

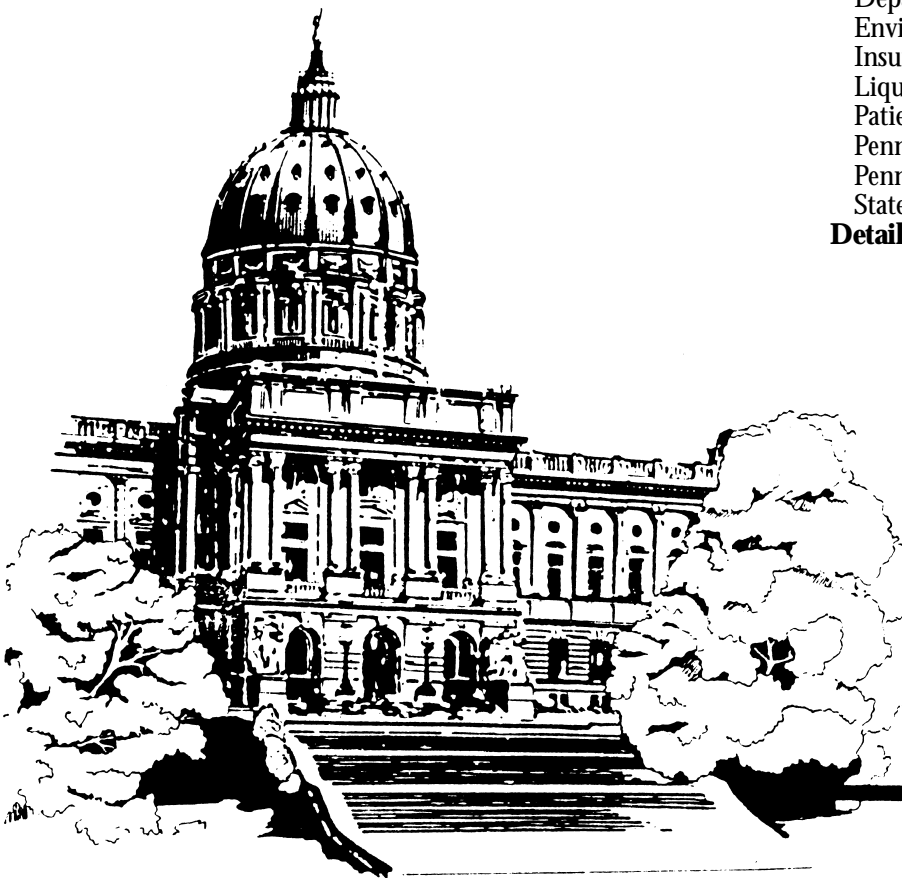
PENNSYLVANIA BULLETIN

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Agencies in this issue:

The Courts
Department of Agriculture
Department of Banking
Department of Community and Economic
Development
Department of Environmental Protection
Department of General Services
Department of Public Welfare
Department of Transportation
Environmental Quality Board
Insurance Department
Liquor Control Board
Patient Safety Authority
Pennsylvania Industrial Development Authority
Pennsylvania Public Utility Commission
State Board of Education

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No. 371, October 2005

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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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THE COURTS

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

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

Amendment of Pennsylvania Rule of Disciplinary Enforcement 219; No. 45 Disciplinary Rules; Doc. No. 1

Order

Per Curiam:

And Now, this 13th day of October, 2005, it is ordered, pursuant to Article V, Section 10 of the Constitution of Pennsylvania, that:

1. Pennsylvania Rule of Disciplinary Enforcement 219 is amended as set forth in Annex A.
2. This Order shall be processed in accordance with Rule 103(b) of the Pennsylvania Rules of Judicial Administration.
3. The amendments to Pennsylvania Rule of Disciplinary Enforcement 219 shall take effect upon publication of this Order in the *Pennsylvania Bulletin*.

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT

Subpart B. DISCIPLINARY ENFORCEMENT

CHAPTER 83. PENNSYLVANIA RULES OF DISCIPLINARY ENFORCEMENT

Subchapter B. MISCONDUCT

Rule 219. Periodic assessment of attorneys; voluntary inactive status.

* * * * *

(g) The Administrative Office or the Board shall certify to the Supreme Court the names of every attorney who has failed to respond to a notice issued pursuant to subdivisions (f) and (k) within the 30-day period provided therein and the Court shall immediately enter an order transferring the attorney to inactive status. A copy of any such certification from the Administrative Office to the Supreme Court shall be given to the Board. **The Chief Justice may delegate the processing and entry of orders under this subdivision to the Prothonotary.**

* * * * *

(i) An attorney who has retired, is not engaged in practice or who has sold his or her practice pursuant to Rule 1.17 of the Pennsylvania Rules of Professional Conduct shall file with the Administrative Office a notice in writing that the attorney desires voluntarily to assume inactive status and discontinue the practice of law. Upon the transmission of such notice from the Administrative Office to the Supreme Court, the Court shall enter an order transferring the attorney to inactive status, and the attorney shall no longer be eligible to practice law but shall continue to file the statement required by this rule

for six years thereafter in order that the formerly admitted attorney can be located in the event complaints are made about the conduct of such person while such person was engaged in practice. The formerly admitted attorney, however, will be relieved from the payment of the fee imposed by this rule upon active practitioners and Enforcement Rule 217 (relating to formerly admitted attorneys) shall not be applicable to the formerly admitted attorney unless ordered by the Court in connection with the entry of an order of suspension or disbarment under another provision of these rules. **The Chief Justice may delegate the processing and entry of orders under this subdivision to the Prothonotary.**

* * * * *

[Pa.B. Doc. No. 05-1976. Filed for public inspection October 28, 2005, 9:00 a.m.]

Title 255—LOCAL COURT RULES

CRAWFORD COUNTY

In the Matter of the Adoption of New Rules and Rescinding Existing Rules of Civil Procedure; No. A.D. 1992-5

Order

And Now, October 10, 2005 it is ordered and directed as follows:

1. The existing Rules of Civil Procedure previously adopted and currently in effect for Crawford County are hereby rescinded on the effective date of this order.
2. The Crawford County Rules of Civil Procedure attached hereto, made a part hereof, are adopted as of the effective date of this order.
3. The Court Administrator of Crawford County is directed to:
 - a. File seven (7) certified copies of this order and the following rules with the Administrative Office of Pennsylvania Courts.
 - b. Distribute two (2) certified copies of this order and the following rules, along with a diskette or CD to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
 - c. File one (1) certified copy of this order and the following rules with the Pennsylvania Civil Procedural Rules Committee.
 - d. File a proof of compliance with this order in the docket for these rules which have included a copy of each transmittal letter.
 - e. Post a copy of this order in the following rule on the appropriate AOPC website and the Crawford County website.

4. This order and the following rules shall take effect 30 days after publication in the *Pennsylvania Bulletin*.

By the Court

GORDON R. MILLER,
President Judge

CRAWFORD COUNTY
LOCAL RULES OF CIVIL PROCEDURE
RULES OF CONSTRUCTION

Rule 51 Title of Rules. Purpose.

These Local Rules of Civil Procedure are intended to implement the Pennsylvania Rules of Civil Procedure to which their numbers correspond. They shall be cited as "Cra.R.C.P."

Rule 76 Definitions.

Unless the context clearly indicates otherwise, the words and phrases used herein shall bear the same meaning as they bear in the Pennsylvania Rules of Civil Procedure.

Rule 101 Principles of Interpretation.

In the construction of any of these rules, the principles of interpretation set forth in the Pennsylvania Rules of Civil Procedure shall be used.

BUSINESS OF COURTS

Rule 205.2(a) Pleadings and Legal Papers. Format.

Physical characteristics of pleadings and other legal papers.

(1) All pleadings and papers in connection therewith, petitions and motions filed with the Prothonotary in an action at law and in other matters designated under the state and local Rules of Civil Procedure shall be prepared for flat filing.

(2) No paper or other document may be filed in the Clerk of Courts' Office, or the Prothonotary's Office, on any paper other than paper approximately 8 1/2 x 11 inches in size. Any paper or other document filed in any office shall substantially comply with the following requirements:

(a) All such papers shall be prepared on white paper (except for covers, dividers and similar sheets) of good quality with typed or printed matter 6 1/2 x 9 1/2 inches in size.

(b) The cover sheet shall contain a three (3) inch space from the top of the paper for all Court stampings, filing notices, and other Court purposes.

(c) Multi-page filings shall be stapled in the upper left-hand corner only. No tape, headers or backers shall be used.

(d) Page numbers shall be placed at the bottom of each page.

(e) Exhibits introduced in judicial proceedings and wills are exempt from this rule.

Rule 205.2(b) Cover Sheet.

Every pleading and other legal papers of two (2) or more pages shall have a cover sheet in substantially the following form:

IN THE COURT OF COMMON PLEAS OF CRAWFORD COUNTY, PENNSYLVANIA CIVIL ACTION—
(designation of action)

Plaintiff
Vs.

Defendant

: No. _____
:
:
:
:
:
:
Type of Document: _____

Filed on Behalf of

(Plaintiff/Defendant)

Counsel of Record for this Party:

(Name of Attorney
Primarily Responsible)

Supreme Court I.D. No. _____

(Firm Name, if any)

(Address)

(Phone)

(Fax Number)

(E-mail Address)

Rule 205.2(c) Pro Se Filings.

(1) Except as provided in Pa.R.C.P. 240, the Prothonotary may refuse to accept filings that are not accompanied by the requisite filing fee. In doing so, the Prothonotary shall advise the party of the right to proceed *informa pauperis* under Pa.R.C.P. 240 and make available to the party a form motion and affidavit for the party to use, if the party desires to do so, in seeking leave of Court to proceed *informa pauperis*. Any filing which is not in compliance with law, rule of Court, etc. shall be forwarded immediately to the office of the Court Administrator. The Court Administrator, after consulting with the Court, shall notify the individual of the deficiency in the filing.

Said notice shall be substantially in the following form:

NOTICE. YOU HAVE FILED A DOCUMENT WITH THE COURT OF COMMON PLEAS OF CRAWFORD COUNTY WHICH IS NOT IN COMPLIANCE WITH THE LAW, RULE OF COURT OR FEE SCHEDULE. THE PROBLEMS WITH THE FILING ARE: _____

YOU ARE ADVISED THAT YOUR FAILURE TO COMPLY MAY RESULT IN PREJUDICE TO YOUR RIGHTS OR CLAIM. YOU SHOULD CONSULT A LAWYER IMMEDIATELY. IF YOU CANNOT AF-

FORD A LAWYER YOU SHOULD CONTACT THE COURT ADMINISTRATOR AT THE FOLLOWING OFFICE

COURT ADMINISTRATOR
CRAWFORD COUNTY COURTHOUSE
MEADVILLE, PENNSYLVANIA 16335
TELEPHONE: 814.333.7498

IF YOU DESIRE TO REPRESENT YOURSELF OR DO NOT QUALIFY FOR FREE COUNSEL YOU ARE INSTRUCTED THAT YOU MUST BRING YOUR FILING INTO COMPLIANCE WITH THE LAW, RULE OF COURT OR FEE SCHEDULE YOU HAVE VIOLATED OR YOUR RIGHTS OR CLAIM MAY BE PREJUDICED.

(2) Pro se filings by counseled parties.

Pro se filings with the Prothonotary by parties with counsel of record, which are not signed by the attorney, shall be accepted for filing. The Prothonotary shall time stamp the filing, make a docket entry reflecting the date of receipt and place the document in the case file. A copy of the time stamped document shall be sent to the attorney for the party. The Court may not be required to take any action in response to any pro se filing by a counseled party.

Rule 206.1(a) Petition. Definition. Content. Form.

"Petition" as used in these rules shall mean:

- (1) An application to open a default judgment or a judgment of non pros;
- (2) A petition for relief from a judgment by confession;
- (3) A petition for civil contempt, except in a support or custody action;
- (4) A request for delay damages;
- (5) A petition to transfer venue on grounds of forum non conveniens.

Rule 206.4(c) Rule to Show Cause.

(1) Issued as of course.

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 to show cause shall direct that an answer to the petition must be filed within twenty (20) days after service of the petition on any respondent unless the Court directs that an answer be filed within a shorter period of time. The Court may, in appropriate circumstances, dispense with the necessity of filing an answer all together.

(2) Steps that the moving party must take:

(a) The moving party must file a petition with the Prothonotary or by way of the process governing the filing of contested motions as set forth in Cra.R.C.P. 208.3(a).

Comment

It is preferred that a petition seeking only the issuance of a rule to show cause shall be filed with the Prothonotary so as to not inconvenience a responding party by requiring the responding party to appear in Motions Court.

(b) The moving party shall attach to the petition a proposed order. The form of the proposed order shall be as set forth in Pa.R.C.P. 206.5, with alternative provisions in paragraph 4, so that the Court may determine whether to proceed with depositions or an evidentiary hearing on disputed issues of material fact.

(c) The moving party must indicate, in a thoroughly considered and good faith manner, the amount of time the moving party anticipates that an evidentiary hearing or argument will take.

(d) The moving party must comply with the required pre-filing notice set forth in Cra.R.C.P. 208.3(a)(6).

(e) The Court will determine whether to proceed by deposition or an evidentiary hearing on disputed issues of material fact.

(f) The moving party must comply with the required Service Of Order Entered rule set forth in Cra.R.C.P. 208.3(a)(10).

(3) Request for stay.

If a moving party requests a stay of execution pending disposition of a motion to open a default judgment:

(a) The petition must be filed in Motions Court in accordance with the rules governing contested motions as set forth in Cra.R.C.P. 208.3(a).

(b) A proposed order shall be attached and shall include the stay provisions the moving party requests.

(c) The Court will exercise its discretion as to whether to grant a stay and the terms and conditions of any stay after hearing from the parties in Motions Court or, if a protracted argument and more deliberate consideration is required, at a date and time to be set by the Court.

Rule 208.2(c) Statement of Authority.

Except for uncontested motions, all motions shall contain a statement of authority citing a statute, rule of Court, or case law in support of the relief requested. The statement may be in the body of the motion itself or may be in the form of a brief filed contemporaneously with the motion.

Rule 208.2(d) Certification of Uncontested Motion.

If a motion is uncontested, the moving party or counsel must certify that the motion is uncontested in a manner set forth in Cra.R.C.P. 208.3(a).

Rule 208.2(e) Discovery Motions.

Any motion relating to discovery shall include a statement 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.

Rule 208.3(a) Motions Procedure. Motions Court.

(1) Motions Court session.

There shall be a session of the Court for the presentation of motions, appropriate requests and applications, every Monday, Wednesday and Friday at 8:45 o'clock a.m., except on holidays and other times when no judge is available ("Motions Court"). The business of the Court, in open Court or in chambers, shall not be interrupted by the presentation of motions or requests and applications, except where the Court, by statute or rule, is required to be available, and except for emergencies.

(2) Filing.

(i) Uncontested motions shall be filed in the Office of the Prothonotary. Contested motions may be filed in the Office of Prothonotary or in Motions Court. The Prothonotary shall place appropriate stamps and notations on each motion, make an appropriate docket entry, and promptly forward the motion to the Court Administrator for presentation to a Judge and the entry of an appropriate order.

(ii) Simultaneously with the filing of a motion in the Office of the Prothonotary, the moving party shall serve a copy, clearly marked as a "copy," upon the Court Administrator. The Court Administrator is not required to act or respond to a "copy."

(iii) Motions, appropriate requests and applications intended for consideration by a motions Judge, shall be presented in Motions Court and are not required to be filed in the Office of the Prothonotary in advance of such presentation. The Prothonotary or a designee shall be present at every session of Motions Court to receive such papers for filing.

(3) Emergencies.

In the case of a true emergency, a motion, appropriate request or application, shall be presented to the Court Administrator who will immediately refer the matter to a Judge for consideration. If a moving party claims that an emergency exists, the nature of the emergency and the reasons why any required notice could not be given must be set forth in the motion, request or application being filed.

(4) Uncontested motions. Definition.

Uncontested motions are defined as those

(a) Where all parties or their counsel of record have consented to the motion and order. Counsel may certify that all parties or their counsel have consented, or attach written consents.

(b) Where the proposed order seeks only a rule to show cause with the return hearing or argument date and no such other further relief.

(c) Where the proposed order seeks only the appointment of a master, mediator or hearing officer and no such other further relief.

(5) Continuances.

Absent exceptional circumstances, motions for continuances shall be presented no later than ten (10) days before the date of the proceeding for which the continuance is requested. Thereafter, no motions for continuance will be granted except for substantial reasons which were not previously known or reasonably ascertainable. A request for a continuance based on proceedings scheduled in another Court may not be granted unless that Court's scheduling order was issued before the order scheduling the proceedings for which the continuance is requested. If the motion is based on a conflict with the matter scheduled in another Court of Common Pleas, the scheduling order from the other Court shall be attached to the motion. By signing a motion to continue, an attorney is representing to the court that the attorney's client has been consulted and is aware of the motion.

(6) Required pre-filing notice.

Before any motion is filed, the moving party shall serve a copy of the motion, request or application, and any proposed order, and a statement of the date and time of the intended presentation to counsel of record and any unrepresented party at least three (3) business days in advance of the presentation. Service may be accomplished personally, by first class mail or by facsimile transmission. Service shall be made pursuant to Pa.R.C.P. 440.

(7) Cover sheet.

A cover sheet in the following form shall be attached to each contested and uncontested motion and every copy of the same that is filed or served:

NOTICE

You are hereby notified that the attached motion/petition will be presented by me on _____, 20____.

() to the Prothonotary.

() in Motion's Court at 8:45 o'clock a.m.

CERTIFICATION OF NOTICE AND SERVICE

The undersigned represents that three (3) business days' prior notice and a copy of this motion and proposed order have been served by () first class mail () fax, or () hand delivery on the _____ day of _____, 20____ upon all parties or their counsel or record in accordance with Pa.R.C.P. 440.

INFORMATION FOR COURT ADMINISTRATOR

A. Is this an original filing in this case?

____ Yes ____ No

B. Has any Judge heard this matter previously?

____ Yes ____ No

C. If yes, name of Judge who presided over previous matter:

__ Miller __ Vardaro __ Spataro __ Other/Name

D. Estimated Court time required for this matter.

____ Minutes ____ Hours ____ Days

E. Is this motion/petition opposed by another party?

____ Yes ____ No ____ Unknown

UNCONTESTED MOTION CERTIFICATION

The undersigned represents that:

____ 1. All parties or counsel have consented.

____ 2. Consents of all parties or counsel are attached.

____ 3. The Order seeks only a return hearing or argument date and no other relief.

____ 4. The Order seeks only the appointment of a master, mediator or hearing officer and no other relief.

Opposing Counsel: _____
(if opposing party is unrepresented, list his/her current address and telephone): _____

____ (Telephone) _____

I HEREBY CERTIFY ALL OF THE ABOVE STATEMENTS ARE TRUE AND CORRECT

By _____

Attorney for: _____

(8) Verification.

A motion that sets forth facts not of record shall be properly verified.

(9) Suggested order.

Every motion, request and application shall have attached thereto a suggested order granting the relief that is requested by the moving party.

(10) Service of order entered.

All orders entered by the Court after the presentation of a motion, request or application shall be served upon all opposing parties or their counsel by the moving party within three (3) business days after the entry of the order by the Court. Service of a conformed order is sufficient. As a courtesy, the Prothonotary may furnish a copy of the

actual order at a later date, but the responsibility of the moving party to effectuate service is not relieved thereby.

Comment

The purpose of this rule is to process motions, requests and applications as efficiently as possible. Uncontested motions will move through the system quickly, should be clearly identified as "uncontested" and must be filed with the Prothonotary. Contested motions may either be filed in the Office of the Prothonotary or in Motions Court. The use of Motions Court practice is greatly encouraged for all matters which are not likely to require lengthy evidentiary hearings or involve argument on complex legal issues. Counsel desiring to take advantage of the Motions Court practice must be diligent in complying with the notice requirements as a matter of fundamental fairness.

Rule 210 Briefs.

Briefs shall be typewritten, dated and double spaced (except for quotations) on paper 8 1/2 × 11 inches in size, and shall contain:

- (1) A history of the case.
- (2) A statement or counterstatement of facts.
- (3) A statement of the question or questions involved.
- (4) A copy of, or reference to, the pertinent parts of any relevant document, report, recommendation or order.
- (5) An argument with citations relied upon.
- (6) A conclusion stating the relief sought.
- (7) A certificate of service that the brief has been served upon all parties or counsel in accordance with Pa.R.C.P. 440.

Briefs shall be filed with the Prothonotary who shall date and time stamp the briefs and transmit them to the Judge or Court Administrator promptly after receiving the same. (See Cra.R.C.P. 307(5) for the timing requirements). (See Cra.R.C.P. 1034(a) and 1035.2(a) covering briefs on motions for judgment on the pleadings and motions for summary judgment.)

Rule 212.1 Civil Actions to be Tried by Jury. Notice of Earliest Trial Date. Time for Completing Discovery and Filing Pretrial Statement. Nonjury Trials.

- (1) Jury trials in civil actions shall be held:
 - (a) In the months of February, April and October, as designated in the Court calendar published annually by the Court Administrator by the last day of the preceding year.
 - (b) At such other times specially set by the Court.
 - (2) Nonjury trials in civil actions shall be held on dates certain to be set by the Court Administrator after the close of the civil trial list.
- (3) Notice of earliest trial date.

The earliest trial date will be the first trial term following the date when the case is at issue and all pretrial procedures have been completed.

- (4) Trial lists and pretrial procedures.

Unless the Court, upon a party's or its own motion enters a case management or scheduling order, the procedure for moving a case to trial is as follows:

- (a) Completion of discovery.

Unless an extension of time is agreed to in writing by all parties or permitted by the Court upon cause shown, all discovery shall be completed within 75 days after a party has given notice to all other parties to do so. The notice may be given at any time after the pleadings are closed, shall specifically refer to the time limitation provided herein, shall be filed in the office of the Prothonotary and copies shall be served on all other parties.

- (b) Certificate of readiness.

To place the case on the trial list, counsel for a party or an unrepresented party shall file a certificate of readiness with a copy to be served on all other parties in accordance with Pa.R.C.P. 440 and with a certificate of service attached thereto. The certificate of readiness shall affirmatively state that the pleadings are closed, that discovery has been completed and that all preliminary matters have been concluded. A party that files a certificate of readiness may not be granted a continuance of the trial by reason of not being ready. A non-filing party who does not file timely objections to the certificate of readiness may not be granted a continuance by reason of not being ready. Whether the case is to be tried by a jury or nonjury must be stated clearly on the cover sheet. This does not affect the right to a jury trial or the manner in which a jury trial must be demanded.

- (c) Consent to trial listing.

If a certificate of readiness is signed by or on behalf of all parties, then discovery shall be deemed to be completed whether or not any party has complied with the notice to complete discovery.

- (d) Objection to certificate of readiness.

Any party or counsel who objects to the filing of a certificate of readiness shall file a Motion to Strike in Motions Court within 14 business days after receipt of the certificate of readiness. The Motion to Strike must specifically state the reasons for the objection.

- (e) Trial lists.

Upon receipt of a certificate of readiness, the Prothonotary shall list the case for the trial term that begins at least 75 days after the date the certificate of readiness was filed and shall give a written notice to all parties of the date and time for the first day of trials.

- (f) Compilation and publication of jury and nonjury trial lists.

At the close of any trial list, the Prothonotary shall compile a list of the cases in chronological order according to the date the certificate of readiness was filed, giving preference, however, in the preparation of trial lists, to cases described in Pa.R.C.P. 214. The list shall be posted on the bulletin board in the Prothonotary's office, five (5) copies shall be sent to the Court Administrator and one (1) copy mailed to each attorney of record and non-represented parties promptly.

- (g) Dates when pretrial statements are due.

(i) A pretrial statement shall be filed by all plaintiffs within 30 days after certificate of readiness is filed.

(ii) Pretrial statements shall be filed by all defendants and all additional defendants within 45 days after the certificate of readiness is filed.

(iii) The Court may not set a pretrial conference or a trial date in any case where any party has failed to file a pretrial narrative.

- (h) Call of trial list.

There will not be a call of the civil trial list. Matters that historically were taken up at the call of the civil trial list in Crawford County will only be brought to the attention of a judge in response to a motion filed in accordance with motions practice.

(5) Status Conferences.

Status conferences may be ordered by the Court on its own or upon written motion of a party, which motion shall set forth reasons in support of a request for a status conference. The Court may enter appropriate orders at the conclusion of the status conference.

(6) Special management cases.

(a) Any party may file a motion for special management status with a proposed order in keeping with motions practice. The motion shall be filed at any time up to 60 days after the close of the pleadings and shall state the reasons for the request. The Court on its own may designate a case for special management.

(b) Criteria for special management may include any of the following:

- (i) Large number of parties.
- (ii) Large number of claims or defenses.
- (iii) Complex factual or legal issues.
- (iv) Large volume of evidence.
- (v) Problems locating or serving evidence.
- (vi) Extensive discovery.
- (vii) Exceptionally long time to prepare for disposition.
- (viii) Exceptionally short time needed for a decision.
- (ix) Need to decide preliminary issues before final disposition.

(c) Special management designation shall be made at the discretion of the Court. Cases granted special management status shall be assigned to an individual Judge.

(d) After a case has been given special management designation all subsequent filings shall include, under the civil action number on the cover page, the words "SPECIAL MANAGEMENT: ASSIGNED TO JUDGE _____."

(e) After the Court has granted special management designation any party may request, by motion, or the Court may, on its own, schedule a status conference to address, inter alia, the following:

- (i) Discovery issues.
- (ii) Issues involving experts.
- (iii) Pretrial motions.
- (iv) Settlement conferences, mediation or other alternative dispute resolution.
- (v) Management and scheduling provisions.
- (vi) Establishing tentative trial dates.

Comment

Status conferences may be beneficial for several reasons. For instance, at the early stages of a case, it may be appropriate that a case specific scheduling order be established. Likewise, at the later stages of the case, the parties may want to set a schedule for the disposition of the case that calls for shorter time periods than those set forth in these rules in order to bring a case to trial much faster. Status conferences may not be necessary in every case, but can afford a perfect opportunity for the parties

and the Court to meet, discuss and determine the best path and schedule that the case should take.

Comment

In compulsory arbitration cases these rules only apply if an appeal is taken.

Rule 212.2 Civil Actions to be Tried by Jury. Pre-trial Trial Statement. Content. Sanctions. Nonjury Trials.

In addition to the requirements governing the content of pretrial statements set out in Pa.R.C.P. 212.2 each pretrial statement in any civil case shall contain:

(1) A brief statement of all legal issues involved or reasonably anticipated. The Court may require trial briefs on specific legal issues.

(2) An estimate of the length of the trial, any trial scheduling preferences and any scheduling conflicts.

(3) A certificate that the attorney has checked with all witnesses who are listed and they are available for trial.

Rule 212.3 Pretrial Conferences. Settlement Conferences.

(1) Pretrial Conferences.

(a) Unless otherwise ordered by the Court, pretrial conferences will be scheduled by the Court Administrator shortly after the trial list closes.

(b) In addition to the matters set forth in Pa.R.C.P. 212.3 for consideration of a pretrial conference, the Court will consider, and attempt to resolve, all motions in limine filed up to that time. All known or anticipated pretrial motions in limine should be presented prior to or at the pretrial conference.

(c) Attorneys present at a pretrial conference must have complete authority to enter into stipulations concerning liability, and other trial-related and evidentiary issues.

Comment

It is expected that by the time of the pretrial conference all depositions for use at trial have been completed and there will be no further depositions, for discovery or for use at trial, to be held between the time of the pretrial conference and the beginning of the upcoming civil trial term. The Court may, on its own, continue the trial to a later term if there are any depositions to be taken after the pretrial conference. By the time the case gets to the pretrial conference stage, the Court expects that all parties are then ready for trial.

Comment

In compulsory arbitration cases these rules only apply if an appeal is taken.

(2) Settlement Conferences.

(a) A settlement conference may be held at the discretion of the Court or on written request of a party, which said request shall set forth substantial reasons for the conference. The Court may hold a settlement conference prior to or after a pretrial conference.

(b) At least five (5) days prior to the settlement conference, all plaintiffs shall have made a bona fide written demand and proposal of settlement on all opposing counsel and non-represented parties. By the time of the settlement conference, each defendant or additional defendant shall respond in writing to such written to demand.

(c) Each party, corporation, and insurance carrier of a party who has an actual interest in the case, or can have an effect on the settlement of the case, shall be personally present at the settlement conference and be represented by someone authorized to speak for such party, corporation or insurance carrier with respect to the trial of the case and the settlement of the case, and who is also authorized to settle the case within any policy limits or up to any plaintiff's demand that is within the policy limits. The Court, on motion filed at least five (5) business days prior to the settlement conference, may for good cause, permit a party or representative to appear by telephone rather than in person.

Rule 216 Grounds for Continuance.

(1) Trial Continuances.

All requests for a continuance of a jury trial must be made at least 45 days prior to the first date of trials. Thereafter, no request for continuance will be granted except for substantial reasons. By signing a motion to continue, an attorney is representing to the court that the attorney's client has been consulted and is aware of the motion.

(2) Consent to Second Continuance.

Only one (1) continuance of a case by agreement of counsel will be permitted. Thereafter, any further motions for continuance by agreement may be refused and will not be considered by the Court unless there is endorsed thereon a statement signed by all of the parties to the action that they are aware of the filing of said motion and consent to a continuance.

(3) Counsel—Other Required Court Appearances.

If the basis for a continuance is a required appearance of an attorney or party in a Court in another county the policy of this Court is to grant such a continuance only if the other matter was scheduled before the Crawford County matter was scheduled. Any motion for a continuance on these grounds must include a true and correct copy of the scheduling order entered by the other Court. This Court may communicate with the other Court in order to resolve any conflicts to the benefit and satisfaction of both courts.

Rule 223 Conduct of the Trial. Generally.

All exhibits entered into evidence shall be retained by the Prothonotary until it is determined whether an appeal has been taken from a final judgment. If an appeal has been taken, the exhibits shall be retained until disposition of the appeal. Within sixty (60) days of the final disposition of all appeals or the date when no further appeal may be taken under the Pennsylvania Rules of Appellate Procedure, the party who offered the exhibits may reclaim them from the Prothonotary. In cases where final disposition of all appeals predates the effective date of this Rule by more than sixty (60) days, the sixty (60) day time period within which to reclaim trial exhibits shall run from the effective date of this Rule. Any exhibits not so reclaimed may be destroyed or otherwise disposed of by the Prothonotary.

Rule 230.2 Termination of Inactive Cases.

On April 1 of each year the Prothonotary shall prepare and deliver to the Court Administrator a list of all cases in which there has been no activity of record for two years as of the most recent December 31st.

The Court Administrator shall then initiate the process of terminating inactive cases in the manner provided for in Pa.R.C.P. 230.2.

The Court Administrator shall cause to be published a notice of proposed termination as provided for in Pa.R.C.P. 230.2(b)(2) and (e) listing all of the cases to be terminated. Said notice shall be published in *The Meadville Tribune* newspaper, *Titusville Herald* newspaper and the *Crawford County Legal Journal* once a week for two consecutive weeks.

This rule shall not apply to custody or support cases.

COURT MATTERS

Rule 301 Prothonotary.

(1) Records and Dockets.

The Prothonotary shall be responsible for the safekeeping of all records and papers. No records or papers of any kind shall be removed from the Office of the Prothonotary, except as herein provided. Dockets shall not be removed except when required in Court.

(2) Endorsing Filing Time of Papers.

The Prothonotary shall endorse upon all papers the filing date thereof, together with the precise hour of the entry of all judgments, verdicts, mechanic's liens, municipal liens, tax liens of all kinds, financing statements or other encumbrances or liens. The filing date, or filing date and time, shall in like manner be entered on the dockets.

(3) Entries on Dockets.

No entries of any kind shall be made in any docket or other record of the Court unless attested to by the Prothonotary, a deputy or clerk. All entries so made shall be in ink and shall be dated.

(4) Records in Court.

At all sessions of Argument Court and at all trials and special hearings, the Prothonotary shall have the entire record of each case before the session arranged in the order that the papers therein were filed and present the same to the Court when the case is called. At the conclusion of the case, the Prothonotary shall repossess all papers and return the same to the file. In the event the Court retains the papers after the session, the Prothonotary shall so indicate on a withdrawal receipt.

Except as otherwise provided in these Rules, all papers concerning any case which are not presented in open Court at a session in which any matter connected with the case is being heard, shall be first filed in the Prothonotary's Office; and if the papers with relation thereto are in the hands of the Court in connection with its deliberation on the case or for any other reason, the paper, after filing, shall be transmitted to the Court by the Prothonotary.

(5) Bulletin Board.

The Prothonotary shall maintain a bulletin board of sufficient size and conspicuously placed in the Prothonotary's office for posting thereon all notices directed by rules or by special order of Court. The Prothonotary or deputy shall certify on such notices the precise date and time of the posting thereof.

(6) Register of Attorneys.

The Prothonotary shall keep a register setting forth a list of the attorneys of the Bar of Crawford County with the date of their admission for historical purposes.

(7) Rules of Court.

The Prothonotary shall maintain a printed copy of the Rules adopted by the Court and shall insert therein all

amendments which may be hereafter adopted from time to time. Within ten (10) days after the adoption of any new rule or amendment of any existing rule and proper publication of the same, the Prothonotary shall mail or deliver a copy thereof to all members of the Crawford County Bar. The printed copies of new rules or amendments shall be in loose-leaf form and of such proportions and arrangement as to permit the compilation and insertion thereof in appropriate loose-leaf binders. The Prothonotary shall maintain complete sets of the Local Rules of Civil Procedure for sale at cost.

(8) Collection of Costs.

The Prothonotary shall establish, implement, maintain and utilize a system for the collection of outstanding unpaid fees and costs. The Prothonotary shall keep a separate listing of the date that costs and fees were imposed, the date due, collection efforts, and the dates and amounts of payment. The Prothonotary shall make an annual report to the President Judge on or before April 1st of each year for the preceding calendar year setting forth the amount of outstanding costs at the beginning of the year, the amount of costs and fees imposed on a delay time payment basis, the amount of said costs paid during the year and the amount of the unpaid costs at the end of the year. Costs and fees which are either paid at the time that services are incurred or paid at the time that the order imposing the costs and fees is entered are not included in this rule. This rule governs costs which either the Court or the Prothonotary has given an attorney or party time to pay.

(9) Removal of Papers.

Except as otherwise provided herein, no original papers shall be removed from the Office of the Prothonotary without prior written permission of the Court upon cause shown.

(a) Removal of Original Papers.

No original note, bond or other instrument upon which a judgment has been entered, shall be removed from the Office of the Prothonotary except for use by the Court.

(b) Procedure for Removal of Other Papers.

All other papers may be removed by an attorney who is a member of any bar upon filing with the Prothonotary a signed receipt as prescribed in Cra.R.C.P. 301(11) below, provided, however, that (1) no such paper shall be taken out of the Crawford County Courthouse and (2) all such papers shall be returned to the Prothonotary's office by the end of the same business day.

(10) Removal by Masters, Arbitrators, Mediators, Hearing Officers.

A master, arbitrator, mediator or hearing officer appointed by the Court or Prothonotary may remove papers for the purpose of that appointment for a period not to exceed sixty (60) days.

(11) Receipt for Documents.

When any person removes papers from the Office of the Prothonotary, that person shall sign a receipt therefore, setting forth the caption and number of the case, a description of the papers removed and the date of removal.

(12) Return of File and Documents.

All papers removed on receipt, with or without leave of the Court, shall be returned promptly, and in no case shall the papers be retained for a period longer than prescribed herein, except by special permission of the

Court. If papers are retained beyond the proper time limit, the Prothonotary shall notify the attorney in default of this failure to return such papers, and if such default continues for three (3) days following notice, the attorney shall thereafter be prohibited from removing any papers from the office until the default is corrected. The Prothonotary shall report such cases of continuing default to the President Judge for appropriate action.

Rule 302 Court Calendar.

At the beginning of each calendar year, the Court shall publish in the *Crawford County Legal Journal*, a Court calendar for the year, which shall have the effect of a rule of Court for the matters and dates set forth therein.

Rule 303 Bills of Costs.

(1) 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 places from which mileage is claimed. The bills should be verified by the affidavit of the party filing them or by the attorney of the party that the witnesses named were actually present in Court, and in the affiant's opinion, they were material witnesses. A copy of the bill of costs shall be served on all opposing counsel and all unrepresented parties.

(2) A party upon whom a bill of costs has been served may, within ten (10) days after such service, file exceptions thereto, and the issues shall be determined by the Court. Failure to file exceptions within ten (10) days shall be deemed a waiver of all objections and exceptions.

Rule 304 Law Library.

(a) The Crawford County Law Library shall be managed by a law librarian. A law library committee shall be appointed by the President Judge.

(b) The committee shall make recommendations to the President Judge and Court Administrator for the management and operation of the library as may be expedient and necessary for its proper care and preservation.

Rule 305 Appointment of Counsel.

The Court desires that legal services in civil actions will be provided to indigents and qualified persons by some legal services provider and/or the Crawford County Bar Association through a pro bono project. Upon petition filed with the Court pursuant to motions practice, the Court will assign counsel to represent indigents in civil actions where deprivation of substantial rights may occur, such as paternity actions and actions to terminate parental rights. The petition for the assignment of counsel in a civil action shall be in the form set forth herein. A supply of these forms shall be maintained by the Prothonotary, the Domestic Relations Section, and the Court Administrator.

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

_____ :
 Plaintiff :
 Vs. : No. _____ of 20 ____
 _____ :
 Defendant :

PETITION FOR THE APPOINTMENT OF COUNSEL
INA CIVIL ACTION

TO THE HONORABLE, THE JUDGES OF SAID COURT:

The petitioner respectfully represents and petitions the Court as follows:

1. Petitioner is _____ who resides at _____ and is the (plaintiff)(defendant) in the above entitled action.

2. Petitioner's social security number is _____ Income and expense information as set forth below is complete and true.

3. That this is an action for _____

4. That this is a civil action which may lead to the deprivation of substantial rights of the petitioner and thus raises due process and equal protection questions whereby the petitioner is entitled to the assignment of counsel.

5. That the petitioner is, for financial reasons, unable to obtain counsel to represent him/her in this action as the petitioner does not have sufficient income or assets to hire counsel, nor does petitioner have the ability to borrow money or obtain gifts from relatives, friends, or otherwise in order to hire counsel. Petitioner has made the following efforts to obtain counsel:

(a) Employment:

(i) I am presently employed and state as follows:

Employer _____ Address _____ Salary or wages per month _____ Type of work _____

(ii) I am presently unemployed and state as follows:

Date of last employment _____ Salary or wages per month _____ Type of work _____

(b) Other income within the past twelve-months:

Business or profession _____ Other self-employment _____ Interest _____ Dividends _____ Pension and annuities _____ Social Security benefits _____ Support payments received _____ Disability payments _____ Unemployment compensation and supplemental benefits _____ Worker's compensation _____ Public Assistance _____ Other _____

(c) Other contributions to the support of my household (Wife) (Husband) (Other adult living with me) _____

() My (wife) (husband) (or other adult) is employed, and I state:

Employer _____ Salary or wages per month _____ Type of work _____ Contributions from children _____

Contributions from parents _____ Other contributions _____ () My wife, husband or other adult is not employed.

(d) Property owned:

Cash _____ Checking account (s) _____ Savings account (s) _____ Certificates of deposit _____ Real estate (including home) _____ Motor vehicle(s): Make _____ Year _____ Cost _____ Amt. Owed _____ Stocks; bonds _____ Other _____

(e) Debts and obligations:

Mortgage _____ Rent _____ Loans _____ Other _____

(f) Persons dependent upon me for support

(Wife) (Husband) Name _____ Children, if any Name _____ Age _____ Other persons: Name _____ Relationship _____

6. Petitioner (is) (is not) receiving Public Assistance.

7. I agree that I have a continuing obligation to inform the Court and my court-appointed counsel of any improvement in my financial circumstances which then may enable me to pay attorneys fees.

WHEREFORE, petitioner respectfully requests that this Court appoint and assign counsel to represent him/her in this action.

(Print Name)

VERIFICATION

I, _____, verify that the statements made in this petition are true and correct to the best of my knowledge, information and belief. I understand that false statements made herein are subject to the penalties of 18 Pa.C.S.A. § 4904 relating to unsworn falsification to authorities.

(Sign Name)

ORDER

AND NOW, this _____ day of _____, 20____ upon consideration of the within petition, including the representations and sworn statements of the petitioner contained therein, the Court finds the petitioner is indigent and that this action affects "substantial rights" of the petitioner raising due process and equal protection concerns such that petitioner has a right to the assignment of counsel to represent him/her in this action.

Accordingly, _____, Esquire, is hereby appointed to represent the petitioner in this action until the petitioner is financially able to obtain counsel to represent him/her in this matter. In the latter event, counsel appointed to represent the petitioner may continue to represent the petitioner either pursuant to an agreement

between counsel and the petitioner regarding the payment of fees and costs or, in lieu thereof, counsel or the petitioner may file a motion with this Court to determine the petitioner's ability to pay counsel fees and the terms and conditions thereof.

BY THE COURT

J.

Rule 306 Transmittal of Documents by Prothonotary.

The Prothonotary may not undertake to transmit papers to any office other than the Court. It shall be the sole responsibility of the party or counsel to effectuate proper service of pleadings and other legal papers. This responsibility is not relieved by courtesies which may be extended from time to time by the Prothonotary.

Rule 307 Arguments and Argument Lists.

(1) Applicability.

This rule applies to matters to be listed for argument for which there is no specific local rule governing the manner in which arguments shall be heard. See for instance Cra.R.C.P. 1034(a) and 1035.2(a) covering motion for judgment on the pleadings and motion for summary judgment, respectively.

(2) Argument List.

The Prothonotary shall keep an Argument List Watch Book and shall enter all causes or matters in any civil action requiring argument upon praecipe of any party in interest or at the direction of the Court or Court Administrator.

The praecipe that is filed to place a matter on the argument list must identify the matter(s) that is/are to be argued.

(3) Argument Court.

Sessions of Argument Court shall be established by the Court Administrator in the annual court calendar. Generally, the Court reserves the last Monday of each month for Argument Court. Counsel should consult the last available schedule. All causes or matters which have been set down for argument more than thirty (30) days before a session of Argument Court shall be listed for that session of Argument Court.

(4) Notice.

At the close of the Argument List, the Prothonotary shall forthwith deliver a copy of the List to each attorney appearing for any party and to any unrepresented party in any case listed and shall post a copy of the List on the Prothonotary's bulletin board. Delivery to attorneys shall be effected, in the case of attorneys whose principal office is located in the City of Meadville, by placing a copy in the attorney's box in the Prothonotary's office or by fax, and in the case of attorneys whose principal office is located outside the City of Meadville, by mailing the same by ordinary mail to the address on the last pleading or by fax. Delivery to an unrepresented party shall be by first class mail to the last known address of record.

(5) Briefs.

(a) The moving party shall file its brief at the time it files a praecipe for argument. The Prothonotary shall not list the case for argument until that has occurred.

(b) Where the praecipe for argument is filed by the responding party, the praecipe shall contain thereon a certification that service of the praecipe has been made upon all other parties.

(c) If the matter is placed for argument by the responding party, the moving party shall file a brief at least fifteen (15) business days prior to the session of Argument Court at which the case is to be argued.

(d) The responding party in all cases shall file a brief at least five (5) business days prior to the session of Argument Court at which the case is to be argued.

(6) Form of Briefs.

Briefs shall conform to Cra.R.C.P. 210.

(7) Supplemental Briefs.

Supplemental briefs filed after the time for filing regular briefs, or after oral argument, shall be filed only upon special allowance by the Court, in which case the Court shall set the time within which such supplemental brief shall be filed. If the party desiring to file a supplemental brief fails to do so within the time limit established, the Court shall proceed to determine the matter without the supplemental brief.

(8) Default of Brief.

If a matter has been set down for argument upon praecipe of a responding party and the moving party fails to file a brief within the time limitations set forth in this rule, the matter may be dismissed by the Court upon motion of the responding party.

(9) Order of Argument.

Each party shall be allotted 15 minutes for argument unless extended or limited by the court. Unless the Court shall otherwise direct at argument, counsel for the moving party shall begin and conclude the argument.

(10) Emergency Arguments.

On cause shown and on reasonable notice to all parties, the Court may schedule an argument in the particular matter at a regular session of Argument Court or at some other time, and can make other provisions for the filing of briefs.

(11) Submission on Briefs.

Upon written consent of all parties in interest and with the consent of the Judge to which a matter is assigned for argument, the matter may be submitted upon briefs without oral argument. If a matter has been submitted on briefs, and the Judge determines after review of the briefs that oral argument is necessary, the case shall be scheduled for oral argument by special order.

(12) Continuances.

Cra.R.C.P. 208.3(a)(5) governing continuances of trials shall apply equally to Argument Court. When an argument is continued, the Prothonotary shall automatically list the case for the next available Argument Court.

Rule 308 Money Paid Into Court.

(1) Motion for Payment into Court.

Where it is appropriate that money be paid into Court, the Court, on motion of any party or on its own motion, may direct the same to be done. A motion for the payment of money into Court shall set forth the reasons for requesting such action and the exact amount to be paid.

(2) Deposit with Prothonotary.

The Prothonotary shall have custody of all money paid into Court and shall deposit such funds in a non-interest-bearing escrow account to the credit of the Court in a bank or banks in which deposits are insured by the Federal Deposit Insurance Corporation.

(3) Withdrawal.

Money paid into Court may not be withdrawn or paid out except upon order of the Court entered in response to a properly filed motion.

Comment

This Rule does not apply to payment of advanced costs such as Masters' fees.

Rule 309 Appeals from Zoning Hearing Boards.

(1) Disposition of Appeals.

In an appeal from a decision of a Zoning Hearing Board, upon the return of the writ of certiorari, any party to the appeal may place the case on an argument list with due notice to the municipality or its solicitor and to the parties interested in the case.

(2) Additional Testimony.

In the event that a party desires to present additional evidence, a motion indicating the reasons therefore shall be presented to the Court within twenty (20) days after service of the appeal is made.

(3) Form of Caption.

The caption of an appeal from a decision of a Zoning Hearing Board shall contain a reference to the name of the municipality and shall be in the following form:

John Doe, Appellant,
Vs.

Zoning Hearing Board
(Insert full name of municipality)

(4) Supersedeas.

An appeal from a decision of a Zoning Hearing Board shall not act as a supersedeas without special order of Court. An application for a supersedeas shall be presented in a properly filed motion.

Rule 310 Land Use Appeals.

The procedure for hearing and deciding appeals from decisions of municipal governing bodies with respect to land use matters shall be the same as for zoning hearing board appeals.

Rule 311 Eminent Domain.

(1) Petition for Viewers.

The initial petition presented to the Court in any eminent domain proceeding shall cite the statute under which the petition is filed.

(2) Viewers.

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 proceedings referred to them.

(3) Hearings.

Viewers' hearings shall be held in the Court House. A hearing shall be held at the time fixed by the Viewers.

(4) Record of Hearing.

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 312 Change of Name of a Natural Person.

(1) All proceedings for a change of name of a natural person pursuant to 54 Pa.C.S. § 701—705 shall be filed with the Prothonotary. These rules do not apply to other types of name change proceedings such as adoption proceedings or the resumption of a prior surname in a divorce proceeding.

(2) The petition shall include the following:

(a) The petitioner's name and complete residential address. Where the person whose name is sought to be changed is a minor, the petition shall be brought in the name of the minor by the parent(s) or legal guardian(s) of the minor;

(b) The petitioner's complete residential address(es) for and during a period of five (5) years prior to the date of the filing of the petition;

(c) The petitioner's proposed new name;

(d) The reasons for the desired name change;

(e) That the petitioner has never been convicted of a felony or, if petitioner has been so convicted, that:

(i) At least two calendar years have elapsed from the date of completion of petitioner's sentence and that the petitioner is not subject to probation or parole jurisdiction of any court, county probation agency or any state board of probation and parole, or

(ii) The petitioner has been pardoned;

(f) That the petitioner has never been convicted of any of the crimes itemized in 54 Pa.C.S. § 702(c)(2).

(3) The petition shall contain two (2) proposed orders as follows:

(a) Order setting a hearing date; and

(b) Order granting change of name.

(4) The hearing order shall include the following:

(a) That notice be given of the filing of the petition and date set for the hearing thereon;

(b) That a copy of the petition and hearing order be served by United States First Class Mail, postage prepaid, on any person that may have an interest in the proceeding including, but not limited to, any non-petitioning parent of a minor, all at said person's last known address;

(c) That counsel, or a petitioner who is self-represented, shall comply with the requirements of 54 Pa.C.S. § 702(b) relating to determination by the Pennsylvania State Police that the petitioner is not subject to the Criminal History Record Information Act, 18 Pa.C.S. § 9101 et seq., except where the petitioner is a minor who is twelve (12) years of age or younger. See for instance 54 Pa.C.S. § 703 and 23 Pa.C.S. § 5105.

(5) Where the petitioner has a prior conviction of a felony but is not barred by 54 Pa.C.S. § 702(c) from obtaining a judicial change of name, to enable the Court to comply with 54 Pa.C.S. § 702(b) and (c), and as a prerequisite to the entry of an order granting change of name, the petitioner, at the hearing, shall provide the Court with envelopes affixed with sufficient postage and pre-addressed to the following:

Office of the Attorney General
Commonwealth of Pennsylvania
1600 Strawberry Square
Harrisburg, PA 17120

Central Repository
The Pennsylvania State Police
1800 Elmerton Avenue
Harrisburg, PA 17110

The District Attorney of Crawford County
Crawford County Courthouse
903 Diamond Park
Meadville, PA 16335

Note: These addresses may change. The legislature may amend the statute. Therefore, any such changes would preempt these rules of procedure

SERVICE OF ORIGINAL PROCESS AND OTHER LEGAL PAPERS

Rule 400 Service by Sheriff.

A party filing a complaint, or any other pleading that constitutes original process which is to be served by the Sheriff's Office, shall deliver to that office a certified copy of the complaint or pleading for each party to be served, together with instructions for service on a form available from the Sheriff's Office. The Sheriff shall have the right to require payment for the requested service before service is made or attempted, unless the party seeking service has been given the right to proceed *informa pauperis*.

Rule 430 Service by Publication/Legal Journal.

(1) Designated Publication.

Whenever service by publication is authorized by law or rule/order of Court and the manner of publication is not otherwise specified, such service shall be made by publishing the required notice one time in a newspaper of general circulation in Crawford County, and one time in the *Crawford County Legal Journal*. Affidavits of publication shall be filed in the Prothonotary's office.

(2) *Crawford County Legal Journal*.

The *Crawford County Legal Journal*, owned by the Crawford County Bar Association, and operated by the Legal Publications Committee of said Association, is hereby designated the official legal publication of Crawford County.

(3) Publication as Per Court Order.

The *Crawford County Legal Journal* shall also print such other matters as are required by these Rules or by order of Court.

Rule 440 Service of Copies.

Copies of all legal papers other than original process that are filed in an action may be served upon an attorney for a party by placing the paper in the attorney's courthouse box in the Prothonotary's office if the attorney has agreed, by a separate written statement filed of record in each case, to receive service by this method. The attorney may withdraw such consent by a separate written statement filed of record with the Prothonotary and served upon all parties.

ACTIONS, PLEADINGS, ETC.

Rule 1012 Entry of Appearance. Withdrawal of Appearance. Notice.

Withdrawal of Appearance.

Any attorney seeking leave of Court to withdraw an appearance as counsel for any party to a proceeding shall file a motion for leave to withdraw for that party with a certificate that the withdrawal will not unreasonably delay any stages of the litigation or prejudice the party, and that all notice requirements governing motion practice and notice to the client have been given. Before filing such a motion, counsel must give notice to the client at least five (5) business days prior to the date and time for filing the motion. The motion must be filed in Motions Court.

Rule 1018.1 Notice to Defend. Form.

The organization to be named in the Notice to Defend to find out where legal help may be obtained is:

Court Administrator
Courthouse
Meadville, PA 16335
Telephone 814.333.7498

Rule 1028(c) Preliminary Objections. Briefs. Scheduling Order.

Preliminary objections shall be processed and disposed of in accordance with the rule governing arguments and argument lists (Cra.R.C.P. 307). Briefs shall conform to Cra.R.C.P. 210 and 307.

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

At the time of filing, all motions for judgment on the pleadings shall be accompanied by a separate brief in support thereof, addressing the issues raised in the motion. The motion must also be accompanied by a proposed order for the purpose of scheduling a hearing or argument thereon, substantially in the following form:

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

_____ :
Plaintiff :
Vs. : No. _____ of 20 ____
_____ :
Defendant :

SCHEDULING ORDER

AND NOW, this _____ day of _____, 20____ upon receipt of a motion for judgment on the pleadings filed by _____ the _____ it is ORDERED AS FOLLOWS:

1. Argument/hearing on said motion shall be held on the _____ day of _____, 20____ at _____ o'clock ____ m. in the Crawford County Courthouse.
2. Any responding party must file a brief no less than five (5) business days prior to the date for argument/hearing and promptly serve a true and correct copy of said brief on all other parties.

BY THE COURT

_____ J.

Rule 1035.2(a) Motion for Summary Judgment. Briefs. Scheduling Order.

At the time of filing, all motions for summary judgment shall be accompanied by a separate brief in support thereof, addressing the issues raised in the motion. The motion must also be accompanied by a proposed order for the purpose of scheduling a hearing or argument thereon, substantially in the following form:

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

 Plaintiff :
 Vs. : No. _____ of 20 ____
 _____ :
 Defendant :

SCHEDULING ORDER

AND NOW, this _____ day of _____, 20____ upon receipt of a motion for judgment on the pleadings filed by _____ the _____ it is ORDERED AS FOLLOWS:

1. Argument/hearing on said motion shall be held on the _____ day of _____, 20____ at _____ o'clock __ m. in the Crawford County Courthouse.

2. Any responding party must file a brief no less than five (5) business days prior to the date for argument/hearing and promptly serve a true and correct copy of said brief on all other parties.

BY THE COURT

 J.

PROFESSIONAL LIABILITY ACTIONS

Rule 1042.21 Medical Professional Liability Actions. Motion for Settlement Conference or Mediation.

(1) Status Conference.

Plaintiff's counsel shall deliver to the Court Administrator, at the time a medical professional liability action is filed with the Prothonotary, a time-stamped copy of the cover sheet of the complaint or praecipe to issue a summons. Ninety (90) days after a medical professional liability action is filed with the Prothonotary, the Court Administrator shall thereafter schedule a status conference before a Judge for the purpose of, inter alia, considering and determining the manner and time in which the case shall proceed through discovery, pretrial motions, mediation, settlement conferences, pretrial conferences and trial for the mutual benefit of the parties and the Court.

(2) Selection of Cases for Mediation.

Upon motion of any party, including a motion pursuant to Pa.R.C.P. 1042.21, or upon written agreement of the parties or on its own motion, the court may refer a case to mediation. Any objection to a motion to request mediation must be filed within ten (10) days of the filing of the motion. A case ordered for mediation shall remain on any trial list upon which it has been placed, but shall not proceed to trial until the mediation process has concluded.

(3) Mediation.

(a) Agreement of the Parties.

All parties are encouraged to stipulate to the terms and conditions of mediation including, but not limited, to the matters referred to in this rule.

(b) Expectations of the Parties.

When ordered by the Court to participate in medical professional liability mediation, the parties are not required to reach a resolution. They are expected to: engage in principled negotiations, commit to the process, keep an open mind, discuss openly and freely, understand the needs of others, and explore ways to create a mutually acceptable resolution in good faith.

(c) Selection of Mediators.

The parties are encouraged to agree on the mediator and, if appropriate, co-mediator. If they cannot agree, then the Court will select a mediator and, if appropriate, a co-mediator, either on its own or by choosing among suggestions made by the parties.

(d) Judge as Mediator.

The Court, in its discretion, may choose a Judge to serve as mediator.

(e) Type of Mediation.

The parties and the Court shall decide at the outset whether the mediation shall be the facilitative model, the evaluative model, or the facilitative/evaluative hybrid model.

(f) Qualifications of the Mediator/Co-Mediator.

Any mediator or co-mediator, except a Judge, shall have at least the following qualifications: successful completion of an appropriate mediation course of formal training or education (preferably a recognized course of at least forty (40) hours); participation in a minimum of five (5) mediated medical professional liability cases or, in lieu thereof, a minimum of ten (10) mediated civil personal injury cases; mediation professional liability insurance; compliance with all ethical standards of the mediator profession; and the ability to satisfy the parties' practical needs for availability and affordability.

