

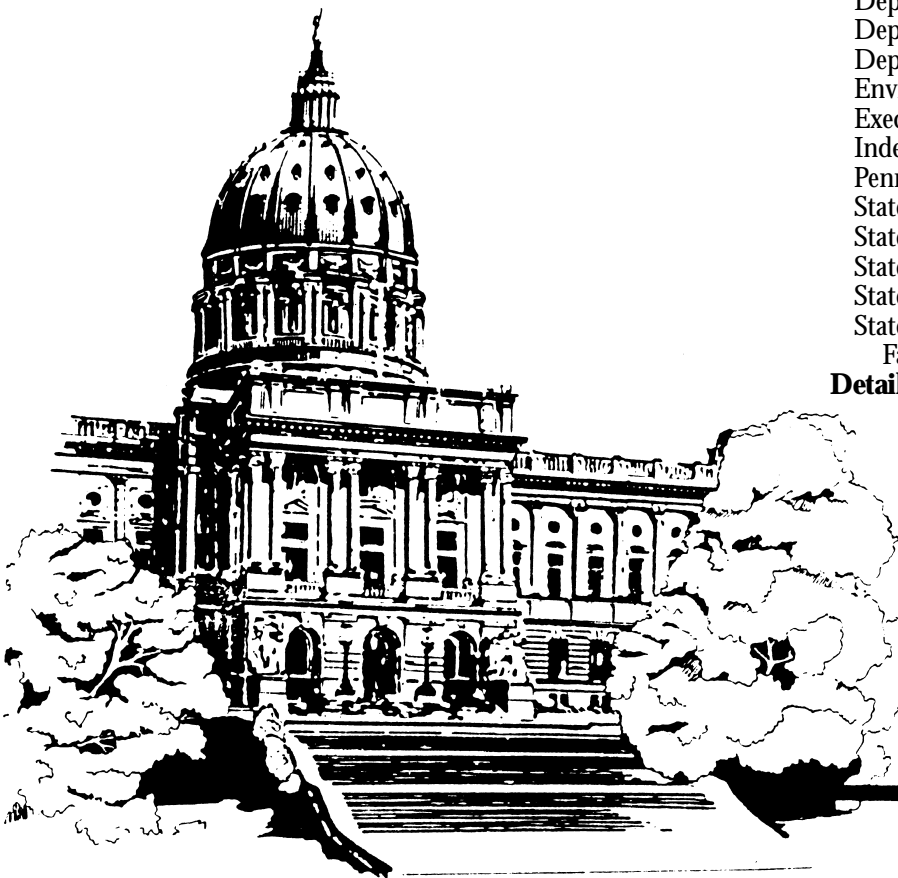
# PENNSYLVANIA BULLETIN

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**Agencies in this issue:**

The General Assembly  
The Courts  
Department of Banking  
Department of Conservation and Natural Resources  
Department of Environmental Protection  
Department of General Services  
Department of Health  
Department of Labor and Industry  
Department of Revenue  
Department of Transportation  
Environmental Quality Board  
Executive Board  
Independent Regulatory Review Commission  
Pennsylvania Public Utility Commission  
State Board of Funeral Directors  
State Board of Medicine  
State Board of Nursing  
State Board of Pharmacy  
State Board of Social Workers, Marriage and  
Family Therapists and Professional Counselors

**Detailed list of contents appears inside.**



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(Master Transmittal Sheet):**

**No. 363, February 2005**

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# CONTENTS

## THE GENERAL ASSEMBLY

### HOUSE OF REPRESENTATIVES

Committee designation under the Regulatory Review Act—House of Representatives..... 1186

### SENATE OF PENNSYLVANIA

Committee designation under the Regulatory Review Act—Senate ..... 1187

## THE COURTS

### LOCAL COURT RULES

#### Lycoming County

Amendments to rules of procedure; doc. no. 05-00136 ..... 1190

#### Westmoreland County

Rescinding and adopting rule W1920.12; no. 3 of 2005 ..... 1196

## EXECUTIVE AGENCIES

### DEPARTMENT OF BANKING

#### Notices

Action on applications..... 1236

### DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

#### Notices

Conservation and Natural Resources Advisory Council meeting ..... 1237

### DEPARTMENT OF ENVIRONMENTAL PROTECTION

*See also ENVIRONMENTAL QUALITY BOARD*

#### Statements of Policy

Water quality toxics management strategy ..... 1223

#### Notices

Applications, actions and special notices..... 1237

Availability of technical guidance ..... 1280

Oil and Gas Technical Advisory Board meeting change..... 1281

Pennsylvania's Energy Development Authority Board meeting..... 1281

Request for applications for watershed restoration and protection grants through the growing greener program..... 1282

Request for comment and notice of public meeting for the proposed total maximum daily loads (TMDLs) for the Little Juniata River in Blair County..... 1280

Small Systems Technical Assistance Center Advisory Board meeting cancellation ..... 1282

Statewide scientific and research projects informational meeting..... 1282

### DEPARTMENT OF GENERAL SERVICES

#### Notices

State contracts information..... 1318

### DEPARTMENT OF HEALTH

#### Notices

Applications for exception

Butler Memorial Hospital ..... 1283

Crozer Chester Medical Center ..... 1283

Lancaster Regional Medical Center ..... 1283

Availability of traumatic brain injury grant funds to support TBI education ..... 1284

Integrated Human Immunodeficiency Virus (HIV) Planning Council; public meeting ..... 1286

Laboratories approved to determine analyses of blood and/or serum for controlled substances ..... 1286

Laboratories approved to determine urine controlled substance content..... 1288

Request for exception; long-term care nursing facilities..... 1297

### DEPARTMENT OF LABOR AND INDUSTRY

#### Notices

Range of fees charged by utilization review organizations and peer review organizations for services performed under the Workers' Compensation Act . 1297

### DEPARTMENT OF REVENUE

#### Notices

Cigarette tax notice..... 1298

Pennsylvania Bonus Crossword instant lottery game..... 1298

Pennsylvania Dazzling Diamonds instant lottery game..... 1300

Pennsylvania Emerald 8's instant lottery game ..... 1303

Pennsylvania Sapphire 7's instant lottery game..... 1304

Realty transfer tax; revised 2003 common level ratio real estate valuation factors ..... 1308

### DEPARTMENT OF TRANSPORTATION

#### Notices

Findings (2 documents) ..... 1309

### ENVIRONMENTAL QUALITY BOARD

#### Rules and Regulations

Triennial review of water quality standards ..... 1197

### EXECUTIVE BOARD

#### Statements of Policy

Reorganization of the Department of Education..... 1223

### INDEPENDENT REGULATORY REVIEW COMMISSION

#### Notices

Notice of comments issued ..... 1309

### PENNSYLVANIA PUBLIC UTILITY COMMISSION

#### Notices

Discontinuing experimental abbreviated dispute resolution process..... 1313

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**STATE BOARD OF FUNERAL DIRECTORS**

**Proposed Rulemaking**

Unprofessional conduct..... 1208

**STATE BOARD OF MEDICINE**

**Proposed Rulemaking**

Registration and practice of acupuncturists..... 1210

**STATE BOARD OF NURSING**

**Proposed Rulemaking**

Dietitian-nutritionists..... 1213

**STATE BOARD OF PHARMACY**

**Proposed Rulemaking**

Biennial renewal fees ..... 1219

**STATE BOARD OF SOCIAL WORKERS, MARRIAGE  
AND FAMILY THERAPISTS AND PROFESSIONAL  
COUNSELORS**

**Proposed Rulemaking**

Supervised clinical experience ..... 1221

# READER'S GUIDE TO THE PENNSYLVANIA BULLETIN AND PENNSYLVANIA CODE

## ***Pennsylvania Bulletin***

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

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

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

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

## **Adoption, Amendment or Repeal of Regulations**

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

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

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

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

## **Citation to the *Pennsylvania Bulletin***

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

## ***Pennsylvania Code***

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

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

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

## **How to Find Documents**

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

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

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

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### Printing Format

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

### Fiscal Notes

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

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

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## List of Pa. Code Chapters Affected

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 2005.

<b>4 Pa. Code (Administration)</b>		<b>58 Pa. Code (Recreation)</b>	
<b>Adopted Rules</b>		<b>Adopted Rules</b>	
6 .....	348	141 .....	353
		143 .....	354
<b>Statements of Policy</b>		147 .....	355, 356, 357
1 .....	358	<b>61 Pa. Code (Revenue)</b>	
9 .....	20, 1223	<b>Adopted Rules</b>	
		32 .....	256
<b>25 Pa. Code (Environmental Protection)</b>		<b>204 Pa. Code (Judicial System General Provisions)</b>	
<b>Adopted Rules</b>		<b>Adopted Rules</b>	
93 .....	1197	81 .....	496, 497
		82 .....	349
<b>Proposed Rules</b>		<b>Proposed Rules</b>	
252 .....	519	303 .....	198
<b>Statements of Policy</b>		<b>225 Pa. Code (Rules of Evidence)</b>	
16 .....	1223	<b>Adopted Rules</b>	
		VIII.....	8
<b>28 Pa. Code (Health and Safety)</b>		<b>231 Pa. Code (Rules of Civil Procedure)</b>	
<b>Adopted Rules</b>		<b>Adopted Rules</b>	
18 .....	14	200 .....	500
		1000 .....	349
<b>37 Pa. Code (Law)</b>		2250 .....	501
<b>Adopted Rules</b>		<b>Proposed Rules</b>	
42 .....	254	200 .....	9
		1300 .....	734
<b>49 Pa. Code (Professional and Vocational Standards)</b>		<b>246 Pa. Code (Minor Court Civil Rules)</b>	
<b>Adopted Rules</b>		<b>Adopted Rules</b>	
15 .....	353	200 .....	10
		300 .....	10
<b>Proposed Rules</b>		500 .....	10
13 .....	1208	<b>Proposed Rules</b>	
16 .....	1210	400 .....	245
18 .....	1210	<b>255 Pa. Code (Local Court Rules)</b>	
21 .....	1213	Unclassified .....	12, 246, 247, 350, 501, 505, 647, 654,
27 .....	1219		736, 1190, 1196
37 .....	258		
47 .....	1221		
48 .....	1221		
49 .....	1221		
<b>52 Pa. Code (Public Utilities)</b>			
<b>Proposed Rules</b>			
101 .....	740		

# THE GENERAL ASSEMBLY

## HOUSE OF REPRESENTATIVES

### Committee Designation Under the Regulatory Review Act—House of Representatives

Pursuant to the provisions of Act No. 181 of 1982, as amended, the Regulatory Review Act, the Speaker of the House is required to prescribe the jurisdiction of each standing committee of the House over the various State agencies for the purpose of reviewing proposed regulations.

I have, therefore, submitted the designated House committee to which you should submit any regulations which you may propose during the 2005-2006 Legislative Sessions.

\* Any department, departmental administrative board or commission, independent board, commission, or authority not contained in this list is assigned to the same designated standing committee as is their parent agency.

JOHN M. PERZEL,  
*The Speaker*

#### Committee Referrals

##### *Aging and Older Adult Services Committee*

Department of Aging

##### *Agriculture and Rural Affairs Committee*

Department of Agriculture  
Milk Marketing Board  
Bureau of Farm Show  
Agriculture Land Preservation Board

##### *Appropriations Committee*

Budget  
Auditor General  
State Treasurer  
Pennsylvania Infrastructure Investment Authority

##### *Children and Youth Committee*

Department of Public Welfare—(Only those regulations promulgated by the Office of Children, Youth and Families, and any other regulations issued by the Department of Public Welfare relating to child care.)

##### *Commerce Committee*

Department of Community and Economic Development  
Securities Commission  
Pennsylvania Housing Financing Agency  
Pennsylvania Industrial Development Authority  
Department of Banking

##### *Consumer Affairs Committee*

Public Utility Commission

##### *Education Committee*

Department of Education  
Public School Employees' Retirement System  
Higher Education Facilities Authority  
PHEAA  
State Board of Education  
State Board of Private Academic Schools  
State Board of Private Licensed Schools  
Professional Standards and Practices Commission

State Public School Building Authority  
Board of Governors of State System of Higher Education

##### *Environmental Resources and Energy Committee*

Department of Environmental Protection  
Department of Conservation and Natural Resources  
Environmental Quality Board  
State Board for Sewage Treatment Plant and Waterworks Operators  
Environmental Hearing Board

##### *Finance Committee*

Department of Revenue  
Board of Claims  
State Tax Equalization Board  
Board of Finance and Revenue  
Commonwealth Financing Authority

##### *Health and Human Services Committee*

Department of Health  
Health Care Cost Containment Council  
Department of Public Welfare—(Except for regulations promulgated by the Office of Children, Youth and Families, and any other regulations issued by the Department relating to child care.)

##### *Insurance Committee*

Department of Insurance  
State Workmen's Insurance Board  
Underground Storage Tank Indemnification Fund

##### *Judiciary Committee*

State Police  
Pennsylvania Commission on Crime and Delinquency  
Department of Corrections  
Office of General Counsel  
Attorney General  
Board of Pardons  
Board of Probation and Parole  
State Ethics Commission  
Pennsylvania Commission on Sentencing  
Municipal Police Officers Education and Training Commission

##### *Labor Relations Committee*

Civil Service Commission  
Department of Labor and Industry  
Unemployment Compensation Board of Review  
Labor Relations Board  
Workmen's Compensation Appeal Board  
Office for the Deaf and Hearing Impaired  
Industrial Board

##### *Liquor Control Committee*

Liquor Control Board

##### *Local Government Committee*

Pennsylvania Municipal Retirement System

##### *Professional Licensure Committee*

Navigation Commission for the Delaware River  
Accountancy Board  
Architect Licensure Board  
Auctioneer Examiners Board  
Barber Examiners Board  
Certified Real Estate Appraisers Board  
Cosmetology Board  
Funeral Directors Board



Landscape Architects Board  
 Professional Engineers Board  
 Real Estate Commission  
 Vehicle Board  
 Chiropractic Examiners Board  
 Dentistry Board  
 Medicine Board  
 Nursing Home Administrators Board  
 Occupational Therapy Education and Licensure Board  
 Optometrical Examiners Board  
 Osteopathic Medicine Board  
 Pharmacy Board  
 Physical Therapy Board  
 Podiatry Board  
 Psychology Board  
 State Board of Social Workers, Marriage and Family  
 Therapists and Professional Counselors  
 Speech-Language and Hearing Examiners Board  
 Veterinary Medical Examiners Board  
 Nurse Board

*State Government Committee*

Department of General Services  
 Department of State  
 Human Relations Commission  
 PPTN  
 State Employees' Retirement System  
 Harness Racing Commission  
 Horse Racing Commission  
 Governor's Office  
 Public Employee Retirement Commission  
 State Athletic Commission  
 Independent Regulatory Review Commission  
 Joint Committee on Documents

*Tourism and Recreational Development Committee*

Historical and Museum Commission  
 Pennsylvania Gaming Control Board

*Transportation Committee*

Department of Transportation  
 Turnpike Commission  
 State Transportation Commission

*Veterans Affairs and Emergency Preparedness Committee*

Department of Military and Veterans Affairs  
 Pennsylvania Emergency Management Agency

[Pa.B. Doc. No. 05-273. Filed for public inspection February 11, 2005, 9:00 a.m.]

## SENATE OF PENNSYLVANIA

### Committee Designation Under the Regulatory Review Act—Senate

Under the provisions of Act 181 of 1982, as amended and reenacted, known as the Regulatory Review Act, as President Pro Tempore of the Senate, I hereby designate the following standing committees for the purpose of regulatory review as authorized in the act.

The designated standing committee for any departmental board, commission, committee, and other agency not listed herein shall be the standing committee listed for that department. The Committee on Rules and Executive

Nominations shall be the designated standing committee for the purpose of regulatory review for any other agency not specifically listed.

ROBERT C. JUBELIRER,  
*President Pro Tempore*

<i>Agency</i>	<i>Committee</i>
Governor and Office of the Governor	State Government
Attorney General and Office of the Attorney General	Judiciary
Auditor General and Office of the Auditor General	Finance
State Treasurer and Treasury Department	Finance
Adjutant General and Department of Military and Veterans' Affairs	Veteran's Affairs and Emergency Preparedness
Secretary and Department of Aging	Aging and Youth
Secretary and Department of Agriculture	Agriculture and Rural Affairs
Secretary and Department of Banking	Banking and Insurance
Secretary and Department of Community and Economic Development	Community and Economic Development
Secretary of the Commonwealth and Department of State	State Government
Secretary and Department of Conservation and Natural Resources	Environmental Resources and Energy
Secretary and Department of Corrections	Judiciary
Secretary and Department of Education	Education
Secretary and Department of Environmental Protection	Environmental Resources and Energy
Secretary and Department of General Services	State Government
Secretary and Department of Health	Public Health and Welfare
Commissioner and Department of Insurance	Banking and Insurance
Secretary and Department of Labor and Industry	Labor and Industry
Secretary and Department of Public Welfare	Public Health and Welfare
Secretary and Department of Revenue	Finance
Commissioner and PA State Police	Law and Justice
Secretary and Department of Transportation	Transportation
Secretary and Office of Administration	State Government
General Counsel and Office of General Counsel	State Government

<i>Agency</i>	<i>Committee</i>	<i>Agency</i>	<i>Committee</i>
Secretary and Office of Budget	Appropriations	Municipal Police Officers Education and Training Commission	Law and Justice
Commissioner and Bureau of Professional and Occupational Affairs	Consumer Protection and Professional Licensure	PA Commission on Crime and Delinquency	Judiciary
Executive Board	State Government	PA Economic Development Financing Authority	Community and Economic Development
Armory Board	Veteran's Affairs and Emergency Preparedness	PA Emergency Management Agency	Veterans' Affairs and Emergency Preparedness
Ben Franklin Technology Development Authority	Community and Economic Development	PA Energy Development Authority	Environmental Resources and Energy
Board of Claims	State Government	PA Housing Finance Agency	Urban Affairs and Housing
Board of Finance and Revenue	Finance	PA Industrial Development Authority	Community and Economic Development
Board of Governors of State System of Higher Education	Education	PA Infrastructure Investment Authority	Environmental Resources and Energy
Board of Pardons	Judiciary	PA Minority Business Development Authority	Community and Economic Development
Board of Probation and Parole	Judiciary	PA Public Television Network Commission	State Government
Civil Service Commission	State Government	Public Employee Retirement Commission	Finance
Commonwealth Financing Authority	Community and Economic Development	Public School Employees Retirement Board	Finance
Constable Education and Training Board	Judiciary	Professional Standards and Practices Commission	Education
PA Commission on Sentencing	Judiciary	Public Utility Commission	Consumer Protection and Professional Licensure
Coroners' Education Board	Local Government	Securities Commission	Banking and Insurance
Council on the Arts	State Government	State Athletic Commission	State Government
Deputy Sheriffs' Education and Training Board	Local Government	State Board of Education	Education
Environmental Hearing Board	Environmental Resources and Energy	State Employees Retirement Board	Finance
Environmental Quality Board	Environmental Resources and Energy	State Board for Certification of Sewage Enforcement Officers	Environmental Resources and Energy
Harness Racing Commission	State Government	State Board for Certification of Water and Wastewater Systems Operators	Environmental Resources and Energy
Health Care Cost Containment Council	Public Health and Welfare	State Board of Private Academic Schools	Education
Higher Education Assistance Agency	Education	State Board of Private Licensed Schools	Education
Higher Education Facilities Authority	Education	State Ethics Commission	Rules and Executive Nominations
Historical and Museum Commission	State Government	State Health Care Policy Board	Public Health and Welfare
Horse Racing Commission	State Government	State Public School Building Authority	Education
Human Relations Commission	Labor and Industry	State Tax Equalization Board	Finance
Independent Regulatory Review Commission	Rules and Executive Nominations	State Transportation Commission	Transportation
Industrial Board	Labor and Industry	Turnpike Commission	Transportation
Joint Committee on Documents	Rules and Executive Nominations	Underground Storage Tank Indemnification Board	Banking and Insurance
Labor Relations Board	Labor and Industry		
Liquor Control Board	Law and Justice		
Milk Marketing Board	Agriculture and Rural Affairs		
Municipal Employees Retirement Board	Local Government		

<i>Agency</i>	<i>Committee</i>	<i>Agency</i>	<i>Committee</i>
Unemployment Compensation Board of Review	Labor and Industry	State Board of Nursing	Consumer Protection and Professional Licensure
Veterans' Commission	Veterans' Affairs and Emergency Preparedness	State Board of Examiners of Nursing Home Administrators	Consumer Protection and Professional Licensure
Workers' Compensation Appeals Board	Labor and Industry	Occupational Therapy Education and Licensure Board	Consumer Protection and Professional Licensure
State Workers' Insurance Board	Labor and Industry	State Board of Optometry	Consumer Protection and Professional Licensure
State Board of Accountancy	Consumer Protection and Professional Licensure	State Board of Osteopathic Medical Examiners	Consumer Protection and Professional Licensure
Architects Licensure Board	Consumer Protection and Professional Licensure	State Board of Pharmacy	Consumer Protection and Professional Licensure
State Board of Auctioneer Examiners	Consumer Protection and Professional Licensure	State Board of Physical Therapy	Consumer Protection and Professional Licensure
Barber Examiners Board	Consumer Protection and Professional Licensure	State Board of Podiatry	Consumer Protection and Professional Licensure
State Board of Chiropractic	Consumer Protection and Professional Licensure	State Board of Psychology	Consumer Protection and Professional Licensure
State Board of Cosmetology	Consumer Protection and Professional Licensure	State Registration Board for Professional Engineers, Land Surveyors and Geologists	Consumer Protection and Professional Licensure
State Board of Dentistry	Consumer Protection and Professional Licensure	Real Estate Commission	Consumer Protection and Professional Licensure
Funeral Directors Board	Consumer Protection and Professional Licensure	State Board of Examiners in Speech-Language and Hearing	Consumer Protection and Professional Licensure
Landscape Architects Board	Consumer Protection and Professional Licensure	PA State Board of Veterinary Medicine	Consumer Protection and Professional Licensure
State Board of Medicine	Consumer Protection and Professional Licensure	State Board of Social Workers, Marriage and Family Therapists and Professional Counselors	Consumer Protection and Professional Licensure
State Board of Certified Real Estate Appraisers	Consumer Protection and Professional Licensure		
State Board of Vehicle Manufacturers, Dealers and Salespersons	Consumer Protection and Professional Licensure		
Navigation Commission for the Delaware River and its Navigable Tributaries	Consumer Protection and Professional Licensure		

[Pa.B. Doc. No. 05-274. Filed for public inspection February 11, 2005, 9:00 a.m.]

# THE COURTS

## Title 255—LOCAL COURT RULES

### LYCOMING COUNTY

Amendments to Rules of Procedure; Doc. No. 05-00136

#### Order

And Now, this 20th day of January, 2005, it is hereby Ordered and Directed as follows:

1. The following Lycoming County Rules of Civil Procedure are rescinded: L200.1, L206, L206.5, L206.7, L210, L212, L227.1, L701, L1007, L1910.9, L1910.19, L1910.21, L1910.24, L1910.25, L1920.1, L1920.22, L1920.34, L1920.61 and, L4019.

2. The following Lycoming County Rules of General Court Business are rescinded: L1, L2, and L3.

3. Lycoming County Rule of Criminal Procedure L300 is rescinded.

4. The following new Lycoming County Rules of Civil Procedure numbers L205.2, L206.4(c), L208.2, L208.3, L212, L440, L1007, L1028(c), L1034(a), L1035.2(a) and L1930.5 are promulgated.

5. Lycoming County Rules of Civil Procedure L216, L902, L1301, L1301.1, L1915.3, L1915.3-2, L1915.8, L1920.16, L1920.43, L1920.45 and L1920.51 are revised as follows.

6. Lycoming County Orphans' Court Rule L3.4 is revised to refer to Lyc. Co. R.C.P. L205.2(b)B in place of Lyc. Co. R.C.P. L206.

7. The Prothonotary is directed to:

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

b. Forward two (2) certified copies of this order to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

c. Forward one (1) certified copy of this order to the Pennsylvania Civil Procedural Rules Committee, one (1) certified copy of this order to the Pennsylvania Domestic Relations Procedural Rules Committee, and one (1) certified copy of this order to the Pennsylvania Criminal Procedural Rules Committee.

d. Forward one (1) copy of this order to the *Lycoming Reporter* for publication therein.

e. Forward one (1) copy to the chairman of the Lycoming County Customs and Rules Committee.

f. Keep continuously available for public inspection copies of this order.

8. The rule changes approved by this order shall become effective 30 days after publication in the *Pennsylvania Bulletin*.

By the Court

KENNETH D. BROWN,  
President Judge

#### L205.2. Filing Legal Papers with the Prothonotary

(a) *Size of Paper.* All pleadings, motions, petitions, briefs, and other legal documents filed with the prothono-

tary shall be on paper size 8 1/2 inches by 11 inches, unless otherwise required by rule or order of court.

#### (b) Required Cover Sheets

A. *Initial Case Monitoring Notice.* This requirement applies to civil actions, statutory appeals, or any other matter commenced by filing a document with the prothonotary, except a domestic relations case.

1. When filed, every complaint, writ of summons, appeal or, any other initial document which is filed to commence a civil matter requiring a trial or arbitration hearing, shall be accompanied by two copies of the initial case monitoring notice which shall be substantially in the form set forth under subsection 4 of this section.

2. The initial case monitoring notice shall not exceed one page. If necessary, the caption may be abbreviated to accommodate this requirement.

3. After the initial case monitoring notice is filed, the procedures set forth in rule L1007 shall apply.

4. The form of the initial case monitoring notice shall be substantially as follows:

COURT OF COMMON PLEAS, LYCOMING COUNTY,  
PENNSYLVANIA  
INITIAL CASE MONITORING NOTICE AND ORDER

Plaintiff : DOCKET NO:  
: CIVIL ACTION

vs. :  
: TYPE OF ACTION: \_\_\_\_\_

Defendant :  
:

1. This matter was commenced on the date of \_\_\_\_\_ by \_\_\_\_\_ complaint \_\_\_\_\_ writ of summons \_\_\_\_\_ other (specify): \_\_\_\_\_.

2. It is requested the case be processed under Lyc. Co. R.C.P. L1007 as follows (check one):

\_\_\_\_\_ ARBITRATION (Damages of \$25,000 or less; hearing in 6-12 months)

\_\_\_\_\_ NORMAL TRACK (Trial in 12-18 months)

\_\_\_\_\_ COMPLEX TRACK (Trial in 18-24 months)

\_\_\_\_\_ ADMINISTRATIVE TRACK (First trial term after 90 days)

Name(s) of Filing Party(ies) \_\_\_\_\_

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

#### ORDER

1. (a) \_\_\_\_\_ A case scheduling conference is scheduled for \_\_\_\_\_, at \_\_\_\_\_, \_\_\_\_ .M., in courtroom no. \_\_\_\_\_; the parties or their counsel shall attend. Plaintiff shall initiate discussions on a case scheduling order, in compliance with Lyc. Co. R.C.P. L1007A. (See court Calendar or refer to www.lycolaw.org for trial term dates and deadlines.) An agreed-upon proposed case scheduling order may be filed in advance of the date of the scheduled conference.

(b) The court administrator is directed to place this case on the next trial list occurring more than 90 days after the date of this order pursuant to Lyc. Co. R.C.P. L1007B.

2. FILING PARTY SHALL IMMEDIATELY SERVE A COPY OF THIS ORDER UPON ALL OTHER PARTIES OR THEIR ATTORNEYS AND FILE PROOF OF TIMELY SERVICE.

Judge \_\_\_\_\_ Date \_\_\_\_\_

cc: Deputy court administrator
Name of filing party/attorney—include address and telephone number

B. Motion Cover Sheet. The procedure set forth in this section shall apply to every request for relief and/or application to the court for an order, whether by petition, motion, preliminary objection, exception, or stipulation, that the filing party desires to bring before the court or family court hearing officer, except a motion for a continuance (see rule L205.2(b)c regarding continuance).

Note: The use of this cover sheet is also required in orphans' court; see, Lyc. Co. O.C.R. L3.4.

1. A cover sheet substantially in the form set forth in subsection 7 of this section shall be attached to the front of every request for a court order to which this rule applies, with the exception of any request for relief on the front of which an applicable Pennsylvania Rule of Civil Procedure requires a specific order or notice to be attached.

2. The cover sheet shall consist of only one page. Captions may be abbreviated. If additional space is necessary to list counsel and unrepresented parties, a separate sheet may be attached. The filing party or counsel shall be responsible for identifying all parties and others to be given notice or their counsel on the cover sheet. If a party was not served with a copy of the executed cover sheet as a result of an omission of the filing party, the argument or hearing may be rescheduled or, in the discretion of the court, the request for relief may be denied.

3. If a cover sheet is not attached as required by this rule, the court may choose not to act upon the request for relief until an appropriate cover sheet is filed. If the filing party does not attach a cover sheet as required by this rule, a cover sheet, along with a copy of the original motion may be filed by any party, or the court.

4. If expedited consideration by the court is requested or required by statute or rule of procedure, the reason for such consideration shall be set forth on the cover sheet. Such consideration must be requested if the date of the pretrial conference has been set or if the case has already been pretried.

5. A proposed order granting the relief requested shall be attached to the cover sheet.

6. The court shall schedule argument, hearing or briefing as the court may require, note the scheduling information on the cover sheet, and issue the scheduling order appearing on the cover sheet. The prothonotary shall docket and promptly forward the completed cover sheet to all parties identified on the cover sheet.

7. The form of the cover sheet shall be substantially as follows:

COURT OF COMMON PLEAS, LYCOMING COUNTY, PENNSYLVANIA MOTION COVER SHEET

Caption (may be abbreviated) vs. Docket No. Case assigned to Judge Case assigned to Judge none Family Court Hearing Officer
1. Name of filing party:
2. Filing party's attorney:
3. Type of filing:

4. The following is/are requested: Argument Evidentiary Hearing Court conference Rule to show cause Entry of uncontested order (attach supporting documentation) Expedited consideration. State the basis:
6. Name and addresses of filing and all counsel of record and unrepresented parties:
5. Time required: Attach this cover sheet to original motion previously filed on: Continued on separate sheet.

ORDER

- 1. An argument factual hearing court conference is scheduled for at m. in courtroom no., Lycoming County Courthouse, Williamsport, PA.
2. Briefs are to be filed by the following dates: Filing party Responding party(ies)
3. A rule is issued upon respondent to show cause why the petitioner is not entitled to the relief requested.
4. A response to the motion/petition shall be filed within days.
5. Other

Judge Date

cc: ALL PARTIES OR OTHERS TO BE SERVED WITH NOTICE MUST BE DESIGNATED IN "6." ABOVE.

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

A. A rule to show cause shall be discretionary pursuant to Pa.R.C.P. 206.5.

B. A cover sheet that complies with rule L205.2(b)B shall be attached to any petition or request for relief

requiring the issuance of a rule to show cause. The cover sheet includes thereon a rule to show cause order and no separate rule to show cause order is to be submitted.

C. When issuing the rule to show cause included on the cover sheet, the court shall indicate on the cover sheet whether the petition or other request for relief will be scheduled for an argument or evidentiary hearing, whether discovery on the issues will be allowed, whether an answer will be required or if briefs are required.

D. The court will grant or deny a request for a stay of execution pending disposition of a petition to open a default judgment based upon the initial review of the facts as set forth in the petition.

### **L208.2 Motions. Form. Content.**

(d). *Uncontested motions.* If a motion is presented as uncontested the basis therefore shall be set forth on a page immediately following the cover sheet in the form of a written stipulation of all interested parties or a certification of filing counsel or verified statement by unrepresented parties as to the basis upon which it is appropriate to enter the uncontested order.

(e). *Discovery motions.*

A. All discovery motions to compel discovery or for a protective order shall include a certification by moving counsel that concurrence in the motion was sought from opposing counsel and pro se parties. The certification shall be contained on a separate page and attached following the cover sheet to the front of the motion. The certification shall state the following information:

1. the manner in which concurrence was sought; and,
2. whether or not concurrence was given, and if given in part and denied in part, the extent to which concurrence was given.

If contact with opposing counsel or pro se parties can not be made prior to the filing of the motion, the moving party shall so state in the certification. The moving party has a continuing obligation to contact opposing counsel or pro se parties to secure the concurrence or non-concurrence.

B. Concurrence may not be unreasonably refused by opposing counsel or pro se parties. If the court finds that concurrence was properly sought, and was unreasonably refused, the court may award attorneys fees and expenses to the moving party, and may impose such other sanctions as are permitted by the Pennsylvania Rules of Civil Procedure.

### **L208.3 Motions. Procedures. Briefs.**

(a) *Motion procedure.*

A. *Scheduling.* Motions will be scheduled by the court scheduling technician for argument, hearing or conference as ordered by the court after an initial review of the motion, taking into account the request of the moving party as set forth in the motion cover sheet. The scheduled time shall be noted on the executed motion cover sheet and served upon the parties by the prothonotary in accordance with these local rules. The motion will be decided after argument or hearing.

B. *Briefs.* Briefs may be ordered by the court and, if so ordered, the time for filing will be set forth on the executed motion cover sheet. If briefs are ordered, the original and two copies shall be filed with the prothonotary, who shall forward them to the judge. All parties

shall be served with a copy of the brief contemporaneously with the filing of the brief. Where briefs are required and are not timely filed, the court may treat the request for relief as having been submitted by the defaulting party and proceed ex parte, or impose such other sanction as it shall deem appropriate.

C. *Courtesy copies.* No courtesy copies of motions and briefs should be mailed to the judge or court administrator.

D. *Emergency motions.* Emergency requests for a court order shall be filed with the prothonotary and then delivered by the filing party to the court administrator, who shall deliver the motion to an appropriate judge. All emergency motions must have a motion cover sheet as required by these rules. All emergency requests shall set forth on a separate page following the cover sheet a certification by filing counsel or pro se party that all interested parties were contacted in advance and given notice of the intention to present the emergency request and the details as to time and manner of such notice; or, if such notice was not given, a statement as to why and what efforts to give the notice were made.

E. Emergency petitions for child custody shall proceed under L1915.13-1.

(b). *Motion response.* If the court deems a response is necessary, the response shall be filed within twenty (20) days unless the court orders a shorter or longer time. If a response is not timely filed, or if a response is filed raising no contested issue of fact, the court may deem the matter as being uncontested and may accept all factual averments as true and issue a dispositive order accordingly without further argument, upon motion of the moving party or in its own discretion. If a response is filed raising disputed issues of fact the court will hold an evidentiary hearing or proceed in such other manner as the court shall direct.

### **L212. Pretrial Conferences and Trial Scheduling.**

A. *Trial list.* Cases may be placed on the trial list in the manner set forth in rule L1007.

B. *Pretrial Conferences.*

1. The court administrator shall schedule a pretrial conference to be held at least fifteen (15) days before the first day of the session of trials during which the case is listed.

2. Not less than seven days before the date set for the pretrial conference, each party shall file the original and two copies of the pretrial statement and serve a copy on all other parties. The prothonotary shall forward the two copies to the trial judge as soon as possible.

3. Counsel are required to be prepared to inform the court of the demand and settlement offers and to discuss settlement.

4. All parties and representatives necessary to approve settlement and with full settlement authority must attend the pretrial conference in person, unless upon written request the court authorizes appearance by telephone or otherwise excuses attendance.

5. Each party may be limited to calling witnesses or using exhibits listed on the pretrial statement.

6. The pretrial statement shall be in substantially the following form:

CIVIL PRETRIAL STATEMENT OF LYCOMING COUNTY

- Caption \_\_\_\_\_ Docket # \_\_\_\_\_
1. Name of Party
  2. Attorney's Name
  3. Judge
  4. Date of Pre-Trial
  5. List all parties and counsel to the action.
  6. Has there been a timely demand for a jury trial?  
Yes \_\_\_\_\_ No \_\_\_\_\_  
Number of jurors demanded: 8 \_\_\_\_\_, 12 \_\_\_\_\_.
  7. Scheduling—list any unusual scheduling problems, which are anticipated.
  8. Estimated time to try.
  9. Brief narrative statement of the submitting party's version of the case. Attach any helpful diagram.
  10. Legal theory of liability. List those theories upon which you will rely, as each party may be limited to those theories at trial.
  11. If there is a counterclaim, set forth the theory of liability and contentions on damages.
  12. If an agreement is involved in this action, is it written or oral? Quote the provisions of the agreement, which are central to this dispute.
  13. Damages—List types and amounts of damages claimed.
  14. Names of witnesses:
    - a) Definite witnesses and scope of testimony (liability, damages or both).
    - b) Possible witnesses and scope of testimony (liability, damages or both).
  15. Expert witnesses—list name and specialty and attach all expert reports.
  16. Exhibits—
    - A. List all exhibits and indicate whether or not they have been shown to opposing counsel.
    - B. Indicate all electronic and/or technological equipment, which is intended to be used in presentation of exhibits or evidence.
  17. Requested stipulations (Qualifications of experts, admissibility of documents without custodian, special damages, etc).
  18. Unusual legal issues—issues on which trial briefs should be required.
  19. Outstanding motions.
  20. Miscellaneous—list any matter that you feel is important but which has not been covered.

Note: As to settlement and attendance by parties see Lyc. Co. R.C.P. L212.

\_\_\_\_\_  
Attorney's signature Date

C. *Listing of cases.* One week before the session of trial commences, the court administrator shall serve upon all counsel and pro se parties a final list of cases to be tried during the term. The listing will have prior approval from the trial judge.

D. *Re-pretrials of continued cases.* Where a continuance is allowed under rule L216 after pre-trial conference, the case will be rescheduled for trial. A re-pretrial conference will be held. At any such re-pretrial conference, the pretrial memorandum previously submitted shall be updated if appropriate, but otherwise need not be resubmitted.

E. *Striking cases from trial list.* Cases listed for trial shall remain so listed until settled of record, or until a verdict, adjudication or nonsuit is entered, or unless removed by order of court.

F. *Extensions.* For settlement purposes the court in its discretion may extend the pretrial conference to a settlement conference date or for a summary jury trial.

**L216. Continuances.**

- A. \* \* \*
- B. \* \* \*

C. *Form.* All requests for continuances of any matter before the court or board of arbitration shall be made on a one-page form as promulgated by the court and obtainable from the court scheduling office or www.lycolaw.org. The form shall be completed as indicated and submitted to the court scheduling technician who will deliver it timely to the judge involved. The judge will take action on the request and will return it to the court scheduling technician for filing. Distribution to the parties will be made by the prothonotary, unless the court directs otherwise. Continuance requests on the required form may be submitted to the court scheduling technician by fax, and if so, the original need not be submitted unless requested by the court.

**L440. Use of Prothonotary's Office Mail Box.**

Service of copies of legal papers, that are allowed to be served by regular mail, may be made upon the party's attorney of record who maintains an office in Lycoming County, by placing the document in the mailbox maintained for the attorney in the office of the Lycoming County prothonotary.

**L902. Appeal of a District Justice Judgment for Possession of Real Property.**

A. A landlord's application under Pa.R.C.P.D.J. No. 1008B for the payment of sums deposited with the prothonotary shall be in the form of a motion and shall comply with the cover sheet requirement of rule L205.2(b)B.

**L1007. Commencement of Action. Case Scheduling.**

A. This rule applies to all matters requiring an initial case monitoring notice pursuant to rule L205.2(b)A.

1. After the initial case monitoring notice is filed, the prothonotary shall note the docket number thereon and immediately forward one copy to the court administrator who shall, within thirty (30) days:

- a. assign a judge;
- b. set a case scheduling conference for no sooner than ninety (90) days after the filing of the action; except that no case scheduling conference will be scheduled for those cases being processed on an administrative track, which shall be scheduled for trial pursuant to section B of this rule;
- c. have the judge execute the order;

d. return the executed scheduling order to the prothonotary.

2. The prothonotary shall transmit a copy of the order to the filing attorney or pro se party.

3. Upon receiving the executed order, the filing or pro se party shall immediately serve a copy of the order upon all other counsel or unrepresented parties.

4. In a case where all parties are represented by counsel, counsel shall make every reasonable efforts to agree with all other parties to a case scheduling order prior to the date of the case scheduling conference. Any such agreed-upon proposed order shall be filed prior to the date scheduled for the case scheduling conference. The filing party shall be responsible to initiate the effort to secure agreement on an order and to see that it is filed at the earliest possible date. The proposed order, when filed, shall be accompanied by a rule L205.2(b)B cover sheet with a request for the entry of an uncontested order.

5. If a case scheduling order is agreed upon, it shall establish a proposed trial term and pre-trial conference dates, as well as deadlines for discovery, dispositive motions and for the exchange of expert reports. The dates shall be based upon the assigned judge's trial term list and the guidelines set forth in subsection A.6 of this rule. The scheduling order shall be substantially in the form provided by section C of this rule.

6. The agreed upon trial term or arbitration listing shall ordinarily comply with the following guidelines:

a. Arbitration limits case—the arbitration to occur within six (6) to twelve (12) months after the first defendant is served.

b. Normal track—the trial to occur between twelve (12) and eighteen (18) months after the first defendant is served. Most cases will be considered normal.

c. Complex track—the trial to occur between eighteen (18) and twenty-four (24) months after the first defendant is served.

7. Case Scheduling Conference.

a. The case scheduling conference will occur as scheduled if:

- (1) the parties cannot agree to a case scheduling order;
- (2) the court does not accept the parties' proposed case scheduling order; or
- (3) the proposed order is not filed in a timely manner.

b. After the case scheduling conference, the court shall issue a case scheduling order.

c. Any party may, at any time, file a written request for a case scheduling conference if it appears that a revision of the case scheduling order is required.

B. Administrative Track Exceptions. The procedures set forth in section A of this rule that relate to a scheduling conference shall not apply to mortgage foreclosure cases, landlord/tenant cases appealed from a decision of a district justice, appeals from administrative agencies, municipal code appeals, appeals of decisions of board of viewers, or other cases assigned to the administrative track by the trial judge. Actions of this type shall be governed by the procedures set forth in this section.

1. In all actions governed by this section, the initial case monitoring notice shall include a request for the court to list the action for trial and shall include a proposed scheduling order directing the court administrator to list the case in accordance with this section.

2. When an action is listed for trial under the administrative track as provided by this section, the action shall either be placed on the trial list for the first trial term occurring more than ninety (90) days after the order is executed, or by direction of the court, be scheduled for a prompt conference. A case scheduling order will be issued in compliance with the time limits of this section.

3. All discovery in cases processed under this track must be completed not less than fourteen (14) days prior to the pre-trial conference.

4. In actions involving requests for declaratory relief under Pa.R.C.P. 1601 et seq., which do not involve a jury trial, the court may, upon the joint request of all parties, assign the action to the administrative track.

C. The form of the scheduling order shall be one page (captions may be abbreviated) and shall be substantially as follows:

Plaintiff : IN THE COURT OF COMMON  
: PLEAS OF LYCOMING COUNTY,  
: PENNSYLVANIA  
vs. : NO.  
:   
Defendant : CIVIL ACTION

SCHEDULING ORDER

It is ORDERED AND DIRECTED as follows:

1. This is a     JURY     NON-JURY     ARBITRATION LIMITS case.
2. Case monitoring track:     NORMAL,     COMPLEX,     ADMINISTRATIVE
3. (a) Trial term dates: \_\_\_\_\_ .  
(b) Jury selection dates: \_\_\_\_\_ .  
(c) Pretrial conference dates: \_\_\_\_\_ .  
The deputy court administrator will schedule the exact date and time by future notice.
- (d) Settlement conference dates, if needed: \_\_\_\_\_ .
- (e) Counsel are attached for the above dates and shall immediately notify parties and witnesses to be available.
4. List for arbitration on or after: \_\_\_\_\_ .
5. Cut-off date for completion of discovery: \_\_\_\_\_ .
6. Cut-off dates for filing expert reports:  
(a) By plaintiff(s)— \_\_\_\_\_ .  
(b) By defendant(s)— \_\_\_\_\_ .
7. Cut-off date for filing dispositive motions, including motions to exclude expert testimony under PA.R.C.P. 207.1: \_\_\_\_\_ .

8. Mediation: The parties agree to use alternative dispute resolution (ADR) as follows:

- (a) Lycoming Mediation Project:     Yes     No
- (b) Other ADR (Specify):     Yes     No
- (c) Above ADR is:     Binding     Non-Binding



9. This Order cancels the case scheduling conference, which had previously been scheduled for the date of \_\_\_\_\_.

10. Other: \_\_\_\_\_.

\_\_\_\_\_  
Judge Date

cc: Deputy court administrator  
List all parties—if pro se or out of County, include address

**L1028(c). Preliminary Objections.**

Preliminary objections shall be filed in accordance with local rule L205.2(b)B and processed in accordance with local rule L208.3.

**L1034(a). Motion for Judgment on the Pleadings.**

A motion for judgment on the pleadings shall be filed in accordance with local rule L205.2(b)B and processed in accordance with local rule L208.3.

**L1035.2(a). Motion for Summary Judgment.**

A motion for summary judgment shall be filed in accordance with local rule L205.2(b)B and processed in accordance with local rule.

**L1301. Cases for Submission to Arbitration**

A. \* \* \*

B. A civil action will be referred to arbitration by the scheduling order issued under rule L1007. Prior to the case scheduling conference being held, a case may be referred to arbitration upon the filing with the prothonotary and the deputy court administrator of a praecipe signed by all parties or their counsel.

C. \* \* \*

**L1301.1. Agreement to submit to arbitration.**

Cases, whether or not in litigation, regardless of the amount in controversy, may be heard by a board of arbitration upon agreement of counsel for all parties in the case. Such agreement shall be evidenced by a writing signed by counsel for all sides and shall be filed with the prothonotary, who will forward a copy to the deputy court administrator with a proposed rule L1007 scheduling order. Said agreement shall define the issues involved for determination by the board and shall also contain any stipulations with respect to facts. In such cases, the agreement shall take the place of the pleadings in the case and be filed of record.

**L1915.3. Custody Petitions and Procedure.**

A. All petitions relating to custody or visitation with minor children shall be filed in accordance with rule L205.2(b)B.

\* \* \* \* \*

**L1915.3-2. Exceptions and Reconsideration of Interim Order.**

A. \* \* \*

B. Should a significant change in circumstances arise after entry of an interim order and before the pre-trial conference necessitating a modification of the interim order, which modification cannot be amicably agreed upon pending the pretrial conference, either party may file a motion for reconsideration of the interim order, setting forth all pertinent facts in support thereof or verified by the filing party. The court administrator shall refer such motion to the hearing officer who entered the interim

order. Based on the allegations of the motion, the hearing officer may take any one or more of the following actions deemed appropriate under the circumstances: 1) enter an order summarily denying the motion; or 2) hold a telephone or other conference with counsel for both parties; or 3) after providing the opposing party an opportunity to respond, enter a modified interim order; or 4) direct that the matter be resolved at the pre-trial conference.

**L1915.8. Physical/Mental/Psychological Examinations and Home Studies.**

\* \* \* \* \*

B. Any request by the parties for evaluations made after the initial conference and not made at the pre-trial conference or entered into by stipulation must be made by motion in accordance with Pa.R.C.P. No. 1915.8, alleging specific facts and reasons for the request, with a hearing to be held after reasonable notice to the other party.

\* \* \* \* \*

**L1920.16 Bifurcation.**

A. A praecipe to transmit record requesting entry of a divorce decree under Domestic Relations Code § 3301( c) or § 3301(d) should not be filed prior to the resolution of all other claims raised unless an order has been entered permitting bifurcation or the other party consents to bifurcation. The filing party must indicate in the praecipe to transmit that either, (1) there are no outstanding claims, or (2) bifurcation has been consented to by the other party, as verified by an affidavit attached to the praecipe to transmit, or approved by court order, a copy of which is attached to the praecipe to transmit. Where the other party does not consent to bifurcation, a request for bifurcation shall be made by motion in accordance with the procedure set forth in rule L205.2(b)B., and may be referred by the court, in its discretion, to the family court hearing office for hearing thereon.

\* \* \* \* \*

**L1930.5. Discovery.**

A. Any request for discovery in addition to that permitted by the rules shall be made to the court by motion for leave to take discovery setting forth the type of discovery sought and reasons therefor. This shall not preclude the parties from stipulating to additional discovery.

B. The serving of interrogatories concerning alimony or the determination and distribution of property rights shall be considered untimely if filed after notice of the scheduling of a master's hearing on those claims has been given, provided a copy of the motion for appointment of master was served on opposing counsel or party.

C. In the case of interrogatories served pursuant to rules of civil procedure, the first set of interrogatories propounded to a party may not exceed fifty (50) in number, including subparts, whether or not they are separately numbered. In the event that the response given to the first set of interrogatories is considered by the requesting party to indicate a need for additional interrogatories, a second set of interrogatories, again limited to fifty (50) including subparts, may be served upon a party. The second set of interrogatories must be case specific. The responding party shall not be compelled to answer any interrogatories beyond the number allowed under this rule. The court may, in its discretion, allow additional interrogatories to be served in an appropriate case.

**L1920.43. Special Relief.**

The court, in its discretion, may refer certain requests for special relief to the family court office for hearing thereon.

**L1920.45. Counseling.**

Requests for counseling shall be made on a form provided by the family court office. The request will be scheduled by the family court office for conference or hearing, as may be appropriate. When there is no other provision governing the time within which counseling may be requested or carried out, any request must be filed within such time as to not delay trial or a hearing.

**L1920.51. Hearing by the Court. Appointment of Master.**

A. All claims for relief on the merits, other than disputed claims as to custody or paternity shall initially be heard by a family court hearing officer or master. Any request for hearing before the court on matters other than custody and paternity shall be made by motion and will be granted by the court only upon cause shown.

\* \* \* \* \*

**Orphans' Court Rule**

**L3.4. Motion Procedures.**

The provisions of Lyc. Co. R.C.P. L205.2(b)B shall apply to all filings which are intended to be brought before the court for hearing, argument, conference or similar dispositive action.

[Pa.B. Doc. No. 05-275. Filed for public inspection February 11, 2005, 9:00 a.m.]

\_\_\_\_\_

**WESTMORELAND COUNTY**

**Rescinding and Adopting Rule W1920.12; No. 3 of 2005**

**Order**

*And Now, this 28th day of January, 2005, It Is Hereby Ordered* that current Westmoreland County Rule of Civil Procedure W1915.8 is rescinded and new Rule W1915.8 is adopted.

*By the Court*

DANIEL J. ACKERMAN,  
*President Judge*

**Rule W1915.8 Physical and Mental Examination of Persons**

(a) Evaluations may be ordered in accordance with Pa.R.C.P. 1915.8 in a custody proceeding by the Court on its own motion, by consent of the parties, or by motion of either party. In the event an evaluation is ordered, a Pretrial Conference will be automatically scheduled.

(b) Failure to pay as ordered may result in contempt proceedings and appropriate penalties as provided in Pa.R.C.P. 1915, et. seq.

(c) The Order for a custody evaluation shall also schedule the next court event. If the evaluation is ordered at the Conciliation Conference, the Order shall also schedule a Pretrial Conference.

[Pa.B. Doc. No. 05-276. Filed for public inspection February 11, 2005, 9:00 a.m.]

\_\_\_\_\_

# RULES AND REGULATIONS

## Title 25—ENVIRONMENTAL PROTECTION

### ENVIRONMENTAL QUALITY BOARD

[25 Pa. CODE CH. 93]

#### Triennial Review of Water Quality Standards

The Environmental Quality Board (Board) is amending Chapter 93 (relating to water quality standards) to read as set forth in Annex A.

This order was adopted by the Board at its meeting of August 17, 2004.

#### A. *Effective Date*

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

#### B. *Contact Persons*

For further information contact Edward R. Brezina, Chief, Division of Water Quality Assessment and Standards, Bureau of Water Supply and Wastewater Management, 11th Floor, Rachel Carson State Office Building, P. O. Box 8467, (717) 787-9637 or Michelle Moses, Assistant Counsel, Bureau of Regulatory Counsel, 9th Floor, Rachel Carson State Office Building, P. O. Box 8464, Harrisburg, PA 17105-8464, (717) 787-7060. Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This final-form rulemaking is available electronically through the Department of Environmental Protection's (Department's) website (<http://www.dep.state.pa.us>).

#### C. *Statutory Authority*

This final-form rule is made under sections 5(b)(1) and 402 of The Clean Streams Law (35 P. S. §§ 691.5(b)(1) and 691.402), which authorize the Board to develop and adopt rules and regulations to implement provisions of The Clean Streams Law and section 1920-A of The Administrative Code of 1929 (71 P. S. § 510-20), which grants to the Board the power and duty to formulate, adopt and promulgate rules and regulations for the proper performance of the work of the Department. In addition, section 303 of the Federal Clean Water Act (33 U.S.C.A. § 1313) sets forth requirements for water quality standards and the Federal regulations in 40 CFR 131.32 (relating to Pennsylvania) set forth certain requirements for portions of the Commonwealth's antidegradation program.

#### D. *Background and Summary*

Section 303(c)(1) of the Clean Water Act requires that states periodically, but at least once every 3 years, review and revise as necessary, their water quality standards. This final-form rulemaking constitutes the Commonwealth's current triennial review of its water quality standards.

The Commonwealth's water quality standards, which are codified in Chapter 93 and portions of Chapter 92 (relating to National Pollutant Discharge Elimination System permitting, monitoring and compliance), are designed to implement the requirements of sections 5 and 402 of The Clean Streams Law and section 303 of the Federal Clean Water Act. The water quality standards consist of the designated uses of the surface waters of this

Commonwealth, along with the specific numerical and narrative criteria necessary to achieve and maintain those uses and antidegradation regulations. Water quality standards are in-stream water quality goals that are implemented by imposing specific regulatory requirements, such as treatment requirements and effluent limitations, on individual sources of pollution.

This final-form rulemaking revises Chapter 93. These regulatory revisions will clarify requirements, and update the regulations to be consistent with Federal regulatory changes when indicated, and preserve State-specific requirements to serve the citizens of this Commonwealth. This final-form rulemaking may affect persons who discharge wastewater into surface waters of this Commonwealth or otherwise conduct activities, which may impact those waters.

The Department's Water Resources Advisory Committee (WRAC), provided input on the proposed amendments at its November 13, 2002, and September 10, 2003, meetings. The proposed amendments were adopted by the Board as proposed rulemaking at its July 15, 2003, meeting. The proposed rulemaking was published at 33 Pa.B. 5190 (October 18, 2003) with provision for a 60-day public comment period that closed on December 17, 2003. The Board received 538 public comments. The comments received on the proposed rulemaking are summarized in Section E of this order.

The Board has considered all of the public comments received on its proposed rulemaking in preparing for these final-form regulations. The draft final-form regulations were discussed with and approved by WRAC on July 14, 2004, with additional clarifications to the dissolved oxygen criteria. The valuable input from the public and the collective knowledge and experience drawn from advisory committees and others on this proposal has been utilized to develop regulations which carefully balance the needs of citizens and the regulated community in assuring the protection of this Commonwealth's waters.

#### E. *Summary of Comments and Responses on the Proposed Rulemaking*

Comments were received from 538 commentators including the Independent Regulatory Review Commission (IRRC) as a result of the public comment period and the public hearing. Approximately 50% of the comments received involved § 93.2 (relating to scope). The proposed rulemaking recommended deletion of certain text in § 93.2(a) to correct any misinterpretation that the scope of Chapter 93 applies only to "discharges" or to "point sources." The majority of scope comments were in support of clarifying the language in § 93.2 to include point sources as well as nonpoint sources. There were a few commentators that expressed concerns with the removal of language from the scope section.

The other major issue was the proposed change to the application of dissolved oxygen criteria in § 93.7 (relating to specific water quality criteria) to recognize the effects of natural stratification in lakes, ponds and impoundments. Several commentators supported the proposed change to the dissolved oxygen criteria. A few commentators expressed concerns pertaining to the application of the criteria, the stratification process and definitions of epilimnion and hypolimnion.

A detailed description of the comments and revisions to the proposal follows:

*General*

Many commentators requested that the Board not weaken the water quality standards. They expressed concern that the Commonwealth was going to reduce the protection of the waters of this Commonwealth. The Board responded to those comments by assuring commentators that the amendments to its regulations will not weaken the water quality standards but will clarify the protection of the waters of this Commonwealth. A comment was received concerning the application of water quality standards to wetlands. The Department has reviewed the water quality standards, and there was no new scientific information, policies or directives found that would require changes to the water quality standards as they apply to wetlands.

*§ 93.1. Definitions.*

A few commentators expressed concerns that the application of the dissolved oxygen criteria and the stratification process was not clear. Therefore, a definition for "hypolimnion" has been added to the final-form rulemaking to further clarify natural stratification.

*§ 93.2. Scope.*

The proposed change to the scope is one of the major issues that was raised by commentators. The proposed rulemaking recommended deletion of certain text in § 93.2(a) to correct any misinterpretation that the scope of Chapter 93 applies only to "discharges" or to "point sources." The majority of the comments on the scope were in support of the proposed change that clarified its application to both point and nonpoint sources of pollution. There were a few commentators that expressed concerns with the proposed change to remove language from the scope. They have requested that the existing language be retained or that new language be added to insert "point and nonpoint source" before "discharges." On final-form rulemaking, the Board is inserting new language that reads as follows: . . . and will be considered by the Department in "implementing its authority under The Clean Streams Law and other statutes that authorize protection of surface water quality." This amendment will track current guidance and regulations for use of the standards in situations outside NPDES discharges. This change reaffirms the Department's longstanding position that the water quality standards in Chapter 93 are the standards that are used whenever the environmental statutes authorize the Department to make decisions or approvals relating to stream quality protection.

Questions have been raised regarding the relationship between 27 Pa.C.S. Chapter 31 (relating to conservation and natural resources) (act) and Chapter 93. The water withdrawal registration process required under the act does not expand the Department's existing authority to protect surface waters. Water withdrawal information gathered under that statute is for water planning purposes and the State Water Plan will be used for the purposes articulated by section 3116 of the act (relating to use of plan). Under multiple sections of the act it is clear that the planning statute does not authorize, diminish or expand existing authority of the Department to regulate, control or require permits for the withdrawal or use of water. See sections 3104 (4), 3111(c) and 3136(a) of the act (relating to administrative agreements with other agencies; plan contents; and relation to other laws.) By amending § 93.2 in this final-form rulemaking, the Department is not expanding its existing authority to protect surface waters. To clarify this point, a motion was

made and approved at the Board's meeting on August 17, 2004, to amend this final rulemaking by adding the following language to the end of § 93.2(a): "Nothing in this chapter shall be construed to diminish or expand the authority of the Department to regulate surface water quality as authorized by statute."

*§ 93.7. Specific water quality criteria.*

The other major issue in the comments was the proposed change to the application of dissolved oxygen criteria in § 93.7 to recognize the effects of natural stratification in lakes, ponds and impoundments. Several commentators supported the proposed change to the dissolved oxygen criteria. A few commentators expressed concerns pertaining to the application of the criteria, the stratification process, and definitions of epilimnion and hypolimnion. In response to the comments and to WRAC suggestions, the language in the final form rulemaking at § 93.7, Table 3—Dissolved Oxygen is revised to further clarify natural stratification and how the process is applied and a new definition of "hypolimnion" is added to § 93.1.

*Fishable/Swimmable Waters*

Part of the triennial review requires that states reexamine water body segments that do not meet the fishable or swimmable uses specified in section 101(a)(2) of the Federal Clean Water Act. The Department evaluated the two Pennsylvania water bodies where the uses are not currently met: (1) the Harbor Basin and entrance channel to Outer Erie Harbor/Presque Isle Bay and (2) several zones in the Delaware Estuary.

The swimmable use designation was deleted from the Harbor Basin and entrance channel demarcated by United States Coast Guard buoys and channel markers on Outer Erie Harbor/ Presque Isle Bay because boat and shipping traffic pose a serious safety hazard in this area. This decision was based on a Use Attainability study in 1985. Because the same conditions exist today, no change to the designated use for Outer Erie Harbor/Presque Isle Bay is made.

The Department cooperated with the Delaware River Basin Commission (DRBC), Environmental Protection Agency (EPA) and other DRBC signatory states on a comprehensive Use Attainability study in the lower Delaware River and Delaware Estuary. This study resulted in appropriate recommendations relating to the swimmable use, which DRBC included in water use classifications and water quality criteria for portions of the tidal Delaware River in May 1991. Criteria for enterococcus and changes in application to the fecal coliform criteria in this area reflect the use. The appropriate DRBC standards are referenced in §§ 93.9e and 93.9g (relating to Drainage List E; and Drainage List G). The primary water contact use remains excluded from the designated uses for river miles 108.4 to 81.8 because of continuing significant impacts from combined sewer overflows.

*F. Benefits, Costs and Compliance*

1. *Benefits*—Overall, the citizens of this Commonwealth will benefit from these recommended changes because they provide the appropriate level of protection for the uses of surface waters in this Commonwealth.

2. *Compliance Costs*—This final-form rulemaking is not expected to impose any significant additional compliance costs on the regulated community. These regulatory changes are not expected to increase total pollution

control expenditures over that which would otherwise be required under existing regulations.

3. *Compliance Assistance Plan*—This final-form rulemaking has been developed as part of an established program that has been implemented by the Department since the early 1980s. The revisions are consistent with and based on existing Department regulations.

This final-form rulemaking will be implemented in part through the National Pollutant Discharge Elimination System (NPDES) permitting program. No additional compliance materials are anticipated. Staff are available to assist regulated entities in complying with the regulatory requirements if any questions arise.

4. *Paperwork Requirements*—The regulatory revision should have no significant paperwork impact on the Commonwealth, its political subdivisions or the private sector.

G. *Pollution Prevention*

Water quality standards are a major pollution prevention tool because they protect water quality and designated and existing uses. This final-form rulemaking will be implemented through the Department's permit and approval actions. For example, the NPDES bases effluent limitations on the uses of the stream and assures water quality criteria are achieved and designated and existing uses are protected.

H. *Sunset Review*

This final-form rulemaking will be reviewed in accordance with the sunset review schedule published by the Department to determine whether the regulations effectively fulfill the goals for which they were intended.

I. *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on October 1 2004, the Department submitted a copy of the proposed rulemaking published at 33 Pa.B. 5190, to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the Senate and House Environmental Resources and Energy Committee for review and comment.

Under section 5(c) of the Regulatory Review Act (71 P. S. § 745.5(c)), the Department provided IRRC and the Committees with copies of the comments received, as well as other documentation. The Board has considered all public comments in preparing this final-form rulemaking. Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), this final-form rulemaking was deemed approved by the House and Senate Committees on November 3, 2004. Under section 5.1(e) of the Regulatory Review Act, IRRC met on November 4, 2004, and approved the final-form rulemaking.

J. *Findings of the Board*

The Board finds that:

(1) Public notice of proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and regulations promulgated thereunder at 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period was provided as required by law. In addition, two Board hearings were held. All comments were considered.

(3) This final-form rulemaking does not enlarge the purpose of the proposal published at 33 Pa.B. 5190.

(4) This final-form rulemaking is necessary and appropriate for administration and enforcement of the authorizing acts identified in Section C of this order.

K. *Order of the Board*

The Board, acting under the authorizing statutes, orders that:

(a) The regulations of the Department, 25 Pa. Code Chapter 93, are amended by amending §§ 93.1, 93.2, 93.6, 93.7, 93.8, 93.9, 93.9a, 93.9b, 93.9c, 93.9d, 93.9e, 93.9f, 93.9i, 93.9l, 93.9m, 93.9o, 93.9q and 93.9s to read as set forth in Annex A, with ellipses referring to the existing text of the regulation.

