with the relevant nutrient balance sheet or the importer's nutrient management plan.

(3) [The estimated amount of manure to be exported annually to known landowners or operators for agricultural land application.] A CAO exporting manure shall also be responsible for the handling and application of the manure if the CAO, or an employee or contractor of the CAO, applies manure at the importing operation.

(4) [The estimated amount of manure that could be exported to each agricultural operation.] The plan shall include copies of nutrient balance sheets applicable to each crop management unit where the exported manure will be applied. These nutrient balance sheets for importing operations shall include a map identifying the areas where the imported manure will be applied and applicable manure application setbacks relevant to the site, including those identified in § 83.294 (relating to nutrient application procedures). Nutrient management plans implemented at the importing operations may be used to meet this requirement if they are attached to the plan.

(5) [The intended season of the manure transfer.] If the CAO will utilize a commercial manure hauler/applicator for the hauling or application of the exported manure, the plan shall list the name of the commercial hauler/applicator that will be used. Only those haulers/applicators that meet the following qualifications shall be acceptable in the plan.

(i) Demonstrates knowledge of regulatory requirements related to transport and application of manure, as applicable, through completion of training, testing, experience or other means acceptable to the Commission.

(ii) Has maintained a record of substantial compliance with regulatory requirements to ensure proper handling and application of manure, including this subchapter, as determined by the Commission.

(iii) Agrees to maintain records documenting compliance with this subchapter.

(iv) Meets any other requirements determined by the Commission to ensure the proper hauling and application of manure.

(6) The Commission may consider the requirements of paragraph (5) to be satisfied if the hauler or applicator is certified under either a certification program approved by the Commission or as required by statute.

(b) [When] If manure will be [transported] exported for use off of the CAO through a manure broker, the [plan shall list] following apply:

(1) [The broker's name] The plan shall include a signed agreement, on a form acceptable by the Commission, between the CAO exporting the manure and each broker agreeing to accept manure from the exporting operation. Brokers are responsible for the proper handling and storage (where applicable) of the manure accepted from the CAO. Only brokers that meet the following requirements shall be acceptable in the plan.

(i) Demonstrates knowledge of regulatory requirements related to transport and application of manure through completion of training, testing, experience or other means acceptable to the Commission.

(ii) Has maintained a record of substantial compliance with regulatory requirements, including this subchapter, as determined by the Commission.

(iii) Agrees to maintain records documenting compliance with this subchapter.

(iv) Meets any other requirements determined by the Commission to ensure the proper hauling and application of manure.

(2) [The estimated amount of manure the exporting agricultural operation will transfer through the broker annually.] The Commission may consider the requirements of paragraph (1) to be satisfied if the broker is certified under a certification program approved by the Commission or when required by statute.

(3) [The intended season for the manure transfer.] If the manure accepted by a broker will be applied to agricultural operations for crop production, the broker shall be responsible for the development of nutrient balance sheets for all crop management units where the manure will be applied. The nutrient balance sheets shall be retained by the broker and provided by the broker to the importing operation, for retention on the importing operation. Instead of developing nutrient balance sheets, the broker can ensure that an approved nutrient management plan exists for the importing sites.

(c) [When] If manure will be [transferred] exported for use off of the CAO to a known importer for use other than agricultural land application, the plan shall include the following information:

* * * * *

(2) A brief description of the planned use [of] for the imported manure.

(3) The [estimated] amount of manure the operator plans to [transfer] export to the importer annually.

(4) The [intended] planned season for the manure [transfer] export.

(5) A signed agreement between the CAO and each importing operation agreeing to accept the manure for this use, on a form acceptable by the Commission.

(d) [Where] If manure is to be processed or utilized on the CAO in a manner other than for agricultural land application, the plan shall briefly describe the planned use of the manure, including the [estimated] amount [expected] planned to be processed or utilized annually.

[(e) Plans for CAOs that come into existence after October 1, 1997, or agricultural operations newly classified as CAOs due to expansion after October 1, 1997, shall provide for the utilization of excess manure by meeting one of the following:

(1) Demonstrate agricultural land is available for application by providing the information as in subsection (a).

(2) Include written agreements with importers or brokers and follow subsection (b) or (c).

(3) If manure is to be used on the agricultural operation for purposes other than for land application, describe how the manure is to be processed or utilized as in subsection (d).

(f) Agricultural operations newly classified as CAOs due to the loss of land available for manure application, may use any of the manure utilization options described in this section.

(g) When] (e) If manure is to be [marketed from an existing agricultural operation] exported for use off of a CAO existing on October 1, 1997, by using an open advertising system and the importers cannot be identified at planning time, the following apply:

(1) The plan shall describe the proposed marketing scheme, including the estimated amount of manure [expected] planned to be marketed annually using an open advertising system.

(2) An operator may only utilize this method of exporting manure if the operator meets the manure broker requirements of subsection (b).

(3) The exporting CAO shall develop nutrient balance sheets for the importing operations, and provide them to the importing operator. These nutrient balance sheets shall be maintained by the exporting CAO, the importing operation and any manure hauler/applicator involved in the exporting of the manure. Nutrient management plans implemented at the importing operations may be used to meet this requirement if they are attached to the plan.

(f) The plan is not required to provide the specific plan details as provided in subsections (a)—(e) in these circumstances:

(1) If an importer receives less than the following amounts of manure from the CAO on an annual basis: 10 tons of solid poultry manure, 50 tons of solid nonpoultry manure, or 25,000 gallons of liquid manure. In these instances, the plan shall list the name and location of the importing operation, and when and how much manure will be exported to the importing operation, as well as the proposed usage of the imported manure.

(2) If small quantities of manure, not to exceed 2,000 pounds annually, are expected to be marketed to individuals. In these circumstances, the plan shall describe the total amount of manure planned to be marketed in this manner, and the intended use of the manure.

(g) The land application of manure exported from a CAO shall be restricted as follows:

(1) The exported manure may not be applied to land within 150 feet of surface waters, unless otherwise allowed under an approved nutrient management plan meeting the appropriate planning criteria established under this subchapter.

(2) Land application of all exported manure shall also comply with other applicable manure application setbacks under § 83.294 (relating to nutrient application procedures).

MANURE MANAGEMENT FOR CAO PLANS

§ 83.311. Manure management

(a) In the preparation of a plan, the nutrient management specialist[, or specialist in conjunction with other individuals with nutrient runoff control expertise such as NRCS or conservation district personnel,] shall perform a site visit to conduct a review of the adequacy of existing manure management practices to prevent surface water or groundwater pollution [under normal climatic conditions for the location] from storm events up to and including a 25-year, 24-hour storm intensity. The specialist may confer with NRCS, conservation district staff or others with expertise with nutrient runoff control. This review shall be documented in the plan and shall identify those conditions and areas where nutrients directly discharge, or have the potential to directly discharge, into surface water as a result of a storm event up to and including a 25-year, 24-hour storm intensity, due to inadequate manure management practices. For purposes of this review, direct discharges are any flows of stormwater contaminated with manure to surface waters without prior filtration or other treatment, such as grassed filter strips. Practices to be evaluated in this review include manure handling, collection, barnyard runoff control[,] and storage [and spreading] practices. Examples of inadequate manure management practices include the following:

- (1) Manure, contaminated water or nutrients leaving manure storage or animal concentration areas, and discharging into surface water or groundwater.
- (2) The uncontrolled flow of stormwater into, or across, manure storage facilities, [temporary] manure stacking areas [and] or animal concentration areas.

* * * * *

(6) Manure storage facilities which otherwise do not comply with § 91.36 (relating to pollution control and prevention at agricultural operations), the *Manure Management Manual* and the *Pennsylvania Technical Guide*.

(b) The plan shall address any existing inadequate manure management practices as follows:

(1) As part of a plan certification under § 83.261(g) (relating to general), the nutrient management special-

ist shall [assure] ensure that the review required under subsection (a) was undertaken in the preparation of the plan.

(2) The plan [will] shall contain [those BMPs that are necessary] a listing of inadequate manure management practices and related conditions and problem areas, and the BMPs planned to correct [identified water contamination sources and] them to protect surface water and groundwater.

(c) [During the implementation of the approved plan, the] The BMPs shall be selected, designed, constructed and maintained to meet the specifications contained in the *Manure Management Manual* and the *Pennsylvania Technical Guide*.

(d) The plan submitted for approval is not required to include BMP designs. During the implementation of the approved plan, the operator is responsible for obtaining the necessary BMP designs and associated Operation and Maintenance Plans to implement the BMPs listed in the approved plan[, and these]. The BMP designs and associated Operation and Maintenance Plans shall be kept on record by the operator as a supplement to the plan.

(e) Animal concentration areas shall be sized, located, implemented and managed to eliminate the direct discharge of polluted stormwater from these areas to surface water and groundwater, as described in the *Manure Management Manual* and the *Pennsylvania Technical Guide*, including the following requirements which shall be addressed in the plan:

- (1) The size of animal concentration areas shall be minimized.
- (2) These areas shall be located as to eliminate the direct discharge of polluted storm water from a storm event of up to and including a 25-year 24-hour storm intensity, except as allowed in paragraph (5).
- (3) Accumulated manure on nonvegetated animal concentration areas shall be collected and land-applied to cropland, or exported from the operation, as described in the plan.
- (4) These areas will be managed so as to minimize the amount of clean water entering the animal concentration area.
- (5) Polluted stormwater from these areas will be managed and properly applied, stored or treated through an appropriate vegetative area or other suitable treatment process, which shall meet the requirements of this subchapter and the *Pennsylvania Technical Guide*, to eliminate the direct discharge of polluted storm water to surface waters or groundwater.

(6) Animal access to surface water in these areas shall be controlled.

[(c)] (f) The following BMPs [may be], as appropriate, shall be used if necessary, and shall be described in the plan, to protect water quality [and to control water in] by controlling storm water in the farmstead, including the manure storage and animal concentration areas:

(1) Manure storage facilities including permanent manure stacking areas. The construction of manure storage

facilities is not required unless necessary to protect surface water and groundwater as part of an integrated nutrient management system. **Nutrient management plans that require the construction of a manure storage facility shall describe the planned type, dimensions and capacity of the proposed facility, and the location of the proposed facility shall be identified on a plan map.**

(2) [Adequate collection of manure from animal concentration areas for utilization on cropland or for other acceptable uses.] Diversion of clean water from manure storage facilities and animal concentration areas, unless required for proper operation of an integrated nutrient management system.

