

# PENNSYLVANIA BULLETIN

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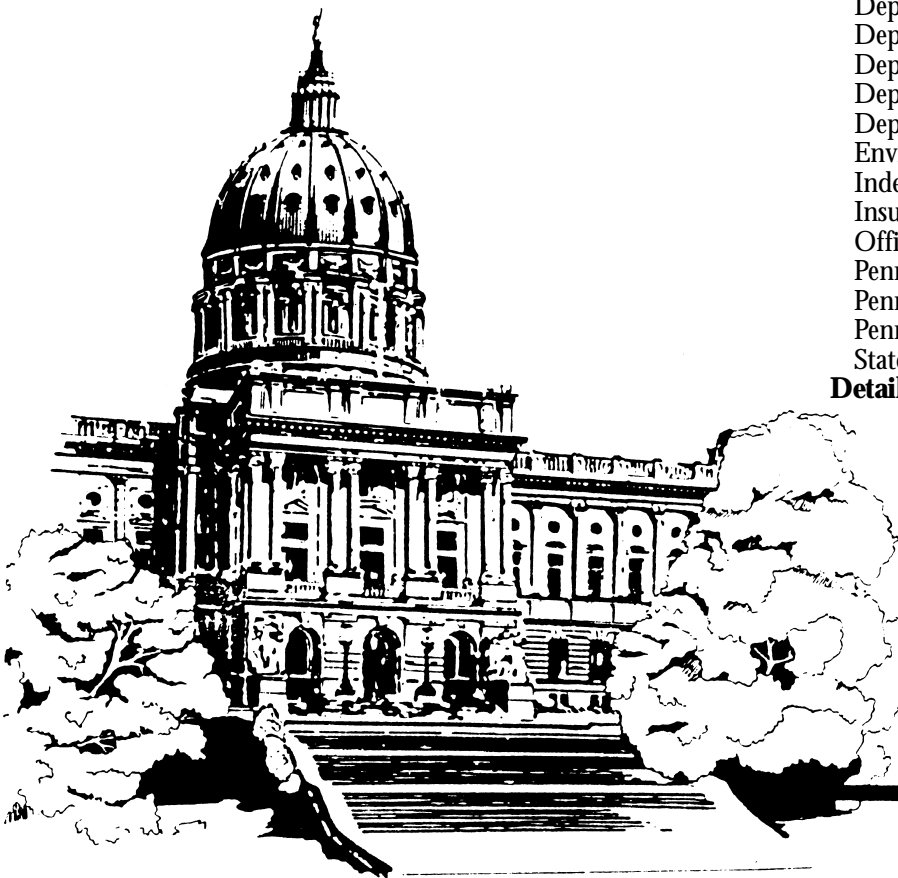
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Temporary Regulations and  
Hearings and Appeals; Draft Temporary  
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State Board of Nursing

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

## ***Pennsylvania Bulletin***

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

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

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

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

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

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

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

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

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

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

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

## ***Pennsylvania Code***

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

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

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

## **How to Find Documents**

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

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

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

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### Printing Format

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

### Fiscal Notes

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

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

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## List of Pa. Code Chapters Affected

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

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# THE COURTS

## Title 231—RULES OF CIVIL PROCEDURE

### PART I. GENERAL

#### [231 PA. CODE CHS. 1910, 1915, 1920 and 1930] Amendments to Rules of Civil Procedure Relating to Domestic Relations Matters; Recommendation 73

The Domestic Relations Procedural Rules Committee is planning to recommend that the Supreme Court of Pennsylvania amend the Rules of Civil Procedure relating to domestic relations matters as set forth herein. This proposal has not been submitted for review by the Supreme Court of Pennsylvania.

Notes and explanatory comments which appear with proposed amendments have been inserted by the committee for the convenience of those using the rules. Reports, notes and comments will not constitute part of the rules and will not be officially adopted or promulgated by the Supreme Court.

The Committee solicits comments and suggestions from all interested persons prior to submission of this proposal to the Supreme Court of Pennsylvania. Please submit written comments no later than Friday, March 17, 2006 directed to:

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Counsel, Domestic Relations Procedural Rules Committee  
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Mechanicsburg, Pennsylvania 17055  
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*By the Domestic Relations  
Procedural Rules Committee*

NANCY P. WALLITSCH,  
*Chair*

### Annex A

#### TITLE 231. RULES OF CIVIL PROCEDURE

#### PART I. GENERAL

#### CHAPTER 1910. ACTIONS FOR SUPPORT

#### Rule 1910.11. Office Conference. Subsequent Proceedings. Order.

(a)(1) The office conference shall be conducted by a conference officer.

\* \* \* \* \*

**Official Note:** Conference officers preside at office conferences under [Support] Rule 1910.11. Hearing officers preside at hearings under [Support] Rule 1910.12. The appointment of masters to hear actions in divorce or for annulment of marriage is authorized by [Divorce] Rule 1920.51.

\* \* \* \* \*

(c) At the conference, the parties shall furnish to the officer true copies of their most recent federal income tax returns, their pay stubs for the preceding six months, verification of child care expenses and proof of medical coverage which they may have or have available to them.

In addition, they shall provide copies of their income and expense statements in the form required by Rule 1910.27(c), completed as set forth below.

\* \* \* \* \*

(2) For cases which are decided according to *Melzer v. Witsberger*, 505 Pa. 462, 480 A.2d 991 (1984), the entire income and expense statement must be completed.

\* \* \* \* \*

(e) At the conclusion of the conference or promptly thereafter, the conference officer shall prepare a conference summary and furnish copies to the court and to both parties. The conference summary shall state:

(1) the facts upon which the parties agree [ , ];

(2) the contentions of the parties with respect to facts upon which they disagree [ , ]; and

(3) the conference officer's recommendation [ , ]; if any, of

(i) the amount of support and by and for whom the support shall be paid [ , ]; and

\* \* \* \* \*

(f) If an agreement for support is not reached at the conference, the court, without hearing the parties, shall enter an interim order calculated in accordance with the guidelines and substantially in the form set forth in Rule 1910.27(e). [The order shall state] Each party shall be provided, either in person at the time of the conference or by mail, with a copy of the order and written notice that any party may, within [ten] twenty days after the date of receipt or the date of the mailing of [a copy of] the order, whichever occurs first, file a written demand with the domestic relations section for a hearing before the court.

\* \* \* \* \*

(h) If no party demands a hearing before the court within the [ten] twenty day period, the order shall constitute a final order.

\* \* \* \* \*

(j)(1) Promptly after receipt of the notice of the scheduled hearing, a party may move the court for a separate listing where:

(i) there are complex questions of law, fact or both [ , ]; or

(ii) the hearing will be protracted [ , ]; or

\* \* \* \* \*

#### Explanatory Comment—2006

The time for filing a written demand for a hearing before the court has been expanded from ten to twenty days. The purpose of this amendment is to provide ample opportunity for litigants and counsel to receive notice of the entry of the order, to assure commonwealth-wide consistency in calculation of time for filing and to conform to applicable general civil procedural rules.

**Rule 1910.12. Office Conference. Hearing. Record. Exceptions. Order.**

\* \* \* \* \*

(b)(1) At the conclusion of a conference attended by both parties, if an agreement for support has not been reached, and the conference and hearing are not scheduled on the same day, the court, without hearing the parties, shall enter an interim order calculated in accordance with the guidelines and substantially in the form set forth in Rule 1910.27(e), and the parties shall be given notice of the date, time and place of a hearing. A record hearing shall be conducted by a hearing officer who must be a lawyer.

(2) If the defendant, having been properly served, fails to attend the conference, the court shall enter an interim order calculated in accordance with the guidelines and substantially in the form set forth in Rule 1910.27(e). Within **[ ten ] twenty** days after the date of receipt or the date of mailing of the order, whichever occurs first, either party may demand a hearing before a hearing officer. If no hearing is requested, the order shall become final.

\* \* \* \* \*

**Official Note:** Conference officers preside at office conferences under **[ Support ]** Rule 1910.11. Hearing officers preside at hearings under **[ Support ]** Rule 1910.12. The appointment of masters to hear actions in divorce or for annulment of marriage is authorized by **[ Divorce ]** Rule 1920.51.

(c)(1) Except as provided in subdivision (c)(2), promptly after conclusion of the conference, a party may move the court for a separate listing of the hearing where:

- (i) there are complex questions of law, fact or both [ , ]; or
- (ii) the hearing will be protracted [ , ]; or

\* \* \* \* \*

(d) The hearing officer shall receive evidence, hear argument and file with the court a report containing a recommendation with respect to the entry of an order of support. The report may be in narrative form stating the reasons for the recommendation and shall include a proposed order substantially in the form set forth in Rule 1910.27(e) stating:

- (1) the amount of support calculated in accordance with the guidelines [ , ];
- (2) by and for whom it shall be paid [ , ]; and

\* \* \* \* \*

(e) The court, without hearing the parties, shall enter an interim order **consistent with the proposed order of the hearing officer except upon good cause shown. [ The order shall state ]** Each party shall be provided, either in person at the time of the hearing or by mail, with a copy of the interim order and written notice that any party may, within **[ ten ] twenty** days after the date of receipt or the date of mailing of the order, whichever occurs first, file with the domestic relations section written exceptions to **[ that ]** the report **[ with the domestic relations section ]** of the hearing officer and interim order.

(f) Within **[ ten ] twenty** days after the date of receipt or the date of mailing of the report by the

hearing officer, **whichever occurs first**, any party may file exceptions to the report or any part thereof, to rulings on objections to evidence, to statements or findings of facts, to conclusions of law, or to any other matters occurring during the hearing. Each exception shall set forth a separate objection precisely and without discussion. Matters not covered by exceptions are **[ demand ] deemed** waived unless, prior to entry of the final order, leave is granted to file exceptions raising those matters. If exceptions are filed, any other party may file exceptions within **[ ten ] twenty** days of the date of service of the original exceptions.

(g) If no exceptions are filed within the **[ ten ] twenty**-day period, the **interim** order shall constitute a final order.

\* \* \* \* \*

**Explanatory Comment—2006**

The time for filing exceptions has been expanded from ten to twenty days. The purpose of this amendment is to provide ample opportunity for litigants and counsel to receive notice of the entry of the order, to assure commonwealth-wide consistency in calculation of time for filing and to conform to applicable general civil procedural rules.

**CHAPTER 1915. ACTIONS FOR CUSTODY, PARTIAL CUSTODY AND VISITATION OF MINOR CHILDREN**

**Rule 1915.4-2. Office Conference. Hearing. Record. Exceptions. Order.**

\* \* \* \* \*

(d) At the conclusion of the conference if an agreement relating to partial custody or visitation has not been reached, the parties shall be given notice of the date, time and place of a hearing, which may be the same day, but in no event shall be more than **[ 45 ] forty-five** days from the date of the conference. The hearing shall be conducted by a hearing officer who must be a lawyer, and a record shall be made of the testimony.

\* \* \* \* \*

(f) Within **[ 10 ] ten** days of the conclusion of the hearing, the hearing officer shall file with the court and serve upon all parties a report containing a recommendation with respect to the entry of an order of partial custody or visitation. The report may be in narrative form stating the reasons for the recommendation and shall include a proposed order, including a specific schedule for partial custody or visitation.

(g) Within **[ ten ] twenty** days after the date **[ of ]** the hearing officer's report **[ by the hearing officer ]** is mailed or received by the parties, whichever occurs first, any party may file exceptions to the report or any part thereof, to rulings on objections to evidence, to statements or findings of fact, to conclusions of law, or to any other matters occurring during the hearing. Each exception shall set forth a separate objection precisely and without discussion. Matters not covered by exceptions are deemed waived unless, prior to entry of the final order, leave is granted to file exceptions raising those matters. If exceptions are filed, any other party may file exceptions within **[ ten ] twenty** days of the date of service of the original exceptions.

(h) If no exceptions are filed within the **[ ten ] twenty**-day period, the court shall review the report and, if approved, enter a final order.

(i) If exceptions are filed, the court shall hear argument on the exceptions within [ 45 ] forty-five days of the date the last party files exceptions, and enter an appropriate final order within [ 15 ] fifteen days of argument. No motion for Post-Trial Relief may be filed to the final order.

**Explanatory Comment—2006**

The time for filing exceptions has been expanded from ten to twenty days. The purpose of this amendment is to provide ample opportunity for litigants and counsel to receive notice of the entry of the order, to assure commonwealth-wide consistency in calculation of time for filing and to conform to applicable general civil procedural rules.

**CHAPTER 1920. ACTIONS OF DIVORCE OR FOR ANNULMENT OF MARRIAGE**

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

- (a) After conclusion of the hearing, the master shall:
  - (1) file the record and the report within;
  - (i) twenty days in uncontested actions or [ , ];
  - (ii) thirty days after the receipt of the transcript by the master in contested actions [ , ]; and

\* \* \* \* \*

(b) Within [ ten ] twenty days of the date of receipt or the date of mailing of the master's report and recommendation, whichever occurs first, any party may file exceptions to the report or any part thereof, to rulings on objections to evidence, to statements or findings of fact, to conclusions of law, or to any other matters occurring during the hearing. Each exception shall set forth a separate objection precisely and without discussion. Matters not covered by exceptions are deemed waived unless, prior to entry of the final decree, leave is granted to file exceptions raising those matters.

(c) If exceptions are filed, any other party may file exceptions within [ ten ] twenty days of the date of service of the original exceptions. The court shall hear argument on the exceptions and enter a final decree.

\* \* \* \* \*

**Explanatory Comment—2006**

The time for filing exceptions has been expanded from ten to twenty days. The purpose of this amendment is to provide ample opportunity for litigants and counsel to receive notice of the report and recommendation, to assure commonwealth-wide consistency in calculation of time for filing and to conform to applicable general civil procedural rules.

**Rule 1920.55-3. Master's Report. Notice. Hearing De Novo. Final Decree.**

\* \* \* \* \*

- (b) After the conclusion of hearing, the master shall:
  - (1) file the report within;
  - (i) twenty days in uncontested actions or [ , ];
  - (ii) thirty days in contested actions [ , ]; and

\* \* \* \* \*

(c) Within [ ten ] twenty days [ after ] of the date the master's report is mailed or received, whichever occurs first, any party may file a written demand for a hearing de novo. If a demand is filed, the court shall hold a hearing de novo and enter a final decree.

(d) If no demand for de novo hearing is filed within [ ten days of the date the report is mailed ] the twenty-day period, the court shall review the report and recommendation and, if approved, shall enter a final decree.

\* \* \* \* \*

**Explanatory Comment—2006**

The time for filing exceptions has been expanded from ten to twenty days. The purpose of this amendment is to provide ample opportunity for litigants and counsel to receive notice of the report and recommendation, to assure commonwealth-wide consistency in calculation of time for filing and to conform to applicable general civil procedural rules.

**CHAPTER 1930. RULES RELATING TO DOMESTIC MATTERS GENERALLY**

**Rule 1930.4. Service of Original Process in Domestic Relations Matters.**

(a) *Persons Who May Serve.* Original process in all domestic relations matters may be served by the sheriff or a competent adult:

\* \* \* \* \*

- (2) by handing a copy;

\* \* \* \* \*

**Official Note:** See Rule 76 for the definition of "competent adult." **Service upon an incarcerated person in a domestic relations action must also include notice of any hearing in such action, and specific notice of the incarcerated individual's right to apply to the court for a writ of habeas corpus ad testificandum to enable him or her to participate in the hearing. The writ is available where an incarcerated individual wishes to testify as provided by statute or rule, as well as where the individual's testimony is sought by another. *Vanaman v. Cowgill*, 363 Pa. Super. Ct. 602, 526 A.2d 1226 (1987). See 23 Pa.C.S.A. 4342(j) and Rule 1930.3. In determining whether a writ of habeas corpus ad testificandum should be issued, a court must weigh the factors set forth in *Salemo v. Salemo*, 381 Pa. Super. Ct. 632, 554 A.2d 563 (1989).**

[Pa.B. Doc. No. 05-2398. Filed for public inspection December 30, 2005, 9:00 a.m.]

# Title 249—PHILADELPHIA RULES

## PHILADELPHIA COUNTY

### Adoption of Philadelphia Traffic Court Local Rules Nos. 106, 120, 121, 454, 1030, 1031, 1032, 1033 and 1035; Administrative Order 02 of 2005

#### Order

*And Now*, this 21st day of December, 2005, pursuant to Pa.R.Crim.P. 105 and Pa.R.Crim.P. 1030 et seq., Philadelphia Traffic Court Local Rule Nos. 106, 120, 121, 454, 1030, 1031, 1032, 1033 and 1035, which follow this order, are adopted, and shall become effective on February 1, 2006.

The original Administrative Order shall be filed with the Prothonotary in a docket maintained for Administrative Orders issued by the Administrative Judge of the Philadelphia Traffic Court, and copies shall be submitted to the Administrative Office of Pennsylvania Courts, the Legislative Reference Bureau, the Criminal Procedures Rules Committee, and the Minor Court Rules Committee. Copies of the Order shall also be submitted to American Lawyer Media, *The Legal Intelligencer*, Jenkins Memorial Law Library, and the Law Library for the First Judicial District of Pennsylvania.

*By the Court*

BERNICE DEANGELIS,  
*Administrative Judge*  
*Traffic Court*

#### Philadelphia Traffic Court Local Rules

##### Local Rule 1030. Scope of Summary Traffic Court Rules.

The local rules that follow complement Chapter 10, Part B. of the Pennsylvania Rules of Criminal Procedures, Philadelphia Traffic Court Rules, Pa.R.Crim. P. 1030 et seq., and the rules referenced thereto, and are intended to identify for counsel and unrepresented parties the procedural rules applicable to Traffic Court proceedings in Philadelphia County. These rules are referenced herein as "Local Rules" and shall be cited as "Phila.T.C.L.R. \_\_\_\_."

#### Local Rule 106. Continuance Policy

(a) *General Rule.* All continuance requests shall:

- (1) be in writing, on a court-approved form, (see form which follows this Local Rule) reference the citation number and the defendant's driver license number;
- (2) identify the date, time, and, if applicable, the courtroom it is listed for; and
- (3) specifically state the reasons for the request.

Documentation substantiating the request for the continuance (i.e. proof of necessary hospitalization, pre-paid vacation, military service, etc.) must be submitted.

(b) *Timing of request.* All requests for continuance must be received by the Philadelphia Traffic Court at least 48 hours before the date set for the trial or hearing. A later request shall only be granted if the defendant or defendant's attorney of record establishes that the cause for the continuance request did not previously exist, or that the defendant was not aware of the grounds for the request, or the interests of justice require it.

(c) *Address Where Continuance Requests are to Be Mailed or Delivered.* All requests for continuances are to be mailed or delivered to the Philadelphia Traffic Court, 800 Spring Garden, Philadelphia, PA 19123. All requests for continuances shall be assigned to the Administrative Judge or his/her designee who shall rule on the request, in writing, and shall state the reasons for the grant or denial of the continuance.

(d) *Requests For Continuance on the Trial Date.* All requests for continuances on the day of the summary trial or hearing shall be in writing, on the court-approved form, and shall be presented to the presiding judge. All such requests shall be denied unless the defendant or the defendant's attorney of record establishes that the cause for the continuance request did not previously exist, or that the defendant was not aware of the grounds for the request, or the interests of justice require it. The presiding judge shall rule on the request, in writing, and shall state the reasons for the grant or denial of the continuance.

**Comment:** Continuance requests must be made timely to enable the Court to review and properly rule on them. The Court may entertain written requests from unrepresented parties if not made on the court-approved form as long as the required information is provided. Documentations ought to be provided as necessary. Continuance requests may be disposed administratively.

FIRST JUDICIAL DISTRICT OF PENNSYLVANIA  
PHILADELPHIA TRAFFIC COURT

Commonwealth of Pennsylvania : Citation No(s).  
vs. :  
\_\_\_\_\_  
Defendant :

REQUEST FOR CONTINUANCE

Defendant's Name			OLN
Address	City	State	Zip
Name of Defendant's Attorney (If any)			Attorney ID #
Office Address	City	State	Zip
Electronic Mail Address of Attorney:			
Date of Trial/Hearing	Time	Courtroom (If Available)	<input type="checkbox"/> Check Box if a Scheduling Order was issued for the trial/hearing being continued.
Reason for Request for Continuance (Attach all necessary documentation)			

I verify that the statements made herein are true and correct, and that false statements herein are made subject to the penalties of 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities.

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

\_\_\_\_\_  
Signature of Defendant/ Defendant's Attorney

ORDER

Continuance Granted. Reason:

Continued Date	Time	Courtroom	Location 800 Spring Garden Street Philadelphia, PA
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Continuance Denied. Reason:

BY THE COURT:

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

\_\_\_\_\_  
TRAFFIC COURT JUDGE

**Local Rule 120. Attorneys—Appearances and Withdrawals**

(a) *Entry of Appearance.*

(1) Counsel for defendant shall file with the Attorney Filing Unit an entry of appearance, (see form which follows this Local Rule), identifying the citations for which counsel has been retained. The entry of appearance shall include the attorney's office address and electronic mail address, phone number, and the Supreme Court attorney identification number. An entry of appearance seeking to limit representation to a specific hearing shall not be accepted.

(2) When counsel is appointed pursuant to Pa.R.Crim. P. 1035, Appointment of Counsel, the filing of the appointment order shall enter the appearance of appointed counsel.

(3) Counsel shall not be provided any defendant information unless an Entry of Appearance is filed with the Attorney Filing Unit.

(4) An attorney who has been retained by a defendant and entered an appearance as provided in this rule shall continue such representation in the Traffic Court until granted leave to withdraw by the court pursuant to

paragraph (b). An attorney who has been appointed by the court pursuant to Pa.R.Crim. P. 1035 shall continue representation as provided in Local Rule 1035.

(b) *Withdrawal of Appearance.* Counsel for a defendant may not withdraw his or her appearance except by leave of court. The request shall be in writing (see form which follows this Local Rule), or may be made orally in open court in the presence of the defendant. The Court may grant the request to withdraw when new counsel enters an appearance, when new counsel is appointed to represent the defendant, or when the defendant intelligently waives the right to counsel.

**Comment:** The entry of appearance process has been problematic in Traffic Court proceedings. This Local Rule is designed to advise all parties that counsel must enter an appearance as a precondition to representation of Traffic Court defendants. Traffic Court will not provide defendant information to counsel until an entry of appearance is filed. Counsel is not permitted to enter an appearance for a limited purpose—i.e. representation for a warrant hearing, or impoundment hearing and the like. Rather, counsel must enter an appearance in connection with all proceedings in the Traffic Court and must officially withdraw from the case to be relieved of further legal obligations at the Traffic Court level.

ENTRY OF APPEARANCE FORM

**FIRST JUDICIAL DISTRICT OF PENNSYLVANIA  
PHILADELPHIA TRAFFIC COURT**

**ENTRY OF APPEARANCE**

***Commonwealth Of Pennsylvania***  
vs.

**Citation Number(s):**

\_\_\_\_\_ *Defendant's Name*

*Driver's License Number:* \_\_\_\_\_

**TO THE CLERK OF COURT:**

Enter my appearance for Defendant in connection with the above citations.

*Office Address of Attorney:* \_\_\_\_\_

*Electronic Mail Address of Attorney:* \_\_\_\_\_

*Phone Number:* \_\_\_\_\_

*Attorney I.D. No.:* \_\_\_\_\_

\_\_\_\_\_ *Name of Attorney for Defendant (Please Print)*

\_\_\_\_\_ *Date*

\_\_\_\_\_ *Signature of Attorney for Defendant*

REQUEST FOR LEAVE TO WITHDRAW AS COUNSEL FORM

**FIRST JUDICIAL DISTRICT OF PENNSYLVANIA  
PHILADELPHIA TRAFFIC COURT**

**Commonwealth of Pennsylvania** : **Citation No(s).**  
**vs.** :  
 \_\_\_\_\_ :  
 Defendant :

**REQUEST FOR LEAVE TO WITHDRAW AS COUNSEL**

Defendant's Name			OLN	
Address		City	State	Zip
Name of Defendant's Attorney				Attorney ID #
Office Address		City	State	Zip
Electronic Mail Address of Attorney:				
Date of Trial		Time	Courtroom (If Available)	
Reason for Request to Withdraw (Attach all necessary documentation)				
Defendant's Position				

I verify that the statements made herein are true and correct, and that false statements herein are made subject to the penalties of 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities.

Date: \_\_\_\_\_  
 \_\_\_\_\_  
 Signature Defendant's Attorney

**ORDER**

Counsel's request to withdraw as counsel for the Defendant is:  
 Granted. Reason:  
 Denied. Reason:

**BY THE COURT:**

**Date:** \_\_\_\_\_  
 \_\_\_\_\_  
**TRAFFIC COURT JUDGE**



**Local Rule 121. Waiver of Counsel.**

The Waiver of Counsel Form executed by a defendant pursuant to Pa.R.Crim.P. 121 shall be as follows:

WAIVER OF COUNSEL FORM

**FIRST JUDICIAL DISTRICT OF PENNSYLVANIA  
IN THE PHILADELPHIA TRAFFIC COURT**

**WAIVER OF COUNSEL**

***Commonwealth Of Pennsylvania***  
vs.

Citation Number(s):

\_\_\_\_\_  
*Defendant's Name*

Driver's License Number: \_\_\_\_\_

I hereby state and affirm that I have been advised of the right to be represented by counsel and to have an attorney appointed if I cannot afford one, and I choose to act as my own attorney in connection with the summary trial or hearing for the citations listed above.

I further state and affirm that my waiver is made knowingly, voluntarily, and intelligently.

\_\_\_\_\_  
**Defendant**

\_\_\_\_\_  
**Date**

**Local Rule 454. Trial in Summary Cases. Role of the affiant. Sentencing orders.**

(a) *Summary Trial.* The Traffic Court judge shall conduct the summary trial as provided by Pa.R.Crim.P. 454. At the conclusion of the summary trial, the judge shall sign the docket of the Traffic Court, identifying the disposition and the amount of the fine and costs imposed, if any. No facsimile signature may be used to sign the docket of the Traffic Court.

(b) *Evidence. Representative or Designee of the Issuing Law Enforcement Officer or Agency.*

(1) The law enforcement officer who issued or filed the citation (the "affiant") need not appear for the summary trial. The allegations in the citation may be recited on behalf of the issuing law enforcement officer, and that individual is authorized to ask questions of any witness who testifies.

(2) In addition to any law enforcement officer, any authorized user of the Pennsylvania Justice Network ("JNET"), may produce and offer to the Court a defendant's certified driving record, as necessary.

(3) At any time before the completion of the summary trial or acceptance of a guilty plea, the representative or designee of the issuing law enforcement officer or agency may request in open court the Traffic Court judge for permission to withdraw one or more of the charges pursuant to Pa.R.Crim.P. 457. If the Traffic Court judge authorizes the withdrawal of one or more of the charges, the Traffic Court judge shall record such withdrawal(s) on the docket of the Traffic Court.

(4) The representative or designee of the issuing law enforcement officer or agency may engage in plea bargaining with the defendant; however, all plea bargains are subject to the approval of the assigned Traffic Court judge in open court.

(c) *Sentencing Orders.* Every defendant shall be given a copy of the written order imposing sentence issued as required by Pa.R.Crim.P. 454(E). The Traffic Court judges shall use sentencing orders substantially in the form set forth below whenever a period of incarceration is entered as part of a sentence.

SENTENCING ORDER FORMS

**FIRST JUDICIAL DISTRICT OF PENNSYLVANIA  
PHILADELPHIA TRAFFIC COURT**

<p><b>Commonwealth of Pennsylvania</b> vs.</p> <hr/> <p style="text-align: right;">Defendant</p> <p>A/K/A _____</p>	<p>Judge _____</p> <p>Courtroom _____</p> <p>Citation Number(s) _____</p>	
<p><b>PP#</b></p>	<p><b>DOB</b></p>	<p><b>OLN#</b></p>

**ORDER IMPOSING SENTENCE  
(Default of Payment Plan – Pa.R.Crim.P. No. 456)**

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, the Court finds that the above named Defendant has been previously ordered to pay certain fines and costs in connection with the above-referenced Traffic Citations, as disclosed on the attached print-out.

AND NOW, after a hearing, the Court finds that Defendant has, and had, the financial ability to pay as previously ordered by the Traffic Court, but failed to pay as ordered. NOW, THEREFORE, the Court finds that Defendant owes the sum of \$ \_\_\_\_\_ on the following citations:

and is sentenced to serve a minimum of \_\_\_\_\_ days and a maximum of \_\_\_\_\_ days at the following facility:

\_\_\_\_\_

Credit in the sum of \$40 per day served shall be given.  
 The following additional conditions are applicable:

Defendant may file an Appeal of this sentence for a hearing *de novo* on the issue of Defendant’s Contempt, financial ability to pay, and the propriety of the sentence imposed in the Court of Common Pleas by filing a Notice of Appeal within THIRTY (30) days, at the Traffic Court, 800 Spring Garden Street, Philadelphia, PA. The imposition of the sentence is stayed during the Appeal period. The Appeal will be dismissed if Defendant fails to appear for the *de novo* hearing.

Pursuant to Pa.R.Crim.P. No. 454, Defendant is **COMMANDED** to appear on \_\_\_\_\_, 20 \_\_\_\_, at \_\_\_\_\_ AM/PM., in Courtroom \_\_\_\_\_, **Traffic Court**, 800 Spring Garden Street, Philadelphia, PA for execution of the above prison sentence, unless a timely Notice of Appeal is filed. **In the event an Appeal has not been filed and Defendant fails to appear as ordered above, a Warrant will be issued for Defendant’s arrest.**

Private Counsel: \_\_\_\_\_, Esquire  
 Court-appointed Counsel provided: \_\_\_\_\_, Esquire, and counsel’s appointment shall continue for appellate purposes if Defendant is sentenced to a period of incarceration.

**I ACKNOWLEDGE RECEIPT OF A  
COPY OF THIS ORDER:**

**BY THE COURT:**

\_\_\_\_\_  
 Defendant Date

\_\_\_\_\_  
 TRAFFIC COURT JUDGE

\_\_\_\_\_  
 Attorney Date

FIRST JUDICIAL DISTRICT OF PENNSYLVANIA  
PHILADELPHIA TRAFFIC COURT

Commonwealth of Pennsylvania vs.		Judge _____
Defendant		Courtroom _____
A/K/A _____		Citation Number(s) _____
PP#	DOB	OLN#

ORDER IMPOSING SENTENCE  
(Mandatory Sentence – 1543(b)(1))

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, the Court finds that the above named Defendant has plead guilty or been convicted of violating 75 Pa.C.S. § 1543(b) (1);

NOW, THEREFORE, Defendant is sentenced to pay fines and costs in the sum of \$ \_\_\_\_\_, and is sentenced to serve a minimum of \_\_\_\_\_ days and a maximum of \_\_\_\_\_ days at the following facility:

\_\_\_\_\_  
Defendant is not entitled to credit provided in 75 Pa.C.S. § 6504.  
The following additional conditions are applicable:  
\_\_\_\_\_

Defendant may file an Appeal of this sentence for a hearing *de novo* in the Court of Common Pleas by filing a Notice of Appeal within THIRTY (30) days, at the Traffic Court, 800 Spring Garden Street, Philadelphia, PA. The imposition of the sentence is stayed during the Appeal period. The Appeal will be dismissed if Defendant fails to appear for the *de novo* hearing, and the sentence imposed by the Traffic Court will be carried out without further order of court.

Pursuant to Pa.R.Crim.P. No. 454, Defendant is **COMMANDED** to appear on \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ AM/PM., in Courtroom \_\_\_\_\_, **Traffic Court**, 800 Spring Garden Street, Philadelphia, PA for execution of the above prison sentence, unless a timely Notice of Appeal is filed. **In the event an Appeal has not been filed and Defendant fails to appear as ordered above, a Warrant will be issued for Defendant's arrest.**  
 Private Counsel: \_\_\_\_\_, Esquire  
 Court-appointed Counsel provided: \_\_\_\_\_, Esquire, and counsel's appointment shall continue for appellate purposes if Defendant is sentenced to a period of incarceration.

I ACKNOWLEDGE RECEIPT OF A  
COPY OF THIS ORDER:

BY THE COURT:

\_\_\_\_\_  
Defendant Date

\_\_\_\_\_  
TRAFFIC COURT JUDGE

\_\_\_\_\_  
Attorney Date

**FIRST JUDICIAL DISTRICT OF PENNSYLVANIA  
PHILADELPHIA TRAFFIC COURT**

<p><b>Commonwealth of Pennsylvania</b> vs.</p>	<p>Judge _____</p> <p>Courtroom _____</p> <p>Citation Number(s) _____</p>	
<p>Defendant</p> <p>A/K/A _____</p>		
<p>PP#</p>	<p>DOB</p>	<p>OLN#</p>

**ORDER IMPOSING SENTENCE  
(Mandatory Sentence – Sixth or More 1543(a))**

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, the Court finds that the above named Defendant has plead guilty or been convicted of six or more violations of 75 Pa.C.S. § 1543(a), as disclosed on the attached print-out.

NOW, THEREFORE, Defendant is sentenced to pay fines and costs in the sum of \$ \_\_\_\_\_, and is sentenced to serve a minimum of \_\_\_\_\_ days and a maximum of \_\_\_\_\_ days at the following facility:

\_\_\_\_\_  
 Defendant is not entitled to credit provided in 75 Pa.C.S. § 6504.  
 The following additional conditions are applicable:  
 \_\_\_\_\_

\_\_\_\_\_  
 Defendant may file an Appeal of this sentence for a hearing *de novo* in the Court of Common Pleas by filing a Notice of Appeal within THIRTY (30) days, at the Traffic Court, 800 Spring Garden Street, Philadelphia, PA. The imposition of the sentence is stayed during the Appeal period. The Appeal will be dismissed if Defendant fails to appear for the *de novo* hearing, and the sentence imposed by the Traffic Court will be carried out without further order of court.

Pursuant to Pa.R.Crim.P. No. 454, Defendant is **COMMANDED** to appear on \_\_\_\_\_, 20 \_\_\_\_, at \_\_\_\_\_ AM/PM., in Courtroom \_\_\_\_\_, **Traffic Court**, 800 Spring Garden Street, Philadelphia, PA for execution of the above prison sentence, unless a timely Notice of Appeal is filed. **In the event an Appeal has not been filed and Defendant fails to appear as ordered above, a Warrant will be issued for Defendant’s arrest.**  
 Private Counsel: \_\_\_\_\_, Esquire  
 Court-appointed Counsel provided: \_\_\_\_\_, Esquire, and counsel’s appointment shall continue for appellate purposes if Defendant is sentenced to a period of incarceration.

**I ACKNOWLEDGE RECEIPT OF A  
COPY OF THIS ORDER:**

**BY THE COURT:**

\_\_\_\_\_  
 Defendant Date

\_\_\_\_\_  
 TRAFFIC COURT JUDGE

\_\_\_\_\_  
 Attorney Date

FIRST JUDICIAL DISTRICT OF PENNSYLVANIA  
PHILADELPHIA TRAFFIC COURT

Commonwealth of Pennsylvania vs.		Judge
		Courtroom
Defendant		Citation Numbers
A/K/A _____		
PP#	DOB	OLN#

**ORDER IMPOSING SENTENCE**  
**(Subsequent Convictions – 75 Pa.C.S. § 6503)**

AND NOW, this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_, the Court finds that the above named Defendant has been previously convicted of violating 75 Pa.C.S. §§ 1501(a); 1543(a); 3367; 3733; 3734; or 3748 as disclosed on the attached print-out. Defendant has today plead guilty or been convicted of violating 75 Pa.C.S. § \_\_\_\_\_;

NOW, THEREFORE, pursuant to 75 Pa.C.S. § 6503, in addition to the fines and costs imposed as a result of the conviction of the above violation, Defendant is sentenced to pay fines and costs in the sum of \$ \_\_\_\_\_, and is sentenced to serve a minimum of \_\_\_\_ days and a maximum of \_\_\_\_ days at the following facility:

Defendant is not entitled to credit provided in 75 Pa.C.S. § 6504.  
The following additional conditions are applicable:

Defendant may file an Appeal of this sentence for a hearing *de novo* in the Court of Common Pleas by filing a Notice of Appeal within THIRTY (30) days, at the Traffic Court, 800 Spring Garden Street, Philadelphia, PA. The imposition of the sentence is stayed during the Appeal period. The Appeal will be dismissed if Defendant fails to appear for the *de novo* hearing.

Pursuant to Pa.R.Crim.P. No. 454, Defendant is **COMMANDED** to appear on \_\_\_\_\_, 20 \_\_\_\_, at \_\_\_\_\_ AM/PM., in Courtroom \_\_\_\_\_, **Traffic Court**, 800 Spring Garden Street, Philadelphia, PA for execution of the above prison sentence, unless a timely Notice of Appeal is filed. **In the event an Appeal has not been filed and Defendant fails to appear as ordered above, a Warrant will be issued for Defendant’s arrest.**

Private Counsel: \_\_\_\_\_, Esquire  
 Court-appointed Counsel provided: \_\_\_\_\_, Esquire, and counsel’s appointment shall continue for appellate purposes if Defendant is sentenced to a period of incarceration.

I ACKNOWLEDGE RECEIPT OF A  
COPY OF THIS ORDER:

BY THE COURT:

\_\_\_\_\_  
Defendant Date

\_\_\_\_\_  
TRAFFIC COURT JUDGE

\_\_\_\_\_  
Attorney Date

**FIRST JUDICIAL DISTRICT OF PENNSYLVANIA  
PHILADELPHIA TRAFFIC COURT**

<p><b>Commonwealth of Pennsylvania</b> vs.</p>	<p>Judge _____</p> <p>Courtroom _____</p> <p>Citation Number(s) _____</p>	
<p>_____ Defendant</p> <p>A/K/A _____</p>		
<p>PP# _____</p>	<p>DOB _____</p>	<p>OLN# _____</p>

**COMMITMENT**

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, the Court having been informed that Defendant has not appealed this Court's Order Imposing Sentence dated \_\_\_\_\_ for \_\_\_\_\_, a copy of which is attached to this Commitment, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that this Court's sentence as set forth in the above-referenced Order Imposing Sentence shall commence to be served by the Defendant immediately.

**I ACKNOWLEDGE RECEIPT OF A  
COPY OF THIS ORDER:**

**BY THE COURT:**

\_\_\_\_\_ **Defendant**                      \_\_\_\_\_ **Date**

\_\_\_\_\_ **TRAFFIC COURT JUDGE**

\_\_\_\_\_ **Attorney**                      \_\_\_\_\_ **Date**

**Local Rule 1031. Institution of Proceedings in Summary Traffic Cases.**

(a) *Issued Citations. Scheduling of Summary Trial. Notice To Appear. Service.* As authorized by Pa.R.Crim.P. 1031(B), the citation issued to a defendant pursuant to Pa.R.Crim.P. 405 shall contain the date, time and location of the summary trial. As authorized by Pa.R.Crim.P. 451(A), service shall be made by the issuing law enforcement officer who shall hand a copy of the citation containing the Notice to appear to the defendant.

(b) *Filed Citations. Scheduling of Summary Trial. Notice To Appear. Service.* A citation filed pursuant to Pa.R.Crim.P. 410 et seq. shall contain the date, time and location of the summary trial. Service shall be made as set forth in Pa.R.Crim.P. 451 (B). If the defendant fails to appear for a summary trial scheduled by first class mail, the hearing will be re-scheduled and the defendant shall be served by certified mail or personal service.

(c) *Form of the Citation.* The citation issued to the Defendant shall be substantially as the form which follows this Local Rule, and as may be otherwise modified from time to time.

(d) *Citations Which Do Not Contain A Hearing Date.* If a law enforcement officer does not enter the date, time and location on a citation issued pursuant to subsection (a), the court shall schedule the summary trial and send a notice of trial by first class mail to the defendant's last known address.

**Comment:** Notices mailed to a defendant shall be mailed to the defendant's most current address available to the Traffic Court. The most current address may be the address on record with the Pennsylvania Department of Transportation, or the address the defendant provided to the law enforcement officer at the time the citation was issued, or the address the defendant has provided to the Traffic Court, whichever is later.



CITATION FORM

COMMONWEALTH OF PENNSYLVANIA

PHILADELPHIA TRAFFIC COURT
800 SPRING GARDEN STREET
P.O. BOX 56501
PHILADELPHIA, PA 19130-6301



TRAFFIC CITATION

SOCIAL SECURITY NUMBER

1. DRIVER NUMBER, 2. C.D.L., 3. STATE, 4. C.D.B., 5. SEX, 6. DEFENDANT NAME - FIRST, MIDDLE, LAST, 7. DEFENDANT STREET ADDRESS, 8. CITY, 9. STATE, 10. ZIP CODE, 11. OWNER/LESSEE OR CARRIER NAME, 11A. IDENTIFICATION, 12. OWNER/LESSEE OR CARRIER ADDRESS, 13. VEHICLE REG. NO., 14. REG. YR., 15. STATE, 16. MAKE, 17. TYPE, 18. COLOR, 19. VEHICLE REG. NO., 20. REG. YR., 21. STATE, 22. MAKE, 23. TYPE, 24. COLOR

SEE BACK OF DEFENDANT'S COPY FOR BREAKDOWN OF TOTAL DUE.

VIOLATION TYPE, 26. Vehicle Code, 27. Ordinance, 28. Filed on Information Received, 29. Lab Services Requested, 30. Active Work Zone, 31. TOTAL FINE\*

29. CHARGE SECTION & SUBSECTION, 30. NATURE OF OFFENSE

31. SPEED TOLERANCE, 32. SPEED ALLOWED, 33. WEIGHT PERMITTED, 34. ACTUAL VEHICLE WEIGHT

35. FOLLOWED, 36. TARED, 37. TWEED, 38. SPEED EQUIP. SERIAL NO., 39. SPEED DETECT. EQUIP. TYPE, 40. STAT. EQUIP. TEST

41. DATE EQUIP. TEST, 42. ACC. ARREST/RPT. NO., 43. LOCATION OF OCCURRENCE

44. DISTRICT OFFICER, 45. SELECTIVE ENF., 46. DIR. OF TRAVEL, 47. WEATHER CONDITIONS, 48. OFFENSE DATE, 49. DAY, 50. TIME

NOTICE TO APPEAR

YOU MUST APPEAR FOR YOUR SUMMARY TRIAL WHICH IS SCHEDULED FOR:

MONTH, DAY, YEAR, TIME, AM, PM, LOCATION: 800 Spring Garden Street Philadelphia, PA 19123

If within 10 days of receipt of the citation, you enter a guilty plea and pay the fine and costs indicated on the citation, the summary trial will be cancelled...

I have served a copy of this Citation on the Defendant. I verify that the facts set forth in this citation are true and correct to the best of my knowledge, information and belief.

OFFICER'S SIGNATURE, BADGE NO.

51. DEFENDANT'S SIGNATURE - ACKNOWLEDGES RECEIPT OF CITATION, 52. DATE, 53. STATION ADDRESS, 54. ENCL. INFO, 55. LAW ENFORCEMENT AGENCY

56. SURVIVABLE, 56B. PARENTS NOTIFIED, 57. COMM. VEH., 58. HAZ. MAT., 59. MARKED, 60. UNMARKED

60. REMARKS

TOTAL DUE, SECTION/SUB SEC, 61. DATE, 62. ISSUED, 63. FILED

NOTICE

If you plead guilty or are found guilty, points may be assessed against your driver's record. An accumulation of points may result in the suspension of your driving privilege. Also, your driving privilege WILL BE SUSPENDED if you plead guilty or are found guilty of certain offenses under the Vehicle Code...

TRAFFIC COURT

USE BALL POINT - PRINT & PRESS HARD

**Local Rule 1032. Pleas in Response to Citation. Failure to Timely Plea or Pay the Requisite Collateral.**

(a) *General Rule.* A defendant must enter a plea within ten days after issuance of the citation as required by Pa.R.Crim.P. 407 regardless of whether the citation issued to the defendant contains a summary trial hearing date.

(b) *Not Guilty Plea.* The defendant may plead not guilty in person at the Traffic Court, on-line through the Court's website, <http://courts.phila.gov> (click the "Traffic Court" link under the section entitled "Courts of the District"), or by mail by following the instructions contained on the back of the citation. The summary trial will be held on the date assigned pursuant to Local Rule 1031. No additional Notice of Trial shall be required to advise the defendant of the summary trial date unless the summary trial scheduled pursuant to Local Rule 1031 is rescheduled by the Philadelphia Traffic Court.

(c) *Guilty Plea.*

(1) Except as provided in paragraph (c)(2), the defendant may plead guilty in person at the Traffic Court, on-line through the Court's website, <http://courts.phila.gov> (click the "Traffic Court" link under the section entitled "Courts of the District"), or by mail by following the instructions contained on the back of the citation.

(2) If the defendant has been cited for violation of 75 Pa.C.S. § 1543 (B), and other violations which require the imposition of a prison sentence upon a guilty plea or adjudication, the defendant may not plead guilty by mail or electronically, and the summary trial will be held as scheduled, unless it is rescheduled by the Court.

(3) Any notice which reschedules a summary trial shall be mailed to the defendant, by first class mail, at the Defendant's last known address. A bench warrant shall be issued if the defendant fails to appear for the summary trial.

(d) *Failure to Timely Plea or Post the Requisite Collateral.* As required by Pa.R.Crim.P. 430, a warrant for the arrest of a defendant shall be issued if a defendant fails to enter a plea within ten days after the issuance of a citation. Moreover, the defendant's operating privileges may be suspended pursuant to 75 Pa.C.S. § 1033, and a late fee will be assessed, if the defendant fails to file a plea within ten days after issuance of the citation. A written notice of suspension, issuance of arrest warrant, or imposition of late fee shall be sent to the defendant, by first class mail, at the defendant's last known address.

**Comment:** Notices mailed to a defendant shall be mailed to the defendant's most current address available to the Traffic Court. The most current address may be the address on record with the Pennsylvania Department of Transportation, or the address the defendant provided to the law enforcement officer at the time the citation was issued, or the address the defendant has provided to the Traffic Court, whichever is later.

**Local Rule 1033. Procedures When Defendant Arrested With Warrant.**

(a) *Defendant Arrested During Traffic Court's Hours of Operation.*

(1) A defendant arrested pursuant to a Traffic Court warrant shall be brought to the Traffic Court as soon as practicable after being processed provided the Traffic Court is open.

(2) A warrant hearing shall be conducted promptly by a Traffic Court Judge or hearing officer appointed pursuant to Local Rule 1036 to determine the reasons for the issuance of the warrant, and to determine whether a summary trial or hearing on the matter which resulted in the issuance of the warrant can be held immediately. At the conclusion of the warrant hearing, all outstanding Traffic Court warrants against the Defendant shall be withdrawn.

(i) If it appears that the summary trial or hearing on the matter which resulted in the issuance of the warrant can be held immediately, the summary trial or hearing will be held immediately.

(ii) If it appears that the summary trial or hearing on the matter which resulted in the issuance of the warrant cannot be held immediately, the Traffic Court Judge or hearing officer shall:

(A) Schedule the summary trial or hearing and determine whether collateral must be posted by the defendant to secure defendant's release pending the hearing or summary trial. The Scheduling Orders shall be substantially in the form which follows this Local Rule.

(B) The defendant shall be released unless collateral has been ordered and is not posted.

(C) If the defendant is ordered to post collateral and the collateral is not posted, the defendant shall be brought to the county prison and held pending the summary trial or hearing. Provided, however, that the defendant shall be released at any time before the scheduled summary trial or hearing when the collateral is posted.