(g) Objections to the Mediator.

Any objection to a named mediator is waived by any party who fails to file an objection within fifteen (15) days after the mediator is named by the Court.

(h) Role of the Mediator.

Mediation is a confidential, informal, nonadversarial process where a neutral third party assists disputing parties in resolving by agreement some or all of the differences between them. It shall be the role of the mediator to facilitate communication, clarify interests and issues, identify information that may be gathered to assist in making decisions, foster joint problem solving and assist the parties in reaching a mutually acceptable settlement of their dispute.

Mediators will not provide legal advice, although in evaluative mediations, mediators may express opinions on the applicability of the law to the facts to the extent that such opinions may, in the judgment of the mediator, be helpful in facilitating a settlement. Mediators may offer recommendations, evaluations or suggest settlement proposals, but mediators act for no party and have no authority to make any decisions or compel an agreement. Parties will rely solely on the advice of their attorneys, as well as their own judgment in arriving at a resolution of the dispute and cannot claim to have relied to their detriment on any advice or comment of a mediator.

(i) Time and Place.

The mediation shall be conducted at a time and place to be arranged by the parties. It is expected that mediation shall take place within forty-five (45) days of the date the mediation order is entered. It is preferred that mediation will not take more than one (1) day. Each party shall pledge to be fully prepared for mediation at that time and make every effort to keep the mediation session within that time frame. Subsequent sessions will be arranged if the parties or the mediator believe(s) that sufficient progress is being made to merit another session. Media-

tion should be completed within sixty (60) days from the date of the order or agreement to mediate.

(j) Preconference Submissions.

Each party will prepare a preconference statement that shall be presented to the mediator not less than ten (10) days prior to the mediation conference. The summary should not exceed six (6) pages or such additional length as the mediator may permit. Statements should address, in concise form:

(i) Statement of facts including description of the injury and list of special damages and expenses incurred and expected to be incurred;

(ii) Theory relative to liability and damages, and authorities in support thereof;

(iii) Summary of reports of experts and testimony of key non-expert witnesses;

(iv) Status of the case, and expected trial date;

(v) Last demand and offer, if any.

A limited number of documents may be attached to assist the mediator and the parties, but counsel and parties are urged to keep the number of attachments to a minimum. Summaries of data are encouraged, as are stipulations of the parties. The parties are not to attach copies of discovery requests, pleadings, motions, etc. but to provide fair and accurate statements/attribution, since the primary purpose of the preconference submission is to accurately inform the mediator of the facts and issues.

(k) Attendance and Settlement Authority.

Every party or entity that has an interest in the outcome of the case, may be affected by the outcome of the case, has the ability to effect a resolution, etc. is required to attend the mediation session. Each shall have the authority to settle the case. Each defendant, or each party representing or having an interest in a defendant's case, shall have the authority to settle up to its policy limits or the last demand of a plaintiff, whichever is less. Mediators may postpone the mediation or require the participation of an individual by telephone or by direct communication with the mediator. Telephone attendance must be arranged ahead of time. In an appropriate case, representatives of the M(Care) Fund must either attend in person or be available by telephone during all mediation sessions. If any party or person required to attend fails to appear at the mediation session without good cause, or appears without decision making discretion, the Court, sua sponte, or upon motion, may impose sanctions, including an award of reasonable mediator and attorney's fees and other costs, against any defaulting responsible party.

(l) Confidentiality.

The mediation process must comply with any Pennsylvania statutory mediation confidentiality provisions (42 Pa.C.S. § 5949). Mediation proceedings constitute settlement negotiations between and among the parties and mediators. Therefore, all statements made by, or on behalf of, the parties or their representatives relating to anything arising out of or relating to the mediation process, and any documents created for or during the mediation process are beyond the scope of discovery and are not admissible into evidence for any purpose, including impeachment, in any pending or subsequent proceeding. The obligation of total confidentiality will apply to all participants in the mediation process. Evidence that is discoverable or admissible is not rendered inadmissible or undiscoverable as a result of its use in the mediation

process (for example: medical records maintained by a physician). If a settlement agreement is reached, it shall be binding upon the parties thereto, and its terms and enforcement shall be governed by the terms of the agreement and not subject to the confidentiality provisions herein. Confidential communications and settlement offers of the parties may not be disclosed or discussed with any other persons, including attorneys representing parties with similar or unrelated claims or the media, or via electronic means, to the general public, or in any other judicial proceedings, including a conciliation before a trial court Judge, or special master. If the mediation did not result in settlement, the final settlement position of any party may not be divulged to any third party, including a Judge, without the consent of all parties.

(m) Mediators Privilege and Immunity.

No party shall request nor subpoena a mediator to testify or provide evidence in any matter for any reason, nor will a party request or subpoena any mediator's notes, records or any material in possession of the mediator, for any purpose. Mediators shall have the same immunity as Judges and judicial employees have under the laws of the Commonwealth of Pennsylvania, and no mediator is, or will claim to be, a necessary party in any judicial, quasi-judicial or administrative proceeding arising out of or relating to any mediation or the underlying litigation.

(n) Fees and Expenses.

Unless the parties agree otherwise, the Court will order the parties to share, equally, the cost and charges of the mediator, including any deposit or prepayment required by a mediator.

(o) Communications Between Mediators and the Court.

During a mediation, a Judge should only be informed of the following:

(i) The failure of a party to comply with the order to attend mediation;

(ii) Any request by the parties for additional time to complete the mediation;

(iii) If the parties agree, any procedural action by the Court that would facilitate the mediation; and

(iv) The mediator's assessment that the case is inappropriate for mediation.

When the mediation has been concluded, the Court should be informed of the following:

(i) That an agreement has been reached;

(ii) That the parties did not reach an agreement on any matter. The mediator shall report the lack of an agreement to the Court without comment or recommendation; and

(iii) With the consent of the parties, the mediator's report may also identify the pending motions or outstanding legal issues, discovery process or other action by any party which, if resolved or completed, would facilitate the possibility of a settlement.

Whenever possible, all communications with the Judge should be made jointly by the parties. Ex parte communications by less than all of the parties with the Court will not be permitted. Any party seeking further Court action must follow state and local petition and motion practice. Where the mediator must communicate with the Judge, such communications shall be made in writing.

COMPULSORY ARBITRATION**Rule 1301 Arbitration.**

(1) Cases Subject to Arbitration.

All cases which are at issue where the amount in controversy shall be twenty-five (\$25,000) thousand dollars or less, exclusive of interest and costs, shall be submitted to and heard by a Board of Arbitrators consisting of three (3) members or one (1) member of the Bar in active practice in this County.

In all cases where a party has obtained a judgment by default, said party 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 twenty-five (\$25,000) thousand dollars. The election to assess damages by arbitration shall constitute a waiver by the party making such election of any damages in excess of \$25,000.

(2) Arbitration by Stipulation.

By agreement signed by the parties or their counsel, the parties may agree to submit a case to arbitration. Such agreement shall define the issues and contain such stipulation as to facts, admissions, or waivers of defenses or proofs as are agreed upon.

(3) Exceptions.

These rules shall not apply to the following actions:

- (a) Ejectment
- (b) Quiet Title
- (c) Replevin—except by Order of Court
- (d) Mandamus
- (e) Quo Warranto
- (f) Mortgage Foreclosure
- (g) Actions requiring Equitable or Declaratory Relief
- (4) Compensation of Board.

(a) Each member of a Board of Arbitration who has signed an award shall receive as compensation a fee in an amount as set by the Court from time to time by special order. Where hearings exceed 1/2 day, the arbitrators may petition the Court for additional compensation, which may be granted for cause shown.

(b) In the event that a case shall be settled or withdrawn or otherwise terminated by or between the parties before the board members have attended any hearing, the board members shall not be entitled to a fee. The attorney for the plaintiff(s) in such case shall file a praecipe with the Prothonotary, requesting that the board so appointed be vacated.

(c) When the arbitrators certify that a case was settled or withdrawn after the hearing began but no report or award was made, the arbitrators need not file a report and shall be entitled to a fee.

(5) Procedure for Payment.

Where the arbitrators are entitled to a fee, the Prothonotary shall certify to the County Commissioners and to the County Treasurer the names of the members of the Board and an Order for payment. The County Commissioners and Treasurer shall pay the applicable fee to each member of the Board. Such fees shall not be taxed as costs.

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

(1) Eligibility to Serve as Arbitrators.

Only persons actively engaged in the practice of law in Crawford County shall be eligible to serve as arbitrators. For purposes of this rule, persons "actively engaged in the practice of law" are persons who regularly maintain a law office in Crawford County for the practice of law. That shall include part-time assistant public defenders and part-time assistant district attorneys. Excluded are the chief public defender, the district attorney, and full time assistant public defenders and full-time assistant district attorneys. Only persons admitted to the practice of law for at least five (5) years are eligible to serve as chair of the Board of Arbitrators.

(2) List of Arbitrators.

The Prothonotary of Crawford County shall, on or before January 1 of each year, compile a list of persons eligible to serve as arbitrators and a list of persons eligible to serve as chair of Boards of Arbitrators.

(3) Selection of Board.

A party wishing to have an arbitration hearing shall file a Praecipe for Arbitration with the Prothonotary. The Praecipe shall state whether the moving party elects to proceed under the First Selection Method or the Second Selection Method set forth below. If the moving party selects the First Selection Method, any opposing party may, within ten (10) days of the date he/she was served with the Praecipe, file a Responsive Praecipe to Election Method with the Prothonotary requesting that the panel be selected with the Second Selection Method, in which case the Prothonotary shall proceed under the Second Selection Method to select the Arbitration Panel. If no praecipe is filed by a responding party within ten (10) days of the service date, the Prothonotary shall proceed to select the Arbitration Panel under the First Selection Method. A Praecipe for Arbitration shall contain a certificate of service indicating service upon all other parties and the date of service.

(a) First Selection Method.

The Prothonotary shall select the first three (3) available attorneys in alphabetical order from the list maintained by the Prothonotary; the first member named who is eligible to be chair shall be chair of the board; or

(b) Second Selection Method.

The Prothonotary shall nominate a list of seven (7) attorneys selected at random from the entire list of arbitrators, with an additional two (2) attorneys for each additional party with an adverse interest. The Prothonotary will mail the list to each party or their counsel with an endorsement of the date of mailing. Each party shall have the right to strike off two (2) attorneys from the list and file the list with the Prothonotary within ten (10) days after the Prothonotary's date of mailing. Any party who fails to file a proper selection list with the Prothonotary within ten (10) days, waives its right to strike. After ten (10) days, the Prothonotary shall appoint the first three attorneys from the nomination list who have not been stricken. The first member named who is eligible to be chair shall be chair of the Board.

(c) Sole Arbitrator.

A sole arbitrator may be selected to adjudicate the case by agreement of all parties. 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 alternately in the order in which the parties appear in the caption, shall have the right to strike off two attorneys from the list at a time. The remaining attorney shall be the sole arbitrator. This selection process shall be completed within ten (10) days after the Prothonotary mails the list to each party or their counsel with an endorsement of the date of mailing. Any party who fails to file a proper selection list for the Prothonotary within said ten (10) days waives its right to strike.

(4) Notification of Appointment and Objections.

The Prothonotary shall file the appointment of the Board of Arbitrators and shall deliver a copy thereof to the chair and to each party or their counsel of record. Attorneys must sign their qualifications within five (5) business days after their appointment. The Prothonotary shall approach the President Judge if attorneys have not signed their qualification within said period of time. Any party may object to the composition of the Board of Arbitration at this point only for good cause shown. The filing of such objections shall operate as a stay of proceedings. The party filing such objections shall serve a copy thereof upon all other parties or their counsel and shall give notice of intention to present the objections to Motions Court. Failure to file such objections within five (5) days of delivery of notice of the appointment shall operate as a waiver thereof.

(5) Companion Cases.

The Prothonotary shall appoint the same Board to serve as arbitrators in any companion case.

(6) Vacancies on Board—Prior to Hearing.

Should a vacancy on the Board of Arbitration occur prior to hearing, 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.

(7) Post-Hearing Vacancies.

Should a vacancy on the Board of Arbitration occur after hearing but before an award is signed by all arbitrators, or should a member of the board fail or refuse to perform his/her duties, the award shall be signed and filed by the remaining members of the Board. If they are unable to agree, they shall notify the Prothonotary who shall appoint a third member. Thereafter, the arbitrators may in their discretion schedule a rehearing for the new Board, which shall thereafter file an award.

Rule 1303 Hearing. Notice.

(1) Scheduling of Hearing.

The Chair shall fix the date, time and place of arbitration hearings, which shall be held within sixty (60) days after appointment of the Board of Arbitrators and shall be held at the Crawford County Courthouse.

(2) Notice.

Notice of the hearing shall be in writing and mailed to all unrepresented parties by certified mail, return receipt requested, and counsel for represented parties by regular mail at least thirty (30) days prior to the hearing date, all in accordance with Pa.R.C.P. 1303. Arbitrators shall be notified by regular mail.

(3) Continuances.

The Board of Arbitrators shall have the power to grant one continuance for good and sufficient reason before the hearing convenes and shall immediately reschedule the hearing for a time not more than thirty (30) days beyond the date set for the original hearing. A party requesting further continuances must file a motion with the Court in keeping with Cra.R.C.P. 208.3 governing motions practice.

(4) Compliance with Time Requirements.

The Court expects arbitrators and parties to comply with all time limits governing arbitration. Any arbitrator or party that believes the arbitrators or any other party are not following any time limits or time requirements governing arbitrations may file a motion with the Court for relief. The Court may sanction those who do not comply with the arbitration time requirements.

Rule 1304 Conduct of Hearing. Generally.

The Board or Arbitrators shall have no power to allow amendment of pleadings, the addition or substitution of parties, nor rule on preliminary objections, motions for judgment on the pleadings or motions for summary judgment.

Rule 1305 Conduct of Hearing. Evidence.

(1) Pretrial Exchange of Information.

In all cases subject to compulsory arbitration, the parties shall exchange the following information at least twenty (20) days prior to the arbitration hearing:

(a) A copy of all expert reports, including those from physicians, whom the party expects to call as a witness at the arbitration. These shall include the substance of the facts, findings or opinions of the expert, as well as a summary of the grounds or reasons for each opinion. The report must be signed by the expert.

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

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

If timely production is not made of any of the information required above, such evidence may be excluded by the arbitrators.

(2) Rulings on Objections.

Initially, all rulings on objections to evidence or on other issues which arise during the hearing shall be made by the Chair of the Board of Arbitrators and such rulings shall be final unless objected to by one of the other arbitrators. In the latter instance, the arbitrators shall consult and vote and the final ruling shall be that of the majority.

(3) Release of Exhibits.

Following the hearing and entry of award, the Chair of the Board of Arbitrators shall release the exhibits to the party that offered them.

Rule 1306 Award.

The arbitrators shall file their award within seven (7) days after the completion of the arbitration hearing. Arbitrators who fail to file the award as required by this rule may forfeit their fees. The arbitrators may consider the subject of damages for delay after an award has been made in accordance with Pa.R.C.P. 238. Any such delay damages shall be added to the principal amount awarded, but shall be separately stated on the report and award.

**ACTIONS PURSUANT TO PROTECTION FROM
ABUSE ACT**

Rule 1901.3 Commencement of Action.

(1) Commencement of Action—Court Unavailable.

The Court shall be unavailable to accept petitions on holidays, weekdays after the close of Court, weekend periods from 4:30 o'clock p.m. on Friday until 8:30 o'clock a.m. the next regular Court business day as well as all other times when the courthouse is closed for business. The Court may deem itself unavailable at such other times. During such times when the Court is unavailable a petition seeking protection from abuse shall be filed before a Magisterial District Judge in accordance with the Protection From Abuse Act. The Court Administrator shall notify all Magisterial District Judges when the Court deems itself unavailable.

(2) Procedure—Court Unavailable.

When a Magisterial District Judge enters an emergency order under Protection From Abuse Act:

(a) The Magisterial District Judge shall inform the plaintiff as follows:

(i) The emergency order shall be explained to the plaintiff;

(ii) A plaintiff may obtain counsel. The Court does not provide free counsel. If a plaintiff cannot afford counsel that he or she may try to get counsel through Northwestern Pennsylvania Legal Services or the Crawford County Bar Association Service to the Public Committee at no cost to the plaintiff;

(iii) Plaintiff has the right to file without first paying costs;

(iv) Programs that exist for victims of domestic violence;

(v) Plaintiff's failure to appear at the Common Pleas Court hearing may cause the petition to be dismissed;

(vi) Proceedings must be commenced in Common Pleas Court by the end of the next Court business day and of the procedure for initiating a contempt charge should be defendant violate the emergency order.

(b) The Magisterial District Judge shall cause the emergency order and petition to be delivered to the Court Administrator by the end of the next business day of the Court.

(c) The Emergency Protection From Abuse Order entered by the Magisterial District Judge shall expire at the end of the next business day of the Court of Common Pleas. On that day the petitioner shall prepare and file a petition in the form required by the Rules of Civil Procedure and shall appear before a Judge of the Court of Common Pleas whereupon said Judge shall review and continue in effect protection orders that are necessary to protect the plaintiff and/or minor child(ren) from abuse and enter other temporary relief provided in the Act.

(3) Costs.

The petition shall be filed and served without prepayment of fees.

(4) Discontinuance.

(a) If a petitioner desires to discontinue an action after a temporary abuse order has been entered but before the hearing, the petitioner shall sign a written discontinuance on a form provided by the Prothonotary and file the same with the Prothonotary prior to the time scheduled for the hearing. All record Court costs shall be paid at the time the discontinuance is filed. If costs are not paid at that time, the Prothonotary shall not accept the discontinuance and the plaintiff is required to appear at the hearing so that the Court may determine the ability of the plaintiff to pay costs.

(b) A petitioner desiring to discontinue an action under the Protection From Abuse Act after a hearing and after the entry of a permanent order shall file a written discontinuance on a form provided by the Prothonotary and pay, or arrange for the payment of, the record Court costs. If costs are not paid at that time, the Prothonotary shall not accept the discontinuance.

(c) A discontinuance shall also automatically vacate any bench warrant issued for the defendant or bail requirement imposed upon the defendant.

(d) The Prothonotary shall deliver a copy of any discontinuance to County Control and to the appropriate police departments, and if a bench warrant has been issued upon the defendant or a bail requirement has been imposed upon the defendant, copies of the discontinuance shall be delivered to the Sheriff and Warden.

Rule 1901.5 Enforcement.

(1) Enforcement Methods.

Generally, the Protection From Abuse Act, Act 1994-85, 23 Pa.C.S.A. 6102 et seq., provides three methods for the enforcement of protection from abuse orders to-wit: arrest (23 Pa.C.S.A. 6113); private criminal complaint (23 Pa.C.S.A. 6113.1); and civil contempt (23 Pa.C.S.A. 6114.1). Except as hereinafter provided, the procedure with respect to enforcement by arrest and private criminal complaint shall be similar.

(2) Probable Cause Arrest.

A police officer may arrest a defendant for violation of a protection order (except for economic matters) upon probable cause, which shall be supplied by the victim, officer, witnesses or combination thereof. A complaint for indirect criminal contempt shall be completed, signed and filed by the arresting officer or the victim, along with a probable cause affidavit, on forms that are available in the Prothonotary's office or Court Administrator's office.

(3) Private Criminal Complaint.

A plaintiff may file a private criminal complaint against the defendant alleging indirect criminal contempt for non-economic violations of any provision of an order issued under the Protection From Abuse Act by the Court or a Magisterial District Judge. The private criminal complaint may be filed with the Prothonotary, the District Attorney, the Magisterial District Judge who entered the Protection From Abuse order or the Magisterial District Judge in the jurisdiction where the violation occurred.

(a) If the private criminal complaint is filed with the District Attorney, the District Attorney's office shall file the same with the Prothonotary as soon as practicable.

The Prothonotary shall forward the complaint to the Court Administrator who shall arrange to have it reviewed by a Judge as soon as practicable. If the Judge finds that probable cause exists, the Judge shall issue a warrant or summons. If the Court issues a summons, the summons shall indicate the time, date and place for hearing. If the Court issues a warrant, the warrant shall be served by the Sheriff of Crawford County or a municipal or state police officer. Upon arrest, the defendant shall be taken to the Court or the appropriate Magisterial District Judge, as the case may be, for a preliminary arraignment as provided for in Cra.R.C.P. 1901.5(4) hereinafter.

(b) If the private criminal complaint is filed with the Magisterial District Judge, upon review and determination of probable cause, the Magisterial District Judge shall issue a warrant or summons. If the Magisterial District Judge issues a summons, the summons shall indicate the date, time and place for the hearing which the Magisterial District Judge shall obtain from the Court Administrator, unless the Magisterial District Judge is unable to contact the Court Administrator. In the latter event, the defendant shall be informed by the Court Administrator of the time, date and place for the hearing. If the Magisterial District Judge issues a warrant, the Magisterial District Judge shall cause a warrant to be forwarded to the appropriate police agency for service. Upon arrest, the defendant shall be taken without unnecessary delay to the Court or the Magisterial District Judge, as the case may be, for a preliminary arraignment. The Magisterial District Judge shall cause the complaint to be filed with the Prothonotary as soon as practicable. The Prothonotary shall docket the complaint and forward it to the Court Administrator, who shall schedule a hearing.

(c) In any case where a summons or warrant was issued by a Magisterial District Judge a copy of the final disposition in Common Pleas Court shall be sent by the Prothonotary to the Magisterial District Judge.

(d) If the private criminal complaint is filed with the Prothonotary, the Prothonotary shall docket the complaint and forward it to the Court Administrator, who shall deliver the complaint to a Judge, and the procedure set forth above with respect to filings from the District Attorney shall apply.

(e) The Sheriff shall not require a deposit for service, however, the cost of service may be assessed to one or both of the parties when the hearing is held.

(4) Preliminary Arraignment.

(a) When a defendant is arrested by a police officer upon probable cause or pursuant to a private criminal complaint for violation of a Protection From Abuse order issued by a Judge or an emergency order issued by a Magisterial District Judge, the defendant shall be preliminarily arraigned forthwith before the Court, or if the Court is unavailable, before a Magisterial District Judge.

(b) If the arraignment occurs during the Court's business hours, the Magisterial District Judge shall contact the Court Administrator to obtain a time and date for the hearing. The Magisterial District Judge shall then inform the plaintiff and defendant of the date and time for the hearing in writing in the form attached to this rule.

If the Magisterial District Judge is unable to contact the Court Administrator at the preliminary arraignment, the Magisterial District Judge shall contact the Court Administrator as soon thereafter as possible. The Magisterial District Judge shall advise the defendant and (if present) the plaintiff in the form attached to this rule that each will be receiving a notice from the Court Administrator setting forth the date, time and place of the hearing in a writing sent to their last known addresses shown on the documents filed before the Magisterial District Judge in this action.

(c) The Court or the Magisterial District Judge shall set bail to insure the defendant's presence at the contempt hearing in accordance with Pennsylvania Rules of Criminal Procedure 525, 526, 527, or 528 with conditions including, without limitation, a condition that the defendant not contact the plaintiff or members of the plaintiff's household, directly or indirectly, until further order of Court.

(d) At the preliminary arraignment, the defendant shall be served with a copy of the contempt complaint if the defendant has not already received the same, and the defendant shall be notified:

(i) That the defendant is charged with criminal contempt for violation of the Protection From Abuse Order;

(ii) That a hearing will be held in the Court of Common Pleas of Crawford County when scheduled by the Court Administrator; and

(iii) That the defendant is entitled to be represented by counsel, and if unable to afford counsel, free counsel may be appointed. The defendant should immediately contact the office of the Public Defender of Crawford County.

(e) Defendants who fail to post bail shall be committed to the Crawford County Correctional Facility pending the hearing.

(f) The hearing shall be scheduled within ten (10) days.

(5) Contempt—Delivery of Magisterial District Judge File to Court.

The Magisterial District Judge shall cause the following completed forms and bail, if entered, to be delivered immediately to the Prothonotary: (1) criminal complaint; (2) probable cause affidavit, if any; (3) certificate of bail, if any was required, and discharge or commitment; and (4) receipts or copies of notice of the hearing. The Prothonotary shall docket the papers and forward them to the Court Administrator.

(6) Civil Contempt.

A petition for civil contempt shall be filed by the plaintiff with the Prothonotary and then transmitted by the Prothonotary to the Court Administrator. The Court Administrator will set a time for hearing. Unless the court orders service in a particular manner, the plaintiff shall arrange to have the petition and order setting the hearing served upon the defendant in any manner by which service of original process may be made in a domestic relations matter (Pa.R.C.P. 1930.4) or by certified or registered mail to the last known address of the respondent. (Pa.R.C.P. 403, 1930.4).

IN THE COURT OF COMMON PLEAS OF CRAWFORD COUNTY, PENNSYLVANIA CIVIL ACTION—LAW INDIRECT CRIMINAL CONTEMPT FOR VIOLATION OF PROTECTION FROM ABUSE ORDER

Plaintiff :
Vs. : No. _____ of 20 _____
Defendant :

NOTICE OF HEARING

TO DEFENDANT _____

- 1. You are hereby ORDERED to appear for hearing on: Date: _____ Time: _____ Place: _____
The Crawford County Court Administrator will notify you by mail of the date, time and Courtroom for your hearing at which you must appear. Defendant states that his/her mailing address is: _____
2. You have been charged with the following: _____
3. Your bail has been set at: _____

To protect your rights, you should have a lawyer represent you at this hearing. If you do not have a lawyer, the Crawford County Lawyers' Referral Service will give you information about finding one.

CONTACT: Court Administrator
Courthouse
Meadville, PA 16335
Telephone 814.333.7498

If you do not have the money to hire a lawyer, you must apply within 48 hours at the Office of the Public Defender of Crawford County, Crawford County Courthouse, Meadville, Pennsylvania (814.333.7367).

CERTIFICATE OF SERVICE OF NOTICE OF HEARING

I certify that on this day I personally served the above notice of hearing on the defendant in this case.

Defendant is : _____ released on bail or
_____ incarcerated in lieu of bail
in the amount of \$ _____
(SEAL) _____ (DATE)
Magisterial District Judge

ACTIONS FOR SUPPORT

Rule 1910.11 Office Conference. Subsequent Proceedings. Order.

- (1) Continuances of Office Conferences.

At the time conferences or hearings are scheduled, the Domestic Relations Section shall notify the plaintiff and defendant in writing of the date, time and place of the conference or hearing. Continuances may be granted at the discretion of the Domestic Relations Director, or in the Director's absence, the Assistant Director. Continuances requested because of a scheduling conflict will be granted in accord with Cra.R.C.P. 208.3(a)(5). Continuances consented to by all parties or their counsel should

be granted. Continuances by reason of a bona fide injury, sickness or illness that necessarily prevents an attorney or a party from appearing at the conference or hearing should be granted, provided, however, the Domestic Relations Section may require evidence from a physician, hospital or health practitioner verifying the injury, illness or sickness of a party. Common Pleas Judges may not entertain motions granting or denying continuances by the Domestic Relations Director, or Assistant Director, unless there is an allegation of abuse of discretion. By signing a motion to continue an attorney is representing to the court that the attorney's client has been consulted and is aware of the motion.

- (2) Personal Continuances.

Attorneys who desire continuances by reason of their own personal vacations shall notify the Domestic Relations Section of that fact within five (5) days after his/her client is sent notice of the date and time for the conference or hearing. Thereafter continuances by reason of attorneys' vacations may not be granted.

- (3) Request for De Novo Support Hearing.

A request for a support hearing de novo in substantially the form of attached shall be filed with the Crawford County Domestic Relations Section. Filing may be hand delivery to the Domestic Relations Section or by first class mail, postage prepaid, addressed to De Novo Hearing Request, Crawford County Domestic Relations Office, P. O. Box 1055, Meadville, PA 16335. Service by first class mail is complete upon mailing and a certificate of service shall be made by the party or counsel.

- (4) Disclosure of Information Prior to De Novo Hearing.

In order that the parties come to the hearing adequately prepared, and that cases may be settled without a hearing, in order to encourage and facilitate possible hearing and evidentiary stipulations, and to speed up hearing time, each party shall furnish to the other: (a) true copies of their most recent federal income tax returns; (b) their pay stubs for the preceding six months; (c) verification of child care expenses signed by the child care provider(s); (d) income and expense statements in the form required by Pa.R.C.P. 1910.26(c), and (e) copies of all exhibits, at least five (5) business days prior to the hearing set before the Court.

Rule 1910.30 Authority of Domestic Relations Director and Assistant Director.

The Domestic Relations Director and, in the absence of the Director, the Assistant Director (if any), shall have the authority as delegated from time to time by the President Judge to sign documents for the Court. Said orders shall have the same effect as a Court order entered in open court. Said orders shall be executed in the following manner:

FOR THE COURT

Director—Domestic Relations Section
Assistant Director—Domestic Relations Section

IN THE COURT OF COMMON PLEAS OF CRAWFORD COUNTY, PENNSYLVANIA DOMESTIC RELATIONS SECTION

Plaintiff :
Vs. : No. _____ of 20 _____
Defendant :

REQUEST FOR A HEARING

AND NOW, this ____ of _____, 20 ____, the plaintiff/defendant, _____, by his/her attorney, _____, respectfully requests the Domestic Relations Section or Court Administrator to list the above case for hearing de novo before the Court for the following reasons: _____

The hearing is de novo and therefore is not limited in scope to the reasons set forth herein.

Plaintiff/Defendant

Attorney for Plaintiff: _____

Attorney for Defendant: _____

Name of Conference Officer: _____

Date of Recommendations: _____

I certify under penalty of 18 Pa.C.S.A. § 4904, relating to unsworn falsification to authorities, that this Request was mailed on the ____ day of _____, 20 ____, by first class mail, postage prepaid, to the opposing party and to the Domestic Relations Section.

By: _____

ACTIONS FOR CUSTODY, PARTIAL CUSTODY AND VISITATION OF MINOR CHILDREN

Rule 1915.3 Commencement of Action. Complaint. Order.

Order for Mediator's Conference.

Each custody complaint shall contain the following notice and order to appear before a custody mediator:

IN THE COURT OF COMMON PLEAS OF CRAWFORD COUNTY, PENNSYLVANIA CIVIL ACTION—IN CUSTODY

Plaintiff :
Vs. : No. _____ of 20 ____

Defendant :

NOTICE AND ORDER TO APPEAR

You, _____, have been sued in Court to (obtain)(modify) custody, partial custody or visitation of the child(ren): _____

You are ORDERED to appear in person at such time and place as will be determined by the Mediator, _____, Esquire for a mediation conference. The Mediator shall send you a Notice of the Conference by mail to the address listed on the complaint or petition that has been filed recently.

If you fail to appear as provided by this Order, an Order for custody, partial custody or visitation may be entered against you or the Court may issue a warrant for your arrest.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

Court Administrator
Courthouse
Meadville, PA 16335
Telephone: 814.333.7498

AMERICANS WITH DISABILITIES ACT OF 1990

The Court of Common Pleas of Crawford County is required by law to comply with the Americans with Disabilities Act of 1990. For information about accessible facilities and reasonable accommodations available to disabled individuals having business before the Court, please contact the Court Administrator's Office. All arrangements must be made at least 72 hours prior to any hearing or business before the Court. You must attend the scheduled conference or hearing.

BY THE COURT

J.

Date: _____

Rule 1915.4-1 Alternative Hearing Procedures for Custody, Partial Custody or Visitation Action.

(1) Mediation.

Except as provided for in Pa.R.C.P. 1915.4-1, a conference before a Court appointed Custody Mediator shall be held in all cases involving claims for custody, partial custody or visitation.

(2) Purpose.

The parties, with the aid and assistance of the mediator, shall make a good faith effort to resolve the issues and reach an amicable agreement of their differences that meets the best interest of the child(ren).

(3) Deposit.

Before a custody mediator is appointed, the moving party shall pay to the Prothonotary a sum of \$200 (or in some other amount established by the court) as a deposit for payment of the custody mediator's fees and costs unless the moving party has been granted leave to proceed inform a pauperis in accordance with Pa.R.C.P. 240. The Custody Mediator or the Court will allocate fees and costs among the parties upon the entry of a custody, partial custody or visitation order.

(4) Mediators.

The position of child custody mediator is hereby established. The mediators shall be appointed by the Court and shall be members of the Bar. They shall conduct mediation conferences at such times and places as they direct; may recommend counseling and conduct oral examination of the child(ren) who is (are) the subject(s) of the action, including private interviews during a conference; may request investigative reports from social service agencies, psychological and psychiatric evaluations, or other reports deemed necessary; shall encourage and supervise the formulation of consent orders; and shall submit to the Court a recommended order along with a memorandum which shall include an analysis of the record as a whole and the reasons for the proposed order.

(5) Custody Questionnaire.

In addition to the notice sent to the parties as set forth in Cra.R.C.P. 1915.4-1(7), the custody mediator shall mail a questionnaire, substantially in the form provided hereafter, to the parties with instructions to bring the completed questionnaire to the conference.

The custody mediator shall permit counsel for the parties or the parties themselves to review the other parties' completed questionnaires at the conference. Counsel shall provide copies of their client's questionnaire to opposing counsel or the other parent at the conference.

CUSTODY CONFERENCE QUESTIONNAIRE

NAME: _____

SOCIAL SECURITY #: _____ DATE OF BIRTH: _____

PRESENT ADDRESS: _____
(STREET) (CITY/TOWN) (ZIP CODE)

TELEPHONE: (Home) _____ (Work) _____

HOW LONG HAVE YOU LIVED AT THIS ADDRESS: _____ YEARS _____ MONTHS

SIZE OF RESIDENCE: (CHECK AND/OR PROVIDE NUMBER OF ROOMS IN SPACES PROVIDED)

- () Bedrooms () Living Room () Family Room
- () Kitchen () Dining Room () Bathroom
- () Other _____ () _____

DO YOU (CHECK ONE): _____ RENT _____ OWN _____ SHARING
_____ JOINT OWNERSHIP _____ OTHER _____

PROVIDE INFORMATION ABOUT ALL PERSONS PRESENTLY LIVING AT YOUR ADDRESS (INCLUDE YOURSELF):

NAMES	RELATIONSHIP	AGE

EMPLOYMENT STATUS:

_____ EMPLOYED _____ UNEMPLOYED _____ UNABLE TO WORK _____ STUDENT

MY EMPLOYMENT REQUIRES THAT I BE AWAY FROM HOME ON AN OVERNIGHT BASIS:

_____ YES _____ NO

EMPLOYER INFORMATION:

NAME	ADDRESS	TELEPHONE #
1. _____		
2. _____		
3. _____		

WORK SCHEDULE FOR EACH EMPLOYER OR SCHOOL SCHEDULE IF STUDENT (CIRCLE DAYS WORKED/ CLASS TIMES):

EMPLOYER #1: M T W TH F SAT. SUN. FROM _____ TO _____

EMPLOYER #2: M T W TH F SAT. SUN. FROM _____ TO _____

EMPLOYER #3: M T W TH F SAT. SUN. FROM _____ TO _____

SHIFTS WORKED/TOTAL HOURS:

EMPLOYER #1: _____

EMPLOYER #2: _____

EMPLOYER #3: _____

HOW LONG HAVE YOU BEEN EMPLOYED WITH EACH EMPLOYER:

EMPLOYER #1: _____

EMPLOYER #2: _____

EMPLOYER #3: _____

PRESENT EARNED VACATION: _____ (DAYS/WEEKS/MONTHS)

PRESENT PHYSICAL/MENTAL CONDITION IS: _____ GOOD _____ FAIR _____ POOR

I AM PRESENTLY UNDER A DOCTOR'S CARE: _____ YES _____ NO

IF YES, PLEASE EXPLAIN: _____

NAME OF DOCTOR: _____

DO YOU USE DRUGS: _____ YES _____ NO

DO YOU USE ALCOHOLIC BEVERAGES: _____ YES _____ NO
_____ REGULARLY _____ OCCASIONALLY

LIST OTHERS WHO SUPERVISE YOUR CHILD(REN) WHEN YOU ARE NOT ABLE TO DO SO:

NAME	ADDRESS	AGE	RELATIONSHIP

MARITAL STATUS:

_____ SINGLE DATE OF MARRIAGE: _____

_____ SEPARATED DATE OF SEPARATION: _____

_____ DIVORCED DATE OF FINAL DIVORCE: _____

HAVE YOU BEEN CONVICTED OF OR CHARGED WITH ANY OF THE FOLLOWING:

(PLEASE CHECK ALL THAT APPLY):

_____ PUBLIC DRUNKENNESS

_____ DUI

_____ SIMPLE OR AGGRAVATED ASSAULT

_____ DISORDERLY CONDUCT

- _____ TRAFFIC VIOLATION
- _____ ROBBERY
- _____ FIREARMS VIOLATION
- _____ COURT ORDER VIOLATION
- _____ UNLAWFUL RESTRAINT
- _____ DRUG-RELATED OFFENSE
- _____ ENDANGERING THE WELFARE OF CHILDREN
- _____ INDECENT EXPOSURE
- _____ SEXUAL ASSAULT
- _____ INCEST
- _____ KIDNAPPING
- _____ CRIMINAL HOMICIDE
- _____ INDECENT ASSAULT
- _____ RAPE
- _____ SEXUAL ABUSE OF CHILDREN
- _____ INVOLUNTARY DEVIATE SEXUAL INTERCOURSE
- _____ AGGRAVATED INDECENT ASSAULT
- _____ STATUTORY SEXUAL ASSAULT
- _____ PROSTITUTION
- _____ HARASSMENT OR STALKING
- _____ TERRORISTIC THREATS
- _____ FALSE IMPRISONMENT
- _____ ARSON
- _____ MURDER

I, THE UNDERSIGNED, HEREBY CERTIFY THAT THE PRECEDING INFORMATION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. I FURTHER UNDERSTAND THAT THIS INFORMATION WILL BECOME PART OF THE RECORD IN THIS CASE.

DATE: _____ SIGNATURE: _____

(6) Conference.

The mediator shall schedule a conference with the parties within thirty (30) days from appointment.

(7) Notice. Attendance at Conference.

Once the mediator sets a date for the conference, the mediator shall serve a notice in the form set forth above on each party. Notice of the mediation conference shall be sent to the parties by first class United States mail, postage prepaid, addressed to said party's last known address, or by any other method by which service of original process is permitted by the Rules of Civil Proce-

dure. The notice provided herein shall not relieve the moving party from the responsibility to serve appropriate process on the responding party.

If the party seeking relief fails to appear at the mediation conference without proper cause shown and the mediator is satisfied that proper notice fixing the conference has been given to that party, the mediator may recommend to the Court that an order be entered dismissing the claim including a recommendation regarding the costs, or hold a conference and submit a recommended order.

If a responding party fails to appear at the mediation conference, without proper cause shown, and the mediator is satisfied that proper notice fixing the conference was given to that party, the mediator shall proceed to conduct a conference and submit a memorandum and recommended order to be entered by the Court.

(8) Out of State Proceedings.

In order to facilitate compliance with the requirements of the Uniform Child Custody Jurisdiction and Enforcement Act, a party shall provide the Court with all known information concerning a custody proceeding pending or held within the past twelve (12) months in another state which involves the same parties or children.

(9) Report and Recommendations.

The mediator shall submit a report to the Court setting forth the positions and proposals of the parties, together with the mediator's recommendation, the basis therefore, and a proposed order. The mediator shall comply with Pa.R.C.P. 1915.4(d). The mediator shall also submit a copy of the proposed order to each of the parties or their counsel. The mediator will also recommend an allocation of any fees or costs incurred by the mediator. The parties are bound to the recommendations unless and until modified by further Court order.

(10) Order.

The Court may enter an appropriate order after consideration of the report and recommendations of the mediator. After the Court enters its order, a copy thereof shall be delivered to counsel for represented parties and to unrepresented parties by the Court Administrator or the Prothonotary addressed to the address they give the mediator or, if they fail to appear at the mediation conference, to their last known address.

(11) Hearing De Novo.

The order entered by the Court shall become a final order within twenty (20) days from the date of the entry of the order unless a party files a written demand for a de novo hearing with the Court. The written demand for de novo hearing shall be in substantially the form set forth below and shall be filed with the Prothonotary who shall time stamp the demand and forward it to the Court Administrator for a hearing date. A demand for a de novo hearing shall not stay the order entered by the Court until after the de novo hearing unless the Court so directs.

IN THE COURT OF COMMON PLEAS OF CRAWFORD COUNTY, PENNSYLVANIA CIVIL ACTION—IN CUSTODY

Plaintiff
Vs. _____ No. _____ of 20 ____

Defendant

REQUEST FOR A HEARING

AND NOW, this ____ day of _____, 20 __, the Plaintiff/Defendant, _____, by his/her attorney, _____, respectfully requests the Court Administrator to schedule the above case for hearing de novo before the Court for the following reasons: _____.

The hearing is de novo and therefore is not limited in scope to the reasons set forth herein.

Plaintiff/Defendant

Attorney for Plaintiff: _____

Attorney for Defendant: _____

Name of Custody Mediator: _____

Date of Order: _____

Judge (if any) who has heard previous custody matter(s): _____

Estimated Court time required: _____

I certify under penalty of 18 Pa.C.S.A. § 4904, relating to unsworn falsification to authorities, that a copy of this Request was mailed to all parties or counsel of record on the ____ day of _____, 20 ____ by First class mail, postage prepaid.

By: _____

(12) Request for De Novo Hearing Withdrawn.

When a party files a timely demand for hearing de novo and later on withdraws that request, there shall be no hearing de novo and the order entered by the Court shall become final at the time the request for de novo hearing is withdrawn.

(13) Settlement.

If the parties enter into an amicable settlement after a mediator has been appointed, one or both of the parties shall notify the mediator of the settlement before submitting the settlement to the Court. Upon receiving notification of settlement, the mediator shall cease all work on the matter and shall immediately submit a bill if the mediator has incurred expenses or devoted time in the matter to that point.

Any motion or petition filed with the Court to seek approval of a custody agreement shall include a statement as to whether or not a mediator was appointed, and if a mediator was appointed, the name of the mediator, together with a certification or representation that the mediator was notified of the settlement, and the date notice was given to the mediator. No custody agreement shall be approved by the Court until all costs are paid.

(14) Pretrial Child Custody Conference.

The Court may enter an order requiring all parties and counsel to appear at a pretrial child custody conference where there has been a request for de novo hearing before the Court.

(a) Attendance.

Each party and counsel for every party shall attend the pretrial conference.

(b) Preparation.

At least two (2) business days before the conference counsel and parties who do not have counsel shall file a pretrial memorandum containing:

- (i) A concise statement of the issues;
- (ii) A proposed resolution;
- (iii) A list of any contempt issues;
- (iv) A list of fact and expert witnesses with their addresses and a concise statement of their proposed testimony;
- (v) A list of exhibits;

- (vi) A statement of stipulations desired; and
- (vii) A statement of any requests such as special time for witnesses, amount of time the hearing should take, etc.

Rule 1915.13 Special Relief.

Appropriate interim or special relief may be granted only after compliance with local rules relative to notice and presentation of the motion, unless it appears to the satisfaction of the Court that immediate and irreparable injury will be sustained before notice can be given or a hearing held, in which event the Court may issue an order without hearing and without notice, upon such terms and conditions as it deems just, including the filing of security. In making such a determination the Court shall act on the averments of the pleading, petition or motion, if sworn to, and may consider affidavits or any other proof.

Rule 1915.15 Petition to Modify a Partial Custody or Visitation Order

- (1) Order for Mediator's Conference.

Each petition to modify a custody or visitation order shall have attached thereto a notice and order to appear in the form found on page 67 of the Crawford County Rules of Civil Procedure following Cra.R.C.P. 1915.3 in lieu of the order of Court that is contained in Pa.R.C.P. 1915.15(c).

- (2) Each petition to modify must include the current addresses of the parties.

- (3) Mediation.

The mediation process set forth in Cra.R.C.P. 1915.4-1 shall apply to petitions to modify a partial custody or visitation order.

ACTION OF DIVORCE OR ANNULMENT OF MARRIAGE

Rule 1920.33 Divorce Prehearing Statements.

Prehearing statements prepared in accord with Pa.R.C.P. 1920.33(b) shall be filed no later than the date set for the prehearing conference unless a Court order provides otherwise.

Rule 1920.42 Praecepto to Transmit Record.

Withdrawal of Claims.

Prior to the filing of a praecipe to transmit the record, any ancillary claim that has not been resolved by an agreement to be incorporated into the decree and has not been resolved by a prior Court order or decree shall be withdrawn by a motion of the party who raised the claim. All motions to withdraw ancillary claims shall include a certification that opposing counsel, any unrepresented party and the Master, if one is appointed, have been served with a copy of said motion and notice of intention to file the same in accordance with the rules governing motions practice.

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

- (1) Appointment of Masters.

(a) The Court may appoint by separate order a permanent salaried Master who shall not engage in any private domestic relations matters and who shall serve at the pleasure of the Court.

(b) The Court may appoint other attorneys to serve as Masters in cases where it is not reasonable to appoint the permanent Master. In such cases, the Court shall attempt to appoint as Masters in complex or potentially protracted litigation, attorneys who have at least five years experience as practicing members of the Bar of this Court with emphasis or expertise in divorce and related matters.

(c) The Master shall hear such matters as are referred to the Master in the order of appointment.

(d) A motion for appointment of a Master shall be in the form set forth below and shall be accompanied by a certificate of the moving party that the moving party has complied with the filing requirements of Pa.R.C.P. 1920.31(a)(1), 1920.33(a) and 1920.46 unless the moving party certifies that one of those rules is inapplicable. Motions for appointment of a Master shall be filed in accordance with Crawford County motions procedure. A Master and may not be appointed where the non-moving party has not complied with Pa.R.C.P. 1920.31(a)(1), 1920.33(a) and 1920.46, if applicable.

IN THE COURT OF COMMON PLEAS OF CRAWFORD COUNTY, PENNSYLVANIA
CIVIL DIVISION

_____	:	
	:	Plaintiff
Vs.	:	No. _____ of 20 _____
_____	:	
	:	Defendant

MOTION FOR APPOINTMENT OF MASTER IN DIVORCE

AND NOW, _____, 20____ The Court to appoint a Master with respect to the following claims:

- | | |
|--|---|
| <input type="checkbox"/> Divorce | <input type="checkbox"/> Distribution of Property |
| <input type="checkbox"/> Annulment | <input type="checkbox"/> Support |
| <input type="checkbox"/> Alimony | <input type="checkbox"/> Counsel Fees |
| <input type="checkbox"/> Alimony Pendente Lite | <input type="checkbox"/> Costs and Expenses |

and in support of that motion states:

1. Discovery (is) (is not) complete as to the claim(s) for which the appointment of a Master is requested.
2. The statutory ground(s) for divorce (is) (are)

-
- a. If 3301(c), affidavit of consent filed by Plaintiff _____ by defendant _____
 - b. If 3301(d), affidavit of separation filed by (Plaintiff) (Defendant) on _____ Counter-affidavit, if any, filed on _____ .
3. Delete the inapplicable paragraph(s):
 - a. The action is not contested.
 - b. An agreement has been reached with respect to the following claims: _____
 - c. The action is contested with respect to the following claims: _____
 4. The action (involves) (does not involve) complex issues of law or fact.
 5. The hearing is expected to take _____ (hours) (days).
 6. The complaint was filed _____ and served _____ .

7. Matters at issue under the pleadings which are not to be referred to the Master: _____

8. Attached hereto is the completed form required by Pa.R.C.P. 1920.46.

9. I hereby certify that Pa.R.C.P. 1920.31(1) is (____ applicable) (____ not applicable) and the income and expense statement have been filed as follows:

Plaintiff _____ (date) Defendant _____ (date)

10. I hereby certify that Pa.R.C.P. 1920.33(a) is (____ applicable) (____ not applicable) and the inventories have been filed as follows:

Plaintiff _____ (date) Defendant _____ (date)

11. Appropriate monthly take-home income of:

Plaintiff _____ Defendant _____

12. If applicable, approximate value of marital assets to be distributed:

From Plaintiff's inventory: _____

From Defendant's inventory: _____

13. Approximate value of assets as to which there is a dispute as to whether they are marital assets \$ _____ .

14. Additional information, if any, relevant to the motion:

15. I hereby certify that all Masters fees required to be paid have been paid.

Date: _____

Attorney for:

ORDER APPOINTING MASTER

AND NOW, _____, 20__ _____, Esquire is appointed Master in respect to the following claims:

If not filed already, the parties are ordered to file their prehearing statements within twenty (20) days from this date.

Prehearing statements must be filed by the date set for the Master's prehearing conference.

Per Curiam,

Judge

Received of Plaintiff \$ ____ Received of Defendant \$ ____

Prothonotary Date Prothonotary Date

(2) Fees and Costs.

(a) The designated parties shall pay the following fees, which may be changed by the Court from time to time, to the Prothonotary at the times indicated.

(i) A non-refundable administrative fee shall be paid when the divorce complaint is filed.

(ii) A non-refundable Master's fee shall be paid by the moving party at the time a motion for the appointment of a Master is filed.

(iii) A refundable stenographer's deposit, as determined by the Master, of \$100 per scheduled day of hearing shall be paid by each party 14 days or more before the hearing is scheduled to begin. In the event the hearing takes more than the originally scheduled time, an additional

\$100 per scheduled day of hearing will be paid by each party at least 10 days prior to the reconvening of the Master's Hearing. The Master may refuse to proceed if the deposits have not been made. Either party may pay all of the deposit in order to avoid delay of the hearing.

(iv) The fees set forth in this Rule shall be regarded as costs of the case and upon final disposition the Master may recommend and/or the Court may order each party to pay his/her own costs or may order that the costs be divided equitably and paid by each party as may appear just and reasonable.

(v) No motion for the appointment of a Master shall be filed until all of the fees in this rule have been paid to the Prothonotary. In the motion, the moving party must certify to the Court that these fees have been paid in full and the Prothonotary shall certify in writing on the face of the motion that the fees have been paid.

(vi) The fees referred to in subparagraphs (i) and (ii) above shall entitle the parties to eight (8) hours of services of the Master.

(vii) When the fees deposited with the Prothonotary are deemed insufficient to provide for the total services of the Master, especially if the hours referred to in subparagraph (vi) have been or will be exceeded, or when a stenographer is to be used, the Master may move the Court to order additional deposits or the parties may agree to additional deposits. The Master shall not be required to conduct additional hearings or proceed further in any respect until the payment of the additional deposits as may be ordered or agreed upon have been made to the Prothonotary.

(viii) The original administrative fee paid in all cases as well as Master's fees and deposits paid in cases where the permanent Master has been appointed shall be paid over by the Prothonotary to Crawford County and credited as revenue to the appropriate budget category in the Court's budget.

(b) Master's fees and deposits, in cases where someone other than the permanent Master has been appointed, shall be as set out in any appointing or other order, and shall be held by the Prothonotary to be paid over as the Court may order to the Master as a fee or returned to the parties, or otherwise. In such a case, the specially appointed Master shall file a motion or motions for the payment of the Master's fees detailing the time and services spent and rendered, and expenses incurred, all in compliance with local motions practice. The special Master shall receive compensation as set by Court Order. The Prothonotary may pay the special Master upon receipt of a bill approved by the parties or their attorneys without the necessity of the Court Order. Special Masters are not required to proceed until the Court -ordered deposit is paid in full.

(c) Whenever a stenographic transcript is required, the Pennsylvania Rules of Judicial Administration shall apply. The Prothonotary may pay the reporter upon receipt of a bill approved by the Master or the Court.

(3) Prehearing Conference.

(a) Masters shall conduct prehearing conferences prior to the Master's hearing, unless both parties or their counsel agree in writing to waive the pretrial conference. The Master may conduct the conference by telephone.

(b) Within ten (10) days after the Master is appointed, the Master shall give notice of the time and place of the prehearing conference to counsel for represented parties and to the parties directly if unrepresented. Said notice shall be by first class mail or fax, posted or sent at least five (5) business days prior to any prehearing conference.

(c) Initial prehearing statements in accord with Pa.R.C.P. 1920.33(b) must be filed on or before the time of the prehearing conference.

(d) At the prehearing conference, the Master will review the following with counsel for the parties or, where a party has appeared without counsel, with the party:

(i) The positions of the parties on each claim, including those where settlement has been reached;

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

(iii) Any documentary evidence to be presented at the hearing under Pa.R.C.P. 1920.51(a);

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

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

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

(e) After the prehearing conference, the Master shall:

(i) Prepare a summary of the discussions and action taken at the prehearing conference; and

(ii) Prepare a scheduling order setting forth the time frame for completion of the tasks contemplated at the prehearing conference; the filing of amended prehearing statements; and the date by which the stenographer's deposit must be paid; and

(iii) Serve a copy of the summary and scheduling order on counsel for the parties, or on a party who has appeared without counsel.

(e) Notice and Place of Master's Hearing.

Ten (10) days' notice of the time and place of the initial hearing before the Master shall be given in the manner provided by Pa.R.C.P. 1920.51(b) and (c).

(f) Continuances.

Requests for continuances of hearings and conferences before the Master shall be made pursuant to Crawford County rules governing motions practice and shall first be presented to the Master. The Master shall promptly make rulings on the request. The parties and Master shall adhere to Cra.R.C.P. 208.3(a)(5). The Court shall not review rulings on continuances that are made by a Master unless there has been an abuse of discretion.

Rule 1920.53 Hearing by Master. Report.

(1) Hearing Date.

The Master's hearing shall be held as soon as reasonably possible after the prehearing conference.

(2) Time of Report.

If the Master cannot file the report within thirty (30) days after the hearing and receipt of the transcript if any, and/or written arguments, memoranda or other post-hearing filings by the parties the Master shall file a motion with the Court, pursuant to motions practice, asking for an extension of time.

(3) Compelling the Filing of a Report.

Should the Master fail to file a report within the times required, a party may obtain a rule upon the Master to show cause why the final report should not be filed promptly. If good cause is not shown and no report is filed, the Court shall take appropriate action.

(4) Hearing Transcripts.

The Master shall engage the services of a stenographer. The testimony shall not be transcribed unless:

(a) It is required by the Master as necessary in making the report and recommendation. As a general rule, the Master will make the report and recommendation based upon the notes of testimony taken by the Master. The Master may request a transcript in complex cases or upon agreement of the parties. In the event a transcript is requested, the master's report and recommendation must be filed within 30 days of receipt of the transcript. The Master may direct the parties to post an advance deposit for the cost of the transcript, with final apportionment of the cost made as part of the report and recommendation; or

(b) It is ordered by the Court following the filing of exceptions; or

(c) It is ordered by a party.

If a transcript is ordered by a party, that party shall arrange to pay for the transcript in accordance with the Rules of Judicial Administration and the cost of the transcript may be allocated to one or both of the parties by a Court order.

Rule 1920.55-2 Master's Report. Notice. Exceptions. Final Decree.

(1) Where a party believes that there is a patent error in the Master's Report, the Court prefers that patent errors be corrected quickly and efficiently. Said party may file a motion within five (5) business days from the date of the Master's report for the Master to correct patent errors. The original motion shall be filed of record, but not sent to the Court Administrator or the Judges Chambers, and copies shall be served on the Master and the other party. The Master shall respond within ten (10) business days by either filing a corrected/amended report or statement denying the motion. The time for filing exceptions to the Master's Report or corrected/amended report shall start to run that date.

(2) Exceptions shall be filed in writing with the Prothonotary and, simultaneously therewith, served upon the opposing party or counsel of record and the Court Administrator.

(3) The Court Administrator shall list the exceptions for the argument list to be held no sooner than sixty (60) days of the date the exceptions are filed.

(4) The party filing exceptions shall promptly obtain a transcript of the Master's hearing and make certain that the transcript is filed with the Court at least fifteen (15) days prior to the date of the argument. A party desiring that less than the entire proceeding be transcribed shall file a motion with the Court within five (5) business days after filing exceptions.

(5) The parties may agree to one (1) thirty (30) day continuance of the argument, so long as the motion to continue is filed at least ten (10) days prior to the date of the argument. The Court will not consider any other consented-to continuance of the argument unless the motion to continue is signed by both parties to the divorce action.

(6) If no exceptions are filed within ten (10) days of the notice of the filing of the Master's Report, the report and entire file shall be transmitted to the Court upon praecipe of either party to transmit the record. The recommended order may become a Final Order of Court. The Master shall not be required to file this praecipe. The responsibility for moving the matter to the Court for the Court's attention is placed upon the parties.