(3) [Diversion of contaminated runoff within animal concentration areas to a storage, lagoon, collection basin, vegetated filter area, or another suitable site or facility.] Treatment or storage of stormwater contaminated through contact with manure in the manure storage or animal concentration areas.

(4) [Diversion or elimination of contaminated water sources unless required for proper operation of the manure management system.

(5) [Temporary manure stacking areas, if they are located outside of concentrated water flow areas and areas where manure application is restricted or prohibited based on § 83.294[(5)] (e) (relating to nutrient application procedures).

[(6)] (5) Other appropriate BMPs acceptable to the Commission, including those described in the *Manure Management Manual* and the *Pennsylvania Technical Guide*.

[(d)] (g) * * *

[(e)] (h) * * *

[(f)] (i) The siting, design and installation of manure storage facilities shall meet the requirements in § 83.351 (relating to minimum standards for the design, construction, location, operation, maintenance and removal from service of manure storage facilities) [and] , the *Manure Management Manual* and the *Pennsylvania Technical Guide*, as they relate to water quality protection.

(j) If alternative manure technology practices and equipment are planned to address nutrient management issues related to the operation, the rationale for and expected benefit of the planned alternative practices and equipment shall be described in the plan.

§ 83.312. Site specific emergency response plans

(a) CAOs shall develop and implement a written site-specific emergency response plan addressing actions to be taken in the event of a discharge, leak or spill of materials containing manure. A copy of the plan shall be kept onsite at the operation. The emergency response plan shall contain information necessary to meet the notification requirements for reporting discharge, leak or spill events which would result in pollution or create a danger of pollution to surface water or groundwater contained in § 91.33 (relating to incidents causing or threatening pollution)

(b) In case of a discharge, leak or spill of materials containing manure related to the operation, the operator shall implement the emergency response plan developed for the operation. The operator shall comply with all notification and reporting requirements.

(c) The nutrient management plan shall contain a verification from a certified planner that an adequate written site-specific emergency response plan meeting the requirements of this section exists for the CAO.

(d) It is recommended that the operator provide a copy of the emergency response plan to the local emergency management agency that would assist during a major discharge, leak or spill event.

(e) A BMP-specific contingency plan as required by § 83.351 (relating to the minimum standards for the design, construction, location, operation, maintenance and removal of manure storage facilities shall be included as an addendum to the emergency response plan.

STORMWATER [RUNOFF] CONTROL FOR CAO PLANS

§ 83.321. Stormwater [runoff] control.

(a) [*Field runoff control*.

1] In the preparation of a plan, the nutrient management specialist [, or specialist in conjunction with other individuals with nutrient runoff control expertise such as NRCS or conservation district personnel,] shall conduct a review of the adequacy of existing [runoff] stormwater control practices on [fields,] croplands, haylands and pastures included in the plan to prevent surface and groundwater pollution. The specialist may confer with NRCS, conservation district staff or others with expertise with nutrient runoff control. This review shall be included in the plan and shall identify [those] critical runoff problem areas [where nutrients directly discharge into surface water or groundwater] .

[(2)] (b) The plan shall contain a list of specific [runoff] stormwater control BMPs to address those critical runoff problem areas identified in the review required under [paragraph (1)] subsection (a). This list of [runoff] stormwater control BMPs may shall not be in conflict with other relevant plans developed for the operation, such as a current conservation plan, [developed for the operation,] unless otherwise [justified in writing by the planner to] approved by the Commission or delegated conservation district.

[(3)] (c) The plan submitted for approval is not required to include BMP designs. During the implementation of the approved plan, the operator is responsible for obtaining the necessary BMP designs and associated operation and maintenance plans to implement the BMPs listed in the approved plan, and these BMP designs and associated operation and maintenance plans shall be kept on record by the operator as a supplement to the plan.

[(4)] (d) BMPs listed in the plan to address critical runoff problem areas shall be selected, designed, installed, operated and maintained in accordance with the

practices and standards contained in the *Manure Management Manual* and the *Pennsylvania Technical Guide*.

[(5) Although an erosion and sedimentation control plan, meeting the requirements of Chapter 102 (relating to erosion and sediment control),] (e) The plan shall include a verification from the specialist developing the plan, indicating that a current Erosion and Sediment Control Plan, meeting the requirements of Chapter 102 (relating to erosion and sediment control), exists for all plowed or tilled croplands included in the plan. A current conservation plan may be used to meet this requirement, as allowed by Chapter 102. The Erosion and Sediment Control Plan is not required to be submitted as part of a nutrient management plan [under the act, meeting]. Compliance with the requirements of this section will not eliminate the operator's responsibility to comply with Chapter 102 or other relevant State laws or regulations relating to the control of erosion and sedimentation from [earth moving] construction activities [such as agricultural plowing and tilling].

[(6)] (f) For areas on land rented [land] or leased by the operator that have been identified as critical runoff problem areas which will require the installation of BMPs requiring construction activities, the operator shall do one of the following:

* * * * *

[(b) *Animal concentration areas.*

(1) The plan shall address stormwater runoff controls in animal concentration areas in a manner that meets the provisions of § 83.311(a)–(c) (relating to manure management).

(2) Runoff controls in animal concentration areas shall be designed, installed, operated and maintained in accordance with the standards contained in the *Pennsylvania Technical Guide*.

(3) The plan submitted for approval is not required to include BMP designs. During the implementation of the approved plan, the operator is responsible for obtaining the necessary BMP designs to implement the BMPs listed in the approved plan, and these BMP designs shall be kept on record by the operator as a supplement to the plan.]

[IMPLEMENTATION SCHEDULES]

IMPLEMENTATION SCHEDULE FOR CAO PLANS

RECORDKEEPING AND INFORMATIONAL REQUIREMENTS FOR CAOs

§ 83.341. General recordkeeping requirements.

Unless otherwise specified, records required under this subchapter are not required to be submitted to the Commission or delegated conservation district, but shall be retained by the agricultural operation [complying with the act,] for at least 3 years.

§ 83.342. Recordkeeping relating to application of nutrients.

(a) Plans developed for CAOs shall [, at a minimum,] be supported by the information required in this section and §§ 83.343 and 83.344 (relating to alternative manure utilization recordkeeping; and exported manure information).

(b) The operator of a CAO shall keep the following accurate records of the land application of nutrients, crop yields and soil tests on the CAO.

(1) Records of soil testing results shall be maintained consistent with § [83.291(e)] 83.292(e) (relating to determination of [available] nutrients needed for crop production). Soil testing is required once every 3 years for each crop management unit.

(2) Records of manure testing results and testing of other nutrient sources shall be maintained consistent with [§]§ 83.291 [(b)(3) and 83.343(f)] (relating to determination of available nutrients needed for crop production). Manure testing is required once every year for each manure group.

(3) Land application of nutrients on a CAO shall be documented on an annual basis by recording the following information for each source of nutrients:

* * * * *

(ii) The [months] dates of nutrient application.

(iii) The rate of nutrient application for each [field or] crop [group] management unit.

(iv) The number of animals on pasture, the number of days on pasture and the average number of hours per day on pasture.

(4) Approximate annual crop yield levels for each crop [group] management unit shall be recorded.

(5) Annual manure production [calculated consistent with procedures in § 83.291(b)(2) shall be recorded] figures for each manure group.

§ 83.343. Alternative manure utilization recordkeeping.

(a) Recordkeeping for manure [transfers] exports. The following recordkeeping requirements apply to manure exported off of the CAO:

(1) A manure [transfer] export sheet shall be used for all manure transfers from CAOs.

(2) The Commission or delegated conservation district [shall] will make copies of the manure [transfer] export sheet forms available to CAOs.

(3) Computer-generated forms other than the manure [transfer] export sheet forms provided by the Commission may be used if they contain the same information as, and are reasonably similar in format to, the forms provided by the Commission.

(4) Recordkeeping related to the application of exported manure shall comply with the following:

(i) The exporter is responsible for the completion of [section 1 of] the [Manure Transfer Sheet] manure export sheet, providing a copy to the importer and retaining a copy at the exporting operation.

(ii) When the exporter, or person working under the direction of the exporter, such as an employee or a manure hauler/appliator, applies the manure to the land, the exporter is responsible for [completion of section 2 of the Manure Transfer Sheet] maintaining records of the actual application dates, application areas (including the observation of any relevant setback restrictions), application methods, and application rates for the exported manure.

(iii) When the manure is exported through a broker, the exporting CAO is not responsible for obtaining records of actual application information for importing operations, unless the exporting operator manages the application of the manure. The broker shall retain records of the application of all manure (including date, areas, methods and rates applied) and shall provide a copy of these application records to the importing site for their records.

(b) Recordkeeping for alternative manure utilization by means other than manure [transfer] export. Operators shall keep annual records of the amount and use of manure utilized in any manner other than through manure transfers.

[(c) Exporting manure. Those exporters following plans that detail the exporting of manure to known landowners, as in § 83.301(a) (relating to excess manure utilization plans for CAOs), need not submit manure transfer records to the agency approving the plan, but shall retain these records for review by the appropriate agency personnel in accordance with § 83.341 (relating to general recordkeeping requirements). CAOs exporting manure other than to known landowners are required to, within 1 year of approval of the plan, submit to the agency which approved the plan a copy of the manure transfer sheets or the summary of manure transfers of all manure transfers. Manure transfer records shall be maintained by the exporter for 3 years.

(d) Summary of manure transfers. When manure transfer records are required to be submitted to the reviewing authority, the exporter may either submit the manure transfer sheets for all manure transfers or the exporter may summarize the information from these sheets on the annual summary of manure transfers and submit this form only.

(e) Computer generated forms. The summary of manure transfer forms will be provided by the Commission. Computer-generated forms other than the summary of manure transfers provided by the Commission may be used if they contain the same information as, and are reasonably similar in format to, the forms provided by the Commission.

(f) Determination of nutrient content. During the implementation of the plan, operators of CAOs exporting manure will be required to determine the nutrient content of the manure by using accepted manure sampling and chemical analysis methods as outlined in the Manure Management Manual or the Pennsylvania Agronomy Guide.]

§ 83.344. Exported manure informational packets.

