

PENNSYLVANIA BULLETIN

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See Part II page 1347
for the Pennsylvania Gaming
Control Board's Temporary Regulations

Part I

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**Latest Pennsylvania Code Reporter
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No. 376, March 2006

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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 2006.

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THE COURTS

Title 207—JUDICIAL CONDUCT

PART IV. COURT OF JUDICIAL DISCIPLINE

[207 PA. CODE CH. 21]

Internal Operating Procedures of the Court of
Judicial Discipline; Doc. No. 1 JD 94

Order

Per Curiam:

And Now, this 28th day of February, 2006, the Court, pursuant to Article 5, Section 18(b)(4) of the Constitution of Pennsylvania, having adopted an amendment to Section 109 of the Internal Operating Procedures, as more specifically hereinafter set forth, *It Is Hereby Ordered:*

That Section 109 of the Internal Operating Procedures shall become effective immediately.

Annex A

TITLE 207. JUDICIAL CONDUCT

PART IV. COURT OF JUDICIAL DISCIPLINE

ARTICLE IV. INTERNAL OPERATING PROCEDURES

CHAPTER 21. INTERNAL OPERATING PROCEDURES

GENERAL PROVISIONS

§ 109. Confidentiality.

(A) The amendments of 1993 to Article V, § 18 of the Pennsylvania Constitution establishing this Court provide that this Court shall be a court of record, that formal charges filed with the Court shall be a matter of public record, and that all hearings conducted by the Court shall be public proceedings. Accordingly, all documents filed of record with this Court pursuant to our Rules of Procedure shall be available for public inspection upon reasonable notice to the Clerk of the Court. Copies of documents shall be provided in accordance with C.J.D.R.P. No. 112.

All other documents, such as, for example, internal memoranda, are confidential. Members have the responsibility to safeguard the confidentiality of such documents. This responsibility shall continue after a member completes his term or leaves the Court for any reason.

(B) All members of the Court, staff employees and any contractual employees shall at all times maintain strict confidentiality concerning proceedings before the Court, and shall refrain from discussing with persons not a member or employee of the Court the substance of deliberations concerning any matter. This provision applies to all matters involving the deliberative process regardless of whether the matter still is pending or has already been decided.

[Pa.B. Doc. No. 06-418. Filed for public inspection March 17, 2006, 9:00 a.m.]

Title 225—RULES OF EVIDENCE

[225 PA. CODE ART. IV]

Order Amending Rule 404 and Revision of Comment; No. 387 Supreme Court Rules; Doc. No. 1

Order

Per Curiam:

Now, this 28th day of February 2006, upon the recommendation of the Committee on Rules of Evidence, and having been published for comment in *Pennsylvania Bulletin*, Vol. 35, No. 24, page 3287, and with a Final Report to be published with this Order:

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Pa.R.E. 404 and the comment thereto are hereby revised in the following form.

This Order shall be processed immediately in accordance with Pa.R.J.A. 103(b), and shall be effective March 31, 2006.

Madame Justice Baldwin did not participate in the consideration or decision of this matter.

Annex A

TITLE 225. RULES OF EVIDENCE

ARTICLE IV. RELEVANCY AND ITS LIMITS

Rule 404. Character Evidence Not Admissible To Prove Conduct; Exceptions; Other Crimes.

(a) *Character Evidence Generally.* Evidence of a person's character or a trait of character is not admissible for the purpose of proving action in conformity therewith on a particular occasion, except [**as follows**]:

(1) *Character of Accused.* In a criminal case, evidence of a pertinent trait of character of the accused is admissible when offered by the accused, or by the prosecution to rebut the same. **If evidence of a trait of character of the alleged victim of the crime is offered by an accused and is admitted under subsection (2), evidence of the same trait of character of the accused is admissible if offered by the prosecution.**

(2) *Character of [Complainant] Alleged Victim.*

(i) In a criminal case, **subject to limitations imposed by statute**, evidence of a pertinent trait of character of the [**complainant**] **alleged victim** is admissible when offered by the accused, or by the prosecution to rebut the same.

* * * * *

(b) *Other Crimes, Wrongs, or Acts.*

* * * * *

(4) In criminal cases, the prosecution shall provide reasonable notice in advance of trial, or during trial if the court excuses pretrial notice on good cause shown, of the **general nature** of any such evidence it intends to introduce at trial.

Comment—2006

[The basic principle of Pa.R.E. 404 is consistent with F.R.E. 404 and prior Pennsylvania case law.

Pa.R.E. 404, with certain enumerated exceptions, provides that character evidence cannot be used to prove conduct. Under this rule, evidence that an employee had a character trait of absent-mindedness would not be admissible to prove that on a particular occasion he or she failed to fasten the safety latch on a piece of equipment. The rule does not preclude the use of character evidence for other purposes, including where character is an element of a claim or defense. See, e.g., *Dempsey v. Walso Bureau, Inc.*, 431 Pa. 562, 246 A.2d 418 (1968) (negligent employment); *Commonwealth ex rel. Grimes v. Grimes*, 281 Pa. Super 484, 422 A.2d 572 (1980) (parental fitness).

The exceptions to the rule differ from F.R.E. 404 as indicated below.

Subsection (a). Subsection (a) of the rule differs from F.R.E. 404(a).

Paragraph (a)(1) has not been amended to conform with the December 1, 2000 amendments to F.R.E. 404(a)(1), which provide that the prosecution may respond to the accused's offer of evidence of the character of the alleged victim of a crime by offering evidence of the same trait of character of the defendant.

Subsection (a)(2) is consistent with prior Pennsylvania case law. See, e.g., *Commonwealth v. Dillon*, 528 Pa. 417, 598 A.2d 963 (1991); *Commonwealth v. Amos*, 445 Pa. 297, 284 A.2d 748 (1971); see also Pa. R.E. 405 (regarding means of proof of the complainant's character for violence).

The exception provided at Pa.R.E. 404(a)(2)(iii) does not appear in the federal rule. It is consistent with Pennsylvania decisional law. See *Bell v. Philadelphia*, 341 Pa. Super. 534, 491 A.2d 1386 (1985).

Subsection (b). This paragraph is similar to F.R.E. 404(b) in recognizing legitimate evidentiary purposes for the introduction of evidence of other crimes, wrongs or bad acts. Unlike the Federal rule, however, Pennsylvania law provides a distinct standard for balancing the inherent prejudice of such evidence against its probative value. Under federal law, if evidence of other crimes, wrongs or bad acts is offered for a legitimate evidentiary purpose, the evidence is admissible if it meets the general standard of F.R.E. 403. F.R.E. 403 provides that relevant evidence is admissible unless its probative value is substantially outweighed by prejudicial danger. Under Pennsylvania law, evidence of other crimes, wrongs or bad acts offered for a legitimate evidentiary purpose is admissible only if its probative value outweighs the potential for prejudice. See *Commonwealth v. Morris*, 493 Pa. 164, 425 A.2d 715 (1981). Pa.R.E. 404(b)(3) codifies Pennsylvania decisional law and is an exception to the general rule defined by Pa.R.E. 403.]

Pa.R.E. 404 is an exception to the general rule set forth in Pa.R.E. 402 that all relevant evidence is admissible. Pa.R.E. 404 is, in principle, consistent with F.R.E. 404. However, the Pennsylvania rule uses more subdivisions to enhance clarity and readability. A few substantive differences accommodate Pennsylvania statutory and prior case law.

Section (a)

This section promulgates a general rule that evidence of a person's character or trait of character is not admissible to prove conduct in conformity

therewith on a particular occasion. The rationale is that the relevance of such evidence is usually outweighed by its potential for creating unfair prejudice, particularly with a jury.

This general rule of inadmissibility is consistent with prior Pennsylvania case law. See, e.g., *Greenberg v. Aetna Ins. Co.*, 427 Pa. 494, 235 A.2d 582 (1967) (error to permit the plaintiff to testify that he served in the United States Armed Forces in World War II and distinguished himself with a heroic record).

This section does not preclude the introduction of evidence of a person's character, or trait of character, to prove something other than conduct in conformity therewith. For example, a party must sometimes prove a person's characteristic because it is an element of the party's claim or defense. See, e.g., *Dempsey v. Walso Bureau, Inc.*, 431 Pa. 562, 246 A.2d 418 (1968) (alleged negligent employment of a violence-prone security guard); *Commonwealth ex rel. Grimes v. Grimes*, 281 Pa. Super 484, 422 A.2d 572 (1980) (parental fitness in a custody case); *Christiansen v. Silfies*, 446 Pa. Super. 464, 667 A.2d 396 (1995) (alleged negligent entrustment of a truck to a man with a poor driving record).

A person's trait of character is not the same as a person's habit. The distinction is discussed in the Comment to Rule 406, *infra*. If a person's trait of character leads to habitual behavior, evidence of the latter is admissible to prove conduct in conformity therewith on a particular occasion, pursuant to Rule 406.

Like the federal rule, section (a) has three subsections of exceptions. They should be read together with section (a) of Rule 405, which describes two methods of proving a person's character, or trait of character.

Subsection (1), which deals with the character of a defendant in a criminal case, is essentially the same as subsection (1) of F.R.E. 404(a). It allows the defendant to "put his character in issue," usually by calling character witnesses to testify to his good reputation for a law-abiding disposition, or other pertinent trait of character. If the defendant does so, the Commonwealth may (1) cross-examine such witnesses, subject to the limitations imposed by Rule 405(a), and (2) offer rebuttal evidence.

If a defendant in a criminal case chooses to offer evidence of a pertinent trait of character of an alleged victim under subsection (2)(i), then subsection (1) allows the Commonwealth to offer evidence that the defendant has the same trait of character. For example, in an assault and battery case, if the defendant introduces evidence that the alleged victim was a violent and belligerent person, the Commonwealth may counter by offering evidence that the defendant was also a violent and belligerent person. Thus, the jury will receive a balanced picture of the two participants to help it decide who was the first aggressor.

Subsection (2), unlike subsection (2) of F.R.E. 404(a), is divided into three subsections.

Subsection (i), like the federal rule, gives an accused the right to introduce evidence of a pertinent trait of character of the alleged victim of the crime with which the accused is charged. However, the Pennsylvania rule differs from the federal rule

by recognizing statutory limitations on this right. In particular, 18 Pa.C.S. § 3104 (the Rape Shield Law) often prohibits the accused from introducing evidence of the alleged victim's past sexual conduct, including reputational evidence thereof. See Comment under Rule 412 (not adopted), *infra*.

Subsection (ii), which is essentially the same as the federal rule, applies only in homicide cases in which the defendant offers evidence that the deceased was the first aggressor. It allows the Commonwealth to rebut the defendant's evidence by introducing evidence of the deceased's good reputation for peacefulness.

Subsection (iii), which applies only to a civil action for assault and battery, is not part of the federal rule. It is based on *Bell v. Philadelphia*, 341 Pa. Super. 534, 491 A.2d 1386 (1985).

Section (b)

While Pa.R.E. 404(b) uses the comprehensive word "acts," the vast majority of cases applying it, and its federal counterpart, are criminal cases that deal with bad acts, i.e., acts that are also either crimes or non-criminal wrongs. However, the rule applies in civil cases, too, and it applies to good acts as well. See *Ansell v. Green Acres Contracting Co., Inc.*, 347 F.3d 515, 520 (3d Cir. 2003), interpreting the similar federal rule.

Evidence of other crimes, wrongs or bad acts, is powerful evidence. This is particularly so when it is offered against a defendant in a criminal case. By far the issue most often litigated under Rule 404(b) is whether such evidence can be introduced against an accused for some reason other than to prove that the accused acted in conformity with his (or her) prior bad conduct.

Section (b) is similar to section (b) of F.R.E. 404. Unlike the federal rule, it is divided into four subsections to enhance clarity:

Subsection (1), which uses the same language as the federal rule, treats evidence of other crimes, wrongs, or acts, the same as section (a) treats evidence of a person's character, or trait of character, i.e., it makes such evidence inadmissible to prove conduct in conformity therewith.

Subsection (1) is consistent with prior Pennsylvania case law. See *Commonwealth v. Fortune*, 464 Pa. 367, 346 A.2d 783 (1975) (in murder case, reversible error to admit evidence that the defendant participated in six robberies other than the one that culminated in the murder with which he was charged); *Commonwealth v. Seiders*, 531 Pa. 592, 614 A.2d 689 (1992) (in statutory rape case, reversible error to admit evidence that the defendant had previously been convicted of indecent assault and endangering the welfare of children).

Subsection (1) rejects an alternate holding in *Commonwealth v. Amos*, 445 Pa. 297, 284 A.2d 748 (1971), a murder case in which the defendant pled self-defense, that it was error to preclude the defendant from introducing the alleged victim's criminal record to prove that the victim was a man of "quarrelsome and violent character," and thus the aggressor.

Subsection (2), like the federal rule, contains a non-exhaustive list of purposes, other than proving character in order to show action in conformity therewith, for which evidence of other crimes,

wrongs, or acts committed by a person may be admitted. When the evidence is admitted for such a purpose, the party against whom it is offered is entitled, upon request, to a limiting instruction to the jury. See *Commonwealth v. Hutchinson*, 571 Pa. 45, 811 A.2d 556 (2002). See also Pa.R.E. 105.

Subsection (3) is an adjunct to subsection (2). However, subsection (3) applies only in criminal cases. Unlike the federal rule, it creates a special balancing test that makes it harder for a party, usually but not always the Commonwealth, to introduce relevant evidence of other crimes, wrongs, or acts committed by a person. Under Rules 402 and 403, most other evidence, as far as relevance is concerned, is admissible unless its probative value is outweighed by one or more of the six negative factors set forth in Rule 403. Under subsection (3), relevant evidence of other crimes, wrongs, or acts committed by a person is admissible only if its probative value outweighs its potential for prejudice. This is a codification of an evidential rule enunciated in *Commonwealth v. Morris*, 493 Pa. 164, 425 A.2d 715 (1981).

When weighing the potential for prejudice of evidence of other crimes, wrongs, or acts, the trial court may consider whether, and how much, such potential for prejudice can be reduced by cautionary instructions. See *Commonwealth v. Nolen*, 535 Pa. 77, 634 A.2d 192 (1993); *Commonwealth v. LaCava*, 542 Pa. 160, 666 A.2d 221 (1995); *Commonwealth v. Miles*, 545 Pa. 500, 681 A.2d 1295 (1996).

Subsection (4), which applies only in criminal cases, and only to the Commonwealth, requires that reasonable notice be given before evidence of other crimes, wrongs, or acts is introduced at trial. It is the same as the federal rule. Its purpose is to prevent unfair surprise, and to give the defendant reasonable time to prepare an objection to, or ready a rebuttal for, such evidence.

FINAL REPORT

Rule 404: Character Evidence Not Admissible to Prove Conduct; Exceptions; Other Crimes

Rule Amendment and Revision of Comment

In Pa.R.E. 404(a)(2), the word "complainant" is changed to "alleged victim" to conform with the federal rule and the rules in other states. This subsection is subordinated to statutory limitations in order to accommodate the Rape Shield Law with which the current subsection conflicts.

Unlike F.R.E. 404(a)(1), the Pennsylvania rule fails to give the prosecution the right to counter defense evidence of a character trait of the victim. Thus, the defense could introduce character evidence of the victim but the prosecution could not counter with character evidence of the defendant. The proposed amendment allows for a balanced picture of the participants.

With respect to subsection (b)(4), the federal rule as well as the rule in other states requires only that the prosecution give notice of the "general nature" of other crimes evidence it intends to offer, whereas under the Pennsylvania rule "general nature" is not sufficient. The proposed change conforms our rule to the federal rule.

[Pa.B. Doc. No. 06-419. Filed for public inspection March 17, 2006, 9:00 a.m.]

Title 25—LOCAL COURT RULES

NORTHAMPTON COUNTY

Administrative Order 2006-3—Child Custody Conference Procedure

Order of Court

And Now, this 27th day of February, 2006, Rule N1915.1, is amended as follows:

14. Following receipt of ordered evaluations and investigations, but prior to listing for trial, either party may praecipe the matter for conference with the custody conference officer who previously conferred the matter.

15. At least twenty-one days prior to non-jury trial, all custody matters shall have a pre-trial conference.

A. At least three days prior to the pre-trial conference, the parties shall file with the Prothonotary and exchange with each other pre-trial memoranda.

B. The parties shall provide the custody conference officer at the pre-trial conference copies of the pre-trial memoranda and all evaluations and reports.

C. The pre-trial memorandum shall include: (1) a brief narrative statement of the procedural history and relevant facts; (2) a summary of all legal and factual issues; (3) the names and addresses of all witnesses to be called at trial with a summary description of the witness=anticipated testimony; (4) a list of all exhibits to be used at trial; and (5) a statement of any requested stipulations of fact or admissibility of exhibits.

D. The parties shall be prepared to discuss settlement at the pre-trial conference. Counsel shall have the client available in person or by telephone.

E. After the pretrial conference, the conference officer shall file a written recommendation for disposition of the issues including reasons therefore. Said recommendation shall be filed at least seven days prior to the non-jury trial.

This order shall become effective April 3, 2006.

By the Court

ROBERT A. FREEDBERG,
President Judge

[Pa.B. Doc. No. 06-420. Filed for public inspection March 17, 2006, 9:00 a.m.]

WESTMORELAND COUNTY

Rescinding Rule W1915.10 and Adopting New Rule W1915.10; No. 3 of 2006

Order

And Now, this 2nd day of March, 2006, It Is Hereby Ordered that Westmoreland County Rule of Civil Procedure W1915.10 is rescinded and new Rule W1915.10 is adopted. This change is effective 30 days after publication in the Pennsylvania Bulletin.

By the Court

DANIEL J. ACKERMAN,
President Judge

Rule W1915.10 Request for Custody Pretrial Conference. Pretrial Conference. Decision.

(a) A party may file a Request for a Custody Pretrial Conference in the Westmoreland County Prothonotary's office anytime within 30 days from the date of service of a Custody Order issued as a result of a Conciliation Conference. Prior to filing the Request, the moving party shall deliver the Request to the chambers of the assigned judge for the scheduling of a Pretrial Conference. When Custody Evaluations have been ordered, a Pretrial Conference is automatically scheduled and a Request need not be filed. (See: W1915.8(a).)

(b) The moving party must serve a copy of the Request and signed Scheduling Order on the other counsel/parties, and on the Family Court Administrator (Custody Office) within 3 days of receiving the signed Order. The Request For Custody Pretrial Conference and Scheduling Order shall be substantially as follows:

IN THE COURT OF COMMON PLEAS OF
WESTMORELAND COUNTY, PENNSYLVANIA
CIVIL ACTION—LAW (CUSTODY)

Plaintiff)
v.) No. _____ of 20 ____
Defendant)

REQUEST FOR CUSTODY PRETRIAL CONFERENCE

I, _____, hereby request a pretrial conference before the Court of Common Pleas. This Request is being filed within 30 days of the date of Service of the Custody Order.

The issues to be considered are:

_____ Relocation _____ Time/Length/Number of Visits
_____ Primary Residence

Other: _____

VERIFICATION

I verify that the statements made in this request are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S.A. § 4904 relating to unsworn falsifications to authorities.

Date: ___/___/___
Signature Petitioner or Petitioner's Counsel

Printed Name: _____

Address: _____

Telephone No: () _____

SCHEDULING ORDER

You are hereby ordered to appear in person on _____, 20 ____ at _____ .M. before the Honorable _____ in Courtroom _____ in the Westmoreland County Courthouse, 2 North Main Street, Greensburg, Pa. 15601 for a Pretrial Conference. Counsel or the parties, if unrepresented, shall file a Pretrial Narrative at least 10 days prior to the Pretrial Conference. The parties and any children over whom custody or visitation is sought are required to attend the Pretrial Conference pursuant to Westmoreland Rule W1915.10(d).

BY THE COURT:

Date: _____, J

CERTIFICATE OF SERVICE

I hereby certify that I will serve a copy of this Request and Order within 3 days of receiving the signed Order.

Date: ___/___/_____
Signature Petitioner or Petitioner's Counsel

(c) Ten days prior to the Pretrial Conference, each party or counsel shall file and submit a Pretrial Narrative to the chambers of the assigned judge. Copies shall be served on all parties. If no Pretrial Narrative is filed, the offending party may be fined or sanctioned otherwise by the Court. The Pretrial Narrative shall include:

- (1) Names and addresses of all witnesses, including experts;
- (2) Summary of each witness's anticipated testimony;
- (3) Copies of all exhibits;
- (4) Proposed custody arrangement;
- (5) Requested stipulation of facts.

(d) All parties, counsel, and any child for whom custody or visitation is sought shall be present at the Pretrial Conference unless otherwise provided by Order of Court. Failure of a party to appear at the Pretrial Conference may result in the entry of a custody/visitation order by the Court.

(e) Any agreement reached at the Pretrial Conference shall be reduced to writing and entered as an order of Court.

[Pa.B. Doc. No. 06-421. Filed for public inspection March 17, 2006, 9:00 a.m.]

COMMONWEALTH COURT

Regular Sessions of Commonwealth Court for the Year 2007; 126 M.D. No. 3

Order

And Now, this 6th day of March 2006, it is ordered that the argument sessions of the Commonwealth Court of Pennsylvania shall be held in the year 2007 as follows:

Dates

February 5—9
March 5—9
April 9—13
May 7—11
June 11—15
September 4—7
October 9—12
October 29—Nov. 2
December 10—14

Situs

Pittsburgh
Philadelphia
Harrisburg
Pittsburgh
Philadelphia
Harrisburg
Pittsburgh
Philadelphia
Harrisburg

JAMES GARDNER COLINS,
President Judge

[Pa.B. Doc. No. 06-422. Filed for public inspection March 17, 2006, 9:00 a.m.]

RULES AND REGULATIONS

Title 28—HEALTH AND SAFETY

DEPARTMENT OF HEALTH

[28 PA. CODE CH. 25]

Schedules of Controlled Substances

The Department of Health (Department) amends the schedules of controlled substances under the powers and duties contained in The Controlled Substances, Drug, Device and Cosmetic Act (act) (P. L. 233, No. 64) (35 P. S. §§ 780-101—780-144). The Department amends § 25.72 (relating to schedules of controlled substances) to schedule the substances 1-(3-trifluoromethylphenyl) Piperazine (TFMPP), N-Benzylpiperazine (BZP), Alpha-Methyltryptamine (AMT), 2, 5 Dimethoxy-4-(N)-Propylthiophenethylamine, and 5-Methoxy-N, N-Diisopropyltryptamine (5-MEO-DIPT) as Schedule I substances to read as set forth in Annex A.

A. Purpose of the Final-Form Rulemaking

The act recognizes that there is a need to control substances which have potential for abuse while also recognizing that some of those substances have medical uses. The act provides for a system of five schedules of controlled substances as a means of grouping potentially dangerous substances based on their differing potentials for abuse and on their potential for medical use. Penalties for illegal use of the controlled substances vary according to the schedule on which the substance is listed. The health and safety of the public is protected by having a substance placed on the proper schedule. Additionally, proper scheduling ensures appropriate enforcement when a substance is abused or otherwise used illegally.

The act requires that a controlled substance be placed in Schedule I when there is: (1) a high potential for abuse; (2) no currently accepted medical use in the United States; and (3) a lack of accepted safety for use under medical supervision.

The Drug, Device and Cosmetic Board (Board) met on April 21, 2004. The meeting notice was published at 34 Pa.B. 2135 (April 17, 2004).

The Board heard the petitions of the Office of Attorney General which requested that 1-(3-trifluoromethylphenyl) Piperazine (TFMPP), N-Benzylpiperazine (BZP), Alpha-Methyltryptamine (AMT), 2, 5 Dimethoxy-4-(N)-Propylthiophenethylamine, and 5-Methoxy-N, N-Diisopropyltryptamine (5-MEO-DIPT) be scheduled as Schedule I controlled substances.

These substances are currently scheduled by the Federal Government as Schedule I controlled substances. The fact that these substances are not scheduled at the State level hinders law enforcement agencies in prosecution for illegal sale and illegal possession. These substances are abused and have a high potential for abuse. There is no currently accepted medical use for these substances and there is a lack of accepted safety for use under medical supervision. The Board approved a motion to provide written advice to the Secretary to add these substances to Schedule I of controlled substances. The Secretary then directed that the substances be scheduled.

The final-form rulemaking schedules 1-(3-trifluoromethylphenyl) Piperazine (TFMPP), N-Benzylpiperazine

(BZP), Alpha-Methyltryptamine (AMT), 2, 5 Dimethoxy-4-(N)-Propylthiophenethylamine, and 5-Methoxy-N,N-Diisopropyltryptamine (5-MEO-DIPT) as Schedule I substances.

B. Requirements of the Final-Form Rulemaking

The final-form rulemaking schedules substances on the lists of schedules of controlled substances as follows:

The substances 1-(3-trifluoromethylphenyl) Piperazine (TFMPP), N-Benzylpiperazine (BZP), Alpha-Methyltryptamine (AMT), 2, 5 Dimethoxy-4-(N)-Propylthiophenethylamine, and 5-Methoxy-N, N-Diisopropyltryptamine (5-MEO-DIPT) will be scheduled as Schedule I substances.

C. Affected Persons

The general public will benefit from the scheduling of these substances because it allows for State law enforcement officials to begin to work to remove these substances from this Commonwealth and allows for enforcement and control of the drug abuse problems in this Commonwealth. State law enforcement officials will also benefit in that they will be better equipped to enforce the laws to protect the citizens of this Commonwealth.

D. Fiscal Impact

This final-form rulemaking has no measurable fiscal impact on the Commonwealth, local government, the private sector or the general public.

E. Paperwork Requirements

A system already exists for the handling of controlled substances under the act and the final-form rulemaking does not increase paperwork.

F. Effective Date/Sunset Date

The final-form rulemaking becomes effective immediately upon publication. There is no sunset date. The final-form rulemaking will be continually monitored and updated as needed.

G. Statutory Authority

The amendments to the schedules of controlled substances are adopted under sections 3 and 4 of the act (35 P. S. §§ 780-103 and 780-104). The amendments are also adopted under section 2102(g) of The Administrative Code of 1929 (71 P. S. § 532(g)).

Section 3 of the act provides that the Secretary shall control all substances listed in Schedules I—V of the act. Subsection 3(c) of the act provides that the Secretary shall not reschedule any controlled substance unless specifically authorized by the Board to do so. Subsection 3(a) of the act provides that the Secretary may add a substance as a controlled substance, and that before doing so, shall request advice in writing from the Board as to whether a substance should be added as a controlled substance. The Secretary sought that advice and the Board provided it following their April 21, 2004, meeting. The Board recommended that the substances 1-(3-trifluoromethylphenyl) Piperazine (TFMPP), N-Benzylpiperazine (BZP), Alpha-Methyltryptamine (AMT), 2, 5 Dimethoxy-4-(N)-Propylthiophenethylamine, and 5-Methoxy-N,N-Diisopropyltryptamine (5-MEO-DIPT) be added as Schedule I controlled substances. The Secretary then decided that these substances be scheduled.

H. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on October 13, 2004, the Department submitted a copy of the notice of proposed rulemaking, published at 34 Pa.B. 5807 (October 23, 2004), to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House Committee on Health and Human Services and the Senate Committee on Public Health and Welfare for review and comment.

Under section 5(c) of the Regulatory Review Act, IRRC and the House and Senate Committees were provided with copies of the comments received during the public comment period, as well as other documents when requested. In preparing the final-form rulemaking, the Department has considered all comments from IRRC, the House and Senate Committees and the public.

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on November 30, 2005, the final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5(g) of the Regulatory Review Act, this final-form rulemaking was deemed approved by IRRC effective November 30, 2005.

I. Contact Person

Questions regarding this final-form rulemaking should be submitted to Carol Williams, Director, Bureau of Community Program Licensure and Certification, Department of Health, 132 Kline Plaza, Suite A, Harrisburg, PA 17104, (717) 783-8665. Persons with a disability who require an alternative format of the final-form rulemaking (for example, large print, audiotope or Braille) should contact Carol Williams at (717) 783-8665 or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

J. Findings

The Department finds that:

(1) Public notice of the intention to adopt the amendment adopted by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period was provided as required by law.

(3) The adoption of this final-form rulemaking in the manner provided by this order is necessary and appropriate for the administration of the authorizing statutes.

K. Order

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

(a) The regulations of the Department, 28 Pa. Code Chapter 25, are amended by amending § 25.72 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

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

(c) The Secretary shall submit this order, Annex A and a Regulatory Analysis Form to IRRC, the House Committee on Health and Human Services and the Senate Committee on Public Health and Welfare for their review as required by law.

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

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

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

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 35 Pa.B. 6852 (December 17, 2005).)

Fiscal Note: Fiscal Note 10-177 remains valid for the final adoption of the subject regulation.

Annex A

TITLE 28. HEALTH AND SAFETY

PART III. PREVENTION OF DISEASES

CHAPTER 25. CONTROLLED SUBSTANCES,
DRUGS, DEVICES AND COSMETICS

Subchapter A. CONTROLLED SUBSTANCES,
DRUGS, DEVICES AND COSMETICS

SCHEDULES OF CONTROLLED SUBSTANCES

§ 25.72. Schedules of controlled substances.

* * * * *

(b) *Schedule I.* In determining that a substance comes within this schedule, the Secretary will find: a high potential for abuse; no currently accepted medical use in the United States; a lack of accepted safety for use under medical supervision. The following controlled substances are included in this schedule:

* * * * *

(6) Unless specifically excepted or unless listed in another schedule, a material, compound, mixture or preparation which contains any quantity of the following substances including the salts, isomers and salts of isomers:

* * * * *

(xxix) 1-(3-trifluoromethylphenyl) Piperazine (TFMPP)

(xxx) N-Benzylpiperazine (BZP)

(xxxii) Alpha-Methyltryptamine (AMT)

(xxxii) 2-5 Dimethoxy-4-(N)-Propylthiophenethylamine (2C-T-7)

(xxxiii) 5-Methoxy-N, N-Diisopropyltryptamine (5-MEO-DIPT)

* * * * *

[Pa.B. Doc. No. 06-423. Filed for public inspection March 17, 2006, 9:00 a.m.]

PROPOSED RULEMAKING

FISH AND BOAT COMMISSION

[58 PA. CODE CHS. 53, 63, 77 AND 79]

General Provisions; Fishing

The Fish and Boat Commission (Commission) proposes to amend Chapters 53 and 63 (relating to Commission property; and general fishing regulations), delete Chapter 77 (relating to reptiles and amphibians) and add Chapter 79 (relating to reptiles and amphibians). The Commission is publishing this proposed rulemaking under the authority of 30 Pa.C.S. (relating to the Fish and Boat Code) (code). The proposed rulemaking updates and improves the regulation of reptiles and amphibians to provide greater protection and management of these resources.

A. *Effective Date*

The proposed rulemaking, if approved on final-form, will go into effect on January 1, 2007.

B. *Contact Person*

For further information on the proposed rulemaking, contact Laurie E. Shepler, Esq., P. O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7810. This proposed rulemaking is available on the Commission's website at www.fish.state.pa.us.

C. *Statutory Authority*

The proposed amendments to §§ 53.7 and 63.7 (relating to use of firearms; and exceptions to limitations on devices) and proposed §§ 79.1—79.3 and 79.8—79.13 are published under the statutory authority of section 2102 of the code (relating to rules and regulations). Proposed §§ 79.4—79.7 are published under the statutory authority of section 2102 of the code and 2904 of the code (relating to permits for protection and management of particular fish).

D. *Purpose and Background*

This proposed rulemaking is designed to improve, enhance and update the Commission's reptile and amphibian regulations. The specific purpose of this proposed rulemaking is described in more detail under the summary of proposals.

At the April 2005 meeting, the Commission approved the publication of a proposed rulemaking containing proposed amendments to the Commission's reptile and amphibian regulations. The Commission also directed staff to solicit public comments for a period of at least 90 days and to assemble a workgroup of interested parties and stakeholders. The original proposed rulemaking was published at 35 Pa.B. 5683 (October 15, 2005). As directed by the Commission, staff assembled a diverse workgroup comprised of captive breeders, hobbyists, snake hunters, snake hunt sponsors, conservationists and academics. The workgroup has met on two occasions, once in August and again in November 2005, and has offered tremendous input to the Commission.

As a result of the workgroup's discussions, the Commission has made numerous revisions and additions to the original proposed rulemaking published at 35 Pa.B. 5683. This proposed rulemaking contains many of the provisions of the original proposed rulemaking but addresses many of the issues raised by the workgroup. It also

incorporates some of the changes suggested by the public thus far. At the January 2006 meeting, the Commission approved the publication of a second proposed rulemaking and directed staff to solicit public comments for a period of 60 days.

E. *Summary of Proposals*

This proposed rulemaking, which adds Chapter 79, contains the following provisions:

(1) *Section 79.1.* Among the organizational changes in this chapter is the addition of § 79.1 (relating to definitions). The Commission proposes a more explicit definition of "hunt" and proposes the addition of definitions of "snake hooks or tongs," "turtle hooks," "subcaudal scale" and "native species." The current definitions in § 77.2 (relating to reptile and amphibian hunt permits) for "organized reptile and amphibian hunt" and "sacking contest," for the most part, were left unchanged and are included in proposed § 79.1. As a result of the workgroup meetings, this proposed section now includes a definition of "color morph" and a revised definition of the term "native species." The definition of "native species" in this proposed rulemaking now includes species or subspecies where applicable.

(2) *Section 79.2.* In proposed § 79.2 (relating to taking reptiles or amphibians), the Commission proposes combining various provisions pertaining to the taking of reptiles and amphibians found throughout Chapter 77 and proposes placing them in one section. This proposed section describes the means and the devices by which reptiles and amphibians may be lawfully taken and enumerates unlawful practices. It also makes it unlawful to take, catch or kill a reptile or amphibian through use of a firearm. For consistency, the Commission further proposes that § 53.7 be amended to remove the provision allowing the use of .22 caliber rimfire weapons with shotshell to take frogs during the open season unless otherwise posted on Commission owned or controlled property.

As a result of the workgroup meetings, the Commission has revised this proposed rulemaking so that it is not unlawful to gather, take or possess amphibian eggs. This change is consistent with the regulations in Chapter 77 that currently are in effect.

(3) *Section 79.3.* Proposed § 79.3 (relating to season and daily possession limits) pertains to season and daily possession limits currently addressed in § 77.6 (relating to season and daily possession limits). Under the current regulations, a sponsor of an organized reptile/amphibian hunt may possess more than the daily limit of timber rattlesnakes if the total number of timber rattlesnakes held in possession during each hunt and for not more than 48 hours thereafter does not exceed the daily limit for timber rattlesnakes times twice the number of persons engaged in the hunt. This proposed rulemaking reduces the number from two times the number of persons engaged in the hunt to one.

Other proposed amendments to this section include reducing the daily and possession limits for both bullfrogs and green frogs from 15 and 30 to 10 and 20, respectively. The proposed section also includes a prohibition against the taking of 23 species of reptiles and amphibians that are considered to be rare, declining or "at risk" by the Commission's Amphibian and Reptile Technical/Advisory Committee. These species have limited ranges in this Commonwealth, are threatened by development and col-

lection pressure and are currently being studied by the Commission. Until these species are considered for formal listing as threatened or endangered species, the Commission proposes "no collection" (that is, no open season and daily and possession limits of 0) as a means of protecting them. Status assessment studies are underway for these species, which could lead to future management decisions.

In addition, the Commission proposes additional restrictions with regard to timber rattlesnakes. Currently, the regulations permit a person to take, catch or kill one timber rattlesnake per calendar year and to possess one timber rattlesnake at a time. Under the proposed rulemaking, it is unlawful for a person to take, catch, kill or possess a timber rattlesnake that is less than 38 inches in length, measured lengthwise along the dorsal surface from the snout to the tail, excluding the rattle, and that possesses less than 21 subcaudal scales. The proposed rulemaking further prohibits a person to hunt timber rattlesnakes from the South Mountain population (west of Route 15 and south of Interstate 81 to the Maryland line) where there is no open season.

The timber rattlesnake is currently listed as a candidate species in this Commonwealth and it is listed as a protected species (threatened or endangered) or species of concern in neighboring states. Unlike most amphibians and reptiles in this Commonwealth, the timber rattlesnake is sought out by hunters as a game species. Reptile collectors collect them for their variable coloration, large size and unique nature. People have been known to wantonly kill timber rattlesnakes due to their perceived threat to humankind. Despite former tightening of the regulations on the collection of this animal (reduced to one possession limit in 1993 and one annual limit in 1996), preliminary results of the Commission's timber rattlesnake population study (2003—present) suggest that the timber rattlesnake is declining in the peripheral parts of its range in this Commonwealth due to development pressure, wanton killing and collecting. Adult female timber rattlesnakes need 8-10 years to reach reproductive maturity. Therefore, taking females out of the population is a threat to local populations and the larger Statewide population. A minimum length limit and minimum number of subcaudal scales are proposed to limit timber rattlesnake hunters interested in take/collection to favor collection of mature adult male snakes. This proposed rulemaking will help to protect adult and gravid (pregnant) females and enable their progeny to reach reproductive maturity. In addition, the Commission proposes that the South Mountain population (portions of Adams, Cumberland, Franklin and York Counties) of timber rattlesnake be off-limits to hunting due to the documented decline in numbers in this specific area from hunting and human encroachment pressure and apparent isolation with the North Mountain and Maryland timber rattlesnake populations.

The proposed rulemaking further places a season and catch and possession limits on the northern copperhead. These proposed amendments are needed because the status of the northern copperhead is uncertain. Although no comprehensive population studies have been conducted on this species, there is a consensus among herpetologists that the northern copperhead is declining across its range and in this Commonwealth. The Commission also proposes that a permit like the current timber rattlesnake permit be required for northern copperheads. The specifics of this permit requirement are discussed in paragraph (6). The permit requirement will enable the Commission to collect locational and harvest information to be used to assess the possible decline of northern copperheads in

this Commonwealth. Ultimately, this information will be used for future management of the northern copperhead.

Finally, the proposed rulemaking reduces the daily and possession limits for native species not listed in the regulation from two to one.

As a result of the workgroup meetings, the Commission has made several revisions to this section from the original proposed rulemaking published at 35 Pa.B. 5683. The current regulations in Chapter 77 and the original proposed rulemaking provide that the section does not prohibit possession of numbers of amphibians and reptiles in excess of possession limits by "zoos and other institutions or persons for scientific, educational or research purposes" with the written permission of the Executive Director or a designee. The Commission proposes to limit this exception to zoos and "other accredited institutions" and proposes that it no longer be available for persons. The Commission also proposes to extend this exception to "Commission-recognized rehabilitators." The Commission further proposes that this section be revised to expressly provide that it does not prohibit possession of numbers of amphibians and reptiles in excess of possession limits by persons who have obtained a permit under § 79.4 (relating to possession permits for native species). Finally, the Commission has addressed amphibian eggs so that they, like tadpoles, have no closed season and are subject to daily and possession limits of 15 (combined species).

(4) *Section 79.4.* As a result of the workgroup meetings, the Commission proposes to add § 79.4. This proposed section is necessitated by the proposed reductions in the daily and possession limits of some species. This proposed section provides a "grandfathering" mechanism for persons possessing herptiles where daily and possession limits will be reduced. For example, the 23 "at-risk" species that are proposed for "no collection" (that is, no open season and daily and possession limits of 0) have current limits of two, and the daily and possession limits for native species not specifically listed in proposed § 79.3(g) are proposed to be reduced from two to one. Proposed § 79.4 creates a new possession permit that will "grandfather" animals possessed as of January 1, 2007, that meet possession limits in effect on December 31, 2006.

The permit will be required for the continued possession of the animal and will be required for the possession of native species regardless of origin. It will be a one-time permit and will cost \$10. Individuals shall apply by June 30, 2007. If the permit holder gives the animal to another person, the permit may be transferred to the new owner upon completion of an application, surrender of the original permit and payment of a \$10 fee. There are exceptions to the permit requirement. Possession permits will not be required for animals that are covered by other permissions (such as the written permission of the Executive Director for zoos, educational institutions, rehabilitators, and the like) and that are covered by other permits (such as snake permits or scientific collector's permits).

(5) *Section 79.5.* In proposed § 79.5 (relating to snapping turtle permits), the Commission proposes a new permit requirement for the taking of common snapping turtles by persons who intend to sell, barter or trade them. In many states across its range, the common snapping turtle is declining. The new permit is proposed to facilitate a better understanding of the numbers of turtles that are being taken for commercial use, when the hunting pressure exists and who is engaged in the activity. Information gleaned from the permit system will

enable the Commission to make well-informed decisions about the future management of snapping turtles.

The language in this section is the same as the original proposed rulemaking. There are no changes as a result of the workgroup's input.

(6) *Section 79.6.* Proposed § 79.6 (relating to venomous snake permits) addresses permit requirements for both the timber rattlesnake and the northern copperhead, making it unlawful to hunt, take, catch, kill or possess them without first procuring the necessary permit. The current cost of the timber rattlesnake permit has remained at \$5 for the past 14 years. The Commission proposes increasing the permit fee to \$25 for residents and \$50 for nonresidents to offset costs due to inflation and the costs of permit issuance, processing and data compilation. Fees collected from this permit can also be used as matching funds to obtain grants to perform additional management activities.

In this section, the Commission also proposes new tagging requirements for persons who hunt, take, catch, kill or possess timber rattlesnakes. Currently, the Commission issues well over 1,000 individual timber rattlesnake permits per year (1,181 permits issued in 2004 and 1,080 in 2005), and permit requests have increased approximately 200-300 each year since 1998. Approximately 15% of the hunters are reporting "take" (for harvest or as pets) of snakes. There is evidence to suggest that even more snakes are being taken than are being reported. The Commission proposes a tagging system to provide better accountability of hunters that decide to take timber rattlesnakes alive or dead. The information collected in this program will assist the Commission in the development of management units and associated bag limits for timber rattlesnakes.

The language in this section is the same as the original notice of proposed rulemaking published at 35 Pa. B. 5683. There are no changes as a result of the workgroup's input.

(7) *Section 79.7.* Proposed § 79.7 (relating to organized reptile and amphibian hunt permits) pertains to organized reptile and amphibian hunt permits currently addressed in § 77.2. Among the proposed amendments is an increase in the fee from the current \$25 to \$100. This increase has been proposed to offset the changes in inflation, including the permit review and processing costs, and monitoring/permit compliance of hunts. Also proposed are reporting requirements and a provisional hunting permit. The provisional permit will allow permit holders to take, catch or possess one timber rattlesnake without tagging the snake during an organized snake hunt so long as the snake is returned unharmed to the point of capture following the event. The Commission will continue with its current practice of banning sacking contests utilizing native species and of allowing the use of nonnative species lawfully imported from other jurisdictions.

(8) *Section 79.8.* The Commission, as a result of the workgroup meetings, proposes to add § 79.8 (relating to artificial propagation). When 3 Pa.C.S. Chapter 42 (relating to Aquaculture Development Law) (act) was enacted in 1998, responsibility for registering artificial propagators and dealers of live bait fish, fish bait and other live fish was transferred from the Commission to the Department of Agriculture (Department). The Department has been registering artificial propagators and dealers of several fish species and two frog species for several years. Propagation is limited to species of fish that have been

approved for propagation by the Commission, and each year the Commission provides the Department with an updated list.

Despite the fact that the definition of "fish" in the act mirrors the definition in the code and specifically includes "reptiles and amphibians," artificial propagators (except those raising Northern green frogs and bullfrogs) have not been registering with the Department. Commission staff met with Department staff, and the agencies agree that the act covers reptiles and amphibians. The Commission and the Department also agree that artificial propagators of reptiles and amphibians (except hobby breeders) must register with the Department and propagation is limited to those species approved for propagation by the Commission.

Proposed § 79.8 provides that except for hobby breeders, it is unlawful to artificially propagate reptiles and amphibians without being registered with the Department. It further provides that artificial propagation is limited to species approved for propagation by the Commission, and the Commission will maintain a list of these species. Commission staff intend to develop this list with input from the captive breeders.

(9) *Section 79.9.* Proposed § 79.9 (relating to sale of native species) addresses the sale of reptiles and amphibians currently in § 77.3 (relating to taking and selling reptiles or amphibians). This section has been clarified to reflect the intent of the Commission to protect the native herptiles of this Commonwealth and their progeny. The demand for both wild caught and captive bred reptiles and amphibians, including several native to this Commonwealth, has increased considerably over the past several years. While our waterways conservation officers go through intense training on the identification of this Commonwealth's native species, it can be almost impossible to tell whether an individual animal is captive bred or wild caught. This is especially true for hatchling or juvenile animals, the preferred product for reptile and amphibian dealers. This section helps to eliminate the profit motive for both collection and sale of native species in this Commonwealth and the collection of animals in this Commonwealth for breeding stock for commercial propagation programs.

This section differs from the original proposed rulemaking published at 35 Pa. B. 5683 in that it eliminates subsection (b) that the Commission deemed to be superfluous because the language already is in the code.

(10) *Section 79.10.* Proposed § 79.10 (relating to transportation and importation of native species) makes it illegal to transport or import into or within this Commonwealth a native species, as defined in Chapter 79, from another jurisdiction. It also makes it unlawful to receive a native species that was transported or imported into or within this Commonwealth from another jurisdiction.

As a result of the workgroup's input, the Commission has modified the language in the original proposed rulemaking published at 35 Pa. B. 5683 to allow transportation and importation of native species by zoos or other accredited institutions that transport and import native species for scientific, educational or research purposes and Commission-recognized rehabilitators provided that they have received the written permission of the Executive Director or a designee under § 79.3(c).

(11) *Section 79.11.* Proposed § 79.11 (relating to introduction of nonnative species) restates the current provisions of § 77.7 (relating to introduction of nonnative species). The language in this section is the same as the

original proposed rulemaking published at 35 Pa. B. 5683. There are no changes as a result of the workgroup's input.

(12) *Section 79.12.* As a result of the workgroup meetings, the Commission proposes to add § 79.12 (relating to color morphs) that pertains to color morphs that are defined in proposed § 79.1 as being "a distinct color variant form of a reptile or amphibian." For purposes of this proposed section, the Commission has presumed that color morphs of certain native species that are held in captivity were not taken from the wild. The new section provides that the Commission will designate these color morphs by publishing a notice in the *Pennsylvania Bulletin*, and certain provisions will apply to color morphs on the list provided they are not taken from the wild. Color morphs on the list will not be subject to possession limits, may be artificially propagated and may be sold. Commission staff intend to develop a list of color morphs with input from the workgroup.

(13) *Section 79.13.* Proposed § 79.13 (relating to Natural Areas) restates the current provisions of § 77.1 (relating to natural areas). The language in this section is the same as the original notice of proposed rulemaking published at 35 Pa. B. 5683. There are no changes as a result of the workgroup's input.

The Commission proposes to amend the various sections previously discussed as set forth in Annex A.

F. Paperwork

The proposed rulemaking will increase paperwork and will create new paperwork requirements in that persons who possess a live reptile or amphibian as of January 1, 2007, in compliance with the possession limits in effect on December 31, 2006, but not in compliance with the possession limits in effect on January 1, 2007, will be required to have a permit for the continued possession of the animal for the remainder of its life. These persons will have to complete an application, and if approved, the Commission will issue a permit. If a permit holder subsequently gives the animal to another person, the permit may be transferred to the new owner upon completion of an application, surrender of the original permit and issuance of a new permit by the Commission.

The proposed rulemaking also will increase paperwork and will create new paperwork requirements in that persons who wish to hunt, take, catch or kill snapping turtles for the purpose of sale, barter or trade will be required to complete an application. If approved, the Commission will issue a permit to those persons. Holders of snapping turtle permits also will be required to furnish annual reports on a form prescribed by the Commission.

The proposed rulemaking may increase paperwork by requiring individuals who wish to hunt, take, catch or kill northern copperheads as well as timber rattlesnakes to apply for a permit. The Commission's existing permit covers timber rattlesnakes only, and the Commission may receive additional applications if it adopts a permit requirement for northern copperheads. However, the Commission believes that the number of venomous snake permits that it will issue may actually decrease because of the increased fee. In addition, the proposed rulemaking may slightly increase paperwork in that timber rattlesnake and northern copperhead permittees will be required to meet annual reporting requirements by completing a form prescribed by the Commission. Timber rattlesnake permittees currently must file catch reports each year. This proposed rulemaking also require persons

who take, catch, kill or possess a timber rattlesnake to complete a possession tag that is attached to the permit. This is a new requirement.

With regard to the organized reptile and amphibian hunt permit, the Commission does not expect any increase in paperwork or new paperwork requirements in that the Commission already requires a permit for organized hunts. Holders of these permits will continue to be required to furnish reports. These reports must be submitted on the form prescribed by the Commission.

G. Fiscal Impact

The proposed rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions. Some of the costs to the Commission that are associated with the new or revised permit programs will be offset by the fees.

The proposed rulemaking will impose new costs on the private sector and the general public in that the new possession permit fee is \$10. This is a one-time fee only, and the proposed rulemaking requires affected persons to apply by no later than June 30, 2007. The Commission estimates that it will issue approximately 2,500 possession permits during 2007, the first year that the permit is available. After the first year, the Commission expects that applications will level off, and for the most part, the persons who will apply will be new owners seeking to have a permit transferred to them. The fee to transfer a permit is also \$10.

The proposed rulemaking will impose new costs on the private sector and the general public in that the new snapping turtle permit has a fee of \$50 for residents and \$100 for nonresidents. The Commission estimates that it will issue approximately 200 snapping turtle permits during the first year that the permit requirement is in effect with the expectation that the number will increase each year thereafter.

The proposed rulemaking also will impose new costs in that the venomous snake permit will cost residents \$25 and nonresidents \$50. The current cost of a timber rattlesnake permit has remained at \$5 for the past 14 years. Currently, the Commission issues well over 1,000 individual timber rattlesnake permits per year (1,181 permits issued in 2004 and 1,080 in 2005) and permit requests have increased approximately 200-300 each year since 1998. The Commission believes that it may issue fewer venomous snake permits annually because of the increase in the price of the permit.

In addition, the proposed rulemaking will impose additional costs on those individuals wishing to obtain an organized reptile and amphibian hunt permit. It is proposed that the fee associated with this permit be increased from \$25 to \$100. The Commission currently issues approximately ten organized hunt permits each year. The Commission estimates that it will continue to issue a similar number of organized hunt permits in the future.

With regard to all four permit types, the Commission will utilize the fees to offset the costs associated with permit issuance and processing and data compilation. The Commission hopes that in some instances, it will be able to utilize fees that are collected as matching funds to obtain grants to perform additional management activities.

H. Public Comments

Interested persons are invited to submit written comments, objections or suggestions about the proposed rule-

making to the Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000 within 60 days after publication of this proposed rulemaking in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically by completing the form at www.state.pa.us/Fish/regcomments. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt. Electronic comments submitted in any other manner will not be accepted.

DOUGLAS J. AUSTEN, Ph.D.,
Executive Director

Fiscal Note: 48A-179. (1) Fish Fund; (2) Implementing Year 2006-07 is \$73,580; (3) 1st Succeeding Year 2007-08 is \$8,750; 2nd Succeeding Year 2008-09 is \$8,750; 3rd Succeeding Year 2009-10 is \$10,000; 4th Succeeding Year 2010-11 is \$11,250; 5th Succeeding Year 2011-12 is \$11,250; (4) 2005-06 Program—\$27,000 (Timber Rattlesnake Permit); 2004-05 Program—\$29,525 (Timber Rattlesnake Permit); 2003-04 Program—\$25,000 (Timber Rattlesnake Permit); (7) General Government Operations; (8) recommends adoption. It is anticipated that a portion of the increased administrative costs to the Fish Fund would be offset by the fees collected.

Annex A

TITLE 58. RECREATION

PART II. FISH AND BOAT COMMISSION

Subpart A. GENERAL PROVISIONS

CHAPTER 53. COMMISSION PROPERTY

§ 53.7. Use of firearms.

It is unlawful for any person to carry or use firearms on Commission owned or controlled properties except for persons:

* * * * *

[(3) Using .22 caliber rimfire weapons with shotshell only to take frogs during the open season unless otherwise posted.]

Subpart B. FISHING

CHAPTER 63. GENERAL FISHING REGULATIONS

§ 63.7. Exceptions to limitations on devices.

The limitations on fishing devices contained in this chapter do not:

* * * * *

(4) Apply to the taking, catching or killing of amphibians and reptiles—see Chapter [77] 79 (relating to reptiles and amphibians).

**CHAPTER 77. [REPTILES AND AMPHIBIANS]
(Reserved)**

(Editor's Note: As part of this proposed rulemaking, the Commission is proposing to delete the text of Chapter 77, which appears in 58 Pa. Code pages 77-1—77-7, serial pages (297645) to (297651).)

§§ 77.1—77.8. (Reserved).

(Editor's Note: The following text is new and is printed in regular type to enhance readability.)

CHAPTER 79. REPTILES AND AMPHIBIANS

Sec.	
79.1.	Definitions.
79.2.	Taking reptiles or amphibians.
79.3.	Season and daily possession limits.
79.4.	Possession permits for native species.
79.5.	Snapping turtle permits.
79.6.	Venomous snake permits.
79.7.	Organized reptile and amphibian hunt permits.
79.8.	Artificial propagation.
79.9.	Sale of native species.
79.10.	Transportation and importation of native species.
79.11.	Introduction of nonnative species.
79.12.	Color morphs.
79.13.	Natural Areas.

§ 79.1. Definitions.

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

Color morph—A distinct color variant form of a reptile or amphibian.

Hunt—The act of pursuing reptiles or amphibians in an attempt to catch, take, kill or remove them, or to catch, take, kill or remove any reptile or amphibian from any waters of this Commonwealth or other areas within this Commonwealth by any means or method for any purpose whatsoever.

Native species—A reptile or amphibian species or subspecies, where applicable, that has not been introduced into this Commonwealth and occurs historically within the boundaries of this Commonwealth. The Commission will from time to time publish in the *Pennsylvania Bulletin* a list of reptile and amphibian species and subspecies, where applicable, that it has determined are native species.

Organized reptile and amphibian hunt—A hunt for reptiles or amphibians involving two or more persons acting in concert to seek, pursue, catch, take, kill or remove native species of reptiles or amphibians at an event where the reptiles or amphibians are hunted on a competitive basis. When one or more of the following factors are present, an event may be considered an organized reptile and amphibian hunt as the term is used in this chapter:

- (i) The event is sponsored or promoted by a person or organization.
- (ii) The event involves the award of trophies, prizes, or other recognition to persons or groups for catching reptiles or amphibians.
- (iii) The sponsors of the events or others publicize the event to encourage attendance of spectators.
- (iv) The sponsors or organizers of the event have their own rules for the conduct of the hunt.

Sacking contest—A competition where participants place reptiles or amphibians in a sack, bag or similar container in a timed event.

Snake hooks or tongs—Implements used to grasp or lift snakes with minimal risk of injury to the animal.

Subcaudal scale—Large flat scales that are located on the rear ventral portion (underside) of a timber rattlesnake between the vent (anal scale) and the base of the rattle.

Turtle hooks—Hooks used for taking turtles that are at least 3 1/2 inches in total length with not less than a 1 inch space between the point and the shank.

§ 79.2. Taking reptiles or amphibians.

(a) *General.*

(1) Except as otherwise provided in this section, reptiles and amphibians may only be taken by hand, hook and line, snake hooks or tongs, turtle hooks, traps and nets less than 4 feet square or 4 feet in diameter.

(2) It is unlawful to take, catch or kill a reptile or amphibian through use of a firearm.

(3) It is unlawful to take, catch or kill a reptile or amphibian through the use of chemicals, smoke, explosives, winches, jacks or other devices or materials, or manually in a manner that may disrupt, damage or destroy the den or the immediate surroundings thereof. It is unlawful to alter or destroy habitat in the pursuit of a reptile or amphibian.

(4) It is unlawful to damage or disrupt the nest or eggs of a reptile or to gather, take or possess the eggs of any reptile.

(b) *Turtles.*

(1) It is unlawful to take, catch or kill a turtle by means of a hook other than a turtle hook as defined in § 79.1 (relating to definitions).

(2) It is unlawful for a person to leave a set line, turtle trap or other device for catching turtles unattended unless the device has attached a tag or other means of identification containing the name, address and telephone number of the owner or user of the device. Traps, nets or devices used for catching turtles must be of a floating or partially submerged design so as to allow for the release of untargeted turtles unharmed.

(c) *Frogs.*

(1) Frogs may be taken with long bows and arrow, including compound bows, crossbows, spears or gigs. Spears or gigs may not be mechanically propelled, may not have more than five barbed points and may not be used in approved trout waters.

(2) It is unlawful to take, catch or kill a frog by use of artificial light at night.

§ 79.3. Season and daily possession limits.

(a) Except as otherwise provided in subsections (b), (c) and (d), it is unlawful for a person to take, catch or kill more than the daily limit specified in subsection (g) in 1 calendar day or to have in possession more than the possession limit, dead or alive, in whole or in parts, specified in subsection (g) or to hunt, take, catch or kill reptiles or amphibians during the closed season. An amphibian or reptile will not be considered to be in the possession of a person if, after it is taken or caught, it is immediately released unharmed to the exact location from which it was taken and is not confined to a sack, bag or other container.

(b) This section does not prohibit the sponsors of an organized reptile/amphibian hunt conducted under a permit issued under § 79.7 (relating to organized reptile and amphibian hunt permits) from possessing more than the daily limit of the species of reptiles or amphibians hunted if the total number of reptiles and amphibians held in possession during each hunt does not exceed the daily limit for the species hunted times the number of registered participants in the organized hunt. This subsection applies to possession limits only. It does not permit the sponsors of a hunt or individual hunters to take, catch or kill any number of amphibians and reptiles in excess of the daily limits.

(c) This section does not prohibit possession of numbers of amphibians and reptiles in excess of possession limits by zoos and other accredited institutions for scientific, educational or research purposes or licensed taxidermists for the purpose of mounting for properly permitted customers, Commission-recognized rehabilitators or licensed pest control agents with the written permission of the Executive Director or a designee. These persons and institutions shall maintain a current open inventory of and report annually changes in the number of reptiles and amphibians possessed. The Executive Director may limit the number of reptiles and amphibians that a person or institution may possess when the Executive Director or a designee issues permission under this subsection.

(d) This section does not prohibit possession of numbers of amphibians and reptiles in excess of possession limits by persons who have obtained a permit under § 79.4 (relating to possession permits for native species).

(e) In prosecutions for violations of the possession limits, when venomous reptiles have been killed in apparent violation of the limits, it shall be a defense that the person who killed the venomous reptiles acted under a reasonable apprehension of immediate death or bodily harm to himself or other persons in his immediate vicinity, if no more venomous reptiles are killed than necessary to protect life and limb and if the person reported the kills in writing to the Natural Diversity Section Chief, Division of Environmental Services, 450 Robinson Lane, Bellefonte, Pennsylvania 16823-9616, within 5 business days after the kill. It is unlawful for a person to possess a venomous reptile, in whole or in parts, that was killed under this subsection.

(f) When season or annual limits apply, a season or annual limit has been reached once a reptile or amphibian, dead or alive, in whole or in parts, has not been immediately released to the exact location from which taken and is in the possession of a person.