(b) *Defendant Arrested While Traffic Court is Closed.* A defendant arrested pursuant to a Traffic Court warrant while the Traffic Court is closed shall be processed as provided in Philadelphia Municipal Court Rule 540. The Subpoena/Commitment form used by the Municipal Court Bail Commissioner shall be substantially as the form which follows this Local Rule.

**Comment**

Pa.R.Crim.P. 1033, Philadelphia Municipal Court Rule 540, and this Local Rule are intended to provide a warrant hearing process which minimizes the time a defendant is held before a warrant hearing is conducted. However, the very nature of an arrest, the need to properly identify the defendant, and the internal protocol the arresting law enforcement officers need to follow incident to an arrest will, per force, take time. Nonetheless, it is expected that, to the extent possible, the time a defendant is held be minimized. The standard form of the Scheduling Orders is set forth below together with documents which will secure defendant's release when collateral has been ordered and is posted either at the Traffic Court of Bail Acceptance Unit at the Criminal Justice Center, which is open around the clock, every day, including holidays.

SCHEDULING ORDERS

**FIRST JUDICIAL DISTRICT OF PENNSYLVANIA  
PHILADELPHIA TRAFFIC COURT**

<b>Commonwealth of Pennsylvania</b> vs.		Judge
_____		_____
Defendant		Courtroom
A/K/A _____		_____
_____		Citation Numbers
PP#	DOB	OLN#

**SCHEDULING ORDER  
(Summary Trial)**

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_ A.D. 20\_\_\_\_, IT IS HEREBY ORDERED that a Summary Trial is scheduled in connection with the traffic citations listed above and Defendant is **ORDERED** to appear on \_\_\_\_\_, 20 \_\_\_\_, at \_\_\_\_\_ AM/PM., in Courtroom \_\_\_\_\_, **Traffic Court**, 800 Spring Garden Street, Philadelphia, PA.

Defendant shall be released on his/her own recognizance pending the above scheduled summary trial.

The Defendant shall be released prior to the above summary trial upon the posting the sum of \$ \_\_\_\_\_ as collateral for outstanding traffic citations.

There is a likelihood that imprisonment may be imposed at the conclusion of the above scheduled summary trial. In the event Defendant is not represented, Defendant must report within ten (10) days to the First Judicial District’s Pretrial Service Division, 5th Floor, 1401 Arch Street, Philadelphia, PA between the hours of 9:00 A.M. to 4:00 P.M. Monday through Friday for a financial interview to determine eligibility to court-appointed counsel. Defendant must bring supporting documentation such as Driver’s License, DPW card, pay stubs etc. at the time of the interview.

**Defendant’s failure to appear on the above date will result in the issuance of a Bench Warrant. Upon arrest, the hearing will be rescheduled and Defendant will be held in custody until the rescheduled hearing date.**

I ACKNOWLEDGE RECEIPT OF A  
COPY OF THIS ORDER:

BY THE COURT:

\_\_\_\_\_  
Defendant Date

\_\_\_\_\_  
TRAFFIC COURT JUDGE

\_\_\_\_\_  
Attorney Date

**FIRST JUDICIAL DISTRICT OF PENNSYLVANIA  
PHILADELPHIA TRAFFIC COURT**

<b>Commonwealth of Pennsylvania</b> vs.		Judge _____	
_____ Defendant		Courtroom _____	
A/K/A _____		Citation Numbers _____	
PP#	DOB	OLN#	

**SCHEDULING ORDER  
(Default Hearing)**

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_ A.D. 20\_\_\_\_, Defendant is **ORDERED** to appear on \_\_\_\_\_, 20 \_\_\_\_, at \_\_\_\_\_ AM/PM., in Courtroom \_\_\_\_\_, **Traffic Court**, 800 Spring Garden Street, Philadelphia, PA, to determine, pursuant to Pa.R.Crim.P. 456, defendant's ability to pay the outstanding fines and costs as previously ordered by the Traffic Court, and to enter any appropriate order, including imposition of any sanctions provided by law. Defendant must provide appropriate documentation of his/her financial status.

Defendant shall be released on his/her own recognizance pending the above financial determination hearing.

The Defendant shall be released prior to the above financial determination hearing upon paying the sum of \$ \_\_\_\_\_ towards the outstanding Traffic Court fines.

There is a likelihood that imprisonment may be imposed at the conclusion of the above scheduled financial determination hearing. In the event Defendant is not represented, Defendant must report within ten (10) days to the First Judicial District's Pretrial Service Division, 5th Floor, 1401 Arch Street, Philadelphia, PA between the hours of 9:00 A.M. to 4:00 P.M. Monday through Friday for a financial interview to determine eligibility to court-appointed counsel. Defendant must bring supporting documentation such as Driver's License, DPW card, pay stubs etc. at the time of the interview.

**Defendant's failure to appear on the above date will result in the issuance of a Bench Warrant. Upon arrest, the hearing will be rescheduled and Defendant will be held in custody until the rescheduled hearing date.**

**I ACKNOWLEDGE RECEIPT OF A  
COPY OF THIS ORDER:**

**BY THE COURT:**

\_\_\_\_\_  
**Defendant** Date

\_\_\_\_\_  
**TRAFFIC COURT JUDGE**

\_\_\_\_\_  
**Attorney** Date



**FIRST JUDICIAL DISTRICT OF PENNSYLVANIA  
PHILADELPHIA TRAFFIC COURT**

**ENFORCEMENT DEPARTMENT**

COMMONWEALTH OF PENNSYLVANIA : Citation Nos. \_\_\_\_\_

: PA MOTOR VEHICLE CODE

:

v.

: DATE: \_\_\_\_\_

: PP No. \_\_\_\_\_

: Operator No. (PA) \_\_\_\_\_

: INTAKE NO. \_\_\_\_\_

\_\_\_\_\_  
Defendant

COLLATERAL/FINES PAID: \$ \_\_\_\_\_

**TO THE KEEPER OF:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ Philadelphia Prisons  
Police Department  
Other

**The total collateral or fines imposed by the Philadelphia Traffic Court to secure defendant's release having been paid, discharge the above named Defendant from your custody, if detained for no other cause than stated above.**

**FOR THE COURT:**

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

**FIRST JUDICIAL DISTRICT OF PENNSYLVANIA  
IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY/  
IN THE PHILADELPHIA MUNICIPAL COURT**

**BAIL ACCEPTANCE OFFICE**

**COMMONWEALTH OF PENNSYLVANIA**

**Citation Nos.** \_\_\_\_\_

**VS.**

\_\_\_\_\_

\_\_\_\_\_

**Collateral/Fines Paid**      \$ \_\_\_\_\_

**Processing Fee**                      \$5.00

**Total Paid**                              \$ \_\_\_\_\_

**To The Keeper Of:**

\_\_\_\_\_ **Philadelphia Prisons**  
\_\_\_\_\_ **Other**

**The total collateral or fines imposed by the Philadelphia Traffic Court to secure defendant's release having been paid, discharge the above named Defendant from your custody, if detained for no other cause than stated above.**

**FOR THE COURT:**

**Date:** \_\_\_\_\_

\_\_\_\_\_  
**Bail Acceptance Officer**

**COMMENTS:**

**SUBPOENA/COMMITMENT**

THE CITY OF PHILADELPHIA  
THE COMMONWEALTH OF PENNSYLVANIA

ss.

v.

No.

YOU ARE ORDERED TO APPEAR AT  
PHILADELPHIA TRAFFIC COURT

AT		800 Spring Garden Street Philadelphia, PA 19123-2690	
Date: _____	Time: <b>9:00 AM</b>	Courtroom: _____	
DATE OF BIRTH (MM DD YY)	DRIVER'S LICENSE NO.	VEHICLE PLATE	CITATION NO.

DATE OF BIRTH (MM DD YY)	DRIVER'S LICENSE NO.	VEHICLE PLATE	P.P. NO.

By the Order of the Traffic Court:

**TO THE DEFENDANT: YOU ARE COMMANDED BY ORDER OF THE COURT TO APPEAR AS A DEFENDANT IN THIS CASE AT THE PRECISE DATE, TIME AND PLACE INDICATED ABOVE. IF YOU DO NOT APPEAR AS INDICATED ABOVE, YOU MAY BE FOUND GUILTY IN ABSENTIA AND A JUDGMENT MAY BE ENTERED AGAINST YOU. A WARRANT MAY BE ISSUED FOR YOUR ARREST AND, UPON ARREST, THE HEARING WILL BE RESCHEDULED AND YOU MAY BE HELD IN CUSTODY UNTIL THE RESCHEDULED HEARING DATE.**

The Defendant may be released prior to the hearing by posting the sum of \$\_\_\_\_\_ for outstanding traffic citations or for the payment of Traffic Court fines and costs.

**TO ANY AUTHORIZED PERSON** of the above-named County of this Commonwealth: If the posting of collateral is ordered, you are hereby commanded to convey and deliver into the custody of the Keeper of the county prison the above-named defendant. You, the Keeper, are required to receive the defendant into your custody to be safely kept by you and brought down for the above-scheduled hearing.

I hereby acknowledge receipt of this Subpoena and will appear on the above trial date.

Bernice A. DeAngelis  
Administrative Judge, Traffic Court

YOU HAVE THE RIGHT TO BE  
REPRESENTED BY AN ATTORNEY

**BRING THIS NOTICE WITH YOU**

RETAIN IN YOUR POSSESSION UNTIL APPEARANCE AT TRAFFIC COURT

\_\_\_\_\_  
*Signature of Defendant*

DATE SUBPOENA/COMMITMENT ISSUED	S.W. NO.	LAW ENFORCEMENT/BAIL COMMISSIONER SIGNATURE	BADGE NO.

02-44 Rev. 12/05)

**Local Rule 1035. Appointment of Counsel.**

Counsel shall be provided to Traffic Court defendants who qualify pursuant to Pa.R.Crim.P. 1035 as follows:

(a) Counsel will be appointed by the office of the Traffic Court Administrative Judge on a per diem basis to represent all Traffic Court defendants entitled to court-appointed counsel in connection with Traffic Court summary trials or hearings on the day of counsel's appointment. A separate appointment order, substantially in the form which follows this Local Rule, will be issued concerning each defendant represented by court-appointed counsel.

(b) Court-appointed counsel's appointment terminates at the conclusion of the Traffic Court hearing; however, in the event any defendant represented during such one day appointment is sentenced to a period of incarceration, counsel's appointment will continue for that defendant

until final judgment (including any proceedings upon direct appeal) of such prison sentence.

(c) Court-appointed counsel's per diem compensation is \$200 for representing Traffic Court defendants at the Traffic Court level regardless of the number of defendants represented on the assigned day.

(d) Compensation for representing a defendant in connection with an appeal to the Court of Common Pleas (regardless of the number of citations issued to the defendant which are being appealed) shall be \$200.00.

(e) Court-appointed counsel shall be compensated \$300.00 per defendant for appeals to any appellate court from a prison sentence imposed by the Court of Common Pleas.

(f) The appointment of counsel constitutes authority for the defendant to proceed in forma pauperis and authorization to file pleadings without the payment of filing fees.



FORM OF APPOINTMENT ORDER

**FIRST JUDICIAL DISTRICT OF PENNSYLVANIA**

**IN THE TRAFFIC COURT OF PHILADELPHIA COUNTY**

<b>Commonwealth of Pennsylvania</b>	:	<b>Citation Nos.</b>
<b>vs.</b>	:	
	:	
<hr/>	:	
<b>Defendant</b>	:	

**APPOINTMENT ORDER**

**AND NOW**, this            day of            , 2005, it appearing that there is a likelihood that imprisonment may be imposed at the conclusion of the Traffic Court summary trial or hearing, pursuant to Pa.R.Crim.P. 1035 and Phila.T.C.R. 1035, \_\_\_\_\_, Esquire, is appointed to represent the Defendant in connection with the above citations.

This appointment is not transferable and is subject to the provisions set forth in Pa.R.Crim.P. 1035 and Phila.T.C.R. 1035.

This order constitutes authority for the defendant to proceed in forma pauperis.

Appointed counsel certifies that counsel maintains a principal office in Philadelphia County pursuant to Administrative Governing Board Directive Number 2 of 1997.

Compensation shall be as set forth in Phila.T.C.R. 1035.

**BY THE COURT:**

---

**Traffic Court Administrative Judge**

[Pa.B. Doc. No. 05-2399. Filed for public inspection December 30, 2005, 9:00 a.m.]

# DISCIPLINARY BOARD OF THE SUPREME COURT

## Notice of Suspension

Notice is hereby given that on December 16, 2005, pursuant to Rule 214(d)(2) of the Pa.R.D.E., the Supreme Court of Pennsylvania ordered that Marie Elena Klarman be placed on Temporary Suspension from the practice of law, effective January 15, 2006. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

ELAINE M. BIXLER,  
*Secretary*  
*The Disciplinary Board of the*  
*Supreme Court of Pennsylvania*

[Pa.B. Doc. No. 05-2400. Filed for public inspection December 30, 2005, 9:00 a.m.]

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# RULES AND REGULATIONS

## Title 55—PUBLIC WELFARE

### DEPARTMENT OF PUBLIC WELFARE

#### [55 PA. CODE CH. 140]

#### Special MA Eligibility Provisions

The Department of Public Welfare (Department), under the authority of sections 201(2), 403(b), 447(c) and 454 of the Public Welfare Code (code) (62 P. S. §§ 201(2), 403(b), 447(c) and 454), as amended by the act of July 7, 2005 (P. L. 177, No. 42) (Act 42), adds Subchapter D (relating to eligibility provisions under the Medicaid for children with special needs category) to read as set forth in Annex A.

#### *Omission of Proposed Rulemaking*

Act 42 amended the code and added several new provisions. Specifically, Act 42 amended section 447 of the code and added section 454 of the code. Section 447 of the code was amended to provide that custodial parents of a dependent child under 18 years of age who is disabled as defined by section 1614 of the Social Security Act (42 U.S.C.A. § 1382c) and who is not receiving benefits under Title XVI of the Social Security Act (42 U.S.C.A. §§ 1381—1383f) shall be required to verify their income as a condition of eligibility of the child. Section 454 of the code provides that the Department promulgate final-omitted regulations to establish premium requirements for disabled children whose family income is above 200% of the Federal Poverty Income Guidelines (FPIG). The basis for the final-omitted regulations is section 204(1)(iv) of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. § 1204(1)(iv)), known as the Commonwealth Documents Law (CDL), which authorizes an agency to omit or modify notice of proposed rulemaking when the regulation relates to Commonwealth grants or benefits. In addition, section 454 of the code expressly exempts the Department's regulations from review under the Regulatory Review Act (71 P. S. §§ 745.1—745.15) and from review by the Attorney General under section 205 of the CDL (45 P. S. § 1205) and section 204(b) of the Commonwealth Attorneys Act (71 P. S. § 732-204(b)).

The Department is adopting this final-omitted rulemaking in accordance with section 454 of the code because the regulations pertain to premium requirements for disabled children whose family income is above 200% of the FPIG.

#### *Purpose*

The purpose of this final-omitted rulemaking is to amend the current regulations in Chapter 140 (relating to special MA eligibility provisions) to codify regulations for children with disabilities who qualify for Medicaid under the Children with Special Needs Category. This includes the custodial parent's income verification requirement and the premium requirement, as enacted in sections 5 and 6 of Act 42 (amending section 447 of the code and adding section 454 to the code).

#### *Background*

Medicaid is a means-tested Federal and State-funded program designed to provide health care benefits to individuals with limited income and resources. The Federal government provides a baseline of what eligibility groups must be covered and what services must be provided for states to receive Federal Financial Participa-

tion. States may choose to expand eligibility to include additional groups. The Commonwealth has exercised various options to use less restrictive methodologies to determine eligibility for Medicaid. This Commonwealth has some of the most liberal eligibility standards in the country.

Currently, this Commonwealth is the only state that allows a child with a disability to be eligible for Medicaid without considering the parent's income, child support or Social Security benefits received by the child. Under Federal law, states have the option to cover children with physical and mental disabilities if the child needs an institutional level of care but can receive that care at home. This option was authorized by the Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA) (Pub. L. No. 97-248). Twenty states have elected the TEFRA option. In this Commonwealth, there is a special category of Medicaid for children with special needs. To receive benefits in this category a child must meet the level of disability established by the Social Security Administration (SSA). This level of disability does not require the need for an institutional level of care. Other states exclude the parent's income only when determining the child's eligibility for Medicaid under a TEFRA option. No other state has an eligibility category comparable to the Commonwealth's Medicaid for Children with Special Needs Category. This year the Commonwealth will spend almost \$400 million to serve over 38,000 children with special needs. It is estimated that more than 4,000 of these families have incomes that exceed \$100,000 per year. In comparison, on average most other states have between 2,000 and 4,000 TEFRA children.

Act 42 requires the Department to verify income of the custodial parent of the child with a disability who is applying for or receiving Medicaid. Additionally, the legislation authorizes the Department to collect a premium from these families if the custodial parent's income is above 200% of the FPIG. A request for a waiver under section 1115 of the Social Security Act (42 U.S.C.A. § 1315) was submitted to the Federal government, allowing the Department to collect a premium for these children. The waiver is required because Federal law does not otherwise allow states to collect premiums for children who are determined Medicaid eligible.

#### *Requirements*

The following is a summary of specific provisions in the final-omitted rulemaking:

1. *Section 140.601 (relating to policy).* The Department describes the policy that enables a child under 18 years of age with a disability meeting the SSA's definition of "disability" to qualify for Medicaid without considering parental income. This includes the requirement that the eligibility provisions for the Healthy Horizons Program for the elderly and disabled apply to this child unless specifically stated to the contrary.

2. *Section 140.602 (relating to definitions).* The Department defines "applicant" or "recipient," "child," "custodial parent" and "family size."

3. *Section 140.603 (relating to conditions of MA eligibility).* The Department describes the eligibility requirements that a child with special needs shall meet to qualify for Medicaid. The Department establishes the verification requirements for verification of the custodial parent's income as a condition of eligibility.

4. *Section 140.604 (relating to premiums).* The Department describes the requirements for verification of the custodial parent's income for the child with the disability and the payment of a premium requirement for a child to qualify for Medicaid. The premium amount is based on the income of the custodial parent and family size.

*Affected Individuals and Organizations*

This final-omitted rulemaking applies to applicants and recipients and the custodial parents of these applicants and recipients who apply for or receive Medicaid benefits under these special provisions. The changes to require a premium and verification of income of the custodial parent will affect individuals who do not pay the premium or fail to report or verify income.

*Accomplishments and Benefits*

This final-omitted rulemaking implements sections 447(c) and 454 of Act 42. A premium is required for the family whose income exceeds 200% of the FPIG. This limited change to the eligibility requirements to receive Medicaid, along with other cost-cutting changes enacted by Act 42, will enable the Department to preserve vital benefits to the greatest number of MA recipients in a fiscally responsible and cost-effective manner.

*Fiscal Impact*

The Department estimates the Fiscal Year 2005-2006 savings to be \$13.015 million (\$5.813 million in State funds) with annualized savings of \$26.764 million (\$12.130 million in State funds) estimated in Fiscal Year 2006-2007.

*Paperwork Requirements*

The reporting and verification of income of the custodial parent of a child under 18 years of age with a disability will be required.

*Public Comment*

Although these regulations are being adopted as a final-omitted rulemaking, interested persons are invited to submit written comments, suggestions or objections to Edward J. Zogby, Director, Bureau of Policy, Room 431, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-4081. Comments will be reviewed and considered for any subsequent revision of the regulations.

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

*Regulatory Review Act*

Under section 454 of the code, this final-omitted rulemaking is not subject to review under the Regulatory Review Act.

*Findings*

The Department finds that:

(1) Notice of proposed rulemaking is omitted in accordance with section 204(1)(iv) of the CDL and 1 Pa. Code § 7.4(1)(iv) because the regulation relates to Commonwealth grants and benefits.

(2) Adoption of this final-omitted rulemaking in the manner provided by this order is necessary and appropriate for the administration and enforcement of the code.

*Order*

The Department, acting under the code, orders that:

(a) The regulations of the Department, 55 Pa. Code Chapter 140, are amended by adding §§ 140.601—140.604 and Appendix B to read as set forth in Annex A.

(b) The Secretary of the Department shall submit this order and Annex A to the Office of General Counsel for approval as to legality and form as required by law.

(c) The Secretary of the Department shall certify and deposit this order and Annex A with the Legislative Reference Bureau as required by law.

(d) Upon receipt of written notification that the United States Department of Health and Human Services has granted the waiver requested by the Department under section 1115 of the Social Security Act, the Department will publish notice thereof in the *Pennsylvania Bulletin*. The regulations adopted by this order become effective 30 days after receipt of the Federal waiver.

ESTELLE B. RICHMAN,  
*Secretary*

**Fiscal Note:** 14-502. No fiscal impact; (8) recommends adoption. Implementation of this final-omitted rulemaking will generate savings to the General Fund beginning in Fiscal Year 2005-2006 of \$5.813 million. Savings for Fiscal Year 2006-2007 are estimated at \$12.130 million.

**Annex A**

**TITLE 55. PUBLIC WELFARE**

**PART II. PUBLIC ASSISTANCE MANUAL**

**Subpart C. ELIGIBILITY REQUIREMENTS**

**CHAPTER 140. SPECIAL MA ELIGIBILITY PROVISIONS**

**Subchapter D. ELIGIBILITY PROVISIONS UNDER THE MEDICAID FOR CHILDREN WITH SPECIAL NEEDS CATEGORY**

**GENERAL ELIGIBILITY PROVISIONS**

Sec.	
140.601.	Policy.
140.602.	Definitions.
140.603.	Conditions of MA eligibility.
140.604.	Premiums.

**§ 140.601. Policy.**

(a) A child who meets the disability criteria as defined by section 1614 of the Social Security Act (42 U.S.C.A. § 1382c) and who is not receiving benefits under Title XVI of the Social Security Act (42 U.S.C.A. §§ 1381—1383f), may qualify for MA benefits under this subchapter. MA will be provided in the Medicaid for Children with Special Needs Category only if the child does not qualify in any other category of MA.

(b) Unless there is a provision to the contrary in this subchapter, Subchapter B (relating to eligibility provisions for the healthy horizons program for the elderly/disabled) applies.

**§ 140.602. Definitions.**

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

*Applicant or recipient*—A child who meets the eligibility conditions of this subchapter.

*Child*—An individual under 18 years of age.

*Custodial parent*—The natural or adoptive mother or father living with an applicant or recipient.

*Family size*—Includes custodial parent, step-parent, applicant or recipient, siblings of the applicant or recipient and other dependents of the custodial parents listed on the custodial parent's Federal Income Tax Return of the previous calendar year.

**§ 140.603. Conditions of MA eligibility.**

(a) An applicant or recipient shall meet the eligibility provisions of Subchapter B (relating to eligibility provisions for the healthy horizons program for the elderly/disabled) except the following types of income are not counted:

- (1) Court-ordered child support.
- (2) Retirement, Survivor's, Disability Insurance (RSDI) benefits received from the Social Security Administration by the applicant or recipient.
- (b) The applicant or recipient shall meet the following eligibility provisions:
  - (1) Chapter 125 (relating to application process).
  - (2) Chapter 148 (relating to MA residence provisions for categorically needy NMP-MA and MNO-MA).
  - (3) Chapter 150 (relating to citizenship and alienage provisions for categorically needy NMP-MA and MNO-MA).
  - (4) Chapter 155 (relating to enumeration).
  - (5) Chapter 255 (relating to restitution).
- (c) The custodial parent shall report and verify earned and unearned income and allowable medical and dental expense deductions specified in § 140.604(b) (relating to premiums).

(1) The verification of income is limited to the custodial parent's Federal Income Tax Return listing the reported adjusted gross income of the previous calendar year.

(2) The verification of allowable medical and dental expenses is limited to those medical and dental expenses that were not reimbursed and that the custodial parent deducted on the Federal Income Tax Return of the previous calendar year.

(3) If the Federal Income Tax Return of the previous calendar year is not available or there is a decrease in income from the previous calendar year, any of the following items may be used to verify current income:

- (i) Pay stubs.
- (ii) Pay envelopes.
- (iii) Statement by the employer.
- (iv) Other documentary proof of the income of the custodial parent.

(d) An applicant or recipient is ineligible for MA if the custodial parent does not report or verify earned or unearned income.

**§ 140.604. Premiums.**

(a) *Eligibility.* An applicant or recipient who meets the eligibility conditions specified in § 140.603 (relating to conditions of MA eligibility) shall be eligible for MA upon receipt of payment of a premium, if any, established by the Department under subsection (b).

(b) *Calculation of premium.*

(1) The custodial parent shall report and verify earned and unearned income and allowable medical and dental expenses.

(2) If the custodial parent's total gross adjusted earned and unearned income is greater than 200% of the Federal Poverty Income Guidelines, the custodial parent's income is considered in calculation of the premium.

(3) The medical and dental expenses reported on the custodial parent's Federal Income Tax Return of the previous calendar year are allowable deductions from the income of the custodial parent as specified in paragraph (2).

(i) The verification of income is limited to the custodial parent's Federal Income Tax Return listing the reported adjusted gross income of the previous calendar year.

(ii) If the Federal Income Tax Return of the previous calendar year is not available or there is a decrease in income from the previous calendar year, any of the following items may be used to verify current income:

- (A) Pay stubs.
- (B) Pay envelopes.
- (C) Statement by employer.
- (D) Other documentary proof of the income of the custodial parent.

(iii) The verification of allowable medical and dental expenses is limited to those medical and dental expenses that were not reimbursed and that the custodial parent deducted on the Federal Income Tax Return of the previous calendar year.

(4) The amount of the premium is based on income that is considered as specified in paragraph (2) less allowable medical and dental expenses specified in paragraph (3) and the family size.

(5) The premium is determined under Appendix B (relating to Medicaid for Children with Special Needs Monthly Premium Chart).

(6) Revisions to the premium amounts will be published as a notice in the *Pennsylvania Bulletin* for codification in Appendix B.

(7) The premium is established for a 12-month period.

(8) There is one premium per family.

(9) The premium can be lowered during the 12-month period if the custodial parent reports and verifies a decrease in income or an increase in family size.

(c) *Notice.* The Department will provide a written notice of a requirement for a premium or a change in a premium. The Department will provide an advance written notice at least 10 days before the date of a premium increase or requirement of a premium.

(d) *Premium payment or hardship waiver.*

(1) The premium payment is due on or before the last day of the calendar month. The premium is considered overdue when payment of the premium is not received by the last day of the calendar month.

(2) An advance written notice to discontinue MA for the recipient will be issued if the overdue premium payment is not received within 45 days of the day the payment was due.

(3) The premium payment may be waived if the requirement to pay a premium will result in an undue hardship for the custodial parent.

## APPENDIX B

## MEDICAID FOR CHILDREN WITH SPECIAL NEEDS MONTHLY PREMIUM CHART

Family Size								
Parents Annual Income At least—Less Than	2	3	4	5	6	7	8	Each Additional member
\$0-\$39,999.99	NO PREMIUM IF INCOME BELOW 200% FPIG							
\$40-\$49,999.99	\$30	\$29	\$27	\$26	\$24	\$0	\$0	\$0
\$50-\$59,999.99	\$40	\$38	\$36	\$34	\$33	\$31	\$0	\$0
\$60-\$69,999.99	\$50	\$48	\$45	\$43	\$41	\$39	\$37	\$0
\$70-\$79,999.99	\$60	\$57	\$54	\$51	\$49	\$46	\$43	\$0
\$80-\$89,999.99	\$75	\$71	\$68	\$64	\$61	\$58	\$55	(-\$3)
\$90-\$99,999.99	\$100	\$95	\$90	\$86	\$81	\$77	\$73	(-\$4)
\$100-\$109,999.99	\$150	\$143	\$135	\$129	\$122	\$116	\$111	(-\$5)
\$110-\$119,999.99	\$200	\$190	\$181	\$171	\$163	\$155	\$148	(-\$7)
\$120-\$129,999.99	\$250	\$238	\$226	\$214	\$204	\$193	\$185	(-\$8)
\$130-\$139,999.99	\$300	\$285	\$271	\$257	\$244	\$232	\$222	(-\$10)
\$140-\$149,999.99	\$350	\$333	\$316	\$300	\$285	\$271	\$259	(-\$12)
\$150-\$159,999.99	\$400	\$380	\$361	\$343	\$326	\$310	\$297	(-\$13)
\$160-\$169,999.99	\$475	\$451	\$429	\$407	\$387	\$368	\$352	(-\$16)
\$170-\$179,999.99	\$600	\$570	\$542	\$514	\$489	\$464	\$442	(-\$22)
\$180-\$189,999.99	\$675	\$641	\$609	\$579	\$550	\$522	\$497	(-\$25)
\$190-\$199,999.99	\$800	\$760	\$722	\$686	\$652	\$619	\$588	(-\$31)
\$200-\$249,999.99	\$925	\$879	\$835	\$793	\$753	\$716	\$679	(-\$37)
\$250-\$299,999.99	\$1,000	\$950	\$903	\$857	\$815	\$774	\$739	(-\$35)
\$300-\$349,999.99	\$1,000	\$950	\$903	\$857	\$815	\$774	\$739	(-\$35)
\$350-\$399,999.99	\$1,000	\$950	\$903	\$857	\$815	\$774	\$739	(-\$35)
\$400-\$449,999.00	\$1,000	\$950	\$903	\$857	\$815	\$774	\$739	(-\$35)
\$450-\$499,999.99	\$1,000	\$950	\$903	\$857	\$815	\$774	\$739	(-\$35)
\$500,000 +	\$1,000	\$950	\$903	\$857	\$815	\$774	\$739	(-\$35)

[Pa.B. Doc. No. 05-2401. Filed for public inspection December 30, 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 9, 2002 (P. L. 1572, No. 207), known as the Credit Union Code, has taken the following action on applications received for the week ending December 20, 2005.

#### BANKING INSTITUTIONS

##### Conversions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
12-15-05	The Manor National Bank Manor Westmoreland County	43 Race Street	Effective
	<i>To:</i>		
	Manor Bank Manor Westmoreland County		
	Represents conversion from a National banking association to a State-chartered commercial bank.		

##### Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
12-12-05	First Commonwealth Bank Indiana Indiana County	6999 Crider Road Mars Butler County	Opened
12-14-05	Allegiance Bank of North America Bala Cynwyd Montgomery County	552 Lancaster Avenue Berwyn Easttown Township Chester County	Approved
12-16-05	Beneficial Mutual Savings Bank Philadelphia Philadelphia County	1600 Sumneytown Pike Lansdale Montgomery County	Filed

##### Branch Discontinuances

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
12-14-05	Fulton Bank Lancaster Lancaster County	1976 Bowmansville Road Adamstown Lancaster County	Approved

#### SAVINGS INSTITUTIONS

No activity.

#### CREDIT UNIONS

No activity.

A. WILLIAM SCHENCK, III,  
*Secretary*

[Pa.B. Doc. No. 05-2402. Filed for public inspection December 30, 2005, 9:00 a.m.]

# DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

## Proposed Exchange of Lands

The Department of Conservation and Natural Resources (Department), acting through the Bureau of Forestry, and Craig David Jenkins are proposing to negotiate an exchange of lands in Hartley Township, Union County.

The Bureau of Forestry is proposing to acquire from Craig David Jenkins a 3.71 acre parcel of land on Penns Creek Mountain south of the Village of Glen Iron. In return, the Bureau of Forestry proposes to convey to Craig David Jenkins an equal and closely adjacent parcel of 3.71 acres. The purpose of this proposed land exchange is to enhance the management of the Bald Eagle State Forest by aligning a portion of its ultimate boundary along Pennsylvania Traffic Route No. 235.

As is the policy of the Department, the public is notified of this exchange. A 30-day period for public inquiry and/or comment will be in effect commencing January 3, 2006, and ending February 1, 2006. Oral or written comments or questions concerning this proposed exchange should be addressed to Daniel A. Devlin, Assistant State Forester for Resource Planning and Forest Stewardship, Bureau of Forestry, P. O. Box 8552, Harrisburg, PA 17105-8552, (717) 787-2105. These oral and/or written comments will become part of the official document used in the final decision process.

If, in the duration of the 30-day comment period, a significant amount of public concern develops, the Secretary of the Department may schedule a public informational meeting.

MICHAEL F. DIBERARDINIS,  
*Secretary*

[Pa.B. Doc. No. 05-2403. Filed for public inspection December 30, 2005, 9:00 a.m.]

## Snowmobile and ATV Advisory Committee Meeting

The Snowmobile and ATV Advisory Committee of the Department of Conservation and Natural Resources (Department) will hold a meeting on Monday, January 9, 2006, at 9 a.m. in Room 105, Rachel Carson State Office Building, Harrisburg, PA.

Questions concerning this meeting or agenda items should be directed to Anthony DiGirolomo at (717) 772-9101.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Anthony DiGirolomo at (717) 772-9101 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. 05-2404. Filed for public inspection December 30, 2005, 9:00 a.m.]

# DEPARTMENT OF ENVIRONMENTAL PROTECTION

## Applications, Actions and Special Notices

### APPLICATIONS

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

This notice provides information about persons who have applied for a new, amended or renewed NPDES or WQM permit, a permit waiver for certain stormwater discharges or submitted a Notice of Intent (NOI) for coverage under a general permit. The applications concern, but are not limited to, discharges related to industrial, animal or sewage waste, discharges to groundwater, discharges associated with municipal separate storm sewer systems (MS4), stormwater associated with construction activities or concentrated animal feeding operations (CAFOs). This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92 and 40 CFR Part 122, implementing The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act.

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

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

For applications for new NPDES permits and renewal applications with major changes in Section II, as well as applications for MS4 individual permits and individual stormwater construction permits in Sections IV and VI, the



Department, based upon preliminary reviews, has made a tentative determination of proposed effluent limitations and other terms and conditions for the permit applications. These determinations are published as proposed actions for comments prior to taking final actions.

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

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

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

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

### I. NPDES Renewal Applications

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0061034A1	Abington Township Municipal Authority Lake Henry Drive P. O. Box 8 Waverly, PA 18471	Abington Township Lackawanna County	UNT to Ackerly Creek CWF Lackawanna Basin (5A)	N

In accordance with the Chesapeake Bay Strategy, nutrient monitoring requirements were added to Outfall 001 of this Permit.

<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>
PA0008231A1	Gold Mills, Inc. 1 Penn Dye Street Pine Grove, PA 17963	Schuylkill County Pine Grove Borough	Swatara Creek 7D	N

In accordance with the Chesapeake Bay Strategy, nutrient monitoring requirements were added to Outfall 001 of this Permit.

<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>
PA0061590A1	Little Washington Wastewater Company 762 West Lancaster Avenue Bryn Mawr, PA 19010	North Union Township Schuylkill County	5E	Y

In accordance with the Chesapeake Bay Strategy, nutrient monitoring requirements were added to Outfall 001 of this Permit.

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

<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>
PA0088455 (IW)	Rice Fruit Company 2760 Carlisle Road P. O. Box 66 Gardners, PA 17324-0066	Adams County Menallen Township	UNT Opossum Creek 7-F	Y
PA0082945 (SEW)	Hamilton Township 272 Mummert's Church Road Abbottstown, PA 17301	Adams County Hamilton Township	Conewago Creek 7-F	Y

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

<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>
PA0032409 IW	Department of Conservation and Natural Resources Bureau of State Parks 4205 Little Pine Creek Waterville, PA 17776	Clinton County Chapman Township	Log Road Hollow Run 9B	Y
PA0036773 SP	Shinglehouse Borough P. O. Box 156 Shinglehouse, PA 16748	Potter County Shinglehouse Borough	Honeoye Creek 16C	Y
PA0209368 (Sewage)	Benton Foundry, Inc. 5297 SR 487 Benton, PA 17814-9550	Sugarloaf Township Columbia County	UNT to Coles Creek CWF	Yes
PA0209384 SP	Lawrence Township Municipal Authority R. R. 2, Box 120C Tioga, PA 16946	Tioga County Lawrence Township	Tioga River 4A	Y

*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>
PA0028371	Youngsville Borough 40 Railroad Street Youngsville, PA 16371	Youngsville Borough Warren County	Brokenstraw Creek 16-B	Y

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

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

**PA0026816**, SEW, SIC 4952, **East Norriton-Plymouth-Whitpain Joint Sewer Authority**, 200 Ross Street, Plymouth Meeting, PA 19462-2740. This proposed facility is located in Plymouth Township, **Montgomery County**.

This application is for renewal of an NPDES permit to discharge treated sewage and stormwater from East Norriton-Plymouth-Whitpain Joint Sewer Authority wastewater treatment plant in Plymouth Township, Montgomery County. This is an existing discharged to the Schuylkill River.

The receiving stream, Schuylkill River, is in the State Water Plan watershed 3F and is classified for WWF, aquatic life, water supply and recreation. The nearest downstream public water supply intake for Queen Lane Intake, City of Philadelphia is located on Schuylkill River and is 10 miles below the point of discharge.

The proposed effluent limits for Outfall 001, based on a design flow of 8.1 md, are as follows:

<i>Parameters</i>	<i>Average Monthly</i>	<i>Average Weekly (mg/L)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>			
(5-1 to 10-31)	20	30	40
(11-1 to 4-30)	25	40	50
Suspended Solids	30	45	60
Ammonia (as N)	20	30	40
Total Residual Chlorine	0.5		1.2
Fecal Coliform	200 colonies/100 ml as geometric average		
Dissolved Oxygen	minimum of 5.0 mg/l at all times		
pH	within limits of 6.0 to 9.0 Standard Units at all times		
Copper, Total	Monitor and Report		
Zinc, Total	Monitor and Report		
Lead, Total	Monitor and Report		
Silver, Total	Monitor and Report		

The proposed effluent limits for stormwater Outfall 002 are as follows:

<i>Parameter</i>	<i>Annual Average (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	Monitor and Report	Monitor and Report
Chemical Oxygen Demand	Monitor and Report	Monitor and Report
Oil and Grease	Monitor and Report	Monitor and Report
Total Suspended Solids	Monitor and Report	Monitor and Report
pH	Monitor and Report	Monitor and Report

<i>Parameter</i>	<i>Annual Average (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Kjeldahl Nitrogen	Monitor and Report	Monitor and Report
Total Phosphorus	Monitor and Report	Monitor and Report
Iron (Dissolved)	Monitor and Report	Monitor and Report

The EPA waiver is not in effect.

*Other Requirements:*

1. Average Weekly Definition.
2. Remedial Measures.
3. No Stormwater.
4. Necessary Property Rights.
5. Change in Ownership.
6. TRC Minimization.
7. Proper Sludge Disposal.
8. Watershed TMDL/WLA Analysis.
9. WET Testing.
10. WET Permit Limit.
11. WET Monitoring Condition.
12. Operator Training.
13. I-Max Requirements.
14. Pretreatment Program.
15. Storm Water Requirements.
16. Sludge Acceptance Requirements.
17. Submission of Sludge Data with DMR.
18. Laboratory Certification.

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

**Application No. PA 0036269**, Sewage, **Stewartstown Borough Authority**, 6 North Main Street, Stewartstown, PA 17363.

Description of activity: The application is for the renewal of an NPDES permit for an increased discharge of treated sewage from a publicly-owned treatment works in Hopewell Township, **York County**.

The receiving water, Ebaughs Creek, is in Watershed 7-I, and is classified for CWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Aberdeen Proving Ground in Maryland is located on Deer Creek, approximately 43 miles downstream. The discharge is not expected to affect the water supply.

The proposed final effluent limits for Outfall 001 based on an annual average flow rate of 0.625 mgd, to become effective 2 years following permit issuance, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>				
(5-1 to 10-31)	15	22		30
(11-1 to 4-30)	25	40		50
Total Suspended Solids	30	45		60
Total Phosphorus	2.0			4.0
NH <sub>3</sub> -N				
(5-1 to 10-31)	3.5			7.0
(11-1 to 4-30)	8.5			17
Dissolved Oxygen			minimum of 5.0 at all times	
pH (S.U.)			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)			5,300/100 ml as a geometric average	
Total Metals*			Monitor and Report	
Total Nitrogen	Monitor and Report			
Total Kjeldahl Nitrogen	Monitor and Report			
NO <sub>3</sub> -N + NO <sub>2</sub> -N	Monitor and Report			
Specific Conductance (µmhos/cm)		1,200		

\* Total metals include total copper, total lead, total zinc, total selenium, total silver, total mercury, total cadmium and total antimony.

In addition, annual mass loading limitations of 1,342 lbs/year for total phosphorus and 10,740 lbs/year for total nitrogen are proposed based on a 2,010 projected flow rate of 0.441 mgd.

Persons 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.*

**PA0110965**, Sewage, **Mid-Centre County Authority**, P. O. Box 811, 296 Mid Centre Road, Milesburg, PA 16853. This proposed facility is located in Boggs Township, **Centre County**.

Description of Proposed Activity: Renewal of existing NPDES permit. No changes to the facility are being proposed at this time.

The receiving stream, UNT of Bald Eagle Creek, is in the State Water Plan watershed 9C and is classified for: CWF. The nearest downstream public water supply intake for Lock Haven is located on Bald Eagle Creek and is 20 miles below the point of discharge.

The proposed effluent limits for Discharge 001, based on a design flow of 1.0 mgd, are:

<i>Discharge Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Weekly Average (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
pH		6.0 to 9.0 at all times	
Fecal Coliform (Geo Mean)			*
(5-1 to 9-30)	200/100ml		
(10-1 to 4-30)	2,000/100ml		
CBOD <sub>5</sub>			
(5-1 to 10-31)	10	15	20
(11/1 to 4-30)	20	30	40
TSS			
(5-1 to 10-31)	10	15	20
(11-1 to 4-30)	20	30	40
NH <sub>3</sub> N			
(5-1 to 10-31)	3.0	4.5	6.0
(11-1 to 4-30)	9.0	13.5	18.0
Total Dissolved Phosphorous	1.0	1.5	2.0
Total Chlorine Residual	0.5		1.6

\* Not greater than 1,000/100ml in more than 10% of the samples tested during the summer months.

The proposed effluent nutrient limits for Discharge 001, based on a projected flow of 0.712 mgd, are:

<i>Discharge Parameter</i>	<i>Monthly (lbs)</i>	<i>Annual (lbs)</i>	<i>Monthly Average (mg/l)</i>
Total Nitrogen	Report	17,339	Report
Total Phosphorus	Report	2,167	Report

In addition to the effluent limits, the permit contains the following major special conditions: the permittee shall submit the results of Whole Effluent Toxicity tests within 1 year of this permit effective date.

*Southwest Regional Office: Regional Manager, Water Management, 400 Waterfront Drive, Pittsburgh, PA 15222-4745; (412) 442-4000.*

**PA0042561**, Sewage, **Upper Stonycreek Joint Municipal Authority**, P. O. Box 24, Hooversville, PA 15936. This application is for renewal of an NPDES permit to discharge treated sewage from Upper Stonycreek Joint Municipal Authority STP in Quemahoning Township, **Somerset County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Stony Creek, which are classified as a TSF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Blairsville Municipal Authority on the Conemaugh River.

*Outfall 001*: existing discharge, design flow of 0.656 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>	25	38		50
Suspended Solids	30	45		60

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
Ammonia Nitrogen (5-1 to 10-31)	10.0	15.0		20.0
(11-1 to 4-30)	25.0	38.0		50.0
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	0.5			1.6
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA0203874**, Sewage, **Cowansville Area Health Center**, P. O. Box 168, Cowansville, PA 16218-0168. This application is for renewal of an NPDES permit to discharge treated sewage from Cowansville Area Health Center STP in East Franklin Township, **Armstrong County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as UNT of Glade Run, which are classified as a TSF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Buffalo Township Municipal Authority.

*Outfall 001*: existing discharge, design flow of 0.0004 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>	10			20
Suspended Solids	10			20
Ammonia Nitrogen (5-1 to 10-31)	3.0			6.0
(11-1 to 4-30)	9.0			18.0
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	Monitor and Report			
Dissolved Oxygen	not less than 3 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)

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

**WQM Permit No. 3605413**, Sewerage, **Victor F. Schwarz**, 53 Pinnacle Road, Holtwood, PA 17532. This proposed facility is located in Martic Township, **Lancaster County**.

Description of Proposed Action/Activity: Application for a single family residence spray irrigation system.

**WQM Permit No. 0105408**, Sewerage, **ADCIM, LLC**, 319 Forrest Drive, Gettysburg, PA 17325-8933. This proposed facility is located in Straban Township, **Adams County**.

Description of Proposed Action/Activity: Application for a treatment system for a proposed 45 lot residential subdivision.

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

**WQM Permit No. 2505201**, Industrial Waste, **Youngstown Ohio YMCA, Camp Fitch**, 17 North Champion Street, Youngstown, OH 44501. This proposed facility is located in Springfield Township, **Erie County**.

Description of Proposed Action/Activity: This project is for construction of a microfiltration plant and associated equipment including industrial wastewater disposal system for microfiltration backwash.

**WQM Permit No. 1005409**, Sewerage, **Frank Shipley**, 8037 Rowan Road, Cranberry Township, PA 16066. This proposed facility is located in Forward Township, **Butler County**.

Description of Proposed Action/Activity: This project is for the construction and operation of a sewage treatment system to serve Wilsons Ridge, Walnut Square and Hidden Acres Developments.

**WQM Permit No. 1005408**, Sewerage, **Western Butler County Authority**, P. O. Box 427, Zelenople, PA 16063. This proposed facility is located in Zelenople Borough, **Butler County**.

Description of Proposed Action/Activity: This project is for 256 unit single family townhomes; Old Hickory Highlands and The Villas at Dutch Creek.

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

*Northampton County Conservation District: Greystone Bldg., Gradedale Complex, Nazareth, PA 18064-9211, (610) 746-1971.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024805027	Nazareth Area School District One Education Plaza Nazareth, PA 18064	Northampton	Lower Nazareth Township	Monocacy Creek HQ-CWF
PAI024805028	Jeffrey Bayuk Blue Ridge Development, LLC 7253 Airport Rd. Bath, PA 18014	Northampton	Bushkill Township	Bushkill Creek HQ-CWF

*Lackawanna County Conservation District: 1300 Old Plank Rd., Mayfield, PA 18433, (570) 281-9495.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023505004	Chris Tomaszewski Department of Transportation Engineering District 4-0 55 Keystone Industrial Park Dunmore, PA 18512	Lackawanna	Mayfield Borough	Lackawanna River HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023905041	Abraham Atiyeh Mack Resid, LLC & Mack Project, LLC 1177 6th St. Whitehall, PA 18052	Lehigh	City of Allentown	Trout Creek HQ-CWF
PAI023905042	Jay Musselman Cedar Crest Bible Fellowship Church 1151 S. Cedar Crest Blvd. Allentown, PA 18103	Lehigh	Salisbury Township	Little Lehigh Creek HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024505028	James D. Morrissey, Inc. 9119 Frankford Ave. Philadelphia, PA 19114	Monroe	Tunkhannock, Jackson, Pocono and Tobyhanna Townships	Dry Sawmill Run HQ-CWF

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


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PAG-12	Concentrated Animal Feeding Operations (CAFOs)
PAG-13	Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)

## PUBLIC WATER SUPPLY (PWS) PERMIT

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

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

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

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

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

### SAFE DRINKING WATER

#### Applications Received under the Pennsylvania Safe Drinking Water Act

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

<b>Permit No.4605506</b> Public Water Supply	
Applicant	<b>Hancock Realty</b>
Township	Marlborough
County	<b>Montgomery</b>
Responsible Official	Fred J. MacIntosh
Type of Facility	PWS
Consulting Engineer	Synergy Environmental, Inc.
Application Received Date	November 29, 2005
Description of Action	Construction of a public water supply system to serve the proposed Wooded Ridge 36 single family residential units. The system will consist of one well, disinfection and two hydropneumatic tanks.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

### PREAMBLE 1

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

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

Under sections 304(n)(1)(ii) and 305(c)(2) of the act, there is a 30-day public and municipal comment period for sites proposed for remediation using a Site-Specific Standard, in whole or in part, and for sites remediated as a special industrial area. This period begins when a summary of the Notice of Intent to Remediate is published in a newspaper of general circulation in the area of the site. For the sites identified, proposed for remediation to a Site-Specific Standard or as a special industrial area, the municipality within which the site is located may request to be involved in the development of the remediation and reuse plans for the site if the request is made within 30 days of the date specified. During this comment period, the municipality may request that the person identified as the remediator of the site develop and implement a public involvement plan. Requests to be involved and comments should be directed to the remediator of the site.