(a) [When] If manure is exported from a CAO, the exporter will provide the importer and any relevant manure hauler/applicators or brokers with a completed [Manure Transfer Sheet] manure export sheet.

(b) If the manure is to be land applied, the exporter is required to provide the following information to the importer or broker, as supplied by the Commission or its delegated agent:

(1) [A fact sheet allowing for quick estimation of manure application rates.

(2)] The applicable sections of the Manure Management Manual.

[(3)] (2) * * *

[(4)] (3) * * *

(c) The Commission or its delegated agent will provide the materials in subsection (b) for distribution by the exporter. The exporter is only required to provide those items in subsection (b) that have been made available to the exporter by the Commission or its delegated agent.

(d) The exporter is responsible for providing the informational materials described in subsection (b) only if the importer, hauler/applicator or broker does not already have a current copy of the informational materials.

MINIMUM STANDARDS FOR MANURE STORAGE FACILITIES ON CAOs

§ 83.351. Minimum standards for the design, construction, location, operation, maintenance and removal from service of manure storage facilities.

(a) The minimum standards contained in this section apply to new manure storage facilities constructed, and existing manure storage facilities expanded, as part of a plan developed for a CAO.

(1) Manure storage facilities shall be designed, constructed, located, operated, maintained, and, [when] if no longer used for the storage of manure, removed from service, [to prevent the pollution of] in a manner that protects surface water and groundwater quality, and prevents the offsite migration of pollution, by meeting the standards contained in the Manure Management Manual and the Pennsylvania Technical Guide, except if these standards conflict with this subchapter.

(2) In addition to complying with paragraph (1), manure storage facilities shall be designed and located in accordance with the following criteria:

(i) Facilities shall comply with the applicable criteria in § 91.36 (relating to pollution control and prevention at agricultural operations).

(ii) Facilities shall comply with the applicable criteria in Chapter 105 (relating to dam safety and waterway management).

[(ii)] (iii) * * *

[(iii)] (iv) * * *

[(iv)] (v) * * *

* * * * *

(F) Within 200 feet of a perennial stream, river, spring, lake, pond, reservoir or any water well [where these facilities] if a facility (except permanent stacking and compost facilities) [are] is located on slopes exceeding 8% or [have] a facility has a capacity of 1.5 million gallons or greater.

(G) Within 200 feet of a property line, [where these facilities] if a facility (except permanent stacking and compost facilities) [are] is located on slopes exceeding 8% [, where] and if the slope is toward the property line, or [have] a facility has a capacity of 1.5 million gallons or greater, unless the landowners within the 200 foot distance from the facility otherwise agree and execute a waiver in a form acceptable to the Commission.

[(v)] (vi) * * *

* * * * *

(F) Within 200 feet of a perennial stream, river, spring, lake, pond, reservoir or any water well [**where these facilities**] if a facility (except permanent stacking and compost facilities) [**are**] is located on slopes exceeding 8% or a facility [**have**] has a capacity of 1.5 million gallons or greater.

(G) Within 300 feet of a property line, [**where these facilities**] if a facility (except permanent stacking and compost facilities) [**are**] is located on slopes exceeding 8%, [**where**] and if the slope is toward the property line, or [**have**] a facility has a capacity of 1.5 million gallons or greater, unless the landowners within the 300 foot distance from the facility otherwise agree and execute a waiver in a form acceptable to the Commission.

[(vi)] (vii) The Commission or a delegated conservation district may waive the distance restrictions in subparagraphs [(iv)] (v)(A), (B) and [(E)—(G)] (F), if the following can be demonstrated to the satisfaction of the Commission or a delegated conservation district:

(A) The siting restrictions contained in subparagraph [(iv)] (v) would make the placement economically unreasonable or physically impractical.

* * * * *

(viii) **Manure storage facilities constructed after October 1, 1997, on CAOs that were in existence prior to October 1, 1997, shall meet the applicable criteria established under this section.**

(3) The designer of the manure storage facility [**required by**] described in the plan shall address the following:

* * * * *

(iii) An onsite investigation to evaluate the site suitability for a facility in accordance with the standards in the *Manure Management Manual and the Pennsylvania Technical Guide*.

(b) The repair of an existing manure storage facility that is part of a plan developed for a CAO shall comply with applicable standards in the *Manure Management Manual and the Pennsylvania Technical Guide*. The location standards do not apply to these facility repairs.

(c) The site specific design for the construction, expansion or major repair of a liquid or semisolid manure storage facility covered under the act shall be done or approved by an engineer registered in this Commonwealth. The engineer shall certify that the design complies with the applicable design standards described in the *Manure Management Manual and the Pennsylvania Technical Guide*. **At least 2 weeks prior to installation of the facility or the repair, the registered engineer shall submit a verification (including a quality assurance inspection plan for construction) to the Commission or delegated conservation district documenting that the design, meeting the criteria established in the *Manure Management Manual and the Pennsylvania Technical Guide*, has been completed, and that any applicable setback requirements have been met.** The responsible engineer and construction contractor shall certify to the Commission or delegated conservation district that construction of the manure storage facility was completed according to the design and construction standards.

(d) A written site specific contingency plan, developed in accordance with the standards contained in the *Penn-*

sylvania Technical Guide, addressing actions to be taken in the event of a manure leak or spill from a manure storage facility covered under the act, shall be developed and kept onsite at the operation. In the case of a leak or spill of manure from a manure storage facility covered under the act, the operator is responsible for implementation of the site specific contingency plan developed for the operation. The contingency plan shall contain information necessary to meet the notification requirements for reporting leak or spill events which would result in pollution or create a danger of pollution to surface water or groundwater contained in § [**101.2(a)**] **91.33** (relating to incidents causing or threatening pollution).

* * * * *

PLAN REVIEW AND IMPLEMENTATION FOR CAOs

§ 83.361. Initial plan review and approval.

* * * * *

(b) The Commission or a delegated conservation district shall approve [**modify**] or disapprove the plan or plan amendment within 90 days of receipt of a complete plan or plan amendment. The notice of determination to [**modify or**] disapprove a plan or plan amendment shall be provided in writing to the operator submitting the [**same**] plan or plan amendment, and shall include an explanation specifically stating the reasons for [**modification or**] disapproval. The Commission or a delegated conservation district will, within 10 days from the date of receipt of the plan or plan amendment, provide notice to the operator indicating [**any missing or incomplete elements of the plan submission**] **whether all of the required plan elements have been received.**

(c) Approvals will be granted only for those plans or plan amendments that satisfy the requirements of [**the act and**] this subchapter.

* * * * *

(e) An agricultural operation that submits a complete plan or plan amendment is authorized to implement the [**same**] plan or plan amendment if the Commission or a delegated conservation district fails to act within 90 days of submittal, **beginning on the date of receipt of the complete plan or plan amendment by the Commission or delegated conservation district.** When the Commission or a delegated conservation district fails to act within 90 days of plan submission, and the plan or plan amendment is resubmitted and the delegated conservation district or Commission again fails to act within 90 days of resubmittal, it shall be deemed approved.

§ 83.362. Plan implementation.

(a) A CAO shall fully implement the plan [**within**] consistent with the implementation schedule included as part of the approved plan. **Implementation schedules shall not extend past 3 years of the date the plan is approved or deemed approved, or for which implementation is otherwise authorized under § 83.361(e) (relating to initial plan review and approval), unless the implementation schedule is extended upon approval of the Commission or delegated conservation district. [for cause shown or a plan amendment] § 83.371 (relating to plan amendments). The 3-year implementation schedule shall be extended an additional 2 years for individual substantial capital improvements required under an approved plan for**

an operation required to submit a plan under § 83.261(a) (relating to general) if the following occur:

(1) The owner or operator demonstrates that the cost of all or part of the individual improvements for which the extension is applicable cannot be financed through available funding mechanisms.

(2) A sum of \$2 million or more has not been appropriated for grants and loans to the nutrient management fund above any Chesapeake Bay Nonpoint Source Pollution Abatement moneys that may be appropriated to the fund by October 1, 1998.]

(b) [Whatever adjustments are made in the implementation of the approved plan, the nutrient] Nutrient application rates shall be [balanced] developed as described in § 83.293 (relating to determination of nutrient application rates) and shall be implemented upon approval of the plan or plan amendment, as applicable. The [owner,] operator [or specialist] shall review the approved plan at least annually to ensure that this condition is met.

(c) At least every 3 years, the plan shall be reviewed by a commercially or individually certified nutrient management specialist. If the agricultural operation is still consistent with the approved plan and the nutrient content and soil test values used in the plan have not significantly changed, and the accepted reference factors used in the plan have not changed since approval, the specialist shall provide notice of this to the reviewing agency. A plan amendment shall be submitted to the reviewing agency in accordance with § 83.361(a), if the agricultural operation has changed from that described in the approved plan [(see), as required by § 83.371 (relating to plan amendments)]].

(d) Limited liability protection, as described in § 83.206 (relating to limitation of liability), is afforded to those operators properly implementing an approved plan under this subchapter.

PLAN AMENDMENTS AND TRANSFERS FOR CAOs
§ 83.371. Plan amendments.

(a) A plan amendment is required [when] if the operator of a CAO expects to make significant changes in the management of nutrients from those contained in the approved plan. Those significant changes in the management of a nutrient which would require a plan amendment are [as follows] any one of the following:

* * * * *

(3) A change in [the method of] excess manure utilization [under § 83.301 (relating to excess manure utilization plans for CAOs)] arrangements as described in the approved plan. No amendment is required to address the loss of an importer if the loss does not impair the operator's ability to properly manage the manure generated on the operation.

(4) [When] If calculations in the plan as originally submitted are in error, or if figures used in the plan are inconsistent with those contained in the *Pennsylvania Agronomy Guide* and [the *Manure Management*

Manual] associated fact sheets and manuals, and adequate justification has not been given in writing for the inconsistency.

(5) [When] If a [different] BMP[,] different than that called for in the approved plan, is proposed to address a manure management or stormwater management concern.

(6) [When] If, after the first 3 years of implementing the plan, actual yields are less than 80% of the expected crop yields used in the development of the plan.

(7) If alternative organic nutrient sources will replace or augment nutrient sources described in the plan.

(8) If additional lands are brought into the operation through purchase, lease or renting.

(9) If there is a change in the manure management system that is expected to result in a significant change in the manure nutrient content.