(g) The following seasons, sizes, catch and possession limits apply to amphibians and reptiles except endangered and threatened species:

<i>SPECIES</i>	<i>SEASON</i>	<i>DAILY LIMIT</i>	<i>POSSESSION LIMIT</i>
Bullfrog (<i>Rana catesbeiana</i>)	July 1 to October 31	10 (combined species)	20 (combined species)
Green frog (<i>Rana clamitans</i>)	July 1 to October 31	10 (combined species)	20 (combined species)
Common snapping turtle (<i>Chelydra serpentina</i>)	July 1 to October 31	15	30
Blanding's turtle (<i>Emys blandingii</i>)	No open season	0	0
Spotted turtle (<i>Clemmys guttata</i>)	No open season	0	0
Wood turtle (<i>Glyptemys insculpta</i>)	No open season	0	0

PROPOSED RULEMAKING

<i>SPECIES</i>	<i>SEASON</i>	<i>DAILY LIMIT</i>	<i>POSSESSION LIMIT</i>
Eastern box turtle (<i>Terrapene carolina carolina</i>)	No open season	0	0
Broadhead skink (<i>Eumeces laticeps</i>)	No open season	0	0
Northern coal skink (<i>Eumeces anthracinus</i>)	No open season	0	0
Mudpuppy (<i>Necturus maculosus</i>)	No open season	0	0
Eastern hellbender (<i>Cryptobranchus alleganiensis alleganiensis</i>)	No open season	0	0
Marbled salamander (<i>Ambystoma opacum</i>)	No open season	0	0
Jefferson salamander (<i>Ambystoma jeffersonianum</i>)	No open season	0	0
Four-toed salamander (<i>Hemidactylium scutatum</i>)	No open season	0	0
Ravine salamander (<i>Plethodon richmondi</i>)	No open season	0	0
Northern cricket frog (<i>Acris crepitans crepitans</i>)	No open season	0	0
Mountain chorus frog (<i>Pseudacris brachyphona</i>)	No open season	0	0
Striped chorus frog complex (<i>Pseudacris feriarum feriarum</i> , <i>P. feriarum triseriata</i>)	No open season	0	0
Northern fence lizard (<i>Sceloporus undulatus</i>)	No open season	0	0
Queen snake (<i>Regina septemvittata</i>)	No open season	0	0
Shorthead garter snake (<i>Thamnophis brachystoma</i>)	No open season	0	0
Eastern ribbon snake (<i>Thamnophis sauritus</i>)	No open season	0	0
Mountain earth snake (<i>Virginia pulchra</i>)	No open season	0	0
Smooth earth snake (<i>Virginia valeriae</i>)	No open season	0	0
Smooth green snake (<i>Liochlorophis vernalis</i>)	No open season	0	0
Eastern hognose snake (<i>Heterodon platirhinos</i>)	No open season	0	0
Eastern worm snake (<i>Carphophis amoenus</i>)	No open season	0	0
Amphibian eggs and tadpoles	No closed season	15 (combined species)	15 (combined species)
Timber rattlesnake (<i>Crotalus horridus</i>)	Second Saturday in June to July 31*	1 annual limit** (must be at least 38 inches in length, measured lengthwise along the dorsal surface from the snout to the tail, excluding the rattle, and must possess 21 or more subcaudal scales.)	
Northern copperhead (<i>Agkistrodon contortrix</i>)	Second Saturday in June to July 31	1 annual limit**	
Native species not listed in this subsection	No closed season	1	1

* It is unlawful for a person to hunt, take, catch or kill timber rattlesnakes west of Route 15 and south of Interstate 81 to the Maryland line where there is no open season.

** It is unlawful for a person to take, catch or kill more than one timber rattlesnake or northern copperhead per calendar year. It is unlawful for a person to possess more than one timber rattlesnake or northern copperhead at any time.

§ 79.4. Possession permits for native species.

(a) *Application.* The Commission finds, under section 2904 of the code (relating to permits for the protection and management of particular fish), that it is necessary for persons who possess a live reptile or amphibian as of January 1, 2007, in compliance with the possession limits in effect on December 31, 2006, but not in compliance with the possession limits in effect on January 1, 2007, to have a permit for the continued possession of the reptile or amphibian for the remainder of the animal's life. Application for a one-time permit under this section shall be made on a form prescribed by the Commission, shall be accompanied by the appropriate fee and shall be made by no later than June 30, 2007. Permits may be obtained by applying to: Natural Diversity Section Chief, Division of Environmental Services, 450 Robinson Lane, Bellefonte, Pennsylvania 16823-9616. The fee is \$10.

(b) *Transfer.* If a permittee gives a reptile or amphibian covered by a permit under this section to another person, the permit may be transferred to the new owner upon completion of an application on the form provided by the Commission, surrender of the original permit and payment of the appropriate fee. The new owner shall apply for transfer of the permit prior to taking possession of the animal. The fee to transfer a permit under this section is \$10.

(c) *Denial.* The denial of a permit under this section is appealable in the manner provided by §§ 51.41—51.46 (relating to permit procedures). A person who is denied a permit under this section shall surrender the reptile or amphibian to an officer authorized to enforce the code or provide proof that the animal was humanely euthanized or given to a person or organization that can lawfully possess it. Under no circumstances may a person who is denied a permit under this section release the animal into the wild.

(d) *Required permit.* It is unlawful to retain possession of a live reptile or amphibian possessed as of January 1, 2007, that is in compliance with the possession limits in effect on December 31, 2006, but not in compliance with the possession limits in effect on January 1, 2007, without the required permit from the Commission. A permit is required for continued possession regardless of the animal's origin. A separate permit shall be obtained for each reptile or amphibian and shall be kept at the location where the animal is held. Upon request, the permit shall be presented to an officer authorized to enforce the code. Permittees shall comply with the terms and conditions of the permit. It is unlawful to alter, borrow or lend a permit under this section.

(e) *Exceptions.* This section does not apply to the possession of reptiles and amphibians that are covered by permissions and other permits issued under this chapter.

§ 79.5. Snapping turtle permits.

(a) The Commission finds, under section 2904 of the code (relating to permits for protection and management of particular fish), that it is necessary for the proper protection and management of the common snapping turtle (*Chelydra serpentina*) that persons who hunt, take, catch or kill this species for the purpose of sale, barter or trade have an annual permit for the activity. Application for a permit shall be made on a form prescribed by the Commission and shall be accompanied by the appropriate fee. Permits may be obtained by applying to: Natural Diversity Section Chief, Division of Environmental Services, 450 Robinson Lane, Bellefonte, Pennsylvania 16823-9616. The fee for residents is \$50 per year; the fee

for nonresidents is \$100 per year. The denial of a permit under this section is appealable in the manner provided by §§ 51.41—51.46 (relating to permit procedures).

(b) It is unlawful to hunt, take, catch, kill or possess the common snapping turtle for purposes of sale, barter or trade without first procuring the required permit. The required permit shall be in possession of the permittee at all times while hunting. Permittees shall comply with the terms and conditions of the permit and furnish the reports required thereby. It is unlawful to alter, borrow, lend or transfer a permit under this section.

(c) It is unlawful to sell, barter, trade or offer for sale a common snapping turtle, dead or alive, in whole or in parts, taken from lands or waters of this Commonwealth without first procuring the permit required under this section.

§ 79.6. Venomous snake permits.

(a) *Application.* The Commission finds, under section 2904 of the code (relating to permits for protection and management of particular fish), that it is necessary for the proper protection and management of the timber rattlesnake (*Crotalus horridus*) and northern copperhead (*Agkistrodon contortrix*) that persons who hunt, take, catch or kill these species have a permit for the activity. Application for a permit shall be made on a form prescribed by the Commission and accompanied by the appropriate fee. Permits may be obtained by applying to: Natural Diversity Section Chief, Division of Environmental Services, 450 Robinson Lane, Bellefonte, Pennsylvania 16823-9616. The fee for residents is \$25 per year; the fee for nonresidents is \$50 per year. The denial of a permit under this section is appealable in the manner provided by §§ 51.41—51.46 (relating to permit procedures).

(b) *Required permit.* It is unlawful to hunt, take, catch, kill or possess a timber rattlesnake or northern copperhead, in whole or in parts, without first procuring the required permit from the Commission. The required permit shall be in the possession of the permittee at all times while hunting. Permittees shall comply with the terms and conditions of the permit and furnish the reports required thereby. It is unlawful to alter, borrow, lend or transfer a permit under this section.

(c) *Reporting.* Within 10 business days following the capture or kill, or if no snake is captured or killed, within 10 days of the conclusion of the season, the permittee shall complete a report on the form prescribed by the Commission and shall mail the report to the Commission's Natural Diversity Section, 450 Robinson Lane, Bellefonte, PA 16823.

(d) *Tagging of timber rattlesnakes.*

(1) A person who takes, catches, kills or possesses a timber rattlesnake shall immediately complete the possession tag that is attached to his permit and detach the tag from the permit in the field. The possession tag shall be completed in accordance with the instructions printed on the tag, and the information to be provided includes, but is not limited to, the municipality and county where the snake was captured or killed, the date of capture or kill and a description of the snake, including color phase, sex, number of subcaudal scales and length in inches. The possession tag shall be kept in a safe location so that it can be presented along with the timber rattlesnake to which it pertains upon the request of an officer authorized to enforce the code.

(2) After the possession tag is detached from the permit, it is unlawful to take, catch, kill or possess another timber rattlesnake.

(3) It is unlawful to alter, borrow, lend or transfer possession tags under this section.

(4) When presenting a timber rattlesnake to a taxidermist for mounting, the tag shall remain with the rattlesnake while in the possession of the taxidermist.

(e) *Field dressing of timber rattlesnakes.* A permittee may field dress a timber rattlesnake so long as the head and tail remain intact.

(f) *Measurement of timber rattlesnakes.* Upon the request of an officer authorized to enforce the code, a permittee shall measure a timber rattlesnake to determine its length. If the permittee is unable to measure the timber rattlesnake, the officer may seize the snake so that a measurement may be taken at another location.

§ 79.7. Organized reptile and amphibian hunt permits.

(a) *Application.* The Commission finds, under section 2904 of the code (relating to permits for protection and management of fish), that it is necessary for the proper protection and management of reptiles and amphibians in this Commonwealth that organized reptile and amphibian hunts be conducted under permits issued under this section. The sponsor of an organized reptile and amphibian hunt shall apply for a permit by no earlier than January 1 and no later than March 1 of the year for which the hunt is proposed. Application for a permit shall be made on a form prescribed by the Commission and accompanied by the appropriate fee. Permits may be obtained by applying to: Natural Diversity Section Chief, Division of Environmental Services, 450 Robinson Lane, Bellefonte, Pennsylvania 16823-9616. The fee for the permit is \$100. The denial of a permit under this section is appealable in a manner provided by §§ 51.41—51.46 (relating to permit procedures).

(b) *Permit issuance.*

(1) The Executive Director will issue permits to applicants who demonstrate that they are responsible and qualified to conduct an organized reptile and amphibian hunt. In determining the qualifications of an applicant, the Executive Director, or his designee, may consider factors as he deems appropriate, including, but not limited to, the experience of the applicant in conducting the events, the responsiveness of the applicant to reporting requirements, the safety record of the applicant, the ability of the applicant to conduct educational programs, the context of the event and competing applications.

(2) The Executive Director may limit the number of organized reptile and amphibian hunt permits to be issued for a particular vicinity and time proximity. In general, permits will be issued to qualified applicants no earlier than March 15 of the year in which the application is submitted. If the Commission is aware of events scheduled in the vicinity of one another within 4 weeks, and the Executive Director determines that all events cannot be permitted consistent with resource management and protection, the Executive Director may designate the applicants as competing applications. If competing applications are designated, the Executive Director may, if the parties cannot agree on the withdrawal of one or more applications, award a permit on a random basis, an alternate year basis or some other rational basis as the interests of fairness may dictate.

(c) *Required permit.* It is unlawful to engage in organized reptile and amphibian hunts unless the sponsors of the hunts have first procured the required permit for each hunt. The required permits shall be held in possession

of the sponsor at all times during each hunt. Permittees shall comply with the terms and conditions of each permit and furnish reports required thereby.

(d) *Reporting.* At the location of the hunt, the permittee shall complete a report on the form prescribed by the Commission that will include, at a minimum, the location of the hunt; the names of the registered participants; the species name of the reptile or amphibian that was captured or killed; a description of the reptile or amphibian that was captured or killed; the date and time the reptile or amphibian was brought to the hunt; and the permit number of the person who captured or killed the reptile or amphibian. The permittee shall complete the form as registered participants deliver their reptiles or amphibians for entry into the competition. This form shall be presented upon the request of an officer authorized to enforce the code. Within 10 days following the conclusion of the event, the permittee shall submit the form to the Commission.

(e) *Season.* It is unlawful to conduct an organized reptile or amphibian hunt for any species of reptile or amphibian except during the open season for the reptile or amphibian as specified in § 79.3 (relating to season and daily possession limits).

(f) *Provisional timber rattlesnake permits.*

(1) *Conditions.* A permitted sponsor of an organized hunt may issue provisional permits on the form prescribed by the Commission subject to the following conditions:

(i) A provisional permit allows the holder thereof to take, catch or possess one timber rattlesnake without tagging the snake as required by § 79.6(d) (relating to venomous snake permits).

(ii) Provisional permits shall be issued only in connection with an organized hunt and shall be valid only during the period of the organized hunt as stated in the permit.

(iii) Provisional permits shall only be issued to holders of permits under § 79.6 who are registered participants in the organized hunt.

(iv) A snake caught under a provisional permit shall be entered into the hunt and shall become the possession of the permitted sponsor of the organized hunt.

(v) The permitted sponsor of the organized hunt shall be responsible for returning all snakes caught under provisional permits unharmed in the areas from which they were taken at the conclusion of the hunt.

(vi) Provisional permits in no way allow the holders thereof to possess a snake beyond the period of the organized hunt.

(2) *Prohibited acts.* The following acts are unlawful:

(i) A permitted sponsor of an organized hunt issues a provisional permit in violation of this subsection.

(ii) The holder of a provisional permit violates the terms and conditions of the provisional permit.

(iii) The holder of the provisional permit possesses a snake beyond the period of the organized hunt.

(g) *Sacking contests.* Sacking contests of native species regardless of origin are prohibited. It is unlawful to import timber rattlesnakes or any subspecies, hybrid or variety of *Crotalus horridus*, into this Commonwealth for use in connection with a sacking contest.

(h) *Treatment of reptiles and amphibians.* Reptiles and amphibians held in connection with an organized hunt may not be confined without water or shade or otherwise physically abused or handled roughly. Free-handling of native, venomous reptiles in an organized hunt is prohibited. At the conclusion of the organized hunt, the sponsor shall return the snakes to the registered participants who entered the snakes in the event.

§ 79.8. Artificial propagation.

Except for hobby breeders as defined in 3 Pa.C.S. Chapter 42 (relating to aquaculture development), it is unlawful to artificially propagate reptiles and amphibians without being registered with the Department of Agriculture under 3 Pa.C.S. Chapter 42. It is unlawful to artificially propagate reptiles and amphibians except those species that the Commission has approved for artificial propagation in this Commonwealth. The Bureau of Fisheries will maintain a list of species for which the Department of Agriculture may issue registrations for artificial propagation and registrations for dealers of live aquatic animals. The Director of the Bureau of Fisheries may update or modify the list of authorized species by adding species to or deleting species from the list as necessary for the protection and management of reptiles and amphibians in this Commonwealth. The Commission will provide the list to the Department of Agriculture on or before January 31 each year and whenever the Commission updates or modifies the list. Copies of the list of authorized species are available upon request from the Pennsylvania Fish and Boat Commission, Bureau of Fisheries, 450 Robinson Lane, Bellefonte, PA 16823.

§ 79.9. Sale of native species.

Except as otherwise provided in the code or this chapter, it is unlawful to take, catch, kill or possess for purposes of selling or offering for sale or to sell, offer for sale, import or export for consideration, trade or barter, or purchase an amphibian or reptile that was taken from lands or waters wholly within this Commonwealth, and its progeny, whether dead or alive, in whole or in parts, including eggs or any life stage.

§ 79.10. Transportation and importation of native species.

(a) It is unlawful to transport or import into or within this Commonwealth a native species from another jurisdiction.

(b) It is unlawful to receive a native species that was transported or imported into or within this Commonwealth from another jurisdiction.

(c) This section does not apply to zoos or other accredited institutions that transport and import native species for scientific, educational or research purposes and Commission-recognized rehabilitators provided that they have received the written permission of the Executive Director or a designee under § 79.3(c) (relating to season and daily possession limits).

§ 79.11. Introduction of nonnative species.

It is unlawful to introduce any species of reptile or amphibian into the natural environment of this Commonwealth if that species is not native to this Commonwealth. Persons who import nonnative reptiles or amphibians into this Commonwealth shall institute appropriate safeguards to prevent their introduction into the environment of this Commonwealth.

§ 79.12. Color morphs.

For purposes of this chapter, it is presumed that color morphs of certain native species that are held in captivity

were not taken from the wild. Therefore, the Commission has determined that color morphs of certain native species are exempt from the requirements of this chapter as provided in this section. The Commission will from time to time publish in the *Pennsylvania Bulletin* a list of color morphs of native species to which the following provisions apply:

(1) Color morphs of native species designated by the Commission are not subject to the possession limits of § 79.3 (relating to seasons and daily possession limits) provided they are not taken from the wild.

(2) Color morphs of native species designated by the Commission may be artificially propagated provided they are not taken from the wild.

(3) Color morphs of native species designated by the Commission may be sold provided they are not taken from the wild.

§ 79.13. Natural Areas.

(a) This chapter applies to all native species occurring naturally within the boundaries of selected Natural Areas of the Department of Conservation and Natural Resources.

(b) The taking, catching, killing or possession of individuals of any native species occurring naturally within the boundaries of designated Natural Areas by persons other than those possessing a valid scientific collector's permit is prohibited.

(c) Notice of this section will be posted at parking lots or access areas on the fringe of each designated Natural Area.

(d) Subsections (a) and (b) apply to Natural Areas within State Forests posted in accordance with subsection (c).

[Pa.B. Doc. No. 06-424. Filed for public inspection March 17, 2006, 9:00 a.m.]

**STATE BOARD
OF COSMETOLOGY**

[49 PA. CODE CH. 7]

Accreditation of Licensed Schools

The State Board of Cosmetology (Board) proposes to amend §§ 7.111 and 7.113a (relating to application for a school license; and accreditation by a Nationally recognized accrediting agency) to read as set forth in Annex A.

A. Effective Date

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

B. Statutory Authority

Section 11 of the act of May 3, 1933 (P. L. 242, No. 86) (Act 86) (63 P. S. § 517) authorizes the Board to promulgate regulations generally for the conduct of persons, copartnerships, associations or corporations affected by the act.

C. Background and Purpose

Since 1991, § 7.113a has required a cosmetology school, within 5 years of being licensed by the Board, to submit to the Board proof that it is accredited by a Nationally recognized accrediting agency. In the intervening period,

the Board has encountered instances in which a school licensee, prior to submitting proof of accreditation, changes ownership, location or name, and then asserts that the 5-year clock for accreditation should begin running again. Because the regulation is not clear on this question, some school licensees have managed to avoid submitting proof of accreditation for periods exceeding 5 years. Additionally, confusion has occurred with regard to whether, and for how long, a school is required to maintain that accreditation after submitting proof of it to the Board. This proposed rulemaking would resolve both the issue of maintenance of accreditation and the issue of change of ownership, name or location, thereby eliminating the related regulatory construction problems that exist under the current language and clarifying the accreditation requirement.

D. Description of Amendments

The proposed rulemaking adds a paragraph to § 7.111(a), makes a technical amendment to § 7.111(b), deletes an obsolete sentence from § 7.113a and adds two subsections to § 7.113a. The proposed additions amplify and clarify the requirement that a school licensed by the Board submit to the Board, within 5 years after the Board licenses it, proof that the school is accredited by a Nationally recognized accrediting agency. The proposed rulemaking also establishes the requirement that a licensed school maintain accreditation in order to renew its license biennially.

Proposed § 7.111(a)(7) establishes the requirement that an owner-applicant for a school license must include, with the license application to the Board, proof that the school is already accredited or that the school has made application for accreditation to comply with § 7.113a. The new paragraph also specifies that certification or approval by the Department of Education suffices as proof of accreditation for secondary vocational technical schools.

Section 7.111(b) is amended by inserting the term "school" in the first line to make it clear that school licenses are the subject of the provision.

Section 7.113a is amended by deleting the now obsolete provision that a school licensed by the Board as of May 25, 1991, must submit proof of accreditation by May 25, 1996.

Section 7.113a(b) is added, specifying that the requirement that a school submit proof of accreditation within 5 years of initial licensure is not negated by a change of ownership, name or location of the school within or following the 5-year period after initial licensure.

Section 7.113a(c) is added to establish the requirement that a school, after initial accreditation, must maintain accreditation in order to renew its license biennially.

E. Fiscal Impact and Paperwork Requirements

There is no adverse fiscal impact or paperwork requirement imposed on the Commonwealth, any political subdivision or the private sector.

F. Sunset Date

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

G. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on March 8, 2006, the Department submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Professional Licensure Committee and

the Senate Consumer Protection and Professional Licensure Committee. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections must specify the regulatory review criteria which have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Board, the General Assembly and the Governor of comments, recommendations or objections raised.

H. Public Comment

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed rulemaking to Hilarene Staller, Administrator, State Board of Cosmetology, P. O. Box 2649, Harrisburg, PA 17105-2649 within 30 days following publication of this proposed rulemaking in the *Pennsylvania Bulletin*.

SUSAN E. RINEER,
Chairperson

Fiscal Note: 16A-4511. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 7. STATE BOARD OF COSMETOLOGY LICENSURE AND ADMINISTRATION OF SCHOOLS OF COSMETOLOGY

§ 7.111. Application for a school license.

(a) An owner-applicant for a school license shall submit a license application to the Board with the following:

* * * * *

(7) Proof of accreditation or application for accreditation in accordance with § 7.113a. (relating to accreditation by a Nationally recognized accrediting agency). Approval by the Department of Education in accordance with Article XVIII of the Public School Code of 1949 (24 P. S. §§ 1801—1855) is acceptable proof of accreditation for secondary vocational technical schools.

(b) A **school** license will not be issued until the Board has verified the sworn statements made by the owner-applicant in the license application and the school has been inspected by a Bureau inspector as provided in § 7.113 (relating to inspection of a school before licensure). The Board may request the owner-applicant to appear before the Board to answer questions about the application.

§ 7.113a. Accreditation by a Nationally recognized accrediting agency.

(a) **Accreditation required.** Within 5 years after being licensed by the Board, a school shall submit to the Board proof that it is accredited by a Nationally recognized accrediting agency. **[A school that is licensed by the Board as of May 25, 1991 shall submit proof of accreditation by May 25, 1996.]**

(b) Change of ownership, name or location. A change of ownership, name or location of the school within or following the 5-year period after initial licensure does not negate or postpone the requirement for accreditation within 5 years of initial licensure.

(c) Biennial renewal. After initial accreditation, a licensed cosmetology school shall maintain accreditation as a condition of biennial renewal of the school license.

[Pa.B. Doc. No. 06-425. Filed for public inspection March 17, 2006, 9:00 a.m.]

[49 PA. CODE CH. 7] Removal of Term "Manager"

The State Board of Cosmetology (Board) proposes to amend Chapter 7 (relating to State Board of Cosmetology) to read as set forth in Annex A. The proposed rulemaking removes the term "manager" and all references to a cosmetology shop manager license from the Board's regulations to conform them to the changes made to the act of May 3, 1933 (P. L. 242, No. 86) (Act 86) by the act of June 29, 2002 (P. L. 645, No. 98) (Act 98).

A. Effective Date

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

B. Statutory Authority

Section 11 of Act 86 (63 P. S. § 517) authorizes the Board to promulgate regulations generally for the conduct of persons, copartnerships, associations or corporations affected by Act 86.

C. Background and Need for Proposed Amendments

The Board's existing regulations were promulgated under prior language of section 4.4 of Act 86 (63 P. S. § 510.4), dating back to 1976, that required either an owner or a licensed manager employed by the owner to manage a shop. Accordingly, the existing regulations include a manager license classification as well as related provisions addressing licensure and management issues. All of these regulations consistently refer to the manager and to the prior language of section 4.4 of Act 86 regarding management of shops.

Section 4.4 of Act 86 was amended by the act of October 18, 2000 (P. L. 607, No. 81) to, among other things, limit the need for a licensed shop manager in some circumstances, but that amendment did not eliminate the manager license classification. Subsequently, Act 98 amended section 4.4 of Act 86 again, entirely removing the requirement that a cosmetology shop be managed by the shop's owner, a licensed manager or a licensed cosmetology teacher. In its place, Act 98 established the requirements that every shop owner designate a person in charge of the shop in the owner's absence, that the name of the owner or designated person in charge be posted in a conspicuous place in the shop and that the owner or designated person in charge be readily available to Bureau of Professional and Occupational Affairs inspectors during business hours.

Upon implementation of Act 98, the Board eliminated the license category of manager and no longer enforced the provisions of its regulations referring to the manager or the manager license classification. This proposed rule-

making amends the Board's regulations to delete the now obsolete references and to address the new requirements related to oversight of a shop by the owner or the designated person in charge.

D. Description of Proposed Amendments

The proposed amendments to §§ 7.1, 7.11(2), 7.12, 7.31(a), 7.32g(c) and 7.128(b) delete the term "manager" or "manager's." Similarly, §§ 7.13, 7.32c and 7.129(d) (relating to scope of manager's license; requirements for manager's examination; and curriculum requirements) are deleted, as is the second sentence of § 7.45 (relating to reexamination if the license is not current for 5 or more years), because these provisions are now obsolete.

In §§ 7.51(a)(2), 7.64(a) and (b) and 7.111(a)(2)(ii)(B) (relating to application for a shop license; responsibilities of shop manager; and application for a school license), the proposed rulemaking substitutes the phrase "the designated person in charge of the shop in the owner's absence" for either the term "manager" or for a reference to the individual "managing the shop." Additionally, in § 7.62 (relating to management of cosmetology shop), the proposed rulemaking adds language to subsection (a) establishing the need for the designated person in charge of the shop in the owner's absence to be a licensee; deletes an obsolete portion of subsection (b); and adds subsections (c) and (d), that vest certain responsibilities in both the owner and the designated person in charge of the shop in the owner's absence.

E. Fiscal Impact and Paperwork Requirements

There is no adverse fiscal impact or paperwork requirement imposed on the Commonwealth, any political subdivision or the private sector.

F. Sunset Date

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

G. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on March 8, 2006, the Department submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Professional Licensure Committee and the Senate Consumer Protection and Professional Licensure Committee. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections must specify the regulatory review criteria which have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Board, the General Assembly and the Governor of comments, recommendations or objections raised.

H. Public Comment

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed rulemaking to Hilarene Staller, Administrator, State Board of Cosmetology, P. O. Box 2649, Harrisburg, PA 17105-2649 within 30 days following publication of this proposed rulemaking in the *Pennsylvania Bulletin*.

SUSAN E. RINEER,
Chairperson

Fiscal Note: 16A-4513. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 7. STATE BOARD OF COSMETOLOGY GENERAL PROVISIONS

§ 7.1. Definitions.

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

* * * * *

Booth space—Any area in a cosmetology shop, cosmetician shop or manicurist shop separated or not separated which is designated to be used by a licensed teacher, **[manager,]** cosmetologist, cosmetician or manicurist.

* * * * *

§ 7.2. Fees.

Fees charged by the Board are as follows:

* * * * *

Licensure of **[cosmetology shop manager or]** cosmetology teacher..... \$10

* * * * *

INDIVIDUAL LICENSES

§ 7.11. Types of individual licenses.

The following licenses are issued by the Board to qualified individuals under the act:

* * * * *

(2) **[Manager.**

(3) **] Cosmetologist.**

[(4)](3) * * *

[(5)](4) * * *

§ 7.12. Scope of teacher's license.

An individual holding a teacher's license is qualified, without further licensure, to perform the functions of a teacher, **[manager,]** cosmetologist, cosmetician or manicurist.

§ 7.13. [Scope of manager's license] (Reserved).

[An individual holding a manager's license is qualified, without further licensure, to perform the functions of a manager, cosmetologist, cosmetician or manicurist.]

EXAMINATIONS

§ 7.31. Examination prerequisite for licensure; exception.

(a) Except as provided in subsection (b), an individual who wants to obtain a teacher's, **[manager's]** cosmetologist's, cosmetician's or manicurist's license listed in §§ 7.12—7.15 shall pass the examination required by the Board for that license.

* * * * *

§ 7.32c. [Requirements for manager's examination] (Reserved).

[An applicant for the manager's examination shall:

(1) **Be 18 years of age or older.**

(2) **Have completed a 10th grade education or its equivalent.**

(3) **Possess a current cosmetology license.**

(4) **Have done one of the following:**

(i) **Completed 300 hours of instruction in the cosmetology manager curriculum in a licensed school of cosmetology.**

(ii) **Acquired 18 months' experience as a full-time cosmetologist in a licensed cosmetology shop or shared shop.]**

§ 7.32g. Issuance of temporary licenses to qualified examination applicants.

* * * * *

(c) The holder of a temporary cosmetologist's license shall practice under the supervision of a licensed teacher**[, manager]** or cosmetologist. The holder of a temporary manicurist's license shall practice under the supervision of a licensed teacher**[, manager]** or cosmetologist.

DISPLAY, LOSS AND RENEWAL OF LICENSES AND PERMITS

§ 7.45. Reexamination if the license is not current for 5 or more years.

The holder of a teacher's, cosmetologist's, cosmetician's or manicurist's license that has been expired or in escrow for at least 5 years shall retake and pass the practical part of the examination for that license before submitting a renewal application. **[The holder of a manager's license that has been expired or in escrow for at least 5 years shall retake and pass the manager's examination before submitting a renewal application.]**

LICENSURE AND MANAGEMENT OF SHOPS

§ 7.51. Application for a shop license.

(a) An owner-applicant for a shop license shall submit a license application to the Board with the following:

* * * * *

(2) The name and license number of the individual who will be **[managing the shop] the designated person in charge of the shop in the absence of the owner.**

* * * * *

§ 7.62. Management of cosmetology shop.

(a) A cosmetology shop shall be managed by **[a licensed manager or teacher unless the owner of the shop is operating as manager under section 4.4 of the act (63 P. S. § 510.4)] the shop owner or, in the absence of the shop owner, a person in charge designated by the shop owner.**

(b) **[If the manager or teacher who manages the shop is unable to be present in the shop during a specific period, such as breaks, days off, vacation or illness, not to exceed 3 months, a licensed cosmetologist may serve as temporary manager. If the**

absence is to exceed 2 weeks, the manager shall notify the Board in writing of the absence. A notice identifying the temporary manager shall be displayed in the shop. A temporary manager assumes the responsibilities of shop manager as set forth in § 7.64(b) (relating to responsibilities of shop manager).] The designated person in charge shall be a licensed cosmetologist.

(1) In the case of a cosmetician shop, the designated person in charge may be either a licensed cosmetologist or a licensed cosmetician.

(2) In the case of a manicurist shop, the designated person in charge may be either a licensed cosmetologist or a licensed manicurist.

(c) Both the owner and the designated person in charge are responsible for posting the name of the owner or designated person in charge in a conspicuous place in the shop as required by section 4.4(b) of the act.

(d) The owner or designated person in charge of the shop shall be readily available in person to Bureau inspectors during regular business hours.

§ 7.63. [Previous owner-managers] (Reserved).

[(a) Those beauty shop owners operating as their own managers prior to September 15, 1975, may continue to manage their own shops. The owners shall obtain a certificate of prior management from the Board and shall request this certificate by February 1, 1977.

(b) A certificate of prior management shall be on display.]

§ 7.64. Responsibilities of shop [manager] owner or designated person in charge.

(a) The primary responsibilities of a shop [manager] owner and designated person in charge are the administration of the business and personnel affairs of the shop and to assure compliance within the shop [of] with all laws of the Commonwealth, this chapter and the Pennsylvania Human Relations Act (43 P. S. §§ 951—963).

(b) A shop [manager] owner or designated person in charge will be subject to disciplinary action by the Board for a violation of the act or this chapter committed by a licensed [employe] employee of the shop, if the [manager] owner or designated person in charge had knowledge of, or control over, the violation or should have had knowledge or control.

LICENSURE AND ADMINISTRATION OF SCHOOLS OF COSMETOLOGY

§ 7.111. Application for a school license.

(a) An owner-applicant for a school license shall submit a license application to the Board with the following:

* * * * *

(2) The name, signature and license number of the school supervisor, together with proof that the supervisor meets the following qualifications:

* * * * *

(ii) Has done one of the following:

* * * * *

(B) Acquired [1250] 1,250 hours of satisfactory experience as a cosmetology teacher and [1800] 1,800 hours of satisfactory experience as [a manager] the designated person in charge of a cosmetology shop.

* * * * *

§ 7.128. Mandatory offering of cosmetology curriculum.

* * * * *

(b) A school may offer instruction in the curriculum for teachers, [managers,] cosmeticians and manicurists as prescribed in § 7.129.

§ 7.129. Curriculum requirements.

* * * * *

(d) [A school's manager curriculum, excluding electives, shall comprise 300 hours and cover the following subjects; the accompanying breakdown of hours by subject is recommended:

Table with 2 columns: MANAGER CURRICULUM, Recommended Hours. Rows include Career Development (50), Money Management (25), Salon Management (150), Salon Advertising (25), Merchandising (50), Total 300.

(e)] A school's cosmetician curriculum, excluding electives, [shall] must comprise 300 hours and cover the following subjects; the accompanying breakdown of hours by subject is recommended:

* * * * *

[(f)] (e) * * *

* * * * *

[Pa.B. Doc. No. 06-426. Filed for public inspection March 17, 2006, 9:00 a.m.]

STATE BOARD OF MEDICINE STATE BOARD OF OSTEOPATHIC MEDICINE

[49 PA. CODE CHS. 16 AND 17]

Athletic Trainers

The State Boards of Medicine and Osteopathic Medicine (Boards) propose to amend the regulations providing for the certification and regulation of athletic trainers in Chapters 16, 18 and 25 to read as set forth in Annex A.

A. Effective Date

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

B. Statutory Authority

Section 51.1(d) of the Medical Practice Act of 1985 (63 P. S. § 422.51a(d) and section 7.1 (d) of the Osteopathic Medical Practice Act (63 P. S. § 271.7a(d)) (medical prac-

tice acts) authorize the Boards to jointly promulgate regulations that establish approved education and training programs for certification and define the circumstances and protocol under which a certified athletic trainer may perform athletic training services.

C. *Background and Purpose*

Under the Physical Therapy Practice Act (formerly 63 P. S. §§ 1301, 1310.1 and 1310.2), the State Board of Physical Therapy certified and regulated athletic trainers in this Commonwealth.

The acts of December 10, 2001 (P. L. 859, No. 92) and (P. L. 863, No. 93) (Acts 92 and 93) repealed these provisions insofar as they are inconsistent with the medical practice acts. Acts 92 and 93 added section 51.1(d) of the Medical Practice Act of 1985 and section 7.1(d) of the Osteopathic Medical Practice Act to provide for the certification and regulation of athletic trainers by the Boards. Acts 92 and 93, effective February 8, 2002, further provided that until the Boards adopt final regulations, the regulations of the State Board of Physical Therapy in 49 Pa. Code Chapter 40, Subchapter B (relating to athletic trainers) govern the activities of athletic trainers, which are not inconsistent with amendments to the medical practice acts. The Boards now propose these amendments to establish procedures for certification and protocols for the practice of athletic trainers.

D. *Description of Proposed Amendments*

With regard to the State Board of Medicine, the proposed rulemaking amends § 16.1 (relating to definitions) to define "treatment regimen" to describe the service provided by athletic trainers. This term is also of a broad enough nature that the clinical service provided by other State Board of Medicine-regulated practitioners could come under this umbrella term. It provides flexibility to the State Board of Medicine in regulating its licensees and ensures uniformity in regulation. The proposed rulemaking also amends § 16.61 (relating to unprofessional and immoral conduct) by replacing the term "physician" with "Board-regulated practitioners" so that athletic trainers and other practitioners licensed by the Board would be subject to the regulation.

The Boards propose to amend §§ 16.13 and 25.231 (relating to licensure, certification, examination and registration fees; and schedule of fees) to carry-over of the fees currently in place under the regulations of the State Board of Physical Therapy in § 40.5 (relating to fees).

The Boards also propose to add Chapter 18, Subchapter H and Chapter 25, Subchapter M (relating to athletic trainers).

Sections 18.501 and 25.701 (relating to purpose) provide a general statement. Sections 18.502 and 25.702 (relating to definitions) define key terms used throughout the subchapters.

Sections 18.503 and 25.703 (relating to certification requirement) set forth the requirement for certification of persons using the title of or performing athletic trainer services in this Commonwealth. These sections also provide for exclusions for persons authorized under other law, persons employed by visiting athletic teams or organizations competing in this Commonwealth and students in training.

Sections 18.504 and 25.704 (relating to application for certification) delineate the documentation and information required for a completed application for certification.

Sections 18.505, 18.506, 25.705 and 25.706 set forth the educational and examination requirements for certifica-

tion. The requisite education could be met by having graduated from an accredited education program for athletic trainers or holding a current credential as a certified athletic trainer from the Board of Certification, Inc. (BOC) or another accrediting body approved by the Board. Applicants must achieve a passing score on the BOC examination or an equivalent examination approved by the Board.

Sections 18.507 and 25.707 (relating to temporary certification) provide for temporary certification for applicants who have completed their education and have applied to take the examination. An applicant may practice under a temporary certificate under direct supervision for up to 1 year or until certification.

Section 18.508 and 25.708 (relating to renewal of certification) provide for biennial renewal of certificates in accordance with the renewal period of each Board. The Boards would also adopt the continuing education requirement of the BOC. The continuing education would have to be completed during the first biennial period following the effective date of the final-form rulemaking to renew a certification for the following biennium. By adopting the continuing education requirements of a Nationally recognized professional organization, the Board can assure that state-of-the-art information and education will keep certificateholders in this Commonwealth at the forefront of clinical skills.

Sections 18.509 and 25.709 (relating to practice standards for athletic trainers) contain provisions regarding referrals and protocols for treatment, retention of records and circumstances under which consultation or referral to a physician, dentist or podiatrist is required. Subsection (a) also makes these standards applicable to an athletic trainer certified by another state, commonwealth, Canadian province or territory or the District of Columbia when providing services to a team or organization in this Commonwealth.

Sections 18.510(a) and 25.710(a) (relating to refusal, suspension or revocation of certificate) authorize the Boards to impose disciplinary action against athletic trainers under section 41 of the Medical Practice Act of 1985 (63 P. S. § 422.41), § 16.61 and section 15(b) of the Osteopathic Practice Act (63 P. S. § 271.15(b)). Subsection (b) provides for the applicability of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law) to the activities of and proceedings before the Boards regarding athletic trainers. The language is included to direct applicants and certificateholders to the procedural provisions that govern the Boards' actions.

E. *Fiscal Impact and Paperwork Requirements*

The proposed rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions because it transfers regulatory authority over athletic trainers from the State Board of Physical Therapy to the Boards. For this reason also, the proposal will impose no additional paperwork requirements on the public sector.

F. *Sunset Date*

The Boards continuously monitor the effectiveness of their regulations. Therefore, no sunset date has been assigned.

G. *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on March 8, 2006, the Board submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory

Review Commission (IRRC) and to the Chairpersons of the Senate Consumer Protection and Professional Licensure Committee and the House Professional Licensure Committee. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections must specify the regulatory review criteria which have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Department, the General Assembly and the Governor of comments, recommendations or objections raised.

H. Public Comment

Interested persons are invited to submit written comments, recommendations or objections regarding the proposed rulemaking to Sabina I. Howell, Board Counsel, State Board of Medicine or Beth Sender Michlovitz, Counsel, State Board of Osteopathic Medicine, P. O. Box 2649, Harrisburg, PA 17105-2649 within 30 days following publication of the proposed rulemaking in the Pennsylvania Bulletin.

CHARLES D. HUMMER, Jr., M. D.,
Chairperson
State Board of Medicine
OLIVER BULLOCK, D. O.,
Chairperson
State Board of Osteopathic Medicine

Fiscal Note: 16A-49155314. No fiscal impact; (8) recommends adoption.

Annex A
TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS
PART I. DEPARTMENT OF STATE
Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS
CHAPTER 16. STATE BOARD OF MEDICINE—GENERAL PROVISIONS
Subchapter A. BASIC DEFINITIONS AND INFORMATION

§ 16.1. Definitions.

The following words and terms, when used in this chapter and Chapters 17 and 18 (relating to State Board of Medicine—medical doctors; and State Board of Medicine—practitioners other than medical doctors), have the following meanings, unless the context clearly indicates otherwise:

* * * * *

Treatment regimen—The provision of care and practice of a component of the healing arts by a Board-regulated practitioner.

* * * * *

Subchapter B. GENERAL LICENSE, CERTIFICATION AND REGISTRATION PROVISIONS

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

* * * * *

(h) Athletic Trainer:

Application for certification..... \$20
Biennial renewal..... \$37

(i) Verification or Certification:

* * * * *

[(i)] (j) * * *

* * * * *

Subchapter E. MEDICAL DISCIPLINARY PROCESS AND PROCEDURES
COMPLAINTS

§ 16.61. Unprofessional and immoral conduct.

(a) A [physician] Board-regulated practitioner who engages in unprofessional or immoral conduct is subject to disciplinary action under section 41 of the act (63 P. S. § 422.41). Unprofessional conduct includes, but is not limited to, the following:

(1) Revealing personally identifiable facts, obtained as the result of a [physician] practitioner-patient relationship, without the prior consent of the patient, except as authorized or required by statute.

(2) Violating a statute, or a regulation adopted thereunder, which imposes a standard for the practice of [medicine] the healing arts as regulated by the Board in this Commonwealth. The Board, in reaching a decision on whether there has been a violation of a statute, rule or regulation, will be guided by adjudications of the agency or court which administers or enforces the standard.

(3) Performing a medical act or treatment regimen incompetently or performing a medical act or treatment regimen which the [physician] Board-regulated practitioner knows or has reason to know that [he] the practitioner is not competent to perform.

(4) Unconditionally guaranteeing that a cure will result from the performance of medical services or treatment regimen.

(5) Advertising of a medical business which is intended to or has a tendency to deceive the public.

(6) Practicing [medicine] the healing arts fraudulently, or with reckless indifference to the interests of a patient on a particular occasion, or with negligence on repeated occasions.

(7) Practicing [medicine] the healing arts while the ability to practice is impaired by alcohol, drugs or physical or mental disability.

* * * * *

(9) Continuing to practice while the [physician's] Board-regulated practitioner's license or certificate has expired, is not registered or is suspended or revoked.

* * * * *

(13) Charging a patient or a third-party payer for a medical service or treatment regimen not performed. This paragraph does not apply to charging for an unkept office visit.

* * * * *

(18) Failing to make available to the patient or to another designated health care practitioner, upon a patient's written request, the medical record or a copy of the medical record relating to the patient which is in the possession or under the control of the [physician]

Board-regulated practitioner; or failing to complete those forms or reports, or components of forms or reports, which are required to be completed by the [**physician**] **Board-regulated practitioner** as a precondition to the reimbursement or direct payment of the medical expenses of a patient by a third party. Reasonable fees may be charged for making available copies, forms or reports. Prior payment for professional services to which the records relate—this does not apply to fees charged for reports—may not be required as a condition for making the records available. A physician may withhold information from a patient if, in the reasonable exercise of his professional judgment, the physician believes release of the information would adversely affect the patient's health.

* * * * *

(b) Immoral conduct includes, but is not limited to, the following:

(1) Misrepresentation or concealment of a material fact in obtaining a license [**to practice medicine**] or a **certificate issued by the Board** or a reinstatement thereof.

* * * * *

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

(*Editor's Note:* The following text is new and is printed in regular type to enhance readability.)

Subchapter H. ATHLETIC TRAINERS

Sec.	Purpose.
18.501	Definitions.
18.502	Certification requirement.
18.503	Application for certification.
18.504	Educational requirements.
18.505	Examination requirement.
18.506	Temporary certification.
18.507	Renewal of certification.
18.508	Practice standards for athletic trainers.
18.509	Refusal, suspension or revocation of certificate.
18.510	

§ 18.501. Purpose.

This subchapter implements section 51.1 of the act (63 P. S. § 422.51a) to provide for the certification and practice standards of athletic trainers.

§ 18.502. Definitions.

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

Approved athletic training education programs—An athletic training education program that is accredited by a Board-approved Nationally recognized accrediting agency.

Athletic training services—The management and provision of care of injuries to a physically active person, with the direction of a licensed physician.

(i) The term includes the rendering of emergency care, development of injury prevention programs and providing appropriate preventative and supportive devices for the physically active person.

(ii) The term also includes the assessment, management, treatment, rehabilitation and reconditioning of the physically active person whose conditions are within the professional preparation and education of a certified athletic trainer.

(iii) The term also includes the use of modalities such as: mechanical stimulation, heat, cold, light, air, water,

electricity, sound, massage and the use of therapeutic exercise, reconditioning exercise and fitness programs.

(iv) The term does not include surgery, invasive procedures or prescription of any controlled substance.

BOC—The Board of Certification, Inc., a National credentialing organization for athletic trainers.

Certified athletic trainer—A person who is certified to perform athletic training services by the Board or by the State Board of Osteopathic Medicine.

Direction—Supervision over the actions of a certified athletic trainer by means of referral by prescription to treat conditions for a physically active person from a licensed physician, dentist or podiatrist or written protocol approved by a supervising physician, dentist or podiatrist, except that the physical presence of the supervising physician, dentist or podiatrist is not required if the supervising physician, dentist or podiatrist is readily available for consultation by direct communication, radio, telephone, facsimile, telecommunications or by other electronic means.

Physically active person—An individual who participates in organized, individual or team sports, athletic games or recreational sports activities.

Referral—An order from a licensed physician, dentist or podiatrist to a certified athletic trainer for athletic training services. An order may be written or oral, except that an oral order must be reduced to writing within 72 hours of issuance.

Standing written prescription—A portion of the written protocol or a separate document from a supervising physician, dentist or podiatrist, which includes an order to treat approved individuals in accordance with the protocol.

Written protocol—A written agreement or other document developed in conjunction with one or more supervising physicians, which identifies and is signed by the supervising physician and the certified athletic trainer, and describes the manner and frequency in which the certified athletic trainer regularly communicates with the supervising physician and includes standard operating procedures, developed in agreement with the supervising physician and certified athletic trainer, that the certified athletic trainer follows when not directly supervised onsite by the supervising physician.

§ 18.503. Certification requirement.

(a) A person may not use the title "athletic trainer" or "certified athletic trainer" or use any abbreviation including "A.T.," "A.T.C." or "C.A.T." or any similar designation to indicate that the person is an athletic trainer, or perform the duties thereof, unless that person has been certified by the Board.

(b) Subsection (a) does not apply to the following:

(1) A person trained and licensed or certified under any other law from engaging in the licensed or certified practice in which the person is trained.

(2) An athletic trainer from another state, province, territory or the District of Columbia, who is employed by an athletic team or organization that is competing in this Commonwealth only on a visiting basis, from providing athletic training services, provided the practice of the athletic trainer is limited to the members of the team or organization.

(3) An athletic training student practicing athletic training that is coincidental to required clinical education and is within the scope of the student's education and training.

(c) Athletic training certificateholders certified under the Physical Therapy Practice Act (63 P. S. §§ 1301—1313) prior to _____ (*Editor's Note:* The blank refers to the effective date of adoption of this proposed rulemaking.) are deemed certified by the Board.

(d) Athletic training certificateholders certified by the State Board of Osteopathic Medicine are deemed certified by the Board.

§ 18.504. Application for certification.

(a) The applicant shall submit the following on forms supplied by the Board:

(1) A completed application and the fee set forth in § 16.13 (relating to licensure, certification, examination and registration fees).

(2) Verification of professional education in athletic training in accordance with § 18.505 (relating to educational requirements).

(3) Documentation of passage of the National examination in accordance with § 18.506 (relating to examination requirement).

(4) Documentation of practice as an athletic trainer, if licensed or certified in any other jurisdiction, and verification as to whether there has been any disciplinary action taken in that jurisdiction.

(b) To qualify for certification, an applicant shall be at least 20 years of age and may not be addicted to alcohol or hallucinogenic, narcotic or other drugs which tend to impair judgment or coordination.

§ 18.505. Educational requirements.

An applicant for certification shall comply with one of the following:

(1) Be a graduate of an accredited educational program for athletic trainers.

(2) Hold and maintain current credentialing as a certified athletic trainer (ATC®) from the BOC or another credentialing body approved by the Board.

§ 18.506. Examination requirement.

An applicant for a certificate to practice as a certified athletic trainer shall submit to the Board written evidence that the applicant has passed the BOC certification examination for athletic trainers, or its equivalent as determined by the Board.

§ 18.507. Temporary certification.

An applicant who is a graduate of an approved athletic training program accredited by the Commission for Accreditation of Allied Health Education Programs (CAAHEP), and who has applied to take the certification examination may be granted a temporary certificate to practice athletic training under the onsite direct supervision of a certified athletic trainer. The temporary certification expires 1 year from issuance or upon certification as an athletic trainer by the Board, whichever comes first.

§ 18.508. Renewal of certification.

(a) A certification issued under this subchapter expires on December 31 of every even-numbered year unless renewed for the next biennium.

(b) Biennial renewal forms and other forms and literature to be distributed by the Board will be forwarded to the last mailing address given to the Board.

(c) To retain the right to engage in practice, the certificateholder shall renew certification in the manner

prescribed by the Board and pay the required fee prior to the expiration of the next biennium.

(d) When a certification is renewed after December 31 of an even numbered year, a penalty fee of \$5 for each month or part of a month of practice beyond the renewal date will be charged in addition to the renewal fee.

(e) Continuing education requirements are as follows.

(1) Beginning with the biennial period commencing on the next biennial renewal period following _____ (*Editor's Note:* The blank refers to the effective date of adoption of this proposed rulemaking.), athletic trainers shall complete the continuing education requirements prescribed by the BOC.

(2) Applicants for renewal of a certificate shall provide a signed statement verifying that the continuing education requirement has been met.

(3) Proof of completion of the required continuing education shall be retained for 2 years after completion.

§ 18.509. Practice standards for athletic trainers.

(a) Athletic trainers certified by the Board or by the proper licensing authority of any other state, province, territory or the District of Columbia shall comply with the following:

(1) Ensure that the physically active person has secured a written referral or is subject to a written protocol for treatment by a certified athletic trainer from a licensed physician, dentist or podiatrist.

(2) Comply strictly with conditions or restrictions that may be placed on the course of athletic training services by the referring physician, dentist or podiatrist.

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

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

(5) Consult promptly with the referring physician, dentist or podiatrist regarding a new ailment or condition or a worsened ailment or condition of the physically active person.

(6) Consult with the referring physician, dentist or podiatrist upon request of either the referring physician, dentist or podiatrist or the physically active person.

(7) Refer a physically active person with conditions outside the scope of athletic training services to a licensed physician, dentist or podiatrist.

(b) Athletic trainers certified by the Board, or by the proper licensing authority of any other state, province, territory or the District of Columbia who are working in a team setting, treating injuries which arise in the course of practices or team sports events, may treat the participant at the events under the conditions of the referral, or the standing written prescription or written protocol.

(c) An athletic trainer shall obtain the standing written prescription or protocol annually from the supervising physician, dentist or podiatrist and review it annually. The standing written prescription or written protocol shall be retained at or near the treatment location or facility. An individual referral from a supervising physician, dentist or podiatrist is required in the absence of a standing written prescription or written protocol.

§ 18.510. Refusal, suspension or revocation of certificate.

(a) The Board may refuse to issue a certificate, and after notice and hearing, may suspend or revoke the certificate of a person who is subject to disciplinary action under section 41 of the act (63 P. S. § 422.41) as set forth in § 16.61 (relating to unprofessional and immoral conduct).

(b) Actions taken by the Board regarding the refusal, suspension or revocation of a certificate are taken subject to the right of notice, hearing and adjudication and appeal under 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law).

CHAPTER 25. STATE BOARD OF OSTEOPATHIC MEDICINE

Subchapter F. FEES

§ 25.231. Schedule of fees.

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

Table with 2 columns: Description of fee and Amount. Includes rows for 'Uncertified verification of any license, certification or permit' (\$15), 'Certification of any licenses, certifications, examination grades or hours' (\$25), 'Application for athletic trainer certification' (\$20), and 'Biennial renewal—athletic trainer' (\$37).

(Editor's Note: The following text is new and is printed in regular type to enhance readability.)

Subchapter M. ATHLETIC TRAINERS

Table with 2 columns: Section number and Purpose. Lists sections 25.701 through 25.710 with their respective purposes, such as 'Purpose', 'Definitions', 'Certification requirement', etc.

§ 25.701. Purpose.

This subchapter implements section 7.1 of the act (63 P. S. § 271.7a) to provide for the certification of athletic trainers.

§ 25.702. Definitions.

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

Approved athletic training education programs—An athletic training education program that is accredited by a Board-approved Nationally recognized accrediting agency.

Athletic training services—The management and provision of care of injuries to a physically active person, with the direction of a licensed physician.

(i) The term includes the rendering of emergency care, development of injury prevention programs and providing appropriate preventative and supportive devices for the physically active person.

(ii) The term also includes the assessment, management, treatment, rehabilitation and reconditioning of the

physically active person whose conditions are within the professional preparation and education of a certified athletic trainer.

(iii) The term also includes the use of modalities such as: mechanical stimulation, heat, cold, light, air, water, electricity, sound, massage, and the use of therapeutic exercise, reconditioning exercise and fitness programs.

(iv) The term does not include surgery, invasive procedures or prescription of any controlled substance.

BOC—The Board of Certification, Inc., a National credentialing organization for athletic trainers.

Certified athletic trainer—A person who is certified to perform athletic training services by the Board or the State Board of Medicine.

Direction—Supervision over the actions of a certified athletic trainer by means of referral by prescription to treat conditions for a physically active person from a licensed physician, dentist or podiatrist or written protocol approved by a supervising physician, dentist or podiatrist, except that the physical presence of the supervising physician, dentist or podiatrist is not required if the supervising physician, dentist or podiatrist is readily available for consultation by direct communication, radio, telephone, facsimile, telecommunications or by other electronic means.

Physically active person—An individual who participates in organized, individual or team sports, athletic games or recreational sports activities.

Referral—An order from a licensed physician, dentist or podiatrist to a certified athletic trainer for athletic training services. An order may be written or oral, except that an oral order must be reduced to writing within 72 hours of issuance.

Standing written prescription—A portion of the written protocol or a separate document from a supervision physician, dentist or podiatrist which includes an order to treat approved individuals in accordance with the protocol.

Written protocol—A written agreement or other document developed in conjunction with one or more supervising physicians, which identifies and is signed by the supervising physician and the certified athletic trainer, describes the manner and frequency in which the certified athletic trainer regularly communicates with the supervising physician and includes standard operating procedures, developed in agreement with the supervising physician and certified athletic trainer, which the certified athletic trainer follows when not directly supervised onsite by the supervising physician.

§ 25.703. Certification requirement.

(a) A person may not use the title of "athletic trainer" or "certified athletic trainer" or use any abbreviation including "A.T.C.," "C.A.T." or "A.T." or any similar designation to indicate that the person is an athletic trainer, or perform the duties thereof, unless that person has been certified by the Board.

(b) Subsection (a) does not apply to the following:

(1) A person trained and licensed or certified under any other law from engaging in the licensed or certified practice in which the person is trained.

(2) An athletic trainer from another state, province, territory or the District of Columbia, who is employed by an athletic team or organization that is competing in this Commonwealth on a visiting basis, who provides athletic

training services to the members of their respective athletic team or organization.

(3) An athletic training student who practices athletic training that is coincidental to required clinical education and is within the scope of the student's education and training.

(c) Former athletic training certificateholders under the Physical Therapy Practice Act (63 P. S. §§ 1301—1313) prior to _____ (*Editor's Note:* The blank refers to the effective date of adoption of this proposed rulemaking.) are deemed certified by the Board. Renewal of certification may be accomplished through renewal with the Board or with the State Board of Medicine.

(d) Athletic training certificateholders certified by the State Board of Medicine are deemed certified by the Board.

§ 25.704. Application for certification.

(a) The applicant shall submit the following on forms supplied by the Board:

(1) A completed application and the fee set forth in § 25.231 (relating to schedule of fees).

(2) Verification of professional education in athletic training in accordance with § 25.705 (relating to educational requirements).

(3) Documentation of passage of the national examination in accordance with § 25.706 (relating to examination requirement).

(4) Documentation of practice as an athletic trainer, if licensed or certified in any other jurisdiction, and verification as to whether there has been any disciplinary action taken in that jurisdiction.

(b) To qualify for certification, an applicant shall be at least 20 years of age and may not be addicted to alcohol or hallucinogenic, narcotic or other drugs which tend to impair judgment or coordination.

§ 25.705. Educational requirements.

An applicant for certification shall comply with one of the following:

(1) Be a graduate of an accredited educational program for athletic trainers.

(2) Hold current credentialing as a Certified Athletic Trainer (ATC®) from the BOC or another credentialing body approved by the Board.

§ 25.706. Examination requirement.

An applicant for a certificate to practice as a certified athletic trainer shall submit to the Board written evidence that the applicant has passed the BOC certification examination for athletic trainers or its equivalent, as determined by the Board.

§ 25.707. Temporary certification.

An applicant who is a graduate of an accredited education program for athletic trainers and who has applied to take the certification examination may be granted a temporary certificate to practice athletic training under the on site direct supervision of a certified athletic trainer. The temporary certification expires 1 year from issuance or upon certification as an athletic trainer by the Board, whichever comes first, and may not be renewed.

§ 25.708. Renewal of certificate.

(a) A certificate issued under this subchapter shall be renewed biennially. An application form will be mailed to

the most recent address of the certificateholder as it appears on the records of the Board. The certificateholder shall complete the renewal application and return it to the Board with a renewal fee before October 31 of the year in which the application was received. Certificates other than temporary certificates shall expire on October 31 of each even-numbered year. Upon receipt of an application and renewal fee, the Board will verify the accuracy of the application and issue to the applicant a certificate of renewal for the next biennial period.

(b) Continuing education requirements are as follows:

(1) Beginning with the biennial period commencing on the next biennial renewal period following _____ (*Editor's Note:* The blank refers to the effective date of adoption of this proposed rulemaking.), athletic trainers shall complete the continuing education requirements prescribed by the BOC.

(2) Applicants for renewal of a certificate shall provide a signed statement verifying that the continuing education requirement has been met.

(3) Proof of completion of the required continuing education shall be retained for 4 years after completion.

§ 25.709. Practice standards for athletic trainers.

(a) Athletic trainers certified by the Board or by the proper licensing or certification authority of any other state, province, territory or the District of Columbia shall comply with the following:

(1) Ensure that the physically active person has secured a written referral or is subject to a written protocol for treatment by a certified athletic trainer from a licensed physician, dentist or podiatrist.

(2) Comply strictly with conditions or restrictions that may be placed on the course of athletic training services by the referring physician, dentist or podiatrist.