(b) The Chairperson of the Board shall submit this order and Annex A to the Office of General Counsel and the Office of Attorney General for approval and review as to legality and form, as required by law.

(c) The Chairperson shall submit this order and Annex A to IRRC and the Committees as required by the Regulatory Review Act.

(d) The Chairperson of the Board shall certify this order and Annex A and deposit them with the Legislative Reference Bureau, as required by law.

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

KATHLEEN A. MCGINTY,  
*Chairperson*

*(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 34 Pa.B. 6293 (November 20, 2004).)*

**Fiscal Note:** Fiscal Note 7-386 remains valid for the final adoption of the subject regulations.

**Annex**

**TITLE 25. ENVIRONMENTAL PROTECTION  
PART I. DEPARTMENT OF ENVIRONMENTAL  
PROTECTION**

**Subpart C. PROTECTION OF NATURAL  
RESOURCES**

**ARTICLE II. WATER RESOURCES**

**CHAPTER 93. WATER QUALITY STANDARDS  
GENERAL PROVISIONS**

**§ 93.1. Definitions.**

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

\* \* \* \* \*

*High Quality Waters*—Surface waters having quality which exceeds levels necessary to support propagation of fish, shellfish, and wildlife and recreation in and on the water by satisfying § 93.4b(a).

*Hypolimnion*—The cooler, denser, lower layer in a naturally stratified lake, pond or impoundment.

\* \* \* \* \*

**§ 93.2. Scope.**

(a) This chapter sets forth water quality standards for surface waters of this Commonwealth, including wetlands. These standards are based upon water uses

which are to be protected and will be considered by the Department in implementing its authority under The Clean Streams Law and other statutes that authorize protection of surface water quality. Nothing in this chapter shall be construed to diminish or expand the authority of the Department to regulate surface water quality as authorized by statute.

(b) When an interstate or international agency under an interstate compact or international agreement establishes water quality standards regulations applicable to surface waters of this Commonwealth, including wetlands, more stringent than those in this title, the more stringent standards apply.

**WATER QUALITY CRITERIA**

**§ 93.6. General water quality criteria**

(a) Water may not contain substances attributable to point or nonpoint source discharges in concentration or amounts sufficient to be inimical or harmful to the water uses to be protected or to human, animal, plant or aquatic life.

(b) In addition to other substances listed within or addressed by this chapter, specific substances to be controlled include, but are not limited to, floating materials, oil, grease, scum and substances that produce color, tastes, odors, turbidity or settle to form deposits.

**§ 93.7. Specific water quality criteria.**

\* \* \* \* \*

**TABLE 3**

<i>Parameter</i>	<i>Symbol</i>	<i>Criteria</i>	<i>Critical Use*</i>
		* * * * *	
Color	Col	Maximum 75 units on the platinum-cobalt scale; no other colors perceptible to the human eye.	PWS
Dissolved Oxygen		The following specific dissolved oxygen criteria recognize the natural process of stratification in lakes, ponds and impoundments. These criteria apply to flowing waters and to the epilimnion of a naturally stratified lake, pond or impoundment. The hypolimnion in a naturally stratified lake, pond or impoundment is protected by the narrative water quality criteria in § 93.6 (relating to general water quality criteria). For nonstratified lakes, ponds or impoundments, the dissolved oxygen criteria apply throughout the lake, pond or impoundment to protect the critical uses.	See the following table.
	DO <sub>1</sub>	For flowing waters, minimum daily average 6.0 mg/l; minimum 5.0 mg/l. For lakes, ponds and impoundments, minimum 5.0 mg/l.	CWF HQ-WWF HQ-TSF
	DO <sub>2</sub>	Minimum daily average 5.0 mg/l; minimum 4.0 mg/l.	WWF
	DO <sub>3</sub>	For the period February 1 to July 31 of any year, minimum daily average 6.0 mg/l; minimum 5.0 mg/l. For the remainder of the year, minimum daily average 5.0 mg/l; minimum 4.0 mg/l.	TSF
	DO <sub>4</sub>	Minimum 7.0 mg/l.	HQ-CWF
		* * * * *	

**§ 93.8. Development of site-specific water quality criteria.**

(a) The Department will consider a request for site-specific criteria for protection of aquatic life, human health or wildlife when a person demonstrates that there exist site-specific biological or chemical conditions of receiving waters which differ from conditions upon which the water quality criteria were based. Site-specific criteria may be developed for use only in place of current Statewide or regional (such as the Great Lakes systems) criteria. The request for site-specific criteria shall include the results of scientific studies for the purpose of:

(1) Defining the areal boundaries for application of the site-specific criteria which will include the potentially affected wastewater dischargers identified by the Department, through various means, including, but not limited to, the total maximum daily load (TMDL) process de-

scribed in Chapter 96 (relating to water quality standards implementation) or biological assessments.

(2) Developing site-specific criteria which protect its existing use and designated use.

(b) Scientific studies shall be performed in accordance with the procedures and guidance in the Water Quality Standards Handbook (EPA 1994), as amended and updated, guidance provided by the Department or other scientifically defensible methodologies approved by the Department.

(c) Prior to conducting studies specified in subsections (a) and (b), a proposed plan of study shall be submitted to and approved by the Department.

(d) Signed copies of all reports including toxicity test data shall be submitted to the Department within 30 days of completion of the tests.

(e) If as a result of its review of the report submitted, the Department determines that a site-specific criterion is appropriate, the Department will, for site-specific changes to criteria in § 93.7 (relating to specific water quality criteria), prepare a recommendation to the EQB in the form of proposed rulemaking, incorporating that criterion for the water body segment. The site-specific changes to the criteria will become effective for the water body segment following adoption by the EQB as final rulemaking and publication in the *Pennsylvania Bulletin*.

(f) A person challenging a Department action under this section shall have the burden of proof to demonstrate that the Department's action does not meet the requirements of this section.

**§ 93.9. Designated water uses and water quality criteria.**

(a) The tables in §§ 93.9a—93.9z display designated water uses and water quality criteria in addition to the water uses and criteria specified in Tables 2 and 3. Designated uses shall be protected in accordance with Chapters 95 and 96 (relating to wastewater treatment requirements; and water quality standards implementation) and any other applicable State and Federal

laws and regulations. The tables also indicate specific exceptions to Tables 2 and 3 on a stream-by-stream or segment-by-segment basis by the words “add” or “delete” followed by the appropriate symbols described elsewhere in this chapter. The county column in §§ 93.9a—93.9z indicates the county in which the mouth of the stream is located. Abbreviations used in the Stream and the “Zone” columns are as follows:

- FAS—Federal Aid Secondary Highway
- I—Interstate Highway
- LR—Pennsylvania Legislative Route
- RM—River Mile; river miles are used to indicate the distance from a point on the waterbody to its mouth and are based on the DEP's River Mile Index
- SR—Pennsylvania State Route
- T—Township Road
- UNT—Unnamed Tributaries
- US—United States Federal Route

\* \* \* \* \*

**§ 93.9a. Drainage List A.**

**Delaware River Basin in Pennsylvania  
*Delaware River***

<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions To Specific Criteria</i>
		* * * * *		
3—Sherman Creek	Basin (all sections in PA), Source to Starboard Creek	Wayne	HQ-CWF	None
4—Starboard Creek	Basin (all sections in PA)	Wayne	CWF	None
3—Sherman Creek	Basin (all sections in PA), Starboard Creek to PA-NY State Border	Wayne	CWF	None
3—Sherman Creek (NY)				
4—UNTs to Sherman Creek	Basins (all sections in PA), PA-NY State Border to Mouth	Wayne	CWF	None
2—West Branch Delaware River	Main Stem, PA-NY State Border to Confluence with East Branch	Wayne	CWF, MF	See DRBC regulations—Water Quality Zone 1A
		* * * * *		

**§ 93.9b. Drainage List B.**

**Delaware River Basin in Pennsylvania  
*Lackawaxen River***

<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions To Specific Criteria</i>
		* * * * *		
3—West Branch Lackawaxen River	Main Stem, Prompton Reservoir to Confluence with Dyberry Creek	Wayne	HQ-TSF, MF	None
		* * * * *		

<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions To Specific Criteria</i>
4—Van Auken Creek	Basin	Wayne	HQ-TSF, MF	None
		* * * * *		

§ 93.9c. Drainage List C.

**Delaware River Basin in Pennsylvania**  
***Delaware River***

<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions To Specific Criteria</i>
		* * * * *		
3—Unnamed Tributaries to Bush Kill	Basins, Saw Creek to Mouth	Monroe	HQ-CWF	None
3—Sand Hill Creek	Basin	Monroe	HQ-CWF	None
3—Little Bush Kill	Basin, Source to Unnamed Tributary (UNT) 05067	Pike	EV	None
4—Unnamed Tributary 05067 to Little Bush Kill	Basin	Pike	EV	None
3—Little Bush Kill	Basin, UNT 05067 to UNT 05059	Pike	HQ-CWF	None
4—Unnamed Tributary 05059 to Little Bush Kill	Basin	Pike	EV	None
3—Little Bush Kill	Basin, UNT 05059 to UNT 05057	Pike	EV	None
4—Unnamed Tributary 05057 to Little Bush Kill	Basin	Pike	HQ-CWF	None
3—Little Bush Kill	Basin, UNT 05057 to Mouth	Pike	EV	None
1—Delaware River	Main Stem, Tocks Island to Lehigh River	Northampton	WWF, MF	See DRBC regulations—Water Quality Zone
		* * * * *		

§ 93.9d. Drainage List D.

**Delaware River Basin in Pennsylvania**  
***Lehigh River***

<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions To Specific Criteria</i>
		* * * * *		
3—Nesquehoning Creek	Main Stem, Tibbetts Pond Dam to Mouth	Carbon	CWF	None
		* * * * *		



<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions To Specific Criteria</i>
4—UNT 04106 (locally First Hollow Run)	Basin	Carbon	EV	None
4—Jeans Run	Basin	Carbon	HQ-CWF	None
		* * * * *		
3—Mauch Chunk Creek	Basin, Source to SR 902 Bridge	Carbon	EV	None
3—Mauch Chunk Creek	Basin, SR 902 Bridge to Mouth	Carbon	CWF	None
3—Beaverdam Run	Basin	Carbon	CWF	None
		* * * * *		

§ 93.9e. Drainage List E.

**Delaware River Basin in Pennsylvania  
Delaware River**

<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions To Specific Criteria</i>
		* * * * *		
2—Neshaminy Creek	Main Stem, Confluence of West and North Branches to RM 26.84	Bucks	TSF, MF	Add Tur2
3—Unnamed Tributaries to Neshaminy Creek	Basins, Confluence of West and North Branches to RM 26.84	Bucks	TSF, MF	Add Tur2
3—Cooks Run	Basin	Bucks	WWF, MF	Add Tur2
3—Mill Creek	Basin	Bucks	TSF, MF	Add Tur2
3—Country Club Creek	Basin	Bucks	WWF, MF	Add Tur2
2—Neshaminy Creek	Non-Tidal Portion of Main Stem, RM 26.84 to Mouth	Bucks	WWF, MF	Add Tur1
3—Unnamed Tributaries to Neshaminy Creek	Non-Tidal Portions of Basins, RM 26.84 to Mouth	Bucks	WWF, MF	Add Tur1
3—Little Neshaminy Creek	Basin	Bucks	WWF, MF	Add Tur1
		* * * * *		

§ 93.9f. Drainage List F.

**Delaware River Basin in Pennsylvania  
Schuylkill River**

<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions To Specific Criteria</i>
		* * * * *		
3—Monocacy Creek	Basin	Berks	WWF	None
3—UNTs to Schuylkill River	Basins, Berks-Chester-Montgomery County Border to Valley Creek (except those in Spring City and Phoenixville)	Chester—Montgomery	HQ-TSF	None

<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions To Specific Criteria</i>
3—UNTs to Schuylkill River	Basins, in Spring City and Phoenixville	Chester	WWF	None
3—Manatawny Creek	Main Stem	Berks	CWF	None
		* * * * *		
3—Perkiomen Creek	Basin, Source to SR 1010 Bridge at Hereford	Berks	HQ-CWF	None
3—Perkiomen Creek	Main Stem, SR 1010 Bridge to Green Lane Reservoir Dam	Montgomery	TSF	None
4—Unnamed Tributaries to Perkiomen Creek	Basins, SR 1010 Bridge to Green Lane Reservoir Dam	Montgomery	TSF	None
4—Hosensack Creek	Basin	Montgomery	CWF	None
		* * * * *		

§ 93.9i. Drainage List I.

**Susquehanna River Basin in Pennsylvania**  
***Susquehanna River***

<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions To Specific Criteria</i>
		* * * * *		
2—Laning Creek	Basin	Bradford	WWF	None
2—Wysox Creek	Basin	Bradford	CWF	None
		* * * * *		

§ 93.9l. Drainage List L.

**Susquehanna River Basin in Pennsylvania**  
***West Branch Susquehanna River***

<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions To Specific Criteria</i>
		* * * * *		
4—Bennett Branch Sinnemahoning Creek	Main Stem, Mill Run to Confluence with Driftwood Branch	Cameron	WWF	None
		* * * * *		
5—Trout Run	Basin, Source to Spring Run	Elk	CWF	None
6—Spring Run	Basin, Source to UNT 24721	Elk	CWF	None
7—UNT 24721 to Spring Run	Basin	Elk	CWF	None
6—Spring Run	Basin, UNT 24721 to Stony Brook	Elk	HQ-CWF	None
7—Stony Brook	Basin	Elk	CWF	None

<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions To Specific Criteria</i>
6—Spring Run	Basin, Stony Run to Mouth	Elk	CWF	None
5—Trout Run	Basin, Spring Run to Mouth	Elk	CWF	None
		* * * * *		

§ 93.9m. Drainage List M.

**Susquehanna River Basin in Pennsylvania**  
***Susquehanna River***

<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions To Specific Criteria</i>
		* * * * *		
2—Penns Creek	Basin, Source to Muddy Creek	Centre	CWF	None
3—Muddy Creek	Basin	Centre	HQ-CWF	None
2—Penns Creek	Basin, Muddy Creek to Pine Creek	Centre	CWF	None
3—Pine Creek	Basin, Source to Downstream Boundary of Hook Natural Area	Centre	EV	None
		* * * * *		

§ 93.9o. Drainage List O.

**Susquehanna River Basin in Pennsylvania**  
***Susquehanna River***

<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions To Specific Criteria</i>
		* * * * *		
3—Laurel Run	Basin, Source to South Branch Laurel Run	Perry	EV	None
4—South Branch Laurel Run	Basin	Perry	HQ-CWF	None
3—Laurel Run	Basin, South Branch to T 339	Perry	HQ-CWF	None
3—Laurel Run	Basin, T 339 to Mouth	Perry	CWF	None
		* * * * *		
3—Mill Creek	Main Stem, Source to SR 1011	Lancaster	CWF	None
4—Unnamed Tributary to Mill Creek From New Holland Reservoir	Basin, Source to Tailwaters of New Holland Reservoir	Lancaster	HQ-CWF	None
4—Unnamed Tributary to Mill Creek From New Holland Reservoir	Basin, New Holland Reservoir	Lancaster	CWF	None
4—Unnamed Tributary to Mill Creek From New Holland Reservoir	Basin, New Holland Reservoir Dam to Mouth	Lancaster	CWF	None
3—Mill Creek	Basin, SR 1011 to Mouth	Lancaster	WWF	None

<i>Stream</i>	<i>Zone</i>	<i>County</i>					<i>Water Uses Protected</i>	<i>Exceptions To Specific Criteria</i>
3—Stehman Run	Basin	*	*	*	*	*	WWF	None
2—Deer Creek	Basin (all sections in PA)			York			CWF, MF	None
1—Chesapeake Bay		*	*	*	*	*		

§ 93.9q. Drainage List Q.

**Ohio River Basin in Pennsylvania**  
***Allegheny River***

<i>Stream</i>	<i>Zone</i>	<i>County</i>					<i>Water Uses Protected</i>	<i>Exceptions To Specific Criteria</i>
4—South Branch Tionesta Creek	Main Stem, Source to Confluence with West Branch	*	*	*	*	*	HQ-CWF	None
5—UNTs to South Branch Tionesta Creek	Basins			Elk-Forest-Warren			HQ-CWF	None
5—Martin Run	Basin			Elk			HQ-CWF	None
5—Wolf Run	Basin			Elk			HQ-CWF	None
5—Coon Run	Basin			Elk			HQ-CWF	None
5—Chaffee Run	Basin			Elk			HQ-CWF	None
5—Crane Run	Basin			Elk			EV	None
5—Iron Run	Basin			Forest			HQ-CWF	None
5—Fork Run	Basin			Forest			HQ-CWF	None
5—Bogus Run	Basin			Forest			HQ-CWF	None
5—Rock Run	Basin			Forest			HQ-CWF	None
5—Tuttle Run	Basin			Forest			HQ-CWF	None
5—Cherry Run	Basin			Warren			HQ-CWF	None
5—Martin Run	Basin			Warren			HQ-CWF	None
5—East Branch Tionesta Creek	Basin			Warren			HQ-CWF	None
3—Tionesta Creek	Main Stem, Confluence of West and South Branches to Mouth	*	*	*	*	*	CWF	None

§ 93.9s. Drainage List S.

**Ohio River Basin in Pennsylvania**  
***Allegheny River***

<i>Stream</i>	<i>Zone</i>	<i>County</i>					<i>Water Uses Protected</i>	<i>Exceptions To Specific Criteria</i>
4—North Fork Redbank Creek	Main Stem, Source to Confluence with Sandy Lick Creek	*	*	*	*	*	HQ-CWF	None

RULES AND REGULATIONS

<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions To Specific Criteria</i>
5—Unnamed Tributaries to North Fork	Basins, Source to Confluence with Sandy Lick Creek	Jefferson	HQ-CWF	None
		* * * * *		
5—South Branch of North Fork Redbank Creek	Basin	Jefferson	EV	None
5—Acy Run	Basin	Jefferson	HQ-CWF	None
		* * * * *		

[Pa.B. Doc. No. 05-277. Filed for public inspection February 11, 2005, 9:00 a.m.]

# PROPOSED RULEMAKING

## STATE BOARD OF FUNERAL DIRECTORS

[49 PA. CODE CH. 13]

### Unprofessional Conduct

The State Board of Funeral Directors (Board) proposes to amend § 13.202 (relating to unprofessional conduct) to read as set forth in Annex A.

#### *Effective Date*

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

#### *Statutory Authority*

The proposed rulemaking is authorized under sections 11(a)(5) and 16(a) of the Funeral Director Law (act) (63 P. S. §§ 479.11(a)(5) and 479.16(a)).

#### *Background, Need and Description of the Proposed Amendment*

Section 11(a)(5) of the act authorizes the Board to discipline licensees for "misconduct in the carrying on of the profession" of funeral director. Although the act does not define the term "misconduct," the Board in its disciplinary actions has applied prior court interpretation of the term. See, for example, *Toms v. State Board of Funeral Directors*, 800 A.2d 342, 349 (Pa. Cmwlth. 2002) (misconduct is a breach of the generally accepted canons of ethics and propriety governing the reverential and respectful burial of the dead). Acting under its statutory authority, the Board has listed in § 13.202 various acts that the Board considers to be misconduct. Recent disciplinary cases before the Board concerning professional misconduct have inspired the Board to expand that list. Including acts of misconduct in the regulation serves to put licensees on notice of what the Board considers to be misconduct.

A funeral director might come into possession of funds of a decedent or intended for a decedent, even if the funeral director does not provide funeral goods or services for that decedent. Proposed § 13.202(13) would prohibit a funeral director from retaining funds for goods or services that the funeral director has not provided or that exceed the value of funeral goods and services that the funeral director has provided. This provision would permit the funeral director a reasonable amount of time to ascertain that any person to whom the funeral director would transfer the funds is entitled to receive them.

Section 8 of the act (63 P. S. § 479.8) sets forth various forms of organization that may engage in the practice of funeral directing, including as sole proprietor or partnership and certain corporations. Anyone practicing funeral directing in any of these forms must be licensed by the Board. Proposed § 13.202(14) would prohibit a funeral director from performing funeral director services on behalf of an establishment that the funeral director knows, or should know, is not properly licensed to engage in funeral directing.

A funeral director shall release a decedent's remains upon request of the family. Section 13.201(5) (relating to professional responsibilities) provides that the professional responsibility of a funeral director includes releasing remains to the funeral director chosen by the family if

the remains were removed prior to contacting the family. A funeral director may not refuse to release a decedent's remains as a means to enforce payment for services or merchandise. See *Toms* at 349. Proposed § 13.202(15) would codify this prohibition. Enforcement of a payment obligation must be through other means, such as subsequent billing or legal process.

Because it is the last opportunity to do so, proposed § 13.202(16) would prohibit a funeral director from refusing a reasonable request of a member of the decedent's immediate family to pay final respects. The immediate family would include the decedent's spouse, parents, grandparents, siblings, children and grandchildren. The provision does not require the funeral director to permit any of these persons to participate in a funeral service. Instead, upon request, the funeral director shall make available a reasonable opportunity to pay final respects, regardless of any instructions from the funeral director's customer who is paying for the funeral director's services.

Section 13(c) of the act (63 P. S. § 479.13(c)) prohibits a person who is not licensed as a funeral director, either directly or through an agent, from entering into a contract with a person then living to provide funeral services at the time of the person's subsequent death. This provision prohibits any unlicensed person from engaging in preneed sales, even on behalf of a funeral director. See *Ferguson v. State Board of Funeral Directors*, 566 A.2d 670 (Pa. Cmwlth. 2001), appeal denied, 566 Pa. 670, 782 A.2d 549. Proposed § 13.202(17) would prohibit a funeral director from aiding any person or entity that the funeral director has reason to believe is attempting through unlicensed persons or entities to engage in preneed sales.

Additionally, the Board proposes to amend § 13.202(11) concerning the requirement that a funeral director obtain permission from the family prior to furnishing embalming or other services or merchandise. A funeral director might be unable to locate family members, despite making reasonable good-faith attempts to locate them. However, there may be very good reasons why certain services must be provided at that time. The proposed amendment would permit the funeral director to provide these necessary services, so long as the funeral director has no reason to think the family would refuse. This proposed amendment is consistent with the Federal Trade Commission's Amended Funeral Rule (15 CFR 453.5), which provides that it is an unfair or deceptive trade practice for a provider of funeral services to embalm a deceased human body for a fee unless the law requires embalming, the family has given prior approval or the provider is unable to contact an appropriate person to give approval for embalming after exercising due diligence, has no reason to believe the family does not want embalming and obtains subsequent approval for embalming already performed. In general, the proposed amendment to § 13.202(11) would permit a funeral director to charge for funeral services provided prior to obtaining permission by obtaining that permission after the fact. However, the proposed amendment to § 13.202(11) would not permit a funeral director to charge for embalming provided prior to obtaining permission, unless the embalming is necessary and appropriate for other services, such as public viewing, selected by the person paying for the overall funeral goods and services.

*Impact of the Proposed Rulemaking*

The Board solicited input from and provided an exposure draft of this proposed amendment to funeral directors and organizations. In addition, the Board considered the impact the amendment would have on the regulated community and on public health, safety and welfare. The Board finds that the proposed amendment addresses a compelling public interest as described in this preamble.

*Fiscal Impact and Paperwork Requirements*

The proposed rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The proposed rulemaking will impose no additional paperwork requirements upon the Commonwealth, political subdivisions or the private sector.

*Sunset Date*

The Board continuously monitors the cost effectiveness of its regulations. Therefore, no sunset date has been assigned.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on February 2, 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 Senate Consumer Protection and Professional Licensure Committee and the House Professional Licensure Committee. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections 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 Comment*

Interested persons are invited to submit written comments, suggestions or objections regarding this proposed rulemaking to Michelle Smey, Administrator, State Board of Funeral Directors, P. O. Box 2649, Harrisburg, PA 17105-2649 within 30 days following publication of this proposed rulemaking in the *Pennsylvania Bulletin*. Reference No. 16A-4814 (Unprofessional conduct) when submitting comments.

JOSEPH A. FLUEHR, III, FD,  
*Chairperson*

**Fiscal Note:** 16A-4814. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS  
PART I. DEPARTMENT OF STATE  
Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS  
CHAPTER 13. STATE BOARD OF FUNERAL DIRECTORS**

**STANDARDS OF PRACTICE AND CONDUCT**

**§ 13.202. Unprofessional conduct.**

Unprofessional conduct includes the following:

\* \* \* \* \*

(11) Furnishing embalming, other services or merchandise without having obtained written permission from a family member or other person authorized by law to make funeral arrangements for the deceased. Oral permission to embalm, followed by a confirmatory e-mail, fax, telex, telegram, mailgram or other written confirmation will be acceptable.

**(i) A funeral director who has made reasonable attempts, without success, to locate family members or other persons authorized by law to make funeral arrangements for a deceased may provide embalming or other services without having obtained permission when there is a legitimate need to provide that service at that time and no facts known to the funeral director suggest that any authorized person, if requested, would refuse to give permission.**

**(ii) A funeral director who has provided funeral service without obtaining prior permission may not charge for the service unless:**

**(A) The provision of services without prior permission is authorized by this paragraph.**

**(B) The person paying for funeral goods and services agrees to pay for the previously unauthorized service.**

**(iii) A funeral director who has embalmed without obtaining prior permission may not charge or accept payment for the embalming unless:**

**(A) The embalming without prior permission is authorized by this paragraph.**

**(B) Embalming is necessary and appropriate for other services, such as a public viewing, subsequently selected by the person paying for funeral goods and services.**

\* \* \* \* \*

**(13) Retaining funds intended to pay for funeral goods and services when the funeral director and establishment have not provided any funeral goods and services or when the amount of funds retained is in excess of the value of funeral goods and services actually provided by the funeral director or establishment. A funeral director may preserve the funds for a reasonable amount of time for a person to demonstrate a legal entitlement to receive the funds or to receive payment of funds owed to the decedent.**

**(14) Performing funeral services on behalf of a funeral entity that the funeral director knew, or should have known, was not in compliance with section 8 of the act (63 P. S. § 479.8), regarding conduct of business.**

**(15) Refusing to release remains until consideration, whether earned or not, has been paid.**

**(16) Refusing the reasonable request of any known member of a decedent's immediate family the opportunity to pay final respects, regardless of who is paying for funeral services or merchandise. For purposes of this paragraph, the immediate family includes spouse, sibling, parent, grandparent, child and grandchild.**

**(17) Aiding any person or entity that the funeral director has reason to believe is attempting**

**through unlicensed persons or entities to engage in the sale of funeral services for a person then living.**

[Pa.B. Doc. No. 05-278. Filed for public inspection February 11, 2005, 9:00 a.m.]

## STATE BOARD OF MEDICINE

[49 PA. CODE CHS. 16 AND 18]

### Registration and Practice of Acupuncturists

The State Board of Medicine (Board) proposes to amend §§ 16.11, 16.13, 18.11—18.17 and 18.19 regarding the registration and practice of acupuncturists to read as set forth in Annex A.

#### A. *Effective Date*

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

#### B. *Statutory Authority*

The statutory authority for this proposal is the act of May 16, 2002 (P. L. 326, No. 49) (Act 49) which amended the Acupuncture Registration Act (act) (63 P. S. §§ 1801—1806). Section 3 of the act (63 P. S. § 1803) authorizes the Board to promulgate regulations as necessary to regulate the practice of acupuncture.

#### C. *Background and Purpose*

The proposed rulemaking would amend the Board's existing regulations so that they comport with the Act 49 amendments to the act.

#### D. *Description of Amendments*

Sections 16.11 and 16.13 (relating to licenses, certificates and registrations; and licensure, certification, examination and registration fees) would be amended to delete references to acupuncture supervisor and fees for acupuncture supervisor registration. Section 18.11 (relating to definitions) would be amended to include the statutorily expanded definition of "acupuncture" to include the use of supplemental techniques, the statutorily established definition of an "acupuncture educational program" and the statutorily established definition of "supplemental techniques." Section 18.11 would also be amended to delete definitions rendered unnecessary by Act 49. Specifically, the definition of "acupuncture program" would be deleted as superseded by the term "acupuncture educational program." Definitions regarding supervision of acupuncturists would also be deleted because Act 49 eliminated the supervisory requirement in regard to the practice of acupuncture. Section 18.11 would also be amended to reflect the name change of the National Commission for the Certification of Acupuncturists and Oriental Medicine.

Sections 18.12—18.15 would be amended and §§ 18.16 and 18.17 (relating to responsibilities of acupuncturist supervisor; and notice responsibilities) would be deleted

to delete references to acupuncturist supervisor and provisions pertaining to the supervision of the practice of acupuncture.

Section 18.15 (relating to practice responsibilities of acupuncturist who is not a medical doctor) would be amended to incorporate statutorily established requirements that the acupuncturist ensure that prior to the application of acupuncture treatments the patient obtain a written referral from a licensed physician, that the patient has undergone a medical diagnostic examination, and that the results of the examination and the referral are maintained in the patient's record. Existing provisions pertaining to the acupuncturist's obligation to consult with the referring physician as necessary would be retained.

Lastly, § 18.19 (relating to registration during transitional period) pertains to outdated registration requirements under the original act and, therefore, would be deleted.

#### E. *Fiscal Impact and Paperwork Requirements*

The proposed rulemaking would have no adverse fiscal impact or additional paperwork requirements imposed on the Commonwealth, its political subdivisions or the private sector.

#### F. *Sunset Date*

The Board continuously monitors its regulations. Therefore, no sunset date has been assigned.

#### G. *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on February 2, 2005, the Department submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the Senate Consumer Protection and Professional Licensure Committee and the House Professional Licensure Committee. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections 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 Department, the General Assembly and the Governor of comments, recommendations or objections raised.

#### H. *Public Comment*

Interested persons are invited to submit written comments, recommendations or objections regarding the proposed rulemaking to Joanne Troutman, Health Licensing Division, Bureau of Professional and Occupational Affairs, P. O. Box 2649, Harrisburg, PA 17105-2649 within 30 days following publication of this proposed rulemaking in the *Pennsylvania Bulletin*. Refer to Acupuncture Registration when submitting comments.

CHARLES D. HUMMER, Jr., M.D.,  
*Chairperson*

**Fiscal Note:** 16A-4919. No fiscal impact; (8) recommends adoption.



Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 16. STATE BOARD OF MEDICINE—GENERAL PROVISIONS

Subchapter B. GENERAL LICENSE, CERTIFICATION AND REGISTRATION PROVISIONS

§ 16.11. Licenses, certificates and registrations.

\* \* \* \* \*

(c) The following registrations are issued by the Board:

\* \* \* \* \*

(3) [ Registration as an acupuncturist supervisor.

(4) ] Biennial registration of a license without restriction.

[ (5) ] (4) \* \* \*

[ (6) ] (5) \* \* \*

[ (7) ] (6) \* \* \*

[ (8) ] (7) \* \* \*

[ (9) ] (8) \* \* \*

[ (10) ] (9) \* \* \*

§ 16.13. Licensure, certification, examination and registration fees.

\* \* \* \* \*

(d) Acupuncturist [ Registration ] registration:

\* \* \* \* \*

[ Registration, acupuncture supervisor ..... \$30 ]

\* \* \* \* \*

CHAPTER 18. STATE BOARD OF MEDICINE—PRACTITIONERS OTHER THAN MEDICAL DOCTORS

Subchapter B. REGISTRATION AND PRACTICE OF ACUPUNCTURISTS

§ 18.11. Definitions.

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

Acupuncture—

(i) The stimulation of certain points on or near the surface of the body by the insertion of needles to prevent or alleviate the perception of pain or to normalize physiological functions, including pain control, for the treatment of certain diseases or dysfunctions of the body.

(ii) The term also includes the use of supplemental techniques.

Acupuncture educational program—Training and instruction in acupuncture or supplemental acupuncture techniques offered by a degree-granting institution authorized by the Department of Education that leads to a master's degree, master's level certificate or diploma or first professional degree, that meets the relevant and appropriate require-

ments of 22 Pa. Code (relating to education) and 24 Pa.C.S. Chapter 65 (relating to private colleges, universities and seminaries) and that meets or exceeds the standards required for acupuncture or oriental medicine programs established by an accrediting agency recognized by the United States Department of Education.

Acupuncture examination—An examination offered or recognized by the Board to test whether an individual has accumulated sufficient academic knowledge with respect to the practice of acupuncture to qualify for the privilege of practicing as an acupuncturist. The Board recognizes the combination of the [ NCCA ] NCCAOM examinations in acupuncture and sterilization procedures as an acupuncture examination.

\* \* \* \* \*

[ Acupuncture program—An academic and clinical program of study in acupuncture which has been approved by the Board or by an accrediting body recognized by the Board. ]

\* \* \* \* \*

[ Acupuncturist supervisor—A medical doctor registered with the Board as a supervisor of acupuncturists.

General supervision—An acupuncturist supervisor doing the following in supervising an acupuncturist:

(i) Performing a medical diagnostic examination or reviewing the results of a recently performed medical diagnostic examination with respect to an ailment or condition to be treated by acupuncture prior to the treatment.

(ii) Being personally available to the acupuncturist for consultation on the premises or being available by telephone contact, chart review or other means approved by the Board.

(iii) Placing conditions and restrictions on the course of treatment if that action is required as a matter of sound medical practice.

NCCA—The National Commission for the Certification of Acupuncturists. ]

NCAAOM—The National Certification Commission for Acupuncture and Oriental Medicine.

Supplemental techniques—The use of traditional and modern oriental therapeutics, heat therapy, moxibustion, electrical and low level laser stimulation, acupressure and other forms of massage, herbal therapy and counseling that includes the therapeutic use of foods and supplements and lifestyle modifications.

§ 18.12. Registration as an acupuncturist [ and as an acupuncturist supervisor ].

[ (a) ] A medical doctor who intends to practice acupuncture and any other individual who intends to practice acupuncture [ at the direction and under the supervision of a medical doctor ] shall register with the Board as an acupuncturist.

[ (b) ] Only a medical doctor registered as an acupuncturist supervisor may delegate the performance of acupuncture services to an acupuncturist. An acupuncturist who is not a medical doctor may only perform acupuncture services under the direc-

tion and supervision of an acupuncturist supervisor, unless otherwise authorized by statute.

(c) An acupuncturist supervisor may not delegate the performance of acupuncture services to an osteopathic doctor, dentist, podiatrist or a veterinary doctor who is approved by his respective licensing board to practice acupuncture, unless that person is also registered as an acupuncturist with the Board. ]

§ 18.13. Requirements for registration as an acupuncturist [ and an acupuncturist supervisor ].

(a) The Board will register as an acupuncturist a person who satisfies the following requirements:

(1) Has successfully completed an acupuncture educational program which includes a course in needle sterilization techniques.

[ (i) If the acupuncture education program is taken within the United States, the applicant shall complete 2 academic years of acupuncture training and shall complete 2 academic years of a college level educational program.

(ii) If the educational program is taken outside of the United States, an applicant shall graduate from a college with a program of study including Oriental medicine and document 300 class hours of study in acupuncture training. ]

(2) Has obtained a passing grade on an acupuncture examination or has been certified by [ NCAA during 1985-1986 via credential review. The Board accepts the passing grade on the certifying examination of the NCCA as determined by the NCCA, and accepts a passing grade on any state's acupuncture examination taken prior to January 1, 1987 as determined by the licensing or registering authority in the other state ] NCCAOM. If the examination was not taken in English, but is otherwise acceptable and a passing score was secured, the Board will accept the examination result if the applicant has also secured a score of 550 on the test of English as a Foreign Language (TOEFL).

\* \* \* \* \*

[ (d) The Board will register as an acupuncturist supervisor a medical doctor who satisfies the following requirements:

(1) Possesses a license without restriction.

(2) Submits an application to register as an acupuncturist supervisor accompanied by the required. For the fee amount, see § 16.13. ]

§ 18.14. Biennial registration requirements.

\* \* \* \* \*

[ (d) There is no biennial registration requirement for an acupuncturist supervisor. ]

§ 18.15. Practice responsibilities of acupuncturist who is not a medical doctor.

(a) Responsibilities to patient. In relation to the acupuncture patient, the acupuncturist shall comply with the following:

(1) [ Received, in writing, from the acupuncturist supervisor, approval to initiate acupuncture treat-

ment. ] Ensure that the patient has secured a written referral for treatment by acupuncture from a licensed physician.

(2) Comply strictly with conditions or restrictions that may be placed on the course of acupuncture treatment by the [ acupuncturist supervisor ] referring physician.

(3) Ensure that the patient has undergone a medical diagnostic examination or has had the results of a recently performed medical diagnostic examination reviewed by a licensed physician.

(4) Keep a copy of the referral and the results of the medical diagnostic examination in the patient's file.

(5) Not diagnose a physical or mental ailment or condition or prescribe or dispense a drug.

[ (4) ] (6) \* \* \*

(b) Responsibility to [ acupuncturist supervisor ] referring physician. In relation to the [ acupuncturist supervisor ] referring physician, the acupuncturist shall comply with the following:

(1) Consult promptly with the [ acupuncturist supervisor ] referring physician regarding a new ailment or condition or a worsened ailment or condition of an acupuncture patient.

(2) Consult with the [ acupuncturist supervisor ] referring physician upon request of either the [ acupuncturist supervisor ] referring physician or the acupuncture patient.

[ (3) Practice acupuncture only under the general supervision of an acupuncturist supervisor. ]

(c) [ Scope of acupuncturist's responsibility.

(1) An acupuncturist is responsible solely for acupuncture evaluation and acupuncture treatment. The medical diagnosis is the responsibility of the acupuncturist supervisor.

(2) An acupuncturist is not required to practice acupuncture in the physical presence of the acupuncturist supervisor or at the location where the acupuncturist supervisor provides medical services. Where the acupuncturist may provide acupuncture services, and whether the acupuncturist may provide acupuncture services without the acupuncturist supervisor being physically present, shall be determined by the acupuncture supervisor.

(d) Identification of acupuncturist. An acupuncturist who is not a medical doctor shall wear a tag or badge with lettering clearly visible to the patient bearing his name and the title "acupuncturist." The use of the word doctor on this tag or badge is prohibited.

§ 18.16. [ Responsibilities of acupuncturist supervisor ] (Reserved).

[ (a) Responsibility to acupuncture patient. In relation to the acupuncture patient, the acupuncturist supervisor shall comply with the following:

(1) Perform or review the results of a recently performed medical diagnostic examination with respect to an ailment or condition to be treated by acupuncture before the treatment.

(2) Advise the patient of the results of the medical diagnostic examination and the treatment alternatives.

(3) Place conditions or restrictions on the course of treatment in acupuncture to be provided by the acupuncturist, if conditions or restrictions are required as a matter of sound medical practice.

(4) Advise the patient in writing that he is available at reasonable times for consultation by appointment or by telephone. The written notice shall contain an address and telephone number at which the acupuncture supervisor can be reached.

(5) If he is not an acupuncturist, advise the patient in writing that he is not an acupuncturist, that he is not qualified to direct the course of acupuncture treatment and that he does not have responsibility for the course of acupuncture treatment.

(6) Monitor the patient's progress under acupuncture treatment and comply with normal responsibilities to a patient if the patient does not respond to treatment within the anticipated time.

(b) *Responsibility to acupuncturist.* In relation to the supervised acupuncturist, the acupuncturist supervisor shall satisfy the following:

(1) Advise the acupuncturist of the results of the medical diagnostic examination that are relevant to acupuncture treatment and of conditions or restrictions that are to be placed on the course of acupuncture treatment.

(2) Not delegate to the acupuncturist the right to prescribe or dispense drugs or the responsibility for diagnosing a physical or mental ailment or condition.

(3) Confer promptly with the acupuncturist in the event of the following:

(i) The acupuncturist supervisor decides to impose conditions or restrictions on the course of acupuncture treatment.

(ii) The patient has requested further consultation with the acupuncturist supervisor.

(iii) The patient's condition is not improving or the patient requires emergency medical treatment.

(4) Designate an alternative acupuncturist supervisor to provide general supervision of the acupuncturist during periods in which the acupuncturist supervisor is unable to provide general supervision, if the substitute acupuncturist supervisor agrees to accept the responsibility set forth in this section.

(c) *Scope of acupuncturist supervisor's responsibility.*

(1) In providing general supervision to the acupuncturist, the acupuncturist supervisor maintains the diagnostic responsibility and the medical doctor-patient relationship. It is the responsibility of the acupuncturist and not of the acupuncturist supervisor to conduct an acupuncture evaluation and to perform acupuncture treatment.

(2) An acupuncturist supervisor may not provide general supervision to more than two acupuncturists without applying for and receiving specific approval from the Board. ]

§ 18.17. [ Notice responsibilities ] (Reserved).

[ (a) The nonmedical doctor acupuncturist and the acupuncturist supervisor shall provide written notice to the Board prior to the date when the acupuncturist supervisor is to begin general supervision of the acupuncturist. The written notice shall comply with the following:

(1) Be filled out on a form supplied by the Board.

(2) Provide the name of the acupuncturist supervisor and the acupuncturist and a current address and the telephone number at which each can be reached.

(3) Contain an acknowledgement by the acupuncturist supervisor that he understands and agrees to accept his responsibilities to the supervised acupuncturist and the acupuncture patient as set forth in this subchapter.

(4) Contain an acknowledgement by the acupuncturist that he understands and accepts his responsibility to the acupuncturist supervisor and the acupuncture patient as set forth in this subchapter.

(5) Contain the verified signatures of the acupuncturist supervisor and the supervised acupuncturist.

(b) Written notice of termination of an arrangement between an acupuncturist supervisor and an acupuncturist shall be given to the Board by both individuals within 10 days following termination of the relationship. Notice may be provided by both through one document or by each through separate documents. ]

§ 18.19. [ Registration during transitional period ] (Reserved).

[ Acceptance of applications to register as acupuncturists and acupuncturist supervisors will begin on January 3, 1987. After July 1, 1987, no person may serve as an acupuncturist or as an acupuncturist supervisor unless registered as such with the Board. ]

[Pa.B. Doc. No. 05-279. Filed for public inspection February 11, 2005, 9:00 a.m.]

## STATE BOARD OF NURSING

[49 PA. CODE CH. 21]

Dietitian-Nutritionists

The State Board of Nursing (Board) proposes to add Subchapter G (relating to dietitian-nutritionists) to read as set forth in Annex A.

*Effective Date*

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

*Statutory Authority*

The proposed rulemaking implements the act of June 29, 2002 (P.L. 651, No. 99) (Act 99), which grants the Board authority to regulate the practice of dietetics and nutrition and licensing of dietitian-nutritionists in this

Commonwealth. The proposed rulemaking is authorized under section 2.1(k) of the Professional Nursing Law (act) (63 P.S. § 212.1(k)), which authorizes the Board to establish regulations for the practice of dietetics-nutrition.

#### *Background and Need for the Proposed Rulemaking*

Act 99 became effective on September 29, 2002. Until September 27, 2003, persons registered by the American Dietetic Association (ADA) as registered dietitians (RD) were eligible for licensure under the grandfathering provision of section 5(e) of the act (63 P.S. § 215(e)) without evidence of examination. In addition, until September 27, 2003, persons who met the requirements of section 6 of the act (63 P.S. § 216) who had been engaged in the practice for 5 of the preceding 7 years were eligible for licensure without examination. The Board proposes to add Subchapter G to establish procedures for issuance and biennial renewal of dietitian-nutritionist licenses and for the establishment of standards of professional conduct of licensed dietitian-nutritionists (LDNs).

#### *Description of Proposed Amendments*

The following is a summary of the sections of Subchapter G and, when appropriate, an explanation of the Board's rationale for the regulations.

#### *Proposed General Provisions*

Section 21.701 (relating to definitions) provides definitions for key terms used throughout the proposed rulemaking that are not defined in the act. Section 21.702 (relating to scope) provides a general statement of the scope of subchapter G. Subchapter G is limited to LDN licensees and applicants.

Section 21.703 (relating to applicability of general rules) provides for the applicability of the general rules of administrative practice and procedure to the activities of and proceedings before the Board regarding Subchapter G. This section is included to direct applicants and licensees to the procedural provisions that govern the Board's actions.

Section 21.704 (relating to matters related to allegations of sexual impropriety or violation) provides for specific procedural rules relevant in cases involving allegations of sexual impropriety or violation. These rules regarding defenses and presentation of opinion or reputation evidence protect alleged victims of sexual impropriety or violation and are consistent with the procedural rules applied in those cases involving a professional or practical nurse.

Section 21.705(a) (relating to fees) provides for fees related to the Board's administration of licensing and disciplining LDNs. These fees are consistent with the fees charged to professional nurses, who have similar educational levels and levels of practice as LDNs. The fees for certification and verification of licensure are established by the Bureau of Professional and Occupational Affairs fees. Section 21.705(b) and (c) provides instructions to applicants regarding the two examinations approved by the Board under section 6(b)(4) of the act.

#### *Proposed Sections Regarding Responsibilities of LDNs*

Section 21.711 (relating to professional conduct) provides rules of professional conduct for LDNs. Generally, the rules of professional conduct provide for the provision of information to clients, the objectivity of the LDN, the use of the title LDN and recordkeeping. The regulation prohibits: aiding the violation of law or Board regulation; discrimination in providing services; knowingly permit-

ting another to use the licensee's license; misappropriating from an employer or patient; soliciting, borrowing or misappropriating from a patient or patient's family; leaving an assignment without proper notification; falsifying records; sexual improprieties or violations; misleading or false advertising; practicing while affected by a drug, emotional or mental disability that could affect practice; accepting or treating a client or patient unnecessarily; and accepting or receiving compensation for referrals. The rules of professional conduct are consistent with the professional conduct guidelines of the ADA and represent the acceptable and prevailing standards of conduct for LDNs Nationwide. Some representatives of the profession suggested that the Board adopt the guidelines of the ADA. Because the Board has no control over how the ADA might alter its guidelines, the Board has proposed setting forth standards of professional practice in its regulations.

#### *Proposed Licensure Requirements*

Sections 21.721—21.723 and 21.725 concern education and the examination for licensure, inactive status, renewal of licensure and continuing education. Sections 5(b) and (c) and 6(b)(2) of the act require the Board to approve educational programs in dietetics-nutrition. Section 6(b)(4) of the act requires the Board to approve an examination for licensure. In § 21.721 (relating to education and examination of applicants), the Board adopts as approved educational programs those educational programs approved by the Commission on Accreditation for Dietetics Education or the American College of Nutrition.

Section 6(b)(4) of the act requires the Board to approve an examination for licensure as an LDN. Section 21.721 adopts the Registration Examination for Registered Dietitians (RD examination) and the Examination of the Certification Board for Nutrition Specialists (CBNS examination) as the examinations approved by the Board for licensure. These examinations are widely accepted. The RD examination is taken by persons with an undergraduate degree in nutrition, whereas the CBNS examination is taken by persons with a graduate degree in nutrition.

Section 21.722 (relating to license renewal) sets forth the requirements for biennial license renewal. LDN licenses will expire September 30 of even numbered years. This date was chosen based on the renewal cycles of the Board's approximately 250,000 nurse licensees to enable LDNs to have their license renewal applications processed in a timely and efficient manner and to give LDNs a maximum period of initial licensure prior to biennial renewal. The requirements for license renewal are consistent with the act and the regulations governing nurses. See §§ 21.29 and 21.156 (relating to expiration and renewal of license; and renewal of license).

Section 21.723 (relating to continuing education) sets forth the Board's requirements for continuing education. Section 21.723(a) provides that one credit will be given for each 50-minute clock hour of continuing education activity because a 50-minute clock hour is the standard time period for 1 hour of academic instruction in American universities. Thirty hours of continuing education biennially is the licensure renewal requirement set forth in section 11(c) of the act (63 P.S. § 221(c)). Section 11(c) of the act provides for Board approval of continuing education for LDNs. Section 21.723(b) sets forth the requirements that continuing education courses must meet to be accepted by the Board for licensure renewal.

During the development of the proposed rulemaking, several representatives of the dietetic profession ex-

pressed concern about the continuing education requirements in the act and this proposed rulemaking. First, concerns were raised because the requirement of 30 hours of continuing education for biennial renewal is not identical to the continuing education requirement for current registration by the Commission on Dietetic Registration (CDR) for RDs. Both RDs and certified nutrition specialists shall complete 75 hours of continuing education every 5 years. The Board explained to these commentators that it does not have the authority to alter the statutory requirement.

Second, a question was raised as to why all continuing education courses that would meet the requirement for maintaining current RD registration were not Board-approved. The Board approved only the continuing education courses which are substantive learning experiences relating to the field of nutrition and dietetics including case presentations, patient case studies, certain certificate programs or individual study programs, interactive workshops, lectures and seminars, and postbaccalaureate residency and fellowship programs. The Board specifically did not approve certain types and subjects of continuing education that are approved for maintenance of the RD including courses on office management or computer skills, experiential skill development, journal clubs, poster presentations, professional leadership positions or courses and professional reading. The Board's determination was based on its evaluation of the types and subject matter of continuing education that offer substantive learning experiences related directly to the practice of dietetics-nutrition.

Section 21.723(c) requires licensees to retain documentation evidencing their completion of Board-approved continuing education for at least 5 years and to submit this documentation to the Board upon request. The dietitian commentators informed the Board that all continuing education courses for RDs issue certificates of completion, as these certificates are required for RD renewal. In addition, all CNSs shall submit documentation of their attendance certificates to the CBNS when applying for recertification. Therefore, the Board anticipates no difficulties in licensees being able to comply with this provision.

Subsection 21.723(d) permits an LDN to request a waiver of all or part of the continuing education requirement in cases of verified hardship. The Board acknowledges that there is no specific statutory section that provides that the Board may grant a waiver of the continuing education requirement. The CDR and the CBNS do not grant waivers of the continuing education requirement for renewal of the RD or CNS; however, the continuing education requirements for these bodies must be fulfilled over a period of 5 years. The Board is generally granted discretion in matters involving licensure. When a continuing education requirement must be completed in 2 years, and given individual circumstances such as illness, pregnancy or military service, the Board believes it should exercise discretion in granting a waiver of the continuing education requirement. Only in rare cases of extreme hardship would a waiver encompass elimination of the continuing education requirement; it is more likely the Board would grant an extension of time in which to complete the requirement. Continuing education provides an important safeguard to the citizens of this Commonwealth. The Board believes that it should exercise its statutory discretion in licensure matters in considering requests for waivers when balanced against protection of the citizens of this Commonwealth accorded in the continuing education requirement.

Section 21.724 is left open for future use by the Board.

Section 21.725 (relating to inactive status) sets forth the rules related to a licensee placing his license on inactive status and later returning the license to active status. A license that has been on inactive status cannot be renewed unless the licensee submits proof of completing the continuing education requirement during the biennial period preceding reactivation. Consistent with the requirements for nurses, licensees who have had their licenses on inactive status for 5 consecutive years are required to retake the licensure examination or demonstrate they have held an active license in another state for at least 2 out of the last 5 years. These provisions ensure licensees will possess current knowledge, thereby protecting the citizens of this Commonwealth.

The Board sent these proposed regulations to numerous nursing and dietetics associations and individuals and hospital systems. These organizations were: Pennsylvania Dietetic Association, American Association of Neuroscience Nurses, Emergency Nurses Association, GPC-Oncology Nursing Society, The Hospital and Healthsystem Association of Pennsylvania, Intravenous Nurse Society, Licensed Practical Nurses Association of Pennsylvania, Pennsylvania Association of Home Health Agencies, Pennsylvania Association of Private School Administrators, Pennsylvania Association of Non-Profit Homes for the Aging, Pennsylvania Association of Nurse Anesthetists, Pennsylvania Association of Practical Nursing Program Administrators, Pennsylvania Coalition of Nurse Practitioners, Pennsylvania College of Associate Degree Nursing, Pennsylvania Council of Operating Room Nurses, Pennsylvania Department of Health—Bureau of CH Systems, Pennsylvania Health Care Association, Pennsylvania Higher Education Nursing Schools Association, Pennsylvania League for Nursing, Inc., Pennsylvania Organization of Nurse Leaders, Pennsylvania Society of Gastroenterology Nurses and Associates, Pennsylvania State Nurses Association, School Nurse Section, Southwestern Pennsylvania Organization for Nurse Leaders, Pennsylvania Medical Society, Nurses of Pennsylvania, Pennsylvania Association of School Nurses and Practitioners, Pennsylvania Nurses Association and Professional Nursing Resources, Inc. The draft regulations were also sent to individuals who expressed an interest in commenting on the regulations. In addition, the Board considered the impact the regulations would have on the regulated community and on public safety and welfare. The Board finds that the proposed regulations address a compelling public interest as described in this Preamble.

#### *Fiscal Impact and Paperwork Requirements*

The proposed rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The Board is self-supporting. The Board will experience an increase in paperwork due to processing applications and renewals and pursuing disciplinary actions. However, the cost of providing these services will be borne by the licensees and applicants.

#### *Sunset Date*

The Board continuously monitors the cost effectiveness of its regulations. Therefore, no sunset date has been assigned.

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on February 2, 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 Senate Consumer Protection and Professional Licensure Committee and the House Professional Licensure Committee. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections 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 Comment

Interested persons are invited to submit written comments, suggestions or objections regarding this proposed rulemaking to Ann Steffanic, Board Administrator, State Board of Nursing, P. O. Box 2649, Harrisburg, PA 17105-2649, www.dos.state.pa.us within 30 days following publication of this proposed rulemaking in the *Pennsylvania Bulletin*.

JANET HUNTER SHIELDS, MSN, CRNP, CS,  
Chairperson

**Fiscal Note:** 16A-5120. No fiscal impact; (8) recommends adoption.

### Annex A

#### TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

#### PART I. DEPARTMENT OF STATE

#### Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

#### CHAPTER 21. STATE BOARD OF NURSING

#### Subchapter G. DIETITIAN-NUTRITIONISTS

##### GENERAL PROVISIONS

Sec.	
21.701.	Definitions.
21.702.	Scope.
21.703.	Applicability of general rules.
21.704.	Matters related to allegations of sexual impropriety or violation.
21.705.	Fees.

##### RESPONSIBILITIES OF THE LICENSED DIETITIAN-NUTRITIONIST

21.711.	Professional conduct.
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##### LICENSURE REQUIREMENTS

21.721.	Education and examination of applicants.
21.722.	License renewal.
21.723.	Continuing education.
21.725.	Inactive status.

##### GENERAL PROVISIONS

#### § 21.701. Definitions.

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

*ADA*—American Dietetic Association.

*ACN*—American College of Nutrition.

*Act*—The Professional Nursing Law (63 P. S. §§ 211—225), which provides for the licensing of Licensed Dietitian-Nutritionists.

*Approved*—Approved by the Board.

*Approved program*—Those educational programs accredited by the Commission on Accreditation for Dietetics Education or the American Council on Education for dietetics-nutrition education.

*Board*—The State Board of Nursing of the Commonwealth.

*CADE*—*Commission on Accreditation for Dietetics Education*—The organization recognized by the Council on Higher Education Accreditation and the United States Department of Education as the accrediting agency for education programs that prepare individuals for the practice of dietetics-nutrition.

*CBNS*—*Certification Board for Nutrition Specialists*—The certification body of the American College of Nutrition (ACN).

*CDR*—*Commission on Dietetic Registration*—The credentialing agency for the American Dietetic Association.

*CNS*—*Certified Nutrition Specialist*—The title given to individuals who meet the requirements of the CBNS.

*CPE*—Continuing professional education, required by the act for biennial license renewal.

*LDN*—*Licensed dietitian-nutritionist*—A person holding a current license under this subchapter to practice dietetics-nutrition in this Commonwealth.

*Patient*—A person upon whom or with whom an LDN is practicing dietetics-nutrition.

*RD*—*Registered Dietitian*—The title given to an individual who meets the requirements set forth by CDR.

*Registration Examination for Registered Dietitians*—A written academic examination developed, prepared, administered and scored by CDR.

*Sexual impropriety*—The term includes the following offenses:

(i) Making sexually demeaning or sexually suggestive comments about or to a patient, including comments about a patient's body or undergarments.

(ii) Exposing unnecessarily a patient's body or watching a patient dress or undress, unless the patient specifically requests assistance.

(iii) Examining or touching genitals or breasts of a patient.

(iv) Discussing or commenting on a patient's potential sexual history or preferences during consultation, except when the consultation is pertinent to the issue of sexual function or dysfunction or reproductive healthcare. Discussion of a patient's sexual practices and preferences shall be fully documented in the patient's chart.

(v) Soliciting a date from a patient.

(vi) Volunteering information to a patient about one's sexual problems, preferences or fantasies.

*Sexual violation*—The term includes the following offenses:

(i) Engaging in sexual intercourse with a patient during the professional relationship.

(ii) Engaging in genital to genital contact with a patient during the professional relationship.

(iii) Engaging in oral to genital contact with a patient during the professional relationship.

(iv) Encouraging the patient to masturbate in the presence of the dietitian-nutritionist or masturbating while a patient is present.

(v) Providing or offering to provide drugs, herbs, nutritional supplements or treatment in exchange for sexual favors.

(vi) Using or causing the use of any herb, nutritional supplement or drug affecting consciousness for the purpose of engaging in conduct that would constitute a sexual impropriety or sexual violation.

**§ 21.702. Scope.**

In this subchapter the Board:

- (1) Provides for licensure of dietitian-nutritionists who meet the qualifications set forth in the act.
- (2) Administers the act by providing rules and regulations for the practice of dietetics-nutrition.
- (3) Provides rules and regulations for the conduct of licensees.
- (4) Regulates the practice of LDNs.

**§ 21.703. Applicability of general rules.**

The provisions of 1 Pa. Code § 31.1 (relating to scope of part) and 1 Pa. Code Part II (relating to the general rules of administrative practice and procedure) apply to the activities of and proceedings before the Board.

**§ 21.704. Matters related to allegations of sexual impropriety or violation.**

(a) The consent of the patient to any sexual impropriety or violation is not a defense to any disciplinary charge for violation of the act or this subchapter.

(b) Evidence of specific instances, opinion evidence or reputation evidence of a patient's past sexual conduct is not admissible in proceedings brought under § 21.711 (relating to standards of professional conduct). The Board may consider sexual relationships between the dietitian-nutritionist and the patient occurring prior to the professional relationship.

(c) A dietitian-nutritionist who attempts to raise as a defense an argument that conduct prohibited as a sexual violation or sexual impropriety was necessary or appropriate to the treatment of any patient shall be required to demonstrate competency in practice which relates directly to the treatment of sexual function or dysfunction. This competence may be demonstrated through educational training and supervised clinical experience. Appropriate discussions of sexual matters between a dietitian-nutritionist and a patient shall be fully documented in the patient records.

**§ 21.705. Fees.**

(a) The following fees are charged by the Board:

Application for licensure.....	\$45
Renewal fee .....	\$45
Reactivation of inactive or lapsed license .....	\$50
License verification fee .....	\$15
License certification fee .....	\$25
Restoration after suspension or revocation.....	\$50

(b) In addition to the application fee prescribed in subsection (a), which is payable directly to the Board, a candidate for the Registration Examination for Registered Dietitians will also pay an additional examination fee. A candidate may contact the Commission on Dietetic Registration, 216 West Jackson Blvd., Chicago, Illinois 60606-

6995, www.cdrnet.org, for more information regarding the examination and examination fee.

(c) In addition to the application fee prescribed in subsection (a), which is payable directly to the Board, a candidate for the Certification Board for Nutrition Specialists examination for Certified Nutrition Specialists will also pay an additional examination fee. A candidate may contact the Certification Board for Nutrition Specialists, 300 S. Duncan Avenue, Suite 225, Clearwater, Florida 33755, www.cert-nutrition.org, for more information regarding the examination and examination fee.

**RESPONSIBILITIES OF THE LICENSED DIETITIAN-NUTRITIONIST**

**§ 21.711. Professional conduct.**

(a) Licensed dietitian-nutritionists shall:

(1) Conduct themselves with honesty, integrity and fairness.

(2) Practice dietetics based on scientific principles and current information.

(3) Present substantiated information and interpret controversial information without personal bias, recognizing that legitimate differences of opinion exist.

(4) Provide information that will enable clients to make their own informed decisions regarding nutrition and dietetic therapy, including:

(i) The purpose and nature of any evaluation, treatment, educational or training procedure.

(ii) The estimated cost of each stage of a procedure or of the entire treatment.

(iii) The reasonable expectations of the professional relationship.

(iv) The right to withdraw from treatment at any time.

(5) Safeguard the patient's dignity, the right to privacy and the confidentiality of patient information and make full disclosure about any limitations on the LDN's abilities to guarantee full confidentiality. This standard does not prohibit or affect reporting responsibilities under 23 Pa.C.S. Chapter 63 (relating to Child Protective Services law), the Older Adults Protective Services Act (35 P. S. §§ 10211—10224) and other statutes which may mandate reporting of this information.

(6) Provide professional services with objectivity and with respect for the unique needs and values of individuals.

(7) Be alert to situations that might cause a conflict of interest or have the appearance of a conflict. The LDN shall provide full disclosure when a real or potential conflict of interest arises.

(8) Permit the use of their names for the purpose of certifying that dietetic services have been rendered only if they provided or supervised the provision of those services.

(9) Accurately present professional qualifications and credentials.

(i) Dietitian-nutritionists may use the title "Licensed Dietitian-Nutritionist" or abbreviation LDN only when they hold a current license issued by the Board.

(ii) LDNs are subject to disciplinary action for aiding another person in violating any Board requirement or aiding another person in representing himself as a Licensed Dietitian Nutritionist or LDN when that person is not currently licensed.

(10) Document and maintain accurate records in accordance with the acceptable and prevailing standard of recordkeeping.

(b) The licensed dietitian-nutritionist may not:

(1) Knowingly aid, abet or assist another person to violate or circumvent a law or Board regulation.

(2) Discriminate, while providing dietitian-nutritionist services, on the basis of age, marital status, gender, sexual preference, race, ethnicity, religion, diagnosis, socioeconomic status or disability.

(3) Knowingly permit another individual to use his license for any purpose.

(4) Misappropriate equipment, materials, property, drugs or money from an employer or patient.

(5) Solicit, borrow or misappropriate money, materials or property from a client or the client's family.

(6) Leave an assignment prior to the proper reporting and notification to the appropriate department head or personnel.

(7) Falsify or knowingly make incorrect entries into the patient's record or other related documents.

(8) Engage in conduct defined as a sexual violation or sexual impropriety in the course of a professional relationship.

(9) Advertise in a false or misleading manner. Statements which qualify as false or misleading include the following:

(i) Statements containing a misrepresentation of facts.

(ii) Statements likely to mislead or deceive because in context the statement makes only a partial disclosure of the relevant facts.

(iii) Statements intended to, or likely to, create false or unjustified expectations of favorable results.

(iv) Statements relating to fees without reasonable disclosure of all relevant variables so that the statement would be misunderstood or would be deceptive to a layperson.

(v) Statements conveying the impression that the LDN could influence improperly any public body, official, corporation or any person on behalf of the patient.

(vi) Statements containing a representation or implication that is likely to cause a reasonable person to misunderstand or to be deceived, or fails to contain reasonable warnings or disclaimers necessary to make a representation or implication not deceptive.

(vii) Statements containing representations that the LDN is willing to perform any procedure that is illegal under the laws or regulations of the Commonwealth or the United States.

(10) Practice when:

(i) The LDN has engaged in any substance abuse that could affect his practice.

(ii) The LDN has been adjudged by a court to be mentally incompetent.