(b) A plan amendment under subsection (a) shall be developed and certified by a nutrient management specialist and shall be submitted to the reviewing agency [in accordance with] under § [83.361(a)] 83.371(a) (relating to [initial] plan [review and approval] amendments).

(c) Plan updates to address operational or computation changes other than those described in subsection (a) shall be developed and certified by a commercial or individual nutrient management specialist, retained at the operation and submitted to the district for inclusion in the approved nutrient management plan.

§ 83.373. Plan transfers.

* * * * *

(b) If the transfer of the approved plan results in operational changes requiring a plan amendment under § 83.371 (relating to plan amendments), the plan amendment shall be submitted for approval of the Commission or a delegated conservation district along with, or before, the notification required under subsection (a).

CONTAGIOUS DISEASE EMERGENCIES ON CAOs
§ 83.381. Manure management in emergency situations.

(a) [In situations when] If there is an outbreak of a contagious disease as regulated by the Department of Agriculture, manure management shall be consistent with [requirements in] the Department of Agriculture's order of quarantine issued under the Domestic Animal Act (3 P. S. §§ 311—354) and regulations thereunder.

* * * * *

(d) [Where] If nutrients are applied in excess of crop need due to the quarantine restrictions placed on the manure, and the cropping sequence permits, cover crops shall be planted to the site to minimize the loss of these nutrients. The harvesting of these cover crops is encouraged to facilitate the removal of excess nutrients.

* * * * *

(f) The application of manure during the quarantine shall be done under § 83.294[(5)] (f) (relating to nutrient application procedures).

(g) Standard soil tests will be required each year for crop [**fields**] **management units** where the implementation of the quarantine required that nutrients be applied in excess of the amount the crop can use, **and shall continue for 3 successive years thereafter**. In addition to the standard test, an appropriate test indicating the amount of nitrogen available for crop uptake will be required for 1 year beyond the cessation of excess manure application.

PLAN SUMMARY INFORMATION FOR [**VOLUNTEER OR FINANCIAL ASSISTANCE**] VAO PLANS

§ 83.391. Identification of agricultural operations and acreage.

(a) **Agricultural operation identification sheet**. The plan shall include an agricultural operation identification sheet which includes the following information:

* * * * *

(2) **A brief description of the operation including:**

- (i) **Animal types included on the operation.**
- (ii) **General scope of the operation (general acreage of the cropland, hayland and pastures, and farmstead acres, and animal numbers for the various types of animals on the operation).**
- (iii) **The crop rotation planned to be used on the operation.**
- (iv) **The dimensions and capacity of any existing manure storage facilities on the operation.**
- (v) **The capacity and practical application rates of manure application equipment that will be used on the operation, as applicable.**

(3) The signature of the operator, **which meets the signature requirements of the Commission**, indicating the operator's concurrence with the practices outlined in the plan.

[(3)] (4) * * *

[(4)] (5) The watersheds [**of**] **in which the land included in the plan is located**. The existence of special protection waters, as identified in [§ 93.9] **Chapter 93 (relating to [designated water uses and water quality criteria] water quality standards)**, shall also be noted.

[(5)] (6) The total acreage of the agricultural operation included in the plan. **This acreage shall include:**

- (i) **Lands located at or adjacent to the animal production facility, which are owned by the operator of the facility.**
- (ii) **Other owned, rented or leased lands, under the management control of the operator of the facility, that are used for the application, treatment or storage of manure generated at the facility.**

[(6)] (7) The total acreage of land **of the agricultural operation** on which nutrients shall be applied. The total acreage shall be separated into acres of owned land and acres of rented **or leased** land.

[(7)] (8) * * *

[(8)] (9) The name [**and**], nutrient management certification program identification number, **and signa-**

ture of the nutrient management specialist that prepared the plan, the date of plan preparation and the date of revisions, if any.

(b) **Maps and aerial photographs**. The plan shall include a **topographic map drawn to scale identifying the lands included in the agricultural operation, and shall also** contain maps or aerial photographs of sufficient scale which clearly identify:

* * * * *

(4) The identification of all soil types and slopes on the agricultural operation. An NRCS soil survey map with the soil identification legend [**shall**] **will** be sufficient to satisfy this requirement. These soil survey maps may be available at the county NRCS office or conservation district office.

(5) The location of areas where manure application [**may be limited based on**] **is restricted under § 83.404 [(5)] (f)** (relating to nutrient application procedures).

(6) **The location of proposed or existing structural BMPs, including manure storage facilities, on the operation.**

(7) **The location of existing or proposed temporary manure stacking areas or in-field stacking locations.**

(c) **Phosphorus Index**. The plan shall include an appendix containing the completed Phosphorus Index spreadsheet or other similar information summary which shall list the individual source and transport factor values, as appropriate, and the final Phosphorus Index value, for each individual area evaluated on the operation, as required by the Phosphorus Index.

(d) **Agreements with importers and brokers**. The plan shall include an appendix containing signed exporter/importer and exporter/broker agreements, and nutrient balance sheets and associated maps, for operations where these documents are required under this subchapter.

§ 83.392. Summary of plan.

(a) The plan shall contain a summary that includes:

- (1) A [**chart**] **manure summary table** listing:
 - (i) The total amount of manure **planned to be** generated on the operation annually.
 - (ii) The total amount of manure **planned** to be used on the operation annually.
 - (iii) The total amount of manure **planned** to be exported from the operation annually.

(2) [**Nutrient**] A **nutrient application [rates by field or crop group] summary documenting the planned nutrient applications for each crop management unit listing:**

- (i) **Acres.**
- (ii) **Expected yield.**
- (iii) **Nutrients applied as starter chemical fertilizer.**
- (iv) **Planned manure application period.**
- (v) **Planned manure application rate and type of manure to be applied.**
- (vi) **Planned manure incorporation time.**

(vii) **Rate of other organic nutrient sources planned to be applied.**

(viii) **Other nutrients applied through chemical fertilizer.**

(ix) **Other comments or notes.**

(3) **[Procedures] General procedures and provisions for the utilization or proper disposal of excess manure.**

(b) **[Manure] The summary shall reference manure management and storage practices, stormwater runoff control practices and other appropriate BMPs necessary to protect the quality of surface water and groundwater [may be referenced in the summary, but shall be covered by the appropriate section of the plan].**

NUTRIENT APPLICATION FOR **[VOLUNTEER OR FINANCIAL ASSISTANCE] VAO PLANS**

§ 83.401. Determination of available nutrients.

(a) The plan shall **[include the amount of]** address each type of nutrient source **[used] generated or planned to be used** on the agricultural operation, including: manure, **[sludges] biosolids**, compost, **[cover crops]** commercial fertilizers and other **[nutrients that will be applied to the agricultural operation] nutrient sources.**

(b) The amount and nutrient content of **each manure [to be applied] group generated** on the agricultural operation shall be **[determined] documented in the plan** as follows:

(1) **[The plan shall include]** List the average number of animals **[of each animal type] for each manure group**, on a typical production day, for the agricultural operation.

(2) **[The]** List the amount of manure **[produced] generated** and when it is available for **[spreading] land application** on the agricultural operation **or for other planned uses. If actual manure production records are available for the operation, these records shall be used for determining the manure produced on the operation. If actual records of manure production do not exist for the operation, the amount of manure produced shall be calculated based on the average number of [AEU] animal units on the agricultural operation [or actual production data], and the storage capacity of manure storage facilities, if present. Bedding, wash water, rain and runoff, when mixed with the manure, shall be included in determining the total volume of manure [to be applied] generated. The plan shall include the calculations or variables used for determining the amount of manure produced on the operation.**

(3) **[For the preparation of the plan and plan amendments, it is recommended that the nutrient content of the manure be determined by]** List the nutrient content of manure as follows:

(i) **Analytical manure testing results shall be used in the development of the plan. These manure tests shall include an analysis of the percent solids, total nitrogen (as N), ammonium nitrogen (as NH₄-N), total phosphate (as P₂O₅), and total potash (as**

K₂O), for each manure group generated on the operation, and these analytical results shall be recorded in the plan. These manure analyses shall be performed using accepted manure sampling and chemical analysis methods as [outlined in the Manure Management Manual, or the Pennsylvania Agronomy Guide unless otherwise approved by the Commission or delegated conservation district] specified by the Commission.

(ii) **[When sampling and analysis is not done, the nutrient management specialist]** For newly proposed operations, and for manure groups on existing operations where sampling and analysis are not possible prior to initial plan development, the plan shall use either standard book values such as those contained in the **[Manure Management Manual or the] Pennsylvania Agronomy Guide** to determine the nutrient content of the manure $[.]$, or analytical results from a similar facility using a like management scheme, as approved by the Commission or delegated conservation district. The nutrient content of the manure shall be recorded in the plan. **Samples and chemical analysis of the manure generated on the operation shall be obtained within 1 year of implementation of the approved plan, and the requirements of § 83.481 (relating to plan amendments) shall be followed as applicable.**

(iii) **After approval of the initial plan, manure tests are required to be taken annually for each manure group generated on the operation.**

(c) The nitrogen available from manure shall be based on the appropriate availability factors such as those contained in the **[Manure Management Manual or the] Pennsylvania Agronomy Guide**. The **plan shall include the amount of nitrogen available in the manure, and the planned manure incorporation times used to determine the nitrogen available [, shall be included in the plan]**.

* * * * *

[(e) For the development of the initial plan, soil tests shall be required to represent the fields in the operation for phosphorus (P), potassium (K), soil pH and lime requirement using those procedures for the Northeastern United States, Bulletin # 493, published by the University of Delaware, or other Commission approved procedures. Soil tests conducted within the previous 3 years prior to submitting the initial plan are acceptable. After the approval of the initial plan, soil tests shall be required at least every 6 years from the date of the last test. Soil tests, or the results of the soil tests, are not required to be submitted with the plan, but shall be kept on record at the operation.]

§ 83.402. Determination of nutrients needed for crop production.

(a) The plan shall include the acreage and realistic expected crop yields for each crop **[group] management unit.**

(b) For the development of the initial plan, expected crop yields may not exceed those considered realistic for the soil type and climatic conditions, as set by the operator and the specialist, and approved by the Commission or a delegated conservation district. If actual yield

records are available during the development of the initial plan, the expected crop yields [may] shall be based on these records.