(3) Ensure that the physically active person has undergone a medical diagnostic examination or has had the results of a recently performed medical diagnostic examination reviewed by a licensed physician, dentist or podiatrist.

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

(5) Consult promptly with the referring physician, dentist or podiatrist regarding a new ailment or condition or a worsened ailment or condition of the physically active person.

(6) Consult with the referring physician, dentist or podiatrist upon request of either the referring physician, dentist or podiatrist or the physically active person.

(7) Refer a physically active person with conditions outside the scope of athletic training services to a licensed physician, dentist or podiatrist.

(b) Athletic trainers certified by the Board or by the proper licensing authority of any other state, province, territory or the District of Columbia who are working in a team setting, treating injuries which arise in the course of practices or team sports events, may treat the participant at the events under the conditions of the referral, the standing written prescription or written protocol.

(c) The supervising physician, dentist or podiatrist shall provide the standing written prescription or written protocol annually to the athletic trainer and review it annually. This standing written prescription or protocol must be in writing and retained at or near the treatment

location or facility. An individual referral from a supervising physician, dentist or podiatrist is required in the absence of a written protocol.

§ 25.710. Refusal, suspension or revocation of certificate.

(a) The Board may refuse to issue a certificate, and after notice and hearing, may suspend or revoke the certificate of a person who is subject to disciplinary action under section 15(b) of the act (63 P. S. § 271.15(b)).

(b) Actions taken by the Board regarding the refusal, suspension or revocation of a certificate are taken subject to the right of notice, hearing and adjudication and appeal under 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law).

[Pa.B. Doc. No. 06-427. Filed for public inspection March 17, 2006, 9:00 a.m.]

STATE BOARD OF VETERINARY MEDICINE

[49 PA. CODE CH. 31]

Certified Veterinary Technician Specialists

The State Board of Veterinary Medicine (Board) proposes to amend § 31.38 (relating to code of ethics for certified veterinary technicians) to read as set forth in Annex A. The proposed amendment would bar a certified veterinary technician (CVT) from making false, deceptive or misleading statements or claims, including a representation that the CVT is a specialist, a Veterinary Technician Specialist or a VTS unless the CVT holds current certification from a National Association of Veterinary Technicians in America (NAVTA), recognized specialty organization. The proposed amendment parallels Principle 5(a)(4) in § 31.21 (relating to Rules of Professional Conduct for Veterinarians), which regulates advertising by a veterinarian.

Effective Date

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

Statutory Authority

Section 11 of the Veterinary Medicine Practice Act (63 P. S. § 485.11) authorizes the Board “to promulgate by regulation the qualifications and requirements for the certification and regulation of veterinary technicians . . . to provide for disciplinary action and . . . [to] prescribe the grounds for such action.” This proposed rulemaking provides requirements necessary for the regulation of veterinary technicians and, through § 31.39(1) (relating to grounds for disciplinary proceedings), provides for disciplinary action against the certification of a CVT.

Background and Need for Proposed Amendments

Over the past several years, it has become increasingly common for CVTs to obtain specialized education and training in a specialty area beyond the minimum education required for certification. In addition, it has become increasingly common for CVTs to hold themselves out to the public and coworkers as specialists.

For example, a CVT may belong to a veterinary technician society, which is a group of individuals who associate together to exchange information among mem-

bers. Currently, no accrediting agency has established specialty training, testing or continuing education standards for membership in such a society. A CVT may belong to a topic-specific academy. NAVTA is the Nationally-recognized entity that provides accreditation services for schools of veterinary technology and CVT specialty academies. For a CVT specialty academy to obtain accreditation (known as “recognition”), the academy must undergo a rigorous review of the academy’s education, examination and continuing education requirements. Both veterinarians and CVTs conduct this review. Once a specialty academy has been recognized by NAVTA, all veterinarians, CVTs and the public are ensured a uniform level of preparation and competence in the individuals who are granted certification as specialists of the academy. There are currently three veterinary technician academies recognized by NAVTA to confer a specialty certification upon a veterinary technician. These three academies are the Academy of Veterinary Emergency Critical Care Technicians, the Academy of Veterinary Technician Anesthetists and the Academy of Veterinary Dental Technicians.

The Board believes that it is a departure from the acceptable standards of ethical conduct for a CVT to hold himself out as a specialist because the term, in both human and animal medicine, implies a high degree of achievement including third-party peer reviewed education and examination in a particular subject area. The Board is aware that Federal and State Constitutional law limits governmental regulation of commercial speech so that regulation is permissible if it targets only commercial speech that is misleading and if the governmental regulation employs the least restrictive means possible to avoid misleading the public. The Board believes that a CVT who holds himself out as a specialist, as that term is commonly understood by the public, a Veterinary Technician Specialist or a VTS when the CVT has not been granted specialist status by a National accrediting body that ensures the competence of the CVT in a particular area is misleading the public into believing that the CVT’s competence in a particular area has been subject to the rigorous review of a National accrediting body. In addition, the Board believes that its proposed rulemaking is the least restrictive means possible to avoid misleading the public. First, the proposed rulemaking does not restrict a CVT from noting membership in a veterinary technician academy or society. Second, the proposed rulemaking is consistent with National standards of conduct in the profession of veterinary technology.

The rulemaking also proposes to amend § 31.38(e)(2) to conform to the *Pennsylvania Code and Bulletin Style Manual*, which prefers the use of gender-neutral terms.

Description of Proposed Amendments

The Board proposes to amend the code of ethics for CVTs to use the gender-neutral term “the technician” in place of the term “his” in § 31.38(e)(2).

The Board proposes to add § 31.38(g). This subsection, through § 31.39(1), would authorize the Board to discipline a CVT who makes a false, deceptive or misleading statement or claim, including a statement or claim that includes a representation that the CVT is a specialist, a Veterinary Technician Specialist or a VTS unless the CVT holds current certification from a NAVTA-recognized organization. The provision parallels an existing provision for veterinarians.

In drafting and promulgating this proposed rulemaking, the Board sent the text of the proposed rule-

making to interested parties, including State and regional veterinary medical associations, associations of animal health technicians and schools of veterinary medicine.

Fiscal Impact and Paperwork Requirements

The proposed rulemaking should not have any financial impact on licensees, the Board or any other State entity. The proposed rulemaking will have no fiscal impact on the public. There are no additional paperwork requirements associated with the rulemaking.

Sunset Date

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

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on March 8, 2006, the Board submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the Senate Consumer Protection and Professional Licensure Committee and the House Professional Licensure Committee. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections must specify the regulatory review criteria which have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Board, the General Assembly and the Governor of comments, recommendations or objections raised.

Public Comment

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

BRIAN V. HARPSTER, V.M.D.,
Chairperson

Fiscal Note: 16A-5716. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 31. STATE BOARD OF VETERINARY MEDICINE

VETERINARY TECHNICIANS AND NONCERTIFIED EMPLOYEES

§ 31.38. Code of ethics for certified veterinary technicians.

* * * * *

(e) A certified veterinary technician shall be responsible to the client and to the veterinarian in the following respects:

* * * * *

(2) To perform **[his] the veterinary technician's** work only in the manner directed by the veterinarian and to employ **[his] the veterinary technician's** best care and skill in performing all work for the veterinarian **[and not to]. The veterinary technician may not** undertake any work which **[he] the veterinary technician** is not capable of performing satisfactorily.

* * * * *

(g) A certified veterinary technician may not make a false, deceptive or misleading statement or claim. A false, deceptive or misleading statement or claim includes any representation that the certified veterinary technician is a specialist, a Veterinary Technician Specialist or a VTS unless the certified veterinary technician holds current certification from a National Association of Veterinary Technicians in America-recognized specialty organization.

[Pa.B. Doc. No. 06-428. Filed for public inspection March 17, 2006, 9:00 a.m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Agricultural Research Project Contractors

The Department of Agriculture (Department) is soliciting names of research institutions which have an interest in conducting agricultural research during the period January 1, 2007, to June 30, 2007, and continuing. Institutions which respond will be provided with a preproposal format and a list of research topic areas. Institutions which responded for Fiscal Year 2005-06 will automatically receive a solicitation and do not need to respond again. The Department, through a selection process, will decide which projects are to be placed under contract. Interested parties should submit their name, address and telephone number to Derek Ruhl, Department of Agriculture, 2301 North Cameron Street, Harrisburg, PA 17110 or call (717) 783-3577 for more information.

DENNIS C WOLFF,
Secretary

[Pa.B. Doc. No. 06-429. Filed for public inspection March 17, 2006, 9:00 a.m.]

DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

Consolidated Plan; 2005 Annual Performance Report Availability

The Department of Community and Economic Development (Department) makes available for public review the 2005 Annual Performance Report (APR) for the Commonwealth's Consolidated Plan. The 2005 APR reports on activities that were outlined in the Consolidated Plan for Federal Fiscal Years (FFY) 2000 through 2005 as well as the Action Plan for 2005. The report describes progress in achieving the Commonwealth's 5-year strategy, including resources made available and activities completed in FFY 2005. This report will be submitted to the United States Department of Housing and Urban Development (HUD) by March 31, 2006.

Copies of the draft APR will be available for public comment from March 18, 2006, through March 30, 2006, at the locations that follow. The final APR will be made available again at the same locations, following approval by HUD.

County Commissioners—A copy will be sent to the Chairperson of each County Board of Commissioners.

The Tri-County Branch of the Pennsylvania Association of the Blind (on audiocassette):

Patricia Summers, Coordinator
Harrisburg Area Radio Reading Service
1800 N. Second Street
Harrisburg, PA 17102
(717) 238-2531

*Department of Community and Economic Development
Regional Offices:*

Southwest Regional Office
413 State Office Building
300 Liberty Avenue
Pittsburgh, PA 15222
(412) 565-5002

Northwest Regional Office
Third Floor, Rothrock Building
121 West 10th Street
Erie, PA 16501
(814) 871-4241

Northcentral and Southcentral Regional Offices
576 Forum Building
Harrisburg, PA 17120
(717) 787-2412

Northeast Regional Office
201 Samters Building
101 Penn Avenue
Scranton, PA 18503
(717) 963-4571

Southeast Regional Office
908 State Office Building
Broad and Spring Garden Streets
Philadelphia, PA 19130
(215) 560-2256

The Commonwealth's 27 District Libraries:

B. F. Jones Memorial Library, Aliquippa
Allentown Public Library, Allentown
Altoona Area Public Library, Altoona
Centre County Library, Bellefonte
Bethlehem Area Public Library, Bethlehem
Clarion Free Library, Clarion
Conococheague District Library, Chambersburg
Bucks County Free Library, Doylestown
Easton Area Public Library, Easton
Erie County Library, Erie
Dauphin County Library, Harrisburg
Cambria County Library, Johnstown
Lancaster County Library, Lancaster
Delaware County Library, Brookhaven
Monessen Public Library, Monessen
New Castle Public Library, New Castle
Montgomery County-Norristown Public Library,
Norristown
Free Library of Philadelphia, Philadelphia
Carnegie Library of Pittsburgh, Pittsburgh
Pottsville Free Public Library, Pottsville
Reading Public Library, Reading
Scranton Public Library, Scranton
Warren Public Library, Warren
Citizens Library, Washington
Chester County Library, Exton
Osterhout Free Library, Wilkes-Barre
James V. Brown Library, Williamsport

Submit written comments concerning the APR to Gary R. Thomas, Compliance Manager, Center for Community Development, Department of Community and Economic Development, 4th Floor, Commonwealth Keystone Building, Harrisburg, PA 17120-0225, fax (717) 214-5416. Written comments must be received by March 30, 2006.

Persons with a hearing disability who wish to review the APR should notify the Department and accommodations will be made. Text Telephone (TT) calls can be

placed through the Pennsylvania Relay System at (800) 654-5984. Calls will be relayed to the Department's number listed previously.

DENNIS YABLONSKY,
Secretary

[Pa.B. Doc. No. 06-430. Filed for public inspection March 17, 2006, 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

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed#)</i>	<i>EPA Waived Y/N ?</i>
PA0085430 (Sew)	Robin Hill Camping Resort, Inc. 149 Robin Hill Road Lenhartsville, PA 19534	Berks County Greenwich Township	UNT to Maiden Creek 3-B	Y
PA0081442 (Sew)	South Eastern School District 377 Main Street Fawn Grove, PA 17321	York County Fawn Township	Falling Branch 7-I	Y
PA0084417 (Sew)	Robert L. Brunner The Village Square P. O. Box 310 Shermans Dale, PA 17090	Perry County Carroll Township	UNT to Shermans Creek 7-A	Y
PA0111601 (Sew)	Christian Retreat Center R. R. 1 Box 13A East Waterford, PA 17021-0097	Juniata County Lack Township	Tuscarora Creek 12-B	Y
PA0087408 (Sew)	Trainers Midway Lodgings, Inc. P. O. Box 6 Bethel, PA 19507	Berks County Bethel Township	UNT to Lower Swatara Creek 7-D	Y
PA0086665 (Sew)	Green Spring Brethren In Christ Church 720 Green Spring Road Newville, PA 17241	Cumberland County North Newton Township	Green Spring Creek 7-B	Y
PA0009288 (IW)	Milton Hershey School 1201 Homestead Lane P. O. Box 830 Hershey, PA 17033-0830	Dauphin County Derry Township	UNT of Spring Creek 7-D	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0209287 SP	Wanderland Trails Inc. P. O. Box 26844 Collegeville, PA 19426	Tioga County Richmond Township	UNT to Manns Creek 4A	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0034568	Harbor Terrace Mobile Home Park 1650 Harlansburg Road New Castle, PA 16101	Union Township Lawrence County	UNT to Shenango River 20-A	Y
PA0102482	Green Acres Mobile Home Park 797 Pittsburgh Road Butler, PA 16002	Penn Township Butler County	UNT to Glade Run	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.

PA0057991, sewage, **Bela Rossmann d/b/a Rothstein Tract Homeowners Association**, P. O. Box 950, Doylestown, PA 18901. This proposed facility is located in Doylestown Township, **Bucks County**.

Description of Proposed Activity: Application for the renewal of an NPDES permit to discharge treated sewage from a five-lot subdivision located at 1355 Pebble Hill Road.

The receiving stream, Neshaminy Creek, is in the State Water Plan watershed 2F and is classified for TSF, migratory fishes, aquatic life, water supply and recreation. The nearest downstream public water supply intake for Aqua PA, Inc., is located on Neshaminy Creek. The discharge is not expected to affect the downstream public water supply.

The proposed effluent limits for Outfall 001 are based on a design flow of 3,000 gpd.

Parameters	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum (mg/l)
CBOD ₅					
(5-1 to 10-31)			15		30
(11-1 to 4-30)			25		50
Total Suspended Solids			30		60
Ammonia as N					
(5-1 to 10-31)			2.0		4.0
(11-1 to 4-30)			6.0		12
Total Residual Chlorine			0.5		1.2
Phosphorus as P					
Dissolved Oxygen			Monitor and Report minimum of 5.0 mg/l at all times within limits of 6.0 to 9.0 Standard Units at all times 200 colonies/l as a geometric mean		
pH					
Fecal Coliform					

In addition to the effluent limits, the permit contains the following major special conditions:

1. Designated Responsible Operator.
2. Abandon STP when Public Sewer Available.
3. Remedial Measures.
4. No Stormwater.
5. Obtain Property Rights.
6. Change of Ownership.
7. Residual Chlorine Dosages.
8. Sludge Disposal.
9. Certified Laboratory.

PA0012416, Industrial Waste, **PA American Water Rock Run Water Treatment Plant**. Mailing address is 4 Wellington Boulevard, Reading, PA 19610. This facility is located at Waterworks and Red Mill Roads, Coatesville, PA 19320, West Caln Township, **Chester County**.

Description of Activity: This application is for renewal of an NPDES permit to discharge filter backwash water and settled sludge supernatant to Rock Run Reservoir which discharges to Rock Run.

The receiving reservoir and stream, Rock Run, is in the State Water Plan Watershed 3H-Brandywine and is classified for: TSF, aquatic life, water supply and recreation. The nearest downstream public water supply intake for PA American Water Company is located on Rock Run Reservoir and is near the discharge point.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.14 mgd.

Parameters	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum (mg/l)
CBOD ₅			10		
Total Suspended Solids	23.4		20		
Total Nitrogen					
Ammonia-Nitrogen					
Phosphorus as P	0.12		0.10	0.20	0.25
Iron, Total	2.3		2.0	4.0	5.0
Manganese, Total	1.2		1.0	2.0	2.5
Aluminum, Total	0.93		0.8	1.6	2.1
Chloroform					
Dichlorobromomethane					
Chlorodibromomethane					
pH (STD Unit)			6.0 (min)		9.0 (max)
Dissolved Oxygen			5.0 (min)		

In addition to the effluent limits, the permit contains the following major special conditions:

1. Discharge must not cause nuisance or health hazard.
2. Sludge disposal according to applicable regulations.

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

PA0045985, Sewage, **Mountaintop Area Joint Sanitary Authority**, 290 Morio Drive, Mountaintop, PA 18707. This proposed facility is located in Dorrance Township, **Luzerne County**.

Description of Proposed Activity: Renewal of NPDES Permit.

The receiving stream, Big Wapwallopen Creek, is in the State Water Plan Watershed 5B and is classified for CWF. The nearest downstream public water supply intake for Danville Borough Water Company is located on Susquehanna River over 30 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 4.16.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25.0	40.0	50.0
Total Suspended Solids	30.0	45.0	60.0
NH ₃ -N			
(5-1 to 10-31)	2.5		5.0
(11-1 to 4-30)	7.5		15.0
Dissolved Oxygen	a minimum of 6.0 mg/l at all times.		
Fecal Coliform			
(5-1 to 9-30)	200/100 ml as a geometric mean		
(10-1 to 4-30)	2,000/100 ml as a geometric mean		
pH	6.0 to 9.0 standard units at all times.		
Total Residual Chlorine	.06		.06
Chlorodibromomethane	.00097	.0019	.0024
Dichlorobromomethane	.0013	.0026	.0033
Whole Effluent Toxicity	1.2 Toxicity Units		
Ammonia-N	Monitor and Report		
Kjeldahl -N	Monitor and Report		
Nitrate-Nitrite as N	Monitor and Report		
Total Nitrogen	Monitor and Report		
Total Phosphorus	Monitor and Report		
Total Nitrogen	80,364 lbs/year	x/2006 through x/2009	
Total Phosphorus	10,046 lbs/year	x/2006 through x/2009	
		x/2009 through x/2010	
		x/2009 through x/2010	

In addition to the effluent limits, the permit contains the following major special conditions:

1. Chronic Whole Effluent Toxicity Testing.
2. The permittee must submit a schedule of compliance with the Chesapeake Bay strategy requirements within 180 days after permit issuance. They may be met in part or in full by obtaining offsets or credits approved by the Department of Environmental Protection.

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

PA0253286, Industrial Waste, **CNX Gas company LLC**, 4000 Brownsville Rd, South Park PA 15129. This proposed facility is located in Center Township, **Greene County**.

Description of Proposed Activity: Treatment Fac for Coal Bed Methane Fluids.

PA 0252832, Industrial Waste, SIC 4925, **CNX Gas Company, LLC**, 1800 Washington Road, Pittsburgh, PA 15241. This proposed facility is located in Freeport Township, **Greene County**.

Description of Proposed Activity: Discharge of treated groundwater produced by the dewatering of coal seams during methane gas extraction.

The receiving stream, Pennsylvania Fork Fish Creek, is classified for aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS and chloride, the point of analysis considered during the evaluation is located on Pennsylvania Fork Fish Creek and the Pennsylvania and West Virginia State border, approximately 8.02 miles downstream of the discharge point.

The proposed effluent limits for Outfall 001 are:

<i>Parameter</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow		0.0111 mgd	
Iron (total)	3.5 mg/l		7 mg/l
Oil and Grease	15 mg/l		30 mg/l
TSS	30 mg/l		60 mg/l
Acidity	Monitor Only	Monitor Only	Monitor Only
Alkalinity	Greater than Acidity	Greater than Acidity	Greater than Acidity
pH	6 to 9 Standard Units	6 to 9 Standard Units	6 to 9 Standard Units
Chloride	Monitor Only	Monitor Only	Monitor Only
TDS	Monitor Only	Monitor Only	Monitor Only
Osmotic Pressure	Monitor Only	Monitor Only	Monitor Only
Cadmium	Monitor Only	Monitor Only	Monitor Only
Copper	Monitor Only	Monitor Only	Monitor Only
Lead	Monitor Only	Monitor Only	Monitor Only

The EPA waiver is in effect.

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

PA0023124, Sewage. **Albion Borough**, 15 Smock Avenue, Albion, PA 16401. This facility is located in Conneaut Township, **Erie County**.

Description of Proposed Activity: Renewal of an existing discharge of treated sewage.

For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride, phenolics, sulfate and chloride, the existing/proposed downstream potable water supply, considered during the evaluation is the (Public Water Supplier) PA/OH State line is located on the Conneaut Creek and is approximately 14.2 miles below point of discharge.

The receiving stream, the Conneaut Creek, is in watershed 15 and classified for: WWF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 are based on a design flow of 1.40 mgd.

Parameters	Loadings		Concentrations		
	Average Monthly (lb/day)	Average Weekly (lb/day)	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
Flow	XX				
CBOD ₅					
(5-1 to 10-31)	198	292	17	25	34
(11-1 to 4-30)	292	467	25	40	50
Total Suspended Solids	350	525	30	45	60
NH ₃ -N					
(5-1 to 10-31)	64		5.5		11
(11-1 to 4-30)	187		16		32
Fecal Coliform			200/100ml as a geometric average		
(5-1 -to 9-30)			2,000/100ml as a geometric average		
(10-1 to 4-30)					
Total Residual Chlorine			0.4		1.3
Phosphorus as "P"	12		1.0		
Aluminum					
(Interim)**			4.9		12.2
(Final)**	12.9		1.105		2.762
Copper					
(Interim)**			0.13		0.32
(Final)**	0.37		0.032		0.082
Chronic Whole Effluent Toxicity					
(Interim)			8.33 Tu _c		
(Final)			4.93 Tu _c		
pH			6.0 to 9.0 standard units at all times		

XX—Monitor and report on monthly DMRs.

The proposed effluent limits for Outfall 002 are based on a design flow of N/A mgd.

Parameters	Loadings		Concentrations		
	Average Monthly (lb/day)	Average Weekly (lb/day)	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)

This outfall shall be composed entirely of nonpolluting stormwater runoff in accordance with Special Condition 4.

The EPA waiver is not in effect.

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

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

WQM Permit No. 6406401, Honesdale Borough, 958 Main Street, Honesdale, PA 18431. This proposed facility is located in Honesdale Borough, Wayne, PA.

Description of Proposed Action/Activity: This project consists of a sewer separation project within Honesdale Borough. Approximately 12,000 linear feet of sanitary sewer and storm sewer will be separated and replaced.

WQM Permit No. 1306402, Big Boulder Corporation, Route 940 and Moseywood Road, P. O. Box 707, Blakeslee, PA 18610-0707. This proposed facility is located in Kidder Township, **Carbon County**, PA.

Description of Proposed Action/Activity: This project consists of the upgrade of an existing pump station to serve the Big Boulder Ski Area.

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

WQM Permit No. 3606201, CAFO, **Rohrer Farms, LLC**, 762 West Lexington Road, Lititz, PA 17543. This proposed facility is located in Warwick Township, **Lancaster County**.

Description of Proposed Action/Activity: To install and operate leak detection systems for two existing swine barns with shallow flush channel manure handling systems to comply with the Department of Environmental Protection's regulations, to make structural improvements to the manure handling systems and to make operational changes to the systems.

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

WQM Permit No. 1806401, Sewerage 4952, **Clinton County Solid Waste Authority**, 264 Landfill Lane, P. O. Box 209, McElhattan, PA 17748. This proposed facility is located in Bald Eagle Township, **Clinton County**.

Description of Proposed Action/Activity: The applicant is proposing to construct a regional sanitary sewage pumping station and bypass management system consisting of a 4 million gallon equalization tank to address the aging infrastructure of the Mill Hall pump station and conveyance piping, and provide flood protection for the main Draketown pump station. The proposed action would address issues in a Consent Order and Agreement between the Department and Borough of Mill Hall. The existing Mill Hall and Draketown pump stations will be eliminated as part of this project.

WQM Permit No. 0806401, Sewerage 4952, **Towanda Municipal Authority**, 724 Main Street, Towanda, PA 18848. This proposed facility is located in Towanda Borough, **Bradford County**.

Description of Proposed Action/Activity: The applicant proposes biological nitrogen removal, phosphorus precipitation and hemophilic aerobic digester modifications to the existing sewage plant.

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

WQM Permit No. 6306201, Industrial Waste, **Molycorp, Inc.**, 67750 Bailey Road, P. O. Box 224, Mountain Pass, CA 92366. This proposed facility is located in Canton Township, **Washington County**.

Description of Proposed Action/Activity: Application for treatment of contact and noncontact water from site during construction.

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

WQM Permit No. 6204404, Sewerage, **Eldred Township**, R. D. 2 Box 123A, Pittsfield, PA 16340. This proposed facility is located in Eldred Township, **Warren County**.

Description of Proposed Action/Activity: This project is to install 2 reed beds at the recently completed wastewater treatment facility.

WQM Permit No. 6201406, Sewerage, Amendment No. 1, **Midwest Campers, Inc., Camp Stone**, 2463 South Green Road, Beachwood, OH 44122. This proposed facility is located in Sugar Grove Township, **Warren County**.

Description of Proposed Action/Activity: This project is to modify an existing treatment facility to include equalization tanks with pumps, additional chlorine contact tanks, a weir box, a tank with a Zabel filter, a float within the existing recirculating tank and an electrical backup generator.

IV. NPDES Applications for Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)

Central Office: Bureau of Watershed Management, 400 Market Street, Floor 10, P. O. Box 8555, Harrisburg, PA 17105-8555.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>	<i>DEP Protocol (Y/N)</i>
PAI131500060001 Permit Action published in error at 36 Pa.B. 582, 604 (February 4, 2006) and is hereby being republished as an application.	Turnpike Commission P. O. Box 67676 Harrisburg, PA 17106	Multiple Counties	Multiple Municipalities	Numerous	N

V. Applications for NPDES Waiver Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI011506014	Golden Rocket, LP Northlight Corporate Headquarters 1535 Art School Road Chester Springs, PA 19425	Chester	East Whiteland Township	Valley Creek (EV)

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI011506015	John C. and Ester M. Kolb Coltsfoot Development 321 Fairview Road Glenmoore, PA 19343	Chester	Wallace Township	North Branch Indian Run (HQ-CWF)
PAI011506016	The Desmond Great Valley Hotel Conference Center One Liberty Boulevard Malvern, PA 19355	Chester	East Whiteland Township	Valley Creek (EV)
PAI011506017	The Fox Company 955 Chesterbrook Boulevard Suite 125 Chesterbrook, PA 19087	Chester	Tredyffrin Township	Valley Creek (EV)

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024806006	Cahill Properties, LLC Attn: Robert Cahill 60 West Broad St. Bethlehem, PA 18018	Northampton	Bethlehem Township	Monocacy Creek HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI025206003	Woodloch Pines, Inc. R. R. 1, Box 280 Hawley, PA 18428	Pike	Lackawaxen Township	Teedyuskung Creek HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI032106001	Eastern Development & Planning Inc. 7300 Derry Street Harrisburg, PA 17111	Cumberland	South Middleton Township	Letort Spring Run, EV
PAI036706001	The Seasons 2645 Carnegie Road York, PA 17402	York	Dover Township	Fox Run TSF
PAI036706002	Greenbriar Estates LP 2645 Carnegie Road York, PA 17402	York	Conewago Township	UNT Little Conewago Creek TSF
PAI036706003	Timothy Pasch 2645 Carnegie Road York, PA 17402	York	Windsor Township	Kreutz Creek WWF
PAI0033105003	Silas E. and Eldbjorg E. Dubbel 3764 A Cold Springs Road Huntingdon, PA 16652	Huntingdon	Oneida Township	UNT Standing Stone Creek HQ-CWF
PAI032806003	Aldine Martin 15799 Young Road Greencastle, PA 17225	Franklin	Antrim Township Borough of Greencastle	Muddy Creek HQ-CWF

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

Centre County Conservation District: 414 Holmes Avenue, Suite 4, Bellefonte, PA 16823, (814) 355-6817.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041406005	W. R. Hickey Beer Distributor James Hickey 1321 E. College Ave. State College, PA 16801	Centre County	College Township	UNT to Thompson Run HQ-CWF

Central Office: Bureau of Watershed Management, 400 Market Street, Floor 10, P. O. Box 8775, Harrisburg, PA 17105-8775.

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI153906001	Allentown Commercial & Industrial Development Authority Gerald Aubano 435 Hamilton Ave. Allentown, PA 118105	Lehigh	City of Allentown	Little Lehigh Creek HQ-CWF

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

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

PUBLIC WATER SUPPLY (PWS) PERMIT

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

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

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

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

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

SAFE DRINKING WATER

MINOR AMENDMENT

Applications Received Under the Pennsylvania Safe Drinking Water Act

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

Application No.	0406501MA , Minor Amendment.
Applicant	Municipal Authority of the Township of North Sewickley 590 Mercer Road Beaver Falls, PA 15010
Township or Borough	North Sewickley Township
Responsible Official	Ken Douglass, Authority Manager Municipal Authority of the Township of North Sewickley 590 Mercer Road Beaver Falls, PA 15010
Type of Facility	Water storage tank
Consulting Engineer	US Engineering, LLC 75 Jardin Circle Highland, IL 62249
Application Received Date	February 23, 2006
Description of Action	Interior recoating and repairs to the Wises Grove Tank

WATER ALLOCATIONS

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

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

WA39-1003, Water Allocations. **Bethlehem Authority/City of Bethlehem**, 10 East Church Street, Bethlehem, PA 18018-6028, **Lehigh County**. The Authority proposes to obtain a subsidiary water allocation permit from the Northeast Regional Office of the Department of Environmental Protection. The Authority will purchase up to 18,750 gpd, based on a 30-day average, from the City of Allentown for a proposed 54 twin residential unit development known as Central Park West.

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 mediator of the site develop and implement a public involvement plan. Requests to be involved and comments should be directed to the mediator of the site.

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

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

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

Former Haldeman Used Truck Sales, Kutztown Borough, **Berks County**. Barry Isett & Associates, Inc., P. O. Box 147, Trexlertown, PA 18087, on behalf of Paul Haldeman, c/o Haldeman Lincoln Mercury, 2443 Lehigh Street, Allentown, PA 18103 and Meitzler Excavating, 237

Wentzler Excavating, 237 Wentz Street, Kutztown, PA 19530, submitted a Notice of Intent to Remediate site soils contaminated with leaded gasoline resulting from the operation of a gasoline station from the mid-1950s to the 1970s. The site will be remediated to a combination of the Statewide Health and Site-Specific Standards.

Northwest Region: Environmental Cleanup Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

Legacy Woods Condominiums, Millcreek Township, **Erie County**. Burt Waite, Moody & Associates, 11548 Cotton Road, Meadville PA 16335 on behalf of Peter and Mary Fedorka, 2500 South Shore Drive, Erie, PA 16505 has submitted a Notice of Intent to Remediate. Foundry and slag containing lead present on portion of property. The site is believed to have been contaminated prior to 1950. Publication in the *Erie Times News* February 10, 2006

HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES

Applications received under the Solid Waste Management (35 P. S. §§ 6018.101—6018.1003) and Regulations to Operate a Hazardous Waste Treatment, Storage or Disposal Facility.

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

Permit ID No. PAD987270725. Environmental, Inc., P. O. Box 61, 432 Green Street, Sewickley, PA 15143. Darlington Facility, 118 Park Road, Darlington, PA, 16115. Application for the permit renewal of a hazardous waste storage/treatment and residual waste processing facility in Darlington Township, **Beaver County**, was received in the Regional Office on March 3, 2006.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Application submitted Under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and Regulations to Operate Solid Waste Processing or Disposal Area or Site.

Northwest Region: Regional Solid Waste Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

Permit Application No. 101684. Meadville Redi-Mix Concrete Inc., 19824 Cochran Road, Meadville PA 16335, West Mead Township, **Crawford County**. The application is for a new facility known as the Meadville Redi-Mix Construction/Demolition Waste Transfer Station. This application was subject to the Local Municipality Involvement Process Policy meeting which took place on February 22, 2006. The application was found to be administratively complete on February 28, 2006. The application was received by the Northwest Regional Office on December 15, 2005.

Comments concerning the application should be directed to Todd Carlson, Program Manager, Northwest Regional Office, 230 Chestnut Street, Meadville PA 16335. Persons interested in obtaining more information about the general permit application may contact the Northwest Regional Office, (814) 332-6848. TDD users may contact the Department through the Pennsylvania Relay Service, (800) 654-5984.

AIR QUALITY

PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

NEW SOURCES AND MODIFICATIONS

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

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

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

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

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

Final plan approvals and operating permits will contain terms and conditions to ensure that the source is 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.

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

22-05051A: The Hershey Co. (19 East Chocolate Avenue, Hershey, PA 17033) for installation of a new particulate control device at their chocolate candy manufacturing facility in Derry Township, **Dauphin County**.

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

26-00560A: Ferguson Funeral Home, Inc. (700 Broad Avenue, Belle Vernon, PA 15012) for installation of a human crematory at Ferguson Funeral Home and Cremation Service in Belle Vernon Borough, **Fayette County**.

63-00549A: Arden Landfill, Inc.—Cherrington Corporate Center, 625 Cherrington Parkway, Moon Township, PA 15108) for construction of landfill recycling gas to energy plant at Arden Landfill in Chartiers City, **Washington County**.

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

33-132A: Matson Lumber Co. (132 Main Street, Brookville, PA 15825) for construction of a wood-fired boiler rated at 18.9 mmBtu/hr in Union Township, **Jefferson County**. This is a State-only facility.

33-174A: Brownlee Lumber Co., Inc. (Hazen Richardsville Road, Brookville, PA 15825) for construction of a wood fired boiler rated at 6 mmBtu/hr and multicloner in Warsaw Township, **Jefferson County**. The facility is a minor facility.

43-343A: Woodcraft Industries, Inc. (62 Grant Road, Pymatuning, PA 16148) for installation of a 14.33 mmBtu wood-fired boiler at Pymatuning Lumber Yard, in the Township of Pymatuning, **Mercer County**.

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

45-310-039: Haines & Kibblehouse Inc.—Locust Ridge Quarry (P. O. Box 196, 2052 Lucon Road, Skip-pack, PA 19474) for construction of a particle separator and associated air cleaning device at the facility located in Tobyhanna Township, **Monroe County**.

54-399-039: Alcoa Extrusions Inc.—Cressona Operation (53 Pottsville Street, Cressona, PA 17929) for transfer of emission reduction credits of NOx to the facility located in Cressona Borough, **Schuylkill County**.

40-399-056: Smiths Aerospace Components (701 Crestwood Drive, Mountaintop, PA 18707) for construction of a ring splitter saw and associated air cleaning device at the facility located in the Crestwood Industrial Park, Wright Township, **Luzerne County**.

40-318-055: Silgan Closures, LLC (350 Jaycee Drive, West Hazleton, PA 18202) for amendment of coating operations to restrict emission limits for HAPs at the facility located in the Valmont Industrial Park, Hazle Township, **Luzerne County**.

64-301-007: James H. Wilson Funeral Home (P. O. Box 7, Lake Ariel, PA 18436) for construction of a human crematory and associated air cleaning device at the facility located at Route 296, 143 Gravity Road, Lake Township, **Wayne 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.

54-399-039: Alcoa Extrusions, Inc.—Cressona Operation (53 Pottsville Street, Cressona, PA 17929) for transfer and use of Emission Reduction Credits (ERCs) from the account of Alcoa Inc.'s Lebanon Facility. ERCs are surplus, permanent, quantified and Federally enforceable emission reductions used to offset emission increases of NOx. The ERCs are for 48.86 tons per year of nitrous oxides and satisfy the applicable ERC requirements contained in 25 Pa. Code §§ 127.206—127.208. The ERCs will be utilized at Alcoa Extrusions, Inc.'s Cressona facility in Cressona Borough, **Schuylkill County**.

48-311-005: Oldcastle APG—Northeast (800 Uhler Road, Easton, PA 18040) for the construction and operation of a concrete block manufacturing plant and associated air cleaning devices (fabric collectors) in Forks Township, **Northampton County**. The facility is a non-Title V facility. The total particulate emissions from the fabric collectors will be less than 2.0 tons per year based on the best available technology standard of 0.02 grain/dscf. The plan approval will include emission restrictions, monitoring, reporting and work practice requirements designed to keep the sources operating within all applicable air quality requirements.

40-310-055: Pennsy Supply Inc. (1001 Paxton Street, Harrisburg, PA 18711) for modification of a batch asphalt plant at the Summit Station facility located in Wayne Township, **Schuylkill County** that will replace an existing fabric collector and utilize recycled asphalt pavement and waste derived liquid fuel (WDLF). This facility is not a Title V facility. The batch asphalt plant will incorporate no more than 20.0% RAP into the 480 ton per hour facility while any WDLF used will meet all regulatory specifications. The company has elected to take a voluntary production restriction of 450,000 tons of asphalt per year. Total emissions from the plant will not exceed 27.7 tpy of NOx, 90.2 tpy of CO, 20.0 tpy of SOx, 8.5 tpy of VOC, and 7.5 tpy of PM. The asphalt plant is subject to Subpart I of the Federal Standards of Performance for New Stationary Sources for Hot Mix Asphalt Facilities, 40 CFR 60.90—60.93. The plan approval will include all appropriate testing, monitoring, recordkeeping and reporting requirements designed to keep the batch asphalt plant operating within all applicable air quality requirements.

54-310-036: HMMK LLC d/b/a Foster Materials, P. O. Box 196, 2052 Lucon Road, Skippack, PA 19474) for the construction of a crusher and conveyors and the associated air cleaning device (relocated crusher from another site, and upgrade of the water-spray system) at the stone crushing plant located in Foster Township, **Schuylkill County**. This facility is a non-Title V facility. It is anticipated that particulate emissions will be reduced from existing levels once the more efficient, upgraded water spray system is installed. The stone crushing plant in this operation is subject to Subpart OOO of the Federal Standards of Performance for New Stationary Sources, 40 CFR 60.670—60.676. The company will operate the facility and maintain the systems in accordance

with the good engineering practices to assure proper operation of the equipment. The Plan Approval and resulting operating permit will contain recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

48-309-124: Keystone Cement Co. (Route 329, P. O. Box A, Bath, PA 18014) for modification of their cement manufacturing operations and associated air cleaning devices in East Allen Township, **Northampton County**.

Under 25 Pa. Code § 127.44 and 40 CFR 52.21, the Department of Environmental Protection (Department) is soliciting comments on the proposed Air Quality Plan Approval for Keystone Cement Co. (Permittee), Route 329, P. O. Box A, Bath, PA 18014, East Allen Township, Northampton County for the proposed modification of cement manufacturing operations at the Bath facility as described in the Permittee's January 31, 2005, Plan Approval Application and subsequent supplemental submissions.

The PSD regulations require specific sources of air pollution, such as the proposed modification of cement manufacturing operations at Keystone's Bath facility to satisfy four conditions before approval to modify and operation may be granted by the Department. First, all pollutants that are subject to this regulation must be controlled by best available control technology. Second, PM10, NOx and SO air pollutant emissions must not cause violations of the allowable short-term and long-term air quality class increments applicable in the area where the source is to be located; nor any class increments applicable in any other areas which would be impacted by the source. Third, the maximum allowable increase in concentrations of all pollutants must not cause violation of either the National primary or secondary ambient air quality standards. Finally, the pollutant emissions from the proposed source must not adversely impact upon soils, vegetation and visibility in the vicinity of the proposed plant site.

A review of the information submitted by Keystone Cement Company indicates that the modification and operation of the Bath facility will meet all applicable air quality requirements including the four previously stated. Based upon these findings, the Department plans to approve the application and issue a permit for the modifications of the Bath facility.

The following table summarizes the potential emissions from maximum operation of the modified and affected units at the facility according to the application submitted and the Department's own analysis.

<i>Pollutant</i>	<i>Emission limit Tons/year</i>
PM10	515.9
PM	276.9
SO ₂	2363.4
NOx	1,724.6
CO	2,235.6
VOC	47.9
Lead	0.64

The emissions of these pollutants are within all applicable emissions limitations and will not cause an exceedance of the National Ambient Air Quality Standards. NOx, SO₂, PM10, VOC and lead emissions from the proposed modification will not increase at a significant rate as these emissions are netted out by the emissions decrease from the proposed shut down of two existing cement kilns and other associated emissions units at the Bath facility. The only pollutant that will experience a

PSD significant net emissions increase is CO. Therefore air quality dispersion modeling was performed and demonstrated that the proposed net emissions increase in CO will not have a significant impact. The Environmental Protection Agency (EPA) approved Industrial Source Complex Short-Term 3 (ISCST3 Version 02035) air dispersion model was used in the analysis.

The proposed new kiln at the Bath facility will continue to use fossil fuels and other Department approved alternative fuels including waste derived fuels. The facility will continue to be limited to firing waste derived fuels at the same levels currently permitted for the existing kilns that will be taken out of operation when the new kiln becomes fully operational.

To assure compliance with the applicable standards, the Department will place the following conditions on the plan approval.

General Plan Approval Requirements

#001 (25 Pa. Code § 121.1)

Words and terms that are not otherwise defined in this plan approval shall have the meanings set forth in section 3 of the Air Pollution Control Act (35 P. S. § 4003) and 25 Pa. Code § 121.1.

#002 (25 Pa. Code § 127.12b(a) and (b))

The issuance of this plan approval does not prevent the future adoption by the Department of any rules, regulations or standards, or the issuance of orders necessary to comply with the requirements of the Federal Clean Air Act or the Pennsylvania Air Pollution Control Act, or to achieve or maintain ambient air quality standards. The issuance of this plan approval shall not be construed to limit the Department's enforcement authority.

#003 (25 Pa. Code § 127.12b)

This plan approval authorizes temporary operation of the sources covered by this plan approval provided the following conditions are met.

(a) When construction, installation, modification or reactivation is being conducted, the permittee should provide written notice to the Department of the completion of the activity approved by this plan approval and the permittee's intent to commence operation at least 5 working days prior to the completion of said activity. The notice shall state when the activity will be completed and when the permittee expects to commence operation. When the activity involves multiple sources on different time schedules, notice is required for the commencement of operation of each source.

(b) Under 25 Pa. Code § 127.12b(d), temporary operation of the sources is authorized to facilitate the shakedown of sources and air cleaning devices, to permit operations pending the issuance of a permit under 25 Pa. Code Chapter 127, Subchapters F and G (relating to operating permits; and Title V operating permits) or to permit the evaluation of the air contaminant aspects of the source.

(c) This plan approval authorizes a temporary operation period not to exceed 180 days from the date of commencement of operation, provided the Department receives notice from the permittee under paragraph (a)

(d) The permittee may request an extension of the 180-day shakedown period if further evaluation of the air contamination aspects of the sources is necessary. The request for an extension should be submitted, in writing, to the Department at least 15 days prior to the end of the initial 180-day shakedown period and shall provide a

description of the compliance status of the source, a detailed schedule for establishing compliance, and the reasons compliance has not been established. This temporary operation period will be valid for a limited time and may be extended for additional limited periods, each not to exceed 120 days.

(e) If, at any time, the Department has cause to believe that air contaminant emissions from the sources listed in this plan approval may be in excess of the limitations specified in, or established under this plan approval or the permittee's operating permit, the permittee may be required to conduct test methods and procedures deemed necessary by the Department to determine the actual emissions rate. The testing shall be conducted in accordance with 25 Pa. Code Chapter 139, where applicable, and in accordance with any restrictions or limitations established by the Department at such time as it notifies the company that testing is required.

#004 (25 Pa. Code § 127.12(a)(10))

The permittee shall maintain and operate the sources and associated air cleaning devices in accordance with good engineering practice as described in the plan approval application submitted to the Department.

#005 (25 Pa. Code § 127.12(c) and (d) and 35 P. S. § 4013.2)

(a) The records, reports or information obtained by the Department or referred to at public hearings shall be available to the public, except as provided in paragraph (b) of this condition.

(b) Upon cause shown by the permittee that the records, reports or information, or a particular portion thereof, but not emission data, to which the Department has access under the act, if made public, would divulge production or sales figures or methods, processes or production unique to that person or would otherwise tend to affect adversely the competitive position of that person by revealing trade secrets, including intellectual property rights, the Department will consider the record, report or information, or particular portion thereof confidential in the administration of the act. The Department will implement this section consistent with sections 112(d) and 114(c) of the Clean Air Act (42 U.S.C.A. §§ 7412(d) and 7414(c)). Nothing in this section prevents disclosure of the report, record or information to Federal, State or local representatives as necessary for purposes of administration of Federal, State or local air pollution control laws, or when relevant in a proceeding under the act.

#006 (25 Pa. Code § 127.13)

(a) This plan approval will be valid for a limited time, as specified by the expiration date contained on Page 1 of this plan approval. Except as provided in 25 Pa. Code §§ 127.11a and 127.215 (relating to reactivation of sources; and reactivation), at the end of the time, if the construction, modification, reactivation or installation has not been completed, a new plan approval application or an extension of the previous approval will be required.

(b) If construction has commenced, but cannot be completed before the expiration of this plan approval, an extension of the plan approval must be obtained to continue construction. To allow adequate time for departmental action, a request for the extension should be postmarked at least 30 days prior to the expiration date. The Department will not issue an extension after the plan approval expires. The request for an extension should include the following:

(i) A justification for the extension.

(ii) A schedule for the completion of the construction.

If construction has not commenced before the expiration of this plan approval, then a new plan approval application must be submitted and approval obtained before construction can commence.

(c) If the construction, modification or installation is not commenced within 18 months of the issuance of this plan approval or if there is more than an 18-month lapse in construction, modification or installation, a new plan approval application that meets the requirements of 25 Pa. Code Chapter 127, Subchapters B, D and E (relating to plan approval requirements; prevention of significant deterioration of air quality; and new source review) shall be submitted.

#007 (25 Pa. Code § 127.32)

(a) This plan approval may not be transferred from one person to another except when a change of ownership is demonstrated to the satisfaction of the Department and the Department approves the transfer of the plan approval in writing.

(b) 25 Pa. Code § 127.12a (relating to compliance review) applies to a request for transfer of a plan approval. A compliance review form shall accompany the request.

(c) This plan approval is valid only for the specific source and the specific location of the source as described in the application.

#008 (25 Pa. Code § 127.12(4) and 35 P.S. § 4008 and section 114 of the CAA)

(a) Under 35 P.S. § 4008, no person shall hinder, obstruct, prevent or interfere with the Department or its personnel in the performance of any duty authorized under the Air Pollution Control Act.

(b) The permittee shall also allow the Department to have access at reasonable times to said sources and associated air cleaning devices with such measuring and recording equipment, including equipment recording visual observations, as the Department deems necessary and proper for performing its duties and for the effective enforcement of the Air Pollution Control Act and regulations adopted under the act.

(c) Nothing in this plan approval condition shall limit the ability of the EPA to inspect or enter the premises of the permittee in accordance with section 114 or other applicable provisions of the Clean Air Act.

#009 (25 Pa. Code § 127.13a)

This plan approval may be terminated, modified, suspended or revoked and reissued if one or more of the following applies:

(a) The permittee constructs or operates the source subject to the plan approval in violation of the act, the Clean Air Act, the regulations promulgated under the act or the Clean Air Act, a plan approval or permit or in a manner that causes air pollution.

(b) The permittee fails to properly or adequately maintain or repair an air pollution control device or equipment attached to or otherwise made a part of the source.

(c) The permittee fails to submit a report required by this plan approval.

(d) The EPA determines that this plan approval is not in compliance with the Clean Air Act or the regulations thereunder.

#010 (25 Pa. Code §§ 121.9 and 127.216)

(a) The permittee, or any other person, may not circumvent the new source review requirements of 25 Pa. Code Chapter 127, Subchapter E by causing or allowing a pattern of ownership or development, including the phasing, staging, delaying or engaging in incremental construction, over a geographic area of a facility which, except for the pattern of ownership or development, would otherwise require a permit or submission of a plan approval application.

(b) No person may permit the use of a device, stack height which exceeds good engineering practice stack height, dispersion technique or other technique which, without resulting in reduction of the total amount of air contaminants emitted, conceals or dilutes an emission of air contaminants which would otherwise be in violation of this plan approval, the Air Pollution Control Act or the regulations promulgated thereunder, except that with prior approval of the Department, the device or technique may be used for control of malodors.

#011 (25 Pa. Code § 127.12c)

Reports, test data, monitoring data, notifications shall be submitted to the: Regional Air Program Manager, Department of Environmental Protection (At the address given on the plan approval transmittal letter or otherwise notified.)

#012 (25 Pa. Code § 127.12(9) and 40 CFR Part 68)

(a) If required by section 112(r) of the Clean Air Act, the permittee shall develop and implement an accidental release program consistent with requirements of the Clean Air Act, 40 CFR Part 68 (relating to chemical accident prevention provisions) and the Federal Chemical Safety Information, Site Security and Fuels Regulatory Relief Act (Pub. L. No. 106-40).

(b) The permittee shall prepare and implement a Risk Management Plan (RMP) which meets the requirements of Section 112(r) of the Clean Air Act, 40 CFR Part 68 and the Federal Chemical Safety Information, Site Security and Fuels Regulatory Relief Act when a regulated substance listed in 40 CFR 68.130 is present in a process in more than the listed threshold quantity at the facility. The permittee shall submit the RMP to the EPA according to the following schedule and requirements:

(1) The permittee shall submit the first RMP to a central point specified by the EPA no later than the latest of the following:

(i) Three years after the date on which a regulated substance is first listed under 40 CFR 68.130; or

(ii) The date on which a regulated substance is first present above a threshold quantity in a process.

(2) The permittee shall submit any additional relevant information requested by the Department or the EPA concerning the RMP and shall make subsequent submissions of RMPs in accordance with 40 CFR 68.190.

(3) The permittee shall certify that the RMP is accurate and complete in accordance with the requirements of 40 CFR Part 68, including a checklist addressing the required elements of a complete RMP.

(c) As used in this plan approval condition, the term "process" shall be as defined in 40 CFR 68.3. The term "process" means any activity involving a regulated substance including any use, storage, manufacturing, handling, or onsite movement of such substances or any combination of these activities. For purposes of this definition, any group of vessels that are interconnected,

or separate vessels that are located so that a regulated substance could be involved in a potential release, shall be considered a single process.

Site Level Plan Approval Requirements

#001 (25 Pa. Code § 127.12b)

The company shall not emit pollutants from the sources at the facility described in the application in excess of the following limitation in any 12-month period based on a monthly rolling sum.

<i>Pollutant</i>	<i>Emission Limit Tons Per Year</i>
PM10	515.9
PM	276.9
SO ₂	2,363.4
NO _x	1,724.6
CO	2,235.6
VOC	47.9
Lead	0.64

#002 (25 Pa. Code § 127.12b)

The issuance of this Plan Approval does not prevent the future adoption by the Department of any rules, regulations or standards, or the issuance of orders necessary to comply with the requirements of the Federal Clean Air Act or the Air Pollution Control Act, or to achieve or maintain ambient air quality standards. The issuance of this Plan Approval shall not be construed to limit the Department's enforcement authority.

#003 (25 Pa. Code § 127.12b)

To prevent fugitive PM resulting from the use of in-plant roads from becoming airborne, the permittee shall adhere to the following plan:

1. All paved in-plant roads shall be swept on an as-needed basis, weather permitting.
2. Water and/or chemicals shall be applied on all paved and unpaved in-plant roads as needed to control the fugitive emissions.
3. The permittee shall keep a log of the dates of road sweeping or cleaning.

#004 (25 Pa. Code § 127.12b)

The storage and handling of the material collected in the air cleaning devices associated with the sources at the facility shall not at any time result in the emission of fugitive air contaminants in excess of the limitations specified in 25 Pa. Code § 123.1.

#005 (25 Pa. Code § 127.12b)

Methods for controlling particulate emissions resulting from the material handling operations shall include, but not be limited to, the following:

1. Enclosing all conveyor belts on the top, bottom and sides as needed to contain the fugitive emissions for compliance with 25 Pa. Code § 123.1.
2. Application of water or chemical dust suppressants as needed to the transfer points not vented to dust collection equipment to prevent the discharge into the atmosphere of visible emissions.
3. Control of fugitive PM emissions from vehicles used to transport materials may include, but is not limited to, the following measures:
 - a. Maintaining the vehicle body in a condition that any leaks of material are prevented.
 - b. Washing and dewatering truck tires and underbody.

4. Application of water or chemical dust suppressants to storage piles as needed to minimize the discharge into the atmosphere of fugitive emissions.

#006 (25 Pa. Code § 127.12b)

In accordance with 25 Pa. Code §§ 127.448(a) and 127.448(d)(1), the permittee shall notify the Department in writing at least 7 days prior to making any changes or modifications to sources at the facility, which result in an emission trade. This 7-day notice requirement applies to any changes or modifications, which do not subject the facility to major NSR requirements under Title I of the Federal Clean Air Act.

#007 (25 Pa. Code § 127.12b)

Within 60 days after achieving the maximum production rate, but not later than 180 days after initial start-up of the new kiln, or in accordance with any extension provisions available under applicable State or Federal standards, the permittee shall demonstrate compliance with each emission limit established as per 40 CFR Part 63, Subparts LLL and EEE and 25 Pa. Code Chapter 139. The stack tests shall be performed while the aforementioned sources are operating at the maximum routine operating conditions or under such other conditions, within the capacity of the equipment as may be requested by the Department. The company shall perform stack tests to show compliance with particulate emission rates from the cement manufacturing operations fabric collectors listed in the application. The company shall test only representative new and modified fabric collectors whose emission rates are listed as 0.01 grain/dscf in the application. The Department may waive the particulate emission testing for some of the new and modified fabric collectors upon receiving manufacturer's emission rate guarantees or test data from other similar units.

#008 (25 Pa. Code § 127.12b)

At least 60 days prior to the test, the permittee shall submit to the Department for approval the procedures for a test and a sketch with dimensions indicating the location of sampling ports and other data to ensure the collection of representative samples.

#009 (25 Pa. Code § 127.12b)

At least 30 days prior to the test, the Regional Air Quality Program Manager shall be informed of the date and time of the test.

#010 (25 Pa. Code § 127.12b)

Within 60 days after the completion of the source tests for all sources other than the new kiln and within 90 days after completion of the source test for the new kiln, two copies of the complete test report, including all operating conditions, shall be submitted to the Regional Air Quality Program Manager for approval.

#011 (25 Pa. Code § 127.12b)

If at any time the Department has cause to believe that air contaminant emissions from the aforementioned sources may be in excess of the limitations specified in, or established under, any applicable rule or regulation contained in 25 Pa. Code, Part I, Subpart C, Article III, the company shall be required to conduct whatever tests are deemed necessary by the Department to determine the actual emission rates. The testing shall be conducted in accordance with the provisions of 25 Pa. Code Chapter 139, where applicable, and in accordance with any restrictions or limitations established by the Department at such time as it notified the company that testing is required.

#012 (25 Pa. Code § 127.12b)

The fabric collectors must be equipped with a device for monitoring the pressure differential across the collectors.

#013 (25 Pa. Code § 127.12b)

The company shall ensure that the control devices shall be equipped with the applicable monitoring equipment and that equipment shall be installed, calibrated, operated and maintained according to the good engineering/operating practices at all times the control device is in use.

#014 (25 Pa. Code § 127.12b)

Continuous emission monitoring systems for the kiln system for NO_x, CO, SO₂, exhaust gas flow rate and opacity at all points where gas contaminants are measured must be approved by the Department and installed, operated and maintained under 25 Pa. Code Chapter 139. Proposals containing information as listed in the Phase I section of the Department's Continuous Source Monitoring Manual for CEMs must be submitted at least 3 months prior to the initial startup of the kiln system.

#015 (25 Pa. Code § 127.12b)

Phase I Department approval must be obtained for the monitors described in Condition #014 prior to initial start-up of the kiln. Phase III Department approval must be obtained within 60 days of achieving the maximum production rate at which the kiln will be operated, but not later than 180 days after initial start-up of the kiln. Department review time for the Phase III report (time between postmark of the owner or operator's Phase III report and the postmark of the Department's response letter) will not be charged against the kiln in determining compliance with this condition. Information on obtaining Department approval is included in the Department's Continuous Source Monitoring Manual.

#016 (25 Pa. Code § 127.12b)

The company shall maintain a file containing all records and other data that are required to be collected under the various provisions of the plan approval. The file shall include, but not be limited to: all air pollution control systems performance evaluations and records of calibration checks, adjustments and maintenance performed on all equipment which is subject to this plan approval. Measurements, records and other data required to be maintained by the company shall be retained for at least 2 years following the date on which the measurements, records or other data are recorded.

#017 (25 Pa. Code § 127.12b)

The permittee shall record the pressure drop across the fabric collectors. At a minimum these recordings shall be taken once per day, while the source and collector is in operation. The recordings shall be maintained in a logbook and available to the Department upon request. The company may submit alternative methods and/or plans for approval to the Department for substitution of the requirement.

#018 (25 Pa. Code § 127.12b)

Upon discovery, the company shall promptly notify the Department of any malfunction of, or damage to, sources or associated air cleaning devices which result in, or may possibly be resulting in, the emissions in excess of the limitations specified in the Plan Approval or any applicable Department rule or regulation.

#019 (25 Pa. Code § 127.12b)

Changes in the location of the aforementioned source, or any changes in the process or control equipment that

would qualify as a modification will require the submittal of an amended application for plan approval in accordance with the provisions of 25 Pa. Code §§ 127.11 and 127.12.

#020 (25 Pa. Code § 127.12b)

The facility is subject to the applicable requirements of the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Portland Cement Plants 40 CFR Part 63, Subpart LLL and for Hazardous Waste Combustors 40 CFR Part 63, Subpart EEE and shall comply with all applicable requirements of these Subparts as well as the applicable NESHAP Subpart A General Provisions. 40 CFR 63.13 requires submission of all requests, reports, applications, submittals and other communications to both the EPA and the Department. The EPA copies shall be forwarded to: Director Air Protection Division United States EPA, Region 3 1650 Arch Street Philadelphia, PA 19103-2029.

#021 (25 Pa. Code § 127.12b)

The equipment identified in the application and this Plan Approval that are subject to Subpart OOO of the Standards of Performance for New Stationary Sources (NSPS) shall comply with all applicable requirements of the Subpart and any applicable requirement of the NSPS Subpart A General Provisions. 40 CFR 60.4 requires submission of all requests, reports, applications, submittals and other communications to both the EPA and the Department. The EPA copies shall be forwarded to: Director Air Protection Division United States EPA, Region 3 1650 Arch Street Philadelphia, PA 19103-2029.

#022 (25 Pa. Code § 127.12b)

The coal preparation equipment identified in the application and in this Plan Approval that is subject to Subpart Y of the Standards of Performance for New Stationary Sources (NSPS) shall comply with all applicable requirements of this Subpart and any applicable requirements of the NSPS Subpart A General Provisions. 40 CFR 60.4 requires submission of all requests, reports, applications, submittals and other communications to both EPA and the Department. The EPA copies shall be forwarded to: Director Air Protection Division United States EPA, Region 3 1650 Arch Street Philadelphia, PA 19103-2029.