(7) The content of briefs and briefing schedule shall follow Cra.R.C.P. 210 and 307.

MINORS AS PARTIES.

Rule 2039 Compromise. Settlement. Discontinuance and Distribution.

(1) Every petition for approval by the Court of a proposed compromise, settlement or discontinuance in an action in which a minor is a party, or where a minor was injured, shall set forth:

- (a) The facts out of which the cause of action arose;
- (b) The elements and items of damage sustained;
- (c) A list of all expenses incurred or to be incurred, whether or not they have been paid, by whom payment was made, and arrangements for payment of unpaid bills;
- (d) Any limits on a defendant's financial responsibility;
- (e) A statement of the nature of the evidence relied on to establish liability, if any;
- (f) The facts relied upon by an adverse party;
- (g) The fees of counsel;
- (h) The present status of the minor's health and injuries, together with a written report from attending health care providers stating the extent of the injury, the treatment given and the prognosis for the injured minor; and
- (i) Any circumstances relevant to the propriety of granting the petition.

(2) The motion shall be presented in Motions Court in keeping with Crawford County Rules governing motions procedure. The Court may, upon presentation of motion, elect to hold an evidentiary hearing.

(3) The minor shall be present in the Court at the time for the presentation of the motion unless excused by the Court for cause shown.

INCAPACITATED PERSONS AS PARTIES

Rule 2064 Compromise. Settlement. Discontinuance and Distribution.

For the petitions under Pa.R.C.P. 2064 refer to Cra.R.C.P. 2039.

ACTIONS FOR WRONGFUL DEATH

Rule 2206 Settlement. Compromise. Discontinuance and Judgment.

For the petitions under Pa.R.C.P. 2206 refer to Cra.R.C.P. 2039.

UNIFORM RULES GOVERNING COURT REPORTING AND TRANSCRIPTS

Rule 5000.7 Fees for Transcripts.

(1) The typing of transcripts and payment under provisions of this Rule are not automatic. All transcripts must be ordered pursuant to the Uniform Rules Governing Court Reporting and Transcripts adopted by the Pennsylvania Supreme Court (RJA 5001.1 et seq.)

(2) These local rules are intended to cover matters not covered by the Pennsylvania Uniform Rules Governing Court Reporting and Transcripts.

(3) In criminal cases where the defendant is represented by private counsel and in all civil cases, except where a party has been permitted to proceed *in forma pauperis*, the Court reporters may charge, and a party requesting a transcript or copies shall pay, \$2.15 per page for the original, which shall be filed with the Clerk of Courts or Prothonotary, as the case may be, and \$1.10 per page for any copy.

(4) Court reporters may require a deposit up to one-half of the estimated total charge for any transcript or copies as a condition precedent to starting transcription. Court reporters are not required to file the original transcript nor furnish copies until receipt of payment in full.

(5) These rates shall not apply to any transcripts produced on an accelerated schedule, i.e. daily copy, overnight or expedited transcripts.

Rule 5000.13 Ownership of Notes. Safeguarding. Retention.

(1) The original transcript shall be available for the Court. No person shall reproduce the original or a copy of the transcript by copy machine or other methods of image production. Any person making such a reproduction is liable to the reporter for the costs, and shall be liable for any other appropriate costs or damages.

(2) The Court reporters shall maintain in safekeeping all stenographic notes, tapes or other media used by them to record a proceeding for seven (7) years except as hereinafter provided. Thereafter, the notes, tapes or other media may be destroyed, except as hereinafter provided.

(3) Notwithstanding the foregoing subsections, any interested party may petition the Court to retain stenographic notes, tapes or other media used by Court reporters to record a proceeding for additional periods of time and the Court may enter a specific order in a specific case permitting a longer period of retention.

(4) The Prothonotary and Clerk of Courts shall not permit the original transcript or a copy thereof to leave their custody, except for use by a Judge, or by order of Court, or for the use by an appellate court as required by law or rules of Court.

[Pa.B. Doc. No. 05-1977. Filed for public inspection October 28, 2005, 9:00 a.m.]

LEHIGH COUNTY

Adoption of Local Rules of Civil Procedure 205.2(a) for Filing of Legal Papers with the Clerk of Courts, 205.2(b) Pertaining to Cover Sheets, and 208.3(a)(6) Pertaining to Procedures for Disposition of Certain Motions; No. 2005-J-44

Order

And Now, this 6th day of October, 2005, It Is Ordered that the following Lehigh County Rules of Civil Procedure 205.2(a) for Filing of Legal Papers with the Clerk of Courts, 205.2(b) pertaining to Cover Sheets, and 208.3(a)(6) pertaining to Procedures for Disposition of Certain Motions in the 31st Judicial District composed of Lehigh County be, and the same are, promulgated here-with, to become effective thirty (30) days after publication of the rules in the Pennsylvania Bulletin; and that the present Lehigh County Rules of Civil Procedure 205.2(a); 205.2(b), and 208.3(a)(6) are revoked, effective at the same time.

The Court Administrator of Lehigh County is directed to:

- 1. File seven (7) certified copies of this Order with the Administrative Office of Pennsylvania Courts.
2. File two (2) certified copies and one disk copy with the Legislative Reference Bureau for publication in the Pennsylvania Bulletin.
3. File one (1) certified copy with the Pennsylvania Civil Procedural Rules Committee.
4. File one (1) copy with the Clerk of Courts of the Lehigh County Court of Common Pleas.
5. Forward one (1) copy for publication in the Lehigh County Law Journal.

By the Court

WILLIAM H. PLATT,
President Judge

Rule 205.2(a). Filing of Legal Papers with the Clerk of Courts

All pleadings and other documents submitted for filing with the Clerk of Courts shall conform with the following requirements:

- 1. The use of backers and/or toppers is prohibited.
2. All documents shall be fastened together by staples.
3. The text of original documents shall not be highlighted by the use of colored markers. Highlighting of text can be done by bolding or by using a different style and size of font.
4. All documents shall be single-sided and double-spaced, except that quotations, footnotes and exhibits may be single-spaced.
5. The font size of all documents shall be not less 12 points.
6. Paper shall be of good quality and shall not exceed 8-1/2" x 11" in size.
7. Attachments smaller than 8-1/2" x 11" shall be attached to regular size paper by using scotch tape.
8. All exhibits shall be identified as such on the bottom center of each document as well as by exhibit tabs.
9. All pages shall be numbered consecutively. The number shall appear at the bottom center position of each page.
10. All copies attached to documents shall be clear and legible.
11. All documents 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; and (iv) if the party filing the document is not an attorney, the name, address, telephone number of such party.

Rule 205.2(b). Cover Sheets

All initial pleadings filed with the Clerk of Courts shall be accompanied by a cover sheet in substantially the following form:

IN THE COURT OF COMMON PLEAS OF LEHIGH COUNTY, PENNSYLVANIA
CIVIL DIVISION

FULL CAPTION with address(es) Use additional page(s) if necessary

Blank lines for entering the full caption of the case.

Total No. of Plaintiffs vs

Total No. of Defendants

Docket No. (Issued at time of filing)

Related Cases:

Jury Trial Demanded Yes No

To be listed for Arbitration Yes No

Note: A civil action is to be listed for Arbitration unless (1) the amount in controversy exceeds \$50,000 exclusive of interest and costs or (2) the case involves title to real property.

CIVIL/FAMILY COURT COVER SHEET

CIVIL ACTION CASE TYPE

- *Declaration of Taking/Eminent Domain
*Ejectment
*Mortgage Foreclosure
*Quiet Title
*Other action effecting property
Vehicle Accident
Asbestos
Bone Screw/Plate
Breach of Contract
Breast Implant
*Equity
Preliminary Injunction
Medical Professional Liability
Premises Liability
Product Liability
Professional Liability
Replevin
Other

APPEALS

- *Assessment
*Zoning/Subdivision
District Justice
Supersedeas: Tenant must pay into court three months rent or amount in arrears
Other

Rule 208.3(a)(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.

[Pa.B. Doc. No. 05-1978. Filed for public inspection October 28, 2005, 9:00 a.m.]

PETITIONS

- Confirm/Vacate Arbitration Award
Elections
Other

FAMILY COURT CASE TYPE

- Annulment
Child Custody/Visitation
Divorce

Divorce Counts

- Alimony/Spousal Support
Alimony pendente lite, counsel fees & costs
Child Custody/Visitation
Child Support
Equitable Distribution/Property Rights
Other

*Parcel Identification Number Required

Attorney/Pro Se Name:

Signature:

Supreme Court ID No.

Address:

Telephone & Fax No.

SOMERSET COUNTY

Consolidated Rules of Court; No. 86 Misc. 2005

Adopting Order

Now, this 6th day of October, 2005, it is hereby Ordered:

1. The following designated Somerset County Rule of Criminal Procedure (Som.R.Crim.P.) 114, copy of which follows, is hereby adopted as a Rule of this Court, effective thirty (30) days after publication in the Pennsylvania Bulletin.

2. The Somerset County Court Administrator is directed to:

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

B. Distribute two (2) certified copies of this Order and the attached Rule, along with a diskette or CD, to the Legislative Reference Bureau for publication in The Pennsylvania Bulletin.

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

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

By the Court

EUGENE E. FIKE, II,
President Judge

Som.R.Crim.P. 114. Orders and Court Notices: Service

The Clerk of Courts, the Court Administrators Office, or the Court, may serve orders and court notices.

[Pa.B. Doc. No. 05-1979. Filed for public inspection October 28, 2005, 9:00 a.m.]

SOMERSET COUNTY

Consolidated Rules of Court; No. 87 Misc. 2005

Adopting Order

Now, this 6th day of October, 2005, it is hereby Ordered:

1. Somerset County Rule of Criminal Procedure 530 (Som.R.Crim.P. 530), Designation Of Bail Agency, is amended to read in its entirety as shown on copy following, effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

2. The Somerset County Court Administrator shall:

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

B. Distribute two (2) certified copies of this Order and the attached Rule, along with a diskette or CD, to the Legislative Reference Bureau for publication in The *Pennsylvania Bulletin*.

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

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

By the Court

EUGENE E. FIKE, II,
President Judge

Som.R.Crim.P. 530. Designation Of Bail Agency.

A. The Court hereby designates and appoints the Somerset County Adult Probation Department to have the duties and powers of a bail agency for the 16th Judicial District, as provided for in Pa.R.Crim.P. 530.

B. The bail agency shall have all of the duties and powers specified in Pa.R.Crim.P. 530, including the authority to supervise persons released on bail pursuant to conditions established by the bail agency and approved by the Court, and the authority, upon issuance of a bail piece, to apprehend and detain a defendant for the purpose of bringing the defendant before the bail authority, as provided for in Pa.R.Crim.P. 536(B).

[Pa.B. Doc. No. 05-1980. Filed for public inspection October 28, 2005, 9:00 a.m.]

RULES AND REGULATIONS

Title 55—PUBLIC WELFARE

DEPARTMENT OF PUBLIC WELFARE

[55 PA. CODE CH. 2600]

Personal Care Homes

The Department of Public Welfare (Department) announces a delayed implementation of two sections of 55 Pa. Code Chapter 2600 (relating to personal care homes) published at 35 Pa.B. 2499 (April 23, 2005). A delayed implementation of the requirements at §§ 2600.64(a)(3) and 2600.68(b) (relating to administrator training and orientation; and instructor approval) for the competency-based training test for an administrator and the train-the-trainer course is necessary to allow adequate time for preparation of the test and course.

The regulations and this notice are published under the authority of section 211 and Articles IX and X of the Public Welfare Code (62 P.S. §§ 211, 901—922 and 1001—1087).

Order

The Department, acting under the Public Welfare Code, orders that:

* * * * *

(d) This Order shall take effect on October 24, 2005, with the exception of § 2600.65(d) that shall take effect on April 24, 2006, §§ 2600.19(g), **2600.64(a)(3)** and **2600.68(b)**, that shall take effect on October 24, 2006, and §§ 2600.122, 2600.130(e) and 2600.182 that shall take effect on April 24, 2007.

This notice is effective on October 24, 2005.

Public Comment

Interested persons are invited to submit written comments regarding this notice to Karen E. Kroh, Director, Department of Public Welfare, Adult Residential Licensing, 3rd Floor West, Health and Welfare Building, Harrisburg, PA 17120. Comments received will be reviewed and considered for any subsequent revision of the notice.

Persons with a disability who require an auxiliary aid or service may submit comments using the AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

ESTELLE B. RICHMAN,
Secretary,

[Pa.B. Doc. No. 05-1981. Filed for public inspection October 28, 2005, 9:00 a.m.]

Title 70—WEIGHTS, MEASURES AND STANDARDS

DEPARTMENT OF GENERAL SERVICES

DEPARTMENT OF AGRICULTURE

[70 PA. CODE CHS. 2, 10 AND 110]

General Provisions; Device Type Approval; State Metrology Laboratory

The Department of General Services (DGS) and the Department of Agriculture (Department) adopt fees for

testing services performed by the State Metrology Laboratory by amending §§ 2.1 and 10.10 (relating to definitions; and fees) in the Department's regulations and adding Part V (relating to State Metrology Laboratory), administered by DGS.

Statutory Authority

The final-form rulemaking is made under the authority of 3 Pa.C.S. §§ 4101—4194 (relating to Consolidated Weights and Measures Act) (act). Section 4178 of the act (relating to fees) requires that DGS establish, by regulation, fees for metrology laboratory calibration, type evaluation and other testing services. Section 4190 of the act (relating to rules and regulations) provides the Department authority to regulate as necessary to implement the act.

Purpose of the Final-Form Rulemaking

The final-form rulemaking fulfills the statutory requirement that DGS establish, charge and collect the fees in section 4178 of the act. Currently, the State Metrology Laboratory (Laboratory) provides these services without charge. The final-form rulemaking is necessary to comply with the act. Adoption of the final-form rulemaking will ensure that taxpayer dollars are not used to pay for testing by the Laboratory when user fees are statutorily authorized and required. The final-form rulemaking adds definitions in § 2.1, amends § 10.10 to clarify that DGS shall charge fees for metrology testing as required by the act and establishes Part V, in which DGS adopts procedures and sets fees to for Laboratory testing services.

Notice of proposed rulemaking was published at 35 Pa.B. 2631 (April 30, 2005). Publication was followed by a 30-day public comment period during which DGS did not receive any comments. The Senate State Government Committee, the House State Government Committee, the Senate Agriculture and Rural Affairs Committee and the House Agriculture and Rural Affairs Committee had no comments. On June 30, 2005, the Independent Regulatory Review Commission (IRRC) submitted two comments to the proposed rulemaking.

Comments and Responses

IRRC recommended that the rulemaking include language recognizing that State agencies are statutorily exempt from payment of the fees. This recommendation has been implemented in the final-form rulemaking. Section 110.2(b) (relating to State Metrology Laboratory fee schedule) has been amended to more closely parallel the statute by stating that Commonwealth agencies are exempt from the fees. IRRC also recommended that the regulation explicitly provide that the fee deposit is nonrefundable. Section 110.2(d) was amended to reflect that the deposit is nonrefundable.

Fiscal Impact

Commonwealth: The estimated annual revenue to the Commonwealth (DGS) from the final-form rulemaking is approximately \$105,000. The final-form rulemaking should not result in additional costs to the Commonwealth.

Public Sector: No other government entity will incur any costs or realize any savings.

General Public: The final-form rulemaking will impose no costs and have no fiscal impact upon the general public.

Affected Businesses: Affected businesses that use Laboratory services will have to pay the fees set in the final-form rulemaking. The anticipated average fee per user is estimated to be \$262.50.

Paperwork Requirements

The final-form rulemaking will result in an increase in paperwork for the Laboratory, which will be required to issue invoices, collect payments and transmit payments to the State Treasury. Under section 4193(c) of the act (relating to disposition of funds), the Treasury Department will have an increase in paperwork to reflect the receipt of the fees from DGS and to credit the fees collected to the general government appropriations of DGS for the operation and maintenance of the Laboratory.

Effective Date

This final-form rulemaking will take effect upon publication in the *Pennsylvania Bulletin*.

Additional Information

Individuals who need information about the final-form rulemaking should contact Mary Benefield Seiverling, Assistant Chief Counsel, Office of Chief Counsel, Department of General Services, 603 North Office Building, Harrisburg, PA 17125, (717) 787-5599.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on April 20, 2005, DGS and the Department submitted a copy of the notice of proposed rulemaking, published at 35 Pa.B. 2631, to IRRC. On that same date, the Department submitted a copy of the proposed rulemaking to the Chairpersons of the House Agriculture and Rural Affairs Committee and the Senate Agriculture and Rural Affairs Committee and DGS submitted a copy of the proposed rulemaking to the Chairpersons of the House Committee on State Government and the Senate Committee on State Government. IRRC provided the Committees with a copy of its comments.

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 September 7, 2005, 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 September 8, 2005, and approved the final-form rulemaking.

Findings

DGS and the Department find that:

(1) Public notice of intention to adopt this final-form rulemaking 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) The final-form rulemaking adopted by this order is necessary and appropriate for the performance of DGS and the Department duties under The Administrative Code of 1929 (71 P. S. §§ 51—732).

Order

DGS and the Department, acting under the authorizing statutes, order that:

(a) The regulations of DGS and the Department, 70 Pa. Code Chapters 2, 10 and 110, are amended by amending §§ 2.1 and 10.10 and by adding § 110.1 to read as set forth at 35 Pa.B. 2631 and by adding § 110.2 to read as set forth in Annex A.

(b) The Secretaries of DGS and the Department shall submit this order, 35 Pa.B. 2631 and Annex A to the Office of Attorney General for approval as to legality and form as required by law.

(c) The Secretaries of DGS and the Department shall certify and deposit this order, 35 Pa.B. 2631 and Annex A with the Legislative Reference Bureau as required by law.

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

JAMES P. CREEDON,

Secretary

Department of General Services

DENNIS C WOLFF,

Secretary

Department of Agriculture

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 35 Pa.B. 5332 (September 24, 2005).)

Fiscal Note: Fiscal Note 8-9 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 70. WEIGHTS, MEASURES AND STANDARDS

PART V. STATE METROLOGY LABORATORY

CHAPTER 110. GENERAL PROVISIONS

§ 110.2. State Metrology Laboratory fee schedule.

(a) *General.* The State Metrology Laboratory shall charge a fee for any testing services it provides under authority of the act. These services include actual metrology laboratory calibration, type evaluation and any other services identified in subsection (c).

(b) *Exemptions.*

(1) Agencies of the Commonwealth are exempt from having to pay any of the fees established in this section.

(2) A city or county which is required to procure standards of weights and measures and additional equipment in accordance with section 4123 of the act (relating to city and county standards and equipment) to enforce the act is exempt from having to pay fees with respect to the calibration, evaluation or other testing of those standards and that equipment.

(c) *Schedule of fees.* The State Metrology Laboratory shall charge the following fees for the indicated testing services:

<i>General type of test</i>	<i>Description</i>	<i>Fee</i>
Precision mass	Up to ASTM E 617 Class 2 or best calibration but not to a specific class to and including 30 kg. or 50 lb.	\$30 per weight
Precision mass	ASTM E617 Class 3 and 4 and OIML Class F1 and F2 to and including 30 kg. or 50 lb.	\$12 per weight
Ordinary mass	NIST Class F and ASTM E617 Classes 5, 6, 7 and OIML Class M1, M2 and M3 to and including 5 kg. or 10 lb.	\$2 per weight (without adjustment) \$10 per weight (with adjustment)
Ordinary mass	NIST Class F and ASTM E617 Classes 5, 6 and 7 from 10 kg. or 20 lb. to 50 kg. or 100 lb.	\$5 per weight (without adjustment) \$10 per weight (with adjustment)
Ordinary mass	NIST Class F and ASTM E617 Classes 5, 6 and 7 from 100 kg. or 200 lb. to 2500 kg. or 5500 lb.	\$15 per weight (without adjustment) \$25 per weight (with adjustment)
Ordinary mass	Weight carts	\$50 per cart
Volume transfer	5 gallon/20 liter test measures	\$15 per measure (includes adjustment)
Volume transfer	10 gallon to 50 gallon	\$50 per prover (includes adjustment)
Volume transfer	51 to 100 gallon	\$150 per prover (includes adjustment)
Volume transfer	Greater than 100 gallon	\$150 plus \$50 per each additional 100 gallons or fractions thereof
Gravimetric calibrations	Metal test measures to 5 gallon or 20 liters or 1 cubic foot	\$35 per item
Length calibrations	Metal tapes or rules	\$15 per point tested
Timing devices	Stopwatches	\$30
Wheel load weighers		\$6 per scale
Special tests		\$75 per man-hour

(d) *Payment of fees.* A nonrefundable deposit for the estimated fee shall be submitted when the testing request is made. Fees are payable at the time the metrology service is provided, regardless of whether the item tested is certified or approved.

[Pa.B. Doc. No. 05-1982. Filed for public inspection October 28, 2005, 9:00 a.m.]

PROPOSED RULEMAKING

STATE BOARD OF EDUCATION

[22 PA. CODE CH. 49]

Certification of Professional Personnel

The State Board of Education (Board) proposes to amend Chapter 49 (relating to certification of professional personnel) to read as set forth in Annex A. The Board is acting under the authority of Article XII and section 2603-B of the Public School Code of 1949 (code) (24 P. S. §§ 12-1201—12-1215 and 26-2603-B) and sections 1—8 of the act of May 29, 1931 (P. L. 210, No. 126) (24 P. S. §§ 1224—1231).

Purpose

Chapter 49 sets forth requirements for certification of professional personnel in public schools. The proposed amendments reflect current State and Federal statutory requirements and Department of Education (Department) policies and practices.

Requirements of the Regulations

The proposed rulemaking amends the following sections.

Section 49.1 (relating to definitions) is amended as follows:

“Fine arts” is deleted from the definition of “assessment of general knowledge.”

Clarification of the definition of “certificate” is improved by adding that a candidate has completed an approved professional preparation program.

“Continuing professional development” is amended to “continuing professional education” to make the regulation consistent with its use in the code.

“Day-to-day substitute permit” is added to establish a new category of what previously was known as a substitute permit. This amendment is necessary to comply with the No Child Left Behind Act of 2001 (Pub. L. No. 107-110, 115 Stat. 1425).

“Educational specialist” defines educational specialists as professional employees whose service is not primarily instructional or administrative.

“Emergency permit” establishes an emergency permit to allow for unanticipated contingencies such as sudden resignations, terminations, retirement or death of an incumbent.

“Intern certificate” provides further clarification of the Intern Certificate which allows a holder who is enrolled in an approved intern program to provide instruction for up to 3 years.

“Long-term substitute permit” provides a definition for the long-term substitute permit.

“Prekindergarten” defines prekindergarten programs operated by school entities.

“Professional personnel” adds “certified” in the definition to distinguish between professional school personnel, which includes school secretaries, and professional certificated school personnel, which does not.

“School entity” establishes term that incorporates each type of public school that is governed by Chapter 49.

“Term of validity” references to applicable sections of the regulations are updated to reflect proposed revisions.

Section 49.11(a) (relating to general) is deleted to reflect that certificates are no longer permanent.

Section 49.12(4) (relating to eligibility) amends “temporary” permit to “resource specialist” permit.

Section 49.13(a) (relating to policies) is amended to add a requirement that the standards for preparation of professional personnel shall address accommodations and adaptations for diverse learners.

Section 49.13(b)(12) clarifies that individual assessment results are not to be released without the permission of the candidate or under subpoena or court order.

Section 49.13(c) provides clarification that all applicants for a certificate shall complete an approved teacher preparation program operated by an approved post-secondary institution.

Section 49.14(5) (relating to approval of institutions) provides authority to approved teacher preparation institutions to enter into articulation agreements with community colleges.

Section 49.16(a) and (c) (relating to approval of induction plans) requires that long-term substitutes who are offered positions of 45 days or more shall be included in school entity induction plans.

Section 49.16(d) requires that induction plans address accommodations and adaptations for diverse learners.

The continuing professional education plan is made part of the school entity strategic plan in § 49.17(a) (relating to continuing professional development) required under § 4.13 (relating to strategic plans) and is required to be submitted to the Secretary every 3 years.

Section 49.17(a)(1)(vi) and (2)(v) is amended to delete supervised classroom observations as an approved continuing professional education activity.

Section 49.17(3) places the same requirement for representation on the continuing professional education planning committee for educational specialists (for example, guidance counselors and school nurses) as exists for teachers.

Section 49.17(5) directs the Secretary to outline allowable activities to be credited towards meeting the continuing professional education requirements under sections 1205.1 and 1205.2 of the code (24 P. S. §§ 12-1205.1 and 12-1205.2), as amended by the act of November 23, 1999 (P. L. 529, No. 48).

Section 49.18(a) (relating to assessment) clarifies that candidates for elementary, K-12 Instructional and Early Childhood Certificates must be assessed in the area of general knowledge.

Section 49.18(e) permits the Department to issue additional subject areas to holders of Instructional or Intern Certificates who pass the appropriate subject matter test except in early childhood, elementary education, health and physical education, cooperative education and special education. It also permits the Department to exclude additional certificates based on criteria established by the Secretary.

Section 49.31 (relating to criteria for eligibility) adds long-term and day-to-day substitute permits to cover short and limited-term assignments.

Section 49.32 (relating to emergency cases) amends the name of "emergency" permit to "exceptional case" permit.

Section 49.33 (relating to expiration) adds long-term and day-to-day substitute permits.

Section 49.34 (relating to issuance by chief school administrator) describes the criteria for when a chief school administrator may issue a day-to-day substitute permit.

Section 49.42(5) (relating to letter of eligibility) is amended to add language to have candidates for a letter of eligibility possess the knowledge and skills necessary to foster a climate conducive to the achievement of all students.

Section 49.52 (relating to development of types/categories of certificates and development of their respective standards) is amended to clarify that if the Board does not disapprove or take other action after receiving an affirmative recommendation to establish a new certificate from either the Professional Standards and Practices Commission or the Secretary, the recommendation will stand approved.

Section 49.53 (relating to elimination or changes of types/categories of certificates) establishes procedures for the elimination or change of types or categories of certificates.

Section 49.62 (relating to temporary permits) amends the name of the temporary permit to a resource specialist permit and permitholders to provide up to 400 clock hours of instruction each school year under the supervision of a certified teacher. It also permits professional practitioners in the fine arts or performing arts in schools of creative or performing arts to provide instruction up to 800 hours per year.

Section 49.62a (relating to program specialist certificate) clarifies the requirements for issuance of a program specialist certificate.

Section 49.62b (relating to program endorsement certificate) creates a program endorsement certificate designed to recognize specialized skills in new and emerging areas where formal certification does not exist.

Section 49.63 (relating to applicants educated in foreign countries) clarifies the requirements for issuance of a certificate to applicants who have been educated in a foreign country.

Section 49.64a (relating to authority to annul and reinstate certificates and discipline professional educators) updates the statutory reference to the Professional Educator Discipline Act (24 P. S. §§ 2070.1a—2070.18a).

Section 49.64e (relating to mandatory reports from schools) clarifies and defines the requirements for mandatory reporting by chief school administrators.

Section 49.65 (relating to out-of-State and Nationally-certified applicants) clarifies the requirements for out-of-State and Nationally certified applicants, including the requirement that candidates who complete National teacher training programs shall complete 1 year of intensive supervision in an approved internship program. This section also updates language concerning applicants for certification who hold certification issued by a state that is party to the Interstate Certification Agreement.

Section 49.69 (relating to deletion of areas from certificates) amends the timeframe from 10 years to 5 years and clarifies the process to be followed when a professional educator does not utilize an area in which he or she is certified before the Department may remove the area from the educator's certificate.

Section 49.72 (relating to categories of certificates and letters of eligibility) adds substitute, exceptional case and resource specialist permits.

Section 49.82 (relating to instructional I) clarifies that an Instructional I certificate is valid for 6 years in public schools in this Commonwealth.

Section 49.83 (relating to instructional II) provides that 24 credits or its equivalent in credits from the Department or an intermediate unit may be earned to meet the requirement to obtain the Instructional II certificate.

Section 49.85 (relating to limitations) addresses the requirements for prekindergarten programs, amends the age limitation for elementary certificates, amends the age range for middle level certificates and addresses limitations on special education certificates. It also amends each item to use a consistent format and language for each.

Section 49.90 (relating to criteria for eligibility) adds criteria for eligibility for temporary teaching permits.

New language in § 49.91 (relating to criteria for eligibility) clarifies requirements for the Intern Certificate and provides that candidates for elementary, K-12 instructional and early childhood certificates are assessed in the area of general knowledge.

Section 49.92 (relating to term of validity) clarifies that those holding Intern Certificates must complete the program within 3 calendar years.

Section 49.102 (relating to Education Specialist I) clarifies that the Educational Specialist I Certificate is valid for service in public schools in this Commonwealth.

Section 49.103 (relating to Education Specialist II) clarifies the criteria for eligibility of an Educational Specialist II certificate.

Section 49.104 (relating to college credit acceptable for renewal or conversion of Educational Specialist I Certificate) clarifies when credits earned in professional fields may be considered for renewal or conversion of the Educational Specialist I Certificate.

Section 49.111 (relating to Supervisory Certificate) clarifies that individuals seeking a Supervisory Certificate must understand how to support the intellectual, social and personal growth of students and how to assist professional staff to enhance the quality of learning experiences for all students. This section also clarifies that individuals seeking a Supervisory Certificate in curriculum or instruction have 5 years of satisfactory professional certified service in the school program area for which certification is sought.

Section 49.121 (relating to Administrative Certificate) clarifies that individuals seeking an Administrative Certificate must have satisfactory professional certified school experience.

Section 49.132 (relating to types of certificates) adds the vocational substitute permit to the list of vocational certificates that will be issued.

Section 49.153 (relating to vocational emergency permit) changes the Vocational Emergency Certificate to the vocational day-to-day substitute permit and updates the limitations and requirements.

Section 49.172 (relating to letter of eligibility) clarifies requirements for a Letter of Eligibility for superintendent or assistant superintendent.

Section 49.182 (relating to letter of eligibility) clarifies requirements for a Letter of Eligibility for intermediate unit executive director or assistant executive director.

Section 49.191 (relating to letters of equivalency) amends requirements for Letters of Equivalency.

Miscellaneous

The term "certificated" is replaced throughout the rulemaking with the term "certified" to bring consistent usage throughout the regulations.

The term "continuing professional development" is changed to "continuing professional education" throughout the regulations.

Affected Parties

The proposed rulemaking affects professional educators, public schools, teacher education programs and professional employees of the public schools of this Commonwealth (including intermediate units, area vocational-technical schools, public charter and alternative schools).

Cost and Paperwork Estimates

Since the proposed rulemaking largely reflects existing provisions of State and Federal statutes, court decisions and regulations, the costs associated with compliance would be negligible.

Effective Date

The proposed rulemaking will become effective upon final-form publication in the *Pennsylvania Bulletin*.

Sunset Date

In accordance with its policy and practice respecting all regulations promulgated by it, the Board plans to review the effectiveness of Chapter 49 after 4 years. Thus, no sunset date is necessary.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on October 17, 2005, the Board submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Committees on Education. 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 must 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 Board, the General Assembly and the Governor of comments, recommendations or objections raised.

Public Comments and Contact Person

Interested persons are invited to submit written comments, suggestions or objections regarding this proposed rulemaking to Jim Buckheit, Executive Director, State Board of Education, 333 Market Street, Harrisburg, PA 17126-0333 within 30 days following publication in the

Pennsylvania Bulletin. Persons with disabilities who need an alternative means of providing public comment may make arrangements by calling Jim Buckheit, (717) 787-3787 or TDD (717) 787-7367.

JIM BUCKHEIT,
Executive Director

Fiscal Note: 6-293. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 22. EDUCATION

PART I. STATE BOARD OF EDUCATION

Subpart C. HIGHER EDUCATION

CHAPTER 49. CERTIFICATION OF PROFESSIONAL PERSONNEL

Subchapter A. GENERAL PROVISIONS

THE PROGRAM

§ 49.1. Definitions.

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

* * * * *

Assessment of general knowledge—A measurement of a candidate's knowledge in the fields of literature, [**fine arts,**] mathematics, the sciences and social studies.

* * * * *

Certificate—A document prepared and issued by the Department indicating that the holder has completed [**a**] **an approved** professional preparation program and is qualified to perform specific professional duties.

* * * * *

*Continuing professional [**development**] education*—The formal acquisition of collegiate or in-service credits designed to improve and expand the expertise of professional personnel [**who receive their initial certificate in a given certificate category after June 1, 1987**]. **Sections 1205.1 and 1205.2 of the act (24 P. S. §§ 12-1205.1—12-1205.2) regarding continuing professional development and program of continuing professional education require that to maintain their certificate in active status, educators shall earn six collegiate credits, six Department-approved in-service credits, 180 continuing education hours, or any combination thereof, every 5 calendar years.**

Day-to-day substitute permit—A day-to-day substitute permit is issued to qualify a person to serve as a substitute for a certified employee who will be absent from his position during the school year for no longer than 20 consecutive days.

* * * * *

Educational specialist—Professional certified personnel whose primary responsibility is to render professional service other than classroom teaching, including dental hygienist, elementary counselor, secondary counselor, home and school visitor, instructional technology, school nurse, school psychologist and social restoration specialist.

Emergency permit—An emergency permit may be issued to qualify a person to serve as a temporary professional or professional employee to fill a vacancy created as a new position or by the resignation, termination, retirement or death of an incumbent.

* * * * *

Intern Certificate—A professional certificate that entitles the holder to fill a full-time professional teaching position. The certificate is issued in instructional areas only and is valid for 3 years. The certificate requires continuing enrollment in a State-approved teacher intern program.

* * * * *

Long-Term Substitute Permit—A Long-Term Substitute Permit may be issued to qualify the holder to serve for an indeterminate period for a certified employee who will be absent from the position during the school year.

* * * * *

Permit—A document prepared and issued by the Department indicating that the holder is allowed to serve in lieu of a [certificated] certified professional for a specified period of time.

Prekindergarten—A program operated by a school entity or under contract from a school entity which is open to children up to 2 years prior to the school entity's entry age for kindergarten.

(i) The program must be comprehensive and appropriate for the age, developmental level and individual needs of each child, based on how young children develop and learn.

(ii) The program must include instruction to support each child's development in the following areas:

- (A) Approaches to learning.
- (B) Creative expression.
- (C) Language and literacy.
- (D) Math, logic and science.
- (E) Social-personal development.
- (F) Physical development and health.

* * * * *

[**Professional duties**—A duty the performance of which is restricted to professional personnel by the scope of their certificate.]

Professional certified personnel—Professional employees, excluding school secretaries, as defined in section 1101 of the act (24 P. S. § 11-1101) [(relating to definitions)].

Professional duties—A duty the performance of which is restricted to professional personnel by the scope of their certificate.

Professional Educator Discipline Act—24 P. S. §§ 2070.1a—2070.18a.

Professional Standards and Practices Commission (PSPC)—A body composed of educators from the fields of basic and higher education, members of the general public[,] and an *ex officio* member of the Board established by the [**Teacher Certification Law**] **Professional Educator Discipline Act**.

* * * * *

School entity—Public schools, school districts, intermediate units, [and] area vocational-technical schools, charter schools, cyber schools and independent schools.

[**Teacher Certification Law**—The act of December 12, 1973 (P. L. 397, No. 141) (24 P. S. §§ 2070.1—2070.18).]

Term of validity—A period of time as specified in §§ 49.33, 49.34, 49.82, 49.92, 49.102, 49.142 and 49.152 in which the holder of a certificate is entitled to perform the professional duties for which the certificate was issued.

§ 49.2. Inactivity and invalidity.

(a) **Inactivity.** A certificate or commission shall be inactive if the holder fails to meet § 49.17 (relating to continuing professional [development] education).

* * * * *

§ 49.11. General.

(a) [**Certificates and letters of eligibility in force in this Commonwealth on September 25, 1999, shall continue in force, subject to all the terms and conditions under which they were issued until they expire by virtue of their own limitations.**

(b)] State certificates and permits [shall] will be issued as provided in this chapter, and teachers[,] and other professional personnel may not perform professional duties or services in the schools of this Commonwealth in any area for which they have not been properly [certified] certified or permitted.

[(c)] (b) * * *

§ 49.12. Eligibility.

In accordance with sections 1109, 1202 and 1209 of the act (24 P. S. §§ 11-1109, 12-1202 and 12-1209), every professional employee [certified] certified or permitted to serve in the schools of this Commonwealth shall:

* * * * *

(4) Except in the case of the [**Temporary**] **Resource Specialist Permit**, Vocational Instructional Intern Certificate[,] and Vocational Instructional Certificate, have earned minimally a baccalaureate degree as a general education requirement.

§ 49.13. Policies.

(a) The Board, through the Secretary, will provide standards for the guidance of the preparing institutions in educating professional personnel for the schools of this Commonwealth, all of which are to include accommodations and adaptations for diverse learners.

(b) The Department will have the following responsibilities with respect to certification and permitting of professional personnel in the schools of this Commonwealth:

* * * * *

(5) Registration of [certified] certified and permitted persons.

* * * * *

(7) Assurance that each professional person is properly [certificated] certified or permitted for the specific position in which the professional person is employed.

* * * * *

(12) Assurance that individual scores or measurements achieved on assessments instituted under § 49.18 (relating to assessment) are not released without the permission of the candidate or pursuant to subpoena or court order. The Department will inform the candidate by means of the candidate's last known address when it has received a subpoena or court order.

(c) Except for applicants whose certification status is subject to subsection (b)(9) and § 49.171 (relating to general requirements), the Department will require that an applicant for a certificate shall have completed an approved teacher preparation program and shall be recommended by the preparing institution.

* * * * *

§ 49.14. Approval of institutions.

To be authorized to conduct programs that lead to certificates for professional positions, institutions and any of their off-campus centers engaged in the preparation of teachers shall meet the following requirements:

* * * * *

(4) Follow Department-prescribed standards developed from the following principles:

* * * * *

(x) Institutions provide evidence that an acceptable percentage of candidates applying for certification as determined by the Secretary and Board achieve at a satisfactory level on all assessments appropriate to initial certification in each program for which they are approved.

(5) Institutions may enter into articulation agreements with community colleges that permit students to earn credits toward meeting the requirements of this chapter.

§ 49.16. Approval of induction plans.

(a) Each school entity shall submit to the Department for approval a plan for the induction experience for first-year teachers, long-term substitutes who are offered a position for 45 days or more, and educational specialists. The induction plan shall be submitted as part of [their] the school entity's strategic plan every 6 years as required by Chapter 4 (relating to academic standards and assessments). The induction plan shall be prepared by teacher or educational specialist representatives, or both, chosen by teachers and educational specialists and administrative representatives chosen by the administrative personnel of the school entity. Newly employed professional personnel with prior school teaching experience may be required by the school entity to participate in an induction program.

* * * * *

(c) The induction plan shall reflect a mentor relationship between the first-year teacher, long-term substitute or educational specialist, teacher educator and the induction team.

(d) Criteria for approval of the induction plans will be established by the Secretary in consultation with the Board and must include an element of accommodations and adaptations for diverse learners.

§ 49.17. Continuing professional [development] education.

(a) A school entity shall submit to the Secretary for approval a [continuing professional development] 3-year professional education plan as part of its strategic plan in accordance with section 1205.1 of the act (24 P. S. § 12-1205.1).

(1) A school entity shall develop a continuing professional [development] education plan which [shall include] includes options for professional development including, but not limited to, activities such as the following:

* * * * *

[(vi) Supervised classroom observations of other professional employees.]

(2) The continuing professional education plan shall define terms used including, but not limited to, the following:

* * * * *

[(v) Supervised classroom observations of other professional employees.]

(3) The continuing professional [development] education plan shall be developed by teacher representatives chosen by the teachers, educational specialists chosen by educational specialists and administrative representatives chosen by the administrative personnel of the school entity as specified in section 1205.1 of the act. The plan [shall] must describe the persons who developed the plan and how the persons were selected.

(4) The continuing professional [development] education plan submitted to the Secretary shall be approved by both the [development] professional education committee and the board of the school entity.

(5) The Secretary will promulgate guidelines which include a process for amending approved continuing professional [development] education plans in accordance with the requirements for initial preparation of the plans. The guidelines [shall] will also outline allowable activities for credit earned under section 1205.1 of the act and section 1205.2 of the act (24 P. S. § 12-1205.2) after July 1, 2005.

(6) The continuing professional [development] education plan [shall] must include a section which describes how the professional [development] education needs of the school entity, including those of diverse learners, and its professional employees are to be met through implementation of the plan. The plan must describe how professional development activities will improve language and literacy acquisition for all students and contribute to closing achievement gaps among students.

[(7) Initial continuing professional development plans shall be implemented by a school entity no later than the beginning of the 1988-89 school year.]

(b) A commissioned officer who obtains a Letter of Eligibility for Superintendent [after June 1, 1987, shall, thereafter,] shall present to the Secretary evidence of satisfactory completion of 6 credit hours of continuing professional [development] education

courses every 5 years. This subsection will be satisfied by taking collegiate studies or Department-approved in-service courses or a combination thereof.

(c) Professional personnel who fail to comply with the continuing professional [**development**] **education** plan under subsection (a) or [**commissioned officers who fail to complete the required 6 credit hours under subsection (b)**] **fail to complete the requirements of sections 1205.1 and 1205.2 of the act** will have their certificates or commissions rendered inactive by the Department until the requirement is met. **Professional personnel whose certificate or commission is rendered inactive shall have a right to appeal the action to the Secretary.**

* * * * *

(e) **Certified personnel are responsible for monitoring their own progress toward completing the requirements prescribed by sections 1205.1 and 1205.2 of the act.**

§ 49.18. Assessment.

(a) The Secretary will institute an assessment program for candidates for certification designed to assess their basic skills [**and general knowledge**]; professional knowledge and practice; and subject matter knowledge. **Candidates for elementary, K-12 instructional and early childhood certificates will also be assessed in the area of general knowledge.** The following principles [**shall**] will guide the Secretary in the development of an assessment program:

* * * * *

(e) **The Department may issue additional subject areas to holders of Instructional (see §§ 49.82 and 49.83 (relating to Instructional I; and Instructional II)) or Intern (see § 49.91 (relating to criteria for eligibility)) certification who pass the appropriate subject matter testing components in areas other than Early Childhood, Elementary Education, Health and Physical Education, Cooperative Education and all Special Education areas. The Department may identify other certification areas to be excluded from eligibility based on criteria established by the Secretary and approved by the Board.**

**EMERGENCY, LONG-TERM AND DAY-TO-DAY
SUBSTITUTE PERMITS**

§ 49.31. Criteria for eligibility.

The Department may issue an emergency [**permit**], **Long-Term or Day-to-Day Substitute Permit** for service in the public schools, at the request of the employing public school entity, to an applicant who is a graduate of a 4-year college or university to fill a [**professional vacancy**] **vacant position or to serve as a long-term or day-to-day substitute teacher**, when a fully qualified and properly certificated applicant is not available. The [**emergency**] permit is issued on the basis of terms and conditions agreed upon between the requesting public school entity and the Department. Each July, the Department will report to the Board the number and nature of emergency [**permit**], **Long-Term and Day-to-Day Substitute Permits** issued during that year.

§ 49.32. [Emergency cases] Exceptional Case Permits.

The Department may approve the issuance of an [**emergency permit**] **Exceptional Case Permit** to a person at the request of a public school entity upon receiving [**appropriate**] evidence of exceptional conditions requiring Department resolution of the staffing problem.

§ 49.33. Expiration.

Emergency [**permits shall**], **Long-Term and Day-to-Day Substitute Permits** expire with the termination of any summer school conducted which follows the date of issuance. Persons holding an [**emergency permit**], **Emergency, Long-Term or Day-to-Day Substitute Permit** shall be used in staffing summer school positions only when regular employees holding the appropriate provisional or permanent certificate are not available.

§ 49.34. [Issuance by chief school administrator] Locally issued Day-to-Day Substitute Permits.

(a) The chief school administrator of a public school entity is authorized to issue [**an emergency permit**] a **Day-to-Day Substitute Permit** for [**day-to-day**] service as a substitute when the following conditions are met:

* * * * *

(2) No appropriately [**certificated**] **certified** individual is available to fill the substitute position.

* * * * *

(b) This permit shall be valid for [**15**] **20** cumulative school days of service as a day-to-day substitute in each certificate endorsement area. If renewal is necessary, the chief school administrator may request, within 30 days of the person's last day of service, issuance of [**an emergency**] a permit by the Department under §§ 49.31 and 49.32 (relating to criteria for eligibility; and [**emergency cases**] **exceptional case permits**).

* * * * *

ADMINISTRATIVE COMMISSION

§ 49.42. Letter of eligibility.

A letter of eligibility of an administrative commission [**shall**] will be issued in lieu of a certificate by the Department to a candidate who has completed an approved program of preparation in administration and who has been recommended by the preparing institution. Candidates for letters of eligibility shall be able to help students achieve under Chapter 4 (relating to academic standards and assessment). Letters of eligibility will be issued to candidates who present evidence of satisfactory achievement in assessments prescribed by the Department under § 49.18(a) (relating to assessment) and who meet the following standards:

* * * * *

(5) The administrator, in collaboration with faculty, staff, students and parents, fosters a climate conducive to [**student**] **the achievement of all students.**

* * * * *

CHANGES IN CERTIFICATION

§ 49.52. Development of types/categories of certificates and development of their respective standards.

* * * * *

(d) If the Board does not disapprove or take any other action on the new type/category of certificate within 120 days of [submission] receiving an affirmative recommendation, the type/category of certificate will stand approved.

* * * * *

§ 49.53. Elimination or change of types/categories of certificates.

(a) The Secretary, the Board and the Professional Standards and Practices Commission will receive requests to eliminate/change a type/category of certificate. When any of these parties receives such a request, it will inform the other two parties.

(b) The Department will conduct an investigation into a cogent request to eliminate/change a type/category of certificate. The Professional Standards and Practices Commission on its own initiative may conduct an investigation.

(c) The Department and the Professional Standards and Practices Commission will review the findings of the investigation regarding the need to eliminate/change a type/category of certificate and present their individual recommendations to the Board.

(d) If the Board does not disapprove or take any other action on the elimination or change of the type/category of certificate within 150 days of submission, the type/category of certificate will be considered eliminated/changed.

(e) In the case of the elimination of a type/category of certificate, once the elimination is approved by the Board, the Secretary will notify all institutions of higher education offering the programs that effective as of the date of notification no further students are to be accepted into the program. Students currently enrolled in the certification phase of the program will be given an opportunity to complete the program and degree or be provided an opportunity to switch to a different course of study.

MISCELLANEOUS PROVISIONS

§ 49.61. Teaching experience for out-of-State [students] applicants.

* * * * *

§ 49.62. [Temporary permits] Resource Specialist Permits.

The Department may issue [permits] Resource Specialist Permits at the request of an employing public school entity. The permit may be issued in lieu of a certificate to a competent specialist in any area of knowledge to enable the schools of this Commonwealth to use the services of noncertified personnel for supplemental instruction [under the supervision of a certified] in a course of study directed by a certified teacher. The service [shall] must be part-time and may not exceed [300] 400 clock-hours during a school year. When services are provided by professional practitioners in the fine arts or performing arts (for

example—music, dance, pottery, painting, sculpture, and the like) in schools designated by its governing board as a creative and performing arts specialty school, the Resource Specialists may be employed for up to 800 hours per year. These Resource Specialists may not supplant certified fine or performing arts teachers. [These persons will not be] Individuals employed under these provisions are not considered professional staff.

§ 49.62a. Program [specialist certificate] Specialist Certificate.

(a) The Department may issue a [program specialist certificate] Program Specialist Certificate, at the request of the employing [public] school entity, [to an applicant who meets the qualifications and competencies needed to perform the duties and functions of a locally established professional position approved by the local board of directors] upon verification that the applicant meets the requirements established for that certificate.

(b) Program [specialist certificates] Specialist Certificates may be issued [only for an] for a selected area of service [in which] when a certificate does not exist for that area. [It] They may be issued only to [persons] a person who [hold] holds a valid Pennsylvania certificate or its equivalent from another state. Annually, the Department will report to the Board the number and nature of these certificates issued during the year.

(c) Program [specialist certificates] Specialist Certificates are valid only for the position described in the approved position description [are valid only for the position described in the approved position description and are not transferable to other school entities] and will be annotated on the teaching certificate of the individual. They will be valid throughout this Commonwealth.

§ 49.62b. Program Endorsement Certificate.

Following approval by the Department, baccalaureate or graduate degree granting institutions, alone or in cooperation with other institutions, community colleges or school entities, may offer short programs (12 credits maximum) that lead to the Program Endorsement Certificate in new and emerging areas where formal certification does not exist but would improve the teachers' skills in dealing with complex classroom settings. Areas include, but are not limited to, classroom management, classroom technology and disruptive youth. These endorsements would be added to existing Level I or Level II Certificates but are not intended to be required to perform service in these areas.

§ 49.63. Applicants educated in foreign countries.

(a) The Department will issue certificates to applicants who have been educated in a foreign country who meet the established Commonwealth standards for the certificates sought. Applicants shall be required to provide official transcripts of studies completed abroad, and an evaluation of those transcripts by a Department-approved foreign credential evaluation group.

* * * * *

§ 49.64a. Authority to annul and reinstate certificates and discipline professional educators.

* * * * *

(b) In accordance with the authority vested with the Professional Standards and Practices Commission by the [Teacher Certification Law] Professional Educator Discipline Act, the Commission may discipline professional educators.

* * * * *

§ 49.64e. Mandatory reports from schools.

The [board of school directors of the employing school district or the board of directors of each employing intermediate unit or area vocational technical school, or the appropriate governing body of the employing public charter or nonpublic school] chief school administrator or a designee shall report to the [Secretary within 10 days of dismissal the name of any person who has been dismissed and the cause for the dismissal and the name of any individual who is charged or convicted of a crime of moral turpitude.] Department dismissals, resignations to avoid dismissal for cause and criminal charges and convictions of educators on forms provided by the Department as follows:

(1) Within 30 days of employment termination, the name of any person who has been terminated and the cause for the employment termination.

(2) Within 30 days of learning that an educator has been charged or convicted of a crime involving moral turpitude or a crime set forth in section 111(e)(1) of the act (24 P. S. § 1-111(e)(1)), the name of the educator and information related to the conduct leading to the criminal matter.

(3) Within 60 days of receiving information constituting reasonable cause to believe that an educator caused physical injury to a student or child due to negligence, malice, or sexual abuse or exploitation, the name of the educator, and all available relevant information.

§ 49.65. Out-of-State and Nationally-certified applicants.

(a) The Department will issue the appropriate Commonwealth certificate to applicants who have:

* * * * *

(2) Completed the preparing institution's teacher education program [of the preparing institution].

* * * * *

(4) Presented evidence of satisfactory achievement in assessments prescribed by the Department under § 49.18(a) (relating to assessment) and the requirements of Chapter 354 (relating to teacher preparation).

(b) The Department may enter into a reciprocal certification agreement with the appropriate authority of another state to recognize comparable certificates. A temporary teaching permit may be issued to educators prepared outside of this Commonwealth in accordance with the current reciprocity agreement with other states. It will be valid for 1 year to allow the teacher to meet the Commonwealth's requirements as outlined in the reciprocity agreement.

* * * * *

(d) Candidates successfully completing other National teacher training programs that require a candidate to demonstrate mastery of the subject area to be taught and professional knowledge needed for classroom effectiveness as approved by the Board, will be certified to teach in this Commonwealth, provided the approved program includes 1 year of intensive supervision in an internship program approved by the Secretary and the teacher has satisfied the basic certification requirements of the act (see 24 P. S. §§ 12-1202 and 12-1209), such as having good moral character, being at least 18 years old and having a bachelor's degree.

(e) Candidates holding a valid and current instructional certificate issued by one of the states party to the Interstate Certification Agreement with Pennsylvania may be eligible for certification if they have taught on the out-of-State certificate for 3 of the past 7 years and have achieved the qualifying score on the appropriate content area test required by the Commonwealth and meet the requirements of § 49.12 (relating to eligibility). The out-of-State certificate must be comparable to the grade level and scope of the Pennsylvania certificate being requested, and the test must have been taken within 5 years of the date of application for the Pennsylvania certificate. In those cases, no other tests will be required.

§ 49.69. Deletion of areas from certificates.

(a) Annually, between October 1 and December 31, any holder of a Pennsylvania certificate may request and the Department will grant the removal of any area for which the certificate is endorsed if any of the following conditions are met:

(1) The applicant has not taught in the area for which deletion is sought within the previous [10] 5 years.

* * * * *

(b) In all other cases, an applicant requesting the removal of any area for which the certificate is endorsed [must] shall secure the approval of the [local] employing school authority. If [such] the approval is granted, [then] the Department will delete the area from the certificate. If [such] the approval is denied by the [local] employing school authority, the applicant shall have the right to appeal to the Department. In any such appeal, the burden is on the applicant to show lack of current subject matter competency.

* * * * *

Subchapter B. CERTIFICATION OF GRADUATES FROM COMMONWEALTH INSTITUTIONS GENERAL PROVISIONS

§ 49.72. Categories of certificates and letters of eligibility.

(a) The following basic categories of certificates and letters of eligibility will be issued by the Department:

* * * * *

(2) Emergency [Permit] and Substitute Permits.

* * * * *

(11) Exceptional Case Permits.

(12) Resource Specialist Permits.

* * * * *

INSTRUCTIONAL CERTIFICATES

§ 49.82. Instructional I.

(a) The Instructional I Certificate [shall be] is valid for 6 years of teaching in public schools in this Commonwealth in the area for which it applies. It may be converted to an Instructional II Certificate as provided by § 49.83 (relating to Instructional II).

* * * * *

§ 49.83. Instructional II.

The Instructional II Certificate [shall] will be [a permanent certificate] issued to an applicant who has completed:

* * * * *

(3) Twenty-four credit hours of collegiate study or its equivalent [in in-service courses approved by the Department, or both] in credits from the Department, a Pennsylvania intermediate unit or any combination thereof.

* * * * *

§ 49.85. Limitations.

(a) The grade level limitations of instructional certificates shall be the following:

(1) Early childhood ([nursery] prekindergarten, kindergarten, grades one [to] through three or ages 3 to 8).

(2) Elementary (kindergarten, grades one [to] through six or ages [3 to] 4 through 11).

(3) Middle level (grades six [to] through nine or ages 11 [to 14] through 15).

(4) Secondary (grades seven [to] through 12, or ages 11 [to] through 21).

(5) Specialized areas ([kindergarten to] prekindergarten through grade 12 or up to age 21).

(6) Special education (prekindergarten through grade 12 or up to age 21).

* * * * *

TEMPORARY TEACHING PERMITS

§ 49.90. Criteria for eligibility.

(a) The Department may make a one-time issuance of a Temporary Teaching Permit for service in a specific area of instruction for use in elementary, middle or secondary schools to applicants who, in addition to meeting the requirements of § 49.12 (relating to eligibility), present evidence of one of the following:

(1) For candidates prepared outside of this Commonwealth, met all requirements for an Instructional I certificate, with the exception of the Math/English course requirements under Chapter 354 (relating to preparation of professional educators).

(2) For candidates holding a credential issued by a Board-approved National alternative certification program, completed any ancillary requirements agreed upon by the Department and the credentialing authority.

(b) The Temporary Teaching Permit will be valid for 1 calendar year from the date of issuance.

(c) The Department will issue an Instructional I certificate when the prescribed courses or ancillary requirements are satisfied.

INTERN CERTIFICATES

§ 49.91. Criteria for eligibility.

(a) The Department may make a one-time issuance of an Intern Certificate for service in [approved] a specific area of instruction for use in elementary, middle and secondary schools to applicants who, in addition to meeting the requirements of § 49.12 (relating to eligibility), present evidence of satisfactory achievement on Department-prescribed assessments of basic skills[, general knowledge] and subject matter tests; are enrolled in and have completed appropriate professional education courses in an approved intern program, which may include an induction; and are recommended for certificates by the institution holding approval. Candidates for elementary, K-12 instructional and early childhood certificates shall also be assessed in the area of general knowledge.

* * * * *

(c) Intern certificate programs must provide flexible and accelerated pedagogical training to teachers who have demonstrated competency in a subject area, provided that the first year of teaching includes intensive supervision by an approved college/university in this Commonwealth.

(d) An Intern Certificate is valid for 3 years. This professional certificate may be issued only to an applicant who is a graduate of a 4-year college or university. During the first year, the applicant shall complete all tests, enroll in an authorized program and complete a minimum of nine credits per year. This certificate cannot be renewed.