(c) If after the first 3 years of implementing the plan, the yields do not average at least 80% of the planned expected yield, the plan shall be amended to be consistent with the documented yield levels unless sufficient justification for the use of the higher yields is [provided in writing to] approved by the Commission or a delegated conservation district. **The amendment shall be submitted as required under §§ 83.471—83.483.**

(d) [For] When determining expected crop yields for [future] plan [updates and] amendments, expected crop yields shall be based on documented yield levels achieved for the operation. Expected crop yields higher than historically achieved may be used if the operator provides sufficient justification in writing to the Commission or delegated conservation district for the use of the higher yields [to the Commission or delegated conservation district].

(e) When developing the initial plan, soil tests shall be required for each crop management unit on the operation, to determine the level of phosphorus (as P), potassium (as K), and soil pH, as follows:

(1) Use those procedures recommended by Penn State and published in *Recommended Soil Testing Procedures for the Northeastern United States*, Bulletin # 493, published by the University of Delaware, or other Commission-approved procedures.

(2) Soil tests conducted within the previous 3 years prior to submitting the initial plan are acceptable.

(3) After the approval of the initial plan, soil tests are required for each crop management unit at least every 3 years from the date of the last test.

(4) The plan shall include soil test results for phosphorus (as P) in parts-per-million (ppm) as a component of the Phosphorus Index analysis for each crop management unit. Other soil test results are not required to be submitted with the plan, but shall be kept on record at the operation.

(f) The plan shall include [a determination of] recommendations based on current soil tests for the amount of [nutrients] nitrogen (as total N) and phosphorus (as P2O5) necessary for realistic expected crop yields.

[(f)] (g) The [*Pennsylvania Agronomy Guide or Manure Management Manual* may] procedures in the *Soil Test Recommendations Handbook For Agronomic Crops*, Penn State Agricultural Analytical Services Laboratory, shall be used when necessary to [assist in determining] determine or adjust the recommended amount of nutrients necessary [for achieving] to achieve realistic expected crop yields. Other methodologies for this adjustment may be used as approved by the Commission.

§ 83.403. Determination of nutrient application rates.

(a) [Nitrogen] Manure and other nutrient sources shall be applied [only in the amounts] so as not to exceed the amount of nitrogen necessary to

achieve realistic expected crop yields or at a rate not exceeding [what] the amount of nitrogen the crop will utilize for an individual crop year.

(b) **In addition to the nitrogen limitations described in subsection (a), applications of manure and other nutrient sources shall also be limited as determined by the Phosphorus Index, as follows:**

(i) **Apply the Phosphorus Index on all areas of the agricultural operation where nutrients will be applied.**

(ii) **Implement the resulting management actions as provided through the Phosphorus Index on each crop management unit.**

(c) The planned manure application rate shall be recorded in the plan. The planned manure application rate [may] shall be the lesser of any rate equal to or less than the balanced manure application rate based on nitrogen or the rate as determined by the Phosphorus Index.

(i) The balanced manure application rate based on nitrogen shall be determined by first subtracting the amount of available residual nitrogen and any other applied nitrogen, such as nitrogen applied in the starter fertilizer, from the amount of nitrogen necessary for realistic expected crop yields, and then dividing this by the available nitrogen content of the manure as determined by standard methods under § 83.401 (relating to determination of available nutrients).

(ii) The calculation or variables used for determining the balanced rates shall be recorded in the plan.

[(c)] (d) The plan shall include calculations for each crop management unit indicating the difference between the [recommended nitrogen] amount of nitrogen and phosphorus necessary for realistic expected crop yields under § 83.402 (relating to determination of nutrients needed for crop production) and the nitrogen and phosphorus applied through all planned nutrient sources, including, but not limited to, manure, [sludge] biosolids, starter fertilizer and other fertilizers, and residual nitrogen. [A deficit may be made up with supplemental nitrogen applications.] A nitrogen availability test may also be used to determine supplemental nitrogen needs.

§ 83.404. Nutrient application procedures.

[The plan shall include nutrient application procedures that meet the following criteria:

(1) (a) Nutrients shall be uniformly applied to fields during times and conditions that will hold the nutrients in place for crop growth, and protect surface water and groundwater in accordance with the approved manure management practices as described in the *Manure Management Manual*.

[(2)] (b) * * *

[(3) Application] (c) Manure application rates and procedures shall be consistent with the capabilities, including capacity and calibration range, of available application equipment. For existing operations and any operation using a commercial manure applicator, the plan shall include the capacity and practical application rates, based on calibration of the existing equipment. For proposed operations not using a commercial custom manure applicator, or where

this calibration is not feasible at planning time, the operator shall perform this application equipment calibration analysis prior to the first application of manure, or within 1 year of the facility beginning operation, whichever is sooner, and this information shall be included in any necessary amendments to the plan.

[(4)] (d) If manure will be applied using an irrigation system, the following applies:

(1) Application rates for irrigated liquid manure [irrigation] shall be based on the lesser of [either the nutrient plan] the following:

(i) The planned application rates in gallons per acre determined in accordance with § 83.403 [(a) and (b)] (c) (relating to determination of nutrient application rates) [, or the rates].

(ii) The combination of

(A) The liquid application rate in inches per hour determined to be within infiltration capabilities of the soil [such as those contained in the NRCS *Pennsylvania Irrigation Guide* or the Mid West Plan Service, *Livestock Waste Facilities Handbook*].

(B) The liquid application depth in inches not to exceed the soil's water holding capacity within the root zone or any restricting feature at the time of application.

(2) The liquid application rate and application depth shall be consistent with the current versions of Penn State Fact Sheets F254 through F257 as applicable to the type of irrigation system planned to be used on the operation, and the *NRAES-89 Liquid Manure Application System Design Manual*.

(e) If liquid or semisolid manure is planned to be applied at rates greater than 9,000 gallons per acre at any one application time, the rates and amounts shall be limited based on the infiltration rate and water holding capacity of the application areas as described in subsection (d). In these instances, the plan shall include the computations for the infiltration rates and water holding capacity of the various application areas, and these applications shall not be allowed to exceed either the determined infiltration rate or the water holding capacity of the application sites.

[(5)] (f) * * *
 * * * * *

(ii) Within 100 feet of active private drinking water sources such as wells and springs [, where surface water flow is toward the water source, unless the manure is mechanically incorporated within 24 hours of application].

(iii) Within 100 feet of an inactive open drinking water well, where surface water flow is toward the water well, unless the manure is mechanically incorporated within 24 hours of application.

(iv) Within 100 feet of an active public drinking water source, unless other State or Federal laws or regulations require a greater isolation distance.

[(iv)] (v) * * *

[(v)] (vi) * * *

[(vi)] (vii) Within 100 feet of streams, springs, lakes, ponds, intakes to agricultural drainage systems (such as in-field catch basins, and pipe outlet terraces), or other types of surface water conveyance, [where] if surface water flow is toward the identified area, [when] and if soil is frozen, snow covered or saturated.

[(vii)] (viii) Within 200 feet of streams, springs, lakes, ponds, intakes to agricultural drainage systems (such as in-field catch basins, and pipe outlet terraces), or other types of surface water conveyance, [where] if surface water flow is toward the [identified area and where] surface water or conveyance, if the slope is greater than 8% as measured within the 200 feet, [during times when] and if the soil is frozen, snow covered or saturated.

(ix) On crop management units having less than 25% plant cover or crop residue at the time of manure application unless:

(A) For fall applications, the crop management unit is planted to a cover crop in time to allow for appropriate growth (according to standards contained in the *Pennsylvania Technical Guide*).

(B) For applications in the spring or summer, the crop management unit is planted to a crop that growing season.

(C) For winter applications, the crop management unit is addressed under subsection (g).

(D) Other practices are implemented to protect surface water and groundwater, which are approved by the Commission and are consistent with the operator's Erosion and Sediment Control Plan.

[(6)] (g) If winter [spreading] application of manure is [anticipated] planned, the application procedures [for the winter spreading of manure] shall be described in the plan. The procedures described in the plan shall be consistent with those contained in the *Manure Management Manual*. [If procedures other than those in the *Manure Management Manual* are to be used, approval shall be obtained from the Department or a delegated conservation district.] The plan shall list all crop management units where winter application is anticipated or restricted, planned ground cover on the application sites, and what procedures shall be utilized for each crop management unit to protect the quality of surface water and groundwater.

(h) In-field stacking of dry manure as a part of manure application is permissible if the manure is land applied on the crop management unit prior to the beginning of the next growing season. If stacking occurs for a longer period then the stack area shall meet *Pennsylvania Technical Guide* standards for a waste stacking and handling pad. All in-field stacking areas shall be located, and stacks shall be shaped, to minimize water absorption and impacts from runoff in accordance with the criteria approved by the Commission.

(i) If a commercial manure applicator will be used for the application of the manure on the agricultural operation, the commercial applicator shall meet the requirements of § 83.411(a)(5) (relating to alternative manure utilization plans).

**ALTERNATIVE USES FOR EXCESS MANURE FOR
[VOLUNTEER OR FINANCIAL ASSISTANCE] VAO
PLANS**

§ 83.411. Alternative manure utilization plans.

[For agricultural operations other than CAOs, the plan shall contain a description of the following:

(1) The estimated amount of manure to be utilized for other than land application on the operation.

(2) The intended season for the alternative manure utilization.

(3) The alternative manure utilization method such as:

- (i) Land application by known importers.
- (ii) Transfer through a manure broker.
- (iii) Use on the agricultural operation in a manner other than land application.
- (iv) Marketing through an open advertising system.]

(a) If manure will be exported for use off the VAO at known agricultural operations for agricultural land application, the following apply:

(1) The plan must include signed agreements, on a form acceptable to the Commission, between the VAO and each importing operator agreeing to accept the manure from the exporting operation. If the importing operator will be applying manure on lands rented or leased to that importing operator, the agreement must state that the importing operator has the authority to apply manure on the leased or rented lands.

(2) The importing operator is responsible for the proper handling and application of the imported manure accepted from an exporter, in accordance with the relevant nutrient balance sheet or the importer's nutrient management plan.

(3) A VAO exporting manure shall also be responsible for the handling and application of the manure if the VAO, or an employee or contractor of the VAO, applies manure at the importing operation.