#023 (25 Pa. Code § 127.12b)

Notification as a result of any condition should be directed to: Air Quality Program Manager Department of Environmental Protection 2 Public Square Wilkes-Barre, PA 18711-0790.

#024 (25 Pa. Code § 127.12b)

The aforementioned sources may only be operated as long as the associated air pollution control devices are operated and maintained in accordance with the specifications set forth in the respective plan approvals and the applications submitted for the plan approvals (as approved by the Department) and in accordance with any conditions set forth.

#025 (25 Pa. Code § 127.12b)

The company shall keep on hand a sufficient quantity of spare fabric collector bags for the fabric collectors associated with the aforementioned sources to be able to immediately replace any bags requiring replacement due to deterioration resulting from routine operation of the sources and fabric collectors.

#026 (25 Pa. Code § 127.12b)

The company shall maintain and operate the air pollution control equipment and air contamination sources in accordance with good engineering practice.

#027 (25 Pa. Code § 127.12b)

The company shall not impose conditions upon or otherwise restrict the Department's access to the aforementioned sources and/or any associated air cleaning device and shall allow the Department to have access at any time to said sources and associated air cleaning devices with such measuring and recording equipment, including equipment recording visual observations, as the Department deems necessary and proper for performing its duties and for the effective enforcement of the Air Pollution Control Act.

Source Level Plan Approval Requirements

Source ID: 226—Kiln and Calciner 331-BF-01
Conditions for this source occur in the following groups: 12, 14, 18.

#001 (25 Pa. Code § 127.12b)

The permittee shall not accept, or at any time, fire waste fuels in the cement kiln having an as received chloride content which exceeds 3% by weight. Additionally the permittee shall not accept or, at any time, fire any waste fuels in the cement kiln containing any PCBs as received based on the minimum detection level of 2 ppmw.

#002 (25 Pa. Code § 127.12b)

This permit allows the Permittee to operate the kiln while firing any non-hazardous and hazardous waste

fuels approved by the Department's Bureau of Waste Management, having a minimum heating value of 8,000 Btu per pound, as received, and meeting the metal content limitations, chloride content limitations and PCB content limitations further specified in this Plan Approval. The Permittee shall at no time fire waste fuels in the kiln unless the kiln is producing clinker by heating limestone and other materials for subsequent production of cement for use in commerce.

#003 (25 Pa. Code § 127.12b)

Waste fuel contaminant concentration limits (as received) are as follows: As 100 ppm, Be 20 ppm, Cd 1000 ppm, Hexavalent Cr 1,000 ppm, Hg 10 ppm, Ni 1000ppm, Pb 2,500 ppm.

#004 (25 Pa. Code § 127.12b)

At no time shall the utilization of waste fuels result in malodorous emission in violation of 25 Pa. Code § 123.31.

#005 (25 Pa. Code § 127.12b)

Continuous emissions monitors for NOx CO and SO₂ shall be installed, operated, and maintained in accordance with the Department's latest approved version of the Continuous Source Monitoring Manual.

(a) Continuous monitoring shall be conducted in accordance with 25 Pa. Code Chapter 139 and approved by the Department.

(b) Monitoring and recording of exhaust gas flowrate shall be conducted in accordance with the applicants procedure submitted to and approved by the Department.

#006 (25 Pa. Code § 127.12b)

The kiln and calciner system is subject to the following air contaminant emission limitations:

Pollutant	Limit	Averaging Period	Basis
NOx	1,724.6 TPY	12-month rolling total	BAT
NOx	495.8 lb/hr	1-hour max	Subchapter E Nonapplicability
VOC	47.9 TPY	12-month rolling total	BAT
VOC	14.6 lb/hr	1-hour max	Subchapter E Nonapplicability
SO ₂	2,363.4 TPY	12-month rolling total	BAT
SO ₂	500 ppmvd	3-hour block average	25 Pa. Code § 123.21
CO	510.4 lb/hr	1-hour max	BACT/BAT
PM	0.01 gr/dscf		BAT (based on EPA Method 5)
PM10	91.9 lb/hr		BAT (Based on EPA Method 201A/202 or other approved method)

#007 (40 CFR Part 63 NESHAPS for Source Categories 40 CFR 63.1220)

Subpart EEE—National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors. Replacement standards for hazardous waste burning cement kilns.

#008 (25 Pa. Code § 127.12b)

The company is authorized to burn the following fuels:

(a) Solid fossil fuels including, but not limited to, bituminous coal, anthracite coal, petroleum coke and coal refuse.

(b) Distillate oil.

- (c) Residual oil.
- (d) On-specification waste derived liquid fuel (WDLF).
- (e) Nonhazardous used fuels (including off-specification WDLF).
- (f) Hazardous waste fuels.
- (g) Natural gas.
- (h) Propane.

#009 (25 Pa. Code § 127.12b)

The kiln is restricted to the following production limits:

(a) Maximum clinker production shall not exceed 3,500 tons per day and 1,277,500 tons per year (based on a 365 days rolling sum).

(b) References made in the plan approval for tons are short tons (2,000 lb/ton).

#010 (25 Pa. Code § 127.12b)

The permittee shall at no time exceed a total hazardous waste fuel feed rate of 60 gallons per minute or the feed rate established in the most recent 40 CFR Part 63 Subpart EEE N.O.C. (Notification of Compliance) for the kiln and calciner. This feed rate applies on an hourly rolling average basis. Furthermore, the total hazardous waste fuel feed through the kiln and calciner shall at no time exceed 57,600 gallons per calendar day (midnight to midnight Eastern Standard Time).

#011 (25 Pa. Code § 127.12b)

Stack sampling for demonstrating compliance with the PM limits specified in Condition #006 of Section D, Source Level Plan Approval Requirements for Source ID 226 must be conducted annually, unless specified otherwise by the Department.

#012 (40 CFR Part 63 NESHAPS for Source Categories 40 CFR 63.1207)

Subpart EEE—National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors. Performance testing requirements.

#013 (40 CFR Part 63 NESHAPS for Source Categories 40 CFR 63.1208)

Subpart EEE—National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors. Test methods.

#014 (25 Pa. Code § 127.12b)

The feed rate of waste fuel to the kiln and calciner shall be separately and continuously monitored and recorded. In addition, the combined cumulative amount of waste fuel fired in the kiln and calciner on a daily basis (midnight to midnight) shall be monitored and recorded. The Permittee shall provide the Department with access to the daily waste fuel consumption via telephone dial-up (modem) from the Department's computer. At no more than 90% of the total daily feed rate, an alarm shall sound in the computer room so that the operator can take appropriate action.

#015 (25 Pa. Code § 127.12b)

Each load of waste fuel delivered must be sampled and analyzed for: Heating value (Btu/lb), Chloride content (% by wt), Ash content (% by wt), As (ppm), Hg (ppm), Be (ppm), Ni (ppm), Cd (ppm), Pb (ppm), Cr (ppm), PCB (ppm).

The following information must be recorded and maintained on file for each load of waste fuel:

- (a) The manifest number.
- (b) Date and time of sampling.
- (c) Date analysis was performed.
- (d) Company or entity that performed the analysis.
- (e) The analytical techniques or methods used.
- (f) The results of the analyses.
- (g) Acceptance or rejection of the load or any part thereof.
- (h) If rejected, to whom the load or partial load was returned.

#016 (40 CFR Part 63 NESHAPS for Source Categories 40 CFR 63.1209)

Subpart EEE—National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors. Monitoring Requirements

#017 (25 Pa. Code § 127.12b)

The permittee shall retain records of all monitoring information including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, all sampling information, copies of all reports and records required by the act, the regulations or this Plan Approval, and all records of all data used to complete the application for this Plan Approval for a period of 7 years.

#018 (25 Pa. Code § 127.12b)

The feed rates of each waste fuel shall be continuously monitored and recorded for the kiln and calciner and be made available to the Department upon request. The permittee shall prepare and maintain records sufficient to indicate compliance with the waste fuel firing limits specified in Condition #010 of Section D, Source Level Plan Approval Requirements, for Source ID 226 on a minute-by-minute basis.

#019 (40 CFR Part 63 NESHAPS for Source Categories 40 CFR 63.1211)

Subpart EEE—National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors. Recordkeeping and Reporting Requirements.

#020 (25 Pa. Code § 127.12b)

The permittee may begin accepting waste fuel from a new generator 10 days after notifying the Department. The notification to the Department must provide an analysis for the items listed in Condition #014 of Section D, Source Level Plan Approval Requirements for Source ID 226.

#021 (25 Pa. Code § 127.12b)

The permittee shall submit quarterly reports for opacity, CO, NO_x and SO₂ and maintain records as specified in the Continuous Source Monitoring Manual. The reports shall include information listed in the "Recordkeeping and Reporting" section of the Manual.

#022 (25 Pa. Code § 127.12b)

CEMS reports shall be submitted to the Department within 30 days after each quarter, but no later than the time frame established in the Department's latest approved version of the Continuous Source Manual. The Department reserves the right to require the report submissions on floppy disks with a format acceptable to the Department.

#023 (25 Pa. Code § 127.12b)

The permittee shall provide the Department with access to all certified continuous emission monitor and waste fuel feed rate read-outs required by this permit via telephone dial-up (modem) from the Department's computer. It will be the permittee's responsibility to provide all hardware, software and funds required to provide this access at the Permittee's location. The Department shall specify the acquisition configuration.

#024 (40 CFR Part 63 NESHAPS for Source Categories 40 CFR 63.1210)

Subpart EEE—National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors. Notification requirements.

#025 (25 Pa. Code § 127.12b)

Within 30 days of each annual compliance test report, the permittee will compare the 5 year rolling average emission rates (except for dioxin) with the multipathway risk assessment (MPRA) plausible maximum annual average emission rates as referenced in the attached tables of this Title V Permit. The 5 year rolling average emission rates shall not exceed the plausible maximum annual average emission rates as referenced in the attached tables of this Title V Permit. If any of the 5 year rolling average emission rates do exceed the plausible maximum annual average emission rates used in the MPRA, a reevaluation of the risks shall be carried out within 30 days. If the risk results using the 5 year rolling average annual compliance test data exceed the levels found in the MPRA for the maximally exposed individuals (MEI) (that is, MEI Upperbound Adult Resident and the Breastfed Infant to Adult-Upperbound Farmer) then a compliance plan shall be submitted to the Department for approval within 30 days.

For dioxin emissions, within 30 days of the year 2000 emission report, the permittee will compare the average of emission levels from tests done during 1996, 1997, 1998 and 2000 with the MPRA annual average emission rates as referenced in the attached tables of this Title V Permit. The procedures are to be followed to determine if the dioxin emission levels are acceptable. Again for dioxin, within 30 days of the 2001 emission report and every annual report thereafter, the permittee will calculate a 5 year rolling average using the previous noted years as applicable, and follow the previous procedures.

Information required to be submitted as part of the conditions should be sent to: Regional Air Quality Program Manager Department of Environmental Protection 2 Public Square Wilkes-Barre, PA 18711-0790.

#026 (25 Pa. Code § 127.12b)

The permittee shall conduct a comprehensive training program for all personnel involved with the operation and maintenance of the kilns associated pollution control equipment and monitoring equipment. Documentation, which demonstrates compliance, shall be maintained on file by the permittee for the Department's inspection.

#027 (40 CFR Part 63 NESHAPS for Source Categories 40 CFR 63.1206)

Subpart EEE—National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors. Compliance with the standards and operating requirements.

Source Group Plan Approval Restrictions

Group Name: 12

Group Description: Subpart A NSPS

Sources included in this group: 203—LS System 111-BF-01, 204—LS Conveyors 121-BF-02, 207—LS Conveyors 121-BF-03, 208—LS Conveyors 121-BF-01, 209—LS Storage Building, 226—Kiln and Calciner 331-BF-01, 245—Coal Mill 461-BF-01, 246—Coal Bin 461-BF-02

#001 (40 CFR Part 60 Standards of Performance for New Stationary Sources 40 CFR 60.11)

Subpart A—General Provisions. Compliance with standards and maintenance requirements.

#002 (40 CFR Part 60 Standards of Performance for New Stationary Sources 40 CFR 60.7)

Subpart A—General Provisions. Notification and recordkeeping.

#003 (40 CFR Part 60 Standards of Performance for New Stationary Sources 40 CFR 60.7)

Subpart A—General Provisions. Compliance with standards and maintenance requirements.

#004 (40 CFR Part 60 Standards of Performance for New Stationary Sources 40 CFR § 60.11)

Subpart A—General Provisions. Compliance with standards and maintenance requirements.

Source Group Plan Approval Restrictions

Group Name: 13

Group Description: Subpart A MACT

Sources included in this group:

109—Silo Group 1, 112—Silo Group 2, 121—Bulk Loading 1, 122—Bulk Loading 2, 123—Silo Group 3, 125-8—Exist. Clinker Handling System, 128-1—4400 Finish Mill Limestone Silo, 128-2—4400 Finish Mill Air Separator, 128-3—4400 Finish Mill Additive System, 133-A—No. 2 Kiln Ckd Silo Filling, 133-B—No. 2 Kiln Ckd Silo Truck Loadout, 137—Silo 51 Bulk Loading, 148—Materials Additive System, 153—New Packing Operation, 211—LS Bin 311-BF-01, 213—Raw Material System 311-BF-02, 214—Raw Material Conveyors 143-BF-01, 216—Raw Material Conveyors 311-BF-03, 217—Raw Material System 321-BF-01, 220—Raw Meal System 321-BF-02, 222—Raw Meal System 341-BF-01, 223—Raw Meal System 351-BF-02, 224—Raw Meal System 351-BF-03, 227—Clinker Cooler 441-BF-01, 238—Finish Mill 532-BF-02, 239—Separator 532-BF-01, 243—Bypass Dust Bin 451-BF-02, 247—Clinker Conveyors 481-BF-01, 248—Finish Material Conveyors 512-BF-01, 249—Raw Meal System 351-BF-01, 254—Clinker System 471-BF-01, 256—Clinker System 471-BF-02, 263—Finish Material Conveyors 512-BF-02, 264—Finish Material Bins 512-BF-03, 265—Clinker Bin 512-BF-04, 266—Finish Material Conveyors 512-BF-05, 267—Cement System 542-BF-01.

#001 (40 CFR Part 63 NESHAPS for Source Categories 40 CFR 63.7)

Subpart A—General Provisions. Performance testing requirements.

#002 (40 CFR Part 63 NESHAPS for Source Categories 40 CFR 63.10)

Subpart A—General Provisions. Recordkeeping and reporting requirements.

#003 (40 CFR Part 63 NESHAPS for Source Categories 40 CFR 63.12)

Subpart A—General Provisions. State authority and delegations.

#004 (40 CFR Part 63 NESHAPS for Source Categories 40 CFR 63.9)

Subpart A—General Provisions. Notification requirements.

#005 (40 CFR Part 63 NESHAPS for Source Categories 40 CFR § 63.9)

Subpart A—General Provisions. Notification requirements.

Source Group Plan Approval Restrictions

Group Name: 14

Group Description: Subpart F NSPS

Sources included in this group: 209—LS Storage Building, 226—Kiln and Calciner 331-BF-01

#001 (40 CFR Part 60 Standards of Performance for New Stationary Sources 40 CFR 60.62)

Subpart F—Standards of Performance for Portland Cement Plants. Standard for PM.

#002 (40 CFR Part 60 Standards of Performance for New Stationary Sources 40 CFR 60.64)

Subpart F—Standards of Performance for Portland Cement Plants. Test methods and procedures.

#003 (40 CFR Part 60 Standards of Performance for New Stationary Sources 40 CFR 60.63)

Subpart F—Standards of Performance for Portland Cement Plants. Monitoring of operations.

#001 (40 CFR Part 60 Standards of Performance for New Stationary Sources 40 CFR 60.65)

Subpart F—Standards of Performance for Portland Cement Plants. Recordkeeping and reporting requirements.

Source Group Plan Approval Restrictions

Group Name: 15

Group Description: Subpart OOO NSPS

Sources included in this group: 203—LS System 111-BF-01, 204—LS Conveyors 121-BF-02, 207—LS Conveyors 121-BF-03, 208—LS Conveyors 121-BF-01.

#001 (40 CFR Part 60 Standards of Performance for New Stationary Sources 40 CFR 60.672)

Subpart OOO—Standards of Performance for Nonmetallic Mineral Processing Plants. Standard for PM.

#002 (40 CFR Part 60 Standards of Performance for New Stationary Sources 40 CFR 60.675)

Subpart OOO—Standards of Performance for Nonmetallic Mineral Processing Plants. Test methods and procedures.

#003 (40 CFR Part 60 Standards of Performance for New Stationary Sources 40 CFR 60.676)

Subpart OOO—Standards of Performance for Nonmetallic Mineral Processing Plants. Reporting and recordkeeping.

#004 (40 CFR Part 60 Standards of Performance for New Stationary Sources 40 CFR 60.673)

Subpart OOO—Standards of Performance for Nonmetallic Mineral Processing Plants. Reconstruction.

Source Group Plan Approval Restrictions

Group Name: 16

Group Description: Subpart LLL MACT

Sources included in this group: 109—Silo Group 1, 112—Silo Group 2, 121—Bulk Loading 1, 122—Bulk Loading 2, 123—Silo Group 3, 125-8—Exist. Clinker Handling System, 128-1—4400 Finish Mill Limestone Silo, 128-2—4400 Finish Mill Air Separator, 128-3—4400 Finish Mill Additive System, 133-A—No. 2 Kiln CKD Silo Filling, 133-B—No. 2 Kiln CKD Silo Truck Loadout, 137—Silo 51 Bulk Loading, 148—Materials Additive System, 153—New Packing Operation, 211—LS Bin 311-BF-01, 213—Raw Material System 311-BF-02, 214—Raw Material Conveyors 143-BF-01, 216—Raw Material Conveyors 311-BF-03, 217—Raw Material System 321-BF-01, 220—Raw Meal System 321-BF-02, 222—Raw Meal Sys-

tem 341-BF-01, 223—Raw Meal System 351-BF-02, 224—Raw Meal System 351-BF-03, 227—Clinker Cooler 441-BF-01, 238—Finish Mill 532-BF-02, 239—Separator 532-BF-01, 243—Bypass Dust Bin 451-BF-02, 247—Clinker Conveyors 481-BF-01, 248—Finish Material Conveyors 512-BF-01, 249—Raw Meal System 351-BF-01, 254—Clinker System 471-BF-01, 256—Clinker System 471-BF-02, 263—Finish Material Conveyors 512-BF-02, 264—Finish Material Bins 512-BF-03, 265—Clinker Bin 512-BF-04, 266—Finish Material Conveyors 512-BF-05, 267—Cement System 542-BF-01

#001 (40 CFR Part 63 NESHAPS for Source Categories 40 CFR 63.1345)

Subpart LLL—National Emission Standards for Hazardous Air Pollutants from the Portland Cement Manufacturing Industry. Standards for clinker coolers.

#002 (40 CFR Part 63 NESHAPS for Source Categories 40 CFR 63.1347)

Subpart LLL—National Emission Standards for Hazardous Air Pollutants from the Portland Cement Manufacturing Industry. Standards raw and finish mills.

#003 (40 CFR Part 63 NESHAPS for Source Categories 40 CFR 63.1348)

Subpart LLL—National Emission Standards for Hazardous Air Pollutants from the Portland Cement Manufacturing Industry. Standards for affected sources other than kilns; in-line kiln/raw mills; clinker coolers; new and reconstructed raw material dryers; and raw and finish mills.

#004 (40 CFR Part 63 NESHAPS for Source Categories 40 CFR 63.1349)

Subpart LLL—National Emission Standards for Hazardous Air Pollutants from the Portland Cement Manufacturing Industry. Performance testing requirements.

#005 (40 CFR Part 63 NESHAPS for Source Categories 40 CFR 63.1350)

Subpart LLL—National Emission Standards for Hazardous Air Pollutants from the Portland Cement Manufacturing Industry. Monitoring requirements.

#006 (40 CFR Part 63 NESHAPS for Source Categories 40 CFR 63.1355)

Subpart LLL—National Emission Standards for Hazardous Air Pollutants from the Portland Cement Manufacturing Industry. Recordkeeping requirements.

#007 (40 CFR Part 63 NESHAPS for Source Categories 40 CFR 63.1353)

Subpart LLL—National Emission Standards for Hazardous Air Pollutants from the Portland Cement Manufacturing Industry. Notification requirements.

#008 (40 CFR Part 63 NESHAPS for Source Categories 40 CFR 63.1354)

Subpart LLL—National Emission Standards for Hazardous Air Pollutants from the Portland Cement Manufacturing Industry. Reporting requirements.

#009 (40 CFR Part 63 NESHAPS for Source Categories 40 CFR 63.1356)

Subpart LLL—National Emission Standards for Hazardous Air Pollutants from the Portland Cement Manufacturing Industry. Exemption from new source performance standards.

#010 (40 CFR Part 63 NESHAPS for Source Categories 40 CFR 63.1357)

Subpart LLL—National Emission Standards for Hazardous Air Pollutants from the Portland Cement Manufacturing Industry. Temporary, conditioned exemption from PM and opacity standards.

Source Group Plan Approval Restrictions

Group Name: 17

Group Description: Subpart Y NSPS

Sources included in this group: 245—Coal Mill 461-BF-01, 246—Coal Bin 461-BF-02

#001 (40 CFR Part 60 Standards of Performance for New Stationary Sources 40 CFR 60.252)

Subpart Y—Standards of Performance for Coal Preparation Plants. Standards for PM.

#002 (40 CFR Part 60 Standards of Performance for New Stationary Sources 40 CFR 60.254)

Subpart Y—Standards of Performance for Coal Preparation Plants. Test methods and procedures.

Source Group Plan Approval Restrictions

Group Name: 18

Group Description: State Regulations

Sources included in this group: 109—Silo Group 1, 112—Silo Group 2, 121—Bulk Loading 1, 122—Bulk Loading 2, 123—Silo Group 3, 125-8—Exist. Clinker Handling System, 128-1—4400 Finish Mill Limestone Silo, 128-2—4400 Finish Mill Air Separator, 128-3—4400 Finish Mill Additive System, 133-A—No. 2 Kiln Ckd Silo Filling, 133-B—No. 2 Kiln Ckd Silo Truck Loadout, 137—Silo 51 Bulk Loading, 148—Materials Additive System, 153—New Packing Operation, 203—LS System 111-BF-01, 204—LS Conveyors 121-BF-02, 207—LS Conveyors 121-BF-03, 208—LS Conveyors 121-BF-01, 211—LS Bin 311-BF-01, 213—Raw Material System 311-BF-02, 214—Raw Material Conveyors 143-BF-01, 216—Raw Material Conveyors 311-BF-03, 217—Raw Material System 321-BF-01, 220—Raw Meal System 321-BF-02, 222—Raw Meal System 341-BF-01, 223—Raw Meal System 351-BF-02, 224—Raw Meal System 351-BF-03, 226—Kiln and Calciner 331-BF-01, 227—Clinker Cooler 441-BF-01, 238—Finish Mill 532-BF-02, 239—Separator 532-BF-01, 243—Bypass Dust Bin 451-BF-02, 245—Coal Mill 461-BF-01, 246—Coal Bin 461-BF-02, 247—Clinker Conveyors 481-BF-01, 248—Finish Material Conveyors 512-BF-01, 249—Raw Meal System 351-BF-01, 254—Clinker System 471-BF-01, 256—Clinker System 471-BF-02, 263—Finish Material Conveyors 512-BF-02, 264—Finish Material Bins 512-BF-03, 265—Clinker Bin 512-BF-04, 266—Finish Material Conveyors 512-BF-05, 267—Cement System 542-BF-01,

#001 (25 Pa. Code § 127.12b)

Under the Best Available Technology provisions of 25 Pa. Code § 127.12(a)(5), particulate emissions from the fabric collectors shall not exceed 0.01 grain/dscf.

#002 (25 Pa. Code § 127.12b)

If at any time the Department has cause to believe that air contaminant emissions from the aforementioned sources may be in excess of the limitations specified in, or established under, any applicable rule or regulation contained in 25 Pa. Code Part I, Subpart C, Article III, the company shall be required to conduct whatever tests are deemed necessary by the Department to determine the actual emission rates. The testing shall be conducted in accordance with the provisions of 25 Pa. Code Chapter 139, when applicable, and in accordance with any restric-

tions or limitations established by the Department at a time as it notified the company that testing is required.

#003 (25 Pa. Code § 127.12b)

The fabric collectors must be equipped with a device for monitoring the pressure differential across the collectors.

#004 (25 Pa. Code § 127.12b)

The company shall promptly notify the Department, at (610) 861-2070, of any malfunction, recordkeeping and reporting errors, or other possible noncompliance issues, which result in, or may possibly be resulting in, the emission of air contaminants in excess of the limitations specified in, or established under, any applicable rule or regulations contained in 25 Pa. Code Part I, Subpart C, Article III of the Rules and Regulations of the Department. A written report shall be submitted to the Department within 5 working days following the incident describing the malfunction, recordkeeping and reporting error or other non-compliance issue and the corrective actions being taken. The Department may take enforcement action for any violations of the applicable standards.

#005 (25 Pa. Code § 127.12b)

The company shall keep on hand a sufficient quantity of spare fabric collector bags for the fabric collectors associated with the aforementioned sources to be able to immediately replace any bags requiring replacement due to deterioration resulting from routine operation of the sources and fabric collectors.

Miscellaneous

1. This Plan Approval authorizes the following:

- (a) Installation of a new kiln and associated cement manufacturing operations.
- (b) Shutdown of Kilns 1 and 2 to generate emission reduction credits.
- (c) Installation of raw material handling and storage equipment.
- (d) Installation of a new raw mill and associated equipment.
- (e) Installation of clinker handling and storage equipment.
- (f) Construction of a new clinker cooler.
- (g) Construction of a new coal mill.

2. Operation of Kilns 1 and 2 must be permanently discontinued by the time that the shakedown period for the New Kiln is completed per 40 CFR 52.21(b)(3)(viii), unless Department authorization is obtained to extend the shakedown period.

Copies of the application, the Department's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at the Department of Environmental Protection, Bethlehem District Office, 4530 Bath Pike, Bethlehem, PA 18017. Appointments for scheduling a review may be made by calling (610) 861-2070.

Persons wishing to provide the Department with additional information which they believe should be considered prior to the issuance of this permit may submit the information to the address shown in the preceding paragraph. Each written comment must contain the following:

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

Identification of the proposed permit No. 48-309-124.

A concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing will be held for the purpose of receiving comments on the proposed air quality plan approval. The hearing will be held on April 18, 2006, at 7 p.m. at the Northampton High School Auditorium, 1619 Laubach Avenue, Northampton, PA. Persons interested in commenting are invited to appear at the public hearing.

Persons interested in providing oral testimony should submit a written notice of their intent to Thomas A. DiLazaro, Hearing Chairperson, Department of Environmental Protection, Air Quality Program, Wilkes-Barre Regional Office, 2 Public Square, Wilkes-Barre, PA 18711-0790. The Department will accept notices up to the day of the public hearing. Persons unable to attend the hearing may submit written testimony to the Department through April 28, 2006.

The written notice of intent to provide oral testimony should include the person's name, address, telephone number and a brief description as to the nature of the testimony. Individuals who submit a notice of intent to testify will be given priority on the agenda. If time permits, the Department will allow individuals who have not submitted a notice of intent to testify to present their comments.

The public hearing will be conducted according to the following procedures:

Oral testimony will be limited to 10 minutes for each individual. The Department requests that individuals present written copies of their oral testimony to the hearing chairperson at the hearing. Organizations are limited to designating one individual to present testimony on their behalf at the hearing. To insure that all speakers have a fair and equal opportunity to present their testimony, relinquishing of time will be prohibited. Additional information pertaining to hearing procedures will be provided in an opening statement at the hearing.

Persons with a disability who wish to attend the hearing and require auxiliary aid, service or other accommodations should contact the Department at the Wilkes-Barre address shown previously or through the Pennsylvania AT&T relay service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

For additional information regarding this public notice, contact Thomas A. DiLazaro at (570) 826-2435 or write to the Department at the Wilkes-Barre address given previously.

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

01-05017D: Quebecor World Fairfield, Inc. (100 North Miller Street, Fairfield, PA 17320) for construction of two 2-unit double web heatset offset lithographic printing presses (Web Press Nos. 9 and 10) and installation of a regenerative thermal oxidizer (RTO) at their Fairfield Plant in Fairfield Borough, **Adams County**. The RTO will replace the existing catalytic incinerator and will control VOC emissions from the two new presses as well as the sole existing controlled press (Web Press No. 6). The two new presses will replace three existing presses (Web Presses Nos. 1, 2 and 4). This activity will result in no appreciable net VOC emissions increase or decrease. The plan approval and subsequent State-only operating permit administrative amendment will include emission restrictions, work practice standards and test-

ing, monitoring, recordkeeping, and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

67-03001C: Frito-Lay, Inc. (3553 Gillespie Drive, York, PA 17404) for installation of a food starch drying and handling system at the existing plant in West Manchester Township, **York County**. PM emissions are conservatively estimated to increase by around 5 tons annually from the proposed installations. The State-only permit will continue to include emission limits for SO_x and PM along with monitoring, recordkeeping and reporting requirements to ensure compliance with the applicable air quality regulations.

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

14-399-016: Spectrum Control, Inc. (1900 West College Avenue, State College, PA 16801) for construction of a ceramic capacitor manufacturing facility in Ferguson Township, **Centre County**.

The respective facility will consist of various ceramic material milling, mixing, pressing, spraying, drying, firing, and the like operations. The PM emissions including PM₁₀ from two spray dryers, eight spray machines, two ink machines, a powder sifting operation and an edge rounder will be controlled by nine fabric collectors. The VOC and volatile HAP emissions from the eight spray machines and two ink machines will be controlled by a regenerative thermal oxidizer.

After control, the air contaminant emissions from the ceramic capacitor manufacturing facility are not expected to exceed 22.5 tons of VOCs per year, of which no more than 5.3 tons per year will be volatile hazardous air pollutants, and 9.3 tons of PM, PM₁₀, .5 ton of NO_x, .4 ton of CO and .003 ton of SO_x per year.

The facility will not be a major (Title V) facility for any air contaminant.

The Department of Environmental Protection's (Department) review of the information submitted by Spectrum Control, Inc. indicates that the proposed ceramic capacitor manufacturing facility should comply with all applicable regulatory requirements pertaining to air contamination sources and the emission of air contaminants, including the best available technology requirement of 25 Pa. Code §§ 127.1 and 127.12. Based on this finding, the Department proposes to issue plan approval for the construction of the respective ceramic capacitor manufacturing facility.

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 VOC emissions from the entire facility, excluding those from the batch vapor degreaser, shall not exceed 21.9 tons in any 12-consecutive month period.

2. The total combined volatile hazardous air pollutant emissions from the entire facility, excluding those from the batch vapor degreaser, shall not exceed 5.3 tons in any 12-consecutive month period, of which no more than 3.7 tons in any 12-consecutive month period shall be of any single volatile HAP.

3. The total combined PM/PM₁₀ emissions from the entire facility shall not exceed 9.3 tons in any 12-consecutive month period, the total combined NO_x emis-

sions shall not exceed .5 ton in any 12-consecutive month period, the total combined CO emissions shall not exceed .4 ton in any 12-consecutive month period and the total combined SO_x emissions shall not exceed .003 ton in any 12-consecutive month period.

4. 100% of the VOC/volatile HAP emissions from the eight spray machines and two ink machines shall be captured and ducted to a regenerative thermal oxidizer with a VOC/volatile HAP destruction efficiency of at least 98% by weight.

5. The regenerative thermal oxidizer shall maintain a combustion temperature of at least 1,500°F for a retention time of at least 1 second at all times VOC or volatile HAPs are ducted to it.

6. The regenerative thermal oxidizer shall be equipped with instrumentation to continuously monitor and record the combustion chamber temperature as well as with low and high temperature alarms and alarms which activate for loss of compressed air and heat recovery chamber switching valve failure.

7. The regenerative thermal oxidizer shall only be fired on natural gas.

8. Within 60 days of the completion of construction or installation of the last of the eight spray machines and two ink machines, or within 180 days of the commencement of operation of the first of the eight spray machines and two ink machines, whichever occurs first, the permittee shall perform simultaneous source testing (consisting of three test runs) on the inlet and outlet of the regenerative thermal oxidizer to determine the VOC destruction efficiency as well as source testing (consisting of three test runs) on the outlet of the regenerative thermal oxidizer to determine the methyl isobutyl ketone emission rate. Testing is to be performed using test methods and procedures which are acceptable to the Department while the regenerative thermal oxidizer is being operated at a combustion chamber temperature as close to the temperature at which the permittee regularly intends to operate it as possible (operation of the regenerative thermal oxidizer during the testing so that its combustion chamber temperature is significantly above the temperature at which the permittee regularly intends to operate it will result in a requirement that it henceforth regularly be operated at the higher temperature). A test protocol shall be submitted at least 60 days prior to the testing and the test results shall be submitted no more than 60 days following the completion of the testing.

9. During the performance of source testing on the regenerative thermal oxidizer, the permittee shall also conduct a demonstration to verify that the capture efficiency of the VOC/volatile HAP capture systems associated with the eight spray machines and two ink machines is 100%. This demonstration shall be performed using methods and procedures which are acceptable to the Department.

10. The VOC source testing and VOC/volatile HAP capture efficiency demonstration required herein shall be repeated every 2 years.

11. No VOC-containing material or volatile HAP-containing material shall be introduced into any spray dryer.

12. The PM/PM₁₀ emissions from the eight spray machines, two ink machines, two spray dryers, powder sifting operation and edge rounder shall be controlled by nine fabric collectors, as described in the plan approval application.

13. The concentration of PM/PM₁₀ in the exhaust of each of the nine fabric collectors shall not exceed .01 grain per dry standard cubic foot of effluent gas volume.

14. Any air contamination source controlled by a shaker-type fabric collector shall be shut down prior to the respective collector being put into a bag shake cycle.

15. Spare fabric collector bags shall be kept on site for all fabric collectors.

16. Any air compressor supplying compressed air to the regenerative thermal oxidizer or a fabric collector shall be equipped with an air dryer and oil trap.

17. The kilns shall be operated with an oxidizing atmosphere at a temperature of at least 2,048°F.

18. All containers of VOC-containing materials, volatile HAP-containing materials and acetone-containing materials shall be kept closed when not in actual use. Spray guns, nozzles, lines, and the like shall be cleaned by either flushing a solid liquid stream of cleaning solvent into an appropriate container or by soaking the respective equipment in closed containers of liquid solvent. Cleaning solvents shall not be sprayed or flushed from a spray gun, nozzle or line directly into the air nor shall they be flushed into a container as an atomized spray. Solvent-wet rags or cloths shall be stored in closed containers when not in actual use.

19. The batch vapor degreaser shall have a freeboard ratio of no less than 1.05 and shall be equipped with a freeboard refrigeration device capable of maintaining a chilled air layer temperature of no greater than 50° F (as measured at the warmest point on a vertical axis through the center of the chilled air layer) except during the defrost cycle.

20. The batch vapor degreaser freeboard refrigeration device shall be equipped with two independent refrigeration coils, only one of which shall be defrosted at a time.

21. The batch vapor degreaser shall use no more than 106 gallons of degreasing solvent in any 12-consecutive month period. The degreasing solvent shall contain no more than .10 pound of HAPs per gallon of solvent.

22. The batch vapor degreaser shall comply with all applicable requirements of 25 Pa. Code § 129.63.

23. Records shall be maintained of:

a. The identity and amount of each individual volatile organic compound-containing material, volatile HAP-containing material and acetone-containing material used in the eight spray machines and two ink machines each month.

b. The identity and amount of each individual VOC-containing material or volatile HAP-containing material added to the batch vapor degreaser each month.

c. The identity and amount of each individual VOC-containing material, volatile HAP-containing material and acetone-containing material used in the facility each month other than in the eight spray machines, two ink machines and batch vapor degreaser.

d. The VOC content, volatile hazardous air pollutant content and acetone content of all materials identified under a, b and c.

e. The amount of used degreasing solvent removed from the batch vapor degreaser each month.

f. Regenerative thermal oxidizer combustion chamber temperature (to be recorded continuously whenever the regenerative thermal oxidizer is operating).

Records maintained under this condition shall be retained for at least 5 years and shall be made available to the Department upon request. Additionally, the permittee shall submit these records to the Department on a semi-annual basis.

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

61-204C: Franklin Bronze and Alloy Co., Inc. (655 Grant Street, Franklin, PA 16323) for postconstruction of a second dewax furnace and three dust collectors to control fumes and dust from induction furnaces, cut-off saws and grinding operations in the City of Franklin, **Venango County**.

In accordance with 25 Pa. Code §§ 127.44(b) and 127.424(b), the Department of Environmental Protection intends to issue a plan approval to for postconstruction of a second dewax furnace and three dust collectors to control fumes and dust from induction furnaces, cut-off saws and grinding operations in the City of Franklin, Venango County.

This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the State-only operating permit through an administrative amendment at a later date.

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.

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

65-00713: Greenridge Reclamation, LLC (R. D. No. 1 Box 717, East Huntingdon Landfill Road, Scottdale, PA 15683) to operate a landfill which includes emissions from the landfill operations, the primary landfill gas enclosed flare, the backup landfill gas flare, the leachate evaporator system and minor air emission sources at the Greenridge Reclamation Landfill in East Huntingdon Township, PA **Westmoreland County**. This is a Title V Operating Permit Renewal.

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

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

46-00252: Reading Material, Inc.—Sanatoga Asphalt Plant (394 Sanatoga Road, Pottstown, PA 19446) for operation of the crushing and screening and wet suppression equipment at their quarry in Lower Pottsgrove Township, **Montgomery County**. The permit is for a non-Title V (State-only) facility. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

46-00161: Reading Material, Inc.—Sanatoga Asphalt Plant (394 Sanatoga Road, Pottstown, PA 19446) for operation their batch asphalt plant in Lower Pottsgrove Township, **Montgomery County**. The permit is for a non-Title V (State-only) facility. The Sanatoga Asphalt Plant is a 6-ton batch plant consisting of a dryer, knockout box, baghouse and stack. As part of the existing

plant, the company operates a 30-ton recycled asphalt pavement crushing and screening operation and a portable nonmetallic mineral processing plant. 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.

06-03107: Morgan Corp. (P. O. Box 588, Morgantown, PA 19543) for a heavy-duty truck surface coating operation (Grace Mine Plant) in the New Morgan Borough, **Berks County**. The facility is not subject to Title V (State-only operating permit). The plant has the potential to emit 10 tons per year of VOC. The permit will include monitoring, work practices, recordkeeping and reporting designed to keep the facility within all applicable air quality requirements.

ERC-06-05014: GST Autoleather, Inc. (20 Oak Hollow, Suite 300, Southfield, MI 48034) for an Air Quality Emission Reduction Approval for 103.45 tons of VOC Emission Reduction Credits resulting from the shutdown of the sources at the Fleetwood Plant in Fleetwood Borough, **Berks County**.

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

04-00721: Beaver Valley Asphalt (6010 Woodlawn Road, Aliquippa, PA 15001) for operation of the hot mix asphalt plant Aliquippa Township in **Beaver County**. This is a State-only Operating Permit.

Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104, Edward Braun, Chief, (215) 685-9476.

S05-014: Amuneal Manufacturing Corp. (4737 Darrah St., Philadelphia, PA 19124) for operation of a sheet metal fabrication facility in the City of Philadelphia, **Philadelphia County**. The facility's air emission source includes a batch vapor degreaser.

The operating permit will be issued under the 25 Pa. Code, Philadelphia Code Title 3 and Air Management Regulation XIII. Permit copies and other supporting information are available for public inspection at AMS, 321 University Avenue, Philadelphia, PA 19104. For further information, contact Edward Wiener at (215) 685-9426.

Persons wishing to file protest or comments on the operating permit must submit the protest or comments within 30 days from the date of this notice. Protests or comments filed with AMS must include a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based. Based upon the information received during the public comment period, AMS may modify the operating permit or schedule a public hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a local newspaper at least 30 days before the hearing.

N04-011: Consolidated Drake Press (5050 Parkside Avenue, Philadelphia PA 19131) for operation of a commercial printing facility in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include five printing presses and two 70-Hp boilers.

The operating permit will be reissued under 25 Pa. Code, Philadelphia Code Title 3 and Air Management Regulation XIII. Permit copies and other supporting

information are available for public inspection at AMS, 321 University Avenue, Philadelphia, PA 19104. For further information, contact Edward Wiener at (215) 685-9426.

Persons wishing to file protest or comments on the above operating permit must submit the protest or comments within 30 days from the date of this notice. Protests or comments filed with AMS must include a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based. Based upon the information received during the public comment period, AMS may modify the operating permit or schedule a public hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a local newspaper at least 30 days before the hearing.

N05-012: Federal Detention Center (700 Arch Street, Philadelphia, PA 19105) for operation of a Federal prison in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include three 10 mmBtu/hr boilers.

The operating permit will be issued under the 25 Pa. Code, Philadelphia Code Title 3 and Air Management Regulation XIII. Permit copies and other supporting information are available for public inspection at AMS, 321 University Avenue, Philadelphia, PA 19104. For further information, contact Edward Wiener at (215) 685-9426.

Persons wishing to file protest or comments on the above operating permit must submit the protest or comments within 30 days from the date of this notice. Protests or comments filed with AMS must include a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based. Based upon the information received during the public comment period, AMS may modify the operating permit or schedule a public hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a local newspaper at least 30 days before the hearing.

COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). Mining activity permits issued in response to applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

The following permit applications to conduct mining activities have been received by the Department of Environmental Protection (Department). A copy of an application is available for inspection at the district mining office indicated before an application. Where a 401 Water Quality Certification is needed for any aspect of a particular proposed mining activity, the submittal of the permit application will serve as the request for certification.

Written comments, objections or requests for informal conferences on applications may be submitted by any person or any officer or head of any Federal, State or local government agency or authority to the Department at the district mining office indicated before an application within 30 days of this publication, or within 30 days after the last publication of the applicant's newspaper advertisement, as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34.

Where any of the mining activities listed will have discharges of wastewater to streams, the Department will incorporate NPDES permits into the mining activity permits issued in response to these applications. NPDES permits will contain, at a minimum, technology-based effluent limitations as identified in this notice for the respective coal and noncoal applications. In addition, more restrictive effluent limitations, restrictions on discharge volume or restrictions on the extent of mining which may occur will be incorporated into a mining activity permit, when necessary, for compliance with water quality standards (in accordance with 25 Pa. Code Chapters 93 and 95). Persons or agencies who have requested review of NPDES permit requirements for a particular mining activity within the previously mentioned public comment period will be provided with a 30-day period to review and submit comments on the requirements.

Written comments or objections should contain the name, address and telephone number of the person submitting comments or objections; the application number; and a statement of sufficient detail to inform the Department on the basis of comment or objection and relevant facts upon which it is based. Requests for an informal conference must contain the name, address and telephone number of requestor; the application number; a brief summary of the issues to be raised by the requestor at the conference; and a statement whether the requestor wishes to have the conference conducted in the locality of the proposed mining activities.

Coal Applications Received

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

<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Iron (total)	3.0 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 mg/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 Office: 25 Technology Drive, Coal Center, PA 15423, (724) 769-1100.

30841307 and NPDES Permit No. PA0213438, Emerald Coal Resources, LP (P. O. Box 1020, 158 Portal Road, Waynesburg, PA 15370), to renew the permit and related NPDES permit and to revise the permit for the Emerald Mine No. 1 in Franklin and Whiteley Townships, **Greene County** to perform stream remediation to Mt. Phoebe Run along Township Road 483 and to Dutch Run along Township Road 570 if pooling occurs from longwall mining. No addition discharges. Application received January 16, 2006.

56743704 and NPDES Permit No. PA0214931, Robindale Energy Services, Inc. (224 Grange Hill Road, P. O. Box 228, Armagh, PA 15920), to renew the permit for the Penn Pocahontas Coal Refuse Site in Brothersvalley Township, **Somerset County** and related NPDES permit. No additional discharges. Application received January 24, 2006.

11841601 and NPDES Permit No. PA11841601, EP Bender Coal Co., Inc. (P. O. Box 594, Carrolltown, PA 15722), to renew the permit for the Fallentimber Preparation Plant in Reade Township, **Cambria County** and related NPDES permit. No additional discharges. Application received February 17, 2006.

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, (814) 472-1900.

56060102 and NPDES No. PA0249912, Mountaineer Mining Corporation, 1010 Garrett Shortcut Road, Berlin, PA 15530, commencement, operation and restoration of a bituminous surface mine in Stonycreek Township, **Somerset County**, affecting 83.7 acres. Receiving streams: Schrock Run, UNTs to Schrock Run classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received February 21, 2006.

32060201 and NPDES No. PA0249921, RNS Services, Inc., 7 Riverside Plaza, Blossburg, PA 16912 commencement, operation and restoration of a bituminous surface refuse reprocessing and beneficial use of coal refuse ash mine in Pine Township, **Indiana County**, affecting 52.7 acres. Receiving stream: Dutch Run classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. The application includes a stream encroachment to conduct mining activities within 100 feet of Dutch Run. The proposed activities include the use of an existing haul road and the installation of erosion and sedimentation controls. Application received February 21, 2006.

32060102 and NPDES No. PA0249939, Thomas J. Smith, Inc., 2340 Smith Road, Shelocta, PA 15774,

commencement, operation and restoration of a bituminous surface auger mine in South Mahoning Township, **Indiana County**, affecting 50.3 acres. Receiving streams: UNT to Little Mahoning Creek classified for the following use: HQ-CWF. There are no potable water supply intakes within 10 miles downstream. The applicant is requesting a variance to construct erosion and sediment controls up to 50 feet on two UNTs of Little Mahoning Creek. The first variance area begins where UNT "A" flows under Banks Road (T-404) and extends upstream for approximately 1,100 feet. The second variance begins upstream approximately 250 feet from where UNT "B" flows under Banks Road (T-404) and extends upstream for approximately 425 feet. Application received February 23, 2006.

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

54850104T, Bell Corporation (739 Broad Street, Tuscarora, PA 17982), transfer of an existing anthracite surface mine operation from Tracy Coal Company in Schuylkill Township, **Schuylkill County** affecting 102.5 acres, receiving stream: none. Application received February 17, 2006.

40663025R4, Pagnotti Enterprises, Inc. (46 Public Square, Suite 600, Wilkes-Barre, PA 18701), renewal of an existing anthracite surface mine operation and name change from Pacton Corp. in Hazle Township, **Luzerne County** affecting 325.0 acres, receiving stream: none. Application received February 22, 2006.

40663026R4, Pagnotti Enterprises, Inc. (46 Public Square, Suite 600, Wilkes-Barre, PA 18701), renewal of an existing anthracite surface mine operation and name change from Pacton Corp. in Hazle Township, **Luzerne County** affecting 285.0 acres, receiving stream: none. Application received February 22, 2006.

40663030R4, Pagnotti Enterprises, Inc. (46 Public Square, Suite 600, Wilkes-Barre, PA 18701), renewal of an existing anthracite surface mine operation in Hazle and Foster Townships, **Luzerne County** affecting 225.0 acres, receiving stream: none. Application received February 22, 2006.

Noncoal Applications Returned

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

08010817, Henry and Martha Meglich (R. R. 1, Box 100A, Stevensville, PA 18845), commencement, operation and restoration of a small industrial minerals (bluestone) quarry operation in Stevens Township, **Bradford County**, affecting 3.0 acres. Receiving stream: UNT to Cold Creek. Application received July 12, 2001. Application returned March 1, 2006.

Noncoal Applications Received

Effluent limits

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

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

¹ The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applied to surface runoff resulting from a precipitation event of less than or equal to a 10-year 24-hour event. If coal will be extracted incidental to the extraction of noncoal minerals, at a minimum, the technology-based effluent limitations identified under coal applications will apply to discharges of wastewater to streams.

Greensburg District Mining Office: Armbrust Professional Center, 8205 Route 819, Greensburg, PA 15601, (724) 925-5500.

26060601 and NPDES Permit PA0250872. T & B Excavating, Inc. (3336 Old McClellandtown Road, P. O. Box 337, McClellandtown, PA 15458). Application for commencement, operation and reclamation of a large noncoal surface mine, located in Nicholson Township, **Fayette County**, affecting 17.9 acres. Receiving streams: UNTs to York Run, classified for the following use: WWF. The first potable water supply intake within 10 miles downstream from the point of discharge is Greensboro Water Authority. Application received: February 23, 2006.

Knox District Mining Office: White Memorial Building, P. O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, (814) 797-1191.

10960301 and NPDES Permit No. PA0227196. Quality Aggregates, Inc. (200 Neville Road, Neville Island, PA 15225-0347). Revision to add 9.3 acres to the existing limestone operation in Marion Township, **Butler County** affecting 126.0 acres. Receiving streams: two UNTs to Blacks Creek; Blacks Creek; one UNT to Slippery Rock Creek. Application received: November 23, 2005. Application withdrawn: February 27, 2006.

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 accommoda-

tion to participate in the proceedings should contact the specified program. TDD users should contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

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

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E09-893. Milford Township, 2100 Krammes Road, P. O. Box 86, Spinnerstown, PA 18968, Milford Township, **Bucks County**, ACOE Philadelphia District.

To construct and maintain an approximately 3000-foot long proposed road (New Road) parallel and to the south of John Fries Highway (SR 663) which will cross an unnamed tributary to Molasses Creek (HQ-TSF) and associated wetlands. The work will begin approximately 600 feet south of Route 663, across from the Turnpike Quakertown Interchange entrance and extend to the intersection with Quaker Point Drive (Milford Square, PA Quadrangle N: 10.5 inches; W: 6.0 inches.

Work will consist of:

1. To construct and maintain 47 linear feet of 2-foot by 12-foot R.C.P. box culvert in and along a UNT to Molasses Creek and impacting 0.04 acre of associated wetland (PEM) at Station 21+80.

2. To construct and maintain 42 linear feet of 3-foot by 16-foot R.C.P. box culvert in and along a UNT to Molasses Creek and impacting 0.09 acre of associated wetland (PFO) at Station 16+00. This work also includes 0.04 acre of temporary wetland impact for the construction of the culvert.

3. Work also includes construction of the stormwater facilities and associated outfalls.

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

E07-399: Delgrosso's Amusement Park, Old Route 220, Box 335, Tipton, PA 16684-0335 in Antis Township, **Blair County**, ACOE Baltimore District.

To construct and maintain a 50-foot long vegetated swale on the left floodway and bank of Tipton Run (HQ-CWF) at a point (Tipton, PA Quadrangle N: 0.87 inch, W: 6.12 inches; Latitude: 40° 37' 47", Longitude: 78° 17' 37") approximately 700 feet upstream from its confluence with the Little Juniata River for the purpose of discharging stormwater from a new storm sewer system within Delgrosso's Amusement Park in Antis Township, Blair County.

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

E02-1525. Borough of Sewickley, 601 Thorn Street, P. O. Box 428, Sewickley, PA 15143. To construct a dock facility in the Borough of Sewickley, **Allegheny County**, Pittsburgh ACOE District. (Ambridge, PA Quadrangle N: 6.41 inches; W: 8.78 inches and Latitude: 40° 32' 07.03"—Longitude: 80° 11' 17.48"). The applicant proposes to construct and maintain a docking and recreational facility at the end of Walnut Street. There will be no

long-term tie up or storage for boats. Docking will be temporary and short term. The project will provide recreational access to the river. Walking trails and viewing areas will be part of the improvements. A wooden deck overlook will be constructed with a smaller wooden deck located below to provide access to a new floating dock. Approximately 100 feet of stream bank will be impacted.

E02-1526. Push 'N Pull, Inc., 4200 Clairton Boulevard, Pittsburgh, PA 15227. To construct a pipe arch culvert in South Park Township, **Allegheny County**, Pittsburgh ACOE District. (Glassport, PA Quadrangle N: 13.6 inches; W: 15.6 inches and Latitude: 40° 19' 30"—Longitude: 79° 59' 13"). The applicant proposes to construct and maintain a stream enclosure 120.0 feet in length consisting of a pipe arch culvert having a span of 72-inches with an underclearance of 52 inches in a UNT to Lick Run (TSF) for the purpose of constructing the Push 'N Pull Retail Development. The project is located on the north side of Broughton-Cochrans Mill Road, just east from the intersection of Broughton-Cochrans Mill Road and Brownsville Road and will impact 180.0 linear feet of stream channel.

E11-318. Clearfield Creek Watershed Association, 216 Beldin Hollow Road, Ashville, PA 16613. To place fill in wetlands in Dean and Gallitzin Townships, **Cambria County**, Pittsburgh ACOE District. (Altoona, PA Quadrangle N: 9.5 inches; W: 17.3 inches and Latitude: 40° 33' 11"—Longitude: 78° 29' 56"). The applicant proposes to place and maintain fill in 0.8 acre of wetlands and to restore and maintain approximately 900 linear feet of a UNT to Little Laurel Run (CWF) for the purpose of constructing the Klondike Acid Drainage Treatment Project located on the north side of SR 36, approximately 2,000 feet northeast from the intersection of SR 36 and T-742. The applicant also proposes to construct and maintain 0.22 acre of replacement wetlands.

E65-891. Anders M. Johnson, Chairperson, Salem Township Board of Supervisors, 224 Congruity Road, Greensburg, PA 15601. To construct a bridge in Salem Township, **Westmoreland County**, Pittsburgh ACOE District. (Slickville, PA Quadrangle N: 5.8 inches; W: 7.89 inches and Latitude: 40° 24' 25"—Longitude: 79° 33' 24"). The applicant proposes to remove the existing structure and to construct and maintain a bridge having a normal clear span of 50 feet and an underclearance of 8.5 feet on T-628 (Old William Penn Highway) across Beaver Run (HQ-CWF). The project impacts 0.04 acre of wetland (PEM) and is located approximately 200 feet west of Rock Spring Road.

E65-892. Turnpike Commission, P. O. Box 67676, Harrisburg, PA 17106-7676. To replace and expand an existing culvert and fill wetlands in Mount Pleasant Township, **Westmoreland County**, Pittsburgh ACOE District. (Mount Pleasant, PA Quadrangle N: 19.7 inches; W: 16.8 inches and Latitude: 40° 10' 0"—Longitude: 79°

37' 13"). The applicant proposes to replace an existing 140-foot long 48 inch diameter RCP culvert and extend the inlet 30 feet and extend the outlet 30 feet, to replace an existing 60 foot long 24 inch diameter RCP culvert and extend the inlet 50 feet and extend the outlet 13 feet, relocate 200 feet of channel, and place and maintain fill in 0.02 acre of PEM wetland. Wetland impact mitigation shall occur in the mainline (I-76 milepost 67-75) section. All impacts are in the drainage area of a UNT to Sewickley Creek (WWF) that has a total of less than 100 acres. The project is located at the Glenn Fox Road overpass of the Turnpike Commission's I-76. The project provides for replacing the Glenn Fox Road overpass and increasing the underclearance by raising the road, which requires widening the base of both sides of the approach to I-76. The overpass clearance is being increased to conform to national transportation standards and provide for future improvements to I-76.

ENVIRONMENTAL ASSESSMENTS

Central Office: Bureau of Waterways Engineering, Rachel Carson State Office Building, Floor 3, 400 Market Street, Harrisburg, PA 17105.

EA54-003CO. James S. Turner Jr., 291 Pheasant Run Road, Orwigsburg, PA 17961. West Brunswick Township, **Schuylkill County**, ACOE Philadelphia District.

Project proposes to expand an existing non-jurisdictional dam across a tributary to Pine Creek (CWF) for recreation and fire protection. The project will impact approximately 120 feet of stream channel. The dam is located approximately 1,800 feet east of the intersection of Pheasant Run Road (T725) and Lakefront Drive (T712) (Orwigsburg, West, PA Quadrangle, N: 3.25", W: 6.4").

D51-025EA. Fairmount Park Commission, 1 Parkway, 1515 Arch Street 10th Floor, Philadelphia, PA 19102. City of Philadelphia, **Philadelphia County**, ACOE Philadelphia District.

Project proposes to breach and remove Frankford Avenue Dam across Pennypack Creek (TSF, MF) for the purpose of restoring the stream to a free flowing condition and providing for unobstructed fish passage. The dam is located approximately 2,500 feet northeast of the intersection of Rhawn Street and Frankford Avenue (US 13) (Frankford, PA Quadrangle N: 8.1 inches; W: 2.9 inches).

EA43-002CO. Mr. and Mrs. Dean Ault, 117 East County Line Road, Jamestown, PA 16134, Greene Township, **Mercer County**, ACOE Pittsburgh District.

Project proposes to operate, and maintain a non-jurisdictional dam across a tributary to the Shenango River (WWF) for recreation and potential water supply. The project will directly and indirectly impact approximately 245 feet of stream channel. The dam is located approximately 1 1/2 miles East of the town of Jamestown, approximately 1,600 feet East of the intersection of T309 and T460 (Greenville West, PA Quadrangle, N: 20.0", W: 5.3").

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 & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0061131 (Minor Renewal)	Dalton Sewer Authority P. O. Box 538 Dalton, PA 18414	Lackawanna County LaPlume Township	Ackerly Creek (4F)	Y

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

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed#)</i>	<i>EPA Waived Y/N ?</i>
PA0032514 (Sewage)	Department of Conservation and Natural Resources Denton Hill State Park 5661 US 6 West Coudersport, PA 16915	Ulysses Township Potter County	Elm Hollow Run and Nine Mile Run HQ-CWF	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N</i>
PA0218383 Industrial Waste	Allegheny Energy Supply Company, LLC 800 Cabin Hill Drive Greensburg, PA 15601	Allegheny County Springdale Township	Allegheny River	Y

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N</i>
PA0098337 Sewage	Connellsville Area School District 125 North Seventh Street Connellsville, PA 15425	Fayette County Springfield Township	Swale to a Tributary of Indian Creek	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0032468	Department of Conservation and Natural Resources Cook Forest State Park P. O. Box 120, River Road Cooksburg, PA 16217-0120	Barnett Township Forest County	Clarion River Forest County 17-B	Y
PA0239747	Florence Jaksec SFTF 393 Pittsburgh Road Butler, PA 16002	Penn Township Butler County	UNT to Glade Run 20-C	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. PA0036447, Industrial Waste, **Naval Surface Warfare Center, Carderock Division—SSES**, Philadelphia Naval Business Center, 5001 South Broad Street, Philadelphia, PA 19112-1403. This proposed facility is located in City of Philadelphia, **Philadelphia County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge potable water from fire pump test and storm water from their facility located within the formal Philadelphia Navy Yard into the Delaware River Estuary Zone 4 in Watershed 3F.

NPDES Permit No. PA0024180 Amendment No. 1, Sewage, **Berks-Montgomery Municipal Authority**, P. O. Box 370, 136 Municipal Drive Gilbertsville, PA 19525. This proposed facility is located in Douglass Township, **Montgomery County**.

Description of Proposed Action/Activity: The Department received notice that the EPA discontinued Berks-Montgomery Municipal Authority's pretreatment program.