(iii) The LDN has an emotional or mental disability that affects his practice in a manner that could harm the client or others.

(11) Accept a client or patient for treatment or continue treatment unnecessarily, if benefit cannot reasonably be expected to accrue.

(12) Accept or receive, or both, remuneration for making or accepting referrals.

### LICENSURE REQUIREMENTS

#### § 21.721. Education and examination of applicants.

The Board approves educational programs that meet the requirements of section 6(b)(2) of the act (63 P. S. § 216(b)(2)) that are approved by CADE or the ACN. The Board approves the Registration Examination for Registered Dietitians and Examination of the Certification Board for Nutrition Specialists as the examinations which an applicant may complete to satisfy section 6(b)(4) of the act.

#### § 21.722. License renewal.

(a) A license issued under section 5(e) of the act (63 P. S. § 215(e)) or under this subchapter will be valid from the date of issuance through September 30, 2006, following the issuance of the license. Each subsequent license renewal will be valid for 2 years from October 1 through September 30.

(b) A dietitian-nutritionist license issued under the act will be renewed if the licensee applying for the renewal:

(1) Completes the renewal application, including disclosing a license to practice dietetics-nutrition in any other state, territory, possession or country.

(2) Pays the required fee as set forth in § 21.705 (relating to fees).

(3) Submits proof to the Board that he has satisfactorily completed a minimum of 30 hours of CPE approved by the Board in accordance with § 21.723 (relating to continuing education) during the 2 calendar years immediately preceding the application for renewal.

(4) Discloses any discipline imposed by any state licensing board in the previous biennial period or any criminal charges pending or criminal conviction, plea of guilty or nolo contendere, or admission into a probation without verdict or accelerated rehabilitative disposition program during the previous biennial period.

#### § 21.723. Continuing education.

(a) *Prior to renewal.* One hour of CPE credit will be given for each 50-minute clock hour of CPE activity. Each LDN shall complete 30 CPE credits during the 2 calendar years immediately preceding the application for license renewal. If an activity overlaps two renewal periods, the date of completion of the activity determines the date in which the activity can be reported.

(b) *Board-approved continuing professional education.* The Board will accept for completion of the CPE requirement substantive learning experiences, subject to the limitations in paragraph (2), relating to the field of nutrition and dietetics which are not designed for the public and which are sponsored by the ADA, the ACN, by individual state dietetic associations, if the association is a member of the ADA or ACN, by approved college or dietetic programs where a certificate of attendance is issued, and courses related to the practice of dietetics-nutrition offered by the Accreditation Council for Continuing Medical Education, the Accreditation Council on Pharmaceutical Education, the American Osteopathic Association and the American Medical Association.

(1) In addition to lecture-based CPE courses, the Board will accept documentation of the following:



# STATE BOARD OF PHARMACY

## [49 PA. CODE CH. 27] Biennial Renewal Fees

(i) Case presentations, such as grand rounds or patient case studies.

(ii) Academic coursework and research studies approved by an institutional review board.

(iii) Interactive workshops.

(iv) Lectures and seminars.

(v) Residency and Fellowship programs which are at the postbaccalaureate level, and are sponsored by a United States regionally accredited college or university, or an institution accredited/approved by the Joint Committee on Accreditation of Healthcare Organizations (JCAHO) or the National Committee for Quality Assurance (NCQA).

(2) The Board will not accept for completion of the CPE requirement the following:

(i) Academic coursework or programs on office management skills, or entrepreneurship, strategic business planning, computer skills, except courses directly related to the practice of dietetics-nutrition such as accessing nutrient analysis databases.

(ii) Attendance at exhibits manned by detail personnel.

(iii) Journal clubs.

(iv) Professional leadership, such as holding an elective office in a dietetics or dietetics-related organization.

(v) Professional reading for which there is no evaluative test submitted and no certificate of completion or CPE unit awarded.

(c) *Documentation.* The licensee shall retain documentation of completion of Board-approved continuing education (as set forth in subsection (b)) for at least 5 years and shall submit this documentation upon request of the Board.

(d) *Waiver.* An LDN who can demonstrate to the Board a verified hardship may request a waiver of CPE requirements for a single biennial period. It shall be the duty of each licensee seeking waiver to notify the Board in writing and request the waiver, at least 60 days prior to the end of the biennial renewal period, which will be granted, denied or granted in part.

**§ 21.725. Inactive status.**

An LDN may request that his license be placed on inactive status. The licensee will not be required to remit the biennial renewal fee during the period when the license is on inactive status. To return to active status, the licensee shall submit proof of completion of a minimum of 30 hours of approved CPE in the biennial period preceding the request for reactivation and pay any applicable fees. A person who requests an active status license who has been on inactive status for 5 consecutive years shall satisfy the requirements of section 6(b)(4) of the act (63 P. S. § 216(b)(4)), unless the person demonstrates that he has held an active license to practice in another state, an RD registration, or a CNS certification for at least 2 out of the last 5 years.

[Pa.B. Doc. No. 05-280. Filed for public inspection February 11, 2005, 9:00 a.m.]

The State Board of Pharmacy (Board) proposes to amend § 27.91 (relating to schedule of fees) to read as set forth in Annex A. The proposed rulemaking would increase the biennial license renewal fee for pharmacists from \$120 to \$150 and the pharmacy permit biennial renewal fee from \$75 to \$100.

*Effective Date*

The proposed rulemaking will be effective upon final-form publication in the *Pennsylvania Bulletin*. The new fees will take effect for the pharmacist biennial period beginning October 1, 2006.

*Statutory Authority*

The proposed rulemaking is authorized under section 8.2(a) of the Pharmacy Act (act) (63 P. S. § 390-8.2(a)). In addition, section 8.2(b) of the act requires the Board to increase fees by regulation in an amount adequate to meet the minimum enforcement efforts required by the act.

*Background and Need for Amendment*

The Board is required by law to support its operations from revenue it generates from fees, fines and civil penalties. In accordance with section 8.2 of the act, if the Board anticipates that its revenue will not meet its expenditures, the Board must increase its revenue. The Board raises virtually all of its operating revenue through fees. The biennial license renewal fees are the most substantial revenue generating fees of all the fees charged by the Board. The Board's current biennial license renewal fees were established by regulation in 1998.

At its February 17, 2004, Board meeting and again at its April 20, 2004, Board meeting, the Bureau of Finance and Operations (BFO) presented a summary of the Board's revenues and expenses for Fiscal Years (FY) 2001-2002 and 2002-2003 and projected revenues and expenses for FY 2003-2004 through FY 2010-2011. The summary, presented in the following table, demonstrated that the Board must raise fees to meet or exceed projected expenditures to comply with section 8.2(b) of the act.

2001-2002 beginning balance	\$1,047,957.15
FY 01-02 revenue	456,056.98
Prior year returned funds	153,857.90
FY 01-02 expenses	1,207,000.00
Remaining balance	450,872.03
2002-2003 beginning balance	450,872.03
FY 02-03 revenue	2,093,691.14
FY 02-03 expenses	1,270,000.00
Remaining balance	1,274,563.17
2003-2004 beginning balance	1,274,563.17
FY 03-04 projected revenue	478,000.00
FY 03-04 projected expenses	1,495,000.00
Prior year expenses	169,515.61
Remaining balance	88,047.56
2004-2005 beginning balance	88,047.56
FY 04-05 projected revenue	2,094,000.00
FY 04-05 projected expenses	1,540,000.00
Remaining balance	642,047.56

2005-2006 beginning balance	\$ 642,047.56
FY 05-06 projected revenue	500,000.00
FY 05-06 projected expenses	1,586,000.00
Remaining balance	(443,952.44)
2006-2007 beginning balance	(443,952.44)
FY 06-07 projected revenue	2,094,000.00
FY 06-07 projected expenses	1,634,000.00
Remaining balance	16,047.56
2007-2008 beginning balance	16,047.56
FY 07-08 projected revenue	500,000.00
FY 07-08 projected expenses	1,683,000.00
Remaining balance	(1,166,952.44)
2008-2009 beginning balance	(1,166,952.44)
FY 08-09 projected revenue	2,094,000.00
FY 08-09 projected expenses	1,733,000.00
Remaining balance	(805,952.44)
2009-2010 beginning balance	(805,952.44)
FY 09-10 projected revenue	500,000.00
FY 09-10 projected expenses	1,733,000.00
Remaining balance	(2,038,952.44)
2010-2011 beginning balance	(2,038,952.44)
FY 10-11 projected revenue	2,094,000.00
FY 10-11 projected expenses	1,785,000.00
Remaining balance	(1,729,952.44)

As the foregoing indicates, at the close of FY 2005-2006, the Board's expenses will exceed its revenues by \$443,952.44. While the pharmacist renewal will bring the Board's account back to a positive balance in FY 2006-2007, the BFO estimates that in FY 2007-2008, the deficit will increase to \$1,166,952.44 if fees are not increased. The BFO anticipates that the proposed new fees will enable the Board to recapture the FY 2005-2006 deficit and meet its estimated expenditures for the FY 2006-2007 biennial cycle. The Board would operate at a slight deficit in the FY 2007-2008 pharmacy permit biennial renewal period, but that would be recaptured in the FY 2008-2009 pharmacist license biennial renewal period and the projections out to FY 2010-2011 show the Board carrying a positive balance forward.

The increases in the Board's biennial expenses occurred primarily in law enforcement costs and legal office costs. Law enforcement (the Bureau of Enforcement and Investigation) expenditures increased from approximately \$507,412 in FY 2002-2003 to approximately \$713,280 in FY 2003-2004. The legal office (division of the Bureau of Professional and Occupational Affairs) expenditures increased from approximately \$288,247 in FY 2002-2003 to approximately \$362,304 in FY 2003-2004.

The legal office saw an increase in the number of cases closed in calendar years 1998 through 2003. Beginning in 1998 the number of disciplinary sanctions imposed increased markedly. From 1994 through 1997 the number of disciplinary sanctions imposed never reached 100, 95 sanctions being the highest in 1995. However, from 1998 through 2003 the number of sanctions imposed never dipped below 125. Furthermore, the Board has undertaken several regulatory initiatives. Two large regulation packages, Technology and Automation and the regulations required under the act of June 28, 2002 (P. L. 673, No. 102), have been proposed, as well as other regulation packages the Board has undertaken to revise and update its regulations.

The Board carefully reviewed several options in fee increases to ensure the lowest fee increase possible while keeping the Board out of a long run deficit. In addition to increasing fees, the Board is looking at ways to stream-

line procedures to cut costs, but the fee increases are still necessary to maintain a positive balance in the Board account in the long run. Finally, in developing the proposed rulemaking, the Board reviewed fees of other states. It found that the proposed fees are comparable to the renewal fees charged in surrounding states and should cause no competitive disadvantage in this Commonwealth.

#### *Description of Proposed Amendments*

Based upon the expense and revenue estimates provided to the Board, the Board proposes to amend § 27.91 to increase the fee for biennial renewal of licenses for pharmacists from \$120 to \$150 and increase the biennial fee for pharmacy permits from \$75 to \$100. By this increase, the Board will recoup the FY 2005-2006 projected deficit in FY 2006-2007. A smaller deficit in FY 2007-2008 is projected. However, by FY 2008-2009, the Board's account should continue to carry a positive balance.

#### *Fiscal Impact*

The proposed rulemaking will increase the biennial renewal fee for pharmacists and pharmacies. A pharmacist will pay an additional \$30 for biennial renewal. A pharmacy will pay an additional \$25 for biennial renewal. The proposed rulemaking should have no other fiscal impact on the private sector, the general public or political subdivisions.

#### *Paperwork Requirements*

The proposed rulemaking will require the Board to alter some of its forms to reflect the new biennial renewal fees; however, the proposed rulemaking should not create additional paperwork for the private sector.

#### *Sunset Date*

The act requires that the Board monitor its revenue and expenses on a fiscal year and biennial basis. Therefore, no sunset date has been assigned.

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on February 2, 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 Senate Consumer Protection and Professional Licensure Committee and the House Professional Licensure Committee. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections 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 Comment*

Interested persons are invited to submit written comments, recommendations or objections regarding this proposed rulemaking to Melanie Zimmerman, Executive Secretary, State Board of Pharmacy, P. O. Box 2649, Harrisburg, PA 17105-2649 within 30 days following

publication of this proposed rulemaking in the *Pennsylvania Bulletin*.

MICHAEL J. ROMANO, R.Ph.,  
*Chairperson*

**Fiscal Note:** 16A-5414. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS**

**PART I. DEPARTMENT OF STATE**

**Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS**

**CHAPTER 27. STATE BOARD OF PHARMACY**

**FEES**

**§ 27.91. Schedule of fees.**

An applicant for a license, certificate, permit or service shall pay the following fees at the time of application:

\* \* \* \* \*

Registered pharmacist biennial renewal . . . [ \$120 ] \$150

\* \* \* \* \*

Biennial renewal of pharmacy permit . . . . . [ \$75 ] \$100

\* \* \* \* \*

[Pa.B. Doc. No. 05-281. Filed for public inspection February 11, 2005, 9:00 a.m.]

**STATE BOARD OF SOCIAL WORKERS, MARRIAGE AND FAMILY THERAPISTS AND PROFESSIONAL COUNSELORS**

[49 PA. CODE CHS. 47—49]

**Supervised Clinical Experience**

The State Board of Social Workers, Marriage and Family Therapists and Professional Counselors (Board) proposes to amend §§ 47.12c, 48.13 and 49.13 (relating to licensed clinical social worker; licensed MFT; and licensed professional counselor) to read as set forth in Annex A. The proposed rulemaking would exclude group supervisory sessions within educational, institutional and agency settings from the requirement that supervisors supervise no more than six supervisees at the same time.

*Effective Date*

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

*Statutory Authority*

The proposed rulemaking is authorized under section 6(2) of the Social Workers, Marriage and Family Therapists and Professional Counselors Act (act) (63 P.S. § 1906(2)).

*Background and Purpose*

Section 7(d)(3), (e)(3) and (f)(3) of the act (63 P.S. § 1907(d)(3), (e)(3) and (f)(3)) requires an applicant for licensure as a clinical social worker, marriage and family therapist and professional counselor to, among other things, complete hours of supervised clinical experience. Sections 47.12c(b)(6), 48.13(b)(6) and 49.13(b)(6) concerning supervised clinical experience for licensed clinical social workers, licensed marriage and family therapists and licensed professional counselors currently prohibit a supervisor from supervising more than six supervisees at the same time. However, the Board recognizes that group supervision often occurs within educational, institutional and agency settings. In these settings, the Board recognizes that the prohibition of more than six supervisees is overly restrictive and enforcement would result in the exclusion of these sessions from qualifying as supervised clinical experience for purposes of licensure qualification. Accordingly, the Board believes that an exception should be made for these types of group supervisory settings.

*Fiscal Impact and Paperwork Requirements*

The proposed rulemaking will have no fiscal impact and impose no additional paperwork requirements on the Board or its licensees.

The proposed rulemaking should not impose any legal, accounting or reporting requirements on the regulated community.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on February 2, 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 Senate Consumer Protection and Professional Licensure Committee and the House Professional Licensure Committee. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections 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 Department, the General Assembly and the Governor of comments, recommendations or objections raised.

*Public Comment*

Interested persons are invited to submit written comments, recommendations or objections regarding the proposed rulemaking to Sandra Matter, Administrative Assistant, State Board of Social Workers, Marriage and Family Therapists and Professional Counselors, P. O. Box 2649, Harrisburg, PA 17105-2649 within 30 days of publication of this proposed rulemaking in the *Pennsylvania Bulletin*. Reference No. 16A-698, Supervised Clinical Experience, when submitting comments.

RONALD HAYS,  
*Chairperson*

**Fiscal Note:** 16A-698. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 47. STATE BOARD OF SOCIAL WORKERS, MARRIAGE AND FAMILY THERAPISTS AND PROFESSIONAL COUNSELORS

LICENSURE

§ 47.12c. Licensed clinical social worker.

\* \* \* \* \*

(b) *Supervised clinical experience.* Experience acceptable to the Board means experience as a supervisee in a setting that is organized to prepare the applicant for the practice of clinical social work consistent with the applicant's education and training.

\* \* \* \* \*

(6) A supervisor shall supervise no more than [ 6 ] six supervisees at the same time.

(i) **This paragraph does not apply to supervised experience obtained in group sessions within an educational, institutional or agency setting.**

(ii) If this provision creates an undue hardship on a supervisee, the supervisor and supervisee may request an exception to this provision. The request [ shall ] must state, in writing, the reasons why this provision creates a hardship on the supervisee and why the supervisee is not able to obtain a supervisor who meets the requirements of this provision. Before making a determination, the Board may require a personal appearance by the supervisee and supervisor.

\* \* \* \* \*

CHAPTER 48. STATE BOARD OF SOCIAL WORKERS, MARRIAGE AND FAMILY THERAPISTS AND PROFESSIONAL COUNSELORS—LICENSURE OF MARRIAGE AND FAMILY THERAPISTS

LICENSURE

§ 48.13. Licensed MFT.

\* \* \* \* \*

(b) *Supervised clinical experience.* Experience acceptable to the Board means experience as a supervisee in a setting that is organized to prepare the applicant for the practice of marriage and family therapy consistent with the applicant's education and training.

\* \* \* \* \*

(6) A supervisor shall supervise no more than [ 6 ] six supervisees at the same time.

(i) **This paragraph does not apply to supervised experience obtained in group sessions within an educational, institutional or agency setting.**

(ii) If this paragraph creates an undue hardship on a supervisee, the supervisor and supervisee may request an exception to this paragraph. The request [ shall ] must state, in writing, the reasons why this paragraph creates a hardship on the supervisee and why the supervisee is not able to obtain a supervisor who meets the requirements of this paragraph. Before making a determination, the Board may require a personal appearance by the supervisee and supervisor.

\* \* \* \* \*

CHAPTER 49. STATE BOARD OF SOCIAL WORKERS, MARRIAGE AND FAMILY THERAPISTS AND PROFESSIONAL COUNSELORS—LICENSURE OF PROFESSIONAL COUNSELORS

LICENSURE

§ 49.13. Licensed professional counselor.

\* \* \* \* \*

(b) *Supervised clinical experience.* Experience acceptable to the Board means experience as a supervisee in a setting that is organized to prepare the applicant for the practice of counseling consistent with the applicant's education and training.

\* \* \* \* \*

(6) A supervisor shall supervise no more than [ 6 ] six supervisees at the same time.

(i) **This subparagraph does not apply to supervised experience obtained in group sessions within an educational, institutional or agency setting.**

(ii) If this paragraph creates an undue hardship on a supervisee, the supervisor and supervisee may request an exception to this paragraph. The request [ shall ] must state, in writing, the reasons why this paragraph creates a hardship on the supervisee and why the supervisee is not able to obtain a supervisor who meets the requirements of this paragraph. Before making a determination, the Board may require a personal appearance by the supervisee and supervisor.

\* \* \* \* \*

[Pa.B. Doc. No. 05-282. Filed for public inspection February 11, 2005, 9:00 a.m.]

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# STATEMENTS OF POLICY

## Title 4—ADMINISTRATION

### PART II. EXECUTIVE BOARD

#### [4 PA. CODE CH.9]

#### Reorganization of the Department of Education

The Executive Board approved a reorganization of the Department of Education effective January 27, 2005.

The following organization chart at 35 Pa.B. 1224 (February 12, 2005) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of code.)

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

[Pa.B. Doc. No. 05-283. Filed for public inspection February 11, 2005, 9:00 a.m.]

## Title 25—ENVIRONMENTAL PROTECTION

### DEPARTMENT OF ENVIRONMENTAL PROTECTION

#### [25 PA. CODE CH. 16]

#### Water Quality Toxics Management Strategy

The Department of Environmental Protection (Department) is amending Chapter 16 (relating to water quality toxics management strategy—statement of policy). This statement of policy complements the review and revision of Chapter 93 (relating to water quality standards). See 35 Pa.B. 1197 (February 12, 2005) for the text of the final-form rulemaking.

#### A. Effective Date

These final amendments will be effective upon publication in the *Pennsylvania Bulletin*.

#### B. Contact Persons

For further information contact Edward R. Brezina, Chief, Division of Water Quality Assessment and Standards, Bureau of Water Supply and Wastewater Management, 11th Floor, Rachel Carson State Office Building, P. O. Box 8467, (717) 787-9637 or Michelle Moses, Assistant Counsel, Bureau of Regulatory Counsel, 9th Floor, Rachel Carson State Office Building, P. O. Box 8464, Harrisburg, PA 17105-8464, (717) 787-7060. Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This statement of policy is available electronically through Department of Environmental Protection's (Department) website: [www.dep.state.pa.us](http://www.dep.state.pa.us).

#### C. Statutory Authority

This statement of policy is amended under sections 5(b)(1) and 402 of The Clean Streams Law (35 P.S. §§ 691.5(b)(1) and 691.402), which authorize the Board to develop and adopt rules and regulations to implement provisions of The Clean Streams Law and section 1920-A

of The Administrative Code of 1929 (71 P.S. § 510-20), which grants to the Board the power and duty to formulate, adopt and promulgate rules and regulations for the proper performance of the work of the Department. In addition, section 303 of the Federal Clean Water Act (33 U.S.C.A. § 1313) sets forth requirements for water quality standards and the Federal regulations at 40 CFR 131.32 (relating to Pennsylvania) set forth certain requirements for portions of the Commonwealth's antidegradation program. Section 303(c)(1) of The Clean Water Act requires that states periodically, but at least once every 3 years, review and revise as necessary, their water quality standards. This statement of policy is part of the Commonwealth's current triennial review of its water quality standards.

#### D. Background and Summary

The Commonwealth's water quality standards in Chapters 16 and 93 implement the provisions of section 5 and 402 of The Clean Streams Law and section 303 of the Federal Clean Water Act. Water quality standards consist of the uses of the surface waters of this Commonwealth, the specific numeric and narrative criteria necessary to achieve and maintain those uses and antidegradation regulations. Chapter 16 is a water quality policy for managing toxic pollutants. It sets forth the guidelines for development of criteria for toxic substances, and lists the water quality criteria and analytical methods and detection limits for toxic substances. Chapter 16 is directly referenced as a support policy document § 93.8a (relating to toxic substances).

The revisions to Chapter 16 will streamline and clarify requirements, update the policy to be consistent with Federal requirements and preserve Pennsylvania-specific requirements to serve the citizens. This statement of policy may affect persons who discharge wastewater into surface waters of this Commonwealth, or otherwise conduct activities, which may impact the waters.

The Department's Water Resources Advisory Committee (WRAC), provided input on the proposed statement of policy at its November 13, 2002, and September 10, 2003, meetings. The proposal was published at 33 Pa.B. 5190 (October 18, 2003) with provision for a 60-day public comment period that closed on December 17, 2003. Comments were received from six commentators as a result of the public comment period and the public hearings. The Department considered all of the public comments received on its proposal in preparing for this statement of policy. The draft statement of policy was discussed with WRAC on July 14, 2004. The valuable input from the public and the collective knowledge and experience drawn from advisory committees and others on this proposal has been utilized to develop a policy which carefully balances the needs of citizens and the regulated community in assuring the protection of this Commonwealth's waters. The comments received on the proposed statement of policy are summarized in Section E.

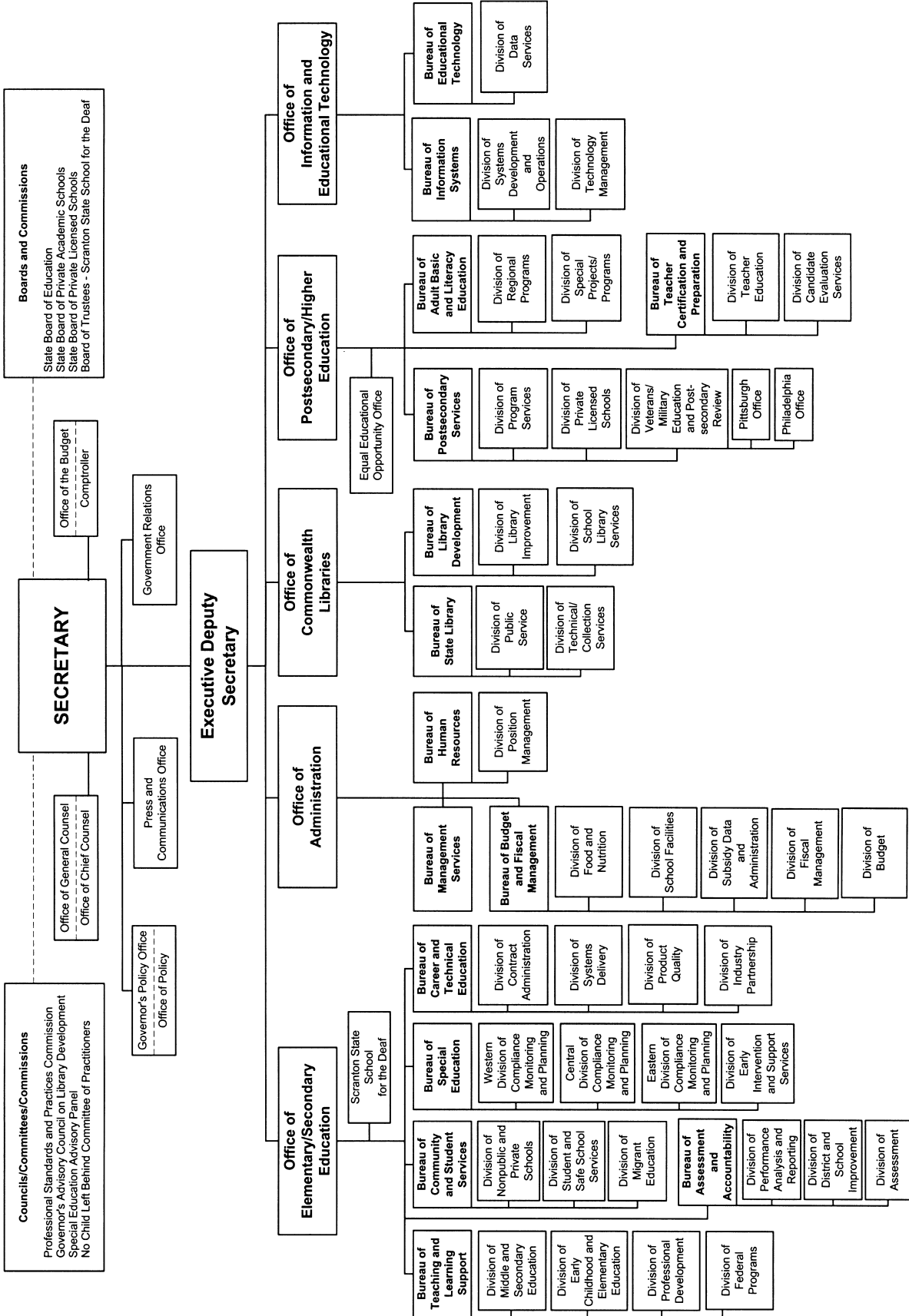
#### E. Summary of Comments and Responses on the Proposed Amendments

No changes were made to the proposal based on the comments received.

#### § 16.32. (relating to threshold level toxic effects)

A comment stated that the Department should adopt the Environmental Protection Agency's (EPA) new fish consumption estimates in calculating its toxics criteria.

DEPARTMENT OF EDUCATION



The Department has not yet developed site-specific data and is considering the most appropriate fish consumption rate for use in updating the criteria at a future time.

§ 16.102. *General, Appendix A, Table 1*

A comment requested that the Department reexamine the Chapter 16 toxics criteria for comparison to Safe Drinking Water Act maximum contaminant levels (MCLs). The Commonwealth's ambient water quality criteria are developed under the Federal Clean Water Act. Safe Drinking Water Act requirements are different. Nevertheless, many water quality criteria are more stringent than MCLs.

The EPA requested that the Commonwealth consider a new human health criterion for arsenic. The Department will consider adopting the MCL or water quality criterion for arsenic, after the MCL requirements are put into place and the ambient water quality criterion is recommended.

Although requested, the Department is not adopting the EPA's human health criterion for methylmercury because the EPA has not yet developed sufficient implementation guidance for a water quality criterion that is based on concentration in fish and shellfish tissue.

The request to adopt the criteria continuous concentration (CCC) for aluminum did not result in any changes to

this section. The Department has no new information to support the CCC for aluminum.

The comment on the application of the CCC for mercury did not result in any changes. The Commonwealth adopted the EPA's 304(a) recommended aquatic life criterion for mercury based on the 1995 update of the Water Quality Criteria Documents for the Protection of Aquatic Life in Ambient Water (EPA-820-B-96-001, September 1996) and the EPA has not provided scientific rationale for a change.

The Department has prepared a Comment and Response document for the proposed amendments. Copies are available from the Division of Water Quality Assessment and Standards at the address in Section B.

KATHLEEN A. MCGINTY,  
*Secretary*

*(Editor's Note: The regulations of the Department, 25 Pa. Code, are amended by amending a statement of policy in §§ 16.24, 16.61, 16.101 and 16.102, Appendix A Table 1 and by establishing Tables 2A and 2B from existing text, with ellipses referring to the existing text.)*

**Fiscal Note:** 7-511. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 25. ENVIRONMENTAL PROTECTION**

**PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**Subpart A. PRELIMINARY PROVISIONS**

**ARTICLE II. STATEMENTS OF POLICY**

**CHAPTER 16. WATER QUALITY TOXICS MANAGEMENT STRATEGY—STATEMENT OF POLICY**

**Subchapter A. GUIDELINES FOR DEVELOPMENT OF CRITERIA FOR TOXIC SUBSTANCES AND WATER QUALITY CRITERIA FOR TOXIC SUBSTANCES**

**GUIDELINES FOR DEVELOPMENT OF AQUATIC LIFE CRITERIA**

**§ 16.24. Metals criteria.**

(a) The criteria are established to control the toxic portion of a substance in the water column. Depending upon available data, aquatic life criteria for metals are expressed as either dissolved or total recoverable. As information develops, the chemical identifiers for the toxic portion may be added, changed or refined. The criteria form one of the bases for water quality-based effluent limitations, which are expressed as total recoverable metal.

(b) Dissolved criteria are indicated in Appendix A, Table 1 with "\*", and have been developed by applying the most current EPA conversion factors to the total recoverable criteria. The EPA factors are listed in the following Conversion Factors Table.

**Conversion Factors Table**

	<i>Chronic</i>	<i>Acute</i>	<i>Source</i>
Arsenic	1.000 (As3+)	1.000 (As3+)	1,2
Cadmium	1.101672 - (ln[H] × 0.041838)	1.136672 - (ln[H] × 0.041838)	2
Chromium VI	0.962	0.982	1,2
Copper	0.960	0.960	1,2
Lead*		1.46203 - (ln[H] × 0.041838)	
Mercury	0.85	0.85	1,2
Nickel	0.997	0.998	1,2
Selenium	0.922	0.922	1
Silver	NA	0.85	2
Zinc	0.986	0.978	1,2

\*Conversion factor is for both acute and chronic criteria.

Source 1—Final Water Quality Guidance for the Great Lakes System (60 FR 15366, March 23, 1995)

2—Establishment of Numeric Criteria for Priority Pollutants; Revision of Metals Criteria-Interim Final Rule (60 FR 22229, May 4, 1995)

(c) Chemical translators are used to convert dissolved criteria into effluent limitations which are required by Federal regulations to be expressed as total recoverable metal. The default chemical translator used by the Department is the reciprocal of the conversion factor (listed in the Conversion Factors Table) that was used to determine the dissolved criterion.

(d) NPDES dischargers may request alternate effluent limitations by using site-specific water quality characteristics. This is accomplished by performing a site-specific chemical translator study for a dissolved criterion. A water effect ratio (WER) study may also be conducted, based on either total recoverable or dissolved criteria, depending on the form of the criterion.

(e) A WER is a factor that expresses the difference between the measures of the toxicity of a substance in laboratory water and the toxicity in site water. The WER provides a mechanism to account for that portion of a metal which is toxic under certain physical, chemical or biological conditions. At this time, WERs are applicable only to certain metals, which are listed by the EPA in "Guidance on the Determination and Use of Water-Effect Ratios for Metals" (February 1994), as amended and updated. Subject to Departmental approval of the testing and its results, the Department will use the WER to establish an alternate site-specific criterion.

(f) Chemical translator studies must be conducted in accordance with the EPA's interim final document, "The Metals Translator: A Guidance for calculating a total recoverable permit limit from a dissolved criterion" (June 1996), as amended and updated.

(g) Final reports on the studies shall be submitted to the Department within 60 days of completion. Upon approval of the study results, the Department will use the chemical translator or WER, or both, to determine revised effluent limitations.

**GREAT LAKES SYSTEM**

**§ 16.61. Special provisions for the Great Lakes System.**

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

*BAF—Bioaccumulation Factor*—The ratio in liters per kilogram of a substance's concentration in tissues of an aquatic organism to its concentration in the ambient water, when both the organism and its food are exposed and the ratio does not change substantially over time.

*BCC—Bioaccumulative Chemical of Concern*—A chemical that has the potential to cause adverse effects which, upon entering the surface waters, by itself or its toxic transformation product, accumulates in aquatic organisms by a human health BAF greater than 1,000, after

considering metabolism and other physiochemical properties that might enhance or inhibit bioaccumulation, under the methodology in 40 CFR Part 132 Appendix B (relating to Great Lakes Water Quality Initiative). Current BCCs are listed in 40 CFR 132.6, Table 6 (relating to pollutants of initial focus in the Great Lakes Water Quality Initiative).

*Great Lakes System*—The streams, rivers, lakes and other bodies of surface water within the drainage basin of the Great Lakes in this Commonwealth.

(b) *Water quality criteria for the Great Lakes System.*

(1) *Aquatic life criteria.* Aquatic life criteria for toxic substances in the Great Lakes System will be developed under the methodologies in § 16.22 (relating to criteria development) to the extent they are consistent with 40 CFR Part 132, Appendix A (relating to Great Lakes Water Quality Initiative methodologies for developments of aquatic life values). If there are insufficient data to develop aquatic life criteria for a toxic substance identified in a discharge into these waters, the Department will develop or require a discharger to develop, subject to Department approval, protective aquatic life values using the methodologies in 40 CFR Part 132, Appendix A and guidance issued by the Department. For non-BCCs, WETT may be used in lieu of Tier II values to determine aquatic toxicity.

(2) *Human health criteria.* Human health criteria for the Great Lakes System will be developed using the methods in §§ 16.32 and 16.33 (relating to threshold level toxic effects; and nonthreshold effects (cancer)), except that fish consumption is 15 grams per day. If there are insufficient data to develop human health threshold criteria for a toxic substance identified in a discharge into these waters, the Department will develop, or require the discharger to develop, subject to Department approval, protective human health values using the methodologies in 40 CFR Part 132, Appendix C, Section III, as it relates to Tier II values, and guidance issued by the Department.

(3) *BAFs.* Human health criteria for BCCs will be developed under the methodologies in 40 CFR Part 132, Appendix B relating to bioaccumulation factors, and will be listed by the EPA in the GLI Clearinghouse. Because substances other than BCCs (Non-BCCs) bioaccumulate to a much lesser degree, BAFs for Non-BCCs are similar to bioconcentration factors (BCFs). Field measured BAFs, or BAFs equal to BCFs will be used for the development of non-BCC criteria in the Great Lakes.

(4) *Criteria for Great Lakes System.* Human health and aquatic life criteria for the Great Lakes System are contained in the following table. For any pollutant not listed in the table, criteria to protect existing and designated uses will be developed by the Department as needed in accordance with this section.

**GREAT LAKES AQUATIC LIFE AND HUMAN HEALTH CRITERIA**

***Fish and Aquatic Life Criteria***

<i>PP NO</i>	<i>Chemical Name</i>	<i>CAS Number</i>	<i>Criteria Continuous Concentrations (ug/L)</i>	<i>Criteria Maximum Concentration (ug/L)</i>	<i>Human Health Criteria (ug/L)</i>
4M	Cadmium	07440439	*{1.101672-(ln[H]×0.041838)}× Exp(0.7852×ln[H]-2.715) (ex:@H=100, CCC=2.24)	*{1.136672-(ln[H]×0.041838)}× Exp(1.128×ln[H]-3.6867) (ex:@H=100, CMC=4.26)	N/A



PP NO	Chemical Name	CAS Number	Criteria Continuous Concentrations (ug/L)					Criteria Maximum Concentration (ug/L)	Human Health Criteria (ug/L)	
			*	*	*	*	*			
4P	gamma-BHC (Lindane)	00058899	N/A					0.95	0.47	H
	PCBs		N/A					N/A	0.00000039	CRL

(6) *Additional requirements.* Additivity of toxic effects for chlorinated dibenzo-p-dioxins and chlorinated dibenzofurans will be accounted for under 40 CFR Part 132, Appendix F, Procedure 4 (relating to Great Lakes Water Quality Initiative implementation procedures).

### Subchapter B. ANALYTICAL METHODS AND DETECTION LIMITS FOR TOXIC SUBSTANCES GENERAL PROVISIONS

#### § 16.101. Introduction.

(a) This subchapter contains information on the final EPA Guidelines establishing test procedures for the analysis of priority pollutants under the Federal Water Pollution Control Act, known as the Clean Water Act (33 U.S.C.A. § 1251—1376). The procedures of analysis for the organic compounds are contained in 40 CFR 136 (relating to guidelines establishing test procedures). Procedures for inorganic substances are cited in this source, but details are found elsewhere. Analytical procedures for free cyanide are approved by the Department and are contained in Appendix A, Table 2A.

(b) This information provides the expected levels of analytical detectability for toxic priority pollutants. It is intended as a basis for review of NPDES application forms, and for establishing appropriate detection limits and methods of analysis to accompany final effluent limitations in permits.

(c) The Department recommends that clean techniques be employed as appropriate in collecting, handling, storing, preparing and analyzing samples. Clean techniques refer to methods that reduce contamination and enable the accurate and precise measurement of substances, and to related issues concerning detection limits, quality control and quality assurance. Clean techniques are those requirements or practices for sample collection and handling necessary to produce reliable analytical data in the microgram per liter ( $\mu\text{l}$ ) or part per billion range. The use of clean techniques reduces the incidence of overstatement of environmental concentrations of trace substances.

#### § 16.102. Approved EPA Analytical Methods and Detection Limits.

(a) Appendix A, Tables 2A and 2B contain the following data elements and is to be used as follows:

(1) Parameter + (CAS) is the chemical name preceded by an alphanumeric code for the priority pollutants. Other inorganics (metals) listed on the application form have also been included. The Chemical Abstracts Service (CAS) number, a unique chemical identifier, is also listed for completeness of identification. The CAS number should always be verified to ensure proper identification, particularly with chemicals with ambiguous or unfamiliar names, or both.

(2) Method number + (description) includes the approved EPA procedures by identifying number and an abbreviated description of each. The methods are detailed in one or more of the following sources:

(i) *Methods for Chemical Analysis of Water and Wastes*, EPA 600/4-79-020, Revised March 1984.

(ii) 40 CFR Part 136 (relating to guidelines establishing test procedures). The EPA provides a list of still other sources for these methods in 40 CFR Part 136. Methods that were not developed by the EPA, that is, have no EPA identifying method number, but are approved by the EPA for use in NPDES related analyses are marked with an asterisk (\*) in Appendix A, Tables 2A and 2B.

(iii) *Standard Methods for the Examination of Water and Wastewater*, 20th Edition, APHA-AWWA-WEF, 1998.

(iv) *Hach Handbook of Wastewater Analysis*, Hach Chemical Company, 1979.

(v) *Direct Current Plasma (DCP) Optical Emission Spectrometric Method for Trace Elemental Analysis of Water and Wastes, Method AES0029*. Applied Research Laboratories, Inc., 1986-Revised 1991, Fison Instruments, Inc.

(vi) *ASTM Annual Book of Standards, Section 11, Water*. American Society for Testing and Materials, 1999.

(3) MDL is the method detection limit for each chemical for each method. The MDL is defined as the minimum concentration that can be measured and reported with 99% confidence that the value is above zero—that is, something is really there. The MDL concentrations listed were obtained using reagent water. Similar results were achieved using representative wastewaters. The MDL achieved in a given analysis will vary depending on instrument sensitivity and matrix effects.

(i) *Methods for Chemical Analysis of Water and Wastes*, EPA 600/4-79-020, Revised March 1984.

(ii) 40 CFR Part 136 (relating to guidelines establishing test procedures). The EPA provides a list of still other sources for these methods in 40 CFR Part 136. Methods that were not developed by the EPA, that is, have no EPA identifying method number, but are approved by the EPA for use in NPDES related analyses are marked with an asterisk (\*) in Appendix A, Table 2.

(iii) *Standard Methods for the Examination of Water and Wastewater*, 20th Edition, APHA-AWWA-JWPCF, 1998.

(iv) The primary source for detection limits in Appendix A, Tables 2A and 2B is EPA MDL studies. However, when the EPA has not performed an MDL study or reported the detection limit, other sources—particularly, Standard Methods—are consulted. When there is no literature on detection limit, the Department's Bureau of Laboratories may be asked to determine the detection limit based on an MDL study.

(4) Permittees will be required to meet the detection limits listed in Appendix A, Tables 2A and 2B. If the detection limit is not listed, a permittee shall develop a detection limit using an MDL study.

(5) When permittees cannot meet a listed detection limit, they may be granted case-specific MDLs if they submit complete documentation demonstrating a matrix effect in their particular effluent. The permittees shall follow the procedure for determining MDLs published as Appendix B of 40 CFR Part 136 (relating to guidelines establishing test procedures). The Bureau of Laboratories will evaluate the data and advise the regional office of their decision.

(b) Appendix A, Table 3 gives a more detailed description of the EPA 600-series of analytical procedures for organic pollutants. Further detail is contained in 40 CFR Part 136.

APPENDIX A

TABLE 1

WATER QUALITY CRITERIA FOR TOXIC SUBSTANCES

*Fish and Aquatic Life Criteria*

PP NO	Chemical Name	CAS Number	Criteria Continuous	Criteria Maximum	Human Health	
			Concentration (ug/L)	Concentration (ug/L)	Criteria (ug/L)	
4M	Cadmium	07440439	*{1.101672-(ln[H]× 0.041838)}× Exp(0.7409 × ln[H]-4.719) (ex:@H=100, CCC=0.25)	*{1.136672-(ln[H]× 0.041838)}× Exp(1.0166 × ln[H]-3.924) (ex:@H=100, CMC=2.01)	N/A	
7P	4,4-DDT	00050293	0.001	1.1	0.00059	CRL

APPENDIX A

TABLE 1

WATER QUALITY CRITERIA FOR TOXIC SUBSTANCES

Acronyms and Footnotes to Table 1

\* \* \* \* \*

H—Threshold effect human health criterion; incorporates additional uncertainty factor for some Group C carcinogens.

CRL—Cancer risk level at  $1 \times 10^{-6}$

lnH—Natural Logarithm of the Hardness of stream as mg/l CaCO<sub>3</sub>

N/A—Insufficient data to develop criterion.

\* \* \* \* \*

TABLE 2A

APPROVED EPA ANALYTICAL METHODS AND DETECTION LIMITS: INORGANICS

Parameter (CAS)		Method Number (Description) *Source	Detection Limit (µg/l)
—	ALUMINUM (07429905)	202.1 (AA, flame)	100
		202.2 (AA, furnace)	3
		200.7 (ICP)	45
		3500 Al B* <sup>1</sup> (Colorimetric)	6
		D4190-94* <sup>4</sup> (DCP)	NA
1M	ANTIMONY (07440360)	204.1 (AA, flame)	200
		204.2 (AA, furnace)	3
		200.7 (ICP)	32

\* \* \* \* \*

## STATEMENTS OF POLICY

1229

<i>Parameter (CAS)</i>	<i>Method Number (Description) *Source</i>	<i>Detection Limit (µg/l)</i>
3M BERYLLIUM (07440417)	210.1 (AA, flame)	5
	210.2 (AA, furnace)	0.2
	200.7 (ICP)	0.3
	3500-Be D* <sup>1</sup> (Colorimetric)	5
	D4190-94* <sup>4</sup> (DCP)	NA
— BORON (07440428)	212.3 (Colorimetric)	0.2
	200.7 (ICP)	5
	D4190-94* <sup>4</sup> (DCP)	NA
4M CADMIUM (07440439)	213.1 (AA, flame)	5
	213.2 (AA, furnace)	0.1
	200.7 (ICP)	4
	3500-Cd D* <sup>1</sup> (Colorimetric)	0.5
	D3557-95(C)* <sup>4</sup> (Voltametry)	NA
	D4190-94* <sup>4</sup> (DCP)	NA
5M CHROMIUM TOTAL (07440473)	218.1 (AA, flame)	50
	218.2 (AA, furnace)	1
	218.3 (AA, extraction)	1
	200.7 (ICP)	7
	D4190-94* <sup>4</sup> (DCP)	NA
	3500-Cr B* <sup>1</sup> (Colorimetric)	NA
5M CHROMIUM VI (07440473)	218.4 (AA extraction)	10
	3500-Cr B* <sup>1</sup> (Colorimetric)	NA
— COBALT (07440484)	219.1 (AA, flame)	50
	219.2 (AA, furnace)	1
	200.7 (ICP)	7
	D4190-94* <sup>4</sup> (DCP)	NA
6M COPPER (07440508)	220.1 (AA, flame)	20
	220.2 (AA, furnace)	1
	200.7 (ICP)	6
	3500-Cu B* <sup>1</sup> (Colorimetric)	3
	3500-Cu C* <sup>1</sup> (Colorimetric)	20
	D4190-94* <sup>4</sup> (DCP)	NA
— IRON (07439921)	236.1 (AA, flame)	30
	236.2 (AA, furnace)	1
	200.7 (ICP)	7
	3500-Fe B* <sup>1</sup> (Colorimetric)	10
	D4190-94* <sup>4</sup> (DCP)	NA
7M LEAD (07439921)	239.1 (AA, flame)	100
	239.2 (AA, furnace)	1
	200.7 (ICP)	42
	3500-Pb B* <sup>1</sup> (Colorimetric)	NA
	D3559-96(C)* <sup>4</sup> (Voltametry)	NA
	D4190-94* <sup>4</sup> (DCP)	NA
— MAGNESIUM (07439954)	242.1 (AA, flame)	1
	200.7 (ICP)	30
	3500-Mg D* <sup>1</sup> (Gravimetric)	NA
	—* <sup>3</sup> (DCP)	NA
— MANGANESE (07439965)	243.1 (AA, flame)	10
	243.2 (AA, furnace)	0.2
	200.7 (ICP)	2
	3500-Mn B* <sup>1</sup> (Colorimetric)	6
	8034-* <sup>2</sup> (Colorimetric)	NA
	D4190-94* <sup>4</sup> (DCP)	NA

## STATEMENTS OF POLICY

<i>Parameter (CAS)</i>	<i>Method Number (Description) *Source</i>	<i>Detection Limit (µg/l)</i>
8M	MERCURY (07439976)	245.1 (Cold vapor, Man)
		245.2 (Cold vapor, Auto)
		1631 (Cold vapor, Atomic Fluor.)
	* * * * *	
9M	NICKEL (07440020)	249.1 (AA, flame)
		249.2 (AA, furnace)
		200.7 (ICP)
		3500-Ni D* <sup>1</sup> (Colorimetric)
		D4190-94* <sup>4</sup> (DCP)
10M	SELENIUM (07782492)	270.2 (AA, furnace)
		200.7 (ICP)
		3114 B* <sup>1</sup> (AA, gaseous hydride)
	* * * * *	
13M	ZINC (07440666)	200.7 (ICP)
		3500-Zn E* <sup>1</sup> (Colorimetric)
		3500-Zn B* <sup>1</sup> (Colorimetric)
		D4190-94* <sup>4</sup> (DCP)
14M	CYANIDE, TOTAL (00057125)	4500-CN D* <sup>1</sup> (Titrimetric)
		335.2 (Spectrophometric)
		335.3 (Color., Auto)
**14M	CYANIDE, FREE (00057125)	—(DEP Free CN method, Auto)
		Not EPA approved
		4500-CN I* <sup>1</sup> Not EPA approved
		335.1 (Amenable to Chlor.)
	* * * * *	

\* Not an EPA developed method, but approved by EPA

Source is:

<sup>1</sup>—Standard Methods for the Examination of Water and Wastewater, 20th Edition. APHA-AWWA-WEF, 1998. The approved methods may also be found in Standard Methods for the Examination of Water and Wastewater, 18th or 19th Editions, but with different identifying numbers. For Selenium, the method number quoted is from the 19th Edition.

<sup>2</sup>—Hach Handbook of Wastewater Analysis. 1979.

<sup>3</sup>—Direct Current Plasma (DCP) Optical Emission Spectrometric Method for Trace Elemental Analysis of Water and Wastes, Method AES0029. Applied Research Laboratories, Inc., 1986—Revised 1991.

<sup>4</sup>—ASTM Annual Book of Standards, Section 11, Water. American Society for Testing and Materials, 1999.

\*\* EPA currently measures “total cyanide” to satisfy cyanide limits and has not yet approved analytical methods for “free cyanide.” Free cyanide is a DEP required analysis, and either of the three listed methods are acceptable for its determination.

NOTE: Metal samples are to be unfiltered and predigested for measurement of the total recoverable (not dissolved) fraction. Samples for dissolved measurement are to be field filtered.

**TABLE 2B**

**APPROVED EPA ANALYTICAL METHODS AND DETECTION LIMITS: ORGANICS**

<i>Parameter (CAS)</i>	<i>Method Number (Description) *Source</i>	<i>Detection Limit (MDL) (µg/l)</i>
1A	2-CHLOROPHENOL (00095578)	604—GC/FID
		604—GC/ECD
		625—GC/MS
		1625B—GC/MS(isotope)
2A	2,4-DICHLOROPHENOL (00120832)	604—GC/FID
		604—GC/ECD
		625—GC/MS
		1625B—GC/MS(isotope)
3A	2,4-DIMETHYLPHENOL (00105679)	604—GC/FID
		604—GC/ECD
		625—GC/MS
		1625B—GC/MS(isotope)

## STATEMENTS OF POLICY

1231

<i>Parameter (CAS)</i>	<i>Method Number (Description) *Source</i>	<i>Detection Limit (MDL) (µg/l)</i>
4A 4,6-DINITRO-o-CRESOL (00534521)	604—GC/FID	16.0
	604—GC/ECD	NA
	625—GC/MS	24
	1625B—GC/MS(isotope)	20
5A 2,4-DINITROPHENOL (00051285)	604—GC/FID	13.0
	604—GC/ECD	NA
	625—GC/MS	42
	1625B—GC/MS(isotope)	50
6A 2-NITROPHENOL (00088755)	604—GC/FID	0.45
	604—GC/ECD	0.77
	625—GC/MS	3.6
	1625B—GC/MS(isotope)	20
7A 4-NITROPHENOL (00100027)	604—GC/FID	2.8
	604—GC/ECD	0.70
	625—GC/MS	2.4
	1625B—GC/MS(isotope)	50
8A p-CHLORO-m-CRESOL (00059507)	604—GC/FID	0.36
	604—GC/ECD	1.8
	625—GC/MS	3.0
	1625B—GC/MS(isotope)	10
9A PENTACHLOROPHENOL (00087865)	604—GC/FID	7.4
	604—GC/ECD	0.59
	625—GC/MS	3.6
	1625B—GC/MS(isotope)	50
10A PHENOL (00108952)	604—GC/FID	0.14
	604—GC/ECD	2.2
	625—GC/MS	1.5
	1625B—GC/MS(isotope)	10
11A 2,4,6-TRICHLOROPHENOL (00088062)	604—GC/FID	0.64
	604—GC/ECD	0.58
	625—GC/MS	2.7
	1625B—GC/MS(isotope)	10
1V ACROLEIN <sup>(1)</sup> (00107028)	603—GC/FID	0.7
	624—GC/MS	NA
	1624B—GC/MS(isotope)	50
2V ACRYLONITRILE <sup>(1)</sup> (00107131)	603—GC/FID	0.5
	624—GC/MS	NA
	1624B—GC/MS(isotope)	50
3V BENZENE (00071432)	602—GC/PID	0.20
	624—GC/MS	4.4
	1624B—GC/MS(isotope)	10
5V BROMOFORM (00075252)	601—GC/Hal.	0.20
	624—GC/MS	4.7
	1624B—GC/MS(isotope)	10
6V CARBON TETRACHLORIDE (00056235)	601—GC/Hal.	0.12
	624—GC/MS	2.8
	1624B—GC/MS(isotope)	10
7V CHLOROBENZENE (00108907)	601—GC/Hal.	0.25
	602—GC/PID	0.20
	624—GC/MS	6.0
	1624B—GC/MS(isotope)	10
8V CHLORODIBROMOMETHANE (00124481)	601—GC/Hal.	0.09
	624—GC/MS	3.1
	1624B—GC/MS(isotope)	10
9V CHLOROETHANE (00075003)	601—GC/Hal.	0.52
	624—GC/MS	NA
	1624B—GC/MS(isotope)	50
10V 2-CHLOROETHYL VINYL ETHER (00110758)	601—GC/Hal.	0.13
	624—GC/MS	NA
	1624B—GC/MS(isotope)	10

## STATEMENTS OF POLICY

<i>Parameter (CAS)</i>	<i>Method Number (Description) *Source</i>	<i>Detection Limit (MDL) (µg/l)</i>
11V	CHLOROFORM (00067663)	601—GC/Hal. 0.05 624—GC/MS 1.6 1624B—GC/MS(isotope) 10
12V	DICHLOROBROMOETHANE (00075274)	601—GC/Hal. 0.10 624—GC/MS 2.2 1624B—GC/MS(isotope) 10
14V	1,1-DICHLOROETHANE (00075343)	601—GC/Hal. 0.07 624—GC/MS 4.7 1624B—GC/MS(isotope) 10
15V	1,2-DICHLOROETHANE (00107062)	601—GC/Hal. 0.03 624—GC/MS 2.8 1624B—GC/MS(isotope) 10
16V	1,1-DICHLOROETHYLENE (00075354)	601—GC/Hal. 0.13 624—GC/MS 2.8 1624B—GC/MS(isotope) 10
17V	1,2-DICHLOROPROPANE (00078875)	601—GC/Hal. 0.04 624—GC/MS 6.0 1624B—GC/MS(isotope) 10
18V	1,3-DICHLOROPROPYLENE (00542756)	601—GC/Hal. 0.34-cis 624—GC/MS 0.20-trans 1624B—GC/MS(isotope) 5.0-cis 10 trans
19V	ETHYLBENZENE (00100414)	602—GC/PID 0.20 624—GC/MS 7.2 1624B—GC/MS(isotope) 10
20V	METHYL BROMIDE (00074839)	601—GC/Hal. 1.18 624—GC/MS NA 1624B—GC/MS(isotope) 50
21V	METHYL CHLORIDE (00074873)	601—GC/Hal. 0.08 624—GC/MS NA 1624B—GC/MS(isotope) 50
22V	METHYLENE CHLORIDE (00075092)	601—GC/Hal. 0.25 624—GC/MS 2.8 1624B—GC/MS(isotope) 10
23V	1,1,2,2-TETRACHLOROETHANE (00079345)	601—GC/Hal. 0.03 624—GC/MS 6.9 1624B—GC/MS(isotope) 10
24V	TETRACHLOROETHYLENE (00127184)	601—GC/Hal. 0.03 624—GC/MS 4.1 1624B—GC/MS(isotope) 10
25V	TOLUENE (00108883)	602—GC/PID 0.20 624—GC/MS 6.0 1624B—GC/MS(isotope) 10
26V	1,2-trans-DICHLOROETHYLENE (00156605)	601—GC/Hal. 0.10 624—GC/MS 1.6 1624B—GC/MS(isotope) 10
27V	1,1,1-TRICHLOROETHANE (00071556)	601—GC/Hal. 0.03 624—GC/MS 3.8 1624B—GC/MS(isotope) 10
28V	1,1,2-TRICHLOROETHANE (00079005)	601—GC/Hal. 0.02 624—GC/MS 5.0 1624B—GC/MS(isotope) 10
29V	TRICHLOROETHYLENE (00079016)	601—GC/Hal. 0.12 624—GC/MS 1.9 1624B—GC/MS(isotope) 10
31V	VINYL CHLORIDE (00075014)	601—GC/Hal 0.18 624—GC/MS NA 1624B—GC/MS(isotope) 10

## STATEMENTS OF POLICY

1233

<i>Parameter (CAS)</i>	<i>Method Number (Description) *Source</i>	<i>Detection Limit (MDL) (µg/l)</i>
1B ACENAPHTHENE (00083329)	610—GC/FID	NA
	610—HPLC	1.8
	625—GC/MS	1.9
	1625B—GC/MS(isotope)	10
2B ACENAPHTHYLENE (00208968)	610—GC/FID	NA
	610—HPLC	2.3
	625—GC/MS	3.5
	1625B—GC/MS(isotope)	10
3B ANTHRACENE (00120127)	610—GC/FID	NA
	610—HPLC	0.66
	625—GC/MS	1.9
	1625B—GC/MS(isotope)	10
4B BENZIDINE <sup>(2)</sup> (00092875)	605—HPLC	0.08
	625—GC/MS	44
	1625B—GC/MS(isotope)	50
5B BENZO(a)ANTHRACENE (00056553)	610—GC/FID	NA
	610—HPLC	0.013
	625—GC/MS	7.8
	1625B—GC/MS(isotope)	10
6B BENZO(a)PYRENE (00050328)	610—GC/FID	NA
	610—HPLC	0.023
	625—GC/MS	2.5
	1625B—GC/MS(isotope)	10
7B 3,4-BENZOFLUORANTHENE (00205992)	610—GC/FID	NA
	610—HPLC	0.018
	625—GC/MS	4.8
	1625B—GC/MS(isotope)	10
8B BENZO(ghi)PERYLENE (00191242)	610—GC/FID	NA
	610—HPLC	0.076
	625—GC/MS	4.1
	1625B—GC/MS(isotope)	20
9B BENZO(k)FLUORANTHENE (00207089)	610—GC/FID	NA
	625—GC/MS	0.017
	1625B—GC/MS(isotope)	2.5
		10
10B BIS(2-CHLOROETHOXY) METHANE (00111911)	611—GC/Hal.	0.5
	625—GC/MS	5.3
	1625B—GC/MS(isotope)	10
11B BIS(2-CHLOROETHYL) ETHER (00111444)	611—GC/Hal.	0.3
	625—GC/MS	5.7
	1625B—GC/MS(isotope)	10
12B BIS(2-CHLOROISOPROPYL) ETHER (39638329)	611—GC/Hal.	0.8
	625—GC/MS	5.7
	1625B—GC/MS(isotope)	10
13B BIS(2-ETHYLHEXYL) PHTHALATE (00117817)	606—GC/ECD	2.0
	625—GC/MS	2.5
	1625B—GC/MS(isotope)	10
14B 4-BROMOPHENYL PHENYL ETHER (00101553)	611—GC/Hal.	2.3
	625—GC/MS	1.9
	1625B—GC/MS(isotope)	10
15B BUTYLBENZYL PHTHALATE (00085687)	606—GC/ECD	0.34
	625—GC/MS	2.5
	1625B—GC/MS(isotope)	10
16B 2-CHLORONAPHTHALENE (00091587)	612—GC/ECD	0.94
	625—GC/MS	1.9
	1625B—GC/MS(isotope)	10
17B 4-CHLOROPHENYL PHENYL ETHER (07005723)	611—GC/Hal.	3.9
	625—GC/MS	4.2
	1625B—GC/MS(isotope)	10

## STATEMENTS OF POLICY

<i>Parameter (CAS)</i>	<i>Method Number (Description) *Source</i>	<i>Detection Limit (MDL) (µg/l)</i>
18B CHRYSENE (00218019)	610—GC/FID	NA
	610—HPLC	0.15
	625—GC/MS	5.3
	1625B—GC/MS(isotope)	10
19B DIBENZO(a,h) ANTHRACENE (00053703)	610—GC/FID	NA
	610—HPLC	0.030
	625—GC/MS	2.5
	1625B—GC/MS(isotope)	20
20B 1,2-DICHLOROBENZENE (00095501)	601—GC/Hal.	0.15
	602—GC/PID	0.40
	612—GC/ECD	1.14
	624—GC/MS	NA
	625—GC/MS	1.9
	1625B—GC/MS(isotope)	10
21B 1,3-DICHLOROBENZENE (00541731)	601—GC/Hal.	0.32
	602—GC/PID	0.40
	612—GC/ECD	1.19
	624—GC/MS	NA
	625—GC/MS	1.9
	1625B—GC/MS(isotope)	10
22B 1,4-DICHLOROBENZENE (00106467)	601—GC/Hal.	0.24
	602—GC/PID	0.30
	612—GC/ECD	1.34
	624—GC/MS	NA
	625—GC/MS	4.4
	1625B—GC/MS(isotope)	10
23B 3,3'-DICHLOROBENZIDINE <sup>(2)</sup> (00091941)	605—HPLC	0.13
	625—GC/MS	16.5
	1625B—GC/MS(isotope)	50
24B DIETHYL PHTHALATE (00084662)	606—GC/ECD	0.49
	625—GC/MS	1.9
	1625B—GC/MS(isotope)	10
25B DIMETHYL PHTHALATE (00131113)	606—GC/ECD	0.29
	625—GC/MS	1.6
	1625B—GC/MS(isotope)	10
26B DI-N-BUTYL PHTHALATE (00084742)	606—GC/ECD	0.36
	625—GC/MS	2.5
	1625B—GC/MS(isotope)	10
27B 2,4-DINITROTOLUENE (00121142)	609—GC/ECD	0.02
	625—GC/MS	5.7
	1625B—GC/MS(isotope)	10
28B 2,6-DINITROTOLUENE (00606202)	609—GC/ECD	0.01
	625—GC/MS	1.9
	1625B—GC/MS(isotope)	10
29B DI-N-OCTYL PHTHALATE (00117840)	606—GC/ECD	3.0
	625—GC/MS	2.5
	1625B—GC/MS(isotope)	10
30B 1,2-DIPHENYLHYDRAZINE (00122667)	625—GC/MS	10
	1625B—GC/MS(isotope)	20
31B FLUORANTHENE (00206440)	610—GC/FID	NA
	610—HPLC	0.21
	625—GC/MS	2.2
	1625B—GC/MS(isotope)	10
32B FLUORENE (00086737)	610—GC/FID	NA
	610—HPLC	0.21
	625—GC/MS	1.9
	1625B—GC/MS(isotope)	10
33B HEXACHLOROBENZENE (00118741)	612—GC/ECD	0.05
	625—GC/MS	1.9
	1625B—GC/MS(isotope)	10



STATEMENTS OF POLICY

<i>Parameter (CAS)</i>	<i>Method Number (Description) *Source</i>	<i>Detection Limit (MDL) (µg/l)</i>
34B HEXACHLOROBUTADIENE (00087683)	612—GC/ECD	0.34
	625—GC/MS	0.9
	1625B—GC/MS(isotope)	10
35B HEXACHLOROCYCLOPENTA- DIENE <sup>(3)</sup> (00077474)	612—GC/ECD	0.40
	625—GC/MS	NA
	1625B—GC/MS(isotope)	10
36B HEXACHLOROETHANE (00067721)	612—GC/ECD	0.03
	625—GC/MS	1.6
	1625B—GC/MS(isotope)	10
37B INDEN0(1,2,3-cd)PYRENE (00193395)	610—GC/FID	NA
	610—HPLC	0.043
	625—GC/MS	3.7
	1625B—GC/MS(isotope)	20
38B ISOPHORONE (00078591)	609—GC/FID	5.7
	609—GC/ECD	15.7
	625—GC/MS	2.2
	1625B—GC/MS(isotope)	10
39B NAPHTHALENE (00091203)	610—GC/FID	NA
	610—HPLC	1.8
	625—GC/MS	1.6
	1625B—GC/MS(isotope)	10
40B NITROBENZENE (00098953)	609—GC/FID	3.6
	609—GC/ECD	13.7
	625—GC/MS	1.9
	1625B—GC/MS(isotope)	10
41B N-NITROSODIMETHYLAMINE <sup>(4)</sup> (00062759)	607—GC/N-PD	0.15
	625—GC/MS	NA
	1625B—GC/MS(isotope)	50
42B N-NITROSODI-N-PROPYLAMINE (00621647)	607—GC/ECD	0.46
	625—GC/MS	NA
	1625B—GC/MS(isotope)	20
43B N-NITROSODI-PHENYLAMINE <sup>(4)</sup> (00086306)	607—GC/N-PD	0.81
	625—GC/MS	1.9
	1625B—GC/MS(isotope)	20
44B PHENANTHRENE (00085018)	610—GC/FID	NA
	610—HPLC	0.64
	625—GC/MS	5.4
	1625B—GC/MS(isotope)	10
45B PYRENE (00129000)	610—GC/FID	NA
	610—HPLC	0.27
	625—GC/MS	1.9
	1625B—GC/MS(isotope)	10
46B 1,2,4-TRICHLORO-BENZENE (00120821)	612—GC/ECD	0.05
	625—GC/MS	1.9
	1625B—GC/MS(isotope)	10

\* \* \* \* \*

(2)—EPA says “When Benzidine is known to be present, screen with EPA 605.” However, because HPLC is a generally unavailable procedure at this time, GC-MS enhanced to achieve a detection level more sensitive than the EPA’s MDL can be used. Permit monitoring requirements for these two chemicals can also be set using EPA 625 as an acceptable analytical procedure.