§ 49.92. Term of validity.

The [intern certificate shall] Intern Certificate will be issued for the period of time necessary for the candidate to complete the approved intern program, but [in no case shall] this time period will not exceed 3 calendar years.

EDUCATIONAL SPECIALIST CERTIFICATES

§ 49.101. General.

The Department will issue [educational specialist certificates] Educational Specialist Certificates to persons whose primary responsibility [shall be] is to render professional service other than classroom teaching. The service shall be directly related to the personal welfare of the learner and may include service for the needs of other professional personnel working with learners. Candidates for [educational specialist certificates] Educational Specialist Certificates shall be able to help students achieve under Chapter 4 (relating to academic standards and assessment). Educational specialist certificates will be issued to candidates who meet the following standards:

* * * * *

(7) The educational specialist plans professional services based upon knowledge of the professional field, students, the community and curriculum goals.

* * * * *

§ 49.102. Educational Specialist I.

(a) The Educational Specialist I Certificate [shall be] is valid for 6 years of service in public schools in this Commonwealth in each area for which it is endorsed. It may be converted to an Educational Specialist II Certificate in any endorsement area as provided in § 49.103 (relating to Educational Specialist II).

* * * * *

§ 49.103. Educational Specialist II.

The Educational Specialist II Certificate [shall] will be [a permanent certificate] issued to an applicant subject to the requirements of § 49.17(c) (relating to professional development) [issued to applicants] who has completed:

(1) [Have completed a] A Department-approved induction program.

(2) [Have completed 3] Three years of satisfactory service on an Educational Specialist I Certificate attested to by the chief school administrator of the approved public or nonpublic school entity in which the most recent service of the applicant was performed.

(3) [Have completed 24] Twenty-four credit hours of collegiate study, or its equivalent in [in-service courses] credits approved by the Department, [or a] credits from an intermediate unit, or any combination thereof.

[(4) Present evidence of satisfactory achievement in assessments prescribed by the Department under § 49.18(a) (relating to assessment).]

§ 49.104. College credit acceptable for renewal or conversion of Educational Specialist I Certificate.

* * * * *

(b) Credits earned in programs designed to prepare for professional fields such as law, medicine[,] or theology, [unless] when relevant to the area of certification, will [not] be considered acceptable for purposes of renewing or converting the Educational Specialist I Certificate.

* * * * *

SUPERVISORY [CERTIFICATE] CERTIFICATES

§ 49.111. Supervisory Certificate.

(a) The Department will issue Supervisory Certificates for positions in the schools of this Commonwealth to persons who:

* * * * *

(2) Have completed an approved graduate program preparing the applicant for the responsibilities of supervising in the program area and of directing the activities of [certificated] certified professional [employes] employees.

* * * * *

(5) Meet the following standards:

* * * * *

(ii) The supervisor understands how all children learn and develop and configures resources to support the intellectual, social and personal growth of all students.

* * * * *

(ix) The supervisor possesses knowledge and skills in observation of instruction and conducting conferences with professional staff which are intended to improve their performance and enhance the quality of learning experiences for all students.

* * * * *

(b) A Supervisory Certificate for either Curriculum and Instruction or Pupil Personnel Services [shall] will be issued to persons who:

(1) Have 5 years of satisfactory professional certified service in the school program area for which the comprehensive certificate is sought.

* * * * *

ADMINISTRATIVE CERTIFICATES

§ 49.121. Administrative Certificate.

(a) The Department will issue Administrative Certificates to persons who have had a minimum of 5 years of satisfactory professional [certificated] certified school experience and have completed an approved program of graduate study preparing the applicant to direct, operate, supervise[,] and administer the organizational and general educational activities of a school. Applicants shall be recommended by the preparing institution in which the graduate program was completed. Candidates for administrative certificates [must] shall be able to help students achieve under Chapter 4 (relating to academic standards and assessment).

* * * * *

Subchapter C. VOCATIONAL EDUCATION CERTIFICATION

GENERAL PROVISIONS

§ 49.132. Types of certificates.

[Four] Five basic types of certificates [shall] will be issued, as follows:

* * * * *

(5) Vocational Substitute Permits.

VOCATIONAL INSTRUCTIONAL CERTIFICATES

§ 49.141. General.

* * * * *

(b) The holder of a [vocational teaching certificate] Vocational Teaching Certificate may also teach the technical skills and knowledge of the holder's occupation in courses of comparable content provided in secondary school programs which have not been accorded State approval as vocational education programs under the conditions in the policies and standards of the Department. Candidates for [vocational instructional certificates] Vocational Teaching Certificates shall be able to help students achieve under Chapter 4 (relating to academic standards and assessment).

* * * * *

VOCATIONAL INTERN CERTIFICATES

§ 49.153. Vocational [emergency permit] Day-to-Day Substitute Permit.

(a) The chief school administrator or vocational school administrative director having jurisdiction over any approved Vocational Education program [shall be] is authorized to issue a special [emergency per-

mit on a day-to-day basis] Day-to-Day Substitute Permit to an occupational practitioner when no properly [certificated] certified teachers are available. The teacher shall function under the supervision of a properly [certificated] certified supervisor or administrator. Assignments as described in this section shall be made only in case of an [extreme] emergency and may not exceed [15] 20-consecutive school days. This permit [shall] will be valid for [15] 20 days of substitute service and may be renewed for an additional [15] 20 school days upon the approval of the Secretary.

(b) This permit does not qualify the holder to serve as a regularly [elected teacher] employed teacher to fill a vacant position or as a long-term substitute. These positions shall be filled by a person holding a valid Vocational Instructional or a State-issued [Emergency] Long-term or Day-to-Day Substitute Permit. Reference should be made to § 49.32 (relating to [emergency cases] Exceptional Case Permits).

SUPERVISOR OF VOCATIONAL EDUCATION CERTIFICATE

§ 49.161. Supervisor of Vocational Education.

(a) The Department will issue a Supervisor of Vocational Education Certificate to a person who [shall have] has a minimum of 3 years satisfactory [certificated] certified vocational teaching experience and whose primary assignment will be [either or both] one or more of the following:

* * * * *

Subchapter D. OUT-OF-STATE APPLICANTS

§ 49.171. General requirements.

* * * * *

(c) The Department may issue the comparable Pennsylvania Certificate to an applicant who, lacking institutional recommendation:

(1) Has been legally [certificated] certified by another state at a level comparable to the Pennsylvania certificate sought.

* * * * *

§ 49.172. Letter of eligibility.

(a) The Department will issue the appropriate letter of eligibility for consideration for appointment as a district superintendent or an assistant district superintendent to an applicant who [shall]:

(1) [Have done one of the following:

(i) Completed] Has completed a Pennsylvania-approved graduate level program of educational administrative study for the preparation of chief school administrators[.

(ii) Been] or been prepared through an out-of-State graduate level program equivalent to those approved in this Commonwealth.

(2) [Have] Has received the recommendation of the preparing institution for certification as a chief school, district level, administrator.

(3) [Have] Has provided evidence of 6 years of [teaching or other professionally certificated] certified service in the basic K-12 schools [3 years of which shall have been] and, for the superintendent's letter, including at least 3 years of satisfactory certified service in supervisory or administrative positions.

* * * * *

Subchapter E. COMMISSIONS AND CERTIFICATES FOR INTERMEDIATE UNITS

§ 49.182. Letter of eligibility.

(a) A letter of eligibility to serve as an intermediate unit executive director or assistant executive director will be issued in lieu of a certificate by the Department to a candidate who has [obtained or achieved]:

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[(3) Satisfactory achievement in assessments prescribed by the Department under § 49.18(a) (relating to assessment).]

* * * * *

Subchapter F. LETTERS OF EQUIVALENCY FOR PAY PURPOSES

§ 49.191. Letters of Equivalency.

A Letter of Equivalency [shall] will be issued for salary purposes only, subject to the following terms and conditions:

(1) [The Letter of Equivalency for Master's Degree is issued to persons holding a valid Instructional I, Instructional II, Educational Specialist I, Educational Specialist II certificate or their equivalents, upon the accumulation of 36 hours of graduate level credit. A minimum of 18 academic graduate credits shall be earned in the content area of the applicant's primary teaching assignment at a college or university approved to offer graduate work. A maximum of 18 of the credit requirement may be satisfied through in-service programs approved by the Secretary of Education for meeting master's equivalency requirements.

(2) The Letter of Equivalency for Baccalaureate Degree is issued to holders of Vocational Instructional I, Vocational Instructional II or their equivalents upon the accumulation of 90 college credits. A minimum of 18 credit hours of the final 30 shall be earned at a State-approved baccalaureate degree granting institution. The remaining 12 may be satisfied, in full or in part, through in-service programs approved by the Secretary for meeting baccalaureate equivalency requirements.]

The Letter of Equivalency for Baccalaureate Degree is issued to holders of Vocational Instructional I, Vocational Instructional II or their equivalents upon the accumulation of 90 college credits. A minimum of 18 credit hours of the final 30 shall be earned at a State-approved baccalaureate degree granting institution. The remaining 12 may be satisfied, in full or in part, through in-service programs approved by the Secretary for meeting baccalaureate equivalency requirements.

(2) The Letter of Equivalency for Master's Degree is issued to persons holding a valid Instructional I, Instructional II, Educational Specialist I, Educational Specialist II certificate Vocational Instructional I, Vocational Instructional II, or their equivalents, upon the accumulation of 36 hours of graduate level credit. A minimum of 18 academic graduate credits shall be earned in the content area of the applicant's primary teaching assignment at a college or university approved to offer graduate work. A maximum of 18 of the credit requirement may be satisfied through in-service programs approved by the Secretary for meeting master's equivalency requirements.

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NOTICES

DEPARTMENT OF BANKING

Action on Applications

The Department of Banking, under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 9, 2002 (P. L. 1572, No. 207), known as the Credit Union Code, has taken the following action on applications received for the week ending October 18, 2005.

BANKING INSTITUTIONS

Consolidations, Mergers and Absortions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
10-12-05	Affinity Bank of Pennsylvania Wyomissing Berks County Purchase of assets/assumption of liabilities of one branch office of Susquehanna Patriot Bank, Marlton, NJ Located at: 3101 Shillington Road Sinking Spring Berks County	Wyomissing	Filed
10-17-05	NOVA Savings Bank Philadelphia Philadelphia County Purchase of assets/assumption of liabilities of one branch office of Susquehanna Patriot Bank, Marlton, NJ Located at: 200 East Uwchlan Avenue Exton Chester County	Philadelphia	Approved

Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
12-6-04	Coatesville Savings Bank Coatesville Chester County	1082 Georgetown Road Georgetown Lancaster County	Opened
10-14-05	Jersey Shore State Bank Jersey Shore Lycoming County	820 Broad Street Montoursville Lycoming County	Filed
10-14-05	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	Giant Supermarket 3301 Trindle Road Camp Hill Cumberland County	Opened
10-17-05	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	Washington Township Acme 415 Egg Harbor Road Sewell Gloucester County, NJ	Authorization Rescinded
10-18-05	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	2929 Arch Street Philadelphia Philadelphia County	Approved

Branch Relocations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
10-17-05	S & T Bank Indiana Indiana County	<i>To:</i> 12900 Frankstown Road Pittsburgh Allegheny County <i>From:</i> 12262 Frankstown Road Pittsburgh Allegheny County	Authorization Rescinded

SAVINGS INSTITUTIONS

No activity.

CREDIT UNIONS

No activity.

A. WILLIAM SCHENCK, III,
Secretary

[Pa.B. Doc. No. 05-1984. Filed for public inspection October 28, 2005, 9:00 a.m.]

DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

Land Use Planning and Technical Assistance Program

The Department of Community and Economic Development (Department) gives notice of the revision of the Land Use Planning and Technical Assistance Program (Program) guidelines. The Program provides financial assistance to municipalities and counties of this Commonwealth for the purpose of developing and strengthening community planning and management capabilities. The Program has been separated into three programs: Community Planning Program; Implementation Program; and the Transit Revitalization Investment District Planning Study Program, as authorized by the act of December 8, 2004 (P. L. 1801, No. 238).

Program guidelines, which set forth the eligibility criteria and the application process, have been revised. The revised guidelines can be found on the Department's website at www.newpa.com or can be obtained by contacting the Governor's Center for Local Government Services.

Program inquiries and applications should be directed to Governor's Center for Local Government Services, Department of Community and Economic Development, 4th Floor, Commonwealth Keystone Building, 400 North Street, Harrisburg, PA 17120-0225, (888) 223-6837, (717) 783-1402.

DENNIS YABLONSKY,
Secretary

[Pa.B. Doc. No. 05-1985. Filed for public inspection October 28, 2005, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

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

This notice provides information about persons who have applied for a new, amended or renewed NPDES or WQM permit, a permit waiver for certain stormwater discharges or submitted a Notice of Intent (NOI) for coverage under a general permit. The applications concern, but are not limited to, discharges related to industrial, animal or sewage waste, discharges to groundwater, discharges associated with municipal separate storm sewer systems (MS4), stormwater associated with construction activities or concentrated animal feeding operations (CAFOs). This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92 and 40 CFR Part 122, implementing The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act.

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

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

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

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

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

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

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

I. NPDES Renewal Applications

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0033669 Sewage	Martin Oley Valley View Park R. R. 4 P. O. Box 297C Dallas, PA 18612	Luzerne County Dallas Township	UNT to Abraham's Creek (5B)	Y
PA0063428	Blue Mountain Ski Area P. O. Box 201 Palmerton, PA 18071	Carbon County Lower Towamensing Township	Buckawha Creek (2B)	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed#)</i>	<i>EPA Waived Y/N ?</i>
PA0088536 (Sew)	Camp Hebron 957 Camp Hebron Road Halifax, PA 17032-9520	Dauphin County Halifax Township	Powell Creek/6-C	Y
PA0081370 (Sew)	Timeless Towns of America, Inc. 2636 Emmitsburg Road Gettysburg, PA 17325	Adams County Cumberland Township	UNT to Marsh Creek/13-D	Y
PA0087041 (Sew)	Klass Bakker, Inc. 576 Yellow Hill Road Narvon, PA 17555-9335	Lancaster County Brecknock Township	UNT to Black Creek/7-J	Y
PA0008826 (IW)	A. P. Green Refractories, Inc. 400 Fairway Drive Moon Township, PA 15108	Blair County Greenfield Township	Boiling Spring Run/11-A	Y

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed#)</i>	<i>EPA Waived Y/N ?</i>
PA0084212 (Sew)	Leacock Township Sewer Authority P. O. Box 558 Intercourse, PA 17534	Lancaster County Leacock Township	Muddy Run/7-J	Y
PA0010375 (IW)	Lehigh Cement Company 200 Hokes Mill Road York, PA 17404-5540	York County West Manchester Township	UNT to Cordorus Creek/7-H	Y
PA0088421 (SEW)	Patrick Gibson 2887 Chaneyville Road Clearville, PA 15535	Bedford County Southampton Township	Dry Swale to Town Creek/ 13-A	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.

PA0055468, Dyer and MaryAnn Highley, d/b/a as Pleasant Run Mobile Home Park Sewage Treatment Plant (STP), Route 663 and Little Road, Perkiomenville, PA 18074. This facility is located in New Hanover Township, **Montgomery County**.

Description of Proposed Activity: This application is for renewal of an NPDES permit to discharge treated sanitary wastewater to Deep Creek.

The receiving stream, Deep Creek, is in the State Water Plan watershed 3E- Perkiomen and is classified for TSF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 are based on a design flow of 5,300 gpd.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		<i>Instantaneous Maximum (mg/l)</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Average Monthly</i>	<i>Average Weekly</i>	
CBOD ₅			25		50
Total Suspended Solids			30		
NH ₃ as N			10		60
Phosphorus as P			2.0		20
Fecal Coliform			200 #/100 ml		4.0
Dissolved Oxygen			5.0 (Min.)		
Total Residual Chlorine			0.50		
pH (STD Unit)			6.0 (min)		9.0 (max)

In addition to the effluent limits, the permit contains the following major special conditions:

1. Discharge must not cause nuisance or health hazard.
2. Sludge disposal according to state and Federal regulations.

The EPA waiver is in effect.

PA0051926, Industrial Waste, SIC 4911, **Exelon Generation Company, LLC**, 200 Exelon Way, Kennett Square, PA 19348.

Description of Proposed Activity: Wastewater flow includes discharge of cooling water from two cooling towers serving Limerick Nuclear Power Plant and stormwater associated with industrial activities in Limerick Township, **Montgomery County**.

The receiving streams are Schuylkill River, Possum Hollow Run and Sanatoga Creek located in the State Water Plan Watershed 3D. The streams are classified for WWF. The nearest downstream public water supply intake for Pennsylvania American Water Company is located on Schuylkill River 2.0 miles below the point of discharge.

The proposed effluent limits for Outfall 001, based on an average flow of 10.7 mgd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Suspended Solids	30	60	75
Temperature			110°F
Total Residual Oxidants		0.2	0.5
Spectrus CT1300	0.2	0.4	0.5
pH (Standard Units)	6.0		9.0
Cadmium, Total	Instantaneous Minimum Monitor	Monitor	Monitor

The proposed effluent limits for Outfalls 003 and 005, based on a maximum daily flow of 1.1 mgd from turbine system drain down are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Suspended Solids	Monitor	Monitor	Monitor
Temperature			110°F
Total Residual Oxidants		0.2	0.5
pH (Standard Units)	6.0		9.0
	Instantaneous Minimum		
Spectrus CT1300	0.2	0.4	0.5

The proposed effluent limits for discharge of stormwater through Outfalls 002, 004, 006—008, 009, 021 and 022 associated with industrial activities are as follows:

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

The proposed effluent limits for discharge of wastewater through Outfall 012, based on a maximum flow of 0.5 mgd during dredging operation of the Schuylkill River Pump House are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Oil and Grease		Monitor	
pH		Monitor	
Total Suspended Solids	Monitor	100	
Total Iron		7.0	
Iron (Dissolved)		Monitor	

The proposed effluent limits for Outfall 020, based on discharge from the storage tank containing Perkiomen Creek Water for cooling towers are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Suspended Solids	Monitor	100	Monitor
pH (Std Unit)	6.0		9.0
	Instantaneous Minimum		

The proposed effluent limits for Outfall 023, based on a maximum discharge of 0.4 mgd from the emergency overflow vents of the cooling towers are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Suspended Solids	Monitor	100	Monitor
Total Residual Oxidants		0.2	0.5
pH (Std Unit)	6.0		9.0
	Instantaneous Minimum		
Spectrus CT1300	0.2	0.4	0.5

The EPA waiver is in effect. In addition to the effluent limits, the permit contains the following major special conditions:

1. Remedial Measures.
2. BAT/ELG Reopener.
3. Disposal of Sludge.
4. TMDL/WLA Analysis.
5. Requirements for Stormwater Outfalls.
6. Laboratory Certification.
7. Certain Chemical Additives.
8. Thermal Impact of Outfall 001 upon Schuylkill River.
9. Radioactive Release Report to the Department of Environmental Protection's Bureau of Radiation Protection.
10. NO PCB Compounds.
11. Credits for Total Suspended Solids during the use of Spectrus DT1400 Additive.
12. Cooling Water Intake Structure.

PA0050423, Sewage, SIC 4952, **Sisters, Servants of the Immaculate Heart of Mary**, 1140 King Road, Immaculate, PA 19345-0200. This proposed facility is located in East Whiteland Township, **Chester County**.

Description of Proposed Activity: Renewal of an NPDES permit to discharge treated sewage from Villa Maria STP.

The receiving stream, a UNT to Ridley Creek, is in the State Water Plan watershed 3G and is classified for HQ-TSF, water supply, aquatic life and recreation. The nearest downstream public water supply intake for Aqua, PA main system is located on Ridley Creek 15.0 miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.04 mgd.

Parameters	Concentration (mg/l)	
	Average Monthly	Instantaneous Maximum (mg/l)
CBOD ₅ (5-1 to 10-31)	20	40
(11-1 to 4-30)	25	50
TSS	30	60
NH ₃ -N (5-1 to 10-31)	2.0	4.0
(11-1 to 4-30)	6.0	12.0
TRC	0.14	0.32
Dissolved Oxygen	6.0 (Instantaneous Minimum)	
Fecal coliform	200 colonies/100 ml as a geometric mean	
pH	6.0 to 9.0 standard units at all times	

In addition to the effluent limits, the permit contains the following major special conditions:

1. Operator Notification.
2. Abandon STP When Municipal Sewers Available.
3. Remedial Measures if Unsatisfactory Effluent.
4. No Stormwater.
5. Acquire Necessary Property Rights.
6. Change of Ownership.
7. Chlorine Minimization.
8. Proper Sludge Disposal.
9. 2/Month Sampling.
10. Instantaneous Maximum.
11. Laboratory Certification.

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

PA0026921, Sewage, **Greater Hazleton Joint Sewer Authority**, P. O. Box 651, Valmont Industrial Park, Hazleton, PA 18201-0651. This proposed facility is located in West Hazleton Borough, **Luzerne County**.

Description of Proposed Activity: Renewal permit to discharge 8.9 mgd of treated sewage.

The receiving stream, Black Creek, is in the State Water Plan watershed No. 5D (Nescopeck) and is classified for CWF. The nearest downstream public water supply intake for Danville Water Authority is located on North Branch Susquehanna River.

The proposed effluent limits for Outfall 001 based on a design flow of 8.9 mgd

Parameter	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
CBOD ₅	25	40	50
Total Suspended Solids	30	45	60
Fecal Coliform (5-1 to 9-30)	200/100 ml		1,000/100 ml
(10-1 to 4-30)	2,000/100 ml		10,000/100 ml
pH	6.0 to 9.0 standard units at all times.		
Total Residual Chlorine	.5		1.0
Ammonia-N	Report	Report	Report
Kjeldahl-N	Report	Report	Report
Nitrite-N/Nitrate N	Report	Report	Report
Total Nitrogen	Report	Report	Report
Total Phosphorus	Report	Report	Report
Total Nitrogen	Annual Mass Load of 216,739 lb. limit for years 4 and 5 of permit.		
Total Phosphorus	Annual Mass Load of 27,092 lb. limit for years 4 and 5 of permit.		

*Outfalls 101—103 (stormwater)**

<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 ₅				Report
Chemical Oxygen Demand				Report
Oil and Grease				Report
pH				Report
Total Suspended Solids (TSS)				Report
Total Kjeldahl Nitrogen (TKN)				Report
Total Phosphorus				Report
Iron (dissolved)				Report

*Permittee has the option to perform annual inspection of facility in lieu of annual monitoring.

Point Sources 002—016 (except 007) serve as combined sewer reliefs necessitated by stormwater entering the sewer system and exceeding the hydraulic capacity of the sewers and/or the treatment plant. In accordance with the Department of Environmental Protection's EPA approved CSO strategy, a special permit requirements is included in Part C of this permit.

In addition to the effluent limits, the permit contains the following special conditions:

Sludge disposal, pretreatment operations and reporting requirements, combined sewer overflows and stormwater.

The EPA waiver is not in effect.

PA0046388, Sewage, **Butler Township**, 415 West Butler Drive, Drums, PA 18222. This proposed facility is located in Butler Township, **Luzerne County**.

Description of Proposed Activity: Increase discharge of treated sewage from 0.6 mgd to 2.2 mgd.

The receiving stream, Nescopeck Creek, is in the State Water Plan watershed No. 5D and is classified for TSF. The nearest downstream public water supply intake for Danville Water Supply is located on Susquehanna River is approximately 30 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 0.6 mgd.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25.0	40.0	50.0
Total Suspended Solids	30.0	45.0	60.0
NH ₃ -N (5-1 to 10-31)	12.0		24.0
Dissolved Oxygen	A minimum of 5.0 mg/l at all times.		
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		
pH	6.0 to 9.0 standard units at all times.		
Total Residual Chlorine	1.0		2.0
Ammonia-N	Report		
Kjeldahl-N	Report		
Nitrate-N/Nitrite-N	Report		
Total Nitrogen	Report		
Total Phosphorus	Report		
Total Nitrogen	Report annual mass load.		
Total Phosphorus	Report annual mass load.		

The proposed effluent limits for Outfall 001 based on a design flow of 2.2 mgd.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25.0	40.0	50.0
Total Suspended Solids	30.0	45.0	60.0
NH ₃ -N (5-1 to 10-31)	4.7		9.3
(11-1 to 4-30)	14.0		28.0
Dissolved Oxygen	A minimum of 5.0 mg/l at all times.		
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		
pH	6.0 to 9.0 standard units at all times.		
Total Residual Chlorine	0.28		0.65
Ammonia-N	Report		
Kjeldahl-N	Report		

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Nitrate-N/Nitrite-N	Report		
Total Nitrogen	Report		
Total Phosphorus	Report		
Total Nitrogen	Annual mass load of 18,021 lbs/yr limit after completion of plant upgrades.		
Total Phosphorus	Annual mass load of 2,021 lbs/yr limit after completion of plant upgrades.		

In addition to the effluent limits, the permit contains the following major special conditions: Initial Whole Effluent Toxicity Testing Monitoring.

PA0070041, Sewage, **Mahanoy City Sewer Authority**, 130 East Center Street, P. O. Box 215, Mahanoy City, PA 17948. This proposed facility is located in Mahanoy Township, **Schuylkill County**.

Description of Proposed Activity: Renewal of NPDES permit.

The receiving stream, Mahanoy Creek, is in the State Water Plan watershed No. 6B and is classified for WWF. The nearest downstream public water supply intake for Dauphin Consolidated Water Company is located on Susquehanna River over 50 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 1.38 mgd.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25.0	40.0	50.0
Total Suspended Solids	30.0	45.0	60.0
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		
pH	6.0 to 9.0 standard units at all times.		
Total Residual Chlorine	0.5		1.2
Ammonia-N	Monitor and Report		
Kjeldhal -N	Monitor and Report		
Nitrite-N	Monitor and Report		
Nitrate-N	Monitor and Report		
Total Nitrogen	Monitor and Report		10/2005 to 9/2008
Total Phosphorus	Monitor and Report		10/2005 to 9/2008
Total Nitrogen	18,995 lbs/year		10/2008 to 9/2010
Total Phosphorus	2,374 lbs/year		10/2008 to 9/2010

In addition to the effluent limits, the permit contains the following major special conditions: combined sewer overflow.

Southwest Regional Office: Regional Manager, Water Management, 400 Waterfront Drive, Pittsburgh, PA 15222-4745; (412) 442-4000.

PA0094111, Sewage, **Rimco Properties, Inc.**, 100 Sandune Drive, Pittsburgh, PA 15239. This application is for renewal of an NPDES permit to discharge treated sewage from Wellington Estates Mobile Home Park STP in Washington Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as tributary of Thorn Run, which are classified as a HQ-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 Westmoreland County Municipal Authority on Beaver Run Reservoir.

Outfall 001: existing discharge, design flow of 0.03 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)	3.0			6.0
(11-1 to 4-30)	9.0			18.0
Phosphorus	2.0			4.0
Nitrite-Nitrate	10			20
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			

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
Total Residual Chlorine	1.4			3.3
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.

PA0205249, Sewage, **Timber Creek Farms Homeowners Association**, P. O. Box 186, Warrendale, PA 15086-0186. This application is for renewal of an NPDES permit to discharge treated sewage from Timber Creek Farms STP in Marshall Township, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as UNT of Big Sewickley Creek, which are classified as a TSF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Nova Chemicals, Beaver Valley Plant on the Ohio River.

Outfall 001: existing discharge, design flow of 0.0112 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD ₅	25			50
Suspended Solids	30			60
Ammonia Nitrogen				
(5-1 to 10-31)	2.0			4.0
(11-1 to 4-30)	3.0			6.0
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	0.03			0.06
Dissolved Oxygen	not less than 6 mg/l			
PH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA0090395, Industrial Waste, SIC, 4941, **Indiana County Municipal Services Authority**, 827 Water Street, Indiana, PA 15701. This application is for renewal of an NPDES permit to discharge treated backwash waters from rinsing filters and softener discharge from Iselin Water Treatment Plant in Young Township, **Indiana County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Harpers Run, classified as a CWF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is the Buffalo Township Municipal Authority located at Freeport approximately 25 miles below the discharge point.

Outfall 00: existing discharge, design flow of 0.002 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Total Suspended Solids			30		60
Total Iron			2		4
Aluminum (T)			4		8
Manganese (T)			1		2
Total Residual Chlorine			0.5		1
pH	not less than 6.0 nor greater than 9.0				

Other Conditions: DMR submittal address, residual waste management condition, chlorine minimization and chemical additives.

The EPA waiver is in effect.

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

PA0026271, Sewage, **Meadville Area Sewage Authority**, 984 Water Street, Meadville, PA 16335. This facility is located in Meadville City, **Crawford County**.

Description of Proposed Activity: Renewal of an existing discharge of treated sewage.

For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride, phenolics, sulfate and chloride, the existing/proposed downstream potable water supply, considered during the evaluation is the Emlenton Water Company is located on the Allegheny River and is approximately 60 miles below point of discharge.

The receiving stream, the French Creek, is in watershed 16-D and classified for WWF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 are based on a design flow of 7.3 mgd.

<i>Parameters</i>	<i>Loadings</i>		<i>Concentrations</i>		
	<i>Average Monthly (lb/day)</i>	<i>Average Weekly (lb/day)</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow					
CBOD ₅					
(5-1 to 10-31)	1,218	1,826	20	30	40
(11-1 to 4-30)	1,522	2,435	25	40	50
Total Suspended Solids	1,826	2,739	30	45	60
NH ₃ -N					
(5-1 to 10-31)	578		9.5		19
Copper	1.5		0.024		0.05
Phosphours as "P" (year-round)	122		2.0		4.0
Fecal Coliform					
(5-1 to 9-30)			200		1,000
(10-1 to 4-30)			2,000		10,000
Dissolved Oxygen		3			
pH		6.0 to 9.0 standard units at all times			

The proposed effluent limits for Outfall 007 are based on a design flow of N/A mgd.

<i>Parameters</i>	<i>Loadings</i>		<i>Concentrations</i>		
	<i>Average Monthly (lb/day)</i>	<i>Average Weekly (lb/day)</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
This outfall shall be composed entirely of nonpolluting stormwater runoff in accordance with Special Condition 5.					

The EPA waiver is not in effect.

PA0005304, Industrial Waste. **United Refining Company**, 15 Bradley Street, Warren, PA 16365. This proposed facility is located in Warren, **Warren County**.

Description of Proposed Activity: from an existing and expanded discharge of treated industrial waste and stormwater.

For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride, phenolics, sulfate and chloride, the existing/proposed downstream potable water supply (stream and Public Water Supplier) considered during the evaluation is the Emlenton Water Company and the Allegheny River and Glade Run located approximately 96 miles below point of discharge.

The receiving streams, the Allegheny River and Glade Run, are in watershed 16-B and classified for WWF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 based on a design flow of 0.844 mgd.

<i>Parameter</i>	<i>Loadings</i>		<i>Concentrations</i>		
	<i>Average Monthly (lb/day)</i>	<i>Maximum Daily (lb/day)</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow (mgd)					
TSS**	515	810			180
BOD ₅ **	645	1,165			225
Chemical Oxygen Demand**	4,520	8,710			1,605
Ammonia-Nitrogen	350	775			125
Sulfide	3	7.5			1.2
Total Chromium**	2.8	8.2			0.99
Hexavalent Chromium**	0.23	0.52			0.082
Phenolic Compounds (4AAP)**	2.4	8.7			0.85
Oil and Grease**	185	350	15	30	30
Spectrus NX 1103	2.75		0.39		0.98
Spectrus OX 1200	5		0.71		1.8
Ferric Chloride	630		90		225
pH			within 6 to 9 standard units at all times		

The proposed effluent limits for Outfall 001—with coker based on a design flow of 1.32 mgd

<i>Parameter</i>	<i>Loadings</i>		<i>Concentrations</i>		
	<i>Average Monthly (lb/day)</i>	<i>Maximum Daily (lb/day)</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow (mgd)					
TSS**	605	945			135
BOD ₅ **	755	1,360			170
Chemical Oxygen Demand**	5,280	10,180			1,195
Ammonia-Nitrogen	410	905			90
Sulfide	3.5	8.5			0.9
Total Chromium**	5.1	14.7			1.16
Hexavalent Chromium**	0.41	0.94			1.16
Phenolic Compounds (4AAP)**	4.3	10			0.98
Oil and Grease**	220	410	15	30	30
Spectrus NX 1103	2.9		0.26		0.65
Spectrus OX 1200	5		0.46		1.15
Steamate NF 4630	89		8.1		20
Ferric Chloride	650		59		147
pH			within 6 to 9 standard units at all times		

The proposed effluent limits for Outfall 003 based on a design flow of 5.744 mgd.

<i>Parameter</i>	<i>Loadings</i>		<i>Concentrations</i>		
	<i>Average Monthly (lb/day)</i>	<i>Maximum Daily (lb/day)</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow					
TOC				5	
Oil and Grease			15		30
pH			6.0 to 9.0 standard units at all times		

The proposed effluent limits for Outfall 004 based on a design flow of 0.35 mgd.

<i>Parameter</i>	<i>Loadings</i>		<i>Concentrations</i>		
	<i>Average Monthly (lb/day)</i>	<i>Maximum Daily (lb/day)</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow					
TOC				5	
Oil and Grease			15		30
pH			6.0 to 9.0 standard units at all times		

The proposed effluent limits for Outfall 005 based on a design flow of 3 mgd.

<i>Parameter</i>	<i>Loadings</i>		<i>Concentrations</i>		
	<i>Average Monthly (lb/day)</i>	<i>Maximum Daily (lb/day)</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow					
TOC				5	
Oil and Grease			15		30
pH			6.0 to 9.0 standard units at all times		

The proposed effluent limits for Outfall 006 based on a design flow of 2.2 mgd.

<i>Parameter</i>	<i>Loadings</i>		<i>Concentrations</i>		
	<i>Average Monthly (lb/day)</i>	<i>Maximum Daily (lb/day)</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow					
TOC				5	
Oil and Grease			15		30
pH			6.0 to 9.0 standard units at all times		

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The proposed effluent limits for Outfall 00A based on a design flow of n/a mgd.

<i>Parameter</i>	<i>Loadings</i>		<i>Concentrations</i>		
	<i>Average Monthly (lb/day)</i>	<i>Maximum Daily (lb/day)</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow					
TOC				110	138
Oil and Grease			15		30
pH			6.0 to 9.0 standard units at all times		

The proposed effluent limits for Outfall 00L based on a design flow of n/a mgd.

<i>Parameter</i>	<i>Loadings</i>		<i>Concentrations</i>		
	<i>Average Monthly (lb/day)</i>	<i>Maximum Daily (lb/day)</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow					
TOC				110	138
Oil and Grease			15		30
pH			6.0 to 9.0 standard units at all times		

The proposed effluent limits for Outfall 00M based on a design flow of n/a mgd.

<i>Parameter</i>	<i>Loadings</i>		<i>Concentrations</i>		
	<i>Average Monthly (lb/day)</i>	<i>Maximum Daily (lb/day)</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow					
TOC				110	138
Oil and Grease			15		30
pH			6.0 to 9.0 standard units at all times		

The proposed effluent limits for Outfall 00D based on a design flow of n/a mgd.

<i>Parameter</i>	<i>Loadings</i>		<i>Concentrations</i>		
	<i>Average Monthly (lb/day)</i>	<i>Maximum Daily (lb/day)</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow					
TOC				110	138
Oil and Grease			15		30
pH			6.0 to 9.0 standard units at all times		

The proposed effluent limits for Outfall 00E based on a design flow of n/a mgd.

<i>Parameter</i>	<i>Loadings</i>		<i>Concentrations</i>		
	<i>Average Monthly (lb/day)</i>	<i>Maximum Daily (lb/day)</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow					
TOC				110	138
Oil and Grease			15		30
pH			6.0 to 9.0 standard units at all times		

The proposed effluent limits for Outfall 00F based on a design flow of n/a mgd.

<i>Parameter</i>	<i>Loadings</i>		<i>Concentrations</i>		
	<i>Average Monthly (lb/day)</i>	<i>Maximum Daily (lb/day)</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow					
TOC				110	138
Oil and Grease			15		30
pH			6.0 to 9.0 standard units at all times		

The proposed effluent limits for Outfall 00G based on a design flow of n/a mgd.

Parameter	Loadings		Concentrations		
	Average Monthly (lb/day)	Maximum Daily (lb/day)	Average Monthly (mg/l)	Maximum Daily (mg/l)	Instantaneous Maximum (mg/l)
Flow					
TOC				110	138
Oil and Grease			15		30
pH			6.0 to 9.0 standard units at all times		

The proposed effluent limits for Outfall 00H based on a design flow of n/a mgd.

Parameter	Loadings		Concentrations		
	Average Monthly (lb/day)	Maximum Daily (lb/day)	Average Monthly (mg/l)	Maximum Daily (mg/l)	Instantaneous Maximum (mg/l)
Flow					
TOC				110	138
Oil and Grease			15		30
pH			6.0 to 9.0 standard units at all times		

The proposed effluent limits for Outfall 00J based on a design flow of n/a mgd.

Parameter	Loadings		Concentrations		
	Average Monthly (lb/day)	Maximum Daily (lb/day)	Average Monthly (mg/l)	Maximum Daily (mg/l)	Instantaneous Maximum (mg/l)
Flow					
TOC				110	138
Oil and Grease			15		30
pH			6.0 to 9.0 standard units at all times		

The proposed effluent limits for Outfall 00P based on a design flow of n/a mgd.

Parameter	Loadings		Concentrations		
	Average Monthly (lb/day)	Maximum Daily (lb/day)	Average Monthly (mg/l)	Maximum Daily (mg/l)	Instantaneous Maximum (mg/l)
Flow					
TOC				110	138
Oil and Grease			15		30
pH			6.0 to 9.0 standard units at all times		

The proposed effluent limits for Outfall 00Q based on a design flow of n/a mgd.

Parameter	Loadings		Concentrations		
	Average Monthly (lb/day)	Maximum Daily (lb/day)	Average Monthly (mg/l)	Maximum Daily (mg/l)	Instantaneous Maximum (mg/l)
Flow					
TOC				110	138
Oil and Grease			15		30
pH			6.0 to 9.0 standard units at all times		

The EPA waiver is not in effect.

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

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

WQM Permit No. 4605419, Sewerage, **Upper Gwynedd Township**, Box 1, West Point, PA 19486. This proposed facility is located in Upper Gwynedd Township, **Montgomery County**.

Description of Action/Activity: Upgrade to existing sewer lines.

WQM Permit No. 4605420, Sewerage, **Upper Providence Township**, 1286 Black Rock Road, Oaks, PA 19456. This proposed facility is located in Upper Providence Township, **Montgomery County**.

Description of Action/Activity: Replacing of a 8" sewer main with a 12" sewer main.

WQM Permit No. 2305406, Sewerage, **Delaware County Regional Water Quality Control Authority**, 100 East Fifth Street, P. O. Box 999, Chester, PA 19016-0999. This proposed facility is located in Sharon Hill Borough, **Delaware County**.

Description of Action/Activity: Upgrade of Darby Creek Pump Station.

WQM Permit No. 1505421, Sewerage, **Wallace Township Municipal Authority**, P. O. Box 96, Glenmoore, PA 19343. This proposed facility is located in Wallace Township, **Chester County**.

Description of Action/Activity: Construction and operation of a domestic wastewater pump station.

WQM Permit No. 4605421, Sewerage, **Upper Montgomery Joint Authority**, P. O. Box 6, 1100 Mensch Dam Road, Pennsburg, PA 18073. This proposed facility is located in Upper Hanover Township, **Montgomery County**.

Description of Action/Activity: Construction and operation of a new submersible pump station and force main to serve a 43 lot subdivision.

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

WQM Permit No. 0105406, Sewerage, **Terry Weyant**, 758 Country Club Trail, Fairfield, PA 17320-8560. This proposed facility is located in Carroll Township, **Adams County**.

Description of Proposed Action/Activity: Permit Transfer Application.

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

WQM Permit No. 1705407 Sewage 4952, **ORD Sewer Authority**, P. O. Box 216, 218 Curtain Street, Osceola Mills, PA 16666. The proposed facilities are located in Decatur Township, **Clearfield County** and Rush Township, **Centre County**.

Description of Proposed Action/Activity: The applicant proposes to construct and operate a sewage plant, conveyance and collection system serving Osceola Mills, Decatur Township and Rush Township.

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

WQM Permit No. 1105402, Sewerage, **Department of Conservation and Natural Resources**, Bureau of State Parks, Prince Gallitzin St. Park, 966 Marina Rd., Patton, PA 16668. This proposed facility is located in White Township, **Cambria County**.

Description of Proposed Action/Activity: Application for the installation and operation of an aerobic sludge digester and UV disinfection system.

WQM Permit No. 6505407, Sewerage, **Rostraver Preferred Properties**, 16 Priscilla Dr., Lakeville, MA 02347. This proposed facility is located in Rostraver Township, **Westmoreland County**.

Description of Proposed Action/Activity: Application for the construction and operation of the second phase of the Todd Manor Sewage Treatment Plant expansion.

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

WQM Permit No. 2505404, Sewerage, **Municipal Authority of the Borough of Edinboro**, 124 Meadville Street, Edinboro, PA 16412-2502. This proposed facility is located in Borough of Edinboro, **Erie County**.

Description of Proposed Action/Activity: This project is for the replacement of existing sanitary sewers on Meadville and Normal Streets to correct existing vertical and horizontal alignment problems.

IV. NPDES Applications for Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>	<i>DEP Protocol (Y/N)</i>
PAI132243	Mayfield Borough 739 Penn Avenue Mayfield, PA 18433	Lackawanna	Mayfield Borough	Lackawanna River HQ-CWF Powderly Creek CWF Hoise Creek CWF	Y

V. Applications for NPDES Waiver Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI010905026	C & M Homes at Milford, LLC Milford Pointe Subdivision 2421 Bristol Road Warrington, PA 18976	Bucks	Milford Township	UNT Unami Creek and Perkiomen Creek (HQ-TSF)

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI011503005A1	Great Valley School District GVHS Fill Operation 47 Church Road Malvern, PA 19335	Chester	East Whiteland Township	Valley Creek (EV)
PAI011505079	Commerce Bank, NA Proposed Commerce Bank 11000 Atrium Way Mount Laurel, NJ 08054	Chester	Willistown Township	Crum Creek (HQ)

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024505023	S.I.D.E. Corporation P. O. Box 1050 Blakeslee, PA 18610	Monroe	Tobyhanna Township	Tobyhanna Creek HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI0239040361	Opus East, LLC Attn: Gary Drumheller 620 W. Germantown Pike Suite 300 Plymouth Meeting, PA 19462	Lehigh	Upper Macungie Township	Iron Run HQ-CWF
PAI023905034	Khan Partnership Attn: Yasin Khan 4825 Tilghman St. Allentown, PA 18104	Lehigh	South Whitehall Township	Cedar Creek HQ-CWF
PAI023905035	Summit Realty Advisors 621 Delaware St. P. O. Box 428 New Castle, DE 19720	Lehigh	Upper Macungie Township	Cedar Creek HQ-CWF

Carbon County Conservation District: 5664 Interchange Rd., Lehighton, PA 18235-5114, (610) 377-4894.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI021305011	Department of Transportation District 5-0 1713 Lehigh St. Allentown, PA 18103-4727	Carbon	Nesquehoning Borough	UNT to Nesquehoning Creek HQ-CWF

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

Northumberland Conservation District: R. R. 3, Box 238C, Sunbury, PA 17801.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI044905003	Patton Family Partnership LLC R. R. 1, Box 73B New Columbia, PA 17856	Northumberland	Milton Borough	W. Br Susquehanna River- WWF

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

Erie Conservation District, 1927 Wager Road, Erie, PA 16509, (814) 825-6403.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI062505001	Cross Pointe Subdivision, Bruce Minnick, 5725 Thomas Road, Fairview, PA 16415	Erie	Millcreek Township	Walnut Creek CWF

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

PAG-12	Concentrated Animal Feeding Operations (CAFOs)
PAG-13	Stormwater Discharges from Municipal Separate Storm Sewer Systems (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

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

Permit No. 5405503 , Public Water Supply	
Applicant	Asemus Mobile Home Park
Township or Borough	Washington Township
County	Schuylkill
Responsible Official	Richard Zerbe Asemus Mobile Home Park 707 Mountain Road Pine Grove, PA 17963
Type of Facility	PWS

Consulting Engineer	Douglas E. Berg, P. E. Entech Engineering, Inc. 4 South Fourth Street P. O. Box 32 Reading, PA 19603
Application Received Date	October 6, 2005
Description of Action	The applicant requests approval for modifications to an existing PWS system including disinfection, pH adjustment and corrosion control treatment facilities, storage, and new wellhouse construction.
Permit No. 3905503 , Public Water Supply	
Applicant	Lehigh County Authority 1153 Spruce Street P. O. Box 3348 Allentown, PA 18106-0348 (610) 398-2503
Township or Borough	South Whitehall Township
County	Lehigh
Responsible Official	Aurel M. Arndt, General Manager
Type of Facility	Community Water System
Consulting Engineer	G. Matthew Brown, P. E., DEE ARRO Consulting, Inc. 270 Granite Run Drive Lancaster, PA 17601 (717) 560-6059
Application Received Date	October 6, 2005
Description of Action	Application for modification and upgrading of the Green Hills pumping station as an emergency source for the Authority's Central Lehigh Division.
Permit No. 5205504 , Public Water Supply	
Applicant	Matamoras Municipal Authority 304 Pennsylvania Avenue Matamoras, PA 18336
Township or Borough	Matamoras Borough
County	Pike
Responsible Official	Katherine Foss, Office Manager
Type of Facility	Public Water System
Consulting Engineer	McGoey, Hauser & Edsall 507 Broad Street Milford, PA
Application Received Date	October 11, 2005
Description of Action	The construction of a new well source. The water is treated at the existing well house.

Permit No. 2805507, Public Water Supply.
 Applicant **Washington Township Municipal Authority**
 Municipality Washington Township
 County **Franklin**
 Responsible Official Eugene A Barnhart, Manager
 11102 Buchanan Trail East
 Waynesboro, PA 17268-9424
 Type of Facility Public Water Supply
 Consulting Engineer Merle J. Holsinger, P. E.
 Civil Planning & Design
 1800 East Main Street
 Waynesboro, PA 17268
 Application Received Date 8/23/2005
 Description of Action Applicant seeks a construction permit for the proposed 65,000 gallon per day Lininger Sub-division finished water pump station.

MINOR AMENDMENT**Applications Received Under the Pennsylvania Safe Drinking Water Act**

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

Application No. Minor Amendment.

Applicant **City of Easton**
 Township or Borough City of Easton
 Northampton County
 Responsible Official David G. Hopkins
 Director of Public Works
 City of Easton—Bureau of Water
 One South Third Street
 Easton, PA 18042
 Type of Facility PWS
 Consulting Engineer James C. Elliot, P. E.
 Gannett Fleming, Inc.
 P. O. Box 6100
 Harrisburg, PA 17106-7100
 Application Received Date September 30, 2005
 Description of Action This Public Water Supply application proposes modifications/improvements to the City of Easton's existing water treatment plant intake.

Application No. 3546398, Minor Amendment.

Applicant **Water Vending Systems**
 214 Norwegian Woods Drive
 Pottsville, PA 17901
 Township or Borough Branch Township
Schuylkill County
 Responsible Official Paul A. DiRenzo, Jr., Owner
 Type of Facility Vended Water System
 Consulting Engineer N/A
 Application Received Date October 13, 2005

Description of Action Improvements to an existing system by the installation of a larger tank and structure to house the tank and treatment equipment.
Southwest Region: Water Supply Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Application No. 3005501MA, Minor Amendment.

Applicant **Dunkard Valley Joint Municipal Authority**
 P. O. Box 193
 Greensboro, PA 15338
 Township or Borough **Monongahela Township**
 Responsible Official Victor Shine, Secretary
 Dunkard Valley Joint Municipal Authority
 P. O. Box 193
 Greensboro, PA 15338
 Type of Facility Water storage tank
 Consulting Engineer Fayette Engineering Co., Inc.
 2200 University Drive
 P. O. Box 1030
 Uniontown, PA 15401
 Application Received Date August 19, 2005

Description of Action Construction of a new raw water storage tank.

Application No. 0405501MA, Minor Amendment.

Applicant **Ambridge Water Authority**
 600 Eleventh Street
 P. O. Box 257
 Ambridge, PA 15003
 Township or Borough Economy Borough
 Responsible Official Mary Hrotic, General Manager
 Ambridge Water Authority
 600 Eleventh Street
 P. O. Box 257
 Ambridge, PA 15003
 Type of Facility Interconnection
 Consulting Engineer Bankson Engineers, Inc.
 267 Blue Run Road
 P. O. Box 200
 Indianola, PA 15051
 Application Received Date October 11, 2005

Description of Action Construction of an interconnection with the Municipal Authority of the Borough of West View.

Application No. 2605506MA, Minor Amendment.

Applicant **Borough of Masontown**
 2 Court Avenue
 Masontown, PA 15461
 Township or Borough Masontown Borough
 Responsible Official Harry Lee, Council Vice President
 Borough of Masontown
 2 Court Avenue
 Masontown, PA 15461

Type of Facility Water storage tank
 Consulting Engineer Fayette Engineering Co., Inc.
 2200 University Drive
 P. O. Box 1030
 Uniontown, PA 15401
 Application Received September 29, 2005
 Date
 Description of Action Permit the existing Martin's Hill
 Farm water storage tank.

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:

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

Stark Farm/The Villages at Orchard Hills, Southampton Township, **Cumberland County**. ECS Mid-Atlantic, LLC, 56 Grumbacher Road, Suite D, York, PA 17402, on behalf of Paul E. Stark, 1194 Baltimore Road, Shippensburg, PA 17257 and Southampton Stark, LLC, P. O. Box 6653, Freehold, NJ 07728, submitted a Notice of Intent to Remediate soils contaminated with pesticides and arsenic. Future use of property will be used for residential purposes. The applicant intends to document remediation to the Statewide Health Standard.

McCleary Oil Company, Hamilton Township, **Franklin County**. BL Companies, 830 Sir Thomas Court, Harrisburg, PA 17109, on behalf of McCleary Oil Company, 19 West King Street, Chambersburg, PA 17201, submitted a Notice of Intent to Remediate groundwater contaminated with No. 2 fuel oil and gasoline. Future use of the property will continue to be a bulk fueling facility. The applicant intends to document remediation of the site to a combination of Site-Specific and Statewide Health Standards.

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

Tom's Citgo, 30 Sheraton Road, Danville, PA, Danville Borough, **Montour County**; Ralph G. Schaar, 300 Claremont Drive, Lansdale, PA 19446. Consultant has submitted a Notice of Intent to Remediate soil contaminated with hydrocarbon concentrations. This site is being remediated to meet a Site-Specific Standard.

Grace Service Station, 535 Elmira Street, Troy, PA 14967, Troy Borough, **Bradford County**; Teeter Environmental Services, Inc., R. R. Box 124B, Sayre, PA 18840. Consultant has submitted a Notice of Intent to Remediate soil contaminated with benzene. This site is being remediated to meet a Statewide Health Standard.

Playworld Systems, Inc, 625 Market Street, New Berlin, PA 17855, New Berlin Borough, **Union County**, Molesevich Environmental, P. O. Box 654, Lewisburg, PA 17837. Consultant, has submitted a Remedial Investigation Report/Cleanup Plan concerning soil and groundwater contaminated with leaded and unleaded gasoline. This Remedial Investigation Report/Cleanup Plan is necessary to obtain compliance with the Site-Specific Standard.

FCI USA, Inc. Clearfield, Clearfield Borough, **Clearfield County**; HRP Associates, Inc. 4811 Jonestown Road, Suite 235, Harrisburg, PA 17055 has submitted a cleanup plan concerning soil and groundwater contaminated with solvent contaminated waste oil. This Cleanup Report is necessary to obtain compliance with the Site-Specific Standard.

Sunbury Armory, Catawissa Ave., Sunbury, PA, Upper August Township, **Northumberland County**; Converse Consultants, 2738 West College Ave., State College, PA 16801. Consultant has submitted a Notice of Intent to Remediate soil contaminated with No. 2 heating oil. This site is being remediated to meet a Statewide Health Standard.

RESIDUAL WASTE GENERAL PERMITS

Application Received Under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and the Beneficial Use of Residual Waste other than Coal Ash.

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

General Permit Application No. WMGR111. Electric Power Generation Association, 800 N. 3rd Street, Suite 303, Harrisburg, PA 17102.

General Permit Numbered WMGR111 is the processing (that is, mixing) of synthetic gypsum and coal ash for beneficial use to reclaim open pits from coal and noncoal mining at abandoned and/or active mine sites. Central Office received the application on September 22, 2005, and determined administratively complete on October 18, 2005.

Comments concerning the application should be directed to Ronald C. Hassinger, Chief, General Permits and Beneficial Use Section, Division of Municipal and Residual Waste, Bureau of Land Recycling and Waste Management, P. O. Box 8472, Harrisburg, PA 17105-8472. Persons interested in obtaining more information about the general permit application may contact the Division at (717) 787-7381. TDD users may contact the Department through the Pennsylvania Relay Service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

AIR QUALITY

PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

NEW SOURCES AND MODIFICATIONS

The Department of Environmental Protection (Department) has developed an "integrated" plan approval, State operating permit and Title V operating permit program. This integrated approach is designed to make the permitting process more efficient for the Department, the regulated community and the public. This approach allows the owner or operator of a facility to complete and submit all the permitting documents relevant to its application one time, affords an opportunity for public input and provides for sequential issuance of the necessary permits.

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

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

Persons wishing to receive a copy of a proposed plan approval or operating permit must indicate their interest to the Department regional office within 30 days of the

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

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

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

PLAN APPROVALS

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

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

42-184G: Keystone Powdered Metal Co. (8 Hanley Drive, Lewis Run, PA 16738) for installation of one induction heat treater and one gas-fired heat treater in Lewis Run Borough, **McKean County**. This is a State-only facility.

Intent to Issue Plan Approvals and Intent to Issue or Amend Operating Permits under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B. These actions may include the administrative amendments of an associated operating permit.

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

15-0098B: Cephalon, Inc. (145 Brandywine Parkway, West Chester, PA 19380) for installation of a 100-gallon reactor and to upgrade the process condensers for each reactor system at their facility in Charlestown Township, **Chester County**. The Plan Approval is for a Non-Title V State-only facility. The condensers for the two 100-gallon reactors will increase in size from 40 ft² to 79 ft² and the condensers for the two 50-gallon reactors will increase

from 15 ft² to 23 ft². The material for the condenser coils will be changed from glass to an alloy with better corrosion resistance and fabricability. The process will have emissions reduced by 95 to 99% due to the condensers. The installation of the 100-gallon reactor will increase the VOC emissions by 1.5 tons per year, therefore the overall VOC emission limit will increase from an existing 3.0 tons per year limit to 4.5 tons per year limit on a 12-month rolling basis. The plan approval will include monitoring, recordkeeping and reporting requirements to keep the facility operating within all applicable air quality requirements.

46-0180A: Transicoil Corp. (9 Iron Bridge Drive, Collegetown, PA 19426) for installation of a Methanol Glass Cleaning Operation, that uses methanol as cleaning agent, at the Transicoil military, aerospace and medical product and parts manufacturing new facility at 9 Iron Bridge Drive, Collegetown, PA 19426, Perkiomen Township, **Montgomery County**. The installation of the methanol glass cleaning operation may result in the emissions of 4.2 tons per year of methanol. Methanol is a VOC and a HAP. 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.

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

54-305-021 Northeastern Power Co. (P. O. Box 7, McAdoo, PA 18297-0007) for construction and operation of anthracite refuse screening, and loading facility for their facility in Kline Township, **Schuylkill County**.

In accordance with 25 Pa. Code §§ 127.44(b) and 127.424(b), the Department of Environmental Protection (Department) intends to issue a Plan Approval to Northeastern Power Co., for their facility in the Kline Township, Schuylkill County. The facility currently has a Title V Permit No. 54-00008. This Plan Approval No. 54-305-021 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 No. 54-305-021 is for the construction and operation of anthracite refuse screening and loading facility. The company will add a 45 tons per hour capacity portable power screen unit at the existing facility to process anthracite refuse coal for the plant fuel. Water sprays will control particulate emission generated from this process. Installation of this screen will increase 2.5 tons per year of particulate emissions from the facility. 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.