(4) The plan must include copies of nutrient balance sheets applicable to each crop management unit where the exported manure will be applied. These nutrient balance sheets for importing operations must include a map identifying the areas where the imported manure will be applied and applicable manure application setbacks relevant to the site, including those identified in § 83.404 (relating to nutrient application procedures). Nutrient management plans implemented at the importing operations may be used to meet this requirement if they are attached to the plan.

(5) If the VAO will utilize a commercial manure hauler/applicator for the hauling or application of the exported manure, the plan must list the name of the commercial hauler/applicator that will be used. Only those haulers/applicators that meet the following qualifications shall be acceptable in the plan:

(i) Demonstrates knowledge of regulatory requirements related to transport and application of

manure, as applicable, through completion of training, testing, experience or other means acceptable to the Commission.

(ii) Has maintained a record of substantial compliance with regulatory requirements to ensure proper handling and application of manure, including this subchapter, as determined by the Commission.

(iii) Agrees to maintain records documenting compliance with this subchapter.

(iv) Meets other requirements determined by the Commission to ensure the proper hauling and application of manure.

(6) The Commission may consider the requirements of paragraph (5) to be satisfied if the hauler or applicator is certified under either a certification program approved by the Commission or as required by statute.

(b) If manure will be exported for use off of the VAO through a manure broker, the following apply:

(1) The plan must include a signed agreement, on a form acceptable by the Commission, between the VAO exporting the manure and each broker agreeing to accept manure from the exporting operation. Brokers are responsible for the proper handling and storage (where applicable) of the manure accepted from the VAO. Only brokers that meet the following requirements shall be acceptable in the plan:

(i) Demonstrates knowledge of regulatory requirements related to transport and application of manure through completion of training, testing, experience or other means acceptable to the Commission.

(ii) Has maintained a record of substantial compliance with regulatory requirements, including this subchapter, as determined by the Commission.

(iii) Agrees to maintain records documenting compliance with this subchapter.

(iv) Meets other requirements determined by the Commission to ensure the proper hauling and application of manure.

(2) The Commission may consider the requirements of paragraph (1) to be satisfied if the broker is certified under a certification program approved by the Commission or where required by statute.

(3) If the manure accepted by a broker will be applied to agricultural operations for crop production, the broker shall be responsible for the development of nutrient balance sheets for all crop management units where the manure will be applied. These nutrient balance sheets shall be retained by the broker and provided by the broker to the importing operation, for retention on the importing operation. Instead of developing nutrient balance sheets, the broker can ensure that an approved nutrient management plan exists for the importing sites.

(c) If manure will be exported for use off of the VAO to a known importer for use other than agricultural land application, the plan must include the following information.

(1) The name and general location of the importing agricultural operation.

(2) A brief description of the planned use for the imported manure.

(3) The amount of manure the operator plans to export to the importer annually.

(4) The planned season for the manure export.

(5) A signed agreement between the VAO and each importing operation agreeing to accept the manure for this use, on a form acceptable by the Commission.

(d) If manure is to be processed or utilized on the VAO in a manner other than for agricultural land application, the plan must briefly describe the planned use of the manure, including the amount planned to be processed or utilized annually.

(e) If manure is to be exported for use off of a VAO existing on _____ (*Editor's Note: The blank refers to the effective date of adoption of this proposed rulemaking.*) by using an open advertising system and the importers cannot be identified at planning time, the following apply:

(1) The plan must describe the proposed marketing scheme, including the estimated amount of manure planned to be marketed annually using an open advertising system.

(2) An operator may only utilize this method of exporting manure if the operator meets the manure broker requirements of subsection (b).

(3) The exporting VAO shall develop nutrient balance sheets for the importing operations, and provide them to the importing operator. These nutrient balance sheets shall be maintained by the exporting VAO, the importing operation and any manure hauler/applicator involved in the exporting of the manure. Nutrient management plans implemented at the importing operations may be used to meet this requirement if they are attached to the plan.

(f) The plan is not required to provide the specific plan details as provided in subsections (a)—(e) in these circumstances:

(1) If an importer receives less than the following amounts of manure from the VAO on an annual basis: 10 tons of solid poultry manure, 50 tons of solid nonpoultry manure, or 25,000 gallons of liquid manure. In these instances, the plan must list the name and location of the importing operation, and when and how much manure will be exported to the importing operation, as well as the proposed usage of the imported manure.

(2) If small quantities of manure, not to exceed 2,000 pounds annually, are expected to be marketed to individuals. In these circumstances, the plan must describe the total amount of manure planned to be marketed in this manner, and the intended use of the manure.

(g) The land application of manure exported from a VAO shall be restricted as follows:

(1) The exported manure must not be applied to land within 150 feet of surface waters, unless otherwise allowed under an approved nutrient management plan meeting the appropriate planning criteria established under this subchapter.

(2) Land application of all exported manure shall also comply with the other applicable manure application setbacks under § 83.404.

MANURE MANAGEMENT FOR [VOLUNTEER OR FINANCIAL ASSISTANCE] VAO PLANS

§ 83.421. Manure management.

(a) In the preparation of a plan, the nutrient management specialist[, or specialist in conjunction with other individuals with nutrient runoff control expertise such as NRCS or conservation district personnel,] shall perform a site visit to conduct a review of the adequacy of existing manure management practices to prevent surface water or groundwater pollution [under normal climatic conditions for the location] from storm events up to and including a 25-year, 24-hour storm intensity. The specialist may confer with NRCS, conservation district staff or others with expertise with nutrient runoff control. This review shall be documented in the plan and shall identify those conditions and areas where nutrients directly discharge, or have the potential to directly discharge, into surface water as a result of a storm event up to and including a 25-year, 24-hour storm intensity, due to inadequate manure management practices. For purposes of this review, direct discharges are any flows of stormwater contaminated with manure to surface waters without prior filtration or other treatment, such as grassed filter strips. Practices to be evaluated in this review include manure handling, collection, barnyard runoff control[,] and storage [and spreading] practices. Examples of inadequate manure management practices include the following:

(1) Manure, contaminated water or nutrients leaving manure storage or animal concentration areas, and discharging into surface water or groundwater.

(2) The uncontrolled flow of storm water into, or across, manure storage facilities, [temporary] manure stacking areas [and] or animal concentration areas.

* * * * *

(6) Manure storage facilities which otherwise do not comply with § 91.36 (relating to pollution control and prevention at agricultural operations), the *Manure Management Manual* and the *Pennsylvania Technical Guide*.

(b) The plan shall address any existing inadequate manure management practices as follows:

(1) As part of a plan certification under § 83.261(g) (relating to general), the nutrient management specialist shall [assure] ensure that the review required under subsection (a) was undertaken in the preparation of the plan.

(2) The plan [will] must contain [those BMPs that are necessary] a listing of inadequate manure management practices and related conditions and problem areas, and the BMPs planned to correct [identified water contamination sources and] them to protect surface water and groundwater.

(c) [During the implementation of the approved plan, the] The BMPs shall be selected, designed, constructed and maintained to meet the specifications

contained in the *Manure Management Manual* and the *Pennsylvania Technical Guide*.

(d) The plan submitted for approval is not required to include BMP designs. During the implementation of the approved plan, the operator is responsible for obtaining the necessary BMP designs and associated **Operation and Maintenance Plans** to implement the BMPs listed in the approved plan. The BMP designs and associated **Operation and Maintenance Plans** shall be kept on record by the operator as a supplement to the plan.

(e) **Animal concentration areas shall be sized, located, implemented and managed to eliminate the direct discharge of polluted storm water from these areas to surface water and groundwater, as described in the *Manure Management Manual* and the *Pennsylvania Technical Guide*, including the following requirements which shall be addressed in the plan:**

(1) **The size of animal concentration areas shall be minimized.**

(2) **These areas shall be located as to eliminate the direct discharge of polluted storm water from a storm event of up to and including a 25-year 24-hour storm intensity, except as allowed in subsection (5).**

(3) **Accumulated manure on nonvegetated animal concentration areas shall be collected and land-applied to cropland, or exported from the operation, as described in the plan.**

(4) **These areas will be managed so as to minimize the amount of clean water entering the animal concentration area.**

(5) **Polluted storm water from these areas will be managed and properly applied, stored or treated through an appropriate vegetative area or other suitable treatment process, which shall meet the requirements of this subchapter and the *Pennsylvania Technical Guide*, to eliminate the direct discharge of polluted storm water to surface waters or groundwater.**

(6) **Animal access to surface water in these areas shall be controlled.**

[(c)] (f) The following BMPs [may be], as appropriate, shall be used if necessary, and shall be described in the plan, to protect water quality [and to control water in] by controlling storm water in the farmstead, including the manure storage and animal concentration areas:

(1) **Manure storage facilities including permanent manure stacking areas. The construction of manure storage facilities is not required unless necessary to protect surface water and groundwater as part of an integrated nutrient management system. Nutrient management plans that require the construction of a manure storage facility must describe the planned type, dimensions and capacity of the proposed facility, and the location of the proposed facility must be identified on a plan map.**

(2) **[Adequate collection of manure from animal concentration areas for utilization on cropland or for other acceptable uses.] Diversion of clean water from manure storage facilities and animal concentration areas, unless required for proper operation of an integrated nutrient management system.**

(3) **[Diversion of contaminated runoff within animal concentration areas to a storage, lagoon, collection basin, vegetated filter area, or another suitable site or facility.] Treatment or storage of storm water contaminated through contact with manure in the manure storage or animal concentration areas.**

(4) **[Diversion or elimination of contaminated water sources unless required for proper operation of the manure management system.**

(5) **] Temporary manure stacking areas, if they are located outside of concentrated water flow areas and areas where manure application is restricted or prohibited based on § 83.404 [(5)] (e) (relating to nutrient application procedures).**

[(6)] (5) Other appropriate BMPs acceptable to the Commission, including those described in the *Manure Management Manual* and the *Pennsylvania Technical Guide*.

[(d)] (g) * * *

[(e)] (h) * * *

[(f)] (i) The siting, design and installation of manure storage facilities shall meet the requirements in § 83.461 (relating to minimum standards for the design, construction, location, operation, maintenance and removal from service of manure storage facilities) [and], the *Manure Management Manual* and the *Pennsylvania Technical Guide*, as they relate to water quality protection.

(j) If alternative manure technology practices and equipment are planned to address nutrient management issues related to the operation, the rationale for and expected benefit of the planned alternative practices and equipment shall be described in the plan.