For further information concerning the content of a Notice of Intent to Remediate, contact the environmental cleanup program manager in the Department regional office before which the notice appears. If information concerning this acknowledgment is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following Notices of Intent to Remediate:

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

**Pinto's Atlantic Inc.**, City of Philadelphia, **Philadelphia County**. Melissa Harper, Harper Env. Assoc., Inc., 1811 Hale Hollow Rd. on behalf of Ed Pinto, Pinto's Atlantic Inc., 1317 S. 3rd St., Philadelphia, PA 19147 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site was impacted with unleaded gasoline and MTBE. The property will continue to be operated as an automotive service center.

**Spring Mountain Winters, Inc.**, Upper Salford Township, **Montgomery County**. Cliff Harper, Harper Env. Assoc., Inc., 1811 Hale Hollow Rd., Bridgewater Corners, VT 05035 on behalf of David Allebach, Third Generation Partnership, LP, 1461 Gravel Pike Rd., Perkiomenville has submitted a Notice of Intent to Remediate. Soil at the site was impacted by unleaded gasoline, No. 2 fuel oil and MTBE. The intended future use of the property is to continue its use as a ski mountain and winter sport facility.

**Dodge Steel Castings**, City of Philadelphia, **Philadelphia County**. Robert C. Quick, Quicktec Env., 205 Tuckerton Rd., Suite 207, Medford, NJ 08055 on behalf of George Diemer, First Philadelphia Holdings, LLC, 3000 Atrium Wy., Suite 219, Mt. Laurel, NJ 08054 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site was impacted with lead, arsenic and inorganics. Portions of the improved and reclaimed Brownfields site will be ceded to the city as public access roads and Riverside Park. A summary of the Notice of Intent to Remediate was reported to have been published in the *Courier Times* on October 17, 2005.

**Valley Suburban Center**, Valley Township, **Chester County**. Mark A. Hawkins, P. G., Walter B. Satterthwaite Assoc., Inc., 720 Old Fern Hill Rd., West Chester, PA 19380 on behalf of Mary Ann Rossi, Esq., CIF Prop., Ltd. and Estate of Irma Stoltzfus, 17 W. Miner St., P. O. Box 660, West Chester, PA 19381-0660 has submitted a Notice of Intent to Remediate. Soil at the site was impacted with arsenic, pesticides and inorganics. The future use of the property is commercial.

**Carl Seitz & Marion Crompton**, Southampton Township, **Bucks County**. Marlin Hunsberger, Mid-Atlantic Assoc., Inc., 2951 Advance Ln., Colmar, PA 18915 on behalf of Carl Seitz, Carl Seitz and Marion Crompton, 1605 US 1, Bldg M3 No. 402, Jupiter, FL 33477 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site was impacted with diesel fuel, leaded gasoline and kerosene.

**Venice Island**, City of Philadelphia, **Philadelphia County**. Tess Andress, RT Env. Svc., Inc., 510 Herson Dr., P. O. Box 521, Bridgeport, NJ 08014 on behalf of Dan Neduccin, Neduccin Prop. Mgmt., Inc., 161 Leverington Ave., Suite 100, Philadelphia, PA 19127 has submitted a Notice of Intent to Remediate. Soil at the site was impacted with inorganics and PAH.

**Quaker Car Wash**, Quakertown Borough, **Bucks County**. Richard D. Trimpi, Trimpi Assoc., Inc., 1635 Old Plains Rd., Pennsburg, PA 18073 on behalf of Adam McMurtrie, 550 California Rd., Quakertown, PA 18951 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site was impacted with unleaded and leaded gasoline. A summary of the Notice of Intent to Remediate was reported to have been published in the *Calkins Newspaper* on October 9, 2005.

**Wellington Estates**, Bensalem Township, **Bucks County**. Joseph W. Standen, Jr., Leggette, Brashers &

Graham, Inc., 426 Brandywine Pkwy., West Chester, PA 19380 on behalf of George Gray, DeLuca Homes, 107 Floral Vale Blvd., Yardley, PA 19067 has submitted a Notice of Intent to Remediate. Soil at the site was impacted with PHC, arsenic, lead and No. 6 fuel oil. A summary of the Notice of Intent to Remediate was reported to have been published in the *Courier Times, Inc.* on November 18, 2005.

**Bishop Tube**, East Whiteland Township, **Chester County**. Gail K. Osborne, Env. Standards, Inc., 1140 Valley Forge Rd., Valley Forge, PA 19482 on behalf of Bruce Auerbach, Constitution Drive Partners, LP, 700 S. Henderson Rd., Suite 101, King of Prussia, PA 19406 has submitted a Notice of Intent to Remediate. Soil at the site was impacted with chlorinated solvents. A summary of the Notice of Intent to Remediate was reported to have been published in the *Daily Local News* on November 18, 2005

*Southcentral Region: Environmental Cleanup Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**Former Exxon Station 2-1695**, East Cocalico Township, **Lancaster County**. Groundwater & Environmental Services, Inc., 410 Eagleview Boulevard, Suite 110, Exton, PA 19341, on behalf of Lloyd Hertzog, 2 Main Street, Denver, PA 17517, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with BTEX from unregulated underground storage tanks. The site will be utilized as a commercial property. The applicant is seeking attainment of the residential Statewide Health Standard.

**Former Exxon Station 2-0312**, City of Altoona, **Blair County**. Groundwater and Environmental Services, Inc., 410 Eagleview Boulevard, Suite 110, Exton, PA 19341, on behalf of Frank Rabits, Rabits Auto Repair, 908 East Plank Road, Altoona, PA 16602 and Exxon Mobil Corporation, 7715 Crittenden Street, No. 309, Philadelphia, PA 19118-4421, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with BTEX. The site will be utilized as a commercial property. The applicants are seeking attainment to a Site-specific and Statewide Health Standards.

## AIR QUALITY

### PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

#### NEW SOURCES AND MODIFICATIONS

The Department of Environmental Protection (Department) has developed an "integrated" plan approval, State operating permit and Title V operating permit program. This integrated approach is designed to make the permitting process more efficient for the Department, the regulated community and the public. This approach allows the owner or operator of a facility to complete and submit all the permitting documents relevant to its application one time, affords an opportunity for public input and provides for sequential issuance of the necessary permits.

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

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



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

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

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

#### PLAN APPROVALS

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

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

**13-399-013: Ametek, Inc.** (42 Mountain Avenue, Nesquehoning, PA 18240) for installation of an air cleaning device to capture emissions from a starch processing operation in Nesquehoning Borough, **Carbon County**.

**40-317-027: Stroehmann Bakeries LC** (25 Kiwanis Boulevard, Hazleton, PA 18201) for construction of a bread oven in Hazle Township, **Luzerne County**.

**54-329-002: Pine Grove Power LLC** (2250 Dabney Road, Richmond, VA 23230) for construction of a landfill gas to energy project at the in Pine Grove Township, **Schuylkill County**.

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

**38-05003A: Rich Maid Cabinetry, LLC** (633 West Lincoln Avenue, Myerstown, PA 17067) for modification of the cabinet finishing area at their plant in Jackson Township, **Lebanon County**.

**67-05049A: Trenwyth Industries** (One Connelly Road, Emigsville, PA 17318) for installation of a concrete block coating system and to vent several existing fabric filters to atmosphere in Manchester Township, **York County**.

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

**42-174E: Rustick, LLC** (Campbellstown Road, Mt. Jewett, PA 16740) for installation of an enclosed flare (1,500 cfm) in Sergeant Township, **McKean County**. This is a Title V facility.

**33-116B: PW Hardwood, LLC** (SR 36, Beaver, PA 15825) for installation of a 200 hp wood-fired boiler at Brookville Lumber Yard, in the Township of Beaver, **Jefferson County**.

**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.**

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

**58-310-007: Eastern Industries, Inc.** (4401 Camp Meeting Road, Center Valley, PA 18034) to construct a stone crushing plant with watersprays in Clifford Township, **Susquehanna County**. This facility is a non-Title V facility. The facility will be subject to NSPS Subpart OOO. The company will operate the facility and maintain the system in accordance with the good engineering practices to assure proper operation of the system.

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

**36-03098: Powell Steel Corp.** (625 Baumgardner Road, Lancaster, PA 17603) for operation of their steel fabricating facility in Pequea Township, **Lancaster County**. This is a non-Title V (State-only) facility. The operating permit will include appropriate conditions designed to keep the facility operating below Title V thresholds for criteria pollutants and within all other applicable air quality requirements. Emissions for VOCs and PM10 are estimated to be approximately 10 and 0.22 ton per year, respectively.

**36-05136A: Granger Energy of Honeybrook, LLC** (481 South Churchtown Road, Narvon, PA 17555) for construction of a landfill gas internal combustion engine at the facility's LFG treatment plant at the Lanchester Landfill in Caernarvon Township, **Lancaster County**. The proposed engine will have the potential-to-emit 53.9 tpy of CO, 21.5 tpy of NOx, 0.87 tpy of SO<sub>2</sub>, 2.66 tpy of PM and 43.1 tpy of VOCs. The plan approval will include restrictions, testing, monitoring, recordkeeping and reporting requirements designed to keep the source operating within all applicable air quality requirements.

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

**08-313-020A: OSRAM SYLVANIA Products, Inc.** (Hawes Street, Towanda, PA 18848-0504) for construction of a new 500 kilogram per hour Harper International model GU-30D240-RTA-WC-19 natural gas-fired rotary calciner (Source ID P165) and associated air cleaning devices, a Fisher Klosterman Inc. model XQ340-5 cyclone (ID C165A) followed by a Fisher Klosterman Inc. model FKT-30-88-7 dust collector operating series (ID C165B) to control PM and a Fisher Klosterman Inc. model PBS-120 packed bed scrubber (ID C165C) to control ammonia emissions, in North Towanda Township, **Bradford County** per application for plan approval (No. 08-313-020A) to the Department of Environmental Protection

(Department). An area dust collector, a MAC Equipment model No. Mac2Flo 2M2F4 (ID C166), has also been proposed to control fugitive PM emissions from ancillary sources associated with the calciner.

The Department's review of the information submitted by OSRAM SYLVANIA indicates that the calciner and its associated air cleaning devices will meet all applicable air quality regulatory requirements pertaining to air contamination sources and the emission of air contaminants, including the best available technology (BAT) requirements of 25 Pa. Code §§ 127.1 and 127.12, the fugitive air contaminant emission requirement of 25 Pa. Code § 123.1, the PM emission limitation of 25 Pa. Code § 123.13, and the visible emission limitation of 25 Pa. Code § 123.41. Based on these findings, the Department intends to approve the application and issue plan approval for the construction of Source ID P165 with the installation the associated air cleaning devices. Additionally, if the Department determines that the calciner and air cleaning devices are operating in compliance with all plan approval conditions, the conditions established in the plan approval will be incorporated into the State-only operating Permit No. 08-00010 by means of an administrative amendment under 25 Pa. Code § 127.450.

The following is a summary of the conditions that the Department proposes to place in the plan approval to be issued to ensure compliance with all applicable regulatory requirements:

1. Under the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, Source ID P165 shall be controlled by a Fisher Klosterman Inc. model XQ340-5 cyclone (ID C165A) followed by a Fisher Klosterman Inc. model FKT-30-88-7 dust collector (ID C165B) and a Fisher Klosterman Inc. model PBS-120 packed bed scrubber (ID C165C) operating in series.

2. Under the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the PM emissions from the calciner feeding station, the calciner cleanout station and the Fisher Klosterman Inc. model FKT-30-88-7 dust collector during cleaning shall be controlled by a MAC Equipment model No. Mac2Flo 2M2F4 dust collector (ID C166).

3. Under the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, Source ID P165 shall only be fired on a natural gas.

4. Under the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the PM emissions from the exhaust of the Fisher Klosterman scrubber (ID C165C) shall not exceed 0.01 grain per dry standard cubic foot, and the PM emissions from the exhaust of the MAC Equipment area dust collector (ID C166) shall not exceed 0.003 grain per dry standard cubic foot.

5. Under the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the opacity from the exhaust of ID C165C and ID C166 shall not exceed 5% at any time.

6. Under the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the ammonia emissions from ID C165C shall not exceed 0.18 pound per hour and 0.80 ton in any 12-consecutive month period.

7. Under the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, control device IDs C165B, C165C and C166 shall be equipped with instrumentation to monitor pressure drop across each of the collectors on a continuous basis and shall monitor the pressure drop across the collectors on a continuous basis.

8. The pressure drop across control device IDs C165B, C165C, and C166 shall be recorded at least once per day and be retained onsite for a minimum of 5 years.

9. Under the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the Fisher Klosterman Inc. model PBS-120 packed bed scrubber (ID C165C) shall have a minimum control efficiency for ammonia of 99.5%.

10. The permittee shall keep on hand a sufficient amount of spare filter bags to replace any filter bag in need of replacement.

11. Under the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the air compressor that supplies compressed air to the fabric collectors (IDs C165B and C166) shall be equipped with an air dryer/oil trap.

12. Under the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the water injection rate for the quench section and packed bed section of control device ID C165C shall be at a minimum 1.6 gallons per minute and 3.5 gallons per minute respectively. In addition, the water shall be circulated only on a once through basis.

13. Under the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the pressure drop across control device ID C165C shall be maintained in a range of 4.0—6.0 w.c.

Copies of the application are available for public review between 8 a.m. and 4 p.m. at the Department's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review should be made by calling the Department at (570) 327-3693. Written comments or requests for a public hearing should be directed to Muhammad Q. Zaman, Chief, Facilities Permitting Section, Department of Environmental Protection, Air Quality Program, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-0512.

**47-00001C: PPL Montour, LLC** (P. O. Box 128, Washingtonville, PA 17884) for the construction of a limestone handling, processing and storage operation, a gypsum sludge handling, processing and storage operation and a wastewater treatment lime storage silo at the Montour Steam Electric Station in Derry Township, **Montour County**.

A Title V operating permit (No. 47-00001) has been issued for this facility.

The proposed operations will be associated with two flue gas desulfurization systems, plan approval (No. 47-00001B) for the installation of which was issued by the Department of Environmental Protection (Department) on October 12, 2005. The PM including PM10 from the wastewater treatment lime storage silo will be controlled by a fabric collector. The PM and PM10 emissions from two limestone storage silos incorporated in the limestone handling, processing and storage operation will be controlled by two fabric collectors and enclosure within a building. The fugitive PM and PM10 emissions from the railcar delivery of limestone will be controlled by the unloading of railcars into a water spray-equipped hopper located inside of an enclosure. The fugitive PM and PM10 emissions which may otherwise be associated with the limestone handling, processing and storage operation and the gypsum sludge handling, processing and storage operation will be controlled by the use of conveyor covers or enclosures, a telescoping chute on the limestone stackout conveyor, water sprays, a water truck, the tarping of trucks, a truck speed limit and two truck tire washing stations.

The proposed limestone handling, processing and storage operation, gypsum sludge handling, processing and

storage operation and wastewater treatment lime storage silo are not expected to result in the emission of more than 23.54 tons of PM per year, of which no more than 5.45 tons per year are expected to be PM10.

The Department's review of the information submitted by PPL Montour, LLC indicates that the proposed limestone handling, processing and storage operation, gypsum sludge handling, processing and storage operation and wastewater treatment lime storage silo should comply with all applicable regulatory requirements pertaining to air contamination sources and the emission of air contaminants including the fugitive air contaminant emission limitations specified in 25 Pa. Code §§ 123.1 and 123.2 and the best available technology requirement of 25 Pa. Code §§ 127.1 and 127.12. Based on this finding, the Department proposes to issue plan approval for the construction of the proposed limestone handling, processing and storage operation, gypsum sludge handling, processing and storage operation and wastewater treatment lime storage silo. Additionally, if the limestone handling, processing and storage operation, gypsum sludge handling, processing and storage operation and wastewater treatment lime storage silo are determined by the Department to be operating in compliance with all plan approval conditions and all applicable regulatory requirements following their construction, the conditions of Plan Approval 47-00001C will be incorporated into Title V Operating Permit 47-00001 via 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 requirements:

1. The total combined PM emissions from the limestone handling, processing and storage operation, the gypsum sludge handling, processing and storage operation and the wastewater treatment lime silo shall not exceed 23.54 tons in any 12-consecutive month period and the total combined PM10 emissions shall not exceed 5.45 tons in any 12-consecutive month period.

2. No more than 630,000 tons of limestone shall be delivered to the facility in any 12-consecutive month period, of which no more than 315,000 tons shall be delivered by truck.

3. No more than 1,080,000 tons of gypsum sludge shall be handled/processed in any 12-consecutive month period.

4. Railcars delivering limestone to the facility shall be unloaded inside of an enclosure and shall be unloaded through the bottom of the railcars into a track level hopper.

5. The limestone handling, processing and storage operation shall be equipped with a water spray dust suppression system which shall, at a minimum, incorporate 48 spray nozzles on the railcar unloading hopper, 5 spray nozzles at the feed of the stackout conveyor and two spray nozzles on each of two reclaim feeders. The water spray dust suppression system shall be connected to an on-demand water source capable of delivering an adequate supply of water at any time and shall incorporate strainers. It shall also be capable of operating during the winter. The limestone handling, processing and storage operation shall not be operated if the water spray dust suppression system is incapable of operation.

6. Limestone shall be reclaimed from the active limestone storage pile only by use of the underground reclaim system associated with the respective storage pile.

7. Limestone and gypsum sludge conveyors shall be fully enclosed or equipped with three sided covers (top and two sides) except those conveyors or portions of conveyors which are located underground or inside a fully enclosed building, in which case enclosures or covers are not required, and those conveyors or portions of conveyors which cross over Strawberry Ridge Road, in which case full enclosure is required.

8. The two limestone storage silos shall be located inside of an enclosed building and the vent from each silo shall be equipped with a fabric collector vented inside of the building.

9. The PM and the PM10 emissions from the loading of the wastewater treatment lime storage silo shall be controlled by a bin vent fabric collector equipped with instrumentation to continuously monitor the pressure differential across the collector. The PM/PM10 emissions from the collector exhaust shall not exceed .01 grain per dry standard cubic foot of effluent gas volume and .15 ton in any consecutive month period. Extra filter bags shall be kept on hand for the collector and the silo shall not be loaded if the collector is inoperable.

10. Occurrences of wastewater treatment lime silo loading shall be monitored to ensure that fugitive PM/PM10 emissions are not occurring. Lime removed from the silo shall be discharged into an enclosed system.

11. An operable water truck shall be available at all times and shall be used, as needed, to control fugitive PM and PM10 emissions from roadways, stockpile areas, and the like. The water truck shall be equipped with a pressurized spray bar as well as with a pressurized spray gun or hose connection and shall contain water at all times the limestone handling, processing and storage operation or the gypsum handling, processing and storage operation is in use (except during the truck's transit to the refilling station).

12. The permittee shall not operate nonvacuum type road sweepers on the roadways associated with the limestone handling, processing and storage operation or the gypsum handling, processing and storage operation.

13. The permittee shall establish, and enforce, a vehicle speed limit of 10 miles per hour on the roadways associated with the limestone handling, processing and storage operation and the gypsum sludge handling, processing and storage operation. This speed limit shall be posted in highly visible locations along the respective roadways.

14. Trucks loaded with limestone, gypsum sludge or a mixture of gypsum sludge and ash which enter or exit the facility by means of a public roadway shall either be fully enclosed or have their loads tarped. This requirement shall be posted in highly visible locations within the facility.

15. At least two truck tire washing stations shall be made available by the permittee, at least one of which shall be in the area where trucks will unload limestone.

16. Comprehensive accurate records shall be maintained of:

a. The amount of limestone delivered by railcar each month.

b. The amount of limestone delivered by truck each month.

c. The amount of gypsum sludge handled or processed each month.

d. The number of lime truck deliveries to the wastewater treatment lime storage silo each month.

17. If, at any time, fugitive PM and/or PM10 emissions are determined to be in excess of the limitations/requirements specified in 25 Pa. Code §§ 123.1 and 123.2 or in excess of the level of emission determined by the Department to be consistent with "control to the maximum extent, consistent with the best available technology," the permittee shall immediately install additional water spray dust suppression system spray nozzles and/or take such other control measures as are necessary to reduce the fugitive PM and/or PM10 emissions to within an acceptable level.

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

**10-293C: Quality Aggregates, Inc.** (201 Deer Road, Boyers, PA 16020) for use of diesel fuel with a sulfur content of not greater than 0.5% by weight in the Township of Marion, **Butler County**.

Under 25 Pa. Code §§ 127.44(a) and 127.424(b), the Department of Environmental Protection (Department) intends to issue a Plan Approval for their plant in the Township of Marion, Butler County. This plan approval will authorize the use of diesel fuel with a sulfur content of not greater than 0.5% by weight. The facility has a current State-only Operating Permit. This plan approval will be incorporated into the State-only Operating Permit at a later date.

Based on the information provided by the applicant and Department's own analysis the SOx emission increase from the fuel adjustment will be less than 1 ton/yr. Conditions of the plan approval include the following:

- The maximum sulfur content of No. 2 diesel fuel oil shall be 0.5% by weight.
- The applicant shall maintain the sources and air cleaning device in accordance with the manufacturer's specifications and consistent with good air pollution control practices.

Persons wishing to provide Department with additional information they believe should be considered may submit the information to the address shown below. Comments must be received, by the Department, within 30 days of the last day of publication. Written comments should include the following:

1. Name, address and telephone number of the person submitting comments.
2. Identification of the proposed Plan Approval; No. PA-43-339A.
3. Concise statement regarding the relevancy of the information or any objections to issuance of the Plan Approval.

A public hearing may be held, if the Department, in its discretion, decides that a hearing is warranted on the comments received during the public comment period. Persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in a local newspaper of general circulation or the *Pennsylvania Bulletin* or by telephone, when the Department determines telephone notification is sufficient. Written comments or requests for a public hearing should be directed to John F. Guth, Regional Air Quality Manager, Department of Environmental Protection, Northeast Regional Office, 230 Chestnut Street, Meadville, PA, 16335, (814) 332-6940.

**33-055A: Glen-Gery Corp.** (Route 28, Summerville, PA 15864) installation of a new tunnel kiln system for their Hanley Plant in **Jefferson County**.

In accordance with 25 Pa. Code §§ 127.44(b) and 127.424(b), the Department of Environmental Protection (Department) intends to issue a plan approval for their Hanley Plant in Jefferson County, to modify conditions in existing Plan Approval which involved installation of a new tunnel kiln system. The facility currently has a Title V permit No. 33-00055 which was issued 8/14/2003. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the Title V operating permit through an administrative amendment at a later date.

As a general summary, the following requirements are applicable to the kiln and the control device:

1. The concentration of PM in the effluent gas of the spray tower may not exceed 0.04 grain per dry standard cubic foot.

2. A person may not permit the emission into the outdoor atmosphere of SOx from a source in a manner that the concentration of the sulfur oxides, expressed as SO<sub>2</sub>, in the effluent gas exceeds 500 parts per million, by volume, dry basis.

3. The emission of air contaminants from the kiln shall not exceed the following limits expressed as pounds per ton of brick fired during normal operations:

NOx (expressed as NO<sub>2</sub>)—5.82 lb/hr  
 CO—19.94 lb/hr  
 VOC—2.82 lb/hr  
 SOx (expressed as SO<sub>2</sub>)—3.48 lb/ton,  
 H<sub>2</sub>SO<sub>4</sub>—0.30 lb  
 Total HAP—0.28 lb/ton

4. The emission of air contaminants from the kiln during normal operations and bypass operations shall not exceed the following based on a consecutive 12-month period:

PM10—34.8 tpy  
 CO—87.3 tpy  
 VOC—12.4 tpy  
 NOx (expressed as NO<sub>2</sub>)—25.5 tpy  
 SO<sub>2</sub>—244.3 tpy  
 H<sub>2</sub>SO<sub>4</sub>—21 tpy  
 HF—9.8 tpy  
 HCL—9.8 tpy  
 Total HAP—20.3 tpy

5. The emission of PM from the kiln at the spray tower inlet shall not exceed 0.42 lb per ton of fired brick.

6. (A) HF emissions shall not exceed 0.057 lb/ton fired brick or shall be reduced from uncontrolled emissions by at least 90%.

(B) HCl emissions shall not exceed 0.26 lb/ton fired brick or shall be reduced from uncontrolled emissions by at least 30%.

7. The permittee may conduct routine internal inspections on the spray tower system with the intention of minimizing the potential for system malfunctions. To conduct these inspections and complete any associated cleaning and/or routine spray tower maintenance activities, the spray tower may be bypassed for a maximum of 72 hours per year.

8. The maximum production rate of the new tunnel kiln is 16.00 ton of bricks per hour.

9. Source testing of the wet scrubbing system shall be conducted every 5 years or upon permit renewal to show compliance with Condition Nos. 1, 2, 3, 5 and 6.

10. A. The following parameters will be monitored as part of the CAM plan for the spray tower (C113):

(1) *pH of Liquid*—pH will be monitored continuously using an inline pH sensor.

(2) *Liquid Flow Rate*—The flow rate will be monitored continuously at the common inlet to the two recirculation pumps using a noncontact ultrasonic flow sensor.

(3) *Preventative Maintenance*—Glen-Gery will conduct routine inspections according to a preventive maintenance schedule, with the option of deferring inspections with the intention of minimizing the potential for system malfunctions. To conduct these inspections and complete any associated cleaning and/or routine spray tower maintenance activities, the spray tower will necessarily be bypassed for no more than 72 hours per year.

B. The following indicator ranges will be part of the CAM plan for the spray tower (C113):

(1) *pH*—The pH of the liquid spray shall be maintained between 4.3 and 6.9 pH units. An excursion will trigger an inspection, corrective action and possibly malfunction reporting.

(2) *Liquid Flow Rate*—The liquid flow rate shall be maintained between 230 and 500 gallons per minute. An excursion will trigger an inspection, corrective action and possibly malfunction reporting.

(Additional authority for this permit condition is derived from 40 CFR 64.6 and 64.3)

11. The following are CAM related requirements.

Data Collection Procedures:

(1) *Liquid pH*—The permittee shall read and record data manually from a visual display once per operating day. A hard copy of the data shall be retained for 5 years.

(2) *Liquid Flow Rate*—The permittee shall read and record data manually from a visual display once per operating day. A hard copy of the data shall be retained for 5 years.

(3) *Preventative Maintenance*—Records of the monthly preventative maintenance inspections shall be kept and retained for 5 years.

(Additional authority for this permit condition is derived from 40 CFR 64.9(b))

12. The permittee will maintain a record of all bypass events, both scheduled and unscheduled. The report will include the time and duration of the bypass event and maintenance performed. Bypass records shall be kept on file for a period of 5 years and shall be made available to Department personnel upon request.

13. The permittee shall maintain and operate the source and control device in accordance with the manufacturer's specifications or in accordance with good air pollution control practices. A copy of the manufacturer's specifications for the source shall be kept on site and be readily available.

14. a) The following data will be represented as part of the CAM plan for Spray Tower (C113)

(1) *pH of Liquid*—pH will be monitored continuously using an inline pH sensor at the sump. The minimum accuracy of the pH sensor shall be +/- 0.01pH units

(2) *Liquid Flow Rate*—The flow rate will be monitored continuously at the common inlet to the two recirculation pumps using a noncontact ultrasonic flow sensor. The minimum accuracy of the ultrasonic flow sensor shall be +/- 1.0 gpm.

(3) *Preventative Maintenance*—Preventative maintenance inspections are to be performed during scrubber shutdown: debris removal from walls and sump, cleaning of probes and lines, checking mist eliminator and scrubber internals with repairs as needed, pump and sensor preventative maintenance.

b) Verification of Operational Status

(1) *pH*—Operational status is to be verified by operator and/or other qualified personnel.

(2) *Liquid flow rate*—Operational status is to be verified by operator and/or other qualified personnel.

(3) *Preventative Maintenance*—Operational status is to be verified by operator and/or other qualified personnel.

c) QA/QC Practices and Criteria

(1) *pH*—pH verification is performed on a daily basis using a handheld (portable) pH probe. The permanent pH probe readings are compared with measured water samples using the portable pH probe. If an error between the two measured samples is greater than 1.0 pH unit then a more thorough investigation is performed that may involve recleaning the permanent pH probe, recalibrating or replacing the pH probe. The handheld (portable) probe is calibrated at least once per week using two certified pH solutions of different values, which will bracket the expected pH. A two-point calibration is performed to maintain linearity of the measuring instrument. All new permanent pH probes are calibrated before they are placed into service. Calibrations are performed using a two point calibration method with certified pH solutions of 4.0 and 7.0 pH units.

(2) *Liquid flow rate*—The ultrasonic flow meter reading is verified and recorded daily to detect flow variations. If flow variations outside the acceptable range are detected a thorough inspection will follow to verify an/or correct unwanted conditions. Flow verification /calibration is performed once per month using a handheld (portable) flow meter (ultrasonic "Doppler" technology). The permanent flow meter readings are compared with measured flow of the portable flow meter, with adjustments to the permanent flow meter made as necessary.

(3) *Preventative Maintenance*—Qualified maintenance personnel shall perform maintenance inspections.

(Additional authority for this permit condition is derived from 40 CFR 64.4.)

15. The following are CAM related requirements:

(a) *Commencement of operation*—The owner or operator shall conduct the monitoring required under this part upon issuance of a Part 70 or 71 permit that includes such monitoring, or by such later date specified in the permit under 40 CFR 64.6(d).

(b) *Proper maintenance*—At all times, the owner or operator shall maintain the monitoring, including but not limited to, maintaining necessary parts for routine repairs of the monitoring equipment.

(c) *Continued operation*—Except for, as applicable, monitoring malfunctions, associated repairs and required quality assurance or control activities (including, as applicable, calibration checks and required zero and span adjustments), the owner or operator shall conduct all

monitoring in continuous operation (or shall collect data at all required intervals) at all times that the pollutant-specific emissions unit is operating. Data recorded during monitoring malfunctions, associated repairs, and required quality assurance or control activities shall not be used for purposes of this part, including data averages and calculations, or fulfilling a minimum data availability requirement, if applicable. The owner or operator shall use all the data collected during all other periods in assessing the operation of the control device and associated control system. A monitoring malfunction is any sudden, infrequent, not reasonably preventable failure of the monitoring to provide valid data. Monitoring failures that are caused in part by poor maintenance or careless operation are not malfunctions.

(d) *Response to excursions or exceedances.*

(1) Upon detecting an excursion or exceedance, the owner or operator shall restore operation of the pollutant-specific emissions unit (including the control device and associated capture system) to its normal or usual manner of operation as expeditiously as practicable in accordance with good air pollution control practices for minimizing emissions. The response shall include minimizing the period of any startup, shutdown or malfunction and taking any necessary corrective actions to restore normal operation and prevent the likely recurrence of the cause of an excursion or exceedance (other than those caused by excused startup or shutdown conditions). The actions may include initial inspection and evaluation, recording that operations returned to normal without operator action (such as through response by a computerized distribution control system), or any necessary follow-up actions to return operation to within the indicator range, designated condition, or below the applicable emission limitation or standard, as applicable.

(2) Determination of whether the owner or operator has used acceptable procedures in response to an excursion or exceedance will be based on information available, which may include but is not limited to, monitoring results, review of operation and maintenance procedures and records, and inspection of the control device, associated capture system, and the process.

(e) *Documentation of need for improved monitoring*—After approval of monitoring under this part, if the owner or operator identifies a failure to achieve compliance with an emission limitation or standard for which the approved monitoring did not provide an indication of an excursion or exceedance while providing valid data, or the results of compliance or performance testing document a need to modify the existing indicator ranges or designated conditions, the owner or operator shall promptly notify the permitting authority and, if necessary, submit a proposed modification to the part 70 or 71 permit to address the necessary monitoring changes. Such a modification may include, but is not limited to, reestablishing indicator ranges or designated conditions, modifying the frequency of conducting monitoring and collecting data, or the monitoring of additional parameters.

(Additional authority for part (a) to (e) of this permit condition is also derived from 40 CFR 64.7)

16. The following are CAM related requirements:

The permittee shall report the following information to the Department every 6 months:

(1) Summary information on the number, duration and cause (including unknown cause, if applicable) of excursions or exceedances, as applicable, and the corrective actions taken

(2) Summary information on the number, duration and cause (including unknown cause if applicable) for monitor downtime incidents (other than downtime associated with zero and span or other daily calibration checks, if applicable)

(3) If the permittee is required to develop a QIP as determined by Condition No. 018, then a description of the actions taken to implement a quality improvement plan (QIP) during the semiannual reporting period. Upon completion of a QIP, the owner or operator shall include in the next summary report documentation that the implementation of the plan has been completed and reduced the likelihood of similar levels of excursions or exceedances occurring.

(Additional authority for this permit condition is also derived from 40 CFR 64.9a)

17. (1) *Liquid flow rate*—The ultrasonic flow meter reading is verified and recorded daily to detect the acceptable range are detected a thorough inspection will follow to verify a flow verification /calibration is performed once per month using a handheld (portable) technology. The permanent flow meter readings are compared with measured flow adjustments to the permanent flow meter made as necessary.

(2) *Preventative Maintenance*—Qualified maintenance personnel shall perform maintenance inspections.

(Additional authority for this permit condition is derived from 40 CFR 64.4.)

18. The following are CAM related requirements:

(a) The permittee shall develop and implement a QIP if any of the following occurs:

(1) Nine excursions of any single parameter occur in a 6-month reporting period.

(2) The Department determines after review of all reported information that the permittee has not responded acceptably to an excursion.

(b) Elements of a QIP:

(1) The owner or operator shall maintain a written QIP, if required, and have it available for inspection.

(2) The plan initially shall include procedures for evaluating the control performance problems and, based on the results of the evaluation procedures, the owner or operator shall modify the plan to include procedures for conducting one or more of the following actions, as appropriate:

(i) Improved preventive maintenance practice.

(ii) Process operation changes.

(iii) Appropriate improvements to control methods.

(iv) Other steps appropriate to correct control performance.

(v) More frequent or improved monitoring (only in conjunction with one or more steps under subsection (b)(2)(i)–(iv) of this section).

(c) If a QIP is required, the owner or operator shall develop and implement a QIP as expeditiously as practicable and shall notify the Department if the period for completing the improvements contained in the QIP exceeds 180 days from the date on which the need to implement the QIP was determined.

(d) Following implementation of a QIP, the Department will require reasonable revisions to the QIP if the plan has failed to either:

(1) Address the cause of the control device performance problem.

(2) Provide adequate procedures for correcting control device performance problems in as expeditiously as practicable in accordance with good air pollution control practices for minimizing emissions.

(e) Implementation of a QIP, shall not excuse the permittee from compliance with any existing emission limitation or standard or any existing monitoring, testing, reporting or recordkeeping requirement that may apply under any Federal, State or local laws or any other applicable requirements under the Clean Air Act.

(Additional authority for the following permit conditions are also derived from 40 CFR 64.8)

19. The permittee shall maintain a daily record of hours of kiln operation and daily production records of tons of brick fired. Production and operation records shall be kept on file for a period of 5 years and shall be made available to Department personnel upon request.

20. The conditions of this Plan Approval for Modification shall supersede the conditions in Plan Approval 33-055B issued on May 1, 2002.

For additional information regarding the above, please contact Cary Pesek or George Monasky at (814) 332-6940 or by writing the Department at the address listed previously.

**43-305B: Champion Carrier Corporation** (2755 Kirila Road, Hermitage, PA 16148-9019) for postmodification approval of booth No. 1 at their truck body manufacturer in the City of Hermitage, **Mercer County**.

In accordance with 25 Pa. Code §§ 127.44(d) and 127.424(d), the Department of Environmental Protection (Department) intends to issue a plan approval for post modification of the No. 1 surface coating booth from a water wash type control to a dry filter system. Particulate emissions will be reduced slightly and VOC emissions will remain the same. This booth and the two existing booths total emissions combined are restricted to 23.19 tpy of VOC or less during any consecutive 12-month rolling period. In addition, the facility is required to comply with 25 Pa. Code § 129.52. The plan approval will contain monitoring requirements for the pressure drop gauge indicating the pressure drop across the filters. Recordkeeping requirements of the pressure drop, filter changes and total VOC emissions are also included in the plan approval. The plan approval will also include additional requirements to ensure the source is operated in compliance with the Department's regulations contained in 25 Pa. Code Chapters 121—143 and the requirements of the Federal Clean Air Act. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into a State-only Operating Permit through an administrative amendment at a later date. Issuance of the plan approval is recommended with the appropriate conditions in the plan approval.

**42-095B: Georgia-Pacific Corporation** (One Owens Way, Bradford, PA 16701), for modification of existing boilers to permit the burning of No. 6 fuel oil in addition to natural gas in Bradford City, **McKean County**. This modification will trigger NSPS Subpart Dc. This is a State-only facility. The public notice is required for sources required to obtain a Plan Approval in accordance with 25 Pa. Code § 127.44. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the State-only operating permit through an administrative amendment at a later date. The source shall

comply with the following conditions, which will satisfy the requirements of 25 Pa. Code § 127.12b (pertaining to plan approval terms and conditions) and will demonstrate Best Available Technology for the source:

- Source is subject to 25 Pa. Code §§ 123.11 and 123.22 for particulate and sulfur emissions.

- The source shall comply with 25 Pa. Code §§ 123.1, 123.31, and 123.41 for fugitive matter, odor and visible emissions.

- Source is subject to 40 CFR 60 Subpart Dc with regards to combusting residual oil. The facility shall not combust fuel oil with greater than 0.5% sulfur by weight and compliance will be shown through fuel supplier certifications.

- The permittee shall maintain and operate the source in accordance with the manufacturer specifications and in accordance with good air pollution control practices.

**37-051E: REMACOR** (Route 168, West Pittsburgh, PA 16160) for modification of an existing Magnesium Grinding Operation in the Municipality of Taylor, **Lawrence County**.

Under 25 Pa. Code §§ 127.44(a) and 127.424(b), the Department of Environmental Protection (Department) intends to issue a Plan Approval for their plant in the Municipality of Taylor, Lawrence County. This plan approval will authorize the modification of an existing magnesium grinding operation. The modification will include grinding of dirty magnesium turnings with appropriate control devices. The facility has a current State-only Operating Permit. This plan approval will be incorporated into the State-only Operating Permit at a later date.

Based on the information provided by the applicant and Department's own analysis the particulate emissions from the modification will be less than 1 ton/yr. Conditions of the plan approval include the following:

- A magnehelic gauge (or equivalent) shall be permanently installed and maintained at a conveniently readable location to indicate the pressure drop across the cyclone collectors associated with the grinders. The gauge employed shall have a scale so that the expected normal reading shall be no less than 20% of full scale and be accurate within  $\pm 2\%$  of full scale reading.

- The taps for the magnehelic gauges shall be checked daily for blockage whenever the process is in operation.

- A flow meter shall be installed to assure 20 gallons/minute process water to the scrubber.

- Daily reading of the magnehelic gauges and flow meters shall be taken and entered into a facility log. The log shall be kept onsite and be retained for a period of 5 years.

- Auxiliary fans shall be installed on each wet scrubber to dissipate hydrogen gas buildup.

- The facility shall install alarms on the auxiliary fans used for hydrogen dissipation. The alarms shall be capable of shutting the processes down.

- The auxiliary fan volume shall not be less than 10% of the exhaust fan volume.

- The sludge in the settling tank associated with the wet scrubber shall not exceed 5% of the tank water capacity as measured by volume.

- A sight tube shall be installed on the settling tank to measure the volume of sludge.

- The sight tube on the settling tank shall be checked daily.

- The sludge in the settling tank shall be removed whenever the collector is to remain inoperative for a period of 24 hours or more.

- The applicant shall maintain the sources and air cleaning device in accordance with the manufacturer's specifications and consistent with good air pollution control practices.

Persons wishing to provide Department with additional information they believe should be considered may submit the information to the following address. Comments must be received, by the Department, within 30 days of the last day of publication. Written comments should include the following:

1. Name, address and telephone number of the person submitting comments.

2. Identification of the proposed Plan Approval; No. PA-43-339A.

3. Concise statement regarding the relevancy of the information or any objections to issuance of the Plan Approval.

A public hearing may be held, if the Department, in its discretion, decides that a hearing is warranted on the comments received during the public comment period. Persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in a local newspaper of general circulation or the *Pennsylvania Bulletin* or by telephone, where the Department determines telephone notification is sufficient. Written comments or requests for a public hearing should be directed to John F. Guth, Regional Air Quality Manager, Department of Environmental Protection, Northeast Regional Office, 230 Chestnut Street, Meadville, PA, 16335, (814) 332-6940

#### 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.*

**22-05051: The Hershey Co.** (19 East Chocolate Avenue, Hershey, PA 17033) for operation of their chocolate candy-manufacturing facility in Derry Township, **Dauphin County**. Facility emissions shall be limited to less than 100 tons/year each of NO<sub>x</sub>, CO and SO<sub>2</sub>; 150 tons/year of VOC; 10 tons/year of individual HAPs; and 25 tons/year of combined HAPs. The plant is a major facility subject to the operating permit requirements of Title V of the Federal Clean Air Act and 25 Pa. Code, Chapter 127, Subchapters F and G (relating to operating permit requirements; and Title V operating permit requirements.) Furthermore, the facility is subject to 40 CFR Part 60, Subparts Dc (related to standards of performance for combustion units). The Title V operating permit contains monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

#### Intent to Issue Operating Permits under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F.

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19428, Edward Jurdon Brown, Facilities Permitting Chief, (484) 250-5920.*

**46-00172: Gemplus Corp.** (101 Park Drive, Montgomeryville, PA 18936) for a non-Title V (State-only) facility in Montgomery Township, **Montgomery County**. The facility's sources include a three silk screen presses, two lithographic presses, one ink jet printer and one press. The permittee has elected to take emission restrictions of 24.9 ton/yr. for VOC and combined HAPs and 9.9 tons/yr. for individual HAPs. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

**06-03032: Hamburg Manufacturing, Inc.** (221 South Fourth Street, Hamburg, PA 19526) for an air quality permit for their castings manufacturing facility at 147 South Fourth Street in the Borough of Hamburg, **Berks County**. The operating permit shall contain testing, monitoring, recordkeeping and reporting requirements, emission restrictions and work practice standards designed to keep the facility operating within all applicable air quality requirements.

**06-03053: Hamburg Manufacturing, Inc.** (221 South Fourth Street, Hamburg, PA 19526) for an air quality permit for their castings finishing facility at 1021 South Fourth Street in the Borough of Hamburg, **Berks County**. The operating permit shall contain testing, monitoring, recordkeeping and reporting requirements, emission restrictions and work practice standards designed to keep the facility operating within all applicable air quality requirements.

**21-05030: Ahlstrom Mount Holly Springs, LLC** (122 W. Butler Street, Mt. Holly Springs, PA 17065) for operation of a specialty paper manufacturing facility in Mount Holly Springs Borough, **Cumberland County**. This is a renewal of the facility's State-only operating permit issued in 2001.

**22-03014: Stewart-Amos Steel, Inc.** (4400 Paxton Street, Harrisburg, PA 17111) for operation of the surface coating operation at their Harrisburg plant in Swatara Township, **Dauphin County**. This action is a renewal of the previous permit issued in June 2001.

**36-03052: Boose Aluminum Foundry Co., Inc.** (P. O. Box 261, 77 North Reamstown Road, Reamstown, PA 17567-0261) for operation of their aluminum foundry in East Cocalico Township, **Lancaster County**. The State-only operating permit will include monitoring, recordkeeping, reporting requirements, emission restrictions and work practice standards designed to keep the facility operating within all applicable air quality requirements.

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

**10-00288: Bear Metallurgical Co.** (679 East Butler Road, Butler, PA 16002) for the manufacture of ferromolybdenum and ferrovanadium. This facility is in the City of Butler, **Butler County**.

**37-00293: CEMEX Inc.—Wampum Quarry** (2001 Portland Park, Wampum, PA 16157) for operation of air contamination sources consisting of the jaw crusher,



impact mill, vibrating screens, truck loading and associated fuel tanks in Wampum Borough, **Lawrence County**.

**16-00131: Allegheny Wood Products—Marble Hardwood Dimension Lumber** (Highway 208, Marble, PA) for reissuance of a Synthetic Minor Permit to operate a hardwood sawmill and kiln operation in Washington Township, **Clarion 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*		greater than 6.0; less than 9.0	
Alkalinity greater than acidity*			

\* The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applied to: (1) surface runoff (resulting from a precipitation event of less than or equal to a 10-year 24-hour event) from active mining areas, active areas disturbed by coal refuse disposal activities and mined areas backfilled and revegetated; and (2) drainage (resulting from a precipitation event of less than or equal to a 1-year 24-hour event) from coal refuse disposal piles.

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

**24991301 and NPDES Permit No. PA0235466, Rosebud Mining Company** (301 Market Street, Kittanning, PA 16201), to revise the permit for the Little Toby Mine in Horton Township, **Elk County** to add underground permit and subsidence control plan area acres. Under-

ground Acres Proposed 269.0, SCP Acres Proposed 269.0. No additional discharges. Application received November 18, 2005.

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

**26000104 and NPDES Permit No. 0202886. Patterson Coal Company** (20 Elizabeth Drive, Smithfield, PA 15478). Revision application to add 8.4 acres to an existing bituminous surface mine, located in German, Georges and South Union Townships, **Fayette County**, affecting 183.7 acres. Receiving streams: UNTs to Jennings Run and North Branch of Browns 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: December 8, 2005.

**26000104 and NPDES Permit No. 0202886. Patterson Coal Company** (20 Elizabeth Drive, Smithfield, PA 15478). Renewal application for continued mining to an existing bituminous surface mine, located in German, Georges and South Union Townships, **Fayette County**, affecting 183.7 acres. Receiving streams: UNTs to Jennings Run and North Branch of Browns Run, 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: December 12, 2005.

**26960101 and NPDES Permit No. 0201600. Patterson Coal Company** (20 Elizabeth Drive, Smithfield, PA 15478). Renewal application for reclamation only to a bituminous surface mine, located in Georges Township, **Fayette County**, affecting 48 acres. Receiving streams: UNTs to York Run, 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: December 12, 2005.

*Knox District Mining Office: White Memorial Building,*

*P. O. Box 669, Best Avenue, Knox, PA 16232-0669, (824) 797-1191.*

**33950107 and NPDES Permit No. PA0227102. Cookport Coal Co., Inc.** (425 Market Street, Kittanning, PA 16201). Renewal of an existing bituminous surface strip, shale and clay removal operation in Warsaw Township, **Jefferson County** affecting 39.5 acres. Receiving streams: two UNTs to Mill Creek, classified for the following use: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: December 9, 2005.