Copies of the application, Department's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711.

Persons wishing to provide Department with additional information which they believe should be considered prior to the issuance of this permit may submit the information to the address shown in the preceding paragraph. Written comments must contain the following:

Name, address and telephone number of the person submitting the comments.

Identification of the proposed permit No.: 54-305-021

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 or the *Pennsylvania Bulletin* or by telephone, when the Department determines that telephone notification is sufficient. Written comments or requests for a public hearing should be directed to Mark J. Wejkszner, P. E., Chief, New Source Review Section, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711, (570) 826-2511 within 30 days after publication date.

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

06-03134: Dietrich's Specialty Processing, LLC (625 Spring Street, Suite 200, Reading, PA 19610) for installation of new food processing dryers at their plant in Exeter Township, **Berks County**. This facility has a potential to emit 21 tons per year of particulate matter. The plan approval will include monitoring, recordkeeping and reporting requirements designed to keep the sources operating within all applicable air quality requirements.

28-05038A: Blue Ridge Renewable Energy, LLC (1300 North 17th Street, Suite 1600, Arlington, VA 19543-0588) for installation of a new engine generating facility in Greene Township, **Franklin County**. This facility will generate electric power for the electric power grid from landfill gas generated by the Blue Ridge Landfill. This facility's emissions will be approximately 213 tpy of CO, 43 tpy of NO_x, 14 tpy of VOCs, 10 tpy Particulate Matter, 3 tpy of SO₂ and 1 tpy of HCl. This plan approval will include monitoring, recordkeeping and reporting requirements designed to keep the sources operating within all applicable air quality requirements.

36-05009A: J. L. Clark, Inc. (303 North Plum Street, Lancaster, PA 17602) for installation of a Regenerative Thermal Oxidizer (RTO) in the City of Lancaster, **Lancaster County**. The facility emissions associated with this modification are not expected to change. The new RTO is subject to the Compliance Assurance Monitoring rule of 40 CFR Part 64, which will require the new RTO to meet specific monitoring and work practice standards to assure compliance with the applicable standard for VOCs. This plan approval and amended Title V operating permit will include testing, monitoring, recordkeeping and reporting requirements designed to keep the sources operating within all applicable air quality requirements.

36-05014G: Alumax Mill Products, Inc. (1480 Manheim Pike, Lancaster, PA 17604) for installation of two cartridge filter dust collection systems at the secondary aluminum processing plant in Manheim Township, **Lancaster County**. Units at the plant are subject to 40 CFR Part 63, Subpart RRR—National Emission Standards for Hazardous Air Pollutants—Secondary Aluminum Plants, 40 CFR Part 63—National Emission Standards for Hazardous Air Pollutants—Surface Coating of

Metal Coils and 40 CFR Part 60, Subpart TT—Standards of Performance for Metal Coil Surface Coating. These installations will not measurably impact emissions from the facility. The plan approval and operating permit will include emission limits along with provisions for monitoring, recordkeeping, reporting and work practice standards to ensure the plant complies with the applicable air quality requirements.

36-05141: PPL Distributed Generation, LLC (Two North Ninth Street, Allentown, PA 18101) for construction of a landfill gas treatment system and two internal combustion landfill engines in Manor Township, **Lancaster County**. The proposed engines will be at the Frey Farm-Creswell landfill. The treatment system will process the landfill gas for combustion in the engines that will have the potential to provide up to 3,200 Kilowatts of power to the electric power grid. The new engines will have the potential-to-emit 133 tpy of CO, 43 tpy of NOx, 42 tpy of SOx, 19 tpy of PM10 and 7 tpy of VOCs. The plan approval will include restrictions, testing, monitoring, recordkeeping and reporting requirements designed to keep the sources operating within all applicable air quality requirements.

67-05014B: The York Group, Inc. (2880 Blackbridge Road, York, PA 17402) for construction of a spray paint booth; the removal of one existing spray paint booth from the recuperative thermal oxidizer (RTO); the addition of another existing spray paint booth to the RTO; and an increase in the facility VOC emission cap from 100 tpy to 139.5 tpy at their casket manufacturing facility in Manchester Township, **York County**. These changes will result in a potential VOC emissions increase of 39.5 tpy. The plan approval and amended Title V operating permit will include emission restrictions, work practice standards and testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

67-05083: Conectiv Mid-Merit LLC (P. O. Box 6066, 92 DC 72, Newark, DE 19714-6066) for construction of a combined cycle electric generating facility in Peach Bottom Township, **York County**, off Atom Road along Pikes Peak Road, approximately 1 mile northeast of the Borough of Delta.

The proposed facility will have an overall nominal maximum generation capacity of 1,100 megawatts of electricity for sale. The primary fuel will be natural gas. Liquid distillate fuel (low sulfur light petroleum product or LSPP) will be used on a limited basis. The major components of the facility will include:

- (a) Six nominal 100-megawatt (MW) Siemens Westinghouse V84.2 combustion turbines.
- (b) Six selective catalytic reduction systems for NOx control.
- (c) Six unfired heat recovery steam generators.
- (d) Two nominal 150 MW steam turbines for a three-on-one configuration.
- (e) Two 4 million gallon fuel oil tanks.
- (f) Two mechanical draft cooling towers.
- (g) Each turbine has a 135 ft. simple cycle stack and a 188 ft. combined cycle stack.
- (h) Two 12,000-gallon (49,000 lb) anhydrous ammonia tanks.

A modeling analysis was conducted for CO, NOx, SO₂, and PM10. The modeling used five years of meteorological data collected at the Peach Bottom nuclear facility and the New Castle County Airport in Wilmington, DE and the Environmental Protection Agency's approved AERMOD and CALPUFF models. The modeling indicated that none of the emissions from the turbines will have a significant impact on the surrounding area. Additional analyses were performed to assess the proposed facility's impact on soils, vegetation, and visibility in the area and the closest Class I area. The predicted impacts from all modeled pollutants fell within the allowable concentration levels as long as fuel oil firing is limited. A plan approval condition has been included to limit fuel oil firing to prevent visibility impacts at Class I areas.

Conectiv's emissions, along with additional background sources will consume the following portion of the available Prevention of Significant Deterioration air quality increments:

<i>Pollutant</i>	<i>Avg. Time</i>	<i>Max. Modeled Impact ug/m3</i>	<i>Class II Area Increment ug/m3</i>
PM10	24-hour	13.2	30
SO ₂	3-hour	60.0	512
SO ₂	24-hour	20.7	91

The plan approval includes the following limits on annual emission from the facility:

<i>Pollutant</i>	<i>Facility Total (tons/year)</i>
NOx	460.2
CO	439.3
PM/PM ₁₀ ¹	526.0
SO ₂	301.0
VOCs ²	46.2
H ₂ SO ₄ Mist	46.1
Ammonia	444.5
HAPs	< 25 (total HAPs) < 10 (any single HAP)

¹ Includes 5.3 tons/year (tpy) from cooling towers.

² Includes 0.8 tpy from the liquid distillate fuel oil storage tanks, and 1.0 tpy from miscellaneous sources such as the pipeline gas condensate tank.

The Plan approval will contain the following conditions to ensure compliance with the noted regulations:

General Plan Approval Requirements

1. This Plan Approval authorizes temporary operation of the sources covered by this Plan Approval provided the following conditions are met:

a. The Department of Environmental Protection (Department) must receive written notice from the permittee of the completion of construction and the Operator's intent to commence operation at least 5 working days prior to the completion of construction. The notice shall state when construction will be completed and when the permittee expects to commence operation.

b. Operation is authorized only to facilitate the start-up and shakedown of sources and air cleaning devices, to permit operations pending the issuance of an Operating Permit or to permit the evaluation of the sources for compliance with all applicable regulations and requirements.

c. This condition authorizes temporary operation of the sources for a period of 180 days from the date of commencement of operation, provided the Department receives notice from the permittee under Subpart (a).

d. The permittee may request an extension if compliance with all applicable regulations and Plan Approval requirements has not been established. The extension request shall be submitted in writing at least 15 days prior to the end of this period of temporary operation and shall provide a description of the compliance status of the source, a detailed schedule for establishing compliance and the reasons compliance has not been established. This temporary operation period will be valid for a limited time and may be extended for additional limited periods, each not to exceed 120 days.

2. This approval to construct shall become invalid if:

a. Construction (as defined in 40 CFR 52.21(b)(8)) has not commenced within 18 months of the issue date of this approval; or

b. Construction is discontinued for a period of 18 months or more.

Combustion Turbine Emission Restrictions

1. Under the Best Available Technology (BAT) provision of 25 Pa. Code § 127.1, the permittee shall limit the emission of ammonia from each SCR to:

10 ppmvd, volume corrected to 15% oxygen, 1 hour average, and

7 ppm, volume corrected to 15% oxygen on a daily average, both as measured by a certified continuous emissions monitor.

2. Under the BAT provision of 25 Pa. Code § 127.1, the permittee shall limit the emission of VOCs to 1.2 ppmvd, on an hourly basis volume corrected to 15 percent oxygen under normal operation for natural gas firing and to 1.3 ppmvd during gas firing in the diffusion mode and during oil firing. The VOCs are measured as methane.

3. The emission levels in Conditions 001, 002, 008 and 009 apply at all times except during periods of start-up and shutdown as defined as follows:

a. *Start-up*: Commences with the initiation of fuel injection into the combustion chambers and ends at the times specified below.

b. *Cold Start-up*: Refers to Start-ups made more than 24 hours after shutdown. When operating in the simple cycle mode, a cold start-up shall not exceed 20 minutes. When operating in the combined cycle mode, a cold start-up shall not exceed 60 minutes.

c. *Hot Start-up*: Refers to Start-ups made less than 24 hours after shutdown, and to mode changes and fuel switches. For mode changes and fuel switches, a hot start-up begins at the time the combustion turbine drops below 75% load. When operating in the simple cycle mode, a hot start-up shall not exceed 20 minutes. When operating in the combined cycle mode, a hot start-up shall not exceed 30 minutes.

d. *Shutdown*: Commences when the combustion turbine load falls below 75% and ends when the fuel injection into the combustion chambers is terminated. Shutdown periods shall not exceed 20 minutes per event.

4. The visible air contaminants from each combustion turbine exhaust stack shall not be emitted in such a manner that the opacity of the emission is equal to or greater than 10% for a period or periods aggregating more than 3 minutes in any 1 hour; or equal to or greater than 30% at any time.

5. The operation of the turbines shall not result in malodorous emissions.

6. In accordance with the provisions of 25 Pa. Code Chapter 127, Subchapter E, New Source Review, the permittee shall secure Department-approved Emission Reduction Credits in the amount of 529 tons of NOx prior to the commencement of operation of the gas turbines.

7. Under the Lowest Achievable Emission Rate (LAER) provisions of 25 Pa. Code § 127.205, the Owner or Operator shall limit the NOx emissions (corrected to 15% O₂) from each combustion turbine to the following:

Startup Limits of NOx Emissions:

Time, Min	<i>Simple Cycle Limits, lb/start</i>		<i>Combined Cycle Limits, lb/start</i>	
	Cold Start	Hot Start	Cold Start	Hot Start
Natural Gas	20	20	60	30
Fuel Oil	44	44	151	71
	126	126	310	172

<i>Shutdown Limits for NOx—20 minutes in duration</i>	
Fuel	Gas
NOx Emissions, lb/shutdown	44
	LSLPP
	126

8. Under the LAER provisions of 25 Pa. Code § 127.205, the owner or operator shall limit the NOx emissions (corrected to 15% O₂) from each combustion turbine to the following:

One-hour NOx averages calculated from a 3-hour rolling block average.

<i>Mode</i>	<i>Natural Gas</i>	<i>Peak Load*</i>	<i>Natural Gas or Liquid Fuel</i>
At 15% Oxygen	Premix burner operation up to and including base load		Diffusion mode operation up to including peak load*
Simple Cycle	9 ppmvd	25 ppmvd	42 ppmvd
Combined Cycle	2.5 ppmvd	5 ppmvd	8 ppmvd

* Peak Operation is defined as any operating mode that requires a higher firing temperature than that required to achieve Base Operation ratings. The modes are uniquely defined by the unit control configuration and will be recorded by the Owner or Operator.

9. Under the Best Available Control Technology provisions of 25 Pa. Code § 127.83, the permittee shall limit the emissions from each combustion turbine to the following:

Combined Cycle Operations—Gas Firing

CO	6.0 ppmvd on an hourly basis (3-hour rolling average).
SO ₂	0.0030 lb/mmBtu on an hourly basis.
PM/PM10	0.0141 lb/mmBtu on an hourly basis.
H ₂ SO ₄ mist	0.00046 lb/mmBtu on an hourly basis.

Combined Cycle Operations—Oil Firing

CO	6.0 ppmvd on an hourly basis (3-hour rolling average).
SO ₂	0.051 lb/mmBtu on an hourly basis.
PM/PM10	0.0287 lb/mmBtu (HHV) on an hourly basis.
H ₂ SO ₄ mist	0.0078 lb/mmBtu on an hourly basis.

Simple Cycle Operations—Gas Firing

CO	6.0 ppmvd on an hourly basis (3-hour rolling average).
SO ₂	0.0030 lb/mmBtu on an hourly basis.
PM/PM10	0.0135 lb/mmBtu on an hourly basis.
H ₂ SO ₄ mist	0.00023 lb/mmBtu on an hourly basis.

Simple Cycle Operations—Oil Firing

CO	6.0 ppmvd on an hourly basis (3-hour rolling average).
SO ₂	0.051 lb/mmBtu on an hourly basis.
PM/PM10	0.0184 lb/mmBtu on an hourly basis.
H ₂ SO ₄ mist	0.0039 lb/mmBtu on an hourly basis.

All ppmvd values are based on dry measurements at 15% oxygen.

Combustion Turbine Fuel Restrictions

10. The natural gas burned in the combustion turbines shall not exceed 1.05 gr S/100 scf.

11. The maximum site daily turbine hours and fuel oil consumption in any 24-hour calendar day are limited to the following:

<i>% S</i>	<i>Turbine Hrs. Peak Load</i>	<i>Gallons</i>	<i>Turbine Hrs 100% Load</i>	<i>Gallons</i>
0.05	40	449,600	43	483,320
0.03	55	618,200	58	651,920
0.02	67	753,080	71	798,040
0.01	84	944,160	91	1,022,840

The number of hours of liquid fuel firing (whether in combined cycle or simple cycle modes) shall not exceed 1,000 hours per CT on an annual basis. These annual operating hours may be totaled for all installed and operational units, up to six units, on a facility-wide basis (such as 6,000 hours of oil fired operation at the facility).

12. The liquid distillate fuel oil fired in the combustion turbines shall not exceed 0.05 weight percent sulfur.

13. Under the LAER provisions of 25 Pa. Code § 127.205, the permittee may use distillate oil in each combustion turbine while operating in the simple cycle mode when natural gas fuel is unavailable or if the unit

is undergoing commissioning tests. Gas unavailability shall be defined as those periods of time when:

a. Physical damage, maintenance to pipelines or ancillary equipment prevents the delivery of gas to the turbines.

b. Equipment failure, maintenance or malfunction occurs such that gas pressures, temperatures or fuel quality are not adequate for turbine operation.

c. Unavailability due to physical limitation of supply at times of high pipeline demand, including insufficient pressures or flows; or

d. Electric Reliability Emergencies issued by PJM and supply of natural gas is inadequate.

Combustion Turbine Operating Hours Restriction

14. The permittee shall not operate the combustion turbines in the simple cycle mode except:

(1) During periods of unavailability of the combined cycle portion of the plant due to forced or planned maintenance outages during electrical emergencies of the PJM system.

(2) During periods when electric power produced by the combined cycle portion of the plant is undeliverable due to causes outside the control of the permittee during electrical emergencies of the PJM system; or

(3) As required for compliance, commissioning, optimization or PJM capacity testing.

An electrical emergency for the purpose of this condition is defined as one of the following:

a. A Maximum Emergency Generation Action has been issued by the PJM along with a Request to Purchase Emergency Power.

b. A Maximum Generation Alert has been issued by the PJM along with a Request to Purchase Emergency Power.

c. A local power emergency has occurred or is imminent.

15. Under the LAER provisions of 25 Pa. Code § 127.205, the permittee is authorized to operate each of the six combustion turbines in the following modes up to but not greater than the associated hourly limits:

Combined Cycle Mode

<i>Fuel/Mode</i>	<i>Turbine Load</i>	<i>Annual Operations</i>
Gas Premix	Peak	100 hrs/yr
Gas Premix	100%	No Restriction
Gas Diffusion	Peak	200 hrs/yr
Gas Diffusion	100%	200 hrs/yr
Oil Firing	Peak	100 hrs/yr
Oil Firing	100%	900 hrs/yr

Simple Cycle Mode

<i>Fuel/Mode</i>	<i>Turbine Load</i>	<i>Annual Operations</i>
Gas Premix	Peak	100 hrs/yr
Gas Premix	100%	Restricted by Condition 014
Oil Firing	Peak	Restricted by Conditions 011, 013 and 014
Oil Firing	100%	Restricted by Conditions 011, 013 and 014

The Permittee shall not operate in diffusion mode (natural gas or oil) each of the six combustion turbines more than 200 hours during each NOx Budget Rule "Control Period" (as defined in 25 Pa. Code § 145.2). These hours of operation may be totaled for all installed and operational units, up to six units, on a facility-wide basis (that is 1,200 hours in diffusion gas and oil.)

16. With respect to the operating periods specified in Condition 015, the permittee may operate the combustion turbines in Diffusion mode during the NOx Budget Rule "Control Period" (as defined in 25 Pa. Code § 145.2) only when needed electric power output is not achievable through Premix mode of operation and one of the following conditions is met: (1) a Maximum Emergency Generation Action has been issued by the PJM Independent System Operator; (2) a Maximum Generation Alert has been issued by the PJM along with a Request to Purchase Emergency Power; (3) a local power emergency has occurred or is imminent; or (4) the PJM has directed the

loading of a simple cycle combustion turbine that emits at higher NOx emissions rate than this facility operating in the diffusion mode.

The permittee shall maintain appropriate PJM notification and operating logs and records for a minimum of 5 years in order to verify compliance.

Within the 200 hours specified in Condition 15, the permittee may also operate in diffusion mode for emissions compliance testing, and/or PJM required capacity testing. The permittee may perform diffusion mode stack emissions compliance testing outside of the NOx Budget Rule "Control Period." Should the Department require the permittee to perform diffusion mode emissions testing during this time period, any emissions testing hours will not be counted toward consumption of the 200-hour allotment.

For the local power emergency, the Department shall be notified by telephone within 24 hours (or the next business day whichever is greater) and a written description of the emergency shall be submitted to the Department within 7 business days.

This requirement does not apply during start-up, shut down or during periods of operation upset when the unit automatically defaults to diffusion operation as indicated by the loss of the premix release signal. Any diffusion mode operation occurring during start-up, shut down or during periods of operation upset will be counted toward the consumption of the allotments as allowed under Condition 15.

Combustion Turbine Testing Requirements

17. Within 60 days after achieving the maximum firing rate, but not later than 180 days after start-up, the permittee shall demonstrate compliance with each of the emission limits established in Conditions 1, 2, 8 and 9 and opacity, as per 25 Pa. Code Chapter 139, 40 CFR Part 60 and Title IV. The applicant shall develop a testing protocol for HAP emissions and submit the protocol to the Department for review. The testing shall be conducted while the turbines are operating at or above 95% of full load for the ambient conditions at the time of the test.

18. Within 60 days after achieving the maximum firing rate, but no later than 180 days after startup, the permittee shall demonstrate compliance with the VOC emission limit established in Condition 2, as per 25 Pa. Code Chapter 139. The testing shall be done while the turbines are operating in two load ranges: 60 to 85% of maximum load and 85 to 100% of maximum load.

19. At least 60 days prior to the test, the permittee shall submit to the Department for approval, the procedures for the test and a sketch with dimensions indicating the location of sampling ports and other data to ensure the collection of representative samples.

20. At least 30 days prior to the test, the Regional Air Quality Program Manager shall be informed of the date and time of the test.

21. Within 45 days after the source tests, three copies of the complete test report, including all operating conditions, shall be submitted to the Regional Air Quality Program Manager for approval.

Combustion Turbine Monitoring Requirements

22. The permittee shall measure the following parameters for each SCR system:

- Catalyst bed inlet gas temperature.
- Ammonia injection rate.

23. Continuous emission monitoring (CEM) systems for NO_x, CO and oxygen must be approved by the Department and installed, operated and maintained in accordance with the requirements of 25 Pa. Code Chapter 139 of the rules and regulations of the Department. Proposals containing information as listed in the Phase I section of the Department's "Continuous Source Monitoring Manual" for the CEMs must be submitted at least 3 months prior to start-up of the turbines.

Phase I Department approval must be obtained for the monitors above prior to initial startup of the source. Phase III Department approval must be obtained within 60 days of achieving the maximum production rate at which the source will be operated, but not later than 180 days after initial startup of the source. Department review time for the Phase III report (time between postmark of company's Phase III report and the postmark of the Department's response letter) will not be charged against the source in determining compliance with this condition. Information on obtaining Department approval is included in the Department's "Continuous Source Monitoring Manual."

NO_x CEM must also comply with the requirements of 40 CFR 60.334(b) as required by Subpart GG Standards of Performance for Stationary Gas Turbines.

24. The permittee shall submit a plan for monitoring the ammonia slip from each SCR system for approval by the Department. This submittal shall be made in conjunction with those for the CEM system.

25. The permittee shall install and maintain fuel flow meters for all acid rain affected sources in accordance with the requirements of 40 CFR Part 75. The fuel flow will be measured in accordance with 40 CFR Part 75, Appendix D requirements, in lieu of stack exhaust flow monitoring, to allow for calculation of pollutant mass emission rates.

26. The permittee shall monitor the sulfur and nitrogen content of the fuel being fired in the combustion turbines as per 40 CFR 60.334(h). The frequency of monitoring the sulfur and nitrogen content as applicable shall be in accordance with 40 CFR 60.334(i).

Combustion Turbine Recordkeeping Requirements

27. Records required under this Plan Approval and 40 CFR Part 60 shall be kept for a period of 5 years and shall be made available to the Department upon its request.

a. The permittee shall maintain records of all air pollution control system performance evaluations and records of calibration checks, adjustments and maintenance performed on all equipment, which is subject to this plan approval.

b. The permittee shall maintain a copy of the manufacturer's recommendations for all the six combustion turbines and air pollution control equipment onsite.

c. The permittee shall maintain a copy of the manufacturer's recommendations for all CEMs that are required by this Plan Approval.

d. The permittee shall keep a record of the date of malfunctions, the time of the malfunction, the cause of the malfunction and the action taken to correct the malfunction.

28. The permittee shall record each start-up and shutdown, including date and times of each event. Emissions during start-up will be calculated based upon the emis-

sions estimates approved by the Department and included in the total facility 12-month emissions.

29. The permittee shall, at a minimum, record the following:

a. Monthly fuel consumption rate and 12-month rolling total fuel consumption for each combustion turbine.

b. Hours of start-up and shutdown for each turbine.

c. Monthly hours of operation for each turbine in each mode.

30. Under the LAER provisions of 25 Pa. Code § 127.205, the permittee shall collect, record and maintain the documentation demonstrating the unavailability of natural gas leading to the usage of distillate fuel oil associated with Condition 13.

Combustion turbine Additional Requirements

31. The Department reserves the right to use the CEMs data, stack test results, and the operating parameters determined during optimization of the turbines and their associated air cleaning devices to verify emission rates, to establish emission factors, and to develop compliance assurance measures in the Operating Permit.

32. The combustion turbine units are subject to the Title V Acid Rain Program of the Clean Air Act Amendments of 1990 and shall comply with all applicable provisions of that Title, to include the following:

40 CFR Part 72	Permits Regulation
40 CFR Part 73	Sulfur Dioxide Allowance System
40 CFR Part 75	Continuous Emission Monitoring
40 CFR Part 77	Excess Emissions

33. The combustion turbines are subject to 40 CFR Part 60, Subpart GG of the Standards of Performance for New Stationary Sources. The equipment shall comply with all applicable requirements of the Subpart. 40 CFR 60.4 requires submission of copies of all requests, reports, applications, submittals and other communications to both the EPA and the Department. The EPA copies shall be forwarded to the Director, Air Protection, United States EPA, Region III, 1650 Arch Street, Philadelphia, PA 19103-2029

Cooling Tower Emission Restrictions

1. The permittee shall limit particulate emissions from the source to 5.3 tons during any consecutive 12-month period.

2. The total solids concentration in the blowdown for each cooling tower shall not exceed 825 mg/l (averaged over a 12-month rolling period.)

3. The operation of the source shall not result in visible emissions, except uncombined water vapor.

Throughput Restrictions

4. The permittee shall limit the maximum water flow rate to the cooling towers to 145,200 gpm each (nominal).

Cooling Tower Monitoring Requirements

5. The permittee shall sample the cooling tower blowdown for total solids twice monthly as approved in the NPDES permit. Any changes to the sampling methods shall be submitted to the SCRO within 90 days of receiving approval from Water Quality.

6. The permittee shall at a minimum annually verify the accuracy of the flowmeters which are used to determine the flow of water entering the cooling towers. The results of the testing shall be submitted to the Department within 90 days.

Cooling Tower Recordkeeping Requirements

7. The permittee shall record the following:

- a. Monthly average total solids in the cooling tower blowdown water.
- b. Monthly volume of water entering the towers.
- c. Monthly particulate emissions.
- d. 12-month rolling total particulate emissions.

Cooling Tower Work Practice Requirements

No substances containing zinc or chromium shall be used in the water treatment chemicals for the cooling towers.

Tank Recordkeeping Requirements

The permittee shall maintain records of the following at a minimum:

1. Monthly fuel oil usage.
2. Monthly HAP and VOC emissions.

HAP and VOC emissions shall be included in the facility totals.

An appointment to review the pertinent documents at the Southcentral Regional Office, 909 Elmerton Avenue, Harrisburg PA 17110 may be scheduled by contacting the File Room at (717) 705-4732 between 8 a.m. and 3:30 p.m., Monday through Friday, except holidays.

A public hearing will be held for the purpose of receiving comments on the proposed action. The hearing will be held on December 7, 2005, at the Peach Bottom Recreation Center, 5 Pendyrus Street, Delta, PA at 7 p.m.

Persons who wish to comment should to contact John Repetz at (717) 705-4904 at least 1 week in advance of the hearing to schedule their testimony. Commentators are requested to provide two written copies of their remarks at the time of the hearing. Oral testimony will be limited to a maximum of 10 minutes per individual. Organizations are requested to designate an individual to present testimony on behalf of the organization. Written comments may be submitted to Yasmin Neidlinger, Air Pollution Control Engineer, Department of Environmental Protection, 909 Elmerton Avenue, Harrisburg PA 17110 during the 30-day period following publication of this notice.

Persons with a disability who wish to attend the hearing scheduled for December 7, 2005, at 7 p.m. and who require an auxiliary aid, service or other accommodation to participate in the proceedings, should contact John Repetz directly at (717) 705-4904 or through the AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

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

24-136A: National Fuel Gas Supply Corp. (1100 State Street, Erie, PA 16501) for installation for a nonselective catalytic reduction (NSCR) system on two 200 hp natural gas fired compressor engines and increase the hours of operation of both compressor engines for the company's plant in Kane, Highland Township, **Elk County**.

Under 25 Pa. Code §§ 127.44(a) and 127.424(b), the Department of Environmental Protection (Department) intends to issue a Plan Approval to for the company's plant in Kane, Highland Township, Elk County. This plan approval will authorize the applicant to install an NSCR

system on two 200 hp natural gas fired compressor engines and increase the hours of operation of both compressor engines, as described in the applicant's application of October 13, 2005. The Plan Approval will subsequently be incorporated into the company's facility Operating Permit through an administrative amendment in accordance with 25 Pa. Code § 127.450.

Based on the information provided by the applicant and Department's own analysis, the installation of the NSCR on the two compressor engines will result in an emission decrease of 48.5 tons per year of NO_x and approximately 7 tons per year of CO. The increase in the hours of operation will result in an emission increase of 8.6 tons of VOCs per year and 0.1 ton of particulate matter per year.

Copies of the application, Department's analysis and other documents used in the evaluation are available for public inspection between the hours of 8 a.m. and 4 p.m. weekdays at the address as follows. To make an appointment, contact Records Management at (814) 332-6340, for an appointment.

Persons wishing to provide Department with additional information they believe should be considered may submit the information to the following address. Comments must be received, by the Department, within 30 days of the last day of publication. Written comments should include the following:

1. Name, address and telephone number of the person submitting comments.
2. Identification of the proposed Plan Approval; No. 24-136A.
3. Concise statement regarding the relevancy of the information or any objections to issuance of the Plan Approval.

A public hearing may be held, if the Department, in its discretion, decides that a hearing is warranted on the comments received during the public comment period. Persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in a local newspaper of general circulation or the *Pennsylvania Bulletin* or by telephone, when the Department determines telephone notification is sufficient. Written comments or requests for a public hearing should be directed to John Guth, Regional Air Quality Manager, Department of Environmental Protection, Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335, (814) 332-6940.

61-185C: Heath Oil Co. (SR 8, Barkeyville, PA 16038) for postconstruction approval of the bulk storage terminal, tank wagon loading rack and vapor balancing and burn off system in Barkeyville Borough, **Venango County**. This is a State-only facility. The public notice is required for sources required to obtain a Plan Approval in accordance with 25 Pa. Code § 127.44. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the State-only operating permit through an administrative amendment at a later date. The source shall comply with the following conditions, which will satisfy the requirements of 25 Pa. Code § 127.12b (pertaining to plan approval terms and conditions) and will demonstrate Best Available Technology for the source:

- The source is subject to 25 Pa. Code §§ 123.13 and 123.21 for particulate matter and sulfur compound emissions.
- The source is subject to 25 Pa. Code §§ 129.59 and 129.62 for Bulk Gasoline Terminals

- The source is subject to 40 CFR 60, Subpart XX for Bulk Gasoline Terminals

- The flare is subject to 40 CFR 60.18 (General control device requirements)

24-123E: Onyx Greentree Landfill, LLC (635 Toby Road, Kersey, PA 15846), for installation of an additional enclosed ground flare (6,000 cfm) similar in design to the existing flares in Fox Township, **Elk County**. This installation will not result in NSR or PSD applicability. This is a Title V facility. The public notice is required for sources required to obtain a Plan Approval at Title V facilities in accordance with 25 Pa. Code § 127.44. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the Title V operating permit through an administrative amendment at a later date. The source shall comply with the following conditions, which will satisfy the requirements of 25 Pa. Code § 127.12b (pertaining to plan approval terms and conditions) and will demonstrate Best Available Technology for the source:

- The source shall comply with 25 Pa. Code §§ 123.1, 123.21, 123.31 and 123.41 for fugitive matter, sulfur compound, odor and visible emissions.

- The flare shall be designed for and operated with no visible emissions except for periods not to exceed a total of 5 minutes during any 2 consecutive hours and the emissions during these periods shall not exceed 10% opacity. The opacity of the emissions shall not be equal to or greater than 60% at any time.

- The flare shall be designed and operated to either reduce nonmethane organic compounds (NMOC) by 98 weight percent or reduce the outlet NMOC concentration to less than 20 ppmv, dry basis as hexane @ 3% oxygen. This minimum DRE and outlet concentration is also required by 40 CFR 60.752(b)(2)(iii)(B) of the Federal New Source Performance Standards.

- Particulate Matter emissions from the flare shall not exceed 0.02 grain/dscf.

- The flare shall be stack tested for NO_x, CO and NMOC

- The flare shall maintain a minimum operating temperature of 1,500°F for at least 0.3 second. The minimum operating temperature of the flare shall be 1,500°F or the operating temperature maintained during the performance test in which compliance with the 98% destruction efficiency or 20 ppmv requirement was demonstrated. The operating temperature of the flare shall be continuously measured and recorded.

- The flare shall be designed and operated in accordance with 40 CFR 60.18.

- The flare must be an enclosed ground type, which is shrouded with no visible flame shooting from the flare.

- The flare shall be equipped with a continuous pilot ignition source using an auxiliary fuel.

- The flare shall be operated with a flame present at all times. The flare shall be equipped with an automatic shut-off mechanism designed to immediately stop the flow of gases when a flameout occurs. During restart or start-up, there shall be sufficient flow of auxiliary fuel to the burners such that unburnt landfill gases are not emitted to the atmosphere. The owner or operator shall keep on file records of all periods of operation in which the flame or flare pilot flame is absent. The records shall be made readily available upon Department request.

- The permittee shall perform quarterly monitoring to determine there are no landfill gas leaks which result in concentrations of 500 ppmv or more measured as propane (or 1,375 ppmv or more measure as methane) at a distance of 0.5 inch from any exposed equipment. The landfill equipment subject to this requirement shall include the exposed portions of the gas wells, piping or any other connections or fittings along the landfill gas transfer paths of a landfill gas collection and disposal system. A log shall be kept at the facility indicating any leak that exceeds the above concentration and the corrective action taken for a period of 5 years and made readily available to Department personnel upon request.

- A detailed record describing the time, location, type and amount of roadway surface treatment shall be maintained at the landfill site for at least 5 years.

- Petroleum contaminated soils may be used as daily landfill cover provided the VOC emissions from the contaminated soils does not exceed 2.7 tpy based on a consecutive 12-month period. The facility shall keep records of the petroleum-contaminated soil received at the landfill.

- The collection system shall be designed to minimize offsite migration of the subsurface gas. The gas collection system shall be designed: 1) to collect gas from the maximum possible area of the landfill; and; 2) to accommodate the maximum gas generation rate for the landfill. Should the landfill gas flow rate from the disposal area exceed the maximum design capacity of the control devices, the company shall submit a plan approval application for the installation of an additional control device deemed acceptable by the Department.

- The landfill gas shall be controlled and monitored in accordance with 25 Pa. Code § 273.292.

- 25 Pa Code § 273.217 requires landfill operators to implement fugitive air contaminant control measures and otherwise prevent and control air pollution in accordance with the Air Pollution Control Act (35 P. S. §§ 4001—4014), 25 Pa. Code Part I, Subpart C, Article III (relating to air resources) and 25 Pa. Code § 273.218 (relating to nuisance minimization and control).

- Fugitive Emission Control Criteria: This criterion specifies the reasonable actions that are necessary for the prevention of fugitive dust emissions from the operation of landfills in accordance with these requirements.

- The facility shall comply with New Source Performance Standards 40 CFR Part 60 Subpart WWW and shall comply with all applicable requirements of this subpart. This includes, but is not limited to, the following:

- In accordance with 40 CFR 60.756(b)(2), the facility shall either:

- Install, calibrate and maintain a gas flow rate measuring device that shall record the flow to the control device at least every 15 minutes; or

- Secure the bypass line valve in the closed position with a car-seal or a lock-and-key type of configuration. A visual inspection of the seal or closure mechanism shall be performed at least once every month to ensure that the valve is maintained in the closed position and that the gas flow is not diverted through the bypass line.

- In accordance with 40 CFR 60.755(b), each well shall be installed no later than 60-days after the date on which the initial solid waste has been in place for a period of: 5 years or more if active; or 2 years or more if closed or at final grade.

- In accordance with 40 CFR 60.753(c) and 60.756(a), each interior wellhead in the collection system shall be operated with a landfill gas temperature less than 55°C and with either a nitrogen level less than 20% or an oxygen level less than 5%. The above parameters shall be monitored monthly and records shall be kept on file for a period of 5 years and made readily available to Department personnel upon request. Should the temperature or nitrogen and/or oxygen level be exceeded during the monitoring of these wellheads, the permittee shall take the necessary steps, in accordance with 40 CFR 60.755(a)(5), to bring the affected wellheads into compliance. The monitoring procedures shall comply with the provisions of 40 CFR 60.756(a).

- In accordance with 40 CFR 60.753(d), 60.755(c) and 60.756(f), the collection system shall be operated so that the methane concentration is less than 500 parts per million above background at the surface of the landfill. The owner or operator shall monitor surface concentrations of methane along the entire perimeter of the collection area and along a serpentine pattern spaced 30 meters apart (or a site-specific established spacing) for each collection area on a quarterly basis. Methane concentration shall be less than 500 parts per million above background at the surface of the landfill using an organic vapor analyzer, flame ionization detector or other portable monitor meeting Section 3, 40 CFR Part 60, Appendix A, Method 21. Records shall be kept on file for a period of five years and made readily available to Department personnel upon request.

PUBLIC HEARINGS

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

67-05083: Conectiv Mid-Merit LLC (P. O. Box 6066, 92 DC 72, Newark, DE 19714-6066) for construction of a combined cycle electric generating facility. The facility is in Peach Bottom Township, **York County**, off Atom Road along Pikes Peak Road, approximately 1 mile northeast of the Borough of Delta.

The proposed facility will have an overall nominal maximum generation capacity of 1,100 megawatts of electricity for sale. The primary fuel will be natural gas. Liquid distillate fuel (low sulfur light petroleum product or LSPP) will be used on a limited basis. The major components of the facility will include:

- (a) Six nominal 100-megawatt Siemens Westinghouse V84.2 combustion turbines.
- (b) Six selective catalytic reduction systems for NOx control.
- (c) Six unfired heat recovery steam generators (HRSGs).
- (d) Two nominal 150 MW steam turbines for a three-on-one configuration.
- (e) Two 4 million gallon fuel oil tanks.
- (f) Two mechanical draft cooling towers.
- (g) Each turbine has a 135 ft. simple cycle stack and a 188 ft. combined cycle stack.
- (h) Two 12,000-gallon (49,000 lb.) anhydrous ammonia tanks.

A modeling analysis was conducted for CO, NOx, SO₂ and PM10. The modeling used five years of meteorological data collected at the Peach Bottom nuclear facility and the New Castle County Airport in Wilmington, DE and the Environmental Protection Agency's approved AERMOD and CALPUFF models. The modeling indicated that none of the emissions from the turbines will have a significant impact on the surrounding area. Additional analyses were performed to assess the proposed facility's impact on soils, vegetation, and visibility in the area and the closest Class I area. The predicted impacts from all modeled pollutants fell within the allowable concentration levels as long as fuel oil firing is limited. A plan approval condition has been included to limit fuel oil firing to prevent visibility impacts at Class I areas.

Conectiv's emissions, along with additional background sources will consume the following portion of the available Prevention of Significant Deterioration air quality increments:

<i>Pollutant</i>	<i>Avg. Time</i>	<i>Max. Modeled Impact ug/m3</i>	<i>Class II Area Increment ug/m3</i>
PM10	24-hour	13.2	30
SO ₂	3-hour	60.0	512
SO ₂	24-hour	20.7	91

The plan approval includes the following limits on annual emission from the facility:

<i>Pollutant</i>	<i>Facility Total (tons/year)</i>
NOx	460.2
CO	439.3
PM/PM ₁₀ ¹	526.0
SO ₂	301.0
VOCs ²	46.2
H ₂ SO ₄ Mist	46.1
Ammonia	444.5
HAPs	< 25 (total HAPs) < 10 (any single HAP)

¹ Includes 5.3 tons/year (tpy) from cooling towers.

² Includes 0.8 tpy from the liquid distillate fuel oil storage tanks, and 1.0 tpy from miscellaneous sources such as the pipeline gas condensate tank.

The Plan approval will contain the following conditions to ensure compliance with the noted regulations:

General Plan Approval Requirements

1. This Plan Approval authorizes temporary operation of the sources covered by this Plan Approval provided the following conditions are met:

a. The Department must receive written notice from the permittee of the completion of construction and the Operator's intent to commence operation at least 5 working days prior to the completion of construction. The notice shall state when construction will be completed and when the permittee expects to commence operation.

b. Operation is authorized only to facilitate the start-up and shakedown of sources and air cleaning devices, to permit operations pending the issuance of an Operating Permit or to permit the evaluation of the sources for compliance with all applicable regulations and requirements.

c. This condition authorizes temporary operation of the sources for a period of 180 days from the date of commencement of operation, provided the Department receives notice from the permittee under Subpart (a).

d. The permittee may request an extension if compliance with all applicable regulations and Plan Approval requirements has not been established. The extension request shall be submitted in writing at least 15 days prior to the end of this period of temporary operation and shall provide a description of the compliance status of the source, a detailed schedule for establishing compliance and the reasons compliance has not been established. This temporary operation period will be valid for a limited time and may be extended for additional limited periods, each not to exceed 120 days.

2. This approval to construct shall become invalid if:

a. Construction (as defined in 40 CFR 52.21(b)(8)) has not commenced within 18 months of the issue date of this approval; or

b. Construction is discontinued for a period of 18 months or more.

Combustion Turbine Emission Restrictions

1. Under the Best Available Technology (BAT) provision of 25 Pa. Code § 127.1, the permittee shall limit the emission of ammonia from each SCR to:

10 ppmvd, volume corrected to 15% oxygen, 1 hour average; and

7 ppm, volume corrected to 15% oxygen on a daily average, both as measured by a certified continuous emissions monitor.

2. Under the BAT provision of 25 Pa. Code § 127.1, the permittee shall limit the emission of VOCs to 1.2 ppmvd, on an hourly basis volume corrected to 15% oxygen under normal operation for natural gas firing and to 1.3 ppmvd during gas firing in the diffusion mode and during oil firing. The VOCs are measured as methane.

3. The emission levels in Conditions 001, 002, 008 and 009 apply at all times except during periods of start-up and shutdown as defined as follows:

a. *Start-up*: Commences with the initiation of fuel injection into the combustion chambers and ends at the times specified as follows.

b. *Cold Start-up*: Refers to start-ups made more than 24 hours after shutdown. When operating in the simple cycle mode, a cold start-up shall not exceed 20 minutes. When operating in the combined cycle mode, a cold start-up shall not exceed 60 minutes.

c. *Hot Start-up*: Refers to start-ups made less than 24 hours after shutdown, and to mode changes and fuel switches. For mode changes and fuel switches, a hot start-up begins at the time the combustion turbine drops below 75% load. When operating in the simple cycle mode, a hot start-up shall not exceed 20 minutes. When operating in the combined cycle mode, a hot start-up shall not exceed 30 minutes.

d. *Shutdown*: Commences when the combustion turbine load falls below 75% and ends when the fuel injection into the combustion chambers is terminated. Shutdown periods shall not exceed 20 minutes per event.

4. The visible air contaminants from each combustion turbine exhaust stack shall not be emitted in a manner that the opacity of the emission is equal to or greater than 10% for a period or periods aggregating more than 3 minutes in any one hour; or equal to or greater than 30% at any time.

5. The operation of the turbines shall not result in malodorous emissions.

6. In accordance with the provisions of 25 Pa. Code Chapter 127, Subchapter E, New Source Review, the permittee shall secure Department-approved Emission Reduction Credits (ERCs) in the amount of 529 tons of NOx prior to the commencement of operation of the gas turbines.

7. Under the Lowest Achievable Emission Rate (LAER) provisions of 25 Pa. Code § 127.205, the Owner or Operator shall limit the NOx emissions (corrected to 15% O₂) from each combustion turbine to the following

Startup Limits of NOx Emissions:

	<i>Simple Cycle Limits, lb/start</i>		<i>Combined Cycle Limits, lb/start</i>	
	Cold Start	Hot Start	Cold Start	Hot Start
Time, Min	20	20	60	30
Natural Gas	44	44	151	71
Fuel Oil	126	126	310	172

<i>Shutdown Limits for NOx—20 minutes in duration</i>		
Fuel	Gas	LSLPP
NOx Emissions, lb/shutdown	44	126

8. Under the LAER provisions of 25 Pa. Code § 127.205, the owner or operator shall limit the NOx emissions (corrected to 15% O₂) from each combustion turbine to the following:

One-hour NOx averages calculated from a 3-hour rolling block average.

<i>Mode</i>	<i>Natural Gas</i>	<i>Peak Load*</i>	<i>Natural Gas or Liquid Fuel</i>
At 15% Oxygen	Premix burner operation up to and including base load		Diffusion mode operation up to including peak load*
Simple Cycle	9 ppmvd	25 ppmvd	42 ppmvd
Combined Cycle	2.5 ppmvd	5 ppmvd	8 ppmvd

* Peak Operation is defined as any operating mode that requires a higher firing temperature than that required to achieve Base Operation ratings. The modes are uniquely defined by the unit control configuration and will be recorded by the owner or operator.

9. Under the Best Available Control Technology provisions of 25 Pa. Code § 127.83, the permittee shall limit the emissions from each combustion turbine to the following:

Combined Cycle Operations—Gas Firing

CO	6.0 ppmvd on an hourly basis (3-hour rolling average).
SO ₂	0.0030 lb/mmBtu on an hourly basis.
PM/PM10	0.0141 lb/mmBtu on an hourly basis.
H ₂ SO ₄ mist	0.00046 lb/mmBtu on an hourly basis.

Combined Cycle Operations—Oil Firing

CO	6.0 ppmvd on an hourly basis (3-hour rolling average).
SO ₂	0.051 lb/mmBtu on an hourly basis.
PM/PM10	0.0287 lb/mmBtu (HHV) on an hourly basis.
H ₂ SO ₄ mist	0.0078 lb/mmBtu on an hourly basis.

Simple Cycle Operations—Gas Firing

CO	6.0 ppmvd on an hourly basis (3-hour rolling average).
SO ₂	0.0030 lb/mmBtu on an hourly basis.
PM/PM10	0.0135 lb/mmBtu on an hourly basis.
H ₂ SO ₄ mist	0.00023 lb/mmBtu on an hourly basis.

Simple Cycle Operations—Oil Firing

CO	6.0 ppmvd on an hourly basis (3-hour rolling average).
SO ₂	0.051 lb/mmBtu on an hourly basis.
PM/PM10	0.0184 lb/mmBtu on an hourly basis.
H ₂ SO ₄ mist	0.0039 lb/mmBtu on an hourly basis.

All ppmvd values are based on dry measurements at 15% oxygen.

Combustion Turbine Fuel Restrictions

10. The natural gas burned in the combustion turbines shall not exceed 1.05 gr S/100 scf.

11. The maximum site daily turbine hours and fuel oil consumption in any 24-hour calendar day are limited to the following:

<i>% S</i>	<i>Turbine Hrs. Peak Load</i>	<i>Gallons</i>	<i>Turbine Hrs 100% Load</i>	<i>Gallons</i>
0.05	40	449,600	43	483,320
0.03	55	618,200	58	651,920
0.02	67	753,080	71	798,040
0.01	84	944,160	91	1,022,840

The number of hours of liquid fuel firing (whether in combined cycle or simple cycle modes) shall not exceed 1,000 hours per CT on an annual basis. These annual operating hours may be totaled for all installed and operational units, up to six units, on a facility-wide basis (such as 6,000 hours of oil fired operation at the facility).

12. The liquid distillate fuel oil fired in the combustion turbines shall not exceed 0.05 weight percent sulfur.

13. Under the LAER provisions of 25 Pa. Code § 127.205, the permittee may use distillate oil in each combustion turbine while operating in the simple cycle mode when natural gas fuel is unavailable or if the unit is undergoing commissioning tests. Gas unavailability shall be defined as those periods of time when:

a. Physical damage, maintenance to pipelines or ancillary equipment prevents the delivery of gas to the turbines;

b. Equipment failure, maintenance or malfunction occurs so that gas pressures, temperatures or fuel quality are not adequate for turbine operation;

c. Unavailability due to physical limitation of supply at times of high pipeline demand, including insufficient pressures or flows; or

d. Electric Reliability Emergencies issued by PJM and supply of natural gas is inadequate.

Combustion Turbine Operating Hours Restriction

14. The permittee shall not operate the combustion turbines in the simple cycle mode except:

(1) During periods of unavailability of the combined cycle portion of the plant due to forced or planned maintenance outages during electrical emergencies of the PJM system;

(2) During periods when electric power produced by the combined cycle portion of the plant is undeliverable due to causes outside the control of the permittee during electrical emergencies of the PJM system; or

(3) As required for compliance, commissioning, optimization or PJM capacity testing.

An electrical emergency for the purpose of this condition is defined as one of the following:

a. A Maximum Emergency Generation Action has been issued by the PJM along with a Request to Purchase Emergency Power.

b. A Maximum Generation Alert has been issued by the PJM along with a Request to Purchase Emergency Power.

c. A local power emergency has occurred or is imminent.

15. Under the LAER provisions of 25 Pa. Code § 127.205, the permittee is authorized to operate each of the six combustion turbines in the following modes up to but not greater than the associated hourly limits:

Combined Cycle Mode

<i>Fuel/Mode</i>	<i>Turbine Load</i>	<i>Annual Operations</i>
Gas Premix	Peak	100 hrs/yr
Gas Premix	100%	No Restriction
Gas Diffusion	Peak	200 hrs/yr
Gas Diffusion	100%	200 hrs/yr
Oil Firing	Peak	100 hrs/yr
Oil Firing	100%	900 hrs/yr

Simple Cycle Mode

<i>Fuel/Mode</i>	<i>Turbine Load</i>	<i>Annual Operations</i>
Gas Premix	Peak	100 hrs/yr
Gas Premix	100%	Restricted by Condition 014
Oil Firing	Peak	Restricted by Conditions 011, 013 and 014
Oil Firing	100%	Restricted by Conditions 011, 013 and 014

The Permittee shall not operate in diffusion mode (natural gas or oil) each of the six combustion turbines more than 200 hours during each NOx Budget Rule "Control Period" (as defined in 25 Pa. Code § 145.2). These hours of operation may be totaled for all installed and operational units, up to six units, on a facility-wide basis (that is 1,200 hours in diffusion gas and oil).

16. With respect to the operating periods specified in Condition 15, the permittee may operate the combustion turbines in diffusion mode during the NOx Budget Rule "Control Period" (as defined in 25 Pa. Code § 145.2) only when needed electric power output is not achievable through Premix mode of operation and one of the following conditions is met: (1) a Maximum Emergency Generation Action has been issued by the PJM Independent System Operator; or (2) a Maximum Generation Alert has been issued by the PJM along with a Request to Purchase Emergency Power; or (3) a local power emergency has occurred or is imminent; or (4) the PJM has directed the loading of a simple cycle combustion turbine that emits at higher NOx emissions rate than this facility operating in the diffusion mode.

The permittee shall maintain appropriate PJM notification and operating logs and records for a minimum of 5 years in order to verify compliance.

Within the 200 hours specified in Condition 15, the permittee may also operate in diffusion mode for emissions compliance testing, and/or PJM required capacity testing. The permittee may perform diffusion mode stack emissions compliance testing outside of the NOx Budget Rule "Control Period." Should the Department require the permittee to perform diffusion mode emissions testing during this time period, any emissions testing hours will not be counted toward consumption of the 200-hour allotment.

For the local power emergency, the Department shall be notified by telephone within 24 hours (or the next business day whichever is greater) and a written description of the emergency shall be submitted to the Department within 7-business days.

This requirement does not apply during startup-up, shut down or during periods of operation upset when the unit automatically defaults to diffusion operation as indicated by the loss of the premix release signal. Any diffusion mode operation occurring during start-up, shut down or during periods of operation upset will be counted toward the consumption of the allotments as allowed under Condition 15.

Combustion Turbine Testing Requirements

17. Within 60 days after achieving the maximum firing rate, but not later than 180 days after start-up, the permittee shall demonstrate compliance with each of the emission limits established in Conditions 1, 2, 8 and 9 and opacity, as per 25 Pa. Code Chapter 139, 40 CFR Part 60 and Title IV. The applicant shall develop a testing protocol for HAP emissions and submit the protocol to the Department for review. The testing shall be conducted while the turbines are operating at or above 95% of full load for the ambient conditions at the time of the test.

18. Within 60 days after achieving the maximum firing rate, but no later than 180 days after startup, the permittee shall demonstrate compliance with the VOC emission limit established in Condition 2, as per 25 Pa. Code Chapter 139. The testing shall be done while the turbines are operating in two load ranges: 60 to 85% of maximum load and 85 to 100% of maximum load.

19. At least 60 days prior to the test, the permittee shall submit to the Department for approval, the procedures for the test and a sketch with dimensions indicating the location of sampling ports and other data to ensure the collection of representative samples.

20. At least 30 days prior to the test, the Regional Air Quality Program Manager shall be informed of the date and time of the test.

21. Within 45 days after the source tests, three copies of the complete test report, including all operating conditions, shall be submitted to the Regional Air Quality Program Manager for approval.

Combustion Turbine Monitoring Requirements

22. The permittee shall measure the following parameters for each SCR system:

- a. Catalyst bed inlet gas temperature.
- b. Ammonia injection rate.

23. Continuous emission monitoring (CEM) systems for NOx, CO and oxygen must be approved by the Department and installed, operated and maintained in accord-

ance with the requirements of 25 Pa. Code Chapter 139 of the rules and regulations of the Department. Proposals containing information as listed in the Phase I section of the Department's "Continuous Source Monitoring Manual" for the CEMs must be submitted at least three months prior to start-up of the turbines.

Phase I Department approval must be obtained for the monitors above prior to initial startup of the source. Phase III Department approval must be obtained within 60 days of achieving the maximum production rate at which the source will be operated, but not later than 180 days after initial startup of the source. Department review time for the Phase III report (time between postmark of company's Phase III report and the postmark of the Department's response letter) will not be charged against the source in determining compliance with this condition. Information on obtaining Department approval is included in the Department's "Continuous Source Monitoring Manual."

NOx CEM must also comply with the requirements of 40 CFR 60.334(b) as required by Subpart GG Standards of Performance for Stationary Gas Turbines.

24. The permittee shall submit a plan for monitoring the ammonia slip from each SCR system for approval by the Department. This submittal shall be made in conjunction with those for the CEM system.

25. The permittee shall install and maintain fuel flow meters for all acid rain affected sources in accordance with the requirements of 40 CFR Part 75. The fuel flow will be measured in accordance with Part 75, Appendix D requirements, in lieu of stack exhaust flow monitoring, to allow for calculation of pollutant mass emission rates.

26. The permittee shall monitor the sulfur and nitrogen content of the fuel being fired in the combustion turbines as per 40 CFR 60.334(h). The frequency of monitoring the sulfur and nitrogen content as applicable shall be in accordance with 40 CFR 60.334(i).

Combustion Turbine Recordkeeping Requirements

27. Records required under this Plan Approval and 40 CFR Part 60 shall be kept for a period of 5 years and shall be made available to the Department upon its request.

a. The permittee shall maintain records of all air pollution control system performance evaluations and records of calibration checks, adjustments and maintenance performed on all equipment, which is subject to this plan approval.

b. The permittee shall maintain a copy of the manufacturer's recommendations for all the six combustion turbines and air pollution control equipment onsite.

c. The permittee shall maintain a copy of the manufacturer's recommendations for all CEMs that are required by this Plan Approval.

d. The permittee shall keep a record of the date of malfunctions, the time of the malfunction, the cause of the malfunction and the action taken to correct the malfunction.

28. The permittee shall record each start-up and shutdown, including date and times of each event. Emissions during start-up will be calculated based upon the emissions estimates approved by the Department and included in the total facility 12-month emissions.

29. The permittee shall, at a minimum, record the following:

- a. Monthly fuel consumption rate and 12-month rolling total fuel consumption for each combustion turbine.
- b. Hours of start-up and shutdown for each turbine.
- c. Monthly hours of operation for each turbine in each mode.

30. Under the LAER provisions of 25 Pa. Code § 127.205, the permittee shall collect, record and maintain the documentation demonstrating the unavailability of natural gas leading to the usage of distillate fuel oil associated with Condition 13.

Combustion Turbine Additional Requirements

31. The Department reserves the right to use the CEMs data, stack test results, and the operating parameters determined during optimization of the turbines and their associated air cleaning devices to verify emission rates, to establish emission factors, and to develop compliance assurance measures in the Operating Permit.

32. The combustion turbine units are subject to the Title V Acid Rain Program of the Clean Air Act Amendments of 1990 and shall comply with all applicable provisions of that Title, to include the following:

40 CFR Part 72	Permits Regulation
40 CFR Part 73	SOx Allowance System
40 CFR Part 75	Continuous Emission Monitoring
40 CFR Part 77	Excess Emissions

33. The combustion turbines are subject to 40 CFR Part 60 Subpart GG of the Standards of Performance for New Stationary Sources. The equipment shall comply with all applicable requirements of the Subpart. 40 CFR 60.4 requires submission of copies of all requests, reports, applications, submittals, and other communications to both the EPA and the Department. The Environmental Protection Agency (EPA) copies shall be forwarded to the Director, Air Protection, U. S. EPA, Region III, 1650 Arch Street, Philadelphia, PA 19103-2029

Cooling Tower Emission Restrictions

1. The permittee shall limit particulate emissions from the source to 5.3 tons during any consecutive 12-month period.

2. The total solids concentration in the blowdown for each cooling tower shall not exceed 825 mg/l (averaged over a 12-month rolling period.)