\* \* \* \* \*

[Pa.B. Doc. No. 05-284. Filed for public inspection February 11, 2005, 9:00 a.m.]

# NOTICES

## DEPARTMENT OF BANKING

### Action on Applications

The Department of Banking, under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending February 1, 2005.

#### BANKING INSTITUTIONS

##### Holding Company Acquisitions

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
2-1-05	Community Banks, Inc., Harrisburg, to acquire 100% of the voting shares of PennRock Financial Services Corp., Blue Ball	Harrisburg	Filed

##### Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
2-1-05	Community Banks, Millersburg, and Blue Ball National Bank, Blue Ball Surviving Institution—Community Banks, Millersburg	Millersburg	Filed

##### Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
1-10-05	S & T Bank Indiana Indiana County	208 West Plank Road Altoona Blair County	Opened
1-10-05	S & T Bank Indiana Indiana County	Messenger Service branch to operate within a 20-mile radius of the 208 West Plank Road, Altoona, office	Effective
1-24-05	First Star Savings Bank Bethlehem Lehigh County	Moravian Village Tower Wood Street Bethlehem Northampton County	Opened
1-27-05	Citizens & Northern Bank Wellsboro Tioga County	230-232 Railroad Street Jersey Shore Lycoming County	Filed
2-1-05	Penn Liberty Bank Wayne Delaware County	649 West Germantown Pike Plymouth Meeting Montgomery County	Opened
2-1-05	North Penn Bank Scranton Lackawanna County	Arlington Martin Subdivision Route 115 Effort Chestnuthill Township Monroe County	Approved
2-1-05	Woodlands Bank Williamsport Lycoming County	1146 Allegheny Street Jersey Shore Lycoming County	Filed

##### Branch Discontinuances

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
1-27-05	Orrstown Bank Shippensburg Cumberland County	Walmart 1730 Lincoln Way East Chambersburg Franklin County	Approved
1-28-05	Mid Penn Bank Millersburg Dauphin County	9 East Main Street Tremont Schuylkill County	Effective

**SAVINGS INSTITUTIONS**

No activity.

**CREDIT UNIONS****Conversion to Community Charter**

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
1-31-05	Freedom Credit Union Philadelphia Philadelphia County	Philadelphia	Effective

Represents conversion from an occupational-based to a community-based credit union which has been accomplished by amending Article 8 of the credit union's Articles of Incorporation to extend the field of membership of the credit union to include persons who live, work, worship, perform volunteer services, attend school, and businesses and other legal entities located in the counties of Bucks, Chester, Delaware, Montgomery and Philadelphia in Pennsylvania, subject to a requirement that prior to establishing an initial branch in either Delaware or Chester County, and as part of the branch approval process, the credit union provide additional support regarding the feasibility and financial impact of the branching activity.

**Branch Applications**

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
2-1-05	Trumark Financial Credit Union Trevose Bucks County	1141 Baltimore Pike Springfield Delaware County	Approved

A. WILLIAM SCHENCK, III,  
*Secretary*

[Pa.B. Doc. No. 05-285. Filed for public inspection February 11, 2005, 9:00 a.m.]

## DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

### Conservation and Natural Resources Advisory Council Meeting

The Conservation and Natural Resources Advisory Council to the Department of Conservation and Natural Resources (Department) will hold a meeting on Wednesday, February 23, 2005, at 10 a.m. in Room 105, Lobby Level, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

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

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

MICHAEL F. DIBERARDINIS,  
*Secretary*

[Pa.B. Doc. No. 05-286. Filed for public inspection February 11, 2005, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Applications, Actions and Special Notices

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### APPLICATIONS

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

This notice provides information about persons who have applied for a new, amended or renewed NPDES or WQM permit, a permit waiver for certain stormwater discharges or submitted a Notice of Intent (NOI) for coverage under a general permit. The applications concern, but are not limited to, discharges related to industrial, animal or sewage waste,

discharges to groundwater, discharges associated with municipal separate storm sewer systems (MS4), stormwater associated with construction activities or concentrated animal feeding operations (CAFOs). This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92 and 40 CFR Part 122, implementing The Clean Streams Law (35 P. S. §§ 691.1–691.1001) and the Federal Clean Water Act.

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

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

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

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

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

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

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

### **I. NPDES Renewal Applications**

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

<i>NPDES No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed#)</i>	<i>EPA Waived Y/N ?</i>
PA0036412	Tel Hai Retirement Community P. O. Box 190 Honeybrook PA 19344	Chester County Honeybrook Township	Two Log Run HQ-TSF	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA-0032433 Sewage	PA DCNR—Frances Slocum State Park 2808 Three Mile Run Road Perkasie, PA 18944-2065	Luzerne Kingston Township	Abraham's Creek (5B)	Yes

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

<i>NPDES No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed#)</i>	<i>EPA Waived Y/N ?</i>
PA0085332 (SEWAGE)	Delta Borough 2008 Bunkerhill Avenue Delta, PA 17314	York County Delta Borough	7I—Scott Creek	Y

<i>NPDES No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed#)</i>	<i>EPA Waived Y/N ?</i>
PAR10Y425R	Manchester Meadows Eric Barley Greystone LLC P. O. Box 525 3925 Columbia Ave. Mountville, PA 17554	York County Manchester Township	UNT Little Conewago Creek/TSF	Y
PAR10Y418R	Covington Ridge Phase 3 S & A Homes 501 Rolling Ridge Road State College, PA 16801	York County Shrewsbury Township	Trout Run/WWF	Y
PAR10Y418R	Covington Ridge S & A Homes 501 Rolling Ridge Road State College, PA 16801	York County Shrewsbury Township	Trout Run/WWF	Y
PA0021237 (SEWAGE)	Newport Borough Municipal Authority 231 Market Street Newport, PA 17074-1590	Perry County Newport Borough	Juniata River/12-B	Y
PA0030511 (SEWAGE)	Bermudian Springs School District 7335 Carlisle Pike York Springs, PA 17372-0501	Adams County Huntington Township	UNT to Mud Run/ 7-F	Y
PAR10O428-R	Neffsville Associates 1525 Oregon Pike Suite 1202 Lancaster, PA 17601	Lancaster County Manheim Township	Landis Run/WWF	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed#)</i>	<i>EPA Waived Y/N ?</i>
PA0228168	William J. Tolan 802 Meeks Lane Port Matilda, PA 16870	Centre County Patton Township	UNT to Buffalo Run	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed#)</i>	<i>EPA Waived Y/N ?</i>
PA0221759	Robert L. Shuttleworth 923 Fern Road St. Mary's, PA 15857	Jones Township Elk County	UNT to East Branch Clarion River	Y
PA0102598	One Land Corporation P. O. Box 222 Valencia, PA 16059	Middlesex Township Butler County	UNT to Glade Run 20-C	Y

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

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

**Application No. PA 0247618, Sewage, Delaware Township.** This facility is located in Delaware Township, **Juniata County**.

Description of activity: The application is for issuance of an NPDES permit for new discharge of treated sewage.

The receiving stream, Delaware Creek, is in Watershed 12-B, and classified for TSF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Newport Borough is located on the Juniata River, approximately 15 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.020 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	40	50
Total Suspended Solids	30	45	60

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Residual Chlorine	0.5		1.6
Dissolved Oxygen		Minimum of 5.0 at all times	
pH		From 6.0 to 9.0 inclusive	
Fecal Coliform			
(5-1 to 9-30)		200/100 ml as a geometric average	
(10-1 to 4-30)		40,000/100 ml as a geometric average	

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

The EPA waiver is in effect.

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

**PA0043681**, Sewage, SIC 4952, **Valley Joint Sewer Authority**, One South River Street, Athens, PA 18810. This proposed facility is located in Athens Borough, **Bradford County**.

Description of Proposed Activity: The Authority is applying to renew the existing NPDES permit. The annual average design flow will remain at 2.25 mgd. No changes to the facility are being made at this time. The receiving stream, Susquehanna River, is in the State Water Plan watershed 4B and is classified for: WWF. The nearest downstream public water supply intake for Danville Municipal Water Authority is located on the Susquehanna River and is 151.35 miles below the point of discharge at Danville, PA. The proposed effluent limits for Outfall 001 are based on a design flow of 2.25.

<i>Discharge Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Weekly Average (mg/l)</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	40		50
Total Suspended Solids	30	45		60
Fecal Coliforms				
(5-01 to 9-30)		200 col/100 ml (2,000 col/100ml) as a Geometric Mean		
(10-01 to 4-30)				
pH		Within the range of 6.0 to 9.0		

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

**PA0091634**, Sewage, **The Rensselaerville Institute**, 63 Huyck Road, Rensselaerville, NY 12147-2108. This application is for renewal of an NPDES permit to discharge treated sewage from Rensselaerville Institute STP in North Union Township, **Fayette County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as UNT of Redstone Creek, which are classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the: Newell Municipal Authority on the Monongahela River.

*Outfall 001: existing discharge, design flow of 0.035 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 <sub>5</sub>	10			20
Suspended Solids	25			50
Ammonia Nitrogen				
(5-1 to 10-31)	3.0			6.0
(11-1 to 4-30)	9.0			18.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-11 to 4-30)	2,000/100 ml as a geometric mean			
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			

*Other Conditions:* The following effluent limitations will apply when the treatment plant is expanded to a flow of 0.07 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 <sub>5</sub>	10			20
Suspended Solids	25			50

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
Ammonia Nitrogen (5-1 to 10-31)	3.0			6.0
(11-1 to 4-30)	9.0			18.0
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	0.7			1.6
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.

**PA0096105**, Sewage, **Aleppo Township Authority**, P. O. Box 81, 100 North Drive, Sewickley, PA 15143. This application is for renewal of an NPDES permit to discharge treated sewage from Sewickley Heights Manor STP in Aleppo Township, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as UNT to Ohio River, which are classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the: Moon Township Municipal Authority.

*Outfall 001*: existing discharge, design flow of 0.084 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>	25	37.5		50
Suspended Solids	30	45		60
Ammonia Nitrogen (5-1 to 10-31)	1.9	2.9		3.8
(11-1 to 4-30)	2.5	3.8		5.0
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	0.02			0.04
Dissolved Oxygen	not less than 5 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA0096423**, Sewage, **Turkeyfoot Valley Area School District**, R. D. 1, Box 78, Confluence, PA 15424-9616. This application is for renewal of an NPDES permit to discharge treated sewage from Turkeyfoot Valley Area School District STP in Lower Turkeyfoot Township, **Somerset County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Casselman River, which are classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the: Ohiopyle Borough Municipal Water Works.

*Outfall 001*: existing discharge, design flow of 0.0117 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	100,000/100 ml as a geometric mean			
Total Residual Chlorine	1.0			2.3
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA0216186**, Sewage, **Greene Arc, Inc.** 197 Dunn Station Road, Prosperity, PA 15329. This application is for renewal of an NPDES permit to discharge treated sewage from Association for Retarded Citizens STP in Washington Township, **Greene County**.

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

*Outfall 001: existing discharge, design flow of 0.025 mgd.*

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>				
(5-1 to 10-31)	20			40
(11-1 to 4-30)	25			50
Suspended Solids	30			60
Ammonia Nitrogen				
(5-1 to 10-31)	2.0			4.0
(11-1 to 4-30)	6.0			12.0
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	0.17			0.41
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.

### 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. 0905401**, Sewerage, **Warrington Township Water and Sewer Department**, 1585 Turk Road, Warrington, PA 18976. This proposed facility is located in Warrington Township, **Bucks County**.

Description of Action/Activity: Construction and operation of a sewage grinder pump for a lot residential subdivision.

**WQM Permit No. 4605401**, Sewerage, **Pottstown Borough Authority**, 100 East High Street, Pottstown, PA 19464. This proposed facility is located in the Borough of Pottstown, **Montgomery County**.

Description of Action/Activity: Sludge Dewatering and drying.

**WQM Permit No. 0905402**, Sewerage, **Warminster Municipal Authority**, P. O. Box 2279, Warminster, PA 18974. This proposed facility is located in Warminster Township, **Bucks County**.

Description of Action/Activity: Removing and replacing two existing sewage pumps and motors, an existing concrete wetwell top and modifications of electrical and pump control system.

**WQM Permit No. 4605201**, Industrial, **Sunoco Inc R & M**, 20 10 Penn Center, 1801 Market Street, Philadelphia, PA 19103. This proposed facility is located in Limerick Township, **Montgomery County**.

Description of Action/Activity: Construction and operation of a groundwater remediation system.

**WQM Permit No. 1505402**, Sewerage, **Little Washington Wastewater Company**, 762 Lancaster Avenue, Bryn Mawr, PA 19010-3402. This proposed facility is located in Londonderry Township, **Chester County**.

Description of Action/Activity: Construction and operation of a sewage treatment plant with drip disposal for 125 single family dwelling and a 12,500 SF commercial retail center.

**WQM Permit No. 1505403**, Sewerage, **New Garden Township**, 299 Starr Road, Landenberg, PA 19350. This proposed facility is located in New Garden Township, **Chester County**.

Description of Action/Activity: Installation of a new force main for existing PS No. 4 to divert sewage from Shangri-LA to East End WWTP.

**WQM Permit No. 1505404**, Sewerage, **New Garden Township**, 299 Starr Road, Landenberg, PA 19350. This proposed facility is located in New Garden Township, **Chester County**.

Description of Action/Activity: Installation of a new pump in the irrigation wet well at the existing East End WWTP and a new force main at the Kennett Square treatment plant.

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

**WQM Permit No. 4005401**, **Dallas Area Municipal Authority**, 530 S. Memorial Highway, Shavertown, PA 18708-9603. This proposed facility is located in Kingston Township, **Luzerne County**, PA.

Description of Proposed Action/Activity: This project consists of the upgrading of Dallas Area Municipal Authority's Hillside Road Pump Station to accommodate increased sewage flows. Upgrades include new wet-well, new submersible pumps, new meter-vault and replacement of 170' of existing 4" force main with 8" force main.

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

**WQM Permit No. 3895401 Amendment 05-1**, Sewerage, **North Lebanon Township Municipal Authority**, 725 Kimmerlings Road, Lebanon, PA 17046. This proposed facility is located in North Lebanon Township, **Lebanon County**.

Description of Proposed Action/Activity: Upgrade/Expansion of North 8th Avenue Sewage Pumping Station.



**WQM Permit No. 2805401**, Sewerage, **Greene Township Municipal Authority**, 4182 Sunset Pike, Chambersburg, PA 17201. This proposed facility is located in Greene Township, **Franklin County**.

Description of Proposed Action/Activity: Replacement/Upgrade of the Culbertson Pump Station.

**WQM Permit No. 2205401**, Sewerage, **Halifax Borough Municipal Authority**, P. O. Box 443, Halifax, PA 17032-0043. This proposed facility is located in Halifax Township, **Dauphin County**.

Description of Proposed Action/Activity: Re-rating of the Authority's Wastewater Treatment Plant Flow.

**WQM Permit No. 3605401**, Sewerage, **Borough of Ephrata**, 124 South State Street, Ephrata, PA 17522. This proposed facility is located in Ephrata Borough, **Lancaster County**.

Description of Proposed Action/Activity: Proposal of a Main Collector Replacement Project.

**WQM Permit No. 3605402**, Sewerage, **West Earl Sewer Authority**, 157 West Metzler Road, P. O. Box 725, Brownstown, PA 17508. This proposed facility is located in West Earl Township, **Lancaster County**.

Description of Proposed Action/Activity: Construction of the Oregon Pike Pumping Station.

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

**WQM Permit No. 4704403**, Sewerage 4952, **Pepper Hills Ltd.**, Box 139, 40 Pepper Hills, Danville, PA 17821. This proposed facility is located in Cooper Township, **Montour County**.

Description of Proposed Action/Activity: Addition of flow equalization, a second clarifier and aerated sludge holding tank to the existing wastewater treatment plant.

**WQM Permit No. 4104404**, Sewerage, **Lycoming County Water and Sewer Authority**, 216 Old Cement Road, Montoursville, PA 17754. This proposed facility is located in Muncy Township, **Lycoming County**.

Description of Proposed Action/Activity: An application has been received for the construction of approximately 2,650 feet of gravity sewer, a duplex grinder pump station, and 3,550 feet of forcemain. The average design flow of the system is 6,650 gallons per day with a peak flow of 26,600 gallons per day. This system will connect the proposed Turkey Run Development to the existing Lycoming County Water and Sewer Authority system.

**WQM Permit No. 1805401**, Sewerage 4952, **Robyn and Judy Orndorf**, 1606 Sulphur Run Road, Jersey Shore, PA 17740. This proposed facility is located in Bald Eagle Township, **Clinton County**.

Description of Proposed Action/Activity: Construction of small flow sewage treatment system to serve the Orndorf residence.

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

**WQM Permit No. 2505401**, Sewerage, **Summit Township Sewer Authority**, 8890 Old French Road, Erie, PA 16509-5459. This proposed facility is located in Summit Township, **Erie County**.

Description of Proposed Action/Activity: This project is for the construction of a pump station and sewer extensions to replace malfunctioning onlot systems and tow privately owned sewage treatment facilities in the South Hill Road and Webber Hills area of the Township.

**WQM Permit No. 6205401**, Sewerage, **Youngsville Borough**, 40 Railroad Street, Youngsville, PA 16371. This proposed facility is located in Youngsville Borough, **Warren County**.

Description of Proposed Action/Activity: This project is for the Brokenstraw pump station replacement.

**WQM Permit No. 2405401**, Sewerage, **Jay Township Authority**, 81 West Teaberry Street, P. O. Box 186, Weedville, PA 15686. This proposed facility is located in Jay Township, **Elk County**.

Description of Proposed Action/Activity: This project is for the construction of four pump stations and sewer extensions to serve the villages of Scattertown, Weedville and Caledonia.

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#### **IV. NPDES Applications for Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)**

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#### **V. Applications for NPDES Waiver Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)**

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#### **VI. NPDES Individual Permit Applications for Discharges of Stormwater Associated with Construction Activities**

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI010904018	Anthony Salvo Salvo Property 157 Orchard Ct. Bluebell, PA 19422	Bucks	Solebury Township	Aquetong Creek (HQ, CWF)

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI010904023	Commerce Bank, NA Commerce Bank Proposed Dev. 11000 Atrium Way Mt. Laurel, NJ 08054	Bucks	Upper Southampton Township	Mill Creek South (TSF)

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

*Carbon County Conservation District: 5664 Interchange Road, Lehighton, PA 18235-5114, (610) 377-4894.*

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI021305001	Michael Petrin 952 Stony Mountain Rd. Albrightsville, PA 18210	Carbon	Penn Forest Township	Lehigh River, Basin HQ-CWF
PAI021305002	PA Turnpike Commission P. O. Box 67676 Harrisburg, PA 17106	Carbon	Penn Forest Township	UNT to Wild Creek, EV

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023905002	Carl Zettlemoyer 951 Siegfriedale Rd. Kutztown, PA 19530	Lehigh	Weisenberg Township	Little Lehigh Creek, HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024805003	CMC Development Corp. 4511 Falmer Drive Bethlehem, PA 18020	Northampton	Bushkill Township	Bushkill Creek, HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024504027	Parker Realty Co. 320 N. Ninth St. Stroudsburg, PA 18360	Monroe	Stroud Township	Little Pocono Creek, HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI-0321-05-001	Lawrence E. Smarr 14600 Poplar Hill Road Germantown, MD 20874	Cumberland	South Middleton Township	Letort Spring Run/EV

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

*Allegheny County Conservation District: Lexington Technology Park, Building 1, Suite 102, 400 North Lexington Avenue, Pittsburgh, PA 15208, (412) 241-7654.*

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI050205001	Allegheny Country Club Country Club Road Sewickley, PA 15143	Allegheny	Sewickley Heights Borough	Little Sewickley Creek (HQ-TSF)

## **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)

**MS4 Notices of Intent Received**

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>	<i>DEP Protocol (Y/N)</i>
PAG133546	South Londonderry Township 20 West Market Street P. O. Box 3 Campbelltown, PA 17010	Lebanon County	South Londonderry	Spring Creek/ WWF Killinger Creek/TSF	Y
PAG133699	West Cornwall Township 73 South Zinns Mill Road Lebanon, PA 17042	Lebanon County	West Cornwall Township	Quittapahilla Creek/TSF	Y
PAG133591	Annaville Township 36 North Lancaster Street P. O. Box 178 Annaville, PA 17003	Lebanon County	Annaville Township	Quittapahilla Creek/TSF	Y
PAG133663	Blair County 423 Allegheny Street, Ste. 142 Hollidaysburg, PA 16648-2022	Blair County	Altoona City	Beaverdam Branch Juniata River/ WWF	Y

**PUBLIC WATER SUPPLY (PWS) PERMIT**

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

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

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

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

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

**SAFE DRINKING WATER**

**Applications Received under the Pennsylvania Safe Drinking Water Act**

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

**Permit No. 0905503**, Public Water Supply  
 Applicant **Rockridge, Inc.**  
 Township East Rockhill  
 County **Bucks**  
 Responsible Official Adam Devlin  
 Type of Facility PWS  
 Consulting Engineer Keystone Consulting Engineerings, Inc.  
 Application Received Date January 18, 2005  
 Description of Action Permitting of an existing Public Water Supply system.

**Permit No. 1505502**, Public Water Supply  
 Applicant **Spring Run Estates**  
 Township West Caln  
 County **Chester**  
 Responsible Official Albert Levan  
 Type of Facility PWS  
 Consulting Engineer Applied environmental Management, Inc.  
 Application Received Date January 27, 2005  
 Description of Action Permitting of well SRE-3 for replacement of existing well SRE-1.

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

**Permit No. 3505501**, Public Water Supply  
 Applicant **Ardito's Mobile Home Park**  
 Township or Borough Madison Township  
 County **Lackawanna County**

Responsible Official	Paul Ardito, Owner 326 Spruce Street Scranton, PA 18503 (570) 941-2284
Type of Facility	Community Water System
Consulting Engineer	Richard B. Kresge, P. E. Quad Three Group, Inc. 37 North Washington Street Wilkes-Barre, PA 18701 (570) 829-4200
Application Received Date	January 21, 2005
Description of Action	The application is for modification of the existing, unpermitted community water system serving Ardito's Mobile Home Park.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

### PREAMBLE 1

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

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

Under sections 304(n)(1)(ii) and 305(c)(2) of the act, there is a 30-day public and municipal comment period for sites proposed for remediation using a Site-Specific Standard, in whole or in part, and for sites remediated as a special industrial area. This period begins when a summary of the Notice of Intent to Remediate is published in a newspaper of general circulation in the area of the site. For the sites identified, proposed for remediation to a Site-Specific Standard or as a special industrial area, the municipality within which the site is located may request to be involved in the development of the remediation and reuse plans for the site if the request is made

within 30 days of the date specified. During this comment period, the municipality may request that the person identified as the remediator of the site develop and implement a public involvement plan. Requests to be involved and comments should be directed to the remediator of the site.

For further information concerning the content of a Notice of Intent to Remediate, contact the environmental cleanup program manager in the Department regional office before which the notice appears. If information concerning this acknowledgment is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following Notices of Intent to Remediate:

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

**South Poplar Street Prop.**, West Chester Township, **Chester County**. David Side, GHR Consulting Svc., Inc., 300 Welsh Rd., Bldg. 3, Suite No. 110, Horsham, PA 19044 on behalf of Boyd Davis, MH Davis Estate, 614 E. Barnard St., West Chester, PA 19380 has submitted a Notice of Intent to Remediate. Soil at the site was impacted with lead. The property was used for storage of petroleum hydrocarbon product dispensers, aboveground skid storage tanks, signposts, light posts, signs and large valves. The intended use of the property is residential.

**Trans Materials Site**, West Goshen Township, **Chester County**. Craig Herr, RT Env. Svc., Inc., 215 W. Church Rd., King of Prussia, PA 19406 on behalf of Seya Isayeff, Keystone Community Alliance-West Goshen (CIRR), 550 E. Union St., The Good Will Bus. Park, West Chester, PA 19382 has submitted a Notice of Intent to Remediate. Soil at the site was impacted with inorganics and PAH. The underground storage tanks are suspected source of the benzo(a)pyrene and general use of the site for concrete batch plant is source of arsenic. The future use of the property is commercial offices.

**Gentle Touch Car Wash**, City of Philadelphia, **Philadelphia County**. Natalie Hsueh, React Env. Svc., Inc., 6901 Kingsessing Ave., Philadelphia, PA 19142 on behalf of Guy Shmuel, Wash Ind., Inc., 45 Longview Lane, Newtown Square, PA 19073 has submitted a Notice of Intent to Remediate. Soil at the site was impacted with lead. A summary of the Notice of Intent to Remediate was reported to have been published in the *Philadelphia Daily News* on January 14, 2005.

**ACME Store No. 7721 Site**, Phoenixville Borough, **Chester County**. David Volz, Sovereign Consulting, Inc., 111-A North Gold Dr., Robbinsville, NJ 08691 on behalf of Doug Kasefang, Albertsons, Inc., 250 Parkcenter Blvd., Boise, ID 83726, has submitted a Notice of Intent to Remediate. Soil at the site was impacted with chlorinated solvents. The site has been designated as the Forge PCE HSCA site and has been the subject of an investigation by PADEP ECP. The future use of the site is commercial.

**Dial North Property B**, Bristol Borough, **Bucks County**. Jeffrey Goudsward, Penn Env. & Remediation, Inc., 2755 Bergey Rd., Hatfield, PA 19440 on behalf of Larry Wygant, Island View Crossing II, L.P., 1001 E Hector St., Ste 100, Conshohocken, PA 19428 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site were impacted by inorganics, chlorinated solvents and No. 2 fuel oil. The soil and groundwater

have been impacted by historical industrial operations. The future intended use of the property is for residential purposes.

**Southco, Inc. Brandywine Fac.**, Concord Township, Delaware County. C. Peter Barringer, Services Env., Inc., 375 Morgan St., Phoenixville, PA 19460 on behalf of David Gibson, Esq., Southco, Inc., 210 N. Brinton Lake Rd., Concordville, PA 19331 has submitted a Notice of Intent to Remediate. Chlorinated solvents impacted soil and groundwater at the site. Historically chlorinated solvents were observed in soil, groundwater and surface water at the site.

**Frankford Cleaners**, City of Philadelphia, Philadelphia County. Eric B. Schmidley, PG, Apex Env. Inc., 269 Great Valley Parkway, Malvern, PA 19355 on behalf of Jeffrey S. Distenfeld, USRP I, LLC, c/o First Washington Realty, Inc., 4350 East-West Hwy., Ste. 400, Bethesda, MD 20814 has submitted a Notice of Intent to Remediate. Chlorinated solvents impacted soil and groundwater at the site. The property will continue to operate as a commercial shopping center. A summary of the Notice of Intent to Remediate was reported to have been published in the *Philadelphia Daily News* on January 12, 2005.

*Northcentral Region: Environmental Cleanup Program, 208 West Third Street, Williamsport, PA 17701.*

**BVK, Inc. (formerly SPEDDCORP, INC.)**, Berwick Borough, Columbia County, Aegis Company, Inc. 19 North Center St., P. O. Box 153, Corry, PA 16407 has submitted a Notice of Intent to Remediate soil and groundwater contaminated with No. 2 fuel oil constituents, chlorinated solvents, metals and PCBs. This site is being remediated to meet a special industrial area.

**Sunoco-Washington Blvd., Williamsport**, City of Williamsport, Columbia County, Aquaterra Technologies, Inc. 122 South Church St., West Chester, PA 19382 has submitted a Notice of Intent to Remediate soil and groundwater contaminated with petroleum hydrocarbons. This site is being remediated to meet a site-specific standard

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

**BP Site No. 07014**, Hampton Township, Allegheny County. James Schenker, URS Corporation, Foster Plaza 4, 501 Holiday Drive, Pittsburgh, PA 15220 on behalf of Gail Ferrell, Realty Income Corporation, 220 West Crest Street, Escondido, CA 92025 has submitted a Notice of Intent to Remediate. A former BP ProCare Site where the primary contaminants to be addressed are associated with waste oil, diesel fuel and gasoline. The future use of the property is commercial. A summary of the Notice of Intent to Remediate was reported to have been published in the *Pittsburgh Post Gazette* on December 15, 2004.

**Powerex Inc.**, Hempfield Township, Westmoreland County. Heather Gawne, CORE Environmental Services Inc., 4068 Mt. Royal Blvd., Allison Park, PA 15108 on behalf of Andrew Varga, Powerex Inc., 200 Hillis Street, Youngwood, PA 15697 has submitted a Notice of Intent to Remediate site soils contaminated with silver. Future use of the property is intended to be non residential. A summary of the Notice of Intent to Remediate was reported to have been published in the *Tribune Review* on April 5, 2004.

**912 Fort Duquesne Boulevard**, City of Pittsburgh, Allegheny County. Wendy Noe, American Geosciences, Inc., 3925 Reed Boulevard, Suite 400, Murrysville, PA

15668-1848 on behalf of Cheryl S. Willoughby. 912 Fort Duquesne Boulevard Associates, L.P., c/o BGK Properties, 330 Garfield Street, Santa Fe, NM 87501 and Judy Wisniewski, Property Holding Business Trust, c/o Legg Mason Real Estate Services, 1600 Market, Street, Suite 1310, Philadelphia, PA 19103 has submitted a Notice of Intent to Remediate site groundwater contaminated with petroleum hydrocarbons found beneath a 10 story office building and underground parking area using the Background Standard. Plan future use of the site is commercial.

#### OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

**Applications Received Under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and Regulations to Operate Solid Waste Processing or Disposal Area or Site.**

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

**Permit Application No. 301338. Calgon Carbon Corp.**, P. O. Box 717, Pittsburgh PA 15230-0717, East Caln Township, Chester County. This application was received for the reissuance of a residual waste transfer station permit from Waterlink Barnebey Sutcliffe to Calgon Carbon Corporation. The application was received by the Southeast Regional Office on January 24, 2005.

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

**Permit ID No. 101421. Shade Landfill, Inc.**, 1176 No. 1 Road, Cairnbrook, PA 15924. Shade Landfill, 1176 No. 1 Road, Cairnbrook, PA 15924. Application for a major permit modification request to Re-Phase Northern Expansion Cells and Alternative Mine Stabilization Plan, at a municipal waste landfill in Shade Township, Somerset County was received in the Regional Office on January 27, 2005.

## 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 may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

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

#### PLAN APPROVALS

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

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

**66-318-002: The Procter and Gamble Paper Products Co.** (P. O. Box 32, Mehoopany, PA 18629) for construction of a printing operation at their facility on Route 87, Washington Township, **Wyoming County**.

**48-313-093: Polymer Products Co., Inc.** (100 Station Avenue, P. O. Box 98, Stockertown, PA 18083) for installation of a dust collection system (replacement and upgrade) and associated air cleaning device at their facility in Stockertown Borough, **Northampton County**.

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

**62-017K: United Refining** (15 Bradley Street Warren, PA 16365) for modification of catalyst for DHT2 and increased firing rate for East and West Reformer Heaters as well as increase of sulfur recovery at SRU2 for the Ultra-Low Sulfur Diesel Project at their refinery in the City of Warren, **Warren County**. The Facility is a Title V 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.**

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

**36-05026B: R. R. Donnelley and Sons Co.** (1375 Harrisburg Pike, Lancaster, PA 17601) for installation of a new heatset web offset printing press and regenerative thermal oxidizer at their Lancaster West facility in Lancaster City, **Lancaster County**. This construction will result in 38.9 tons of VOC emissions per year. The proposed emission increase will subject the facility to the major New Source Review requirements of 25 Pa. Code Chapter 127, Subchapter E, which requires the purchase of Emission Reduction Credits (ERC). Based on the information provided by the applicant, and Departmental analysis, R. R. Donnelley and Sons will be required to purchase a minimum of 85.64 tons of ERCs prior to commencing operation of the new press and oxidizer.

**67-05007A: Adhesives Research, Inc.** (P. O. Box 100, Glen Rock, PA 17327) for modification of their adhesive coating facility in Springfield Township, **York County**. The facility will operate under a Plant wide Applicability Limit of 62.6 tons of VOC emissions per year, which will not require a New Source Review evaluation. The plan approval will contain additional testing, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality regulations.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701, Richard Maxwell, New Source Review Chief, (570) 327-3637.*

**41-00010E: Andritz, Inc.** (35 Sherman Street, Muncy, PA 17856) for construction of two 1,000-pound capacity electric induction iron and steel melting furnaces in their facility in Muncy Borough and Muncy Creek Township, **Lycoming County**.

Andritz, Inc. is a major facility for VOCs and PM10 (particulate matter with an aerodynamic diameter of 10 microns or less) and one for which a Title V operating permit (41-00010) has been issued.

The proposed furnaces will be used to produce a number of different iron and steel alloys, including some which contain high percentages of chromium and nickel. The furnaces will share a common power supply so only one of the two will be able to operate at any given time. The maximum melt rate will be 1.2 tons per hour.

The particulate matter emissions (including PM10) from the furnaces will be controlled by a fabric collector and an emission capture "ring hood" located on each furnace. The resultant air containment emissions are not expected to exceed .13 ton of VOCs per year, .59 ton of CO per year and .61 ton of particulate matter per year, of which no more than .51 ton per year are expected to be PM10 and no more than .0912 ton per year are expected to be hazardous air pollutants (no more than .00043 ton of cadmium, .00311 ton of chromium, .0588 ton of manganese, .00377 ton of nickel and .025 ton of lead).

The Department of Environmental Protection's (Department) review of the information submitted by Andritz, Inc. indicates that the proposed furnaces will comply with all applicable air quality requirements pertaining to air contamination sources and the emission of air contaminants, including the best available technology requirement of 25 Pa. Code §§ 127.1 and 127.12. Based on this finding, the Department intends to issue plan approval for the construction of the proposed furnaces. Additionally, if the furnaces are constructed and subsequently determined by the Department to be operating in compliance with all plan approval conditions and all applicable regulatory requirements, the conditions established in the plan approval will be incorporated into Title V Operating

Permit 41-00010 by means of administrative amendment in accordance with the requirements specified in 25 Pa. Code § 127.450.

The following is a summary of the conditions the Department proposes to place in the plan approval to be issued to ensure compliance with all applicable regulatory requirements:

1. Only one of the two furnaces shall operate at any given time.

2. No more than a combined total of 8,400 tons of metal shall be melted in the furnaces in any 12 consecutive month period.

3. The scrap used in the furnaces shall either be No.1 machinery cast and plate scrap conforming to a maximum .5% oil and/or dirt purchase specification or shot-blasted (except for Ni-Hard) foundry reverts.

4. No scrap containing lead which was intentionally added as an alloy material shall be charged to the furnaces.

5. No ductile iron shall be produced in the furnaces.

6. Each furnace shall be equipped with a lid or cover which shall be placed over the furnace top at all times except when the furnace is being charged or tapped, when alloys are being added or slag removed and when the furnace is out of operation.

7. The ring or bonnet emission capture hood installed on each furnace shall extend around the entire circumference of the furnace top, shall be capable of capturing furnace emissions both when the furnace lid or cover is in place and when it is swung aside as well as when the furnace is tilted for tapping. The hoods shall be employed for furnace emission capture during charging, melting, alloy additions slag removal and tapping.

8. The fabric installed to control the air contaminant emissions from the furnaces shall be an Advanced Integrated Resources, Inc. model Pulse II-1112JPD6 fabric collector containing approximately 1,250 square feet of filter area and equipped with reverse pulse bag cleaning and a fan capable of handling a 4,000 actual cubic feet per minute gas flow (or an alternate collector determined by the Department to be equivalent or better). If a fabric collector other than an Advanced Integrated Resources, Inc. model Pulse II-1112JPD6 fabric collector is selected, it shall not be installed until specifications have first been submitted to the Department and the Department has subsequently provided Andritz, Inc. with an equivalency determination.

9. The fabric collector shall be equipped with instrumentation to continuously monitor the pressure differential across the collector.

10. The air compressor used to supply compressed air to the fabric collector shall be equipped with an air dryer and an oil trap.

11. Spare fabric collector bags shall be kept on hand.

12. The particulate matter (including PM10) concentration in the exhaust of the fabric collector shall not exceed .001 grain per dry standard cubic foot of exhaust.

13. The particulate matter (including PM10), VOC, carbon monoxide and total combined hazardous air pollutant emissions from the furnaces shall not exceed .61, .13, .59 and .0912 ton, respectively, in any 12 consecutive month period.

14. If requested by the Department, Andritz, Inc. shall perform stack testing upon the fabric collector.

15. Records shall be maintained of the amount of metal melted in the furnaces each month. The records as are necessary to demonstrate that the furnaces have not been operated simultaneously and that each load of purchased scrap used in the furnaces meets the oil and/or dirt specification established herein shall also be maintained. All records shall be retained for at least 5 years and shall be shown to the Department upon request.

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

**25-197D: Erie Bronze and Aluminum Co.** (6300 Ridge Road, P. O. Box 8099, Erie, PA 16505) for installation of a dust collector to control emissions from six existing electric induction furnaces in the City of Erie, **Erie County**.

In accordance with 25 Pa. Code §§ 127.44(b) and 127.424(b), the Department of Environmental Protection intends to issue a plan approval to install a dust collector to control emissions from six existing electric induction furnaces in the City of Erie, Erie County. 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.

**37-00322: Joseph A. Tomon, Junior—Funeral Home and Crematory** (97 Grim Avenue, Ellwood City, PA 16117) for a Natural Minor Permit to operate a human crematorium in Ellport Borough, **Lawrence County**.

#### 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.*

**67-05032: Harley-Davidson Motor Co. Operations, Inc.** (1425 Eden Road, York, PA 17402) for their York motorcycle assembly plant in Springettsbury Township, **York County**. The boiler plant and surface coating operations account for most of the emissions from the facility. This is a renewal of the Title V permit issued in April 2000.

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

**30-00077: Texas Eastern Transmission, LP** (P. O. Box 1642, Houston, TX 77251) for operation of Natural Gas Transmission at their Holbrook Compressor Station in Richhill Township, **Greene County**. This is a Title V Renewal.

*Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104, Edward Braun, Chief, (215) 823-7584.*

**V04-001: The Lawrence McFadden Co.** (7430 State Road, Philadelphia, PA 19136) for operation of an industrial wood finish manufacturing facility in the City of Philadelphia, **Philadelphia County**. The facility's air emissions' sources include two boilers, solvent storage tanks and mixers.

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 Ave., Philadelphia, PA 19104. For further information, contact Edward Wiener (215) 685-9426.

Persons who wish to file protest or comments on the operating permit must submit the protest or comments within 30 days from the date of this notice. Any 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 30 days before the hearing.

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**Intent to Issue Operating Permits under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F.**

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

**33-00132: Matson Lumber Co.** (132 Main Street; Brookville, PA 15825) a Natural Minor operating permit for a sawmill with drying kilns and a wood-fired boiler in Brookville Borough, **Jefferson County**.

**COAL AND NONCOAL MINING  
ACTIVITY APPLICATIONS**

Applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). Mining activity permits issued in response to applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

The following permit applications to conduct mining activities have been received by the Department of Environmental Protection (Department). A copy of an application is available for inspection at the district mining office

indicated before an application. Where a 401 Water Quality Certification is needed for any aspect of a 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 <sup>1</sup>		greater than 6.0; less than 9.0	
alkalinity greater than acidity <sup>1</sup>			

<sup>1</sup> 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) 769-7100.*

**32733708. NPDES Permit No. PA0215503, Pennsylvania Mine, LLC** (P. O. Box 367, Ebensburg, PA 15931), to renew the permit for the No. 1 Coal Refuse Disposal Area in Green Township, **Indiana County** and Susquehanna Township, **Cambria County** and related NPDES permit. No additional discharges. Application received December 28, 2004.

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

**03830116 and NPDES Permit No. PA0599727. Walter L. Houser Coal Co., Inc.** (R. R. 9, Box 434, Kittanning, PA 16201). Renewal application for continued operation and reclamation of an existing bituminous surface mine, located in Kittanning Township, **Armstrong County**, affecting 812 acres. Receiving streams: UNTs of Mill Run to Cowanshannock Creek, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received: January 26, 2005.

**26743202 and NPDES Permit No. PA0069736. Fayette Coal & Coke, LLC** (2611 Memorial Blvd., Connellsville, PA 15425). Transfer application from Carbon Fuel Resources for continued operation and reclamation of an existing bituminous coal refuse reprocessing surface mine, located in Dunbar and North Union Townships, **Fayette County**, affecting 113 acres. Receiving stream: Rankin Run to Redstone Creek, classified for the following use: WWF. The first potable water supply intake within 10 miles downstream from the point of discharge: North Fayette Municipal Authority. Transfer application received: January 21, 2005.

*Knox District Mining Office: P. O. Box 669, Knox, PA 16232, (814) 797-1191.*

**37050101 and NPDES Permit No. PA0242616. Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001). Commencement, operation and restoration of a bituminous surface strip operation in Wayne and Shenango Townships, **Lawrence County**, affecting 147.0 acres. Receiving streams: One UNT to Squaw Run, Four UNTs to Duck Run and Duck Run, classified for the following uses: WWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: January 26, 2005.

**1475-37050101-E-1. Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001). Application for a stream encroachment to construct collection ditches, treatment basins, sediment ponds and for coal removal, all within the 100-foot stream barrier of the UNT in Wayne and Shenango Townships, **Lawrence County**, affecting 147.0 acres. Receiving streams: One UNT to Squaw Run, four UNTs to Duck Run and Duck Run, classified for the following uses: WWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: January 26, 2005.

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

**17900143 and NPDES Permit No. PA0206458. TDK Coal Sales, Inc.** (P. O. Box 259, Brockway, PA 15824). Renewal of an existing bituminous surface mine permit in Penn Township, **Clearfield County** affecting 342.5 acres. Receiving streams: Irish Run and UNTs of Irish Run, to Irish Run; Irish Run to Curry Run; Curry Run to the West Branch of the Susquehanna River; West Branch of the Susquehanna River to the Susquehanna River. Application received: November 12, 2004.

**17990120 and NPDES Permit No. PA0242756. AMFIRE Mining Co., LLC** (One Energy Place, Latrobe, PA 15650). Renewal of an existing bituminous surface mine-auger permit in Penn Township, **Clearfield County**, affecting 37.5 acres. Receiving streams: UNT to Bell Run, to Bell Run to the West Branch of the Susquehanna River. Application received: November 17, 2004.

**17940116 and NPDES Permit No. PA0219908. AMFIRE Mining Co., LLC** (One Energy Place, Latrobe, PA 15650). Renewal of an existing bituminous surface mine-auger permit in Penn Township, **Clearfield County**, affecting 247 acres. Receiving stream: Poplar Run. Application received: November 17, 2004.

**17860135 and NPDES Permit No. PA0115622. Strishock Coal Company** (220 Hillcrest Drive, DuBois, PA 15801). Renewal of an existing bituminous surface mine permit in Union, Brady and Sandy Townships, **Clearfield County** affecting 361.4 acres. Receiving streams; Laborde Branch; Sugar Camp Run to Luthersburg Branch to Laborde Branch, tributaries to Stony Run and Stony Run to Laborde Branch to Sandy Lick Creek to Redbank Creek to Allegheny River. Application received: November 18, 2004.

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

**49990201R and NPDES Permit No. PA0224031. Black Diamond Mining, Inc.** (P. O. Box 139, Elysburg, PA 17824), renewal of an existing coal refuse reprocessing operation in Mt. Carmel Township, **Northumberland County** affecting 124.86 acres, receiving stream: North Branch Shamokin Creek. Application received January 21, 2005.

**35763202R4. Northampton Fuel Supply Co., Inc.** (1 Horwith Drive, Northampton, PA 18067), renewal of a coal refuse reprocessing operation in Carbondale Township, **Lackawanna County** affecting 45.0 acres, receiving stream: none. Application received January 25, 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 <sup>1</sup>		greater than 6.0; less than 9.0	

<sup>1</sup> 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.

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

**03010407 and NPDES Permit No. 0250040. Stitt Coal Company, Inc.** (R. D. 1, Box 197A, Ford City, PA 16226). Revision to an existing noncoal surface mine for change in the boundary area, affecting 285.2 acres, located in Kittanning Township, **Armstrong County**. Receiving stream: Garrets 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: January 10, 2005.

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

**14050301 and NPDES Permit No. PA0256161. Glenn O. Hawbaker, Inc.** (1952 Waddle Road, State College, PA 16803). Commencement, operation and restoration of a large industrial minerals permit in Spring Township, **Centre County** affecting 39 acres. Receiving stream: treated stormwater discharges will be directed to the White Rock Sink. There is no direct discharge to a stream. Application received: January 10, 2005.

**59040801. Richard N. Smith Excavating, Inc.** (R. R. 2, Box 116, Millerton, PA 16936.) Commencement, operation and restoration of a small industrial minerals (sand and gravel) permit in Jackson Township, **Tioga County** affecting 3 acres. Receiving streams: Seely Creek, tributary to Chemung River. Application received: December 17, 2004.

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

**15830602C6 and NPDES Permit No. PA0614203. Allan A. Myers, LP d/b/a Independence Construction Materials** (P. O. Box 98, Worcester, PA 19490), renewal of NPDES Permit for discharge of treated mine drainage in Charlestown Township, **Chester County**, receiving stream: UNT to Pickering Creek, classified for the following use: trout stocking. Application received January 24, 2005.

**74740303A4C5 and NPDES Permit PA0594334. Eastern Industries, Inc.**, (4401 Camp Meeting Road, Center Valley, PA 18034), correction to an existing quarry operation for a stream variance for Martin's Creek, classified for the following uses: WWF and migratory fish. Application received January 24, 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 ap-

proval 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 may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

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

### WATER OBSTRUCTIONS AND ENCROACHMENTS

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

**E15-731. Willow Creek, LLC**, 214 A Willow Valley Lake Drive, Willow Street, PA 17584, London Grove Township, **Chester County**, ACOE Philadelphia District.

To perform the following activities within and along an UNT to the Middle Branch of the White Clay Creek associated with the Fox Chase Subdivision:

1. To remove twin 36-inch CMP culverts and to construct and maintain a road crossing consisting of an approximately 30-foot long, 6-foot by 24-foot open bottom culvert and associated utilities impacting 0.02 acre of wetland (PEM)
2. To construct and maintain an approximately 72-foot long, 6-foot wide pedestrian boardwalk impacting 8 linear feet of stream and 0.01 acre of wetland (PEM)
3. To construct and maintain a 20-foot long 36-inch HDPEP culvert to support a proposed trail system.
4. To install and maintain an 8-inch water utility line crossing under an existing 24-inch CMP culvert.

The site is located approximately 300 feet east of the intersection of New London Road and West Avondale Road (West Grove USGS Quadrangle N: 8.0 inches W: 12.7 inches).

**E15-730. Pennsylvania Department of Transportation—District 6-0**, 7000 Geerdes Blvd., King of Prussia, PA 19406, ACOE Philadelphia District.

To remove the existing Green Valley Road Bridge (SR 3049, Section 48M), a 20-foot long, 22-foot wide structure and to replace with a 28-foot long, 28-foot wide structure with similar vertical and horizontal alignment across an UNT to the West Branch of the Brandywine Creek (CWF-MF).

The site is located approximately 2,500 feet southwest of intersection of Brandywine Creek Road and Green Valley Road (Coatesville PA. USGS Quadrangle N: 10.0 inches W: 1.09 inches).

**E09-882. Bucks County Board of Commissioners**, 55 East Court Street, Doylestown, PA 18901, Perkasio Borough, **Bucks County**, ACOE Philadelphia District.

To reissue and amend permit E09-656 for the removal of the existing Walnut Street Bridge No. 13 and to reconstruct and maintain a new three span bridge over the East Branch of Perkiomen Creek (TSF). The proposed bridge has three clear spans measuring 68.5 feet, 69 feet and 68.5 feet with the proposed low point on the bridge superstructure at elevation 311.5. This work will also include the following activities:

1. To remove and reconstruct portions of an existing concrete check dam as required to construct new bridge abutments and new bridge piers. Size and location of new construction will match the existing.

2. To remove and reconstruct a paved concrete channel, at the same location, measuring approximately 180 linear feet long, which conveys a minor tributary of the East Branch Perkiomen Creek. Size and location of new construction will match the existing.

3. To install a temporary bypass pipe and cofferdams within the East Branch of Perkiomen Creek to facilitate reconstruction of the paved concrete channel and construction of the proposed abutment and piers.

The reconstruction of this bridge will require relocating an existing 6-inch natural gas pipeline prior to construction. UGI Utilities, Inc. will be installing a new gas main across the creek downstream of the bridge. The General Permit No. 050901350 was acknowledged to UGI Utilities, Inc. on January 14, 2002.

This site is located on Walnut Street approximately 200 feet northwest of the intersection of Walnut Street and Constitution Avenue (Telford, PA-DE, Quadrangle N: 21.3 inches; W: 5.15 inches).

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

**E40-645. Springton Development Services, LLC**, 772 Springdale Drive, Suite 300, Whiteland Business Park, Exton, PA 19341, in Plains Township, **Luzerne County**, U. S. Army Corps of Engineers, Baltimore District.

To place fill in two isolated wetlands and wetlands adjacent to tributaries to Mill Creek (CWF); to construct and maintain approximately 840 linear feet of stream enclosure of a tributary to Mill Creek utilizing SLCPP culvert varying from 36-inch-diameter to 60-inch-diameter; to relocate and maintain approximately 350 linear feet of channel immediately downstream of the stream enclosure utilizing a riprap-lined trapezoidal channel; and to construct and maintain a road crossing of a tributary to Mill Creek, consisting of approximately 90 linear feet of 68-inch by 43-inch culvert; for the purpose of constructing a community care retirement community

known as Highland Point. The project will impact approximately 0.43 acre of wetlands (a total of 1.19 acres of wetlands and water courses combined), and approximately 1,400 linear feet of channel. The project is located between East Mountain Boulevard and SR 0081, approximately 0.5 mile north of the SR 0081/SR 0115 Interchange. (Pittston, PA Quadrangle N: 1.0 inch; W: 9.0 inches).

**E39-447. Lehigh Parkway Apartments, LLC**, 2268 South 12th Street, Suite 101, Allentown, PA 18103, in City of Allentown, **Lehigh County**, United States Army Corps of Engineers, Philadelphia District.

To construct and maintain a bituminous parking lot having an encroachment of 0.85 acre 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).

**E39-446. Bruce J. and Tami A. Yocum**, 1101 West Tioga Street, Allentown, PA 18103, in Low Hill Township, **Lehigh County**, United States Army Corps of Engineers, Philadelphia District.

To place fill within a de minimis area of wetlands equal to 0.03 acre and to construct and maintain a single-span adjacent concrete box beam bridge having a 55.33-foot span and a 5.5-foot approximate underclearance across Jordan Creek (HW-CWF) with four 36-inch corrugated metal pipes under the right approach road and one 27-inch corrugated metal pipe under the left approach road. The project is located on the north side of SR 4007 approximately 0.3 mile southwest of its intersection with T-593. (Slatedale, PA Quadrangle N: 2.75 inches; W: 2.10 inches).

**E54-318. Pine Grove Joint Treatment Authority**, P. O. Box 426, Pine Grove, PA 17963, in Pine Grove Township, **Schuylkill County**, United States Army Corps of Engineers, Baltimore District.

To construct and maintain: (1) A wastewater treatment facility including the placement of fill within approximately 1.8 acres of the floodplain along the right bank of Swatara Creek (CWF), including the placement of fill in wetlands; (2) A 36-inch effluent line crossing of wetlands; (3) A 36-inch effluent outfall along the right bank of Swatara Creek; (4) An 8-inch sanitary sewer line crossing of a tributary to Swatara Creek; (5) A multiple utility line (15-inch sewer, 16-inch sewer, and 8-inch water) crossing of wetlands; (6) A multiple utility line (15-inch sewer, 16-inch sewer, and 8-inch water) crossing of a tributary to Swatara Creek and adjacent wetlands; (7) A multiple utility line (15-inch sewer, 16-inch sewer and 8-inch water) crossing of wetlands; and (8) A permanent access road crossing of wetlands. The total permanent wetland impact is approximately 0.02 acre and the total temporary wetland impact is approximately 0.32 acre. The project reflects a redesigned wastewater treatment facility. A previous design and location for the wastewater treatment facility was authorized under Permit No. E54-306, but it was not constructed. The project is located east of SR 0081 and south of SR 0443. (Pine Grove, PA Quadrangle N: 5.8 inches; W: 4.6 inches).

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

**E28-320: Echo Waynesboro Associates, LP**, 701 Alpha Drive, Pittsburgh, PA 15238 in Warriors Mark Township, **Huntington County**, ACOE Baltimore District.

To construct and maintain a 50-foot wide pre-cast concrete bridge having a 28-foot span across Red Run (CWF, wild trout) located just north of Route 16 (Smithburg, PA Quadrangle N: 21.25 inches; W: 4.25 inches) in Washington Township. The purpose of the bridge is to access a proposed commercial development.

**E67-778: City of York**, 50 West King Street, P. O. Box 509, York, PA 17405 in the City of York, **York County**, ACOE Baltimore District.

To maintain a reinforced concrete retaining wall along the north side of the channel that will vary in height from 10-foot 6-inches to 14-foot, perform concrete underpinning repairs along the south wall and install 62-feet of rip-rap rock toe protection along both walls in Willis Run (WWF) just downstream of Kiwanis Lake (York, PA Quadrangle N: 17.0 inches; W: 16.2 inches) in the City of York, York County. The replacement of the walls, repairs and rip-rap placement was authorized by EP-67-04-138.

**E36-791: Little Conestoga Watershed Alliance**, P. O. Box 6355, Lancaster, PA 17607 in Manheim Township, **Lancaster County**, ACOE Baltimore District.

To construct and maintain a stream restoration project consisting of: debris removal, bank regrading, placement of rock vanes, log deflectors, muddills, rock toe protection and riparian plantings, all for the purpose of enhancing bank stability and improving aquatic habitat within a 3,200 lineal foot section of Bachman Run (TSF) beginning immediately downstream of Petersburg Road and ending at a point approximately 700 feet west of Fruitville Pike (Lancaster, PA Quadrangle Latitude: 40°06'15" Longitude: 76°19'45") in Manheim Township, Lancaster County. The project will require installation of an access roadway during construction, temporarily impacting 0.05 acre of palustrine emergent wetland.

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

**E08-451: Water Obstruction and Encroachment. Bruce Fowler**, R. D. 3 Box 151A, Towanda, PA. 18848. Burlington Township, **Bradford County**. United States Army Corps of Engineers, Baltimore District. (Powell, PA. 7.5 feet Quadrangle N: 20.8 inches W: 4.7 inches)

To excavate and maintain fill in 1.5 acres of a forested, palustrine emergent and scrub-shrub wetland system for the purpose of constructing a pond for use as a heating/cooling source for a home along with providing a water source for area fire protection. Replacement wetlands are proposed. The site is located approximately 1,000 feet northeast of the intersection of SR 3009 (Berwick Turnpike) and T-360 (Bennett Road). This intersection is approximately 3.8 miles northwest of the SR 220 and SR 3009 intersection in Monroeton.

**E41-545. Pine Township Supervisors**, 925 Oregon Hill Road, Morris, PA 16938. Water Obstruction and Encroachment Joint Permit Application, in Pine Town-

ship, **Lycoming County**, ACOE Susquehanna River Basin District (English Center, PA Quadrangle N: 11.0 inches; W: 3.9 inches).

To remove an existing 24-foot wide steel I-beam bridge, construct and maintain a 28-foot by 10-foot precast concrete arch on a skew of 86° in Lick Run, 0.2 mile south of English Center along T-772 Westphal Road. This project proposes to permanently impact 30 linear feet of Lick Run, which is, designated a HQ-CWF stream and does not propose to impact any jurisdictional wetlands.

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

**E04-307. Beaver Borough Municipal Authority**, 469 Third Street, Beaver, PA 15009. Wetland fill in Bridgewater Borough, **Beaver County**, Pittsburgh ACOE District. (Beaver, PA Quadrangle N: 14.2 inches; W: 7.7 inches and Latitude: 40° 42' 1"—Longitude: 80° 18' 19". The applicant proposes to place and maintain fill in 0.04 acres of de minimus wetlands (PEM) to provide security and future expansion of the Bridgewater potable water storage facility.

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

**E10-402. Donald C. and Jennifer M. Kaelin**, 990 Prospect Road, Evans City, PA 16033. Pond Expansion, in Connoquenessing Township, **Butler County**, ACOE Pittsburgh District (Evans City, PA Quadrangle N: 16.95 inches; W: 5.3 inches).

To expand the existing pond having a normal pool area of 0.32 acre to a proposed normal pool area of 0.90 acre impacting 0.075 acre of PEM/PSS wetlands and to impact 130 feet of an UNT to the Little Connoquenessing Creek (CWF) approximately 250 feet northwest of the intersection of Shannon and Prospect Roads. The permittee is required to provide 0.075 acre of replacement wetlands.

#### ENVIRONMENTAL ASSESSMENTS

*Cambria District: Environmental Program Manager, 286 Industrial Pk. Rd., Ebensburg, PA 15931-4119.*

**EA32-09-001. Pennsylvania Department of Environmental Protection**, Bureau of Abandoned Mine Reclamation, Cambria Office, 286 Industrial Park Rd., Ebensburg, PA 15931. Abandoned Mine Land Reclamation Project in Brush Valley Township, **Indiana County**, Pittsburgh ACOE District.

The applicant proposes to backfill an abandoned surface mine, which includes 292 linear feet of dangerous highwall. The project will include the backfilling of (1) 0.13 acre of PEM wetlands. Additionally, (2) 0.36 acre of mine drainage contaminated PEM wetlands, which meet criteria published in the *Pennsylvania Bulletin* in December, 1996, and therefore do not require mitigation, will be backfilled. (3) A minimum of 0.31 acre of existing PEM wetland that is mine drainage contaminated will be restored to provide good quality wetlands as mitigation for impacts to the noncontaminated wetlands. The project will directly impact 0.49 acre of wetland, of which 0.36 acre are mine drainage contaminated and 0.13 acre are noncontaminated. A minimum of 0.31 acre of mine drainage contaminated wetland will be restored to good water quality wetland to compensate for noncontaminated wetland impacts. (New Florence Quadrangle N: 21.9 inches, W: 16.7 inches)

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**ACTIONS**


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

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

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

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

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

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

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

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**I. NPDES Renewal Permit Actions**


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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0221236	Brocklehurst Mobile Home Park, Inc. 306 Fox Mine Road Jackson Center, PA 16133	Jackson Township Mercer County	UNT to Fox Run 20-A	Y
PA0090182	Concordia Lutheran Ministries 134 Marwood Road Cabot, PA 16023	Jefferson Township Butler County	UNT to Little Buffalo Creek 18-F	Y

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


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

**NPDES Permit No. PA-0032999-A1**, Sewage, **Department of Conservation and Natural Resources**, 400 Market Street, Rachel Carson Office Building, P. O. Box 8451, Harrisburg, PA 17105-8451. This proposed facility is located in Kidder Township, **Carbon County**.

Description of Proposed Action/Activity: Issuance of an amended NPDES Permit.

**NPDES Permit No. PA-0064998**, Sewage, **West Mahanoy Township**, 190 Pennsylvania Avenue, Shenandoah, PA 17976. This proposed facility is located in West Mahanoy Township, **Schuylkill County**.

Description of Proposed Action/Activity: Issuance of NPDES Permit.

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

**NPDES Permit No. PA0246486 Amendment No. 1**, Sewage, **Little Washington Wastewater Company**, The Links at Gettysburg STP, 762 West Lancaster Avenue, Bryn Mawr, PA 19010. This proposed facility is located in Mount Joy Township, **Adams County**.

Description of Proposed Action/Activity: Authorization to discharge to Rock Creek in Watershed 13-D.

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

**NPDES Permit No. PA0239445**, Sewage, **Sugar Grove Area Sewage Authority**, R. D. 4, Box 205, Sugar Grove, PA 16350. This proposed facility is located in Sugar Grove Borough and Sugar Grove Township, **Warren County**.

Description of Proposed Action/Activity: This project is authorized to discharge to Stillwater Creek in Watershed 16-B.

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

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

**WQM Permit No. 4604409**, Sewerage, **West Norriton Township**, 1630 West Marshall Street, Jeffersonville, PA 19403-3236. This proposed facility is located in West Norriton Township, **Montgomery County**.

Description of Proposed Action/Activity: Rehabilitation of existing pump station.

**WQM Permit No. 1500421 C-1**, Sewerage, **Upper Uwchlan Township**, 140 Pottstown Pike, Chester Springs, PA 19425. This proposed facility is located in Upper Uwchlan Township, **Chester County**.

Description of Proposed Action/Activity: Collection and conveyance system to include gravity sewers, a pumping station and force main.

**WQM Permit No. 1503409 Amendment No. 2**, Sewerage, **East Fallowfield Township**, 2264 Strasburg Road, East Fallowfield, PA 19320. This proposed facility is located in East Fallowfield Township, **Chester County**.

Description of Proposed Action/Activity: Increased operating capacity of Robins Cove PS No. 2 from 52,775 gpd to 139,401 gpd.

**WQM Permit No. 4604416**, Sewerage, **Lower Moreland Township Municipal Authority**, 640 Red Lion Road, Huntingdon Valley, PA 19006-6234. This proposed facility is located in Lower Moreland Township, **Montgomery County**.

Description of Proposed Action/Activity: Construction and operation of a pumping station serving 20 EDUs and discharging into Lower Moreland Township sanitary sewer collection system.