**33050108 and NPDES Permit No. PA0258067. Reichard Contracting, Inc.** (212 Olean Trail, New Bethlehem, PA 16242). Commencement, operation and restoration of a bituminous surface strip operation in Ringgold Township, **Jefferson County** affecting 16.5 acres. Receiving streams: Eagle Run, classified for the following use: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: December 6, 2005.

*Noncoal Applications Received*

*Effluent Limits*

The following noncoal mining applications that include an NPDES permit application will be subject to, at a minimum, the following technology-based effluent limitations for discharges of wastewater to streams:

<i>Parameter</i>	<i>30-day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
suspended solids	35 mg/l	70 mg/l	90 mg/l
Alkalinity exceeding acidity <sup>1</sup>		greater than 6.0; less than 9.0	
pH <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 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.

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

**6276SM2A1C9 and NPDES Permit No. PA0594512. Martin Limestone, Inc.** (P. O. Box 550, Blue Ball, PA 17506), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in East Earl Township, **Lancaster County**, receiving stream: Conestoga River, classified for the following use: WWFs. Application received December 12, 2005.

## FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

The following permit applications, requests for Environmental Assessment approval and requests for 401 Water Quality Certification have been received by the Department of Environmental Protection (Department). Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341) requires the State to certify that the involved projects will not violate the applicable provisions of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) as well as

relevant State requirements. Persons objecting to approval of a request for certification under section 401 of the FWPCA or to the issuance of a Dam Permit, Water Obstruction and Encroachment Permit or the approval of an Environmental Assessment must submit comments, suggestions or objections within 30 days of the date of this notice, as well as questions, to the regional office noted before the application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

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

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

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

**WATER OBSTRUCTIONS AND ENCROACHMENTS**

*Northeast Region: Watershed Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.*

**E13-146. Turnpike Commission**, P. O. Box 67676, Harrisburg, PA 17106-7676, in East Penn Township, Mahoning Township and Parryville Borough, **Carbon County**, United States Army Corps of Engineers, Philadelphia District.

To place fill in 0.11 acre of wetlands: to remove the existing I-476 bridge over the Lehigh River (TSF) and Lehigh Canal and to construct and maintain two 45-foot wide, 6-span steel girder bridges over the Lehigh River (TSF) and Lehigh Canal, having underclearances exceeding 100 feet and spans totaling 1,585 feet (northbound I-476 bridge) and 1,530 feet (southbound I-476 bridge); and to remove the existing I-476 bridge over Pohopoco Creek (CWF) and to construct and maintain two 45-foot wide, 4-span steel girder bridges over Pohopoco Creek (CWF), each having underclearances exceeding 100 feet and spans totaling 1,020 feet (northbound I-476 bridge and southbound I-476 bridge). The projects are located along the Turnpike—Northeast Extension (I-476) approximately 1.2 miles south of Exit 74 (Mahoning Valley). (Leighton, PA Quadrangle N: 12.0 inches; W: 7.0 inches).

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

**E44-127: Derry Township Sanitary Sewer Authority**, 15 West Mill Street, P. O. Box 465, Yeagertown, PA 17090 in Derry Township, **Mifflin County**, ACOE Baltimore District.

To construct and maintain 34,425 linear feet of 8-inch gravity sewer; 7,560 linear feet of 10-inch gravity sewer; 12,925 linear feet of 12-inch gravity sewer; 900 linear feet of low pressure sewer; 6,600 linear feet of 8-inch force main sewer; and 5,700 linear feet of 10-inch force main sewer in Derry Township, Mifflin County, involving:

1.) Two crossings of Jacks Creek (TSF) impacts: a.) 56-feet of 10-inch D.I. force main (Latitude: 40° 36' 48"; Longitude: 77° 31' 55"); and b.) 69 feet of 12-inch PVC (Latitude: 40° 37' 55"; Longitude: 77° 30' 19"); and

2.) Twenty-three trench crossings of UNTs to Jacks Creek: a.) 10 feet of 12-inch PVC (Latitude: 40° 37' 00"; Longitude: 77° 31' 36"); b.) 3 feet of 10-inch PVC (Latitude: 40° 37' 52"; Longitude: 77° 30' 05"); c.) 3 feet of 10-inch PVC (Latitude: 40° 37' 55"; Longitude: 77° 29' 55"); d.) 5 feet of 10-inch PVC (Latitude: 40° 37' 56"; Longitude: 77° 29' 50"); e.) placing an 8-inch PVC below a 24-inch RCP (Latitude: 40° 37' 49"; Longitude: 77° 29' 47"); f.) 8 feet of 12-inch PVC and 8-inch D.I. (Latitude: 40° 37' 34"; Longitude: 77° 30' 39"); g.) placing an 8-inch PVC and 8-inch D.I. force main under an existing 24-inch CMP storm pipe (Latitude: 40° 37' 32"; Longitude: 77° 30' 43"); h.) 4.5 feet of 8-inch D.I. force main (Latitude: 40° 37' 17"; Longitude: 77° 31' 07"); i.) placing an 8-inch D.I. force main under an existing 30-inch CMP storm pipe (Latitude: 40° 37' 08"; Longitude: 77° 31' 23"); j.) 10 feet of 12-inch PVC (Latitude: 40° 37' 54"; Longitude: 77° 30'

17"); k.) 16 feet of 12-inch PVC (Latitude: 40° 37' 56"; Longitude: 77° 30' 22"); l.) 32 feet of 12-inch PVC (Latitude: 40° 38' 00"; Longitude: 77° 30' 23"); m.) placing 12-inch PVC below an existing 24-inch CCP storm pipe (Latitude: 40° 38' 11"; Longitude: 77° 30' 30"); n.) 12 feet of 12-inch PVC encased in 22-inch steel casing pipe (Latitude: 40° 38' 18"; Longitude: 77° 30' 27"); o.) 8 feet of 12-inch PVC (Latitude: 40° 38' 16"; Longitude: 77° 30' 26"); p.) 120 feet of 12-inch PVC encased in 22-inch steel casing pipe (Latitude: 40° 38' 24"; Longitude: 77° 30' 21"); q.) 10 feet of 10-inch PVC (Latitude: 40° 38' 24"; Longitude: 77° 30' 18"); r.) placing an 8-inch PVC over an existing 18-inch CCP storm pipe (Latitude: 40° 38' 42"; Longitude: 77° 29' 25"); s.) 6 feet of 8-inch PVC (Latitude: 40° 38' 10"; Longitude: 77° 30' 48"); t.) 3.5 feet of 8-inch PVC (Latitude: 40° 38' 06"; Longitude: 77° 30' 57"); u.) 3 feet of 8-inch PVC (Latitude: 40° 38' 03"; Longitude: 77° 31' 02"); v.) 3 feet of 8-inch PVC (Latitude: 40° 37' 55"; Longitude: 77° 31' 17"); and w.) 3 feet of 8-inch PVC (Latitude: 40° 37' 55"; Longitude: 77° 31' 23").

3.) Two crossings of Exceptional Value PEM wetlands located on the floodplains of UNTs to Jacks Creek resulting in 0.11 acre of temporary wetland impacts: a) 135-foot by 20-foot (Latitude: 40° 38' 18.7"; Longitude: 77° 30' 25.4") and b) 95-foot by 20-foot (Latitude: 40° 38' 16.9"; Longitude: 77° 30' 32.6"); and

4.) Less than 0.01 acre of permanent impacts to Exceptional Value PEM wetlands located on the floodplain of a UNT to Jacks Creek (Latitude: 40° 38' 18.7"; Longitude: 77° 30' 25.4"); and

The amount of permanent wetland impact is considered de minimis and wetland replacement is not required.

**E67-787: Fairview Township**, 599 Lewisberry Road, New Cumberland, PA 17070-2510 in Fairview Township, **York County**, ACOE Baltimore District.

To remove 92-feet of 36-inch corrugated metal pipe, to relocate and maintain 105 feet of open channel, to construct and maintain an 83-inch by 53-inch by 192-foot reinforced concrete stream enclosure all in a UNT to the Yellow Breeches Creek located just south of (SR 114) (Steelton, PA Quadrangle N: 15.2 inches; W: 17.0 inches) in Fairview Township, York County.

**E67-790: Jonathan Ruhsam**, 18 South Chestnut Street, Mechanicsburg, PA 17055 in Warrington Township, **York County**, ACOE Baltimore District.

To construct and maintain a 12-foot wide by 178-foot long crossing of a palustrine forested wetland associated with a UNT to Beaver Creek (WWF); a 6-inch gas line and three 4-inch utility conduits will be installed at the same location as the crossing. This permit also authorizes the construction and maintenance of a 15-foot by 24-foot bridge over a UNT to Beaver Creek (WWF) with a 6-inch gas and three 4-inch utility conduits attached to the bridge. The site is located along the west side of Pinetown Road (SR 4031) (Wellsville, PA Quadrangle N: 16.3 inches; W: 5.5 inches) in Warrington Township, York County. The project will permanently impact 0.049 acre of palustrine-forested wetlands. The amount of wetland impact is considered a de minimis impact of 0.049 acre and wetland mitigation is not required.

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

**E11-315. Blacklick Valley Municipal Authority**, P. O. Box 272, Twin Rocks, PA 15960. To excavate and repair a sewer line in Vintondale Borough, **Cambria**

**County**, Pittsburgh ACOE District. (Vintondale, PA Quadrangle N: 19.8 inches; W: 6.8 inches and Latitude: 40° 29' 02"—Longitude: 78° 55' 23"). The applicant proposes to excavate and select backfill around a 6-inch diameter wastewater force main and appurtenance where they cross the South Branch Blacklick Creek flood protection levee for the purpose of repairing the levee around the sewer line located in Vintondale.

*Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-348.*

**E37-169, Department of Transportation, District 11-0**, 45 Thomas Run Road Bridgeville, PA 15107. SR 1012, Section L02, Segment 0140, Offset 1810 Across Slippery Rock Creek, in Slippery Rock Township, **Lawrence County**, ACOE Pittsburgh District (Portersville, PA Quadrangle N: 21.2 inches; W: 8.2 inches).

To remove the existing structure and to construct and maintain a Simple span steel multigirder bridge having a

clear span of 135 feet and an underclearance of 23.8 feet on a 90° skew across Slippery Rock Creek on SR 1012, Section L02, Segment 0140, Offset 1810 approximately 2.5 miles south of Harlansburg. The project also includes the placement of R-7 riprap in the remnants of an adjacent millrace. According to 25 Pa. Code Chapter 93, Slippery Rock Creek is a CWF-TSF.

#### **DAM SAFETY**

*Central Office: Bureau of Waterways Engineering, 400 Market Street, Floor 3, P. O. Box 8554, Harrisburg, PA 17105-8554.*

**D25-060A. William B. Zelina**, 7000 Route 6N, Edinboro, PA 16412-9610.

To modify, operate and maintain Zelina Dam across a tributary to Cussewago Creek (WWF), for the purpose of repairing the dam embankment and constructing a new spillway structure (Edinboro North, PA Quadrangle N: 0.9 inch; W: 11.25 inches) in Elk Creek Township, **Erie County**.

## **ACTIONS**

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

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

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

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

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

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

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

**I. NPDES Renewal Permit Actions**

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

<i>NPDES 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>
PA0026361A1	Lower Lackawanna Valley Sanitary Authority P. O. Box 67, Coxton Road Duryea, PA 18642	Duryea Borough Lackawanna County	Lackawanna River 5A	N
PA0028576A2	Clarks Summit—South Abington Joint Sewer Authority P. O. Box 199 Chinchilla, PA 18410	South Abington Township Lackawanna County	Leggett's Creek 5A	Y
PA0020915A1	Pine Grove Joint Treatment Auth. 6 Longstretch Road P. O. Box 426 Pine Grove, PA 17963	Pine Grove Township Schuylkill County	Swatara Creek 7D	Y
PA0046396A1	Butler Township Authority 415 West Butler Drive Drums, PA 18222	Butler Township Luzerne County	Little Nescopeck Creek 5D	Y

In accordance with the Chesapeake Bay Strategy, nutrient monitoring requirements were added to Outfall 001 of these permits.

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

<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>
PA0008915 IW	OSRAM SYLVANIA Products, Inc. 1 Jackson Street Wellsboro, PA 16901-1717	Wellsboro Borough Tioga County	Charleston Creek 9-A	Y

*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>
PA0101478	SNPJ Recreation Center 270 Martin Road Enon Valley, PA 16120	North Beaver Township Lawrence County	UNT to Sugar Creek 20-B	Y

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

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

**NPDES Permit No. PA0052949**, Industrial Waste, **Aqua Pennsylvania, Inc.** 762 West Lancaster Avenue, Bryn Mawr, PA 19010-3489. This proposed facility is located in Upper Uwchlan Township, **Chester County**.

Description of Proposed Action/Activity: Approval of the renewal to discharge from a facility known as Milford Well Station WFP to a UNT to Marsh Creek in Watershed 3H.

**NPDES Permit No. PA0031771**, Sewage, **Westtown Township**, P. O. Box 79, Westtown, PA 19395-0079. This proposed facility is located in Westtown Township, **Chester County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge into the East Branch of Chester Creek in Watershed 3G.

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

**NPDES Permit No. PA-0065048**, Sewage, **Nicholson Borough Water Authority**, P. O. Box 324, Nicholson, PA 18446. This proposed facility is located in Nicholson Borough, **Wyoming 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. PA0247618**, Sewage, **East Salem STP**, R. R. 1, Box 410, Thompsontown, PA 17094. This proposed facility is located in Delaware Township, **Juniata County**.

Description of Proposed Action/Activity: Authorization to discharge to the Delaware Creek in Watershed 12-B.

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

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

**WQM Permit No. 5404403**, Sewerage, **Little Washington Wastewater Co. d/b/a Suburban Wastewater Company**, 762 West Lancaster Avenue, Bryn Mawr PA 19010. This proposed facility is located in North Union and East Union Townships, **Schuylkill County**.

Description of Proposed Action/Activity: Transfer and Issuance of Water Quality Management Permit

**WQM Permit No. 3905405**, Sewerage, **Upper Saucon Township Municipal Authority**, 5500 Camp Meeting Road, Center Valley, PA 18034. This proposed facility is located in Upper Saucon Township, **Lehigh County**.

Description of Proposed Action/Activity: Issuance of Water Quality Management Permit.

**WQM Permit No. 4005402**, Sewerage, **Salem Township**, 400 Luzerne Avenue, Berwick, PA 18603. This proposed facility is located in Salem Township, **Luzerne County**.

Description of Proposed Action/Activity: Issuance of Water Quality Management Permit.

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

**WQM Permit No. 3605412**, Sewerage, **Sauder Brothers Partnership**, 1464 Mastersonville Road, Manheim, PA 17545. This proposed facility is located in Rapho Township, **Lancaster County**.

Description of Proposed Action/Activity: Approval for the construction/operation of sewerage facilities consisting of 500 gpd aerobic treatment with free access sand filtration and tablet chlorination.

**WQM Permit No. 3696408 Amendment No. 1**, Sewerage, **Lancaster Area Sewer Authority**, 130 Centerville Road, Lancaster, PA 17603. This proposed facility is located in Manor Township, **Lancaster County**.

Description of Proposed Action/Activity: Amendment approval for the modification/operation of sewerage facilities consisting of converting treatment to the modified Ludzack-Ettinger process including the installation of new aeration diffusers, recycle pumps, blowers and chemical addition.

**WQM Permit No. 2205404**, Sewerage, **Elizabethville Area Authority**, 4154 North Route 225, Elizabethville, PA 17023. This proposed facility is located in Washington Township, **Dauphin County**.

Description of Proposed Action/Activity: Approval for the construction of sewerage facilities consisting of a suction Lift Pump Station and Force Main for the Elizabethville Wal-Mart Subdivision.

**WQM Permit No. 3605410**, Sewerage, **Lancaster Area Sewer Authority**, 130 Centerville Road, Lancaster, PA 17603. This proposed facility is located in Manheim Township, **Lancaster County**.

Description of Proposed Action/Activity: Approval for the modification/operation of sewerage facilities consisting of the expansion/upgrade of the Pleasure Road Pump Station to 22.0 mgd peak flow by replacing the four existing pumps with four 6,000 gpm dry pit variable speed submersible pumps including the installation of dual 14 mgd channel grinders and all associated piping and modifications.

**WQM Permit No. 3605411**, Sewerage, **Sauder Brothers Partnership**, 1464 Mastersonville Road, Manheim, PA 17545. This proposed facility is located in Rapho Township, **Lancaster County**.

Description of Proposed Action/Activity: Approval for the construction/operation of sewerage facilities consisting of 500 gpd aerobic treatment (Singular Bio-Kinetic Model 960) with free access sand filtration and tablet chlorination.

**WQM Permit No. 3405401**, Sewerage, **East Salem STP**, R. R. 1, Box 410, Thompsettown, PA 17094. This proposed facility is located in Delaware Township, **Juniata County**.

Description of Proposed Action/Activity: Approval for the construction of sewerage facilities consisting of a gravity sewer collection system, submersible pump station, and a sewage treatment plant with an outfall to Delaware Creek.

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

**WQM Permit No. 1405405**, **Mountaintop Area Municipal Authority**, Sewerage (SIC 4952), P. O. Box 275, Snowshoe, PA 16874. The proposed facilities will be located in Snowshoe Township, **Centre County**.

Description of Proposed Action/Activity: Permit issued authorizing the construction and operation of the following technologies, as part of the Innovative Lagoon Modifications Project; a plate settler (and recycle pump), floating attached growth bioreactors and a floating fine bubble aeration system.

**WQM Permit No. 4105403**, Sewerage, **Nippenose Township**, P. O. Box 201, 220 Second Street, Antes Fort, PA 17720. This facility will be located in Nippenose Township, **Lycoming County**.

Description of the Activity: The permit issued is for a new wastewater treatment facility and new collection system for an area that currently has no public sewage facilities.

The treatment facility is to include screening, flow equalization, aeration tanks, clarifiers, ultraviolet disinfection, and sludge holding. The facility would have a design flow rating of 0.070 mgd and an organic loading capacity of 81.94 lbs of BOD<sub>5</sub>.

The collection system includes three pump stations along with 27,230 LF of 8-inch gravity sewers, 1,469 LF of 4-inch and 5,281 LF of 3-inch forcemain.

**WQM Permit No. 1705407**, Sewerage 4952, **ORD Sewer Authority**, P. O. Box 216, 218 Curtain Street, Osceola Mills, PA 16666. This proposed facility is located in Decatur Township, **Clearfield County**.

Description of Proposed Action/Activity: The applicant proposes to construct and operate a sewage plant and sewers serving Osceola Mills Borough, Decatur Township and Rush Township.

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

**WQM Permit No. WQG018432**, Sewerage, **Tena Cochran**, P. O. Box 16, Bear Lake, PA 16402. This proposed facility is located in Bear Lake Borough, **Warren County**.

Description of Proposed Action/Activity: A single residence sewage treatment plant.

**WQM Permit No. WQG018430**, Sewerage, **Allan N. Stewart**, P. O. Box 192, Wattsburg, PA 16442. This proposed facility is located in Triumph Township, **Warren County**.

Description of Proposed Action/Activity: A single residence sewage treatment plant.

**WQM Permit No. WQG018434**, Sewerage, **Jennifer L. and Troy E. Gibson**, R. D. 1 Box 85 Samuelson Road, Youngsville, PA 16371. This proposed facility is located in Sugar Grove Township, **Warren County**.

Description of Proposed Action/Activity: A single residence sewage treatment plant.

**WQM Permit No. WQG018437**, Sewerage, **Richard E. Hale**, 2709 Sun Drive, Akron, OH 44312. This proposed facility is located in Kingsley Township, **Forest County**.

Description of Proposed Action/Activity: A single residence sewage treatment plant.

**WQM Permit No. WQG018428**, Sewerage, **James E. Weikal**, 1787 Rutledge Road, Transfer, PA 16154. This proposed facility is located in Delaware Township, **Mercer County**.

Description of Proposed Action/Activity: A single residence sewage treatment plant.

**WQM Permit No. 1005404**, Sewerage, **Linda Starr**, 400 Isle Road, Butler, PA 16001. This proposed facility is located in Middlesex Township, **Butler County**.

Description of Proposed Action/Activity: This project is for the construction and operation of a sewage treatment system to serve the Starr Subdivision.

**IV. NPDES Stormwater Discharges from MS4 Permit Actions**

**V. NPDES Waiver Stormwater Discharges from MS4 Actions**

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

*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>
PAI023905016	Diakon Lutheran Social Ministries 960 Century Drive Mechanicsburg, PA 17055-0708	Lehigh	South Whitehall Township	Little Cedar Creek HQ-CWF
PAI023905013	Lexus of Lehigh Valley 133 State Avenue Emmaus, PA 18049	Lehigh	South Whitehall Township	Little Lehigh Creek HQ-CWF
PAI023905017	Indian Mill Creek, LP 1390 Ridgeview Drive Allentown, PA 18104	Lehigh	Lower Macungie Township	Little Lehigh Creek HQ-CWF Leibert Creek HQ-CWF
PAI024005005	Energy Unlimited, Inc. 100 Four Falls Corporate Center West Conshohocken, PA 19428-2960	Luzerne	Bear Creek Township	Crystal Lake CWF Big Wapwallopen Creek CWF Pine Creek CWF Tenmile Run HQ-CWF Geneceda Creek HQ-CWF

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

*Fayette County Conservation District, 10 Nickman Plaza, Lemont Furnace, PA 15456. (724) 438-4497.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI052605002	George Family, LP P. O. Box 5 Farmington, PA 15437	Fayette	Wharton Township	Deadmans Run (HQ-CWF)

*Indiana County Conservation District, USDA Service Center, 1432 Route 286 Highway East, Indiana, PA 15701-1467, (724) 463-8547.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI053205001	Arthur F. Grguric Blackleggs Creek Watershed Association P. O. Box 59 Clarksburg, PA 15725	Indiana	Conemaugh Township	Big Run Creek (CWF)

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI062405001	MiCale Construction Services, Inc.	Elk	Fox Township	UNT Byrnes Run EV
PAI063305002	Jefferson County	Jefferson	Pinecreek Township	UNT North Fork HQ-CWV UNT Mill Creek CWF

*Cambria District: Environmental Program Manager, 286 Industrial Park Road, Ebensburg, PA 15931-4119.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI090305001	Department of Environmental Protection Cambria Office 286 Industrial Park Road Ebensburg, PA 15931-4119	Armstrong	Boggs Township	UNT to North Fork Pine Creek to Pine Creek HQ-CWF

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

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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).

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### **List of NPDES and/or Other General Permit Types**

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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: 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>
Dickson City Borough Lackawanna County	PAG2003505026	Dominick DeNaples 400 Mill St. Dunmore, PA 18512	Lackawanna River CWF	Lackawanna Co. Cons. Dist. (570) 281-9495
Centre County College Township	PAG2001405019	Daniel Hess AAA Southern Pa. 2840 Eastern Blvd. York, PA 17402	UNT Spring Creek CWF	Centre County Conservation District 414 Holmes Ave., Suite 4 Bellefonte, PA 16823 (814) 355-6817
Montour County Mahoning Township	PAG2004705006	John Rinehart 510 Church St. Danville, PA 17821	Sechler Run CWF	Montour County Conservation District 112 Woodbine Lane Suite 2 Danville, PA 17821 (570) 271-1140
Montour County Mahoning Township	PAG2004705007	Michael Currid P. O. Box 279 Riverside, PA 17868	Sechler Run CWF	Montour County Conservation District 112 Woodbine Lane Suite 2 Danville, PA 17821 (570) 271-1140
Indiana County Center Township	PAG2003205016	Peggy Citeroni Central Indiana County Joint Sanitary Authority 603 South Main Street Homer City, PA 15748	UNT to Tearing Run (CWF)	Indiana County CD (724) 463-8547
Cranberry Township Butler County	PAG2001005026	Groff Tractor and Equipment, Inc. 6779 Carlisle Pike Mechanicsburg, PA 17050	Brush Creek WWF	Butler Conservation District (724) 284-5270

*General Permit Type—PAG-3*

<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>
City of Philadelphia Philadelphia County	PAR600089	Drive Line Auto Parts Inc. 6221D West Passyunk Ave. Philadelphia, PA 19153	Schuylkill River 3F Watershed	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5970
City of Philadelphia Philadelphia County	PAR140021	Perfecseal Inc. 9800 Bustleton Ave. Philadelphia, PA 19115	UNT to Pennypack Creek 3J Watershed	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5970
West Chester Borough Chester County	PAR230031	Sartomer Co. Inc. 610 S. Bolmar St. West Chester, PA 19382	UNT to Goose Creek 3G Watershed	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5970
Lower Chichester Township Delaware County	PAR230024	Esschem Inc. 4000 Columbia Ave. Linwood, PA 19061	Naaman Creek 3G Watershed	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5970
Uwchlan Township Chester County	PAR800136	Watkins Motor Lines Inc. 2245 Ticonderoga Blvd. Chester Springs, PA 19425	UNT to Marsh Creek 3H Watershed	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5970
Bristol Township Bucks County	PAR800137	Watkins Motor Lines Inc. 2509 Bristol Pike Croydon, PA 19021	UNT to Delaware River 2E Watershed	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5970

<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>
City of Philadelphia Philadelphia County	PAR600090	JKL's Auto Sales & Parts Inc. 6796 Essington Ave Philadelphia, PA 19153	Schuylkill River 3F Watershed	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5970
Lancaster County East Cocalico Township	PAR233539	Sylvin Technologies, Inc. 84 Denver Road P. O. Box 308 Denver, PA 17517	Stony Run WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Huston Township Clearfield County	PAR304802	Clean Earth Dredging Technologies, Inc. 334 South Warminster Road Hatboro, PA 19040-3430	Bark Camp Run (CWF)	Northcentral Regional Office Water Management Program 208 West Third Street, Suite 101 Williamsport, PA 17701 (570) 327-3664
Troy Township Bradford County	PAR224819	Cummings Lumber Co., Inc. P. O. Box 6 Route 14 North Troy, PA 16947	North Branch Sugar Creek WWF	Northcentral Regional Office Water Management Program 208 West Third Street, Suite 101 Williamsport, PA 17701 (570) 327-3664
Selinsgrove Borough Snyder County	PAR204830	Philips Products 499 West Sassafras Street Selinsgrove, PA 17870-0118	Penns Creek WWF	Northcentral Regional Office Water Management Program 208 West Third Street, Suite 101 Williamsport, PA 17701 (570) 327-3664
<i>General Permit Type—PAG-4</i>				
<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>
Haycock Township Bucks County	PAG040040	Edward and Lois Keller 1059 Old Bethlehem Road Quakertown, PA 18951	UNT of Dimple Creek Watershed 2D-Three Mile	Southeast Regional Office 2 East Main Street Norristown, PA 19401
Pine Township Mercer County	PAG048727	John D. Miller 76 Blom Road Grove City, PA 16127	UNT to Wolf Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
West Salem Township Mercer County	PAG048683	James R. Ondo 211 W. Jamestown Road Greenville, PA 16125	UNT to Big Run	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Bear Lake Borough Warren County	PAG049221	Tena Cochran P. O. Box 16 Bear Lake, PA 16402	UNT to Pine Valley Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Triumph Township Warren County	PAG049219	Allan N. Stewart P. O. Box 192 Wattsburg, PA 16442	UNT to Tidioute Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

<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>
Sugar Grove Township Warren County	PAG049223	Jennifer L. and Troy E. Gibson R. D. 1, Box 85 Samuelson Road Youngsville, PA 16371	UNT to Irvine Run	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Kingsley Township Forest County	PAG049226	Richard E. Hale 2709 Sun Drive Akron, OH 44312	Jakes Run	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Delaware Township Mercer County	PAG049217	James E. Weikal 1787 Rutledge Road Transfer, PA 16154	UNT to Shenango River	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

## PUBLIC WATER SUPPLY (PWS) PERMITS

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

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

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

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

### SAFE DRINKING WATER

#### Actions taken under the Pennsylvania Safe Drinking Water Act

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

**Operations Permit** issued to **Milford Township Water Authority**, P. O. Box 516 Spinnerstown, PA 18968, (PWS ID 1090125) Milford Township, **Bucks County** on December 14, 2005, for the operation of facilities approved under Construction Permit No. 0903507.

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

**Permit No. 4005504**, Public Water Supply.

Applicant	<b>EZY Water Development Co., Inc.</b> 410 West Mine Street Hazleton, PA 18201
Borough or Township	Black Creek Township
County	<b>Luzerne</b>
Type of Facility	Bottled Water System
Consulting Engineer	Dominic J. Yannuzzi, P. E.
Permit to Construct Issued	December 8, 2005

**Operations Permit** issued to **Country Club Estates Condominium Association, Inc.**, 2930 Fairview Street, Allentown, PA 18103 (PWS ID 3130035) Mahoning Township, **Carbon County** on November 28, 2005, for the operation of facilities approved under Construction Permit No. N/A.

**Operations Permit (Transfer)** issued to **Aqua Pennsylvania, Inc.**, 762 West Lancaster Avenue, Bryn Mawr, PA 19010 (PWS ID 2400089) Jackson Township, **Luzerne County** on December 6, 2005, for the operation of facilities approved under Construction Permit No. 4071502-T1 and 4084503.

**Permit No. 3396420**, **Minor Amendment**. Public Water Supply.

Applicant	<b>Nestle Waters North America, Inc.</b> 405 Nestle Way Breinigsville, PA 18031
Borough or Township	Upper Macungie Township
County	<b>Lehigh</b>
Type of Facility	Bottled Water System
Consulting Engineer	Edward E. Davis, Sr., P. E.
Permit to Operate Issued	November 30, 2005

**Permit No. 3546398, Minor Amendment.** Public Water Supply.

Applicant **Paul A. DiRenzo, Jr.**  
214 Norwegian Woods Drive  
Pottsville, PA 17901

Borough or Township Branch Township  
County **Schuylkill**

Type of Facility Vended Water System

Consulting Engineer N/A

Permit to Construct Issued December 1, 2005

**Permit No. 2400105, Minor Amendment.** Public Water Supply.

Applicant **Aqua Pennsylvania, Inc.**  
204 East Sunbury Street  
Shamokin, PA 17872

Borough or Township Kingston Township  
County **Luzerne**

Type of Facility PWS

Consulting Engineer Peter J. Lusardi, P. E.  
CET Engineering Services

Permit to Construct Issued December 6, 2005

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

**Permit No. 1701504—Conventional Operation** Public Water Supply.

Applicant **Westover Municipal Authority**

Township or Borough Westover Borough  
County **Clearfield**

Responsible Official Gene Hagens, Secretary  
Westover Municipal Authority  
121 North Main Street  
P. O. Box 185  
Westover, PA 16692-0185

Type of Facility Public Water Supply—Conventional Operation

Consulting Engineer Leo Drass  
Gwin, Dobson & Foreman, Inc.  
3121 Fairway Drive  
Altoona, PA 16602

Permit Issued Date 12/15/2005

Description of Action Conventional Operation of a Pall Aria AP-3 membrane microfiltration plant; disinfection, phosphate, and caustic soda chemical feeds; three system meter pits; and customer meter replacement.

#### SEWAGE FACILITIES ACT PLAN APPROVAL

**Plan Approvals Granted under the Pennsylvania Sewage Facilities Act (35 P. S. §§ 750.1—750.20a)**

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

*Plan Location:*

Borough or Township	Borough or Township Address	County
Smithfield Township	R. R. 5, Box 5229 East Stroudsburg, PA 18301	Monroe

*Plan Description:* The approved Plan, which includes the entire Township, provides for: conveying up to 220,000 gallons per day of wastewater that is currently treated at the Smithfield Township Wastewater Treatment Facility (WWTF) to the East Stroudsburg Borough WWTF; installation of a new sanitary sewer line from the Route 447/209 pump station, along East Brown Street, to Manhole No. 274, which is owned and operated by East Stroudsburg Borough; implementation of an inspection and repair program to identify and correct malfunctioning onsite sewage disposal systems; and, other items as specified in Section 1.3/Plan Summary. The Department of Environmental Protection's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 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.*

**Island Realty Corp. Prop.**, City of Philadelphia, **Philadelphia County**. Jeffrey S. Moore, Env. Liability Mgmt., Inc., Buckingham Green II, 4920 York Rd., Suite 290, P. O. box 306 Holicong, PA 18928 on behalf of Kevin Lumpe, Island Realty Corp. c/o Steel Equities, Inc., 700 Hicksville Rd., Bethpage, NY 11714 has submitted a Final Report concerning remediation of site soil and groundwater contaminated with leaded gasoline. The report is intended to document remediation of the site to meet the Statewide Health and Site-Specific Standards.

**Hi-Line Storage Systems Facility**, East Rockhill Township, **Bucks County**. David Farrington, Walter B. Satterthwaite Assoc., Inc., 720 Old Fern Hill Rd., West Chester, PA 19380 on behalf of Frederick Seiz, Seiz Corp./Hi-Line Storage Systems, Hi-Line Drive and N. Ridge Rd., Perkasio, PA 18944 has submitted a Remedial Investigation Report concerning remediation of site soil and groundwater contaminated with chlorinated solvents and lead. The report is intended to document remediation of the site to meet the Statewide Health and Site-Specific Standards.

**Devon Self Storage**, City of Philadelphia, **Philadelphia County**. Charlene Drake, REACT Env. Svc., Inc., 6901 Kingsessing Ave., Philadelphia, PA 19122 has submitted a Final Report concerning remediation of site soil contaminated with Nos. 2 and 4 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Palisades High School**, Nockamixon Township, **Bucks County**. Curt Erichson, Pennoni Assoc., Inc., 515 Grove St., Haddon Heights, NJ 08035 on behalf of David Keppel, Palisades School Dist., 39 Thomas Free Dr., Kintersville, PA 18930 has submitted a Final Report concerning remediation of site soil and groundwater contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Becker Prop.**, City of Philadelphia, **Philadelphia County**. Matthew E. Grubb, Env. Maintenance Co., Inc., 1420 E. Mermaid Ln., Glenside, PA 19038 on behalf of Peter Becker, 1239 Pleasure Ave., Ocean City, NJ 08224 has submitted a Final Report concerning remediation of site soil contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

*Southcentral Region: Environmental Cleanup Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**Schuylkill River Greenway Association Hazel Street Property**, City of Reading, **Berks County**. Patriot Environmental Management, LLC, P. O. Box 629, Douglassville, PA 19518, on behalf of Schuylkill River Greenway Association, 140 College Drive, Pottstown, PA 19464, submitted a Final Report concerning remediation of site soils and groundwater contaminated with VOCs. The report is intended to document remediation of the site to the nonresidential Statewide Health standard.

**Former Exxon Station 2-1695**, East Cocalico Township, **Lancaster County**. Groundwater & Environmental

Services, Inc., 410 Eagleview Boulevard, Suite 110, Exton, PA 19341, on behalf of Lloyd Hertzog, 2 Main Street, Denver, PA 17517, submitted Final Report concerning remediation of soils and groundwater contaminated with BTEX from unregulated underground storage tanks. The site will be utilized as a commercial property. The report is intended to document remediation of the site to the residential Statewide Health standard.

**Glidden Site**, City of Reading, **Berks County**. Walter B. Satterthwaite Associates, Inc., 720 Old Fern Hill Road, West Chester, PA 19380, on behalf of Group 2 Properties, Cross Roads Corporate Centre, 4641 Pottsville Pike, Suite E, Reading, PA 19605 and Dwight Allison, GRI Reading, 24 Goos Road, North Hampton, NH 03862, submitted a Final Report concerning remediation of site soils and groundwater contaminated with volatile organic compounds, semivolatiles organic compounds and metals. The report is intended to document remediation of the site to the Statewide Health standard.

**Molycorp York**, Spring Garden Township, **York County**. Malcolm Pirnie, Inc., 1603 Carmody Court, Suite 403, Sewickley, PA 15143, on behalf of Molycorp, Inc. 350 North Sherman Street, York, PA 17403, submitted a revised combined Remedial Investigation and Final Report concerning remediation of site soils and groundwater contaminated with VOCs, SVOCs and metals. The report is intended to document remediation of the site to a combination of the Site-Specific and nonresidential Statewide Health Standards.

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

**Carbon Resources, Inc./Gateway Forest Products Site**, Morgan Township, **Greene County**. Scott Whipkey, R.A.R. Engineering Group, Inc., 1135 Butler Avenue, New Castle, PA 16101 (on behalf of Steven Stout, Carbon Resources, Inc., P. O. Box 1512, McMurray, PA 15317) has submitted a Final Report concerning remediation of site soils contaminated with PAHs, creosote and petroleum. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Westinghouse Air Brake Technology Company**, Borough of Wilmerding **Allegheny County**. Bruce Shaw, American Geosciences Inc., 3925 Reed Blvd., Suite 400, Monroeville, PA 15668-1848 on behalf of Westinghouse Air Brake Technology Company, 1001 Air Brake Avenue, Wilmerding, PA 15148 has submitted a Risk Assessment Report concerning the remediation of site soil and groundwater contaminated with heavy metals, solvents, BTEX and PHCs. The report is intended to document remediation of the site to meet the Site Specific Standard.

**The Buncher Company 43rd through 46th Street Property**, City of Pittsburgh, **Allegheny County**. Frank W. Benacquista, P. G., KU Resources, Inc., 22 South Linden Street, Duquesne, PA 15110 (on behalf of Joseph M. Jackovic, The Buncher Company, 5600 Forward Avenue, Pittsburgh, PA 15217-0930) has submitted a Remedial Investigation Report concerning remediation of site soil and groundwater contaminated with lead, chromium and organics. The report is intended to document remediation of the site to meet the Site-Specific Standard.

**Frankstown Sterrett Plan of Lots—Lot No. 2**, City of Pittsburgh, **Allegheny County**. Susan R. Frund, P. G., Michael Baker Jr., Inc., 100 Airside Drive, Moon Township, PA 15108 on behalf of John Coyne, Urban Redevelopment Authority of Pittsburgh, 200 Ross Street, Pittsburgh, PA 15219 has submitted Final Report concerning

remediation of site soils contaminated with lead and iron above the nonresidential Statewide Health Standards. Remediation will include excavation and off-site disposal of contaminated soil. A nonuse aquifer determination was approved for the site. Future planned use of the property is commercial/retail development. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Johnstown Festival Park (Former Central Oil House)**, City of Johnstown, **Cambria County**. Von Eric Fisher, KU Resources, Inc., 22 South Linden Street, Duquesne, PA 15110 on behalf of Richard Burkert, Johnstown Area Heritage Association, 201 Sixth Avenue, Johnstown, PA 15906 and Deborah Walter, Johnstown Redevelopment Authority, 401 Washington Street, Johnstown, PA 15901 has submitted a Remedial Investigation Report concerning remediation of site soils and groundwater contaminated with metals and VOCs. The report is 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.*

**Halstead Metal Products**, Zelienople, **Butler County**. Michael A. Wilson, Shaw Environmental, 1950 S Florence, Wichita KS 67209-2833 on behalf of Mueller Industries, Inc., has submitted a Site Specific Cleanup Plan concerning remediation of site groundwater contaminated with solvents. The report is intended to document remediation of the site to meet the 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 re-

quired, 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.*

**Capozzi Prop.**, City of Philadelphia, **Philadelphia County**. Jeffrey K. Walsh, P. G., Penn Env. & Remediation, Inc., 2755 Bergey Rd., Hatfield, PA 19440 on behalf of Robert Rosenthal, Westrum Park Place, LP, 370 Commerce Dr., Ft. Washington, PA 19034 has submitted a Remedial Investigation Report, Risk Assessment Report and Cleanup Plan concerning the remediation of site soil and groundwater contaminated with petroleum compounds, metals, polynuclear aromatic hydrocarbons and other organic compounds. The responsible party withdrew the Remedial Investigation Report, Risk Assessment Report and Cleanup Plan on December 5, 2005.

**David Prop.**, City of Philadelphia, **Philadelphia County**. Jeffrey K. Walsh, P. G., Penn Env. & Remediation, Inc., 2755 Bergey Rd., Hatfield, PA 19440 on behalf of Robert Rosenthal, Westrum Park Place, LP, 370 Commerce Dr., Ft. Washington, PA 19034 has submitted a Remedial Investigation Report, Risk Assessment Report and Cleanup Plan concerning the remediation of site soil and groundwater contaminated with petroleum compounds, metals, polynuclear aromatic hydrocarbons and other organic compounds. The responsible party withdrew the Remedial Investigation Report, Risk Assessment Report and Cleanup Plan on December 5, 2005.

**Conrail Merion Ave. Storage Fac.**, City of Philadelphia, **Philadelphia County**. Chris McCardell, Shaw Env. & Infrastructure, Inc., 1161 McDermott Dr., Suite 101, West Chester, PA 19380 on behalf of Jon Gelesky, 717 S. Columbus Blvd., No. 1118, Philadelphia, PA 19147 has submitted a Final Report concerning the remediation of site soil contaminated with No. 2 fuel oil. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on October 31, 2005.

**Namico Plt.**, City of Philadelphia, **Philadelphia County**. Paul Martino, P. G., Pennoni Assoc., Inc., One Drexel Plz, 3001 Market St., Philadelphia, PA 19104 has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with inorganics, PAH and other organics. The Final report demonstrated

attainment of the Site-Specific Standard and was approved by the Department on December 2, 2005.

**Thyssen Krupp Budd Co. Die Storage Yard Site**, City of Philadelphia, **Philadelphia County**. Lawrence W. Bily, CHMM, RT Env. Svc., Inc., 215 W. Church Rd., King of Prussia, PA 19406 on behalf of Joe DePascale, Hunting Fox Assoc., LP, c/o PREI, 1001 E. Hector St., Suite 100, Conshohocken, PA 19428 has submitted a Remedial Investigation Report and Cleanup Plan concerning the remediation of site groundwater and soil contaminated with VOC, PCB, PAH and inorganics. The Remedial Investigation Report and Cleanup Plan were disapproved by the Department on December 5, 2005.

**Exxon USA 20454**, Lower Merion Township, **Montgomery County**. Stephanie L. Rose, GES, 410 Eagleview Blvd., Ste 110, Exton, PA 19341 on behalf of C. Wm. Kieser, 420 Conshohocken State Rd., Bala Cynwyd, PA has submitted a Remedial Investigation Report, Risk Assessment Report, Cleanup Plan Report and Final Report concerning the remediation of site soil and groundwater contaminated with unleaded gasoline. The Final report demonstrated attainment of the Site-Specific Standard and was approved by the Department on October 26, 2005.

**Brittany Sq. Shopping Ctr.**, New Britain Township, **Bucks County**. Christopher Orzechowski, RT Env. Svc., Inc., 215 W. Church Rd., King of Prussia, PA 19406 on behalf of has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with chlorinated solvents. The Final report demonstrated attainment of the Site-Specific Standard and was approved by the Department on November 3, 2005.

**Georgia Pacific/Phila Container Fac.**, Lower Merion Township, **Montgomery County**. Jeffrey Goudward, Penn E & R, 2755 Bergey Rd., Hatfield, PA 19440 on behalf of Richard Heany, Rightsers Ferry Assoc., LP, 700 S. Henderson Rd., Suite 225, King of Prussia, PA 19406 has submitted a Remedial Investigation Report, Risk Assessment Report and Cleanup Plan concerning the remediation of site soil and groundwater contaminated with unleaded gasoline, other organics and inorganics. The Remedial Investigation Report, Risk Assessment Report and Cleanup Plan were disapproved by the Department on August 17, 2005.

**Subick Res.**, Bristol Township, **Bucks County**. Joshua Orris, Delta Env. Consultants, 14000 Commerce Pkwy, Suite A, Mt. Laurel, NJ 08054 on behalf of Alma Subick, 2520 Green Ave., Bristol, PA 19007 has submitted a Final Report concerning the remediation of site soil contaminated with No. 2 fuel oil. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on October 19, 2005.

**Kenneth Sq. Junkyard**, Kenneth Sq. Borough and Kenneth Township, **Chester County**. Matthew Gordon, Walter B. Satterthwaite Assoc., Inc., 720 Old Fern Hill Rd., West Chester, PA 19380 has submitted a Baseline Environmental Report concerning the remediation of site groundwater contaminated with drums, tires, scrap metal and phenolic circuits board. The Baseline Environmental Report was approved by the Department on October 17, 2005.

**Darby Creek Jt. Auth. Sewage Treatment Plt.**, Darby Township, **Delaware County**. Edward R. Kashdan, P. G., Gannett Fleming, Inc., P. O. Box 80794, Valley Forge, PA 19484 on behalf of Charles Barton, Darby Creek Jt. Auth., 100 E. Fifth St., P. O. Box 999,

Chester, PA 19016 has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with PCB, lead, heavy metals, PHC, PAH and pesticides. The Final Report did not demonstrate attainment of the Statewide Health and Site-Specific Standards and was disapproved by the Department on October 19, 2005.

**Atlantic Station DUNS No. 0363-2759**, Doylestown Township, **Bucks County**. Marco Droese, P. G., Mulry & Cresswell Env., Inc., 1691 Horseshoe Pike, Manor Professional Bldg., Suite 3, Glenmoore, PA 19343 on behalf of Christopher Robbins, Capital Enterprises, Inc., 555 City Line Ave., Bala Cynwyd, PA 19004 has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with chlorinated solvents, MTBE and unleaded gasoline. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on December 12, 2005.

**Oxford Valley Mall JC Penny**, Middletown Township, **Bucks County**. Robert S. Terefenko, P. G., Center Point Tank Svc., Inc. 536 E. Benjamin Franklin Hwy., Douglassville, PA 19518 on behalf of Clinton Cochran, Lincoln Plaza Assoc., c/o Kravco Simon Co., 234 Mall Blvd., King of Prussia, PA 19406 has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with No. 2 fuel oil. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on December 15, 2005.

*Southcentral Region: Environmental Cleanup Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**Sheetz Store 256**, Shoemakersville Borough, **Berks County**. Groundwater & Environmental Services, Inc., 410 Eagleview Boulevard, Suite 110, Exton, PA 19341, on behalf of Sheetz, Inc., 5700 Sixth Avenue, Altoona, PA 16602, submitted a Final Report concerning remediation of site soils contaminated with diesel fuel from a vehicle accident. The report was submitted within 90 days of the release. The site was determined to qualify for the Department's low-risk sites program, and the findings of the Final Report were based upon the judgment of Jennifer O'Reilly, P. G., who is the Pennsylvania licensed professional under whose seal the Report was submitted. A technical review was not performed by Department staff on this report. The site was afforded liability protection as outlined in Chapter 5 of Act 2 in a letter dated December 8, 2005.

**Former Exxon Station 2-1695**, East Cocalico Township, **Lancaster County**. Groundwater & Environmental Services, Inc., 410 Eagleview Boulevard, Suite 110, Exton, PA 19341, on behalf of Lloyd Hertzog, 2 Main Street, Denver, PA 17517 and Exxon Mobil Corporation, 7715 Crittenden Street, No. 309, Philadelphia, PA 19118-4421, submitted Final Report concerning remediation of soils and groundwater contaminated with BTEX from unregulated underground storage tanks. The final report demonstrated attainment of the residential Statewide Health Standard, and was approved by the Department on December 12, 2005.