3. The operation of the source shall not result in visible emissions, except uncombined water vapor.

Throughput Restrictions

4. The permittee shall limit the maximum water flow rate to the cooling towers to 145,200 gpm each (nominal).

Cooling Tower Monitoring Requirements

5. The permittee shall sample the cooling tower blowdown for total solids twice monthly as approved in the NPDES permit. Any changes to the sampling methods shall be submitted to the SCRO within 90 days of receiving approval from Water Quality.

6. The permittee shall at a minimum annually verify the accuracy of the flowmeters which are used to determine the flow of water entering the cooling towers. The results of the testing shall be submitted to the Department within 90 days.

Cooling Tower Recordkeeping Requirements

7. The permittee shall record the following:

- a. Monthly average total solids in the cooling tower blowdown water.
- b. Monthly volume of water entering the towers.
- c. Monthly particulate emissions.
- d. 12-month rolling total particulate emissions.

Cooling Tower Work Practice Requirements

No substances containing zinc or chromium shall be used in the water treatment chemicals for the cooling towers.

Tank Recordkeeping Requirements

The permittee shall maintain records of the following at a minimum:

1. Monthly fuel oil usage.
2. Monthly HAP and VOC emissions.

HAP and VOC emissions shall be included in the facility totals.

An appointment to review the pertinent documents at the Department of Environmental Protection, Southcentral Regional Office, 909 Elmerton Avenue, Harrisburg PA 17110 may be scheduled by contacting the File Room at (717) 705-4732 between 8 a.m. and 3:30 p.m., Monday through Friday, except holidays.

A public hearing will be held for the purpose of receiving comments on the proposed action. The hearing will be held on December 7, 2005, at the Peach Bottom Recreation Center, 5 Pendyrus Street, Delta, PA at 7 p.m.

Those wishing to comment are requested to contact John Repetz at (717) 705-4904 at least 1 week in advance of the hearing to schedule their testimony. Commentators are requested to provide two written copies of their remarks at the time of the hearing. Oral testimony will be limited to a maximum of 10 minutes per individual. Organizations are requested to designate an individual to present testimony on behalf of the organization. Written comments may be submitted to Yasmin Neidlinger, Air Pollution Control Engineer, Department of Environmental Protection, 909 Elmerton Avenue, Harrisburg PA 17110 during the 30-day period following publication of this notice.

Persons with a disability who wish to attend the hearing scheduled for December 7, 2005, at 7 p.m. and who require an auxiliary aid, service or other accommodation to participate in the proceedings, should contact John Repetz directly at (717) 705-4904 or through the AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

OPERATING PERMITS**Intent to Issue Title V Operating Permits under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter G.**

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

36-05136: Granger Energy of Honey Brook, LLC (481 South Churchtown Road, Narvon, PA 17555) for operation of a landfill gas treatment plant at their Lanchester Landfill in Caernarvon Township, **Lancaster County**. There are no potential emissions associated with the operation of this treatment plant. The treatment

plant is subject to 40 CFR Part 60, Subpart WWW—Standards of Performance for Municipal Solid Waste Landfills. The Title V operating permit will include monitoring, recordkeeping, reporting and work practice requirements designed to keep the plant operating within all applicable air quality requirements.

Intent to Issue Operating Permits under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19428, Edward Jurdones Brown, Facilities Permitting Chief, (484) 250-5920.

09-00067: Rogers Foam Corp. (150 East Port Rd. Morrisville, PA 19428) for operation of various sources in Falls Township, **Bucks County**. The permit is for a non-Title V (State-only) facility. The major sources of air emissions are two adhesive spray booths, a glue station and a boiler. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

46-00250: Porter Instruments, Co. (235 Township Line Road, Hatfield, PA 19440) for operation of a precision dental, medical, and industrial application manufacturing facility in Upper Merion Township, **Montgomery County**. The permit is for a non-Title V (State-only) facility. The major source of air emissions is one batch vapor degreaser that uses 1,1,2-Trichloroethylene as its solvent. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

06-03070: Atlas Minerals and Chemicals, Inc. (P. O. Box 38, Mertztown, PA 19539) for operation of a synthetic resins and specialty asphalts facility in Longswamp Township, **Berks County**. The State-only Operating Permit will include monitoring, recordkeeping, reporting requirements, emission restrictions and work practice standards designed to keep the facility operating within all applicable air quality requirements.

06-05091: Roebeg Enterprise, Inc. d/b/a Yorgey's Cleaners (1700 Fairview Street, Reading, PA 19606-2621) for operation of a petroleum based dry cleaning operation controlled by closed system cleaning machines in the City of Reading, **Berks County**. The facility is a non-Title V (State-only) facility. The facility will be required to limit the total emissions to less than the Title V thresholds during any consecutive 12-month period. The permit will include restrictions, work practices, monitoring, recordkeeping and reporting requirements designed to keep the facility within all air quality requirements.

22-03041: Librandi's Machine Shop, Inc. (93 Airport Drive HIA, Middletown, PA 17057) for electroplating operations including chromium electroplating controlled by surface tension method located in Middletown Borough, **Dauphin County**. The State-only operating permit shall contain additional monitoring, recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

36-03005: Intelligencer Printing Co., Inc. (330 Eden Road, P. O. Box 1768, Lancaster, PA 17608) for an Operating Permit to operate their printing operation at

their site in Manheim Township, **Lancaster County**. Emissions are estimated to be approximately 36.5 tons per year of VOCs. The State-only Operating Permit will contain additional recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

49-00008: Milton Steel, Inc. (6 Canal Street, Milton, PA 17847) for operation of a steel shelving manufacturing facility in Milton Borough, **Northumberland County**.

The respective facility incorporates two heated paint dip tanks, a paint spray operation, various welding operations, 19 natural gas-fired heaters, furnaces, and the like, a solvent parts washer and a propane-fired emergency generator. The air contaminant emissions from this facility are not expected to exceed 32.05 tons of VOCs, 13.44 tons of hazardous air pollutants (of which no single hazardous air pollutant will total 10 or more tons per year), 4.51 tons of NO_x, 3.18 tons of CO, 4.74 tons of particulate matter, all of which may be PM₁₀ and .03 ton of SO_x per year.

The facility is not a major (Title V) facility for any air contaminant but, due to the theoretical potential to emit both VOCs and hazardous air pollutants at levels which would qualify the facility as such, Milton Steel, Inc. has elected to restrict their ability to emit VOCs and hazardous air pollutants such that they will be a "synthetic minor" facility with respect to the Title V permitting requirements.

The Department of Environmental Protection (Department) proposes to incorporate into the operating permit to be issued conditions requiring compliance with all applicable regulatory requirements pertaining to air contamination sources and the emission of air contaminants as well as conditions previously established in Operating Permit 49-318-034. These previously-established conditions include conditions requiring both dip tanks to be operated indoors, to be equipped with lids that remain closed except when a tank is in actual use or during tank cleaning, to clean the coating circulation systems associated with the dip tanks by flushing solvent through the entire system and reclaiming as much of the solvent in liquid form as is practicable and to clean the dip tanks by draining as much coating mixture from the tanks as is practicable then allowing the remaining coating mixture to dry and physically removing the dried residue, a condition limiting the VOC content of the coating used in the "blue tank" to 3.3 pounds of VOCs per gallon of coating mixture averaged over each calendar month period taking into account all materials added to the tank during each respective month, a condition limiting the VOC content of the coating used in the "orange tank" to 3.1 pounds of VOC per gallon of coating mixture averaged over each calendar month taking into account all materials added to the tank during each respective month, a condition limiting the combined VOC emissions from the dip tanks to 30 tons in any 12-consecutive month period and the combined hazardous air pollutant emissions to 12 tons in any 12-consecutive month period, a condition prohibiting the use of coatings, coating additives and cleaning solvents which contain methylene chloride, 1,1,1-trichloroethane, perchloroethylene or formaldehyde and a condition requiring all volatile organic compound-containing materials to be stored in closed containers when not in actual use.

The Department additionally proposes to incorporate into the operating permit to be issued a condition limiting the total combined facility-wide emission of VOCs to less than 50 tons in any 12-consecutive month period and a condition limiting the total combined facility-wide emission of any single hazardous air pollutant to less than 10 tons in any 12-consecutive month period and the total combined facility-wide emission of all hazardous air pollutants combined to less than 25 tons in any 12-consecutive month period.

The Department also intends to incorporate into the operating permit to be issued appropriate recordkeeping and reporting requirements intended to help monitor compliance with the permit conditions described above as well as with applicable regulatory requirements.

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

03-00237: Rosebud Mining Co. (301 Market Street, Kittanning, PA 16201) to operate the coal processing, screening and loading operation at their Keystone East Mine in Plumcreek Township, **Armstrong County**.

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

42-00155: MSL Oil and Gas Corp. (Route 219 and Route 59 intersection, Lewis Run, Lafayette, PA 16738) for a Natural Minor Permit to operate a gas production and distribution corporation in Lafayette Township, **McKean County**. The significant sources are one compressor engine of 360 hp with dehydrator, one 186 hp compressor engine with catalytic converter, one 180 HP compressor engine, one 30,000 gallons propane tank and miscellaneous equipment leaks.

Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104, Edward Braun, Chief, (215) 685-7584.

S01-001: The Purolite Co. (3620 G Street, Philadelphia, PA 19134) for operation of a ion exchange manufacturing facility in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include three No. 6 oil/No. 2 oil/ natural gas fired boilers each less than 10 mmBtu/hr, a polymerization process and a sulfonation process.

The operating permit will be issued under the 25 Pa. Code, Philadelphia Code Title 3 and Air Management Regulation XIII. Permit copies and other supporting information are available for public inspection at AMS, 321 University Avenue, Philadelphia, PA 19104. For further information, contact Edward Wiener at (215) 685-9426.

Persons wishing to file protest or comments on the operating permit must submit the protest or comments within 30 days from the date of this notice. Protests or comments filed with 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, 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 thirty days before the hearing.

COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). Mining activity permits issued in response to applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

The following permit applications to conduct mining activities have been received by the Department of Environmental Protection (Department). A copy of an application is available for inspection at the district mining office indicated before an application. Where a 401 Water Quality Certification is needed for any aspect of a particular proposed mining activity, the submittal of the permit application will serve as the request for certification.

Written comments, objections or requests for informal conferences on applications may be submitted by any person or any officer or head of any Federal, State or local government agency or authority to the Department at the district mining office indicated before an application within 30 days of this publication, or within 30 days after the last publication of the applicant's newspaper advertisement, as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34.

Where any of the mining activities listed will have discharges of wastewater to streams, the Department will incorporate NPDES permits into the mining activity permits issued in response to these applications. NPDES permits will contain, at a minimum, technology-based effluent limitations as identified in this notice for the respective coal and noncoal applications. In addition, more restrictive effluent limitations, restrictions on discharge volume or restrictions on the extent of mining which may occur will be incorporated into a mining activity permit, when necessary, for compliance with water quality standards (in accordance with 25 Pa. Code Chapters 93 and 95). Persons or agencies who have requested review of NPDES permit requirements for a particular mining activity within the previously mentioned public comment period will be provided with a 30-day period to review and submit comments on the requirements.

Written comments or objections should contain the name, address and telephone number of the person submitting comments or objections; the application number; and a statement of sufficient detail to inform the Department on the basis of comment or objection and relevant facts upon which it is based. Requests for an informal conference must contain the name, address and telephone number of requestor; the application number; a brief summary of the issues to be raised by the requestor at the conference; and a statement whether the requestor wishes to have the conference conducted in the locality of the proposed mining activities.

Coal Applications Received

Effluent Limits—The following coal mining applications that include an NPDES permit application will be subject to, at a minimum, the following technology-based effluent limitations for discharges of wastewater to streams:

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

* The parameter is applicable at all times.

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

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

32921601 and NPDES Permit No. PA0095117, Sprinkle Mills Tipple (P. O. Box 343, Punxsutawney, PA 15767-0343), to revise the permit for the Valier Coal Yard in North Mahoning Township, **Indiana County** and related NPDES permit for coal stockpile, sediment trap and treatment basins. Surface Acres Proposed 1.2. Receiving stream: Crossman Run, classified for the following use: CWF. Application received July 15, 2005.

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

Permit No. 32990103 and NPDES No. PA0212687. TLH Coal Company, 4401 Pollock Road, Marion Center, PA 15759, permit renewal for reclamation only of a bituminous surface mine in Grant Township, **Indiana County**, affecting 30.1 acres. Receiving streams: UNTs to/and East Run, classified for the following uses: HQ-CWF. There are no potable water supply intakes within 10 miles downstream. Application received October 4, 2005.

56663098 and NPDES No. PA0607932. PBS Coals, Inc., P. O. Box 260, Friedens, PA 15541, permit renewal for the continued operation and restoration of a bituminous surface refuse reprocessing mine in Shade Township, **Somerset County**, affecting 412.3 acres. Receiving streams: Dark Shade Creek and Little Dark Shade Creek classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received September 27, 2005.

Permit No. 32010113 and NPDES Permit No. PA 0249106. TLH Coal Company Inc., 4401 Pollock Road, Marion Center, PA 15759, permit revision—land use change on Larry Ferringer property from cropland and forestland to unmanaged natural habitat in West Mahoning Township, **Indiana County**, affecting 21 acres. Receiving streams: UNTs to/and Mahoning Creek classified for the following use: WWF. There are no potable water supply intakes within 10 miles downstream. Application received on October 7, 2005.

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

63940101 and NPDES Permit No. PA0200735. Robnson Coal Company (200 Neville Road, Neville Island, PA 15225). Revision application for land use change from forestland to pastureland to a bituminous surface mine, located in Robnson and Smith Townships, **Washington County**, affecting 160.4 acres. Receiving stream: UNT to Robnson Run, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Revision application received: October 12, 2005.

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

16000101 and NPDES Permit No. PA0241695. Milestone Crushed, Inc. (521 South Street, Clarion, PA 16214). Renewal of an existing bituminous surface strip and limestone and sandstone removal operation in Richland and Licking Townships, **Clarion County** affecting 83.6 acres. Receiving streams: UNTs to the Clarion River, classified for the following use: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: October 6, 2005.

16000102 and NPDES Permit No. PA0241741. Milestone Crushed, Inc. (521 South Street, Clarion, PA 16214). Renewal of an existing bituminous surface strip operation in Perry Township, **Clarion County** affecting 38.6 acres. Receiving streams: UNT to Clarion River, classified for the following uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application for reclamation only. Application received: October 12, 2005.

33000103 and NPDES Permit No. PA0241849. Falls Creek Energy Co., Inc. (R. D. 6, Box 231, Kittanning, PA 16201). Renewal of an existing bituminous surface strip and auger operation in McCalmont Township, **Jefferson County** affecting 57.1 acres. Receiving stream: Big Run to Mahoning Creek, classified for the following use: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application for reclamation only. Application received: October 13, 2005.

16050111 and NPDES Permit No. PA0258041. Neiswonger Construction, Inc. (17592 Route 322, Strattanville, PA 16258). Commencement, operation and restoration of a bituminous surface strip operation in Porter Township, **Clarion County** affecting 86.0 acres. Receiving streams: UNT to Licking Creek to Clarion River and UNT to West Fork classified for the following uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: October 12, 2005.

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

17020114 and NPDES No. PA0243361. Sky Haven Coal, Inc., 5510 State Park Road, Penfield, PA 15849, revision of an existing bituminous surface mine to remove the Lower Kittanning Nos. 2 and 3, and Lower Kitanning No. 4 coal seams from phase one mining plan and revise erosion and sedimentation control plans in Bradford Township, **Clearfield County**, affecting 85.7 acres. Receiving stream: Sulfur Run classified for the following use: CWF. Application received October 6, 2005.

07020902 and NPDES No. PA0243345 Johnson Brothers Coal Company, Inc., 1390 Lee Run Road, Mahaffey, PA 15757, revision of an existing incidental coal mine to revise the mining area in Lawrence Township, **Clearfield County**, affecting 5.0 acres. Receiving stream: Laurel Run which is tributary to Little Clearfield Creek which is tributary to Clearfield Creek. Application received October 6, 2005.

*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
Alkalinity exceeding acidity ¹			
pH ¹		greater than 6.0; less than 9.0	

¹ The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applied to surface runoff resulting from a precipitation event of less than or equal to a 10-year 24-hour 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.

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

08050814. D. Terry and Tracy Kenney (P. O. Box 85, Wyalusing, PA 18853). Commencement, operation and restoration of a small industrial minerals (Flagstone)

permit in Wilmot Township, **Bradford County** affecting 3.0 acres. Receiving streams: UNT to Susquehanna River. Application received: September 30, 2005.

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(a) 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.

E15-746. Department of Transportation, 7000 Geerdes Boulevard, King of Prussia, PA 19406, Thornbury Township, Chester County, ACOE Philadelphia District.

To remove, replace and maintain an existing 38-foot long, 16-foot wide and 6.5-foot high single span steel girder bridge located on Westtown-Thorndale Road (SR 2005, section 62B), with a single precast reinforced concrete "ConSpan"-type arch measuring 48 feet long, 31-feet 7-inches wide and 12 feet high situated in and along a tributary to the East Branch of Chester Creek (WWF). Work will also include:

1. Approximately 212 feet and 158 feet of approach work on the north and south approaches, respectively.
2. Installation of stormwater facilities and associated outfall relocation along the north side of the proposed road downstream from the bridge.
3. Installation of the temporary access, consisting of causeways crossing the creek.

This site is located immediately after the SEPTA railroad underpass on Westtown-Thorndale Road (West Chester PA Quadrangle N: 6.4 inches; W: 6.4 inches). This application will replace existing application.

Northeast Region: Watershed Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.

E39-453. Prospect Acquisitions, LP, 404 Sumneytown Pike, Suite 200, North Wales, PA 19454, in Upper Milford Township, Lehigh County, United States Army Corps of Engineers, Philadelphia District.

To construct and maintain an outfall to Leibert Creek (HQ-CWF) consisting of a 32-inch by 50-inch reinforced concrete elliptical pipe, and wall and riprap-lined outfall channel; a minor road crossing of PEM wetlands consisting of two 29-inch by 45-inch reinforced elliptical pipes and riprap apron; and two utility line crossings of wetlands. The encroachments are part of the Estates at Maple Ridge Residential Development located adjacent to Main Road West (SR 2023) approximately 0.5 mile west of the Pennsylvania Turnpike. (Allentown West, PA Quadrangle N: 0.3 inch; W: 1.2 inches).

E40-654. CAN DO, Inc., One South Church Street, 200 Renisance Center, Hazleton, PA 18201, in Hazle Township, Luzerne County, United States Army Corps of Engineers, Baltimore District.

To place fill or regrade within approximately 0.42 acre of PSS wetlands and several pond areas for the purpose of preparing a 75-acre site for industrial development. The project is known as the Harwood Innovation Site and is located on the east side of SR 081, approximately 0.5 mile south of SR 0924. (Conyngham, PA Quadrangle N: 11.0 inches; W: 2.0 inches).

E39-454. Principle Investment, LLC, 1611 Pond Road, Allentown, PA 18102, in Lower Macungie Township, Lehigh County, United States Army Corps of Engineers, Philadelphia District.

To construct and maintain two outfall structures in the floodway of the Little Lehigh Creek (HQ-CWF), the first consisting of an 18-inch RCP, concrete outlet structure and a cable concrete apron and the second consisting of a 24-inch RCP concrete outlet structure and a cable concrete apron. The outfalls are associated with the Olympic Ridge Residential Development located on the north side of Indian Creek Road (SR 2018) approximately 0.1 mile east of the Pennsylvania Turnpike. (Allentown West, PA Quadrangle N: 6.2 inches; W: 3.1 inches).

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

E36-799: Townsedge Development, 48 South Market Street, Elizabethtown, PA 17022 in Conoy Township, Lancaster County, ACOE Baltimore District.

To construct and maintain a wetland enhancement project consisting of: wetland and floodplain grading; fill placement; and installation of tree and shrub plantings within 1.21 acres of farmed, palustrine emergent wetland associated with a UNT to Conoy Creek (TSF) located adjacent to the proposed Townsedge residential subdivision (York Haven, PA Quadrangle; Latitude: 40-05-51.30; Longitude: 76°40'13.09" in Conoy Township and Bainbridge Borough, Lancaster County. This project will result in 1.22 acres of functional floodplain Palustrine/Scrub-Shrub wetland.

E31-206: War Vets Field Project, 2401 Taylor Avenue, 2201 Moore Street, Huntingdon, PA 16652 in Huntingdon Borough, Huntingdon County, ACOE Baltimore District.

To construct a ticket booth, 6-feet wide by 30-foot 8-inches long, slab on grade one story block structure, located (Huntingdon, PA Quadrangle Latitude: 40°29'04", Longitude: 78°00'17") within the floodplain of the Juniata River (CWF-HQ) in the Borough of Huntingdon, Huntingdon County.

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

E10-414. Bobbie Mikita, 501 Rollingridge Drive Suite 200, State College, PA 16801. Brookstone Residential Development, in Adams Township, **Butler County**, ACOE Pittsburgh District (Mars, PA Quadrangle N: 17.6 inches; W: 4.6 inches).

To fill 0.65 acre of Scrub-Shrub wetlands and 1,111 feet of a UNT to Breakneck Creek (WWF) during construction of the Brookstone Residential Subdivision along Forsythe Road located approximately 0.25 mile south of the intersection of Forsythe and Myoma Roads.

E25-041A. Erie Sand Steamship Company, P. O. Box 179, Erie, PA 16512-0179. Sand and Gravel Dredging in Lake Erie, ACOE Pittsburgh District.

The applicant has requested 5 year extension of Permit E25-041A to dredge sand and gravel ranging from 7 to 16 miles offshore of Presque Isle in Lake Erie under Sand and Gravel Agreement SG-001 at an area bounded by a point starting at 42°11.4'N, 80°17.2'W then 320°—3 miles, then 292°—3.16 miles, then 011°—4.15 miles, then 139°—5.18 miles, then 48°—1.61 miles, then 131°—2.3 miles, then 228°—1.84 miles, then 114°—1.44 miles, and then 236°—2.53 miles. Permit E25-041A expires on December 31, 2005, and is proposed to be extended to December 31, 2010.

ENVIRONMENTAL ASSESSMENTS

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

EA36-15: John S. Yost, 6059 Old Philadelphia Pike, Narvon, PA 17555 in Salisbury Township, **Lancaster County**, ACOE Baltimore District.

To install two grass waterways for stormwater management on a farm located at 6059 Old Philadelphia Pike in

Salisbury Township, Lancaster County (Honey Brook USGS Quad, 40° 01' 57" N, 75° 57' 33" W). Construction of the waterways will involve approximately 3 acres of land disturbance, and the waterways will convey stormwater to a UNT of Pequea Creek (HQ-CWF).

EA36-16: Michael and Dawn Janssen, 1147 Holtwood Road, Holtwood, PA 17110 in East Drumore Township, **Lancaster County**, ACOE Baltimore District

To construct and maintain a 10-inch outfall pipe with a rip-rap rock apron which will discharge into the floodway of the Conowingo Creek (HQ-CWF) at a point located near the intersection of Cardinal Drive and Conowingo Drive (Wakefield, PA Quadrangle N: 17.0 inches; W: 10.0 inches) in East Drumore Township, Lancaster County.

DAM SAFETY

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

D40-244. Wyoming Valley Inflatable Dam. Luzerne County Flood Protection Authority, Luzerne County Courthouse, 200 North River Street, Wilkes-Barre, PA 18711.

To construct, operate and maintain Wyoming Valley Inflatable Dam across the Susquehanna River (WWF), impacting 1.06 acres of wetlands (Palustrine Emergent and Palustrine Forested) and 4.5 miles of river, and providing 1.06 acres of wetland mitigation, for the purpose of revitalizing interest in the river through new recreation, scenic, and economic opportunities. Work includes construction of a 9.5-foot high 960-foot long inflatable run-of-the-river dam. (Wilkes-Barre West, PA Quadrangle N: 22.0 inches; W: 5.9 inches) in the City of Wilkes-Barre and Borough of Larksville, **Luzerne County**.

ACTIONS

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

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

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

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

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

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

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

I. NPDES Renewal Permit Actions

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed #)	EPA Waived Y/N ?
PA0087718 (Industrial Waste)	Crystal Springs Hardwood, Inc. P. O. Box 34 Crystal Springs, PA 15536	Fulton County Brush Creek Township	Little Brush Creek 11-C	Y

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed #)	EPA Waived Y/N ?
PA0113280 IW	Pennsylvania State University 101P Office of Physical Plant Building University Park, PA 16802-1118	State College Borough Centre County	UNT Slab Cabin Run 9-C	Y

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed #)	EPA Waived Y/N ?
PA0031879	Pittsburgh District Church of the Nazarene 177 North Road Butler, PA 16001	Franklin Township Butler County	UNT to Mulligan Run 20-C	Y

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

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

NPDES Permit No. PA0247740, Sewage, **Big Spring Fish and Game**, P. O. Box 81, Newville, PA 17241. This proposed facility is located in North Newton Township, **Cumberland County**.

Description of Proposed Action/Activity: Authorization to discharge to Conodoguinet Creek in Watershed 7-B.

NPDES Permit No. PA0085863, Industrial Waste, **SC Holdings Inc.**, Harmony Grove Landfill, 383 Meadow Road, Edison, NJ 08817. This proposed facility is located in Dover Township, **York County**.

Description of Proposed Action/Activity: Authorization to discharge to an onsite retention pond and a UNT of Davidsburg Run in Watershed 7-F.

NPDES Permit No. PA0247774, Industrial Waste, **Mueller's Auto Recycling & Sales**, R. D. 6, Box 355, Altoona, PA 16601. This proposed facility is located in Logan Township, **Blair County**.

Description of Proposed Action/Activity: Authorization to discharge to a UNT to Mill Run in Watershed 11-A.

NPDES Permit No. PA0014656, Industrial Waste, **Exide Technologies**, Hamburg Facility, 3000 Montrose Avenue, Reading, PA 19605. This proposed facility is located in Hamburg Borough, **Berks County**.

Description of Proposed Action/Activity: Authorization to discharge to Kaercher Creek in Watershed 3-B.

NPDES Permit No. PAS203501, Industrial Waste, **Buck Company, Incorporated Foundry**, 897 Lancaster Pike, Quarryville, PA 17566. This proposed facility is located in Providence Township, **Lancaster County**.

Description of Proposed Action/Activity: Authorization to discharge to UNTs of the Conowingo Creek and Fishing Creek in Watershed 7-K.

NPDES Permit No. PA0247782, Industrial Waste, **Value Auto Salvage**, R. R. 2, Box 168, Huntingdon, PA 16652. This proposed facility is located in Jackson Township, **Huntingdon County**.

Description of Proposed Action/Activity: Authorization to discharge to the Standing Stone Creek in Watershed 11-B.
Northwest Region: Water Management Program Manager; 230 Chestnut Street, Meadville, PA 16335-3481.

NPDES Permit No. PA0239569, Sewage, **Scott Martin, Shannon Mills Estates**, 102 Donahue Drive, Renfrew, PA 16053. This proposed facility is located in Connoquenessing Township, **Butler County**.

Description of Proposed Action/Activity: This facility is authorized to discharge to a UNT to Little Connoquenessing Creek.

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. WQG02230505, Sewerage, **Bethel Township Delaware County Sewer Authority**, 1082 Bethel Road, Boothwyn, PA 19061. This proposed facility is located in Bethel Township, **Delaware County**.

Description of Action/Activity: Construction and operation of a pump station and sewer extension.

WQM Permit No. 1505412, Sewerage, **London Britian Township**, P. O. Box 215, 81 Good Hope Road, Kemblesville, PA 19347. This proposed facility is located in London Britian Township, **Chester County**.

Description of Action/Activity: Construction and operation of a 16 lot residential subdivision.

WQM Permit No. 4604412, Sewerage, **Upper Gwynedd Township**, P. O. Box 1, West Point, PA 19486. This proposed facility is located in Upper Gwynedd Township, **Montgomery County**.

Description of Action/Activity: Modifications to existing treatment facility to provide for more efficient handling of peak wet weather.

WQM Permit No. 1501401 A-2, Amendment, Sewerage, **Penn Township**, 260 Lewis Road, P. O. Box 39, West Grove, PA 19390-0039. This proposed facility is located in Penn Township, **Chester County**.

Description of Action/Activity: Modifications to existing sewage treatment facility.

WQM Permit No. 0905408, Sewerage, **East Rockhill Township**, 1622 Ridge Road, Perkasie, PA 18944. This proposed facility is located in East Rockhill Township, **Chester County**.

Description of Action/Activity: Construction and operation of a pump station and a 2.5 force main to serve proposed municipal golf station.

WQM Permit No. 4605410, Sewerage, **East Norriton-Plymouth-Whitpain Joint Sewer Authority**, 200 Ross Street, Plymouth Meeting, PA 19462. This proposed facility is located in Plymouth Township, **Montgomery County**.

Description of Action/Activity: Improvements to the conventional sludge process at the existing WWTP.

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

WQM Permit No. 3904201, Industrial Waste, **Turnpike Commission**, P. O. Box 67676, Harrisburg, PA 17106-7676. This proposed facility is located in Washington Township, **Lehigh County**.

Description of Proposed Action/Activity: Issuance of Water Quality Management Permit.

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

WQM Permit No. 2105401, Sewerage, **Big Spring Fish and Game**, P. O. Box 81, Newville, PA 17241. This proposed facility is located in North Newton Township, **Cumberland County**.

Description of Proposed Action/Activity: Approval for the construction/operation of sewerage facilities consisting of a small flow treatment system with septic tank, STB-650 Ecoflo peat filter and chlorination with contact tank.

WQM Permit No. 0705201, CAFO, **Philip Kulp, Kulp Family Farms**, R. R. 2, Box 142B, Martinsburg, PA 16662. This proposed facility is located in Tyrone Township, **Blair County**.

Description of Proposed Action/Activity: Construction/operation of Heifer Farm Manure Storage Facility.

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

WQM Permit No. 1401404-T1, Sewerage 4952, **Walter W. Kemp**, 138 Hemlock Lane, Port Matilda, PA 16870. This facility is located in Taylor Township, **Centre County**.

Description of Proposed Action/Activity: Transfer of a WQM Part II Permit for small flow sewage treatment facilities serving a single residence.

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

WQM Permit No. 3005401, Sewerage, **Dry Tavern Sewer Authority**, P. O. Box 159, Rices Landing, PA 15357. This proposed facility is located in Jefferson Township, **Greene County**.

Description of Proposed Action/Activity: Sanitary Sewers and Treatment Plant.

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

WQM Permit No. WQG018414, Sewerage, **John and Paula Walsh**, R. D. 1, Box 72C, Youngsville, PA 16371. This proposed facility is located in Brokenstraw Township, **Warren County**.

Description of Proposed Action/Activity: A single residence sewage treatment plant.

WQM Permit No. WQG018406, Sewerage, **Bradley W. Irwin**, 8971 Old Route 422, New Castle, PA 16101. This proposed facility is located in Franklin Township, **Erie County**.

Description of Proposed Action/Activity: A single residence sewage treatment plant.

WQM Permit No. 1005403, Sewerage, **Scott Martin**, 102 Donahue Drive, Renfrew, PA 16053. This proposed facility is located in Connoquenessing Township, **Butler County**.

Description of Proposed Action/Activity: This project is for the construction and operation of a sewage treatment facility to serve the Shannon Mills Estates Development.

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 & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10G527A1	Toll PA II, LP Orleans at Upper Uwchlan, LP K. Hovnanian at Upper Uwchlan, LLC Allan A. Myers Byers Station—Parcel 6C 325 Fellowship Road Chester Springs, PA 19425	Chester	Upper Uwchlan Township	UNT Pickering Creek (HQ-TSF)

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

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

List of NPDES and/or Other General Permit Types

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

NOTICES

6041

General Permit Type—PAG-2

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Hilltown Township Bucks County	PAG2000905102	Deep Run Sports Association Proposed Soccer Fields P. O. Box 380 Hilltown, PA 18927	East Branch Perkiomen Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Newtown Township Bucks County	PAG2000905066	Cameron C. Triolo, Inc. 104 Pheasant Run Development P. O. Box 291 Yardley, PA 19067	Core Creek (CWF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Middletown Township Bucks County	PAG2000904138	Woodbourne Development Corporation Cornerstone Executive Suites, I and II 670 Woodbourne Road Langhorne, PA 19047	Mile Creek (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Sadsbury Township Chester County	PAR10G475	Total Systems Design, Inc. 308 Commerce Drive Exton, PA 19341	Bucks Run (TSF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
New Garden Township Chester County	PAG2001505049	DCW, Inc. P. O. Box 618 Kennett Square, PA 19348	UNT West Branch Red Clay Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
East Marlborough Township Chester County	PAG2001505045	Beiler Campbell Realtors 402 Bayard Road, Suite 100 Kennett Square, PA 19348	UNT East Branch Red Clay Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
City of Philadelphia Philadelphia County	PAG2015105016	Rite Aid of Pennsylvania, Inc. 5th and Annsbury Rite Aid Develop 11750 Bustleton Avenue Philadelphia, PA 19116	Delaware River (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
City of Philadelphia Philadelphia County	PAG2015105023	The Renfrew Center Renfrew Center Expansion 475 Spring Lane Philadelphia, PA 19128-3918	UNT Schuylkill River (CWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
City of Philadelphia Philadelphia County	PAG2015105026	Apartments on Chestnut, LP The Apartments on Chestnut Develop 5847 San Felipe, Suite 2600 Houston, TX 77057	Schuylkill River (CWF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
City of Philadelphia Philadelphia County	PAG2015105031	Reliance Development Corporation Summer Hill Estates Development 828 Red Lion Road Philadelphia, PA 19115	Wooden Bridge Run (TSF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
City of Philadelphia Philadelphia County	PAG2015105037	Westrum Development Company Schuylkill Falls Housing Project 370 Commerce Drive Fort Washington, PA 19034	Schuylkill River (WWF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Northampton Borough Northampton County	PAG2004805016	Northampton Area School Dist. 2014 Laubach Ave. Northampton, PA 18067	Hokendauqua Creek CWF	Northampton Co. Cons. Dist. (610) 746-1971
City of Bethlehem Northampton County	PAG2004805020	John Tallarico, Jr. 274 Wedgewood Rd. Bethlehem, PA 18017	Nancy Run (Source to SR3007 Bridge) CWF, MF	Northampton Co. Cons. Dist. (610) 746-1971
Palmer Township Northampton County	PAG2004805030	N. Pugliese 1072 Grand St. Phillipsburg, NJ 08865	Shoeneck Creek WWF	Northampton Co. Cons. Dist. (610) 746-1971
St. Clair Borough Schuylkill County	PAG2005405022	Timber Development Corp. 1060 West State Rd. Island Lake Business Cntr. Suite 112 Longwood, FL 32570	Mill Creek CWF	Schuylkill Co. Cons. Dist. (570) 622-3742
Plains Township Luzerne County	PAG2004003035(1)	Downs Racing, LP 1280 Highway 315 Wilkes-Barre, PA 18702	Mill Creek CWF	Luzerne Co. Cons. Dist. (570) 674-7991
Hazle Township Luzerne County	PAG2004005031	Matt Bayzick Hazleton Site Contractors 40 Elm Rd. Hazleton, PA 18202	UNT to Tom Hicken Creek CWF	Luzerne Co. Cons. Dist. (570) 674-7991
Hanover Township Luzerne County	PAG2004005033	Verus Partners 9450 West Bryn Mawr Ave. Rosemont, IL 60018	Solomon Creek CWF	Luzerne Co. Cons. Dist. (570) 674-7991
Williams Township Northampton County	PAG2004805043	Joseph Ortelli, II 165 W. Butternut Dr. Hellertown, PA 18055	Delaware River WWF, MF	Northampton Co. Cons. Dist. (610) 746-1971
Greene Township Franklin County	PAG2002805049	Greene Township 1145 Graver Lane P. O. Box 215 Scotland, PA 17254	Conococheague Creek CWF	Franklin County Conservation District 100 Sunset Boulevard West Chambersburg, PA 17201 (717) 264-8074, Ext. 5
Letterkenny Township Franklin County	PAG2002805060	United States Army Corps of Engineering James Payne 10 South Howard Street Baltimore, MD 21203-1715	Muddy Run Rocky Spring WWF/TSF	Franklin County Conservation District 100 Sunset Boulevard West Chambersburg, PA 17201 (717) 264-8074, Ext. 5
Gettysburg Borough Adams County	PAG2000105019	Roger Hoffman Rite Aid Pennsylvania, Inc. 30 Hunter Lane Camp Hill, PA 17011	Stevens Run WWF	Adams County Conservation District 670 Old Harrisburg Rd. Suite 201 Gettysburg, PA 17325 (717) 334-0636
Bendersville Borough Adams County	PAG2000105020	Allen Beckett Allen Beckett Construction 596 Middle Creek Road Fairfield, PA 17320	UNT to Oppossum Creek CWF	Adams County Conservation District 670 Old Harrisburg Rd. Suite 201 Gettysburg, PA 17325 (717) 334-0636
Londonderry Township Dauphin County	PAG2002205051	Agile Partnership 2507 Steinruck Rd. Elizabethtown, PA 17022	Iron Run WWF Brills Run TSF	Dauphin County Conservation District 1451 Peters Mountain Rd. Dauphin, PA 17018 (717) 921-8100

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<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Lower Paxton Township Dauphin County	PAG2002205041	Benjamin Slotznick P. O. Box 23 Mt Gretna, PA 17064 and Molinari & Greenburg, LLC 4083 Wimbledon Dr. Harrisburg, PA 17112	Paxton Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Rd. Dauphin, PA 17018 (717) 921-8100
Hamburg Borough Berks County	PAG2000605083	Lynda Albright Hamburg Municipal Authority 61 N. Third Street Hamburg, PA 19526	Schuylkill CWF	Berks County Conservation District 1238 County Welfare Road P. O. Box 520 Leesport, PA 19533-0520 (610) 372-4657, Ext. 201
Hamburg Borough Berks County	PAR10C4123	Stephen MacLean Department of Transportation 1713 Lehigh St Allentown, PA 18103	Schuylkill WWF-MF	Berks County Conservation District 1238 County Welfare Road P. O. Box 520 Leesport, PA 19533-0520 (610) 372-4657, Ext. 201
Ruscombmanor Township Berks County	PAG2000605078	Spiro Phyrillas European Builders, Ltd. 2718 Bernville Rd Reading, PA 19605-9448	Willow Creek CWF	Berks County Conservation District 1238 County Welfare Road P. O. Box 520 Leesport, PA 19533-0520 (610) 372-4657, Ext. 201
Caernarvon Township Berks County	PAG2000605061	Gary McEwen Red School, LLC 3335 Morgantown Rd. Mohnton, PA 19540	Conestoga River UNT to Hay Creek WWF/CWF, MF	Berks County Conservation District 1238 County Welfare Road P. O. Box 520 Leesport, PA 19533-0520 (610) 372-4657, Ext. 201
North Middleton, Cumberland County	PAG2002105038	Shillington Shillington Associates John Kershner 7300 Derry Street Harrisburg, PA 17111	Conodoguinet Creek WWF	Cumberland County Conservation District 43 Brookwood Avenue Carlisle, PA 17013 (717) 240-7812
North Middleton, Cumberland County	PAG2002105047	Cumberland Valley Storage Vincent Books 204 Georgetown Road Mechanicsburg, PA 17050	Conodoguinet Creek WWF	Cumberland County Conservation District 43 Brookwood Avenue Carlisle, PA 17013 (717) 240-7812
Walker Township Huntingdon County	PAG200305007	Steve Prendergast 10880 Tuckahoe Drive Huntingdon, PA 16652	UNT to Crooked Creek WWF	Huntingdon County Conservation District R. D. 1, Box 7C, Rt. 26 S. Huntingdon, PA 16652
Manheim Township Lancaster County	PAG2003605107	Wanner Realty Co. 1373 Manheim Pike Lancaster, PA 17601	UNT Little Conestoga Creek TSF	Lancaster County Conservation District 1383 Arcadia Rd Rm 6 Lancaster PA 17601 (717) 299-5361, Ext. 5
Manheim Township Lancaster County	PAG2003605119	Penn Cinema Mgmt. Co., LLC 516 E. Woods Dr. Lititz, PA 17543	Lititz Run WWF	Lancaster County Conservation District 1383 Arcadia Rd Rm 6 Lancaster PA 17601 (717) 299-5361, Ext. 5

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Centre County Marion and Walker Townships	PAG2001405015	Daniel Mattern, ETAL 1076 East Bishop St. Bellefonte, PA 16823	Drainage Way Tributary to Nittany Creek CWF	Centre County Conservation District 414 Holmes Ave., Suite 4 Bellefonte, PA 16823 (814) 355-6817
Clearfield County Lawrence and Boggs Townships	PAG2001705001	Department of Transportation Eng. Dist 2-0 1924-30 Daisy St. Clearfield, PA 16830	Clearfield Creek WWF	Clearfield County Conservation District 650 Leonard St. Clearfield, PA 16830 (814) 765-2629
Clearfield County Sandy Township	PAG2001705015	Versatile Hotels, Inc. 14424 Clearfield Shawville Hwy. Clearfield, PA 16830	Slab Run CWF	Clearfield County Conservation District 650 Leonard St. Clearfield, PA 16830 (814) 765-2629
Northumberland County Delaware Township	PAG2004905010	Heintzelman Storage Units SR 1005, Seagraves Road Watsontown, PA 17777	UNT Delaware Run WWF	Northumberland County Conservation District R. R. 3, Box 238C Sunbury, PA 17801 (570) 988-4488
Snyder County Penn Township	PAR105914R	Daniel Clement P. O. Box 93 Lewisburg, PA 17837	UNT Penns Creek WWF	Snyder County Conservation District 403 West Market St. Middleburg, PA 17842 (570) 837-0007, Ext. 112
Allegheny County West Deer Township	PAG2000205060	Glasso Development Co., LP 4201 Cohasset Lane Allison Park, PA 15101	Little Deer Creek (TSF)	Allegheny County CD (412) 241-7645
Allegheny County Indiana Township	PAG2000205079	Indiana Township 941 Route 910 Indianola, PA 15051	Little Pine Creek (TSF)	Allegheny County CD (412) 241-7645
Allegheny County Shaler Township	PAG2000205086	Chuck Glasso 4201 Cohasset Lane Allison Park, PA 15101	Pine Creek (TSF)	Allegheny County CD (412) 241-7645
Allegheny County Harrison Township	PAG2000205088	R H Kuhn Company, Inc. 55th St. and AVRR Pittsburgh, PA 15201	Little Bull CK (TSF)	Allegheny County CD (412) 241-7645
Allegheny County North Fayette Township	PAG2000205090	CSG Properties, LLC 101 International Drive Oakdale, PA 15071	Robison Run (WWF)	Allegheny County CD (412) 241-7645
Allegheny County Pittsburgh	PAG2000205091	McCormack Baron Salazer 1413 Olive Street St Louis, MO 63103-2334	Monongahela River (WWF)	Allegheny County CD (412) 241-7645
Allegheny County Marshall Township	PAG2000205095	Heartland Homes 101 Commerce Drive P. O. Box 535 Lawrence, PA 15055	Brush Creek (WWF)	Allegheny County CD (412) 241-7645
Allegheny County Hampton Township	PAG2000205096	Willow Run Develop. Co. P. O. Box 171 Wildwood, PA 15091	Pine Creek (TSF)	Allegheny County CD (412) 241-7645
Allegheny County Pittsburgh	PAG2000205101	WPXI TV, Inc. 11 Television Hill Pittsburgh, PA 15214	Allegheny River (WWF)	Allegheny County CD (412) 241-7645
Allegheny County Marshall Township.	PAG2000205103	Covenant Community Church 5157 Wexford Run Road Wexford, PA 15090	Brush Creek (WWF)	Allegheny County CD (412) 241-7645

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<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Allegheny County Robinson Township	PAG2000205106	Phillips Service Corp. 320 Pittsburgh St. Coraopolis, PA 15108	Ohio River (WWF)	Allegheny County CD (412) 241-7645
Allegheny County Tarentum Borough	PAG2000205108	East 10th Avenue Assoc. 141 Oak Manor Drive Natrona Hts., PA 15065	Bull Creek (TSF)	Allegheny County CD (412) 241-7645
Indiana County White Township	PAG2003205015	Robert Marx IUP 650 South 13th Street Indiana, PA 15705	Stoney Run, Two Lick Creek (CWF)	Indiana County CD (724) 463-8547
Somerset County Somerset Township	PAG2005605009	Department of General Services 18th and Herr Streets Harrisburg, PA 17120	UNT B to East Branch of Coxes Creek (TSF)	Somerset County CD (814) 445-4652
Somerset County Jenner Township	PAG2005605011	Chemstream Inc. 265 Fourth Seasons Road Boswell, PA 15531	UNTB to Quemahoning Creek (CWF)	Somerset County CD (814) 445-4652
Washington County Canonsburg Borough	PAG2006305032	Maronda Inc. 202 Park West Drive Pittsburgh, PA 15275	Brush Run (WWF)	Washington County CD (724) 228-6774
Washington County Peters Township	PAG2006305037	Peters Township 610 East McMurray Rd. McMurray, PA 15317	Brush Run (WWF)	Washington County CD (724) 228-6774
Westmoreland County Unity Township	PAG2006505028	Joseph Szczur Department of Transportation P. O. Box 459 Uniontown, PA 15401	Monestery Run (TSF)	Westmoreland County CD (724) 837-5271
Mahoning Township Lawrence County	PAG2003705007	Cemex Inc. 2001 Portland Park Wampum, PA 16157	Mahoning River WWF	Lawrence Conservation District (724) 652-4512
Bradford City McKean County	PAG2064205001	Bradford Regional Medical Center 116 Interstate Parkway Bradford, PA 16701	West Branch Tunungwant Creek CWF	Department of Environmental Protection (814) 332-6945
Cranberry Township Venango County	PAG2006105010	Hospitality Development SR 257 Singh General Partnership 1411 Liberty Street Franklin, PA 16323	UNT Lower Two Mile Run CWF	Venango Conservation District (814) 676-2832

General Permit Type—PAG-3

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Bensalem Township Bucks County	PAR800103	United States Postal Service 1800 Byberry Rd. Bensalem, PA 19020	Neshaminy Creek-2F Watershed	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5970
Havertown Township Delaware County	PAR800097	United States Postal Service 444 E. Township Line Rd. Havertown, PA 19083	Cobbs Creek-3F Watershed	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5970
Chester City Delaware County	PAR800102	United States Postal Service 400 E. Edgemont Ave. Chester, PA 19013	Chester Creek-3G Watershed	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5970

*Facility Location:
Municipality &
County*

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Falls Township Bucks County	PAR800101	United States Postal Service 950 W. Trenton Ave. Morrisville, PA 19067	Rock Run-2E Watershed	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5970
Lancaster County West Earl Township	PAR803554	American LaFrance Aerials—Ephrata 64 Cocalico Creek Road Ephrata, PA 17522-9403	Cocalico Creek WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Lancaster County East Cocalico Township	PAR123512	Pepperidge Farm, Inc. 2195 North Reading Road Denver, PA 17555	Little Muddy Creek WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Huntingdon County Porter Township	PAR143507	MeadWestvaco Consumer and Office Products P. O. Box 317 Alexandria, PA 16611	Frankstown Branch Juniata River WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
City of Williamsport Lycoming County	PAR804829	United States Postal Service 2901 West Reach Road Williamsport, PA 17701	West Branch Susquehanna River (WWF)	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3664
Etna Borough Allegheny County	PAR806238	A. Duie Pyle 151 Poplar Street Etna, PA 15223	Pine Creek to Allegheny River	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

*General Permit Type—PAG-4**Facility Location &
Municipality*

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Berks County Greenwich Township	PAG043558	Karen Kuhns 1685 Route 143 Lenhartsville, PA 19543	UNT Maiden Creek	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Taylor Township Centre County	PAG045115	Walter W. Kemp 138 Hemlock Lane Port Matilda, PA 16870	UNT Goss Hollow Run CWF	Water Management Program 208 West Third Street, Williamsport, PA 17701 (570) 327-3664
Brokenstraw Township Warren County	PAG049206	John and Paula Walsh R. D. 1, Box 72C Youngsville, PA 16371	UNT to Irvine Run	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Franklin Township Erie County	PAG049198	Bradley W. Irwin 8971 Old Route 422 New Castle, PA 16101	UNT to Little Elk Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

General Permit Type—PAG-10

Facility Location:

Municipality & County

Permit No.

Applicant Name & Address

Receiving Water/Use

Contact Office & Phone No.

Exelon Generation
Richmond Fac.
3901 N. Delaware
Ave.
City of Philadelphia
Philadelphia
County

PAG100018

Exelon Generation Co.,
LLC
3901 N. Delaware Ave.
Philadelphia, PA 19137

Delaware River

Southeast Regional Office
2 East Main Street
Norristown, PA 19401
(484) 250-5970

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 **Pennsylvania American Water—Yardley** (PWS ID 1090074), Yardley Borough, **Bucks County** on October 14, 2005, for the operation of facilities approved under Construction Permit No. 0904506.

Operations Permit issued to **Bedminster Municipal Authority** (PWS ID 1090104), Bedminster Township, **Bucks County** on October 14, 2005, for the operation of facilities approved under Construction Permit No. 0904501.

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

Permit No. 4005502, Public Water Supply.

Applicant **Greenbriar Estates**
180 Wellington Drive
Shavertown, PA 18708

Borough or Township **Lehman Township**

County **Luzerne**

Type of Facility **Public Water Supply**

Consulting Engineer **Michael P. Goodwin, P. E.**
Milnes Engineering, Inc.

Permit to Construct Issued **October 13, 2005**

Permit No. Minor Amendment, Public Water Supply.

Applicant **City of Easton**
One South Third Street
Easton, PA 18042

Borough or Township **City of Easton**

County **Northampton**

Type of Facility **PWS**

Consulting Engineer **Matthew J. Carnish, P. E.**
Gannett Fleming, Inc.
P. O. Box 67100
Harrisburg, PA 17106-7100

Permit to Construct Issued **October 12, 2005**

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

Permit No. 0605514, Public Water Supply.

Applicant **Pennsylvania-American Water**

Municipality **Amity Township**

County **Berks**

Type of Facility **Construction of a booster pump station and 31,000 feet of 12-inch DI transmission main to interconnect PAWCs Glen Alsace and Douglasville water systems.**

Consulting Engineer **Michael J. Daschbach, P. E.**
Entech Engineering Inc
4 South Fourth Street
Reading, PA 19603

Permit to Construct Issued **10/4/2005**

Permit No. 0605515 MA, Minor Amendment, Public Water Supply.

Applicant **Pennsylvania-American Water**
 Municipality **Amity Township**
 County **Berks**
 Type of Facility **Construction of 31,000 feet of 12-inch DI transmission main to interconnect PAWCs Glen Alsace and Douglasville water systems.**
 Consulting Engineer **Michael J. Daschbach, P. E. Entech Engineering Inc 4 South Fourth Street Reading, PA 19603**
 Permit to Construct Issued: **10/4/2005**

Operations Permit issued to Franklin County General Authority, 7280045, Green Township, Franklin County on 10/4/2005 for the operation of facilities approved under Construction Permit No. 2802503.

Operations Permit issued to DS Waters of America, LP, 7366003, Millcreek Township, Lebanon County on 6/29/2005 for the operation of facilities approved under Construction Permit No. 3805502.

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

Permit No. 1105502, Public Water Supply.

Applicant **Patton Borough Water Department**
P. O. Box 175
Patton, PA 16668
 Borough or Township **Patton Borough**
 County **Cambria**
 Type of Facility **Post filtration caustic soda feed**
 Consulting Engineer **CET Engineering Services 321 Washington Street Huntingdon, PA 16652**
 Permit to Construct Issued: **October 13, 2005**

Operations Permit issued to Pennsylvania-American Water Company, 800 Hersheypark Drive, Hershey, PA 17033, (PWS ID 5020039) North Strabane Township, Washington County on October 18, 2005, for the operation of facilities approved under Construction Permit No. 8328-A1-T1.

Operations Permit issued to Greater Johnstown Water Authority, P. O. Box 1407, Johnstown, PA 15907, (PWS ID 4110014) East Taylor Township, Cambria County on October 13, 2005, for the operation of facilities approved under Construction Permit No. 1101503.

Operations Permit issued to Pennsylvania-American Water Company, 800 Hersheypark Drive, Hershey, PA 17033, (PWS ID 5020039) Carroll Township, Washington County on October 18, 2005, for the operation of facilities approved under Construction Permit No. 6304505.

Operations Permit issued to Pennsylvania-American Water Company, 800 Hersheypark Drive, Hershey, PA 17033, (PWS ID 5020039) Lincoln Borough, Allegheny County on October 18, 2005, for the operation of facilities approved under Construction Permit No. 0204504.

Permit No. 1186503MA, Minor Amendment. Public Water Supply.

Applicant **Croyle Township Water Authority**
P. O. Box 249
Summerhill, PA 15948-0249
 Borough or Township **Croyle Township**
 County **Cambria**
 Type of Facility **Water storage tank**
 Consulting Engineer **Innovative Consulting Group, Inc. 2817 Industrial Avenue Altoona, PA 16603**
 Permit to Construct Issued: **October 13, 2005**

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

Permit No. 4287502-MA4, Minor Amendment

Applicant **Bradford City Water Authority**
 Borough or Township **Bradford City**
 County **McKean**
 Type of Facility **PWS**
 Permit to Construct Issued: **10/18/2005**

SEWAGE FACILITIES ACT PLAN APPROVAL

Plan Approvals Granted under the Pennsylvania Sewage Facilities Act (35 P. S. §§ 750.1—750.20a)

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

Plan Location:

Borough or Township	Borough or Township Address	County
Briar Creek Borough	6029 Park Road Berwick, PA 18603	Columbia
Briar Creek Township	150 Municipal Road Berwick, PA 18603	

Plan Description: This plan proposes to extend approximately 65,000 feet of gravity sewers with pump stations to 357 existing dwellings in the areas of Ruckle Hill Road and Rittenhouse Mill Road in the Borough of Briar Creek and in the areas of Woodcrest, Briar Crest, and Foundryville in the township of Briar Creek. The Department of Environmental Protection's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

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.

Welsh Res., Haverford Township, **Delaware County**. Pamela Franks, Lewis Env. Group, Inc., P. O. Box 639, Royersford, PA 19468 on behalf of Tracey Welsh, 2404

Hollis Rd., Havertown, PA 19083 has submitted a Final Report concerning the remediation of site soil contaminated with No. 2 fuel oil. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on October 5, 2005.

Ceton Court, LLC, Marple Township, **Delaware County**. Henry Alexander, Conestoga-Rovers & Assoc., 559 W. Uwchlan Ave., Exton, PA 19341 on behalf of Ceton Court, LLC, 140 W. Eagle Rd., Havertown, PA 19083 has submitted a Final Report concerning the remediation of site soil contaminated with lead and arsenic. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on October 5, 2005.

Parkside Amoco Station, Parkside Borough, **Delaware County**. Mark Genua, Powell-Harpstead, Inc., 800 E. Washington St., West Chester, PA 19380 has submitted a Final Report concerning the remediation of site soil contaminated with unleaded gasoline. The Final Report demonstrated attainment of the Statewide Health Standard and was disapproved by the Department of Environmental Protection on October 12, 2005.

Tamanend Middle School, Warrington Township, **Bucks County**. Daniel B. Lewis, P. G., Spotts, Stevens & McCoy, 1047 Park Rd., P. O. Box 6307, Reading, PA 19610 on behalf of Michael Nickerson, Central Bucks School Dist., 320 W. Swamp Rd., Doylestown, PA 18901 has submitted a Final Report concerning the remediation of site soil contaminated with Nos. 2 and 4 fuel oil. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on October 12, 2005.

Fox Prop., Hatfield and Montgomery Townships, **Montgomery County**. Jamey A. Stynchula, P. G., Pennoni Assoc., Inc., One Drexel Plaza, 3001 Market St., Philadelphia, PA 19104 on behalf of Stephen Klein, Firefox I LP, 1700 Market St., Suite 2600, Philadelphia, PA 19103 has submitted a Final Report concerning the remediation of site groundwater contaminated with chlorinated solvents. The Final Report demonstrated attainment of the Background Health Standard and was approved by the Department of Environmental Protection on October 5, 2005.