**WQM Permit No. 4604413**, Sewerage, **Borough of Conshohocken Authority**, 601 East Elm Street, Conshohocken, PA 19428-1914. This proposed facility is located in Borough of Conshohocken, **Montgomery County**.

Description of Proposed Action/Activity: Construction and operation of 5 buildings consisting of 375 apartments and clubhouse.

**WQM Permit No. 1504413**, Sewerage, **East Fallowfield Township**, 2264 Strasburg Road, East Fallowfield, PA 19320. This proposed facility is located in East Fallowfield Township, **Chester County**.

Description of Proposed Action/Activity: Construction and operation of a wastewater pump station serving 77 single family residential lots and 81 townhouse units.

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

**WQM Permit No. 2104414**, Sewerage, **South Middleton Township Municipal Authority**, 345 Criswell Drive, P. O. Box 8, Boiling Springs, PA 17007-0008. This proposed facility is located in South Middleton Township, **Cumberland County**.

Description of Proposed Action/Activity: Approval for the construction/operation of sewerage facilities consisting of a duplex suction lift pump station and 4-inch diameter force main serving the Washco-Carlisle Crossing project.

**WQM Permit No. 3604417**, Sewerage, **Suburban Lancaster Sewer Authority**, 218 West Orange Street, Lancaster, PA 17603. This proposed facility is located in West Lampeter Township, **Lancaster County**.

Description of Proposed Action/Activity: Approval for the construction/operation of sewerage facilities consisting of a pump station with dual submersible pumps each rated at 160 gpm including 2,337 feet of 4-inch force main.

**WQM Permit No. 0102404 Transfer 05-1**, Sewerage, **Little Washington Wastewater Company**, 762 West Lancaster Avenue, Bryn Mawr, PA 19010. This proposed facility is located in Mount Joy Township, **Adams County**.

Description of Proposed Action/Activity: Transfer of the operation of Sewage Treatment Facilities and Pump Stations of the Links at Gettysburg.

**WQM Permit No. 2180402 Amendment 04-2**, Sewerage, **Hampden Township Sewer Authority**, 230 South Sporting Hill Road, Mechanicsburg, PA 17055. This proposed facility is located in Hampden Township, **Cumberland County**.

Description of Proposed Action/Activity: Construction/Operation of Phase 2 Solids Handling.

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

**WQM Permit No. WQM 1704405**, Sewerage, **Dana Milliron**, 992 Bottom Road, Rockton, PA, 15856. This proposed facility is located in Union Township, **Clearfield County**.

Description of Proposed Action/Activity: Permit issuance for the construction of a Small Flows Treatment Facility incorporating a peat filter for a single residence.

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

**WQM Permit No. WQG018356**, Sewerage, **Mark A. Clark**, 178 Donation Road, Greenville, PA 16125. This proposed facility is located in Hempfield Township, **Mercer County**.

Description of Proposed Action/Activity: Sewage discharge for a single residence.

**WQM Permit No. 2489202**, Industrial Waste Amendment No. 4, **Onyx Greentree Landfill, LLC**, 635 Toby Road, Kersey, PA 15846. This proposed facility is located in Fox Township, **Elk County**.

Description of Proposed Action/Activity: This project is for the addition of a clarifier to reduce solids.

**WQM Permit No. 6203418**, Sewerage, **Sugar Grove Area Sewage Authority**, R. D. 4, Box 205, Sugar Grove, PA 16350. This proposed facility is located in Sugar Grove Borough and Sugar Grove Township, **Warren County**.

Description of Proposed Action/Activity: This project is for the construction and operation of a new sewage treatment facility to serve the Sugar Grove Borough and Sugar Grove Township areas.

**IV. NPDES Stormwater Discharges from MS4 Permit Actions**

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>	<i>DEP Protocol (Y/N)</i>
PAI130545	Delaware County 201 W. Front St. Media, PA 19063	Delaware	Media Borough	Chester Creek, Darby Creek, Cobbs Creek, Ridley Creek	N

**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 &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI011503053	Gen Terra Corporation Deerfield Subdivision 101 Marchwood Road Exton, PA 19341	Chester	Charlestown Township	UNT Pigeon Creek (HQ-TSF)
PAI011504056	St. Peter's Church in Great Valley St. Peter's Church in Great Valley Development P. O. Box 334 Paoli, PA 19301	Chester	Tredyffrin and East Whiteland Townships	Valley Creek (EV)

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10N033 Phase II	Austin Burke SLIBCO 222 Mulberry St. P. O. Box 431 Scranton, PA 18503	Lackawanna	Jessup Borough	Grassy Island Creek, HQ-CWF
PAI024804019	Acquisition Management, Inc. 2141 Downyflake Lane Allentown, PA 18103	Northampton	Forks Township	Bushkill Creek, HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI045904002	Wellsboro Municipal Authority 28 Crafton St. Wellsboro, PA 16901	Tioga	Wellsboro Borough Charleston and Delmar Townships	Baldwin Run HQ-CWF

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10F034R	Ronald Thompson JARO Dev. Co. Inc. 3816 Wax Myrtle Run Naples, FL 34112	Centre	Rush Township	Cold Stream HQ

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

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

#### List of NPDES and/or Other General Permit Types

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

#### General Permit Type—PAG-2

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Chadds Ford Township Delaware County	PAG2002304057	Newlin Homes 1657 Warpath Road West Chester, PA 19382	Harvey Run (WWF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Marple Township Delaware County	PAG2002304059	T Moore Building Company 801 Crestview Drive Springfield, PA 19064	Crum Creek (CWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Lower Salford Township Montgomery County	PAG2004604119	Moulton Builders, Inc. Edgewood Terrace 301 North Broad Street Lansdale, PA 19446	Skipack Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Plymouth Township Montgomery County	PAG2004604208	Central Montgomery County Area Vocational School Center for Technical Studies 821 Plymouth Road Plymouth Meeting, PA 19462	Sawmill Run (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Upper Gwynedd Township Montgomery County	PAG2004604202	North Penn Gulf Gasoline Service Station Dev. 1605 South Valley Forge Road Lansdale, PA 19446	Skipack Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900



## NOTICES

1259

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
East Norriton Township Montgomery County	PAG2004603148	Glen Farms, LP Pimlico Farms 1030 West Germantown Pike Fairview Village, PA 19409	UNT Stony Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Red Hill Borough Montgomery County	PAG2004604065	TH Properties Preston Court 345 Main Street Harleysville, PA 19438	Macoby Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Pottstown Borough Montgomery County	PAG2004604114	Genesis Housing Corporation May Street Crossing 208 DeKalb Street Suite 212 Norristown, PA 19401	Schuylkill River (WWF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
City of Philadelphia Philadelphia County	PAG2015104013	School District of Philadelphia G Street and Hunting Park Ave. Elementary School 734 Schuylkill Avenue Philadelphia, PA 19146-2397	Delaware River (WWF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
City of Philadelphia Philadelphia County	PAG2015104018	Safeguard Properties Safeguard Storage Dev. 105 Maxess Road Suite 125 Melville, NY 11747	Delaware River (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
City of Philadelphia Philadelphia County	PAG2015104026	Philadelphia Gas Works PGW Naphtha Tanks Demolition and Removal 800 West Montgomery Avenue Philadelphia, PA 19122	Schuylkill River and Little Schuylkill River (WWF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
City of Philadelphia Philadelphia County	PAG2015104028	JMD James D. Morrissey, Inc. James D. Morrissey Inc. Site 9191 Frankford Avenue Philadelphia, PA 19114	Pennypack Creek (WWF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
West Brunswick Township Schuylkill County	PAG2005404042	Benchmark Development c/o Ralf Bzura P. O. Box 311 Orwigsburg, PA 17961	UNT to the Little Schuylkill River, CWF	Schuylkill County Cons. Dist. (570) 622-3742
Lower Milford Township Lehigh County	PAG2003904036	Kenneth Schoch Schoch Homes 2695 Wassergass Rd. Hellertown, PA 18055	Saucon Creek, CWF	Lehigh County Cons. Dist. (610) 391-9583
Lynn Township Lehigh County	PAG2003904041	Roger Persing 1040 South 4th St. Allentown, PA 18103	Ontelaunee Creek, CWF	Lehigh County Cons. Dist. (610) 391-9583
Kutztown Borough and Maxatawny Township, Berks County	PAG2-0006-05-004	Lynn Ziegenfuss LRM Ziegenfuss 449A Main Street Oley, PA 19547	UNT to Sacony Creek TSF	Berks County Conservation District 1238 County Welfare Rd. P. O. Box 520, Leesport PA 19533 (610) 372-4657 ext. 209.
North Heidelberg Township, Berks County	PAG2-0006-05-005	Gery Webster 88 Oak Grove Road Morgantown, PA 19543	UNT to Spring Creek CWF	Berks County Conservation District 1238 County Welfare Rd. P. O. Box 520, Leesport PA 19533 (610) 372-4657 ext. 209.

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Albany Township, Berks County	PAG2-0006-05-006	Brian Kobularcik Metropolitan Development Group 438 Walnut Street Reading, PA 19601	Maiden Creek WWF	Berks County Conservation District 1238 County Welfare Rd. P. O. Box 520, Leesport PA 19533 (610) 372-4657 ext. 209.
Swatara Township, Lebanon County	PAG2-0038-04-038	Swatara Retirement Community 412 S. 12th Street Lebanon, PA 17042	Swatara Creek WWF	Lebanon County Conservation District 2120 Cornwall Road, Suite 5 Lebanon, PA 17042 (717) 272-3908
South Lebanon Township Lebanon County	PAG2-0038-04-040	William Smeltzer 120 Troutman Drive Myerstown, PA 17067	Quittapahilla Creek TSF	Lebanon County Conservation District 2120 Cornwall Road, Suite 5 Lebanon, PA 17042 (717) 272-3908
Bethel Township Lebanon County	PAG2-0038-05-002	Mt. Zion Road Church of the Brethren 2087 Mt. Zion Road Lebanon, PA 17046	Earlkill Run to Little Swatara Creek WWF	Lebanon County Conservation District 2120 Cornwall Road, Suite 5 Lebanon, PA 17042 (717) 272-3908
Jackson Township Lebanon County	PAG2-0038-05-001	Marvin Dueck East End Tire, L.L.C. 655 East Lincoln Avenue Myerstown, PA 17067	Tulpehocken Creek TSF	Lebanon County Conservation District 2120 Cornwall Road, Suite 5 Lebanon, PA 17042 (717) 272-3908
East Lampeter Township Lancaster County	PAG2-0036-04-098	Edward L Jackson 654 N. Strickler Rd. Manheim, PA 17545	Pequea Creek WWF	Lancaster County CD 1383 Arcadia Rd., Room 6 Lancaster, PA 17601 (717) 299-5361
East Donegal Township Lancaster County	PAG2-0036-04-105	Triple H Construction 430 Springville Rd. Ephrata, PA 17522	UNT to Donegal Creek WWF	Lancaster County CD 1383 Arcadia Rd., Room 6 Lancaster, PA 17601 (717) 299-5361
Lititz Borough Lancaster County	PAG2-0036-04-108	Keller Brothers Ford 730 S. Broad St. Lititz PA 17543	Lititz Run WWF	Lancaster County CD 1383 Arcadia Rd., Room 6 Lancaster, PA 17601 (717) 299-5361
East Earl Township Lancaster County	PAG2-0036-04-110	BMH Associates LP 979 Oakview Dr. New Holland, PA 17557	UNT Conestoga River WWF	Lancaster County CD 1383 Arcadia Rd., Room 6 Lancaster, PA 17601 (717) 299-5361
Columbia Borough Lancaster County	PAG2-0036-04-121	Columbia Borough School District 98 South Sixth St. Columbia, PA 17512	Susquehanna River WWF	Lancaster County CD 1383 Arcadia Rd., Room 6 Lancaster, PA 17601 (717) 299-5361
Manheim Township Lancaster County	PAG2-0036-04-126	2882 Kissel Hill Rd. Partnership 25 N. Queen St. Suite. 602 Lancaster, PA 17608	Conestoga River WWF	Lancaster County CD 1383 Arcadia Rd., Room 6 Lancaster, PA 17601 (717) 299-5361

## NOTICES

1261

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Lancaster Township Lancaster County	PAG2-0036-05-001	Cornerstone Development Group One Market Way East York, PA 17401	UNT Conestoga River WWF	Lancaster County CD 1383 Arcadia Rd., Room 6 Lancaster, PA 17601 (717) 299-5361
Manheim Township Lancaster County	PAG2-0036-05-002	Blackford Development 120 Northpointe Blvd. Lancaster, PA 17601	Little Conestoga Creek WWF	Lancaster County CD 1383 Arcadia Rd., Room 6 Lancaster, PA 17601 (717) 299-5361
East Lampeter Township Lancaster County	PAG2-0036-05-003	Richard T. Whittaker 1946 Pickering Trail Lancaster, PA 17601	UNT Pequea Creek WWF	Lancaster County CD 1383 Arcadia Rd., Room 6 Lancaster, PA 17601 (717) 299-5361
East Donegal Township Lancaster County	PAG2-0036-05-004	Shah Mathias, Eastern Devel. 3255 Cape Horn Rd., Box 163 Red Lion, PA 17356	UNT Donegal Creek CWF	Lancaster County CD 1383 Arcadia Rd., Room 6 Lancaster, PA 17601 (717) 299-5361
Ephrata Township Lancaster County	PAG2-0036-05-007	Glen Bollinger 69 Maple Farm Rd. Ephrata, PA 17522	UNT Cocalico Creek WWF	Lancaster County CD 1383 Arcadia Rd., Room 6 Lancaster, PA 17601 (717) 299-5361
Manheim Township Lancaster County	PAG2-0036-05-008	Franklin & Marshall College College Ave. P. O. Box 3003 Lancaster, PA 17604	Little Conestoga Creek WWF	Lancaster County CD 1383 Arcadia Rd., Room 6 Lancaster, PA 17601 (717) 299-5361
East Lampeter Township Lancaster County	PAG2-0036-04-098	Edward L Jackson 654 N. Strickler Rd. Manheim, PA 17545	Pequea Creek WWF	Lancaster County CD 1383 Arcadia Rd., Room 6 Lancaster, PA 17601 (717) 299-5361
East Donegal Township Lancaster County	PAG2-0036-04-105	Triple H Construction 430 Springville Rd. Ephrata, PA 17522	UNT Donegal Creek CWF	Lancaster County CD 1383 Arcadia Rd., Room 6 Lancaster, PA 17601 (717) 299-5361
Lititz Borough Lancaster County	PAG2-0036-04-108	Keller Brothers Ford 730 S. Broad St. Lititz, PA 17543	Lititz Run WWF	Lancaster County CD 1383 Arcadia Rd., Room 6 Lancaster, PA 17601 (717) 299-5361
East Earl Township Lancaster County	PAG2-0036-04-110	BMH Associates LP 979 Oakview Dr. New Holland, PA 17557	UNT Conestoga River WWF	Lancaster County CD 1383 Arcadia Rd., Room 6 Lancaster, PA 17601 (717) 299-5361
Columbia Borough Lancaster County	PAG2-0036-04-121	Columbia Borough School District 98 South Sixth St. Columbia, PA 17512	Susquehanna River WWF	Lancaster County CD 1383 Arcadia Rd., Room 6 Lancaster, PA 17601 (717) 299-5361
Manheim Township Lancaster County	PAG2-0036-04-126	2882 Kissel Hill Rd. Partnership 25 N. Queen St. Suite. 602 Lancaster, PA 17608	Conestoga River WWF	Lancaster County CD 1383 Arcadia Rd., Room 6 Lancaster, PA 17601 (717) 299-5361

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Lancaster Township Lancaster County	PAG2-0036-05-001	Cornerstone Development Group One Market Way East York, PA 17401	UNT Conestoga River WWF	Lancaster County CD 1383 Arcadia Rd., Room 6 Lancaster, PA 17601 (717) 299-5361
Manheim Township Lancaster County	PAG2-0036-05-002	Blackford Development 120 Northpointe Blvd. Lancaster, PA 17601	Little Conestoga Creek WWF	Lancaster County CD 1383 Arcadia Rd., Room 6 Lancaster, PA 17601 (717) 299-5361
East Lampeter Township Lancaster County	PAG2-0036-05-003	Richard T. Whittaker 1946 Pickering Trail Lancaster, PA 17601	UNT Pequea Creek WWF	Lancaster County CD 1383 Arcadia Rd., Room 6 Lancaster, PA 17601 (717) 299-5361
East Donegal Township Lancaster County	PAG2-0036-05-004	Shah Mathias, Eastern Devel. 3255 Cape Horn Rd., Box 163 Red Lion, PA 17356	UNT Donegal Creek CWF	Lancaster County CD 1383 Arcadia Rd., Room 6 Lancaster, PA 17601 (717) 299-5361
Ephrata Township Lancaster County	PAG2-0036-05-007	Glen Bollinger 69 Maple Farm Rd. Ephrata, PA 17522	UNT Cocalico Creek WWF	Lancaster County CD 1383 Arcadia Rd., Room 6 Lancaster, PA 17601 (717) 299-5361
Manheim Township Lancaster County	PAG2-0036-05-008	Franklin & Marshall College College Ave. P. O. Box 3003 Lancaster, PA 17604	Little Conestoga Creek WWF	Lancaster County CD 1383 Arcadia Rd., Room 6 Lancaster, PA 17601 (717) 299-5361
Smithfield Town Center, Southwest quadrant of the SR 22/SR 26 Interchange Huntingdon, PA	PAG2-0031-03-007	THF Huntingdon Development, L.P. 2127 Inner Belt Business Center Drive, Suite 200 St. Louis, MO 63114	UNT to the Juniata River WWF	Huntingdon County Conservation District R. D. 1, Box 7C, Rt. 26, S. Huntingdon, PA 16652
Smithfield Township, Huntingdon County				
Weaver Falls Bridge Replacement Weaver Falls Bridge, SR 3003	PAG2-0031-03-013	Department of Transportation District 9-0 1620 North Juniata Street Hollidaysburg, PA 16648	Raystown Branch of the Juniata River TSF	Huntingdon County Conservation District R. D. 1, Box 7C, Rt. 26, S. Huntingdon, PA 16652
Hopewell Township, Huntingdon County				
Columbia County Scott Township	PAG2001904009	John D. Klingerman 1388 SR 487 Bloomsburg, PA 17815	Fishing Creek WWF	Columbia County Conservation District 702 Sawmill Rd., Suite 204 Bloomsburg, PA 17815 (570) 784-1310 x 102
Union County Buffalo Township	PAG2006004013	David Shook 7879 Old turnpike Rd. Mifflinburg, PA 17844	Buffalo Creek CWF	Union County Conservation District 88 Bull Run Crossing Suite 5 Lewisburg, PA 17837 (570) 523-8782
Allegheny County Monroeville	PAG2000203026-1	Forbes Regional Hospital 2570 Haymaker Road Monroeville, PA 15146	Turtle Creek (TSF)	Allegheny County CD (412) 241-7645

## NOTICES

1263

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Allegheny County Pleasant Hills Borough	PAG2000203052-1	Sheetz, Inc. 5700 Sixth Avenue Altoona, PA 16602	Lewis Run (TSF)	Allegheny County CD (412) 241-7645
Allegheny County Franklin Park Borough	PAG2000204096	Eddy Homes, Inc. 4000 Washington Rd. McMurray, PA 15317	Pine Creek (CWF)	Allegheny County CD (412) 241-7645
Allegheny County Monroeville and North Versailles Township	PAG2000204099	Department of Transportation 45 Thoms Run Road Birdgeville, PA 15017	Turtle Creek and McGrew's Run (WWF)	Allegheny County CD (412) 241-7645
Allegheny County Richland Township	PAG2000204103	Frank Zottola 3401 Felecity Avenue Allison Park, PA 15101	Deer Creek (CWF)	Allegheny County CD (412) 241-7645
Allegheny County Collier Township	PAG2000204106	Collier Township Municipal Authority 2418 Hilltop Road Presto, PA 15142	Robinson Run (WWF)	Allegheny County CD (412) 241-7645
Allegheny County City of Pittsburgh	PAG2000204108	Port Authority of Allegheny County 345 Sixth Avenue Third Floor Pittsburgh, PA 15222	Allegheny River (WWF)	Allegheny County CD (412) 241-7645
Allegheny County McCandless Township	PAG2000204109	Northwood Realty Services 134 Three Degree Road Pittsburgh, PA 15237	Pine Creek (TSF)	Allegheny County CD (412) 241-7645
Allegheny County Jefferson Hills Borough	PAG2000204110	Turnpike Commission 2200 North Center Avenue New Stanton, PA 15672-9602	Peters Creek (TSF)	Allegheny County CD (412) 241-7645
Allegheny County Ross Township	PAG2000204111	F. C. Ross Associates, LLC 4 Gateway Center Suite 212 Pittsburgh, PA 15222	Girty's Run (WWF)	Allegheny County CD (412) 241-7645
Allegheny County Ohio Township	PAG2000204112	Christ Church of Grove Farm 249 Duff Road Sewickley, PA 15143	Toms Run (CWF)	Allegheny County CD (412) 241-7645
Allegheny County Forward Township	PAG2000204113	Reserve Coal Properties Company 1800 Washington Rd. Pittsburgh, PA 15241	Perry Mill Run (WWF)	Allegheny County CD (412) 241-7645
Allegheny County Brentwood Borough	PAG2000204114	Echo Real Estate Services Company 701 Alpha Drive Pittsburgh, PA 15238	Saw Mill Run (WWF)	Allegheny County CD (412) 241-7645
Allegheny County Harmar Township	PAG2000204115	Harmar Development Co. 2801 Freepport Road Pittsburgh, PA 15238	Deer Creek (WWF)	Allegheny County CD (412) 241-7645
Allegheny County Edgeworth Borough	PAG2000204117	Edgeworth Dev. Assoc. LP 1300 Oliver Building Pittsburgh, PA 15222 and A.W. McCay Cont., Inc 3918 Chessrown Ave. Gibsonia, PA 15044	Ohio River (WWF)	Allegheny County CD (412) 241-7645
Allegheny County Whitehall Borough	PAG2000204121	George Benson 4800 Clairton Blvd. Pittsburgh, PA 15236	Streets Run (WWF)	Allegheny County CD (412) 241-7645
Beaver County Economy Borough	PAG2000404018	Maronda Homes, Inc. 202 Park West Drive Pittsburgh, PA 15275	UNT to Big Sewickley Creek (TSF)	Beaver County CD (724) 774-7090

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Beaver County Marion Township	PAG2000405001	Survey Tech Corp. c/o Jack A. Ringeisen 20280 Route 19 Suite 6 Cranberry Township, PA 16066	Connoquenessing Creek (WWF)	Beaver County CD (724) 774-7090
Fayette County Dunbar, Lower Tyrone, Franklin Townships and Vanderbilt and Dawson Boroughs	PAG2002604037	Yough Sanitary Authority P. O. Box 168 Dawson, PA 15428	Youghiogheny River (WWF)	Fayette County CD (724) 438-4497
Washington County Union Township	PAG2006305005	Township of Union 3904 Finley-Elrama Rd. Finleyville, PA 15332	Monongahela River (WWF)	Washington County CD (724) 228-6774
Westmoreland County East Huntingdon Township	PAG2006504017	Wendell H. Stone Co. 606 McCormick Avenue Connellsville, PA 15425	Belson Run (WWF)	Westmoreland County CD (724) 837-5271
Butler County Middlesex Township	PAG2-0010-04-028	Hickory Knoll Farms Linda Starr 400 Isle Road Butler, PA 16001	UNT to Bull Creek-TSF	Butler County Conservation District (724) 284-5270
Elk County Fox Township	PAG2-00-24-03- 0005	Gerturde Hippchen 347 Old Kersey Road St. Marys, PA 15857	Laurel Run	Elk Conservation District (814) 776-5373
Lawrence County Wilmington Township	PAG2-00-37-04- 007	Glenn Morris Chairman New Wilmington Municipal Authority 134 High Street New Wilmington, PA 16142	UNT to Little Neshanock Creek-TSF	Lawrence County Conservation District (724) 652-4512
Warren County Conewango Township	PAG2-00-62-04- 003	ALDI, INC. Saxonburg Division 6000 North Noah Dr Saxonburg, PA 16056	UNT Conewango Creek	Warren County Conservation District (814) 563-3117

*General Permit Type—PAG-3*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
City of Philadelphia Philadelphia County	PAR800035	SEPTA 2705 Roberts Ave. Philadelphia, PA 19129	Schuylkill River-3F Watershed	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5970
Middletown Township Delaware County	PAR800032	SEPTA 445 Lenni Rd. Lenni, PA 19037	Chester Creek-3G Watershed	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5970
Upper Darby Township Delaware County	PAR800031	SEPTA 110 Victory Ave. Upper Darby, PA 19082	Cobbs Creek-3G Watershed	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5970
Darby Borough Delaware County	PAR800018	SEPTA 103 Victory Ave. Upper Darby, PA 19082	Cobbs Creek-3G Watershed	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5970

## NOTICES

1265

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Plymouth Township Montgomery County	PAR800034	SEPTA 1525 Alan Wood Rd. Conshohocken, PA 19428	UNT to Plymouth Creek-3F Watershed	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5970
Dauphin County East Hanover Township	PAR113550	U. S. Army Reserves 99th Regional Readiness Command ATTN: AFRC-CPA-EN-E 99 Soliders Way Coraopolis, PA 15108-2550	Manada Creek/CWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Berks County Boyertown Borough	PAR203515	Unicast Company 241 North Washington Street Boyertown, PA 19512	Swamp Creek/TSF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Franklin County Antrim Township	PAR803675	Con-Way Transportation Services 3240 Hillview Avenue Palo Alto, CA 94304	Conococheague Creek/WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Blair County Logan Township	PAR603561	East End Auto Parts 600 E. Sixth Ave. Road Altoona, PA 16602	Little Juniata Creek/WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Lancaster County East Lampeter Township	PAR203574	High Steel Structures, Inc. P. O. Box 10008 Greenfield Road and Rt. 340 Lancaster, PA 17605	UNT to Conestoga/WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Juniata County Fermanagh Township	PAR603566	Steve Zeiders Steve's Used Cars R. R. 4, Box 1702 Mifflintown, PA 17059	UNT to Schweyer Run/CWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Blair County Allegheny Township	PAR803586	United Parcel Service, Inc. 521 North Center Avenue New Stanton, PA 15672	UNT to Beaverdam Branch/WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Cumberland County Shippensburg Borough	PAR123560	Schreiber Foods, Inc. 208 East Dykeman Road Shippensburg, PA 17257	Middle Spring Creek/CWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Blair County Snyder Township	PAR603554	Elizabeth A. Stager Tyrone Auto Salvage R. D. 5, Box 50 Tyrone, PA 16686	Little Juniata River/WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Huntingdon County Dudley Borough	PAR603563	Thomas McGhee McGhee's Used Cars, Inc. P. O. Box 315 Fourth Street Dudley, PA 16634	UNT to Shoup Run/WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Mifflin County Decatur Township	PAR603553	Mark A. Rossman Rossman Automotive Salvage 5 Brower Road Lewistown, PA 17044	Meadow Creek/CWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Decatur Township, Clearfield County	PAR604821	Roy Conklin 2453 Phillipsburg Bigler Highway Box 100 West Decatur, PA 16878	UNT to Little Laurel Run CWF	Water Management Program Manager 208 West Third Street, Williamsport, PA 17701 (570) 327 3664

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Decatur Township, Clearfield County	PAR604819	D C Enterprises 2381 Phillipsburg Bigler Highway P. O. Box 406 Phillipsburg, PA 16866	UNT To Little Laurel Run CWF	Water Management Program Manager 208 West Third Street, Williamsport, PA 17701 (570) 327 3664
Clinton Township Lycoming County	PAR604816	Robert Twigg B & C Auto Wreckers 4867 Route 15 Hwy. Montgomery, PA 17752	UNT Blackhole Creek TSF	Northcentral Regional Office Water Management Program 208 West Third Street Williamsport, PA 17701 (570) 327-3664
Cambria County City of Johnstown	PAR206145	Johnstown Redevelopment Authority 401 Washington Street 4th Floor Public Safety Building Johnstown PA 15901-1892	Conemaugh River	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Beaver County City of Aliquippa	PAR216148	United Parcel Service, Inc. 521 North Center Avenue New Stanton, PA 15672	Ohio River via Jones Run	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Allegheny County City of Pittsburgh	PAR806159	United Parcel Service, Inc. 521 North Center Avenue New Stanton, PA 15672	Chartiers Creek	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Westmoreland County New Stanton Borough	PAR806162	United Parcel Service, Inc. 521 North Center Avenue New Stanton, PA 15672	UNT to Sewickley Creek	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Washington County South Strabane Township	PAR806161	United Parcel Service, Inc. 521 North Center Avenue New Stanton, PA 15672	Chartiers Creek	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000



NOTICES

1267

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Fayette County Menallen Township	PAR806160	United Parcel Service, Inc. 521 North Center Avenue New Stanton, PA 15672	Redstone Creek	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Armstrong County North Apollo Borough	PAR806158	United Parcel Service, Inc. 521 North Center Avenue New Stanton, PA 15672	Kiskiminetas River	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Indiana County White Township	PAR806157	United Parcel Service, Inc. 521 North Center Avenue New Stanton, PA 15672	UNT of Two Lick Creek	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Beaver County Rochester Township	PAR806156	United Parcel Service, Inc. 521 North Center Avenue New Stanton, PA 15672	UNT to Beaver River	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Cambria County Richland Township	PAR806155	United Parcel Service, Inc. 521 North Center Avenue New Stanton, PA 15672	Sams Run	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

*General Permit Type—PAG-4*

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Berks County Penn Township	PAG043515	Royal C. Stout 144 Plum Creek Road Bernville, PA 19506	Plum Creek/CWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Union Township, Union County	PAG045188	Oliver R. Wagner 1060 Harvard Street Middleburg, PA 32068	West Branch Susquehanna River, WWF	Northcentral Regional Office Water Management Program 208 West Third Street, Suite 101 Williamsport, PA 17701 (570) 327-3664

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Union Township Clearfield County	PAG045187	Dana Milliron 992 Bottom Road Rockton, PA 15856	Laborde Branch CWF	Northcentral Regional Office Water Management Program 208 West Third Street, Suite 101 Williamsport, PA 17701 (570) 327-3664
Washington County Amwell Township	PAG046206	Larry L. Day P. O. Box 5 Prosperity, PA 15329-0005	UNT to Fork Bane Creek	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Westmoreland County Hempfield Township	PAG046210	Harold C. Lepro R. D. 11, Box 618A Greensburg, PA 15601-9141	UNT to Jacks Run	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Shenango Township, Mercer County	PAG048364	Janice M. and Kenneth J. DeMaria 18 East Paul Street West Middlesex, PA 16159	UNT to Shenango River	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Hempfield Township, Mercer County	PAG049148	Mark A. Clark 178 Donation Road Greenville, PA 16125	UNT to Shenango River	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

*General Permit Type—PAG-5*

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
North Fayette Township Allegheny County	PAG056199	Tonidale Gulf Station 7021 Steubenville Pike Oakdale, PA 15071	UNT to Moon Run	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh PA 15222-4745 (412) 442-4000

*General Permit Type—PAG-8 (SSN)*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Site Name &amp; Location</i>	<i>Contact Office &amp; Phone No.</i>
Hampden Township Cumberland County	PAG083568 PAG083569	Hampden Township 230 South Sporting Hill Road Mechanicsburg, PA 17050-3097	Boyd Weary Farm West Pennsboro Township Cumberland County	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707
Center Road Decatur Township Clearfield County	PAG-08-4819	Moshannon Valley Joint Sewer Authority 829 North 9th Street Philipsburg, PA 16866	Eugene C. Roberts Farm Decatur Township Clearfield County	Northcentral (570) 327-3655

*Facility Location:*

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Site Name &amp; Location</i>	<i>Contact Office &amp; Phone No.</i>
Platt Farm Biosolids Site Blacklick Township Indiana County	PAG086106	Redevelopment Auth. of the City of Johnstown Public Safety Building, 4th Floor Johnstown PA 15901	Platt Farm	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh PA 15222-4745 (412) 442-4000

**PUBLIC WATER SUPPLY (PWS) PERMITS**

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

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

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

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

**SAFE DRINKING WATER**

**Actions taken under the Pennsylvania Safe Drinking Water Act.**

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

**Permit No. 0904510, Minor Amendment.** Public Water Supply.

Applicant	<b>Borough of Sellersville</b> 140 E. Church Street Sellersville, PA 18960
Borough	Sellersville
County	<b>Bucks</b>
Type of Facility	PWS

Consulting Engineer Cowan Associates, Inc.  
120 Penn-Am Drive  
Quakertown, PA 18951

Permit to Construct Issued January 18, 2005

**Permit No. 0904512, Minor Amendment.** Public Water Supply.

Applicant	<b>Bucks County Water and Sewer Authority</b> 1275 Almshouse Road Warrington, PA 18976
Borough	New Hope
County	<b>Bucks</b>
Type of Facility	PWS
Consulting Engineer	Carroll Engineering Corporation 949 Easton Road Suite 100 Warrington, PA 1897

Permit to Operate Issued January 18, 2005

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

**Permit No. 5404503,** Public Water Supply.

Applicant	<b>Borough of Schuylkill Haven</b> 12 West Main Street Schuylkill Haven, PA 17972-1900
Borough or Township	North Manheim Township
County	<b>Schuylkill County</b>
Type of Facility	PWS
Consulting Engineer	Michael J. Daschbach, P. E. Entech Engineering, Inc. 4 South 4th Street P. O. Box 32 Reading, PA 19603

Permit to Construct Issued January 25, 2005

**Operations Permit** issued to: **Delaware Water Gap National Recreation Area**, One River Road, Bushkill, PA 18324, (PWSID 2450745) Middle Smithfield Township, **Monroe County** on January 13, 2005, for the operation of facilities approved under construction permit No. 4504504.

**Permit No. Minor Amendment.** Public Water Supply.

Applicant	<b>Pennsylvania American Water Co.</b> 800 West Hersheypark Drive Hershey, PA 17033
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Borough or Township Dickson City Borough  
 County **Lackawanna County**  
 Type of Facility PWS  
 Consulting Engineer Scott M. Thomas, P. E.  
 Pennsylvania American Water  
 Co.  
 800 West Hersheypark Drive  
 Hershey, PA 17033  
 Permit to Construct January 24, 2005  
 Issued

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

**Permit No. 3104503 MA, Minor Amendment, Public Water Supply.**

Applicant **R. R. P. Recreation Limited Partnership**  
 Municipality Lincoln Township  
 County **Huntingdon**  
 Type of Facility Construction of a new  
 200,000-gallon water storage  
 tank for the Lake Raystown  
 Resort.  
 Consulting Engineer Joseph Keller, P. E.  
 Keller Engineers, Inc.  
 P. O. Box 61  
 Hollidaysburg, PA 16648  
 Permit to Construct 1/27/2005  
 Issued:

**Permit No. 0604522 MA, Minor Amendment, Public Water Supply.**

Applicant **Pennsylvania Water Company**  
 Municipality Wyomissing Borough  
 County **Berks**  
 Type of Facility Repainting and minor repairs to  
 existing Wyomissing Hills Low  
 Tank. Repairs to the 575,000  
 gallon tank include installation  
 of a 30-inch diameter manhole  
 and minor concrete repair.  
 Consulting Engineer Scott M. Thomas, P. E.  
 Pennsylvania American Water  
 Company  
 800 West Hersheypark Drive  
 Hershey, PA 17033  
 Permit to Construct 1/27/2004  
 Issued:

**Permit No. 6704515, Public Water Supply.**  
 Applicant **The York Water Company**  
 Municipality East Manchester Township  
 County **York**  
 Type of Facility This PWS permit is for the  
 construction of the Starview  
 Booster Pump Station.

Consulting Engineer Ryan M. Ural, P. E.  
 The York Water Company  
 130 East Market Street  
 P. O. Box 15089  
 York, PA 17405-7089

Permit to Construct 1/24/2005  
 Issued:

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

**Permit No. 1403504—Operation Public Water Supply.**

Applicant **College Township Water Authority**  
 Township or Borough College Township  
 County **Centre**  
 Responsible Official Adam Brumbaugh  
 College Township Water  
 Authority  
 1481 East College Avenue  
 State College, PA 16801  
 Type of Facility Public Water Supply—Operation  
 Consulting Engineer Kim Mazur  
 Entech Engineering, Inc.  
 4 South Fourth Street  
 P. O. Box 32  
 Reading, PA 19603  
 Permit Issued Date 1/28/05  
 Description of Action Operation of the rehabilitated  
 Lemont Pump Station with all  
 associated piping and controls.

**Permit No. 4104501—Construction Public Water Supply.**

Applicant **Williamsport Municipal Water Authority**  
 Township or Borough City of Williamsport  
 County **Lycoming**  
 Responsible Official Uwe E. Weindel, Executive  
 Director  
 Williamsport Municipal Water  
 Authority  
 253 West Fourth Street  
 Williamsport, PA 17701  
 Type of Facility Public Water  
 Supply—Construction  
 Consulting Engineer John Amend, P. E.  
 Malcolm Pirnie, Inc.  
 40 Centre Drive  
 Orchard Park, NY 14127  
 Permit Issued Date 1/31/05  
 Description of Action Construction of the Lycoming  
 well field and Third Street pump  
 station.

## STORMWATER MANAGEMENT

### Action on plans submitted under the Storm Water Management Act (32 P. S. §§ 680.1—680.17)

*Bureau of Watershed Management, P. O. Box 8555, Harrisburg, Pennsylvania 17105-8555.*

**Plan No. 159:39, Little Lehigh Creek** Stormwater Management Plan Update as submitted by **Lehigh County**, was approved on January 19, 2005.

### SEWAGE FACILITIES ACT PLAN APPROVAL

### Plan Approvals Granted under the Pennsylvania Sewage Facilities Act (35 P. S. §§ 750.1—750.20a)

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

#### Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
West Cornwall Township	73 South Zinns Mill Road Lebanon PA 17042	Lebanon

*Plan Description:* The approved plan provides for a change in the method of sewage service for the Northwood Drive area. The change is to remove the Northwood Drive area from the sewer service area and into the Township's onlot sewage management district. The Mine Road area will be served by a pump station and force main tributary to the existing collection system in Quentin. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal.

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

#### Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Mahoning Township	P. O. Box 99 Hillsville, PA 16132	Lawrence

*Plan Description:* The approved plan provides for the construction of a new sanitary sewer system and sewage treatment plant to serve areas of need from the village of Edinburg west along US Route 224 to the Ohio state line. The proposed sewage treatment plant will be located near Edinburg and discharge to the Mahoning River. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

#### Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Cochranon Boro	P. O. Box 66 Cochranon, PA 16314-0066	Crawford

*Plan Description:* The approved plan provides for the construction of a centralized collection and treatment system to serve the entire borough. The 157,000 gpd treatment plant will discharge treated effluent to French Creek. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION UNDER ACT 2, 1995

### PREAMBLE 2

**The following plans and reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).**

Provisions of Chapter 3 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, shall also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a site-specific standard remediation. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media; benefits of refuse of the property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

For further information concerning plans or reports, contact the Environmental Cleanup Program manager in the Department regional office after which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the Community Relations Coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

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

**Former Allegro Microsystems W. G., Inc., Property**, Upper Moreland Township, **Montgomery County**. Richard T. Wroblewski, PG, ERM, 350 Eagleview Blvd., Suite 200, Exton, PA 19341 on behalf of Bruce Goodman, Goodman Prop., 636 Old York Rd., Jenkintown, PA 19046 has submitted a Remedial Investigation and Final Report concerning remediation of site groundwater contaminated with barium. The report is intended to document remediation of the site to meet the Site-Specific Standard.

*Southcentral Region: Environmental Cleanup Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**Kimmel Iron and Metal Co., Inc.**, Manheim Township, **Lancaster County**. Marks Environmental, Inc., 140 Bollinger Road, Elverson, PA 19520, on behalf of

Franklin & Marshall College, P. O. Box 3003, Lancaster, PA 17604-3003, submitted a Final Report concerning remediation of site soils contaminated with inorganics and lead and site groundwater contaminated with chlorinated solvents. The report is intended to document remediation of the site to the Site-Specific Standard.

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

**LTV Steel Company, Inc. Coke Plant** City of Pittsburgh, **Allegheny County**. Martin C. Knuth, Civil & Environmental Consultants, Inc., 333 Baldwin Road, Pittsburgh, PA 15205 (on behalf of Bill Widdoes, ALMONO, LP, c/o RIDC, 425 6th Avenue, Pittsburgh, PA 15219) has submitted a Risk Assessment Report and Cleanup Plan concerning remediation of site soil and groundwater contaminated with PCBs, lead, heavy metals, solvents, BTEX, PHCs and PAHs. The report and plan are intended to document remediation of the site to meet the Site-Specific Standard

*Northwest Region: Environmental Cleanup Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**Former Pittsburgh Metals Purifying Site, Ivy Woods**, Clinton Township, **Butler County**. William G. Wier, PG, Civil & Env. Consultants, Inc., 333 Baldwin Rd., Pittsburgh PA 15205 (on behalf of Ivy Woods Ind. Works, 161 Deer Creek Rd., Saxonburg PA 16056) has submitted a Final Report concerning remediation of site Soil contaminated with Asbestos. The report is intended to document remediation of the site to meet Site Specific Standards.

## 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.*

**Integris Metals**, City of Philadelphia, **Philadelphia County**. C. Peter Beyer, Env. Resources Mgmt., Inc., 350 Eagleview Blvd., Suite 200, Exton, PA 1934 on behalf of Ronald Giles, Integris Metal, 456 85th Ave. NW, Minneapolis, MN 55433 has submitted a Final Report concerning the remediation of site soil contaminated with TCE. The Final report demonstrated attainment of the State-wide Health Standard and was approved by the Department on January 20, 2005.

**Salmon and Butler Prop.** City of Philadelphia, **Philadelphia County**. Christopher Orzechowski, RT Env. Svc., Inc., 215 W. Church Rd., King of Prussia, PA 19406 has submitted a Remedial Investigation Report and Cleanup Plan concerning the remediation of site soil contaminated with metals and PHA; groundwater contaminated with benzene and lead. The Remedial Investigation Report and Cleanup Plan were approved by the Department on January 25, 2005.

**Crown Cork and Seal Fac.**, City of Philadelphia, **Philadelphia County**. Peter Beyer, REM, 856 Springdale Dr., Exton, PA 19341 on behalf of Revi Chawla, St. Prop., 12700 Townsend Rd., Philadelphia, PA 19154 has submitted a Remedial Investigation Report, Remedial Assessment Report and Cleanup Plan concerning the remediation of site soil and groundwater contaminated with chlorinated solvents, MTBE, other organics, No. 5 fuel oil PAH and unleaded gasoline. The Remedial Investigation Report, Remedial Assessment Report and Cleanup Plan was approved the Department on January 19, 2005.

**Manhattan Bagel/Former Mobil Fac. No. GPX**, Darby Township, **Delaware County**. Andrew Huber, GSC, 1AAA Dr., Suite 203, Hamilton, NJ 08691 on behalf of John J. Hoban, ExxonMobil Corp., 220 Commerce Dr., Suite 205, Ft. Washington, PA 19034 has submitted a Remedial Investigation Report concerning the remediation of site soil contaminated with unleaded gasoline and

groundwater contaminated with MTBE. The Remedial Investigation Report was approved by the Department on December 9, 2004.

**Skelp Level Road**, East Bradford Township, **Chester County**. Jon M. Molison, Golder Assoc., Inc., 1100 Hector Ave., Suite 225, Conshohocken, PA 19428 on behalf of Sonoco Products Co., 1 N. 2nd St., Hartsville, SC 29550 has submitted a Remedial Investigation Report, Remedial Assessment and Cleanup Plan concerning the remediation of site soil and groundwater contaminated with arsenic. The Remedial Investigation Report, Remedial Assessment Report and Cleanup Plan were approved by the Department on January 24, 2005.

*Southcentral Region: Environmental Cleanup Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**Progress Park, Lot No. 2**, City of Lebanon, **Lebanon County**. ARM Group, Inc., 1129 West Governor Road, P. O. Box 797, Hershey, PA 17033-0797, on behalf of City of Lebanon, 400 South. 8th Street, Lebanon, PA 17042, submitted a Baseline Environmental Report concerning remediation of site soils contaminated with inorganics and PAHs, and site groundwater contaminated with PAH. The site is being remediated as a Special Industrial Area. The report was approved by the Department on January 19, 2005.

**Progress Park, Lot No. 8**, City of Lebanon, **Lebanon County**. ARM Group, Inc., 1129 West Governor Road, P. O. Box 797, Hershey, PA 17033-0797, on behalf of City of Lebanon, 400 South. 8th Street, Lebanon, PA 17042, submitted a Baseline Environmental Report concerning remediation of site soils contaminated with inorganics and PAHs, and site groundwater contaminated with PAH. The site is being remediated as a Special Industrial Area. The report was approved by the Department on January 19, 2005.

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

**Pittsburgh Tube Company Facility (Former)**, City of Monaca, **Beaver County**. William G. Weir, Civil & Environmental Consultants, Inc. 333 Baldwin Road, Pittsburgh, PA 15205 (on behalf of Beaver County Corporation for Economic Development, 250 Insurance Street, Suite 300, Beaver PA 15009, and Pittsburgh Tube Company 600 Clubhouse Drive Suite 200, Moon Township, PA 15108-3195) has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with PCBs, lead, heavy metals, solvents antimony, arsenic, copper and selenium. The Final Report demonstrated attainment of the Site-Specific Standard and was approved by the Department on January 24, 2005.

**West Elizabeth Lumber Property**, West Elizabeth, **Allegheny County**. Timothy S. Evans, American Geosciences, Inc., 3925 Reed Blvd., Suite 400, Murrysville, PA 15668-1848 (on behalf of Michael Hoag, National Industrial Lumber Company, 489 Rosemont Road, North Jackson, OH 44451) has submitted a Remedial Investigation Report concerning remediation of site soil contaminated with inorganics. The Remedial Investigation Report was approved by the Department on January 14, 2005.

**210 Oliphant Road (David Kennedy Residence)**, Georges Township, **Fayette County**. David Socks, Marshall Miller & Associates, Inc., 3913 Hartzdale Drive, Suite 1306, Camp Hill, PA 17011 has submitted a Final Report concerning remediation of site soil contaminated

with No. 2 fuel oil. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on December 28, 2004.

**Wimmer Scrap Facility (Former)**, Etna Borough, **Allegheny County**. Wendy Noe, American Geosciences, Inc., 3925 Reed Blvd., Suite 400, Murrysville, PA 15668-1848 (on behalf of Marco Pompeo, Etna Properties, LLP, 2201 Main Street, Pittsburgh, PA 15215) has submitted a Baseline Environmental Report concerning the remediation of site soil contaminated with heavy metals, and PCBs. The Baseline Environmental Report was approved by the Department on January 24, 2005.

**Armstrong Lofts**, City of Pittsburgh, **Allegheny County**. Scott Rasmussen, Civil & Environmental Consultants, Inc., 333 Baldwin Road, Pittsburgh, PA 15205 (on behalf of Charles L. Hammel, III, CDC Properties, Inc., 15 27th Street, Pittsburgh, PA 15222) has submitted a Baseline Environmental Report concerning remediation of site soil and groundwater contaminated with chlorinated solvents, inorganics, other organics, and PAHs. The Baseline Environmental Report was approved by the Department on February 25, 2004.

**Phase II Monessen Riverfront Redevelopment**, City of Monessen, **Westmoreland County**. Alan Halperin, D'Appolonia Engineering, 275 Center Road, Monroeville, PA 15146 (on behalf of Jay Bandieramonte, Redevelopment Authority of the County of Westmoreland, 601 Courthouse Square, Greensburg, PA 15601) has submitted Baseline Environmental Report concerning remediation of site soil contaminated with fuel oil No 6, inorganics, lead and PAHs. The Baseline Environmental Report was approved by the Department on October 18, 2004.

#### 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.**

*Northeast Region: Regional Solid Waste Manager, 2 Public Square, Wilkes Barre, PA 18711-0790.*

**Permit Application No. 400470. Wilkes-Barre General Hospital**, 575 North River Street, Wilkes-Barre, PA 19764. A Permit Renewal approval authorizing the continued operation of a municipal waste and infectious/chemotherapeutic waste, a.k.a. ICW, incinerator at this facility located in Wilkes-Barre City, **Luzerne County**. The permit was issued by the Regional Office on December 13, 2004. The permit expires on June 4, 2014. This permit does not authorize any change to the facility's construction or operations and consolidates all relevant existing permit conditions into this single permit.

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

**Permit ID No. 301307. Perma-Fix of Pittsburgh, Inc.**, (formerly U. S. Liquids of Pennsylvania, Inc.), 1800 Columbus Avenue, Suite 5, Pittsburgh, PA 15233. Operation of a residual waste transfer and processing facility in City of Pittsburgh, **Allegheny County**. Permit reissuance approved in the Regional Office on January 28, 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.**

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

**35-320-006GP7: Panel Prints, Inc.** (1001 Moosic Road, Old Forge, PA 18518) on January 27, 2005, to construct and operate lithographic sheet fed printing operations at their facility in Old Forge Borough, **Lackawanna County**.

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

**GP1-06-05044: Department of Public Welfare—Wernersville State Hospital** (P. O. Box 300, Wernersville, PA 19565) on January 25, 2005, for Small Gas and No. 2 Oil Fired Combustion Units under GP1 in South Heidelberg Township, **Berks County**.

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

**GP5-03-00205B: Great Lakes Energy Partners, LLC** (P. O. Box 235, Route 85 and Northern Ave., Yatesboro, PA 16263) on January 26, 2005, to operate a compressor engine at their natural gas production facility in Cowanshannock Township, **Armstrong County**.

**GP5-26-00483A: Great Lakes Energy Partners, LLC** (P. O. Box 235, Route 85 and Northern Avenue, Yatesboro, PA 16263) on January 26, 2005, to operate a compressor engine and a dehydrator at their natural gas production facility in Lower Tyrone Township, **Fayette County**.

**GP5-32-00333A: Great Lakes Energy Partners, LLC** (P. O. Box 235, Route 85 and Northern Avenue, Yatesboro, PA 16263) on January 26, 2005, to operate a compressor engine at their natural gas production facility in Black Lick Township, **Indiana County**.

**GP5-65-00879B: Great Lakes Energy Partners, LLC** (P. O. Box 235, Route 85 and Northern Avenue, Yatesboro, PA 16263) on January 26, 2005, to operate a compressor engine and dehydrator at their natural gas production facility in East Huntington Township, **Westmoreland County**.

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

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

**46-0036J: Visteon System LLC** (2750 Morris Rd., Lansdale, PA 19446) on January 31, 2005, to operate a

urea selective catalytic in Worcester Township, **Montgomery County**.

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

**06-05040A: East Penn Manufacturing Co., Inc.** (P. O. Box 147, Lyon Station, PA 19536) on January 26, 2005, to modify the scrap dryer controlled by a fabric collector and HEPA filter in Richmond Township, **Berks County**.

**36-03129A: Kalas Manufacturing, Inc.—Plant No. 3** (25 Main Street, Denver, PA 17517) on January 24, 2005, for construction of additional soldering pots and a baghouse in East Cocalico Township, **Lancaster County**.

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

**65-00613B: International Mill Service, Inc.** (1155 Business Center Drive, Horsham, PA 19044) on January 20, 2005, to install additional crushing, screening and conveying equipment to be powered by two small generators rated at 100 hp and 125 hp or less at their scrap reclamation facility in Rostraver Township, **Westmoreland 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.*

**09-0050C: Better Materials Corp.** (P. O. Box 231, Easton, PA 18044) on January 27, 2005, to operate an asphalt batch plant in Wrightstown Township, **Bucks County**.

**23-0094: Steinbeis Packaging, LLC** (1515 Garnet Mine Road, Boothwyn, PA 19061) on January 20, 2005, to operate two rotogravure printing presses in Bethel Township, **Delaware County**.

**46-0031B: SmithKline Beecham dba GlaxoSmithKline** (1250 South Collegeville Road, Collegeville, PA 19426) on January 28, 2005, to operate two MW No. 2 fuel oil-fired generators in Upper Providence 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.*

**13-308-104: Horsehead Corp.** (900 Delaware Avenue, Palmerton, PA 18071) on January 19, 2005, to modify Waelzing/Calcine Kiln No. 1 and associated air cleaning devices at their facility in Palmerton Borough, **Carbon County**. The Plan Approval has been extended.

**39-313-042: Filmtech Corp.** (2121 31st Street, SW, Allentown, PA 18103) on January 27, 2005, to modify polyethylene extrusion lines and associated air cleaning devices at the facility in Allentown, **Lehigh County**. The Plan Approval has been extended.

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



**55-399-005: Professional Building Systems, Inc.** (72 East Market Street, Middleburg, PA 17842) on January 21, 2005, to operate a modular home manufacturing facility on a temporary basis until May 21, 2005, in Middleburg Borough, **Snyder County**. The plan approval has been extended.

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**Title V Operating Permits Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter G.**

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

**26-00495: Allegheny Energy Supply Co., LLC—Gans Turbine Station** (4350 Northern Pike, Monroeville, PA 15146) on January 28, 2005, in Springhill Township, **Fayette County**. The facility's major source of emissions include two simple cycle combustion turbines which primarily emit NOx and CO.

**04-00702: United States Gypsum Co.** (125 South Franklin, Department No. 176, Chicago, IL 60606) on January 28, 2005 in Aliquippa, **Beaver County**. The facility's major sources of emissions include a kiln, two kettles, two dryer mills, numerous miscellaneous material handling processes controlled by dust collectors and fugitive emissions from paved and unpaved roads.

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**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.**

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

**40-00001: Fairchild Semiconductor Corp.** (125 Crestwood Road, Mountaintop, PA 18707) on January 25, 2005, issued a Synthetic Minor Operating Permit for the manufacturing of semiconductors and related devices at their facility in Wright Township, **Luzerne County**.

**40-00053: Barletta Materials and Construction, Inc.** (P. O. Box 550, Tamaqua, PA 18252) on January 16, 2005, to operate a batch asphalt plant and associated air-cleaning device at their Harwood facility in Hazle Township, **Luzerne County**.

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

**28-05037: Oshkosh Truck Corp.—Jerr-Dan Hykes Road Rollback Plant** (1080 Hykes Road, Greencastle, PA 17225-9699) on January 24, 2005, for their Synthetic Minor Operating Permit in Antrim Township, **Franklin County**.

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

**04-00445: Veka, Inc.** (100 Veka Drive, Fombell, PA 16123) on January 25, 2005, to manufacture vinyl window and door products at their Fombell Plant in Franklin Township, **Beaver County**. The main emissions from the facility are Volatile Organic Compounds and Hazardous Air Pollutants.

**03-00238: Curran-Shaffer Funeral Home and Crematory, Inc.** (100 Owens View Avenue, Apollo, PA 15613) on January 28, 2005, for a state only operating permit for a crematory in Kiskiminetas Township, **Armstrong County**.

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**ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS**

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**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).**

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*Coal Permits Actions*

*California District Mining Office: 25 Technology Drive, Coal Center, PA 15423, (724) 769-7100.*

**63841302. Maple Creek Mining, Inc.** (981 Route 917, Bentleyville, PA 15314), to revise the permit for the Maple Creek Mine in Nottingham Township, **Washington County**, ACOE Pittsburgh District. (Hackett, PA Quadrangle, N: 14.6 inches; W: 10.8 inches to N: 14.3 inches; W: 10.9 inches.)

This is a Chapter 105 Water Obstruction and Encroachment permit application (Stream Module 15), and 401 Water Quality Certification request, if applicable, submitted as part of the mining permit revision application to authorize the regarding of approximately 750 feet of UNT to Mingo Creek to alleviate ponding conditions over the O West longwall panel.

Permit issued January 24, 2005.

**63841302. Maple Creek Mining, Inc.** (981 Route 917, Bentleyville, PA 15314), to revise the permit for the Maple Creek Mine in Nottingham Township, **Washington County**, ACOE Pittsburgh District. (Hackett, PA Quadrangle, N: 14.6 inches; W: 10.3 inches to N: 14.4 inches; W: 10.4 inches.)

This is a Chapter 105 Water Obstruction and Encroachment permit application (Stream Module 15), and 401 Water Quality Certification request, if applicable, submitted as part of the mining permit revision application to authorize the regarding of approximately 450 feet of UNT to Mingo Creek to alleviate ponding conditions over the O West longwall panel.

Permit issued January 24, 2005

**63841302. NPDES Permit No. PA0090689, Maple Creek Mining, Inc.** (981 Route 917, Bentleyville, PA 15314), to revise the permit for the Maple Creek Mine in Nottingham Township, **Washington County** to perform stream restoration of approximately 210 feet to UNT to

Mingo Creek over the O West longwall panel. No additional discharges. Permit issued January 24, 2005.

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931-4119, (814) 472-1900.*

**Permit No. 11970103 and NPDES Permit No. PA0234450. T. J. Mining Inc.,** P. O. Box 370, Carrolltown, PA 15722, permit revision—land use change on Morchesky property from Forest to Unmanaged natural habitat in Cresson Township, **Cambria County**, affecting 6.6 acres. Receiving streams: Burgoon Run classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received on November 16, 2004. Application issued on January 24, 2005.

**56663112 and NPDES Permit No. PA0606472. Reimer, Inc.,** 1576 Stoystown Road, P. O. Box 260, Friedens, PA 15541, SMP Renewal in Stonycreek Township, **Somerset County**, affecting 431.3 acres. Receiving streams: UNT of and to Boone Run and Clear Run classified for the following use: CWF. The first downstream potable water supply intake from the point of discharge is Hooversville Boro Municipal Authority Stonycreek Intake No. 1. Application received June 21, 2004. Permit issued January 20, 2005.

**32990107 and NPDES Permit No. PA0235121. Amerikohl Mining, Inc.,** 202 Sunset Drive, Butler, PA 16001, surface mining permit renewal for reclamation only in Rayne and Washington Townships and Ernest Borough, **Indiana County**, affecting 90.5 acres. Receiving stream: McKee Run classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received November 24, 2004. Permit issued January 20, 2005.

**56990103 and NPDES Permit No. PA0235172. Future Industries, Inc.,** P. O. Box 157, Meyersdale, PA 15552-0157, surface mining permit renewal in Brothersvalley Township, **Somerset County**, affecting 222.0 acres. Receiving streams: UNTs to/and Miller's Run classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received November 24, 2004. Permit issued January 24, 2005.

**32940110 and NPDES Permit No. PA0212962. Big Mack Leasing Company, Inc.,** R. D. 6, Box 231, Kittanning, PA 16201-7707, surface mining permit renewal in Young Township, **Indiana County**, affecting 27.5 acres. Receiving stream: Neal Run classified for the following use: TSF. There are no potable water supply intakes within 10 miles downstream. Application received November 22, 2004. Permit issued January 24, 2005.

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

**03990107 and NPDES Permit No. PA0202622. AMFIRE Mining Co., LLC** (One Energy Place, Latrobe, PA 15650). Permit renewal issued for continued operation and reclamation of a bituminous surface mining site located in Washington and East Franklin Townships, **Armstrong County**, affecting 263.8 acres. Receiving streams: UNT to Limestone Run to Allegheny River. Application received: December 7, 2004. Renewal issued: January 24, 2005.

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

**17000107 and NPDES Permit No. PA 0242951. Shud's Coal Hounds, Inc.** (5757 Green Acre Road, Houtzdale, PA 16651). Revision to an existing bituminous

surface mine-auger permit for a change in permit acres from 146.8 to 167.8 acres. The permit is located in Woodward and Bigler Townships, **Clearfield County**. Receiving streams: Upper Morgan Run and Goss Run. Application received: August 12, 2004. Permit issued: January 20, 2005.

**17930117 and NPDES Permit No. PA 0219584. Sky Haven Coal, Inc.** (5510 State Park Road, Penfield, PA 15849). Renewal of an existing bituminous surface mine permit in Goshen Township, **Clearfield County** affecting 329.8 acres. Receiving streams: UNT to Surveyor Run and Surveyor Run. Application received: November 4, 2004. Permit issued: January 20, 2005.

**17990120 and NPDES Permit No. PA 0242756. AMFIRE Mining Co., LLC** (One Energy Place, Latrobe, PA 15650). Transfer of an existing bituminous surface mine-auger permit from Moravian Run Reclamation Co., Inc. The permit is located in Penn Township, **Clearfield County** and affects 37.5 acres. Receiving streams: UNT to Bell Run, to Bell Run, to the West Branch of the Susquehanna River. Application received: July 27, 2004. Permit issued: January 21, 2005.

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

**54830209R4 and NPDES Permit No. PA0613631. South Tamaqua Coal Pockets, Inc.,** (804 West Penn Pike, Tamaqua, PA 18252), renewal of an existing coal refuse reprocessing operation in West Penn Township, **Schuylkill County** affecting 37.0 acres, receiving stream: Little Schuylkill River. Application received September 29, 2004. Renewal issued January 26, 2005.

#### *Noncoal Permits Actions*

*Knox District Mining Office: P. O. Box 669, Knox, PA 16232, (814) 797-1191.*

**33041006. Glenn O. Hawbaker, Inc.** (1952 Waddle Road, State College, PA 16801) Authorization to extract noncoal (industrial minerals) in Washington Township, **Jefferson County** to provide fill material to the DuBois Jefferson County Airport Interchange. Receiving streams: Horm Run. Application received: December 21, 2004. Permit Issued: January 25, 2005.

**25042801. Northwest Gravel Co.** (10746 Ridge Road, Girard, PA 16417). Commencement, operation, and restoration of a small noncoal sand and gravel operation in Girard Township, **Erie County** affecting 5.2 acres. Receiving streams: UNT to Elk Creek. Application received: 7/1/04. Permit Issued: January 26, 2005.

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

**7573SM1A1C4 and NPDES Permit No. PA0592722. Hempt Brothers, Inc.,** (205 Creek Road, Camp Hill, PA 17011), renewal of NPDES Permit for discharge of treated mine drainage in Dickinson Township, **Cumberland County**, receiving stream: Mountain Creek. Application received December 3, 2004. Renewal issued January 25, 2005.

**35042801. James F. Stark,** (303 Mountain Avenue, Chinchilla, PA 18410), commencement, operation and restoration of a bluestone quarry operation in South Abington Township, **Lackawanna County** affecting 2.0 acres. Receiving stream: Shady Lane Creek and Leggetts Creek. Application received September 3, 2004. Permit issued January 27, 2005.

**ACTIONS ON BLASTING ACTIVITY  
APPLICATIONS**

**Actions on applications under the Explosives Acts of 1937 and 1957 (43 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.**

*Blasting Permits Actions*

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

**39054001. MF Ronca & Sons**, (179 Mikron Road, Bethlehem, PA 18020) and Bernard J. Hasara, (1125 East Mahanoy Avenue, Mahanoy City, PA 17948), construction blasting at Lehigh County Authority Spring Creek Force Main in Lower and Upper Macungie Townships and Salisbury Township, **Lehigh County** with an expiration date of February 18, 2006. Permit issued January 26, 2005.

**46054002. AMROC**, (7531 Chestnut Street, Zionsville, PA 18092), construction blasting at Macoby Woods in Upper Hanover Township, **Montgomery County** with an expiration date of December 19, 2005. Permit issued January 26, 2005.

**06054002. J. Roy's, Inc.**, (Box 125, Bowmansville, PA 17507), construction blasting at Country Club Estates Development in Exeter Township, **Berks County** with an expiration date of January 31, 2006. Permit issued January 26, 2005.