§ 83.422. Site specific emergency response plans.

(a) VAOs shall develop and implement a written site-specific emergency response plan addressing actions to be taken in the event of a discharge, leak or spill of materials containing manure. A copy of the plan shall be kept onsite at the operation. The emergency response plan must contain information necessary to meet the notification requirements for reporting discharge, leak or spill events which would result in pollution or create a danger of pollution to surface water or groundwater contained in § 91.33 (relating to incidents causing or threatening pollution).

(b) In the case of a discharge, leak or spill of materials containing manure related to the operation, the operator shall implement the emergency response plan developed for the operation. The operator shall comply with the notification and reporting requirements.

(c) The nutrient management plan shall contain a verification from a certified planner that an adequate written site-specific emergency response plan meeting the requirements of this section exists for the VAO.

(d) It is recommended that the operator provide a copy of the emergency response plan to the local emergency management agency that would assist during a major discharge, leak or spill event.

(e) A BMP-specific contingency plan as required by § 83.461 (relating to minimum standards for the design, construction, location, operation, maintenance and removal from service of manure storage facilities) shall be included as an addendum to the emergency response plan.

STORMWATER [RUNOFF] CONTROL FOR
[VOLUNTEER OR FINANCIAL ASSISTANCE] VAO
PLANS

§ 83.431. Stormwater [runoff] control.

(a) [Field runoff control.

(1) [In the preparation of a plan, the nutrient management specialist [, or specialist in conjunction with other individuals with nutrient runoff control expertise such as NRCS or conservation district personnel,] shall conduct a review of the adequacy of existing [runoff] stormwater control practices on [fields,] croplands, haylands and pastures included in the plan to prevent surface and groundwater pollution. The specialist may confer with NRCS, conservation district staff or others with expertise with nutrient runoff control. This review shall be included in the plan and shall identify [those] critical runoff problem areas [where nutrients directly discharge into surface water or groundwater].

[(2)] (b) The plan shall contain a list of specific [runoff] stormwater control BMPs to address those critical runoff problem areas identified in the review required under [paragraph (1)] subsection (a). This list of [runoff] stormwater control BMPs may not be in conflict with other relevant plans developed for the operation, such as a current [conservation plan, developed for the operation] Conservation Plan, unless otherwise [justified in writing by the planner to] approved by the Commission or delegated conservation district.

[(3)] (c) The plan submitted for approval is not required to include BMP designs. During the implementation of the approved plan, the operator is responsible for obtaining the necessary BMP designs and associated Operation and Maintenance Plans to implement the BMPs listed in the approved plan, and these BMP designs and associated Operation and Maintenance Plans shall be kept on record by the operator as a supplement to the plan.

[(4)] (d) BMPs listed in the plan to address critical runoff problem areas shall be selected, designed, installed, operated and maintained in accordance with the practices and standards contained in the *Manure Management Manual* and the *Pennsylvania Technical Guide*.

[(5) Although an erosion and sedimentation control plan, meeting the requirements of Chapter 102 (relating to erosion and sediment control),] (e) The plan must include a verification from the specialist developing the plan, indicating that a current Erosion and Sediment Control Plan, meeting the requirements of Chapter 102 (relating to erosion and sediment control), exists for all plowed or tilled croplands included in the plan. A current Conservation Plan may be used to meet this requirement, as allowed by Chapter 102. The Erosion and Sediment

Control Plan is not required to be submitted as part of a nutrient management plan [under the act, meeting the requirements of]. Compliance with this section will not eliminate the operator's responsibility to comply with Chapter 102 or other relevant State laws or regulations relating to the control of erosion and sedimentation from [earth moving] construction activities [such as agricultural plowing and tilling].

[(6)] (f) For areas on land rented [land] or leased by the operator that have been identified as critical runoff problem areas which will require the installation of BMPs requiring construction activities, the operator shall do one of the following:

* * * * *

[(b) Animal concentration areas.

(1) The plan shall address stormwater runoff controls in animal concentration areas in a manner that meets the provisions of § 83.421(a)—(c) (relating to manure management).

(2) Runoff controls in animal concentration areas shall be designed, installed, operated and maintained in accordance with the standards contained in the *Pennsylvania Technical Guide*.

(3) The plan submitted for approval is not required to include BMP designs. During the implementation of the approved plan, the operator is responsible for obtaining the necessary BMP designs to implement the BMPs listed in the approved plan, and these BMP designs shall be kept on record by the operator as a supplement to the plan.]

IMPLEMENTATION SCHEDULE FOR [VOLUNTEER
OR FINANCIAL ASSISTANCE] VAO PLANS

RECORDKEEPING AND INFORMATIONAL
REQUIREMENTS FOR [VOLUNTEERS] VAOs

§ 83.451. General recordkeeping requirements.

Unless otherwise specified, records required under this subchapter are not required to be submitted to the Commission or a delegated conservation district, but shall be retained by the agricultural operation [complying with the act], for at least 3 years.

§ 83.452. Recordkeeping relating to application of nutrients.

(a) An approved plan [voluntarily] developed for [agricultural operations seeking the limited liability protection under § 83.206 (relating to limitation of liability)] a VAO shall [, at a minimum,] be supported by the information required in [this section and] §§ 83.453 and 83.454 (relating to alternative manure utilization recordkeeping; and exported manure informational packets).

(b) The operator of [an agricultural operation that develops a plan under the act] a VAO shall keep the following accurate records of the land application of nutrients, crop yields and soil tests on the agricultural operation.

(1) Records of soil testing results shall be maintained consistent with § [83.401(e)] 83.402(e) (relating to determination of [available] nutrients needed for

crop production). Soil testing is required once every 3 years for each crop management unit.

(2) Records of manure testing results and testing of other nutrient sources shall be maintained consistent with § 83.401 [(b)(3)] (relating to determination of available nutrients). Manure testing is required once every year for each manure group.

(3) Land application of nutrients on [an agricultural operation] a VAO shall be documented on an annual basis by recording the following information for each source of nutrients:

* * * * *

- (ii) The [months] dates of nutrient application.
 - (iii) The rate of nutrient application for each [field or] crop [group] management unit.
 - (vi) The number of animals on pasture, the number of days on pasture and the average number of hours per day on pasture.
- (4) Approximate annual crop yield levels for each crop [group] management unit shall be recorded.
- (5) Annual manure production [calculated consistent with procedures in § 83.401(b)(2) shall be recorded] figures for each manure group.

§ 83.453. Alternative manure utilization record-keeping.

- (a) [*Recordkeeping for manure transfers.* When manure is exported from an operation voluntarily complying with the act, records shall be kept which indicate the amount of manure exported, when it was exported and to whom it was exported.
- (b) *Recordkeeping for alternative manure utilization by means other than manure transfer.* Operators shall keep annual records of the amount of manure utilized in any manner other than through manure transfers.]

Recordkeeping for manure exports. The following recordkeeping requirements apply to manure exported off of the VAO:

- (1) A manure export sheet shall be used for all manure transfers from VAOs.
- (2) The Commission or delegated conservation district will make copies of the manure export sheet forms available to VAOs.
- (3) Computer-generated forms other than the manure export sheet forms provided by the Commission may be used if they contain the same information as, and are reasonably similar in format to, the forms provided by the Commission.
- (4) Recordkeeping related to the application of exported manure shall comply with the following:
 - (i) The exporter is responsible for the completion of the manure export sheet, providing a copy to the importer and retaining a copy at the exporting operation.
 - (ii) When the exporter, or person working under the direction of the exporter such as an employee or a manure hauler/applicator, applies the manure to the land, the exporter is responsible for maintaining records of the actual application dates, application areas (including the observation of any

relevant setback restrictions), application methods, and application rates for the exported manure.

(iii) When the manure is exported through a broker, the exporting VAO is not responsible for obtaining records of actual application information for importing operations, unless the exporting operator manages the application of the manure. The broker shall retain records of the application of all manure (including date, areas, methods and rates applied) and shall provide a copy of these application records to the importing site for their records.

(b) *Recordkeeping for alternative manure utilization by means other than manure export.* Operators shall keep annual records of the amount and use of manure utilized in any manner other than through manure transfers.

§ 83.454. Exported manure informational packets.

- (a) If manure is exported from a CAO, the exporter shall provide the importer and any relevant manure hauler/applicators or brokers with a completed manure export sheet.
- (b) If the manure is to be land applied, the exporter is required to provide the following information to the importer or broker, as supplied by the Commission or its delegated agent:
 - (1) The applicable sections of the *Manure Management Manual*.
 - (2) A concise educational publication describing the key concepts of nutrient management.
 - (3) Additional informational items as supplied by the Commission for this purpose.
- (c) The Commission or its delegated agent will provide the materials in subsection (b) for distribution by the exporter. The exporter is only required to provide those items in subsection (b) that have been made available to the exporter by the Commission or its delegated agent.

(d) The exporter is responsible for providing the informational materials described in subsection (b) only if the importer, hauler/applicator or broker does not already have a current copy of the informational materials.

MINIMUM STANDARDS FOR MANURE STORAGE FACILITIES ON [VOLUNTEER OR FINANCIAL ASSISTANCE OPERATIONS] VAOs

§ 83.461. Minimum standards for the design, construction, location, operation, maintenance and removal from service of manure storage facilities.

- (a) The minimum standards contained in this section apply to new manure storage facilities constructed, and existing manure storage facilities expanded, as part of a plan developed [and approved as a condition of receiving financial assistance under the act or the Chesapeake Bay Nonpoint Source Pollution Abatement Program, or developed for volunteers seeking the limited liability protection under § 83.206 (relating to limitation of liability)] for a VAO.
 - (1) Manure storage facilities shall be designed, constructed, located, operated, maintained, and, [when] if no longer used for the storage of manure, removed from service, [to prevent the pollution of] in a manner that protects surface water and groundwater quality, and prevents the offsite migration of pollution, by

meeting the standards contained in the *Manure Management Manual and the Pennsylvania Technical Guide*, except [**when**] **if** these standards conflict with this subchapter.

(2) In addition to complying with paragraph (1), manure storage facilities shall be designed and located in accordance with the following criteria:

(i) Facilities shall comply with the applicable criteria in § 91.36 (relating to pollution control and prevention at agricultural operations).