**Columbia Gas of PA, a NiSource Company**, City of York, **York County**. The RETEC Group, 300 Baker Avenue, Suite 302, Concord, MA 01742, on behalf of Columbia Gas of PA, 200 Civic Center Drive, Columbus, OH 43215, submitted a Final Report concerning remediation of site soils and groundwater contaminated with BTEX, PAHs, PCBs, oil and grease. The Final Report

demonstrated attainment of the Site-Specific Standard, and was approved by the Department on December 14, 2005.

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

**Fair Oaks Site, Leet Township Allegheny County.** Mary A. King, P. G., Civil & Environmental Consultants, Inc., 333 Baldwin Road, Pittsburgh, PA 15205 on behalf of Robertson-Ceco Corporation, Suite 425, 5000 Executive Parkway, San Ramon, CA 94583 has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with lead, heavy metals, solvents and PAHs. The Final Report demonstrated attainment of the Background and Statewide Health Standard and was approved by the Department on October 19, 2005.

**J. Allan Site, City of Pittsburgh Allegheny County.** Scott Rasmussen, Civil & Environmental Consultants, Inc., 333 Baldwin Road, Pittsburgh, PA 15205 on behalf of Joe Popchak, Urban Redevelopment Authority, 200 Ross Street, Pittsburgh, PA 15219 has submitted a Baseline Environmental Report concerning the remediation of site soils and groundwater contaminated with VOCs, semivolatiles organic compounds and metals. The Baseline Environmental Report was approved by the Department on October 24, 2005. To obtain cleanup liability protection, the person undertaking the reuse of a Special Industrial Area shall enter into an agreement with the Department, based on the approved Baseline Environmental Report which outlines cleanup liability of the property.

**Westinghouse Facility (Former) Power Circuit Breaker Lot 1C, Borough of Trafford, Allegheny County.** Chad C. Coy, Cummings/Riter Consultants, Inc., 10 Duff Road, Suite 500, Pittsburgh, PA 15235 (on behalf of Viacom, Inc., 11 Stanwix Street, Pittsburgh, PA 15222) has submitted a Final Report concerning remediation of site soil contaminated with PCBs, lead, heavy metals, pesticides, solvents, BTEX, PAHs and cyanide. The Final Report demonstrated attainment of the Site-Specific Standard and was approved by the Department on October 31, 2005.

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

**Petrowax Sales P 63, City of Smethport, McKean County.** Jennifer Sedora, PPL Services 2 North 9th Street, GENTW17, Allentown PA 18101 on behalf of PPL Gas Utilities Corp., 2 North 9th Street GENTW17, Allentown PA 18101-1179 has submitted a Final Report concerning the remediation of site soil contaminated with Mercury. The Final Report was approved by the Department on December 12, 2005.

#### HAZARDOUS WASTE TRANSPORTER LICENSE

**Actions on applications for Hazardous Waste Transporter License received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations to transport hazardous waste.**

*Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.*

*Hazardous Waste Transporter License Issued*

**Transport TFI 4, S.E.C.,** 6600 Chemin ST-Francois, ST-Laurent, PQ H4S 1B7, Canada. License No. PA-AH 0720. Effective November 9, 2005.

*Hazardous Waste Transporter License Renewed*

**Superior Caccavale,** 2122 York Road, Suite 150, Oak Brook, IL 60523. License No. PA-AH 0686. Effective November 8, 2005.

**Chemical Analytix, Inc.,** 29959 Beverly Road, Romulus, MI 48174. License No. PA-AH 0584. Effective November 8, 2005.

**Von Roll America, Inc.,** 1250 ST George Street, East Liverpool, OH 43920. License No. PA-AH 0644. Effective November 8, 2005.

**Price Trucking Corp.,** P. O. Box 70, 67 Beacon Street, Buffalo, NY 14220. License No. PA-AH 0371. Effective November 9, 2005.

**Environmental Industrial Services Corp.,** 288 Oak Grove Road, Swedesboro, NJ 08085. License No. PA-AH 0457. Effective November 18, 2005.

**Feecorp Corporation,** 7995 Allen Road, Canal Winchester, OH 43110. License No. PA-AH 0515. Effective December 1, 2005.

**Onyx Industrial Services, Inc.,** 6151 Executive Blvd., Huber Heights, OH 45424. License No. PA-AH 0583. Effective December 2, 2005.

**AERC.COM, Inc.,** 2591 Mitchell Avenue, Allentown, PA 18103-6609. License No. PA-AH 0687. Effective December 5, 2005.

**JMT Environmental Technologies, Inc.,** P. O. Box 22044, Lehigh Valley, PA 18002. License No. PA-AH 0648. Effective December 5, 2005.

**S-J Transportation Co., Inc.,** P. O. Box 169, Woodstown, NJ 08098. License No. PA-AH 0015. Effective December 5, 2005.

#### INFECTIOUS AND CHEMOTHERAPEUTIC WASTE TRANSPORTER LICENSE

**Actions taken under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the act of July 13, 1988 (P. L. 525, No. 93) (35 P. S. §§ 6019.1—6019.6) and regulations to transport infectious and chemotherapeutic waste.**

*Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.*

*Infectious and Chemotherapeutic Waste Transporter License Voluntarily Terminated*

**Verity Medical, Inc.,** P. O. Box 7722, Warren, OH 44483. License No. PA-HC 0212. Effective November 1, 2005.

#### DETERMINATION OF APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS

**Determination of Applicability for General Permit Approved Under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and residual waste regulations for a General Permit to operate residual waste processing facilities and/or the beneficial use of residual waste other than coal ash.**

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



**General Permit Application No. WMGR003D002. Post Precision Castings, Inc.** P. O. Box A, Strausstown, PA 19559-0100.

General Permit No. WMGR003D002 is for beneficial use of spent fired colloidal silica waste from a ferrous iron foundry using lost wax casting process as a fine aggregate or roadbed and pipe bedding materials, generated at the Post Precision Castings, Inc., Investment Casting Plant, located in Strausstown Township, **Berks County**. Central Office approved the determination of applicability on December 15, 2005.

Persons interested in reviewing the general permit may contact Ronald C. Hassinger, Chief, General Permits and Beneficial Use Section, Division of Municipal and Residual Waste, Bureau of Land Recycling and Waste Management, P. O. Box 8472, Harrisburg, PA 17105-8472, (717) 787-7381. TDD users may contact the Department through the Pennsylvania Relay Service, (800) 654-5984.

**OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE**

**Closure Plan approved and a Consent Order & Agreement executed under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations to operate solid waste processing or disposal area or site.**

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

**Permit ID No. 301071. MAX Environmental Technologies,** 233 Max Lane, Yukon, PA 15698. Reclosure of Residual Waste Impoundments 1-3 by using residual waste as construction fill and capping these Impoundments at MAX's facility in South Huntingdon Township, **Westmoreland County**. Closure Plan approved and Consent Order & Agreement executed in the Regional Office on December 5, 2005, and December 6, 2005, respectively.

**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.*

**45-310-038GP3: Gerald B. Gay** (R. R. No. 5, Box 5138A, Stroudsburg, PA 18360) on December 9, 2005, to construct and operate a portable stone crushing plant and associated air cleaning device at their site at the intersection of Routes 209 and 209 Business, Smithfield Township, **Monroe 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.**

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

**28-05040A: Industrial Power Generation Corp.—INGENCO** (5416 Buchanan TRL W, Greencastle, PA 17225-9382) on December 8, 2005, to increase use of landfill gas for up to 96% of heat input at their existing electric generating facility, in Peters Township, **Franklin 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.*

**09-0027F: Fres-Co Systems—USA, Inc.** (3005 State Road, Telford, PA 18969) on December 14, 2005, to operate a three printing stations and laminator in West Rockhill Township, **Bucks County**.

**23-0012: Epsilon Product Co., LLC** (Post Road and Blueball Avenue, P. O. Box 432, Marcus Hook, PA 19061) on December 13, 2005, to operate a plant No. 2 and thermal oxidizer in Marcus Hook Borough, **Delaware County**.

**46-0166: M and M Stone Co.** (P. O. Box 189, Telford, PA 18969-0189) on December 16, 2005, to operate a batch asphalt plant in Lower Salford 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.*

**48-328-003A: PPL Generation, LLC** (Two North Ninth Street, Allentown, PA 18101) on December 2, 2005, to modify four combustion turbines Martins Creek in Lower Mount Bethel Township, **Northampton County**. The Plan Approval has been extended.

**Title V Operating Permits Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter G.**

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110; Yasmin Neidlinger, Facilities Permitting Chief, (717) 705-4702.*

**28-05011: Waste Management Disposal Services of PA, Inc.** (9446 Letzburg Road, Greencastle, PA 17225-9317) on December 14, 2005, this Title V Operating Permit was administratively amended to incorporate compliance with the Updated Surface Monitoring Design Plan as a Federally applicable requirement for the respective landfill for their Mountain View Reclamation facility in Antrim Township, **Franklin County**. This is Revision No. 1.

**36-05079: Chester County Solid Waste Authority (CCSWA)** (P. O. Box 476, Honey Brook, PA 19344-0476) on December 12, 2005, to operate a municipal waste landfill in Caernarvon Township, **Lancaster County**. This Title V operating permit was administratively amended to incorporate plan approval 36-05079B. This is revision No. 1.

**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.**

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

**09-00067: Rogers Foam Corp.** (150 East Post Road, Morrisville, PA 19067) On December 15, 2005, to operate a Synthetic Minor Operating Permit in Falls Township, **Bucks County**.

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

**06-05091: Roeberg Enterprise, Inc. d/b/a Yorgey's Cleaners** (1700 Fairview Street, Reading, PA 19606-2621) on December 15, 2005, to operate a petroleum based dry cleaning operation controlled by closed system cleaning machines in the City of Reading, **Berks County**.

**36-03005: Intelligencer Printing Co.** (P. O. Box 1768, Lancaster, PA 17608-1768) on December 15, 2005, to operate a printing operation at their site in Manheim Township, **Lancaster County**.

**36-05126: McMinn's Asphalt Co., Inc.** (P. O. Box 4688, Lancaster, PA 17604-4688) on December 12, 2005, for a batch asphalt plant controlled by a fabric filter at Donegal Quarry, Heisey Quarry Road in West Donegal Township, **Lancaster County**.

**38-03047: Department of Military and Veteran's Affairs** (Environmental Office, Building 0-11, Fort Indiantown Gap, Annville, PA 17003-5002) on December 12, 2005, to operate a military support facility in Union and East Hanover Townships, **Lebanon County**.

**Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.**

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

**23-00048: Smurfit Stone Container Corp.** (100 McDonald Boulevard, Aston, PA 19014-3202) on December 14, 2005, to operate a synthetic minor facility in Chester Township, **Delaware County**. The cyclone was determined by the Department to be a source with fugitive particulate matter emissions. The PM limit from 25 Pa. Code § 123.13(c)(1)(i) was removed because the condition does not apply to fugitive emissions. The conditions for monitoring and recording pressure drop across the cyclone were removed from the permit since the condition does not apply to fugitive PM emissions and conditions were replaced by a work practice standard and recordkeeping for an paper jam alarm system that is on the down shoot of the cyclone.

**09-00039: BMCA Quakertown, Inc.** (60 Pacific Drive, Quakertown, PA 18951) on December 15, 2005, to operate an asphalt and felt coating manufacturing plant in Richland Township, **Bucks County**. The permit is for a Title V facility. The facility's emission points include the following six major operations: felt saturation, shingle coating, mineral surfacing, cooling and drying, product finishing, and packaging, all which emit major levels of VOCs. There are five major production support operations located at the facility: asphalt storage, granule storage, filler storage, filler heating, and filler and coating mixing, all which emit major levels of PM. The manufacturing plant is major source subjected to Standards of Perfor-

mance for New Stationary Sources (NSPS), 40 CFR 60 Subpart UU—Standards of Performance for Asphalt Processing and Asphalt Roofing Manufacture. Administrative Amendment of Title V Operating Permit issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code § 127.450. The amendment excludes source level requirements of VOC emission limits for Source IDs 101, 102, 104, 109 and 118. Also, the parts washers at the facility no longer use halogenated solvents; therefore 40 CFR § 63 Subpart T—National Emission Standards for Halogenated Solvent Cleaning—no longer applies to Source IDs 111B and 111C. Source ID 111A has been removed from the facility and permit. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the plant operating within all applicable air quality requirements.

**15-00025: Transwall Office Systems, Inc.** (1220 Wilson Drive, West Chester, PA 19380) on December 15, 2005, to operate an office furniture manufacturing plant in West Goshen Township, **Chester County**. The permit is for a non-Title V (State-only) facility. The facility has elected to cap their VOCs and HAPs to Minor Source threshold levels; the facility is a Synthetic Minor. The Synthetic Minor Operating Permit will be issued as an Administrative Amendment for a Change of Ownership of the facility formerly owned by Kimball International Marketing, Inc. The Administrative Amendment is issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code § 127.450. The amended permit did not change and contains all of the applicable regulatory requirements including monitoring recordkeeping, reporting and emission limits.

**46-00041: Jefferson Smurfit Corp.—US** (1035 Longford Road, Phoenixville, PA 19460) on December 15, 2005, to operate an administrative amendment to Title V operating permit in Upper Providence Township, Montgomery County. The facility's major emission points include offset lithographic printing presses, which emit major levels of VOCs. The Administrative Amendment incorporates requirements from Plan Approval PA-46-0041C for the new Flexographic Press No. 2 (Source ID 217). The amendment also documents credible VOC Emission Reduction Credits (ERCs) created from the permanent shutdown of Lithographic Printing Press No. 4 (Source ID 206). Administrative Amendment of Title V Operating Permit issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code § 127.450. The amended Title V operating permit contains additional monitoring, recordkeeping, reporting and work practice standards to keep the facility operating within all applicable air quality requirements.

**46-00018: Brown Printing Co.** (668 Gravel Pike, East Greenville, PA 18041-2133) on December 15, 2005, to operate a Title V minor modification in Upper Hanover Township, **Montgomery County**. The permit was revised and issued in accordance with 25 Pa. Code § 127.462 to remove a condition for the L & E and MEGTEC thermal oxidizers from Source ID Nos. 109 and 110, which are not connected with the thermal oxidizers, to correct the set point temperature and allowable fluctuations of temperature for the combustion zone of the L & E and MEGTEC thermal oxidizers, and to add language allowing Brown Printing Company to use a single thermal oxidizer if the flow of gases from Source ID Nos. 104A, 105A, 106A and 112 does not exceed the capacity of that single thermal oxidizer. Monitoring and recordkeeping requirements for the exhaust flow from Source ID

Nos. 104A, 105A, 106A and 112 were added to the permit. This change does not result in an increase of emissions from the facility.

**15-00068: Spring City Electrical Manufacturing Co.** (Hall and Main Streets, Spring City, PA 19475) on December 15, 2005, to operate a non-Title V, synthetic minor facility in Spring City Borough, **Chester County**. The basis from which an emission factor from 25 Pa. Code § 123.13(b)(1) was derived for the shakeout procedures used at this facility was in error. The permit was revised to address this error and reflect the regulations. The changes made to the permit are in accordance with 25 Pa. Code § 127.450(a).

*Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104; Edward Braun, Chief, (215) 685-7584.*

**V04-007: Smurfit-Stone Container Corp.** (5000 Flat Rock Road, Philadelphia, PA 19127) on December 12, 2005, administratively amended to change contact information. The Title V operating permit was originally issued on July 12, 2005.

## ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

**Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the request for 401 Water Quality Certification and the NPDES permit application. Mining activity permits issued in response to the applications will also address the application permitting requirements of the following statutes: the Air Quality Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).**

### Coal Permits Actions

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

**63831302 and NPDES Permit No. PA0213608, Eighty Four Mining Company** (P. O. Box J, 1525 Pleasant Grove Road, Claysville, PA 15323), to revise the permit for the Mine No. 84 in South Strabane Township, **Washington County** to add subsidence control plan area acres for development mining. SCP Acres Proposed 90.0. No additional discharges. Permit issued December 14, 2005.

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, (814) 472-1900.*

**32950201 and NPDES No. PA0213004. Cambria Reclamation Corporation**, 2929 Allen Parkway, Suite 2200, Houston, TX 77019-0000, permit renewal for the continued operation and restoration of a bituminous surface coal refuse reprocessing mine in White and Rayne Townships, **Indiana County**, affecting 256.0 acres. Receiving stream: McKee Run to Crooked Creek classified for the following uses: CWF and WWF. There are no

potable water supply intakes within 10 miles downstream. Application received June 17, 2005. Permit issued December 8, 2005.

**56950106 and NPDES No. PA0213161. PBS Coals, Inc.**, P. O. Box 260, Friedens, PA 15541, transfer/revision of an existing bituminous surface refuse reprocessing mine from Zubek, Inc., 173 House Coal Road, Berlin, PA 15530-8822 located in Stonycreek Township, **Somerset County**, affecting 122.0 acres, increasing to 138.0 acres. Receiving streams: UNTs to Schrock Run; Schrock Run classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received April 25, 2005. Permit issued December 12, 2005.

**56663098 and NPDES No. PA0607932. PBS Coals, Inc.**, P. O. Box 260, Friedens, PA 15541, permit renewal for the continued operation and restoration of a bituminous surface refuse reprocessing mine in Shade Township, **Somerset County**, affecting 412.3 acres. Receiving streams: Dark Shade Creek and Little Dark Shade Creek classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received September 27, 2005. Permit issued December 12, 2005.

**56950106 and NPDES No. PA0213161. PBS Coals, Inc.**, P. O. Box 260, Friedens, PA 15541, permit renewal for the continued operation and restoration of a bituminous surface coal refuse reprocessing mine in Stonycreek Township, **Somerset County**, affecting 122.0 acres. Receiving streams: UNTs to Schrock Run and Schrock Run classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received September 23, 2005. Permit issued December 12, 2005.

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

**65000101 and NPDES Permit No. PA0202827. Coal Loaders, Inc.** (210 E. Main St., P. O. Box 556, Ligonier, PA 15658). Permit revised to add 0.4 acre of mining with an additional 1.6 acres of support at an existing bituminous surface mining site located in Fairfield Township, **Westmoreland County**, now affecting 25.0 acres. Receiving streams: UNTs to Hypocrite Creek to Hendricks Creek to Tubmill Creek to the Conemaugh River. Application received: September 13, 2005. Revised permit issued: December 5, 2005.

**65990101 and NPDES Permit No. PA0202428. Gary Gioia Coal Company** (319 Karen Drive, Elizabeth, PA 15037). Permit renewal issued for continued operation and reclamation of a bituminous surface mining site located in South Huntingdon Township, **Westmoreland County**, affecting 14.0 acres. Receiving stream: UNT to Youghiogheny River. Application received: September 16, 2005. Renewal issued: December 5, 2005.

**26020103 and NPDES Permit No. PA0250163. Stash Mining Company** (P. O. Box 20, Waltersburg, PA 15488). Permit revised to change the post mining land use from forestland to industrial/commercial at a bituminous surface mining site located in Menallen Township, **Fayette County**, affecting 27.7 acres. Receiving stream: Redstone Creek to the Monongahela River. Application received: September 21, 2005. Revised permit issued: December 15, 2005.

**03000106 and NPDES Permit No. PA0202843. P & N Coal Company, Inc.** (P. O. Box 322, Punxsutawney, PA 15767). Permit renewal issued for continued operation and reclamation of a bituminous surface/auger mining

site located in Plumcreek Township, **Armstrong County**, affecting 80.7 acres. Receiving streams: UNT A to Cherry Run and then to Cherry Run. Application received: September 29, 2005. Renewal issued: December 15, 2005.

*Knox District Mining Office: White Memorial Building, P. O. Box 669, Best Avenue, Knox, PA 16232-0669, (824) 797-1191.*

**33900103 and NPDES Permit No. PA0241849. Falls Creek Energy Co., Inc.** (R. D. 6, Box 231, Kittanning, PA 16201). Renewal of an existing bituminous surface strip and auger operation in McCalmont Township, **Jefferson County** affecting 57.1 acres. This renewal is for reclamation only. Receiving streams: Big Run to Mahoning Creek. Application received: October 13, 2005. Permit issued: December 12, 2005.

**24900104 and NPDES Permit No. PA0208001. Energy Resources, Inc.** (P. O. Box 259, Brockway, PA 15824). Renewal of an existing bituminous surface strip, coal ash placement and beneficial use of lime mud in Horton Township, **Clarion County** affecting 431.0 acres. This renewal is for reclamation only. Receiving streams: West Branch Walburn Run, Walburn Run, Vineyard Run to Little Toby Creek. Application received: October 17, 2005. Permit issued: December 12, 2005.

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

**17950102 and NPDES No. PA0220001. Hilltop Coal Co.** (12 Dutchtown Road, Houtzdale, PA 16651), permit issued for the continued operation and restoration of a bituminous surface mine in Bigler Township, **Clearfield County**, affecting 25.0 acres. Receiving streams: Upper Morgan Run, Alexander Run and Japling Run, classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received: September 20, 2005. Permit issued: December 12, 2005.

#### *Noncoal Permits Actions*

*Knox District Mining Office: White Memorial Building, P. O. Box 669, Best Avenue, Knox, PA 16232-0669, (824) 797-1191.*

**16940308. County Environmental Services, Inc.** (344 Walley Run Drive, Leeper, PA 16233-4128) Renewal of NPDES Permit No. PA0226939, Farmington Township, **Clarion County**. Receiving streams: UNT to Little Coon Run, UNT to Licking Creek, UNT to Toby Creek. Application received: October 14, 2005. Permit Issued: December 6, 2005.

**16950306. Ancient Sun, Inc.** (P. O. Box 129, Shippenville, PA 16254) Renewal of NPDES Permit No. PA0227005, Perry and Toby Townships, **Clarion County**. Receiving streams: UNT to Black Fox Run. Application received: October 18, 2005. Permit Issued: December 6, 2005.

**20052804. Joseph G. & M. Shirley Pikula** (1022 Stafford House, Golfview Manor, Meadville, PA 16335) Commencement, operation and restoration of a small noncoal operation in Cussewago Township, **Crawford County** affecting 5.0 acres. Receiving stream: Cussewago Creek. Application received: November 2, 2005. Permit Issued: December 2, 2005.

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

**08050811. Joe Vrabel** (R. R. 1, Warren Center, PA 18851), commencement, operation and restoration of a small industrial minerals (flagstone) surface mine permit

in Warren Township, **Bradford County** affecting 5.0 acres. Receiving stream: UNT to Wappasening Creek. Application received: August 5, 2005. Permit issued: December 9, 2005.

#### **ACTIONS ON BLASTING ACTIVITY APPLICATIONS**

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

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, (814) 472-1900.*

**32054007. Kukurin Contracting**, 1169 Route 286, Export, PA 15632-9425. Construction blasting for Crooked Creek Water Treatment Plant, Washington Township, **Indiana County**. Duration of blasting 60 days. Permit issued December 12, 2005.

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

**37054006. Precision Geophysical, Inc.** (2695 SR 83 South, Millersburg, OH 44654) Blasting Activity Permit to allow blasting for oil and gas exploration in Perry and Franklin Townships, **Lawrence and Beaver Counties**. This blasting activity permit will expire on December 26, 2005. Application received: December 6, 2005. Permit Issued: December 8, 2005.

**27054003. Alliance Petroleum Corp.** (4150 Beldon Village Ave., N.W. Suite 410, Canton, OH 44718) Blasting Activity Permit to construct and maintain a haul road in Howe Township, **Forest County**. This blasting activity permit will expire on December 8, 2006. Application received: November 23, 2005. Permit Issued: December 8, 2005.

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

**67064051. J. Roy's, Inc.** (Box 222, Bowmansville, PA 17507), construction blasting at Russett Farms Subdivision in Shrewsbury Township, **York County** with an expiration date of December 15, 2006. Permit issued December 12, 2005.

**67054052. Abel Construction Co., Inc.** (P. O. Box 476, Mountville, PA 17554), construction blasting at Stonegate Commons Phase 2 Subdivision in Conewago Township, **York County** with an expiration date of November 30, 2006. Permit issued December 12, 2005.

**15054130. Schlouch, Inc.** (P. O. Box 69, Blandon, PA 19510), construction blasting for Coventry Glen Development in East Coventry Township, **Chester County** with an expiration date of December 8, 2006. Permit issued December 12, 2005.

**15054131. Allan A. Myers, Inc.** (P. O. Box 98, Worcester, PA 19490), construction blasting for Farm Hill House Project in Caln and Valley Townships, **Chester County** with an expiration date of December 31, 2006. Permit issued December 12, 2005.

**67054053. J. Roy's, Inc.** (Box 125, Bowmansville, PA 17507), construction blasting at Salem Run Subdivision in Dover Township, **York County** with an expiration date of December 15, 2006. Permit issued December 13, 2005.

**21054179. R & M Excavating** (403 Hilltop Road, Newburg, PA 17240), construction blasting for Meadowgreen Development in Shippensburg and Southampton Townships, **Cumberland County** with an expiration date of December 1, 2006. Permit issued December 14, 2005.

**21054181. Newville Construction Services, Inc.** (408 Mohawk Road, Newville, PA 17241), construction blasting for Stonehedge Development in West Pennsboro Township, **Cumberland County** with an expiration date of November 30, 2006. Permit issued December 14, 2005.

**36054177. Keystone Blasting Service** (381 Reifsnyder Road, Lititz, PA 17543), construction blasting for a single dwelling in Clay Township, **Lancaster County** with an expiration date of January 30, 2006. Permit issued December 14, 2005.

**36054178. Hall Explosives, Inc.** (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting for Brethern Village in Manheim Township, **Lancaster County** with an expiration date of December 31, 2006. Permit issued December 14, 2005.

**46054139. Newville Construction Services, Inc.** (408 Mohawk Road, Newville, PA 17241), construction blasting for Smith Road Sewer in Lower Providence Township, **Montgomery County** with an expiration date of December 31, 2006. Permit issued December 14, 2005.

## FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department of Environmental Protection (Department) has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with the applicable provisions of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

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

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

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

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

**Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P.S. § 679.302) and The Clean Streams Law (35 §§ 691.1—691.702) and Notice of Final Action for Certification under section 401 of the FWPCA (33 U.S.C.A. § 1341).**

*Permits, Environmental Assessments and 401 Water Quality Certifications Issued*

### WATER OBSTRUCTIONS AND ENCROACHMENTS

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

**E46-957. Lower Perkiomen Valley Regional Sewer Authority**, 5 River Road, P.O. Box 613, Oaks, PA 19456-0613, Upper Providence, Lower Providence, Skip-pack and Perkiomen Townships; Collegeville and Trapper Boroughs, **Montgomery County**, ACOE Philadelphia District.

To modify an existing sewage collection system which conveys sewage to the Oaks Water Treatment Plant by constructing and maintaining pipeline parallel to and crossing the Perkiomen Creek (WWF-MF), and crossing several of its tributaries (TSF-MF) and adjacent wetlands (PFO, EM, SS) at 19 different locations. The works involve the following activities:

1. To construct and maintain 19 utility line and wetland stream crossings of regulated waters of this Commonwealth.
2. To construct and maintain approximately 5,800 linear feet of 24-inch diameter sewage pipeline interceptor and associated appurtenances within the 100-year floodway and floodplain.
3. To construct and maintain approximately 4,100 linear feet of 30-inch diameter sewage pipeline interceptor and associated appurtenances within the 100-year floodway and floodplain.
4. To construct and maintain approximately 8,400 linear feet of 36-inch diameter sewage pipeline interceptor and associated appurtenances within the 100-year floodway and floodplain.
5. To modify and maintain nine existing manholes, which exist within regulated waters of this Commonwealth to accommodate the existing and new pipeline connection system and metering devices.

The project proposes to temporarily affect approximately 18,300 linear feet and directly affect an approximate total of 17,000 linear feet of floodway, temporarily disturbing approximately 30 acres of floodway and approximately 5 acres of wetlands (PFO/EM/SS). The project is one of several phases of the LPVRS paralleling project associated with the Oaks Sewage Treatment Facility upgrade. This phase is located along the stretch of the Perkiomen starting approximately at 3,000 feet north of Gratersford Road Bridge running south toward Germantown Pike and terminating approximately 1,460 feet south of where the Germantown Pike crosses the Perkiomen Creek. The site spans the following municipalities: Upper Providence, Lower Providence, Skip-pack, and Perkiomen Townships; Collegeville and Trappe Boroughs, all in Montgomery County (Collegeville, PA, Quad-

rangle starting at N: 17.60 inches; W: 10.80 inches and ending at N: 9.93 inches; W: 10.15 inches).

The issuance of this permit also constitutes approval of a Water Quality Certification under section 401(a) of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

**E46-958. Lower Perkiomen Valley Regional Sewer Authority**, 5 River Road, Oaks, PA 19456-0613, Upper Providence Township, **Montgomery County**, ACOE Philadelphia District.

To modify an existing sewage collection system which conveys sewage to the Oaks Sewage Treatment Plant by constructing and maintaining pipeline parallel along the floodway of Perkiomen Creek (WWF-MF), across adjacent wetlands (PFO) at three different locations, and across five UNTs (TSF-MF). The work involves the following regulated activities:

1. To construct and maintain approximately 7,600 linear feet of 66-inch diameter sewage pipeline interceptor and associated manholes within the 100-year floodway and floodplain.
2. To construct and maintain approximately 5,900 linear feet of a 54-inch diameter sewage pipeline interceptor and associated manholes within the 100-year floodway and floodplain.
3. Conduct minor excavation and backfilling within the floodway to facilitate the pipeline construction network.
4. To construct and maintain five sanitary sewer crossings of UNTs to the Perkiomen (TSF-MF) to facilitate the pipe network construction.

The project proposes to temporarily affect approximately 15,000 linear feet and directly affect an approximate total of 13,500 linear feet of floodway, 80 linear feet of UNTs, and impact 0.30 acre of wetlands (PFO), including one large vernal pool. The project is one of several phases of the LPVRS Paralleling Project associated with the Oaks Sewage Treatment Facility Upgrade. This phase is located along the western bank of the Perkiomen Creek starting approximately at 1,000 feet north of the confluence of the Perkiomen Creek and Schuylkill River, running north toward and terminating approximately where the Perkiomen Creek meets the Skippack Creek in Upper Providence Township, Montgomery County (Collegeville, PA, Quadrangle starting at N: 4.3 inches; W: 10.3 inches and ending at Valley Forge, PA, Quadrangle N: 21.7 inches; W: 11.8 inches).

The issuance of this permit also constitutes approval of a Water Quality Certification under section 401(a) of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

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

**E36-751: Luke Ulrich**, 150 Netzley Drive, Denver, PA 17517 in Brecknock Township, **Lancaster County**, ACOE Baltimore District.

To construct and maintain a prestressed concrete box beam bridge having a 75-foot span length and maximum rise of approximately 10 feet within Tributary No. 3 to Muddy Creek (WWF) at a point approximately 1,500 feet northeast of the intersection of SR 625 and Maple Grove Road in Bowmansville (Terre Hill, PA Quadrangle N: 13.5 inches; W: 3.0 inches) in Brecknock Township, Lancaster County.

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

**E17-412. Bradford Township**, P. O. Box 79, Woodland, PA 16881, Bridge Construction in Bradford Township, **Clearfield County**, ACOE Baltimore District (Wallaceton, PA Quadrangle N: 21.74 inches; W: 13.33 inches).

To: 1) remove the existing 54-inch by 78-inch corrugated metal pipe; 2) construct and maintain a CMP culvert measuring 85 inches by 112 inches depressed 6 inches in the streambed; and 3) construct and maintain inlet and outlet concrete headwalls in Jake Run on Lake Street in Woodland about 0.2 mile south of SR 970. The project will not impact wetlands while impacting about 30 feet of waterway. Jake Run is a CWF stream. This permit was issued under Section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

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

**E32-460. P. C. Exploration, Inc.**, 502 Keystone Drive, Warrendale, PA 15086. To maintain a ford crossing in Canoe Township, **Indiana County**, Pittsburgh ACOE District. (Rochester Mills, PA Quadrangle N: 15.0 inches; W: 5.4 inches and Latitude: 40° 49' 50"—Longitude: 79° 55' 00"). To operate and maintain an existing ford crossing in Salsgiver Run (HQ-CWF) for the purpose of providing access to a gas well. The project is located off of SR 1038 approximately 3.4 miles from its intersection with SR 1045.

**E32-465. Exotic Oil and Gas, LLC**, 1 Indian Springs Road, Indiana, PA 15701. To maintain a ford crossing in Cherryhill Township, **Indiana County**, Pittsburgh ACOE District. (Commodore, PA Quadrangle N: 5.0 inches; W: 12.15 inches and Latitude: 40° 39' 08"—Longitude: 78° 57' 45"). To operate and maintain a 15.0 foot wide rock rip rap ford crossing in Browns Run (CWF) and to maintain fill in 0.05 acre of wetlands for the purpose of accessing a gas well located off of Route 403, 6,000 feet north of its intersection with Route 580.

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

**E10-409. Center Township Supervisors**, 419 Sunset Drive, T-831 Glenwood Way Bridge, Across Connoquenessing Creek, in Center Township, **Butler County**, ACOE Pittsburgh District (Mount Chestnut, PA Quadrangle N: 5.5 inches; W: 1.6 inches).

To remove the existing structure and to construct and maintain a Composite Prestressed Concrete Spread Box Beam bridge having a clear span of 74.0 feet and an underclearance of 9.6 feet on a 75° skew across Connoquenessing Creek on T-831, approximately 2.25 miles North of Butler.

This project includes placement of fill in 0.009 acre of palustrine/scrub/shrub wetland habitat. Connoquenessing Creek is classified as a WWF.

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## SPECIAL NOTICES

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### Plan Revision Approval under the Municipal Waste Planning, Recycling and Waste Reduction Act of 1988, Act 101

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

The Department of Environmental Protection (Department) approved the Berks County Municipal Waste Management Plan Revision on December 15, 2005.

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 may 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 to 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.

The plan revision is a public document and may be viewed at the Department Regional Office previously noted.

Questions concerning this approval should be directed to Sally Lohman, Chief, Waste Planning Section, Department of Environmental Protection, Bureau of Waste Management, Division of Waste Minimization and Planning, P. O. Box 8472, Harrisburg, PA 17105-8472 or to Mark Vottero, Regional Planning and Recycling Coordinator, Bureau of Waste Management at the Department Regional Office previously noted.

[Pa.B. Doc. No. 05-2405. Filed for public inspection December 30, 2005, 9:00 a.m.]

### Availability of Grant Application to EPA for the Establishment of a DEP/PENNVEST Brownfield Revolving Loan Fund

The Department of Environmental Protection (Department), in cooperation with the Pennsylvania Infrastructure Investment Authority (PENNVEST), is applying for a grant from the United States Environmental Protection Agency (EPA) for the establishment and administration of a Brownfield Revolving Loan Fund. The grant award is authorized under The Small Business Liability Relief and Brownfields Revitalization Act (act) (Pub. L. No. 107-118).

The act specifies, among other provisions, that grant awards can be used by recipients to capitalize a revolving loan fund for brownfield remediation under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) (42 U.S.C.A. §§ 9601—9675). CERCLA defines a brownfield site as "real property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant," as defined in CERCLA. CERCLA further defines the term "brownfield site" to include a site that "is contaminated by a controlled substance . . . ; is contaminated by petroleum

or a petroleum product excluded from the definition of 'hazardous substance' . . . ; is mine-scarred land." If awarded the grant from EPA, the Department will establish a Brownfield Revolving Loan Fund to provide low-interest loans for the remediation of brownfield sites in this Commonwealth.

States applying for this grant must provide public notice concerning the preparation and submission of their grant application to the EPA. Under this requirement, the Department's application for grant funding under CERCLA is available for public review and comment. The Department is specifically seeking comments on its grant application and its intended use of Federal funding to establish a Brownfield Revolving Loan Fund in this Commonwealth. The Department's grant application is available upon request by contacting Tom Mellott at (717) 783-1566 or [mtmellott@state.pa.us](mailto:mtmellott@state.pa.us).

Interested persons may submit written comments on the Department's grant application by January 31, 2006. The Department will respond in writing to all public comments received by this deadline. Comments submitted by facsimile will not be accepted. The Department will accept comments submitted by e-mail. A return name and address must be included in each e-mail transmission. Written comments should be submitted to Tom Mellott, Department of Environmental Protection, Office of Community Revitalization and Local Government Support, Land Recycling Program, 16th Floor, Rachel Carson State Office Building, P. O. Box 2063, Harrisburg, PA 17105-2063 or [mtmellott@state.pa.us](mailto:mtmellott@state.pa.us). Questions concerning this notice should be directed to Tom Mellott at (717) 783-1566 or [mtmellott@state.pa.us](mailto:mtmellott@state.pa.us).

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 05-2406. Filed for public inspection December 30, 2005, 9:00 a.m.]

### Water Resources Advisory Committee Meeting Cancellation

The January 11, 2006, meeting of the Water Resources Advisory Committee has been cancelled. The next scheduled meeting will be held on March 8, 2006, at 9:30 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Questions concerning the March 8, 2006, meeting should be directed to Bonita Moore at (717) 787-9637 or [bmoore@state.pa.us](mailto:bmoore@state.pa.us). The agenda and meeting materials will be available through the Public Participation Center on the Department of Environmental Protection's (Department) website at [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (DEP Keyword: Public Participation, Participate).

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact the Department at (717) 787-9637 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. 05-2407. Filed for public inspection December 30, 2005, 9:00 a.m.]

# DEPARTMENT OF LABOR AND INDUSTRY

## Current Prevailing Wage Act Debarments

The following contractors have been determined to have intentionally violated the Pennsylvania Prevailing Wage Act (act) (43 P. S. §§ 165-1—165-17). This notice is published for the information and convenience of public bodies subject to the act. Under section 11(e) of the act (43 P. S. § 165-11(e)), these contractors, or either one of them, or any firms, corporations or partnerships in which either one of these contractors has an interest, shall be awarded no contract for 3 years after the date listed.

<i>Contractor</i>	<i>Address</i>	<i>Date of Debarment</i>
Rolling Scrap Tires, Inc., Joseph Anthony Bova and Sherri Renee Bova individually	176 Wilson Street Struthers, OH 44471	12/8/2005

STEPHEN M. SCHMERIN,  
*Secretary*

[Pa.B. Doc. No. 05-2408. Filed for public inspection December 30, 2005, 9:00 a.m.]

# DEPARTMENT OF PUBLIC WELFARE

## Hospital Services

The Department of Public Welfare (Department) intends to revise its payment method for hospital services effective on or after January 1, 2006. These revisions will affect acute care general hospitals, private psychiatric hospitals, psychiatric units of general hospitals, rehabilitation hospitals and rehabilitation units of general hospitals.

The Department and representatives of the hospital industry have met extensively to negotiate the terms of a Hospital Rate Agreement. Based on these negotiations, the Department proposes to change its payment methodology for hospital services as follows:

### *Base Payment Rates*

Effective January 1, 2006, the Department will increase each hospital's or hospital unit's base payment rate for inpatient services provided on a fee-for-service basis by 2.0%.

### *Inpatient Disproportionate Share; Outpatient Disproportionate Share; and Direct Medical Education Payments*

Effective January 1, 2006, the Department intends to increase Inpatient Disproportionate Share payments by 3.5%, with no change in the current methodology for determining eligibility for those payments. For Fiscal Year (FY) 2005-2006, the aggregate amount of Inpatient Disproportionate Share payments is to be limited to \$73.19 million in total funds.

Effective January 1, 2006, the Department intends to increase Outpatient Disproportionate Share payments by 3.5%, with no change in the current methodology for determining eligibility for those payments. For FY 2005-2006, the aggregate amount of Outpatient Disproportionate Share payments is to be limited to \$60.26 million in total funds.

Effective January 1, 2006, the Department intends to increase Medical Education payments by 3.5%, with no change in the current methodology for determining eligibility for those payments. For FY 2005-2006, the aggregate amount of Medical Education payments is to be limited to \$77.915 million in total funds.

### *Fiscal Impact*

This change will result in a cost of \$7.482 million in total funds (\$4.053 million in Federal funds, \$3.429 million in State funds) for FY 2005-2006 and a cost of \$25.221 million in total funds (\$13.597 million in Federal funds, \$11.624 million in State funds) for FY 2006-2007.

### *Public Comment*

Interested persons are invited to submit written comments regarding this notice to the Department of Public Welfare, Office of Medical Assistance Programs, c/o Deputy Secretary's Office, Attention: Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120. Comments received within 30 days will be reviewed and considered in determining the final payment rates and payment methodologies for inpatient hospital services.

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

ESTELLE B. RICHMAN,  
*Secretary*

### **Fiscal Note:** 14-NOT-458. (1) General Fund;

	<i>Inpatient</i>	<i>Outpatient</i>
(2) Implementing Year 2005-06 is	\$3,196,000	\$233,000
(3) 1st Succeeding Year 2006-07 is	\$10,682,000	\$942,000
2nd Succeeding Year 2007-08 is	\$10,682,000	\$942,000
3rd Succeeding Year 2008-09 is	\$10,682,000	\$942,000
4th Succeeding Year 2009-10 is	\$10,682,000	\$942,000
5th Succeeding Year 2010-11 is	\$10,682,000	\$942,000
	<i>Inpatient</i>	<i>Outpatient</i>
(4) 2004-05 Program—	\$531,785,000	\$842,991,000
2003-04 Program—	\$411,042,000	\$727,979,000
2002-03 Program—	\$407,104,000	\$666,832,000

(7) Medical Assistance—Inpatient and Outpatient; (8) recommends adoption. Funds have been included in the Department's budget to cover this increase.

[Pa.B. Doc. No. 05-2409. Filed for public inspection December 30, 2005, 9:00 a.m.]



**Inpatient Hospitals Qualifying for Medical Assistance Disproportionate Share Payments for the Period July 1, 2004, through December 31, 2005**

On July 1, 1988, the Department of Public Welfare (Department) implemented a disproportionate share payment system. Under 55 Pa. Code §§ 1151.54(i), 1163.67(k) and 1163.459(j) (relating to disproportionate share payments), the Department is required to publish annually the names of each inpatient acute care general hospital, rehabilitation hospital and private psychiatric hospital qualifying for a disproportionate share payment and their respective disproportionate share payment percentage.

*A. Disproportionate Share for Acute Care General Hospitals, Rehabilitation Hospitals and Private Psychiatric Hospitals.*

The following lists identify the inpatient acute care general hospitals, psychiatric units and rehabilitation units of acute care general hospitals, rehabilitation hospitals and private psychiatric hospitals eligible for disproportionate share payments for the period July 1, 2004, through December 31, 2005, and their respective payment percentages. For all inpatient facilities, disproportionate share payments are calculated as a percentage of projected MA inpatient income.

Payment period July 1, 2004, to December 31, 2005, disproportionate share payment percentages:

*Acute Care General Hospitals*

ALBERT EINSTEIN MED CTR	4.45%
ALFRED I. DUPONT INSTITUTE	9.41%
BARNES KASSON HOSPITAL	4.59%
CHARLES COLE MEMORIAL HOSPITAL	4.83%
CHILDREN'S HOSPITAL OF PHILADELPHIA	8.47%
CHILDREN'S HOSPITAL OF PITTSBURGH	9.27%
CLEARFIELD HOSPITAL	4.78%
CROZER CHESTER MEDICAL CENTER	3.33%
DIVINE PROVIDENCE—WILLIAMSPORT	5.96%
DUBOIS REGIONAL MED CTR	10.00%
HIGHLAND HOSPITAL	3.08%
HOSPITAL UNIVERSITY OF PA	3.76%
INDIANA HOSPITAL	3.45%
KENSINGTON HOSPITAL	4.66%
MAGEE WOMEN'S	6.23%
MEMORIAL HOSPITAL—TOWANDA	5.46%
MERCY HOSP OF PHILA	4.75%
MONSOUR MEDICAL CENTER	6.04%
NPHS—GIRARD	1.00%
NPHS—ST. JOSEPH'S	7.44%
PRESBYTERIAN MED CTR OF UPHS	2.96%
PUNXSUTAWNEY AREA HOSPITAL	4.04%
TEMPLE EAST	3.99%
TEMPLE UNIVERSITY CHILDREN'S MEDICAL CTR	15.00%
TEMPLE UNIVERSITY HOSPITAL	6.29%
THS—HAHNEMANN UNIV HOSPITAL	3.58%
THS—MED COLL OF PA HOSP	4.71%
THS—PARKVIEW	4.46%
THS—ST. CHRISTOPHER'S	14.00%
THOMAS JEFFERSON	3.00%
TITUSVILLE AREA HOSP	4.81%
UPMC—BEDFORD	9.00%
UPMC—PRESBYTERIAN—SHADYSIDE	3.66%
VALLEY FORGE	6.05%

WAYNE COUNTY MEMORIAL	5.54%
WEST VIRGINIA UNIV HOSPITALS, INC.	5.48%

*Private Psychiatric Hospitals*

BELMONT CENTER	3.92%
CLARION PSYCHIATRIC CENTER	6.33%
DEVEREAUX—MAPLETON PSYCH CTR	10.00%
EUGENIA HOSPITAL	2.97%
FAIRMOUNT BHS	3.00%
FIRST HOSPITAL WYOMING VALLEY	5.60%
FOUNDATIONS BEHAVIORAL HEALTH	7.49%
FRIENDS HOSPITAL	2.60%
HORSHAM PSYCHIATRIC HOSPITAL	4.59%
MEADOWS PSYCHIATRIC CENTER	7.44%
MONTGOMERY COUNTY MH/MR ER SVS	4.85%
NATIONAL HOSPITAL FOR KIDS IN CRISIS	9.00%
NORTHWESTERN INSTITUTE OF PSYCHIATRY	6.51%
PHILHAVEN	5.60%
SOUTHWOOD PSYCHIATRIC HOSPITAL	7.25%

*Psychiatric Units of Acute Care Hospitals*

ALBERT EINSTEIN	2.97%
DIVINE PROVIDENCE—WILLIAMSPORT	3.83%
DUBOIS REGIONAL MEDICAL CENTER	3.02%
HIGHLAND HOSPITAL	2.19%
INDIANA HOSPITAL	2.03%
MERCY HOSP OF PHILADELPHIA	3.14%
MONSOUR MEDICAL CENTER	3.88%
NPHS—GIRARD	1.00%
PRESBYTERIAN MED CNTR OF UPHS	2.12%
TEMPLE UNIVERSITY HOSP	4.02%
THS—HAHNEMANN UNIV HOSP	2.47%
THS—MEDICAL COLLEGE OF PA HOSP (EPP)	3.12%
THS—PARKVIEW HOSPITAL	2.98%

*Drug and Alcohol Units of Acute Care Hospitals*

NPHS—ST JOSEPH'S	9.00%
PRESBYTERIAN MED CNTR OF UPHS	2.24%
VALLEY FORGE	6.91%

*Private Drug and Alcohol Hospitals*

EAGLEVILLE HOSPITAL	3.57%
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*Medical Rehab Units of Acute Care Hospitals*

ALBERT EINSTEIN	4.50%
DUBOIS REGIONAL MEDICAL CENTER	4.63%
MONSOUR MEDICAL CENTER	6.89%
TEMPLE UNIVERSITY HOSP	7.26%

*Freestanding Rehab Hospitals*

CHILDRENS INSTITUTE OF PITTSBURGH	6.75%
CHILDRENS SEASHORE HOUSE	10.00%

*B. Additional Disproportionate Share Payments*

Additional disproportionate share payments are made to inpatient facilities with a Medicaid inpatient utilization rate of not less than 1% which have provided services to persons who have been determined to be low income by meeting the income and resource standards for the State's general assistance program.