**46054003. J. Roy's, Inc.**, (Box 125, Bowmansville, PA 17507), construction blasting at Flat Rock Dam in Lower Merion Township, **Montgomery County** with an expiration date of December 31, 2005. Permit issued January 26, 2005.

**67054001. J. Roy's, Inc.**, (Box 125, Bowmansville, PA 17507), construction blasting at Ashcombe Farms in Dover Township, **York County** with an expiration date of January 30, 2006. Permit issued January 26, 2005.

**28054004. Geological Technologies, Inc.**, (P. O. Box 70, Falling Waters, WV 25419), construction blasting at Orchard Estates in Waynesboro Borough and Washington Township, **Franklin County** with an expiration date of June 1, 2005. Permit issued January 26, 2005.

**48054002. National Earth Services**, (245 Butler Avenue, Lancaster, PA 17601) and DC Guelich Explosives Company, (P. O. Box 29, Bloomsburg, PA 17815), construction blasting at Bethlehem Landfill-Cell 4B Development in Lower Saucon Township, **Northampton County** with an expiration date of August 1, 2005. Permit issued January 26, 2005.

**45054001. Labrador Construction**, (P. O. Box 1379, Marshalls Creek, PA 18335) and Austin Powder, 559 Nor-Bath Boulevard, Northampton, PA 18067), construction blasting at Tranquility Woods in Smithfield Township, **Monroe County** with an expiration date of January 1, 2006. Permit issued January 26, 2005.

**21054103. Brubacher Excavating, Inc.**, (P. O. Box 528, Bowmansville, PA 17507), construction blasting for a home in Penn Township, **Cumberland County** with an expiration date of January 20, 2006. Permit issued January 26, 2005.

**21054104. Keystone Blasting Service**, (381 Reifsnyder Road, Lititz, PA 17543), construction blasting for a home in North Newton Township, **Cumberland**

**County** with an expiration date of March 30, 2005. Permit issued January 26, 2005.

**21054105. John W. Gleim, Jr., Inc.**, (625 Hamilton Street, Carlisle, PA 17013), construction blasting for Stonehedge Development in South Middleton Township, **Cumberland County** with an expiration date of June 1, 2005. Permit issued January 26, 2005.

**22054102. Cumberland Valley Drilling & Blasting**, (6820 Wertzville Road, Enola, PA 17025), construction blasting for Cedar Shopping Center in South Hanover Township, **Dauphin County** with an expiration date of January 31, 2006. Permit issued January 27, 2005.

**35054103. Hayduk Enterprises**, (P. O. Box 554, Dalton, PA 18414), construction blasting for a home in Roaring Brook Township, **Lackawanna County** with an expiration date of December 31, 2005. Permit issued January 27, 2005.

**36054105. Gerlach's Drilling & Blasting**, (172 Bender Mill Road, Lancaster, PA 17603), construction blasting for Penns Crossing in Manheim Township, **Lancaster County** with an expiration date of February 15, 2006. Permit issued January 27, 2005.

**36054106. Brubacher Excavating, Inc.**, (P. O. Box 528, Bowmansville, PA 17507), construction blasting for PPL Transmission-Landisville in East Hempfield Township, **Lancaster County** with an expiration date of January 25, 2006. Permit issued January 27, 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**

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

**E45-461. Lake Naomi Club**, Route 423, P. O. Box T, Pocono Pines, PA 18350-0620. Tobyhanna Township, **Monroe County**, Army Corps of Engineers Philadelphia District.

To construct and maintain a pedestrian bridge having a single span of approximately 102.0 feet and a minimum underclearance of approximately 10.0 feet across Upper Tunkhannock Creek (HQ-CWF) and three minor road crossings in a de minimus area of PFO wetlands equal to 0.05 acre for the purpose of constructing a pedestrian walkway. The project begins at a point 30 feet upstream of the SR 0423 bridge and includes approximately 2,600 feet of pedestrian walkway along SR 0423, northwest of Lake Naomi (Pocono Pines, PA Quadrangle N: 19.8 inches; W: 13.8 inches). (Subbasin: 2A)

**E48-346. Forks Township**, 1606 Sullivan Trail, Easton, PA 18040-8398. Forks Township, **Northampton County**, Army Corps of Engineers Philadelphia District.

To construct and maintain a channel change in a tributary to the Delaware River (CWF) for the purpose of re-establishing a trapezoidal channel having a bottom width of 20 feet, a maximum depth of 4 feet and 3H:1V sideslopes. The project will be confined to a 40-foot wide drainage easement along a 2,000 L.F. reach of stream channel located in the Frost Hollow Subdivision, approximately 0.5 mile north of Frost Hollow Road (Easton, PA-NJ Quadrangle N: 18.2 inches; W: 11.1 inches). (Subbasin: 1F)

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

**E01-249: PennDOT Engineering District 8-0**, 2140 Herr Street, Harrisburg, PA 17103 in Germany and Mount Joy Townships, **Adams County**, ACOE Baltimore District.

To remove the existing single-span bridge and then to construct and maintain a two-span bridge with an overall clear span of 173.96 feet on a 70° skew with an average underclearance of 5 feet over Alloway Creek (WWF), and related improvements on SR 2012, Section B04, Segment 0040, Offset 0000, located about 3.0 miles west of Littlestown Borough (Taneytown, MD-PA Quadrangle N: 21.1 inches; W: 3.0 inches) in Germany and Mount Joy Townships, Adams County.

**E05-328: PennDOT Engineering District 9-0**, 1620 North Juniata Street, Hollidaysburg, PA 16648 in Bedford Township, **Bedford County**, ACOE Baltimore District.

To remove the existing two-span bridge and then to construct and maintain a two-span bridge with a total span of 158.5 feet with a minimum underclearance of 12.5 feet across the Raystown Branch Juniata River (TSF) on SR 0030, Section 019 to improve the roadway condition located in Wolfsburg Village (Bedford, PA Quadrangle N: 8.4 inches; W: 4.2 inches) in Bedford Township, Bedford County.

**E22-457: Yingst Homes, Incorporated**, 4712 Smith Street, Harrisburg, PA 17109 in West Hanover Township, **Dauphin County**.

To install and maintain: 1) a twin 35'4" span by 11'5" rise dual arch bridge to cross an UNT to Beaver Creek (WWF), locally known as Little Beaver Creek, and adjacent wetlands, 2) two crossings of UNTs to Little Beaver Creek and associated wetlands, 3) two road crossing of wetlands, 4) three utility line crossing of wetland/stream complexes, 5) one temporary wetland/stream crossing to facilitate the installation impact No. 1, and 6) eight 18-inch outfalls to watercourses, all for the purpose of constructing the 121 unit Meadows of Fort Stewart subdivision, located just east of Piketown Road south of the intersection of Piketown and Sandy Hollow Roads (Harrisburg East, PA Quadrangle N: 17.0 inches; W: 1.0 inch) in West Hanover Township, Dauphin County. The work will permanently impact 0.46 acre of wetland: 0.28 acre of palustrine emergent wetlands, 0.155 acre of palustrine forested wetland, and 0.025 acre of palustrine scrub/shrub wetland. The permittee is required to provide a minimum of 0.64 acre of replacement wetlands.

**E28-309: Long-Vu Whitetails**, P. O. Box 603, Greencastle, PA 17225 in Metal Township, **Franklin County**, ACOE Baltimore District.

To operate and maintain two metal footbridges across the West Branch Conococheague Creek (CWF) with hanging vinyl and synthetic rubber strip barriers suspended beneath the footbridges and a 10-foot tall 6-inch wire fence along the floodway of the creek upstream of the footbridges. The purpose for the project is for the containment of game animals on a private deer hunting preserve at two stream crossings. Authorization is also provided to modify, operate, and maintain a ford crossing at the site. The project is located in Metal Township, Franklin County (upstream bridge Burnt Cabins, PA Quadrangle N: 0.2 inch; W: 1.8 inches and the downstream bridge McConnellsburg, PA Quadrangle N: 21.6 inches; W: 2.6 inches).

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

**E08-406. Borough of Wyalusing**, P. O. Box 131, 102 Senate Street, Wyalusing, PA 18853-0131. Wyalusing Creek Restoration Project, in Wyalusing Borough, **Bradford County**, ACOE Baltimore District (Wyalusing, PA Quadrangle N: 8 inches; W: 0.5 inch).

To construct, operate and maintain a 6,381 linear foot stream restoration project utilizing natural channel design techniques in Wyalusing Creek. The project consists of 7 W-weirs and 10 rock J-Hook vanes constructed of a durable blocky angular rock. Allowances for structure placement of 50 linear feet upstream and downstream of the location shown on the drawings are authorized without prior notification to the Department. All modifications beyond those distances shall receive prior authorization by the Department. All structure placement, channel pattern, profile and dimension shall be conveyed on a complete set of as-built drawings within 60 days of project completion. This permit also authorizes filling of

0.52 acre of wetlands and the creation of 0.52 acre of replacement wetlands within the project area. This project is located on 1,350 feet downstream of the first bridge on T-461 from Wyalusing.

**E19-246. Eric D. Long and Joan M. Long**, 1198 Peffer Road, Mechanicsburg, PA 17056. Floodway Encroachment in Orange Township, **Columbia County**, ACOE Baltimore District (Bloomsburg, PA Quadrangle N: 17.4 inches; W: 0.90 inch).

To remove the existing 14 foot by 60 foot mobile home from the 100-year floodway of Fishing Creek and to construct a one story modular home 26 feet by 44 feet mounted on piers above the 100-year floodway of Fishing Creek on Lot No. 81 in Roberts Grove located off State Route 487 about 6 miles north of Interstate I-80 at the Lightstreet Exit in Orange Township, Columbia County.

The project will not impact wetlands or waterways while disturbing less than 0.1 acre of earth. Fishing Creek is a Trout Stocked Fisheries Stream. This permit was issued under Section 105.13(e) "Small Projects."

**E41-544. Paul F. Glunk**, 2865 Canfield Lane, Montoursville, PA 17754. Small Projects Water Obstruction and Encroachment Joint Permit, in Loysock Township, **Lycoming County**, ACOE Susquehanna River Basin District (Montoursville South, PA Quadrangle N: 20.81 inches; W: 9.91 inches).

To remove an existing residential structure totaling approximately 1,100 square feet and construct and maintain a 1,504 square feet residential structure 1.5 ft. above the elevation associated with the 100-year floodplain, in the floodway of the West Branch of the Susquehanna River, which is located 2.8 miles south from the intersection of Warrensville Road and Canfield Lane along Canfield Lane, in Loysock Township, Lycoming County. This permit was issued under Section 105.13(e) "Small Projects."

**E55-200. Penn Valley Airport Authority**, 100 Airport Road, Selinsgrove, PA 17870. Water Obstruction and Encroachment Permit application, in Monroe Township, **Snyder County**, ACOE Susquehanna River Basin District (Sunbury, PA Quadrangle N: 14.2 inches; W: 16 inches).

To construct and maintain 3,200 linear feet of roadway within the floodway and floodplain of Penns Creek. The project proposes to relocate a portion of SR 1014 (Mill Road) to facilitate future runway expansion at the Penns Valley Airport in Monroe Township, Snyder County. The placement of the fill will not permanently impact any jurisdictional wetlands. This permit was issued under Section 105.13(e) "Small Projects."

**E55-201. Leonard Krauthem III**, R. R. 5, Box 341, Middleburg, PA 17842. Water Obstruction and Encroachment Permit, in Middleburg Borough, **Snyder County**, ACOE Susquehanna River Basin District (Middleburg, PA Quadrangle N: 8.1 inches; W: 6.4 inches).

To construct and maintain 97 feet of 30-inch diameter polyethylene pipe in a tributary to "Stumps Run" along SR 0104 in Middleburg Borough, Snyder County. This project proposes to have a minimal impact on the tributary to "Stumps Run" (tributary to Middle Creek), which is listed as a WWF. The project 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.

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

**E62-402, Leslie J. Lindemuth**, 2 McGuire Run Road, Tidioute, PA16351-1208. Lindemuth bridge across McGuire Run, in Tidioute Borough, **Warren County**, ACOE Pittsburgh District (Tidioute, PA Quadrangle N: 11.6 inches; W: 3.3 inches).

The applicant proposes to operate and maintain a steel beam bridge having a clear span of 26 feet and an underclearance of 6 feet across McGuire Run on a private driveway extending northeast from McGuire Run Road approximately 1,700 feet east of Morrison Hill Road. The bridge replaced an existing structure destroyed by flooding in July, 2003 and was authorized by DEP Emergency Permit No. EP6203603.

## SPECIAL NOTICES

### Certification to Perform Radon-Related Activities in this Commonwealth

During January 2005, the Department of Environmental Protection, under the Radon Certification Act (63 P. S. §§ 2001—2014) and regulations promulgated thereunder in 25 Pa. Code Chapter 240, has certified the following persons to perform radon-related activities in this Commonwealth. The period of certification is 2 years. For a complete list of persons currently certified to perform radon-related activities in this Commonwealth and for information as to the specific testing devices that persons certified for testing or laboratory are certified to use, contact the Bureau of Radiation Protection, Radon Division, P. O. Box 8469, Harrisburg, PA 17105-8469, (800) 23RADON.

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Lionel Barnaby	5119 Valley Stream Lane Macungie, PA 18062	Testing
Bryan Beachy	3984 Elrama Road Finleyville, PA 15332	Testing
David Bollinger	1341 North Delaware Avenue Suite 205 Philadelphia, PA 19125	Testing
Roger Burens, Jr. Air Quality Control, Inc.	241 King Manor Drive Suite D King of Prussia, PA 19406	Testing
Paul Doering	746 Mancill Road Wayne, PA 19087	Testing
Todd Giddings & Associates	3049 Enterprise Drive State College, PA 16801	Mitigation
Ronald Heist	627 Firetower Road Muncy, PA 17756	Testing
John Kerrigan RHIS, Inc.	100 Old Kennett Road Wilmington, DE 19807	Testing
David Koloskee	4021 West 12th Street Erie, PA 16505	Testing
Rob Lunny	2370 York Road Unit A 9-C Jamison, PA 18929	Testing
Paul Malmquist	658 Center Hill Road P. O. Box 160 Upper Black Eddy, PA 18972	Testing

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Anne Niblett	3201 Addison Drive Wilmington, DE 19808	Testing
Robert Orlandini	109 Hunters Circle Exeter, PA 18643	Testing
Roger Priest	P. O. Box 200 Salfordville, PA 18958	Testing
Joseph Ruane	42 Lombardo Drive Wilkes-Barre, PA 18702	Testing
Jeffrey Seevers	9661 Ginny Lane North East, PA 16428	Testing
Howard Shanker	1341 North Delaware Avenue Suite 205 Philadelphia, PA 19125	Testing
David Sperring	4826 Thoroughbred Loop Erie, PA 16506	Testing
Wayne Stevens Anthracite Radon	R. R. 7, Box 7229 Suite 102 Moscow, PA 18444	Testing & Mitigation
James Stever	1621 Limekiln Pike Dresher, PA 19025	Mitigation
Joseph Szivos	2253 East Scenic Drive Bath, PA 18014	Testing
David Teter	224 East Mifflin Street Orwigsburg, PA 17961	Testing
Todd Tuvell	17 Crestpoint Drive New Castle, DE 19720	Testing
Robert Ulm	2920 Liberty Way Liberty Boro, PA 15133	Mitigation

### ENVIRONMENTAL ASSESSMENT

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

*Location: North Manheim Township, Schuylkill County. Applicant: Borough of Schuylkill Haven, 12 West Main Street, Schuylkill Haven, PA 17972-1900.*

*Description: The Pennsylvania Infrastructure Investment Authority, which administers the Commonwealth's State Revolving Fund, is intended to be the funding source for this project. The Borough of Schuylkill Haven proposes reconstruction with design modification of the existing PWS water treatment plant located at Tumbling Run to be rated at a capacity of 2 mgd.*

The Department of Environmental Protection's (Department) review of the project and the information received in the Environmental Report for the project has not identified any significant, adverse environmental impact resulting from this proposal. The Department hereby approves the Environmental Assessment.

### **Request for Comment and Notice of Public Meeting for the Proposed Total Maximum Daily Loads (TMDLs) for the Little Juniata River in Blair County**

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

The Department of Environmental Protection (Department) will accept comments on the proposed TMDL

developed for the Little Juniata River in Blair County. The TMDL was established in accordance with the requirements of Section 303(d) of the Clean Water Act. Pennsylvania's 1996 and 1998 Section 303(d) lists included stream segments in the watershed. The listings of these segments were due to use impairments caused by nutrients and siltation.

There currently are no State or Federal in-stream numerical water quality criteria for nutrients and sediment. Therefore, the Department utilized a reference watershed approach to implement the applicable narrative criteria. The proposed TMDL sets allowable loadings of phosphorus and sediment in the Little Juniata River Watershed. The phosphorus loadings were allocated among all land use categories as well as point sources present in the watershed. Data used in establishing these TMDLs were generated using a water quality analysis model (AVGWLF) designed by the Pennsylvania State University. STREAMPLAN-PA was used to model the point sources in the watershed.

The data and all supporting documentation used to develop the proposed TMDL are available from the Department. The proposed TMDL and information on the TMDL program can be viewed on the Department's website at [www.dep.state.pa.us](http://www.dep.state.pa.us) (PA Keyword: TMDL). To request a copy of this TMDL, contact Lee McDonnell, Department of Environmental Protection, Water Supply and Wastewater Management, P. O. Box 8467, Harrisburg, PA 17105-8467, (717) 787-9637 or [lmcdonnell@state.pa.us](mailto:lmcdonnell@state.pa.us).

The Department will consider all comments in developing the final TMDL, which will be submitted to the EPA for approval. Written comments will be accepted at the previously listed address and must be postmarked by March 7, 2005. A public meeting to discuss the technical merits of the TMDL will be held on February 15, 2005, at 7 p.m. at the Antis Township Building.

[Pa.B. Doc. No. 05-287. Filed for public inspection February 11, 2005, 9:00 a.m.]

### Availability of Technical Guidance

Technical guidance documents are on the Department of Environmental Protection's (Department) website: [www.dep.state.pa.us](http://www.dep.state.pa.us) (DEP Keyword: Participate). The "Current Inventory" heading is the Governor's list of nonregulatory guidance documents. The "Final Documents" heading is the link to a menu of the various Department bureaus and from there to each bureau's final technical guidance documents. The "Draft Technical Guidance" heading is the link to the Department's draft technical guidance documents.

The Department will continue to revise its nonregulatory documents, as necessary, throughout 2005.

### *Ordering Paper Copies of Department Technical Guidance*

The Department encourages the use of the Internet to view guidance documents. When this option is not available, persons can order a bound paper copy of the latest inventory or an unbound paper copy of any of the final documents listed on the inventory by calling the Department at (717) 783-8727.

In addition, bound copies of some of the Department's documents are available as Department publications. Check with the appropriate bureau for more information about the availability of a particular document as a publication.

#### *Changes to Technical Guidance Documents*

Following is the current list of recent changes. Persons who have questions or comments about a particular document should call the contact person whose name and phone number is listed with each document.

#### *Final Guidance—Substantive Revision*

DEP ID: 258-2000-764. Title: Residual Waste and Special Handling Waste Streams. Description: This policy, which substantively changes and replaces the Department's existing New Waste Streams Review Policy dated July 23, 1993, reflects the December 2000 amendments to the municipal waste regulations and the January 2001 amendments to the residual waste regulations. This policy provides the Department's procedures that permitted waste processing and waste disposal facilities must follow for submission of a Waste Analysis and Classification Plan (Form R) and the appropriate forms these facilities must file to receive Department approval to accept residual waste (Form U waste) or special handling waste for processing or disposal. The substantive changes in this policy streamline and clarify: the Form R approval process; the procedures required in accepting waste streams that conform to the Department approved Form R; the procedures required for accepting waste streams without an approved Form R or when chemical analysis of waste is not warranted; when and how to amend an approved Form R; the procedures required for accepting residual waste from small quantity waste generators and small quantity residual waste from large quantity generators; and the annual chemical analysis of waste that waste processing and waste disposal facilities must obtain from waste generators on Form 26R. The guidance contains relevant information from guidance document No. 258-2000-768, dated July 23, 1993, titled "Form R and Form U Implementation Guidance." Technical Guidance Document No. 258-2000-764 is established in accordance with section 301 of the Solid Waste Management Act (35 P. S. § 6018.301) and 25 Pa. Code §§ 271.601, 271.611—271.163, 287.51—287.55 and 287.131—287.134. Notice advertising the substantive revisions to Document No. 258-2000-764 was advertised for a 30-day public comment period at 33 Pa.B. 4229 (August 23, 2003). The Department did not receive any comments during the public comment period. Contact: Khatija Satyaswaroop, Bureau of Land Recycling and Waste Management at (717) 772-1752 or ksatyaswar@state.pa.us. Effective Date: February 12, 2005.

#### *Notice to Rescind*

DEP ID: 258-2000-768. Title: Form R and Form U Implementation Guidance. Description: Relevant information contained in this guidance, which became effective on July 23, 1993, has been incorporated into guidance No. 258-2000-764: Residual Waste and Special Handling Waste Streams, making the availability of this document no longer necessary. Contact: Khatija Satyaswaroop, Bureau of Land Recycling and Waste Management at (717) 772-1752 or ksatyaswar@state.pa.us. Effective Date: February 12, 2005.

DEP ID: 363-2134-010. Title: Earth Disturbance Permit Policies and Procedures. Description: Due to changes promulgated at 30 Pa.B. 111 (January 1, 2000) to 25 Pa. Code Chapter 102 (relating to erosion and sediment control), the information contained in this guidance document is obsolete. Specifically, the permit referenced in this guidance is no longer available from the Department, making the availability of this document no longer necessary. Contact: Kenneth Reisinger, Bureau of Watershed Management at (717) 787-6827 or kereisinge@state.pa.us. Effective Date: February 12, 2005.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 05-288. Filed for public inspection February 11, 2005, 9:00 a.m.]

### **Oil and Gas Technical Advisory Board Meeting Change**

The February 17, 2005, workgroup meeting of the Oil and Gas Technical Advisory Board has been rescheduled. The meeting will be held at 10 a.m. on February 15, 2005, at Moshannon District Office, Phillipsburg, PA. This meeting is being held to discuss bonding rates for oil and gas wells.

Questions concerning this meeting can be directed to David Hogeman at (717) 772-2199 or dhogeman@state.pa.us. Information on this meeting is also available through the Public Participation Center on the Department of Environmental Protection's (Department) website: www.dep.state.us (DEP Keyword: Participate).

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

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 05-289. Filed for public inspection February 11, 2005, 9:00 a.m.]

### **Pennsylvania's Energy Development Authority Board Meeting**

A meeting of the Pennsylvania Energy Development Authority (PEDA) Board is scheduled to be held on Wednesday, March 2, 2005, at 10 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Questions concerning the agenda should be directed to Jeanne Dworetzky at (717) 772-5942 or jdworetzky@state.pa.us. The agenda is also available on the PEDA website at www.dep.state.pa.us, DEP Keyword "PEDA."

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Karen Miller at (717) 772-8908 or through the Pennsylvania AT&T Relay Service at (800) 654-5984

(TDD) to discuss how the Department of Environmental Protection may accommodate their needs.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 05-290. Filed for public inspection February 11, 2005, 9:00 a.m.]

### Request for Applications for Watershed Restoration and Protection Grants Through the Growing Greener Program

As part of the 2005 Department of Environmental Protection's (Department) Growing Greener Program (Program), applications are now being accepted for watershed restoration and protection grants. Under 27 Pa.C.S. §§ 6101—6113 (relating to Environmental Stewardship and Watershed Protection Act), the Department is authorized to allocate these grants to a variety of eligible applicants, including: counties, authorities and other municipalities; county conservation districts; watershed organizations; and other organizations involved in the restoration and protection of the environment in this Commonwealth.

For the upcoming grant round, the Department will invest in projects that seek to address nonpoint source pollution, such as abandoned mine drainage, urban and agricultural runoff, atmospheric deposition, onlot sewage systems and earth-moving activities. Eligible projects could include reducing nonpoint source pollution in watersheds where streams are impaired; designing practices and activities that support water quality trading initiatives; integrating stormwater management and flood protection into watershed management; encouraging the beneficial use of abandoned mine pool water; and integrating air deposition controls and management with mitigating water quality problems.

The deadline for submitting applications to the DEP Grants Center (Center) is March 4, 2005. Applications must be postmarked no later than March 4, 2005. If hand delivered, the package must be received by the Center by 4:30 p.m. on March 4, 2005, at the following address. Late submissions will not be considered.

Through the same application, applicants can apply for additional funding through the Department's source water protection and flood protection grant programs. Source water protection grants are available to water suppliers and municipalities to develop and implement local source water protection programs for the protection of community drinking water sources. Flood protection grants are for communities that operate and maintain State and Federal flood protection projects.

To request or download an application, or to obtain more information concerning the Program, visit the Growing Greener website: [www.dep.state.pa.us/growgreen](http://www.dep.state.pa.us/growgreen). Persons can send e-mails to [GrowingGreener@state.pa.us](mailto:GrowingGreener@state.pa.us) or contact the Center at (717) 705-5400. Written correspondence should be addressed to DEP Grants Center, 15th Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8776, Harrisburg, PA 17105-8776.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 05-291. Filed for public inspection February 11, 2005, 9:00 a.m.]

### Small Systems Technical Assistance Center Advisory Board Meeting Cancellation

The Small Systems Technical Assistance Center Advisory Board's (Board) regular quarterly Board meeting scheduled for February 17, 2005, from 10 a.m. to 3 p.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA has been cancelled. The next scheduled meeting of the Board will occur at 10 a.m. on May 19, 2005. An agenda and meeting materials for the May 19, 2005, Board meeting will be available on the Department of Environmental Protection's (Department) website at [www.dep.state.pa.us](http://www.dep.state.pa.us) (DEP Keyword: Participate).

Questions concerning the cancelled meeting or the meeting scheduled for May 19, 2005, should be directed to Ray Braun at (717) 772-2186 or [rbraun@state.pa.us](mailto:rbraun@state.pa.us).

Persons with a disability who require accommodations to attend the May 19, 2005, Board meeting should contact the Department at (717) 772-2186 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 05-292. Filed for public inspection February 11, 2005, 9:00 a.m.]

### Statewide Scientific and Research Projects Informational Meeting

Under the availability of 2005 watershed restoration and protection grants under the Growing Greener Program (see 35 Pa.B. 1282 (February 12, 2005)), the Department of Environmental Protection (Department) is seeking the input of all interested parties in its intended development of scientific research and development related to the priority activities established in the Growing Greener Watershed, Source Water and Flood Protection Grant Application Package. Ideas and research projects to be discussed should enhance watershed restoration and protection and have Statewide application.

The Department will hold a meeting to discuss ideas with potential applicants on projects that meet the following Department priority goals that were listed in the Growing Greener Application Package:

- Projects that assess the relationship of impacts to designated uses and habitat from changes in stream flow.
- Projects that develop or refine measuring and assessment tools at a level effective enough to inform watershed management choices.

The meeting will take place on February 23, 2005, at 1 p.m. in the Susquehanna Room, Southcentral Regional Office Building, 909 Elmerton Avenue, Harrisburg, PA. Meeting participants should be prepared to obtain visitor passes from the security guards by showing a valid form of picture identification at the guard's desk. Questions concerning this meeting can be directed to Patricia McSparran at (717) 783-7404 or [pmcsparran@state.pa.us](mailto:pmcsparran@state.pa.us).



Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Karen Price at (717) 772-4785 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 05-293. Filed for public inspection February 11, 2005, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Application of Butler Memorial Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Butler Memorial Hospital has requested an exception to the requirements of 28 Pa. Code § 127.32 (relating to written orders).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons, V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

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

[Pa.B. Doc. No. 05-294. Filed for public inspection February 11, 2005, 9:00 a.m.]

### Application of Crozer Chester Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Crozer Chester Medical Center has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exemption from the following standard contained in this publication: 7.2.A1 (relating to maximum room capacity).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, dditlow@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care, (717) 783-8980 or V/TT (717) 783-6154 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

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

[Pa.B. Doc. No. 05-295. Filed for public inspection February 11, 2005, 9:00 a.m.]

### Application of Lancaster Regional Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Lancaster Regional Medical Center has requested an exception to the requirements of 28 Pa. Code § 107.64 (relating to administration of drugs).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons, V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

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

[Pa.B. Doc. No. 05-296. Filed for public inspection February 11, 2005, 9:00 a.m.]

### Availability of Traumatic Brain Injury Grant Funds to Support TBI Education

The Bureau of Family Health (Bureau), Division of Child and Adult Health Services is accepting applications to support education and awareness of the causes and consequences of concussion/mild-severe traumatic brain injury (TBI) among youth in junior high and high school. Funding for up to \$3,000 is available to support education and awareness of the causes of TBI as a result of sports or other activities. Activities should educate school staff (that is, teachers, athletic trainers, coaches, school nurses), community sports programs, and/or providers of recreational opportunities which could result in physical injury, appropriate prevention strategies and intervention activities in the event that youth sustain concussions which could result in mild to severe head injury.

For the purpose of this funding opportunity, a TBI is defined as an insult to the brain, not of a degenerative or congenital nature, caused by an external physical force that may produce a diminished or altered state of consciousness, which results in impairment of cognitive abilities or physical functioning or in the disturbance of behavioral or emotional functioning. These impairments may be either temporary or permanent and cause partial or total functional disability or psychosocial maladjustment.

Youth with concussions/mild head injury often do not benefit from intervention because the extent of the injury is not recognized. Currently, approximately 200 high schools and colleges in this Commonwealth are utilizing preplay neuropsychological testing to develop a "baseline" or "benchmark" of an athlete's level of cognitive functioning in the event that the youth has a concussion while participating in sports. While growth in this type of program has grown dramatically over the past 5 years, the majority of high schools in this Commonwealth are not using any kind of concussion management program and junior high/middle schools, and recreational programs have been particularly underserved. Additional screening tools are also available that can be utilized after a youth sustains a concussion/head injury to determine if further evaluation or action is needed. Available resources appear at the end of this document.

The learning objectives of the proposed education and awareness activities must incorporate education on TBI, not just head injury, and should include the following:

1. How to prevent concussions/mild head injuries.
2. How to recognize the warning signs that indicate a concussion/mild head injury has occurred.
3. How to intervene in the event that a concussion/mild head injury is suspected.

Educational and recreational settings in communities in this Commonwealth are being targeted for this effort. Through educational opportunities, teachers, coaches, athletic trainers, school nurses, camp counselors, and the like, will be better equipped to prevent, recognize, manage and provide support for youth sustaining concussions/head injuries resulting from participation in sports or other recreational activities. Project funds must be used to reimburse purchases and activities occurring prior to April 1, 2005.

Eligible applicants are public and private organizations, community-based programs and agencies in this Commonwealth as recognized by a Federal Tax ID number. Individuals may not apply. Informal groups without Federal Tax ID numbers are encouraged to partner with a sponsor organization who may apply on behalf of the group. For-profit organizations may apply. However, no applicant may take a profit from these funds. Only those organizations, programs or agencies that have not received any grant funds from the Bureau of Family Health during the current fiscal year may apply for these funds.

Applicants may include but are not limited to:

- Sports organizations (such as football, baseball, cheerleading, hockey and soccer)
- Schools
- Recreation providers
- Community organizations
- Park and recreation centers
- Camps
- Athletic directors, coaches, trainers and school nurses
- Parent groups and organizations

To apply for funding, a complete application must be postmarked and mailed to the Department of Health (Department) no later than 4 p.m. on March 18, 2005. Applications may be mailed or hand delivered. Applications may not be faxed. Late applications will not be accepted regardless of the reason. The Department expects to notify all applicants of award status by March 31, 2005. It is anticipated that nine awards of up to \$3,000 or less will be made. This is a reimbursement program. Grantees must spend their own funds first and then be reimbursed by the Department.

#### *Application Process*

Applicants must complete Attachment A "FY 2004-2005 Application" and attach a clear and concise narrative of no more than five typewritten pages single spaced that includes the following information, labeled by section:

1. The organization's justified need for the awareness and educational activity.
2. The targeted audience for the training.
3. A description of the awareness and education activities that address the learning objectives under the Purpose section of this funding opportunity, including who will do the training and training content (any training/educational material used must be described).
4. A description of how funds will be expended.
5. How the proposed activity will be evaluated or measured for a change in awareness and education on head injury and TBI, specifically.

An explanation of an authorized official of an organization who can bind the provisions of your proposal must sign and date Attachment A. Submit an original and three complete copies of the application, which includes Attachment A, a narrative addressing the previous five points, and any supporting documentation. Applications should be page-numbered and unbound. Incomplete applications will not be reviewed.

*Eligible Costs*

The maximum cumulative award to any one applicant (as identified by Federal Tax ID number) is \$3,000 per fiscal year. Funds may be used for reimbursement of the costs up to April 1, 2005. The budget section of the application must include a budget narrative detailing by line item how project funds will be used. Expenses eligible for reimbursement under this project include:

1. Purchase of a concussion screening program.
2. Purchase of educational materials.
3. Trainers with expertise in TBI (see resource list).
4. Consultation by the trainer for the program after the initial training.
5. Training costs.

*Ineligible Costs*

The following costs are not eligible for reimbursement under this project:

1. Administrative/indirect costs.
2. Purchases/activities mandated by the Americans With Disabilities Act.
3. New building construction or structural renovation of an existing space.
4. Capital expenses or equipment.

*Summary Report and Invoice Procedures*

To receive reimbursement of approved expenses, awardees must submit the following documentation to the Bureau by May 1, 2005:

1. A summary report of activities and evaluative efforts.
2. An attendance list, including person's position in relation to youth.
3. A plan for continuing traumatic brain injury awareness and education.
4. An invoice with expense documentation supporting line item amounts.

All funding decisions are contingent upon the availability of Fiscal Year 04/05 funds and Department approval by means of a proposal review panel. The approval will be based upon a common set of pre-established criteria, including:

1. Does the applicant justify the need for the awareness and educational program.

2. Does the audience of the proposed activity meet the intended target.

3. Does the awareness and education activities meet the learning objectives.

4. The reasonableness of proposed expenditures/purchases.

5. Can the evaluation or measures taken demonstrate a change in awareness and knowledge.

6. Will the activity proposed be of an ongoing, systemic benefit to the community.

*Potential Resources*

- Brain Injury Association of Pennsylvania, (866) 635-7097, [www.biapa.org](http://www.biapa.org)
- ImPACT, (877) 646-7991, website: [www.impact-test.com](http://www.impact-test.com).
- Keywords to search for products or programs: Concussion assessment instruments, brain injury, return-to-play guidelines, computerized testing, internet testing.
- Printed materials:
  - When Your Child's Head Has Been Hurt: [www.tbicac.org](http://www.tbicac.org). Alternative format can be obtained from TBI Technical Assistance Center (202) 884-6802.
  - UPMC Center for Sports Medicine Card (412) 432-3670
  - American Neurological Association Palm Card: (800) 321-7037

Applications should be mailed to the Department of Health, Bureau of Family Health, Division of Child and Adult Health Services, 7th Floor—East Wing, Health and Welfare Building, P. O. Box 90, Harrisburg, PA 17108, Attention: Becky Kishbaugh, TBI Grant Administrator.

Persons with questions regarding this notice or who wish to request a copy of the application should contact Becky Kishbaugh, (717) 783-5436, ext. 3137, [rkishbaugh@state.pa.us](mailto:rkishbaugh@state.pa.us).

Persons with a disability who require an alternative format of this notice or of the application (for example, large print, audiotape, Braille) may also contact Becky Kishbaugh at (717) 783-5436, ext. 3137 or persons who are speech or hearing impaired may use V/TT: (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT)

**Attachment A**

**Pennsylvania Department of Health—Bureau of Family Health**

**APPLICATION**

***Traumatic Brain Injury Education***

**Applicant Information:**

- Name of Organization: \_\_\_\_\_
- FID Number: \_\_\_\_\_
- Complete Mailing Address: \_\_\_\_\_  
\_\_\_\_\_
- Contact Person: \_\_\_\_\_
- Telephone Number: (\_\_\_\_) \_\_\_\_\_ Fax Number: (\_\_\_\_) \_\_\_\_\_
- E-mail Address: \_\_\_\_\_

**Itemized Budget:**

Itemized Activity Expenses	
#1: _____	= \$ _____
#2: _____	= \$ _____
#3: _____	= \$ _____
#4: _____	= \$ _____
#5: _____	= \$ _____
#6: _____	= \$ _____
#7: _____	= \$ _____
(attach additional sheets, if necessary)	
<b>TOTAL</b>	= \$ _____
<b>*May not exceed \$3,000</b>	

**Provide any additional budget justification details here:**

**Attach copies of the proof of the cost for every expense proposed within your itemized budget.**

**Authorized Applicant Signature/Title:** \_\_\_\_\_

**Printed Name:** \_\_\_\_\_

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

[Pa.B. Doc. No. 05-297. Filed for public inspection February 11, 2005, 2005, 9:00 a.m.]

**Integrated Human Immunodeficiency Virus (HIV) Planning Council; Public Meeting**

The Statewide Integrated HIV Planning Council, established by the Department of Health (Department) under sections 301(a) and 317(b) of the Public Health Service Act (42 U.S.C.A. §§ 241(a) and 247(b)), will hold a public meeting on Tuesday, March 1, 2005, from 10:30 a.m. to 3 p.m. at the Best Western Inn and Suites, 815 South Eisenhower Boulevard, Middletown, PA 17057.

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

For additional information or persons with a disability who wish to attend the meetings and require an auxiliary aid, service or other accommodation to do so, contact Joseph Pease, Department of Health, Bureau of Communicable Diseases, P. O. Box 90, Room 1010, Health and Welfare Building, Harrisburg, PA 17108, (717) 783-0572 or for speech and/or hearing impaired persons, V/TT (717)

783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

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

[Pa.B. Doc. No. 05-298. Filed for public inspection February 11, 2005, 9:00 a.m.]

**Laboratories Approved to Determine Analyses of Blood and/or Serum for Controlled Substances**

The following laboratories are licensed by the Department of Health (Department) under the Clinical Laboratory Act (35 P.S. §§ 2151—2165) and/or the Federal Clinical Laboratory Improvement Act of 1967 (42 U.S.C.A. § 263a) and are currently approved by the Department under 28 Pa. Code § 5.50 (relating to approval to provide special analytical services) to perform analyses of blood and/or serum for the determination of controlled sub-

stances. This approval is based on demonstrated proficiency in tests conducted by the Department's Bureau of Laboratories. These laboratories are also approved and designated for purposes of the Vehicle Code, 75 Pa.C.S. §§ 1547 and 3755 (relating to chemical testing to determine amount of alcohol or controlled substance; and reports by emergency room personnel), the Fish and Boat Code, 30 Pa.C.S. § 5125 (relating to chemical testing to determine amount of alcohol or controlled substance) and the Game and Wildlife Code, 34 Pa.C.S. § 2502 (relating to chemical test to determine amount of alcohol), as qualified to perform the types of services which will reflect the presence of controlled substances or their biotransformation products in blood and/or serum.

Depending upon their capability and performance in proficiency surveys, laboratories are approved to perform screening and/or confirmatory analyses on blood and/or serum. Laboratories approved to perform screening analyses are designated on the approval list by an "S" followed by the letters "B" for blood and/or "Se" for serum. Laboratories approved to screen both blood and serum would therefore have "SBSe" listed after their laboratory name. Laboratories approved to offer confirmatory analyses will be designated on the approval list by a "C" followed by the letters "B" for blood and/or "Se" for serum. Laboratories approved to perform confirmatory analyses on both serum and blood would therefore have "CBSe" listed after the name of their laboratory.

Screening analyses provide a presumptive indication that a controlled substance is present. Confirmatory testing is used to substantiate screening results.

Persons seeking forensic blood and/or serum analysis services from any of the listed laboratories should determine that the laboratory employs techniques and procedures acceptable for the medicolegal purposes. They should also determine that the director of the facility is agreeable to performing analyses for forensic purposes. Persons seeking the analyses are responsible for specifying the extent to which the presence of a controlled substance is to be verified. That specification should be predicated upon the purpose for which the analysis is being sought.

The name of a laboratory is sometimes changed but the location, personnel and testing procedures of the facility remain unchanged. When changes of this type occur, the clinical laboratory permit number does not change. If questions arise about the identity of a laboratory due to a name change, the clinical laboratory permit number should be used as the primary identifier. To assist in identifying a laboratory that performed a test if the name of the facility changed, the clinical laboratory permit numbers of the facilities are included in the lists of approved laboratories above the name of the laboratory at the time the list was prepared.

The list of approved laboratories will be revised approximately semiannually and published in the *Pennsylvania Bulletin*. Questions regarding this list should be directed to M. Jeffery Shoemaker, Ph.D., Director, Division of Chemistry and Toxicology, Department of Health, Bureau of Laboratories, P. O. Box 500, Exton, PA 19341-0500, (610) 280-3464.

Persons with a disability who require an alternative format of this notice (for example, large print, audiotope, Braille) should contact Dr. Shoemaker at the previously referenced address or phone number or persons who are speech or hearing impaired may use V/TT: (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

000671  
ALLEG CNTY CORONERS DIV OF LABS—SBSe, CBSe  
542 FORBES AVENUE  
ROOM 10 COUNTY OFFICE BUILDING  
PITTSBURGH, PA 15219  
412-350-6873

000452  
ANALYTIC BIO-CHEMISTRIES INC—SBSe, CBSe  
1680-D LORETTA AVENUE  
FEASTERVILLE, PA 19053  
215-322-9210

000266  
DEPT OF PATHOLOGY & LAB MED-HUP—SSe, CSe  
3400 SPRUCE STREET  
PHILADELPHIA, PA 19104  
215-662-6882

000977  
DRUGSCAN INC—SBSe, CBSe  
1119 MEARNES RD, PO BOX 2969  
WARMINSTER, PA 18974  
215-674-9310

000654  
GUTHRIE CLINIC PATH LAB—SSe  
GUTHRIE SQUARE  
SAYRE, PA 18840  
570-888-5858

024655  
HEALTH NETWORK LABORATORIES—SBSe, CBSe  
2024 LEHIGH STREET  
ALLENTOWN, PA 18103-4798  
610-402-8150

020512  
LABCORP OCCUPATIONAL TESTING SER—SBSe,  
CBSe  
1904 ALEXANDER DRIVE  
PO BOX 12652  
RESRCH TRINGL PARK, NC 27709  
919-572-7465

028960  
LABORATORY CORPORATION OF AMERICA  
HOLDINGS—SBSe, CBSe  
901 KEYSTONE INDUSTRIAL PARK  
SUITE A  
THROOP, PA 18512  
570-346-1759

009003  
MAYO CLINIC DEPT LAB MED & PATH—SBSe, CBSe  
200 FIRST STREET SW  
HILTON 514  
ROCHESTER, MN 55905  
507-284-3018

005574  
MEDTOX LABORATORIES INC—SBSe, CBSe  
402 WEST COUNTY ROAD D  
ST PAUL, MN 55112  
651-636-7466

000504  
NATIONAL MED SERVICES INC LAB—SBSe, CBSe  
3701 WELSH ROAD  
WILLOW GROVE, PA 19090  
215-657-4900

000520  
PITTSBURGH CRIMINALISTICS LABORATORY—  
SBSe, CBSe  
1320 FIFTH AVENUE  
PITTSBURGH, PA 15219  
412-391-6118

001136  
 QUEST DIAGNOSTICS NICHOLS INSTITUTE—SBSe, CBSe  
 14225 NEWBROOK DRIVE  
 PO BOX 10841  
 CHANTILLY, VA 20153-0841  
 703-802-6900

000482  
 QUEST DIAGNOSTICS OF PA INC—SBSe, CBSe  
 875 GREENTREE RD 4 PARKWAY CENTER  
 PITTSBURGH, PA 15220-3610  
 412-920-7600

025461  
 QUEST DIAGNOSTICS VENTURE LLC—SBSe, CBSe  
 875 GREENTREE ROAD  
 4 PARKWAY CENTER  
 PITTSBURGH, PA 15220-3610  
 412-920-7631

000151  
 ST JOSEPH QUALITY MEDICAL LAB—SBSe, CBSe  
 215 NORTH 12TH STREET BOX 316  
 READING, PA 19603  
 610-378-2200

007731  
 WESTERN RESERVE CARE SYSTEM—SSe, CSe  
 500 GYPSY LANE  
 YOUNGSTOWN, OH 44504  
 216-740-3794

000018  
 WVHCS HOSP DBA PENNANT LABORATORY—SSe  
 575 NORTH RIVER STREET  
 WILKES BARRE, PA 18764  
 570-829-8111

000141  
 YORK HOSPITAL—SSe  
 1001 SOUTH GEORGE STREET  
 YORK, PA 17405  
 717-851-2345

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

[Pa.B. Doc. No. 05-299. Filed for public inspection February 11, 2005, 9:00 a.m.]

### Laboratories Approved to Determine Urine Controlled Substance Content

The following laboratories are licensed by the Department of Health (Department) under the Clinical Laboratory Act (35 P.S. §§ 2151—2165) and/or the Federal Clinical Laboratory Improvement Act of 1967 (42 U.S.C.A. § 263a) and are currently approved by the Department under 28 Pa. Code § 5.50 (relating to approval to provide special analytical services) to perform analyses of urine for the determination of controlled substances or their biotransformation products. This approval is based on demonstrated proficiency in tests conducted by the Bureau of Laboratories of the Department. These laboratories are also approved and designated for purposes of the Vehicle Code, 75 Pa.C.S. §§ 1547 and 3755 (relating to chemical testing to determine amount of alcohol or controlled substance; and reports by emergency room personnel), the Fish and Boat Code, 30 Pa.C.S. § 5125 (relating to chemical testing to determine amount of alcohol or controlled substance) and the Game and Wildlife Code, 34 Pa.C.S. § 2502 (relating to chemical test to determine

amount of alcohol) as qualified to perform the types of services which will reflect the presence of controlled substances or their biotransformation products in urine.

Depending upon their capability and performance in proficiency surveys, laboratories are approved to perform screening and/or confirmatory urine drug analyses. Laboratories approved to perform screening tests only are designated on the approval list by an "S" after the laboratory's name. Laboratories approved to perform confirmatory testing only are designated by a "C" following the laboratory's name. Those approved to perform both screening and confirmatory analyses are designated by the letters "SC." Screening analyses provide a presumptive indication that a controlled substance is present. Confirmatory testing is used to substantiate screening results.

Persons seeking forensic urine drug analysis services from a listed laboratory should determine that the laboratory employs techniques and procedures acceptable for the purpose. They should also determine that the director of the facility is agreeable to performing analyses for that purpose. Persons seeking the analyses are responsible for specifying the extent to which the presence of a controlled substance is to be verified. That specification should be predicated upon the purpose for which the analysis is being sought.

The list of approved laboratories will be revised approximately semiannually and published in the *Pennsylvania Bulletin*. The name of a laboratory is sometimes changed but the location, personnel and testing procedures of the facility remain unchanged. When changes of this type occur, the clinical laboratory permit number does not change. If questions arise about the identity of a laboratory due to a name change, the clinical laboratory permit number should be used as the primary identifier. To assist in identifying a laboratory that performed a test if the name of the facility changed, the clinical laboratory permit numbers of the facilities are included in the lists of approved laboratories above the name of the laboratory at the time the list was prepared.

Questions regarding this list should be directed to M. Jeffery Shoemaker, Ph.D., Director, Division of Chemistry and Toxicology, Department of Health, Bureau of Laboratories, P. O. Box 500, Exton, PA 19341-0500, (610) 280-3464.

Persons with a disability who require an alternative format of this notice (for example, large print, audiotape or Braille) should contact Dr. Shoemaker at the previously listed address or phone number. Persons who are speech or hearing impaired may use V/TT: (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

000212  
 ABINGTON MEMORIAL HOSPITAL—S  
 1200 OLD YORK ROAD  
 ABINGTON, PA 19001  
 215-576-2350

027908  
 ACM MEDICAL LABORATORY—SC  
 160 ELMGROVE PARK  
 ROCHESTER, NY 14624  
 716-429-2264

023114  
 ACT LAB SERVICES INC—SC  
 345 DRESHER ROAD  
 HORSHAM, PA 19044  
 215-674-0420

- 027180  
ADVANCED TOXICOLOGY NETWORK—SC  
3560 AIR CENTER COVE SUITE 101  
MEMPHIS, TN 38118  
901-794-5770
- 000233  
ALBERT EINSTEIN MEDICAL CENTER—S  
5501 OLD YORK ROAD  
PHILADELPHIA, PA 19141  
215-456-6100
- 000040  
ALIQUIPPA COMMUNITY HOSPITAL  
LABORATORY—S  
2500 HOSPITAL DRIVE  
PATHOLOGY DEPT  
ALIQUIPPA, PA 15001  
724-857-1240
- 000671  
ALLEG CNTY CORONERS DIV OF LABS—S  
542 FORBES AVENUE  
ROOM 10 COUNTY OFFICE BUILDING  
PITTSBURGH, PA 15219  
412-350-6873
- 000094  
ALLEGHENY GEN HOSP SUBURBAN CAMPUS  
LAB—S  
100 SOUTH JACKSON AVENUE  
BELLEVUE, PA 15202  
412-734-6020
- 028233  
ALLEGHENY GENERAL HOSP DEPT OF LAB MED—S  
320 E NORTH AVENUE  
PITTSBURGH, PA 15212  
412-359-6886
- 000077  
ALLEGHENY GENERAL HOSPITAL—S  
1307 FEDERAL STREET  
PITTSBURGH, PA 15212  
412-359-3521
- 000119  
ALTOONA REGIONAL HEALTH SYSTEM LAB—S  
620 HOWARD AVENUE  
ALTOONA, PA 16601-4899  
814-946-2340
- 026620  
AMMON ANALYTICAL LABORATORY—SC  
1622 SOUTH WOOD AVENUE  
LINDEN, NJ 07036  
908-862-4404
- 000452  
ANALYTIC BIO-CHEMISTRIES INC—SC  
1680-D LORETTA AVENUE  
FEASTERVILLE, PA 19053  
215-322-9210
- 000047  
ASSOCIATED CLINICAL LABORATORIES—SC  
1526 PEACH STREET  
ERIE, PA 16501  
814-461-2400
- 000320  
BARNES KASSON COUNTY HOSPITAL—S  
400 TURNPIKE STREET  
SUSQUEHANNA, PA 18847  
570-853-3135
- 021553  
BENDINER & SCHLESINGER INC—SC  
47 THIRD AVENUE  
NEW YORK, NY 10003  
212-254-2300
- 027615  
BIOLOGICAL SPECIALTY CORPORATION—S  
2165 NORTH LINE STREET  
COLMAR, PA 18915  
215-997-8771
- 027616  
BIOLOGICAL SPECIALTY CORPORATION—S  
1236 NEW RODGERS RD #851  
BRISTOL, PA 19007  
215-245-9855
- 027617  
BIOLOGICAL SPECIALTY CORPORATION—S  
22 SOUTH 4TH STREET  
READING, PA 19602  
610-375-9862
- 022757  
BIOREFERENCE LABORATORIES INC—SC  
481B EDWARD H ROSS DRIVE  
ELMWOOD PARK, NJ 07407  
201-791-3600
- 000120  
BON SECOURS-HOLY FAMILY REG HLTH—S  
2500 SEVENTH AVENUE  
ALTOONA, PA 16602-2099  
814-949-4495
- 000033  
BRADFORD REGIONAL MEDICAL CENTER—S  
116-156 INTERSTATE PKWY  
BRADFORD, PA 16701-0218  
814-362-8247
- 000296  
BRANDYWINE HOSPITAL—S  
201 REECEVILLE ROAD ATTN: LABORATORY  
COATESVILLE, PA 19320  
610-383-8000
- 000102  
BROWNSVILLE GENERAL HOSPITAL LAB—S  
125 SIMPSON RD  
BROWNSVILLE, PA 15417  
724-785-7200
- 000301  
BUTLER MEMORIAL HOSPITAL—S  
911 EAST BRADY STREET  
BUTLER, PA 16001  
724-284-4510
- 000107  
CANONSBURG GENERAL HOSPITAL—S  
100 MEDICAL BOULEVARD  
CANONSBURG, PA 15317  
724-745-3916
- 000131  
CARLISLE REGIONAL MEDICAL CENTER—S  
246 PARKER ST  
CARLISLE, PA 17013  
717-249-1212
- 000751  
CEDAR CREST EMERGICENTER—S  
1101 SOUTH CEDAR CREST BOULEVARD  
ALLENTOWN, PA 18103  
610-433-4260

000215  
CENTRAL MONTGOMERY MEDICAL CENTER—S  
100 MEDICAL CAMPUS DRIVE  
LANSDALE, PA 19446  
215-368-2100

000132  
CHAMBERSBURG HOSPITAL—S  
112 NORTH SEVENTH ST  
CHAMBERSBURG, PA 17201  
717-267-7152

000310  
CHARLES COLE MEMORIAL HOSPITAL—S  
1001 EAST SECOND STREET  
COUDERSPORT, PA 16915  
814-274-9300

000198  
CHESTER COUNTY HOSPITAL—S  
701 E MARSHALL ST  
WEST CHESTER, PA 19380  
610-431-5182

000227  
CHESTNUT HILL HOSPITAL—S  
8835 GERMANTOWN AVENUE  
DEPT OF PATHOLOGY  
PHILADELPHIA, PA 19118  
215-248-8630

000228  
CHILDRENS HOSP OF PHILADELPHIA—S  
ONE CHILDREN'S CENTER 34TH & CIVIC  
PHILADELPHIA, PA 19104  
215-590-1000

000329  
CLARION HOSPITAL—S  
1 HOSPITAL DRIVE  
CLARION, PA 16214  
814-226-9500

024916  
CLINICAL SCIENCE LABORATORY INC—SC  
51 FRANCIS AVENUE  
MANSFIELD, MA 02048  
508-339-6106

000005  
COMMUNITY MEDICAL CENTER—S  
1800 MULBERRY STREET  
SCRANTON, PA 18510  
570-969-8000

000125  
CONEMAUGH VALLEY MEMORIAL HOSP—S  
1086 FRANKLIN STREET  
JOHNSTOWN, PA 15905-4398  
814-534-9000

025256  
CORPORATE HEALTH SERVICES—S  
295 NORTH KERRWOOD DRIVE  
HERMITAGE, PA 16148  
724-346-6425

000326  
CORRY MEMORIAL HOSPITAL—S  
612 WEST SMITH STREET  
CORRY, PA 16407  
814-664-4641

000201  
CROZER CHESTER MED CENTER—S  
1 MEDICAL CENTER BOULEVARD  
UPLAND, PA 19013  
610-447-2000

000363  
DE JOHN MED LABORATORY INC—S  
1570 GARRETT ROAD  
UPPER DARBY, PA 19082  
610-626-2112

000204  
DELAWARE COUNTY MEMORIAL HOSP—S  
501 NORTH LANSDOWNE AVENUE  
DREXEL HILL, PA 19026-1186  
610-284-8100

000266  
DEPT OF PATHOLOGY & LAB MED-HUP—SC  
3400 SPRUCE STREET  
PHILADELPHIA, PA 19104  
215-662-6882

028893  
DOMINION DIAGNOSTICS LLC—SC  
211 CIRCUIT DRIVE  
NORTH KINGSTOWN, RI 02852  
401-667-0800

000194  
DOYLESTOWN HOSPITAL—S  
595 WEST STATE STREET  
DOYLESTOWN, PA 18901  
215-345-2250

000977  
DRUGSCAN INC—SC  
1119 MEARNS RD, PO BOX 2969  
WARMINSTER, PA 18974  
215-674-9310

000175  
EASTON HOSPITAL—S  
250 SOUTH 21ST ST  
EASTON, PA 18042-3892  
610-250-4140

000164  
EPHRATA COMMUNITY HOSPITAL—S  
169 MARTIN AVE PO BOX 1002  
EPHRATA, PA 17522  
717-733-0311

000031  
ERHC RIDGWAY LABORATORY—S  
94 HOSPITAL STREET  
RIDGWAY, PA 15853  
814-788-8525

000032  
ERHC ST MARYS LABORATORY—S  
763 JOHNSONBURG RD  
SAINT MARYS, PA 15857  
814-788-8525

000181  
EVANGELICAL COMMUNITY HOSPITAL—S  
1 HOSPITAL DRIVE  
LEWISBURG, PA 17837  
570-522-2510

021431  
FITNESS FOR DUTY CENTER—S  
PPL SUSQUEHANNA LLC  
707 SALEM BLVD ACCESS (NUCAF)  
BERWICK, PA 18603  
570-542-3336

000085  
FORBES REGIONAL HOSPITAL—S  
2570 HAYMAKER ROAD  
MONROEVILLE, PA 15146  
412-858-2560



000192  
FRANKFORD HOSP BUCKS CO CAMPUS—S  
380 NORTH OXFORD VALLEY ROAD  
LANGHORNE, PA 19047-8304  
215-934-5227

000341  
FRANKFORD HOSP TC LAB—S  
RED LION & KNIGHTS ROADS  
ATTN P FARANO MD  
PHILADELPHIA, PA 19114  
215-612-4000

000236  
FRANKFORD HOSPITAL FRANK DIV—S  
FRANKFORD AVE & WAKELING ST  
PHILADELPHIA, PA 19124  
215-831-2068

000115  
FRICK HOSPITAL—S  
508 SOUTH CHURCH STREET  
MOUNT PLEASANT, PA 15666  
724-547-1500

020644  
FRIENDS HOSPITAL—S  
4641 ROOSEVELT BOULEVARD  
PHILADELPHIA, PA 19124-2399  
215-831-4771

009163  
FRIENDS MEDICAL LAB INC—SC  
5820 SOUTHWESTERN BLVD  
BALTIMORE, MD 21227  
412-247-4417

024914  
GAUDENZIA ERIE INC—S  
414 WEST 5TH STREET  
ERIE, PA 16507  
814-459-4775

000173  
GEISINGER MEDICAL CENTER—SC  
N ACADEMY RD  
DANVILLE, PA 17822  
570-271-6338

000019  
GEISINGER WYOMING VALLEY MED CTR—S  
1000 E MOUNTAIN DRIVE  
WILKES BARRE, PA 18711  
570-826-7830

000237  
GERMANTOWN COMM HLTH WILLOW TERR—S  
ONE PENN BOULEVARD  
PHILADELPHIA, PA 19144  
215-951-8800

026799  
GHHA OCCUPATIONAL HEALTH CENTER LAB—S  
1000 ALLIANCE DRIVE  
HAZLETON, PA 18202  
570-459-1028

000152  
GNADEN HUETTEN MEMORIAL HOSP—S  
11TH & HAMILTON STS  
LEHIGHTON, PA 18235  
610-377-1300

000299  
GOOD SAMARITAN HOSPITAL—S  
4TH & WALNUT STS PO BOX 1281  
LEBANON, PA 17042-1218  
717-270-7500

000182  
GOOD SAMARITAN REGIONAL MED CTR—S  
700 EAST NORWEGIAN STREET  
POTTSVILLE, PA 17901  
570-621-4032

000238  
GRADUATE HOSPITAL—S  
1800 LOMBARD STREET  
PHILADELPHIA, PA 19146  
215-893-2240

025957  
GRAHAM-MASSEY ANALYTICAL LABS—SC  
60 TODD ROAD  
SHELTON, CT 06484  
203-926-1100

000654  
GUTHRIE CLINIC PATH LAB—S  
GUTHRIE SQUARE  
SAYRE, PA 18840  
570-888-5858

000239  
HAHNEMANN UNIVERSITY HOSPITAL—S  
BROAD & VINE STS MS 113  
PHILADELPHIA, PA 19102  
215-762-1783

000139  
HANOVER HOSPITAL, INC.—S  
300 HIGHLAND AVE  
HANOVER, PA 17331  
717-637-3711

000155  
HARRISBURG HOSPITAL LABORATORY—S  
SOUTH FRONT STREET  
HARRISBURG, PA 17101  
570-782-2832

000010  
HAZLETON GENERAL HOSPITAL—S  
700 EAST BROAD  
HAZLETON, PA 18201  
570-501-4152

000169  
HEALTH NETWORK LABORATORIES—S  
1627 WEST CHEW STREET  
ALLENTOWN, PA 18102  
610-402-2236

000549  
HEALTH NETWORK LABORATORIES—S  
1200 SOUTH CEDAR CREST BLVD  
ALLENTOWN, PA 18103  
610-402-8150

000600  
HEALTH NETWORK LABORATORIES—S  
2545 SCHOENERSVILLE ROAD  
BETHLEHEM, PA 18017-7384  
484-884-2259

024655  
HEALTH NETWORK LABORATORIES—SC  
2024 LEHIGH STREET  
ALLENTOWN, PA 18103-4798  
610-402-8150

000166  
HEART OF LANCASTER REGIONAL MEDICAL  
CENTER—S  
1500 HIGHLANDS DRIVE  
LITITZ, PA 17543  
717-625-5000

000216  
 HOLY REDEEMER HOSPITAL—S  
 1648 HUNTINGDON PIKE  
 MEADOWBROOK, PA 19046  
 215-947-3000

000130  
 HOLY SPIRIT HOSPITAL—SC  
 503 N 21ST STREET  
 CAMP HILL, PA 17011-2288  
 717-763-2206

000052  
 INDIANA REGIONAL MEDICAL CENTER—S  
 HOSPITAL ROAD PO BOX 788  
 INDIANA, PA 15701-0788  
 724-357-7167

022201  
 INTERNATIONAL MEDICAL SYSTEMS LABS—S  
 660 THOMAS ROAD  
 EUGENIA HOSPITAL  
 LAFAYETTE HILL, PA 19444  
 610-292-0613

000135  
 J C BLAIR MEMORIAL HOSPITAL—S  
 1225 WARM SPRINGS AVENUE  
 HUNTINGDON, PA 16652  
 814-643-8645

000054  
 JAMESON MEMORIAL HOSPITAL—S  
 1211 WILMINGTON AVENUE  
 NEW CASTLE, PA 16105  
 724-656-4080

000240  
 JEANES HOSPITAL—S  
 7600 CENTRAL AVE  
 PHILADELPHIA, PA 19111  
 215-728-2347

000038  
 JEFFERSON REGIONAL MED CTR—S  
 565 COAL VALLEY ROAD  
 BIBRO BLDG 4TH FLOOR  
 PITTSBURGH, PA 15236  
 412-469-5723

000200  
 JENNERVILLE REGIONAL HOSPITAL—S  
 1015 WEST BALTIMORE PIKE  
 WEST GROVE, PA 19390  
 610-869-1080

000312  
 JERSEY SHORE HOSPITAL—S  
 1020 THOMPSON STREET  
 JERSEY SHORE, PA 17740  
 570-398-0100

000532  
 KENSINGTON HOSPITAL—S  
 136 WEST DIAMOND STREET  
 PHILADELPHIA, PA 19122  
 215-426-8100

026008  
 KROLL LABORATORY SPECIALISTS—SC  
 1111 NEWTON STREET  
 GRETNA, LA 70053  
 504-361-8989

021306  
 LAB CORP OCCUPATIONAL TEST SRVCS—SC  
 1120 STATELINE ROAD WEST  
 SOUTHAVEN, MS 38671  
 886-827-8042

020512  
 LABCORP OCCUPATIONAL TESTING SER—SC  
 1904 ALEXANDER DRIVE  
 PO BOX 12652  
 RESRCH TRINGL PARK, NC 27709  
 919-572-7465