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

Hull's Landing Restaurant, 27 SR 442, Muncy, PA 17756, Muncy Creek Township, **Lycoming County** has submitted a Final Report concerning groundwater contaminated with benzene, toluene, ethylbenzene, BTEX, MTBE and naphthalene. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on October 6, 2005.

Northwest Region: Environmental Cleanup Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

National Church Residences—Eastlake Woods, Harborcreek Township, **Erie County**. Korin Giles, Urban Engineers of Erie, 1319 Sassafras Street, Erie PA 16501 on behalf of Thomas Herlihy, Owner, National Church Residences, 2335 North Bank Drive, Columbus OH 43220 has submitted a Final Report concerning the remediation of site soil contaminated with Benzene, Ethyl Benzene and Naphthalene. The Final Report was approved by the Department of Environmental Protection on October 14, 2005.

**OPERATE WASTE PROCESSING OR DISPOSAL
AREA OR SITE**

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

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

Permit No. 101662. Conshohocken Rail, LLC, 1025 Bundy Rd., Youngstown OH, 44509, Plymouth Township, **Montgomery County**. This amended waste management permit is to bring Conshohocken Rail LLC's C & D transfer station located in Plymouth Township, Montgomery County, into compliance with the radiation protection action plan requirements. The permit was issued by the Southeast Regional Office on October 11, 2005.

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

Permit ID No. 300558. Pennsylvania Power Company, P. O. Box 128, Shippingport, PA 15077-0128. Operation of a residual waste disposal impoundment in Greene Township, **Beaver County**. Permit reissued to FirstEnergy Generation Corporation in the Regional Office on October 11, 2005.

Permit ID. NO. 100281. Greenridge Reclamation Landfill, Greenridge Recalvation, LLC, R. D. 1, Box 717, Landfill Road, Scottsdale, PA 15683. Operation of a municipal waste landfill in East Huntingdon Township, **Westmoreland County**. Consent Order and Agreement executed on October 14, 2005 rescinding permit modification issued February 7, 2005 and requiring measures to control overweight and ill-maintained waste vehicles.

Permit ID. NO. 100281. Arden Landfill, Inc., 200 Rangos Lane, Washington, PA 15301. Operation of a municipal waste landfill in Chartiers Township, **Washington County**. Permit renewal issued in the Regional Office on October 17, 2005.

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.

GP5-30-00158: CNX Gas Co., LLC (1800 Washington Road, Pittsburgh, PA 15241) on October 10, 2005, to install and operate a natural gas fired engine and booster compressor unit at their company's CNX Gas Compressor Site No. 11 in Gilmore Township, **Greene County**, PA. The equipment is required to meet all applicable limitations, terms and conditions of General Permit, BAQ-GPA/GP-5.

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

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

39-309-062: Lafarge North America, Inc. (5160 Main Street, Whitehall, PA 18052) on October 7, 2005, to modify cement kiln No. 3 (new mixing fan) at their facility in Whitehall Township, **Lehigh County**.

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

04-00724A: Duke Energy NGL Services, LP (370 17th Street, Suite 2500, Denver, CO 80134) on October 6, 2005, to install propane and butane storage tanks at Midland Propane Terminal in Industry Borough, **Beaver County**.

Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104; Edward Braun, Chief, (215) 685-7584.

AMS 05081: Sunoco Chemicals—Frankford Plant (Margaret and Bermuda Streets, Philadelphia, PA 19137) on October 18, 2005, to install piping and new sump lids for four sumps and to install a carbon canister system on each new sump lid in the City of Philadelphia, **Philadelphia County**.

AMS 03022: Advance Technologies (2915 East Ontario Street, Philadelphia, PA 19134) issued October 18, 2005, for installation of 2 reactors for manufacturing esters, 5 condensers, 2 scrubbers, one 6.7 mmBtu/hr boiler and 16 <75 cubic meter storage tanks in the City of Philadelphia, **Philadelphia County**.

Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act (35 P. S. §§ 4001—4015) 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.

23-0014D: Kimberly-Clark Corp. (Front Street and Avenue of the States, Chester, PA 19103) on October 11, 2005, to modify the wet scrubber dust control system in City of Chester, **Delaware County**.

46-0025C: Lonza, Inc. (900 River Road, Conshohocken, PA 19428) on October 17, 2005, to operate a waste incinerator 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.

39-313-042: Filmtech Corp. (2121 31st Street SW, Allentown, PA 18103) on September 30, 2005, to modify five polyethylene extrusion lines and associated air cleaning devices at their facility in Allentown, **Lehigh County**. The Plan Approval has been extended.

48-302-103: Newstech PA, LP (6 Horwith Drive, Northampton, PA 18067) on September 30, 2005, to reactivate a boiler at their facility in Northampton Borough, **Northampton County**. The Plan Approval has been extended.

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

32-00297D: Creps United Publications (1163 Water Street, P. O. Box 746, Indiana, PA 15701) on October 13, 2005, to conduct stack testing at their Christy Park Drive Facility in White Township, **Indiana County**. This plan approval was extended.

04-00033B: Nova Chemicals, Inc. (400 Frankfort Road, Monaca, PA 15061) on October 11, 2005, to complete construction for the remainder of the project in Potter Township, **Beaver County**. This plan approval was extended.

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

43-290B: Winner Steel, Inc. (277 Sharpsville Avenue, Sharon, PA 16146) on October 31, 2005, to install a new No. 3 Continuous Steel Strip Galvanizing Line Furnace in the City of Sharon, **Mercer County**. This is a State-only facility.

Plan approvals denied, terminated, modified, suspended or revoked under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and the provisions of 25 Pa. Code §§ 127.13b and 127.13c.

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

48-328-007: Green Knight Economic Development Corp. (P. O. Box 4, Pen Argyl, PA 18072) on October 11, 2005, to terminate the facility's Plan Approval No. 48-328-007 for physical changes to, and the temporary operation of, three turbine generators at the Green Knight Energy Center in Plainfield Township, **Northampton County**. The Department of Environmental Protection (Department) has determined that the changes Green Knight made to the turbine generators at its Green Knight Energy Center fit within the exemptions to the Department's plan approval requirements under 25 Pa. Code § 127.14 and therefore do not require a plan approval from the Department. Specifically, the changes are classified as the temporary replacement (no longer than 6 months) of a source with a source of equal emission potential. This type of physical change is a listed exemption in the Department's Guidance Document No 275-2101-003, titled Air Quality Permit Exemptions. The Department's understanding is that Green Knight will continue to operate the three turbine generators and three turbine stacks at the Pen Argyl facility under the requirements and conditions set forth in Operating Permit No. 48-328-002. Green Knight currently has a Title V Permit application pending before the Department. The existing Operating Permit will not expire until September 30, 2007.

Title V Operating Permits Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter G.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110; Yasmin Neidlinger, Facilities Permitting Chief, (717) 705-4702.

36-05014: Alumax Mill Products, Inc. (1480 Manheim Pike, Lancaster, PA 17604-3167) on October 13, 2005, for a Title V Operating Permit renewal to operate their secondary aluminum production facility in Manheim Township, **Lancaster County**. This action is a renewal of the Title V Operating Permit.

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

65-00622: General Carbide Corp.—3 Greensburg Plants (P. O. Box C, Greensburg, PA 15601-0076) on October 11, 2005, renewed the Title V Operating Permit for their facility in Hempfield Township, **Westmoreland County**. The facility's major source of emissions include Balls Mills which mix the carbide in a slurry formation and dryers. Both of these processes use heptane which is a VOC and these processes have the potential of emitting more than 50 tons of VOCs.

Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F.

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

20-00295: Baillie Lumber Co. (45529 Route 27E, Titusville, PA 16354) on October 12, 2005, for a Natural Minor Operating Permit for a wood-fired boiler and lumber processing operations in Oil Creek Township, **Crawford County**.

61-00206: Renovex, Inc. (1028 Stevenson Road, Grove City, PA 16127) on October 12, 2005, for a Natural Minor Permit to operate a surface coating operation in Barkeyville Borough, **Venango County**.

10-00030: Concast Metal Products Co.—Adams Township (Myoma Road, Mars, PA 16046) on October 12, 2005, for the Natural Minor Operating Permit to operate Metal Plant located in Adams Township, **Butler County**.

Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104; Edward Braun, Chief, (215) 685-7584.

N05-006: Drexel University—Queen Lane Campus (2900 Queen Lane, Philadelphia PA 19129) on September 30, 2005, to operate a medical college in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include 5 boilers, each 225 hp or less and one 1,500 kW emergency generator.

N04-002: Fox Chase Cancer Center (7701 Burhome Avenue, Philadelphia PA 19111) on October 18, 2005, to operate a hospital and research facility in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include three 5.5 mmBtu/hr boilers, one 8.5 mmBtu/hr boiler and eight emergency generators.

Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.

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

59-00005: Dominion Transmission, Inc. (445 West Main Street, Clarksburg, WV 26301) on October 11, 2005, by way of the minor operating permit modification requirements of 25 Pa. Code § 127.462, to delete a 6.5 mmBtu/hr natural gas-fired heater and add a 9.25 mmBtu/hr natural gas-fired salt bath heater and a 576 horsepower diesel-fired emergency generator at their Sabinsville Compressor Station in Clymer Township, **Tioga County**.

59-00006: Dominion Transmission, Inc. (445 West Main Street, Clarksburg, WV 26301) on October 11, 2005, by means of the minor operating permit modification requirements of 25 Pa. Code § 127.462 to delete a 9.2 mmBtu/hr natural gas-fired salt bath heater and a 220 horsepower natural gas-fired emergency generator and add a 5.613 mmBtu/hr natural gas-fired indirect heater coil and a 400 horsepower natural gas-fired emergency generator at the Boom Compressor Station in Lawrence Township, **Tioga County**.

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 Permits Actions

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

11040102 and NPDES No. PA0249688. E. P. Bender Coal Company, Inc., P. O. Box 594, Carrolltown, PA 15722, revision of an existing bituminous surface mine to add auger mining in Chest and White Townships, **Cambria County**; Chest and Beccaria Townships, Clearfield County affecting 136.0 acres. Receiving streams: UNTs to and South Witmer Run classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received August 11, 2005. Permit issued: October 6, 2005.

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

30841312 and NPDES Permit No. PA0013790, Consolidation Coal Company (1 Bridge Street, Monongah, WV 26554), to revise the permit for the Blacksville No. 2 Mine in Gilmore Township, **Greene County** for the M North Mains Shaft and Substation Site. Surface Acres Proposed 17.2. No additional discharges. Permit issued October 11, 2005.

11861301. NPDES Permit No. PA0214361, Rampside Collieries, Inc. (527 Slate Hill Road, Berlin, PA 15530), to renew the reclamation only and related

NPDES permit for the Rampside No. 1 Mine in Richland Township, **Cambria County** and revise the post-mining land sue to industrial/commercial. No additional discharges. Permit issued October 13, 2005.

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

03010106 and NPDES Permit No. PA0250031. Seven Sisters Mining Co., Inc. (200 US Route 22, P. O. Box 300, Delmont, PA 15626-0300). Permit renewal issued for continued operation and reclamation of a bituminous surface mine located in South Bend Township, **Armstrong County**, affecting 34.3 acres. Receiving streams: Crooked Creek and UNT to the Allegheny River. Application received: August 15, 2005. Renewal issued: October 12, 2005.

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

10980103 and NPDES Permit No. PA0227692. Ben Hal Mining Company (389 Irishtown Road, Grove City, PA 16127). Revision to an existing bituminous surface strip operation in Cherry and Slippery Rock Townships, **Butler County** affecting 101.1 acres. Receiving streams: UNT to McDonald Run. Revision to change the postmining land use from forestland to unmanaged natural habitat. Application received: August 12, 2005. Permit issued: October 13, 2005.

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

54050101. Park Mine Coal Company (60 Weston Place, Shenandoah, PA 17976), commencement, operation and restoration of an anthracite surface mine and refuse reprocessing operation in Mahanoy Township, **Schuylkill County** affecting 602.0 acres, receiving stream: none. Application received May 2, 2005. Permit issued October 13, 2005.

Noncoal Permits Actions

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

14050801. Robert Livergood (P. O. Box 5, 102 Askey Road, Moshannon, PA 16859), commencement, operation and restoration of a small noncoal (industrial minerals) operation in Snow Shoe Township, **Centre County** affecting 1.5 acres, receiving streams: UNT to UNT to Moshannon Creek. Permit issued September 28, 2005.

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

7976SM2C4. Eureka Stone Quarry, Inc. (9119 Frankford Avenue, Philadelphia, PA 19114), depth correction to an existing quarry operation in Warrington Township, **Bucks County** affecting 134.9 acres, receiving stream: UNT to Neshaminy Creek. Application received April 23, 2003. Correction issued October 13, 2005.

50890301C4 and NPDES Permit No. PA0594431. Eastern Industries, Inc. (4401 Camp Meeting Road, Suite 200, Center Valley, PA 18034), renewal of NPDES Permit of discharge of treated mine drainage from a quarry operation in Buffalo Township, **Perry County**, receiving stream: UNT to the Susquehanna River. Application received August 24, 2005. Renewal issued October 14, 2005.

5875SM5C2 and NPDES Permit No. PA0595128. Eastern Industries, Inc. (4401 Camp Meeting Road, Suite 200, Center Valley, PA 18034), renewal of NPDES

Permit of discharge of treated mine drainage from a quarry operation in Oliver Township, **Mifflin County**, receiving stream: UNT to Strodes Run. Application received August 24, 2005. Renewal issued October 14, 2005.

6174SM5A2C9 and NPDES Permit No. 0594423. Meckley's Limestone Products, Inc. (R. R. 1, Box 1682, Herndon, PA 17830), renewal of NPDES Permit of discharge of treated mine drainage from a quarry operation in Lower Mahanoy and Jordan Townships, **Northumberland County**, receiving stream: Upper Fiddler Run. Application August 25, 2005. Renewal issued October 14, 2005.

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.

Knox District Mining Office: White Memorial Building, P. O. Box 669, Best Avenue, Knox, PA 16232-0669.

33054006. Francis J. Palo, Inc. (P. O. Box 368, 309 South 4 Avenue, Clarion, PA 16214). Blasting activity permit to build an airport access road in Washington Township, **Jefferson County**. This blasting activity permit will expire on October 12, 2006. Application received: October 11, 2005. Application Issued: October 12, 2005.

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

36054161. Hall Explosives, Inc. (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting for Florin Hill in Mt. Joy Borough, **Lancaster County** with an expiration date of October 30, 2006. Permit issued October 11, 2005.

36054162. Hall Explosives, Inc. (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting for Masonic Homes in West Donegal Township, **Lancaster County** with an expiration date of October 30, 2006. Permit issued October 11, 2005.

40054123. DC Guelich Explosives, Inc. (R. R. 3 Box 125A, Clearfield, PA 16830), construction blasting for a home in Hunlock Township, **Luzerne County** with an expiration date of November 29, 2005. Permit issued October 11, 2005.

21054170. Hall Explosives, Inc. (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting for Shippensburg Elementary School in Shippensburg Borough and Shippensburg Township, **Cumberland County** with an expiration date of October 30, 2005. Permit issued October 12, 2005.

23054106. Brubacher Excavating, Inc. (P. O. Box 528, Bowmansville, PA 17507), construction blasting for Foxfield Development in Bethel Township, **Delaware County** with an expiration date of December 31, 2006. Permit issued October 12, 2005.

28054155. Geological Technologies, Inc. (P. O. Box 70, Falling Waters, WV 25419), construction blasting for Spring Run Estates in Washington Township, **Franklin County** with an expiration date of October 23, 2006. Permit issued October 12, 2005.

54054102. DC Guelich Explosives, Inc. (R. R. 3 Box 125A, Clearfield, PA 16830), construction blasting for Humboldt Industrial Park in East Union Township,

Schuylkill County with an expiration date of October 4, 2007. Permit issued October 12, 2005.

35054031. Warren's Excavating & Drilling, Inc. (P. O. Box 189, Bowmansville, PA 17507-0189), construction blasting at the Keystone Opportunity Zone in the City of Lancaster, **Lancaster County** with an expiration date of October 31, 2006. Permit issued October 12, 2005.

36054032. ABEL Construction Co., Inc. (P. O. Box 476, Mountville, PA 17554), construction blasting for the Millway Pipeline Extension in Ephrata and West Earl Townships, **Lancaster County** with an expiration date of May 31, 2006. Permit issued October 12, 2005.

38054008. Warren's Excavating & Drilling, Inc. (P. O. Box 189, Bowmansville, PA 17507-0189), construction blasting for Greystone Development in Jackson Township, **Lebanon County** with an expiration date of October 31, 2006. Permit issued October 12, 2005.

28054158. David H. Martin Excavating, Inc. (4961 Cumberland Highway, Chambersburg, PA 17201), construction blasting for Salem Luthern Church Cemetery in Guilford Township, **Franklin County** with an expiration date of October 6, 2012. Permit issued October 13, 2005.

28054159. David H. Martin Excavating, Inc. (4961 Cumberland Highway, Chambersburg, PA 17201), construction blasting for Culbertson Mennonite Church Cemetery in Greene Township, **Franklin County** with an expiration date of October 6, 2012. Permit issued October 13, 2005.

67054142. Hall Explosives, Inc. (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting for Argento Mini Storage in Hellam Township, **York County** with an expiration date of October 30, 2006. Permit issued October 13, 2005.

21054169. Keystone Blasting Service (381 Reifsnyder Road, Lititz, PA 17543), construction blasting for a home in Silver Spring Township, **Cumberland County** with an expiration date of December 30, 2005. Permit issued October 14, 2005.

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department of Environmental Protection (Department) has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with the applicable provisions of sections 301–303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311–1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501–508 and 701–704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute

provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

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

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

Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and The Clean Streams Law (35 §§ 691.1—691.702) and Notice of Final Action for Certification under section 401 of the FWPCA (33 U.S.C.A. § 1341).

Permits, Environmental Assessments and 401 Water Quality Certifications Issued

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E09-879. Department of Transportation, 7000 Geerdes Boulevard, King of Prussia, PA 19406-1525, Warwick and Buckingham Townships, Bucks County, ACOE Philadelphia District.

To remove the existing stone masonry abutments associated with the previously demolished superstructure and to construct and maintain, in its place, a single span steel truss pedestrian bridge and path across Neshaminy Creek (TSF-MF). The proposed pedestrian bridge will have a width of 10 feet, a clear span of 189 feet and a minimum underclearance of approximately 15 feet. This work also includes placement and maintenance of associated riprap protection at the abutments, and temporary sand bag cofferdam. The site is located just southwest of the intersection of Dark Hollow Road (SR 2095) and Macclesfield Road (Buckingham, PA USGS Quadrangle N: 1.4 inches; W: 9.4 inches).

The issuance of this permit also constitutes approval of a Water Quality Certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

E23-408. Delaware County, County of Delaware Government Center Building, 201 W. Front Street, Room 207, Media, PA 19063-2788, City of Chester and Nether Providence Township, Delaware County, ACOE Philadelphia District.

To reissue permit No. E23-408, which authorized the removal of an existing single span, pony truss bridge across Ridley Creek (WWF-MF). The demolition will include the removal of the existing abutments, wingwalls and the roadway approaches. The bridge is located along East 25th Street (AKA Irvington Lane) approximately 1,300 feet west of its intersection with Ridley Mill Lane, (Bridgeport, NJ-PA, Quadrangle, N: 22.3 inches; W: 15.00 inches).

The issuance of this permit also constitutes approval of a Water Quality Certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

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

E39-447. Lehigh Parkway Apartments, LLC, 2268 South 12th Street, Suite 101, Allentown, PA 18103. City of Allentown, Lehigh County, Army Corps of Engineers Philadelphia District.

To construct and maintain a bituminous parking lot having an encroachment of 1.3 acres in the floodway of the Little Lehigh Creek (HQ-CWF) and to construct and maintain a 24-inch outfall pipe with a concrete endwall and riprap apron and a 150-foot long outfall channel with a riprap apron in the floodway of the Little Lehigh Creek. The project is located at the northeast corner of Lehigh Parkway North and Lehigh Parkway East (Allentown East, PA Quadrangle N: 16.2 inches; W: 15.6 inches). (Subbasin: 2C)

E40-649. Oley Creek Watershed Association, Inc., P. O. Box 412, Drums, PA 18222. Dennison Township, Luzerne County, Army Corps of Engineers Baltimore District.

To remove the existing structure and to construct and maintain a road crossing of a tributary to Oley Creek (CWF), utilizing a 48-inch HDPE culvert; and to reconstruct approximately 130 linear feet of channel in the vicinity of the culvert, utilizing boulder weir structures and boulder bank revetment. The project is located approximately 1,200 feet upstream of the confluence of the tributary with Oley Creek, and approximately 2,500 upstream of the Beech Mountain Lake reservoir (Freeland, PA Quadrangle N: 9.1 inches; W: 4.9 inches). (Subbasin: 5D)

E48-357. N.A.P.E.R. Development Corporation, Inc., P. O. Box 639, Wind Gap, PA 18091. Borough of Wind Gap and Plainfield Township, Northampton County, Army Corps of Engineers Philadelphia District.

To place fill in approximately 0.22 acre of PSS wetlands in Little Bushkill Creek (HQ-CWF) watershed for the purpose of constructing a roadway to provide access to a proposed 125-acre industrial park known as Slatebelt Industrial Center and in approximately 0.21 acre of PSS wetlands for the purpose of developing a retail property. The total wetland encroachment will be 0.43 acre. The permittee is required to provide for 0.43 acre of replacement wetlands by participating in the Pennsylvania Wetland Replacement Project. The project is located at an abandoned rail yard on the north side of SR 0512 between North Broadway and Glass Street (Wind Gap Quadrangle N: 20.1 inches; W: 3.7 inches). (Subbasin: 1F)

E40-651. George J. Venesky, 1327 Heslop Road, Mountain Top, PA 18707. Rice and Wright Townships, Luzerne County, Army Corps of Engineers Baltimore District.

To remove accumulated sand, gravel, silt and debris, to a depth of approximately 2 feet, from the channel of Big Wapwallopen Creek (CWF). The project area is approximately 30 feet long (upstream to downstream) by 18 feet wide. The project is located immediately upstream of the SR 2042 (Nuangola Road) bridge (Wilkes-Barre West, PA Quadrangle N: 3.75 inches; W: 5.75 inches). (Subbasin: 5B)

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

To place fill in approximately 0.13 acre of PFO wetlands for the purpose of constructing a single family dwelling and driveway on Lot 305, Section B of the Wagner Forest residential subdivision. The permittee is required to provide for 0.13 acre of replacement wetlands by participating in the Pennsylvania Wetland Replacement Project. The project is located on the south side of SR 0940, approximately 500 feet west of SR 4003 (Blakeslee, PA Quadrangle N: 21.9 inches; W: 5.6 inches). (Subbasin: 2A)

E40-650. Wlodzimierz Jaskiewicz, 12 Jaskiewicz Way, White Haven, PA 18661. Rice Township, **Luzerne County**, Army Corps of Engineers Baltimore District.

To construct and maintain: a road crossing of approximately 110 LF of PSS wetlands, along Aleksander Boulevard; several sanitary sewer line crossings of wetlands; and a stormwater outfall within wetlands, within the drainage basin of Big Wapwallopen Creek (CWF), for the construction of the Polonia Estates Subdivision. These activities were previously authorized under Permit E40-501 but were not completed prior to expiration of the permit. The total wetland impact as originally permitted was 0.78 acre, and the impact for the remaining activities is approximately 0.13 acre. The permittee is required to provide 0.78 acre of replacement wetlands. The project is located on the north side of SR 2042 (Nuangola Road), immediately west of the Rice Township/Wright Township boundary (Wilkes-Barre West, PA Quadrangle N: 3.8 inches; W: 5.8 inches). (Subbasin: 5B)

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

E01-256: The Links at Gettysburg Land Co., LLC, 601 Mason Dixon Road, Gettysburg, PA 17325 in Mount Joy Township, **Adams County**, ACOE Baltimore District

To construct and maintain: 1) a 63-foot multi-span corrugated metal arch culvert with a length of 40-feet; 2) two 8-inch water lines; 3) a 15-inch and 18-inch outfall pipe; 4) an 8-inch sanitary sewer line; 5) a 6-foot by 40-foot footbridge; 6) a 6-inch intake pipe, all associated with Lousy Run (WWF); 7) a 36-inch reinforced concrete pipe culvert with a length of 95-feet; 8) two 8-inch water lines; 9) two 8-inch sanitary sewer lines; 10) a 112-inch by 75-inch corrugated metal pipe arch culvert with a length of 60-feet; 11) a 6-inch outfall pipe, all associated with an UNT to Lousy Run (WWF); 12) a 6-inch intake pipe associated with Rock Creek (WWF); and 13) two 6-foot by 16-foot footbridges over UNTs to Rock Creek, all located in Mount Joy Township, Adams County. The project will temporarily impact 0.03 acre of palustrine emergent wetlands. The amount of wetland impact is considered a de minimis impact of 0.03 acre and wetland mitigation is not required.

E31-205: Daniel L. Varner, 530 Washington Street, Huntingdon, PA 16652 in the Borough of Huntingdon, **Huntingdon County**, ACOE Baltimore District.

To construct and maintain a 50-foot by 100-foot basketball court and a 40-foot by 60-foot ice-skating rink within the floodway of the Juniata River (WWF), and a 13-foot by 22-foot toilet facility within the floodplain of the Juniata River at a site (Latitude: 40° 29' 08"; Longitude: 78° 01' 01") within Portstown Municipal Park in the Borough of Huntingdon, Huntingdon County.

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 Bald Eagle Creek (TSF) having a single span of approximately 50 feet, a width of 20 feet, and an underclearance of approximately 5 feet for the purpose of constructing a private residence located at a site (Latitude: 40° 44' 22"; Longitude: 78° 09' 10") approximately 1,100 feet downstream of the Centre and Blair County line in Snyder Township, Blair County.

E22-494: Department of Transportation, Engineering District 8-0, 2140 Herr Street, Harrisburg, PA 17103-1699 in Lower Paxton and South Hanover Townships, **Dauphin County**, ACOE Baltimore District.

To remove the existing structure and then to construct and maintain a single span bridge with a center line span of 90 feet on a 74.5° skew with an average underclearance of 13.7 feet over Beaver Creek (WWF) on SR 2010, Section 003, Segment 0030, Offset 0000, relocate a channel of a UNT, provide revetment along the approaches of the bridge and at the right bank, to fill in 0.029 acre of de minimis wetland and associated improvements to improve the alignment and safety of the road located about 0.9 mile west of Hoernerstown village (Hershey, PA Quadrangle N: 6.62 inches; W: 16.35 inches) in South Hanover and Lower Paxton Townships, Dauphin County. The wetland impact is considered a de minimis impact; therefore, a wetland mitigation is not required.

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

E08-426. Department of Transportation, Engineering District 3-0, P. O. Box 218 Montoursville, PA 17754-0218. Issuance of Water Obstruction and Encroachment Permit for SR 4014 bridge replacement, in Smithfield Township, **Bradford County**, ACOE Susquehanna River Basin District (Sayre, PA Quadrangle N: 5.50 inches; W: 7.80 inches).

To remove an existing reinforced concrete slab bridge with a clear span of 16 feet, construct and maintain a single cell precast reinforced concrete box culvert with clear span of 18 feet and a minimum underclearance of 6.5 feet with a depression of 1.0 foot on a skew of 90° in a UNT to Bucks Creek, located 1.8 mile west of the intersection of SR 4014 and SR 0220 along SR 4014. This project proposes to permanently impact 78 linear feet of a UNT to Bucks Creek, which is, designated a WWF and does not propose to impact any jurisdictional wetlands. This permit was issued under Section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E18-396. Department of Transportation, Engineering District 2-0, 1924-30 Daisy Street, Clearfield, PA 16830. Water Obstruction and Encroachment Permit for SR 1010 Section A01 Bridge Replacement, in Pine Creek Township, **Clinton County**, ACOE Susquehanna River Basin District (Lock Haven, PA Quadrangle N: 12.6 inches; W: 0.1 inch).

The applicant proposes to remove the existing bridge and appurtenant substructures and construct and maintain a precast adjacent box beam bridge with a single clear span of 45' 9" with a minimum underclearance of 8' 6" on a skew of 75° and place R-7 riprap for scour protection at the inlet, outlet and along the abutments of the proposed bridge over Chatham Run. The proposed project will directly affect approximately 90 linear feet of

Chatham Run, which is classified as a CWF. This project does not propose to impact any jurisdictional wetlands.

E18-400. Larry and Brenda Smith, 811 Island Road, Lock Haven, PA 17745-8841. Smith Family Addition, in Dunnstable Township, **Clinton County**, ACOE Baltimore District (Lock Haven, PA Quadrangle N: 5.25 inches; W: 1.5 inches).

To construct and maintain: 1) a 30-foot 2-inch by 12-foot 2-inch enclosed two sided addition, with cinderblock walls, 6 rodent proof flood vents and one 6.5-foot wide door, in the north corner of their existing farm house to build a second and third floor addition to their existing home to get household appliances and other family possessions out of the 100-year flood waters; 2) to add an 8-foot by 6-foot open sided covered porch/outside steps to access; and 3) a 30-foot 2-inch by 10-foot second floor deck built on five 4-inch by 6-inch columns/poles located next to the cinder block addition, for a private home located in the northwest corner of the intersection Baird Lane and Island Road (Lock Haven, PA Quadrangle, N: 5.25 inches; W: 1.5 inches) in Dunnstable Township, Clinton County. This permit was issued under Section 105.13(e) "Small Projects."

E59-468. Dennis Schmidt, 2905 Orchard Lane, Middletown, PA 17057, Bridge Crossing, in Rutland Township, **Tioga County**, ACOE Baltimore District (Jackson Summit, PA Quadrangle N: 0.61 inches; W: 0.60 inches).

To construct and maintain a steel beam timber deck bridge with a clear span of 28 feet, a width of 12 feet and a minimum underclearance of 4 feet on reinforced concrete abutments over Bailey Creek off SR 1011 about 1.5 miles north of the intersection of SR 1011 with SR 549. The project will impact about 1,450 square feet of wetlands while impacting about 60 feet of waterway and 0.3 acres of earth disturbance. Bailey Creek is a trout stocked fisheries stream.

E60-173. Department of Transportation, Engineering District 3-0, P. O. Box 218, Montoursville, PA 17754-0218. Permit Issuance for structure at SR 0204 Section 004 replacement over Penns Creek, in Jackson Township, **Union County**, ACOE Susquehanna River Basin District (Lewisburg, PA Quadrangle N: 4.6 inches; W: 3.4 inches).

To remove a four-span steel girder bridge and construct and maintain a three-span reinforced concrete spread box beam bridge having a clear span of 242.76 feet, with a minimum underclearance of 9.64 feet on a skew of 90° over Penns Creek, along SR 0204 in the Borough of New Berlin, Union County. This project proposes to have a minimal impact on Penns Creek, which is, designated a WWF. This project does not propose to impact any jurisdictional wetlands.

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

E37-167, City of New Castle, 230 N. Jefferson Street, New Castle, PA 16101. Grant Street Bridge Across Shenango River, in City of New Castle, **Lawrence County**, ACOE Pittsburgh District (New Castle North, PA Quadrangle N: 0.55 inches; W: 14.65 inches).

To remove the existing structure and to construct and maintain a continuous steel multigirder bridge having two clear spans of 130 feet and an underclearance of 14 feet across the Shenango River on Grant Street approximately 1,500 feet west of SR 18. Project includes installation of a 15-inch diameter stormwater outfall downstream of the bridge on the west side of the Shenango River and

an 18-inch diameter stormwater outfall approximately 100 feet downstream of the bridge along the east side of the Shenango River. The project also includes temporary stream diversion barriers and a construction access causeway consisting of clean rock fill within the left (west) side of the channel of the Shenango River.

E43-321. Department of Transportation, District 1-0, 255 Elm Street, Oil City, PA 16301-1412. SR 0208, Section A00, Springfield Township, **Mercer County**, ACOE Pittsburgh District. (Mercer, PA Quadrangle 3.35 N; 4.15 W).

To construct and maintain an extension of the I-79 ramps, replacement of the SR 0208 Bridge over I-79 with a new six-lane bridge, and improvements to the SR 0208/0258 intersection. The total length of SR 0208 (and SR 0258) to be improved is approximately 6,000 feet. The length of interchange ramps to be extended/reconfigured is approximately 13,000 feet. The project involves: (1) to fill 0.09 acre of palustrine wetlands; (2) to construct and maintain an 85-foot long extension to the existing 6-foot high by 10-foot wide concrete box culvert (Culvert No. 5) in a UNT to Black Run; (3) to construct and maintain four culvert extensions having diameters from 1 to 3 feet in UNTs to Black Run with drainage areas less than 100 acres; and (4) to relocate 150 feet of UNT to Black Run with a drainage area of less than 100 acres. Project includes payment into the PADEP Wetland Replacement Project Fund as mitigation for impacted wetlands.

SPECIAL NOTICES

Operate Waste Processing Site under the Terms of a Consent Order and Agreement

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

Southcentral Region: Regional Solid Waste Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

Consent Order and Agreement. WM No. 21 05 101, Harrisburg Energy Alternatives, 2850 Appleton Street, Camp Hill, Lower Allen Township, **Cumberland County**. A Consent Order and Agreement (COA) has been executed between the Department of Environmental Protection (Department) and Harrisburg Energy Alternatives (HEA). The COA allows HEA to process on-specification oil at their facility. The processing, to include dehydration and solids removal, will be conducted within the existing facility structure with equipment to be installed and operated by HEA. HEA will also install a small boiler to provide heat for the process and tankage to contain incoming oil and processed oil. HEA will apply for a residual waste processing permit to allow for the receipt of off-specification waste oil for processing at the facility. Until the time the residual waste processing permit is issued, HEA will confine its activities at the facility to the processing of on-specification waste oil only.

[Pa.B. Doc. No. 05-1986. Filed for public inspection October 28, 2005, 9:00 a.m.]

Certification Program Advisory Committee Meeting Cancellation

The November 7, 2005, meeting of the Certification Program Advisory Committee (Committee) has been cancelled. Details concerning the Committee's next meeting will be announced in a future edition of the *Pennsylvania Bulletin*.

Questions concerning the cancellation of the November 7, 2005, meeting or future Committee meetings should be directed to Lynn Rice, (717) 787-5236, mlrice@state.pa.us.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 05-1987. Filed for public inspection October 28, 2005, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Application for Lease of Right-of-Way

The Department of Transportation (Department) gives notice that under 67 Pa. Code § 495.4(d) (relating to application procedure), an application to lease highway right-of-way has been submitted to the Department by Erie-Western Pennsylvania Port Authority of 208 East Bayfront Parkway, Suite 201, Erie, PA 16507-2405, seeking to lease highway right-of-way located along the southerly side of SR 0079-A00/4034-A00 at Bayfront Parkway and also on the easterly side of Lincoln Avenue, bisected by West 11th Street in the City of Erie, Erie County containing 1.526 acres/66,460 sq. ft. ± for the purpose of a park and ride facility. Interested persons are invited to submit within 30 days from the publication of this notice in the *Pennsylvania Bulletin* written comments, suggestions and/or objections regarding the approval of this application to William G. Petit, P. E., District Executive, Engineering District 1-0, P. O. Box 398, Oil City, PA 16301-0398.

Questions regarding this application or the proposed use should be directed to Jeffrey E. Hahne, Right of Way Administrator, P. O. Box 398, Oil City, PA, (814) 678-7069.

ALLEN D. BIEHLER, P. E.,
Secretary

[Pa.B. Doc. No. 05-1988. Filed for public inspection October 28, 2005, 9:00 a.m.]

ENVIRONMENTAL QUALITY BOARD

Acceptance of Rulemaking Petition for Study

On October 18, 2005, the Environmental Quality Board (Board) accepted a rulemaking petition for study under 25 Pa. Code Chapter 23 (relating to Environmental Quality Board policy for processing petitions—statement of policy). The petition, submitted by the Cameron County Conservation District, requests the Board redesignate Tannery Hollow Run and its tributary of Snodgrass Run from Cold Water Fishes (CWF) to High Quality-Cold Water Fishes (HQ-CWF) or Exceptional Value (EV).

Under 25 Pa. Code § 93.4d(a) (relating to processing of petitions, evaluations and assessments to change a desig-

nated use), the Department of Environmental Protection (Department) is required to publish a notice of intent to assess candidate waters before performing survey work. The Department's assessment notice for Tannery Hollow Run and its tributary of Snodgrass Run will appear in a future issue of the *Pennsylvania Bulletin*.

The petition submitted by the Cameron County Conservation District is available to the public by contacting the Environmental Quality Board, P. O. Box 8477, Harrisburg, PA 17105-8477, (717) 787-4526 and the Department's website at www.dep.state.pa.us, (DEP Keyword: EQB (October 18, 2005, meeting)).

KATHLEEN A. MCGINTY,
Chairperson

[Pa.B. Doc. No. 05-1989. Filed for public inspection October 28, 2005, 9:00 a.m.]

Environmental Quality Board Meeting Cancellation

The November 15, 2005, Environmental Quality Board (Board) meeting has been cancelled. The next meeting of the Board is scheduled for Tuesday, December 20, 2005, at 9 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. An agenda and meeting materials for the December 20, 2005, meeting will be available on the Department of Environmental Protection's website at www.dep.state.pa.us (DEP Keyword: "EQB").

Questions concerning the Board's next scheduled meeting should be directed to Natalie Shepherd at (717) 783-8727 or nshepherd@state.pa.us.

KATHLEEN A. MCGINTY,
Chairperson

[Pa.B. Doc. No. 05-1990. Filed for public inspection October 28, 2005, 9:00 a.m.]

INSURANCE DEPARTMENT

Application for Approval to Acquire Control

National Interstate Insurance Company has filed an application to acquire control of Triumphe Casualty Company, a Commonwealth domiciled stock casualty insurance company. The filing was made under the Insurance Holding Companies Act (40 P. S. §§ 991.1401—991.1413). Persons wishing to comment on the acquisition are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Written statements must include name, address and telephone number of the interested party, identification of the application to which the statement is addressed and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Robert Brackbill, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, rbrackbill@state.pa.us.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 05-1991. Filed for public inspection October 28, 2005, 9:00 a.m.]

Application for Domestic Certificate of Authority

Avalon Insurance Company has applied for a Certificate of Authority to operate as a domestic stock life insurance company in this Commonwealth. The filing was made under the The Insurance Company Law of 1921 (40 P. S. §§ 341—991.2361). Persons wishing to comment on the application are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Written statements must include name, address and telephone number of the interested party, identification of the application to which the statement is addressed and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Robert Brackbill, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, rbrackbill@state.pa.us.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 05-1992. Filed for public inspection October 28, 2005, 9:00 a.m.]

Aston Medical Associates; Prehearing

**Appeal of Aston Medical Associates under the
Medical Care Availability and Reduction of Error
(MCARE) Act (40 P. S. §§ 1303.101—1303.910);
Doc. No. MM05-09-026**

On or before October 20, 2005, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's August 11, 2005, determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for November 10, 2005. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before November 7, 2005. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 05-1993. Filed for public inspection October 28, 2005, 9:00 a.m.]

Continental General Insurance Company; Application for Approval of Revised Rates for Standardized Medicare Supplement Policy Forms 340—342, 347 and 3AA—3AK; Rate Filing

Continental General Insurance Company has filed for approval increased rates for its issue-age and attained-age rated standardized Medicare supplement policy forms. The filing requests rate increases that vary by standardized benefit package and range from 0% to 25%.

These rate adjustments will affect approximately 8,157 insureds in this Commonwealth and will generate approximately \$3.5 million in additional premium annually. The company requests that the revised rates take effect on January 1, 2006. The requested rate adjustment percentages and age 65 female open enrollment rates by plan are as follows:

<i>Policy Form</i>	<i>Rating Method</i>	<i>Standardized Plan</i>	<i>Proposed Adjustment</i>	<i>Current Rate</i>	<i>Proposed Rate</i>
340	Issue-age	Plan A	12.0%	\$2,460	\$2,755
341	Issue-age	Plan B	24.0%	\$2,401	\$2,978
342	Issue-age	Plan C	13.0%	\$3,270	\$3,695
347	Issue-age	Plan H	4.0%	\$5,222	\$5,430
3AA	Attained-age	Plan A	12.0%	\$1,432	\$1,603
3AB	Attained-age	Plan B	24.0%	\$1,467	\$1,819
3AC	Attained-age	Plan C	13.0%	\$2,056	\$2,324
3AD	Attained-age	Plan D	25.0%	\$1,375	\$1,718
3AE	Attained-age	Plan E	9.5%	\$1,285	\$1,407
3AF	Attained-age	Plan F	13.0%	\$1,687	\$1,907
3AG	Attained-age	Plan G	25.0%	\$1,377	\$1,722
3AK	Attained-age	Plan Fhd	0.0%	\$ 491	\$ 491

These rates are applicable to most areas in this Commonwealth; insureds with attained-age plans residing in zip codes beginning with 150, 151, 152, 153, 154, 189, 190, 191, 192, 193 or 194 should add 10% to the rates shown previously.

Also included in the filing are reduced rates for insureds who choose to drop their policy's prescription drug benefit. Plan 347 includes a prescription drug benefit that the insured may eliminate from their coverage effective January 1, 2006, in exchange for a reduced premium rate. The proposed 2006 rates for this plan with the prescription drug benefit (\$3,644 for an age 65 female

open enrollee), when compared with the proposed 2006 rates with the prescription drug benefit, reflect a 32.9% rate reduction associated with the removal of the prescription drug benefit.

Unless formal administrative action is taken prior to January 10, 2006, 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 at www.ins.state.pa.us. Under the Quick Links section, click on the link "Rate Filings Published in the PA Bulletin."

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's regional offices in Harrisburg, Philadelphia and Pittsburgh.

Interested parties are invited to submit written comments, suggestions or objections to Michael Gurgiol, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, mgurgiol@state.pa.us, within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 05-1994. Filed for public inspection October 28, 2005, 9:00 a.m.]

Educators Mutual Insurance Company; Public Informational Hearing; Plan of Conversion

The Insurance Department (Department) will hold a public informational hearing regarding the proposed Plan of Conversion (plan) submitted by Educators Mutual Life Insurance Company (Educators Mutual), a Pennsylvania domiciled mutual life insurance company. The proposed plan provides for conversion of Educators Mutual from a Pennsylvania mutual life insurance company to a Pennsylvania stock life insurance company. In furtherance to the transaction, Eastern Insurance Holdings, Inc., a Pennsylvania domiciled corporation, submitted a request for approval to acquire control of all of the authorized capital stock of Educators Mutual upon consummation of the previously referenced conversion. The plan was submitted for approval under the Insurance Company Mutual-to-Stock Conversion Act (act) (40 P. S. § 911-A—929-A) and the Insurance Holding Companies Act (40 P. S. §§ 991.1401—991.1413). Policyholders and interested persons are invited to attend and participate in the hearing. Individuals may attend the hearing without any obligation to speak at the hearing.

1. *Date and Time:* December 14, 2005, at 9 a.m.
2. *Location:* Capitol Associates Building, 901 North 7th Street, Room 200, Harrisburg, PA 17102.
3. *Nature of Hearing:* The public informational hearing will provide an opportunity for policyholders and interested persons to present comments relevant to the proposed plan. The proceeding will be recorded and a transcript may be purchased directly from the court reporter.
4. *Legal Authority:* The public informational hearing will be held under the act.
5. *ADA Notice:* Individuals who require the assistance of auxiliary aids or services to participate in or attend this public informational hearing should contact the Director of the Bureau of Administration at (717) 787-4298. Hearing impaired persons should call the Department's TTY/TDD (717) 783-3898.

6. *Written Comments:* Persons unable to attend the public informational hearing or persons who prefer to submit written comments instead of speaking at the hearing should submit comments to Robert E. Brackbill,

Jr., Chief, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, rbrackbill@state.pa.us. Comments received will be part of the public record regarding this filing.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 05-1995. Filed for public inspection October 28, 2005, 9:00 a.m.]

HealthAmerica Inc.; Hearing

Appeal of HealthAmerica Inc. under 40 P. S. §§ 991.2101—991.2193; Steven T. Mercurio; Doc. No. HC05-09-021

Under 40 P. S. §§ 991.2101—991.2193, notice is hereby given that the appellant in this action has requested a hearing in connection with the appellant's managed health care plan. The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) and any other relevant procedure provisions of law.

A prehearing telephone conference initiated by the Administrative Hearings Office will be conducted on November 3, 2005. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before November 1, 2005. The hearing will occur on November 17, 2005, at 2 p.m. in Room 200, Administrative Hearings Office, Capitol Associates Building, 901 North Seventh Street, Harrisburg, PA 17102.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before October 20, 2005, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene shall be filed on or before October 27, 2005.

Persons with a disability who wish to attend the previously referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Kathryn Culbertson, Agency Coordinator, (717) 705-4194.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 05-1996. Filed for public inspection October 28, 2005, 9:00 a.m.]

Medical Care Availability and Reduction of Error Fund; Notice of and Amount of Assessment Action; Notice 2005-10

The Insurance Department (Department), Medical Care Availability and Reduction of Error Fund, by Sarah H. Lawhorne, Deputy Insurance Commissioner, under section 712 of the Medical Care Availability and Reduc-

tion of Error (MCARE) Act (act) (40 P. S. § 1303.712), has determined that the annual assessment to be levied for calendar year 2006 shall be 29% applied to the prevailing primary premium for each participating health care provider.

The act defines "prevailing primary premium" as the schedule of occurrence rates approved by the Insurance Commissioner for the Joint Underwriting Association (JUA). For purposes of the 2006 annual assessment, the rates shall be those currently approved for use by the JUA.

Participating health care providers having approved self-insurance plans shall be assessed an amount equal to the assessment imposed on a participating health care provider of like class, size, risk and kind as determined by the Department.

This action is subject to 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure).

SARAH H. LAWHORNE,
Deputy Insurance Commissioner

[Pa.B. Doc. No. 05-1997. Filed for public inspection October 28, 2005, 9:00 a.m.]

Johari Imani Murray; Prehearing

Appeal of Johari Imani Murray under 40 P. S. §§ 991.2101—991.2193; Keystone Health Plan East; Doc. No. HC05-10-004

Under 40 P. S. §§ 991.2101—991.2193, notice is hereby given that the appellant in this action has requested a hearing in connection with the appellant's managed health care plan. The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) and any other relevant procedure provisions of law.

A prehearing telephone conference initiated by the Administrative Hearings Office will be conducted on November 16, 2005. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before November 10, 2005.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before November 2, 2005, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene shall be filed on or before November 9, 2005.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 05-1998. Filed for public inspection October 28, 2005, 9:00 a.m.]

Michael Pallone, M. D.; Prehearing

Appeal of Michael Pallone, M. D. under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM05-09-023

On or before October 25, 2005, the appellant shall file a concise statement setting forth the factual and/or legal

basis for the disagreement with MCARE's August 5, 2005, determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for November 15, 2005. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before November 9, 2005.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before November 1, 2005, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any, shall be filed on or before November 8, 2005.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 05-1999. Filed for public inspection October 28, 2005, 9:00 a.m.]

Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insureds have requested a hearing as authorized by the act of June 17, 1998 (P. L. 464, No. 68) (Act 68) in connection with the termination of the insureds' automobile policies. The hearings will be held in accordance with the requirements of Act 68, 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure), and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearings will be held in the Insurance Department's regional offices in Harrisburg and Pittsburgh, PA. Failure by an appellant to appear at a scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 N. Seventh Street, Harrisburg, PA 17102.

Appeal of William Tonti; file no. 05-130-07653; Erie Insurance Exchange; doc. no. P05-10-003; November 29, 2005, 2 p.m.

The following hearings will be held in the Pittsburgh Regional Office, Room 304, State Office Building, 300 Liberty Avenue, Pittsburgh, PA 15222.

Appeal of Teri Manning; file no. 05-130-06555; Leader Insurance Company; doc. no. P05-08-036; December 1, 2005, 9 a.m.

Appeal of Kevin C. Laskovich; file no. 05-308-71200; Harleysville Preferred Insurance Co.; doc. no. PI05-08-018; December 1, 2005, 11 a.m.

Parties may appear with or without counsel and offer relevant testimony or evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Insurance Commissioner (Commissioner) may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending. Reimbursement is

available only when the insured is successful on appeal and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend an administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Kathryn Culbertson, Agency Coordinator at (717) 705-4194.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 05-2000. Filed for public inspection October 28, 2005, 9:00 a.m.]

available only when the insured is successful on appeal and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Insurance Commissioner (Commissioner) will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend an administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Kathryn Culbertson, Agency Coordinator, (717) 705-4194.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 05-2001. Filed for public inspection October 28, 2005, 9:00 a.m.]

Review Procedure Hearings under the Unfair Insurance Practices Act

The following insureds have requested a hearing as authorized by section 8 of the Unfair Insurance Practices Act (40 P. S. § 1171.8) in connection with their companies' termination of the insureds' policies. The administrative hearings will be held in the Insurance Department's regional office in Harrisburg. Failure by an appellant to appear at a scheduled hearing may result in dismissal with prejudice.

The following hearings will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 N. Seventh Street, Harrisburg, PA 17102.

Appeal of Jason Clements and Sara Gmutza; file no. 05-130-06827; Insurance Placement Facility of PA; doc. no. P05-08-030; November 8, 2005, 10 a.m.

Appeal of Daniel Mescall; file no. 05-130-07916; Erie Insurance Exchange; doc. no. P05-10-011; December 7, 2005, 10 a.m.

Each party may appear with or without counsel and offer relevant testimony and/or other relevant evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Insurance Commissioner (Commissioner) may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending. Reimbursement is

Heidi Zafra, M. D.; Prehearing

Appeal of Heidi Zafra, M. D. under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM05-10-010

On or before November 9, 2005, the appellant shall file a concise statement setting forth the factual and/or legal basis for his disagreement with MCARE's September 20, 2005, determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for November 30, 2005. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before November 22, 2005. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before November 16, 2005, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any, shall be filed on or before November 23, 2005.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 05-2002. Filed for public inspection October 28, 2005, 9:00 a.m.]

LIQUOR CONTROL BOARD

Expiration of Leases

The following Liquor Control Board leases will expire:

Allegheny County, Wine & Spirits Shoppe #0210, The Bavarian Village, 2550 Brownsville Road, South Park, PA 15129-8522.

Lease Expiration Date: September 30, 2006

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 3,500 to 4,000 net useable square feet of new or existing retail commercial space in a shopping center environment within 1.5 miles of the intersection of Brownsville and Piney Fork Roads in South Park Township. The site must have free parking and access for tractor-trailer loading.

Proposals due: November 18, 2005, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, State Office Building, Room 408, 300 Liberty Avenue, Pittsburgh, PA 15222
Contact: Bruce VanDyke, (412) 565-5130

Allegheny County, Wine & Spirits Shoppe #0295, Great Valley Shopping Center, 500 Lincoln Highway, North Versailles, PA 15137.

Lease Expiration Date: August 31, 2006

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 2,800 to 3,500 net useable square feet of new or existing retail commercial space in a shopping center environment within a 1/2-mile radius of the intersection of US Route 30 and SR 686 in North Versailles Township.

Proposals due: November 18, 2005, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, State Office Building, Room 408, 300 Liberty Avenue, Pittsburgh, PA 15222
Contact: Bruce VanDyke, (412) 565-5130

Beaver County, Wine & Spirits Shoppe #0404, Rochester Plaza, 730 Ohio River Boulevard, East Rochester, PA 15074-1498.

Lease Expiration Date: September 30, 2006

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 4,000 to 4,500 net useable square feet of new or existing retail commercial space in a shopping center environment in the Rochester or East Rochester area. The site must have free parking and access for tractor-trailer loading.

Proposals due: November 18, 2005, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, State Office Building, Room 408, 300 Liberty Avenue, Pittsburgh, PA 15222
Contact: George Danis, (412) 565-5130

Beaver County, Wine & Spirits Shoppe #0409, Chippewa Mall, 2546 Constitution Boulevard, Beaver Falls, PA 15010-1252.

Lease Expiration Date: September 30, 2006

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 3,500 to 4,000 net useable square feet of new or existing retail commercial space in a shopping center environment near the intersection of Routes 51 and 251 in Chippewa Township. The site must have free parking and access for tractor-trailer loading.

Proposals due: November 18, 2005, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, State Office Building, Room 408, 300 Liberty Avenue, Pittsburgh, PA 15222
Contact: Craig Johnson, (412) 565-5130

Blair County, Wine & Spirits Shoppe #0705, Ivyside Plaza, 503 E. 25th Avenue, Altoona, PA 16601-4031.

Lease Expiration Date: October 31, 2006

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 4,000 to 5,000 net useable square feet of new or existing retail commercial space in a shopping center environment near downtown Altoona. The site must have free parking and access for tractor-trailer loading.

Proposals due: November 18, 2005, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, State Office Building, Room 408, 300 Liberty Avenue, Pittsburgh, 15222
Contact: George Danis, (412) 565-5130

JONATHAN H. NEWMAN,
Chairperson

[Pa.B. Doc. No. 05-2003. Filed for public inspection October 28, 2005, 9:00 a.m.]

PATIENT SAFETY AUTHORITY

Public Meeting

The Patient Safety Authority (Authority), established by section 303 of the Medical Care Availability and Reduction of Error (MCARE) Act (40 P.S. § 1303.303) enacted on March 20, 2002, will hold a meeting of the Authority's 11 member Board on Monday, November 7, 2005, at 10:30 a.m. at the Wildwood Conference Center, Harrisburg Area Community College, One HAAC Drive, Harrisburg, PA.

Individuals having questions regarding this meeting, which is open to the public, should contact the Authority at (717) 346-0469.

ALAN B. K. RABINOWITZ,
Administrator

[Pa.B. Doc. No. 05-2004. Filed for public inspection October 28, 2005, 9:00 a.m.]

PENNSYLVANIA INDUSTRIAL DEVELOPMENT AUTHORITY

Participation and Interest Rates

The Pennsylvania Industrial Development Authority (PIDA) gives notice of the change in interest rates for loans approved by the PIDA Board of Directors (Board). Loan applications submitted after November 1, 2005, and until further notice will be subject to the interest rate schedule that follows in the respective counties as determined by the most recent applicable unemployment statistics 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 interest rates on a case by case basis for good cause shown.

Note: Loan applications are subject to the schedule of interest rates in effect at the time the application is received by the Department of Community and Economic Development. A loan application that is deferred will be subject to the schedule of interest rates in effect on the date of the Board meeting at which the application is considered, regardless of when the application was originally submitted.