(ii) Facilities shall comply with the applicable criteria in Chapter 105 (relating to dam safety and waterway management).

[(ii)] (iii) * * *

[(iii)] (iv) * * *

[(iv)] (v) For [**agricultural operations**] VAOs that were producing livestock or poultry on or before October 1, 1997, facilities, except reception pits and transfer pipes, may not be constructed:

* * * * *

(F) Within 200 feet of a perennial stream, river, spring, lake, pond, reservoir or any water well [**where these facilities**] **if a facility** (except permanent stacking and compost facilities) [**are**] **is** located on slopes exceeding 8% or [**have**] **a facility has** a capacity of 1.5 million gallons or greater.

(G) Within 200 feet of a property line, [**where these facilities**] **if a facility** (except permanent stacking and compost facilities) [**are**] **is** located on slopes exceeding 8% [**, where**] **and if** the slope is toward the property line, or [**have**] **a facility has** a capacity of 1.5 million gallons or greater, unless the landowners within the 200 foot distance from the facility otherwise agree and execute a waiver in a form acceptable to the Commission.

[(v)] (vi) For [**agricultural operations on**] VAOs agricultural operations that come into existence after October 1, 1997, facilities, except reception pits and transfer pipes, may not be constructed:

* * * * *

(F) Within 200 feet of a perennial stream, river, spring, lake, pond, reservoir or any water well [**where these facilities**] **if a facility** (except permanent stacking and compost facilities) [**are**] **is** located on slopes exceeding 8% or [**have**] **has** a capacity of 1.5 million gallons or greater.

(G) Within 300 feet of a property line, [**where these facilities**] **if a facility** (except permanent stacking and compost facilities) [**are**] **is** located on slopes exceeding 8%, [**where**] **and if** the slope is toward the property line, or [**have**] **a facility has** a capacity of 1.5 million gallons or greater, unless the landowners within the 300 foot distance from the facility otherwise agree and execute a waiver in a form acceptable to the Commission.

[(vi)] (vii) The Commission or a delegated conservation district may waive the distance restrictions in subparagraph [(iv)] (v)(A), (B) and [(E)—(G)] (F), if the following can be demonstrated to the satisfaction of the Commission or a delegated conservation district:

(A) The siting restrictions contained in subparagraph [(iv)] (v) would make the placement economically unreasonable or physically impractical.

* * * * *

(3) The designer of the manure storage facility [**required by**] **described in** the plan shall address the following:

* * * * *

(iii) An onsite investigation to evaluate the site suitability for a facility in accordance with the standards in the *Manure Management Manual and the Pennsylvania Technical Guide*.

(b) The repair of an existing manure storage facility that is part of a plan developed for a VAO under the act shall comply with applicable standards in the *Manure Management Manual and the Pennsylvania Technical Guide*. The location standards do not apply to these facility repairs.

(c) The site specific design for the construction, expansion or major repair of a liquid or semisolid manure storage facility covered under the act shall be done or approved by an engineer registered in this Commonwealth. The engineer shall certify that the design complies with the applicable design standards described in the *Manure Management Manual and the Pennsylvania Technical Guide*. **At least 2 weeks prior to installation of the facility or the repair, the registered engineer shall submit a verification (including a quality assurance inspection plan for construction) to the Commission or delegated conservation district documenting that the design, meeting the criteria established in the *Manure Management Manual and the Pennsylvania Technical Guide*, has been completed, and that any applicable setback requirements have been met.** The responsible engineer and construction contractor shall certify to the Commission or delegated conservation district that construction of the manure storage facility was completed according to the design and construction standards.

(d) A written site specific contingency plan, developed in accordance with the standards contained in the *Pennsylvania Technical Guide*, addressing actions to be taken in the event of a manure leak or spill from a manure storage facility covered under the act, shall be developed and kept onsite at the operation. In the case of a leak or spill of manure from a manure storage facility covered under the act, the operator is responsible for implementation of the site specific contingency plan developed for the operation. The contingency plan shall contain information necessary to meet the notification requirements for reporting leak or spill events which would result in pollution or create a danger of pollution to surface water or groundwater contained in § [101.2(a)] 91.33 (relating to incidents causing or threatening pollution).

* * * * *

PLAN REVIEW AND IMPLEMENTATION FOR [VOLUNTEERS OR FINANCIAL ASSISTANCE RECIPIENTS] VAOs

§ 83.471. Initial plan review and approval.

(a) Plans or plan amendments for [**agricultural operations other than CAOs**] VAOs may be submitted for initial review and approval to delegated conservation districts or alternatively to the Commission for agricultural operations located in counties not delegated admin-

istrative authority under § 83.241 (relating to delegation to local agencies). A person performing the plan review shall be certified in accordance with the Department of Agriculture's nutrient management specialist certification requirements in 7 Pa. Code [§§ 130b.1—130b.51] Chapter 130b (relating to nutrient management certification).

(b) A plan or plan amendment [voluntarily] developed for [an agricultural operation other than a CAO] a VAO and submitted to the Commission or delegated conservation district shall be deemed approved unless disapproved by the Commission or conservation district within 90 days of receipt of a complete plan or plan amendment. The notice of determination to [modify or] disapprove a plan or plan amendment shall be provided in writing to the operator submitting the [same] plan or plan amendment and shall include an explanation specifically stating the reasons for [modification or] disapproval. The Commission or delegated conservation district shall, within 10 days from the date of receipt of the plan or plan amendment, provide notice to the operator indicating [any missing or incomplete elements of the plan submission] whether all of the required plan elements have been received.

(c) Approvals shall be granted only for those plans or plan amendments that satisfy the requirements of [the act and] this subchapter.

§ 83.472. Plan implementation.

(a) Plans developed and approved for [non-CAOs as a condition for receiving financial assistance under the act or the Chesapeake Bay Nonpoint Source Pollution Abatement Program, or for volunteers seeking the limited liability protection under § 83.206 (relating to limitation of liability),] VAOs shall be implemented in accordance with the implementation schedule contained in the plan as agreed upon by the operator and the Commission or a delegated conservation district.

(b) [Whatever adjustments are made in the implementation of the approved plan, the nutrient] Nutrient application rates shall be [balanced] developed as described in § 83.403 (relating to determination of nutrient application rates) and shall be implemented upon approval of the plan or plan amendment, as applicable. The [owner,] operator [or nutrient management specialist] shall review the approved plan at least annually to ensure that this condition is met.

(c) At least every 3 years, the approved plan shall be reviewed by a commercially or individually certified nutrient management specialist. If the agricultural operation is still consistent with the approved plan and the nutrient content and soil test values used in the plan have not significantly changed, and the accepted reference factors used in the plan have not changed since approval, the specialist shall provide notice of this to the reviewing agency. A plan amendment shall be submitted to the reviewing agency in accordance with § 83.471(a) (relating to initial plan review and approval), if the agricultural operation has changed from that described in the approved plan [(see), as required by § 83.481 (relating to plan amendments)]].

(d) Limited liability protection, as described in § 83.206 (relating to limitation of liability), is afforded to those operators properly implementing an approved plan under this subchapter.

PLAN AMENDMENTS AND TRANSFERS FOR [VOLUNTEERS AND FINANCIAL ASSISTANCE RECIPIENTS] VAOs

§ 83.481. Plan amendments.

(a) [For plans approved for non-CAOs as a condition for receiving financial assistance under the act or the Chesapeake Bay Nonpoint Source Pollution Abatement Program, or for volunteers seeking the limited liability protection under § 83.206 (relating to limitation of liability) a] A plan amendment is required [when] if the operator of [an agricultural operation] a VAO expects to make significant changes in the management of nutrients from those contained in the approved plan. Those significant changes in the management of nutrients which would require a plan amendment are [as follows] any one of the following:

* * * * *

(3) [When] If calculations in the plan as originally submitted are in error, or if figures used in the plan are inconsistent with those contained in the *Pennsylvania Agronomy Guide* and [the *Manure Management Manual*] associated fact sheets and manuals, and adequate written justification has not been given for the inconsistency.

(4) [When] If a BMP different [BMP] than that called for in the approved plan is proposed to address a manure management or stormwater management concern.

(5) [When] If, after the first 3 years of implementing the plan, actual yields are less than 80% of the expected crop yields used in the development of the plan.

(6) [When] If an operation changes from a [non-CAO] VAO status to a CAO [, and the original plan needs to be updated to include those items required of only CAO plans] .

(7) A change in excess manure utilization arrangements as described in the approved plan. No amendment is required to address the loss of an importer if the loss does not impair the operator's ability to properly manage the manure generated on the operation.

(8) If alternative organic nutrient sources will replace or augment nutrient sources described in the plan.

(9) If additional lands are brought into the operation through purchase, lease or renting.

(10) If there is a change in the manure management system that is expected to result in a significant change in the manure nutrient content.

(b) A plan amendment [, as required in] under subsection (a), shall be developed and certified by a nutrient management specialist and shall be submitted to the reviewing agency in accordance with § 83.471(a) (relating to initial plan review and approval).

(c) Plan updates to address operational or computation changes other than those described in

subsection (a) shall be developed and certified by a commercial or individual nutrient management specialist and retained at the operation and submitted to the district for inclusion in the approved nutrient management plan.

**CONTAGIOUS DISEASE EMERGENCIES ON
[VOLUNTEER OR FINANCIAL ASSISTANCE
OPERATIONS] VAOs**

§ 83.491. Manure management in emergency situations.

* * * * *

(c) Unless otherwise directed by the quarantine, **[those volunteers receiving financial assistance under the act or the Chesapeake Bay Nonpoint Source Pollution Abatement Program, or those volunteers seeking the limited liability protection under § 83.206 (relating to limitation of liability),] VAOs** shall develop an amended plan addressing the manage-

ment of manure under the quarantine. This plan shall be certified by a nutrient management specialist prior to implementation and submitted to the reviewing agency within 30 days of implementation.

* * * * *

(f) The application of manure during the quarantine shall be done in accordance with § 83.404 **[(5)] (f)** (relating to nutrient application procedures).

(g) Standard soil tests will be required each year for crop **[fields] management units** when the implementation of the quarantine required that nutrients be applied in excess of the amount the crop can use, **and continue for 3 successive years thereafter**. In addition to the standard test, an appropriate test indicating the amount of nitrogen available for crop uptake shall be required for 1 year beyond the cessation of excess manure application.

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