001088  
 LABCORP OF AMERICA HOLDINGS—SC  
 69 FIRST AVE PO BOX 500  
 RARITAN, NJ 08869  
 908-526-2400

022715  
 LABONE INC—SC  
 10101 RENNER BOULEVARD  
 LENEXA, KS 66219-9752  
 913-888-1770

028960  
 LABORATORY CORPORATION OF AMERICA  
 HOLDINGS—SC  
 901 KEYSTONE INDUSTRIAL PARK  
 SUITE A  
 THROOP, PA 18512  
 570-346-1759

000165  
 LANCASTER GENERAL HOSPITAL—S  
 555 N DUKE ST PO BOX 3555  
 LANCASTER, PA 17604  
 717-299-5511

000167  
 LANCASTER REGIONAL MED CENTER—S  
 250 COLLEGE AVENUE  
 PO BOX 3434  
 LANCASTER, PA 17604  
 717-291-8022

000114  
 LATROBE AREA HOSPITAL—S  
 121 W SECOND AVENUE  
 LATROBE, PA 15650  
 724-537-1550

000138  
 LEWISTOWN HOSPITAL—S  
 400 HIGHLAND AVENUE  
 LEWISTOWN, PA 17044  
 717-248-5411

000030  
 LOCK HAVEN HOSPITAL—S  
 24 CREE DRIVE  
 LOCK HAVEN, PA 17745  
 570-893-5000

000639  
 MAGEE-WOMENS HOSPITAL OF UPMC HEALTH  
 SYSTEM—S  
 300 HALKET STREET  
 PITTSBURGH, PA 15213  
 412-647-4651

000213  
 MAIN LINE CLIN LABS BRYN MAWR CP—S  
 130 BRYN MAWR AVENUE  
 BRYN MAWR, PA 19010  
 610-526-3554

000242  
MAIN LINE CLIN LABS LANKENAU CP—S  
100 EAST LANCASTER AVENUE  
WYNNEWOOD, PA 19096  
610-645-2615

000199  
MAIN LINE CLIN LABS PAOLI MEM CP—S  
255 WEST LANCASTER AVENUE  
PAOLI, PA 19301  
610-648-1000

000004  
MARIAN COMMUNITY HOSPITAL—S  
100 LINCOLN AVENUE  
CARBONDALE, PA 18407  
717-281-1042

027684  
MARWORTH—S  
BOX 36 LILLY LAKE ROAD  
WAVERLY, PA 18471  
570-563-1112

009003  
MAYO CLINIC DEPT LAB MED & PATH—SC  
200 FIRST STREET SW  
HILTON 514  
ROCHESTER, MN 55905  
507-284-3018

000049  
MEADVILLE MED CTR-LIBERTY ST—S  
751 LIBERTY STREET  
MEADVILLE, PA 16335  
814-336-3121

005574  
MEDTOX LABORATORIES INC—SC  
402 WEST COUNTY ROAD D  
ST PAUL, MN 55112  
651-367-466

000023  
MEMORIAL HOSPITAL LAB—S  
1 HOSPITAL DRIVE  
TOWANDA, PA 18848  
570-265-2191

000203  
MERCY FITZGERALD HOSPITAL—S  
1500 LANSDOWNE AVENUE  
DARBY, PA 19023  
610-237-4262

000247  
MERCY HEALTH LAB/MHOP—S  
54TH & CEDAR AVENUE  
PHILADELPHIA, PA 19143  
215-748-9181

000219  
MERCY HEALTH LAB/MSH—S  
2701 DEKALB PIKE  
NORRISTOWN, PA 19401  
610-278-2090

000336  
MERCY HOSPITAL—S  
746 JEFFERSON AVE  
SCRANTON, PA 18510  
570-348-7100

000017  
MERCY HOSPITAL LABORATORY—S  
25 CHURCH STREET  
PO BOX 658  
WILKES BARRE, PA 18765  
570-826-3100

000079  
MERCY HOSPITAL NORTH SHORE LAB—S  
1004 ARCH STREET  
PITTSBURGH, PA 15212  
412-323-5766

000082  
MERCY HOSPITAL OF PITTSBURGH—S  
PRIDE & LOCUST STREETS  
PITTSBURGH, PA 15219  
412-232-7831

000113  
MERCY JEANNETTE HOSPITAL—S  
600 JEFFERSON AVENUE  
JEANNETTE, PA 15644  
724-527-9330

000245  
METHODIST HOSP DIVISION/TJUH INC—S  
1900 S. BROAD STREET  
PHILADELPHIA, PA 19145  
215-952-9059

000128  
MINERS MEDICAL CENTER—S  
290 HAIDA AVENUE  
PO BOX 689  
HASTINGS, PA 16646  
814-948-7171

028907  
MIRMONT TREATMENT CENTER—S  
100 YEARSLEY MILL ROAD  
LIMA, PA 19063  
610-744-1400

000108  
MONONGAHELA VALLEY HOSPITAL INC—S  
1163 COUNTRY CLUB ROAD  
MONONGAHELA, PA 15063  
724-258-1021

000217  
MONTGOMERY HOSPITAL LAB—S  
POWELL & FORNANCE STS  
NORRISTOWN, PA 19401  
610-270-2173

000214  
MOSS REHAB EINSTEIN AT ELKINS PARK—S  
60 EAST TOWNSHIP LINE ROAD  
ELKINS PARK, PA 19027  
215-663-6102

000025  
MOUNT NITTANY MEDICAL CENTER—S  
1800 PARK AVENUE  
STATE COLLEGE, PA 16803  
814-234-6117

000035  
MUNCY VALLEY HOSPITAL—S  
215 EAST WATER ST  
MUNCY, PA 17756  
570-546-8282

- 000304  
NASON HOSPITAL—S  
NASON DRIVE  
ROARING SPRING, PA 16673  
814-224-6215
- 000504  
NATIONAL MED SERVICES INC LAB—SC  
3701 WELSH ROAD  
WILLOW GROVE, PA 19090  
215-657-4900
- 000248  
NAZARETH HOSPITAL—S  
2601 HOLME AVE  
PHILADELPHIA, PA 19152  
215-335-6245
- 027246  
NORCHEM DRUG TESTING LABORATORY—SC  
1760 EAST ROUTE 66, SUITE 1  
FLAGSTAFF, AZ 86004  
928-526-1011
- 029067  
NORTHWEST TOXICOLOGY—S  
1141 EAST 3900 SOUTH  
SALT LAKE CITY, UT 84124  
801-293-2300
- 000099  
OHIO VALLEY GENERAL HOSPITAL—S  
25 HECKEL RD  
MCKEES ROCKS, PA 15136  
412-777-6161
- 000807  
OMEGA MEDICAL LABORATORIES INC—SC  
2001 STATE HILL ROAD SUITE 100  
WYOMISSING, PA 19610  
610-378-1900
- 000250  
PARKWAY CLINICAL LABORATORIES—S  
3494 D PROGRESS DRIVE  
BENSALEM, PA 19020  
215-245-5112
- 000316  
PENN STATE MILTON S HERSHEY MED CTR—S  
500 UNIVERSITY DRIVE  
DEPT OF PATHOLOGY & LAB MEDICINE  
HERSHEY, PA 17033  
717-531-8353
- 022533  
PENNSYLVANIA DEPT OF HEALTH—SC  
110 PICKERING WAY  
LIONVILLE, PA 19353  
610-280-3464
- 000251  
PENNSYLVANIA HOSP OF THE UNIV OF PA HLTH—S  
800 SPRUCE STREETS  
PHILADELPHIA, PA 19107  
215-829-3541
- 000197  
PHOENIXVILLE HOSPITAL LABORATORY—S  
140 NUTT RD DEPT OF PATHOLOGY  
PHOENIXVILLE, PA 19460-0809  
610-983-1612
- 000157  
PINNACLEHLTH/COMM GEN OSTEO HOSP—S  
4300 LONDONDERRY RD PO BOX 3000  
HARRISBURG, PA 17109  
717-657-7214
- 000520  
PITTSBURGH CRIMINALISTICS LABORATORY—SC  
1320 FIFTH AVENUE  
PITTSBURGH, PA 15219  
412-391-6118
- 000022  
POCONO MEDICAL CENTER LAB—S  
206 EAST BROWN STREET  
EAST STROUDSBURG, PA 18301  
570-476-3544
- 000221  
POTTSTOWN HOSPITAL COMPANY, LLC—S  
1600 EAST HIGH STREET  
POTTSTOWN, PA 19464  
610-327-7000
- 000183  
POTTSVILLE HOSP AND WARNE CLINIC—S  
420 SOUTH JACKSON STREET  
POTTSVILLE, PA 17901  
570-621-5262
- 000516  
PRINCETON BIOMEDICAL LABS INC—S  
2921 NEW RODGERS ROAD  
BRISTOL, PA 19007  
215-785-5200
- 021648  
PSYCHEMEDICS CORPORATION—SC  
5832 UPLANDER WAY  
CULVER CITY, CA 90230  
800-522-7424
- 000300  
PUNXSUTAWNEY AREA HOSPITAL—S  
81 HILLCREST DRIVE  
PUNXSUTAWNEY, PA 15767  
814-938-4500
- 028675  
QUEST DIAGNOSTICS—SC  
506 E STATE PKWY  
SCHAUMBURG, IL 60173  
847-885-2010
- 009620  
QUEST DIAGNOSTICS CLIN LABS INC—SC  
7600 TYRONE AVENUE  
VAN NUYS, CA 91405  
818-376-6195
- 000315  
QUEST DIAGNOSTICS CLINICAL LABS INC—S  
900 BUSINESS CENTER DRIVE  
HORSHAM, PA 19044  
215-957-9300
- 027461  
QUEST DIAGNOSTICS INC—SC  
400 EGYPT ROAD  
NORRISTOWN, PA 19403  
610-631-4219
- 001136  
QUEST DIAGNOSTICS NICHOLS INSTITUTE—SC  
14225 NEWBROOK DRIVE  
PO BOX 10841  
CHANTILLY, VA 20153-0841  
703-802-6900
- 000482  
QUEST DIAGNOSTICS OF PA INC—SC  
875 GREENTREE RD 4 PARKWAY CENTER  
PITTSBURGH, PA 15220-3610  
412-920-7600

025461  
QUEST DIAGNOSTICS VENTURE LLC—SC  
875 GREENTREE ROAD  
4 PARKWAY CENTER  
PITTSBURGH, PA 15220-3610  
412-920-7631

024249  
QUINTILES LABORATORIES LTD—SC  
5500 HIGHLANDS PARKWAY SUITE 600  
SMYRNA, GA 30082  
770-434-8492

000150  
READING HOSPITAL & MED CTR—S  
6TH AND SPRUCE STREETS  
WEST READING, PA 19611  
610-988-8080

025348  
REDWOOD TOXICOLOGY LABORATORY—SC  
3650 WESTWIND BOULEVARD  
SANTA ROSA, CA 95403  
707-577-7958

000206  
RIDDLE MEMORIAL HOSPITAL—S  
BALTIMORE PIKE HIGHWAY 1  
MEDIA, PA 19063  
610-566-9400

000243  
ROXBOROUGH MEMORIAL HOSPITAL—S  
5800 RIDGE AVE  
PHILADELPHIA, PA 19128  
215-487-4394

029214  
S.E.D MEDICAL LABORATORIES—SC  
55601 OFFICE BLVD NE  
ALBUQUERQUE, NM 87109  
505-727-6209

000171  
SACRED HEART HOSPITAL—S  
4TH & CHEW STS  
ALLENTOWN, PA 18102  
610-776-4727

000087  
SAINT CLAIR MEMORIAL HOSPITAL—S  
1000 BOWER HILL RD  
PITTSBURGH, PA 15243  
412-561-4900

000174  
SAINT LUKES HOSPITAL—S  
801 OSTRUM ST  
BETHLEHEM, PA 18015  
610-954-4558

000328  
SAINT MARY MEDICAL CENTER—S  
LANGHORNE-NEWTOWN RD  
LANGHORNE, PA 19047  
215-710-2162

024496  
SCIENTIFIC TESTING LABS INC—SC  
450 SOUTHLAKE BOULEVARD  
RICHMOND, VA 23236  
804-378-9130

028471  
SECON A DIVISION OF CIVIGENICS—S  
260 LA RUE FRANCE  
LAFAYETTE, LA 70508  
337-291-9501

029038  
SECON OF NEW ENGLAND—SC  
415 MAIN STREET  
4TH FLOOR  
WORCESTER, MA 01608  
508-831-0703

000101  
SEWICKLEY VALLEY HOSPITAL LAB—S  
BLACKBURN RD & FITCH DRIVE  
SEWICKLEY, PA 15143  
412-741-6600

000064  
SHARON REGIONAL HEALTH SYSTEM—S  
740 EAST STATE STREET  
SHARON, PA 16146  
724-983-3911

000039  
SOLDIERS & SAILORS MEM HOSP—S  
CENTRAL AVE  
WELLSBORO, PA 16901  
570-723-0133

000297  
SOMERSET HOSPITAL CENTER FOR HEALTH—S  
225 S CENTER AVE  
SOMERSET, PA 15501  
814-443-5000

022376  
SPECIALTY LABORATORIES—S  
2211 MICHIGAN AVENUE  
SANTA MONICA, CA 90404  
310-828-6543

000260  
ST CHRISTOPHERS HOSP FOR CHILDREN—S  
3601 A STREET  
PHILADELPHIA, PA 19134  
215-427-5337

000151  
ST JOSEPH QUALITY MEDICAL LAB—SC  
215 NORTH 12TH STREET BOX 316  
READING, PA 19603  
610-378-2200

000261  
ST JOSEPH'S HOSPITAL-DIV NPHS—S  
16TH ST & GIRARD AVE  
PHILADELPHIA, PA 19130  
215-787-9000

000318  
ST LUKES HOSP ALLENTOWN CAMPUS—S  
1736 HAMILTON STREET  
ALLENTOWN, PA 18104  
610-770-8300

029015  
STERLING REFERENCE LABORATORIES—SC  
624 MARTIN LUTHER KING JR WAY  
TACOMA, WA 98405  
253-552-1551

000187  
SUNBURY COMMUNITY HOSP & OUTPATIENT  
CTR—S  
350 N 11TH ST  
SUNBURY, PA 17801  
570-286-3333

000207  
TAYLOR HOSPITAL DIV OF CCMC—S  
175 E CHESTER PIKE  
RIDLEY PARK, PA 19078  
610-595-6450

024997  
TECHNOW INC—S  
31 INDUSTRIAL HIGHWAY  
ESSINGTON, PA 19029  
610-362-0610

000249  
TEMPLE EAST INC NE—S  
2301 EAST ALLEGHENY AVENUE  
PHILADELPHIA, PA 19134  
215-291-3671

000193  
TEMPLE LOWER BUCKS HOSPITAL LAB—S  
501 BATH ROAD  
BRISTOL, PA 19007  
215-785-9200

000235  
TEMPLE UNIV HOSPITAL EPISCOPAL CAMPUS—S  
100 EAST LEHIGH AVENUE  
PHILADELPHIA, PA 19125-1098  
215-707-0977

000265  
TEMPLE UNIVERSITY HOSPITAL—S  
3401 N BROAD ST  
PHILADELPHIA, PA 19140  
215-707-4353

000205  
THE MEDICAL CENTER BEAVER PA—S  
1000 DUTCH RIDGE ROAD  
BEAVER, PA 15009-9700  
724-728-7000

000104  
THE UNIONTOWN HOSPITAL LABORATORY—S  
500 WEST BERKELEY STREET  
UNIONTOWN, PA 15401  
724-430-5143

000241  
THOMAS JEFFERSON UNIVERSITY HOSP—S  
125 SOUTH 11TH ST 204 PAVILION  
PHILADELPHIA, PA 19107  
215-955-6374

000051  
TITUSVILLE AREA HOSPITAL—S  
406 WEST OAK STREET  
TITUSVILLE, PA 16354  
814-827-1851

023608  
UHS OF FAIRMOUNT INC—S  
561 FAIRTHORNE AVENUE  
PHILADELPHIA, PA 19128  
215-487-4078

000061  
UNITED COMMUNITY HOSPITAL—S  
631 NORTH BROAD STREET EXT  
GROVE CITY, PA 16127  
724-450-7125

000258  
UNIVERSITY OF PENNA MED CTR-  
PRESBYTERIAN—S  
51 NORTH 39TH ST 5TH FLR RM 530  
DEPARTMENT OF PATHOLOGY & LAB  
PHILADELPHIA, PA 19104-2640  
215-662-3435

000121  
UPMC BEDFORD MEMORIAL—S  
10455 LINCOLN HIGHWAY  
EVERETT, PA 15537  
814-623-3506

000096  
UPMC BRADDOCK—S  
400 HOLLAND AVENUE  
BRADDOCK, PA 15104  
412-636-5291

000059  
UPMC HORIZON GREENVILLE—S  
110 NORTH MAIN STREET  
GREENVILLE, PA 16125  
724-588-2100

000057  
UPMC HORIZON SHENANGO—S  
2200 MEMORIAL DRIVE  
FARRELL, PA 16121  
724-981-3500

000126  
UPMC LEE REGIONAL HOSPITAL—S  
320 MAIN STREET  
JOHNSTOWN, PA 15901  
814-533-0130

000098  
UPMC MCKEESPORT LABORATORY—S  
1500 FIFTH AVENUE  
MCKEESPORT, PA 15132  
412-664-2233

000058  
UPMC NORTHWEST—S  
100 FAIRFIELD DRIVE  
SENECA, PA 16346  
814-676-7120

005784  
UPMC PASSAVANT LABORATORY CRANBERRY—S  
ONE ST FRANCIS WAY  
CRANBERRY TOWNSHIP, PA 16066  
724-772-5370

000083  
UPMC PRESBYTERIAN SHADYSIDE CP PUH—SC  
ROOM 5929 MAIN TOWER CHP  
200 LOTHROP STREET  
PITTSBURGH, PA 15213-2582  
412-648-6000

000091  
UPMC SAINT MARGARET HOSPITAL—S  
815 FREEPORT ROAD  
PITTSBURGH, PA 15215  
412-784-4000

000092  
UPMC SHADYSIDE—S  
5230 CENTRE AVENUE  
GROUND FLOOR WEST WING  
PITTSBURGH, PA 15232  
412-623-5950

000093  
UPMC SOUTH SIDE—S  
2000 MARY STREET  
PITTSBURGH, PA 15203  
412-488-5731

027225  
US DRUG TESTING LABORATORIES INC—SC  
1700 SOUTH MOUNT PROSPECT ROAD  
DES PLAINES, IL 60018  
847-375-0770

000335  
VALLEY FORGE MED CTR & HOSP—S  
1033 W GERMANTOWN PIKE  
NORRISTOWN, PA 19403  
610-539-8500

000622  
WARMINSTER HOSPITAL—S  
225 NEWTOWN ROAD  
WARMINSTER, PA 18974  
215-441-6700

000066  
WARREN GENERAL HOSPITAL—S  
2 CRESCENT PARK  
WARREN, PA 16365  
814-723-3300

000133  
WAYNESBORO HOSPITAL—S  
501 E MAIN STREET  
WAYNESBORO, PA 17268  
717-765-3403

000095  
WESTERN PENNSYLVANIA HOSPITAL—S  
4800 FRIENDSHIP AVE  
PITTSBURGH, PA 15224  
412-578-5779

007731  
WESTERN RESERVE CARE SYSTEM—SC  
500 GYPSY LANE  
YOUNGSTOWN, OH 44504  
216-740-3794

000112  
WESTMORELAND REGIONAL HOSPITAL—S  
532 W PITTSBURGH ST  
GREENSBURG, PA 15601  
724-832-4365

000037  
WILLIAMSPORT HOSP & MED CENTER—S  
777 RURAL AVENUE  
WILLIAMSPORT, PA 17701-3198  
570-321-2300

000268  
WOMAN'S MEDICAL HOSPITAL—S  
3300 HENRY AVENUE  
PHILADELPHIA, PA 19129  
215-842-7306

000018  
WVHCS HOSP DBA PENNANT LABORATORY—SC  
575 NORTH RIVER STREET  
WILKES BARRE, PA 18764  
570-829-8111

000141  
YORK HOSPITAL—S  
1001 SOUTH GEORGE STREET  
YORK, PA 17405  
717-851-2345

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

[Pa.B. Doc. No. 05-300. Filed for public inspection February 11, 2005, 9:00 a.m.]

### **Request for Exception; Long-Term Care Nursing Facilities**

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 201.3 (relating to definitions)

The Patriot, A Choice Community  
495 W. Patriot Street  
Somerset, PA 15501

The request is on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax: (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the division and address previously listed.

Comments received by the Department within 15 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid service or other accommodation to do so should contact V/TT: (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

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

[Pa.B. Doc. No. 05-301. Filed for public inspection February 11, 2005, 9:00 a.m.]

## **DEPARTMENT OF LABOR AND INDUSTRY**

### **Range of Fees Charged by Utilization Review Organizations and Peer Review Organizations for Services Performed under the Workers' Compensation Act**

Under 34 Pa. Code § 127.667(b) (relating to compensation policy), the Department of Labor and Industry, Bureau of Workers' Compensation gives notice of the range of fees charged by Utilization Review Organizations (URO) and Peer Review Organizations (PRO) for services performed under the Workers' Compensation Act (77 P. S. §§ 1—1041.4 and 2501—2506) during 2004.

<i>URO/PRO</i>	<i>Range of Fees</i>	
	<i>Min. \$</i>	<i>Max. \$</i>
Alico Services, LTD	350.00	750.00
American Review Systems	252.90	1,250.04
C.A.B. Medical Consultants	225.00	730.00
Caduceus-Lex Medical Auditing, Inc.	255.00	715.00
CEC, Inc.	175.00	895.00
Corvel Corporation	104.60	2,522.83
DLB Services	240.21	240.21
First Managed Care Option	0.00	1,127.36
Hajduk & Associates	205.00	755.00
Health Care Dimensions, Inc.	79.20	2,166.40
Industrial Rehabilitation Associates c/o RJP Enterprises, Inc.	150.00	675.00
KVS Consulting Services	238.91	846.93
LRC Disability Management Consultants	135.00	1,790.00
McBride & McBride Associates	250.00	750.06
Peer, Inc.	0.00	685.00
Procura Management, Inc.	200.00	700.00
Quality Assurance Reviews	200.00	795.00
Rehabilitation Planning, Inc.	100.00	786.00
Solomon Associates, Inc.	265.20	834.34
T & G Reviews, Inc.	225.00	795.00
TxReviews, Inc.	98.84	695.00
Uniontown Medical Rehabilitation, P.C.	300.00	1,321.21
West Penn IME, Inc.	162.00	1,570.00

STEPHEN M. SCHMERIN,  
*Secretary*

[Pa.B. Doc. No. 05-302. Filed for public inspection February 11, 2005, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Cigarette Tax Notice

Under section 227-A of The Fiscal Code (72 P.S. § 227-A), the Department of Revenue (Department) announces the lowest cost of the stamping agent, wholesaler and retailer, respectively, effective January 17, 2005, as follows:

	<i>Premium Brands (a.k.a. Kings &amp; Regulars)</i>
Base Cost per 1,000	\$143.20
Cost of the Stamping Agent (for sales to wholesalers)	\$ 42.86
Cost of the Wholesaler (for sales to retailers)	\$ 44.58
Cost of the Retailer (for sales to retail customers)	\$ 47.25

The Department considers these costs as presumptive minimum costs. Cigarette stamping agents, wholesalers and retailers are prohibited from selling cigarettes at a price lower than their respective presumptive minimum costs. These costs are listed on a per carton basis, 10 packs of cigarettes per carton, 20 cigarettes per pack. To determine the presumptive minimum price per pack of cigarettes, an individual should divide the costs listed by 10 and round to the nearest hundredth of a percent. For

example, the presumptive minimum price of a pack of cigarettes sold by a retailer to a consumer is \$4.73 for premium brands (\$47.25/10).

Cigarette dealers who either sell cigarettes under a different packaging setup (that is, eight packs per carton) or sell cigarettes that do not qualify as premium or generic brands (that is, subgeneric, foreign or specialty cigarettes) are prohibited from selling cigarettes at a price lower than the cost of the stamping agent, cost of the wholesaler or cost of the retailer, respectively, as further defined and explained at 61 Pa. Code Part I, Subpart B, Article III (relating to cigarette and beverage taxes).

Cigarette dealers wishing to prove a cost different from the Department's presumptive costs must follow the procedures listed under 61 Pa. Code Chapter 76 (relating to unfair sales of cigarettes).

GREGORY C. FAJT,  
*Secretary*

[Pa.B. Doc. No. 05-303. Filed for public inspection February 11, 2005, 9:00 a.m.]

### Pennsylvania Bonus Crossword Instant Lottery Game

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Bonus Crossword.

2. *Price:* The price of a Pennsylvania Bonus Crossword instant lottery game ticket is \$3.00.

3. *Play Symbols:* Each Pennsylvania Bonus Crossword instant lottery game ticket will feature a "Your Letters" area, a crossword puzzle play area for the "Bonus Crossword" game and a "Bonus Word" play area for the "Bonus Word" game. Each game is played separately. The play symbols and their captions located in the "Your Letters" area and the "Bonus Word" area are: the letters A through and including Z. The play symbols and their captions located in the "Bonus Crossword" puzzle play area are: the letters A through and including Z and a black square.

4. *Prize Symbols:* The prize symbols and their captions located in the "Bonus Word" play area are: \$3<sup>00</sup> (THR DOL), \$6<sup>00</sup> (SIX DOL), \$9<sup>00</sup> (NIN DOL), \$15\$ (FIFTN), \$30\$ (THIRTY), \$90\$ (NINTY) and \$300 (THR HUN).

5. *Prizes:* The prizes that can be won in this game are \$3, \$6, \$9, \$15, \$30, \$90, \$300 and \$30,000.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 4,800,000 tickets will be printed for the Pennsylvania Bonus Crossword instant lottery game.

7. *Determination of Prize Winners:*

(a) The determination of the prize winners for the "Bonus Crossword" game are:

(1) Holders of tickets where the player completely uncovers 11 words, using only the letters found in the "Your Letters" area, on a single ticket, shall be entitled to a prize of \$30,000.



(2) Holders of tickets where the player completely uncovers 10 words, using only the letters found in the "Your Letters" area, on a single ticket, shall be entitled to a prize of \$300.

(3) Holders of tickets where the player completely uncovers 9 words, using only the letters found in the "Your Letters" area, on a single ticket, shall be entitled to a prize of \$90.

(4) Holders of tickets where the player completely uncovers 8 words, using only the letters found in the "Your Letters" area, on a single ticket, shall be entitled to a prize of \$30.

(5) Holders of tickets where the player completely uncovers 7 words, using only the letters found in the "Your Letters" area, on a single ticket, shall be entitled to a prize of \$15.

(6) Holders of tickets where the player completely uncovers 6 words, using only the letters found in the "Your Letters" area, on a single ticket, shall be entitled to a prize of \$9.

(7) Holders of tickets where the player completely uncovers 5 words, using only the letters found in the "Your Letters" area, on a single ticket, shall be entitled to a prize of \$6.

(8) Holders of tickets where the player completely uncovers 4 words, using only the letters found in the "Your Letters" area, on a single ticket, shall be entitled to a prize of \$3.

(9) A prize will be paid only for the highest Pennsylvania Bonus Crossword instant lottery game prize won on the ticket if the ticket meets the criteria established in 61 Pa. Code § 819.213 (relating to ticket validation and requirements).

(b) The determination of the prize winners for the "Bonus Word" portion of the "Bonus Crossword" game are:

(1) Holders of tickets where the player completes the "Bonus Word," using only the letters found in the "Your Letters" area, and a prize symbol of \$300 (THR HUN) appears in the prize area below the "Bonus Word" on a single ticket, shall be entitled to a prize of \$300.

(2) Holders of tickets where the player completes the "Bonus Word," using only the letters found in the "Your Letters" area, and a prize symbol of \$90\$ (NINTY) appears in the prize area below the "Bonus Word" on a single ticket, shall be entitled to a prize of \$90.

(3) Holders of tickets where the player completes the "Bonus Word," using only the letters found in the "Your Letters" area, and a prize symbol of \$30\$ (THIRTY) appears in the prize area below the "Bonus Word" on a single ticket, shall be entitled to a prize of \$30.

(4) Holders of tickets where the player completes the "Bonus Word," using only the letters found in the "Your Letters" area, and a prize symbol of \$15\$ (FIFTN) appears in the prize area below the "Bonus Word" on a single ticket, shall be entitled to a prize of \$15.

(5) Holders of tickets where the player completes the "Bonus Word," using only the letters found in the "Your Letters" area, and a prize symbol of \$9<sup>00</sup> (NIN DOL) appears in the prize area below the "Bonus Word" on a single ticket, shall be entitled to a prize of \$9.

(6) Holders of tickets where the player completes the "Bonus Word," using only the letters found in the "Your Letters" area, and a prize symbol of \$6<sup>00</sup> (SIX DOL) appears in the prize area below the "Bonus Word" on a single ticket, shall be entitled to a prize of \$6.

(7) Holders of tickets where the player completes the "Bonus Word," using only the letters found in the "Your Letters" area, and a prize symbol of \$3<sup>00</sup> (THR DOL), appears in the prize area below the "Bonus Word" on a single ticket, shall be entitled to a prize of \$3.

8. *Game Play Instructions for the "Bonus Crossword" game are:*

(a) The player shall scratch the "Your Letters" area to reveal 18 letters. For each of the 18 letters revealed in the "Your Letters" area, the player shall rub the same letter each time it is found in the "Bonus Crossword" puzzle play area.

(b) When a player reveals four or more words in the "Bonus Crossword" puzzle play area, the player is entitled to win a prize as described in Section 7(a).

(c) For purposes of this game, a word must contain at least three letters and cannot be formed by linking letters diagonally or by reading the letters from the bottom to the top.

(d) Letters combined to form a word must appear in an unbroken horizontal or vertical string of letters in the "Bonus Crossword" puzzle play area. An unbroken string of letters cannot be interrupted by a black space and must contain every single letter square between two black spaces.

(e) Every single letter in the unbroken string must be revealed in the "Your Letters" area and be included to form a word.

(f) The possible complete words for each ticket in the game are shown on the "Bonus Crossword" puzzle play area of the ticket. The player must match all of the letters in a possible complete word in order to complete the word.

9. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

<i>Win With Prize(s) Of:</i>	<i>Win:</i>	<i>Approximate Odds of 1 In:</i>	<i>Approximate No. of Winners Per 4,800,000 Tickets</i>
4 WORDS	\$3	14.29	336,000
\$3 BONUS	\$3	14.29	336,000
5 WORDS	\$6	25	192,000
+			
4 WORDS	\$6	100	48,000
\$6 BONUS	\$6	100	48,000
6 WORDS	\$9	100	48,000

<i>Win With Prize(s) Of:</i>	<i>Win:</i>	<i>Approximate Odds of 1 In:</i>	<i>Approximate No. of Winners Per 4,800,000 Tickets</i>
\$3 BONUS +			
5 WORDS \$6 BONUS +	\$9	200	24,000
4 WORDS \$9 BONUS +	\$9	200	24,000
7 WORDS \$6 BONUS +	\$9	100	48,000
6 WORDS \$9 BONUS +	\$15	100	48,000
5 WORDS \$15 BONUS +	\$15	200	24,000
8 WORDS \$15 BONUS +	\$15	100	48,000
7 WORDS \$30 BONUS +	\$30	200	24,000
9 WORDS \$90 BONUS +	\$90	500	9,600
10 WORDS \$300 BONUS +	\$300	333.33	14,400
11 WORDS	\$30,000	1,935	2,480
		1,905	2,520
		24,000	200
		24,000	200
		960,000	5

10. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Bonus Crossword instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

11. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Bonus Crossword instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Bonus Crossword instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

12. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

13. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Bonus Crossword or through normal communications methods.

GREGORY C. FAJT,  
Secretary

[Pa.B. Doc. No. 05-304. Filed for public inspection February 11, 2005, 9:00 a.m.]

### Pennsylvania Dazzling Diamonds Instant Lottery Game

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Dazzling Diamonds.

2. *Price:* The price of a Pennsylvania Dazzling Diamonds instant lottery game ticket is \$10.

3. *Play Symbols:* Each Pennsylvania Dazzling Diamonds instant lottery game ticket will contain one play area featuring a "WINNING NUMBERS" area and a "YOUR NUMBERS" area. The play symbols and their captions located in the "WINNING NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWININ) and 30 (THIRTY). The play symbols and their captions located in the "YOUR NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWININ), 30 (THIRTY), Ring Symbol (RING) and 10X Symbol (10TIMES).

4. *Prize Symbols:* The prize symbols and their captions located in the "YOUR NUMBERS" area are: \$5<sup>00</sup> (FIV DOL), \$10<sup>00</sup> (TEN DOL), \$15\$ (FIFTN), \$20\$

(TWENTY), \$25\$ (TWY FIV), \$50\$ (FIFTY), \$100 (ONE HUN), \$200 (TWO HUN), \$500 (FIV HUN), \$1,000 (ONE THO), \$250,000 (TWOHUNFTYTHO), and \$500,000 (FIVHUNTHO).

5. *Prizes:* The prizes that can be won in this game are \$5, \$10, \$15, \$20, \$25, \$50, \$100, \$200, \$500, \$1,000, \$250,000 and \$500,000. A player can win up to 15 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 6,000,000 tickets will be printed for the Pennsylvania Dazzling Diamonds instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$500,000 (FIVHUNTHO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$500,000.

(b) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$250,000 (TWOHUNFTYTHO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$250,000.

(c) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$1,000 (ONE THO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(d) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 10X Symbol (10TIMES), and a prize symbol of \$100 (ONE HUN) appears under the 10X Symbol (10TIMES) on a single ticket, shall be entitled to a prize of \$1,000.

(e) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$500 (FIV HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$500.

(f) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Ring Symbol (RING), and a prize symbol of \$500 (FIV HUN) appears under the Ring Symbol (RING) on a single ticket, shall be entitled to a prize of \$500.

(g) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 10X Symbol (10TIMES), and a prize symbol of \$50\$ (FIFTY) appears under the 10X Symbol (10TIMES) on a single ticket, shall be entitled to a prize of \$500.

(h) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$200 (TWO HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$200.

(i) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Ring Symbol (RING), and a prize symbol of \$200 (TWO HUN) appears under the Ring Symbol (RING) on a single ticket, shall be entitled to a prize of \$200.

(j) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 10X Symbol (10TIMES), and a prize symbol of \$20\$ (TWENTY) appears under the 10X Symbol (10TIMES) on a single ticket, shall be entitled to a prize of \$200.

(k) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$100 (ONE HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(l) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Ring Symbol (RING), and a prize symbol of \$100 (ONE HUN) appears under the Ring Symbol (RING) on a single ticket, shall be entitled to a prize of \$100.

(m) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 10X Symbol (10TIMES), and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears under the 10X Symbol (10TIMES) on a single ticket, shall be entitled to a prize of \$100.

(n) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$50\$ (FIFTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(o) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Ring Symbol (RING), and a prize symbol of \$50\$ (FIFTY) appears under the Ring Symbol (RING) on a single ticket, shall be entitled to a prize of \$50.

(p) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 10X Symbol (10TIMES), and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears under the 10X Symbol (10TIMES) on a single ticket, shall be entitled to a prize of \$50.

(q) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$25\$ (TWY FIV) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$25.

(r) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Ring Symbol (RING), and a prize symbol of \$25\$ (TWY FIV) appears under the Ring Symbol (RING) on a single ticket, shall be entitled to a prize of \$25.

(s) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$20\$ (TWENTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(t) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$15\$ (FIFTN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$15.

(u) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Ring Symbol (RING), and a prize symbol of \$15\$ (FIFTN) appears under the Ring Symbol (RING) on a single ticket, shall be entitled to a prize of \$15.

(v) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$10<sup>.00</sup> (TEN DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(w) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Ring Symbol (RING), and a prize symbol of \$10<sup>.00</sup> (TEN DOL) appears under the Ring Symbol (RING) on a single ticket, shall be entitled to a prize of \$10.

(x) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$5<sup>.00</sup> (FIV DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$5.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

*When Any Of Your Numbers Match Any Of The Winning Numbers, Win With Prize(s) Of:*

<i>Win:</i>	<i>Approximate Odds of 1 In:</i>	<i>Approximate No. Of Winners Per 6,000,000 Tickets</i>	
\$5 × 2	\$10	27.27	220,000
\$10 w/Ring	\$10	33.33	180,000
\$10	\$10	27.27	220,000
\$5 × 3	\$15	100	60,000
\$15 w/Ring	\$15	75	80,000
\$15	\$15	100	60,000
\$5 × 4	\$20	150	40,000
\$10 × 2	\$20	60	100,000
\$20	\$20	30	200,000
\$5 × 5	\$25	150	40,000
\$5 × 3 + \$10	\$25	150	40,000
\$15 + \$10	\$25	150	40,000
\$25 w/Ring	\$25	150	40,000
\$25	\$25	150	40,000
\$5 × 10	\$50	300	20,000
\$10 × 5	\$50	600	10,000
\$25 × 2	\$50	600	10,000
\$5 w/10X	\$50	200	30,000
\$50 w/Ring	\$50	600	10,000
\$50	\$50	300	20,000
\$5 × 10			
+			
\$10 × 5	\$100	600	10,000
\$10 × 10	\$100	600	10,000
\$10 × 5 + \$50	\$100	600	10,000
\$20 × 5	\$100	600	10,000
\$25 × 4	\$100	600	10,000
\$50 × 2	\$100	600	10,000
\$10 w/10X	\$100	600	10,000
\$100 w/Ring	\$100	600	10,000
\$100	\$100	300	20,000
\$20 × 10	\$200	8,000	750
\$25 × 8	\$200	8,000	750
\$15 × 10			
+			
\$10 × 5	\$200	8,000	750
\$20 w/10X	\$200	8,000	750
\$200 w/Ring	\$200	8,000	750
\$200	\$200	8,000	750
\$50 × 10	\$500	24,000	250
\$100 × 5	\$500	30,000	200
\$50 w/10X	\$500	30,000	200
\$500 w/Ring	\$500	30,000	200
\$500	\$500	24,000	250
\$100 × 10	\$1,000	120,000	50
\$200 × 5	\$1,000	120,000	50
\$100 w/10X	\$1,000	120,000	50
\$1,000	\$1,000	120,000	50
\$250,000	\$250,000	1,200,000	5
\$500,000	\$500,000	1,200,000	5

Ring = Win the prize automatically.  
 10X = Win 10 times the prize automatically.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Dazzling Diamonds instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Dazzling Diamonds, prize money from winning Pennsylvania Dazzling Diamonds instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Dazzling Diamonds instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Dazzling Diamonds or through normal communications methods.

GREGORY C. FAJT,  
Secretary

[Pa.B. Doc. No. 05-305. Filed for public inspection February 11, 2005, 9:00 a.m.]

### Pennsylvania Emerald 8's Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Emerald 8's.

2. *Price:* The price of a Pennsylvania Emerald 8's instant lottery game ticket is \$1.

3. *Play Symbols:* Each Pennsylvania Emerald 8's instant lottery game ticket will contain one play area. The play symbols and their captions, located in the play area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE) and 88 (EGTEGT).

4. *Prize Symbols:* The prize symbols and their captions, located in the play area are: \$1<sup>00</sup> (ONE DOL), \$2<sup>00</sup> (TWO DOL), \$4<sup>00</sup> (FOR DOL), \$7<sup>00</sup> (SVN DOL), \$8<sup>00</sup> (EGT DOL), \$14\$ (FORTN), \$24\$ (TWY FOR), \$80\$ (EIGHTY), \$180 (ONEHUNETY) and \$8,000 (EGT THO).

5. *Prizes:* The prizes that can be won in this game are \$1, \$2, \$4, \$7, \$8, \$14, \$24, \$80, \$180 and \$8,000. The player can win up to 6 times on the ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 14,400,000 tickets will be printed for the Pennsylvania Emerald 8's instant lottery game.

### 7. Determination of Prize Winners:

(a) Holders of tickets with a play symbol of 8 (EIGHT), and a prize symbol of \$8,000 (EGT THO) appearing in the "PRIZE" area below that 8 (EIGHT) play symbol, on a single ticket, shall be entitled to a prize of \$8,000.

(b) Holders of tickets with a play symbol of 8 (EIGHT), and a prize symbol of \$180 (ONEHUNETY) appearing in the "PRIZE" area below that 8 (EIGHT) play symbol, on a single ticket, shall be entitled to a prize of \$180.

(c) Holders of tickets with a play symbol of 88 (EGTEGT), and a prize symbol of \$80\$ (EIGHTY) appearing in the "PRIZE" area below that 88 (EGTEGT) play symbol, on a single ticket, shall be entitled to a prize of \$160.

(d) Holders of tickets with a play symbol of 8 (EIGHT), and a prize symbol of \$80\$ (EIGHTY) appearing in the "PRIZE" area below that 8 (EIGHT) play symbol, on a single ticket, shall be entitled to a prize of \$80.

(e) Holders of tickets with a play symbol of 88 (EGTEGT), and a prize symbol of \$24\$ (TWY FOR) appearing in the "PRIZE" area below that 88 (EGTEGT) play symbol, on a single ticket, shall be entitled to a prize of \$48.

(f) Holders of tickets with a play symbol of 8 (EIGHT), and a prize symbol of \$24\$ (TWY FOR) appearing in the "PRIZE" area below that 8 (EIGHT) play symbol, on a single ticket, shall be entitled to a prize of \$24.

(g) Holders of tickets with a play symbol of 88 (EGTEGT), and a prize symbol of \$8<sup>00</sup> (EGT DOL) appearing in the "PRIZE" area below that 88 (EGTEGT) play symbol, on a single ticket, shall be entitled to a prize of \$16.

(h) Holders of tickets with a play symbol of 8 (EIGHT), and a prize symbol of \$14\$ (FORTN) appearing in the "PRIZE" area below that 8 (EIGHT) play symbol, on a single ticket, shall be entitled to a prize of \$14.

(i) Holders of tickets with a play symbol of 88 (EGTEGT), and a prize symbol of \$7<sup>00</sup> (SVN DOL) appearing in the "PRIZE" area below that 88 (EGTEGT) play symbol, on a single ticket, shall be entitled to a prize of \$14.

(j) Holders of tickets with a play symbol of 8 (EIGHT), and a prize symbol of \$8<sup>00</sup> (EGT DOL) appearing in the "PRIZE" area below that 8 (EIGHT) play symbol, on a single ticket, shall be entitled to a prize of \$8.

(k) Holders of tickets with a play symbol of 88 (EGTEGT), and a prize symbol of \$4<sup>00</sup> (FOR DOL) appearing in the "PRIZE" area below that 88 (EGTEGT) play symbol, on a single ticket, shall be entitled to a prize of \$8.

(l) Holders of tickets with a play symbol of 8 (EIGHT), and a prize symbol of \$7<sup>00</sup> (SVN DOL) appearing in the "PRIZE" area below that 8 (EIGHT) play symbol, on a single ticket, shall be entitled to a prize of \$7.

(m) Holders of tickets with a play symbol of 8 (EIGHT), and a prize symbol of \$4<sup>00</sup> (FOR DOL) appearing in the "PRIZE" area below that 8 (EIGHT) play symbol, on a single ticket, shall be entitled to a prize of \$4.

(n) Holders of tickets with a play symbol of 88 (EGTEGT), and a prize symbol of \$2<sup>00</sup> (TWO DOL) appearing in the "PRIZE" area below that 88 (EGTEGT) play symbol, on a single ticket, shall be entitled to a prize of \$4.

(o) Holders of tickets with a play symbol of 8 (EIGHT), and a prize symbol of \$2<sup>00</sup> (TWO DOL) appearing in the "PRIZE" area below that 8 (EIGHT) play symbol, on a single ticket, shall be entitled to a prize of \$2.

(p) Holders of tickets with a play symbol of 88 (EGTEGT), and a prize symbol of \$1<sup>00</sup> (ONE DOL) appearing in the "PRIZE" area below that 88 (EGTEGT) play symbol, on a single ticket, shall be entitled to a prize of \$2.

(q) Holders of tickets with a play symbol of 8 (EIGHT), and a prize symbol of \$1<sup>00</sup> (ONE DOL) appearing in the "PRIZE" area below that 8 (EIGHT) play symbol, on a single ticket, shall be entitled to a prize of \$1.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

<i>Get:</i>	<i>Win:</i>	<i>Approximate Odds of 1 In:</i>	<i>Approximate No. Of Winners Per 14,400,000 Tickets</i>
\$1	\$1	9.38	1,536,000
\$1 x 2	\$2	50	288,000
\$1 w/88	\$2	42.86	336,000
\$2	\$2	50	288,000
\$1 x 4	\$4	600	24,000
\$2 x 2	\$4	600	24,000
\$2 w/88	\$4	300	48,000
\$4	\$4	300	48,000
\$2 x 4	\$8	300	48,000
\$4 x 2	\$8	300	48,000
\$4 w/88	\$8	150	96,000
\$8	\$8	150	96,000
\$2 x 5 + \$4	\$14	1,500	9,600
\$7 x 2	\$14	1,500	9,600
\$7 w/88	\$14	750	19,200
\$14	\$14	1,500	9,600
\$2 x 5 + \$14	\$24	1,500	9,600
\$4 x 6	\$24	1,500	9,600
\$8 x 3	\$24	1,500	9,600
\$8 w/88 + \$8	\$24	1,500	9,600
\$24	\$24	1,500	9,600
\$24 x 3 + \$8	\$80	40,000	360
\$24 w/88 + \$8 x 4	\$80	34,286	420
\$80	\$80	34,286	420
\$180	\$180	120,000	120
\$80 w/88 + \$4 x 5	\$180	240,000	60
\$8,000	\$8,000	720,000	20

88 = Double the prize shown.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Emerald 8's instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Emerald 8's, prize money from winning Pennsylvania Emerald 8's instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Emerald 8's instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets

from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Emerald 8's or through normal communications methods.

GREGORY C. FAJT,  
*Secretary*

[Pa.B. Doc. No. 05-306. Filed for public inspection February 11, 2005, 9:00 a.m.]

**Pennsylvania Sapphire 7's Instant Lottery Game**

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Sapphire 7's.

2. *Price:* The price of a Pennsylvania Sapphire 7's instant lottery game ticket is \$5.

### 3. *Play Symbols:*

(a) Each Pennsylvania Sapphire 7's instant lottery game ticket will contain seven play areas known as Game 1, Game 2, Game 3, Game 4, Game 5, Game 6, and Game 7. Each game is played separately.

(b) The play symbols and their captions located in the "YOUR NUMBERS" and "WINNING NUMBER" areas for Game 7; in the play areas for Game 1, Game 3 and Game 5 are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVEN), and 12 (TWELVE).

(c) The play symbols and their captions located in the "YOUR SYMBOLS" and "LUCKY SYMBOL" play areas for Game 2 are:

Money Bag Symbol (MNYBG), Pot of Gold Symbol (PTGLD), Rabbit Foot Symbol (RBTFT), Horse Shoe Symbol (SHOE), Star Symbol (STAR) and Diamond Symbol (DIMND).

(d) The play and prize symbols and their captions located in the "FAST CASH BONUS" area for Game 6 are: \$7<sup>00</sup> (SVN DOL), \$10<sup>00</sup> (TEN DOL), \$15\$ (FIFTN), \$17\$ (SVNTN), \$20\$ (TWENTY), \$77\$ (SVY SVN), \$117 (HUNSVNTN) and NO BONUS (TRY AGAIN).

4. *Prize Play Symbols:* The prize play symbols and their captions located in the play area for Game 4 are: \$5<sup>00</sup> (FIV DOL), \$7<sup>00</sup> (SVN DOL), \$10<sup>00</sup> (TEN DOL), \$15\$ (FIFTN), \$17\$ (SVNTN), \$20\$ (TWENTY), \$27\$ (TWY SVN), \$77\$ (SVY SVN), \$117 (HUNSVNTN), \$777 (SNHNSVYSN), \$7,777 (7X4) and \$77,777 (7X5). The prize symbols and their captions located in the prize area in Game 1, Game 2, Game 3, Game 5 and Game 7 are: \$5<sup>00</sup> (FIV DOL), \$7<sup>00</sup> (SVN DOL), \$10<sup>00</sup> (TEN DOL), \$15\$ (FIFTN), \$17\$ (SVNTN), \$20\$ (TWENTY), \$27\$ (TWY SVN), \$77\$ (SVY SVN), \$117 (HUNSVNTN), \$777 (SNHNSVYSN), \$7,777 (7X4) and \$77,777 (7X5).

5. *Prizes:* The prizes that can be won in Game 1, Game 2, Game 3, Game 4, Game 5 and Game 7 are \$5, \$7, \$10, \$15, \$17, \$20, \$27, \$77, \$117, \$777, \$7,777 and \$77,777. The prizes that can be won in Game 6 are \$7, \$10, \$15, \$17, \$20, \$77 and \$117. A player can win up to 6 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 5,040,000 tickets will be printed for the Pennsylvania Sapphire 7's instant lottery game.

### 7. *Determination of Prize Winners:*

(a) Determination of prize winners for Game 1 and Game 3 are:

(1) Holders of tickets with two 7 (SEVEN) play symbols in the same play area and a prize symbol of \$77,777 (7X5) appearing in the "PRIZE" area for that Game, on a single ticket, shall be entitled to a prize of \$77,777.

(2) Holders of tickets with two 7 (SEVEN) play symbols in the same play area and a prize symbol of \$7,777 (7X4) appearing in the "PRIZE" area for that Game, on a single ticket, shall be entitled to a prize of \$7,777.

(3) Holders of tickets with two 7 (SEVEN) play symbols in the same play area and a prize symbol of \$777 (SNHNSVYSN) appearing in the "PRIZE" area for that Game, on a single ticket, shall be entitled to a prize of \$777.

(4) Holders of tickets with two 7 (SEVEN) play symbols in the same play area and a prize symbol of \$117 (HUNSVNTN) appearing in the "PRIZE" area for that Game, on a single ticket, shall be entitled to a prize of \$117.

(5) Holders of tickets with two 7 (SEVEN) play symbols in the same play area and a prize symbol of \$77\$ (SVY SVN) appearing in the "PRIZE" area for that Game, on a single ticket, shall be entitled to a prize of \$77.

(6) Holders of tickets with two 7 (SEVEN) play symbols in the same play area and a prize symbol of \$27\$ (TWY SVN) appearing in the "PRIZE" area for that Game, on a single ticket, shall be entitled to a prize of \$27.

(7) Holders of tickets with two 7 (SEVEN) play symbols in the same play area and a prize symbol of \$20\$ (TWENTY) appearing in the "PRIZE" area for that Game, on a single ticket, shall be entitled to a prize of \$20.

(8) Holders of tickets with two 7 (SEVEN) play symbols in the same play area and a prize symbol of \$17\$ (SVNTN) appearing in the "PRIZE" area for that Game, on a single ticket, shall be entitled to a prize of \$17.

(9) Holders of tickets with two 7 (SEVEN) play symbols in the same play area and a prize symbol of \$15\$ (FIFTN) appearing in the "PRIZE" area for that Game, on a single ticket, shall be entitled to a prize of \$15.

(10) Holders of tickets with two 7 (SEVEN) play symbols in the same play area and a prize symbol of \$10<sup>00</sup> (TEN DOL) appearing in the "PRIZE" area for that Game, on a single ticket, shall be entitled to a prize of \$10.

(11) Holders of tickets with two 7 (SEVEN) play symbols in the same play area and a prize symbol of \$7<sup>00</sup> (SVN DOL) appearing in the "PRIZE" area for that Game, on a single ticket, shall be entitled to a prize of \$7.

(12) Holders of tickets with two 7 (SEVEN) play symbols in the same play area and a prize symbol of \$5<sup>00</sup> (FIV DOL) appearing in the "PRIZE" area for that Game, on a single ticket, shall be entitled to a prize of \$5.

(b) Determination of prize winners for Game 2 are:

(1) Holders of tickets upon which any one of the "YOUR SYMBOLS" play symbols matches the "LUCKY SYMBOL" play symbol and a prize symbol of \$77,777 (7X5) appears under the matching "YOUR SYMBOL" play symbol, on a single ticket, shall be entitled to a prize of \$77,777.

(2) Holders of tickets upon which any one of the "YOUR SYMBOLS" play symbols matches the "LUCKY SYMBOL" play symbol and a prize symbol of \$7,777 (7X4) appears under the matching "YOUR SYMBOL" play symbol, on a single ticket, shall be entitled to a prize of \$7,777.

(3) Holders of tickets upon which any one of the "YOUR SYMBOLS" play symbols matches the "LUCKY SYMBOL" play symbol and a prize symbol of \$777 (SNHNSVYSN) appears under the matching "YOUR SYMBOL" play symbol, on a single ticket, shall be entitled to a prize of \$777.

(4) Holders of tickets upon which any one of the "YOUR SYMBOLS" play symbols matches the "LUCKY SYMBOL" play symbol and a prize symbol of \$117 (HUNSVNTN) appears under the matching "YOUR SYMBOL" play symbol, on a single ticket, shall be entitled to a prize of \$117.

(5) Holders of tickets upon which any one of the "YOUR SYMBOLS" play symbols matches the "LUCKY SYMBOL" play symbol and a prize symbol of \$77\$ (SVY SVN) appears under the matching "YOUR SYMBOL" play symbol, on a single ticket, shall be entitled to a prize of \$77.

(6) Holders of tickets upon which any one of the "YOUR SYMBOLS" play symbols matches the "LUCKY SYMBOL" play symbol and a prize symbol of \$27\$ (TWY SVN) appears under the matching "YOUR SYMBOL" play symbol, on a single ticket, shall be entitled to a prize of \$27.

(7) Holders of tickets upon which any one of the "YOUR SYMBOLS" play symbols matches the "LUCKY SYMBOL" play symbol and a prize symbol of \$20\$ (TWENTY) appears under the matching "YOUR SYMBOL" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(8) Holders of tickets upon which any one of the "YOUR SYMBOLS" play symbols matches the "LUCKY SYMBOL" play symbol and a prize symbol of \$17\$ (SVNTN) appears under the matching "YOUR SYMBOL" play symbol, on a single ticket, shall be entitled to a prize of \$17.

(9) Holders of tickets upon which any one of the "YOUR SYMBOLS" play symbols matches the "LUCKY SYMBOL" play symbol and a prize symbol of \$15\$ (FIFTN) appears under the matching "YOUR SYMBOL" play symbol, on a single ticket, shall be entitled to a prize of \$15.

(10) Holders of tickets upon which any one of the "YOUR SYMBOLS" play symbols matches the "LUCKY SYMBOL" play symbol and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears under the matching "YOUR SYMBOL" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(11) Holders of tickets upon which any one of the "YOUR SYMBOLS" play symbols matches the "LUCKY SYMBOL" play symbol and a prize symbol of \$7<sup>00</sup> (SVN DOL) appears under the matching "YOUR SYMBOL" play symbol, on a single ticket, shall be entitled to a prize of \$7.

(12) Holders of tickets upon which any one of the "YOUR SYMBOLS" play symbols matches the "LUCKY SYMBOL" play symbol and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears under the matching "YOUR SYMBOL" play symbol, on a single ticket, shall be entitled to a prize of \$5.

(c) Determination of prize winners for Game 4 are:

(1) Holders of tickets with three matching prize play symbols of \$77,777 (7X5) in the play area, on a single ticket, shall be entitled to a prize of \$77,777.

(2) Holders of tickets with three matching prize play symbols of \$7,777 (7X4) in the play area, on a single ticket, shall be entitled to a prize of \$7,777.

(3) Holders of tickets with three matching prize play symbols of \$777 (SNHNSVYSN) in the play area, on a single ticket, shall be entitled to a prize of \$777.

(4) Holders of tickets with three matching prize play symbols of \$117 (HUNSVNTN) in the play area, on a single ticket, shall be entitled to a prize of \$117.

(5) Holders of tickets with three matching prize play symbols of \$77\$ (SVY SVN) in the play area, on a single ticket, shall be entitled to a prize of \$77.

(6) Holders of tickets with three matching prize play symbols of \$27\$ (TWY SVN) in the play area, on a single ticket, shall be entitled to a prize of \$27.

(7) Holders of tickets with three matching prize play symbols of \$20\$ (TWENTY) in the play area, on a single ticket, shall be entitled to a prize of \$20.

(8) Holders of tickets with three matching prize play symbols of \$17\$ (SVNTN) in the play area, on a single ticket, shall be entitled to a prize of \$17.

(9) Holders of tickets with three matching prize play symbols of \$15\$ (FIFTN) in the play area, on a single ticket, shall be entitled to a prize of \$15.

(10) Holders of tickets with three matching prize play symbols of \$10<sup>00</sup> (TEN DOL) in the play area, on a single ticket, shall be entitled to a prize of \$10.

(11) Holders of tickets with three matching prize play symbols of \$7<sup>00</sup> (SVN DOL) in the play area, on a single ticket, shall be entitled to a prize of \$7.

(12) Holders of tickets with three matching prize play symbols of \$5<sup>00</sup> (FIV DOL) in the play area, on a single ticket, shall be entitled to a prize of \$5.

(d) Determination of prize winners for Game 5 are:

(1) Holders of tickets with three matching 7 (SEVEN) play symbols in the same row, column or diagonal and a prize play symbol of \$77,777 (7X5) appearing in the "PRIZE" area for the Game, on a single ticket, shall be entitled to a prize of \$77,777.

(2) Holders of tickets with three matching 7 (SEVEN) play symbols in the same row, column or diagonal and a prize play symbol of \$7,777 (7X4) appearing in the "PRIZE" area for the Game, on a single ticket, shall be entitled to a prize of \$7,777.

(3) Holders of tickets with three matching 7 (SEVEN) play symbols in the same row, column or diagonal and a prize play symbol of \$777 (SNHNSVYSN) appearing in the "PRIZE" area for the Game, on a single ticket, shall be entitled to a prize of \$777.

(4) Holders of tickets with three matching 7 (SEVEN) play symbols in the same row, column or diagonal and a prize play symbol of \$117 (HUNSVNTN) appearing in the "PRIZE" area for the Game, on a single ticket, shall be entitled to a prize of \$117.

(5) Holders of tickets with three matching 7 (SEVEN) play symbols in the same row, column or diagonal and a prize play symbol of \$77\$ (SVY SVN) appearing in the "PRIZE" area for the Game, on a single ticket, shall be entitled to a prize of \$77.

(6) Holders of tickets with three matching 7 (SEVEN) play symbols in the same row, column or diagonal and a prize play symbol of \$27\$ (TWY SVN) appearing in the "PRIZE" area for the Game, on a single ticket, shall be entitled to a prize of \$27.

(7) Holders of tickets with three matching 7 (SEVEN) play symbols in the same row, column or diagonal and a prize play symbol of \$20\$ (TWENTY) appearing in the "PRIZE" area for the Game, on a single ticket, shall be entitled to a prize of \$20.



(8) Holders of tickets with three matching 7 (SEVEN) play symbols in the same row, column or diagonal and a prize play symbol of \$17\$ (SVNTN) appearing in the "PRIZE" area for the Game, on a single ticket, shall be entitled to a prize of \$17.

(9) Holders of tickets with three matching 7 (SEVEN) play symbols in the same row, column or diagonal and a prize play symbol of \$15\$ (FIFTN) appearing in the "PRIZE" area for the Game, on a single ticket, shall be entitled to a prize of \$15.

(10) Holders of tickets with three matching 7 (SEVEN) play symbols in the same row, column or diagonal and a prize play symbol of \$10<sup>00</sup> (TEN DOL) appearing in the "PRIZE" area for the Game, on a single ticket, shall be entitled to a prize of \$10.

(11) Holders of tickets with three matching 7 (SEVEN) play symbols in the same row, column or diagonal and a prize play symbol of \$7<sup>00</sup> (SVN DOL) appearing in the "PRIZE" area for the Game, on a single ticket, shall be entitled to a prize of \$7.

(12) Holders of tickets with three matching 7 (SEVEN) play symbols in the same row, column or diagonal and a prize play symbol of \$5<sup>00</sup> (FIV DOL) appearing in the "PRIZE" area for the Game, on a single ticket, shall be entitled to a prize of \$5.

(e) Determination of prize winners for Game 6 are:

(1) Holders of tickets with a \$117 (HUNSVNTN) play symbol in the "FAST CASH BONUS" area, on a single ticket, shall be entitled to a prize of \$117.

(2) Holders of tickets with a \$77\$ (SVY SVN) play symbol in the "FAST CASH BONUS" area, on a single ticket, shall be entitled to a prize of \$77.

(3) Holders of tickets with a \$20\$ (TWENTY) play symbol in the "FAST CASH BONUS" area, on a single ticket, shall be entitled to a prize of \$20.

(4) Holders of tickets with a \$17\$ (SVNTN) play symbol in the "FAST CASH BONUS" area, on a single ticket, shall be entitled to a prize of \$17.

(5) Holders of tickets with a \$15\$ (FIFTN) play symbol in the "FAST CASH BONUS" area, on a single ticket, shall be entitled to a prize of \$15.

(6) Holders of tickets with a \$10<sup>00</sup> (TEN DOL) play symbol in the "FAST CASH BONUS" area, on a single ticket, shall be entitled to a prize of \$10.

(7) Holders of tickets with a \$7<sup>00</sup> (SVN DOL) play symbol in the "FAST CASH BONUS" area, on a single ticket, shall be entitled to a prize of \$7.

(f) Determination of prize winners for Game 7 are:

(1) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches the "WINNING NUMBER" play symbol and a prize symbol of \$77,777 (7X5) appears under the matching "YOUR NUMBER" play symbol, on a single ticket, shall be entitled to a prize of \$77,777.

(2) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches the "WINNING NUMBER" play symbol and a prize symbol of \$7,777 (7X4) appears under the matching "YOUR NUMBER" play symbol, on a single ticket, shall be entitled to a prize of \$7,777.

(3) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches the "WINNING NUMBER" play symbol and a prize symbol of \$777 (SNHNSVYSN) appears under the matching "YOUR NUMBER" play symbol, on a single ticket, shall be entitled to a prize of \$777.

(4) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches the "WINNING NUMBER" play symbol and a prize symbol of \$117 (HUNSVNTN) appears under the matching "YOUR NUMBER" play symbol, on a single ticket, shall be entitled to a prize of \$117.

(5) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches the "WINNING NUMBER" play symbol and a prize symbol of \$77\$ (SVY SVN) appears under the matching "YOUR NUMBER" play symbol, on a single ticket, shall be entitled to a prize of \$77.

(6) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches the "WINNING NUMBER" play symbol and a prize symbol of \$27\$ (TWY SVN) appears under the matching "YOUR NUMBER" play symbol, on a single ticket, shall be entitled to a prize of \$27.

(7) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches the "WINNING NUMBER" play symbol and a prize symbol of \$20\$ (TWENTY) appears under the matching "YOUR NUMBER" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(8) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches the "WINNING NUMBER" play symbol and a prize symbol of \$17\$ (SVNTN) appears under the matching "YOUR NUMBER" play symbol, on a single ticket, shall be entitled to a prize of \$17.

(9) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches the "WINNING NUMBER" play symbol and a prize symbol of \$15\$ (FIFTN) appears under the matching "YOUR NUMBER" play symbol, on a single ticket, shall be entitled to a prize of \$15.

(10) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches the "WINNING NUMBER" play symbol and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears under the matching "YOUR NUMBER" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(11) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches the "WINNING NUMBER" play symbol and a prize symbol of \$7<sup>00</sup> (SVN DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$7.