The payment adjustments are paid directly proportional to the payment received for either general assistance recipients for all hospital services or Title XIX recipients, 21 years of age or older but under 65 years of age, for services rendered by institutions for mental diseases under the fee-for-service and capitation programs.

The following hospitals are eligible for this payment adjustment:

*Acute Care General Hospitals*

ABINGTON MEMORIAL HOSPITAL  
 ALBERT EINSTEIN MED CTR  
 ALFRED I. DUPONT INSTITUTE  
 ALIQUIPPA COMMUNITY HOSP  
 ALLEGHENY GENERAL HOSPITAL  
 ALLEGHENY KISKI  
 ALTOONA HOSPITAL  
 AMERICAN ONCOLOGIC  
 ARMSTRONG COUNTY MEMORIAL  
 ASHLAND REGIONAL  
 BARNES KASSON HOSPITAL  
 BLOOMSBURG HOSPITAL  
 BRADFORD REGIONAL  
 BRANDYWINE HOSPITAL  
 BROOKVILLE HOSPITAL  
 BROWNSVILLE GENERAL HOSPITAL  
 BRYN MAWR HOSPITAL  
 BUCKTAIL MEDICAL CENTER  
 BUTLER COUNTY MEMORIAL  
 CANONSBURG GENERAL HOSPITAL  
 CARLISLE HOSPITAL  
 CENTRAL MONTGOMERY HOSP  
 CHAMBERSBURG HOSPITAL  
 CHARLES COLE MEMORIAL HOSPITAL  
 CHESTER COUNTY HOSPITAL  
 CHESTNUT HILL HOSPITAL  
 CHILDREN'S HOSPITAL OF PHILADELPHIA  
 CHILDREN'S HOSPITAL OF PITTSBURGH  
 CHS—BERWICK HOSPITAL  
 CLARION HOSPITAL  
 CLEARFIELD HOSPITAL  
 COMMUNITY MED CTR—SCRANTON  
 CONEMAUGH VALLEY HOSP  
 CORRY MEMORIAL  
 CROZER CHESTER MEDICAL CENTER  
 DELAWARE COUNTY MEMORIAL  
 DIVINE PROVIDENCE—WILLIAMSPORT  
 DOYLESTOWN HOSPITAL  
 DUBOIS REGIONAL MED CTR  
 EASTON HOSPITAL  
 ELK REGIONAL  
 ELLWOOD CITY  
 ENDLESS MTS. HLTH SYS  
 EPHRATA COMMUNITY  
 EVANGELICAL COMMUNITY  
 FRANKFORD HOSPITAL  
 FRICK COMMUNITY  
 FULTON COUNTY MEDICAL CENTER  
 GEISINGER MEDICAL CENTER  
 GEISINGER WYOMING VALLEY  
 GETTYSBURG HOSPITAL  
 GNADEN HUETTEN MEMORIAL  
 GOOD SAMARITAN—LEBANON  
 GOOD SAMARITAN—POTTSVILLE  
 GRAND VIEW HOSPITAL  
 GREENE COUNTY MEMORIAL  
 HAMOT MED CTR  
 HANOVER HOSPITAL  
 HAZLETON GENERAL HOSPITAL

HEART OF LANCASTER REGIONAL MEDICAL  
 CENTER  
 HIGHLAND HOSPITAL  
 HOLY REDEEMER  
 HOLY SPIRIT HOSPITAL  
 HOSPITAL OF THE UNIVERSITY OF PENNA  
 INDIANA HOSPITAL  
 JAMESON MEMORIAL HOSPITAL  
 JC BLAIR  
 JEANES HOSPITAL  
 JEFFERSON HOSPITAL  
 JENNERSVILLE REGIONAL HOSP  
 JERSEY SHORE HOSPITAL  
 KANE COMMUNITY  
 KENSINGTON HOSPITAL  
 LANCASTER GENERAL  
 LANCASTER REGIONAL MED CTR  
 LANKENAU HOSPITAL  
 LATROBE AREA  
 LEHIGH VALLEY HOSP—MUHLENBERG  
 LEHIGH VALLEY HOSPITAL  
 LEWISTOWN HOSPITAL  
 LIFECARE HOSPITALS OF PITTSBURGH  
 LOCK HAVEN HOSP  
 M S HERSHEY MEDICAL CENTER  
 MAGEE WOMEN'S  
 MARIAN COMMUNITY  
 MEADVILLE MED CTR  
 MEDICAL CENTER, BEAVER. PA  
 MEMORIAL HOSP—YORK  
 MEMORIAL HOSPITAL—TOWANDA  
 MERCY CATHOLIC FITZGERALD  
 MERCY HOSP—NANTICOKE  
 MERCY HOSP—PGH  
 MERCY HOSP—WILKES-BARRE  
 MERCY HOSP OF PHILA  
 MERCY HOSPITAL—SCRANTON  
 MERCY JEANNETTE HOSPITAL  
 MERCY SUBURBAN—NORRISTOWN  
 MEYERSDALE COMMUNITY HOSPITAL  
 MID VALLEY HOSPITAL  
 MILLCREEK COMMUNITY HOSPITAL  
 MINERS HOSPITAL OF N CAMBRIA  
 MINERS MEMORIAL MEDICAL CENTER  
 MONONGAHELA VALLEY  
 MONSOUR MEDICAL CENTER  
 MONTGOMERY HOSPITAL MED CTR  
 MOSES TAYLOR  
 MT. NITTANY MED CTR  
 MUNCY VALLEY HOSPITAL  
 NASON HOSPITAL  
 NAZARETH HOSPITAL  
 NPHS—GIRARD  
 NPHS—ST. JOSEPH'S  
 OHIO VALLEY GENERAL  
 PALMERTON HOSPITAL  
 PAOLI MEMORIAL HOSPITAL  
 PENN PRESBYTERIAN MEDICAL CENTER OF UPHS  
 PHILIPSBURG AREA HOSPITAL  
 PHOENIXVILLE HOSPITAL OF UPHS  
 PINNACLE HEALTH HOSPITALS  
 POCONO MED CTR  
 POTTSTOWN MEMORIAL  
 POTTSVILLE HOSPITAL  
 PUNXSUTAWNEY AREA HOSPITAL  
 READING HOSPITAL AND MED CTR  
 RIDDLE MEMORIAL HOSPITAL  
 ROBERT PACKER HOSP  
 ROXBOROUGH MEMORIAL

SACRED HEART—ALLENTOWN  
 SAINT JOSEPH MED CTR—HAZLETON  
 SEWICKLEY VALLEY HOSPITAL  
 SHAMOKIN AREA COMMUNITY HOSPITAL  
 SHARON REGIONAL HEALTH SYSTEM  
 SOLDIERS AND SAILORS MEMORIAL  
 SOMERSET HOSPITAL  
 ST. AGNES MED CTR  
 ST. CLAIR MEMORIAL  
 ST. JOSEPH MED CTR—READING  
 ST. LUKE'S—BETHLEHEM  
 ST. LUKE'S—QUAKERTOWN  
 ST. MARY'S—LANGHORNE  
 ST. VINCENT HLTH CTR  
 SUBURBAN GENERAL HOSPITAL—PGH  
 SUNBURY COMMUNITY  
 TEMPLE EAST  
 TEMPLE LOWER BUCKS HOSPITAL  
 TEMPLE UNIVERSITY CHILDREN'S MEDICAL CTR  
 TEMPLE UNIVERSITY HOSPITAL  
 THOMAS JEFFERSON UNIV HOSPITAL  
 THS—GRADUATE HOSPITAL  
 THS—HAHNEMANN UNIV HOSPITAL  
 THS—MED COLL OF PA HOSP  
 THS—ST. CHRISTOPHER'S  
 THS—WARMINSTER  
 TITUSVILLE AREA HOSP  
 TROY COMMUNITY  
 TYLER MEMORIAL HOSPITAL  
 TYRONE HOSPITAL  
 UNIONTOWN HOSPITAL  
 UNITED COMMUNITY HOSPITAL  
 UNIVERSITY OF PENNSYLVANIA MEDICAL  
 CENTER—PENNSYLVANIA HOSPITAL  
 UPMC—BEDFORD  
 UPMC—BRADDOCK  
 UPMC—HORIZON  
 UPMC—LEE REGIONAL  
 UPMC—MCKEESPORT  
 UPMC—NORTHWEST MED CTR  
 UPMC—PASSAVANT—CRANBERRY  
 UPMC—PENNSYLVANIA HOSPITAL  
 UPMC—PRESBYTERIAN—SHADYSIDE UNIV HOSP  
 UPMC—SOUTH SIDE  
 UPMC—ST. MARGARET  
 VALLEY FORGE  
 WARREN GENERAL HOSPITAL  
 WASHINGTON HOSPITAL  
 WAYNE COUNTY MEMORIAL  
 WAYNESBORO HOSPITAL  
 WEST VIRGINIA UNIV HOSPITALS, INC.  
 WESTERN PENNSYLVANIA  
 WESTERN PENNSYLVANIA—FORBES REGIONAL  
 CAMPUS  
 WESTMORELAND REGIONAL  
 WILLIAMSPORT HOSPITAL & MED CTR  
 WILLS EYE HOSPITAL  
 WINDBER MED CTR  
 WYOMING VALLEY HLTH CARE SYS  
 YORK HOSPITAL

*Private Drug and Alcohol*

EAGLEVILLE HOSPITAL

*Freestanding Rehab Hospitals*

ALLIED SERVICES REHAB HOSPITAL  
 BRYN MAWR REHAB HOSPITAL  
 CHESTNUT HILL SPRINGFIELD CENTER

CHILDREN'S HOME OF PITTSBURGH  
 CHILDREN'S INSTITUTE  
 CHILDREN'S SEASHORE HOUSE  
 GOOD SHEPHERD REHAB HOSPITAL  
 HEALTH SOUTH HARMARVILLE  
 HEALTH SOUTH LAKE ERIE INSTITUTE REHAB  
 HEALTH SOUTH MECHANICSBURG REHAB  
 HEALTH SOUTH PENN STATE GEISENGER  
 REHAB HOSP  
 HEALTH SOUTH READING REHAB HOSPITAL  
 HEALTH SOUTH REHAB HOSPITAL OF YORK  
 HEALTH SOUTH REHAB OF ALTOONA  
 HEALTH SOUTH REHAB OF NITTANY VALLEY  
 HEALTH SOUTH REHAB OF SEWICKLEY  
 JOHN HEINZ INSTITUTE  
 MAGEE MEMORIAL REHAB HOSPITAL  
 UPMC REHABILITATION HOSPITAL

*Private Psychiatric Hospitals*

BELMONT CENTER FOR COMP TREATMENT  
 BROOKE GLEN BEHAVIORAL HOSPITAL  
 CLARION PSYCHIATRIC CENTER  
 DEVEREUX—MAPLETON PSYCH CTR  
 EUGENIA HOSPITAL  
 FAIRMOUNT BHS  
 FIRST HOSPITAL  
 FOUNDATIONS BEHAVIORAL HEALTH  
 FRIENDS HOSPITAL  
 HORSHAM CLINIC  
 KIDSPEACE  
 KIRKBRIDE CENTER  
 MEADOWS PSYCHIATRIC CENTER  
 MONTGOMERY COUNTY EMERGENCY SERVICE, INC  
 PHILHAVEN  
 SOUTHWOOD PSYCH HOSPITAL

*Medical Rehab Units of Acute Care Hospitals*

ABINGTON MEMORIAL HOSP  
 ALBERT EINSTEIN  
 ALLEGHENY GENERAL HOSPITAL  
 CARLISLE REGIONAL MEDICAL CENTER  
 CHAMBERSBURG HOSPITAL  
 CHARLES COLE  
 CONEMAUGH VALLEY HOSP  
 CROZER—CHESTER MED CNTR  
 DELAWARE CNTY MEM HOSP  
 DOYLESTOWN HOSPITAL  
 DUBOIS REG MED CNTR  
 EASTON HOSPITAL  
 GEISINGER—WYOMING VALLEY  
 GNADEN HUETTEN MEMORIAL HOSP—MRU  
 GOOD SAMARITAN HOSPITAL—LEBANON  
 HANOVER HOSPITAL  
 HAZELTON GENERAL HOSPITAL MRU  
 HOSP OF THE UNIV OF PA  
 JAMESON MEMORIAL  
 MERCY JEANNETTE HOSP  
 JEFFERSON HEALTH SERVICES  
 LANCASTER GENERAL HOSP  
 LANCASTER REGIONAL MEDICAL CENTER  
 MERCY CATHOLIC—FITZGERALD  
 MERCY HOSPITAL—PITTSBURGH  
 MILTON S. HERSHEY MED CTR  
 MONONGAHELA VALLEY HOSP  
 NAZARETH  
 OHIO VALLEY  
 PINNACLE HEALTH HOSPITALS  
 POTTSVILLE HOSPITAL

READING HOSPITAL  
 SEWICKLEY VALLEY HOSPITAL  
 ST MARY HOSP—LANGHORNE  
 ST VINCENT HEALTH CNTR  
 SUBURBAN GENERAL HOSPITAL—PGH  
 THS—WARMINSTER HOSPITAL  
 TEMPLE UNIVERSITY HOSP  
 THOMAS JEFFERSON UNIV HOSP  
 UPMC—HORIZON  
 UPMC—LEE HOSP  
 UPMC—MCKEESPORT  
 UPMC—NORTHWEST MED CTR  
 UPMC—PRESBYTERIAN SHADYSIDE  
 UPMC—SOUTHSIDE  
 UPMC—ST MARGARET  
 WESTMORELAND HOSPITAL  
 WILLIAMSPORT HOSPITAL

*Drug and Alcohol Units of Acute Care Hospitals*

ALQUIPPA COMMUNITY HOSPITAL  
 BUTLER COUNTY MEMORIAL  
 MEADVILLE MED CTR  
 MONSOUR MEDICAL CENTER D & A  
 NPHS—ST JOSEPH'S HOSP  
 PENN PRESBYTERIAN MEDICAL CENTER  
 PRESBY MED CTR OF UNIV OF PA HLTH SYST  
 VALLEY FORGE

*Psychiatric Units of Acute Care Hospitals*

ABINGTON MEMORIAL  
 ALBERT EINSTEIN  
 ALQUIPPA COMMUNITY HOSPITAL  
 ALLEGHENY GENERAL  
 ALLEGHENY—KISKI MED CTR  
 ALTOONA  
 ARMSTRONG COUNTY MEMORIAL  
 BERWICK HOSP CENTER  
 BLOOMSBURG HOSP  
 BRADFORD  
 BRANDYWINE HOSPITAL  
 BROWNSVILLE  
 BRYN MAWR HOSP  
 BUTLER COUNTY MEMORIAL  
 CHAMBERSBURG HOSPITAL  
 COMMUNITY MEDICAL CENTER  
 CONEMAUGH VALLEY  
 CORRY MEMORIAL  
 CROZER CHESTER  
 DIVINE PROVIDENCE—WMSPT  
 DUBOIS REGIONAL MED CNTR  
 EPHRATA COMMUNITY  
 FRANKFORD HOSP—BUCKS CO CAMPUS  
 GEISINGER MEDICAL CENTER  
 GNADEN HUETTEN  
 GRANDVIEW  
 HIGHLAND HOSPITAL  
 HOLY SPIRIT  
 HOSP—UNIVERSITY OF PA  
 INDIANA HOSPITAL  
 J C BLAIR  
 JAMESON MEMORIAL HOSP  
 JEFFERSON HEALTH SERV  
 LANCASTER REGIONAL MED CTR

LANCASTER GENERAL  
 LATROBE AREA  
 LEHIGH VALLEY HOSPITAL  
 LEWISTOWN  
 MARIAN COMMUNITY HOSPITAL  
 MEADVILLE MED CNTR  
 MEDICAL CENTER, BEAVER, PA, THE  
 MERCY CATHOLIC—FITZGERALD  
 MERCY HOSPITAL OF PHILADELPHIA  
 MERCY HOSPITAL—PGH  
 MERCY HOSPITAL—WILKES-BARRE  
 MERCY SPECIAL CARE HOSPITAL—NANTICOKE  
 MILLCREEK COMMUNITY HOSPITAL  
 MILTON S. HERSHEY MED CTR  
 MONONGAHELA VALLEY  
 MONSOUR MED CNTR  
 MONTGOMERY  
 MOSES TAYLOR  
 MOUNT NITTANY MEDICAL CENTER  
 NPHS—GIRARD  
 PAOLI MEMORIAL  
 PENN PRESBYTERIAN MED CENTER  
 PINNACLE HEALTH HOSPITALS  
 POCONO HOSPITAL  
 POTTSTOWN MEMORIAL MED CTR  
 POTTSVILLE HOSPITAL  
 READING HOSPITAL  
 ROBERT PACKER  
 SACRED HEART HOSP—ALLENTOWN  
 SEWICKLEY VALLEY HOSP  
 SHAMOKIN AREA COMM HOSP  
 SHARON REGIONAL HLTH SYST  
 SOLDIERS AND SAILORS  
 SOMERSET HOSP CNTR FOR HEALTH  
 ST CLAIR MEMORIAL  
 ST JOSEPH MED CTR—READING  
 ST LUKES OF BETHLEHEM  
 ST LUKES—QUAKERTOWN  
 ST VINCENT  
 SUNBURY COMMUNITY  
 TEMPLE UNIVERSITY HOSPITAL  
 TEMPLE—LOWER BUCKS  
 THOMAS JEFFERSON  
 THS—HAHNEMANN UNIV HOSP  
 THS—WARMINSTER HOSPITAL  
 UNIVERSITY OF PENNSYLVANIA MEDICAL  
 CENTER—PENNSYLVANIA  
 UNIV OF PITT MED CTR—BRADDOCK  
 UNIV OF PITT MED CTR—MCKEESPORT  
 UPMC—NORTHWEST MED CTR  
 UPMC—PENNSYLVANIA  
 UPMC PRESBYTERIAN SHADYSIDE  
 WARREN GENERAL  
 WASHINGTON  
 WESTERN PENNSYLVANIA—FORBES REGIONAL  
 CAMPUS  
 WESTMORELAND  
 YORK HOSPITAL

*C. Additional Class of Disproportionate Share Payments*

Effective March 1, 1998, the Department established a new class of disproportionate share payments to hospitals which render uncompensated care and which the Department has determined are experiencing significant revenue loss as a result of MA program revisions under the act of May 16, 1996 (P. L. 175, No. 35).

Effective January 15, 1999, the Department revised its previously established new class of disproportionate share payments to include a Charity Care component of the Community Access Fund. A disproportionate share payment will be made to qualifying hospitals based on each hospital's percentage of charity care cost to the total charity care costs of all qualifying hospitals. The Department also established a disproportionate share payment for those hospitals which the Department has determined advanced its goal of enhanced access to multiple types of medical care in economically distressed areas of this Commonwealth.

The following hospitals qualify for this payment:

A I DUPONT  
 ABINGTON MEMORIAL  
 ALBERT EINSTEIN  
 ALLEGHENY GENERAL  
 ALLIQUIPPA COMMUNITY  
 BARNES KASSON  
 BRADDOCK MEDICAL CENTER  
 CHARLES COLE MEMORIAL  
 CHILDRENS HOSP OF PHILA  
 CLARION  
 CLEARFIELD  
 CROZER CHESTER MED CTR  
 DOYLESTOWN  
 DUBOIS REGIONAL MED CTR  
 EAGLEVILLE  
 EASTON HOSPITAL  
 EVANGELICAL COMMUNITY  
 FRANKFORD  
 FULTON COUNTY MEDICAL CTR  
 GEISINGER MEDICAL CENTER  
 GRADUATE HOSPITAL  
 HAMOT MEDICAL CENTER  
 HOSP OF THE UNIV OF PA  
 INDIANA HOSPITAL  
 J C BLAIR  
 JAMESON MEMORIAL  
 LANKENAU  
 LEHIGH VALLEY  
 LOCK HAVEN  
 MAGEE WOMENS  
 MEADVILLE MED CTR  
 MEMORIAL HOSP BEDFORD  
 MEMORIAL HOSP TOWANDA  
 MERCY CATHOLIC—FITZGERALD  
 MERCY HOSPITAL OF PHILA  
 MERCY HOSPITAL—PGH  
 MERCY JEANNETTE HOSPITAL  
 MILTON S. HERSHEY MED CTR  
 NORTH PHILA HEALTH SYSTEM  
 NPHS—GIRARD  
 PRESBYT MED CTR OF PHILA  
 PRESBYT UNIV HOSPITAL—PGH  
 PUNXSUTAWNEY  
 READING HOSPITAL  
 SOLDIERS AND SAILORS  
 ST LUKES OF BETHLEHEM  
 TEMPLE UNIVERSITY HSP  
 TEMPLE/EPISCOPAL  
 THOMAS JEFFERSON  
 THS—HAHNEMANN HOSPITAL

TITUSVILLE  
 UPHS—PENNSYLVANIA HOSPITAL  
 VALLEY FORGE  
 WAYNE COUNTY MEMORIAL  
 WEST VIRGINIA  
 WESTERN PENN  
 YORK HOSPITAL

*Public Comment*

Interested persons are invited to submit written comments regarding this notice to the Department of Public Welfare, Office of Medical Assistance Programs, c/o Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120. Comments received within 30 days will be reviewed and considered for any subsequent revision of the notice.

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

ESTELLE B. RICHMAN,  
*Secretary*

**Fiscal Note:** 14-NOT-457. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 05-2410. Filed for public inspection December 30, 2005, 9:00 a.m.]

**Medical Assistance Program Fee Increase for Dental Behavior Management; Fee Schedule Procedure Code Changes; and Fee Increases for Orthodontic and Cleft Palate Services**

The Department of Public Welfare (Department) announces several changes to the Medical Assistance (MA) Program Fee Schedule. The changes include a fee increase for dental behavior management and for orthodontic and cleft palate services; the end-dating of local procedure codes for orthodontic and cleft palate services; and the addition of National procedure codes for orthodontic and cleft palate services. The changes are effective January 1, 2006, or February 1, 2006, specified as follows.

*Fee Schedule Revisions*

The Department is increasing the MA fee for procedure code D9920, Behavior Management, from \$78 to \$125. This change is being made as part of the Department's continuing commitment to support the increased utilization of dental services by persons with disabilities. The Department is also increasing the MA fees for orthodontic and cleft palate services, set forth as follows, to support continued access to medically necessary orthodontic services. The fee increases are effective for dates of service on and after January 1, 2006.

In addition, the Department is end-dating the following local procedure codes for orthodontic and cleft palate services and replacing them with the following National procedure codes, which are being added to the MA Program Fee Schedule, effective for dates of service on and after January 1, 2006.

<i>Current Code</i>	<i>New National Code</i>	<i>Description of Service</i>	<i>Current Fee</i>	<i>Fee Effective January 1, 2006</i>
D8900	D8660	Preorthodontic treatment visit	\$20	\$35
Z8052	D8080	Comprehensive orthodontic treatment of adolescent dentition (includes first periodic orthodontic treatment visit)	\$360	\$600
Z8053 Z8054 Z8055 Z8056 Z8057 Z8058 Z8059	D8670	Periodic orthodontic treatment visit (as part of contract)	\$160	\$250
Z8310	D8680	Orthodontic retention (removal of appliances, construction and placement of retainers)	\$50	\$150
X7503	D0160	Detailed and extensive oral evaluation	\$80	\$120
X7504	D0170	Reevaluation	\$15	\$25
Z8051	D8999	Unspecified orthodontic procedure—one time payment	\$63	*

\* Authorization for services for which National procedure code D8999 will be used must be requested through the program exception process authorized in 55 Pa. Code § 1150.63 (relating to waivers). The fee for that code will be determined when the services are authorized.

The local procedure codes for these services will not be compensable for services provided after December 31, 2005.

The Department is also end-dating the following local procedure codes for cleft palate services and replacing them with the following National procedure codes, which are being added to the MA Program Fee Schedule, effective for dates of service on and after February 1, 2006.

<i>Current Code</i>	<i>New National Code</i>	<i>Description of Service</i>	<i>Current Fee</i>	<i>Fee Effective January 1, 2006</i>
X7500	D8080	Comprehensive orthodontic treatment of adolescent dentition (includes first periodic orthodontic treatment visit)	\$360	\$600
X7501	D8670	Periodic orthodontic treatment visit (as part of contract)	\$160	\$250
X7502	D8680	Orthodontic retention (removal of appliances, construction and placement of retainers)	\$50	\$150

The local procedure codes for these services will not be compensable for services provided after January 31, 2006.

Several of the new National procedure codes will be subject to prior authorization, as authorized by 62 P. S. § 443.6(b)(5) (relating to reimbursement for certain medical assistance items and services). The Department will issue a Medical Assistance Bulletin to all dental providers before the effective date of the changes, which will identify the specific procedure codes that require prior authorization.

#### *Fiscal Impact*

These changes will result in increased costs of \$1.196 million (\$0.539 million in State funds) in the MA Outpatient Program in Fiscal Year 2005-2006 and \$3.588 million (\$1.631 million in State funds) in Fiscal Year 2006-2007.

#### *Public Comment*

Interested persons are invited to submit written comments regarding this notice to the Department of Public Welfare, Office of Medical Assistance Programs, c/o Regu-

lations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120. Comments received within 30 days will be reviewed and considered for any subsequent revision to the fee schedule.

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

ESTELLE B. RICHMAN,  
*Secretary*

**Fiscal Note:** 14-NOT-459. (1) General Fund; (2) Implementing Year 2005-06 is \$539,000; (3) 1st Succeeding Year 2006-07 is \$1.631 million; 2nd Succeeding Year 2007-08 is \$1.631 million; 3rd Succeeding Year 2008-09 is \$1.631 million; 4th Succeeding Year 2009-10 is \$1.631 million; 5th Succeeding Year 2010-11 is \$1.631 million; (4) 2004-05 Program—\$842,991; 2003-04 Program—\$727,979; 2002-03 Program—\$666,832; (7) Medical Assistance—Outpatient; (8) recommends adoption. Funds have been included in the Department's budget to cover this increase.

[Pa.B. Doc. No. 05-2411. Filed for public inspection December 30, 2005, 9:00 a.m.]

### Medical Assistance Program Fee Schedule Changes

The purpose of this notice is to announce corrections to the Medical Assistance (MA) Program Fee Schedule concerning four National procedure codes that were recently added to the MA Program Fee Schedule as a result of implementing the 2005 updates made by the Centers for Medicare and Medicaid Services to the Healthcare Common Procedure Coding System (HCPCS).

#### *Fee Schedule Revisions*

The Department has determined that information relating to the following National procedure codes that were added to the MA Program Fee Schedule contained errors.

The fees identified with National procedure codes E2611 and E2612 were incorrect. The fees for these procedures were reduced to reflect an appropriate payment to comply with the State Plan requirement that Pennsylvania Medicaid fees not exceed Medicare reimbursement fees. The correct fees are set forth as follows, effective for dates of service on and after February 1, 2006.

<i>Code</i>	<i>Modifier</i>	<i>Terminology</i>	<i>Price on 2005 MAB</i>	<i>Correction</i>
E2611	NU	General use wheelchair back cushion, width less than 22 inches, any height, including any type mounting hardware	\$312.35	Price changed to \$249.88
E2612	NU	General use wheelchair back cushion, width 22 inches or greater, any height, including any type mounting hardware	\$422.54	Price changed to \$338.03

The modifiers identified with National procedure codes 58565 and 97597 were incorrect. As set forth as follows, the following modifiers are being removed from the MA Program Fee Schedule, effective for dates of service on and after February 1, 2006.

<i>Code</i>	<i>Modifier</i>	<i>Terminology</i>	<i>Correction</i>
58565	80	Hysteroscopy, surgical; with bilateral fallopian tube cannulation to induce occlusion by placement of permanent implants	Remove 80 modifier
97597	SG	Removal of devitalized tissue from wound(s), selective debridement, without anesthesia (e.g., high pressure waterjet with/without suction, sharp selective debridement with scissors, scalpel and forceps), with or without topical application(s), wound assessment, and instruction(s) for ongoing care, may include use of a whirlpool, per session; total wound(s) surface area less than or equal to 20 square centimeters	Remove SG modifier

A Medical Assistance Bulletin will be issued to all providers correcting MA Bulletin 99-05-15, "2005 HCPCS Updates and Other Revisions to the Medical Assistance Fee Schedule; Prior Authorization Requirements," which was issued September 12, 2005.

#### *Fiscal Impact*

The fiscal impact of the changes related to the 2005 HCPCS updates was provided in a previous fiscal note, and the related costs are provided for in the MA-Outpatient Program budget. The corrections are anticipated to result in minimal savings in the Outpatient Program.

#### *Public Comment*

Interested persons are invited to submit written comments regarding this notice to Department of Public Welfare, Office of Medical Assistance Programs, c/o Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120. Comments received within 30 days will be reviewed and considered for any subsequent revision of this notice.

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

ESTELLE B. RICHMAN,  
*Secretary*

**Fiscal Note:** 14-NOT-455. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 05-2412. Filed for public inspection December 30, 2005, 9:00 a.m.]

### Medical Assistance Program Fee Schedule Revisions to Procedure Codes for Prostheses, Orthoses and Medical Supplies

The Department of Public Welfare (Department) announces the addition to the Medical Assistance (MA) Program Fee Schedule of procedure codes for prostheses, orthoses and medical supplies and the accompanying prior authorization requirements.

#### *Fee Schedule Additions*

The Pennsylvania Orthotic and Prosthetic Society requested that the Department review a list of prostheses, orthoses and medical supply codes that have been requested frequently through the 1150 Administrative Waiver Process (Program Exception). See 55 Pa. Code § 1150.63 (relating to waivers). As a result of this review, effective for dates of service on and after December 5, 2005, the Department is adding procedure codes for prostheses, orthoses and medical supplies to the MA Program Fee Schedule.

Fees for the added procedure codes will be published in a Medical Assistance Bulletin.

The following procedure codes that are being added to the MA Program Fee Schedule do not require prior authorization:

A5500	RT LT 50	For diabetics only, fitting (including follow-up) custom preparation and supply of off-the-shelf depth-inlay shoe manufactured to accommodate multidensity insert(s), per shoe.
A5503	RT LT 50	For diabetics only, modification (including fitting) of off-the-shelf depth-inlay shoe or custom molded shoe with roller or rigid rocker bottom, per shoe.
A5504	RT LT 50	For diabetics only, modification (including fitting) of off-the-shelf depth-inlay shoe or custom molded shoe with wedge(s), per shoe.
A5505	RT LT 50	For diabetics only, modification (including fitting) of off-the-shelf depth-inlay shoe or custom molded shoe with metatarsal bar, per shoe.
A5506	RT LT 50	For diabetics only, modification (including fitting) of off-the-shelf depth-inlay shoe or custom molded shoe with off-set heel(s), per shoe.
L0984		Protective body sock, each.
L7520		Repair prosthetic device, labor component, per 15 minutes.

The procedure codes that are being added to the fee schedule and that require prior authorization are set forth as follows:

#### *Prior Authorization Requirements*

The following procedure codes and applicable modifiers that are being added to the fee schedule are for prostheses and orthoses and therefore require prior authorization under section 443.6(b)(1) of the Public Welfare Code (code) (62 P. S. § 443.6(b)(1)).

L1200		Thoracic-lumbar-sacral orthosis (TLSO), inclusive of furnishing initial orthosis only.
L1844	RT LT 50	Knee orthosis (KO), single upright, thigh and calf, with adjustable flexion and extension joint, medial-lateral and rotation control, with or without varus/valgus adjustment, custom fabricated.
L1846	RT LT 50	KO, double upright, thigh and calf, with adjustable flexion and extension joint, medial-lateral and rotation control, custom fabricated.
L1858	RT LT 50	KO, molded plastic, polycentric knee joints, pneumatic knee pads (CTI), custom fabricated.
L2275	RT LT 50	Addition to lower extremity, varus/valgus correction, plastic modification, padded/lined.
L2397	RT LT 50	Addition to lower extremity orthosis, suspension sleeve.
L2627	RT LT 50	Addition to lower extremity, pelvic control, plastic, molded to patient model, reciprocating hip joint and cables.
L2628	RT LT 50	Addition to lower extremity, pelvic control, metal, frame reciprocating hip joint and cables.
L3807	RT LT 50	Wrist-hand-finger orthosis (WHFO), without joint(s), prefabricated, includes fitting and adjustments, any type.
L4350	RT LT 50	Ankle control orthosis, stirrup style, rigid, includes any type interface (for example, pneumatic, gel), prefabricated, includes fitting and adjustment.
L5700	RT LT 50	Replacement, socket, below knee, molded to patient model.
L5701	RT LT 50	Replacement, socket, above knee/knee disarticulation, including attachment plate, molded to patient model.
L5704	RT LT 50	Custom shaped protective cover, below knee.
L5705	RT LT 50	Custom shaped protective cover, above knee.
L5706	RT LT 50	Custom shaped protective cover, knee disarticulation.
L5707	RT LT 50	Custom shaped protective cover, hip disarticulation.
L5972	RT LT 50	All lower extremity prostheses, flexible keel foot (safe, sten, bock dynamic or equal).
L5974	RT LT 50	All lower extremity prostheses, foot, single axis ankle/foot.
L5995	RT LT 50	Addition to lower extremity prosthesis, heavy duty feature (for patient weight less than 300 lbs).



The following procedure codes and applicable modifiers that are being added to the fee schedule are for orthopedic shoes or other supportive devices for the feet by a physician for the purpose of correcting or otherwise treating abnormalities of the feet or legs and therefore require prior authorization under section 443.6(b)(6) of the code (62 P. S. § 443.6(b)(6)):

- A5501 RT LT 50 For diabetics only, fitting (including follow-up) custom preparation and supply of shoe molded from cast(s) of patient's foot (custom molded shoe), per shoe.
- A5510 RT LT 50 For diabetics only, direct formed, compression molded to patient's foot without external heat source, multiple-density insert(s) prefabricated, per shoe.
- A5511 RT LT 50 For diabetics only, custom-molded from model of patient's foot, multiple density insert(s), custom-fabricated, per shoe.
- L3010 RT LT 50 Foot insert, removable, molded to patient model, longitudinal arch support, each.
- L3340 RT LT 50 Heel wedge, sach.
- L3350 RT LT 50 Heel wedge.
- L3530 RT LT 50 Orthopedic shoe addition, sole, half.
- L3540 RT LT 50 Orthopedic shoe addition, sole, full.

#### *Fiscal Impact*

This change is anticipated to have minimal fiscal impact.

#### *Public Comment*

Interested persons are invited to submit written comments regarding this notice to the Department of Public Welfare, Office of Medical Assistance Programs, c/o Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120. Comments received within 30 days will be reviewed and considered for any subsequent revision of the notice.

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

ESTELLE B. RICHMAN,  
*Secretary*

**Fiscal Note:** 14-NOT-460. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 05-2413. Filed for public inspection December 30, 2005, 9:00 a.m.]

### **Medical Assistance Program; Prior Authorization List**

The Department of Public Welfare (Department) will add items to the Medical Assistance (MA) Program's list of services requiring prior authorization, effective January 1, 2006.

Section 443.6(b)(7) of the Public Welfare Code (62 P. S. § 443.6(b)(7)) authorizes the Department to add items

and services to the list of services requiring prior authorization by publication of notice in the *Pennsylvania Bulletin*.

The MA Program will require prior authorization of prescriptions, including refills, for Prilosec Over-The-Counter (OTC) and Loratadine OTC, prescribed on and after January 1, 2006, for MA recipients who qualify for pharmacy services and also receive Medicare benefits.

#### *Fiscal Impact*

This change is anticipated to have minimal fiscal impact.

#### *Public Comment*

Interested persons are invited to submit written comments regarding this notice to the Department of Public Welfare, Office of Medical Assistance Programs, c/o Deputy Secretary's Office, Attention: Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120. Comments received within 30 days will be reviewed and considered for any subsequent changes to these prior authorization requirements.

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

ESTELLE B. RICHMAN,  
*Secretary*

**Fiscal Note:** 14-NOT-461. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 05-2414. Filed for public inspection December 30, 2005, 9:00 a.m.]

## **DEPARTMENT OF REVENUE**

### **Interest Rate Notice**

Under sections 806 and 806.1 of the Fiscal Code (72 P. S. §§ 806 and 806.1), the Secretary of Revenue announces that, for the year commencing January 1, 2006, all underpayments of tax which became due and payable to the Commonwealth on and after January 1, 1982, shall bear interest at the rate of 7% per annum. All overpayments of the tax imposed under Article III of the Tax Reform Code of 1971 (72 P.S. §§ 7301—7361), which became due and payable to the Commonwealth on and after January 1, 1982, shall bear interest at the rate of 7% per annum. All other overpayments of tax which became due and payable to the Commonwealth on and after January 1, 1982, shall bear interest at the rate of 5% per annum. These rates will remain constant until December 31, 2006. These rates will be codified under 61 Pa. Code § 4.2(a) (relating to rate of interest).

These rates have been established based upon the rate established by the Secretary of the Treasury of the United States under the provisions of section 6621(a)(2) of the Internal Revenue Code to be effective January 1, 2006.

Although the Tax Reform Act of 1986 amended the Internal Revenue Code section 6621 by requiring that the Secretary of the Treasury of the United States establish quarterly rates of interest to become effective for Federal purposes on the first month of each calendar quarter, these amendments do not affect Pennsylvania law. The

Fiscal Code requires that the interest rate be established effective January 1 of each calendar year without regard to any change in the Federal interest rate during the calendar year.

GREGORY C. FAJT,  
Secretary

[Pa.B. Doc. No. 05-2415. Filed for public inspection December 30, 2005, 9:00 a.m.]

## DEPARTMENT OF STATE

### Phase I Electronic Notarization Initiative

Under section 5101 of the Electronic Transactions Act (act) (73 P. S. § 2260.5101), the Secretary of the Commonwealth publishes notice that the provisions of section 307 of the act (73 P.S. § 2260.307) no longer conflict with the requirements and procedures of the act of August 21, 1953 (P. L. 1323, No. 373), known as the Notary Public Law (law) (57 P. S. §§ 147—169) with regard to electronic notarization, acknowledgment and verification. Therefore, duly commissioned notaries public will be permitted to engage in electronic notarizations 30 days following publication of this notice subject to the following conditions:

- The notary public must apply to the Department of State's (Department) Bureau of Commissions, Elections and Legislation (BCEL), 210 North Office Building, Harrisburg, PA 17120, to become an approved electronic notary (e-notary) certifying that the notary has not had any finalized or pending criminal or disciplinary actions since being appointed and duly commissioned as a notary public and must pay the associated \$40 application fee. The application form is available from BCEL upon request or on the Department's website at [www.dos.state.pa.us](http://www.dos.state.pa.us), link to Notaries.
- The notary public must receive an approval letter from the Department sent to the notary's office of record authorizing the approved e-notary to participate in the Department's *Phase I Electronic Notarization Initiative*, described in detail in a document available from BCEL upon request or on the Department's website at [www.dos.state.pa.us](http://www.dos.state.pa.us), link to Notaries, until the end of the Electronic Notarization Initiative or the end of the notary's current 4-year term as a notary public, whichever occurs first.
- The notary public must obtain a digital certificate in the form of an electronic notary seal for a fee from the Federally certified certification authority approved by the Office of Administration and the Secretary of the Commonwealth and selected by the Recorders of Deeds participating in the *Phase I Electronic Notarization Initiative*. A list of participating recorders of deeds is available from BCEL upon request or on the Department's website at [www.dos.state.pa.us](http://www.dos.state.pa.us), link to Notaries.
- Prior to obtaining a digital certificate, the approved e-notary must appear in person before any of the recorders of deeds participating in the *Phase I Electronic Notarization Initiative* and present the e-notary approval letter from the Department and satisfactory evidence of identity to the recorder of deeds.
- The approved e-notary must ensure that for each electronic notarization the notary performs that the following information is attached to or logically associated with the electronic signature or electronic record being notarized, acknowledged or verified: the e-notary's full

name along with the words "Notary Public," the name of the municipality and county in which the e-notary maintains an office and the date the e-notary's commission is due to expire, under section 12(f) of the law (57 P. S. § 158(f)).

- The notary public must ensure that the individual for whom the notary is performing an electronic notarization personally appears before the e-notary for each electronic notarization performed under section 12.1 of the law (57 P. S. § 158.1).
- Questions about this notice may be directed to the Bureau of Commissions, Elections and Legislation, Department of State, 210 North Office Building, Harrisburg, PA 17120. Information about the Department's *Phase I Electronic Notarization Initiative* is available at [www.dos.state.pa.us](http://www.dos.state.pa.us) (link to Notaries) or upon written request to the Bureau.

*Effective date:* This notice shall take effect 30 days after publication in the *Pennsylvania Bulletin*.

PEDRO A. CORTES,  
Secretary of the Commonwealth

[Pa.B. Doc. No. 05-2416. Filed for public inspection December 30, 2005, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Approved Speed-Timing Devices and Appointment of Maintenance and Calibration Stations

The Department of Transportation (Department), Bureau of Motor Vehicles (Bureau), under the authority of 75 Pa.C.S. § 3368 (relating to speed timing devices), has approved for use, until the next comprehensive list is published, subject to interim amendment, the following electronic speed-timing devices (radar); electronic speed-timing devices (nonradar), which measure elapsed time between measured road surface points by using two sensors; and electronic speed timing devices (nonradar), which calculate average speed between any two points.

Under 75 Pa.C.S. § 3368(c)(2), the Department has approved, for use only by members of the State Police, the following electronic speed-timing devices (radar) when used in the stationary mode only:

- (1) Falcon Radar (identified on the radar housing as FALCON). Manufactured by Kustom Signals, Incorporated, 9325 Pflumm, Lenexa, KS 66215.
- (2) H.A.W.K. Traffic Safety Radar System (identified on the radar housing as H.A.W.K.). Manufactured by Kustom Signals, Incorporated, 9325 Pflumm, Lenexa, KS 66215.
- (3) KR-10, Stationary Radar (identified on the radar housing as KR-10). Manufactured by Kustom Signals, Incorporated, 9325 Pflumm, Lenexa, KS 66215.
- (4) KR-10, Stationary Radar (identified on the radar housing as KR-10). Manufactured by Kustom Electronics, Incorporated, 8320 Nieman Road, Lenexa, KS 66214.
- (5) KR-10SP, Stationary Radar (identified on the radar housing as KR-10SP). Manufactured by Kustom Signals, Incorporated, 9325 Pflumm, Lenexa, KS 66215.
- (6) KR-10SP, Stationary Radar (identified on the radar housing as KR-10). Manufactured by Kustom Electronics, Incorporated, 8320 Nieman Road, Lenexa, KS 66214.

(7) Model 100, Decatur RA-GUN (identified on the radar housing as RA-GUN). Manufactured by Decatur Electronics, Incorporated, 715 Bright Street, Decatur, IL 62522.

(8) Genesis-I. Manufactured by Decatur Electronics, Incorporated, 715 Bright Street, Decatur, IL 62522.

(9) Genesis Handheld (GHS). Manufactured by Decatur Electronics, Incorporated, 715 Bright Street, Decatur, IL 62522.

(10) Stalker Dual, Manufactured by Applied Concepts, Incorporated, 730 F, Avenue, Suite 200, Plano, TX 75074

(11) Stalker Dual SL. Manufactured by Applied Concepts, Incorporated, 730 F, Avenue, Suite 200, Plano, TX 75074

(12) Stalker Dual DSR, Manufactured by Applied Concepts, Incorporated, 730 F, Avenue, Suite 200, Plano, TX 75074

(13) TS-3. Manufactured by MPH Industries, Incorporated, 316 East 9th Street, Owensboro, KY 42303.

(14) Vindicator, (VH-1), (Identified on the radar housing as Vindicator). Manufactured by MPH Incorporated, 316 East 9th Street, Owensboro, KY 42303.

(15) MPH Model K-15. Manufactured by MPH Industries, Incorporated, 316 East 9th Street, Owensboro, KY 42303.

(16) Stalker. Manufactured by Applied Concepts, Incorporated, 730 F, Avenue, Suite 200, Plano, TX 75074.

(17) Eagle Plus. Manufactured by Kustom Signals, Incorporated, 9325 Pflumm, Lenexa, KS 66215-3347.

Under 75 Pa.C.S. § 3368(c)(3), the Department has approved, for use by any police officer, the following electronic speed-timing devices (nonradar) which measure elapsed time between measured road surface points by using two sensors:

(1) Electrical Speed Timing System. Manufactured by Richard Hageman, 98 South Penn Dixie Road, Nazareth, PA 18064.

(2) Model TK 100, Excessive Speed Preventor. Manufactured by Systems Innovation, Incorporated, Steam Hollow Road, R. D. 2, Hallstead, PA 18822.

(3) Model TK 100, Excessive Speed Preventor. Manufactured by Targetron, Incorporated, 190 Angletown Road, Muncy, PA 17756.

(4) Speed Chek (identified on the housing as Speed Chek model one, Mfd. for: The Union Agency, Unionville, PA 19375). Manufactured by Sterner Lighting Systems, Incorporated, 351 Lewis Avenue, Winsted, MN 55395.

(5) Model TK 100, Excessive Speed Preventor Infrared. Manufactured by Systems Innovation, Incorporated, Steam Hollow Road, R. D. 2, Hallstead, PA 18822.

(6) Model TK 100, Excessive Speed Preventor Infrared. Manufactured by Targetron, Incorporated, 190 Angletown Road, Muncy, PA 17756.

(7) Enradd, Model EJU-91. Manufactured by Y.I.S. Incorporated, 1049 Hartley Street, Post Office Box 3044, York, PA 17404.

(8) Enradd, Model EJU-91 with Non-Contact Road Switch System. Manufactured by Y.I.S. Incorporated, 1049 Hartley Street, Post Office Box 3044, York, PA 17404.

(9) Enradd, Model EJU-91 Wireless System. Manufactured by Y.I.S. Incorporated, 1049 Hartley Street, Post Office Box 3044, York, PA 17404

Under 75 Pa.C.S. § 3368(c)(1) and (3), the Department has approved the use of electronic and mechanical stopwatches as speed-timing devices for use by any police officer. The Department has approved these speed-timing devices upon submission of a certificate of stopwatch accuracy indicating that a stopwatch has been successfully tested in accordance with the requirements of 67 Pa. Code, Chapter 105 (relating to mechanical, electrical and electronic speed-timing devices). The Department issues an approved speed-timing device certificate for the device, as required by § 105.72 (relating to equipment approval procedure). The Department does not publish a listing of these approved speed-timing devices because they are approved individually by serial number and police department. Therefore, if a citation is contested, it is necessary for the police department to show both the certificate of stopwatch accuracy, which was issued within 60 days of the citation, and an approved speed-timing device certificate issued by the Department of Transportation, Bureau of Motor Vehicles.

Under 75 Pa.C.S. § 3368(c)(3), the Department has approved, for use by any police officer, the following electronic speed-timing device (nonradar) which calculates average speed between any two points:

(1) VASCAR-plus. Manufactured by Traffic Safety Systems, a division of Power Systems & Controls, Incorporated, 3206 Lanvale Avenue, Richmond, VA 23230.

(2) VASCAR-plus II. Manufactured by Traffic Safety Systems, a division of Power Systems & Controls, Incorporated, 3206 Lanvale Avenue, Richmond, VA 23230.

(3) VASCAR-plus III. Manufactured by Traffic Safety Systems a division of Power Systems & Controls, Incorporated 3206 Lanvale Avenue, Richmond, VA 23230.