NPDES Permit No. PA0057908, Sewage, **Jericho National Golf Club, Inc.** 250 Brownsburg Road, New Hope, PA 18938. This proposed facility is located in Upper Makefield Township, **Bucks County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge treated sewage into a UNT to Jericho Creek in Watershed 2E.

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

NPDES Permit No. PAS802222, Industrial Stormwater, **NAPA Development Corp., Inc.**, P. O. Box 639, Wind Gap, PA 18091. This proposed facility is located in Plainfield Township, **Northampton County**.

Description of Proposed Action/Activity: Issuance of NPDES Industrial Stormwater Permit.

NPDES Permit No. PA0009911-A1, Industrial Waste, **Papettis Acquisition, Inc.**, 68 Spain Road, Klingerstown, PA 17941. This proposed facility is located in Upper Mahantango Township, **Schuylkill County**.

Description of Proposed Activity: Amendment of NPDES permit to include CB limits.

NPDES Permit No. PA0053147-A1, Sewage, **Upper Saucon Sewage Treatment 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: Amendment of an existing NPDES permit. Chlorination facility replaced with UV disinfection. Thus, TRC limit removed from permit.

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

NPDES Permit No. PA0082333, Sewage, **Robert Harnish, Conestoga Hills Community**, 1230 Stony Lane, Conestoga, PA 17516. This proposed facility is located in Conestoga Township, **Lancaster County**.

Description of Proposed Action/Activity: Authorization to discharge to a UNT to Stehman Run in Watershed 7-J.

NPDES Permit No. PA0081710, Sewage, **Outdoor World Corporation, c/o Resorts USA, Inc., Circle M Campground Resort**, P. O. Box 447, Bushkill, PA 18324. This proposed facility is located in Pequea Township, **Lancaster County**.

Description of Proposed Action/Activity: Authorization to discharge to the Conestoga River in Watershed 7-J.

NPDES Permit No. PA0083844, Industrial Waste, **East Petersburg Borough, Graystone Road Nitrate Reduction Facility**, 6040 East Main Street, East Petersburg, PA 17520. This proposed facility is located in East Petersburg Borough, **Lancaster County**.

Description of Proposed Action/Activity: Authorization to discharge to the Little Conestoga Creek in Watershed 7-J. *Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

NPDES Permit No. PA0253081, Sewage, **Universal Electric Corporation**, 3089 Washington Pike, Bridgeville, PA 15017. This proposed facility is located in Cecil Township, **Washington County**.

Description of Proposed Action/Activity: NPDES issuance to discharge 6,000 gpd of treated sewage to a UNT of Chartiers Creek.

NPDES Permit No. PA0253146, Sewage, **Windber Country Club**, 1392 Forest Hills Drive, Salix, PA 15952. This proposed facility is located in Adams Township, **Cambria County**.

Description of Proposed Action/Activity: NPDES issuance for the proposed sewage treatment plant.

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

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

WQM Permit No. WQG02460506, Sewerage, **Upper Pottsgrove Township**, 1409 Farmington Avenue, Pottstown, PA 19464. This proposed facility is located in Upper Pottsgrove Township, **Montgomery County**.

Description of Action/Activity: Construction and operation of a pump station.

WQM Permit No. 2305404, Sewerage, **Chadds Ford Township**, 10 Station Way Road, Chadds Ford, PA 19317. This proposed facility is located in Chadds Ford Township, **Delaware County**.

Description of Action/Activity: Construction and operation of a wastewater treatment plant to serve Chadds Ford Village.

WQM Permit No. WQG02150601, Sewerage, **Mark Development Company**, P. O. Box 63, New London, PA 19360. This proposed facility is located in London Grove Township, **Chester County**.

Description of Action/Activity: Construction and operation of a pump station.

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

WQM Permit No. 5406401, Sewerage, **Cressona Borough Authority**, 58 South Sillyman Street, Cressona, PA 17929. This proposed facility is located in North Manheim Township, **Schuylkill County**.

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

WQM Permit No. 6405403, Sewerage, **Camp Ramah in the Poconos, Inc.**, The Pavilion, Suite 743, 261 Old York Road, Jenkintown, PA 19046. This proposed facility is located in Buckingham Township, **Wayne County**.

Description of Proposed Action/Activity: Issuance of Water Quality Management Permit for modifications to the existing plant to improve performance. Replacement of solids settling tank and addition of aeration system. No increase in capacity.

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

WQM Permit No. 2805402 Amendment No. 06-1, Sewerage, **Quincy Township Sewer Authority**, 7375 Mentzer Gap Road, Waynesboro, PA 17268. This proposed facility is located in Quincy Township and Mont Alto Borough, **Franklin County**.

Description of Proposed Action/Activity: Amendment approval for the construction of sewerage facilities consisting of a continuation of the Northern Extension of the Sanitary Sewer Extension for the White Rock Inc. Development.

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

WQM Permit No. 0205411, Sewerage, **Municipal Authority of Bethel Park**, 5100 West Library Avenue, Bethel Park, PA 15106. This proposed facility is located in South Park Township, **Allegheny County**.

Description of Proposed Action/Activity: Permit issuance for the upgrade of the Piney Fork Waste Water Treatment Plant.

WQG Permit No. WQG026102, Sewerage, **Carney Road, LLC**, 210 Culbertson Avenue, Greensburg, PA 15601. This proposed facility is located in Unity Township, **Westmoreland County**.

Description of Proposed Action/Activity: Permit issuance for the construction and operation of a pumping station and force main to service the Kingsbrooke Estates Phase II development.

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

WQM Permit No. 4305201, Industrial Waste, **Duferco Farrell Corp.**, 15 Roemer Boulevard, Farrell, PA 16121-2299. This proposed facility is located in City of Farrell, **Mercer County**.

Description of Proposed Action/Activity: This project is for the permitting/installation of modifications to its existing No. 7 Pickle Line Rinse Water neutralization and treatment system which discharges to the plant sewer system by means of existing internal suboutfall 104.

WQM Permit No. 2706401, Sewerage, **Jenks Township**, P. O. Box 436, Marienville, PA 16239. This proposed facility is located in Jenks Township, **Forest County**.

Description of Proposed Action/Activity: This project is to eliminate the existing sand filter treatment system and install a pump station to convey sanitary sewage toward the Marienville wastewater treatment facility.

WQM Permit No. 2583409, Sewerage, **Amendment No. 2, Millcreek Township Sewer Authority**, 3608 West 26th Street, Erie, PA 16506. This proposed facility is located in Millcreek Township, **Erie County**.

Description of Proposed Action/Activity: This project is for a two-tank alternative to store excess storm induced flows from the Kearsarge Pump Station and for modifications to the control of the pump station to allow filling/drainage of the tanks.

WQM Permit No. 6106401, Sewerage, **Clintonville Borough Sewer and Water Authority**, P. O. Box 292, Clintonville, PA 16372. This proposed facility is located in Borough of Clintonville, **Venango County**.

Description of Proposed Action/Activity: This project is for the construction and operation of sewerage facilities consisting of a pump station with equalization tank and 3-inch diameter 1,528 feet long PVC force main.

WQM Permit No. 1005410, Sewerage, **Florence Jaksec**, 393 Pittsburgh Road, Butler, PA 16002. This proposed facility is located in Penn Township, **Butler County**.

Description of Proposed Action/Activity: This project is for a single residence sewage treatment plant.

IV. NPDES Stormwater Discharges from MS4 Permit Actions

Central Office: Bureau of Watershed Management, 400 Market Street, Floor 10, P. O. Box 8555, Harrisburg, PA 17105-8555.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>	<i>DEP Protocol (Y/N)</i>
PAI131500060001 Permit Action published in error at 36 Pa.B. 582, 604 (February 4, 2006) and is hereby being republished as an application (see application section).	Turnpike Commission P. O. Box 67676 Harrisburg, PA 17106	Multiple Counties	Multiple Municipalities	Numerous	N

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 & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024504010	Anthony Maula 1 Empire Plaza Stroudsburg, PA 18360	Monroe	Pocono Township	Butz Run HQ-CWF
PAI023905033	City of Allentown Bureau of Parks Allentown, PA 18104	Lehigh	City of Allentown	Cedar Creek HQ-CWF
PAI024505028	James D. Morrissey, Inc. 9119 Frankford Avenue Philadelphia, PA 19114	Monroe	Jackson, Pocono, Tunkhannock and Tobyhanna Townships	Dry Sawmill Run HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI032105013	Department of Transportation Engineering District 8-0 2140 Herr Street Harrisburg, PA 17103-1699	Cumberland	Silver Spring and Hampden Townships	Trindle Spring Run HQ-CWF Conodoguin Creek WWF
PAI033105008	Evergreen Farms Inc. 3102 Evergreen Lane Spruce Creek, PA 16683	Huntingdon	Franklin Township	Spruce Creek HQ-CWF
PAI030605005	Wilson School District 2601 Grandview Boulevard West Lawn, PA 19609	Berks	Spring Township	UNT Wyomissing Creek HQ/CWF

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

Armstrong County Conservation District, Armsdale Administration Building, Suite B-2, 124 Armsdale Road, Kittanning, PA 16201, (724) 548-3425.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI050305005	West Penn Power Company d/b/a Allegheny Power 109A Briar Hill Road Kittanning, PA 16201	Armstrong	South Buffalo Township	Buffalo Creek (HQ-TSF)
<i>Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.</i>				
PAI062405005	Michael E. Keller Elcam, Inc. 189 West Creek Road St. Marys, PA 15857	Elk	St. Marys City	West Creek HQ-CWF
PAI063305003	Paul Sekula Clearfield Jefferson County Airport Authority P. O. Box 299 Falls Creek, PA 05840	Jefferson	Washington Township	Keys Run and UNT CWF Horn Run CWF and wild trout Kyle Run HQ-CWF
PAI064205003	Maria Casey Rustick, LLC 19 Ness Lane Kane, PA 16735	McKean	Sergeant Township	Seven Mile Run HQ-CWF

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

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

List of NPDES and/or Other General Permit Types

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

General Permit Type—PAG-2

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
New Britain Township Bucks County	PAG2000905013	Black Oak Property, LLC 7 Britain Drive New Britain, PA 18901	Neshaminy Creek (TSF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Richland Township Bucks County	PAG2000904006	Americorp Development, Inc. Steeple Run 476 West Street Road Warminster, PA 18974	Morgan Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900

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<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Hilltown Township Bucks County	PAG2000905170	Hilltown Township Water and Sewer Authority Authority's Office Expansion P. O. Box 365 Sellersville, PA	Tributary Mill Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
New Britain Township Bucks County	PAG2000905172	New Britain Township New Public Works Facility 207 Park Avenue Chalfont, PA 18914	UNT North Branch Neshaminy Creek (TSF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Quakertown Borough Bucks County	PAG2000906004	Borough of Quakertown Waterline and Sewerline Replacement 35 North Third Street P. O. Box 727 Quakertown, PA 18951	Lick and Beaver Runs (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Newtown Township Delaware County	PAG2002303059	CF Holloway, III & Company 110 Gallagher Road Wayne, PA 19097	Hunter Run (CWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Downingtown Borough Chester County	PAG2001505112	Downingtown Area School District Downingtown West HS Athletic Fields 126 Wallace Avenue Downingtown, PA 19335	Beaver Creek (TSF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Lower Salford Township Montgomery County	PAG2004605203	Don Casey Hiram Hershey Lot 11 776 Park Road Lansdale, PA 19446	Skippack Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Lower Merion Township Montgomery County	PAG2004606008	Main Line Health Real Estate, LP Bryn Mawr Hospital, Phase I 300 Conshohocken State Road West Conshohocken, PA 19428	Mill and Cobbs Creeks (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Whitpain Township Montgomery County	PAG2004605170	Gambone Brothers Development Co. Village Square at Blue Bell 1030 West Germantown Pike Fairview Village, PA 19409	UNT Stoney Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Bridgeport Borough Montgomery County	PAG2004605126	Bridgeview Development Association 700 South Henderson Road Suite 225 King of Prussia, PA 19405	Schuylkill River (CWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Douglass Township Montgomery County	PAG2004606024	Stewart & Conti Development Co. Cobblestone Crossing Phases 2 and 3 3130 Mill Road Fairview Village, PA 19403	Swamp Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Whitpain Township Montgomery County	PAG2004604171	Philomeno & Salamone Deerfield Estates a/k/a Wisar Prop. 545 Germantown Pike Suite 300 Plymouth Meeting, PA 19462	Saw Mill Run (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Lower Merion Township Montgomery County	PAG2004605063	JOF Investments 1435 Colton Road Site 39 West Lancaster Avenue, Suite 103 Haverford, PA 19401	Schuylkill River (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Limerick Township Montgomery County	PAG2004605081	Rick Moscariello 292 West Ridge Pike Site 24 Donny Brook Way Collegeville, PA 19426	Lodal Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900'
Franconia Township Montgomery County	PAG2004605098	Kane Core, Inc. Moyer Property 4365 Skippack Pike P. O. Box 1301 Skippack, PA 19474	UNT Skippack Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Lower Salford Township Montgomery County	PAG2004604233	GPH Harleysville, LP Indian Hill a/k/a Smith's Corner 721 Dresher Road Horsham, PA 19044	East Perkiomen Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Upper Providence Township Montgomery County	PAG2004606027	SEI Investments, Inc. SEI Phase 4, Building 9 100 Cider Mill Road Oaks, PA	Perkiomen Creek (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Tilden Township South Manheim Township North Manheim Township West Brunswick Borough Landingville Borough Schuylkill County	PAG2005405035	Schuylkill River Greenway Association 140 College Drive Pottstown, PA 19464	Schuylkill River CWF Stony Creek CWF Mahannon Creek CWF	Schuylkill Co. Cons. Dist. (570) 622-3742
Westfall Township Pike County	PAG2005205002	Landrock Properties, LLC 520 West Nyack West Nyack, NY 10994	Delaware River WWF-MF	Pike Co. Cons. Dist. (570) 226-8220
West Hazleton Borough Luzerne County	PAG2004005045	PennSummit Tubular, LLC 225 Kiwanis Blvd. West Hazleton, PA 18202	Black Creek CWF	Luzerne Co. Cons. Dist. (570) 674-7991
East Brunswick Township Schuylkill County	PAG2005405025	David Miller Miller Real Estate Dev., Ltd. P. O. Box 336 Orwigsburg, PA 17961	Tributary to Little Schuylkill River CWF	Schuylkill Co. Cons. Dist. (570) 622-3742
Huntington Township Adams County	PAG2000105018	Dr. William Shoemaker Bermudian Springs School District 7335 Carlisle Pike York Springs, PA 17372	Mud Run WWF	Adams County Conservation District 670 Old Harrisburg Rd. Suite 201 Gettysburg, PA 17325 (717) 334-0636

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<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Gettysburg Borough Adams County	PAG2000106001	Paul K. Hoover Kennie's Market, Inc. 217 W. Middle St. Gettysburg, PA 17325	Stevens Run to Rock Creek WWF	Adams County Conservation District 670 Old Harrisburg Rd. Suite 201 Gettysburg, PA 17325 (717) 334-0636
Reading Township Adams County	PAG2000105024	Lavere A. Stump 1396 Fish and Game Road East Berlin, PA 17316	Tributaries to Red Run WWF	Adams County Conservation District 670 Old Harrisburg Rd. Suite 201 Gettysburg, PA 17325 (717) 334-0636
Oxford Township Adams County	PAG2000105028	Reuben Ness 180 Brickyard Road New Oxford, PA 17350	Tributary to Pine Run WWF	Adams County Conservation District 670 Old Harrisburg Rd. Suite 201 Gettysburg, PA 17325 (717) 334-0636
Manheim Township York County	PAG2006705118	Allison Mill Road Joe Myers Allison Mill Partnership 160 Ram Drive Hanover, PA 17331	Long Run WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Fairview Township York County	PAR10Y516R	Woods at Deer Run Assoc. Neil Barr 4075 Market Street Camp Hill, PA 17011	Fishing Creek TSF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Newberry Township York County	PAG2006705117	Apple Orchard Court Reeser Estates, Inc. 905 Pleasant Grove Road York Haven, PA 17370	UNT Susquehanna River WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Dickinson and South Middleton Township Cumberland County	PAG2002104032	A. C. Kuhn-Dennison Farm Warehouse A. C. Kuhn & Son Inc. P. O. Box 121 Carlisle, PA 17013	Alexander Spring Run CWF	Cumberland County Conservation District 43 Brookwood Ave Carlisle, PA 17013 (717) 240-7812
Southampton Cumberland County	PAG002105054	Timberland Estates The Willow Group Kirk Martin 1153 Ragged Edge Road Chambersburg, PA 17201	Burd Run CWF	Cumberland County Conservation District 43 Brookwood Ave Carlisle, PA 17013 (717) 240-7812
West Pennsboro Cumberland County	PAG2002106002	Pennsylvania Builders and Developers Mike Adler 21 South Pitt Street Carlisle, PA 17013	Conodoguinet Creek CWF	Cumberland County Conservation District 43 Brookwood Ave Carlisle, PA 17013 (717) 240-7812
West Earl Township Lancaster County	PAG2003606013	Robert A. Brandt, Jr. 4121 Oregon Pike Box 806 Brownstown, PA 17508	Cocalico Creek Conestoga River WWF	Lancaster County Conservation District 1383 Arcadia Rd., Rm 6 Lancaster PA 17601 (717) 299-5361, Ext. 5
Providence Township Lancaster County	PAG2003606014	LMSE Mgmt. Group 1494 White Oak Rd. Quarryville, PA 17566	South Fork Big Beaver Creek TSF	Lancaster County Conservation District 1383 Arcadia Rd., Rm 6 Lancaster PA 17601 (717) 299-5361, Ext. 5

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Adamstown Borough Lancaster County	PAG2003606017	Terence Douglas Corporation 267B Dilworthtown Rd. West Chester, PA 19382	UNT Stony Run WWF	Lancaster County Conservation District 1383 Arcadia Rd., Rm 6 Lancaster PA 17601 (717) 299-5361, Ext. 5
Adamstown Borough Lancaster County	PAG2003606018	Daryl Martin A050 High School Lane Stevens, PA 17578	Little Muddy Creek WWF	Lancaster County Conservation District 1383 Arcadia Rd., Rm 6 Lancaster PA 17601 (717) 299-5361, Ext. 5
West Cocalico Township Lancaster County	PAG2003606019	Lance Shirk 371 Cocalico Rd. Denver, PA 17517	UNT Cocalico Creek WWF	Lancaster County Conservation District 1383 Arcadia Rd., Rm 6 Lancaster PA 17601 (717) 299-5361, Ext. 5
Taylor Township Blair County	PAG2000705014	Mary A. Smith R. D. 1, Box 402 Martinsburg, PA 16662	Plum Creek WWF	Blair County Conservation District 1407 Blair Street Hollidaysburg, PA 16648 (814) 696-0877, Ext 5
Taylor Township Blair County	PAG2000706001	George Erb 560 Cove Lane Roaring Spring, PA 16673	Cabbage Creek WWF	Blair County Conservation District 1407 Blair Street Hollidaysburg, PA 16648 (814) 696-0877, Ext 5
Greenfield Township Blair County	PAG2000706003	Claysburg-Kimmel School District Bedford Street Claysburg, PA 16625	Beaverdam Creek CWF	Blair County Conservation District 1407 Blair Street Hollidaysburg, PA 16648 (814) 696-0877, Ext 5
Ontelaunee Township Berks County	PAG2000605085	Dean Miller Reading Area Water Authority 815 Washington Street Reading, PA 19601	Maiden Creek Schuylkill WWF	Berks County Conservation District 1238 County Welfare Road P. O. Box 520 Leesport, PA 19533-0520 (610) 372-4657, Ext. 201
City of Reading Berks County	PAG2000606004	Sylvia Deye Dimensional Architecture 422 Franklin Street Reading, PA 19602	Wyomissing Creek CWF	Berks County Conservation District 1238 County Welfare Road P. O. Box 520 Leesport, PA 19533-0520 (610) 372-4657, Ext. 201
Port Royal Port Royal Borough Juniata County	PAG2003405008R	Department of Transportation District 2-0 1924-30 Daisy St. P. O. Box 342 Clearfield, PA 16830	Tuscarora Creek CWF	Juniata County Conservation District R. R. 5, Box 35 Stoney Creek Drive Mifflintown, PA 17059
East Buffalo Township Union County	PAG2006006001	William A Moore 310 Market St Lewisburg, PA 17837	UNT to Limestone Run WWF	Union County Conservation District 155 N. 15th St. Lewisburg, PA 17837 (570) 523-8782
Ferguson Township Centre County	PAG2001406005	University Area Joint Auth (UAJA) Cory Miller 1576 Spring Valley Rd. State College, PA 16801	Big Hollow CWF	Centre County Conservation District 414 Holmes Avenue, Suite 4 Bellefonte, PA 16823 (814) 355-6817

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
West Chillisquaque Township Northumberland County	PAG2004906002	Unbroken View Estates West Chillisquaque Township Montandon, PA 17850	Chillisquaque Creek WWF	Northumberland County Conservation District R. R. 3, Box 238C Sunbury, PA 17801 (570) 286-7114
Rush Township Northumberland County	PAG2004906004	Mountain View Bible Camp/Christian Assembly SR 4005 Snydertown, PA 17877	Shamokin Creek CWF	Northumberland County Conservation District R. R. 3, Box 238C Sunbury, PA 17801 (570) 286-7114
Indiana County Burrell and West Wheatfield Townships	PAG2003206002	George Sulkosky Highridge Water Auth. 14 Water Street Blairsville, PA 15717	Richards Run Toms Run Roaring Run UNT to Conemaugh River UNT to Blacklick Creek CWF, TSF	Indiana County Conservation District (724) 463-8547
Washington County Cecil Township	PAG2006306007	Departments of Veterans Affairs National Cemetery Administration Office of Construction Mgt. Edison Carlos 811 Vermont Avenue NW Room 235 Washington, DC 20005	UNT to Chartiers Creek McPherson Creek (WWF)	Washington County Conservation District (724) 228-6774
Butler County Connoquenessing Borough and Forward Township	PAG2001005037	Leslie Farm Subdivision Manor Development Group II 109 Gateway Avenue Suite 202 Wexford, PA 15090	UNT Connoquenessing Creek WWF	Butler County Conservation District (724) 284-5270
Branch and Reilly Townships Schuylkill County	PAG2115406002	Department of Environmental Protection Bureau of Abandoned Mine Reclamation 2 Public Square, Fifth Floor Wilkes-Barre, PA 18711-0790	Muddy Branch (CWF)	Department of Environmental Protection Bureau of Abandoned Mine Reclamation 2 Public Square, Fifth Floor Wilkes-Barre, PA 18711-0790 (570) 826-2371

General Permit Type—PAG-3

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Lower Saucon Township Northampton County	PAR502205	IESI Bethlehem Landfill 2335 Applebutter Road Bethlehem, PA 18015-6004	UNT to East Branch of Saucon Creek CWF Lehigh River	DEP—NERO Water Mgmt. Program 2 Public Square Wilkes-Barre, PA 18711-2511 (570) 826-2511
Bethlehem City Northampton County	PAR212238	Koller Concrete, Inc. 900 Marshall Street Bethlehem, PA 18017	UNT to Lehigh River	DEP—NERO Water Mgmt. Program 2 Public Square Wilkes-Barre, PA 18711-2511 (570) 826-2511

*Facility Location:
Municipality &
County*

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Lebanon County North Cornwall Township	PAR203544	Bigbee Steel and Tank Company 99 West Elizabethtown Road Manheim, PA 17545	Quittapahilla Creek TSF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Lancaster County Rapho Township	PAR203523	Bigbee Steel and Tank Company 99 West Elizabethtown Road Manheim, PA 17545	Chickies Creek Rife Run WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
York County West Manchester Township	PAR703504	Bituminous Paving Materials of York, Inc. 1300 Zinns Quarry Road York, PA 17404-3553	Codorus Creek WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Adams County Berwick Township	PAR703517	Bituminous Paving Materials of York, Inc. 1300 Zinns Quarry Road York, PA 17404-3553	UNT to South Branch Conewago Creek WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Delaware Township Northumberland County	PAR604822	Donald O. Rovenolt Rovendal Supply 1050 Susquehanna Trail Watsontown, PA 17777-9588	UNT Muddy Run WWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3664

*General Permit Type—PAG-4**Facility Location
County &
Municipality*

<i>Facility Location County & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Washington County West Pike Run Township	PAG046224	Bessie Hazelbaker 533 South California Drive Coal Center, PA 15423	Hoods Hollow	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

*General Permit Type—PAG-5**Facility Location:
Municipality &
County*

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Summit Township Erie County	PAG058306	Erie Petroleum, Inc. Holiday Shell 1502 Greengarden Road Erie, PA 16502	Walnut Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

*General Permit Type—PAG-6**Facility Location &
Municipality*

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Borough of Etna Allegheny County	PAG066119	Etna Borough 437 Butler Street Pittsburgh, PA 15223	Pine Creek and Little Pine Creek	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh PA 15222-4745 (412) 442-4000

*General Permit Type—PAG-8 (SSN)**Facility Location:*

<i>Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Site Name & Location</i>	<i>Contact Office & Phone No.</i>
Cumberland County Upper Frankford Township	PAG083570	Borough of Carlisle 53 West South Street Carlisle, PA 17013	David Jumper Farm	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707

*General Permit Type—PAG-12**Facility Location & Municipality*

<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Lancaster County West Lampeter Township	PAG123518	Andrews Sow Farm 421 Penn Grant Road Lancaster, PA 17602	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Franklin County Greene Township	PAG123588	Lynn Eberly Mt. Pleasant Farms 2071 Mt. Pleasant Road Fayetteville, PA 17222	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707

PUBLIC WATER SUPPLY (PWS) PERMITS

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

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

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

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

SAFE DRINKING WATER

Actions taken under the Pennsylvania Safe Drinking Water Act

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

Permit No. 2305505, Public Water Supply.

Applicant	Chester Water Authority 415 Welsh Street Chester, PA 19016
Township	Little Britain
County	Lancaster
Type of Facility	PWS
Consulting Engineer	CET Engineer Services, Inc. 1240 N. Mountain Road Harrisburg, PA 17112
Permit to Construct Issued	March 1, 2006

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

Permit No. 3390087, Public Water Supply.

Applicant	South Whitehall Township Authority (Huckleberry Booster Pump Station)
Borough or Township	South Whitehall Township
County	Lehigh
Responsible Official	Gerald J. Gasda Authority Manager South Whitehall Township Public Works Dept. 4444 Walbert Avenue Allentown, PA 18104-1699
Type of Facility	Community Water System
Permit Issuance Date	March 1, 2006
Description of Action	Permit issued for operation of the newly constructed Huckleberry Booster Pump Station, originally approved under PWS Permit No. 3905501 as issued April 18, 2005.

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

Permit No. 2690502A1, Public Water Supply.

Applicant **Pennsylvania-American Water Company**
800 Hersheypark Drive
Hershey, PA 17033

Borough or Township Luzerne Township

County **Fayette**

Type of Facility Chloramine disinfection—Hiller Reservoir

Permit to Construct February 14, 2006
Issued

Permit No. 2686503A1, Public Water Supply.

Applicant **Pennsylvania-American Water Company**
800 Hersheypark Drive
Hershey, PA 17033

Borough or Township North Union Township

County **Fayette**

Type of Facility Chloramine disinfection—Mountain Line Booster Station

Permit to Construct February 14, 2006
Issued

Operations Permit issued to Alverda Community Water Association, P. O. Box 119, Alverda, PA 15710, (PWS ID 5320001) Pine Township, **Indiana County** on February 14, 2006 for the operation of facilities approved under Construction Permit No. 3297503.

Operations Permit issued to Indiana County Municipal Services Authority, 827 Water Street, Indiana, PA 15701, (PWS ID 5320107) White Township, **Indiana County** on February 14, 2006 for the operation of facilities approved under Construction Permit No. 3292501-A1.

Operations Permit issued to Garrett Borough, 307 Municipal Road, P. O. Box 218, Garrett, PA 15542, (PWS ID 4560035) Summit Township, **Somerset County** on February 28, 2006 for the operation of facilities approved under Construction Permit No. 5687504-A1.

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

Transfer of Operations Permit issued to Claire Abdeldaim, 80-11 168th Street, Hillcrest, NY 11432, PWS ID 5100138, Jefferson Township, **Butler County**, on February 17, 2006, for the operation of the public water supply for Bonniebrook Personal Care Home, 111 Bonniebrook Road, Cabot, PA 16023, including disinfection, storage tanks, and Well No. 2 as a source of supply. This action is approved under Permit Number 1003503-T1.

Operations Permit issued to Aqua Pennsylvania Inc., 644 North Water Avenue, Sharon, PA 16146, PWS ID 6270008, Jenks Township, **Forest County**, on February 21, 2006, for the operation of Well No. 5 as source of supply. This action is approved under construction Permit Number 2705501, issued December 27, 2005.

Operations Permit issued to East Brady Borough, 502 Ferry Street, Suite 15, East Brady, PA 16028, PWS ID 6160003, East Brady Borough, **Clarion County**, on February 10, 2006, for the operation of the 256,000-gallon finished water storage tank, as approved under Construction Permit No. 1604502-MA1.

SEWAGE FACILITIES ACT PLAN APPROVAL

Plan Approvals Granted under the Pennsylvania Sewage Facilities Act (35 P. S. §§ 750.1—750.20a)

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Strattanville Borough	Strattanville Borough P. O. Box 139 Strattanville, PA 16258	Clarion

Plan Description: The approved plan provides for upgrades to existing aeration equipment and addition of four new aerators to the lagoon system to expand the hydraulic capacity to 0.150 mgd and the organic capacity to 440 ppd. The plan also provides for additional chlorine contact capacity and a new headworks structure

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.

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Millcreek Township	Millcreek Township 3608 West 26th Street Erie, PA 16506	Erie

Plan Description: The approved plan provides for the construction of two overflow retention tanks at the Kearsarge Pump Station in Millcreek Township, Erie County. The combined volume of the tanks will be 2.3 million gallons.

Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Myerstown Borough	101 East Washington Avenue Myerstown PA, 17067	Lebanon

Plan Description: The approved plan provides for the upgrade and expansion of the existing Myerstown Borough sewage treatment plant facility from 1.6 mgd to 2.0 mgd with discharge to the Tulpehocken Creek. The Department of Environmental Protection's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

SEWAGE FACILITIES ACT PLAN DISAPPROVAL

Plan Disapprovals Granted Under the Pennsylvania Sewage Facilities Act (35 P. S. §§ 750.1—750.20a).

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Oley Township	P. O. Box 19 Oley, PA 19547-0019	Berks County

Plan Description: The Department of Environmental Protection has disapproved the Official Plan revision for the Main Street Subdivision, Phase 2 (DEP Code No. A3-06948-122-2) in Oley Township, Berks County. The plan was disapproved because the hydrogeologic assessment failed to adequately assess background nitrate-nitrogen concentrations at the site.

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Paradise Township	82 Beaver Creek Road Abbottstown, PA 17301	York

Plan Description: A3-67949-173-2. Cherry Lane Meadows/Harry Fox. The plan revision is for a 23 lot single-family residential subdivision on 104 acres with total proposed sewage flows of 9,200 gpd to be treated by individual onlot disposal systems. The plan was disapproved because the planning submission failed to completely document whether the short and long term sewage needs of the subdivision have been met, the hydrogeologic study included failed to determine the nitrate-nitrogen impact of the proposed onlot disposal systems on the groundwater, and the applicant failed to pay the required review fee.

BIOSOLIDS INDIVIDUAL PERMITS (PABIG, SSN and PABIS)

The Department of Environmental Protection has taken the following actions on the previously received individual permit applications for the land application of treated sewage sludge (biosolids).

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.

Bureau of Water Standards and Facility Regulation, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17105, (717) 787-8184.

PABIG 9902T. The Department of Environmental Protection has approved the transfer of Individual Permit PABIG9902, originally issued to **Unified Environmental Services Group, LLC** for the beneficial use of exceptional quality biosolids, to **Tully Environmental Inc.**, 127-50 Northern Boulevard, Flushing, NY.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 2

The following plans and reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).

Provisions of Chapter 3 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, shall also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a site-specific standard remediation. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media; benefits of refuse of the property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

For further information concerning plans or reports, contact the Environmental Cleanup Program manager in the Department regional office after which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the Community Relations Coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

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

Former Haldeman Used Truck Sales, Kutztown Borough, **Berks County**. Barry Isett & Associates, Inc., P. O. Box 147, Trexlertown, PA 18087, on behalf of Paul

Haldeman, c/o Haldeman Lincoln Mercury, 2443 Lehigh Street, Allentown, PA 18103 and Meitzler Excavating, 237 Wentzler Excavating, 237 Wentz Street, Kutztown, PA 19530, submitted a combined remedial investigation and final report concerning remediation of site soils contaminated with leaded gasoline. The report is intended to document remediation of the site to a combination of the Statewide Health and Site-Specific Standards.

Northwest Region: Environmental Cleanup Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

Former Paul's Chrome Plating, Adams Township, **Butler County**. Joseph Scalamongna, Core Compliance Group, Inc., 131 Glenbrook Drive, Cranberry Township PA 16066, has submitted a Final Report concerning remediation of site Soil and Groundwater contaminated with chrome plating liquids. The report is intended to document remediation of the site to meet the Statewide Health Standards requirements.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 3

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

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

approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the Environmental Cleanup Program manager in the Department regional office before which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the Community Relations Coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

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

Department of Defense Depot, Susquehanna PA, Former Aircraft Maintenance Shop, Fairview Township, **York County**. Defense Distribution Depot Susquehanna PA, 2001 Mission Drive, Suite 1, New Cumberland, PA 17070-5002, submitted a cleanup plan concerning remediation of groundwater contaminated with solvents. The applicant intends to remediate the site to a Site-Specific Standard. The cleanup plan was approved by the Department on February 28, 2006.

Northcentral Region: Environmental Cleanup Program Manager, 208 West Third Street, Williamsport, PA 17701.

BVK, Inc. Vine Street Property Cleanup, Berwick Borough, **Columbia County**. AGI Aegis Co., Inc. 19 North Centre St., Corry, PA 167407 on behalf of BVK, Inc., Castletown Square North, 4390 Route 8, Allison Park, PA 15101 has submitted a Baseline Environmental Report concerning the remediation of site soil and groundwater contaminated with No. 2 fuel oil constituents, chlorinated solvents, metals and PCBs. The Baseline Environmental Report demonstrated attainment of the special industrial area requirement and was approved by the Department on February 27, 2006.

Sel-Lo Oil Co., Inc. Gasoline Tanker Spill, Muncy Borough, **Lycoming County**. Taylor GeoServices, Inc., 938 Lincoln Avenue, Springfield, PA 19064 on behalf of Sel-Lo Oil Company, Inc., 5913 California Avenue, Altoona, PA 16602 has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with unleaded gasoline constituents. Final report demonstrated attainment of the Statewide Health Standard and the Site-Specific Standard and was approved by the Department on February 22, 2006.

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.

39-310-027GP3: Allan A. Myers, LP (1805 Berks Road, P. O. Box 98, Worcester, PA 19400) on March 2, 2006, to construct and operate a portable stone crushing plant and associated air cleaning device at Brookdale and Butz Roads, Upper Macungie Township, **Lehigh County**.

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

GP3-28-05035: St. Thomas Development, Inc. (1750 Walton Road, P. O. Box 1667, Blue Bell, PA 19422) on March 1, 2006, for Portable Nonmetallic Mineral Processing Plant under GP3 in St. Thomas Township, **Franklin County**.

GP9-28-05035: St. Thomas Development, Inc. (1750 Walton Road, P. O. Box 1667, Blue Bell, PA 19422) on March 1, 2006, for Diesel or No. 2 fuel-fired internal combustion Engines under GP9 in St. Thomas Township, **Franklin County**.

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

GP5-14-01D: NCL Natural Resources, LLC (25231 Grogan's Mill Road, Suite 500, The Woodlands, TX 77380) on February 13, 2006, to construct and operate a 500 horsepower natural gas-fired reciprocating internal combustion compressor engine under the General Plan Approval and General Operating Permit for Natural Gas Production Facilities (BAQ-GPA/GP-5) at their Dehass Road Facility in Curtin Township, **Centre County**.

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

GP5-30-00133: CNX Gas Co., LLC (1800 Washington Road, Pittsburgh, PA 15241) on February 16, 2006, to renew their General Permit to operate a Caterpillar model 3306TAA, 220-bhp Compressor Engine at Compressor Station No. 2 in Gilmore Township, **Greene County**.

GP5-30-00134: CNX Gas Co., LLC (1800 Washington Road, Pittsburgh, PA 15241) on February 16, 2006, to renew their General Permit to operate a Caterpillar model 3306TAA, 220-bhp Compressor Engine at Compressor Station No. 3 in Gilmore Township, **Greene County**.

GP5-30-00135: CNX Gas Co., LLC (1800 Washington Road, Pittsburgh, PA 15241) on February 16, 2006, to renew their General Permit to operate a Caterpillar model 3306TAA, 220-bhp Compressor Engine at Compressor Station No. 5 in Wayne Township, **Greene County**.

GP5-30-00136: CNX Gas Co., LLC (1800 Washington Road, Pittsburgh, PA 15241) on February 16, 2006, to renew their General Permit to operate a Caterpillar model 3306TAA, 405-bhp and a Cummins model 8.3 TA, 175-bhp Compressor Engines at Compressor Station No. 11 in Wayne Township, **Greene County**.

GP5-30-00140: CNX Gas Co., LLC (1800 Washington Road, Pittsburgh, PA 15241) on February 16, 2006, to renew their General Permit to operate two Caterpillar model 3408TAA, 405-bhp Compressor Engines at Compressor Station No. 9 in Wayne Township, **Greene County**.

GP5-30-00139: CNX Gas Co., LLC (1800 Washington Road, Pittsburgh, PA 15241) on February 16, 2006, to renew their General Permit to operate a Caterpillar model 3306TAA, 220-bhp Compressor Engine at Compressor Station No. 5 in Wayne Township, **Greene County**.

GP5-30-00138: CNX Gas Co., LLC (1800 Washington Road, Pittsburgh, PA 15241) on February 16, 2006, to renew their General Permit to operate a Caterpillar model 3306TAA, 220-bhp Compressor Engine at Compressor Station No. 1 in Gilmore Township, **Greene County**.

GP5-32-00319: The Belden and Blake Corp. (2130 Campbells Mill Road, Blairsville, PA 15717) on March 3, 2006, modified permit (GP-5) to operate one Natco dehydration unit, model 5GR-100KR40, rated at 0.1 mmBtu/hr, and one 400 bhp Waukesha lean burn, natural gas-fired compressor engine, model no. F 18 GL at the Clawson Compressor in Blacklick Township, **Indiana County**.

GP5-65-00395: The Belden and Blake Corp. (2130 Campbells Mill Road, Blairsville, PA 15717) on March 3, 2006, to install and operate one 195 bhp Caterpillar natural gas-fired compressor engine, model no. G3306TA LCR, equipped with a Miratech catalytic converter, model no. MN-12-05-C1, at the Mount Pleasant Compressor in East Huntingdon Township, **Westmoreland County**.

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

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

15-0122: Kennett Square Specialities, LLC (556 East South Street, Kennett Square, PA 19348) on March 1, 2006, to operate a fired boiler system in Kennett Township, **Chester County**.

46-0033E: Waste Management Disposal Service of PA, Inc. (1425 Sell Road, Pottstown, PA 19464) on February 28, 2006, to operate air emission sources in West Pottsgrove Township, **Montgomery County**.

15-0039: Highway Materials, Inc. (850 Quarry Road, Downingtown, PA 19355) on March 3, 2006, to operate a fuel sulfur content in East Caln Township, **Chester County**.

46-0069B: Highway Materials (5100 Joshua Road, Plymouth Meeting, PA 19462) on March 1, 2006, to operate a dryer burner in Whitmarsh Township, **Montgomery County**.

46-0237A: Numonics Corp. (101 Commerce Drive, Montgomeryville, PA 18936) on March 3, 2006, to operate a spray booth w/top exhaustion in Montgomery Township, **Montgomery County**.

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

67-03133: Separation Technologies, Inc. (101 Hampton Avenue, Needham, MA 02494-2628) on February 28, 2006, to construct a fly ash processing facility at the Brunner Island Steam Electric Station in East Manchester Township, **York County**.

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

55-399-007: Kerrico Corp. (R. R.1, Box 131H, Selinsgrove, PA 17870) on February 7, 2006, to construct a cast polymer bathroom and kitchen vanity manufacturing facility in Penn Township, **Snyder County**.

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

40-317-026: General Mills Operations Incorporated (2 Chestnut Hill Drive, Hazleton, PA 18202) on February 6, 2006, to construct of a par-bake oven at the facility in Hazle Township, **Luzerne County**.

54-313-086: First Quality Nonwovens, Inc. (101 Green Mountain Road, Hazleton, PA 18202) on February 10, 2006, for the construction of a polypropylene extrusion operation at the facility located in East Union Township, **Schuylkill County**.

58-310-007: Eastern Industries, Inc. (6401 Camp Meeting Road, Suite 200, Center Valley, PA 18034) on February 13, 2006, for the construction of a stone crushing plant and associated air cleaning device at the facility in Clifford Township, **Susquehanna 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.

15-0010A: ISG Plate LLC (139 Modena Road, Coatesville, PA 19320) on March 2, 2006, to operate a heat treating furnace in City of Coatesville, **Chester County**.

46-0108A: Highway Materials, Inc. (1750 Walton Road, Blue Bell, PA 19422) on March 6, 2006, to operate a cyclone and baghouse—asphalt in Marlborough Township, **Montgomery County**.

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

01-05029: Reliant Energy Wholesale Generation, LLC (121 Champion Way, Suite 200, Canonsburg, PA 15317) on February 28, 2006, to construct a natural gas fired electric generating facility at their Hunterstown Station in Straban Township, **Adams County**. This plan approval was extended.

22-05007B: The Harrisburg Authority (One Keystone Plaza, Suite 104, Harrisburg, PA 17101) on March 1, 2006, to construct the Harrisburg Materials, Energy, Recycling and Recovery Facility, 1670 South 19th Street, City of Harrisburg, **Dauphin County**. This plan approval was extended.

67-02004: P. H. Glatfelter Co. (228 South Main Street, Spring Grove, PA 17362) on February 28, 2006, to operate three power boilers controlled by an electrostatic precipitator, a lime calciner controlled by a Venturi scrubber and a softwood fiber line and causticizing area to be controlled by a regenerative thermal oxidizer in Spring Grove Borough, **York County**. This plan approval was extended.

67-03132A: Voith Siemens Hydro Power Generation, Inc. (P. O. Box 712, York, PA 17405) on January 16, 2006, to construct an iron powder cutting and plasma cutting operation controlled by a cyclone and cartridge collector in series at their hydro turbines and parts manufacturing facility in West Manchester Township, **York County**. This plan approval was extended.

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

53-0009D: National Fuel Gas Supply Corp. (P. O. Box 2081, Erie, PA 16512) on March 1, 2006, to operate a 4445 horsepower natural gas-fired reciprocating internal combustion compressor engine (Engine 1A) on a temporary basis until June 29, 2006, at the Ellisburg Compressor Station in Allegany Township, **Potter County**. The plan approval has been extended.

59-00005E: Dominion Transmission, Inc. (445 West Main Street, Clarksburg, WV 26301) on February 27, 2006, to operate a 2000 horsepower natural gas-fired reciprocating internal combustion compressor engine (Engine 6) on a temporary basis until June 27, 2006, at their Sabinsville Compressor Station in Clymer Township, **Tioga County**. The plan approval has been extended.

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

48-328-004: Lower Mount Bethel Energy, LLC (Two North Ninth Street, GEN PL 6, Allentown, PA 18101) on February 15, 2006, for construction of a combined cycle power plant at the facility located on Depues Ferry Road, Lower Mount Bethel Township, **Northampton County**. The Plan Approval has been extended.

48-322-005: Grand Central Sanitary Landfill, Inc. (1963 Pen Argyl, PA 18072) on February 15, 2006, for the installation of an air cleaning device at the facility.

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 Jurdon Brown, Facilities Permitting Chief, (484) 250-5920.

09-00087: Air Products and Chemicals, Inc. (351 Philadelphia Avenue, Morrisville, PA 19067) on March 1, 2006, to operate the industrial gas processor to the Natural Minor Operating Permit in Falls Township, **Bucks County**.

15-00101: Kendal-Crosslands Communitites (P. O. Box 100, Kennett Square, PA 19348) on March 3, 2006, to operate emergency generators and boilers at an assisted living facility to the Synthetic Minor Operating Permit in East Marlborough Township, **Chester County**.

46-00146: Republic Environmental System of PA Inc. (2869 Sandstone Drive, Hatfield, PA 19440) on March 6, 2006, to operate a hazardous waste treatment, storage, disposal facility to the Synthetic Minor Operating Permit in Hatfield Township, **Montgomery County**.

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

57-00002: Haines and Kibblehouse, Inc.—Dushore Construction Materials Division (P. O. Box 196, Skip-pack, PA 19474) on February 27, 2006, to operate a stone crushing plant in Cherry Township, **Sullivan County**.

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

61-00032: Hickman Lumber Co. (Route 208, Emlenton, PA 16373-9305) on March 1, 2006, to operate a hardwood sawmill and kiln operation in Scrubgrass Township, **Venango County**.

25-00931: Department of Corrections—Albion State Correctional Institution (10745 Route 18, Albion, PA 16475-00002) on February 27, 2006, to operate a boiler plant and surface coating operation located in Albion Borough, **Erie County**.

62-00153: Whirley Industries, Inc.—Harmar Street Facility (6 Harmar Street, Warren, PA 16365-4923) on March 1, 2006, to operate a printing and silk screening operation at 6 Harmar Street, Warren City, **Warren County**.

43-00039: Campbells Asphalt Products (73 Glacial Till Road, Grove City, PA 16127-4019) on March 6, 2006, to operate a hot mix asphalt plant in Liberty Township, **Mercer County**. The significant sources are hot mix batch plant. The facility has taken a restriction on production not exceeding 495,000 tons per year to qualify as a Synthetic Minor facility.

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.

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

06-03095: Directlink Technologies Corp. (2561 Bernville Road, Reading, PA 19605-9611) on March 3, 2006, to operate emergency generators at their electric services facility in Bern Township, **Berks County**. This operating permit was administratively amended due to a change of ownership. This is revision No. 1.

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

41-313-014A: Lonza, Inc. (3500 Trenton Avenue, Williamsport, PA 17701) on February 27, 2006, via the minor operating permit modification requirements of 25 Pa. Code § 127.462, to remove a requirement that a scrubber be used to control hazardous air pollutant emissions from chemical process equipment due to the fact that a process change has eliminated the respective emissions in the City of Williamsport, **Lycoming County**.

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

43-00170: WXP Inc. (93 Werner Road, Greenville, PA 16125) on February 17, 2006, to issue the Title V Amendment Operating Permit to operate the aluminum extruded products facility in Sugar Grove Township, **Mercer County**. As a result of potential emissions of NOx and VOC, the facility is not a major source. The issued amended Title V Operating Permit does not reflect any changes in air emission from the facility. The facility is subject to Title V permitting requirements adopted in 25 Pa. Code Chapter 127, Subchapter G. The facility is not subject to Compliance Assurance Monitoring (CAM) pursuant to 40 CFR Part 64.

De Minimis Emissions Increases Authorized under 25 Pa. Code § 127.449.

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

SOOP-15-00067: Herr Foods, Inc. (273 Old Baltimore Pike, Nottingham, PA 19362) for their facility in West Nottingham Township, **Chester County**. The facility's major emission points include equipment designed for snack food production, including fryers and boilers. The permit is for a non-Title V (State-only) facility. The facility has elected to cap NOx emissions to less than 25 tons per year; therefore, the facility is a Synthetic Minor. The facility will be installing two new natural gas boilers, replacing two existing natural gas boilers. The new boilers are rated at 3.188 mmBtu/hr each; the existing boilers are rated at 2.52 mmBtu/hr each. The following is a summary of the de minimis emission increases for the State-only facility (in tons per year):

CO	0.252
NOx	0.300
SOx	0.0018
PM	0.024
VOC	0.017

The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility within all applicable air quality requirements.

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

04-00108: Armstrong World Industries (13th Street and 10th Avenue, P. O. Box 441, Beaver Falls, PA 15010) on January 23, 2006, for their ceiling tile manufacturing facility in Beaver Falls, **Beaver County**. The Department has received a request from Armstrong World for an additional 450 hours in their existing de minimis emissions increase of VOCs and formaldehyde from the No. 1 fabrication line.

The emissions as a result of 450 operation hour increase will be .95tpy VOCs and .89 tpy of formaldehyde. The Department has approved these emissions as de minimis emission increase in accordance with Pa. Code § 127.449. This is a Title V facility.

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

17743702 and NPDES Permit No. PA0215490, Rosebud Mining Company (301 Market Street, Kittanning,

PA 16201), to renew the permit for Penfield Collieries, LLC, Stott No. 1 Mine—Coal Refuse, and related NPDES permit, to transfer the permit and change the operation name to Lady Jane Plant and to revise the permit for the Lady Jane Plant in Huston Township, **Clearfield County** to add surface acreage for the coal preparation activity area and the coal refuse disposal area. Surface Acres Proposed 43.0, CRDP Support Acres Proposed 14.2, CRDP Refuse Disposal Acres Proposed 23.7. No additional discharges. Permit issued March 6, 2006.

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, (814) 472-1900.

56040105 and NPDES No. PA0249602. Hoffman Mining, Inc., P. O. Box 130, 118 Runway Road, Friedens, PA 15541, transfer of an existing bituminous surface auger mine from Berwind Coal Sales Company, 509 15th Street, Windber, PA 15963 located in Paint and Shade Townships, **Somerset County**, affecting 171.0 acres. Receiving streams: UNT to and Shade Creek classified for the following use: CWF. The first downstream potable water supply intake from the point of discharge is Cambria Somerset Authority Border Dam SWI. Application received October 19, 2005. Permit issued: February 28, 2006.

56050102 and NPDES Permit No. PA0249751. Sherpa Mining Contractors, Inc., 337 Benny Road, Hooversville, PA 15936, commencement, operation and restoration of a bituminous surface and auger mine in Shade Township, **Somerset County**, affecting 54.4 acres. Receiving streams: UNT to Oven Run and UNT to Stonycreek River classified for the following uses: CWF. The first downstream potable water supply intake from the point of discharge is Hooversville Borough Municipal Authority. The mine site is also within 1/2 mile of Wilbur Community Water Company. Application received March 23, 2005. Permit issued February 28, 2006.

Permit No. 32010113 and NPDES Permit No. PA 0249106. TLH Coal Company Inc., 4401 Pollock Road, Marion Center, PA 15759, permit revision—land use change on Larry Ferringer property from cropland and forestland to unmanaged natural habitat in West Mahoning Township, **Indiana County**, affecting 21 acres. Receiving streams: UNT to and Mahoning Creek classified for the following use: WWF. There are no potable water supply intakes within 10 miles downstream. Application received on October 7, 2005. Permit issued February 28, 2006.

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

02900102 and NPDES Permit No. PA0591980. USA South Hills Landfill, Inc. (3100 Hill Road, Library, PA 15129). Permit renewal issued for continued operation and reclamation of a bituminous surface mine located in South Park and Union Townships, **Allegheny and Washington Counties**, affecting 103.4 acres. Receiving stream: UNT to Peters Creek. Application received: September 29, 2005. Renewal issued: March 1, 2006.

Knox District Mining Office: White Memorial Building, P. O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, (814) 797-1191.

10840116 and NPDES Permit No. PA0602531. State Industries, Inc. (P. O. Box 1022, Kittanning, PA 16201) Renewal of an existing bituminous strip and auger operation in Concord and Oakland Townships, **Butler County** affecting 224.8 acres. Receiving streams: two UNTs to

Connoquenessing Creek. Application received: October 19, 2005. Permit Issued: February 28, 2006.

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

17850120 and NPDES No. PA0596361. M. B. Energy, Inc. (175 McKnight Road, Blairsville, PA 15717), permit renewal for the continued operation and restoration of a bituminous surface auger mine in Chest Township, **Clearfield County**, affecting 924.7 acres. Receiving stream: UNT to Chest Creek classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received February 1, 2006.

17990106 and NPDES No. PA0238279. M. B. Energy, Inc. (175 McKnight Road, Blairsville, PA 15717), permit renewal for the continued operation and restoration of a bituminous surface mine in Bell Township, **Clearfield County**, affecting 431.0 acres. Receiving streams: Laurel Run, UNTS to Laurel Run, and UNTS to Haslett Run, classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received February 17, 2006.

17990124 and NPDES No. PA0242802. River Hill Coal Company, Inc. (P. O. Box 141, Kylertown, PA 16847). Permit renewal issued for continued operation and reclamation of a bituminous surface mining site located in Bigler Township, **Clearfield County**, affecting 73.7 acres. Receiving stream: UNTs to Muddy Run. Application received: June 10, 2005. Renewal permit issued: February 24, 2006.

17980118 and NPDES No. PA0238112. Waroquier Coal Company (P. O. Box 128, Clearfield, PA 16830). Permit renewal issued for continued operation and reclamation of a bituminous surface mining site located in Lawrence Township, **Clearfield County**, affecting 57.9 acres. Receiving streams: UNT Nos. 1 and 2 to the West Branch of the Susquehanna River and UNT No. 3 to Montgomery Creek to the West Branch of the Susquehanna River. Application received: April 6, 2005. Renewal permit issued: February 24, 2006.

17970110 and NPDES No. PA0220655. AMFIRE Mining Company, LLC (One Energy Place, Latrobe, PA 15650). Permit revision to an existing bituminous surface mine permit to add augering of Upper Kittanning Coal and Lower Freeport Coal seams. The permit is located in Penn Township, **Clearfield County** and affects 256 acres. Receiving streams: UNTs to Bell Run to Bell Run to the West Branch of the Susquehanna River to the Susquehanna River. Application received: January 30, 2006. Permit issued: March 1, 2006.

Noncoal Permits Actions

Greensburg District Mining Office: Armbrust Professional Center; 8205 Route 819, Greensburg, PA 15601, (724) 925-5500.

65930601 and NPDES Permit No. PA0200379. Hoover Stone Quarry, LLC (3497 Route 981, Saltsburg, PA 15681). Transfer of permit formerly issued to Timothy M. Hoover for continued operation and reclamation of a noncoal surface mining site located in Loyalhanna Township, **Westmoreland County**, affecting 77.4 acres. Receiving stream: UNT to Conemaugh River. Application received: February 17, 2005. Transfer permit issued: February 27, 2006.

Knox District Mining Office: P. O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, (814) 797-1191.

37920303. Atlantic States Materials of PA, Inc. (P. O. Box 269, Mercer, PA 16137) Transfer of an existing industrial mineral operation from S & S Processing, Inc. in Taylor Township, **Lawrence County** affecting 56.0 acres. Receiving stream: Beaver River. Application received: September 27, 2005. Permit Issued: February 27, 2006.

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

08050814. D. Terry and Tracy Kenney (P. O. Box 85, Wyalusing, PA 18853), commencement, operation, and restoration of a small industrial minerals (flagstone) permit in Wilmot Township, **Bradford County**, affecting 3.0 acres. Receiving stream: UNT to Susquehanna River. Application received: September 30, 2005. Permit issued: February 24, 2006.

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

28030302 and NPDES Permit No. PA0224359. St. Thomas Development, Inc. (1750 Walton Road, Blue Bell, PA 19422), commencement, operation and restoration of a quarry operation in St. Thomas Township, **Franklin County** affecting 352.5 acres. Receiving stream: UNT to Campbell's Run. Application received December 22, 2003. Permit issued March 1, 2006.

58052805. Douglas G. Kilmer (R. R. 1, Box 85K, Union Dale, PA 18470), commencement, operation and restoration of a quarry operation in Choconut Township, **Susquehanna County** affecting 5.0 acres, receiving stream: none. Application received June 27, 2005. Permit issued March 2, 2006.

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.

Greensburg District Mining Office: 8205 Route 819, Greensburg, PA 15601, (724) 925-5500.

26054004. Amerikohl Mining, Inc. (202 Sunset Drive, Butler, PA 16001). Permit issued for remining and reclamation of an abandoned highwall on the Redstone coal seam, located in Nicholson Township, **Fayette County**, with an expected duration of three years. Permit issued: February 28, 2006.

Knox District Mining Office: P. O. Box 669, Knox Pennsylvania 16232, (814) 797-1191.

27064002. Passawer Excavation, Inc. (P. O. Box 304, Dawson Run Road, West Hickory, PA 16370). Blasting activity permit for excavation for a bridge and roadway in Harmony Township, **Forest County**. This blasting activity permit will expire on May 27, 2006. Application received: February 27, 2006. Application Issued: February 28, 2006.

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

21064111. Hall Explosives, Inc. (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting for Summerfield Development in South Middleton Township, **Cumberland County** with an expiration date of February 28, 2007. Permit issued March 1, 2006.

22064108. John W. Gleim, Jr., Inc. (625 Hamilton Street, Carlisle, PA 17013), construction blasting for Apple Creek Farms in Susquehanna Township, **Dauphin County** with an expiration date of October 15, 2006. Permit issued March 1, 2006.

36064117. Keystone Blasting Service (381 Reifsnyder Road, Lititz, PA 17543), construction blasting for Sam Stoltzfus Manure Storage Facility in Salisbury Township, **Lancaster County** with an expiration date of April 30, 2006. Permit issued March 1, 2006.

52064103. Holbert Explosives, Inc. (237 Mast Hope Plank Road, Lackawaxen, PA 18435), construction blasting for Mast Hope Rapids in Milford Borough, **Pike County** with an expiration date of February 21, 2007. Permit issued March 1, 2006.

52064104. Holbert Explosives, Inc. (237 Mast Hope Plank Road, Lackawaxen, PA 18435), construction blasting for Pine Forest Camp in Lackawaxen Township, **Pike County** with an expiration date of February 23, 2007. Permit issued March 1, 2006.

52064105. Holbert Explosives, Inc. (237 Mast Hope Plank Road, Lackawaxen, PA 18435), construction blasting for Pocono Mt. Lake Estates in Delaware, Lehman and Dingman Townships, **Pike County** with an expiration date of February 26, 2007. Permit issued March 1, 2006.

28064112. David H. Martin Excavating, Inc. (4961 Cumberland Highway, Chambersburg, PA 17201), construction blasting for Scotland Run in Greene Township, **Franklin County** with an expiration date of February 20, 2007. Permit issued March 2, 2006.

28064116. David H. Martin Excavating, Inc. (4961 Cumberland Highway, Chambersburg, PA 17201), construction blasting for Melrose Meadows in Antrim Township, **Franklin County** with an expiration date of February 21, 2007. Permit issued March 2, 2006.

45064115. Explosive Services, Inc. (7 Pine Street, Bethany, PA 18431), construction blasting for Franklin Hill Estates in Smithfield Township, **Franklin County** with an expiration date of March 31, 2007. Permit issued March 2, 2006.

45064116. Explosive Services, Inc. (7 Pine Street, Bethany, PA 18431), construction blasting for Lake in the Clouds in Barrett Township, **Monroe County** with an expiration date of March 31, 2007. Permit issued March 2, 2006.

45064117. Explosive Services, Inc. (7 Pine Street, Bethany, PA 18431), construction blasting for The Estates at Tannersville in Pocono Township, **Monroe County** with an expiration date of March 2, 2006.