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

*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 4.25% Interest Rate

Effective November 1, 2005

PIDA Participation and Interest Rates For Counties and Municipalities Over 25,000 Population

	<i>Maximum PIDA Participation</i>		<i>Interest Rate** %</i>
	<i>(S)</i>	<i>(L)</i>	
ADAMS	40 * * *	30 * * * *	5.25
ALLEGHENY	40 * * *	30 * * * *	5.25
McKeesport City	60	50	4.25
West Mifflin Borough	40 * * *	30 * * * *	4.25
ARMSTRONG	50	40 * * *	4.25
BEAVER	50	40 * * *	4.25
BEDFORD	60	50	4.25
BERKS	50	30 * * * *	4.25
Reading City	60	50	4.25
BLAIR	40 * * *	40 * * *	5.25
BRADFORD	40 * * *	30 * * * *	4.25
BUCKS	40 * * *	30 * * * *	5.25
BUTLER	40 * * *	30 * * * *	5.25
CAMBRIA	50	40 * * *	4.25
Johnstown City	60	50	4.25
CAMERON	50	40 * * *	4.25
CARBON	60	50	4.25
CENTRE	40 * * *	30 * * * *	5.25
CHESTER	30 * * * *	30 * * * *	5.25
CLARION	40 * * *	40 * * *	5.25
CLEARFIELD	60	50	4.25
CLINTON	50	40 * * *	4.25
COLUMBIA	50	40 * * *	4.25
CRAWFORD	50	40 * * *	4.25
CUMBERLAND	40 * * *	30 * * * *	5.25
DAUPHIN	40 * * *	30 * * * *	5.25
Harrisburg City	50	30 * * * *	4.25
DELAWARE	40 * * *	30 * * * *	5.25
Chester City	60	50	4.25
ELK	50	40 * * *	4.25
ERIE	50	40 * * *	4.25
FAYETTE	60	50	4.25
FOREST	70	60	4.25
FRANKLIN	40 * * *	30 * * * *	5.25

	Maximum PIDA Participation		Interest Rate** %
	(S)	(L)	
FULTON	50	40 * * *	4.25
GREENE	50	40 * * *	4.25
HUNTINGDON	60	50	4.25
INDIANA	50	40 * * *	4.25
JEFFERSON	50	40 * * *	4.25
JUNIATA	40 * * *	40 * * *	5.25
LACKAWANNA	40 * * *	40 * * *	5.25
LANCASTER	40 * * *	30 * * * *	5.25
Lancaster City	50	30 * * * *	4.25
LAWRENCE	50	40 * * *	4.25
New Castle City	60	50	4.25
LEBANON	30 * * * *	30 * * * *	5.25
Lebanon City	40 * * *	30 * * * *	5.25
LEHIGH	40 * * *	30 * * * *	5.25
Allentown City	50	30 * * * *	4.25
Whitehall Township	50	30 * * * *	4.25
LUZERNE	50	40 * * *	4.25
LYCOMING	50	40 * * *	4.25
McKEAN	50	40 * * *	4.25
MERCER	40 * * *	30 * * * *	5.25
MIFFLIN	50	40 * * *	4.25
MONROE	50	40 * * *	4.25
MONTGOMERY	40 * * *	30 * * * *	5.25
Norristown Borough	50	30 * * * *	4.25
MONTOUR	40 * * *	30 * * * *	5.25
NORTHAMPTON	40 * * *	30 * * * *	5.25
NORTHUMBERLAND	50	40 * * *	4.25
PERRY	40 * * *	30 * * * *	5.25
PHILADELPHIA	50	40 * * *	4.25
PIKE	40 * * *	30 * * * *	5.25
POTTER	50	40 * * *	4.25
SCHUYLKILL	50	40 * * *	4.25
SNYDER	40 * * *	30 * * * *	5.25
SOMERSET	50	40 * * *	4.25
SULLIVAN	50	40 * * *	4.25
SUSQUEHANNA	50	40 * * *	4.25
TIOGA	50	40 * * *	4.25
UNION	40 * * *	30 * * * *	5.25
VENANGO	50	40 * * *	4.25
WARREN	50	40 * * *	4.25
WASHINGTON	50	40 * * *	4.25
WAYNE	40 * * *	40 * * *	5.25
WESTMORELAND	40 * * *	40 * * *	4.25
WYOMING	40 * * *	40 * * *	5.25
YORK	40 * * *	30 * * * *	5.25
York City	60	50	4.25

* 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 4.25%.

*** 10% Equity required

**** 20% Equity required

[Pa.B. Doc. No. 05-2005. Filed for public inspection October 28, 2005, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Generic Investigation Regarding Virtual NXX Codes; Doc. No. I-00020093

Public Meeting held
September 9, 2005

Commissioners Present: Wendell F. Holland, Chairperson; James H. Cawley, Vice Chairperson; Bill Shane, dissenting statement follows; Kim Pizzingrilli; Terrance J. Fitzpatrick

Statement of Policy

By the Commission:

By Order entered March 4, 2005, the Pennsylvania Public Utility Commission (Commission) requested input in the form of supplemental comments from interested parties regarding any possible implications that newly enacted legislation, Act 183, P.L. 1398, 66 Pa.C.S. §§ 3011, et. seq. (Act 183)¹ may have on the issue of Virtual NXX (VNXX) arrangements. This order addresses the supplemental comments received from the Pennsylvania Telephone Association (PTA), Verizon Pennsylvania Inc. and Verizon North Inc. (Verizon), CTSI, LLC (CTSI), Core Communications, Inc. (Core), the Office of Consumer Advocate (OCA), and the Office of Small Business Advocate (OSBA) and adopts a final policy statement.

Background

Telephone numbers consist of ten digits set forth as NPA-NXX-XXXX² and are obtained by telephone companies from the North American Number Plan Administrator³ ("NANPA"). The first three digits of a 10-digit telephone number, or the "NPA," refer to the area code.⁴ The second three digits in a 10-digit telephone number, or the "NXX," refer to the "central office code" or "NXX

¹ Act 183 enacted an amended version of the original Chapter 30 that provided for the regulatory reform of the telephone industry in Pennsylvania.

² The "N" in the "NXX" represents any of the numbers 2 through 9 and the "X" represents any one of the numbers 0 through 9.

³ The North American Numbering Plan Administrator is the entity responsible for managing the North American Numbering Plan ("NANP"). Presently, Neustar is the entity managing the NANP.

⁴ See 47 C.F.R. § 52.7(a).

code.⁵ In order to assign telephone numbers, a telephone company obtains a central office code or NXX code from the NANPA and usually assigns the NXX code to a switch⁶ pursuant to standard industry practice. A telephone company's central office switch normally serves a particular geographic area called a rate center.⁷ Accordingly, each NXX code generally corresponds to a particular geographic area or rate center.

When a telephone company assigns a telephone number from the NXX code to a customer, in general, it gives the customer a telephone number from a NXX code that is associated with the central office switch serving the particular rate center where the customer is physically located. The purpose of this assignment procedure by telephone companies is to ensure the proper routing of the telephone call and, more importantly, to ensure the accuracy and integrity of the rating structure so that calls between customers are properly billed by the telephone company.

With VNXX service, a customer can obtain a telephone number from a NXX code that is associated with a rate center or local calling area in which they are not physically located. This type of arrangement or service has been referred to as "virtual" NXX because the customer has only a virtual presence, as opposed to a physical presence, in the local calling area based solely on the use of the assigned NXX code for that local calling area.

In August 2002, we initiated a generic investigation at the above-captioned docket in order to consider the issue of VNXX codes given that the controversial practice, among other things, could have an adverse impact on Pennsylvania efforts to conserve numbering resources and prevent avoidable area code relief. As part of the generic investigation, interested parties filed comments addressing 13 specific questions related to the use of VNXX codes and also regarding what intercarrier compensation regime should apply to such arrangements. The Office of Administrative Law Judge conducted the generic investigation. The notice regarding the generic investigation was published October 19, 2002, at 32 Pa.B. 5240.

The generic investigation culminated with the issuance of an *Investigation Report* on February 9, 2004, as directed by the Commission. The *Investigation Report* outlined the parties' positions regarding the legality of VNXX service in Pennsylvania and the intercarrier compensation regime that should apply to such arrangements. By an Order entered May 24, 2004, the Commission released the *Investigation Report* to the public. The Commission did so in light of the fact that the *Investigation Report* was a valuable educational tool regarding the usage of VNXX codes in Pennsylvania. However, since the *Investigation Report* was not dispositive of the issues surrounding VNXX, the May 24, 2004 Order also directed Staff to submit a recommendation indicating whether any regulatory or policy changes regarding VNXX service needed to be implemented by the Commission. In accordance with the May 24, 2004 Order, Staff initiated its review of the *Investigation Report*. In the meantime, Act 183 became effective on December 1, 2004. Moreover, the Commission noted that the Federal Communications Commission (FCC) had taken action recently in a pro-

ceeding⁸ involving the appropriate intercarrier compensation regime for emerging technologies, including Internet access on the public switched network.

In light of these developments, we issued an Interim Order at this docket that was entered on March 4, 2005. We determined that additional comments on these particular topics would assist us in reaching a final determination on the use of VNXX arrangements in Pennsylvania. Accordingly, through the Interim Order, we requested input in the form of supplemental comments from interested parties regarding any possible implications that Act 183 may have on the issue of VNXX arrangements. Additionally, we sought input from interested parties on the potential impact of the recent action taken by the FCC in its pending intercarrier proceeding. The Interim Order was published on March 19, 2005 at 35 Pa.B. 1851.

The Pennsylvania Telephone Association (PTA), Verizon Pennsylvania Inc. and Verizon North (collectively Verizon), CTSI LLC (CTSI), Core Communications, Inc. (Core), the Office of Consumer Advocate, (OCA), and the Office of Small Business Advocate (OSBA) filed supplemental comments. This order addresses those comments and sets forth a final form policy statement on VNXX service.

Comments

PTA

The PTA filed supplemental comments on behalf of its members that are rural telephone companies serving areas adjacent to the ILECs where resale and UNE is occurring. In its supplemental comments, the PTA asserted that VNXX affects these small, rural companies by virtue of extended area service (EAS) routes that have been opened by the Commission between them and Verizon Pennsylvania, Verizon North and Sprint/United. The PTA explained that calls to the CLEC's customer appear to be "local" calls because the rate center associated with the NXX code by the CLEC is within the EAS calling plan of the adjacent ILEC. Nevertheless, the physical destination of the call may fall somewhere outside the listed rate center thus making the telephone call a long distance or toll call. The PTA argues that VNXX results in a complete lack of compensation for use of the network of the ILEC offering an EAS calling plan. Accordingly, the PTA characterizes VNXX as an "arbitrage device to avoid toll and switched access charges."

The PTA further asserts that under Act 183, Section 3017, 66 Pa.C.S. § 3017, governs the intercarrier compensation for telephone calls utilizing VNXX arrangements. The PTA states that the language of section 3017(b) clearly mandates that if a telephone call terminates outside of the local calling area of the calling party, access charges apply regardless of whether the rate center associated with the NXX code by the LEC is within the local calling area.

Additionally, the PTA notes that the Federal Communications Commission (FCC) currently has a pending proceeding in which it intends to set a regime that unifies compensation for all traffic types. The PTA suggests that since Act 183 clearly governs the compensation scheme for VNXX arrangements, the Commission should defer from taking any further action on VNXX until the FCC issues a decision in its pending intercarrier compensation proceeding.

⁸ See *In the Matter of Developing a Unified Intercarrier Compensation Regime*, Notice of Proposed Rulemaking, CC Docket No. 01-92, 16 FCC Rcd 9610 (2001).

⁵ See 47 C.F.R. § 52.7(c). There are 792 possible NXX codes in each NPA or area code.

⁶ A switch is usually housed in a telephone company's central office. Thus, a switch is commonly referred to as "central office switch."

⁷ A rate center is a telephone-company designated geographic area that generally defines the local calling area of a customer. Rate centers comprise a telephone company's entire service territory. A telephone company's service territory can consist of any number of individual rate centers.

Verizon

In its supplemental comments, Verizon asserts that VNXX is a substitute for toll-free calling services, such as 1-8XX service⁹ but is used as a scheme to avoid paying compensation to the underlying carriers whose networks are being used to haul the traffic. Verizon states that the ILEC provides transport for the VNXX call that resembles the transport provided for calls to 1-8XX numbers; however, the VNXX carrier does not compensate the ILEC for such transport because the VNXX carrier claims that the call is a "local" call. Verizon asserts that Act 183 requires that the geographic endpoints of a telephone call dictate the applicable intercarrier compensation. In particular, Verizon echoes PTA's argument that section 3017 now absolutely requires that access charges be paid by carriers for VNXX calls and that any carrier refusing to pay tariffed access charges on VNXX traffic is violating the law.

CTSI

CTSI's supplemental comment asserts that Act 183 does not appear to affect expressly the intercarrier compensation regime for VNXX calls. Nevertheless, CTSI asserts that the FCC's pending unified intercarrier compensation proceeding will have an impact on the compensation rules for VNXX calls. As a result, CTSI states that the Commission should maintain the status quo and refrain from issuing any further rulings, decisions, or orders on VNXX pending resolution of the FCC's intercarrier compensation proceeding.

Core

Core asserts that federal law exclusively governs the intercarrier compensation regime for all calls, including ISP-bound calls. Core asserts that it is unlawful for the Commission to use any provision of Act 183 to change the applicable intercarrier compensation for VNXX calls by disrupting the FCC's established manner of determining the jurisdictional classification of a call. Core states that the FCC acknowledged that it is standard industry practice for telecommunications carriers to determine the jurisdictional classification and proper rating of a call by comparing the relevant V & H¹⁰ coordinates of the originating and terminating NPA-NXX codes associated with the call. Core asserts that FCC precedent has clearly established that the physical destination of the call does not govern its jurisdictional classification or rating structure. Core further asserts that if the NPA-NXXs of the originating and terminating codes are within the same local calling area then the call is a local call and is subject to the reciprocal compensation regime set forth in section 251(b)(5) of the Telecommunications Act of 1996, 42 U.S.C. § 251(b)(5).

Additionally, Core states that the legislative history of Act 183 reveals that the Act should have no impact on the intercarrier compensation for VNXX arrangements. Furthermore, Core asserts that any effort by the Commission to create another category of traffic—a VNXX category—

⁹ Toll-free 8XX numbers as identified by the North American Numbering Plan Administrator, for example, 800, 888, 877, or 866, allow callers to reach businesses and/or individuals without being charged for the call. The charge for using a toll-free number is paid by the called party (the toll-free subscriber) instead of the calling party. Toll-free numbers can be dialed directly to your business or personal telephone line.

¹⁰ Each NXX code is associated with a switch within a rate center. Additionally, each rate center has a particular vertical and horizontal (V & H) coordinate or rating point. Accordingly, the NPA-NXX prefixes are based upon individual and specific V & H coordinates. This rating point (or V & H coordinate) is significant as it is the starting point for determining mileage when calculating the cost of the telephone call between two end-users. If the rating points of the two NXX codes (representing both the calling party and called party) have a zero distance (are the same) or are within the same local calling area then the telephone call is rated as local.

for intercarrier compensation purposes would disrupt the FCC's goal of creating a unified intercarrier compensation system.

OCA

The OCA asserts that it is unaware of any impact that Act 183 may have on the applicable intercarrier compensation regime for VNXX arrangements in Pennsylvania. In fact, the OCA states that none of the rate modifications possible under Act 183 have any particular relationship to the use of VNXX codes. Additionally, OCA acknowledges that the FCC's unified intercarrier compensation proceeding might have an impact on the use of virtual NXX codes and the applicable intercarrier compensation regime for virtual NXX arrangements in Pennsylvania. The OCA suggests that the Commission should wait until the FCC has entered its order in its proceeding before the Commission attempts to resolve the issue concerning VNXX arrangements.

OSBA

In its supplemental comments, the OSBA states that it has not been able to identify any impact that Act 183 or the FCC's intercarrier compensation proceeding might have on either the use of virtual NXX codes or on the intercarrier compensation regime used for virtual NXX arrangements in Pennsylvania.

Discussion

VNXX service allows a telephone company to assign a telephone number to a customer in a calling area where the customer has no physical presence. Essentially, the telephone number of that VNXX customer is associated with the particular local calling area. Therefore, a telephone call from a person residing in the local calling area to the VNXX customer is rated as a "local" call by the telephone company of the calling party even though the VNXX customer is located outside of the calling party's local calling area. We acknowledge that VNXX service is an attractive option for businesses that want to expand their marketing base to customers in surrounding areas without incurring the costs of building additional facilities in that distant market or having consumers incur long distance charges in attempting to call them. We also note, however, that the ILECs are opposed to the use of VNXX arrangements and have expressed various reasons why the Commission should prohibit VNXX arrangements in Pennsylvania.

In light of the diametrically opposed views regarding VNXX service, we focused on two main issues in our generic investigation: (1) the legality of VNXX service in Pennsylvania and (2) the appropriate intercarrier compensation for VNXX arrangements. Upon our review of the initial comments and the supplemental comments submitted by the parties in this generic investigation, the Commission determines that there is no state or federal law or regulation that requires us to take any steps to prohibit the use of VNXX service in Pennsylvania. We agree with those parties that stated in their supplemental comments that there are no provisions in Act 183 that impact the legality of VNXX arrangements in Pennsylvania. Moreover, we determine that there are no public policy considerations that warrant a prohibition against the use of VNXX arrangements by telecommunications providers in Pennsylvania. Accordingly, we decline to implement any regulatory or policy changes regarding the use of VNXX arrangements in Pennsylvania.

Nonetheless, the heart of the dispute concerning VNXX service has never truly been its legality, but rather, the applicable intercarrier compensation scheme for such

arrangements. The crux of the debate regarding what intercarrier compensation applies to VNXX arrangements is whether a VNXX call that passes between an ILEC network and a CLEC network should be rated as a local call (subject to reciprocal compensation charges) or a toll call (subject to access charges).

In their comments and supplemental comments submitted in this proceeding, the CLECs have continued to assert that the proper rating classification for telephone calls has always been based on a comparison of the NPA-NXX prefixes of the parties to the telephone call and that the geographical ending point of the telephone call does not govern the rating structure that applies to the call. We acknowledge that the current methods of identifying and rating all telephone calls, including telephone calls facilitated by VNXX arrangements, do not readily ascertain whether the traffic that originates at a local exchange calling area of an ILEC can be properly classified as anything other than local traffic.¹¹

We also note that the FCC is engaged in a comprehensive proceeding that holds the potential of fundamentally affecting intercarrier compensation arrangements. *In re Developing a Unified Intercarrier Compensation Regime*, (FCC Rel.: March 3, 2005), CC Docket No. 01-92, *Further Notice of Proposed Rulemaking*, FCC 05-33 (*Unified Intercarrier Compensation*). Based on the FCC's activities in its *Unified Intercarrier Compensation* proceeding and their potential impact on intrastate access charge reform that primarily relates to rural ILECs, this Commission has stayed its related investigation proceeding at Docket No. I-00040105. *Investigation Regarding Intrastate Access Charges and IntraLATA Toll Rates of Rural Carriers, and the Pennsylvania Universal Service Fund*, Docket No. I-00040105, Opinion and Order entered August 30, 2005. Likewise, in view of the FCC's pending proceeding, we believe that it is premature for this Commission to reach any conclusions at this time on issues of intercarrier compensation for traffic that moves over VNXX code arrangements.

Conclusion

Based upon the discussion above, we decline to take any steps at this time to prohibit the use of virtual NXX service in Pennsylvania. Additionally, since the FCC is currently considering to establish a unified intercarrier compensation regime for all telecommunications traffic that utilizes the public switched network, we will not make any conclusions at this time on the issue of intercarrier compensation for traffic that moves over VNXX arrangements; *Therefore*,

It Is Ordered That:

1. The use of VNXX code arrangements within Pennsylvania is lawful.
2. This Statement of Policy shall apply in any future adjudication involving the issue of virtual NXX arrangements until the Commission issues a definitive ruling on intercarrier compensation.
3. The record in this proceeding be marked closed.
4. The Secretary's Bureau serves a copy of this Statement of Policy upon all jurisdictional ILECs and CLECs.

¹¹ Furthermore, an additional degree of difficulty relates to the issue of classifying a telephone call as local when an ILEC and a CLEC have different local calling areas in the same geographic locale. The Commission is currently investigating intercarrier compensation issues "when the local calling area of the CLECs and the ILECs are different (i.e., the CLEC's local calling area is larger or smaller than the ILEC's local calling area)." *Generic Investigation in re: Impact On Local Carrier Compensation if A Competitive Local Exchange Carrier Defines Local Calling Areas Differently Than the Incumbent Local Exchange Carrier's Local Calling Areas but Consistent With Established Commission Precedent*, Docket No. I-00030096, Investigation Order, entered June 26, 2003, at 5.

5. A copy of this Statement of Policy be published in the *Pennsylvania Bulletin* and published on our website.

JAMES J. MCNULTY,
Secretary

Dissenting Statement of Commissioner Bill Shane

*Public Meeting September 9, 2005; SEP-2005-L-0075**

Generic Investigation Regarding Virtual NXX Codes; Doc. No. I-00020093

I agree with the Vice-Chairman that we should decline to take any steps to prohibit the use of virtual NXX service in the Commonwealth, however, I am of the opinion that Act 183 incorporates certain provisions that have established an intercarrier compensation scheme governing VNXX arrangements and that the Act clearly states that a Local Exchange Carrier must pay access charges whenever an ISP-bound call between its customers terminates in another local calling area even if the phone call is facilitated by a VNXX arrangement that has associated the VNXX customer's telephone number with the calling party's local calling area. This should be our policy and should be applied in any future adjudication involving the issue of virtual NXX arrangements unless and until the FCC issues an order in its unified intercarrier proceeding that preempts us from establishing an intercarrier compensation regime for all ISP-bound calls. For this reason, I cannot support the Vice-Chairman's Motion.

[Pa.B. Doc. No. 05-2006. Filed for public inspection October 28, 2005, 9:00 a.m.]

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by November 21, 2005. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

Applications of the following for approval to *begin operating as common carriers for transportation of persons as described under each application.*

A-00122178. Ronald Swope, Jr. (135 Hemlock Road, DuBois, Clearfield County, PA 15801)—persons in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in the Counties of Clearfield and Jefferson, to points in Pennsylvania, and return.

A-00122169. J. Sagan Amish Shuttle Service, LLC (23742 Sterling Road, Cambridge Springs, Crawford County, PA 16403)—persons in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from the County of Crawford to points in Pennsylvania, and return.

A-00122172. Carol Ann Butt (1575 Hunsecker Road, Bird in Hand, Lancaster County, PA 17505)—persons in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in the County of Lancaster, to points in Pennsylvania, and return.

A-00122138. David Wayne Zellman (289 Franklin Road, Mercer, Mercer County, PA 16137)—persons in paratransit service, from points in the Counties of Mercer, Crawford and Lawrence, to points in Pennsylvania and return.

A-00121571 (Corrected). Cloyd B. Colyer, Jr. t/a C. B. Colyer Transportation (R. R. 2, Box 2030, McAlisterville, Fayette Township, Juniata County, PA 17049)—persons in paratransit service, between points in the County of Juniata and from points in said to points in Pennsylvania and return.

Application of the following for amendment to the certificate of public convenience approving the operation of motor vehicles as common carriers for transportation of persons as described under the application.

A-00096669, Folder 3, Am-B. Country Trails Bus Co., Inc. (139 Bauer Road, Clarion, Clarion County, PA 16214), a corporation of the Commonwealth—which grants the right, inter alia, to transport, by motor vehicle, persons and packages not exceeding 75 pounds in weight, on schedule, between the Borough of Brookville, Jefferson County, and the City of Pittsburgh, Allegheny County, over the following route: Beginning in the Borough of Brookville, Jefferson County, thence by way of various Borough streets to I-80 (Exit 13), thence west by way of I-80 to Exit 10, thence northwest by way of unnumbered highway route to the Borough of Clarion, Clarion County, thence southeast by way of the same unnumbered highway route to its intersection with SR 66, thence south by way of SR 66 to the Borough of New Bethlehem, Clarion County, thence southwest by way of SR 66 becoming SR 28 to its termination in the City of Pittsburgh, Allegheny County. Thence return by way of the same routes to the place of its beginning: provided that no service shall be rendered between the intersection of Pa. Legislative Route 03116 and SR 28, at or near the Village of Distant, in Mahoning Township, Armstrong County, and the City of Pittsburgh, and vice versa: *So As To Permit* the transportation of persons on schedule beginning and ending in the Borough of Clarion, Clarion County, over the following routes: Beginning in the Borough of Clarion, Clarion County, thence southward on Pa. Traffic Route 68 to the Village of Williamsburg, Clarion County, thence continuing southward on Pa. Traffic Route 68 to the Village of Reidsburg, Clarion County, thence southwest on Pa. Traffic Route 68 to the Borough of Sligo, Clarion County, thence southeast on Pa. Traffic Route 68 to the Borough of Rimersburg, Clarion County, thence southeast on Pa. Traffic Route 861 to its intersection with Pa. Traffic Route 28, thence southwest on Pa. Traffic Route 28 to the Borough of South Bethlehem, Armstrong County, thence northwest on Pa. Traffic Route 28 to the Borough of New Bethlehem, Clarion County, thence continuing northwest on Pa. Traffic Route 28 to the Village of Mayport, Clarion County, thence northeast on Pa. Traffic Route 28 to the Borough of Summerville, Jefferson County, thence northwest on Legislative Route 33006 to the Village of Corsica, Jefferson County, thence northwest on US 322 to the Borough of Strattanville, Clarion County, thence continuing northwest on US 322 to the Borough of Clarion, Clarion County. *Attorney:* William A. Gray, 2310 Grant Building, Pittsburgh, PA 15219-2383.

Application of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of household goods as described under the application.

A-00122171. George B. Holman & Co., Inc. t/d/b/a Holman Moving Systems (P. O. Box 3043, Wilmington, DE 19804), a corporation of the State of New Jersey—household goods in use: (1) from points in the County of Berks, to points in Pennsylvania, and vice versa, provided that the transportation is at the request of the householder and as an incident of a move by the householder from one domicile to another; and (2) between points in the City of Lancaster, Lancaster County, and within 18 miles by the usually traveled highways of the limits of said city, and from points in said city and territory to other points in Pennsylvania, and vice versa; which is to be a transfer of all the rights authorized under the certificate issued at A-00066766, F. 2, Am-A and Am-B to Worldwide Transportation Experts, Inc. t/d/b/a Fritz Moving Company, Inc., subject to the same limitations and conditions. *Attorney:* James P. Melia, 17 North Second Street, 18th Floor, Harrisburg, PA 17101-1507.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 05-2007. Filed for public inspection October 28, 2005, 9:00 a.m.]

Telecommunications

A-311149F7006. Denver & Ephrata Telephone and Telegraph, Buffalo Valley Telephone Company and Conestoga Telephone and Telegraph and NPCR, Inc. Joint petition of Denver & Ephrata Telephone and Telegraph, Buffalo Valley Telephone Company and Conestoga Telephone and Telegraph and NPCR, Inc. for approval of amendment no. 1 to the interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Denver & Ephrata Telephone and Telegraph, Buffalo Valley Telephone Company and Conestoga Telephone and Telegraph and NPCR, Inc., by its counsel, filed on October 17, 2005, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of amendment no. 1 to the interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Denver & Ephrata Telephone and Telegraph, Buffalo Valley Telephone Company and Conestoga Telephone and Telegraph and NPCR, Inc. joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 05-2008. Filed for public inspection October 28, 2005, 9:00 a.m.]

Telecommunications

A-310651F0002AMA; A-310651F0002AMB; A-310651F0002AMC; A-310651F0002AMD; A-310651F0002AME; A-310651F0002AMF; A-310651F0002AMG. Service Electric Telephone Company, LLC. Application of Service Electric Telephone Company, LLC for approval to expand its facilities-based competitive local exchange carrier service area to include the remaining service territory of Commonwealth Telephone Company and the service territories of Buffalo Valley Telephone Company, Conestoga Telephone and Telegraph Company, Denver and Ephrata Telephone and Telegraph Company, Frontier Communications of Pennsylvania, Inc., Frontier Communications of Lakewood, Inc. and TDS Telecom/Mahanoy and Mahantango Telephone Company.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utili-

ties). Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before November 14, 2005. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

Applicant: Service Electric Telephone Company, LLC

Through and By Counsel: James H. Lister, Esquire, McGuireWoods, LLP, Suite 1800, 1750 Tysons Boulevard, McLean, VA 22102

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 05-2009. Filed for public inspection October 28, 2005, 9:00 a.m.]

STATE CONTRACTS INFORMATION

DEPARTMENT OF GENERAL SERVICES

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". The penalties apply to invoices for goods or services when payments are not made by the required payment date or within a 15 day grace period thereafter.


Act 1984-196 redefined a "qualified small business concern" as any independently owned and operated, for-profit business concern employing 100 or fewer employees. See 4 Pa. Code § 2.32. The business must include the following statement on every invoice submitted to the Commonwealth: "(name of business) is a qualified small business concern as defined in 4 Pa. Code 2.32."

A business is eligible for payments when the required payment is the latest of:
 The payment date specified in the contract.
 30 days after the later of the receipt of a proper invoice or receipt of goods or services.
 The net payment date stated on the business' invoice.

A 15-day grace period after the required payment date is provided to the Commonwealth by the Act.

For more information: contact: Small Business Resource Center
 PA Department of Community and Economic Development
 374 Forum Building
 Harrisburg, PA 17120
 800-280-3801 or (717) 783-5700

Reader's Guide



① Service Code Identification Number

② Commodity/Supply or Contract Identification No.

B-54137. Consultant to provide three 2-day training sessions, covering the principles, concepts, and techniques of performance appraisal and standard setting with emphasis on performance and accountability, with a knowledge of State Government constraints.

Department:	General Services		③ Contract Information
Location:	Harrisburg, Pa.		
Duration:	12/1/93-12/30/93		
Contact:	Procurement Division		④ Department
	787-0000		

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.

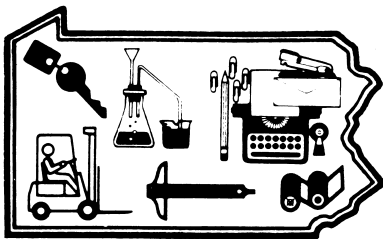
(For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

DO BUSINESS WITH STATE AGENCIES

The Treasury Department's Bureau of Contracts and Public Records can help you do business with state government agencies. The bureau is, by law, the central repository for all state contracts over \$5,000. Contract Specialists can supply you with descriptions of contracts, names of previous bidders, pricing breakdowns and other information. They can also direct you to the appropriate person and agency looking for your product or service. Copies of state contracts are also available. (Duplicating and mailing costs may apply). For more information, visit us online at www.patreaury.org.

Contact: **Bureau of Contracts and Public Records**
 Pennsylvania Treasury Department
 201 Finance Building
 Harrisburg, PA 17120
 Phone: (717) 787-2990 or 1-800-252-4700
 Fax: (717) 772-0977

ROBERT P. CASEY, Jr.,
State Treasurer



Commodities

CN00017124 Fuel Oil, Heating #4. BID OPENING DATE: 10/27/05 @ 1:30 PM.

Department: Public Welfare
Location: Norristown State Hospital, Norristown, PA
Duration: Date of Award - 04/30/06
Contact: Jack Banks, 717-787-6586

CN00017194 Bag, Blue, Columbia, Plastic Tubular 33" W. BID OPENING DATE: 11/01/05 @ 1:30 PM.

Department: Corrections
Location: Graterford, PA
Duration: FY 2005-06
Contact: Sandra Verbos, 717-346-8188

CN00017150 Lumber. BID OPENING DATE: 11/03/05 @ 1:30 PM.

Department: Game Commission
Location: Howard Nursery, Howard, PA
Duration: FY 2005-06
Contact: Karen Gera, (717) 346-8175

CN00017146 (2310-06 Supp #1) Truck Tractors and/or Trailers. BID OPENING DATE: 11/01/05 @ 1:30 PM.

Department: General Services
Location: Various, PA
Duration: Date of Award - 01/31/06
Contact: Robert Isenberg, 717-703-2390

CN00017183 Security Fencing. BID OPENING DATE: 10/28/05 @ 1:30 PM.

Department: Corrections
Location: SCI Mahanoy Warehouse, Frackville, PA
Duration: FY 2005-06
Contact: Mark Robinson, 717-787-7417

CN00017211 Truck, Tow Body. BID OPENING DATE: 11/03/05 @ 1:30 PM.

Department: Transportation
Location: Harrisburg, PA
Duration: FY 2005-06
Contact: Robert Isenberg, 717-703-2930

CN00017136 (6675-01) Drafting Equipment and Supplies. BID OPENING DATE: 11/01/05 @ 1:30 PM.

Department: General Services
Location: Various, PA
Duration: Date of Award - 11/15/07
Contact: Karen Rhinehart, 717-346-8177

CN00017110 Exchanger, Heat, C Tube. BID OPENING DATE: 10/27/05 @ 1:30 PM.

Department: Public Welfare
Location: Clarks Summit State Hospital
Duration: FY 2005-06
Contact: David LeMon, 717-783-0765

CN00016075 (1105-05) Body Armor. BID OPENING DATE: 11/02/05 @ 1:30 PM.

Department: General Services
Location: Various, PA
Duration: Date of Award - 11/14/06
Contact: Karen Gera, 717-783-0765

CN00017169 Film, Shrink Wrap, Polyethylene, Single. BID OPENING DATE: 11/02/05 @ 1:30 PM.

Department: Liquor Control Board
Location: Taylor, PA
Duration: FY 2005-06
Contact: Sandra Verbos, 717-346-8188

CN00016034 Asphalt Storage Tank. BID OPENING DATE: 11/04/05 @ 1:30 PM.

Department: Transportation
Location: Harrisburg, PA
Duration: FY 2005-06
Contact: Richard Woodworth, 717-787-4101

CN00017167 Ink, Red, IBM 1402862. BID OPENING DATE: 10/27/05 @ 1:30 PM.

Department: Transportation
Location: Harrisburg, PA
Duration: FY 2005-06
Contact: Pamela Gabriel, 717-346-3822

CN00015339 Vacuum Tracker, Self-Contained. BID OPENING DATE: 11/04/05 @ 1:30 PM.

Department: Transportation
Location: Harrisburg, PA
Duration: 1 year
Contact: Richard Woodworth, 717-787-4103

CN00016679 Rubber, Synthetic. BID OPENING DATE: 10/25/05 @ 1:30 PM.

Department: Corrections
Location: Graterford, PA
Duration: FY 2005-06
Contact: Ann Kimmel, 717-783-0764

CN00016710 Resident Beds. BID OPENING DATE: 11/04/05 @ 1:30 PM.

Department: Military Affairs
Location: Southeastern Veterans Center, Spring City, PA
Duration: FY 2005-06
Contact: Mark Robinson, 717-787-7417

CN00017228 Rock Salt, Ice Control, 80 Lb Bag. BID OPENING DATE: 11/08/05 @ 1:30 PM.

Department: General Services
Location: Harrisburg, PA
Duration: FY 2005-06
Contact: Sandra Verbos, 717-346-8188

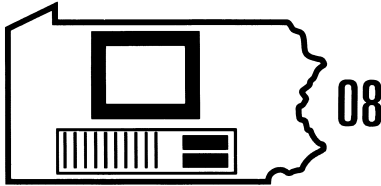
CN00017191 (9985-19) Business Information Reporting Services. BID OPENING DATE: 11/01/05 @ 1:30 PM.

Department: General Services
Location: Various, PA
Duration: Date of Award - 12/31/06
Contact: Georgina Baltimore, 717-783-5368

CN00017213 Truck for Pesticide Container Recycling Program. BID OPENING DATE: 11/03/05 @ 1:30 PM.

Department: General Services
Location: Harrisburg, PA
Duration: FY 2005-06
Contact: Alfonzo Robinson, 717-346-8181

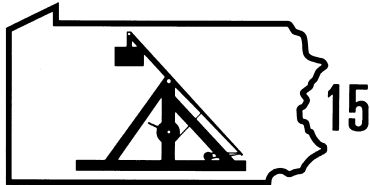
SERVICES



Computer Related Services

CN00015908 This Request for Proposals (RFP) provides interested Solution Providers with information to enable them to prepare and submit proposals for consideration by the Commonwealth of Pennsylvania (Commonwealth of PA, Commonwealth, PA, CW) to meet the need for an integrated Offender Management System (OMS). RFP Website: <http://www.oit.state.pa.us/oms/site/default.asp>.

Department: Office of Administration/Executive Offices
Location: Office of Administration, Office for Information Technology, 5 Technology Park, Harrisburg State Hospital Grounds, Harrisburg, PA 17110
Duration: 5 years
Contact: Marcia Rossi, (717) 214-7189



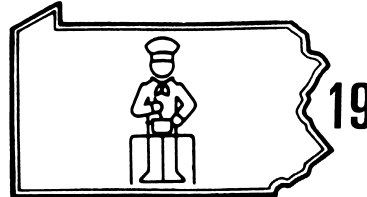
Environmental Maintenance Service

OSM 13(3216)101.1 Abandoned Mine Reclamation, Spring Mountain. The principal items of work and approximate quantities include 141,420 cubic yards of Grading, 300 linear feet of 24" Corrugated Perforated Polyethylene Pipe, 785 cubic yards of Rock, and 13.5 acres of Seeding. This project issues on October 28, 2005 and bids will be opened on November 22, 2005. Bid documents cost \$10.00 per set and will not be mailed until payment has been received. Federal funds have been made available for this project from the \$26,051,154 million for Pennsylvania's 2004 AML Grant.

Department: Environmental Protection
Location: Packer Township, Carbon County
Duration: 250 calendar days after the official starting date.
Contact: Construction Contracts Section, 717-787-7820

BOGM 05-1 - UPDATE TO PREVIOUS THIS PROJECT WAS PREVIOUSLY ADVERTISED ON OCTOBER 15, 2005. PLEASE NOTE THE NEW BID ISSUE AND OPENING DATES! Cleaning Out and Plugging Four (4) Abandoned Gas Wells. (Mr. John J. Juliano, Mr. Michael Karpiak, Ms. Ora Wakley, Mr. Ted Wilcox and Mr. Harold Courtney Properties). The principal items of work include cleaning out and plugging four (4) abandoned gas wells, estimated to be between 1,000-5,548 feet in depth, to Department specifications, preparing and restoring well sites and mobilizing and demobilizing plugging equipment. This project issues on October 28, 2005 and bids will be opened on November 22, 2005 at 2:00 p.m. Bid documents cost \$10.00 per set and will not be mailed until payment has been received. A pre-bid conference has been planned for this project, but a date has not been set. Please use the contact information contained in this advertisement to find out more about the pre-bid.

Department: Environmental Protection
Location: Richmond, Middlebury and Farmington Townships, Tioga County
Duration: 90 calendar days after the official starting date.
Contact: Construction Contracts Section, 717-787-7820



Food

CN00017238 Contractor to supply fresh bakery products which may include: white bread, multi-grain bread, Italian bread, hamburger/frankfurter rolls, assorted doughnuts, hoagie/sub rolls, etc. as required by the food service department at SCI-Laurel Highlands. Telephone orders will be called in by the food service manager three (3) times per week as required. The items are to be delivered on a predetermined delivery schedule. Interested vendors should contact the individual listed below for a bid package.

Department: Corrections
Location: State Correctional Institution at Laurel Highlands, 5706 Glades Pike, P. O. Box 631, Somerset, PA 15501-0631
Duration: January 1, 2006 through June 30, 2006
Contact: Connie Crowley, PA I, (814) 445-6501, 1366

HUN1105-0606 FROZEN/CHILLED MEATS; Turkey roasts, Beef Liver, Beef/Poultry Franks, Chicken Quarters, Chicken Breast Meat; Turkey Polish Sausage, Grilled Beef Steak, Turkeys, Bolognas, Meatballs, Steaks, Ham, Beef Cubes, Kielbasa, Beef/Soy Patty, etc.

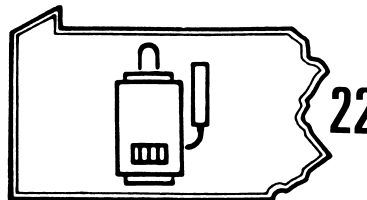
Department: Corrections
Location: SCI-Huntingdon/Smithfield, 1100 Pike Street, Huntingdon, PA 16654
Duration: November 01, 2005 - June 30, 2006
Contact: Susan Barben, PA I, 814-643-2400, 305

CN00017257 Bread and Bread Products for Warren State Hospital for 01/01/2006 -06/30/2006.

Department: Public Welfare
Location: Warren State Hospital, 33 Main Dr., N. Warren, PA 16365-5099
Duration: 01/01/2006 - 06/30/2006
Contact: Ms. Bobbie Muntz, PA III, 814-726-4496

FS-27 Breads, Fresh Baked to include but not limited to the following types of fresh baked bread products: Loaves-White and Whole Wheat, square top, sliced with 28 usable slices; Rolls - Hoagie, Steak; Buns - Hamburger and Hot dog. Bids to be monthly with daily deliveries. Quantities to vary. Vendors must be registered and possess an SAP vendor number to be eligible to receive a bid package.

Department: Corrections
Location: State Correctional Institution at Rockview, Box A, Rt. 26, Bellefonte, Pa 16823
Duration: 10-11-05 thru 6-30-06
Contact: Diane Baney, PA 2, 814-355-4874, ext. 206



HVAC Services

CN 00017137 This is for Plumbing repairs and or service at Rest Area Site F in Antrim Township, Franklin County Inter State 81 North bound.

Department: Transportation
Location: Franklin County Rest Area Site G I-81 Northbound
Duration: 1 year contract with the mutual consent of both parties for a total of four such renewals
Contact: Tim Crider, 717-787-6408

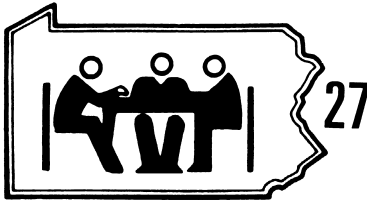


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Laboratory Services

CN00017233 Preparation of petrographic thin sections of various rock types. Services shall include sawing, impregnating with resin, mounting and grinding of rock to correct thickness to produce thin sections for optical analysis. Bid Opening Date/Time: November 8, 2005, 2:00 p.m.

Department: Conservation and Natural Resources
Location: Bureau of Topographic & Geologic Survey, 3240 Schoolhouse Road, Middletown, PA 17057
Duration: Commence upon execution and receipt of purchase order and terminates June 30, 2006. Parties may agree to renew for up to two (2) additional consecutive annual terms, with the final termination date of June 30, 2008.
Contact: Nancy Weibley, 717-783-4884

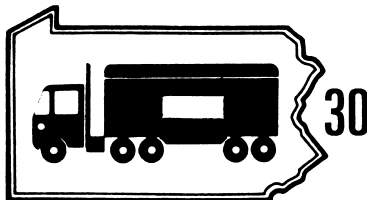


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Lodging/Meeting Facilities

CN00017156 Hotel Rooms, Breakfast and Dinner. Hotel needs to be within a 10 mile radius of National Guard Armory, 1501 Allen St, Allentown PA 18102, estimated 25 guests, arrival date 13 Nov 05, departure 15 Nov 05, 2 nights, bid opening date: Thursday 20 Oct 05, 2 pm (sealed bids only).

Department: Military Affairs
Location: Northeast Counterdrug Training Center, Ft. Indiantown Gap, An-nville PA
Duration: 13-15 Nov 05
Contact: Regine Hensel, 717 861 8455

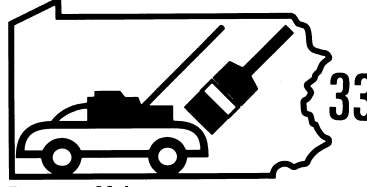


30

Moving Services

Mowing. PennDOT, Butler County Dist. 1020, is soliciting the service of individuals, firms and corporations to provide roadside mowing services to state routes in the specific state routes of the mowing specifications. All contractor must be register online @ www.vendorregistion.state.pa.us, to do business with the Commonwealth of Pa. before bid package can be mail out to the vendors. Please fax or e-mail your company name and address, phone number/fax number to 724-283-3571, or my e-mail address is askunda@state.pa.us.

Department: Transportation
Location: Within Butler County Dist. 1020, in according of the specifications.
Duration: Two (2) contract, by mutural consent of both parties. This is renewable for a one (1) peroid
Contact: Andy Skunda, 724-284-8226



33

Property Maintenance

30096515 Overlay 20 LF of open seam draw target patch with 6" PS flashing. Overlay 250 LF of deteriorated edge flashings with 9" PS flashing. Repair torn pipe flashing on the built up section. For a copy of the bid package, please fax your request to 717-861-2932 or e-mail to the address below. Bid opening will be Wednesday, November 9, 2005 at 2:00 p.m.

Department: Military Affairs
Location: Field Maintenance Shop #13, 324 Enerson St., Pittsburgh PA 15206-4298
Duration: DOA - December 30, 2005
Contact: Brenda Lower, 717-861-2118

30096458 Overlay 215 LF of field seams with 6" PS flashing. Overlay 6 holes in the membrane with cured epoxy membrane. Overlay 72 LF of battan cover flashing. Rescure 2 sections of edge metal. For a copy of the bid package, please fax your request to 717-861-2932 or e-mail to the address below. Bid opening will be Wednesday, November 9, 2005 at 2:00 p.m.

Department: Military Affairs
Location: PA National Guard Armory, E 2nd and State Sts., Oil City, PA 16301-2356
Duration: DOA - December 30, 2005
Contact: Brenda Lower, 717-861-2118

30096516 Apply urethane caulking to the 4 heat stacks collars to prevent leakage from occurring. Overlay the broken edge flashing with 164 LF of 9" PS flashing. Remove the vegetation from the ballasted roofs. For a copy of the bid package, please fax your request to 717-861-2932 or e-mail to the address below. Bid opening will be Wednesday, November 9, 2005 at 2:00 PM.

Department: Military Affairs
Location: Field Maintenance Shop #9A, 250 Kriess Road, Butler, PA 16001-8707
Duration: DOA - December 30, 2005
Contact: Brenda Lower, 717-861-2118

30096513 Overlay the 6 tears in the wall flashing with 9" PS flashing. Overlay the 95 LF of torn battan cover flashing with 9" PS flashing. Remove the 6 nail from the wall and overlay the holes with 9" PS flashing. Overlay 1 torn corner with a PS corner flashing. Resecure and seal 29 gutter joints, end caps and drop tubes. Overlay 2 LF of open wall flashing seam with 6" PS flashing. Remove the broken glass from the roof and check the area for hole - there is a leak by this area. If hole is found, repair with 9" PS flashing. For a copy of the bid package, please fax your request to 717-861-2932 or e-mail to the address below. Bid opening will be Wednesday, November 9, 2005 at 2:00 PM.

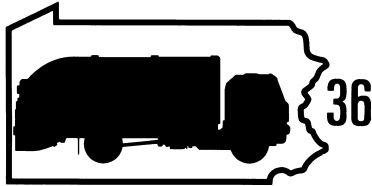
Department: Military Affairs
Location: PA National Guard Armory, 250 Kriess Road, Butler, PA 16001-8707
Duration: DOA - December 30, 2005
Contact: Brenda Lower, 717-861-2118

30096514 Resecure 40 LF of loose termination bar on the outside of the wall. Overlay the flanges on all of the 9 vent pipes bent flashings. Resecure all the loose ends of the battan bar and overlay the 62 LF of wall angle change with 9" PS flashing. Overlay 4 holes in the membrane with cured epoxy. Resecure and seal 16 LF of pulled termination bar in 4 areas. For a copy of the bid package, please fax your request to 717-861-2932 or e-mail to the address below. Bid opening will be Wednesday, November 9, 2005 at 2:00 PM.

Department: Military Affairs
Location: PA National Guard Armory, 324 Emerson St. Pittsburgh, PA 15206-4298
Duration: DOA - December 30, 2005
Contact: Brenda Lower, 717-861-2118

CN00017262 "On Call" Overhead Door Repairs.

Department: Military Affairs
Location: Various Buildings at Fort Indiantown Gap
Duration: DOA thru 30 September 2008
Contact: Glenda Nagle, 717-861-2116



Sanitation

CN00017164 This work will consist of garbage removal from I-80 Roadside Rest Area (East Bound and West Bound), Buckhorn Stocking Area, and Lime Ridge Stocking Area. All locations are located in Columbia County, PA. Contractors to supply containers. Interested Contractors should be registered with the Commonwealth of Pennsylvania Vendor Program prior to receiving a Request For Quote. To register and obtain a PA Vendor Number log onto www.vendorregistration.state.pa.us. Bid package may be obtained by faxing request to Susan A. Hunsinger at 570-387-4254. Request must contain company name, address, phone/fax number, PA vendor number, and name of a contact person. Bid opening date: November 10, 2005 at 2:00 PM.

Department: Transportation
Location: I-80 Roadside Rest Area (East Bound and West Bound), Buckhorn Stocking Area, Lime Ridge Stocking Area
Duration: 12 months with a renewal option of four one-year renewal periods.
Contact: Susan A. Hunsinger, 570-387-4250 x230

CN00017210 Refuse/trash removal at the Pa. Department Of Transportation, District 4-6 maintenance facility, located in Wayne County, PA, 984 Texas Palmyra Highway, Honesdale, Pa. 18431.

Department: Transportation
Location: SR 0006, 3 miles East of Honesdale, Wayne County.
Duration: 3 years.
Contact: James Griggs, 570-253-0602 ext. 215

CN00017143 Services to provide containers, solid waste collection and disposal at Chapman State Park, RR2, Box 1610, Clarendon, Pennsylvania. Bid Opening Date/Time: November 8, 2005, 2:00 p.m.

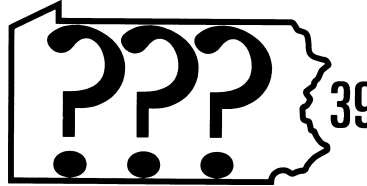
Department: Conservation and Natural Resources
Location: Chapman State Park, RR2, Box 1610, Clarendon, PA 16313
Duration: Commence upon execution & receipt of purchase order or January 1, 2006, whichever is later, and terminates December 31, 2008. Parties may agree to renew the contract for an add'l 2 year term, with final termination date of December 31, 2010.
Contact: Nancy Weibley, 717-783-4884

CN00017186 The Department of Environmental Protection, Bureau of Land Recycling and Waste Management requires a contractor to provide for the removal, transportation and disposal of large earthwork and passenger, light truck and truck tires to a waste tire recycling facility. The waste tires are located in Salem Township and East Lackawannock Township, Mercer County; Taylor Township, Lawrence County; and Summit Township, Butler County.

Department: Environmental Protection
Location: Mercer, Lawrence and Butler Counties
Duration: Through 12/31/06, with option to renew.
Contact: Sherry Morrow, 717-772-1216

CN00017187 This service is to provide refuse and trash removal service at various locations for the Department of Transportation's maintenance facilities in Beaver County.

Department: Transportation
Location: Department of Transportation, Maintenance District 11-2, P. O. Box 310, Rochester, PA 15074
Duration: This contract will be for a period of two years from the effective date. The contract will be renewable by mutual consent for three additional one-year periods.
Contact: Ed Doyle, (724) 774-6610



Miscellaneous

CN00017206 Records storage, retrieval, and shredding for PennDOT Engineering District 2 building. Retrieval time of records shall not exceed 24 hours from PennDOT retrieval request to delivery at PennDOT Engineering District 2 building. To request a bid package email to jamiel@state.pa.us or fax to attention of Janis Miele at 814-765-0424 your company name, address, contact person, phone, fax, and e-mail address.

Department: Transportation
Location: 1924 Daisy Street Extension, (Corner of Route 322 and Leonard Street), Clearfield, PA 16830
Duration: Approximately one year with possible option of one year renewal
Contact: Janis Miele, 814-765-0404

25-288-5014 The Department of Community and Economic Development is seeking a consultant to provide the department with technical assistance and training to recipients and prospective recipients of Main Street and Elm Street funds and to assist the Department in the selection, designation and administration of the programs, as requested.

Department: Community and Economic Development
Location: Statewide
Duration: Five years.
Contact: Irina Khachaturova, 717-720-1435

RFA 04-07-15 You are invited to submit an application in response to the enclosed Request for Applications for Centers of Excellence for Research on Obesity RFA 04-07-15.

Department: Health
Location: Bureau of Administrative and Financial Services Room 824, Health and Welfare Building Commonwealth Avenue and Forster Street Harrisburg, Pennsylvania 17120
Contact: Terri Matio

CN00017222 Propane gas, bulk, delivery Location: Ft. Mifflin, Philadelphia, PA 19153. 3-year contract, approx usage per year = 10,000 gal, vendor to provide 3 ea 500-gal tanks, 2 ea 1000-gal tank, bid to be based on base price with monthly Mont Belvieu changes, sealed bid, bid opening date: 26 October 05, 2:00 PM.

Department: Military Affairs
Location: Ft Mifflin
Duration: Nov 05 through 30 Sep 08
Contact: Regine Hensel, 717-861-8455

FRS-006 The State Correctional Institution at Forest, Marienville, PA will be soliciting bids to provide Muslim services for the population at SCI Forest. The hours are not to exceed thirty (30) hours per week starting approximately November 1, 2005 and ending approximately October 31, 2008.

Department: Corrections
Location: State Correctional Institution - Forest, 1 Woodland Drive, Marienville, PA 16239
Duration: November 1, 2005 to October 31, 2008
Contact: Arleen Mycka, 814-621-2110 x 1110

2005-1 Audit of financial records to include conducting annual financial audit and issuance of an opinion on the financial statements of the Pennsylvania Municipal Retirement System and to conduct an examination of internal controls in accordance with the American Institute of Certified Public Accountants, Statement on Auditing Standards. RFP #2005-1 is available in pdf format and can be accessed and downloaded from our web site: www.pmsr.state.pa.us.

Department: State Municipal Retirement System
Location: 1010 N. 7th Street, Eastgate Center, Suite 301, Harrisburg, PA 17102
Duration: 5 years
Contact: Reynold Witmer, 717-787-2065

CN00017256 This is a Herbicide Spraying Contract for Perry County, of non-selective and selective applications. Bid opening will be October 31, 2005 at 9:00 a.m. at the Perry County PennDOT Office located at 421 West Main Street New Bloomfield, PA 17068.

Department: Transportation
Location: 421 West Main Street PO Box 399, New Bloomfield, PA 17068
Duration: One year contract with the option of 1 one year renewal
Contact: Jerry Gibboney, 717-582-2191 Ext 314

RFP 21-05 The Office of Mental Health and Substance Abuse Services, Bureau of Hospital Operations is seeking proposals for External Advocacy Services at all Department operated mental health hospitals and at all Department youth development centers. Prospective vendors must register with the Integrated Enterprise System (IES) at www.vendorregistration.state.pa.us. Proposals must be received no later than November 15, 2005 at 2:00 p.m. Please check back often to this site. Updates will be posted as they occur.

Department: Public Welfare
Location: Statewide
Duration: From the effective date through June 30, 2009 with one, 1 year renewal option.
Contact: Gloria Wilbur, 717-214-7529

CN00017192 Vendor to supply Merit 75WSP insecticide, 1.6oz/pkt, 88 pkt/drum. Interested vendors must be registered with the Commonwealth and have a registered vendor number. To register and obtain number, call 1-866-775-2868. BID OPENING: October 25, 2005, 2 pm.

Department: Conservation and Natural Resources
Location: To be delivered to: DCNR Forest District 3, RR 1, Box 486, Blain, PA, 17006-9434
Duration: One time purchase
Contact: Naomi Rudisill, 717-783-0749

CN00017089 546 Total Gould & Goodrich (G & G) Sam/Sally Browne Belts, 2-1/4" wide, plain black leather, fully lined, with removable nickel buckle; 522 Each G & G Model No. B59-FL/CBK Sam Browne belts and 24 Each G & G Model No. B59-FL/CBL Sally Browne right-/left-hand belts. Sizes and quantities per size provided in bid proposal.

Department: State Police
Location: Pennsylvania State Police, Clothing Warehouse, 101-A South 38th Street, Harrisburg, PA 17111
Duration: Bid proposals will be mailed beginning 10/13/05. Bid opening is slated for 11/08/05 at 1:00 PM; therefore, no requests for bid proposals will be honored after 4:00 PM on 11/03/05.
Contact: Angela B. Anderson, 717-705-5927

CN00017006 Vendor to supply wooden cedar snow fence untreated - wooden slates: 1 1/2" wide x 48" long, 5 wire; roll: 4' wide x 50' long for delivery to Penn Nursery. Interested vendors must be registered with the Commonwealth and have a registered vendor number. To register and obtain number, call 1-866-775-2868. Bid Opening: October 27, 2005, 2 pm.

Department: Conservation and Natural Resources
Location: To be delivered to: DCNR Penn Nursery, 137 Penn Nursery Road, Spring Mills, PA 16875-9621.
Duration: One time purchase
Contact: Naomi Rudisill, 717-783-0749

Bin Wrap Bid-SD Logo Bin Wrap-30" high x 16' wide w/ SIMPLY DELICIOUS logo; logo to be provided by agency; bid to include all setup and delivery charges.

Department: Agriculture
Location: 2301 North Cameron Street, Harrisburg, PA 17110
Duration: Bid Opening date November 7, 2005 at 2:15 PM.
Contact: Sheila Strubhar, 717-787-1467

8426 Econo-Cord Flame Resistant Bedspreads by Tuf Tex. Catalog # X3HECONO-76 (American Healthcare) Institutional Size 76" x 110". Bedspread is colorfast, stain resistant, 100% polyester w/the feel of cotton. Less than 3% shrinkage. Resists tough stains such as grease and blood. Won't rip or tear (even if intentionally wet. Various Colors.

Department: Public Welfare
Location: Ebensburg Center, PO Box 600, Ebensburg, PA 15931
Contact: Marilyn Cartwright, Purchasing Agent, 814-472-0259

[Pa.B. Doc. No. 05-2010. Filed for public inspection October 28, 2005, 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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JAMES P. CREEDON,
Secretary