(12) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches the "WINNING NUMBER" play symbol and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$5.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amount of prizes and approximate odds of winning:

<i>Win With Prize(s) Of:</i>	<i>Win:</i>	<i>Approximate Odds of 1 In.:</i>	<i>Approximate No. of Winners Per 5,040,000 Tickets</i>
\$5	\$5	9.84	512,400
\$7	\$7	300	16,800
\$7 (FAST CASH)	\$7	21.43	235,200
\$5 × 2	\$10	85.71	58,800
\$10	\$10	300	16,800
\$10 (FAST CASH)	\$10	600	8,400
\$5 × 3	\$15	600	8,400
\$10 + \$5	\$15	600	8,400
\$15	\$15	600	8,400
\$15 (FAST CASH)	\$15	300	16,800
\$10 + \$7	\$17	300	16,800
\$17 (FAST CASH)	\$17	46.15	109,200
\$17	\$17	120	42,000
\$5 × 4	\$20	200	25,200
\$10 × 2	\$20	300	16,800
\$20	\$20	300	16,800
\$20 (FAST CASH)	\$20	200	25,200
\$17 (FAST CASH)+ \$20 × 3	\$77	200	25,200
\$27 + \$10 × 5	\$77	300	16,800
\$77	\$77	300	16,800
\$77 (FAST CASH)	\$77	200	25,200
\$17 (FAST CASH)+ \$20 × 5	\$117	17,143	294
\$10 × 4 + \$77	\$117	17,143	294
\$20 × 2 + \$77	\$117	17,143	294
\$117	\$117	17,143	294
\$117 (FAST CASH)	\$117	17,143	294
\$777	\$777	240,000	21
\$7,777	\$7,777	360,000	14
\$77,777	\$77,777	720,000	7

Game 1 & Game 3—Get 2 “7” symbols, win prize shown.

Game 2—When any of “YOUR SYMBOLS” match the “LUCKY SYMBOL” win prize shown under the matching symbol.

Game 4—Get three like amounts, win that prize.

Game 5—Get three “7” symbols in a row, column or diagonal, win prize shown.

Game 6—(FAST CASH BONUS) Reveal prize amounts between \$7 and \$117 and win that prize.

Game 7—When any of “YOUR NUMBERS” match the “WINNING NUMBER,” win prize shown under the matching number.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Sapphire 7's instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Sapphire 7's, prize money from winning Pennsylvania Sapphire 7's instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Sapphire 7's instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be

disseminated through media used to advertise or promote Pennsylvania Sapphire 7's or through normal communications methods.

GREGORY C. FAJT  
*Secretary*

[Pa.B. Doc. No. 05-307. Filed for public inspection February 11, 2005, 9:00 a.m.]

### **Realty Transfer Tax; Revised 2003 Common Level Ratio Real Estate Valuation Factors**

The following real estate valuation factors are based on sales data compiled by the State Tax Equalization Board in 2003. These factors are the mathematical reciprocals of the actual common level ratio. For Pennsylvania Realty Transfer Tax purposes, these factors are applicable for documents accepted from July 1, 2004, to June 30, 2005, except as indicated. The date of acceptance of a document is rebuttably presumed to be its date of execution, that is, the date specified in the body of the document as the date of the instrument (61 Pa. Code § 91.102 (relating to acceptance of documents)).

<i>County</i>	<i>Revised Common Level Ratio Factor</i>
* Montour	8.52
** Philadelphia	3.66

\* Adjusted by the Department of Revenue to reflect assessment ratio change effective January 1, 2005.

\*\* Revised based on State Tax Equalization Board appeal decision.

GREGORY C. FAJT,  
*Secretary*

[Pa.B. Doc. No. 05-308. Filed for public inspection February 11, 2005, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Finding Bucks County

Under section 2002(b) of The Administrative Code of 1929 (71 P. S. § 512(b)), the Deputy Secretary for Highway Administration makes the following written finding:

The Department of Transportation (Department) plans to replace the existing Kellers Church Road Bridge over Deep Run in Bedminster Township, Bucks County. The project includes minor approach roadway widening in conjunction with replacing the Kellers Church Road Bridge on the same location. The project will require right-of-way from the National Register-eligible Landis Property.

The design for the new Kellers Church Road Bridge structure will be sensitive to the aesthetics of the surrounding area. The new structure will feature aesthetic concrete treatments on the parapet walls and will be very similar in length and height to the original bridge.

The Deputy Secretary for Highway Administration has considered the environmental, economic, social and other effects of the proposed project as enumerated in section 2002 of The Administrative Code of 1929 and has concluded that there is no feasible and prudent alternative to the project as designed, and all reasonable steps have been taken to minimize effects. No adverse environmental effect is likely to result from the replacement of the Kellers Church Road Bridge.

GARY L. HOFFMAN, P. E.,  
*Deputy Secretary for Highway Administration*

[Pa.B. Doc. No. 05-309. Filed for public inspection February 11, 2005, 9:00 a.m.]

### Finding Chester County

Under section 2002(b) of The Administrative Code of 1929 (71 P. S. § 512(b)), the Deputy Secretary for Highway Administration makes the following written finding:

The Department of Transportation (Department) plans to replace the SR 1012, Section C01 Bridge over Trout Creek in Tredyffrin Township, Chester County. Temporary occupancies will also be required on the National Register eligible East Watch property and the Richards Road Open Space, which is a publicly owned recreation facility.

The subject project will use approximately 15.3 hectares (37.8 acres) of the National Park Service property within the designated boundaries of the Delaware Water Gap National Recreation Area.

The environmental, economic, social and other effects of the proposed project as enumerated in section 2002 of The Administrative Code of 1929 have been considered. It has been concluded that there is no feasible and prudent alternative to the project as designed and all reasonable steps have been taken to minimize the effects. To minimize the harm to the Section 2002 protected property impacted by the project, the bridge will be recorded as a State-Level recordation following Historic American Engineering Record guidelines as per recommendation by the State Historic Preservation Officer. The replacement bridge will be designed sympathetically to the historic nature of the area. Stone from the existing bridge or a comparable stone will be used along the outside of the structure and along the inside of the parapet. Stream stabilization will be included in the final construction plans.

The Deputy Secretary for Highway Administration has considered the environmental, economic, social and other effects of the proposed project as enumerated in section 2002 of The Administrative Code of 1929 and has concluded that there is no feasible and prudent alternative to the project as designed, and all reasonable steps have been taken to minimize effects.

GARY L. HOFFMAN, P. E.,  
*Deputy Secretary for Highway Administration*

[Pa.B. Doc. No. 05-310. Filed for public inspection February 11, 2005, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

### Notice of Comments Issued

Section 5(g) of the Regulatory Review Act (71 P. S. § 745.5(g)) provides that the Independent Regulatory Review Commission (Commission) may issue comments within 30 days of the close of the public comment period. The Commission comments are based upon the criteria contained in section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b).

The Commission has issued comments on the following proposed regulations. The agency must consider these comments in preparing the final-form regulation. The final-form regulation must be submitted within 2 years of the close of the public comment period or it will be deemed withdrawn.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Close of the Public Comment Period</i>	<i>IRRC Comments Issued</i>
57-236	Pennsylvania Public Utility Commission Practice and Procedure Before the Commission 34 Pa.B. 5895 (October 30, 2004)	12/29/04	1/28/05
18-398	Department of Transportation Driver's License Examination 34 Pa.B. 6420 (December 4, 2004)	1/3/05	2/2/05
7-393	Environmental Quality Board Hazardous Waste Management System; Proposed Exclusion for Identification and Listing Hazardous Waste 34 Pa.B. 6421 (December 4, 2004)	1/3/05	2/2/05

**Pennsylvania Public Utility Commission Regulation  
No. 57-236 (IRRC No. 2441)**

**Practice and Procedure Before the Commission  
January 28, 2005**

We submit for your consideration the following comments that include references to the criteria in the Regulatory Review Act (71 P. S. § 745.5b) which have not been met. The Pennsylvania Public Utility Commission (PUC) must respond to these comments when it submits the final-form regulation. The public comment period for this regulation closed on December 29, 2004. If the final-form regulation is not delivered within two years of the close of the public comment period, the regulation will be deemed withdrawn.

**1. Electronic filing.—Need; Reasonableness.**

The PUC is proposing to add requirements related to electronic filing of documents, but is not authorizing the use of electronic filing. We question the need for and reasonableness of imposing requirements prior to implementing an electronic filing system.

The Office of Small Business Advocate (OSBA) and the Practitioners' Group (representing six utility practice law firms) have also raised concerns regarding electronic filing. The commentators note that technical aspects of an electronic filing system, such as the ability of parties to open and process large files, the handling of signature requirements and the establishment of a "tamper-proof" format, would need to be addressed before implementing electronic filing.

We agree that the proposed addition of electronic filing requirements is premature. We recommend that the PUC delete proposed electronic filing requirements until it is ready to put an electronic filing system in place. We have identified the following sections of the proposed regulation that relate to electronic filing:

- Section 1.11(a)(4)
- Section 1.24(b)(2)(i)(A)
- Section 1.25(a)
- Section 1.32(d)
- Section 1.35(a)(2)
- Section 1.37(c)
- Section 1.53(b)(3)
- Section 1.54(b)(3)

- Section 1.56(a)(5)
- Section 1.59(b)(1)(ii)
- Section 5.306

These sections should be deleted or amended, as appropriate, to eliminate implicit or explicit references to electronic filing.

**2. Filing by fax.—Reasonableness.**

The regulation precludes parties from filing documents by facsimile (fax) transmission. Other agencies allow filing by fax to meet the filing deadline, provided that an original is filed within a reasonable time thereafter. Has the PUC considered this approach?

**3. Section 1.8. Definitions.—Clarity.**

The following terms are used in the regulation, but are not defined: adversarial proceedings; nonadversarial proceedings; informal proceedings; agency; political subdivision; and government entity. Clarity would be improved by defining these terms in the final-form regulation. For any of these terms that are defined elsewhere in statute or regulations, the PUC could cross-reference those existing definitions.

**4. Section 1.11. Date of filing.—Reasonableness; Clarity.**

Under Subsection (a)(3), the PUC is deleting the date "shown by the United States Postal Service [USPS] stamp on the envelope" as a means of determining the date a document is filed with the PUC. Instead the date on a USPS Form 3817 certificate of mailing will be used. The impact of this change could be significant for consumers who file individual complaints and may not be familiar with Form 3817. As a result of this provision, consumer complaints may be filed incorrectly resulting in the need to re-file. We suggest the PUC retain the USPS stamp on the envelope as a means of determining the filing date.

Also under Subsection (a)(4), the PUC refers to "4:30 p.m. local time." For clarity, the reference to "local time" should be changed to "Eastern Standard Time."

**5. Section 1.33. Incorporation by reference.—Reasonableness.**

In Subsection (b), the PUC is deleting the 20-year time frame for documents that cannot be incorporated by reference without ascertaining that the PUC has the document in its files. As a result of this deletion, a party would have to determine the status of a referenced document in every instance. OSBA commented that it

would be burdensome to make this determination for every referenced document. We agree and suggest that the PUC continue to provide a time period during which parties can assume a document is still in the PUC files. If 20 years is too long, a shorter time frame may be established.

**6. Section 1.38. Rejection of filings.—Statutory authority; Legislative intent; Clarity; Reasonableness; Need; Feasibility**

This section provides that the PUC may reject the filing if the filing utility is “otherwise delinquent in its regulatory obligations.” We have three concerns.

First, this provision appears to preclude a utility from bringing or defending an action before the PUC if it has failed to satisfy any obligation imposed by regulation. We question the statutory authority for this provision.

Second, we believe that this provision is contrary to legislative intent. Subchapter A of the Public Utility Code explicitly outlines the procedures to be followed in bringing matters before the PUC. There is no indication that the legislature intended to foreclose these channels for obtaining relief to utilities who may not be in full compliance with regulations.

Third, we question the meaning of “delinquent in its regulatory obligations.” If the PUC believes it has the statutory authority for this provision, and that this provision is consistent with legislative intent, it should explain what is meant by this phrase.

**7. Section 1.42. Mode of payment of fees.—Clarity.**

Subsection (a) states, in part, “The Secretary’s Bureau *should* be contacted prior to submitting payment in a form other than money order or check.” (Emphasis added.) The term “should” is nonregulatory language which indicates that this provision is optional. If the PUC intends to require a party to contact the Secretary’s Bureau when submitting payment in an alternate form, the final-form regulation should replace the term “should” with “shall.”

**8. Section 3.501. Certificate of public convenience as a water supplier or wastewater collection, treatment or disposal provider.—Reasonableness; Need; Feasibility; Protection of public health; Consistency with existing regulations.**

Subsection (a) currently provides a list of requirements which an applicant for a certificate of public compliance must satisfy. The PUC is deleting this list. In lieu of retaining these requirements in the regulation, the PUC will include them on the forms which applicants must complete.

The Department of Environmental Protection (DEP) has objected to the deletion of application requirements from this provision. The basis for DEP’s objection is that by transferring the requirements from the regulation to forms, they will no longer constitute binding norms with the full force and effect of law.

We share DEP’s concern. Forms are subject to change at the discretion of the PUC, with no opportunity for notice and regulatory oversight. Therefore, the requirements for applications should remain in the regulation.

**9. Section 5.14. Applications requiring notice.—Reasonableness; Clarity.**

Existing Subsection (b), lists the applications for which notice will be published. PUC is proposing to delete this

list and retain only a general reference to applications for authority under the act.

The Practitioners’ Group believes that the existing list of applications which require notice provides certainty and consistency and should be retained. We agree and suggest the PUC retain the list in Subsection (b).

We have an additional concern. A new Paragraph (c) provides that the deadline for filing protests to applications is governed by Section 5.53. This section provides that the time for filing a protest shall be as stated in the application. If no deadline is specified, the time will be 60 days. We recommend that, for consistency, the PUC establish a standard time for the filing of protests which will be followed in all cases, unless there is good cause to allow a different time frame.

**10. Section 5.24. Satisfaction of formal complaints.—Clarity.**

Subsection (b) allows a respondent to certify to the PUC that it has satisfied a complaint if the complainant has either acknowledged satisfaction to the respondent or if the complainant no longer wishes to pursue the complaint. We recommend that the certification be in writing.

**11. Section 5.53. Time of filing.—Reasonableness; Feasibility; Clarity.**

This section states that a protest must be filed within the time specified in the published notice of the application. If the published notice does not contain a specified time, a party has 60 days to file a protest. We have two concerns.

First, as noted previously, this section lacks consistency because the regulated community does not have a reasonable expectation of when a protest must be filed. The final-form regulation should be amended to establish a uniform time period for filing a protest.

Second, this section does not specify how or where the notice must be published. To be consistent with other provisions of this rulemaking, we recommend that publication must be in the *Pennsylvania Bulletin*.

**12. Section 5.62. Answers seeking affirmative relief or raising new matter.—Clarity.**

Subsection (b) provides that an answer may raise new matter. The PUC should specify whether a notice to plead must be included in new matter. This may be important in view of the fact that Section 5.63(b) provides that failure to file a timely reply to new matter may be deemed an admission of the facts raised.

**13. Section 5.74. Filing of petitions to intervene.—Clarity; Reasonableness; Feasibility.**

The Office of Consumer Advocate expressed the concern that Subsection (b)(1) would create a default deadline for statutory notices of intervention in consumer complaint cases. This would result in dramatic departure from current practice and would work to the detriment of customers in need of assistance. The PUC should clarify its intent in this section.

**14. Section 5.101. Preliminary objections.—Need; Clarity; Feasibility.**

Subsection (a) substitutes the phrase “preliminary motion” with “preliminary objection,” as the latter phrase is more commonly used. Subsection (b) deletes the requirements that a preliminary objection be filed with an answer and that all preliminary objections be raised together.

The Practitioners' Group has raised the possibility that a party with substantial resources could use the new procedures to tie up a proceeding indefinitely. We share this concern, and request that the PUC revise this section to prevent that from happening.

We have an additional concern that the difference in the times for filing will result in confusion and missed deadlines. Subsection (c) states that a party may file an amended pleading within 20 days following service of preliminary objections. Subsection (d) states that an answer to a preliminary objection shall be filed within 10 days of the date of service. Subsection (f)(1) allows a party who files a stricken preliminary objection to file an amended pleading in 10 days. However, Subsection (f)(2) provides that a party who filed a preliminary objection which has been overruled has 20 days to plead over. The PUC should justify the difference in timelines or provide a standard time frame in most if not all instances.

**15. Section 5.342. Answers or objections to written interrogatories by a party.—Clarity.**

Subsection (d) provides timelines in which answers and objections must be served. The timelines contained in Subsection (d) and (d)(1) are contradictory. What timelines would a party be required to follow?

**16. Miscellaneous clarity issues.**

- The Practitioners' Group commented that the last sentence in Section 1.15(b) could be deleted if a revision is made to the first sentence in this subsection. Specifically, the phrase "timely filed with the Commission" should be replaced with "filed at least 5 days prior to the hearing date." We agree and suggest the PUC make this change.
- In Section 1.21(d)(2), the phrase "an appropriate individual" is unclear. The final-form regulation should more specifically identify the individuals who may represent parties in informal proceedings.
- In Section 1.36(a), the PUC should change the term "permitted" in the last sentence to "utilized."
- There is a typographical error in Section 1.53(b)(1). The word "by" should be inserted between "made" and "mailing."
- In Section 3.2, parallel construction should be employed. The codification of Subsection (a) should be restored. Proposed Paragraph (1) should be contained in Subsection (a). Proposed Paragraph (2) should be Subsection (b) and the Paragraphs (i) through (iv) should be codified (1) through (4). Subsequent subsections should be recodified accordingly.
- Section 3.502(b) requires a protest to be filed in "appropriate and legally sufficient form." This requirement is vague. The final-form regulation should contain cross-references to the applicable regulatory standards.
- Section 5.22(a)(7) references a "writing." The final-form regulation should either define this term in this subsection or delete the term and specifically identify what documents are subject to the requirements of this subsection.
- The first sentence of Section 5.22(c) references, "the act, a regulation or order of the Commission." The second sentence of this section states that the complaint must reference, "the regulation or order." To be consistent, the second sentence should also reference "the act."

- Section 5.41(c) requires copies to be served "in compliance with Commission direction." Clarity would be improved by cross-referencing specific service requirements contained in the regulations.
- In Section 5.52(a) the word "shall" should be shown in brackets.
- In Section 5.75(d), the word "permitted" should be replaced with "prohibited" to be consistent with the PUC's proposed wording changes in this subsection.
- In Section 5.91(a), the phrase "insofar as appropriate" is vague and unnecessary. It should be deleted.
- In Section 5.101(d), the word "motion" in the second sentence should be changed to "objection" to be consistent with the PUC's proposed terminology changes throughout Section 5.101.
- The phrase "in the public interest" is used in Section 5.232(d)(2). The PUC needs to clarify what this phrase means.
- In Section 5.235(a), the word "shall" in the second sentence should not be bracketed. The word "be," immediately following "shall," should be bracketed.
- Section 5.324(a) allows discovery of "facts known and opinions held by an expert." However, Section 5.323(a) precludes disclosure of opinions as part of discovery. In the final-form regulation, this inconsistency between these two sections should be rectified.
- Based on discussions with the PUC, we understand that Section 5.245, relating to failure to appear, proceed or maintain order in proceedings, also applies to interveners. The final-form regulation should be amended to reflect this fact.
- Section 5.401(b)(2)(iii) contains a typographical error. The word "By" should be deleted.
- Under Section 5.502(d), two commentators questioned if the PUC intended to delete the language related to "initial briefs." The PUC should clarify its intent in the final-form regulation.
- In the third sentence of Section 5.533(c), the existing word "shall" which appears after "exception" and before "exceptions shall" should be bracketed.
- In the last sentence of Section 5.535(a), the word "shall" should be bracketed, and the word "must" should be in bold type.

**Department of Transportation Regulation No.  
18-398 (IRRC NO. 2450)**

**Driver's License Examination**

**February 2, 2005**

We submit for your consideration the following comments that include references to the criteria in the Regulatory Review Act (71 P. S. § 745.5b) which have not been met. The Department of Transportation (Department) must respond to these comments when it submits the final-form regulation. The public comment period for this regulation closed on January 3, 2005. If the final-form regulation is not delivered within two years of the close of the public comment period, the regulation will be deemed withdrawn.

**Section 75.2. Definitions.—Consistency with the statute; Clarity.**

Both the proposed regulation and the enabling legislation, Act 76 of 2004 (75 Pa.C.S.A. § 1508.1(b)), define the term “chiropractor.” However, the definition in the proposed regulation differs from the statutory definition. The major difference is that the statutory definition contains the phrase “scope of practice” while the regulatory definition does not. For consistency, the final-form regulation should replace the proposed regulatory definition with either the statutory definition verbatim or a reference to it.

**Environmental Quality Board Regulation No. 7-393 (IRRC No. 2451)**

**Hazardous Waste Management System; Proposed Exclusion for Identification and Listing Hazardous Waste**

**February 2, 2005**

We submit for your consideration the following comments that include references to the criteria in the Regulatory Review Act (71 P. S. § 745.5b) which have not been met. The Environmental Quality Board (EQB) must respond to these comments when it submits the final-form regulation. The public comment period for this regulation closed on January 3, 2005. If the final-form regulation is not delivered within two years of the close of the public comment period, the regulation will be deemed withdrawn.

**1. General.—Protection of the public health, safety and welfare.**

The public commentators advocate continuing existing methods for recovery of metals prior to the disposal of Electric Arc Furnace Dust (EAFD). Will delisting EAFD result in placing recoverable materials in landfills? If so, why is delisting 300,000 cubic yards of EAFD per year in the public interest?

**2. Section 261a.32. Hazardous wastes from specific sources.—Clarity.**

*Paragraph (3) Changes in Operating Conditions*

The phrase “approved EAFD generators” is used in Subparagraph (3)(i). Who are “approved EAFD generators” and how do they obtain approval?

Subparagraph (3)(i) uses the phrase “significantly changes” twice. There could be disagreement over what constitutes a “significant change.” How will the petitioner know when this limit is reached? How will the Department enforce this provision?

The last sentence of Subparagraph (3)(i) requires notice, but does not specify when. The regulation should state the time limit in which the petitioner must notify the Department.

*Paragraph (4) Data Submittals*

Subparagraph (v) requires data to be maintained on site. As long as the data is available for inspection, why must the data be maintained on site?

*Paragraph (5) Reopener Language*

Subparagraph (i) requires reporting to the Department if “any constituent identified in paragraph (1) is at a level in the leachate higher than the Toxicity Characteristic (40 CFR 261.24) . . . .” A commentator observed that nickel is listed in Paragraph (1) but is not listed in 40 CFR 261.24. The EQB should review these lists and address any discrepancies.

Subparagraph (i) also requires reporting to the Department based on “specific facility action levels.” The regulation should state where these levels are listed.

JOHN R. MCGINLEY, Jr.,  
Chairperson

[Pa.B. Doc. No. 05-311. Filed for public inspection February 11, 2005, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

**Discontinuing Experimental Abbreviated Dispute Resolution Process**

Public Meeting held  
January 13, 2005

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

*Joint Petition of Nextlink Pennsylvania, Inc., et al., for Adoption of Partial Settlement Resolving Pending Telecommunications Issues; Doc. No. P-00991648*

*Joint Petition of Bell Atlantic-Pennsylvania, Inc., et al., for Resolution of Global Telecommunications Proceedings; Doc. No. P-00991649*

*Interim Guidelines for Abbreviated Dispute Resolution Process; Doc. No. M-00021685*

**Tentative Order**

**Discontinuing Experimental Abbreviated Dispute Resolution Process**

*By the Commission:*

In Appendix E to our *Global Order*<sup>1</sup>, the Commission adopted interim guidelines for an Abbreviated Dispute Resolution Process (ADRP) on an experimental basis to determine if the guidelines would further this Commission’s mission to promote competitive markets by expediting resolution of certain disputes between competing telecommunications carriers. The guidelines have been once revised in an attempt to make the process more efficient and to better fulfill its purpose.<sup>2</sup> The revised ADRP remained experimental, subject to further review.

At Public Meeting held November 7, 2002, the Commission sought public comment on the revised ADRP.<sup>3</sup> The request for comment was published November 23, 2002 at 32 Pa.B. 5822. Comments were filed by Verizon Pennsylvania Inc., Verizon North Inc., and XO Pennsylvania, Inc.

*Summary of ADRP (as Revised)*

As of July 13, 2000, when the revised ADRP was adopted, the ADRP is set forth in a preamble and 13 enumerated paragraphs (“rules”). A summary is provided below.

The preamble sets forth the Commission’s concern that the mediation, arbitration, and emergency relief regulations in place at the time the *Global Order* was issued may not have fully addressed the need for prompt resolution of disputes between competing telecommunica-

<sup>1</sup> *Joint Petition of Nextlink, et al., and Joint Petition of Bell Atlantic, et al.*, Order (entered Sep. 30, 1999), Docket Nos. P-00991648 and P-00991649 (*Global Order*).

<sup>2</sup> *Id.*, Order (entered July 13, 2000).

<sup>3</sup> *Tentative Order Requesting Comments on Revising the Abbreviated Dispute Resolution Process*, Order (entered Nov. 13, 2002), Docket No. M-00021685.

tions carriers, competitive, incumbent or otherwise. Thus, the Commission implemented the ADRP.

Rule 1 addresses the scope of the ADRP. The scope is limited to disputes between telecommunications carriers<sup>4</sup> involving action or inaction of a telecommunications entity that (1) allegedly compromises the ability of a party to provide uninterrupted service, (2) unreasonably precludes the provisioning of scheduled service, (3) allegedly violates a provision of an existing interconnection agreement, (4) contains allegations of predatory pricing, or (5) involves collocation space limitation disputes, including allegations of false claim of space exhaustion.<sup>5</sup> The ADRP is not designed to be a substitute for any dispute resolution processes that may be specified in the parties' interconnection agreements; nor is it designed to handle disputes that involve generic policy issues, consumer complaints against the carriers, or requests for damages.

Rule 2 requires good faith negotiations between the parties for at least 30 calendar days before a petition is referred to ADRP, with limited exception.

Rule 3 concerns collocation space limitation disputes. It requires the aggrieved party to first submit written notice to the Bureau of Fixed Utility Services explaining the dispute. Commission technical staff will then tour the facility, with representatives of the parties, and listen to the arguments while viewing the evidence. Staff will then submit written findings of fact and conclusions to the parties. If the staff determination does not resolve the dispute, then an ADRP petition will be brought to the Office of Administrative Law Judge.

Rule 4 describes the minimum standards for the petition. It encourages joint petitions, if possible as a product of the negotiation phase. The petition filed must include specifics of the action or inaction alleged. Copies of all documents within the petitioner's possession that are likely to bear significantly on the issues raised must be attached. Service upon the Office of Consumer Advocate, Office of Small Business Advocate, the Commission's Office of Trial Staff (collectively "Public Advocates") and, if not a joint petition, upon the opposing party is required. It also requires the petition to be clearly identified by bold typeface above the normal caption line on the first page as follows: "Dispute Resolution Petition: Answer Due Within 7 Days."

Rule 5 requires an original and two copies of the petition to be filed with the Secretary's Bureau. In addition to the respondent and Public Advocates, the Chief Administrative Law Judge should also be served on the same day. The Secretary will assign an individual docket number to each petition.

Rule 6 establishes that an Administrative Law Judge (ALJ) will be assigned to the petition within four calendar days of the filing and service. A prehearing conference will be scheduled at the earliest possible date to determine whether the petition qualifies for ADRP and, if so, to determine the schedule for the proceeding.

Rule 7 provides seven calendar days for the respondent to file an answer with the Secretary, including copies of

<sup>4</sup> Circumstances may exist where the respondent is other than a telecommunications carrier. For example, the respondent might be a County. See *Petition of Allegiance Telecom of Pennsylvania For Resolution of Dispute Pursuant to the Abbreviated Dispute Resolution Process, Opinion and Order* (entered Sep. 4, 2001), Docket No. P-00011882 (using the ADRP to resolve dispute arising from Delaware County's refusal to allow access to the Master Street Address Guide database).

<sup>5</sup> *Pennsylvania P. U. C. v. Verizon Pa., Inc.*, Opinion and Order (entered June 8, 2001) at 68-69, Docket No. R-00994697 (providing for expedited Commission review, through the ADRP, of any CLEC claim regarding allegations of a false claim of space exhaustion).

all documents in respondent's possession that are likely to bear significantly on the issues raised in the petition.

Rule 8 establishes that the Public Advocates may participate in the proceeding but may not conduct formal discovery and are precluded from opposing the voluntary withdrawal of a petition due to consummation of a settlement between the parties.

Rule 9 provides that the presiding ALJ will conduct an on-the-record evidentiary hearing. Parties are given the opportunity to file briefs prior to adjudication. An Initial Decision resolving the dispute is due within 30 calendar days of the filing of the petition, unless the ALJ extends the time frame for good cause shown recognizing that an expeditious result is in the public interest.

Rule 10 encourages parties to exchange information informally. Parties may seek leave to conduct such limited formal discovery as deemed reasonable and necessary by the presiding ALJ.

Rule 11 allows parties to file exceptions to the Initial Decision within seven calendar days of issuance. Reply exceptions are due within five calendar days after exceptions are filed. If no exceptions are filed and if two Commissioners do not request review within 15 days of issuance, the Initial Decision will become a final order by operation of law. If exceptions are filed or if Commission review is requested, the matter is assigned to the Office of Special Assistants for preparation of a recommendation for Commission consideration at the earliest possible Public Meeting.

Rule 12 confirms that the parties may, at any time during the ADRP proceeding, request the services of a Commission mediator consistent with the Commission's mediation policy statement at 52 Pa. Code §§ 69.391-69.394. Any time lost to unsuccessful mediation is not counted against the ALJ's time to issue an Initial Decision.

Rule 13 clarifies that the ADRP is not intended to replace or preclude any other procedures or remedies otherwise available to any party under law, and a party's participation in the ADRP shall not be considered a waiver of any available substantive or procedural rights.

#### *Summary of Comments*

Verizon Pennsylvania Inc. and Verizon North Inc. (collectively Verizon) filed joint comments. Verizon recommends certain improvements to the process. First, Verizon suggests that electronic mail should be the preferred method of service because e-mail service of documents is faster, easier and cheaper than first class mail and other forms of service. Verizon proposes that facsimile service be used where documents are paper and not available in electronic formats. Second, Verizon suggests that the due date for responsive pleadings be changed from seven calendar days to seven business days to ensure fairness and eliminate any advantage to an opposing party that decides to file a pleading late in the day on a Friday, especially a Friday before a holiday weekend.<sup>6</sup> Third, Verizon suggests that the ADRP should include the opportunity for a respondent to file preliminary motions instead of going directly to a hearing. Fourth, Verizon suggests that Rule 6 should be revised to provide for telephonic prehearing conferences. Finally, Verizon suggests that the preamble be modified, placing emphasis on resolution of disputes between telecommunications carriers "that have the potential to impact service immedi-

<sup>6</sup> Verizon applies its suggestion to Rule 7 (Answer) and to Rule 11 (Exceptions and Reply Exceptions).



ately” rather than the current emphasis on carrier disputes “that impact on the development of local telephone competition.”

XO Pennsylvania, Inc. (XO) strongly recommends that the ADRP and interim guidelines be retained and enhanced. XO states that the ADRP is a useful procedural vehicle for facilitating interconnection, collocation and reciprocal compensation disputes as well as other related disputes that are subject to this Commission’s jurisdiction. The traditional processes—formal complaints or petitions for emergency orders—have been time consuming for both the litigating parties and the Commission resulting in a delay in obtaining relief that resulted in a denial of relief.

XO recommends enhancing the ADRP by revising the interim guidelines in two respects. One proposed enhancement concerns collocation;<sup>7</sup> the other concerns time intervals for issuance of final orders. Regarding collocation, XO respectfully suggests that the Commission amend the interim guidelines acknowledging that its technical staff will avail itself of the appropriate legal expertise during the course of any collocation investigation and that any relevant legal analysis will be part of the staff’s report and conclusions regarding a given collocation space limitation dispute. Regarding time intervals, XO respectfully suggests that the Commission amend the interim guidelines adopting finite time intervals for the issuance of its final orders when exceptions and/or commissioner requests for review apply to an ALJ’s ADRP Initial Decision. XO does not suggest what the time interval should be.<sup>8</sup>

#### *Inventory of Commission Processes Available for Dispute Resolution*

Pursuant to the Commission’s powers and duties set forth in the Public Utility Code (66 Pa.C.S. §§ 101—3316), the Commission makes a number of dispute resolution processes available. An inventory of available processes with a brief description of each of them is set forth below.

#### *Processes Open Across All Fixed Utility Groups*

1. *Formal Proceedings.* 52 Pa. Code §§ 5.1—5.633, includes provisions for pleadings (subchapter A), hearings (subchapter B), interlocutory review (subchapter C), discovery (subchapter D), evidence & witnesses (subchapter E), presiding officers (subchapter F), briefs (subchapter G), exceptions (subchapter H), reconsideration (subchapter I), reports on compliance (subchapter J), and, appeals to court (subchapter K). These are our traditional formal complaint and petition procedures, providing for an on-the-record proceeding that results in an adjudication that may be appealed to an appropriate court.<sup>9</sup> Generally, a

<sup>7</sup> Collocation space limitation disputes are one of the enumerated types of ADRP-qualified disputes. Collocation disputes must first be analyzed by appropriate Commission technical staff prior to any request for ADRP. The aggrieved party shall first submit written notice to the Bureau of Fixed Utility Services explaining the dispute. Commission technical staff will tour the facility, with representatives of the parties, and listen to arguments while viewing the evidence. Staff will then submit written findings of fact and conclusions to the parties. If the staff determination does not resolve the dispute, then an ADRP petition is filed. The staff report may be introduced as evidence by either party if properly introduced and authenticated. Interim Guideline Rule 3, reproduced in 32 Pa.B. at 5824.

<sup>8</sup> A similar comment was made by the FirstEnergy Companies in the context of formal petitions generally. The FirstEnergy Comments at L-00020156 suggest that the Commission should render a decision on or before seven months after a petition is filed, borrowing from the statutory 7-month timelines established in 66 Pa.C.S. § 1308(d) for traditional base rate cases. Presumably, in an abbreviated process, the time interval would be shorter or at least not longer than the statutory deadline.

<sup>9</sup> In some instances, a Commission order establishes a time limit for completion of the case. This has been done in cases involving the implementation of Chapter 30 of the Public Utility Code. See, e.g., *Re: Commonwealth Telephone Company of Pennsylvania, Petition and Plan for Alternative Form of Regulation Under Chapter 30*, Order (entered Jan. 17, 1997) at 134, as implemented in *Final Alternative Regulation Plan of Commonwealth Telephone Company* at 21, Docket No. P-00961024 (establishing a 105-day time frame for a Commission decision).

complaint may be filed by a person complaining of an act done or omitted to be done by a person subject to the Commission’s jurisdiction in violation, or claimed violation, of an appropriate statute, regulation or order. Generally, petitions may be filed when relief is sought on some subject matter within the Commission’s jurisdiction, for example, to remove uncertainty about an obligation, or to seek Commission action with respect to an existing or prospective regulation. The assigned bureau varies based on the nature of the proceeding.

2. *Mediation Process.* 52 Pa. Code §§ 69.391—69.397. Mediation is a flexible program designed to facilitate the amicable resolution of disputes between the parties. The mediator renders neither a formal nor informal decision, rather, the mediator encourages the parties to seek negotiated settlements. Mediation is available in all qualified contested proceedings or proceedings which could be contested, as determined by the Office of Administrative Law Judge. If the parties do not reach settlement, the matter may be brought to resolution through formal proceedings.

3. *Emergency Relief.* 52 Pa. Code §§ 3.1—3.12. In a situation that presents a clear and present danger to life or property, or is uncontested, a petition for emergency relief may be filed. Requests for an interim emergency order under § 3.2 are assigned to the Office of Administrative Law Judge for disposition in accordance with due process requirements. Requests for ex parte emergency relief under § 3.6 may be brought to the Commission’s attention through a written pleading or through informal contact. Such requests are directed to the Office of Executive Director for appropriate internal assignment and management. All ex parte orders must be ratified at the next scheduled public meeting.

4. *Informal Complaint Resolution.* The Commission’s Bureau of Consumer Services (BCS) has an informal complaint process to resolve retail customer issues in all fixed utility types, pursuant to 66 Pa.C.S. § 308(d). For most retail telecommunications customer issues, including local service provider (LSP) billing accuracy, application, basic service suspension and other credit and collection issues, BCS has authority to issue informal decisions.<sup>10</sup> These decisions can be appealed by filing timely notice of intent to appeal with the Secretary of the Commission. Timely notice for telecommunications informal complaints is ten days from the date the BCS decision is issued. 52 Pa. Code § 64.162.<sup>11</sup>

Occasionally, BCS addresses wholesale telecommunications issues. The issues might include procedures for dealing with end-users in a potential embargo or termination of a LSP, proper notice to the alleged delinquent LSP, and LSP disputes about migration of service (they include releasing accounts, porting numbers, interfering stations and similar issues). The informal process is not particularly effective at resolving wholesale billing disputes, but has been somewhat effective at facilitating acceptable payment terms between the parties. We note, however, that BCS has refrained from issuing informal decisions on complaints between certificated carriers.

#### *Additional Processes—Those Open to Telecommunications Carriers*

The following additional processes are also available specifically for resolution of telecommunications disputes.

<sup>10</sup> For further information on Commission policy regarding BCS payment arrangements, see *Stammel v. PG Energy*, Opinion and Order (entered May 21, 2003), Docket No. C-20027994.

<sup>11</sup> Compare 52 Pa. Code § 56.172 (providing 20-day appeal period for other fixed utility types).

They are set forth chronologically, based on the entry date of the Commission order initiating the process.

5. *Interconnection Agreement Mediation and Arbitration. Implementation of the Telecommunications Act of 1996*, Order (entered June 3, 1996), as clarified by Order on Reconsideration (entered Sep. 6, 1996) at Docket No. M-00960799. This process was adopted following passage of the federal Telecommunications Act of 1996, 47 U.S.C. §§ 151, et seq., to ensure that the Commission meets all of its responsibilities under the federal Act and to give regulated companies the benefit of established policies to meet the Act's requirements. Where parties are unable to resolve issues arising from a carrier request for interconnection, service or network elements, the Commission will resolve all open issues through arbitration (or mediation, upon request). The lead bureau is Office of Administrative Law Judge. In formal proceedings, the assigned ALJ issues either an initial decision or a recommended decision, subject to review by the Commission upon exception or Commissioner request.

6. *"Opt In" Expedited Process. Petition of Global NAPs South, Inc. for Arbitration of Interconnection Rates, Terms and Conditions and Related Relief*, Order (entered May 27, 1999) at 17-18, Docket No. A-310771; *In re: Application of CCCPA, Inc., d/b/a CONNECT! for Approval of an Interconnection Agreement Between CONNECT! and Bell Atlantic-Pa., Inc.*, Order (entered May 27, 1999) at 16-17 at Docket No. A-310740. This process is designed to expeditiously secure interconnection agreement rights under 47 U.S.C. § 252(i) and 47 C.F.R. § 51.809. The lead bureau is the Office of Administrative Law Judge. The assigned ALJ issues either an initial decision or a recommended decision, subject to review by the Commission upon exception or Commissioner request.

7. *Master Street Address Guide Arbitration. Petition of Bell Atlantic-Pennsylvania, Inc. for a Declaratory Order Relating to Provision of Master Street Address Guides to Competitive Local Exchange Carriers*, Supplemental Final Order (entered May 17, 2000), Docket No. P-00971203. This process establishes a statewide process for resolving Master Street Address Guide disputes, disputes that are related to the provisioning of 9-1-1 service. A principal arbitrator with subject matter expertise is assigned; the arbitrator is likely to be assigned from the Bureau of Fixed Utility Services. The arbitrator issues an informal determination resolving the dispute within five business days of a party conference. There is a five business day appeal period to the Commission. If no appeal is taken, the informal decision becomes a final Commission order as evidenced by a Secretarial letter.

8. *Telco Monthly Meeting Forum ("OP-12") Determinations. Re: Structural Separation of Bell Atlantic-Pennsylvania, Inc. Retail and Wholesale Operations*, Order (entered Apr. 11, 2001) at ordering para. 12, Docket No. M-0001353. Regular meetings are hosted by the Office of Executive Director, with appropriate waivers, to address operational and performance issues with Verizon. An example of the type of issue addressed in the forum would be whether errors exist on wholesale bills and what can be done to eliminate the root cause of any existing errors. Settlements or informal determinations may be reached as a result of these meetings. If an informal determination issues, parties may object by providing formal notice to the Commission, in which case the parties retain all rights to a formal proceeding and traditional burdens of proof are not shifted. Because an informal determination may issue, this process differs from mediation. Issues are submitted for consideration by

contacting the Office of Executive Director, as assisted by Law Bureau and Bureau of Fixed Utility Services, in accordance with procedures instituted pursuant to a Secretarial Letter issued June 7, 2002 at M-00001353. The request for resolution is not filed with or docketed by the Secretary.

9. *Pennsylvania Carrier Working Group Deliberations. Re: Performance Measures Remedies*, Final Opinion and Order on Performance Measures and Remedies for Wholesale Performance for Verizon Pennsylvania Inc. (entered Dec. 10, 2002) at ordering para. 20, Docket No. M-00011468 (establishing Pennsylvania Carrier Working Group). The Commission constituted this group to aid the Commission's work in evaluating whether Verizon discriminates between their retail and wholesale customers in the local marketplace. This group provides an informal avenue for LECs and Public Advocates to work out and recommend to the Commission modifications to the established objective measures of Verizon's wholesale performance and self-executing remedies, thereby, reducing or eliminating contested proceedings. An example of the type of issue addressed by the group is how to measure objectively whether retail bills are more accurate than wholesale bills. This group differs from the Telco Monthly Meeting Forum in that this group is focused on comparing retail and wholesale performance, whereas the monthly forum focuses exclusively on correcting any inadequacy in Verizon's wholesale services. The lead bureaus are the Bureau of Fixed Utility Services and Law Bureau. Any recommended modification may be initiated upon petition of one or more parties or via staff recommendation.

#### Discussion

The Commission has encouraged use of the ADRP. See, e.g., *Petition of Sprint Commun. Co., L. P. for an Arbitration Award of Interconnection Rates, Terms and Conditions Pursuant to 47 U.S.C. § 252(b) and Related Arrangements with Verizon Pennsylvania Inc.*, Opinion and Order (entered Oct. 12, 2001) at 63, Docket No. A-310183F0002 (stating that the best course of action would be for the parties to file a joint ADRP petition); *Further Pricing of Verizon Pennsylvania Inc.'s Unbundled Network Elements*, Interim Opinion and Order (entered June 8, 2001) at 78, Docket No. R-00005261 (encouraging the parties to utilize the ADRP). The Commission has recognized, however, that the process has some limitations. See *Petition of Yipes Transmission, Inc. for Arbitration Pursuant to Section 252(b) of Telecommunications Act of 1996 to Establish an Interconnection Agreement with Verizon Pa., Inc.*, Opinion and Order (entered Oct. 12, 2001) at 29-32, Docket No. A-310964 (observing, without deciding, that ADRP may be inadequate as a regulatory response to the resolution of disputes taking place in a competitive and dynamic marketplace). It has also been observed that the process has not always been properly invoked. See *Petition of Core Commun., Inc. for Resolution of Dispute with Verizon Pa. Inc. Pursuant to the Abbreviated Dispute Resolution Process*, Initial Decision at n. 2, Docket No. A-310922F7000 (concluding that petition filed pursuant to the ADRP did not qualify for such treatment). Questions about the proper use of the process have resulted in discontinuation of the ADRP petition in favor of a conventional formal proceeding. See, e.g., *Petition of Verizon Pennsylvania Inc. for Resolution of a Dispute with CTSI, LLC Pursuant to the Abbreviated Dispute Resolution Process*, Opinion and Order (entered July 9, 2004) at 10-11, Docket No. P-00042088.

Verizon and XO submitted comments identifying recommendations for further revisions. However, given the

limited use of ADRP as well as the fact that only two companies responded to our request for comments, we question whether ADRP is serving a useful purpose.

Therefore, we tentatively conclude that the ADRP should be discontinued. Our experience with the process suggests that there is no justifiable need for continuing the process. The lack of demand and limited interest, the confusion over the proper use of the process, the recommendations for change from commenters, and the availability of a number of other formal and informal processes are the basis for our conclusion.

Our aim of providing an expedited path for resolution of certain issues might be better accomplished in other ways. Thus, rather than re-revise the ADRP, we tentatively conclude that the ADRP experiment should be discontinued at this time.

Interested parties are invited to comment before this determination becomes final. Any comment filed should address certain questions set forth below. The existing ADRP shall remain available pending a final order.

*Request for Public Comment*

Interested parties are invited to comment on our tentative conclusion to discontinue the experimental ADRP process. Any commenter who takes the position that the process should be retained should provide an answer to the following questions:

1. Have you been a party in an ADRP proceeding? Please identify the proceeding.
2. Under what general circumstances would you expect to be a party in an ADRP proceeding?

3. What is the advantage of the ADRP over other available processes?

4. Why are other available processes insufficient to adequately address the issues that fall within the scope of the ADRP?

5. What changes, if any, would you recommend to the ADRP?

6. If retained, should the ADRP (or revision thereof) be codified? Why?

Comments are due within 30 days of publication in the *Pennsylvania Bulletin*. Comments shall be filed only at Docket No. M-00021685; *Therefore,*

*It Is Ordered:*

1. A copy of this Tentative Order shall be delivered for publication to the *Pennsylvania Bulletin*.
2. Comments to our tentative conclusion to discontinue the Abbreviated Dispute Resolution Process are due within 30 days of publication in the *Pennsylvania Bulletin*. Any commenter who takes the position that the process should be retained should answer to the numbered questions set forth in the body of this Order.
3. Comments shall be filed only at Docket No. M-00021685.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 05-312. Filed for public inspection February 11, 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



**Legal Services & Consultation**

① Service Code Identification Number

② Commodity/Supply or Contract Identification No.

**B-54137.** Consultant to provide three 2-day training sessions, covering the principles, concepts, and techniques of performance appraisal and standard setting with emphasis on performance and accountability, with a knowledge of State Government constraints.

Department: General Services Location: Harrisburg, Pa. Duration: 12/1/93-12/30/93 Contact: Procurement Division 787-0000	———— ③ Contract Information ———— ④ Department ———— ⑤ Location ———— ⑥ Duration
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⑦ (For Commodities: Contact: Vendor Services Section  
 717-787-2199 or 717-787-4705)

#### REQUIRED DATA DESCRIPTIONS

- ① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.
- ② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.
- ③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.
- ④ Department: State Department or Agency initiating request for advertisement.
- ⑤ Location: Area where contract performance will be executed.
- ⑥ Duration: Time estimate for performance and/or execution of contract.
- ⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.  
  
(For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

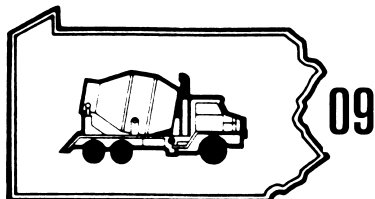
## PA TREASURY BUSINESS OUTLET—PLUG INTO IT!

The Treasury Department's Bureau of Contracts and Public Records can help you do business with state government agencies. Our efforts focus on guiding the business community through the maze of state government offices. The bureau is, by law, the central repository for all state contracts over \$5,000. Services are free except for the cost of photocopying contracts (15 cents per page); postage; redaction, and certified copies. The bureau may assess reasonable fees for labor and other expenses necessary to comply with the request. A free brochure explains how to take advantage of available services.

Contact: **Bureau of Contracts and Public Records**  
 Pennsylvania State Treasury  
 Room 201 Finance Building  
 Harrisburg, PA 17120  
 717-787-4586  
 1-800-252-4700  
 BizOutlet@patreasury.org

ROBERT P. CASEY, Jr.,  
*State Treasurer*

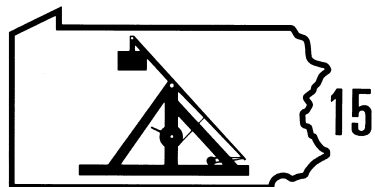
## SERVICES



### Construction & Construction Maintenance

**SU-2004/23** Seavers Apartments Re-Roof. Shippensburg University of the PA State System of Higher Education invites General Contractors to request bid documents for this project. Work includes all work necessary to remove existing roofing coverings and installing new roofing coverings. Prospective Bidders may obtain project plans for a non refundable fee of \$25.00, check made payable to EI Associates, by contacting EI Associates, 2001 North Front Street, Bldg. 3, Harrisburg, PA 17102-2118, Tel: 717-233-4556 or FAX 717-236-8256. Pre-Bid meeting with site visit immediately to follow will be held on February 15, 2005 at 10:00 AM in the Reed Operations Center Conference Room at Shippensburg University. Bids Due: March 1, 2005 at 4:00 PM, Old Main Room 300. Public Bid Opening: March 2, 2005 at 2:00 PM, Old Main Room 203A. Contracts, MBE/WBE apply. Non-Discrimination and Equal Opportunity are the policies of the Commonwealth and of the PA State System of Higher Education.

**Department:** State System of Higher Education  
**Location:** Shippensburg University, Shippensburg, PA 17257  
**Duration:** 30 days after Receipt of Notice to Proceed  
**Contact:** Deborah K. Martin, (717) 477-1121



### Environmental Maintenance Service

**BF 504-101.1** Abandoned Mine Land Reclamation Project, Royal Reclamation, Inc., Mining Permit No. 65920202. The principal items of work and approximate quantities include 8.2 acres of Selective Grading, 450 cubic yards of Ditch Excavation, 470 square yards of Rock Lining with Filter Material and 8.2 acres of Seeding. This project issues on February 11, 2005 and bids will be opened on March 10, 2005 at 2:00 p.m. Bid documents cost \$10.00 per set and will not be mailed until payment has been received.

**Department:** Environmental Protection  
**Location:** Mt. Pleasant Township, Westmoreland County  
**Duration:** 150 calendar days after the official starting date.  
**Contact:** Construction Contracts Section, (717) 787-7820

**BOGM 11-101.1** Cleaning Out and Plugging Three (3) Abandoned Gas Wells, (Mr. and Mrs. Bradley S. Register, Ms. Sandra M. Flack, Mr. David Flack, Mr. Mark A. Flack and Ms. Ora Wakley Properties). The principal items of work include cleaning out and plugging three (3) abandoned gas wells, estimate to be between 2,000 to 5,700 feet in depth, to Department specifications, preparing and restoring well sites and mobilizing and demobilizing plugging equipment. The estimate plugging time is 530 hours while using an estimated 1,700 sacks of plugging material. This project issues on February 11, 2005 and bids will be opened on March 10, 2005 at 2:00 p.m. Payment in the amount of \$10.00 must be received before bid documents will be sent. A pre-bid conference is 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 conference.

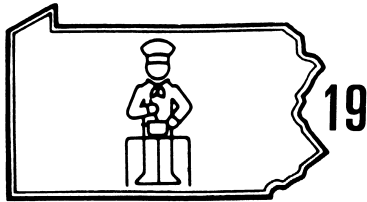
**Department:** Environmental Protection  
**Location:** Rutland, Sullivan and Farmington Townships, Tioga County  
**Duration:** 180 calendar days after the official starting date.  
**Contact:** Construction Contracts Section, (717) 787-7820

**PBF 32990106.1** Under Act 181 of 1984, the Department of Environmental Protection solicits letters of interest from the landowners and/or licensed mine operators for the reclamation of the following abandoned strip mine project: PROJECT: PBF 32990106.1. MUNICIPALITY: Green. COUNTY: Indiana. ACRES: 24.0. Gary C. Walls, SMP No. 32990106, on the Steinmetz property requires backfilling and revegetation. Letters of interest must be received by Don Barnes, District Mining Manager, Department of Environmental Protection, 286 Industrial Park Road, Ebensburg, PA 15931, no later than 4:00 p.m. Local Time, March 2, 2005, to be considered. Telephone inquiries should be directed to Mr. Barnes at 814-472-1900.

**Department:** Environmental Protection  
**Location:** Cambria District Mining Office, 286 Industrial Park Road, Ebensburg, PA 15931  
**Duration:** Until March 2, 2005.  
**Contact:** Donald Barnes, (814) 472-1900

**BOGM 4-102.1** Cleaning Out and Plugging Eight (8) Orphan Oil Wells, (Mr. M. J. Naser Property). The principal items of work include cleaning out and plugging eight (8) orphan oil wells, estimated to be 1,000 feet each in depth, to Department specifications, preparing and restoring well sites and mobilizing and demobilizing plugging equipment. This project issues on February 11, 2005 and bids will be opened on March 10, 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 is 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 conference.

**Department:** Environmental Protection  
**Location:** Perry Township, Armstrong County  
**Duration:** 90 calendar days after the official starting date.  
**Contact:** Construction Contracts Section, (717) 787-7820



### Food

**CN00012939** Meats, fishes and cheeses deliverable to facility only upon specific request/specific quantities for months of April, May and June, 2005.

**Department:** Labor and Industry

**Location:** F.O.B. Shipping Platform, Hiram G. Andrews Center, 727 Goucher Street, Johnstown, PA 15905

**Duration:** April, May and June, 2005

**Contact:** Christine A. Sloan, Pur. Agt., (814) 255-8228

**CN00012986** Frozen meat contract for April, May, and June 2005. To request a bid package, fax your company name, address, telephone and fax numbers, Federal ID number and PA State Vendor number to 570-587-7108. Bid packages cannot be faxed.

**Department:** Public Welfare

**Location:** Clarks Summit State Hospital, 1451 Hillside Drive, Clarks Summit, PA 18411

**Duration:** April 1, 2005 - June 30, 2005

**Contact:** Stanley Rygelski, PA, (570) 587-7291

**CN00012988** Frozen poultry contract for April, May, and June 2005. To request a bid package, fax your company name, address, telephone and fax numbers, Federal ID number and PA State Vendor number to 570-587-7108. Bid packages cannot be faxed.

**Department:** Public Welfare

**Location:** Clarks Summit State Hospital, 1451 Hillside Drive, Clarks Summit, PA 18411

**Duration:** April 1, 2005 - June 30, 2005

**Contact:** Stanley Rygelski, PA, (570) 587-7291

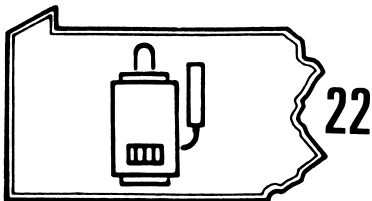
**CN00012987** Frozen miscellaneous contract for April, May, and June 2005. To request a bid package, fax your company name, address, telephone and fax numbers, Federal ID number and PA State Vendor number to 570-587-7108. Bid packages cannot be faxed.

**Department:** Public Welfare

**Location:** Clarks Summit State Hospital, 1451 Hillside Drive, Clarks Summit, PA 18411

**Duration:** April 1, 2005 - June 30, 2005

**Contact:** Stanley Rygelski, PA, (570) 587-7291



### HVAC Services

**MI-851** Upgrade of the HVAC system in Breidenstine Hall to include demolition and/or disconnection of the existing HVAC system, air handling units, fans, chiller, control panels, etc., and installation of new chiller, ductwork, exhaust fans, breakers, etc. Bid packets are requested on line at [http://muweb.millersville.edu/~purchase/large\\_construction.html](http://muweb.millersville.edu/~purchase/large_construction.html)

**Department:** State System of Higher Education

**Location:** Breidenstine Hall, Millersville University

**Duration:** Phase One: 05/25/05 - 08/24/05, Phase Two: 08/25/05 - 09/30/05

**Contact:** Bernadette Wendler, (717) 872-3570

**CN00012966** Enlarge current freezer/refrigeration system to include adding panels, add pre-assembled refrigeration system, install new evaporator coils, modify refrigeration lines and condensate drains, replace condensing units, and install diamond plate overlay for floor of freezer.

**Department:** Public Welfare

**Location:** Loysville Youth Development Center, 8 Opportunity Drive, Loysville, PA 17047

**Duration:** Unknown

**Contact:** Dee Kuhn, Purchasing Agent, (717) 789-5509



### Janitorial Services

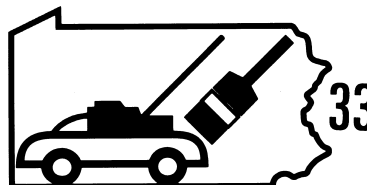
**FM 8868** Furnish materials, equipment, and labor to perform janitorial services three (3) visits per week at the Troop A Somerset Station. The detailed work schedule, bid specifications and request for quote must be obtained from the Facility Management Division. 717-705-5951

**Department:** State Police

**Location:** Troop A, Somerset Station, 142 Sagamore Street, Somerset, PA 15501

**Duration:** March 1, 2005 through June 30, 2006

**Contact:** Helen Fuhrman, (717) 705-5952



### Property Maintenance

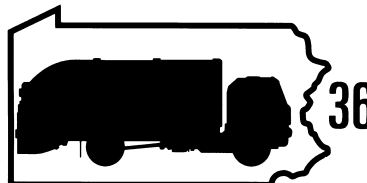
**CN00012967** Work includes furnish all labor, materials, and equipment to perform all necessary operations to repair the deteriorated sections of the exterior finished paint coat on the 100,000-gallon potable water storage tank.

**Department:** Public Welfare

**Location:** Loysville Youth Development Center, 8 Opportunity Drive, Loysville, PA 17047

**Duration:** Unknown

**Contact:** Dee Kuhn, Purchasing Agent, (717) 789-5509



### Sanitation

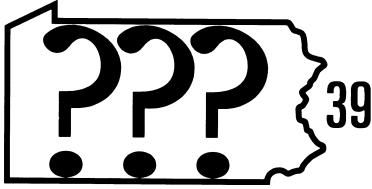
**HUN-FOOD WASTE** Contractor will provide for the removal of food waste at SCI Huntingdon and SCI Smithfield. Contractor will provide (1) 25 cu yd container at each location and be removed at least once per week. Sludge containers must have sealing lids and will maintain a sanitary condition. Waste to be used for livestock feeding only.

**Department:** Corrections

**Location:** State Correctional Institution at Huntingdon, 1100 Pike St., Huntingdon, PA 16654 and State Correctional Institution at Smithfield, 1120 Pike St., Huntingdon, PA 16652

**Duration:** 7-1-05 to 6-30-08

**Contact:** Robert Jessell, Pur. Agt., (814) 643-2400 x 304



## Miscellaneous

**HUN-CHAPLAIN** Supplemental Islam Chaplaincy services to assist the Institution Protestant Chaplain within the facility. (avg. 16 hrs/week). Details and specifications for duties and qualifications are on file in the Purchasing Department of the requesting Agency.

**Department:** Corrections  
**Location:** State Correctional Institution at Huntingdon, 1100 Pike Street, Huntingdon, PA 16654  
**Duration:** 4-01-05 to 6-30-08  
**Contact:** Robert Jessell, Pur. Agt., (814) 643-2400 x 304

**RFP #2005-ISP-1** The Pennsylvania State System of Higher Education, Office of the Chancellor (PASSHE) is seeking reliable, well-engineered, reasonable-cost Internet access on a 24x7x365 basis for SSHEnet IV (its WAN) through its Network Operations Center (NOC) at the Graduate Business Center of West Chester University of Pennsylvania. This facility is located at 1160 McDermott Drive in West Chester, Pennsylvania. PASSHE requires continuous and constant Internet access to send generic Internet traffic (IP versions 4 and 6) "to and from" any node on SSHEnet IV including but, not limited to, http, https, smtp, ftp, ssh, telnet, nntp, video over IP, and RTSP traffic such as streaming audio and video. VPN and voiceover IP traffic will also utilize this service. For a copy of RFP #2005-ISP-1, please contact the issuing office at sbailey@passhe.edu or go to: <http://www.passhe.edu/content/?/office/finance/procurement/opportunities>. Proposals are due at the issuing office by 2:00 p.m. on March 1, 2005.

**Department:** State System of Higher Education  
**Location:** Harrisburg, PA  
**Duration:** 2 Years  
**Contact:** Scott Bailey, (717) 720-4155

[Pa.B. Doc. No. 05-313. Filed for public inspection February 11, 2005, 9:00 a.m.]

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## DESCRIPTION OF LEGEND

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| <p><b>1</b> Advertising, Public Relations, Promotional Materials</p> <p><b>2</b> Agricultural Services, Livestock, Equipment, Supplies &amp; Repairs: Farming Equipment Rental &amp; Repair, Crop Harvesting &amp; Dusting, Animal Feed, etc.</p> <p><b>3</b> Auctioneer Services</p> <p><b>4</b> Audio/Video, Telecommunications Services, Equipment Rental &amp; Repair</p> <p><b>5</b> Barber/Cosmetology Services &amp; Equipment</p> <p><b>6</b> Cartography Services</p> <p><b>7</b> Child Care</p> <p><b>8</b> Computer Related Services &amp; Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p><b>9</b> Construction &amp; Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p><b>10</b> Court Reporting &amp; Stenography Services</p> <p><b>11</b> Demolition—Structural Only</p> <p><b>12</b> Drafting &amp; Design Services</p> <p><b>13</b> Elevator Maintenance</p> <p><b>14</b> Engineering Services &amp; Consultation: Geologic, Civil, Mechanical, Electrical, Solar &amp; Surveying</p> <p><b>15</b> Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core &amp; Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p><b>16</b> Extermination Services</p> <p><b>17</b> Financial &amp; Insurance Consulting &amp; Services</p> <p><b>18</b> Firefighting Services</p> <p><b>19</b> Food</p> <p><b>20</b> Fuel Related Services, Equipment &amp; Maintenance to Include Weighing Station Equipment, Underground &amp; Above Storage Tanks</p> <p><b>21</b> Hazardous Material Services: Abatement, Disposal, Removal, Transportation &amp; Consultation</p> | <p><b>22</b> Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental &amp; Repair</p> <p><b>23</b> Janitorial Services &amp; Supply Rental: Interior</p> <p><b>24</b> Laboratory Services, Maintenance &amp; Consulting</p> <p><b>25</b> Laundry/Dry Cleaning &amp; Linen/Uniform Rental</p> <p><b>26</b> Legal Services &amp; Consultation</p> <p><b>27</b> Lodging/Meeting Facilities</p> <p><b>28</b> Mailing Services</p> <p><b>29</b> Medical Services, Equipment Rental and Repairs &amp; Consultation</p> <p><b>30</b> Moving Services</p> <p><b>31</b> Personnel, Temporary</p> <p><b>32</b> Photography Services (includes aerial)</p> <p><b>33</b> Property Maintenance &amp; Renovation—Interior &amp; Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning &amp; Planting, etc.)</p> <p><b>34</b> Railroad/Airline Related Services, Equipment &amp; Repair</p> <p><b>35</b> Real Estate Services—Appraisals &amp; Rentals</p> <p><b>36</b> Sanitation—Non-Hazardous Removal, Disposal &amp; Transportation (Includes Chemical Toilets)</p> <p><b>37</b> Security Services &amp; Equipment—Armed Guards, Investigative Services &amp; Security Systems</p> <p><b>38</b> Vehicle, Heavy Equipment &amp; Powered Machinery Services, Maintenance, Rental, Repair &amp; Renovation (Includes ADA Improvements)</p> <p><b>39</b> Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
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DONALD T. CUNNINGHAM, Jr.  
*Secretary*