45064118. Explosive Services, Inc. (7 Pine Street, Bethany, PA 18431), construction blasting for Alpine Lake Development in Pocono Township, **Monroe County** with an expiration date of March 31, 2007. Permit issued March 2, 2006.

45064119. Explosive Services, Inc. (7 Pine Street, Bethany, PA 18431), construction blasting for Blue Mountain Lake Development in Stroud Township, **Monroe County** with an expiration date of March 31, 2007. Permit issued March 2, 2006.

45064120. Explosive Services, Inc. (7 Pine Street, Bethany, PA 18431), construction blasting for Timber Hills in Paradise and Price Townships, **Monroe County** with an expiration date of March 31, 2007. Permit issued March 2, 2006.

45064121. Explosive Services, Inc. (7 Pine Street, Bethany, PA 18431), construction blasting for Leisure Lands Development in Middle Smithfield Township, **Monroe County** with an expiration date of March 31, 2007. March 2, 2006.

52064106. Explosive Services, Inc. (7 Pine Street, Bethany, PA 18431), construction blasting for Wild Acres Development in Delaware Township, **Pike County** with an expiration date of March 31, 2007. Permit issued March 2, 2006.

52064107. Holbert Explosives, Inc. (237 Mast Hope Plank Road, Lackawaxen, PA 18435), construction blasting for Tanglewood in Palmyra Township, **Pike County** with an expiration date of March 3, 2007. Permit issued March 2, 2006.

64064101. Holbert Explosives, Inc. (237 Mast Hope Plank Road, Lackawaxen, PA 18435), construction blasting for Wallenpaupack Lake Estates in Paupack Township, **Wayne County** with an expiration date of March 3, 2007. Permit issued March 2, 2006.

22064110. Hall Explosives, Inc. (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting for Mayberry Development in West Hanover Township, **Dauphin County** with an expiration date of March 30, 2007. Permit issued March 3, 2006.

28064113. David H. Martin Excavating, Inc. (4961 Cumberland Highway, Chambersburg, PA 17201), construction blasting for Maple Run in Chambersburg Borough, **Franklin County** with an expiration date of February 20, 2007. Permit issued March 3, 2006.

28064114. David H. Martin Excavating, Inc. (4961 Cumberland Highway, Chambersburg, PA 17201), construction blasting for Walker Road Utility in Greene Township, **Franklin County** with an expiration date of February 20, 2007. Permit issued March 3, 2006.

28064115. David H. Martin Excavating, Inc. (4961 Cumberland Highway, Chambersburg, PA 17201), construction blasting for Big Dog Rentals in Greene Township, **Franklin County** with an expiration date of February 20, 2007. Permit issued March 3, 2006.

28064117. David H. Martin Excavating, Inc. (4961 Cumberland Highway, Chambersburg, PA 17201), construction blasting for Penn Land in Southampton Township, **Franklin County** with an expiration date of February 22, 2007. Permit issued March 3, 2006.

28064118. M & J Explosives, Inc. (P. O. Box 608, Carlisle, PA 17013), construction blasting for Thornwood Development in Southampton Township, **Franklin County** with an expiration date of March 31, 2007. Permit issued March 3, 2006.

28064119. Geological Technologies, Inc. (P. O. Box 70, Falling Waters, WV 25419), construction blasting for Lee Royer Property in Washington Township, **Franklin County** with an expiration date of December 31, 2006. Permit issued March 3, 2006.

28064120. Geological Technologies, Inc. (P. O. Box 70, Falling Waters, WV 25419), construction blasting for Washington Township Water Line in Washington Township, **Franklin County** with an expiration date of December 31, 2006. Permit issued March 3, 2006.

28064121. Geological Technologies, Inc. (P. O. Box 70, Falling Waters, WV 25419), construction blasting for Antietam Commons in Washington Township, **Franklin County** with an expiration date of December 31, 2006. Permit issued March 3, 2006.

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department of Environmental Protection (Department) has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with the applicable provisions of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

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

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

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

Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and The Clean Streams Law (35 §§ 691.1—691.702) and Notice of Final Action for Certification under section 401 of the FWPCA (33 U.S.C.A. § 1341).

Permits, Environmental Assessments and 401 Water Quality Certifications Issued

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E35-392. Moosic Lakes Club, 15 Moosic Lake, Lake Ariel, PA 18436. Jefferson Township, **Lackawanna County**, Army Corps of Engineers Philadelphia District.

To construct and maintain a dry hydrant in Moosic Lake's Big Lake. The project is located along East Shore Drive near the Big Lake Community Center (Olyphant, PA Quadrangle N: 10.5 inches; W: 2.5 inches). (Subbasin: 01C)

E39-445. Department of Transportation, Engineering District 5-0, 1713 Lehigh Street, Allentown, PA 18013-4727. North Whitehall Township, **Lehigh County**, Army Corps of Engineers Philadelphia District.

To remove the existing structure and to construct and maintain a 155-foot long stream enclosure consisting of a 14-foot by 8-foot precast box culvert with concrete wingwalls, concrete aprons, fish baffles and a one-foot depression below streambed elevation in a tributary to Jordan Creek (HQ-CWF); to place fill in 0.23 acre of PEM/PSS wetlands adjacent to the tributary; to construct and maintain a utility line crossing of the tributary consisting of a 30-inch diameter reinforced concrete stormwater pipe; and to construct and maintain two outfall structures with riprap aprons in the floodway of the tributary. The permittee is required to provide 0.23 acre of replacement wetlands by contributing to the Wildlands Conservancy in lieu of the Pennsylvania Wetland Replacement Project. The project is located near the intersection of Old Packhouse Road (T-683) and Country Lane (T-578). (Cementon, PA Quadrangle N: 5.0 inches; W: 15.3 inches). (Subbasin: 02C)

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

E22-497: Hershey Trust Company, 100 Mansion Road East, Hershey, PA 17033 in Derry Township, **Dauphin County**, ACOE Baltimore District.

To excavate and/or fill a total of 0.15 acre of PEM wetlands at two sites (Hershey, PA Quadrangle N: 7.9 inches and 8.0 inches, W: 6.1 inches and 5.8 inches; Latitude: 40° 17' 36" and 40° 17' 39"; Longitude: 76° 40' 08" and 76° 40' 01") east of Boathouse Road (T-588) and to construct and maintain 0.15 acre of replacement PEM wetlands involving the excavation of 1,060 cy of the left floodway of Swatara Creek (WWF) at a site (Hershey, PA Quadrangle N: 8.4 inches, W: 6.3 inches; Latitude: 40° 17' 46"; Longitude: 76° 40' 13") west of Boathouse Road for the construction of various athletic facilities in Derry Township, Dauphin County.

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 and a 24-inch and a 15-inch reinforced concrete outfall pipe all in a UNT to the Yellow Breeches Creek (CWF) associated with the redevelopment of Fire Station No. 1. The project is located just south of Lewisberry Road (SR 114) (Steelton, PA Quadrangle N: 15.2 inches; W: 17.0 inches; Latitude: 40° 12' 31"; Longitude: 76° 52' 18") in Fairview Township, York County.

E36-797: Department of Transportation Engineering District 8-0, 2140 Herr Street, Harrisburg, PA 17103-1699 in East Lampeter Township, **Lancaster County**, ACOE Baltimore District.

To remove the existing structures and then to construct and maintain a 35-foot wide bridge with a normal span of 74.0 feet with minimum underclearance of 7.5 feet over Mill Creek (WWF); an 8-foot by 8-foot box culvert at the channel of an adjacent millrace and associated improvements in order to improve the traffic safety condition of SR 2029, Section B01, Segment 0190, Offset 0047 located about 0.5 mile south from its intersection with US 30 (Leola, PA Quadrangle N: 4.75 inches; W: 16.45 inches,

Latitude 40° 1' 34"; Longitude: 76° 14' 33") in East Lampeter Township, Lancaster County.

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

E10-405, RBG Development Group, 1503 King Charles Drive, Pittsburgh, PA 15237. Adams Ridge Retail Development, in Adams Township, **Butler County**, ACOE Pittsburgh District (Mars, PA Quadrangle N: 11.45 inches; W: 7.70 inches).

To place fill within 0.02 acre of PEM, 0.06 acre of PEM/SS and 0.04 acre of PFO wetlands and 943 linear feet of UNTs to Kaufman Run (WWF) having a drainage area less than 100 acres all within the Adams Ridge Retail Development located 2.1 miles east of I-79 along SR 0228 west of Adams Ridge Boulevard. The permittee is required to provide 0.12 acre of replacement

E25-602, Millcreek Township, 3608 West 26th Street, Erie, PA 16506. Heidler Road Drainage Improvement Project, in Millcreek Township, **Erie County**, ACOE Pittsburgh District (Swanville, PA Quadrangle N: 8.0 inches; W: 6.9 inches).

The time limit to the previously referenced permit has been extended to February 27, 2008. The permit authorizes Millcreek Township to conduct the following activities associated with the Heidler Road Drainage Improvement Project in a tributary to Walnut Creek downstream of Heidler Road northwest of Sterrettania Road (SR 832) in Millcreek Township, Erie County:

1. Realign approximately 800 feet of stream channel beginning at Heidler Road and extending downstream (Swanville, PA Quadrangle N: 8.0 inches; W: 6.9 inches).
2. Remove the existing structure and to install and maintain three 60-inch diameter HDPE pipe culverts having a length of 50 feet on a private driveway approximately 850 feet downstream of Heidler Road (Swanville, PA Quadrangle N: 8.1 inches; W: 6.85 inches).
3. Remove the existing structure and to install and maintain three 60-inch diameter HDPE pipe culverts having a length of 50 feet on a private driveway approximately 1,700 feet downstream of Heidler Road (Swanville, PA Quadrangle N: 8.5 inches; W: 6.45 inches).
4. Install and maintain concrete block stream bank walls along both banks for a distance of approximately 100 feet extending upstream from a private driveway approximately 2,600 feet downstream of Heidler Road (Swanville, PA Quadrangle N: 8.9 inches; W: 6.1 inches).

E0514-001. Department of General Services, Bureau of Engineering and Architecture, 18th and Herr Streets, Harrisburg, PA 17125, Hyndman Borough Flood Protection Project, **Bedford County**, ACOE Baltimore District.

The purpose of the project is to protect public health, safety and property by eliminating high-water events that overtop Wills Creek and flood through Hyndman Borough. A permit is requested to perform the following activities associated with the construction of the project in and along approximately 4,000 linear feet (~9 acres) of Wills Creek (perennial, CWF):

1. To construct and maintain approximately 5,500 linear feet of rolled embankment levee on both banks of Wills Creek and along a tributary, known locally as the "back channel." The upstream ends of the levees will tie into existing high ground and the downstream ends will tie into the existing CSX Transportation railroad embank-

ment. The levees will be protected with grouted riprap and drainage structures will be provided at regular intervals.

2. Widen the existing "back channel" and relocate existing palustrine emergent wetlands (0.71 acre) that will be disturbed by levee construction along Gooseberry Avenue.

3. To construct and maintain approximately 1,450 linear feet of diversion pipes that will collect discharge from CSXT stormwater outlets and convey it to Wills Creek in order to prevent flooding behind the levees during high-water events on Wills Creek.

4. Remove an inactive railroad bridge and two piers (approx. 150 ft. span) at the downstream end of the project in order to increase the cross section of flow and reduce the likelihood of debris clogging and deposition. Abutment scour will be repaired and grouted riprap slope protection will extend a short distance downstream of the bridge work proposed.

The Project commences near the Hyndman Borough Corporate Boundary with Londonderry Township along SR 3004 (Hyndman Quadrangle N: 13.9 inches, W: 2.5 inches) and terminates just downstream of the CSXT railroad bridge over Wills Creek (Hyndman Quadrangle N: 13.4 inches, W: 4.1 inches).

ENVIRONMENTAL ASSESSMENTS

Central Office: Bureau of Waterways Engineering, Rachel Carson State Office Building, Floor 3, 400 Market Street, Harrisburg, PA 17105.

D44-066EA. James Hackenberg, 432 Strodes Run Road, Lewistown, PA 17044, Granville and Oliver Townships, **Mifflin County**, ACOE Baltimore District.

Project proposes to remove a breached unnamed dam across Strodes Run (HQ-CWF) for the purpose of eliminating a threat to public safety and restoring the stream to a free flowing condition. The dam is located approximately 300 feet north of the intersection of Rough Road and Strodes Run Road (Belleville, PA Quadrangle N: 10.4 inches; W: 8.2 inches).

D09-148EA. Robin Lochner, 286 Cafferty Road, Pipersville, PA 18947. Tincum Township, **Bucks County**, ACOE Philadelphia District.

Project proposes to breach and remove Lochner Dam located across a tributary to the Delaware River (TSF) for the purpose of eliminating a threat to public safety and restoring the stream to a free flowing condition. The project will restore approximately 125 linear feet of stream channel. The dam is located along Smithtown Road (SR 1013) approximately 300 feet northeast of the intersection of Smithtown Road (SR 1013) and Cafferty Hill Road (Lumberville, PA Quadrangle N: 15.20 inches; W: 11.40 inches).

STORAGE TANKS SITE-SPECIFIC INSTALLATION PERMITS

The following Storage Tank Site-Specific Installation Permits, under the authority of the Storage Tank Spill Prevention Act (35 P. S. §§ 6021.304, 6021.504, 6021.1101—6021.1102) and under 25 Pa. Code Chapter 245, Subchapter C, have been issued by the Bureau of Land Recycling and Waste Management, Director, P. O. Box 8763, Harrisburg, PA 17105-8763.

<i>SSIP Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Tank Type</i>	<i>Tank Capacity</i>
06-39-002	Sunoco Partners Marketing & Terminals, LP 1735 Market St., Suite LL Philadelphia, PA 19103 Attn: Vaughn Wunderlich	Lehigh	Whitehall Township	One AST storing ethanol	210,000 gallons
06-40-006	Sunoco Partners Marketing & Terminals LP 1735 Market St., Suite LL Philadelphia, PA 19103 Attn: Vaughn Wunderlich	Luzerne	Edwardsville Borough	One AST storing ethanol	210,000 gallons

SPECIAL NOTICES

Planning Grant Awards under Section 901 of the Municipal Waste Planning Recycling and Waste Reduction Act of 1988, Act 101

The Department of Environmental Protection (Department) hereby announces the following grants to counties under the Pennsylvania Municipal Waste Planning, Recycling and Waste Reduction Act of 1988, Act 101, P. L. 556, section 901 and section 208 of the Waste Tire Recycling Act/Small Business and Household Pollution Prevention Act (Act 190 of 1996).

Planning grants are awarded to counties for 80% of approved costs for preparing municipal waste management plans as required by Act 101; for carrying out related studies, surveys, investigations, inquiries, research and analysis, including those related to siting, environmental mediation, education programs on pollution prevention and household hazardous waste; and providing technical assistance to small businesses for pollution prevention. Grants may be awarded for feasibility studies and project development for municipal waste processing or disposal facilities, except for facilities for the combustion of municipal waste that are not proposed to be operated for the recovery of energy. Grant awards are predicated on the receipt of recycling fees required by sections 701 and 702 of Act 101 and the availability of moneys in the Recycling Fund.

Inquiries regarding the grant offerings 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.

Act 101, Section 901 Planning Grant

<i>Region</i>	<i>County</i>	<i>Applicant</i>	<i>Project Description</i>	<i>Grant Award</i>
Southeast	Montgomery	Montgomery County	Plan Revision	\$168,989

Certification to Perform Radon-Related Activities in this Commonwealth

In the month of February 2006, the Department of Environmental Protection, under the Radon Certification Act (63 P. S. §§ 2001—2014) and regulations promulgated thereunder at 25 Pa. Code Chapter 240, has certified the following persons to perform radon-related activities in this Commonwealth. The period of certification is 2 years. For a complete list of persons currently certified to perform radon-related activities in this Commonwealth and for information as to the specific testing devices that persons certified for testing or laboratory are certified to use, contact the Bureau of Radiation Protection, Radon Division, P. O. Box 8469, Harrisburg, PA 17105-8469, (800) 23RADON.

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Air Quality Control	340 West DeKalb Pike No. 303 King of Prussia, PA 19406	Mitigation
Joseph Attara	2011 South Broad Street Apartment 2 Hamilton, NJ 08610	Testing
James Bistline	61 Sunset Drive Carlisle, PA 17013	Mitigation
Jon Scott Bosserman	421 Losh Road Shermans Dale, PA 17090	Testing
William Cairnes	9 Sunset Drive Auburn, PA 17922	Testing and Mitigation
Charles Crane	446 Meeker Outlet Road Dallas, PA 18612	Testing
Mark Garland, Sr.	5970 West Webb Road Mineral Ridge, OH 44440	Testing
Gregory Hancock	147 Mountainstone Trail Lock Haven, PA 17745	Testing
Robert Hoeveter, Jr.	828 North Hanover Street Pottstown, PA 19464	Testing
George Kasimirsky	P. O. Box 145 Hickory, PA 15340	Testing
Joseph Kelly	P. O. Box 156 Virginville, PA 19564	Testing
Joseph D. Kelly, III Keystone Building Inspections	371 Cobblestone Circle McKees Rocks, PA 15136	Testing
Leonard Kelsey	800 Sunset Lane Stroudsburg, PA 18360	Testing
W. Shay Lewis	617 Depot Street Scranton, PA 18509	Testing
Warren Lewis	617 Depot Street Scranton, PA 18509	Testing
Mark Long	9755 Mentzer Gap Road Waynesboro, PA 17268	Testing
John Marryott, Sr.	P. O. Box 180 Boalsburg, PA 16827	Mitigation
Roger Marsh RSSI	6312 West Oakton Street Morton Grove, IL 60053	Laboratory
Thomas O'Connor	8620 Rochester Road Pittsburgh, PA 15237	Testing
Realty Inspection Services, Inc.	R. R. 7, Box 7229 Moscow, PA 18444	Testing
Kathleen Remsnyder	2843 North Front Street Harrisburg, PA 17110	Testing

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Jeffrey Schlaline Absolute Radon Mitigation, LLC	800 Locust Grove Road York, PA 17402	Mitigation
Ronald Skovira	61 Sunset Drive Carlisle, PA 17013	Mitigation
Igor Smetaniuk	P. O. Box 300 454 High Road Glen Spey, NY 12737	Testing
Jerry Smith	17129 Lappans Road Hagerstown, MD 21740	Testing
Kevin Sweitzer	330 Julian Street Williamstown, PA 17098	Testing
Wayne Thomas Environmental Abatement Associates, Inc.	143 West Main Street Plymouth, PA 18651	Testing
April Wells	766 Mt. Laurel Avenue Temple, PA 19560	Testing

Categorical Exclusions

Northeast Regional Office, Water Management Program Manager, 2 Public Square, Willkes-Barre, PA 18711.

Location: Honesdale Borough, 958 Main Street, Honesdale, PA 18431.

Description: Honesdale Borough proposes a Combined Sewer System (CSO) rehabilitation, CSO elimination and stormsewer separation project to reduce wet weather flows and hydraulic overloads in the Borough's existing sewage collection system. The Pennsylvania Infrastructure Investment Authority, which administers the Commonwealth's State Revolving Fund, is intended to be the funding source for this project. The Department of Environmental Protection's (Department) review of the project and the information received has not identified any significant, adverse environmental impact resulting from this proposal. The Department hereby categorically excludes this project from the State Environmental Review Process.

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

Location: Borough of Everett Area Municipal Authority, 100 Mechanic Street, Everett, PA 15537

Description: The Pennsylvania Infrastructure Investment Authority which administers the Commonwealth's State Revolving Fund is intended to be the funding source for this project. The Authority's proposed project will separate all known combined sewers within the Borough into separate sanitary and storm sewers. The Department of Environmental Protection's (Department) review of the project and the information received has not identified any significant adverse environmental impact resulting from this proposal. The Department hereby categorically excludes this project from the State Environmental Review Process.

[Pa.B. Doc. No. 06-431. Filed for public inspection March 17, 2006, 9:00 a.m.]

Air Quality Technical Advisory Committee Ad-Hoc Subcommittee on Monitoring Technical Workgroup Meeting

The Air Quality Technical Advisory Committee Ad-Hoc Subcommittee on Monitoring Technical Workgroup (workgroup) will hold a meeting by teleconference on March 24, 2006, from 10 a.m. until 11 a.m. in the Twelfth Floor Small Conference Room, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. Attachment No. 3 of the draft version of Revision 8 of the Continuous Source Monitoring Manual (DEP ID# 274-0300-001) and outstanding issues from the February 27, 2006, meeting of the workgroup will be discussed.

Questions concerning this meeting should be directed to Charles J. Zadakis, (717) 772-3944, czadakis@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 (DEP Keywords: Public Participation, Participate).

Persons with a disability who require accommodations to attend this meeting should contact the Department at (717) 772-3944 or through the Pennsylvania AT&T Relay Services at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 06-432. Filed for public inspection March 17, 2006, 9:00 a.m.]

Availability of Technical Guidance

Technical guidance documents are available on the Department of Environmental Protection's (Department) website at www.depweb.state.pa.us (DEP Keyword: Technical Guidance). The "Final Documents" heading is the link to a menu of the various Department bureaus where

each bureau's final technical guidance documents are posted. The "Draft Technical Guidance" heading is the link to the Department's draft technical guidance documents.

The Department will continue to revise its nonregulatory documents, as necessary, throughout 2006.

Ordering Paper Copies of Department Technical Guidance

The Department encourages the use of the Internet to view and download technical guidance documents. When this option is not available, persons can order a paper copy of any of the Department's draft or final technical guidance documents by contacting the Department at (717) 783-8727.

In addition, bound copies of some of the Department's documents are available as Department publications. Check with the appropriate bureau for more information about the availability of a particular document as a publication.

Changes to Technical Guidance Documents

Following is the current list of recent changes. Persons who have questions or comments about a particular document should call the contact person whose name and phone number is listed with each document.

Draft Technical Guidance—Substantive Revision

DEP ID: 254-2000-715. Title: Use of Waste from Land Clearing, Grubbing and Excavation (LCGE) and the Use of Concrete or Other Clean Fill Materials Containing Protruding Rebar or Other Metal as Clean Fill. Description: This policy identifies requirements necessary to prevent nuisances or hazards from the placement of decomposable waste from land clearing, grubbing and excavation as clean fill and the placement of concrete or other clean fill materials that contain protruding rebar or other metal. Substantive changes are proposed to the guidance, which was issued on March 20, 1990, under the title of "Definition of Clean Fill." These changes incorporate new regulations concerning the use of waste from land clearing, grubbing and excavation as clean fill and requirements for the removal of protruding rebar from concrete. The guidance is issued under the authority of the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003). Written Comments: The Department is seeking comments on the substantive revisions to draft technical guidance #254-2000-715. Interested persons may submit written comments on this draft technical guidance document by April 17, 2006. 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 Habib Sharifihosseini, Department of Environmental Protection, Bureau of Waste Management, Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17105-8472, hsharifiho@state.pa.us. Effective Date: Upon publication of notice as final in the *Pennsylvania Bulletin*. Contact: Questions regarding the draft technical guidance document should be directed to Habib Sharifihosseini, (717) 783-7500, hsharifiho@state.pa.us.

Draft Technical Guidance

DEP ID: 563-2504-201. Title: Blanket Bonds. Description: This policy describes the requirements and procedures used to regulate surface coal mine sites that cover their bonding obligation through Blanket Bonding. Blanket Bonding allows a surface coal mine operator to post a single bond which would cover all reclamation obligations

at all of the operator's surface coal mine sites. The policy is issued under the authority of the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a), The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66). Written Comments: The Department is seeking comments on draft technical guidance #563-2504-201. Interested persons may submit written comments on this draft technical guidance document by April 17, 2006. Comments submitted by facsimile will not be accepted. The Department will accept comments submitted by e-mail. A return name and address must be included in each e-mail transmission. Written comments should be submitted to William S. Allen, Jr., Department of Environmental Protection, Bureau of Mining and Reclamation, P. O. Box 8461, Rachel Carson State Office Building, 5th Floor, Harrisburg, PA 17105-8461, wallen@state.pa.us. Effective Date: Upon publication of notice as final in the *Pennsylvania Bulletin*. Contact: Questions regarding the draft technical guidance document should be directed to William S. Allen, Jr., (717) 787-5103, wallen@state.pa.us.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 06-433. Filed for public inspection March 17, 2006, 9:00 a.m.]

Facilities General Permit; Processing of Used Restaurant Oil, Yellow Grease, Grease Trap Waste, Oils and Animal Fat from Food Processing or Rendering Plants, Waste from Ethanol Production, Soybean Soap Stock, Float Grease, and Off-specification Vegetable Oils to Produce Biofuel and Biodiesel (General Permit WMGR109)

The following General Permit is issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904), The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the regulations implementing the laws.

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

General Permit No. WMGR109. The Department of Environmental Protection (Department) authorizes, under General Permit WMGR109, the processing of used restaurant oil, yellow grease, grease trap waste, oils and animal fat from food processing or rendering plants, waste from ethanol production, soybean soap stock, float grease (from wastewater treatment plants) and off-specification vegetable oils to produce biofuel and biodiesel for beneficial use as fuel. This is a Statewide General Permit. Persons producing biofuel and biodiesel for their own use are not required to obtain coverage under this General Permit unless the Department determines that their activities are causing harm to or threatening human health or the environment or causing a nuisance.

The Department is authorized under the Solid Waste Management Act, The Clean Streams Law and 25 Pa. Code §§ 91.27 and 287.611 (relating to general water quality management permit; and authorization for general permit) to issue general permits when the Department determines that the use does not harm or present a

threat of harm to the health, safety or welfare of the public or the environment and the activity can be adequately regulated using standard conditions. The Department has determined that the processing of used restaurant oil, yellow grease, grease trap waste, oils and animal fat from food processing or rendering plants, waste from ethanol production, soybean soap stock, float grease (from wastewater treatment plants) and off-specification vegetable oils to produce biofuel and biodiesel can be adequately regulated using standard conditions.

Commercial processors that propose to operate under the terms and conditions of this General Permit after the date of permit issuance must register its use with the Department at least 30 days prior to commencing processing of oil and grease waste and provide proof that notification was provided to the municipality and county in which the processing activities will be conducted. A completed registration form, along with a registration fee in the amount identified on the registration form, must be submitted to the Bureau of Waste Management, Division of Municipal and Residual Waste, P. O. Box 8472, Harrisburg, PA 17105-8472. Checks shall be made payable to the Commonwealth of Pennsylvania. Persons producing biofuel, including biodiesel, for noncommercial use are not required to register under this General Permit unless the Department determines that their activities are causing harm, creating a nuisance or threatening human health, safety or the environment.

Persons interested in reviewing the General Permit or the comments and response document should contact Ronald C. Hassinger, Chief, General Permits/Beneficial Use Section, Division of Municipal and Residual Waste, Rachel Carson State Office Building, P. O. Box 8472, Harrisburg, PA 17105-8472, (717) 787-7381. TDD users should contact the Department through the Pennsylvania Relay Service, (800) 654-5984. Internet users can access a copy of the General Permit at www.depweb.state.pa.us. Scroll down the left column to "Residual Waste Beneficial Use" and choose "Beneficial Use General Permits"; scroll down and choose "List of Residual Waste General Permits"; and scroll down and choose WMGR109.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 06-434. Filed for public inspection March 17, 2006, 9:00 a.m.]

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

The Critical Water Planning Area Subcommittee of the Act 220 State Water Plan Statewide Committee has scheduled a meeting to discuss the development of guidelines for writing Critical Area Resource Plans. The meeting will be held on March 28, 2006, at 10 a.m. in the 14th Floor Conference Room, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17105.

Questions concerning this meeting should be directed to Susan Weaver, Division of Water Use Planning, P. O. Box 8555, Harrisburg, PA 17105-8555, (717) 783-8055, suweaver@state.pa.us.

Persons with a disability who require accommodations to attend the meeting should contact the Department of Environmental Protection (Department) at (717) 705-2425

or through the Pennsylvania AT&T Relay Services at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 06-435. Filed for public inspection March 17, 2006, 9:00 a.m.]

DEPARTMENT OF HEALTH

Application of Bryn Mawr Medical Specialists Endoscopy Associates for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Bryn Mawr Medical Specialists Endoscopy Associates has requested an exception to the requirements of 28 Pa. Code §§ 551.3 and 555.31(a) (relating to definitions; and principle).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980 or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

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

[Pa.B. Doc. No. 06-436. Filed for public inspection March 17, 2006, 9:00 a.m.]

Application of Children's Hospital of Pittsburgh for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Children's Hospital of Pittsburgh has requested an exception to the requirements of 28 Pa. Code §§ 551.22, 553.1, 553.3, 553.4, 553.31(b), 555.3, 555.4 and Chapters 557 and 563

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980 or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

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

[Pa.B. Doc. No. 06-437. Filed for public inspection March 17, 2006, 9:00 a.m.]

Application of Clarion Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Clarion Hospital has requested an exception to the requirements of 28 Pa. Code § 107.2 (relating to medical staff membership).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980 or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

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

[Pa.B. Doc. No. 06-438. Filed for public inspection March 17, 2006, 9:00 a.m.]

Application of Endoscopic Associates, Inc. for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Endoscopic Associates, Inc. has requested an exception to the requirements of 28 Pa. Code §§ 551.3 and 555.31(a) (relating to definitions; and principle).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and

Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980 or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

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

[Pa.B. Doc. No. 06-439. Filed for public inspection March 17, 2006, 9:00 a.m.]

Application of The Endoscopy Center of Bucks County for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that The Endoscopy Center of Bucks County has requested an exception to the requirements of 28 Pa. Code §§ 551.3 and 555.31(a) (relating to definitions; and principle).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980 or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

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

[Pa.B. Doc. No. 06-440. Filed for public inspection March 17, 2006, 9:00 a.m.]

Application of Hershey Endoscopy Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Hershey Endoscopy Center has requested an

exception to the requirements of 28 Pa. Code §§ 551.3 and 555.31(a) (relating to definitions; and principle).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980 or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

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

[Pa.B. Doc. No. 06-441. Filed for public inspection March 17, 2006, 9:00 a.m.]

Application of Main Line Spine Surgery Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Main Line Spine Surgery Center has requested an exception to the requirements of 28 Pa. Code §§ 551.3 and 555.31(a) (relating to definitions; and principle).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980 or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

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

[Pa.B. Doc. No. 06-442. Filed for public inspection March 17, 2006, 9:00 a.m.]

Application of The Surgery Center at Brinton Lake for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that The Surgery Center at Brinton Lake has requested an exception to the requirements of 28 Pa. Code §§ 553.31(a) and 559.2 (relating to administrative responsibilities; and director of nursing).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980 or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

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

[Pa.B. Doc. No. 06-443. Filed for public inspection March 17, 2006, 9:00 a.m.]

Application of York Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that York Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards) which requires compliance with minimum standards contained in *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exemption from the following standards contained in this publication: 7.7.B2 (relating to PACU space).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980

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

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

[Pa.B. Doc. No. 06-444. Filed for public inspection March 17, 2006, 9:00 a.m.]

Infant Hearing Screening Advisory Committee Meeting

The Infant Hearing Screening Advisory Committee, established under the Infant Hearing Education, Assessment, Reporting and Referral Act (11 P. S. §§ 876-1—876-9), will hold a public meeting on Tuesday, March 28, 2006, from 9:30 a.m. to 3:30 p.m. in 125N, Training Room B, Commonwealth Keystone Building, Commonwealth Avenue and Forster Street, Harrisburg, PA.

For additional information, contact Arthur A. Florio, Public Health Program Administrator, Newborn Hearing Screening Program, Division of Newborn Disease Prevention and Identification, (717) 783-8143.

Persons with a disability who require an alternative format of this notice (for example, large print, audiotape, Braille) should contact the Newborn Hearing Screening Program at (717) 783-8143 or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

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

[Pa.B. Doc. No. 06-445. Filed for public inspection March 17, 2006, 9:00 a.m.]

Requests for Exception; Long-Term Care Nursing Facilities

The following long-term care nursing facilities are seeking an exception to 28 Pa. Code § 205.6(a) (relating to function of building).

Emmanuel Center for Nursing and Rehab at
Maria Joseph Manor
600 Schoolhouse Road
Danville, PA 17821

William Penn Care Center
2020 Ader Road
Jeannette, PA 15644
FAC ID 312402

Manor Care Health Services—York North
1770 Barley Road
York, PA 17404
FAC ID 025602

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.19(b) (relating to windows and windowsills).

Nugent Convalescent Home
500 Clarksville Road
Hermitage, PA 16148

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.28(b) (relating to nurses' station).

Rolling Fields, Inc.
9108 State Highway 198
Conneautville, PA 16406

These requests are on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 15 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact V/TT (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

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

[Pa.B. Doc. No. 06-446. Filed for public inspection March 17, 2006, 9:00 a.m.]

Special Supplemental Nutrition Program for Women, Infants and Children (WIC Program); Maximum Allowable Prices

Under 28 Pa. Code § 1103.4(5) (relating to selection criteria for authorization and reauthorization), the WIC Program hereby publishes notice of the maximum allowable prices. Effective April 1, 2006, through June 30, 2006, the maximum allowable prices the Department of Health will pay for WIC allowable foods are as follows:

<i>Description</i>	<i>Maximum Allowable Price</i>
1/2 gal. of Milk: Whole, Reduced Fat, Low Fat, or Skim	\$2.12
12 oz. Evaporated Milk	\$1.13
16 oz. Dry Milk	\$5.22
1 qt. Lactose Reduced Milk	\$1.95
1/2 gal. Kosher Milk	\$2.76
4 oz. Kosher Infant Juice	\$0.73
8 oz. Kosher Infant Cereal	\$2.00
1 doz. Grade A Eggs	\$1.57
1 lb. Fresh Carrots	\$1.14
14 to 16 oz. Canned Carrots	\$1.14
1 lb. Cheese	\$6.25
1 lb. Kosher Cheese	\$8.49
1 lb. Dry Beans or Peas	\$1.65
1 oz. Adult WIC Cereal	\$0.39
8 oz. Gerber Infant Cereal	\$2.00

<i>Description</i>	<i>Maximum Allowable Price</i>
15 to 18 oz. Peanut Butter	\$2.53
46 oz. Single Strength Juice or 11.5 or 12 oz. Juice Concentrate	\$2.56
6 oz. Cans Juice	\$1.67
6 to 6.5 oz. Chunk Light Tuna Packed in Water	\$1.09
4 oz. Gerber Infant Juice	\$0.73
32 oz. Alimentum Advance Ready-to-Feed Formula	\$9.32
16 oz. Alimentum Advance Powder Formula	\$26.82
12.8 oz. EnfacaRE LIPIL w/ Iron Powder Formula	\$13.89
13 oz. Isomil Advance Concentrate Formula	\$4.70
32 oz. Isomil Advance Ready-to-Feed Formula	\$5.80
12.9 oz. Isomil Advance Powder Formula	\$14.42
12.9 oz. Isomil 2 Advance Powder Formula	\$12.98
13 oz. Isomil with Iron Concentrate Formula	\$4.36
12.9 oz. Isomil with Iron Powder Formula	\$13.29
32 oz. Isomil DF Ready-to-Feed Formula	\$6.07
13 oz. Nutramigen Lipil Concentrate Formula	\$7.40
32 oz. Nutramigen Lipil Ready-to-Feed Formula	\$9.33
16 oz. Nutramigen Lipil Powder Formula	\$25.69
8 oz. Pediasure Ready-to-Feed Formula	\$2.13
8 oz. Pediasure with Fiber Ready-to-Feed Formula	\$2.23
13 oz. Similac Advance Concentrate Formula	\$4.38
32 oz. Similac Advance Ready-to-Feed Formula	\$6.20
12.9 oz. Similac Advance Powder Formula	\$13.66
12.9 oz. Similac 2 Advance Powder Formula	\$12.30
13 oz. Similac with Iron Concentrate Formula	\$4.07
32 oz. Similac with Iron Ready-to-Feed Formula	\$5.39
12.9 oz. Similac with Iron Powder Formula	\$12.95
13 oz. Similac Lactose Free Advance Concentrate Formula	\$4.81
32 oz. Similac Lactose Free Advance Ready-to-Feed Formula	\$5.92
12.9 oz. Similac Lactose Free Advance Powder Formula	\$14.74
12.8 oz. Similac Neosure Advance Powder Formula	\$15.65

A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC participants using a WIC check; however, the amounts that exceed the maximum allowable price of any WIC allowable foods sold to WIC participants will be billed to the store on a quarterly basis in accordance with 28 Pa. Code § 1105.2 (relating to price adjustment).

Questions regarding this notice should be directed to Chris Harr, WIC Program Supervisor, Division of WIC, Room 604, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-1289. Persons with a disability who require an alternative format of this document should contact V/TT (717) 783-6154 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

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

[Pa.B. Doc. No. 06-447. Filed for public inspection March 17, 2006, 9:00 a.m.]

DEPARTMENT OF PUBLIC WELFARE

Payments to Nursing Facilities; Final Rates for State Fiscal Year 2005-2006

This notice announces the Department of Public Welfare's (Department) final case-mix per diem payment rates for Medical Assistance (MA) nursing facility providers for the State Fiscal Year (FY) 2005-2006.

The methodology that the Department used to set the final rates is contained in 55 Pa. Code Chapter 1187, Subchapter G (relating to rate setting) and the Commonwealth's approved Title XIX State Plan. Under that payment methodology, the Department establishes a new case-mix annual per diem payment rate for each MA nursing facility provider once for each fiscal year. Each provider's annual case-mix per diem rate is comprised of four cost components: (i) resident care; (ii) other resident related; (iii) administrative; and (iv) capital. For each quarter of the fiscal year, the Department adjusts the resident care cost component of each provider's rate by multiplying the resident care cost component by the provider's MA Case Mix Index (CMI) for the appropriate picture date as follows: July 1 rate—February 1 picture date; October 1 rate—May 1 picture date; January 1 rate—August 1 picture date; and April 1 rate—November 1 picture date. In addition, for each quarter of FY 2005-2006, the Department multiplies each provider's CMI-adjusted rate by .95122 to determine the provider's adjusted quarterly rate. See 55 Pa. Code § 1187.96 (relating to price and rate setting computations). The Department pays the provider for nursing facility services provided to MA recipients during that quarter using the provider's adjusted quarterly per diem rate.

The final FY 2005-2006 annual per diem rates and adjusted quarterly rates for each MA nursing facility provider are available on the Office of Medical Assistance Programs' (OMAP) website at www.dpw.state.pa.us/omap. The rates are also available at local county assistance offices throughout this Commonwealth or by contacting Tom Jayson, Policy Unit, Bureau of Long Term Care Programs, (717) 705-3705.

The database that the Department used to calculate the rates is available on the OMAP's website. Because some of the audited costs used in the database are taken from audit reports for fiscal periods beginning prior to January 1, 2001, the Department revised the audited costs in the database in accordance with 55 Pa. Code § 1187.91(1)(iv)(D) (relating to database) to disregard certain audit adjustments disallowing minor movable property or linen costs. The criteria that the Department used to make these revisions are available on the OMAP's website or by contacting Tom Jayson.

Public Process

The Department published a notice announcing its proposed case-mix per diem rate payment rates for FY 2005-2006 at 35 Pa.B. 6712 (December 10, 2005) and invited interested persons to submit comments. The Department received letters from two of the nursing facility

trade associations (Pennsylvania Association of Non-profit Homes for the Aging and Pennsylvania Health Care Association) commenting on the proposed FY 2005-2006 rate notice. Generally, the trade associations reiterated the same objections and concerns previously raised in comments submitted in connection with the Department's rulemaking limiting nursing facility payment rate increases Statewide in FY 2005-2006 to 2.8%. See 35 Pa.B. 6232—6239 (November 12, 2005). A summary of the associations' comments and the Department's responses are as follows:

Comment. Both trade associations objected to the 2.8% rate increase and noted that nursing facility rates would have otherwise increased by an average of 7.9% Statewide, effective with the July 1, 2005 rates. The associations further stated that the resulting capped rates fail to provide nursing facilities with reasonable and adequate compensation needed to provide high quality care to Pennsylvania's MA nursing facility residents. One trade association stated that the capped rates result in decreases in many nursing facility rates for FY 2005-2006 compared to FY 2004-2005 and that the rates do not adequately account for increased costs due to routine inflation, nursing staff shortages and an increasingly complex nursing facility population.

Response. The Department disagrees with the associations' suggestions that the final rates for FY 2005-2006 are inadequate and unreasonable and that the rates will impede nursing facilities' ability to provide high quality care to their residents. Research conducted by both the Kaiser Family Foundation and the American Health Care Association demonstrates that, over the last few years, the Commonwealth ranks in the top ten states for Medicaid reimbursement to nursing facility providers. The Department has determined that the average MA nursing facility per diem rate in this Commonwealth has increased by \$62.85, or 59% since the case-mix methodology was implemented in January 1996. Even with the 2.8% limitation on payment rate increases, the Department estimates that, for FY 2005-2006, overall payments for MA nursing facility services will continue to increase by \$130 million and that, on average, the rate to audited MA cost coverage for MA nursing facility providers will still exceed 95% in FY 2005-2006. That some nursing facilities will experience rate decreases in FY 2005-2006 does not mean that the case-mix payment rates are insufficient to assure that MA recipients continue to have access to medically necessary nursing facility services or that nursing facilities will be unable to provide quality care to their residents.

Under the case-mix payment methodology, rate decreases for individual nursing facilities are not unusual. In each rate year since the case-mix system was implemented in 1996, there have been some nursing facilities whose rates were lower than their rates for the preceding rate year. These rate decreases occur because the case-mix rate-setting methodology is influenced by various factors including Statewide and facility acuity levels, the facility's occupancy rate, bed capacity, peer group assignment and fluctuations in a facility's costs. Historically, the most significant variable influencing a facility's payment rate has been the acuity of the facility's residents and, for FY 2005-2006, resident acuity is again the most significant factor. Most nursing facilities that have lower FY 2005-2006 per diem rates experienced a corresponding decrease in their overall resident acuity. As explained in the preamble to the nursing facility rate limitation rulemaking, however, the method chosen by the Department to cap rate increases continues to account for same

variables, including resident acuity, recognized in the case-mix payment system. See 35 Pa.B. 6235. As a result, the rates of some nursing facilities, particularly those that serve higher acuity and presumably more costly residents, climb by more than 2.8% from the previous fiscal year despite the limitation on overall payment increases.

As to the concerns relating to quality of care, the Department reiterates what it noted in the preamble to the nursing facility rate limitation rulemaking (35 Pa.B. 6236): The obligation of a provider to provide appropriate, high-quality care is a condition of participation in the MA Program, and that obligation exists independent of any particular payment rate or any feature of the rate setting methodology. The Department has mechanisms in place including inspections, investigations of complaints and monitoring, and will use those mechanisms as appropriate, and in conjunction with the Department of Health, to ensure compliance with the mandatory conditions for participation in the MA Program.

Comment. The two associations asserted that the combined impact of the assessment program, the loss of Intergovernmental Transfer (IGT) payments and the reduced assessment supplemental payments will result in a 1.6% reduction in overall MA expenditures for nursing facility services provided during FY 2005-2006.

Response. Historically, the Commonwealth has been very generous in increasing nursing facility payments. Payments to MA nursing facility providers have increased \$400 million from FY 2002-2003 to FY 2005-2006, and per diem rates have increased an average of 59% since case-mix was implemented. In large part, these substantial increases have been financed with additional Federal revenue derived through the use of IGTs. Since 1991, the Commonwealth has used IGT funds to augment general state revenue funds to underwrite payment rate increases and to provide other discretionary payments to MA nursing facility providers. Several years ago, however, Congress enacted legislation that sharply curtailed the states' ability to utilize the IGT process to obtain Federal funds. Since the enactment of these new Federal restrictions on the use of IGTs, the Commonwealth's IGT revenues have declined significantly.

To address the loss of IGT funds, the Department worked closely with representatives of the nursing facility industry to implement the nursing facility assessment program. By law, all revenue generated from the assessment program must be used to maintain and increase payments to MA nursing facility providers. Since FY 2003-2004, the nursing facility assessment program has produced approximately \$600 million, and the Department anticipates that the program will generate more than \$300 million in FY 2005-2006. This additional assessment revenue does not entirely offset the reduction of IGT funds. As a result, there is no longer sufficient revenue available to the Department to support all of the programs and initiatives previously funded with IGT revenues or to make MA payment increases to MA nursing facility providers at the same levels it has in the past.

Moreover, the net loss of Federal funds is occurring at a time of increasing strain on the overall MA Program budget. At the same time nursing facility payments have increased so dramatically, costs associated with the MA Program overall have soared. The growth rate in the MA Program continues to outpace state revenues. In FY 2006-2007, the MA Program is projected to consume 19% of the General Fund Budget, that is, for every \$5.00 the

Commonwealth spends in FY 2006-2007, nearly \$1.00 will go to fund the MA Program. Expenditures for MA services for the elderly and disabled of this Commonwealth, who represent 33% of the MA eligible population, will account for approximately 70% of the \$15 billion MA Program budget. While the Commonwealth's situation is not unlike that faced by other states, unlike other states, the Commonwealth has not imposed drastic reductions in MA services or eligibility. To avoid reductions, the Department instead implemented, among other things, cost containment measures that moderate the rate at which provider payments increase.

For MA nursing facility providers, the Department adopted a methodology which limits, but does not eliminate, payment rate increases to nursing facility providers. The Department estimates that the average day weighted nursing facility per diem rate for FY 2005-2006 will still increase from \$166.07 to \$170.77, or 2.8%. While this increase is not as high as increases in past years, the Department expects that, overall, payments for MA nursing facility services will nevertheless grow by \$130 million in FY 2005-2006.

In addition to the payment increases associated with the case-mix per diem rates, the Department will use approximately \$83 million in assessment revenue and the associated Federal matching funds to make supplemental per diem rate payments of \$5.17 per MA day to qualifying MA facility providers in FY 2005-2006. The Department acknowledges that the assessment supplemental per diem rate for FY 2005-2006 is lower than the rate in the prior fiscal year. The Department concluded that a reduction in the supplemental rate in FY 2005-2006 was needed to compensate for a deficit created as a result of unanticipated supplemental payments in FY 2003-2004 due to higher than projected MA days. The Department determined that, unless the excess payments made in the prior fiscal year are recovered from current assessment revenue, the Department would be forced to use general fund dollars for the prior year supplemental payments, which would result in even less funding to support case-mix payment rate increases in FY 2005-2006.

Comment. One association asserted that the Department's decision to delay payment of the July 1, 2005, rates broke a long-standing practice of payment on publication as proposed, and by doing so, will hinder many facilities' ability to continue providing quality care.

Response. As previously noted, the Department published the rulemaking limiting nursing facility rate increases in FY 2005-2006 at 35 Pa.B. 6232 (November 12, 2005). Several weeks later, the Department received notice from the Federal Centers for Medicare and Medicaid Services (CMS) that it had approved a corresponding amendment to the Commonwealth's Medicaid State Plan effective July 1, 2005. Shortly after it received CMS approval to implement the limitation on rate increases, the Department published a notice proposing the MA nursing facility per diem rates for FY 2005-2006 at 35 Pa.B. 6712. That notice also provided for a 30 day public comment period, which ended January 9, 2006. Given the objections it had received in response to the rulemaking adopting the nursing facility rate limitation, the Department decided that it would not adjust payments based upon the proposed rate notice until it had an opportunity to review and consider any additional comments that might be submitted through the public process. In February 2006, the Department began adjusting payments to nursing facilities in anticipation of the publication of the rates for FY 2005-2006 payment rates.

Comment. One association urged the Department to assess the impact of the new rate policy and the adequacy of the Commonwealth's MA nursing facility rates prior to publishing an additional amendment to the rate process with the authority granted under Act 42 of 2005.

Response. The Department has been working with the nursing facility industry to develop revisions to the current case-mix payment system. As part of this process, numerous models analyzing the impact of the changes under consideration have been shared with the industry for their review and comment. The Department will continue to actively solicit the industry's input in developing a revised payment methodology that will provide appropriate reimbursement to nursing facilities and allow the Department to maintain its fiscal responsibility to administer the program within the defined budgetary constraints.

Comment. The two associations asserted that the proposed changes to the payment rates undermine the goals and objectives of the Commonwealth's case-mix system which was developed to provide adequate payment for efficiently and economically operated nursing facilities. The associations further asserted that the Department is not meeting its obligation to pay nursing facilities based on the case-mix system design, but instead is cutting per diem rates below the amounts established by the payment system without any careful analysis of the impact that the cuts will have on quality of care or fiscal solvency of nursing facility providers.

Response. As described previously and in the preamble to the rulemaking adopting the nursing facility rate limitation, the Department did analyze the impact that the limited rate increase would have on nursing facility providers and their ability to continue to operate efficiently and economically while providing quality nursing facility services. In addition, before adopting the rate limitation, the Department held several meetings with the nursing facility associations and solicited their input in an effort to develop the best outcome for implementing the limited rate increase with the available dollars appropriated. The methodology for setting rates was discussed with, and consensus was sought from, the associations. Each association submitted models and/or concepts for implementing the limited rate increase. Not surprisingly, each of these models tended to benefit the particular association's membership, and the associations were unable to reach consensus on any one particular model. However, there was agreement on the basic principles—all wanted a methodology that was predictable, uniform, provided acuity adjustments, and did not cause major alterations to the existing case-mix system. After evaluating each association's proposal against these principles, and after evaluating its impact on both MA recipients and nursing facility providers, the Department ultimately decided to adopt a rate cap methodology that reflects the agreed upon principles and provides the best overall outcome for the MA Program while enabling the Department to operate within its budgetary constraints.

Comment. One association asserted that when the General Assembly approved the General Fund Budget for FY 2005-2006, appropriations for MA payments to nursing facilities were increased by 2.8% over FY 2004-2005 expenditures with the expectation that the Department would maintain quarterly adjustments to take into account the increasing acuity levels of the nursing facility population. The association further asserted that the General Assembly intended that, despite the global cap on appropriations increases, the incentives inherent in the

prospective payment system would be preserved, especially for those nursing facilities that succeeded in keeping their cost increases lower than other facilities within their respective peer groups. The association stated that the Department acted contrary to the commitments and assumptions that accompanied the adoption of the 2005-2006 General Fund Budget of the Commonwealth.

Response. The Department disagrees with the association's comments. Initially, the Department proposed to limit nursing facilities, like other MA providers, to a 2.0% increase in FY 2005-2006. That cap on rate increases would have limited a nursing facility's rates in FY 2005-2006 based upon the average of the facility's quarterly rates in the prior fiscal year. See 35 Pa.B. 3267 (June 4, 2005). The nursing facility industry provided comments to both Department and legislative staff objecting to the proposed methodology. The industry overwhelmingly recommended that the acuity adjustments be incorporated into the rate limitation proposal. In response to these recommendations, the Department modified the rate increase proposal to recognize acuity adjustments in accordance with the existing case-mix payment methodology. Ultimately, the General Assembly appropriated additional funds, and the Department was able to increase rates on average by 2.8% over the FY 2004-2005 statewide average rate. This increase is 40% higher than both the original increase proposed for nursing facility providers and the rate increases that the managed care plans and hospitals will receive in FY 2005-2006. Contrary to the association's comments, the Department maintains that the methodology it is implementing is entirely consistent with its representations to the General Assembly, and continues to provide for rebasing and quarterly acuity adjustments in accordance with the case-mix payment methodology.

Comment. One association asserted that the proposed nursing facility per diem rate reductions were adopted in violation of applicable requirements of Federal and State law. 42 U.S.C.A. § 1396a(a)(13)(A) (relating to state plans for medical assistance). The association stated that the proposed rates effectively were calculated under final regulations published without notice and without allowing for comment, and therefore violate Federal statutory and regulatory requirements. The association acknowledged that while Act 42 of 2005 apparently authorized the Department to adopt final rules without notice and comment, those provisions of State law cannot override what it asserts are the clear mandates of Federal law. The association also asserted that Act 42 unconstitutionally delegated unfettered discretion to the Department to adopt payment rates without establishing any standards to determine whether the payment rates were fair and adequate.

Response. The Department disagrees with the association's contentions that Act 42 is unconstitutional and that the Department violated applicable Federal law in publishing regulations pursuant to Act 42. The amendments to the Public Welfare Code enacted by Act 42, which are presumptively constitutional, must be read and analyzed in the context of the overall authority granted to and obligations imposed upon the Department by the Public Welfare Code. The Department maintains that in exercising its rulemaking authority under the Public Welfare Code as amended by Act 42, it acted in full conformity with Federal law requirements related to the public process when proposing to change payment methodology. The Department published an advance public notice at 35 Pa.B. 3267, in which it announced its intent to amend its State Plan to change its methods and standards for

payment of MA nursing facility services for FY 2005-2006 and invited interested persons to comment on the proposed change. The Department received a total of 26 comment letters in response to the notice. The Department also sought advice on its proposal at the Medical Assistance Advisory Committee (MAAC) on May 26, 2005, and the Long-Term Care Subcommittee of the MAAC on June 8, 2005. In addition, the Department met with representatives of the four nursing home associations on nine separate occasions both before and after publication of the notice to confer with, solicit and obtain input and recommendations on how the Department might best contain the steady inflation of nursing facility payment rates. As the public process took place, the Department continued to consider and make refinements in the methodology to be used to implement the limited rate increase. The Department considered and addressed all public comments and input received through this public process in the development of the final regulations promulgating the change in methodology. See 35 Pa.B. 6234-6238. At 35 Pa.B. 6712, the Department published the proposed rate notice for FY 2005-2006 and invited interested parties to comment on the proposed rates. The Department received two comment letters in response to this notice. Those comments have been reviewed and considered as part of the development of this final rate notice. Nothing more is required by Federal law.

Appeals

Following publication of this notice, the Department will send rate letters to each MA nursing facility provider notifying the provider of its final rates for FY 2005-2006. The rate letter will also advise the provider that it may file an administrative appeal if the provider believes that the Department made any errors or otherwise disagrees with its final rates for FY 2005-2006. A provider's appeal must be in writing and filed with the Department's Bureau of Hearings and Appeals, P. O. Box 2675, Harrisburg, PA 17105, within 33 days of the date of the Department's letter notifying the provider of its final rates. Providers should refer to 67 Pa.C.S. Chapter 11 (relating to medical assistance hearings and appeals) and to the Department's standing practice order at 33 Pa.B. 3053 (June 28, 2003) for more detail regarding their appeal rights and the requirements related to their written appeals.

Fiscal Impact

The estimated increase in annual aggregate expenditures for MA nursing facility services for FY 2005-2006 is \$40.127 million (\$18.159 million in State funds).

Public Comment

Interested persons are invited to submit written comments regarding this notice to Gail Weidman, Chief, Program Analysis and Review Section, Department of Public Welfare, P. O. Box 2675, Harrisburg, PA 17105. 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-467. (1) General Fund; (2) Implementing Year 2005-06 is \$18.159 million; (3) 1st Succeeding Year 2006-07 is \$19.809 million; 2nd Succeeding Year 2007-08 is \$19.809 million; 3rd Succeeding Year 2008-09 is \$19.809 million; 4th Succeeding Year 2009-10 is \$19.809 million; 5th Succeeding Year 2010-11 is \$19.809 million; (4) 2004-05 Program—\$476.116 million; 2003-04

Program—\$588.528 million; 2002-03 Program—\$250.568 million; (7) Medical Assistance—Long-Term Care; (8) recommends adoption. Funds have been included in the Department's budget to cover this increase.

[Pa.B. Doc. No. 06-448. Filed for public inspection March 17, 2006, 9:00 a.m.]

Peer Groups, Peer Group Medians and Peer Group Prices for General Nursing Facilities, County Nursing Facilities, Hospital-Based Nursing Facilities and Special Rehabilitation Facilities

The purpose of this notice is to announce the Department of Public Welfare's (Department) peer groups, peer group medians and peer group prices for general nursing facilities, county nursing facilities, hospital-based nursing facilities and special rehabilitation facilities under 55 Pa. Code § 1187.95(a)(4) (relating to general principles for rate and price setting). The Department used the peer groups, peer group medians and peer group prices to determine case-mix rates for nursing facilities for the State Fiscal Year July 1, 2005, through June 30, 2006 (FY 2005-2006). The Department calculated the peer groups, peer group medians and peer group prices announced in this notice in accordance with 55 Pa. Code Chapter 1187 (relating to nursing facility services) as amended at 35 Pa.B. 4612 (August 13, 2005). The data that the Department used to determine the peer group medians and prices is available on the Office of Medical Assistance Programs' website at www.dpw.state.pa.us/omap.

To establish the database for the calculation of peer group medians and prices, the Department used each facility's three most recent audited cost reports that were issued by the Department on or before March 31, 2005, and indexed the costs for each report forward to the common date of December 31, 2005, using the CMS Nursing Home Without Capital Market Basket Index.

The following is a listing, by group, of the number of facilities with a particular year-end, and the inflation factor used to roll the costs of each facility forward to the common date of December 31, 2005.

GENERAL AND COUNTY NURSING FACILITIES

Facility Year End	Number of Facilities*	Inflation Factor
June 30, 1998	1	1.2997
December 31, 1998	4	1.2792
June 30, 1999	6	1.2625
December 31, 1999	9	1.2303
June 30, 2000	11	1.2025
December 31, 2000	311	1.1697
June 30, 2001	240	1.1454
December 31, 2001	356	1.1311
June 30, 2002	235	1.1148
December 31, 2002	360	1.0881
June 30, 2003	239	1.0745
December 31, 2003	37	1.0604

HOSPITAL-BASED NURSING FACILITIES

Facility Year End	Number of Facilities*	Inflation Factor
June 30, 2000	4	1.2025
June 30, 2001	19	1.1454
June 30, 2002	18	1.1148
June 30, 2003	16	1.0745

SPECIAL REHABILITATION FACILITIES

Facility Year End	Number of Facilities*	Inflation Factor
December 31, 2000	1	1.1697
June 30, 2001	4	1.1454
December 31, 2001	1	1.1311
June 30, 2002	4	1.1148
December 31, 2002	2	1.0881
June 30, 2003	4	1.0745

*As a result of using the three most recent audited cost reports, the "Number of Facilities" column reflects a number in excess of actual enrolled nursing facilities.

After the database was inflated using the inflation values, the Department grouped the facilities in the correct geographic and bed size groupings. In accordance with 55 Pa. Code § 1187.94 (relating to peer grouping for price setting), to establish peer groups, the Department used the Metropolitan Statistical Areas (MSA) group classification published in the Federal Office of Management and Budget Bulletin No. 99-04 (relating to revised statistical definitions of Metropolitan Areas and guidance on uses of Metropolitan Area definitions) to classify each nursing facility into one of three MSA groups or one non-MSA group. The Department then used the bed complement of the nursing facility on the final day of the reporting period of the most recent audited MA-11 used in the Nursing Information System database to classify nursing facilities into one of three bed complement groups. These groups are 3—119 beds, 120—269, and 270 and over. Peer groups 7 and 10 have been collapsed in accordance with § 1187.94(1)(iv). Peer group 13 is designated for special rehabilitation facilities only and peer group 14 is designated for hospital-based nursing facilities only, regardless of geographic location or bed size.