(4) VASCAR-plus IIIc. Manufactured by Traffic Safety Systems a division of Power Systems & Controls, Incorporated 3206 Lanvale Avenue, Richmond, VA 23230.

(5) V-SPEC-Manufactured by Y.I.S. Incorporated, 1049 Hartley Street, Post Office Box 3044, York, PA, 17404

(6) Tracker by Patco. Manufactured by Kustom Signals, Incorporated, 9325 Pflumm Lenexa, KS 66215

The Department of Transportation, under 75 Pa.C.S. § 3368(d), has appointed the following stations for calibrating and testing speed-timing devices until the next comprehensive list is published, subject to interim amendment.

The Department has appointed, under 75 Pa.C.S. § 3368(d), the following Official Electronic Device Testing Stations for radar devices, which may only be used by members of the State Police:

(1) Davidheiser's Speedometer Repair, Incorporated, 181 Ridge Road, Telford, Montgomery County, PA 18969 (Appointed: 12/22/01, Station R8).

(2) Guth Laboratories, Incorporated, 590 North 67th Street, Harrisburg, Dauphin County, PA 17111-4511 (Appointed: 01/27/97, Station R2).

(3) S & D Calibration Services, 29 Prosperity Street, Monongahela, Washington County, PA 15063 (Appointed: 08/15/03, Station R11).

(4) Simco Electronics, 2125 South West 28th Street, Allentown, Lehigh County, PA 18103 (Appointed: 09/19/96, Station R9).

(5) Thomas Associates R & E Inc., 65 s Mountain Boulevard, Mountain Top, Luzerne County, PA 18707 (Appointed: 03/28/83, Station R7)

(6) Wisco Calibration Services, Inc. 820 Washington Boulevard, Pittsburgh, Allegheny County, PA 15206 (Appointed: 07/14/99, Station R10).

(7) YIS Inc., 1049 North Hartley Street, York, York County, PA 17402 (Appointed: 01/14/75, Station R3).

(8) YIS/Cowden Group, Inc., 1049 North Hartley Street, York, York County, PA 17404. (Appointed 8/20/04 Station number R12).

The Department has appointed, under 75 Pa.C.S. § 3368(b), the following Official Speedometer Testing Stations:

(1) Auto Electric & Speedometer Service, 7019 Beaver Dam Road, Levittown, Bucks County, PA 19057 (Appointed: 03/14/74, Station S54).

(2) Auto Technology-Vocational Technical School Laboratory, 540 North Harrison Road, Pleasant Gap, Centre County, PA 16823 (Appointed: 02/10/69, Station S22).

(3) Bob's Speedometer Service, Incorporated, 1920 West Marshall Street, Norristown, Montgomery County, PA 19403 (Appointed: 11/15/77, Station S79).

(4) Briggs-Hagenlocher, 1110 Chestnut Street, Erie, Erie County, PA 16501 (Appointed: 03/25/93, Station S39).

(5) James M. Coulston, Incorporated, 2915 Swede Road, Norristown, Montgomery County, PA 19401 (Appointed: 02/11/75, Station S49).

(6) Dave's Service Center, 3617 Nicholas Street, Easton, Northampton County, PA 18045 (Appointed: 10/29/76, Station S33).

(7) Davidheiser's Speedometer Repair, Incorporated, 181 Ridge Road, Telford, Montgomery County, PA 18969—Also authorized to use mobile units (Appointed: 11/25/63, Station S19).

(8) Gabe's Speedometer Service, 2635 West Passyunk Avenue, Philadelphia, Philadelphia County, PA 19145 (Appointed: 06/03/97, Station S85).

(9) Humenicks Auto Electric, 646 East Diamond Avenue, Hazleton, Luzerne County, PA 18201 (Appointed: 11/13/67, Station S74).

(10) Izer Garage, 4616 Buchanan Trail East, Zullinger, Franklin County, PA 17272 (Appointed: 02/23/53, Station S106).

(11) George's Garage, 868 Providence Road, Scranton, Lackawanna County, PA 18508 (Appointed: 04/15/98, Station S8).

(12) K & M Automotive Electric Service, 1004-24th Street, Beaver Falls, Beaver County, PA 15010 (Appointed: 11/13/67, Station S23).

(13) Mack Enterprises of Reading, 4226 Pottsville Pike, Reading, Berks County, PA 19605 (Appointed: 05/15/79, Station S1).

(14) Mahramus Specialty Auto Service, 286 Muse Bishop Road, Canonsburg, Washington County, PA 15317 (Appointed: 01/03/84, Station S7).

(15) Melody Lakes Tire & Auto Care, Incorporated, 1113 North West End Boulevard, Quakertown, Bucks County, PA 18951 (Appointed: 09/15/71, Station S38).

(16) North Boro Speedometer Service, 547 California Avenue, Pittsburgh, Allegheny County, PA 15202 (Appointed: 11/02/78, Station S69).

(17) Powl's Speedometer Service, Incorporated, 2340 Dairy Road, Lancaster, Lancaster County, PA 17601—Also authorized to use mobile units (Appointed: 06/09/97, Station S82).

(18) Rabold's Services, 2034 Boas Street, Harrisburg, Dauphin County, PA 17103—Also authorized to use mobile units (Appointed: 06/29/62, Station S67).

(19) S & D Calibration Services, 1963 Route 837, Monongahela, Washington County, PA 15063—Also authorized to use mobile units (Appointed: 03/22/83, Station S35).

(20) Stewart's Speedometer & Auto Parts, 112 South Third Street, Youngwood, Westmoreland County, PA 15601 (Appointed: 03/20/80, Station S58).

(21) Thoman Auto Electric, Incorporated, 227 Valley Street, Lewistown, Mifflin County, PA 17044 (Appointed: 10/03/78, Station S104).

(22) Thomas Auto Electric, 109 North 9th Street, Stroudsburg, Monroe County, PA 18360 (Appointed: 07/24/89, Station S105).

(23) Y.I.S./Cowden Group Inc., 1049 North Hartley Street, York, York County, PA 17404. (Appointed 8/20/04, Station S9).

The Department has appointed, under 75 Pa.C.S. § 3368(d), the following Official Electronic Device Testing Stations for nonradar devices, which measure elapsed time between measured road surface points by using two sensors:

(1) Davidheiser's Speedometer Repair, Incorporated, 181 Ridge Road, Telford, Montgomery County, PA 18969—Also authorized to use mobile units (Appointed: 04/07/93, Station EL3).

(2) Rabolds Services, 2034 Boas Street, Harrisburg, Dauphin County, PA 17103—Also authorized to use mobile units (Appointed: 02/27/92, Station EL22).

(3) S & D Calibration Services, 29 Prosperity Street, Monongahela, Washington County, PA 15063—Also authorized to use mobile units (Appointed: 03/14/02, Station EL1).

(4) S & D Calibration Services, 115 Joyce Drive, McMurray, Washington County, PA 15317—Also authorized to use mobile units (Appointed: 09/14/82, Station EL11).

(5) Speed Enforcement, Incorporated, R. D. 1, Box 32, Randolph Road, Great Bend, Susquehanna County, PA 18821—Also authorized to use mobile units (Appointed: 03/26/85, Station EL14).

(6) Systems Innovation, Incorporated, Steam Hollow Road, R. D. 2, Hallstead, Susquehanna County, PA 18822—Also authorized to use mobile units (Appointed: 12/01/78, Station EL2).

(7) Targetron, Incorporated, 190 Angletown Road, Muncy, Lycoming County, PA 17756—Also authorized to use mobile units (Appointed: 05/07/91, Station EL21).

(8) Mahramus Specialty Auto Service, 285 Muse Bishop Road, Canonsburg, Washington County, PA 15317 (Appointed: 07/31/97, Station EL18)

(9) YIS/Cowden Group, 1049 North Hartley Street, York, York County, PA 17404—Also authorized to use mobile units (Appointed: 02/20/80, Station EL7).

The Department has appointed, under 75 Pa.C.S. § 3368(d), the following Official Stopwatch Testing Stations:

(1) Beerbower Incorporated, 1546 East Pleasant Valley Boulevard, Altoona, Blair County, PA 16602 (Appointed: 09/02/77, Station W14).

(2) George L. Cogley, 1222 Liberty Avenue, Natrona Heights, Allegheny County, PA 15065 (Appointed: 09/27/77, Station W9).

(3) Department of General Services Metrology, Room B-124, Transportation and Safety Building, Harrisburg, Dauphin County, PA 17120 (Appointed: 03/09/79, Station W18).

(4) Davidheiser's Speedometer Repair, Incorporated, 181 Ridge Road, Telford, Montgomery County, PA 18969—Also authorized to use mobile units (Appointed: 10/28/77, Station W29).

(5) Green Jewelers, Route 819, Armbrust, Westmoreland County, PA 15616 (Appointed: 06/23/78, Station W41).

(6) Hostetter's Jewelers, 2 Hill Street, Shrewsbury, York County, PA 17361 (Appointed: 11/18/77, Station W30).

(7) Leitzel's Jewelry, 422 East, Myerstown, Lebanon County, PA 17067 (Appointed: 09/01/87, Station W58).

(8) Leitzel's Jewelry Store, 296 Center Street, Millersburg, Dauphin County, PA 19061 (Appointed: 07/28/77, Station W7).

(9) Mountz Jewelers, 153 North Hanover Street, Carlisle, Cumberland County, Pa. 17013 (Appointed: 09/21/87, Station W59).

(10) Precision Watch Repair Company, 1015 Chestnut Street, Room 1010, Philadelphia, Philadelphia County, PA 19107 (Appointed: 09/24/80, Station W54).

(11) Rabold's Services, 2034 Boas Street, Harrisburg, Dauphin County, PA 17103—Also authorized to use mobile units (Appointed: 09/15/86, Station W56).

(12) R & R Timing, 529 Freeport Road, New Kensington, Westmoreland County, PA 15068. (Appointed 6/16/04 Station W10).

(13) Oscar Roth Jewelers, 659 Memorial Highway, Dallas, Luzerne County, PA 18612 (Appointed: 09/22/78, Station W47).

(14) S & D Calibration Services, 29 Prosperity Street, Monongahela, Washington County, PA 15063—Also authorized to use mobile units (Appointed: 03/14/02, Station W1).

(15) S & D Calibration Services, 115 Joyce Drive, McMurray, Washington County, PA 15317—Also authorized to use mobile units (Appointed: 10/10/89, Station W61).

(16) Servinsky Jewelers, 610 Second Street, Cresson, Cambria County, PA 16630 (Appointed: 05/18/78, Station W40).

(17) Systems Innovation, Incorporated, Steam Hollow Road, R. D. 2, Hallstead, Susquehanna County, PA 18822—Also authorized to use mobile units (Appointed: 04/22/91, Station W63).

(18) Targetron, Incorporated, 190 Angletown Road, Muncy, Lycoming County, PA 17756—Also authorized to use mobile units (Appointed: 05/07/91, Station W64).

(19) Wolf's Jewelry, 314 Market Street, Lewisburg, Union County, PA 17837 (Appointed: 10/06/77, Station W22).

(20) YIS/Cowden Group, 1049 North Hartley Street, York, York County, PA 17404—Also authorized to use mobile units (Appointed: 08/30/89, Station W60).

The Department has appointed, under 75 Pa.C.S. § 3368(d), the following Official Electronic Device Testing Stations for nonradar devices which calculates average speed between any two points:

(1) Davidheiser's Speedometer Repair, Incorporated, 181 Ridge Road, Telford, Montgomery County, PA 18969—Also authorized to use mobile units (Appointed: 02/11/93, Station EM23).

(2) Rabolds Services, 2034 Boas Street, Harrisburg, Dauphin County, PA 17103—Also authorized to use mobile units (Appointed: 02/27/92, Station EM22).

(3) S & D Calibration Services, 29 Prosperity Street, Monongahela, Washington County, PA 15063—Also authorized to use mobile units (Appointed: 03/14/02, Station EM1).

(4) S & D Calibration Services, 115 Joyce Drive, McMurray, Washington County, PA 15317—Also authorized to use mobile units (Appointed: 09/14/82, Station EM6).

(5) Speed Enforcement, Incorporated, R. D. 1, Box 32, Randolph Road, Great Bend, Susquehanna County, PA 18821—Also authorized to use mobile units (Appointed: 02/27/85, Station EM13).

(6) Systems Innovation, Incorporated, Steam Hollow Road, R. D. 2, Hallstead, Susquehanna County, PA 18822—Also authorized to use mobile units (Appointed: 10/02/80, Station EM2).

(7) Mahramus Specialty Auto Service, 285 Muse Bishop Road, Canonsburg, Washington County, PA 15317 (Appointed: 08/13/97, Station EM12).

(8) Targetron, Incorporated, 190 Angletown Road, Muncy, Lycoming County, PA 17756—Also authorized to use mobile units (Appointed: 05/07/91, Station EM21).

(9) YIS/Cowden Group, 1049 North Hartley Street, York, York County, PA 17404—Also authorized to use mobile units (Appointed: 12/20/80, Station EM5).

Comments, suggestions or questions may be directed to Peter Gertz, Manager, Administrative and Technical Support Section, Vehicle Inspection Division, Bureau of Motor Vehicles, Riverfront Office Center, 1101 South Front Street, Harrisburg, PA 17104, (717) 783-5842.

ALLEN D. BIEHLER, P. E.,  
*Secretary*

[Pa.B. Doc. No. 05-2417. Filed for public inspection December 30, 2005, 9:00 a.m.]

## ENVIRONMENTAL HEARING BOARD

**Borough of Ambler v. DEP; EHB Doc. No. 2005-336-MG**

The Borough of Ambler has appealed the issuance by the Department of Environmental Protection of an NPDES permit to the Borough of Ambler for a facility in Upper Dublin Township, Montgomery County.

A date for the hearing on the appeal has not yet been scheduled.

The appeal is filed with the Environmental Hearing Board (Board) at its office on the Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457 and may be reviewed by interested parties on request during normal business hours. If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the AT&T Pennsylvania Relay Center at (800) 654-5984.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code § 1021.81 (relating to intervention). Copies of the Board's rules of practice and procedure are available upon request from the Board.

MICHAEL L. KRANCER,  
*Chairperson*

[Pa.B. Doc. No. 05-2418. Filed for public inspection December 30, 2005, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

### Actions Taken by the Commission

The Independent Regulatory Review Commission met publicly at 10:30 a.m., Thursday, December 15, 2005, and announced the following:

#### *Regulations Approved*

Department of Transportation #18-392: Official Traffic Control Devices (deletes 67 Pa. Code Chapters 201, 203, 204, 211 and 217 and replaces them with new Chapter 212)

Environmental Hearing Board #106-8: Practice and Procedure (amends 25 Pa. Code Chapter 1021)

### Approval Order

Public Meeting held  
December 15, 2005

*Commissioners Voting:* Alvin C. Bush, Vice Chairperson; Arthur Coccodrilli; John F. Mizner, Esq.; Murray Ufberg, Esq., by phone

*Department of Transportation—Official Traffic Control Devices; Regulation No. 18-392*

On August 17, 2004, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Department of Transportation. This rulemaking deletes 67 Pa. Code Chapters 201, 203, 204, 211 and 217 and replaces them with new Chapter 212. The proposed regulation was published in the August 28, 2004 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on November 2, 2005.

This regulation adopts the most recent edition of the national Manual on Uniform Traffic Control Devices (MUTCD) published by the Federal Highway Administration and adds supplemental provisions to the MUTCD.

We have determined this regulation is consistent with the statutory authority of the Department of Transportation (75 Pa.C.S.A. §§ 6103, 6105 and 6121) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

### Approval Order

Public Meeting held  
December 15, 2005

*Commissioners Voting:* Alvin C. Bush, Vice Chairperson; Arthur Coccodrilli; John F. Mizner, Esq.; Murray Ufberg, Esq., by phone

*Environmental Hearing Board—Practice and Procedure; Regulation No. 106-8*

On March 29, 2005, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Environmental Hearing Board (Board). This rulemaking amends 25 Pa. Code Chapter 1021. The proposed regulation was published in the April 9, 2005 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on November 10, 2005.

The regulation amends the Board's procedural rules to make them similar to rules of practice before the courts of common pleas and the federal district courts.

We have determined this regulation is consistent with the statutory authority of the Board (35 P. S. § 7515(c)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

JOHN R. MCGINLEY, Jr.,  
*Chairperson*

[Pa.B. Doc. No. 05-2419. Filed for public inspection December 30, 2005, 9:00 a.m.]

## INSURANCE DEPARTMENT

### HealthAmerica; Base Rates and Rating Relativity Methodology Filing; Rate Filing

On December 12, 2005, HealthAmerica submitted a filing for the base rates and rating relativity methodology for HMO and HSA HMO for the eastern, southeastern and western Pennsylvania service areas. The increases by service area are as follows:

<i>Service Area</i>	<i>Rate Increase</i>	<i>Members Affected</i>	<i>Additional Annual Income</i>
Eastern Pennsylvania	13.42%	50,000	\$22,048,000
Southeastern Pennsylvania	14.13%	126	\$ 63,000
Western Pennsylvania	10.63%	55,000	\$16,306,000

An effective date of April 1, 2006, is requested.

A copy of the filing is available on the Insurance Department's (Department) website at [www.ins.state.pa.us](http://www.ins.state.pa.us). Under the Quick Links section, click on the link "Rate Filings Published in the PA Bulletin."

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

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

M. DIANE KOKEN,  
Insurance Commissioner

[Pa.B. Doc. No. 05-2420. Filed for public inspection December 30, 2005, 9:00 a.m.]

### Insurance Services Office, Inc.; Homeowners Loss Cost Revision; Rate Filing

On December 9, 2005, the Insurance Department (Department) received from Insurance Services Office, Inc. a filing for a proposed loss cost level change for homeowners insurance.

The advisory organization requests an overall 4.7% decrease in loss costs effective May 1, 2006.

Unless formal administrative action is taken prior to February 2, 2006, the subject filing may be deemed approved by operation of law.

A copy of the filing is available for public inspection, by appointment, during normal working hours at the Department's regional office in Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections to Xiaofeng Lu, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, [xlu@state.pa.us](mailto:xlu@state.pa.us) within 15 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
Insurance Commissioner

[Pa.B. Doc. No. 05-2421. Filed for public inspection December 30, 2005, 9:00 a.m.]

### List of Names of Qualified Unlicensed Reinsurers

Under section 319.1 of The Insurance Company Law of 1921 (40 P.S. § 442.1), the Insurance Commissioner (Commissioner) hereby lists reinsurers not licensed by the Insurance Department (Department) which shall be considered qualified to accept reinsurance from insurers licensed by the Department.

This listing of qualified unlicensed reinsurers shall be published in the *Pennsylvania Bulletin* when additions to or deletions from such listing are made by the Insurance Commissioner. This present listing shall replace in their entirety previously published listings of qualified unlicensed reinsurers which appeared at 6 Pa.B. 2423 (Sep-

tember 25, 1976); 6 Pa.B. 3140 (December 18, 1976); 7 Pa.B. 501 (February 19, 1977); 7 Pa.B. 1766 (June 25, 1977); 8 Pa.B. 276 (January 28, 1978); 8 Pa.B. 1646 (June 17, 1978); 8 Pa.B. 1646 (June 17, 1978); 8 Pa.B. 3461 (December 2, 1978); 9 Pa.B. 4235 (December 22, 1979); 11 Pa.B. 38 (January 3, 1981); 12 Pa.B. 37 (January 2, 1982); 12 Pa.B. 2368 (July 23, 1982); 13 Pa.B. 657 (February 5, 1983); 13 Pa.B. 2826 (September 10, 1983); 14 Pa.B. 1053 (March 24, 1984); 14 Pa.B. 3065 (August 18, 1984); 15 Pa.B. 402 (February 2, 1985); 15 Pa.B. 3214 (September 7, 1985); 16 Pa.B. 290 (January 25, 1986); 17 Pa.B. 461 (January 24, 1987); 17 Pa.B. 5368 (December 26, 1987); 18 Pa.B. 5540 (December 10, 1988); 19 Pa.B. 713 (February 18, 1989); 19 Pa.B. 3129 (July 22, 1989); 19 Pa.B. 5476 (December 23, 1989); 20 Pa.B. 6227 (December 15, 1990); 21 Pa.B. 3286 (July 20, 1991); 21 Pa.B. 5445 (November 23, 1991); 22 Pa.B. 4591 (September 5, 1992); 23 Pa.B. 60 (January 2, 1993); 23 Pa.B. 5678 (November 27, 1993); 24 Pa.B. 4151 (August 13, 1994); 24 Pa.B. 6033 (December 3, 1994); 25 Pa.B. 5799 (December 16, 1995); 26 Pa.B. 5665 (November 16, 1996); 27 Pa.B. 2593 (May 24, 1997); 27 Pa.B. 6019 (November 15, 1997); 28 Pa.B. 5733 (November 14, 1998) 28 Pa.B. 5922 (December 5, 1998); 29 Pa.B. 5965 (November 20, 1999); 30 Pa.B. 5033 (November 18, 2000); 31 Pa.B. 205 (January 13, 2001); 31 Pa.B. 6251 (November 10, 2001); 31 Pa.B. 7083 (December 29, 2001); 33 Pa.B. 92 (January 4, 2003); 33 Pa.B. 6474 (December 27, 2003) and 34 Pa.B. 6617 (December 11, 2004)

### Qualified Reinsurers List

1. 10651 AIG Global Trade & Political Risk Insurance Company, Parsippany, New Jersey
2. 37990 American Empire Insurance Company, Cincinnati, Ohio
3. 26883 American International Specialty Lines Insurance Company, Anchorage, Alaska
4. 10316 Appalachian Insurance Company, Johnston, Rhode Island
5. 22680 Aspen Insurance UK Limited, London, England
6. 27189 Associated International Insurance Company, Woodland Hills, California
7. 50687 Attorneys' Title Insurance Fund, Inc., Orlando, Florida
8. 19925 Audubon Indemnity Company, Ridgeland, Mississippi
9. 36552 AXA Corporate Solutions Reinsurance Company, Wilmington, Delaware
10. 36951 Century Surety Company, Columbus, Ohio
11. 39993 Colony Insurance Company, Richmond, Virginia
12. 40371 Columbia Mutual Insurance Company, Columbia, Missouri
13. 27955 Commercial Risk Re-Insurance Company, South Burlington, Vermont
14. 40509 EMC Reinsurance Company, Des Moines, Iowa
15. 39020 Essex Insurance Company, Wilmington, Delaware
16. 35378 Evanston Insurance Company, Evanston, Illinois

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| <p>17. 97071 Generali USA Life Reassurance Company, Lansing, Michigan</p> <p>18. 37532 Great American E &amp; S Insurance Company, Wilmington, Delaware</p> <p>19. 41858 Great American Fidelity Insurance Company, Wilmington, Delaware</p> <p>20. 88340 Hannover Life Reassurance Company of America, Orlando, Florida</p> <p>21. 10241 Hannover Ruckversicherungs-Aktiengesellschaft, Hannover, Germany</p> <p>22. 93505 Hartford International Life Reassurance Corporation, Hartford, Connecticut</p> <p>23. 78972 Healthy Alliance Life Insurance Company, St. Louis, Missouri</p> <p>24. 42374 Houston Casualty Company, Houston, Texas</p> <p>25. 27960 Illinois Union Insurance Company, Chicago, Illinois</p> <p>26. 22829 Interstate Fire &amp; Casualty Company, Chicago, Illinois</p> <p>27. 35637 Landmark Insurance Company, Los Angeles, California</p> <p>28. 19437 Lexington Insurance Company, Wilmington, Delaware</p> <p>29. 41939 Liberty Northwest Insurance Corporation, Portland, Oregon</p> <p>30. Lloyd's Underwriters, London, England</p> <p>31. Mapfre Re, Compania de Reaseguros, S. A., Madrid, Spain</p> <p>32. 10744 Markel International Insurance Company Limited, London, England</p> <p>33. 32089 Medmarc Mutual Insurance Company, Montpelier, Vermont</p> <p>34. 14591 Milwaukee Mutual Insurance Company, Milwaukee, Wisconsin</p> <p>35. 33189 Monticello Insurance Company, Wilmington, Delaware</p> <p>36. 20079 National Fire &amp; Marine Insurance Company, Omaha, Nebraska</p> <p>37. 41629 New England Reinsurance Corporation, Hartford, Connecticut</p> <p>38. 17400 Noetic Specialty Insurance Company, Chicago, Illinois</p> <p>39. 31143 Old Republic Union Insurance Company, Chicago, Illinois</p> <p>40. 88099 Optimum Re Insurance Company, Dallas, Texas</p> <p>41. 38636 Partner Reinsurance Company of the U. S., New York, New York</p> <p>42. 88536 Protective Life and Annuity Insurance Company, Birmingham, Alabama</p> <p>43. 29807 PXRE Reinsurance Company, Hartford, Connecticut</p> <p>44. 92673 Revios Reinsurance Canada Ltd, Los Angeles, California</p> | <p>45. 87017 Revios Reinsurance U.S. Inc., Los Angeles, California</p> <p>46. RiverStone Insurance Company (UK) Limited, London, England</p> <p>47. 10679 St. Paul Reinsurance Company, Limited, London, England</p> <p>48. 21911 San Francisco Reinsurance Company, Novato, California</p> <p>49. 90670 Scottish Re Life Corporation, Wilmington, Delaware</p> <p>50. 41297 Scottsdale Insurance Company, Columbus, Ohio</p> <p>51. 23388 Shelter Mutual Insurance Company, Columbia, Missouri</p> <p>52. 26557 Shelter Reinsurance Company, Columbia, Missouri</p> <p>53. 10932 Starr Excess Liability Insurance Company, Ltd., Wilmington, Delaware</p> <p>54. 39187 Suecia Insurance Company, Nanuet, New York</p> <p>55. 19887 Trinity Universal Insurance Company, Dallas, Texas</p> <p>56. 37982 Tudor Insurance Company, Keene, New Hampshire</p> <p>57. 10292 Unionamerica Insurance Company Limited, London, England</p> <p>58. 36048 Unione Italiana Reinsurance Company of America, Inc., New York, New York</p> <p>59. 28053 United Coastal Insurance Company, Phoenix, Arizona</p> <p>60. 13021 United Fire &amp; Casualty Company, Cedar Rapids, Iowa</p> <p>61. 10172 Westchester Surplus Lines Insurance Company, Atlanta, Georgia</p> <p>62. 13196 Western World Insurance Company, Keene, New Hampshire</p> <p>63. 10242 Zurich Specialties London Limited, London, England</p> |
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The following companies have been added since the list was published at 34 Pa.B. 6617 (December 11, 2004).

Mapfre Re, Compania de Reaseguros, S. A.  
RiverStone Insurance Company (UK) Limited, London, England

The following company has been removed from the list since it was published at 34 Pa.B. 6617 (December 11, 2004).

Sphere Drake Insurance Limited, London, England

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 05-2422. Filed for public inspection December 30, 2005, 9:00 a.m.]



# OFFICE OF THE BUDGET

## Statutory Cost of Living Increases for Salaries of State Officials and the Heads of Departments, Boards and Commissions

Section 3(e) of the Public Official Compensation Act, the act of September 30, 1983 (P. L. 160, No. 39) as amended by Section 2 of the act of October 19, 1995 (P. L. 324, No. 51) mandates that the salaries of the Governor, Lieutenant Governor, State Treasurer, Auditor General, Attorney General, and the heads of the departments and members of boards and commissions shall be increased by applying the percentage change in the Consumer Price Index for All Urban Consumers (CPI-U) for the Pennsylvania, New Jersey, Delaware and Maryland area for the most recent 12 month period for which figures have been officially reported by the United States Department of Labor, Bureau of Labor Statistics (BLS) immediately prior to the date adjustment is due to take effect.

As required by Section 3(e) of the Public Official Compensation Law, the Governor has determined, based on the change in the CPI-U (PA-DE-NJ-MD) over the past 12 months as reported by BLS on November 16 2005, that the salaries covered by that law shall be increased by 3.6% effective January 1, 2006. The following chart lists the position, the salary prior to the adjustment, the percentage increase of the adjustment, and the new salary:

### COLA Adjustment for Elected and Appointed Officials Receiving Salaries Contained in Act 1995-51

COLA adjustment is based on the percent change in the CPI-U FOR PA-DE-NJ-MD, CMSA,  
for the 12 month period ending October 2005

<i>Position</i>	<i>Salary Prior to 1/1/2006</i>	<i>COLA ADJUSTMENT</i>	<i>Salary Effective 1/1/2006</i>
Governor	\$155,572	3.6%	\$161,173
Lieutenant Governor	\$130,679	3.6%	\$135,383
State Treasurer	\$129,436	3.6%	\$134,096
Auditor General	\$129,436	3.6%	\$134,096
Attorney General	\$129,436	3.6%	\$134,096
Large Agency Head	\$124,458	3.6%	\$128,938
Secretary of Education			
Secretary of Environmental Protection			
Secretary of Health			
Secretary of Labor and Industry			
Secretary of Public Welfare			
Secretary of Transportation			
Secretary of Corrections			
Medium Agency Head	\$118,234	3.6%	\$122,490
Secretary of Aging			
Secretary of Community & Economic Development			
Secretary of General Services			
Secretary of Revenue			
State Police Commissioner			
Secretary of Conservation & Natural Resources			
Small Agency Head	\$112,013	3.6%	\$116,045
Adjutant General			
Secretary of Agriculture			
Secretary of Banking			
Secretary of the Commonwealth			
Insurance Commissioner			
Liquor Control Board			
Chairman	\$63,224	3.6%	\$65,500
Member	\$60,734	3.6%	\$62,920
Civil Service Commission****			
Chairman	\$71,142	3.6%	\$73,703
Member	\$68,405	3.6%	\$70,868
State Tax Equalization Board			
Chairman	\$21,781	3.6%	\$22,565
Member	\$20,224	3.6%	\$20,952
Milk Marketing Board			
Chairman	\$20,224	3.6%	\$20,952
Member	\$19,446	3.6%	\$20,146
Securities Commission***			
Chairman	\$34,028	3.6%	\$35,253
Member	\$31,045	3.6%	\$32,163
Athletic Commission			
Chairman	\$16,338	3.6%	\$16,926

<i>Position</i>	<i>Salary Prior to 1/1/2006</i>	<i>COLA ADJUSTMENT</i>	<i>Salary Effective 1/1/2006</i>
Member Board of Pardons	\$15,557	3.6%	\$16,117
Member Public Utility Commission	\$14,312	3.6%	\$14,827
Chairman	\$120,734	**	\$124,990
Member Environmental Hearing Board*	\$118,234	3.6%	\$122,490
Chairman	\$120,734	*	\$124,990
Member Board of Claims*****	\$118,234	*	\$122,490
Chairman	\$114,903	3.6%	\$119,040
Member	\$108,855	3.6%	\$112,774

\* The Environmental Hearing Board is not listed in Act 1995-51, but separate legislation requires that the Board's members receive the same compensation as the PUC.

\*\* Act 1995-51 requires that the PUC Chairman shall receive \$2,500/yr. more than PUC Members.

\*\*\* Per Act 1998-51.

\*\*\*\* Per Act 2002-140 effective November 27, 2002.

\*\*\*\*\* Per Act 2002-118, effective October 2, 2002.

MICHAEL J. MASCH,  
*Secretary*

[Pa.B. Doc. No. 05-2423. Filed for public inspection December 30, 2005, 9:00 a.m.]

## PENNSYLVANIA ENERGY DEVELOPMENT AUTHORITY

### Pennsylvania Energy Development Authority Board Meeting

A meeting of the Pennsylvania Energy Development Authority Board is scheduled to be held on Wednesday, January 11, 2005, at 10 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

The agenda will be available prior to the meeting on the Department of Environmental Protection's (Department) website at [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (DEP Keyword: PEDA). Questions concerning the agenda should be directed to Jeanne Dworetzky, (717) 783-8911, [jdworetzky@state.pa.us](mailto:jdworetzky@state.pa.us).

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Amanda Richards directly at (717) 772-8911 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY,  
*Chairperson*

[Pa.B. Doc. No. 05-2424. Filed for public inspection December 30, 2005, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority application for the right to render service as a common carrier or contract carrier in this Commonwealth has been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by January 23, 2006. Documents filed in support of applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

**Application of the following for the approval of the right and privilege to *discontinue/abandon operating as common carriers by motor vehicle and for cancellation of the certificate of public convenience as described under the application.***

**A-00097961. Vincent Scalzo, Jr. t/a Alert Moving & Storage** (450 Rhawn Street, Philadelphia, PA 19111)—certificate of public convenience to discontinue the right to transport as a common carrier by motor vehicle; household goods and office furnishings, in use, between

points in the Counties of Philadelphia, Delaware, Chester, Montgomery and Bucks included within a line which connects the municipal boundaries of Chester, West Chester, Paoli, Norristown, Doylestown and Morrisville, but not including said places; from points in the Counties of Philadelphia, Delaware, Chester, Montgomery and Bucks included within a line which connects the municipal boundaries of Chester, West Chester, Paoli, Norristown, Doylestown and Morrisville, but not including said places, to other points in Pennsylvania, and vice versa; for delivery and installation, electric refrigerators, boilers and radiators between points in the City and County of Philadelphia and from points in the City and County of Philadelphia to points within an airline distance of 40 statute miles of Philadelphia City Hall; uncharted household good appliances from points in the City and County of Philadelphia to ultimate consumers located within an airline distance of 40 statute miles of the Philadelphia City Hall, with the right to return rejected and damaged shipments and such articles for trade-in and repair.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 05-2425. Filed for public inspection December 30, 2005, 9:00 a.m.]

**Bureau of Professional and Occupational Affairs v.  
Patrice Ovack, R. N.; Doc. No. 0032-51-02**

On October 31, 2005, Patrice Ovack, license no. RN-231794-L, of Philadelphia, Philadelphia County, had her nursing license revoked, based on her conviction of a felony for theft by unlawful taking.

Individuals may obtain a copy of the adjudication by writing to Carmen L. Rivera, Board Counsel, State Board of Nursing, P. O. Box 2649, Harrisburg, PA 17105-2649.

This adjudication and order represent the final State Board of Nursing (Board) decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of the petition for review. The Board contact for receiving service of appeals is the previously named Board counsel.

JANET HUNTER SHIELDS, MSN, CRNP, CS  
*Chairperson*

[Pa.B. Doc. No. 05-2427. Filed for public inspection December 30, 2005, 9:00 a.m.]

## STATE BOARD OF NURSING

**Bureau of Professional and Occupational Affairs v.  
Tracy J. Klimashko, R. N., Doc. No. 0083-51-05**

On September 20, 2005, Tracy J. Klimashko, license no. RN-286439-L, of New Kensington, Westmoreland County, was suspended for at least 2 years, based on the suspension of licensure in another state for inability to engage in the safe practice of nursing.

Individuals may obtain a copy of the adjudication by writing to Carmen L. Rivera, Board Counsel, State Board of Nursing, P. O. Box 2649, Harrisburg, PA 17105-2649.

This adjudication and order represent the final State Board of Nursing (Board) decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of the petition for review. The Board contact for receiving service of such appeals is the previously named Board counsel.

JANET HUNTER SHIELDS, MSN, CRNP, CS,  
*Chairperson*

[Pa.B. Doc. No. 05-2426. Filed for public inspection December 30, 2005, 9:00 a.m.]

# STATE CONTRACTS INFORMATION

## DEPARTMENT OF GENERAL SERVICES

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". The penalties apply to invoices for goods or services when payments are not made by the required payment date or within a 15 day grace period thereafter.


Act 1984-196 redefined a "qualified small business concern" as any independently owned and operated, for-profit business concern employing 100 or fewer employees. See 4 Pa. Code § 2.32. The business must include the following statement on every invoice submitted to the Commonwealth: "(name of business) is a qualified small business concern as defined in 4 Pa. Code 2.32."

A business is eligible for payments when the required payment is the latest of:  
 The payment date specified in the contract.  
 30 days after the later of the receipt of a proper invoice or receipt of goods or services.  
 The net payment date stated on the business' invoice.

A 15-day grace period after the required payment date is provided to the Commonwealth by the Act.

For more information: contact: Small Business Resource Center  
 PA Department of Community and Economic Development  
 374 Forum Building  
 Harrisburg, PA 17120  
 800-280-3801 or (717) 783-5700

### Reader's Guide



① Service Code Identification Number

② Commodity/Supply or Contract Identification No.

**B-54137.** Consultant to provide three 2-day training sessions, covering the principles, concepts, and techniques of performance appraisal and standard setting with emphasis on performance and accountability, with a knowledge of State Government constraints.

Department:	General Services	③ Contract Information
Location:	Harrisburg, Pa.	④ Department
Duration:	12/1/93-12/30/93	⑤ Location
Contact:	Procurement Division 787-0000	⑥ Duration

⑦

(For Commodities: Contact:  
 Vendor Services Section  
 717-787-2199 or 717-787-4705

#### REQUIRED DATA DESCRIPTIONS

- ① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.
- ② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.
- ③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.
- ④ Department: State Department or Agency initiating request for advertisement.
- ⑤ Location: Area where contract performance will be executed.
- ⑥ Duration: Time estimate for performance and/or execution of contract.
- ⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.  
  
(For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

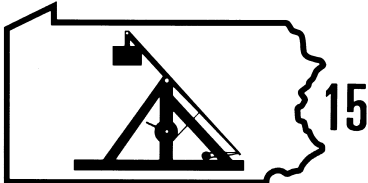
## DO BUSINESS WITH STATE AGENCIES

The Treasury Department's Bureau of Contracts and Public Records can help you do business with state government agencies. The bureau is, by law, the central repository for all state contracts over \$5,000. Contract Specialists can supply you with descriptions of contracts, names of previous bidders, pricing breakdowns and other information. They can also direct you to the appropriate person and agency looking for your product or service. Copies of state contracts are also available. (Duplicating and mailing costs may apply). For more information, visit us online at [www.patreaury.org](http://www.patreaury.org).

Contact: **Bureau of Contracts and Public Records**  
 Pennsylvania Treasury Department  
 201 Finance Building  
 Harrisburg, PA 17120  
 Phone: (717) 787-2990 or 1-800-252-4700  
 Fax: (717) 772-0977

ROBERT P. CASEY, Jr.,  
*State Treasurer*

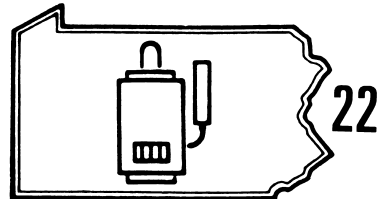
## SERVICES



**Environmental Maintenance Service**

**CN00018357** This contract will be for two (2) 5,500 gallon double wall tanks to be used for the storage of salt brine. The tank size will be a maximum of 13' wide and 15' high. The tanks will require the following attachments be provided: Four (4) 2" transition stainless steel fittings and two (2) complete pump systems to include fittings, hoses, and other required hardware. Delivery of the tanks will be required to our facility at 101 Locust Street, Coudersport, PA 16915. For complete specifications and bid package, you will need to contact Andreana Fourness, Clerical Supervisor. You can reach her by fax at (814) 274-9764 or by phone at (814) 274-9181 ext. 3013.

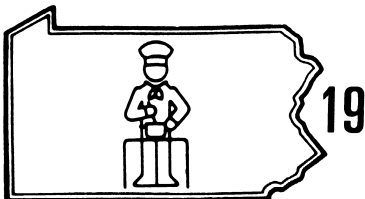
**Department:** Transportation  
**Location:** 101 Locust Street, Coudersport, PA 16915  
**Duration:** 90 days after fully executed purchase order  
**Contact:** Susan Hoy, Maintenance Mgr., (814) 274-9181



**HVAC Services**

**RFP 63-0238E** 15KV Electrical Distribution System Upgrade, Phase II. The second phase of a conversion process that will include a complete elimination of the 5KV distribution system on campus by conversion to all 15KV class equipment. The University will be using an RFP "Best Value" method of procurement. The contract will not necessarily be awarded to the lowest cost proposer but to the most qualified, responsive and responsible firm that is determined to provide the "Best Value" to West Chester University. A MANDATORY pre-proposal conference is scheduled for Jan. 10, 2006 at 10:00 a.m. Proposals are due no later than 11:00 a.m. Feb. 3, 2006. To request the RFP package, send written request to Barb Cooper via fax to 610-436-2720 or call 610-436-2706 to check availability. Estimated cost range (\$2.0 - \$3.0 million).

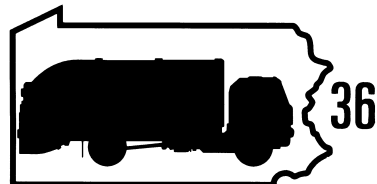
**Department:** State System of Higher Education  
**Location:** Construction Procurement, West Chester University, 201 Carter Drive, Suite 200, West Chester, PA 19383  
**Duration:** Estimated construction period is 485 days (April 1, 2006 though July 31, 2007) from Notice to Proceed.  
**Contact:** Barb Cooper, 610-436-2706



**Food**

**CN00018422** Misc. Food Items to be provided to Warren State Hospital in accordance with Bid Specifications.

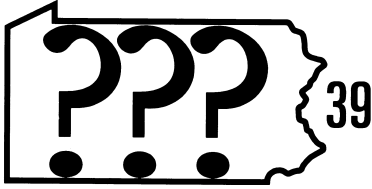
**Department:** Public Welfare  
**Location:** Warren State Hospital, 33 Main Dr., N. Warren, PA 16365  
**Duration:** Jan - March 2006  
**Contact:** Bobbie Muntz, PA III, 814-726-4496



**Sanitation**

**8945** Trash and rubbish removal services for the PA State Police, Greensburg Headquarters and DNA Lab, for the period of March 1, 2006 to June 30, 2008. Service to be rendered ONCE (1) a week. Recycling if applicable. Detailed Work Schedule and Bid must be obtained from Facility Management Division, 717-705-5951.

**Department:** State Police  
**Location:** Troop A, Greensburg Headquarters and DNA Lab, 100 North Westmoreland Avenue, Greensburg, PA.  
**Contact:** Tpr. Sally Lander, 724-832-6484  
**Duration:** 03/01/06 to 06/30/08  
**Contact:** Sandy Wolfe, 717-705-5951



### Miscellaneous

**SU-05-12** Shippensburg University is seeking vendors interested in submitting bids for a 3D Hand Held Scanner with Transmitter, software and Stylus. Please fax or e-mail your request to be added to the Bidders list no later than January 9, 2006. Fax your request to Attn: Pam King 717-477-1350 or e-mail request to be added to bidders list to paking@ship.edu. All responsible bidders are invited to participate including MBE/WBE firms.

**Department:** State System of Higher Education  
**Location:** Shippensburg University, 1871 Old Main Drive, Shippensburg PA 17257  
**Duration:** Limited to purchase of merchandise listed in Bid request  
**Contact:** Pamela King, 717-477-1386

**ADV#266** Indiana University of Pennsylvania, a member of the Pennsylvania State System of Higher Education, is seeking qualified vendors to respond to a Request for Proposal to provide consulting services for the development of the University's integrated marketing and strategic enrollment management plans. Integrated marketing will provide strategies that will develop and strengthen brand and maximize marketing impact. Enrollment management will assess admissions marketing positions, market identification, geo-demographic opportunities, enrollment trends, recruitment strategies, resource requirements, and process re-engineering. Requests for copies of the proposal package should be made in writing referencing ADV #266 and directed to the attention of Robert L. Bowser, Jr., C.P.M., Purchasing Services, IUP, Robertshaw Building, 650 S. 13th Street, Indiana, PA 15705; fax 724-357-2670; e-mail rbowser@iup.edu. Interested vendors should submit their requests to be placed on the bidders list no later than 01/06/06. Proposal packages will be mailed to vendors after 01/06/06. The University encourages responses from small and disadvantaged, minority and women-owned firms.

**Department:** State System of Higher Education  
**Location:** Indiana University of PA, Indiana, PA 15705  
**Duration:** Six (6) Months  
**Contact:** Robert Bowser, (724) 357-3077

[Pa.B. Doc. No. 05-2428. Filed for public inspection December 30, 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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JAMES P. CREEDON,  
*Secretary*





# Title 58—RECREATION

## PENNSYLVANIA GAMING CONTROL BOARD

[58 PA. CODE CHS. 401, 405, 421, 423, 435, 437 AND 441]

### Temporary Regulations

Under the Pennsylvania Gaming Control Board's (Board) Resolution No. 2005-3 REG, entitled Adoption of Temporary Regulations, dated June 16, 2005, and Resolution No. 2005-4, entitled Adopting of Draft Regulations as Temporary Regulations for the General Licensing Standards for Slot Machine License Applicants Temporary Regulations, dated July 21, 2005, the Board has the authority to amend the temporary regulations, adopted on June 16, 2005, and July 21, 2005, as it deems necessary in accordance with the purpose of the act of July 5, 2004 (P. L. 572, No. 71) (Act 71) and to further the intent of Act 71. Therefore, the Board has decided to make editorial changes to the temporary regulations, dated June 16, 2005, and July 21, 2005, as deposited with the Legislative Reference Bureau (Bureau) and published at 35 Pa.B. 4045 (July 15, 2005) and 35 Pa.B. 4828 (August 6, 2005).

Therefore, the Board has deposited with the Bureau amendments to 58 Pa. Code §§ 401.4, 405.3, 421.2, 421.4, 423.5, 435.1, 435.2, 435.4, 437.1, 437.3, 441.7, 441.9 and 441.10. The amendments are effective as of December 15, 2005.

The temporary regulations of the Board, 58 Pa. Code Chapters 401, 405, 421, 423, 435, 437 and 441, are amended by amending §§ 401.4, 405.3, 421.2, 421.4, 423.5, 435.1, 435.2, 435.4, 437.1, 437.3, 441.7, 441.9 and 441.10 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

THOMAS A. DECKER,  
*Chairperson*

**Fiscal Note:** 125-11. No fiscal impact; (8) recommends adoption.

### Annex A

## TITLE 58. RECREATION

### PART VII. GAMING CONTROL BOARD

#### Subpart A. GENERAL PROVISIONS

#### CHAPTER 401. PRELIMINARY PROVISIONS

##### § 401.4. Definitions.

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

\* \* \* \* \*

##### *Controlling interest—*

(i) A person shall be deemed to have the ability to control a publicly traded entity, or to elect one or more of the members of its board of directors, if the holder owns or beneficially holds 5% or more of the securities of the publicly traded domestic or foreign corporation, partnership, limited liability company or other form of legal entity, unless the presumption of control or ability to elect is rebutted by clear and convincing evidence.

(ii) A person who is a holder of securities of a privately held domestic or foreign corporation, partnership, limited liability company or other form of legal entity shall be

deemed to possess a controlling interest unless the presumption of control is rebutted by clear and convincing evidence.

(iii) A person who owns or is the beneficial holder of less than 5% of the securities of a privately held domestic or foreign corporation, partnership, limited liability company or other form of legal entity shall be deemed as having rebutted the presumption of control by clear and convincing evidence.

\* \* \* \* \*

##### *Gaming employee—*

(i) An employee of a slot machine licensee, including, but not limited to:

- (A) Cashiers.
- (B) Change personnel.
- (C) Counting room personnel.
- (D) Slot attendants.
- (E) Hosts or other persons authorized to extend complimentary services.
- (F) Machine mechanics or computer machine technicians.
- (G) Security personnel.
- (H) Surveillance personnel.
- (I) Supervisors and managers.

(ii) The term includes:

(A) Employees of a person holding a supplier license whose duties are directly involved with the repair, service or distribution of slot machines and associated equipment sold or provided to a licensed facility within this Commonwealth.