After the database was established and the peer groups determined, the Department then calculated the medians and prices for each peer group. To calculate the resident care cost medians, the Department divided the audited allowable resident care costs for each cost report by the total facility case-mix index from the available February 1 picture date closest to the midpoint of the cost report period to obtain case-mix neutral total resident care cost for the cost report year. The Department then divided the case-mix neutral total resident care cost for each cost report by the total audited actual resident days for the cost report year to obtain the case-mix neutral resident care cost per diem for the cost report year. The Department calculated the 3-year arithmetic mean of the case-mix neutral resident care cost per diem for each nursing facility to obtain the average case-mix neutral resident care cost per diem of each nursing facility. The Department arrayed the average case-mix neutral resident care cost per diem for each nursing facility within the respective peer groups and determined a median for each peer group.

To calculate the other resident care cost medians, the Department first divided the audited allowable other resident care costs for each cost report by the total audited actual resident days for the cost report year to obtain the other resident related cost per diem for the cost report year. The Department calculated the 3-year arithmetic mean of the other resident related cost for each nursing facility to obtain the average other resident related cost per diem of each nursing facility. The Department arrayed the average other resident related cost per diem for each nursing facility within the respective peer groups and determined a median for each peer group.

To calculate the administrative cost medians, the Department adjusted, as appropriate, the total audited actual resident days for each cost report to a minimum 90% occupancy in accordance with 55 Pa. Code § 1187.23 (relating to nursing facility incentives and adjustments). The Department then divided the audited allowable administrative cost for each cost report by the total audited actual resident days, adjusted to 90% occupancy, if applicable, to obtain the administrative cost per diem for the cost report year. The Department calculated the 3-year arithmetic mean of the administrative cost for each nursing facility to obtain the average administrative cost per diem of each nursing facility. The Department arrayed the average administrative cost per diem for each nursing facility within the respective peer groups to determine a median for each peer group.

After the medians were determined for each peer group, the Department set prices using the medians. To set peer group prices, the Department multiplied the resident care cost median of each peer group by 1.17 to obtain the resident care cost peer group price; multiplied the other resident related cost median of each peer group by 1.12 to obtain the other resident related peer group price; and, multiplied the administrative cost median of each peer group by 1.04 to obtain the administrative cost peer group price.

The peer groups, peer group medians and peer group prices of general and county nursing facilities, hospital-based and special rehabilitation nursing facilities for Year 11 are listed in Annex A.

A Medical Assistance (MA) nursing facility provider may file an administrative appeal if the provider believes that the Department made any errors, or the provider

otherwise disagrees with the Year 11 peer group prices that the Department established for its peer group. A provider's appeal must be in sent in writing to the Department's Bureau of Hearings and Appeals, P. O. Box 2675, Harrisburg, PA 17102, and received by the Bureau of Hearings and Appeals within 30 days of the date of this notice. If a provider chooses to appeal, the provider will be afforded the opportunity for a de novo hearing before the Bureau of Hearings and Appeals. The peer group prices applied in setting the provider's rates may be changed as a result of the final adjudication of the provider's peer group price appeal. Providers should refer to 67 Pa.C.S.A Chapter 11 (relating to medical assistance hearings and appeals), and to the Department's standing practice order, set forth at 33 Pa.B. 3053 (June 28, 2003), for more detail regarding their appeal rights and the requirements related to their written appeals.

Fiscal Impact

The estimated increase in annual aggregate expenditures for MA nursing facility services for FY 2005-2006 is \$32.655 million (\$14.998 million in State funds).

Public Comment

Interested persons are invited to submit written comments regarding this notice to Gail Weidman, Chief, Program Analysis and Review Section, Department of Public Welfare, Bureau of Long Term Care Programs, P. O. Box 2675, Harrisburg, PA 17105.

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-468. (1) General Fund; (2) Implementing Year 2005-06 is \$14.998 million; (3) 1st Succeeding Year 2006-07 is \$16.362 million; 2nd Succeeding Year 2007-08 is \$16.362 million; 3rd Succeeding Year 2008-09 is \$16.362 million; 4th Succeeding Year 2009-10 is \$16.362 million; 5th Succeeding Year 2010-11 is \$16.362 million; (4) 2004-05 Program—\$476.116 million; 2003-04 Program—\$588.528 million; 2002-03 Program—\$250.568 million; (7) Medical Assistance—Long-Term Care; (8) recommends adoption. Funds have been included in the Department's budget to cover this increase.

Annex A

TITLE 55. PUBLIC WELFARE

PART III. MEDICAL ASSISTANCE MANUAL

CHAPTER 1187. NURSING FACILITY SERVICES

Subchapter G. RATE SETTING

Appendix B

Medians and Prices for 2005-2006

File Date: 1/5/2006

<i>Median Peer Group</i>	<i>Provider Name</i>	<i>Most Recent Cost Report End Date</i>	<i>Second Most Recent Cost Report End Date</i>	<i>Third Most Recent Cost Report End Date</i>
1	BROOMALL REHAB AND NURSING CENTER	12/31/02	12/31/01	12/31/00
1	CARE PAVILION OF WALNUT PARK, INC	06/30/03	06/30/02	06/30/01
1	FAIR ACRES GERIATRIC CENTER	12/31/02	12/31/01	12/31/00

<i>Median Peer Group</i>	<i>Provider Name</i>	<i>Most Recent Cost Report End Date</i>	<i>Second Most Recent Cost Report End Date</i>	<i>Third Most Recent Cost Report End Date</i>
1	FRIENDSHIP RIDGE	12/31/02	12/31/01	12/31/00
1	IMMACULATE MARY HOME	06/30/03	06/30/02	06/30/01
1	JOHN J KANE REGIONAL CENTER—GLEN HAZEL	12/31/02	12/31/01	12/31/00
1	JOHN J KANE REGIONAL CENTER-MCKEESPORT	12/31/02	12/31/01	12/31/00
1	JOHN J KANE REGIONAL CENTER—ROSS TWNESH	12/31/02	12/31/01	12/31/00
1	JOHN J KANE REGIONAL CENTER—SCOTT TWNESH	12/31/02	12/31/01	12/31/00
1	MADLYN AND LEONARD ABRAMSON CENTER	06/30/03		
1	NESHAMINY MANOR HOME	12/31/02	12/31/01	12/31/00
1	PARKHOUSE, PROVIDENCE POINTE	12/31/02	12/31/01	12/31/00
1	PHILADELPHIA NURSING HOME	12/31/02	12/31/01	12/31/00
1	POCOPSON HOME	12/31/02	12/31/01	12/31/00
1	SAINT FRANCIS COUNTRY HOUSE	06/30/03	06/30/02	06/30/01
1	SAINT JOSEPH'S MANOR	06/30/03	06/30/02	06/30/01
1	ST JOHN SPECIALTY CARE CENTER	06/30/03	06/30/02	06/30/01
1	WASHINGTON COUNTY HEALTH CENTER	12/31/02	12/31/01	12/31/00
1	WESTMORELAND MANOR	12/31/02	12/31/01	12/31/00
PG1	Resident Care Median	Other Resident Rltd Median		Administrative Median
	\$100.13	\$50.68		\$17.95
PG1	Resident Care Price	Other Resident Rltd Price		Administrative Price
	\$117.15	\$56.76		\$18.67
<i>Median Peer Group</i>	<i>Provider Name</i>	<i>Most Recent Cost Report End Date</i>	<i>Second Most Recent Cost Report End Date</i>	<i>Third Most Recent Cost Report End Date</i>
2	ANDORRA WOODS HEALTHCARE CENTER	12/31/02	12/31/01	12/31/00
2	ASBURY HEALTH CENTER	12/31/02	12/31/01	12/31/00
2	ASHTON HALL NURSING AND REHAB CENTER	06/30/03	06/30/02	06/30/01
2	ATTLEBORO NURSING AND REHAB CENTER	12/31/02	12/31/01	12/31/00
2	BALA NURSING AND RETIREMENT CENTER	06/30/03	06/30/02	06/30/01
2	BALDOCK HEALTH CARE CENTER	06/30/03	06/30/02	06/30/01
2	BALDWIN HEALTH CENTER	06/30/03	06/30/02	06/30/01
2	BAPTIST HOMES NURSING CENTER	06/30/03	06/30/02	06/30/01
2	BEAVER VALLEY NURSING AND REHAB CENTER	06/30/03	06/30/02	06/30/01
2	BEVERLY HEALTHCARE—LANSDALE	12/31/02	12/31/01	12/31/00
2	BEVERLY HEALTHCARE—MONROEVILLE	12/31/02	12/31/01	12/31/00
2	BEVERLY HEALTHCARE—MOUNT LEBANON MANOR	12/31/02	12/31/01	12/31/00
2	BEVERLY HEALTHCARE—MURRYSVILLE	12/31/02	12/31/01	12/31/00
2	BEVERLY HEALTHCARE—PHOENIXVILLE	12/31/02	12/31/01	12/31/00
2	BEVERLY HEALTHCARE—UNIONTOWN	12/31/02	12/31/01	12/31/00
2	BRANDYWINE HALL	06/30/03	06/30/02	06/30/01
2	BRIARCLIFF PAVILION FOR SPECIALIZED CARE	12/31/02	12/31/01	12/31/00
2	BRIARLEAF NURSING AND CONVAL CENTER	06/30/03	06/30/02	06/30/01

<i>Median Peer Group</i>	<i>Provider Name</i>	<i>Most Recent Cost Report End Date</i>	<i>Second Most Recent Cost Report End Date</i>	<i>Third Most Recent Cost Report End Date</i>
2	BRIGHTEN AT BROOMALL	12/31/02	12/31/01	12/31/00
2	BRIGHTEN AT BRYN MAWR	12/31/02	12/31/00	12/31/99
2	BROOMALL PRESBYTERIAN VILLAGE	12/31/02	12/31/01	12/31/00
2	BUCKINGHAM VALLEY REHAB AND NURSING CTR	06/30/03	06/30/02	06/30/01
2	CATHEDRAL VILLAGE	06/30/03	06/30/02	06/30/01
2	CENTENNIAL VILLAGE	12/31/01	06/30/00	06/30/99
2	CHAPEL MANOR	12/31/02	12/31/01	12/31/00
2	CHARLES M. MORRIS NURSING AND REHAB CTR	06/30/03	06/30/02	06/30/01
2	CHATHAM ACRES, INC	06/30/03	06/30/02	06/30/01
2	CHELTENHAM NURSING AND REHAB CENTER	06/30/03	06/30/02	06/30/01
2	CHELTENHAM YORK ROAD NSG & REHAB CENTER	06/30/03	06/30/02	06/30/01
2	CHERRY TREE NURSING CENTER	12/31/02	12/31/01	12/31/00
2	CHESTNUT HILL LODGE HEALTH AND REHAB CTR	12/31/02	12/31/01	12/31/00
2	CLIVEDEN CONVALESCENT CENTER	06/30/03	06/30/02	06/30/01
2	COMMONS AT SQUIRREL HILL	12/31/02	12/31/01	12/31/00
2	CONCORDIA LUTHERAN MINISTRIES	06/30/03	06/30/02	06/30/01
2	COUNTRY MEADOWS OF SOUTH HILLS	12/31/02	12/31/01	12/31/00
2	CRANBERRY PLACE	06/30/02	06/30/01	06/30/00
2	CRESTVIEW CENTER	06/30/03	06/30/02	06/30/01
2	DEER MEADOWS RETIREMENT COMMUNITY	06/30/03	06/30/02	06/30/01
2	DOYLESTOWN MANOR	12/31/02	12/31/01	12/31/00
2	ELKINS CREST HEALTH AND REHAB CENTER	06/30/03	06/30/02	06/30/01
2	EVANGELICAL MANOR	12/31/02	12/31/01	12/31/00
2	FAIRVIEW CARE CENTER OF BETHLEHEM PIKE	06/30/03	06/30/02	06/30/01
2	FAIRVIEW CARE CENTER OF PAPERMILL ROAD	06/30/03	06/30/02	06/30/01
2	FORBES ROAD NURSING AND REHAB CENTER	12/31/02	06/30/01	06/30/00
2	GARDEN SPRING CENTER	06/30/03	06/30/02	06/30/01
2	GERMANTOWN HOME	06/30/03	06/30/02	06/30/01
2	GOLDEN SLIPPER HEALTH AND REHAB CENTER	06/30/03	06/30/02	06/30/01
2	GREEN ACRES—IVY HILL NURSING HOME	06/30/03	06/30/02	06/30/01
2	GREENERY SPECIALTY CARE CENTER	06/30/03	06/30/02	06/30/01
2	GREENLEAF NURSING HOME AND CONVAL CENTER	06/30/03	06/30/02	06/30/01
2	GREENSBURG CARE CENTER	12/31/02	12/31/01	12/31/99
2	GWYNEDD SQUARE CTR FOR NSG & CONVAL CARE	06/30/03	06/30/02	06/30/01
2	HARMAR VILLAGE CARE CENTER	12/31/02	12/31/01	12/31/00
2	HARSTON HALL	12/31/02	12/31/01	12/31/00
2	HEARTLAND HEALTH CARE CENTER	06/30/03	06/30/02	06/30/01
2	HEMPFIELD MANOR	12/31/03	12/31/02	12/31/01
2	HERITAGE SHADYSIDE, THE	06/30/03	06/30/02	06/30/01
2	HIGHLAND PARK CARE CENTER	12/31/02	06/30/01	06/30/00
2	HILLCREST CENTER	06/30/03	06/30/02	06/30/01

<i>Median Peer Group</i>	<i>Provider Name</i>	<i>Most Recent Cost Report End Date</i>	<i>Second Most Recent Cost Report End Date</i>	<i>Third Most Recent Cost Report End Date</i>
2	HUMBERT LANE HEALTH CARE CENTER	06/30/03	06/30/02	06/30/01
2	IHS OF GREATER PITTSBURGH	12/31/02	12/31/01	12/31/00
2	LAFAYETTE REDEEMER, THE	06/30/03	06/30/02	06/30/01
2	LANGHORNE GARDENS REHAB AND NURSING CTR	06/30/03	06/30/02	06/30/01
2	LEMINGTON CENTER	06/30/03	06/30/02	06/30/01
2	LGAR HEALTH AND REHABILITATION CENTER	12/31/02	12/31/01	12/31/00
2	LIBERTY COURT, GENESIS ELDERCARE NETWORK	06/30/03	06/30/02	06/30/01
2	LIFEQUEST NURSING CENTER	06/30/03	06/30/02	06/30/01
2	LITTLE FLOWER MANOR	06/30/03	06/30/02	06/30/01
2	LUTHER WOODS CONVALESCENT CENTER	12/31/02	12/31/01	12/31/00
2	MAIN LINE NURSING AND REHAB CENTER	06/30/03	06/30/02	06/30/01
2	MAJESTIC OAKS	06/30/03	06/30/02	06/30/01
2	MANATAWNY MANOR INC	06/30/03	06/30/02	06/30/01
2	MANORCARE HEALTH SVCS—BETHEL PARK	12/31/02	12/31/01	12/31/00
2	MANORCARE HEALTH SVCS—GREEN TREE	12/31/02	12/31/01	12/31/00
2	MANORCARE HEALTH SVCS—HUNTINGDON VALLEY	12/31/02	12/31/01	12/31/00
2	MANORCARE HEALTH SVCS—KING OF PRUSSIA	12/31/02	12/31/01	12/31/00
2	MANORCARE HEALTH SVCS—LANSDALE	12/31/02	12/31/01	12/31/00
2	MANORCARE HEALTH SVCS—MCMURRAY	12/31/02	12/31/01	12/31/00
2	MANORCARE HEALTH SVCS—MERCY FITZGERALD	06/30/03	06/30/02	06/30/01
2	MANORCARE HEALTH SVCS—MONROEVILLE	12/31/02	12/31/01	12/31/00
2	MANORCARE HEALTH SVCS—NORTH HILLS	12/31/02	12/31/01	12/31/00
2	MANORCARE HEALTH SVCS—POTTSTOWN	12/31/02	12/31/01	12/31/00
2	MANORCARE HEALTH SVCS—WHITEHALL BOROUGH	12/31/02	12/31/01	12/31/00
2	MANORCARE HEALTH SVCS—YARDLEY	12/31/02	12/31/01	12/31/00
2	MANORCARE HEALTH SVCS—YEADON	12/31/02	12/31/01	12/31/00
2	MAPLEWOOD MANOR CENTER	06/30/03	06/30/02	06/30/01
2	MARIAN MANOR CORPORATION	06/30/03	06/30/02	06/30/01
2	MASONIC VILLAGE AT SEWICKLEY	12/31/02	12/31/01	12/31/00
2	MOUNT MACRINA MANOR NURSING HOME	06/30/03	06/30/02	06/30/01
2	MOUNTAINVIEW SPECIALTY CARE CENTER	12/31/02	12/31/01	12/31/00
2	OXFORD HEALTH CENTER	12/31/02	12/31/01	12/31/00
2	PARK PLEASANT HEALTH CARE FACILITY	06/30/03	06/30/02	06/30/01
2	PASSAVANT RETIREMENT AND HEALTH CENTER	06/30/03	06/30/02	06/30/01
2	PAUL'S RUN	12/31/02	12/31/01	12/31/00
2	PEMBROOKE HEALTH AND REHAB RESIDENCE	06/30/03	06/30/02	06/30/01
2	PENN CENTER FOR REHABILITATION AND CARE	06/30/03	06/30/02	06/30/01
2	PENNSBURG MANOR	12/31/02	12/31/01	12/31/00
2	PHILADELPHIA PROTESTANT HOME	12/31/02	12/31/01	12/31/00
2	PHOEBE RICHLAND HCC	06/30/03	06/30/02	06/30/01
2	PINE RUN HEALTH CENTER	06/30/03	06/30/02	06/30/01

<i>Median Peer Group</i>	<i>Provider Name</i>	<i>Most Recent Cost Report End Date</i>	<i>Second Most Recent Cost Report End Date</i>	<i>Third Most Recent Cost Report End Date</i>
2	PLYMOUTH HOUSE NURSING HOME, INC	12/31/02	12/31/00	12/31/99
2	PROSPECT PARK HEALTH AND REHAB RESIDENCE	06/30/03	06/30/02	06/30/01
2	PROVIDENCE CARE CENTER	12/31/02	12/31/01	12/31/00
2	QUAKERTOWN CENTER	12/31/03	12/31/02	12/31/01
2	REGINA COMMUNITY NURSING CENTER	06/30/03	06/30/02	06/30/01
2	RIDGE CREST NURSING AND REHAB CENTER	06/30/03	06/30/02	06/30/01
2	RITTENHOUSE PINE CENTER	06/30/03	06/30/02	06/30/01
2	RIVER'S EDGE NURSING AND REHAB CENTER	12/31/02	12/31/01	12/31/00
2	RIVERSIDE CARE CENTER	12/31/02	12/31/01	12/31/00
2	ROCHESTER MANOR	12/31/02	12/31/01	12/31/00
2	RYDAL PARK OF PHILADELPHIA PRSBYTR HOMES	12/31/02	12/31/01	12/31/00
2	SACRED HEART MANOR	06/30/03	06/30/02	06/30/01
2	SAINT ANNE HOME	06/30/03	06/30/02	06/30/01
2	SAINT IGNATIUS NURSING HOME	06/30/03	06/30/02	06/30/01
2	SAINT JOHN NEUMANN NURSING HOME	06/30/03	06/30/02	06/30/01
2	SAINT MARTHA MANOR	06/30/03	06/30/02	06/30/01
2	SAINT MARY'S MANOR	06/30/03	06/30/02	06/30/01
2	SANATOGA CENTER	06/30/03	06/30/02	06/30/01
2	SAUNDERS HOUSE	06/30/03	06/30/02	06/30/01
2	SENECA PLACE	06/30/03	06/30/02	06/30/01
2	SHADYSIDE NURSING AND REHAB CENTER	06/30/03	06/30/02	06/30/01
2	SILVER LAKE CENTER	06/30/03	06/30/02	06/30/01
2	SILVER STREAM CENTER	06/30/03	06/30/02	06/30/01
2	SIMPSON HOUSE, INC	12/31/02	12/31/01	12/31/00
2	SOMERTON CENTER	06/30/03	06/30/02	06/30/01
2	SOUTHMONT OF PRESBYTERIAN SENIORCARE	12/31/03	12/31/02	12/31/01
2	SPRINGS AT THE FOUNTAINS, THE	06/30/03	06/30/02	06/30/01
2	ST. BARNABAS NURSING HOME	06/30/03	06/30/02	06/30/01
2	ST. MONICA MANOR	06/30/03	06/30/02	06/30/01
2	STAPELEY IN GERMANTOWN	06/30/03	06/30/02	06/30/01
2	STERLING HEALTH CARE AND REHAB CENTER	06/30/03	06/30/02	06/30/01
2	SUBURBAN WOODS HEALTH AND REHAB CENTER	12/31/02	12/31/01	12/31/00
2	SUNNYVIEW HOME—BUTLER COUNTY HOME	12/31/02	12/31/01	12/31/00
2	SYCAMORE CREEK NURSING CENTER	06/30/03	06/30/02	06/30/01
2	TANDEM HEALTH CARE OF CHESWICK	06/30/03	06/30/02	06/30/01
2	TEL HAI RETIREMENT COMMUNITY	06/30/03	06/30/02	06/30/01
2	THE BELVEDERE CENTER, GENESIS HEALTHCARE	12/31/02	12/31/01	12/31/00
2	TOWNE MANOR EAST	12/31/02	12/31/01	12/31/00
2	TUCKER HOUSE	06/30/03	06/30/02	06/30/01
2	VALLEY MANOR NURSING AND REHAB CENTER	06/30/03	06/30/02	06/30/01
2	VILLA SAINT JOSEPH OF BADEN INC.	06/30/03	06/30/02	06/30/01
2	VINCENTIAN HOME	06/30/03	06/30/02	06/30/01
2	VINCENTIAN REGENCY	06/30/03	06/30/02	06/30/01

<i>Median Peer Group</i>	<i>Provider Name</i>	<i>Most Recent Cost Report End Date</i>	<i>Second Most Recent Cost Report End Date</i>	<i>Third Most Recent Cost Report End Date</i>
2	WALLINGFORD NURSING AND REHAB CENTER	06/30/03	06/30/02	06/30/01
2	WEST HAVEN NURSING HOME	06/30/03	06/30/02	06/30/01
2	WEST HILLS HEALTH AND REHAB CENTER	06/30/03	06/30/02	06/30/01
2	WESTWOOD NURSING AND REHAB CENTER	12/31/02	12/31/01	12/31/00
2	WEXFORD HOUSE NURSING CENTER	06/30/03	06/30/02	06/30/01
2	WILLOW RIDGE CENTER	12/31/03	12/31/02	12/31/01
2	WILLOW TERRACE	06/30/03	06/30/02	06/30/01
2	WILLOWS OF PRESBYTERIAN SENIORCARE, THE	12/31/03	12/31/02	12/31/01
2	WOODHAVEN CARE CENTER	12/31/02	12/31/01	12/31/00
PG2	Resident Care Median	Other Resident Rltd Median		Administrative Median
	\$84.87	\$34.27		\$17.72
PG2	Resident Care Price	Other Resident Rltd Price		Administrative Price
	\$99.30	\$38.38		\$18.43
<i>Median Peer Group</i>	<i>Provider Name</i>	<i>Most Recent Cost Report End Date</i>	<i>Second Most Recent Cost Report End Date</i>	<i>Third Most Recent Cost Report End Date</i>
3	58TH STREET PRESBYTERIAN HOME, THE	12/31/02	12/31/01	12/31/00
3	AMBLER REST CENTER	06/30/03	06/30/02	06/30/01
3	ARTMAN LUTHERAN HOME	06/30/03	06/30/02	06/30/01
3	AUTUMN GROVE CARE CENTER	06/30/03	06/30/02	06/30/01
3	BARCLAY FRIENDS	12/31/02	12/31/01	12/31/00
3	BEAVER ELDER CARE AND REHAB CENTER	12/31/02	06/30/01	06/30/00
3	BELAIR HEALTH AND REHABILITATION CENTER	06/30/03	06/30/02	06/30/01
3	BELLE HAVEN	12/31/02	12/31/01	12/31/00
3	BETHLEN HM OF THE HUNGARIAN RFRMD FED	12/31/02	12/31/01	12/31/00
3	BEVERLY HEALTHCARE—CANONSBURG	12/31/02	12/31/01	12/31/00
3	BEVERLY HEALTHCARE—OAKMONT	12/31/02	12/31/01	12/31/00
3	BEVERLY HEALTHCARE—ROSEMONT	12/31/02	12/31/01	12/31/00
3	BEVERLY HEALTHCARE—STENTON	12/31/02	12/31/01	12/31/00
3	BRINTON MANOR	12/31/03	12/31/02	12/31/01
3	BROOKSIDE HEALTHCARE AND REHAB CENTER	12/31/02	06/30/00	06/30/98
3	CANTERBURY PLACE	12/31/02	12/31/01	12/31/00
3	CARE CENTER AT MARTINS RUN, THE	12/31/02	12/31/01	12/31/00
3	CEDARS OF MONROEVILLE, THE	12/31/02	12/31/01	12/31/00
3	CHANDLER HALL HEALTH SERVICES INC	12/31/02	12/31/01	12/31/00
3	CHICORA MEDICAL CENTER	06/30/03	06/30/02	06/30/01
3	CHRIST'S HOME RETIREMENT CENTER	06/30/03	06/30/02	06/30/01
3	COLLINS HEALTH CENTER	12/31/02	12/31/01	12/31/00
3	CONNER-WILLIAMS NURSING HOME	06/30/03	06/30/02	06/30/01
3	COVENTRY MANOR NURSING HOME	12/31/02	12/31/01	12/31/00
3	DOCK TERRACE	06/30/03	06/30/02	06/30/01
3	DRESHER HILL HEALTH AND REHAB CENTER	06/30/03	06/30/02	06/30/01
3	EDGEHILL NURSING AND REHAB CENTER	06/30/03	06/30/02	06/30/01

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<i>Median Peer Group</i>	<i>Provider Name</i>	<i>Most Recent Cost Report End Date</i>	<i>Second Most Recent Cost Report End Date</i>	<i>Third Most Recent Cost Report End Date</i>
3	ELDERCREST NURSING CENTER	06/30/03	06/30/01	06/30/99
3	ELM TERRACE GARDENS	06/30/03	06/30/02	06/30/01
3	EVERGREEN NURSING CENTER	12/31/02	12/31/01	12/31/00
3	FAIR WINDS MANOR	06/30/03	06/30/02	06/30/01
3	FREDERICK MENNONITE COMMUNITY	12/31/02	12/31/01	12/31/00
3	FRIENDSHIP VILLAGE OF SOUTH HILLS	12/31/02	12/31/01	12/31/00
3	HARMON HOUSE CARE CENTER	12/31/02	12/31/01	12/31/00
3	HAVENCREST NURSING CENTER	06/30/03	06/30/01	06/30/99
3	HAVERFORD NURSING & REHABILITATION CTR	06/30/03	06/30/02	06/30/01
3	HENRY CLAY VILLA	12/31/03	12/31/02	12/31/01
3	HERITAGE TOWERS	12/31/02	12/31/01	12/31/00
3	HICKORY HOUSE NURSING HOME	12/31/02	12/31/01	12/31/00
3	HIGHLAND CENTER, GENESIS ELDERCARE NTWRK	06/30/03	06/30/02	06/30/01
3	HOLY FAMILY HOME	12/31/02	12/31/01	12/31/00
3	HOPKINS CENTER	12/31/03	12/31/02	12/31/01
3	HORIZON SENIOR CARE	06/30/03	06/30/02	06/30/01
3	JEFFERSON HILLS MANOR	12/31/02	12/31/01	12/31/00
3	KADE NURSING HOME	12/31/02	12/31/01	12/31/00
3	KEARSLEY LONG TERM CARE CENTER	06/30/03	06/30/02	06/30/01
3	LAFAYETTE MANOR, INC	12/31/02	12/31/01	12/31/00
3	LATROBE REGIONAL HEALTH AND REHAB CENTER	06/30/03	06/30/01	06/30/99
3	LAUREL RIDGE CENTER	06/30/03	06/30/02	06/30/01
3	LAWSON NURSING HOME, INC.	12/31/02	12/31/01	12/31/00
3	LITTLE SISTERS OF THE POOR	12/31/02	12/31/01	12/31/00
3	LOYALHANNA CARE CENTER	12/31/02	12/31/01	12/31/00
3	LUTHERAN COMM AT TELFORD HLTHCRE CTR INC	06/30/03	06/30/02	06/30/01
3	MARWOOD REST HOME, INC	06/30/03	06/30/02	06/30/01
3	MARY J DREXEL HOME	12/31/02	12/31/01	12/31/00
3	MASONIC EASTERN STAR HOME EAST	12/31/02	12/31/01	12/31/00
3	MASONIC VILLAGE AT LAFAYETTE HILL	12/31/02	12/31/01	12/31/00
3	MCMURRAY HILLS MANOR	06/30/03	06/30/02	06/30/01
3	MEADOWCREST NURSING CENTER	06/30/03	06/30/01	06/30/99
3	NAAMANS CREEK COUNTRY MANOR	06/30/03	06/30/02	06/30/01
3	NORTH HILLS HEALTH AND REHAB CENTER	06/30/03	06/30/02	06/30/01
3	OAK HILL NURSING AND REHAB CENTER	06/30/03	06/30/01	06/30/99
3	PENNYPACK CENTER	12/31/03	12/31/02	12/31/01
3	PETER BECKER COMMUNITY	06/30/03	06/30/02	06/30/01
3	PICKERING MANOR HOME	06/30/03	06/30/02	06/30/01
3	REDSTONE HIGHLANDS HEALTH CARE CENTER	06/30/03	06/30/02	06/30/01
3	REFORMED PRESBYTERIAN HOME	12/31/02	12/31/01	12/31/00
3	RICHBORO CARE CENTER	06/30/03	06/30/02	06/30/01
3	ROCKHILL MENNONITE COMMUNITY	06/30/03	06/30/02	06/30/01
3	SAINT JOSEPH VILLA	06/30/03	06/30/02	06/30/01
3	SAXONY HEALTH CENTER	12/31/02	12/31/01	12/31/00

<i>Median Peer Group</i>	<i>Provider Name</i>	<i>Most Recent Cost Report End Date</i>	<i>Second Most Recent Cost Report End Date</i>	<i>Third Most Recent Cost Report End Date</i>
3	SCOTTDALE MANOR REHABILITATION CENTER	12/31/02	12/31/01	12/31/99
3	SHERWOOD OAKS	06/30/03	06/30/02	06/30/01
3	SKY VUE TERRACE	06/30/03	06/30/02	06/30/01
3	SOUDERTON MENNONITE HOMES	06/30/03	06/30/02	06/30/01
3	SOUTH FAYETTE NURSING CENTER	06/30/03	06/30/02	06/30/01
3	SOUTHWESTERN NURSING CENTER	06/30/03	06/30/02	06/30/01
3	STATESMAN HEALTH AND REHAB CENTER	06/30/03	06/30/02	06/30/01
3	TANDEM HEALTH CARE OF NORTH STRABANE	12/31/02		
3	TOWNE MANOR WEST	12/31/02	12/31/01	12/31/00
3	UNITARIAN UNIVERSALIST HOUSE	12/31/02	12/31/01	12/31/00
3	VALENCIA WOODS AT ST BARNABAS	06/30/03	06/30/02	06/30/01
3	VINCENTIAN DE MARILLAC	06/30/03	06/30/02	06/30/01
3	WASHINGTON HOSP TRANSITIONAL CARE UNIT	06/30/03	06/30/02	06/30/01
3	WAYNE CENTER	06/30/03	06/30/02	06/30/01
3	WILLIAM PENN CARE CENTER	12/31/02	12/31/01	12/31/00
3	WILLOWBROOKE COURT AT BRITTANY POINTE	12/31/02	12/31/01	12/31/00
3	WYNCOTE CHURCH HOME	06/30/03	06/30/02	06/30/01
PG3	Resident Care Median	Other Resident Rltd Median		Administrative Median
	\$82.90	\$35.63		\$18.10
PG3	Resident Care Price	Other Resident Rltd Price		Administrative Price
	\$96.99	\$39.91		\$18.82
<i>Median Peer Group</i>	<i>Provider Name</i>	<i>Most Recent Cost Report End Date</i>	<i>Second Most Recent Cost Report End Date</i>	<i>Third Most Recent Cost Report End Date</i>
4	ALLIED SERVICES SKILLED NURSING CENTER	06/30/03	06/30/02	06/30/01
4	BERKS HEIM	12/31/02	12/31/01	12/31/00
4	BRETHREN HOME COMMUNITY, THE	06/30/03	06/30/02	06/30/01
4	CAMBRIA COUNTY HOME—LAUREL CREST REHAB	12/31/02	12/31/01	12/31/00
4	CEDAR HAVEN	12/31/02	12/31/01	12/31/00
4	CEDARBROOK NURSING HOMES	12/31/02	12/31/01	12/31/00
4	CLAREMONT NRC OF CUMBERLAND COUNTY	12/31/02	12/31/01	12/31/00
4	COLONIAL MANOR NURSING HOME	12/31/02	12/31/01	12/31/00
4	CONESTOGA VIEW	12/31/02	12/31/01	12/31/00
4	GRACEDALE—NORTHAMPTON COUNTY HOME	12/31/02	12/31/01	12/31/00
4	LACKAWANNA COUNTY HEALTH CARE CENTER	12/31/02	12/31/01	12/31/00
4	MASONIC HOMES	12/31/02	12/31/01	12/31/00
4	MOUNTAIN CITY NURSING AND REHAB CENTER	12/31/02	12/31/01	12/31/00
4	MOUNTAIN VIEW MANOR NRSG AND REHAB CTR	12/31/02	12/31/01	12/31/00
4	PHOEBE HOME, INC	06/30/03	06/30/02	06/30/01
4	PLEASANT ACRES NURSING AND REHAB CENTER	12/31/02	12/31/01	12/31/00
4	PLEASANT RIDGE MANOR EAST/WEST	12/31/02	12/31/01	12/31/00

<i>Median Peer Group</i>	<i>Provider Name</i>	<i>Most Recent Cost Report End Date</i>	<i>Second Most Recent Cost Report End Date</i>	<i>Third Most Recent Cost Report End Date</i>
4	SPRING CREEK REHAB AND HEALTH CARE CTR	12/31/02	12/31/01	12/31/00
4	VALLEY CREST NURSING HOME	12/31/02	12/31/01	12/31/00
4	WEST SHORE HEALTH AND REHAB CENTER	12/31/02	12/31/01	12/31/00
PG4	Resident Care Median	Other Resident Rltd Median		Administrative Median
	\$99.29	\$46.20		\$16.81
PG4	Resident Care Price	Other Resident Rltd Price		Administrative Price
	\$116.17	\$51.74		\$17.48
<i>Median Peer Group</i>	<i>Provider Name</i>	<i>Most Recent Cost Report End Date</i>	<i>Second Most Recent Cost Report End Date</i>	<i>Third Most Recent Cost Report End Date</i>
5	ABINGTON MANOR	12/31/03	12/31/02	12/31/01
5	BERKSHIRE CENTER	06/30/03	06/30/02	06/30/01
5	BERWICK RETIREMENT VILLAGE NRSNG CTR II	06/30/02	06/30/01	06/30/00
5	BEVERLY HEALTHCARE—EAST MOUNTAIN	12/31/02	12/31/01	12/31/00
5	BEVERLY HEALTHCARE—READING	12/31/02	12/31/01	12/31/00
5	BEVERLY HEALTHCARE—SCRANTON	12/31/02	12/31/01	12/31/00
5	BEVERLY HEALTHCARE—TUNKHANNOCK	12/31/02	12/31/01	12/31/00
5	BEVERLY HEALTHCARE—WESTERN RESERVE	12/31/02	12/31/01	12/31/00
5	BEVERLY MANOR OF LANCASTER	12/31/02	12/31/01	12/31/00
5	BIRCHWOOD NURSING AND REHAB CENTER	12/31/02	12/31/01	12/31/00
5	BLOOMSBURG HEALTH CARE CENTER	06/30/03	06/30/02	06/30/01
5	BRETHREN VILLAGE	06/30/03	06/30/02	06/30/01
5	COLONIAL PARK CARE CENTER	12/31/02	12/31/01	12/31/00
5	CORNWALL MANOR	12/31/02	12/31/01	12/31/00
5	CORRY MANOR	12/31/03	12/31/02	12/31/01
5	EASTON NURSING CENTER	12/31/02	12/31/01	12/31/00
5	ECC RETIREMENT VILLAGE—ALBRIGHT CAMPUS	12/31/02	12/31/01	12/31/00
5	EDINBORO MANOR	12/31/03	12/31/02	12/31/01
5	EPHRATA MANOR	12/31/02	12/31/01	12/31/00
5	FAIRMOUNT HOMES	06/30/03	06/30/02	06/30/01
5	FAIRVIEW MANOR	12/31/03	12/31/02	12/31/01
5	FELLOWSHIP MANOR	06/30/03	06/30/02	06/30/01
5	FREY VILLAGE	12/31/02	12/31/01	12/31/00
5	HAMILTON ARMS CENTER	06/30/03	06/30/02	06/30/01
5	HANOVER HALL	12/31/02	12/31/01	12/31/00
5	HARRISON SENIOR LIVING OF CHRISTIANA	12/31/02	12/31/01	12/31/00
5	HIGHLAND MANOR NURSING AND CONVAL CENTER	06/30/03	06/30/02	06/30/01
5	HOLY FAMILY MANOR	12/31/02	12/31/01	12/31/00
5	HOMWOOD AT PLUM CREEK	12/31/02	12/31/01	12/31/00
5	IHS OF ERIE AT BAYSIDE	12/31/02	12/31/01	12/31/00
5	JEWISH HOME OF EASTERN PENNSYLVANIA	12/31/02	12/31/01	12/31/00
5	JEWISH HOME OF GREATER HARRISBURG	06/30/03	06/30/02	06/30/01
5	KINGSTON COMMONS	12/31/02	12/31/01	12/31/00

<i>Median Peer Group</i>	<i>Provider Name</i>	<i>Most Recent Cost Report End Date</i>	<i>Second Most Recent Cost Report End Date</i>	<i>Third Most Recent Cost Report End Date</i>
5	KUTZTOWN MANOR	06/30/03	06/30/02	06/30/01
5	LANCASHIRE HALL	12/31/02	12/31/01	12/31/00
5	LAUREL CENTER	12/31/03	12/31/02	12/31/01
5	LEBANON VALLEY BRETHERN HOME	12/31/02	12/31/01	12/31/00
5	LEHIGH CENTER	06/30/03	06/30/02	06/30/01
5	LIBERTY NURSING AND REHAB CENTER	06/30/03	06/30/02	06/30/01
5	LITTLE FLOWER MANOR OF DIOCESE SCRANTON	12/31/02	12/31/01	12/31/00
5	LUTHERAN HOME AT TOPTON	12/31/02	12/31/01	12/31/00
5	MAHONING VALLEY NURSING AND REHAB CENTER	12/31/03	12/31/02	12/31/01
5	MANORCARE HEALTH SVCS—ALLENTOWN	12/31/02	12/31/01	12/31/00
5	MANORCARE HEALTH SVCS—BETHLEHEM I	12/31/02	12/31/01	12/31/00
5	MANORCARE HEALTH SVCS—BETHLEHEM II	12/31/02	12/31/01	12/31/00
5	MANORCARE HEALTH SVCS—CAMP HILL	12/31/02	12/31/01	12/31/00
5	MANORCARE HEALTH SVCS—CARLISLE	12/31/02	12/31/01	12/31/00
5	MANORCARE HEALTH SVCS—DALLASTOWN	12/31/02	12/31/01	12/31/00
5	MANORCARE HEALTH SVCS—EASTON	12/31/02	12/31/01	12/31/00
5	MANORCARE HEALTH SVCS—KINGSTON	12/31/02	12/31/01	12/31/00
5	MANORCARE HEALTH SVCS—KINGSTON COURT	06/30/03	06/30/02	06/30/01
5	MANORCARE HEALTH SVCS—LANCASTER	12/31/02	12/31/01	12/31/00
5	MANORCARE HEALTH SVCS—LAURELDALE	12/31/02	12/31/01	12/31/00
5	MANORCARE HEALTH SVCS—LEBANON	12/31/02	12/31/01	12/31/00
5	MANORCARE HEALTH SVCS—SINKING SPRING	12/31/02	12/31/01	12/31/00
5	MANORCARE HEALTH SVCS—WEST READING NORTH	12/31/02	12/31/01	12/31/00
5	MANORCARE HEALTH SVCS—YORK NORTH	06/30/03	06/30/02	06/30/01
5	MANORCARE HEALTH SVCS—YORK SOUTH	06/30/03	06/30/02	06/30/01
5	MAPLE FARM NURSING CENTER	06/30/03	06/30/02	06/30/01
5	MEADOWS NURSING CENTER	06/30/03	06/30/02	06/30/01
5	MENNONITE HOME, THE	06/30/03	06/30/02	06/30/01
5	MESSIAH VILLAGE	06/30/03	06/30/02	06/30/01
5	MIFFLIN CENTER	12/31/03	12/31/02	12/31/01
5	MORAVIAN MANOR	12/31/02	12/31/01	12/31/00
5	MOUNTAIN VIEW CARE CENTER	06/30/03	06/30/02	06/30/01
5	OLD ORCHARD HEALTH CARE CENTER	12/31/02		
5	ORANGEVILLE NURSING AND REHAB CENTER	12/31/02	12/31/01	12/31/00
5	PHOEBE BERKS HEALTH CARE CENTER, INC	06/30/03	06/30/02	06/30/01
5	PLEASANT VIEW RETIREMENT COMMUNITY	12/31/03	12/31/02	12/31/01
5	QUARRYVILLE PRESBYTERIAN HOME	06/30/03	06/30/02	06/30/01
5	REST HAVEN—YORK	06/30/03	06/30/02	06/30/01
5	RIVERSTREET MANOR	12/31/03	12/31/02	12/31/01
5	SAINT ANNE'S RETIREMENT COMMUNITY	06/30/03	06/30/02	06/30/01
5	SAINT MARY'S EAST	12/31/02	12/31/01	12/31/00
5	SHIPPENSBURG HEALTH CARE CENTER	12/31/02	12/31/01	12/31/00
5	SLATE BELT NURSING AND REHAB CENTER	06/30/03	06/30/02	06/30/01
5	SPRUCE MANOR NURSING AND REHAB CENTER	06/30/03	06/30/02	06/30/01

<i>Median Peer Group</i>	<i>Provider Name</i>	<i>Most Recent Cost Report End Date</i>	<i>Second Most Recent Cost Report End Date</i>	<i>Third Most Recent Cost Report End Date</i>
5	SUMMIT HEALTH CARE CENTER, INC	12/31/02	12/31/01	12/31/00
5	SUSQUEHANNA VALLEY NURSING AND REHAB CTR	12/31/02	12/31/01	12/31/00
5	TAYLOR NURSING AND REHAB CENTER	06/30/03	06/30/02	06/30/01
5	THE MANOR AT PERRY VILLAGE	12/31/02	12/31/01	12/31/00
5	THE MANOR AT SUSQUEHANNA VILLAGE	12/31/02	12/31/01	12/31/00
5	THE PAVILION AT ST LUKE VILLAGE	12/31/02	12/31/01	12/31/00
5	TWINBROOK MEDICAL CENTER	06/30/03	06/30/02	06/30/01
5	VILLA TERESA	12/31/02	12/31/01	12/31/00
5	WEATHERWOOD—CARBON COUNTY NH & REHAB CTR	12/31/02	12/31/01	12/31/00
5	WESLEY VILLAGE	12/31/02	12/31/01	12/31/00
PG5	Resident Care Median	Other Resident Rltd Median		Administrative Median
	\$79.60	\$30.90		\$15.90
PG5	Resident Care Price	Other Resident Rltd Price		Administrative Price
	\$93.13	\$34.61		\$16.54
<i>Median Peer Group</i>	<i>Provider Name</i>	<i>Most Recent Cost Report End Date</i>	<i>Second Most Recent Cost Report End Date</i>	<i>Third Most Recent Cost Report End Date</i>
6	ABINGTON CREST NURSING AND REHAB CENTER	06/30/03	06/30/02	06/30/01
6	AUDUBON VILLA	12/31/02	12/31/01	12/31/00
6	BALANCED CARE BLOOMSBURG	06/30/03	06/30/02	06/30/01
6	BALL PAVILION, THE	06/30/03	06/30/02	06/30/01
6	BARBARA J. EGAN NURSING AND REHAB CENTER	12/31/02	12/31/01	12/31/00
6	BETHANY VILLAGE RETIREMENT CENTER	12/31/02	12/31/01	12/31/00
6	BEVERLY HEALTHCARE—BLUE RIDGE MOUNTAIN	12/31/02	12/31/01	12/31/00
6	BEVERLY HEALTHCARE—CAMP HILL	12/31/02	12/31/01	12/31/00
6	BEVERLY HEALTHCARE—ERIE	12/31/02	12/31/01	12/31/00
6	BONHAM NURSING CENTER	12/31/02	12/31/01	12/31/00
6	BUTLER VALLEY MANOR	12/31/02	12/31/01	12/31/00
6	CALVARY FELLOWSHIP HOMES, INC	06/30/03	06/30/02	06/30/01
6	CARBONDALE NURSING HOME	12/31/02	12/31/01	12/31/00
6	CHAPEL POINTE AT CARLISLE	12/31/02	12/31/01	12/31/00
6	CHURCH OF GOD HOME, INC	12/31/02	12/31/01	12/31/00
6	COUNTRY MEADOWS NURSING CENTER-BETHLEHEM	12/31/02	12/31/01	12/31/00
6	CUMBERLAND CROSSINGS RETIREMENT COMM	06/30/03	06/30/02	06/30/01
6	DAVIS MANOR	06/30/03	06/30/02	06/30/01
6	DENVER NURSING HOME	12/31/02	12/31/01	12/31/00
6	DUNMORE HEALTH CARE CENTER	06/30/03	06/30/02	06/30/00
6	ECC RETIREMENT VILLAGE—STONERIDGE CAMPUS	12/31/02	12/31/01	12/31/99
6	FOREST PARK HEALTH CENTER	12/31/02	12/31/01	12/31/00

<i>Median Peer Group</i>	<i>Provider Name</i>	<i>Most Recent Cost Report End Date</i>	<i>Second Most Recent Cost Report End Date</i>	<i>Third Most Recent Cost Report End Date</i>
6	FOREST VIEW	06/30/03	06/30/02	06/30/01
6	GREEN RIDGE HEALTH CARE CENTER, LLC	12/31/02	12/31/01	12/31/00
6	GUARDIAN ELDER CARE CENTER	12/31/02	12/31/01	12/31/00
6	HAMPTON HOUSE	06/30/03	06/30/02	06/30/01
6	HERITAGE HOUSE	06/30/03	06/30/02	06/30/01
6	HOLY FAMILY RESIDENCE	12/31/02	12/31/01	12/31/00
6	HOMELAND CENTER	06/30/03	06/30/02	06/30/01
6	HOMESTEAD VILLAGE, INC	06/30/03	06/30/02	06/30/01
6	KEPLER HOME, INC, THE	12/31/02	12/31/01	12/31/00
6	KINKORA PYTHIAN HOME	06/30/03	06/30/02	06/30/01
6	LAKESIDE NURSING CENTER	12/31/02	12/31/01	12/31/00
6	LANDIS HOMES	06/30/03	06/30/02	06/30/01
6	LAURELS HEALTH AND REHAB AT KINGSTON	06/30/03	06/30/02	06/30/01
6	LAURELS HEALTH AND REHAB AT MID VALLEY	06/30/03	06/30/02	06/30/01
6	LEBANON VALLEY HOME THE	12/31/02	12/31/01	12/31/00
6	LUTHER ACRES MANOR	12/31/02	12/31/01	12/31/00
6	LUTHER CREST NURSING FACILITY	12/31/02	12/31/01	12/31/00
6	LUTHERAN NRSG AND REHAB CTR—SPRENKLE DR	12/31/02	12/31/01	12/31/00
6	MANCHESTER PRESBYTERIAN LODGE	12/31/02	12/31/01	12/31/00
6	MANORCARE HEALTH SVCS—ELIZABETHTOWN	12/31/02	12/31/01	12/31/00
6	MARY ELLEN CONVALESCENT HOME, INC	06/30/03	06/30/02	06/30/01
6	MERCY CENTER NURSING UNIT, INC	12/31/02	12/31/01	12/31/00
6	MIDDLETOWN HOME, THE	12/31/03	12/31/02	12/31/01
6	MILFORD SENIOR CARE AND REHAB CENTER	12/31/02	12/31/01	12/31/00
6	MILLCREEK MANOR	06/30/03	06/30/02	06/30/01
6	MILLVILLE HEALTH CENTER	12/31/02	12/31/01	12/31/00
6	MISERICORDIA CONVALESCENT HOME	12/31/02	12/31/01	12/31/00
6	MORAVIAN SPRINGS HEALTH CENTER	06/30/03	06/30/02	06/30/01
6	MOSSER NURSING HOME	06/30/03	06/30/02	06/30/01
6	MOUNT HOPE DUNKARD BRETHERN CHURCH HOME	06/30/03	06/30/02	06/30/01
6	MOUNTAIN REST NURSING HOME	06/30/03	06/30/02	06/30/01
6	NIPPLE CONVALESCENT HOME	12/31/02	12/31/01	12/31/00
6	NORMANDIE RIDGE	12/31/02	12/31/01	12/31/00
6	OSPREY RIDGE HEALTHCARE AND REHAB CENTER	06/30/03	06/30/02	06/30/01
6	PALMYRA NURSING HOME	12/31/02	12/31/01	12/31/00
6	PRAXIS ALZHEIMER'S FACILITY	12/31/02	12/31/01	12/31/00
6	PRESBYTERIAN LODGE	12/31/02	12/31/01	12/31/00
6	RHEEMS NURSING AND REHABILITATION CENTER	12/31/02	12/31/01	12/31/00
6	SAINT MARY'S VILLA NURSING HOME, INC	12/31/02	12/31/01	12/31/00
6	SARAH A REED RETIREMENT CENTER, THE	06/30/03	06/30/02	06/30/01
6	SARAH A TODD MEMORIAL HOME	12/31/02	12/31/01	12/31/00
6	SMITH HEALTH CARE, LTD	06/30/03	06/30/02	06/30/01
6	SPANG CREST MANOR	12/31/02	12/31/01	12/31/00

<i>Median Peer Group</i>	<i>Provider Name</i>	<i>Most Recent Cost Report End Date</i>	<i>Second Most Recent Cost Report End Date</i>	<i>Third Most Recent Cost Report End Date</i>
6	STONEBRIDGE HEALTH AND REHAB CENTER	12/31/03	12/31/01	12/31/00
6	SWAIM HEALTH CENTER	12/31/02	12/31/01	12/31/00
6	THE MANOR AT ST LUKE VILLAGE	12/31/02	12/31/01	12/31/00
6	THORNWALD HOME	12/31/02	12/31/01	12/31/00
6	TWIN OAKS NURSING HOME	12/31/02	12/31/01	12/31/00
6	UNITED CHRISTIAN CHURCH HOME	12/31/03	12/31/02	12/31/01
6	UNITED ZION RETIREMENT COMMUNITY	12/31/03	12/31/02	12/31/01
6	VILLAGE AT LUTHER SQUARE	12/31/02	12/31/01	12/31/00
6	VILLAGE VISTA MANOR	12/31/01	12/31/00	12/31/98
6	WESTMINSTER VILLAGE	12/31/02	12/31/01	12/31/00
6	WYOMISSING NURSING AND REHAB CENTER	12/31/02	12/31/01	12/31/00
6	ZERBE SISTERS NURSING CENTER, INC.	06/30/03	06/30/02	06/30/01
PG6	Resident Care Median	Other Resident Rltd Median		Administrative Median
	\$81.25	\$35.00		\$16.77
PG6	Resident Care Price	Other Resident Rltd Price		Administrative Price
	\$95.06	\$39.20		\$17.44
<i>Median Peer Group</i>	<i>Provider Name</i>	<i>Most Recent Cost Report End Date</i>	<i>Second Most Recent Cost Report End Date</i>	<i>Third Most Recent Cost Report End Date</i>
8	ALTOONA CENTER FOR NURSING CARE	12/31/02	12/31/01	12/31/00
8	ARBUTUS PARK MANOR	06/30/03	06/30/02	06/30/01
8	BEVERLY HEALTHCARE— HILLVIEW	12/31/02	12/31/01	12/31/00
8	CENTRE CREST HOME	12/31/02	12/31/01	12/31/00
8	CHURCH OF THE BRETHREN HOME	06/30/03	06/30/02	06/30/01
8	GARVEY MANOR	12/31/02	12/31/01	12/31/00
8	HOMEWOOD AT MARTINSBURG PA INC	12/31/02	12/31/01	12/31/00
8	LAUREL WOOD CARE CENTER	12/31/02	12/31/01	12/31/00
8	MANORCARE HEALTH SVCS—JERSEY SHORE	12/31/02	12/31/01	12/31/00
8	MANORCARE HEALTH SVCS—WILLIAMSPORT NORTH	12/31/02	12/31/01	12/31/00
8	MEADOW VIEW NURSING CENTER	06/30/03	06/30/02	06/30/01
8	MORRISONS COVE HOME	12/31/02	12/31/01	12/31/00
8	ORCHARD MANOR, INC	06/30/03	06/30/02	06/30/01
8	ROSE VIEW CENTER	06/30/03	06/30/02	06/30/01
8	SAINT PAUL HOMES	12/31/02	12/31/01	12/31/00
8	SIEMONS' LAKEVIEW MANOR ESTATE	06/30/03	06/30/02	06/30/01
8	SYCAMORE MANOR HEALTH CENTER	12/31/02	12/31/01	12/31/00
8	THE HEARTHSIDE, A NURSING AND REHAB	12/31/03	12/31/02	12/31/01
8	VALLEY VIEW HOME	12/31/02	12/31/01	12/31/00
8	VALLEY VIEW NURSING CENTER	12/31/02	12/31/01	12/31/00
8	WHITE CLIFF NURSING HOME	12/31/02	12/31/01	12/31/00
8	WILLIAMSPORT HOME, THE	12/31/02	12/31/01	12/31/00
8	WINDY HILL VILLAGE OF PRESBYTERIAN HOMES	12/31/03	12/31/02	12/31/01
8	WOODLAND PLACE	12/31/02	12/31/01	12/31/00

	Resident Care Median	Other Resident Rltd Median			Administrative Median
PG8	\$76.98	\$35.10			\$13.97
	Resident Care Price	Other Resident Rltd Price			Administrative Price
PG8	\$90.07	\$39.31			\$14.53
<i>Median Peer Group</i>	<i>Provider Name</i>	<i>Most Recent Cost Report End Date</i>	<i>Second Most Recent Cost Report End Date</i>	<i>Third Most Recent Cost Report End Date</i>	
9	BEVERLY HEALTHCARE—HAIDA	12/31/02	12/31/01	12/31/00	
9	BEVERLY HEALTHCARE—MEYERSDALE	12/31/02	12/31/01	12/31/00	
9	BEVERLY HEALTHCARE—RICHLAND	12/31/02	12/31/01	12/31/00	
9	CLEPPER MANOR	12/31/02	12/31/01	12/31/00	
9	COUNTRYSIDE CONVAL HOME LTD PARTNERSHIP	06/30/03	06/30/02	06/30/01	
9	EPWORTH MANOR	12/31/02	12/31/01	12/31/00	
9	GOOD SAMARITAN NSG CARE CTR—JOHNSTOWN	06/30/03	06/30/02	06/30/01	
9	GROVE MANOR	06/30/03	06/30/02	06/30/01	
9	HOSPITALITY CARE CENTER OF HERMITAGE INC	12/31/02	12/31/01	12/31/00	
9	JOHN XXIII HOME	12/31/02	12/31/01	12/31/00	
9	LAUREL VIEW VILLAGE	06/30/03	06/30/02	06/30/01	
9	LUTHERAN HOME AT HOLLIDAYSBURG, THE	12/31/02	12/31/01	12/31/00	
9	LUTHERAN HOME AT JOHNSTOWN, THE	12/31/02	12/31/01	12/31/00	
9	MANORCARE HEALTH SVCS—WILLIAMSPORT SOUTH	12/31/02	12/31/01	12/31/00	
9	MORAN'S HOME, INC	12/31/02	12/31/01	12/31/00	
9	NUGENT CONVALESCENT HOME	12/31/02	12/31/01	12/31/00	
9	PRESBYTERIAN HOME OF GREATER JOHNSTOWN	12/31/02	12/31/01	12/31/00	
9	PRESBYTERIAN HOMES—PRESBYTERY—HUNTINGDON	12/31/03	12/31/02	12/31/01	
9	THE PATRIOT, A CHOICE COMMUNITY	12/31/02	12/31/01	12/31/00	
9	TRINITY LIVING CENTER	06/30/03	06/30/02	06/30/00	
	Resident Care Median	Other Resident Rltd Median			Administrative Median
PG9	\$65.13	\$32.36			\$13.96
	Resident Care Price	Other Resident Rltd Price			Administrative Price
PG9	\$76.20	\$36.24			\$14.52
<i>Median Peer Group</i>	<i>Provider Name</i>	<i>Most Recent Cost Report End Date</i>	<i>Second Most Recent Cost Report End Date</i>	<i>Third Most Recent Cost Report End Date</i>	
11	ARMSTRONG COUNTY HEALTH CENTER	12/31/02	12/31/01	12/31/00	
11	BEACON RIDGE, A CHOICE COMMUNITY	12/31/02	12/31/01	12/31/00	
11	BEVERLY HEALTHCARE—SHIPPENVILLE	12/31/02	12/31/01	12/31/00	
11	BEVERLY HEALTHCARE—STROUD	12/31/02	12/31/01	12/31/00	
11	BEVERLY HEALTHCARE—WILLIAM PENN	12/31/02	12/31/01	12/31/00	
11	BRADFORD COUNTY MANOR	12/31/02	12/31/01	12/31/00	
11	BRADFORD MANOR	12/31/03	12/31/02	12/31/01	