(B) Employees of a person holding a manufacturer license whose duties meet one or more of the following criteria:

(I) The employee's duties are directly involved with slot monitoring systems, casino management systems, player tracking systems and wide-area progressive systems approved and installed for use or play in this Commonwealth.

(II) The employee's presence may be required from time to time in restricted areas of a licensed facility.

(C) Other employees as determined by the Board.

(iii) The term does not include bartenders, cocktail servers or other persons engaged solely in preparing or serving food or beverages, clerical or secretarial personnel, parking attendants, janitorial, stage, sound and light technicians and other nongaming personnel as determined by the Board.

\* \* \* \* \*

##### *Key employee—*

(i) Any individual who is:

(A) Employed in a director or department head capacity and who is empowered to make discretionary decisions that regulate slot machine operations in this Commonwealth, including the general manager and assistant manager of the licensed facility, director of slot operations, director of cage and credit operations, director of surveillance, director of marketing, director of management information systems, director of security, comptrol-

ler and any employee who supervises the operations of these departments or to whom these department directors or department heads report.

(B) Employed by a slot machine licensee or applicant, manufacturer licensee or applicant, supplier licensee or applicant, certified vendor or licensed junket enterprise whose duties affect or require contact with slot machines, slot monitoring systems, casino management systems, player tracking systems and wide-area progressive systems for use or play in this Commonwealth, whether or not the individual is assigned to gaming operations in this Commonwealth.

(C) Employed in other positions which the Board will determine based on detailed analyses of the employee's duties or the job descriptions as provided in the internal controls of the applicant or licensee as approved by the Board under section 1322(c) of the act (relating to slot machine accounting controls and audits).

(ii) All other gaming employees unless otherwise designated by the Board, will be classified as nonkey employees.

\* \* \* \* \*

*Key employee qualifier*—Officers; directors; persons who directly or indirectly hold any beneficial interest in or ownership of an amount equal to 5% or more of the securities of an applicant or licensee; a person who has the ability to control the applicant or licensee, has a controlling interest in the applicant or licensee, elects a majority of the board of directors of the applicant or licensee, or otherwise has the ability to control the applicant or licensee; a lender, other than a bank or lending institution which makes a loan or holds a mortgage or other lien acquired in the ordinary course of business; an underwriter; a financial backer whose holdings are valued at an amount equal to 5% or more of an equity interest in the applicant or licensee including holders of convertible bonds, the conversion of which would or does result in the owner holding 5% or more of an equity interest in the applicant or licensee; employees of a slot machine applicant or licensee, manufacturer applicant or licensee or supplier applicant or licensee required to be licensed by the Board as a key employee qualifier; and any other person required to be licensed by the Board as a key employee qualifier.

\* \* \* \* \*

*Publicly traded*—An entity that meets one or more of the following criteria:

(i) The entity has a class or series of securities registered under the Securities Exchange Act of 1934 (15 U.S.C.A. §§ 78a—78nn).

(ii) The entity is a registered management company under the Investment Company Act of 1940 (15 U.S.C.A. §§ 80a-1—80a-64).

(iii) The entity is subject to the reporting obligations imposed by section 15(d) of the Securities Exchange Act of 1934 (15 U.S.C.A. § 78o) by reason of having filed a registration statement which has become effective under the Securities Act of 1933 (15 U.S.C.A. §§ 77a—77aa).

\* \* \* \* \*

*Vendor*—A person who provides goods or services to a slot machine licensee or applicant, but who is not required to be licensed as a manufacturer, supplier, management company or junket enterprise.

**CHAPTER 405. BUREAU OF INVESTIGATION AND ENFORCEMENT.**

**§ 405.3. Office of Enforcement Counsel.**

\* \* \* \* \*

(d) The Director of the Office of Enforcement Counsel may be removed by the Board only for good cause shown.

**Subpart B. LICENSING, REGISTERING, CERTIFYING AND PERMITTING**

**CHAPTER 421. GENERAL PROVISIONS**

**§ 421.2. Licenses, registrations, certifications and permits.**

(a) Licenses that may be issued by the Board include:

\* \* \* \* \*

(6) Junket enterprise license, which authorizes the approved licensee to arrange a junket to a licensed facility with a slot machine licensee.

(b) Permits that may be issued by the Board include occupation permits which authorize individuals to be employed as gaming employees by slot machine licensees, supplier licensees and manufacturer licensees who are excluded from the supplier requirement.

(c) Certifications that may be issued by the Board include vendor certifications which authorize approved vendors to provide goods or services to slot machine licensees on a regular or continuing basis.

(d) Registrations that may be issued by the Board include:

(1) Nongaming employee registration, which authorizes individuals to be employed as nongaming employees by slot machine licensees or certified vendors.

(2) Vendor registration, which authorizes approved vendors to provide goods or services to slot machine licensees or applicants.

**§ 421.4. Investigations; supplementary information.**

(a) The Board and the Bureau may:

(1) Make an inquiry or investigation concerning an applicant, licensee or any affiliate, intermediary, subsidiary or holding company of the applicant or licensee as it may deem appropriate either at the time of the initial application and licensure or at any time thereafter.

(2) Upon request from an eligible applicant or licensee and upon receipt of an application and appropriate fees, make an inquiry or investigation concerning a purchaser of an applicant or licensee prior to the conclusion of the purchase, as if the purchaser were an eligible applicant. This inquiry or investigation does not replace the application procedure or process required under the act and this part which is a requirement for licensure.

(b) It shall be the continuing duty of all applicants and licensees to provide full cooperation to the Board and the Bureau in the conduct of the inquiry or investigation and to provide supplementary information requested by the Board or the Bureau.

**CHAPTER 423. APPLICATIONS**

**§ 423.5. Application withdrawal.**

(a) A request for withdrawal of an application may be made by petition to the Board in the following manner:

(1) If the request for application withdrawal is made by an applicant for a Category 1, Category 2 or Category 3 slot machine license, the petition shall be filed within 6

months from the date slot machine license applications are deemed complete by the Board, unless otherwise designated by the Board.

(2) If the request for application withdrawal is made by an applicant for any license, permit, certification or registration or renewal thereof, other than an initial slot machine license applicant, the petition may be filed at any time prior to issuance by the Board of its determination with respect to the application.

(b) The petition should set forth the reasons for the withdrawal.

(c) An applicant may petition for the withdrawal of its application or an application submitted by one of its affiliates or persons or entities required to be qualified under section 1311 of the act (relating to slot machine license application business entity requirements), or both.

(d) In all requests for withdrawal, the Board may set the conditions of withdrawal and may deny or grant the request with or without prejudice.

(1) If a request for withdrawal is granted with prejudice, the person or entity whose application has been withdrawn will not be eligible to apply for licensure with the Board until after expiration of 5 years from the date of the withdrawal.

(2) If a request for withdrawal is granted without prejudice the Board will determine when the person or entity whose application has been withdrawn may be eligible to apply for licensure.

(e) Unless the Board otherwise directs, fees or other payments relating to any application will not become refundable by reason of withdrawal of the application or any portion thereof.

**CHAPTER 435. EMPLOYEES**

**§ 435.1. General provisions.**

\* \* \* \* \*

(m) The Board may issue, renew or deny a license, permit or registration under this section, consistent with 18 Pa.C.S. § 9124 (relating to use of records by licensing agencies).

(1) If the Board provides an individual with the opportunity to demonstrate rehabilitation, the individual shall provide certification from the Board of Probation and Parole or the county probation and parole office, whichever is applicable, that all obligations for restitution, fines and penalties have been met.

(i) The Board will provide notice to the district attorney of the individual's county of residence of the individual's request for a determination of rehabilitation.

(ii) The district attorney shall have 15 days from receipt of the notice to provide input into the determination.

(2) For an individual with out-of-State convictions, if the Board provides the individual with the opportunity to demonstrate rehabilitation, the individual shall provide certification from the equivalent state or county board of probation or parole, whichever is applicable, that all obligations for restitution, fines and penalties have been met.

(i) The Board will provide notice to the district attorney or equivalent thereof of the individual's place of conviction of the individual's request for a determination of rehabilitation.

(ii) The district attorney or equivalent thereof shall have 15 days from receipt of the notice to provide input into the determination.

(n) Nothing in subsection (m) will be construed to authorize the issuance of a license, permit or registration to an individual who meets one or more of the following criteria:

(i) The individual has been convicted of an offense under 18 Pa.C.S. (relating to crimes and offenses) or under the criminal laws of any other jurisdiction which conviction indicates that the issuance of the license, permit or registration to the individual would be inimical to the public policy of the act or this part.

(ii) The individual has been convicted in any jurisdiction of a felony or gambling offense within the past 15 years under section 1213 of the act (relating to license or permit prohibition).

**§ 435.2. Key employee qualifier license.**

\* \* \* \* \*

(g) Notwithstanding the definition of key employee qualifier in § 401.4 (relating to definitions), any of the following persons may request in writing that the Board waive their obligation to be licensed as a key employee qualifier as part of a manufacturer, supplier or slot machine license issuance or renewal, vendor certification or renewal or junket enterprise license issuance or renewal by making the appropriate showing:

(1) If the person required to be licensed is a key employee qualifier as an officer of an affiliate, intermediary, subsidiary or holding company of the applicant or licensee, the person shall be required to demonstrate that he is not significantly involved in and has no authority over the conduct of business of the applicant or licensee. The request must include, at a minimum, the following:

(i) A description of his title, duties and responsibilities with the applicant, licensee or with any of its affiliates, intermediaries, subsidiaries or holding companies.

(ii) The terms of his compensation.

(iii) A certification by the officer stating that the officer is not significantly involved in and has no authority over the conduct of business of the applicant or licensee.

(2) If the person required to be licensed as a key employee qualifier as an outside director of an affiliate, intermediary, subsidiary or holding company of an applicant or licensee, the person shall be required to demonstrate that he is not significantly involved in the management or ownership of the applicant or licensee. The request must include, at a minimum, the following:

(i) A description of his title, duties and responsibilities with the applicant, licensee or with any of its affiliates, intermediaries, subsidiaries or holding companies.

(ii) The terms of his compensation.

(iii) Any board committee memberships, including a description of the functions and responsibilities of the committee.

(iv) A description of his ownership interest.

(v) A certification by the director stating that the director is not significantly involved in the management of the applicant or licensee.

(3) If the person required to be licensed is a key employee qualifier as an owner of the applicant or licensee or any of its affiliates, intermediaries, subsidiar-

ies or holding companies, and requests a waiver as an institutional investor, the person shall be required to demonstrate the following:

(i) The institutional investor shall demonstrate that its ownership interest consists of one of the following:

(A) Under 15% of the equity securities of a licensee or its holding or intermediary companies, if the securities are those of a publicly traded corporation and its holdings of the securities were purchased for investment purposes only.

(B) Debt securities of a licensee or its affiliates, intermediaries, subsidiaries or holding companies or holding company of a licensee's affiliate, intermediary, subsidiary or holding company which is related in any way to the financing of the licensee, where the securities represent a percentage of the outstanding debt of the company not exceeding 20% or a percentage of any issue of the outstanding debt of the company not exceeding 50%, if the securities are those of a publicly traded corporation and its holdings of the securities were purchased for investment purposes only.

(ii) A request for waiver by an institutional investor must include, at a minimum, the following:

(A) The number of shares or units held by it and the percentage of ownership of the entity that the shares or units represent.

(B) A copy of the most recent notice filed by it with the Securities and Exchange Commission.

(C) A list of any direct or indirect owners of the institutional investor.

(D) An explanation as to why the investor should be considered an institutional investor under the definition in § 401.4.

(E) A certification by the investor stating that the investor has no present involvement in, and no intention of influencing or affecting the affairs of, the applicant or licensee or any of its affiliates, intermediaries, subsidiaries or holding companies and will give the Board 30 days notice if the investor intends to become involved in or to influence or affect the affairs in the future. The institutional investor will be permitted to vote on matters put to the vote of the outstanding security holders.

(4) If the person is otherwise required to be licensed as a key employee qualifier of the applicant or licensee or any of its affiliates, intermediaries, subsidiaries or holding companies, and requests a waiver, the person will be required to demonstrate the following:

(i) The person is not significantly involved in the activities of the applicant or licensee or its holding or intermediary companies and, in the case of security holders, does not have the ability to control the applicant or licensee or its holding or intermediary companies or elect one or more directors.

(ii) The licensure of the person is not necessary to protect the public interest.

(iii) Good cause exists for the granting of a waiver.

(5) A request for waiver must include, at a minimum, the following:

(i) The number of shares or units held by it, the dollar amount of the securities and the percentage of ownership of the entity that the shares or units represent.

(ii) A certification stating that the person has no present involvement in, and no intention of influencing or

affecting the affairs of, the applicant or licensee or any of its affiliates, intermediaries, subsidiaries or holding companies and will give the Board 30 days notice if the person intends to become involved in or to influence or affect the affairs in the future. The person will be permitted to vote on matters put to the vote of the outstanding security holders.

(h) A request for a waiver of a key employee qualifier license must include a nonrefundable application processing fee. The Board may charge additional fees based on the actual expenses incurred in processing the waiver request.

(i) Notwithstanding the provisions of subsection (g)(3), an applicant or licensee may file a notice and provide payment of the nonrefundable application processing fee set forth in subsection (h) on behalf of an institutional investor whose ownership interest consists of under 10% of the equity securities of an applicant or licensee or its holding or intermediary companies, if the securities are those of a publicly traded corporation and its holdings of the securities were purchased for investment purposes only. The notice shall consist of the following:

(1) The number of shares or units held by the institutional investor and the percentage of ownership of the entity that the shares or units represent.

(2) A copy of the institutional investor's most recent notice filed with the Securities and Exchange Commission.

(3) A certification by the applicant or licensee that the investor should be considered an institutional investor under the definition in § 401.4.

(4) A certification by the investor stating that the investor has no present involvement in, and no ability to influence or affect the business affairs of, the applicant or licensee or any of its affiliates, intermediaries, subsidiaries or holding companies and will give the Board 30 days notice if the investor intends to become involved in or to influence or affect the affairs in the future. The investor will be permitted to vote on matters put to the vote of the outstanding security holders.

(5) A certification by the applicant or licensee stating that it shall immediately notify the Board of any information about, or actions of, an institutional investor holding its equity securities where such information or action may impact upon the eligibility of the institutional investor for a waiver under this subsection.

**§ 435.4. Occupation permit.**

\* \* \* \* \*

(f) A permit issued under this section shall be non-transferable.

(g) An individual who is employed by a licensed manufacturer that is specifically excluded from the supplier requirement shall be required to obtain a permit under this section.

**CHAPTER 437. VENDOR REGISTRATION AND CERTIFICATION**

**§ 437.1. Vendor registration requirements.**

\* \* \* \* \*

(d) Vendor registrations issued under this part shall be subject to renewal every 4 years upon the application of the slot machine licensee submitted to the Board at least 60 days prior to the expiration of the registration. The application for renewal must include an update of the information contained in the initial and any prior renewal

applications and the payment of any renewal fee required by the Board. A registration for which a completed renewal application and fee has been received by the Board will continue in effect unless the Board sends written notification to the slot machine licensee and the holder of the registration that the Board has denied the renewal of the registration.

**§ 437.3. Vendor certification requirements.**

\* \* \* \* \*

(e) Vendor certifications issued under this part shall be subject to renewal every 4 years upon the application of the slot machine licensee submitted to the Board at least 60 days prior to the expiration of the certification. The application for renewal must include an update of the information contained in the initial and any prior renewal applications and the payment of any renewal fee required by the Board. A certification for which a completed renewal application and fee has been received by the Board will continue in effect unless the Board sends written notification to the slot machine licensee and the holder of the certification that the Board has denied the renewal of the certification.

**CHAPTER 441. SLOT MACHINE LICENSES**

**§ 441.7. Procedure**

If the Board determines that the applicant has proven by clear and convincing evidence that it has the financial stability, integrity and responsibility and is of good character, honesty and integrity, it may issue a slot machine license under this chapter.

**§ 441.9. Responsibilities of licensed organizations.**

(a) *General.* A Category 1 license, including a Conditional Category 1 license, may be issued to any qualifying legal business entity within an organization, if a legal business entity within the organization has been approved or issued a license from either the State Horse Racing Commission or the State Harness Racing Commission to conduct thoroughbred or harness race meetings. If a Category 1 license is issued to a legal business entity within an organization, all requirements, duties and obligations imposed by this part or the act on the licensed racing entity or a licensed racetrack shall be deemed to be requirements imposed on any legal business entity within the organization that has been approved or issued a Category 1 license. If more than one licensed racing entity, on July 5, 2004, was conducting a racing meet at the same licensed racetrack where an organization has been issued a Category 1 slot machine license, section 1303 of the act (relating to additional category 1 slot machine license requirements) applies to each licensed racing entity at the licensed racetrack.

\* \* \* \* \*

**§ 441.10. Application bond or letter of credit requirement.**

\* \* \* \* \*

(b) Unless otherwise required by the Board, a payment bond or letter of credit provided under this section must comply with the following:

(1) A payment bond must be issued by a surety company that is licensed by the Insurance Department and guaranteed by a guarantor that is licensed by the Insurance Department.

(2) A letter of credit must be issued by a bank, trust company, National banking association or corporation subject to regulation by the Federal Reserve System

under the Bank Holding Company Act of 1956 (12 U.S.C.A. §§ 1841—1849) whose unsecured obligations or uncollateralized long term debt obligations have been assigned a rating within the three highest rating categories by Moody's or Standard and Poor's, or upon the discontinuance of Moody's or Standard and Poor's, by another Nationally recognized rating service.

(c) An application is not deemed complete until the Board investigates and approves the proposed terms of the payment bond or irrevocable letter of credit, the surety or financial institution that will issue the payment bond or irrevocable letter of credit and the guarantor that will guaranty the payment bond.

\* \* \* \* \*

(f) The payment bond or irrevocable letter of credit must state that it runs continuously and remains in full force and effect throughout the period in which the application is on file with the Board and until the application is denied or one of the following occurs:

(1) The license is issued and 10 business days have elapsed following the issuance of the license.

(2) The license fee is paid.

(3) The applicant is permitted by the Board to withdraw its application under § 423.5 (relating to application withdrawal).

[Pa.B. Doc. No. 05-2429. Filed for public inspection December 30, 2005, 9:00 a.m.]

**PENNSYLVANIA GAMING CONTROL BOARD**

[58 PA. CODE CHS. 492—494]

**Hearings and Appeals; Draft Temporary Regulations**

The Pennsylvania Gaming Control Board (Board), under 4 Pa.C.S. § 1202 (relating to general and specific powers), has drafted temporary regulations to facilitate the prompt implementation of 4 Pa.C.S. Part II (relating to gaming), enacted by the act of July 5, 2005 (P. L. 572, No. 71) (Act 71). These draft regulations pertain to the hearings and appeals process and procedure before the Board. Upon adoption of the regulations by the Board, the Board's temporary regulations will be added to Part VII (relating to Gaming Control Board). By publishing these regulations in draft form, the Board seeks public comment prior to the adoption of the regulations.

*Contact Person*

Interested persons are invited to submit written comments, suggestions or objections to the draft temporary regulations to the Pennsylvania Gaming Control Board, Office of Communications, P. O. Box 69060, Harrisburg, PA 17106-9060, Attention: Public Comment. The public comment period will end on Friday, January 15, 2006.

THOMAS A. DECKER,  
*Chairperson*

**Annex A**  
**TITLE 58. RECREATION**  
**PART VII. GAMING CONTROL BOARD**  
**Subpart H. PRACTICE AND PROCEDURE**  
**CHAPTER 492. HEARINGS AND APPEALS**

Sec.	
492.1.	Generally.
492.2.	Definitions.
492.3.	Office of Hearings and Appeals.
492.4.	Hearing officers.
492.5.	Presiding officers.
492.6.	Hearings generally.
492.7.	Prehearing and other conferences.
492.8.	Presentation and effect of stipulations.

**§ 492.1. Generally.**

This subpart governs practice and procedure before the Board, and is intended to supplement 2 Pa.C.S. (relating to administrative law and procedure), and 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure).

**§ 492.2. Definitions.**

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

*Consent agreement*—An agreement by all parties made to resolve a disputed matter within the jurisdiction of the Board.

*Director*—The individual designated by the Board to administer the Office of Hearings and Appeals, who reports to the Executive Director of the Board on administrative and operational matters.

*Documentary hearing*—A proceeding limited to a review of documentary evidence submitted by the parties, including documents, depositions, affidavits, interrogatories and transcripts.

*Ex parte*—An oral, written or electronic communication of any kind, concerning a matter pending before the Board, by a party or interested person to a Board member or presiding officer outside the presence of, or without the knowledge, or both, of the other party.

*Hearing*—A proceeding, documentary or oral, initiated by the filing of a complaint, answer, petition, motion, exceptions or by order of the Board.

*Hearing officer*—An individual designated by the Board to conduct a hearing relating to licensing, a violation of the act or this part, or any other matter within the jurisdiction of the Board.

*Exceptions*—A formal objection to a report or recommendation of a presiding officer.

*Office of Hearings and Appeals*—A division of the Board charged with administrating and conducting hearings relating to licensing, violations of the act, this part or other matters as the Board may direct.

*Oral hearing*—A proceeding wherein the parties may present sworn testimony, documents or other evidence, and of which a verbatim record is made.

*Prehearing conference*—A proceeding to establish a schedule, discuss offers of settlement and identify other issues as the Board or presiding officer may direct.

*Presiding officer*—

(i) A member of the Board, or other person designated by the Board to conduct a proceeding.

(ii) This definition supersedes 1 Pa. Code § 31.3 (relating to the definition of presiding officer).

**§ 492.3. Office of Hearings and Appeals.**

(a) The Office of Hearings and Appeals (OHA) consists of a director, clerk, hearing officers, support staff and clerical assistants as may be necessary to carry out the duties and responsibilities of the office.

(b) The director is responsible for the administration of all matters assigned to the OHA, including docketing, tracking, assignment of matters to presiding officers, ensuring that reports or recommendations are timely made to the Board, providing administrative support to the Board and presiding officers, and other duties the Board may direct.

**§ 492.4. Hearing officers.**

(a) A hearing officer is also a presiding officer. Hearing officers shall be attorneys in good standing with the Supreme Court of Pennsylvania and be responsible for the timely disposition of assigned matters. They may be discharged by the Board only for misconduct or good cause shown.

(b) Duties of the hearing officers may include:

(1) Conducting full and complete hearings, partial and bifurcated hearings.

(2) Taking depositions or testimony of witnesses.

(3) Submitting reports or recommendations to the Board.

(4) Other matters the Board may direct.

(c) A hearing officer may withdraw from a proceeding when he deems himself disqualified or he may be withdrawn by the Board for good cause found after timely affidavits alleging personal bias or other disqualification have been filed and the matter has been heard by the Board or another presiding officer to whom the Board has delegated the matter for investigation and report.

(d) This section supersedes 1 Pa. Code § 35.186 (relating to disqualification of a presiding officer).

**§ 492.5. Presiding officers.**

(a) When evidence is to be taken in a proceeding, the Chairperson or a presiding officer may preside at the hearing.

(b) The Board and presiding officers have the powers and authority to:

(1) Regulate the course of hearings, including the scheduling thereof, subject to the approval of the Board, and the recessing, reconvening and the adjournment thereof, unless otherwise provided by the Board, as provided in § 494.1(a) (relating to generally).

(2) Administer oaths and affirmations.

(3) Issue subpoenas.

(4) Rule upon offers of proof and receive evidence.

(5) Take or cause depositions to be taken.

(6) Hold appropriate conferences before or during hearings.

(7) Dispose of procedural matters, but not before a proposed report, if any, to dispose of motions made during hearings to dismiss proceedings or other motions which involve final determination of proceedings.

(8) Certify any question to the Board for consideration and disposition within their discretion, or upon direction of the Board.

(9) Submit their proposed reports in accordance with this part.

(10) Take other action appropriate to the discharge of their duties as may be designated by the Board and authorized by the act.

(c) Except to the extent required for the disposition of ex parte matters as authorized by law and by this part, no presiding officer may, in a proceeding, consult with a person or party on a fact in issue unless upon notice and opportunity for parties to participate.

(d) Presiding officers shall conduct fair and impartial hearings and maintain order. Any disregard by participants or counsel of rulings of the presiding officer on matters of order and procedure shall be noted on the record, and if deemed necessary, shall be made the subject of a special written report to the Board.

(e) If participants or counsel engage in disrespectful, disorderly or contumacious language or conduct in connection with any hearing, the presiding officer may immediately submit to the Board a report thereon, together with recommendations, and, in his discretion, suspend the hearing.

(f) Rulings of presiding officers may not be appealed during the course of a hearing or conference except in extraordinary circumstances when a prompt decision by the Board is necessary. In that instance, the matter shall be referred forthwith by the presiding officer to the Board for determination.

(1) An offer of proof made in connection with an objection to a ruling of the presiding officer rejecting or excluding oral testimony must be a statement of the substance of the evidence which counsel contends would be adduced by testimony. If the excluded evidence is in documentary or written form, a copy of the evidence shall be marked for identification and shall constitute the offer of proof.

(2) Unless the Board acts upon a question referred by a presiding officer for determination within 30 days, the referral will be deemed to have been denied.

(g) This section supersedes 1 Pa. Code §§ 35.185—35.190 (relating to presiding officers).

#### § 492.6. Hearings generally.

(a) Unless the Board hears the matter directly, the Chairperson will refer all matters to the Office of Hearings and Appeals (OHA). The Chairperson may, in his discretion, designate a member of the Board, or other qualified person to serve as presiding officer in a particular matter.

(b) Hearings will be public, except as provided in section 1206(f) of the act (relating to board minutes and records).

(c) Hearings will be documentary unless otherwise designated by the Board or presiding officer, or constitutionally permissible and may provide for:

- (1) Receipt of sworn testimony.
- (2) Receipt of all relevant documentary evidence.
- (3) Opportunity for parties to be heard.
- (4) A complete evidentiary record.

(5) Submission of a report or recommendations to the Board.

(d) Unless required for the disposition of ex parte matters authorized by law, a party may not communicate directly or indirectly, in connection with any issue of law or any matter of fact which is disputed, with the Chairperson or presiding officer, except upon notice and opportunity for all parties to participate.

(e) Hearings will be conducted in Harrisburg, Pennsylvania, unless otherwise directed by the Board.

(f) Notice of hearings will be provided to all parties, will be in writing and served in accordance with subsection (g).

(g) Orders, notices and other documents originating with the Board, including forms of Board action, complaints and similar pleadings, and other documents designated by the Board for this purpose, will be served by the clerk by mail.

(h) Parties who wish to contest notice of a violation or objection shall file notice with the OHA by mail within 15 days of the date of the notice of the violation or objection.

(i) Motions shall be filed with the clerk and shall be docketed and referred to the Board or presiding officer for disposition as appropriate.

(j) Hearings will be scheduled by the OHA, except for licensing hearings which will be scheduled as the Board may direct. Hearings for violations of the act will be scheduled within 60 days of the initiation of action by the Bureau.

(k) Participants may waive hearings in which case the Board or presiding officer may dispose of the matter without a hearing on the basis of submittals, consent agreements and proposed orders.

(l) Verbatim hearing transcripts will be available to interested persons for a transcription fee prescribed by the Board.

(m) This section supplements 1 Pa. Code, Part II, Subchapters B—J.

#### § 492.7. Prehearing and other conferences.

(a) A prehearing conference may be scheduled by the Board or presiding officer at his discretion. The Board or a presiding officer may also schedule a prehearing conference at the request of one party or by agreement of the parties.

(b) When the Board or presiding officer directs that a prehearing conference be held, all parties shall appear at the time and place designated. Notice of the time and place of the conference will be given to all parties. At the discretion of the presiding officer, the conferences may be conducted telephonically.

(c) The following matters will be considered at prehearing conference:

(1) The possibilities for settlement of the proceeding, subject to the approval of the Board.

(2) The amount of hearing time which will be required to dispose of the proceeding and the establishment of a schedule of hearing dates.

(3) Other matters that may aid in expediting the orderly conduct and disposition of the proceeding and the furtherance of the public interest, including, but not limited to, the following:

- (i) The simplification of the issues.

(ii) The exchange and acceptance of service of exhibits proposed to be offered in evidence.

(iii) The obtaining of admissions as to, or stipulations of, facts not remaining in dispute, or the authenticity of documents which might properly shorten the hearing.

(iv) The limitation of the number of witnesses.

(v) The discovery or production of data.

(vi) Other matters as may properly be dealt with to aid in expediting the orderly conduct and disposition of the proceeding.

(d) This section supplements 1 Pa. Code §§ 35.111—35.116 (relating to prehearing conferences).

#### § 492.8. Presentation and effect of stipulations.

(a) Independently of the orders or rulings issued by the Board or presiding officer relating to prehearing and other conferences, the participants may stipulate as to relevant matters of fact or the authenticity of relevant documents. The stipulations may be received in evidence at a hearing, and when so received will be binding on the participants with respect to the matters stipulated.

(b) This section supersedes 1 Pa. Code § 35.155 (relating to presentation and effect of stipulations).

### CHAPTER 493. PLEADINGS

Sec.	
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493.3.	Satisfaction of formal complaints.
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493.11.	Preliminary motions.
493.12.	Motions for summary judgment and judgment on the pleadings.
493.13.	Discovery.

#### § 493.1. Generally.

(a) Pleadings permitted are as follows:

- (1) Complaints.
- (2) Petitions.
- (3) Motions.
- (4) Answers to pleadings.
- (5) Exceptions.
- (6) Appeals.

(b) Filing fees for pleadings, copies and other administrative requests will be in accordance with a fee schedule published by the Board in the *Pennsylvania Bulletin*, available on the Board's website, and in the Office of the Clerk (clerk).

(c) Pleadings shall be filed with the clerk. The clerk will issue a file number, or if a file number has already been issued, stamp the pleading accordingly.

(d) This section supplements 1 Pa. Code §§ 35.1—35.7 (relating to applications; and formal complaints).

#### § 493.2. Formal complaints.

(a) Procedures for complaints shall be in accordance with 1 Pa. Code §§ 35.9—35.11 (relating to formal complaints), and as supplemented by this part.

(b) Complaints may be filed by parties, applicants, eligible applicants, licensees, permittees, persons registered or certified by the Board, the Bureau and other persons designated by the Board.

(c) A proceeding against a licensee, permittee or employee of a licensee or permittee shall be brought on by written complaint filed by the Bureau, which must include a statement setting forth in ordinary and concise language the charges and the acts or omissions supporting the charges.

(d) Within 15 days of service of the complaint filed by the Bureau, the respondent may file with the clerk a notice of defense, in which he may perform one of the following:

- (1) Request a hearing.
- (2) Admit the accusation in whole or in part.
- (3) Present new matters or explanation by way of defense.
- (4) State any legal objection to the complaint.

(e) The respondent may be entitled to a hearing on the merits if he files the required notice of defense within the time allowed by subsection (d). The notice will be deemed a specific denial of all parts of the complaint not expressly admitted.

(f) Failure to timely file the required notice of defense or to appear at the hearing constitutes an admission of all matters and facts contained in the complaint and a waiver of the respondent's rights to a hearing, but the Board may order a hearing.

(g) Affirmative defenses shall be specifically stated, and unless objection is taken as provided in subsection (d)(4), objections to the form of the complaint shall be deemed waived.

(h) The Clerk will deliver or send by mail a notice to all parties at least 10 days prior to the hearing.

(i) Applicants may request a hearing on any matter by filing a complaint, or as part of a petition for special relief. When a request for a hearing is initiated by complaint or petition, the party making the request shall state in clear and concise language the reasons for requesting a hearing and the basis for the request. The Board will act on the request in accordance with due process and its duties and obligations under the act.

(j) Applicants who receive notice of deficiencies may file objections to the notice, and request a hearing by filing a complaint. The complaint must state in clear and concise language the basis for the objections, and the relief sought.

(k) Applicants who object to nonadjudicatory actions of the Board may file objections to the action by filing a complaint. The complaint must state in clear and concise language the basis for the objections, and the relief sought.

(l) This section supplements 1 Pa. Code §§ 35.9—35.11 and 35.14. (relating to formal complaints; and orders to show cause).

#### § 493.3. Satisfaction of formal complaints.

(a) If the respondent satisfies a formal complaint either before or after a hearing, a statement to that effect signed by the complainant shall be filed with the clerk setting forth that the complaint has been satisfied and requesting dismissal or withdrawal. Except as requested by the parties, the Board will not be required to render a final order upon the satisfaction of a complaint.

(b) In lieu of a hearing, the complainant and respondent may certify to the Board or presiding officer that a consent agreement has been reached satisfying the com-



plaint. The consent agreement shall be presented to the Board and the Board will enter an order, if appropriate, incorporating and adopting the consent agreement.

(c) This section supersedes 1 Pa. Code § 35.41 (relating to satisfaction of complaints).

**§ 493.4. Petitions generally.**

(a) Petitions may be filed by parties, applicants, eligible applicants, licensees, permittees, persons registered or certified by the Board and other persons designated by the Board.

(b) Petitions for relief must be in writing, state clearly and concisely the grounds, the interest of the petitioner in the subject matter, the facts relied upon and the relief sought.

(c) The procedure for petitions shall be in accordance with 1 Pa. Code §§ 35.17—35.19 (relating to petitions). Petitions must conform to § 491.2 (relating to filing generally) and Chapters 495 and 497 (relating to documentary filings; and time), and be served on all persons directly affected and on other parties whom petitioner believes will be affected by the petition, including the Board. The service shall be evidenced with a certificate of service filed with the petition.

(d) Copies shall also be served in accordance with the Board's direction.

(e) This section supplements 1 Pa. Code §§ 35.17—35.19.

**§ 493.5. Petitions for declaratory orders.**

(a) Petitions for declaratory orders to resolve a disputed matter, or remove uncertainty shall be filed with the clerk for disposition by the Board at its discretion. Petitions for declaratory orders must:

- (1) Include a statement of fact.
- (2) Describe the interest of the petitioner.
- (3) Clearly and concisely state the issue which is the subject of the petition.
- (4) Cite relevant statutory and regulatory provisions and case law.

(b) Declaratory orders and rulings have the same status as decisions or orders in adjudicated cases.

(c) This section supersedes 1 Pa. Code § 35.19 (relating to petitions for declaratory orders).

**§ 493.6. Answers.**

(a) Answers to complaints, petitions, motions and other pleadings shall be filed with the clerk within 20 days after the date of service, unless a different time is prescribed by statute, the Board or presiding officer.

(b) The procedure for answers shall be in accordance with 1 Pa. Code §§ 35.35—35.40.

(c) This section supplements 1 Pa. Code §§ 35.35—35.40.

**§ 493.7. Intervention.**

(a) The right to intervene in a proceeding before the Board or a presiding officer is within the sole discretion of the Board. When a petition to intervene is filed with the Board, the Board will issue a determination as soon as practicable. When a petition to intervene is filed with a presiding officer, the presiding officer will immediately notify the Board, and request a decision on the intervention.

(b) The procedures for requesting intervention shall be in accordance with 1 Pa. Code §§ 35.27—35.32 and 35.36 (relating to intervention; and answers to petitions to intervene).

(c) This section supplements 1 Pa. Code §§ 35.27—35.32 and § 35.36.

**§ 493.8. Consolidation.**

(a) The Board or presiding officer, with or without motion, may order proceedings involving a common question of law or fact to be consolidated. The Board or presiding officer may make orders concerning the conduct of the proceeding as may avoid unnecessary costs or delay.

(b) The section supersedes 1 Pa. Code § 35.45 (relating to consolidation).

**§ 493.9. Amendments and withdrawal of pleadings.**

Amendments and withdrawal of pleadings shall be in accordance with 1 Pa. Code §§ 35.48—35.51 (relating to amendment and withdrawal of pleadings).

**§ 493.10. Motions generally.**

The procedures for motions shall be in accordance with 1 Pa. Code Chapter 35, Subchapter D (relating to motions).

**§ 493.11. Preliminary motions.**

(a) A preliminary motion may be filed by a party, must state specifically the grounds relied upon and be limited to the following:

- (1) A motion questioning the jurisdiction of the Board or the presiding officer.
- (2) A motion to strike a pleading that is insufficient as to form.
- (3) A motion for a more specific pleading.

(b) Except when a motion for a more specific pleading is filed, an answer to a preliminary motion shall be filed within the time period prescribed for answers to complaints, petitions and motions. All preliminary motions shall be raised at the same time.

(c) If a motion for more specific pleading is filed, an answer may not be filed until further directed by the Board or presiding officer.

(d) A preliminary motion will be decided by the Board or presiding officer within 30 days of the filing of the motion.

(e) If a preliminary motion to strike is granted, the participant who submitted the stricken pleading has the right to file an amended pleading within 10 days of service of the order.

(f) This section supplements 1 Pa. Code Chapter 35, Subchapter D (relating to motions).

**§ 493.12. Motions for summary judgment and judgment on the pleadings.**

(a) *Motion for judgment on the pleadings.* After the pleadings are closed, but within a time so that the hearing is not delayed, a participant may move for judgment on the pleadings. An answer to a motion for judgment on the pleadings may be filed within 20 days of the date of service of the motion.

(b) *Motion for summary judgment.* After the pleadings are closed, but within a time so that the hearing is not delayed, a party may move for summary judgment based

on the pleadings and depositions, answers to interrogatories, admissions and supporting affidavits.

(1) An answer, including an opposing affidavit to a motion for summary judgment, may be filed within 20 days of the date of service of the motion.

(2) The answer may be supplemented by pleadings and depositions, answers to interrogatories or further affidavits and admissions.

(c) *Decisions on motions.*

(1) The Board or presiding officer will grant or deny a motion for judgment on the pleadings or a motion for summary judgment, as appropriate. The judgment sought will be rendered if the pleadings, depositions, answers to interrogatories and admissions, together with affidavits, if any, show that there is no genuine issue as to a material fact and that the moving participant is entitled to a judgment as a matter of law. If a motion is granted by a presiding officer, it will be in the form of a recommendation which will be subject to exceptions, and will be in writing. As in the case of other recommendations, the procedures regarding exceptions to the Board apply.

(2) The presiding officer may recommend a partial summary judgment if the pleadings, depositions, answers to interrogatories and admissions, together with affidavits, if any, show that there is no genuine issue as to a material fact and that the moving participant is entitled to a judgment as a matter of law on one or more but not all outstanding issues. The presiding officer will grant or deny the motion in the form of a recommended decision.

(d) This section supplements 1 Pa. Code, Subchapter D (relating to motions).

#### § 493.13. Discovery.

Discovery shall be in accordance with 1 Pa. Code §§ 35.145—35.152 (relating to depositions).

### CHAPTER 494. HEARING PROCEDURE

494.1.	Generally.
494.2.	Oral hearings.
494.3.	Documentary hearings.
494.4.	Report or recommendation of the presiding officer.
494.5.	Review.
494.6.	Reopening of record.
494.7.	Rehearing or reconsideration.
494.8.	Exceptions.
494.9.	Briefs and oral argument.
494.10.	Reports of compliance.
494.11.	Appeals.

#### § 494.1. Generally.

(a) A hearing calendar of all proceedings set for hearing will be maintained by the clerk to the Board. All matters required to be determined upon the record will be placed on the hearing calendar, and will be in their order of assignment as far as practicable. All matters will be heard in Harrisburg, unless a different site is determined by the Board. The Board, in its discretion with or without motion, for cause may at any time with due notice to the participants advance or postpone any proceeding on the hearing calendar.

(b) Hearings will be held before the Board or presiding officer, and all appearances, including staff counsel participating, will be entered upon the record, with a notation on whose behalf each appearance is made. A notation will be made in the record of the names of the members of the technical staff of the Board participating, including accountants, and other experts, who are assisting in the investigation of the matter. This section supersedes 1 Pa. Code §§ 35.123 and 35.124 (relating to conduct of hearings; and order of procedure).

(c) In oral and documentary hearings, neither the Board nor the presiding officer will be bound by technical rules of evidence, and all relevant evidence of reasonably probative value may be received. Reasonable examination and cross-examination will be permitted at oral hearings.

(d) Subsection (a) supersedes 1 Pa. Code § 35.102 (relating to hearing calendar).

#### § 494.2. Oral hearings.

Oral hearings will be conducted in accordance with 1 Pa. Code §§ 35.121—35.126 and 35.137—35.173.

#### § 494.3. Documentary hearings.

(a) Documentary hearings will be held before the Board or a presiding officer.

(b) The parties will be notified at least 15 days prior to the date set for hearing, and the evidentiary record will be closed 5 days prior to the date set for hearing.

(c) Parties may submit documents and other evidence, except that witnesses may not testify. Depositions and interrogatories may be taken at any time prior to the close of the evidentiary record, and may be introduced for consideration by the Board or presiding officer.

(d) Transcripts of public input hearings, if any, will be included in the evidentiary record for the Board's consideration.

#### § 494.4. Report or recommendation of the presiding officer.

(a) A report or recommendation of the presiding officer may be required by the Board, in both oral and documentary hearings.

(b) The presiding officer will file and certify with the Board a verbatim record of any oral hearing, documents submitted for consideration, and a report or recommendation, when required, as soon as practicable after the conclusion of the hearing and expiration of the time for filing of briefs.

(c) The presiding officer's report or recommendation will include a statement of:

(1) Findings and conclusions, as well as the reasons or basis therefore, upon all the material issues of fact, law or discretion presented on the record.

(2) The appropriate regulation, order, sanction, relief or denial thereof.

(3) The facts officially noticed, relied upon in the decision.

(d) The report or recommendation will be in writing, provided to all parties, and will be part of the public record, except for matters and materials designated as confidential by the Board. Service will be as provided in § 492.6 (e) (relating to hearings generally).

(e) This section supplements 1 Pa. Code §§ 35.201—35.206.

#### § 494.5. Review.

(a) The record of the hearing will be transmitted to the Board and will be made available to all parties.

(b) The Board will review the record of the hearing and the report or recommendation of the presiding officer. The Board may adopt some or all of the recommendations, conduct a full or partial de novo hearing or remand all or part of the matter to the presiding officer for the taking of additional evidence or clarification of issues, or make an adjudication based on the record.

(c) All parties have the right to file a brief prior to a final order of the Board.

**§ 494.6. Reopening of record.**

(a) After the conclusion of the hearing, a participant in a proceeding may file with the presiding officer, prior to the issuance of a report or recommendation, otherwise with the Board, a petition to reopen the proceeding for the purpose of taking additional evidence. The petition must set forth clearly the facts claimed to constitute grounds requiring reopening of the proceeding, including material changes of fact or law alleged to have occurred since the hearing was concluded.

(b) Answers shall be filed within 10 days of service of the petition. If no answers are filed, objections to the granting of the petition are waived.

(c) As soon as practicable after the filing of the petition and answer, the Board or presiding officer will grant or deny the petition.

(d) Prior to filing a report or recommendation, the presiding officer, after notice to the participants, may reopen the proceedings for the reception of further evidence on his own motion, if the presiding officer had reason to believe that conditions of fact or of law have so changed as to require, or that the public interest requires, the reopening of the proceedings.

(e) Prior to the issuance by the Board of a final order, the Board, after notice to the participants, may without motion reopen the proceeding for the reception of further evidence, if the Board has reason to believe that conditions of fact or law have so changed as to require, or that the public interest requires, the reopening of the proceeding.

(f) This section supersedes 1 Pa. Code §§ 35.231—35.233 (relating to reopening of record).

**§ 494.7. Rehearing or reconsideration.**

(a) A party to a proceeding may file an application for rehearing or reconsideration by petition within 15 days after the final order of the Board. The petition must state concisely the alleged errors in the adjudication or other order of the Board. If a final order or other order of the Board is sought to be vacated, reversed or modified by reason of matters that have arisen since the hearing and decision or order, or by reason of a consequence that would result from compliance therewith, the matters relied upon by the petitioner must be set forth in the petition.

(b) No answers to petitions for rehearing or reconsideration will be entertained by the Board. If the Board grants the rehearing or reconsideration, an answer may be filed by a participant within 15 days after the issuance of the order granting rehearing or reconsideration. The response will be confined to the issues upon which rehearing or reconsideration has been granted.

(c) Unless the Board acts upon the petition for rehearing or reconsideration within 30 days after it is filed, the petition will be deemed to have been denied.

(d) This section supersedes 1 Pa. Code § 35.241 (relating to application for rehearing or reconsideration).

**§ 494.8. Exceptions.**

(a) A party may file exceptions to the report or recommendations of the presiding officer within 10 days of the date of the report or recommendations, unless the time is extended upon good cause shown.

(b) Exceptions must be in writing, filed with the clerk, and state with particularity the matter objected to, including the portion of the record where the basis of the objection may be found.

(c) The party filing the exceptions shall attach a brief with the filing. The brief must set forth the party's position in clear and concise terms and be in accordance with 1 Pa. Code § 35.212 (relating to content and form of briefs on exceptions). The length of the brief may be limited by the presiding officer. The brief shall be served on the Board, the presiding officer and other parties of record.

(d) Failure to file a brief on exceptions within the time allowed shall constitute a waiver of all objections of the report or recommendations. Exceptions to any part of the report or recommendations may not thereafter be raised before the Board in oral argument, if an oral argument is permitted, or in an application for rehearing or reconsideration, and shall be deemed to be waived. The Board may refuse to consider exceptions to a ruling admitting or excluding evidence unless there was an objection at the time the ruling was made or within any deferred time provided by the presiding officer.

(e) Exceptions will be considered by the Board and will be limited to the record established during the administrative hearing. The Board may permit evidence not already established in the record if compelling reasons are shown for its submission, the party requesting its admission did not previously know of its existence and its existence could not have been discovered with the exercise of reasonable diligence.

(f) The Board will conduct a documentary hearing on the exceptions within 30 days of receipt of the exceptions brief, unless exigent circumstances require a longer period of time. The Board may grant or deny the exceptions in whole or in part.

(g) The Board will publish its final order in consideration of the presiding officer's report or recommendation and any filed exceptions, and notify all parties by regular mail.

(h) This section supplements 1 Pa. Code §§ 35.211—35.214 (relating to exceptions to proposed reports).

**§ 494.9. Briefs and oral argument.**

(a) All parties will be afforded an opportunity to submit briefs prior to a final order of the Board. Briefs shall be filed with the clerk. If a case has previously been assigned to a presiding officer, a copy of the brief shall be submitted to the presiding officer.

(b) Oral argument on substantial issues may be heard at the discretion of the Board or presiding officer.

**§ 494.10. Reports of compliance.**

(a) When a person subject to the jurisdiction of the Board is required to do or perform an act by a Board order, permit or license provision, there shall be filed with the clerk within 30 days following the date when the requirement becomes effective, a notice, stating that the requirement has or has not been met or complied with, unless the Board provides otherwise for compliance or proof of compliance.

(b) This section supersedes 1 Pa. Code § 35.251 (relating to reports of compliance).

**§ 494.11. Appeals.**

(a) A party may appeal final orders of the Board in accordance with the act, in the form prescribed in the

Pennsylvania Rules of Appellate Procedure. Notice of appeal shall be filed with the clerk.

(b) The filing of an appeal will not stay enforcement of the decision or final order of the Board unless the stay is obtained from the court upon application in accordance with the Pennsylvania Rules of Appellate Procedure, or from the Board upon the terms and conditions it deems proper.

(c) Within 10 days, the party filing the notice of appeal shall file a concise statement of matters complained of with the Office of the Clerk. Matters not raised in the statement will be waived.

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