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<i>Median Peer Group</i>	<i>Provider Name</i>	<i>Most Recent Cost Report End Date</i>	<i>Second Most Recent Cost Report End Date</i>	<i>Third Most Recent Cost Report End Date</i>
11	BRIGHTEN AT JULIA RIBAUDO	12/31/02	12/31/01	12/31/00
11	BROAD ACRES HEALTH AND REHAB CENTER	12/31/03	12/31/02	12/31/01
11	BROAD MOUNTAIN NURSING AND REHAB CENTER	06/30/03	06/30/02	06/30/01
11	CHRIST THE KING MANOR	06/30/03	06/30/02	06/30/01
11	CLARVIEW NURSING AND REHAB CENTER	12/31/03	12/31/02	12/31/01
11	COMMUNITIES AT INDIAN HAVEN	12/31/02	12/31/01	12/31/00
11	CRAWFORD COUNTY CARE CENTER	12/31/02	12/31/01	12/31/00
11	DUBOIS NURSING HOME	06/30/03	06/30/02	06/30/01
11	EDISON MANOR NURSING AND REHAB CENTER	06/30/03	06/30/02	06/30/01
11	ELK HAVEN NURSING HOME	06/30/03	06/30/02	06/30/01
11	ELLEN MEMORIAL HEALTH CARE CENTER	06/30/03	06/30/02	06/30/01
11	FALLING SPRING NURSING AND REHAB CENTER	12/31/02	12/31/01	12/31/00
11	FOREST CITY NURSING AND REHAB CENTER	06/30/03	06/30/02	06/30/01
11	GOLDEN HILL NURSING HOME, INC	06/30/03	06/30/02	06/30/01
11	GRANDVIEW HEALTH HOMES, INC	06/30/03	06/30/02	06/30/01
11	GREEN ACRES—ADAMS COUNTY NSG & REHAB CTR	12/31/02	12/31/01	12/31/00
11	GREEN HOME, INC, THE	06/30/03	06/30/02	06/30/01
11	HERITAGE NURSING HOME	06/30/03	06/30/02	06/30/01
11	HIGHLANDS CARE CENTER, THE	12/31/02	12/31/01	12/31/99
11	HOMETOWN NURSING AND REHAB CENTER	12/31/03	12/31/02	12/31/01
11	JEFFERSON MANOR HEALTH CENTER	06/30/03	06/30/02	06/30/01
11	JULIA POUND CARE CENTER	12/31/02	12/31/01	12/31/00
11	KITTANNING CARE CENTER	12/31/02	12/31/01	12/31/00
11	KRAMM HEALTHCARE CENTER, INC	06/30/03	06/30/02	06/30/01
11	KRAMM NURSING HOME, INC	06/30/03	06/30/02	06/30/01
11	MANORCARE HEALTH SVCS—CHAMBERSBURG	12/31/02	12/31/01	12/31/00
11	MANORCARE HEALTH SVCS—POTTSVILLE	12/31/02	12/31/01	12/31/00
11	MANORCARE HEALTH SVCS—SUNBURY	12/31/02	12/31/01	12/31/00
11	MENNO—HAVEN, INC.	12/31/02	12/31/01	12/31/00
11	MOUNT CARMEL NURSING AND REHAB CENTER	12/31/03	12/31/02	12/31/01
11	MOUNTAIN LAUREL NRC	06/30/03	06/30/02	06/30/01
11	NOTTINGHAM VILLAGE	12/31/02	12/31/01	12/31/00
11	OHESON MANOR	12/31/02	12/31/01	12/31/00
11	OIL CITY PRESBYTERIAN HOME	12/31/02	12/31/01	12/31/00
11	ORWIGSBURG CENTER	06/30/03	06/30/02	06/30/01
11	PENNKNOLE VILLAGE	12/31/02	12/31/01	12/31/00
11	PLEASANT VALLEY MANOR, INC	12/31/02	12/31/01	12/31/00
11	QUINCY UNITED METHODIST HOME	12/31/02	12/31/01	12/31/00
11	REST HAVEN	12/31/02	12/31/01	12/31/00
11	RIDGEVIEW ELDER CARE REHAB CENTER	12/31/02	12/31/01	12/31/98
11	RIVERWOODS	12/31/02	12/31/01	12/31/00
11	ROLLING FIELDS, INC	12/31/02	12/31/01	12/31/00
11	ROLLING MEADOWS	06/30/03	06/30/02	06/30/01

<i>Median Peer Group</i>	<i>Provider Name</i>	<i>Most Recent Cost Report End Date</i>	<i>Second Most Recent Cost Report End Date</i>	<i>Third Most Recent Cost Report End Date</i>
11	ROUSE WARREN COUNTY HOME	12/31/02	12/31/01	12/31/00
11	SCHUYLKILL CENTER	06/30/03	06/30/02	06/30/01
11	SENA-KEAN MANOR	12/31/02	12/31/01	12/31/00
11	SETON MANOR INC	06/30/03	06/30/02	06/30/01
11	SHENANDOAH MANOR NURSING CENTER	12/31/03	12/31/02	12/31/01
11	SUGAR CREEK STATION SKILLED NSG & REHAB	12/31/02	12/31/01	12/31/00
11	SUSQUE VIEW HOME, INC	12/31/02	12/31/01	12/31/00
11	SWEDEN VALLEY MANOR	12/31/03	12/31/02	12/31/01
11	THE MANOR AT PENN VILLAGE	12/31/02	12/31/01	12/31/00
11	TREMONT HEALTH AND REHABILITATION CENTER	06/30/03	06/30/02	06/30/01
11	VALLEY VIEW HAVEN, INC	12/31/02	12/31/01	12/31/00
11	WARREN MANOR	12/31/03	12/31/02	12/31/01
11	WAYNE WOODLANDS MANOR	06/30/03	06/30/02	06/30/01
11	WESBURY UNITED METHODIST COMMUNITY	12/31/02	12/31/01	12/31/00
11	WOODLAND RETIREMENT CENTER	12/31/03	12/31/02	12/31/01
PG11	Resident Care Median	Other Resident Rltd Median		Administrative Median
	\$70.88	\$31.85		\$14.30
PG11	Resident Care Price	Other Resident Rltd Price		Administrative Price
	\$82.93	\$35.67		\$14.87
<i>Median Peer Group</i>	<i>Provider Name</i>	<i>Most Recent Cost Report End Date</i>	<i>Second Most Recent Cost Report End Date</i>	<i>Third Most Recent Cost Report End Date</i>
12	AVALON NURSING CENTER	06/30/03	06/30/02	06/30/00
12	BEVERLY HEALTHCARE—CAMBRIDGE SPRINGS	12/31/02	12/31/01	12/31/00
12	BEVERLY HEALTHCARE—CLARION	12/31/02	12/31/01	12/31/00
12	BEVERLY HEALTHCARE—GETTYSBURG	12/31/02	12/31/01	12/31/00
12	BEVERLY HEALTHCARE—KINZUA VALLEY	12/31/02	12/31/01	12/31/00
12	BEVERLY HEALTHCARE—MEADVILLE	12/31/02	12/31/01	12/31/00
12	BEVERLY HEALTHCARE—MOUNTAIN VIEW	12/31/02	12/31/01	12/31/00
12	BEVERLY HEALTHCARE—OIL CITY	12/31/02	12/31/01	12/31/00
12	BEVERLY HEALTHCARE—TITUSVILLE	12/31/02	12/31/01	12/31/00
12	BEVERLY HEALTHCARE—WARREN	12/31/02	12/31/01	12/31/00
12	BEVERLY HEALTHCARE—WAYNESBURG	12/31/02	12/31/01	12/31/00
12	BEVERLY HEALTHCARE—YORK TERRACE	12/31/02	12/31/01	12/31/00
12	BRADFORD ECUMENICAL HOME, INC	12/31/02	12/31/01	12/31/00
12	BROOKLINE MANOR AND REHABILITATIVE SRVCS	12/31/02	12/31/01	12/31/00
12	BROOKMONT HEALTHCARE CENTER LLC	06/30/03	06/30/02	06/30/01
12	BUFFALO VALLEY LUTHERAN VILLAGE	12/31/02	12/31/01	12/31/00
12	CARING PLACE, THE	06/30/03	06/30/02	06/30/01
12	CARLETON SENIOR CARE AND REHAB CENTER	12/31/02	12/31/01	12/31/99
12	DARWAY ELDER CARE REHABILITATION CENTER	06/30/03	06/30/02	06/30/01
12	DONAHOE MANOR	06/30/03	06/30/02	06/30/01

<i>Median Peer Group</i>	<i>Provider Name</i>	<i>Most Recent Cost Report End Date</i>	<i>Second Most Recent Cost Report End Date</i>	<i>Third Most Recent Cost Report End Date</i>
12	DR ARTHUR CLIFTON MCKINLEY HEALTH CENTER	06/30/03	06/30/02	06/30/01
12	EMMANUEL CENTER FOR NURSING AND REHAB	12/31/02	12/31/01	12/31/00
12	FRIENDLY NURSING HOME—PITMAN	06/30/03	06/30/02	06/30/01
12	GETTYSBURG LUTHERAN NURSING REHAB	12/31/02	12/31/01	12/31/00
12	GUY AND MARY FELT MANOR, INC	06/30/03	06/30/02	06/30/01
12	HAVEN CONVALESCENT HOME, INC	12/31/02	12/31/01	12/31/00
12	HIGHLAND VIEW	06/30/03	06/30/02	06/30/01
12	HUNTINGDON NURSING AND REHAB CENTER	06/30/03	06/30/02	06/30/01
12	JAMESON CARE CENTER	12/31/03	12/31/02	12/31/01
12	LAKEVIEW SENIOR CARE AND LIVING CENTER	12/31/02	12/31/01	12/31/99
12	LAUREL CARE NURSING AND REHAB CENTER	12/31/02	12/31/01	06/30/00
12	LOCUST GROVE RETIREMENT VILLAGE	12/31/02	12/31/01	12/31/00
12	LUTHERAN HOME AT KANE, THE	12/31/02	12/31/01	12/31/00
12	MALTA HOME	12/31/02	12/31/01	12/31/00
12	MANSION NURSING AND CONVALESCENT HOME	12/31/02	12/31/01	12/31/00
12	MEADOW VIEW SENIOR LIVING CENTER	12/31/02	12/31/01	12/31/98
12	MEDA NIPPLE CONVALESCENT HOME	12/31/02	12/31/01	12/31/00
12	MENNO-HAVEN PENN HALL, INC	12/31/02	12/31/01	12/31/00
12	MULBERRY SQUARE	12/31/02	12/31/01	12/31/98
12	OVERLOOK MEDICAL CLINIC INC	12/31/02	12/31/01	12/31/00
12	PAVILION AT BRMC	06/30/03	06/30/02	06/30/01
12	ROLLING HILLS MANOR	06/30/03	06/30/02	06/30/01
12	SAYRE HOUSE, INC	06/30/03	06/30/02	06/30/01
12	SCENERY HILL MANOR	12/31/02	12/31/01	12/31/00
12	SHENANGO PRESBYTERIAN HOME	12/31/03	12/31/02	12/31/01
12	SHEPHERD'S CHOICE OF GETTYSBURG, THE	12/31/02	12/31/01	12/31/00
12	SHOOK HOME, THE	12/31/02	12/31/01	12/31/00
12	SILVER OAKS NURSING CENTER	12/31/02	12/31/01	12/31/00
12	SNYDER MEMORIAL HEALTH CARE CENTER	12/31/02	12/31/01	12/31/00
12	SUGAR CREEK REST	06/30/03	06/30/02	06/30/01
12	TRINITY MISSION HEALTH AND REHAB	12/31/01	12/31/00	12/31/99
12	WESTMINSTER WOODS AT HUNTINGDON	12/31/03	12/31/02	12/31/01
12	ZENDT HOME, THE	06/30/03	06/30/02	06/30/01
PG12	Resident Care Median	Other Resident Rltd Median		Administrative Median
	\$64.08	\$31.25		\$13.50
PG12	Resident Care Price	Other Resident Rltd Price		Administrative Price
	\$74.97	\$35.00		\$14.04
<i>Median Peer Group</i>	<i>Provider Name</i>	<i>Most Recent Cost Report End Date</i>	<i>Second Most Recent Cost Report End Date</i>	<i>Third Most Recent Cost Report End Date</i>
13	FOX SUBACUTE AT CLARA BURKE	12/31/02		
13	FOX SUBACUTE CENTER	12/31/02	12/31/01	12/31/00

<i>Median Peer Group</i>	<i>Provider Name</i>	<i>Most Recent Cost Report End Date</i>	<i>Second Most Recent Cost Report End Date</i>	<i>Third Most Recent Cost Report End Date</i>
13	GOOD SHEPHERD HOME LTC FACILITY, INC	06/30/03	06/30/02	06/30/01
13	GOOD SHEPHERD HOME-BETHLEHEM	06/30/03	06/30/02	06/30/01
13	INGLIS HOUSE	06/30/03	06/30/02	06/30/01
13	MARGARET E. MOUL HOME	06/30/03	06/30/02	06/30/01
PG13	Resident Care Median	Other Resident Rltd Median		Administrative Median
	\$138.57	\$68.23		\$42.94
PG13	Resident Care Price	Other Resident Rltd Price		Administrative Price
	\$162.13	\$76.42		\$44.66
<i>Median Peer Group</i>	<i>Provider Name</i>	<i>Most Recent Cost Report End Date</i>	<i>Second Most Recent Cost Report End Date</i>	<i>Third Most Recent Cost Report End Date</i>
14	ASHLAND REGIONAL LONG TERM CARE CENTER	06/30/03	06/30/01	06/30/00
14	BARNES-KASSON COUNTY HOSPITAL SNF	06/30/03	06/30/02	06/30/01
14	BERWICK RETIREMENT VILLAGE NRSNG CTR I	06/30/02	06/30/01	06/30/00
14	BUCKTAIL MEDICAL CENTER	06/30/03	06/30/02	06/30/01
14	CHARLES COLE MEMORIAL HOSPITAL ECF	06/30/03	06/30/02	06/30/01
14	FULTON COUNTY MEDICAL CENTER LTCU	06/30/03	06/30/02	06/30/01
14	GNADEN HUETTEN NURSING AND CONVAL CENTER	06/30/03	06/30/02	06/30/01
14	JAMESON HOSPITAL TCU—SOUTH	06/30/02	06/30/01	06/30/00
14	LOCK HAVEN HOSPITAL E.C.U.	06/30/02	06/30/01	06/30/00
14	MEMORIAL HOSPITAL INC SNU	06/30/03	06/30/02	06/30/01
14	MOSES TAYLOR HOSPITAL S.N.F.	06/30/03	06/30/02	06/30/01
14	MUNCY VALLEY HOSPITAL SNU	06/30/03	06/30/02	06/30/01
14	PINECREST MANOR	06/30/03	06/30/02	06/30/01
14	PINNACLE HEALTH ECF HB	06/30/03	06/30/02	06/30/01
14	PINNACLE HEALTH SNU—SEIDLE	06/30/03	06/30/02	06/30/01
14	SOMERSET HOSPITAL CENTER FOR HEALTH	06/30/03	06/30/02	06/30/01
14	ST LUKE'S MINERS MEMORIAL GERIATRIC CTR	06/30/03	06/30/02	06/30/01
14	SUNBURY COMMUNITY HOSPITAL SNF	06/30/03	06/30/02	06/30/01
14	WILLOWCREST	06/30/03	06/30/02	06/30/01
PG14	Resident Care Median	Other Resident Rltd Median		Administrative Median
	\$94.45	\$45.09		\$20.65
PG14	Resident Care Price	Other Resident Rltd Price		Administrative Price
	\$110.51	\$50.50		\$21.48

[Pa.B. Doc. No. 06-449. Filed for public inspection March 17, 2006, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania Beat The Dealer '06 Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Beat The Dealer '06.

2. *Price:* The price of a Pennsylvania Beat The Dealer '06 instant lottery game ticket is \$5.

3. *Play Symbols:* Each Pennsylvania Beat The Dealer '06 instant lottery game ticket will contain a "DEALER'S TOTAL" area and a "YOUR HANDS" area. The "YOUR HANDS" area will feature 10 "HAND" areas. Each "HAND" is played separately. The play symbols and their captions located in the "DEALER'S TOTAL" area are: 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN) and 20 (TWENT). The play symbols and their captions located in "HAND 1," "HAND 2," "HAND 3," "HAND 4," "HAND 5," "HAND 6," "HAND 7," "HAND 8," "HAND 9" and "HAND 10" in the "YOUR HANDS" area are: 2 (TWO), 3 (THR), 4 (FOR), 5 (FIV), 6 (SIX), 7 (SVN), 8 (EGT), 9 (NIN), 10 (TEN), Jack (JCK), Queen (QUN), King (KNG) and Ace (ACE) playing card symbols. A = 11, J, Q and K = 10.

4. *Prize Play Symbols:* The prize play symbols and their captions located in the 10 prize areas are: \$5⁰⁰ (FIV DOL), \$7⁰⁰ (SVN DOL), \$10⁰⁰ (TEN DOL), \$14\$ (FORTN), \$21\$ (TWY ONE), \$52\$ (FTY TWO), \$100 (ONE HUN), \$500 (FIV HUN), \$2,100 (TWYONEHUN), \$50,000 (FTY THO) and \$100,000 (ONEHUNTHO).

5. *Prizes:* The prizes that can be won in this game are: \$5, \$7, \$10, \$14, \$21, \$52, \$100, \$500, \$2,100, \$50,000 and \$100,000. The player can win up to 10 times on a ticket.

6. *Approximate Number of Tickets Printed for the Game:* Approximately 7,200,000 tickets will be printed for the Pennsylvania Beat The Dealer '06 instant lottery game.

7. Determination of Prize Winners:

(a) Holders of tickets where the sum of the playing card symbols in any "HAND" beats the "DEALER'S TOTAL," and a prize play symbol of \$100,000 (ONEHUNTHO) appears in the prize area under that "HAND," on a single ticket, shall be entitled to a prize of \$100,000.

(b) Holders of tickets where the sum of the playing card symbols in any "HAND" beats the "DEALER'S TOTAL," and a prize play symbol of \$50,000 (FTY THO) appears in the prize area under that "HAND," on a single ticket, shall be entitled to a prize of \$50,000.

(c) Holders of tickets where the sum of the playing card symbols in any "HAND" beats the "DEALER'S TOTAL," and a prize play symbol of \$2,100 (TWYONEHUN) appears in the prize area under that "HAND," on a single ticket, shall be entitled to a prize of \$2,100.

(d) Holders of tickets where the sum of the playing card symbols in any "HAND" beats the "DEALER'S

TOTAL," and a prize play symbol of \$500 (FIV HUN) appears in the prize area under that "HAND," on a single ticket, shall be entitled to a prize of \$500.

(e) Holders of tickets where the sum of the playing card symbols in any "HAND" beats the "DEALER'S TOTAL," and a prize play symbol of \$100 (ONE HUN) appears in the prize area under that "HAND," on a single ticket, shall be entitled to a prize of \$100.

(f) Holders of tickets where the sum of the playing card symbols in any "HAND" beats the "DEALER'S TOTAL," and a prize play symbol of \$52\$ (FTY TWO) appears in the prize area under that "HAND," on a single ticket, shall be entitled to a prize of \$52.

(g) Holders of tickets where the sum of the playing card symbols in any "HAND" equals 21, and a prize play symbol of \$21\$ (TWY ONE) appears in the prize area under that "HAND," on a single ticket, shall be entitled to a prize of \$42.

(h) Holders of tickets where the sum of the playing card symbols in any "HAND" beats the "DEALER'S TOTAL," and a prize play symbol of \$21\$ (TWY ONE) appears in the prize area under that "HAND," on a single ticket, shall be entitled to a prize of \$21.

(i) Holders of tickets where the sum of the playing card symbols in any "HAND" equals 21, and a prize play symbol of \$10.00 (TEN DOL) appears in the prize area under that "HAND," on a single ticket, shall be entitled to a prize of \$20.

(j) Holders of tickets where the sum of the playing card symbols in any "HAND" beats the "DEALER'S TOTAL," and a prize play symbol of \$14\$ (FORTN) appears in the prize area under that "HAND," on a single ticket, shall be entitled to a prize of \$14.

(k) Holders of tickets where the sum of the playing card symbols in any "HAND" equals 21, and a prize play symbol of \$7⁰⁰ (SVN DOL) appears in the prize area under that "HAND," on a single ticket, shall be entitled to a prize of \$14.

(l) Holders of tickets where the sum of the playing card symbols in any "HAND" beats the "DEALER'S TOTAL," and a prize play symbol of \$10⁰⁰ (TEN DOL) appears in the prize area under that "HAND," on a single ticket, shall be entitled to a prize of \$10.

(m) Holders of tickets where the sum of the playing card symbols in any "HAND" equals 21, and a prize play symbol of \$5⁰⁰ (FIV DOL) appears in the prize area under that "HAND," on a single ticket, shall be entitled to a prize of \$10.

(n) Holders of tickets where the sum of the playing card symbols in any "HAND" beats the "DEALER'S TOTAL," and a prize play symbol of \$7⁰⁰ (SVN DOL) appears in the prize area under that "HAND," on a single ticket, shall be entitled to a prize of \$7.

(o) Holders of tickets where the sum of the playing card symbols in any "HAND" beats the "DEALER'S TOTAL," and a prize play symbol of \$5⁰⁰ (FIV DOL) appears in the prize area under that "HAND," on a single ticket, shall be entitled to a prize of \$5.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

When The Sum of Any of
Your Hands Beats the
Dealer's Total, Win With
Prize(s) of:

Prize(s)	Win:	Approximate Odds of 1 In:	Approximate No. of Winners Per 7,200,000 Tickets
\$5	\$5	8.57	840,000
\$7	\$7	20	360,000
\$5 × 2	\$10	600	12,000
\$5 w/"21"	\$10	120	60,000
\$10	\$10	150	48,000
\$7 × 2	\$14	300	24,000
\$7 w/"21"	\$14	150	48,000
\$14	\$14	150	48,000
\$7 × 3	\$21	150	48,000
\$7 w/"21" + \$7	\$21	66.67	108,000
\$21	\$21	85.71	84,000
\$5 × 9 + \$7	\$52	300	24,000
\$7 × 6 + \$5 × 2	\$52	300	24,000
\$14 × 3 + \$10	\$52	600	12,000
\$21 w/"21" + \$10	\$52	300	24,000
\$52	\$52	200	36,000
\$10 × 10	\$100	1,846	3,900
\$10 w/"21" + \$10 × 8	\$100	1,846	3,900
\$100	\$100	1,714	4,200
\$100 × 5	\$500	12,000	600
\$500	\$500	12,000	600
\$100 + \$500 × 4	\$2,100	30,000	240
\$2,100	\$2,100	30,000	240
\$50,000	\$50,000	720,000	10
\$100,000	\$100,000	720,000	10

"21" = Double the prize shown.

Prizes, including the top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Beat The Dealer '06 instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Beat The Dealer '06, prize money from winning Pennsylvania Beat The Dealer '06 instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Beat The Dealer '06 instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law, 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Beat The Dealer '06 or through normal communications methods.

GREGORY C. FAJT,
Secretary

[Pa.B. Doc. No. 06-450. Filed for public inspection March 17, 2006, 9:00 a.m.]

Pennsylvania Cash Reward '06 Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Cash Reward '06.

2. *Price:* The price of a Pennsylvania Cash Reward '06 instant lottery game ticket is \$2.

3. *Play Symbols:* Each Pennsylvania Cash Reward '06 instant lottery game ticket will contain one play area containing a "CASH NUMBERS" area and a "YOUR NUMBERS" area and a separate "BONUS BOX" area. The play symbols and their captions located in the "CASH NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN) and 20 (TWENT). The play symbols and their captions located in the "YOUR NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), and a Sheriff's Star symbol (SHFSTAR). The play symbols and their captions located in the "BONUS BOX" area are: HOSS Wanted Poster symbol, PATCH Wanted Poster symbol, SKEETER Wanted Poster symbol, COLONEL Wanted Poster symbol, BANDIT Wanted Poster symbol, PAPPY Wanted Poster symbol, SNAKE Wanted Poster symbol, SPUR Wanted

Poster symbol, KID Wanted Poster symbol, DUSTY Wanted Poster symbol and KITTY Wanted Poster symbol.

4. *Prize Symbols:* The prize symbols and their captions located in the "YOUR NUMBERS" area are: \$1⁰⁰ (ONE DOL), \$2⁰⁰ (TWO DOL), \$4⁰⁰ (FOR DOL), \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL), \$20\$ (TWENTY), \$25\$ (TWY FIV), \$50\$ (FIFTY), \$100 (ONE HUN), \$500 (FIV HUN), \$2,500 (TWYFIVHUN) and \$25,000 (TWYFIVTHO). The prize symbols and their captions located in the "BONUS BOX" area are: \$1⁰⁰ (ONE DOL), \$2⁰⁰ (TWO DOL), \$4⁰⁰ (FOR DOL), \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL), \$25\$ (TWY FIV), \$50\$ (FIFTY), \$100 (ONE HUN), \$500 (FIV HUN) and \$2,500 (TWYFIVHUN).

5. *Prizes:* The prizes that can be won in this game are: \$1, \$2, \$4, \$5, \$10, \$20, \$25, \$50, \$100, \$500, \$2,500 and \$25,000. The prizes that can be won in the Bonus Box are: \$1, \$2, \$4, \$5, \$10, \$25, \$50, \$100, \$500 and \$2,500. A player can win up to 5 times on a ticket.

6. *Approximate Number of Tickets Printed for the Game:* Approximately 9,600,000 tickets will be printed for the Pennsylvania Cash Reward '06 instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "CASH NUMBERS" play symbols and a prize symbol of \$25,000 (TWYFIVTHO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$25,000.

(b) Holders of tickets with matching Wanted Poster play symbols in the "BONUS BOX" and a prize symbol of \$2,500 (TWYFIVHUN) also appears in the "BONUS BOX," on a single ticket, shall be entitled to a prize of \$2,500.

(c) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "CASH NUMBERS" play symbols and a prize symbol of \$2,500 (TWYFIVHUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$2,500.

(d) Holders of tickets upon which any one of the "YOUR NUMBERS" is a Sheriff's Star symbol (SHFSTAR), and a prize symbol of \$500 (FIV HUN) appears under the Sheriff's Star symbol (SHFSTAR), on a single ticket, shall be entitled to a prize of \$1,000.

(e) Holders of tickets with matching Wanted Poster play symbols in the "BONUS BOX" and a prize symbol of \$500 (FIV HUN) also appears in the "BONUS BOX," on a single ticket, shall be entitled to a prize of \$500.

(f) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "CASH NUMBERS" play symbols and a prize symbol of \$500 (FIV HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$500.

(g) Holders of tickets upon which any one of the "YOUR NUMBERS" is a Sheriff's Star symbol (SHFSTAR), and a prize symbol of \$100 (ONE HUN) appears under the Sheriff's Star symbol (SHFSTAR), on a single ticket, shall be entitled to a prize of \$200.

(h) Holders of tickets with matching Wanted Poster play symbols in the "BONUS BOX" and a prize symbol of \$100 (ONE HUN) also appears in the "BONUS BOX," on a single ticket, shall be entitled to a prize of \$100.

(i) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "CASH NUMBERS" play symbols and a prize symbol of \$100 (ONE HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(j) Holders of tickets upon which any one of the "YOUR NUMBERS" is a Sheriff's Star symbol (SHFSTAR), and a prize symbol of \$50\$ (FIFTY) appears under the Sheriff's Star symbol (SHFSTAR), on a single ticket, shall be entitled to a prize of \$100.

(k) Holders of tickets with matching Wanted Poster play symbols in the "BONUS BOX" and a prize symbol of \$50\$ (FIFTY) also appears in the "BONUS BOX," on a single ticket, shall be entitled to a prize of \$50.

(l) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "CASH NUMBERS" play symbols and a prize symbol of \$50\$ (FIFTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(m) Holders of tickets upon which any one of the "YOUR NUMBERS" is a Sheriff's Star symbol (SHFSTAR), and a prize symbol of \$25\$ (TWY FIV) appears under the Sheriff's Star symbol (SHFSTAR), on a single ticket, shall be entitled to a prize of \$50.

(n) Holders of tickets with matching Wanted Poster play symbols in the "BONUS BOX" and a prize symbol of \$25\$ (TWY FIV) also appears in the "BONUS BOX," on a single ticket, shall be entitled to a prize of \$25.

(o) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "CASH NUMBERS" play symbols and a prize symbol of \$25\$ (TWY FIV) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$25.

(p) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "CASH NUMBERS" play symbols and a prize symbol of \$20\$ (TWENTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(q) Holders of tickets upon which any one of the "YOUR NUMBERS" is a Sheriff's Star symbol (SHFSTAR), and a prize symbol of \$10⁰⁰ (TEN DOL) appears under the Sheriff's Star symbol (SHFSTAR), on a single ticket, shall be entitled to a prize of \$20.

(r) Holders of tickets with matching Wanted Poster play symbols in the "BONUS BOX" and a prize symbol of \$10⁰⁰ (TEN DOL) also appears in the "BONUS BOX," on a single ticket, shall be entitled to a prize of \$10.

(s) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "CASH NUMBERS" play symbols and a prize symbol of \$10⁰⁰ (TEN DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(t) Holders of tickets upon which any one of the "YOUR NUMBERS" is a Sheriff's Star symbol (SHFSTAR), and a prize symbol of \$5⁰⁰ (FIV DOL) appears under the Sheriff's Star symbol (SHFSTAR), on a single ticket, shall be entitled to a prize of \$10.

(u) Holders of tickets with matching Wanted Poster play symbols in the "BONUS BOX" and a prize symbol of

\$5.⁰⁰ (FIV DOL) also appears in the "BONUS BOX," on a single ticket, shall be entitled to a prize of \$5.

(v) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "CASH NUMBERS" play symbols and a prize symbol of \$5.⁰⁰ (FIV DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$5.

(w) Holders of tickets with matching Wanted Poster play symbols in the "BONUS BOX" and a prize symbol of \$4.⁰⁰ (FOR DOL) also appears in the "BONUS BOX," on a single ticket, shall be entitled to a prize of \$4.

(x) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "CASH NUMBERS" play symbols and a prize symbol of \$4.⁰⁰ (FOR DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$4.

(y) Holders of tickets upon which any one of the "YOUR NUMBERS" is a Sheriff's Star symbol (SHFSTAR), and a prize symbol of \$2.⁰⁰ (TWO DOL) appears under the Sheriff's Star symbol (SHFSTAR), on a single ticket, shall be entitled to a prize of \$4.

(z) Holders of tickets with matching Wanted Poster play symbols in the "BONUS BOX" and a prize symbol of \$2.⁰⁰ (TWO DOL) also appears in the "BONUS BOX," on a single ticket, shall be entitled to a prize of \$2.

(aa) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "CASH NUMBERS" play symbols and a prize symbol of \$2.⁰⁰ (TWO DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$2.

(bb) Holders of tickets upon which any one of the "YOUR NUMBERS" is a Sheriff's Star symbol (SHFSTAR), and a prize symbol of \$1.⁰⁰ (ONE DOL) appears under the Sheriff's Star symbol (SHFSTAR), on a single ticket, shall be entitled to a prize of \$2.

(cc) Holders of tickets with matching Wanted Poster play symbols in the "BONUS BOX" and a prize symbol of \$1.⁰⁰ (ONE DOL) also appears in the "BONUS BOX," on a single ticket, shall be entitled to a prize of \$1.

(dd) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "CASH NUMBERS" play symbols and a prize symbol of \$1.⁰⁰ (ONE DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

<i>When Any of Your Numbers Match Either of the Cash Numbers, Win With Prize(s) of:</i>	<i>Win:</i>	<i>Approximate Odds of 1 In:</i>	<i>Approximate No. of Winners Per 9,600,000 Tickets</i>
\$2	\$2	50	192,000
\$1 × 2	\$2	75	128,000
\$1 w/SHERIFF STAR	\$2	50	192,000
\$1 + \$1 w/BONUS BOX	\$2	50	192,000
\$2 w/BONUS BOX	\$2	50	192,000
\$4	\$4	75	128,000
\$1 × 4	\$4	75	128,000
\$2 w/SHERIFF STAR	\$4	75	128,000
\$2 + \$2 w/BONUS BOX	\$4	75	128,000
\$4 w/BONUS BOX	\$4	75	128,000
\$5	\$5	75	128,000
\$1 × 5	\$5	150	64,000
\$2 w/SHERIFF STAR + \$1	\$5	150	64,000
\$5 w/BONUS BOX	\$5	150	64,000
\$10	\$10	300	32,000
\$2 × 5	\$10	300	32,000
\$5 × 2	\$10	300	32,000
\$5 w/SHERIFF STAR	\$10	300	32,000
\$5 + \$5 w/BONUS BOX	\$10	300	32,000
\$10 w/BONUS BOX	\$10	300	32,000
\$25	\$25	750	12,800
\$5 × 5	\$25	750	12,800
\$10 w/SHERIFF STAR + \$5	\$25	750	12,800
\$5 w/SHERIFF STAR + \$5 × 3	\$25	750	12,800
\$25 w/BONUS BOX	\$25	750	12,800
\$50	\$50	1,846	5,200
\$10 × 5	\$50	1,846	5,200
\$25 × 2	\$50	1,846	5,200
\$25 w/SHERIFF STAR	\$50	1,714	5,600
\$25 + \$25 w/BONUS BOX	\$50	1,714	5,600
\$50 w/BONUS BOX	\$50	1,846	5,200
\$100	\$100	10,909	880
\$20 × 5	\$100	10,909	880

When Any of Your Numbers Match Either of the Cash Numbers, Win With Prize(s) of:

	<i>Win:</i>	<i>Approximate Odds of 1 In:</i>	<i>Approximate No. of Winners Per 9,600,000 Tickets</i>
\$25 w/SHERIFF STAR + \$50	\$100	10,909	880
\$50 + \$50 w/BONUS BOX	\$100	10,909	880
\$50 w/SHERIFF STAR	\$100	10,909	880
\$500	\$500	60,000	160
\$100 × 5	\$500	60,000	160
\$100 w/SHERIFF STAR + \$100 × 3	\$500	60,000	160
\$100 × 4 + \$100 w/BONUS BOX	\$500	60,000	160
\$500 w/BONUS BOX	\$500	60,000	160
\$2,500	\$2,500	960,000	10
\$500 × 5	\$2,500	960,000	10
\$500 w/SHERIFF STAR + \$500 × 3	\$2,500	960,000	10
\$500 × 4 + \$500 w/BONUS BOX	\$2,500	960,000	10
\$2,500 w/BONUS BOX	\$2,500	960,000	10
\$25,000	\$25,000	960,000	10

SHERIFF'S STAR (SHFSTAR) = Win double the prize shown.
BONUS BOX—MATCH FACES = Win prize shown in BONUS BOX.

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Cash Reward '06 instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Cash Reward '06, prize money from winning Pennsylvania Cash Reward '06 instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Cash Reward '06 instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law, 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Cash Reward '06 or through normal communications methods.

GREGORY C. FAJT,
Secretary

[Pa.B. Doc. No. 06-451. Filed for public inspection March 17, 2006, 9:00 a.m.]

Pennsylvania Fast Cash Bingo Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Fast Cash Bingo.

2. *Price:* The price of a Pennsylvania Fast Cash Bingo instant lottery game ticket is \$1.

3. *Play Symbols:* Each Pennsylvania Fast Cash Bingo instant lottery game ticket will contain one play area consisting of 25 spaces on a 5 by 5 grid and a "PRIZE" area. The 153 play symbols that may be located in the 25 spaces of the 5 by 5 grid are: Black numbers 1 through 75, a "FREE" symbol and a black dot symbol, and red numbers 1 through 75 and a red dot symbol. The "FREE" symbol is a free space. The black dot symbol is a free space when it appears in a winning pattern. The red dot symbol is a free space, and when it appears in a winning pattern, the prize doubles.

4. *Prize Symbols:* The prize symbols and their captions, located in the "PRIZE" area are: FREE (TICKET), \$1⁰⁰ (ONE DOL) \$2⁰⁰ (TWO DOL), \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL), \$20\$ (TWENTY), \$50\$ (FIFTY), \$100 (ONE HUN), \$200 (TWO HUN) and \$500 (FIV HUN).

5. *Prizes:* The prizes that can be won in this game are: Free Ticket, \$1, \$2, \$5, \$10, \$20, \$50, \$100, \$200 and \$500.

6. *Approximate Number of Tickets Printed for the Game:* Approximately 12,000,000 tickets will be printed for the Pennsylvania Fast Cash Bingo instant lottery game.

7. *Determination of Prize Winners:*

- (a) Holders of tickets with eight black dot play symbols in an "X" pattern, extending through the "FREE" space and through to each of the four corners of the play area grid, and a prize symbol of \$500 (FIV HUN) appearing in the "PRIZE" area, on a single ticket, shall be entitled to a prize of \$500.
- (b) Holders of tickets with seven black dot play symbols in an "X" pattern, extending through the "FREE" space and through to each of the four corners of the play area grid, and having a red dot in the remaining space of that same winning pattern, and a prize symbol of \$100 (ONE HUN) appearing in the "PRIZE" area, on a single ticket, shall be entitled to a prize of \$200.
- (c) Holders of tickets with eight black dot play symbols in an "X" pattern, extending through the "FREE" space and through to each of the four corners of the play area grid, and a prize symbol of \$200 (TWO HUN) appearing in the "PRIZE" area, on a single ticket, shall be entitled to a prize of \$200.
- (d) Holders of tickets with a black dot play symbol in three of the four corners of the play area grid, and having a red dot in the remaining corner of the play area grid and a prize symbol of \$50\$ (FIFTY) appearing in the "PRIZE" area, on a single ticket, shall be entitled to a prize of \$100.
- (e) Holders of tickets with eight black dot play symbols in an "X" pattern, extending through the "FREE" space and through to each of the four corners of the play area grid, and a prize symbol of \$100 (ONE HUN) appearing in the "PRIZE" area, on a single ticket, shall be entitled to a prize of \$100.
- (f) Holders of tickets with a black dot play symbol in each of the four corners of the play area grid, and a prize symbol of \$50\$ (FIFTY) appearing in the "PRIZE" area, on a single ticket, shall be entitled to a prize of \$50.
- (g) Holders of tickets with a black dot play symbol in each of the four corners of the play area grid, and a prize symbol of \$20\$ (TWENTY) appearing in the "PRIZE" area, on a single ticket, shall be entitled to a prize of \$20.
- (h) Holders of tickets with a black dot play symbol in four of the five spaces in a horizontal, vertical or diagonal

line, and having a red dot in the remaining space of that same winning pattern in the play area grid, and a prize symbol of \$5^{.00} (FIV DOL) appearing in the "PRIZE" area, on a single ticket, shall be entitled to a prize of \$10.

(i) Holders of tickets with a black dot play symbol in each of the four corners of the play area grid, and a prize symbol of \$10^{.00} (TEN DOL) appearing in the "PRIZE" area, on a single ticket, shall be entitled to a prize of \$10.

(j) Holders of tickets with black dot play symbols in a five-space horizontal, vertical or diagonal line on the play area grid, and a prize symbol of \$5^{.00} (FIV DOL) appearing in the "PRIZE" area, on a single ticket, shall be entitled to a prize of \$5.

(k) Holders of tickets with a black dot play symbol in four of the five spaces in a horizontal, vertical or diagonal line, and having a red dot in the remaining space of that same winning pattern in the play area grid, and a prize symbol of \$1^{.00} (ONE DOL) appearing in the "PRIZE" area, on a single ticket, shall be entitled to a prize of \$2.

(l) Holders of tickets with black dot play symbols in a five-space horizontal, vertical or diagonal line on the play area grid, and a prize symbol of \$2^{.00} (TWO DOL) appearing in the "PRIZE" area, on a single ticket, shall be entitled to a prize of \$2.

(m) Holders of tickets with black dot play symbols in a five-space horizontal, vertical or diagonal line on the play area grid, and a prize symbol of \$1^{.00} (ONE DOL) appearing in the "PRIZE" area, on a single ticket, shall be entitled to a prize of \$1.

(n) Holders of tickets with black dot play symbols in a five-space horizontal, vertical or diagonal line on the play area grid, and a prize symbol of FREE (TICKET) appearing in the "PRIZE" area, on a single ticket, shall be entitled to a prize of one Pennsylvania Fast Cash Bingo instant game ticket or one Pennsylvania Lottery instant game ticket of equivalent sale price which is currently on sale.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

<i>Get Bingo, Win With Prizes of:</i>	<i>Win:</i>	<i>Approximate Odds of 1 In:</i>	<i>Approximate No. of Winners Per 12,000,000 Tickets</i>
LINE	TICKET	10	1,200,000
LINE	\$1	12	1,000,000
LINE	\$2	60	200,000
\$1 LINE w/RED DOT	\$2	60	200,000
LINE	\$5	60	200,000
4 CORNERS	\$10	300	40,000
\$5 LINE w/RED DOT	\$10	300	40,000
4 CORNERS	\$20	300	40,000
4 CORNERS	\$50	800	15,000
X PATTERN	\$100	3,750	3,200
\$50 4 CORNERS w/RED DOT	\$100	3,750	3,200
X PATTERN	\$200	24,000	500
\$100 X PATTERN w/RED DOT	\$200	24,000	500
X PATTERN	\$500	21,818	550

RED DOT in a winning pattern = Win double the prize shown.

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Fast Cash Bingo instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Fast Cash Bingo, prize money from winning Pennsylvania Fast Cash Bingo instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Fast Cash Bingo instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law, 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Fast Cash Bingo or through normal communications methods.

GREGORY C. FAJT,
Secretary

[Pa.B. Doc. No. 06-452. Filed for public inspection March 17, 2006, 9:00 a.m.]

Pennsylvania Happy Mother's Day Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Happy Mother's Day.

2. *Price:* The price of a Pennsylvania Happy Mother's Day instant lottery game ticket is \$5.

3. *Play Symbols:* Each Pennsylvania Happy Mother's Day instant lottery game ticket will contain one play area featuring a "WINNING SYMBOLS" area and a "YOUR SYMBOLS" area. The play symbols and their captions located in the "WINNING SYMBOLS" area are: Money symbol (MONEY), House symbol (HOUSE), Star symbol (STAR), Necklace symbol (NCKLACE), Ring symbol (RING), Candy symbol (CANDY), Sun symbol (SUN), Emerald symbol (EMERALD), Diamond symbol (DIAMOND), Gift symbol (GIFT), Watch symbol (WATCH), Handbag symbol (BAG), Car symbol (CAR) and Balloon symbol (BALLOON). The play symbols and their captions located in the "YOUR SYMBOLS" area are: Money symbol (MONEY), House symbol (HOUSE), Star symbol (STAR), Necklace symbol (NCKLACE), Ring symbol (RING), Candy symbol (CANDY), Sun symbol (SUN), Emerald symbol (EMERALD), Diamond symbol (DIAMOND), Gift symbol (GIFT), Watch symbol (WATCH),

Handbag symbol (BAG), Car symbol (CAR), Balloon symbol (BALLOON), Heart symbol (HEART) and a Rose symbol (ROSE).

4. *Prize Symbols:* The prize symbols and their captions located in the "YOUR SYMBOLS" area are: \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL), \$15\$ (FIFTN), \$20\$ (TWENTY), \$25\$ (TWY FIV), \$50\$ (FIFTY), \$100 (ONE HUN), \$500 (FIV HUN) and \$30,000 (TRY THO).

5. *Prizes:* The prizes that can be won in this game are: \$5, \$10, \$15, \$20, \$25, \$50, \$100, \$500 and \$30,000. A player can win up to 10 times on a ticket.

6. *Approximate Number of Tickets Printed for the Game:* Approximately 3,000,000 tickets will be printed for the Pennsylvania Happy Mother's Day instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the "YOUR SYMBOLS" play symbols matches any of the "WINNING SYMBOLS" play symbols and a prize symbol of \$30,000 (TRY THO) appears under the matching "YOUR SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$30,000.

(b) Holders of tickets upon which any one of the "YOUR SYMBOLS" play symbols matches any of the "WINNING SYMBOLS" play symbols and a prize symbol of \$500 (FIV HUN) appears under the matching "YOUR SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$500.

(c) Holders of tickets upon which any one of the "YOUR SYMBOLS" play symbols is a Rose symbol (ROSE), and a prize symbol of \$500 (FIV HUN) appears under the Rose symbol (ROSE) on a single ticket, shall be entitled to a prize of \$500.

(d) Holders of tickets upon which any one of the "YOUR SYMBOLS" play symbols is a Heart symbol (HEART), and a prize symbol of \$100 (ONE HUN) appears under the Heart symbol (HEART) on a single ticket, shall be entitled to a prize of \$200.

(e) Holders of tickets upon which any one of the "YOUR SYMBOLS" play symbols matches any of the "WINNING SYMBOLS" play symbols and a prize symbol of \$100 (ONE HUN) appears under the matching "YOUR SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(f) Holders of tickets upon which any one of the "YOUR SYMBOLS" play symbols is a Rose symbol (ROSE), and a prize symbol of \$100 (ONE HUN) appears under the Rose symbol (ROSE) on a single ticket, shall be entitled to a prize of \$100.

(g) Holders of tickets upon which any one of the "YOUR SYMBOLS" play symbols is a Heart symbol (HEART), and a prize symbol of \$50\$ (FIFTY) appears under the Heart symbol (HEART) on a single ticket, shall be entitled to a prize of \$100.

(h) Holders of tickets upon which any one of the "YOUR SYMBOLS" play symbols matches any of the "WINNING SYMBOLS" play symbols and a prize symbol of \$50\$ (FIFTY) appears under the matching "YOUR SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(i) Holders of tickets upon which any one of the "YOUR SYMBOLS" play symbols is a Rose symbol (ROSE), and a prize symbol of \$50\$ (FIFTY) appears under the Rose symbol (ROSE) on a single ticket, shall be entitled to a prize of \$50.

(j) Holders of tickets upon which any one of the "YOUR SYMBOLS" play symbols is a Heart symbol (HEART), and a prize symbol of \$25\$ (TWY FIV) appears under the Heart symbol (HEART) on a single ticket, shall be entitled to a prize of \$50.

(k) Holders of tickets upon which any one of the "YOUR SYMBOLS" play symbols matches any of the "WINNING SYMBOLS" play symbols and a prize symbol of \$25\$ (TWY FIV) appears under the matching "YOUR SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$25.

(l) Holders of tickets upon which any one of the "YOUR SYMBOLS" play symbols is a Rose symbol (ROSE), and a prize symbol of \$25\$ (TWY FIV) appears under the Rose symbol (ROSE) on a single ticket, shall be entitled to a prize of \$25.

(m) Holders of tickets upon which any one of the "YOUR SYMBOLS" play symbols matches any of the "WINNING SYMBOLS" play symbols and a prize symbol of \$20\$ (TWENTY) appears under the matching "YOUR SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(n) Holders of tickets upon which any one of the "YOUR SYMBOLS" play symbols is a Rose symbol (ROSE), and a prize symbol of \$20\$ (TWENTY) appears under the Rose symbol (ROSE) on a single ticket, shall be entitled to a prize of \$20.

(o) Holders of tickets upon which any one of the "YOUR SYMBOLS" play symbols is a Heart symbol (HEART), and a prize symbol of \$10^{.00} (TEN DOL) appears under the Heart symbol (HEART) on a single ticket, shall be entitled to a prize of \$20.

(p) Holders of tickets upon which any one of the "YOUR SYMBOLS" play symbols matches any of the "WINNING SYMBOLS" play symbols and a prize symbol of \$15\$ (FIFTN) appears under the matching "YOUR SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$15.

(q) Holders of tickets upon which any one of the "YOUR SYMBOLS" play symbols is a Rose symbol (ROSE), and a prize symbol of \$15\$ (FIFTN) appears under the Rose symbol (ROSE) on a single ticket, shall be entitled to a prize of \$15.

(r) Holders of tickets upon which any one of the "YOUR SYMBOLS" play symbols matches any of the "WINNING SYMBOLS" play symbols and a prize symbol of \$10^{.00} (TEN DOL) appears under the matching "YOUR SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(s) Holders of tickets upon which any one of the "YOUR SYMBOLS" play symbols is a Rose symbol (ROSE), and a prize symbol of \$10^{.00} (TEN DOL) appears under the Rose symbol (ROSE) on a single ticket, shall be entitled to a prize of \$10.

(t) Holders of tickets upon which any one of the "YOUR SYMBOLS" play symbols is a Heart symbol (HEART), and a prize symbol of \$5^{.00} (FIV DOL) appears under the Heart symbol (HEART) on a single ticket, shall be entitled to a prize of \$10.

(u) Holders of tickets upon which any one of the "YOUR SYMBOLS" play symbols is a Rose symbol (ROSE), and a prize symbol of \$5^{.00} (FIV DOL) appears under the Rose symbol (ROSE) on a single ticket, shall be entitled to a prize of \$5.

(v) Holders of tickets upon which any one of the "YOUR SYMBOLS" play symbols matches any of the "WINNING SYMBOLS" play symbols and a prize symbol of \$5^{.00} (FIV DOL) appears under the matching "YOUR SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$5.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

<i>When Any of Your Symbols Match Any of the Winning Symbols, Win With Prize(s) of:</i>	<i>Win:</i>	<i>Approximate Odds of 1 In:</i>	<i>Approximate No. of Winners Per 3,000,000 Tickets</i>
\$5	\$5	20	150,000
\$5 w/ROSE	\$5	20	150,000
\$5 × 2	\$10	30	100,000
\$5 w/HEART	\$10	60	50,000
\$10 w/ROSE	\$10	60	50,000
\$10	\$10	30	100,000
\$5 × 3	\$15	300	10,000
\$10 + \$5	\$15	300	10,000
\$5 w/HEART + \$5	\$15	300	10,000
\$15 w/ROSE	\$15	300	10,000
\$15	\$15	300	10,000
\$5 × 4	\$20	300	10,000
\$5 × 2 + \$10	\$20	300	10,000
\$10 × 2	\$20	300	10,000
\$10 w/HEART	\$20	600	5,000
\$20 w/ROSE	\$20	600	5,000
\$20	\$20	300	10,000
\$5 × 5	\$25	300	10,000

When Any of Your Symbols Match Any of the Winning Symbols, Win With Prize(s) of:

	<i>Win:</i>	<i>Approximate Odds of 1 In:</i>	<i>Approximate No. of Winners Per 3,000,000 Tickets</i>
\$10 + \$15	\$25	300	10,000
\$10 w/HEART + \$5	\$25	300	10,000
\$25 w/ROSE	\$25	300	10,000
\$25	\$25	300	10,000
\$5 × 10	\$50	200	15,000
\$10 × 5	\$50	300	10,000
\$25 × 2	\$50	600	5,000
\$25 w/HEART	\$50	600	5,000
\$50 w/ROSE	\$50	600	5,000
\$50	\$50	300	10,000
\$10 × 10	\$100	6,000	500
\$20 × 5	\$100	12,000	250
\$25 × 4	\$100	2,000	250
\$50 w/HEART	\$100	6,000	500
\$100 w/ROSE	\$100	6,000	500
\$100	\$100	6,000	500
\$50 × 10	\$500	60,000	50
\$100 × 5	\$500	60,000	50
\$100 w/HEART + \$100 × 3	\$500	120,000	25
\$500 w/ROSE	\$500	120,000	25
\$500	\$500	60,000	50
\$30,000	\$30,000	600,000	5

ROSE = Win prize automatically.
HEART = Win double the prize automatically.

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Happy Mother's Day instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Happy Mother's Day, prize money from winning Pennsylvania Happy Mother's Day instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Happy Mother's Day instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law, 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote

Pennsylvania Happy Mother's Day or through normal communications methods.

GREGORY C. FAJT,
Secretary

[Pa.B. Doc. No. 06-453. Filed for public inspection March 17, 2006, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Transportation Funding and Reform Commission Meeting

The Transportation Funding and Reform Commission will meet on Thursday, March 23, 2006. The meeting is open to the public between 9:30 a.m. and 10:15 a.m. in Conference Room 125B, Plaza Level, Commonwealth Keystone Building, 400 North Street, Harrisburg. Chairman Allen D. Biehler will be presiding.

The meeting location is accessible to persons having disabilities. Persons having special needs or requiring special aids are requested to contact Jeanie Schneider, Department of Transportation, Bureau of Public Transportation at (717) 787-3921 prior to the meeting in order that disability needs may be accommodated.

ALLEN D. BIEHLER, P. E.,
Secretary

[Pa.B. Doc. No. 06-454. Filed for public inspection March 17, 2006, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Notice of Comments Issued

Section 5(g) of the Regulatory Review Act (71 P. S. § 745.5(g)) provides that the Independent Regulatory Review Commission (Commission) may issue comments

within 30 days of the close of the public comment period. The Commission comments are based upon the criteria contained in section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b).

The Commission has issued comments on the following proposed regulation. The agency must consider these comments in preparing the final-form regulation. The final-form regulation must be submitted within 2 years of the close of the public comment period or it will be deemed withdrawn.

<i>Reg No.</i>	<i>Agency/Title</i>
57-239	Pennsylvania Public Utility Commission Regulation of Interexchange Carriers and Services 35 Pa.B. 6777 (December 17, 2005)

<i>Close of the Public Comment Period</i>	<i>IRRC Comments Issued</i>
1/31/06	3/2/06

Pennsylvania Public Utility Commission Regulation #57-239 (IRRC #2512)

Regulation of Interexchange Carriers and Services March 2, 2006

We submit for your consideration the following comments on the proposed rulemaking published in the December 17, 2005 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P. S. § 745.5a(a)) directs the Pennsylvania Public Utility Commission (PUC) to respond to all comments received from us or any other source.

1. General.—Consistency with statute; Clarity.

The Office of Consumer Advocate (OCA) believes that the limits imposed on the PUC's jurisdiction over interexchange carriers (IXCs) in this regulation, especially in Section 63.109(a), are not consistent with Section 3018 of the Act. OCA requests that the regulation mention the "Commission's preserved authority over the provision of service by IXCs." We agree with the OCA that the PUC does have the authority to exercise jurisdiction over IXCs. However, we also believe that the PUC is well within its powers to decide which areas it will not exercise that jurisdiction in order to promote competition. The final-form regulation should explicitly state which enforcement powers the PUC will retain, consistent with OCA's comments.

2. Section 63.102. Definitions.—Clarity.

The last sentence in the definition of "interexchange facilities-based carrier" is substantive. Substantive provisions in a definition cannot be enforced. Therefore, this sentence should be removed from the definition and placed in an appropriate section of the regulation.

Also in that sentence, does the PUC intend the term "interexchange transporter" to be the same as the defined term in Section 63.112 in the PUC's existing regulations? If so, a cross-reference to that definition should be added.

3. Section 63.104. Disclosure requirements for competitive services.—Reasonableness; Clarity.

Subsection (c)

Sprint suggests that the PUC amend this section to provide flexibility for IXCs to structure their websites in a way that best allows them to give public disclosure of the information required in this subsection. We agree.

Subsection (c)(1)

This subsection mentions a "designated office." However, the regulation does not state what a "designated office" is or how an office becomes designated. This information should be clearly set forth in the final-form regulation or the term should be deleted.

Subsection (d)

Verizon requests that the language in this subsection be amended to clarify that the provisions of this subsection apply only to the services that the IXC chooses to detariff. We agree.

4. Section 63.105. Reclassification of services.—Clarity.

In Subsection (c)(5), what are the "other factors deemed relevant by the Commission?" The PUC has indicated that the other information considered in its investigation will be part of a notice to the IXC. Therefore, this subsection can be eliminated by tying it into the notice requirement in Subsection (a).

5. Section 63.106. Noncompetitive services and tariffs.—Clarity.

Subsection (b)

The language in this subsection is not clear. We understand that the PUC intends the 45-day notice requirement to occur prior to the filing and the PUC's notice (under Subsection (f)(1)) will come within 14 days after the filing. The language in these subsections should be amended to clearly state the PUC's intention.

Also, this subsection states that modifications to a tariff "shall be implemented through the filing of a tariff supplement and verified supporting documentation." Subsection (c)(6) states that the tariff supplement and verified supporting documentation must contain "other reasonable justification or any relevant data that is requested by the Commission."

If an IXC is the one responsible for initiating the tariff change and submitting the documentation, how will it

know the other information requested by the Commission? This subsection should be broken out into a new subsection which details that other reasonable information might be requested by the PUC after initial review of the tariff.

Subsection (d)

Based on our discussion with PUC staff, the phrase “may not” should be “is not required to.”

6. Section 63.107. Applications for authority.—Clarity.

Subsection (a)

An applicant is required to indicate in its application for authority to commence service that it is requesting authorization “as closely as possible with § 3.551” (Emphasis added). How can one comply “as closely as possible?” This is not regulatory language and should be deleted in the final-form regulation.

Subsection (b)

This subsection indicates that the term “noncompetitive interexchange call” is defined in Section 63.102. However, this term is not defined in that section. Either the definition of the term should be added to Section 63.102 or the cross-reference in this subsection should be deleted.

Subsection (c)

The PUC has indicated that the last sentence in this subsection means that a tariff will be deemed to be just and reasonable if it is at or below the reasonable charge established by Subsection (b). The last sentence in this subsection should be amended to clearly state the PUC’s intent.

7. Section 63.108. Reporting requirements.—Clarity.

The last sentence in Subsection (c) is unclear. Is it intended to mean that the IXC should provide the required information required under Subsections (c)(1) through (5) in its annual report if it is technologically possible to collect that data? This language should be amended to clearly state the PUC’s intent.

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 06-455. Filed for public inspection March 17, 2006, 9:00 a.m.]

The proposed rate increase percentages by plan for all ages and areas are as follows:

<i>Forms</i>	<i>Plan</i>	<i>Percentage</i>
MSP-1992A and HMSPA96	A	30%
MSP-1992B and HMSPB96	B	30%
MSP-1992C and HMSPC96	C	15%
HMSPD96	D	30%
MSP-1992H and HMSPH96	H	30%
MSP-1992J and HMSPJ96	J	25%

Unless formal administrative action is taken prior to May 31, 2006, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department’s (Department) website at www.ins.state.pa.us. Under the Quick Links section, click on the link “Rate Filings Published in the PA Bulletin.”

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department’s regional offices in Harrisburg, Philadelphia and Pittsburgh.

Interested parties are invited to submit written comments, suggestions or objections to Michael Gurgiolo, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, mgurgiolo@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 06-456. Filed for public inspection March 17, 2006, 9:00 a.m.]

INSURANCE DEPARTMENT

Genworth Life and Annuity Insurance Company; Requesting Authority to Increase Rates for Individual Standardized Medicare Supplement Plans; Rate Filing

Genworth Life and Annuity Insurance Company has filed for approval increased rates for its individual standardized Medicare supplement plans A—D, H and J. The filing requests an average increase of 27.4%, varying by standardized plan. The rate increases will impact about 5,929 policyholders in this Commonwealth and produce additional annual premium income of approximately \$3.4 million in this Commonwealth. The requested effective date of the increased rates is July 1, 2006.

State Farm Fire and Casualty Company; Homeowners Rate and Rule Revision; Rate Filing

On February 27, 2006, the Insurance Department (Department) received from State Farm Fire and Casualty Company a filing for a proposed rate change for homeowners insurance.

The company requests an overall 1.1% decrease amounting to \$3.847 million annually, to be effective July 1, 2006, for new business and September 1, 2006, for renewal business.

Unless formal administrative action is taken prior to March 29, 2006, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Department’s website at www.ins.state.pa.us. To access the filing, under “Quick Links” click on “Rate Filings Published in the PA Bulletin.”

A copy of the filing is also available for public inspection, by appointment, during normal working hours at the Department’s regional office in Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections to Michael P. McKenney, Insurance Department, Insurance Product Regulation and

Market Enforcement, 1311 Strawberry Square, Harrisburg, PA 17120, mmckenney@state.pa.us within 15 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 06-457. Filed for public inspection March 17, 2006, 9:00 a.m.]

UnumProvident Corporation; Rate Increase Filing for Unum Long-Term Care Policy Forms LTC94, LTC94Q and LTC94FQ; Rate Filing

UnumProvident Corporation is requesting approval to increase the premium 30% for the following long-term care forms: LTC94, LTC94Q and LTC94FQ. The premium increase will affect 6,424 policyholders in this Commonwealth.

Unless formal administrative action is taken prior to May 31, 2006, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) website at www.ins.state.pa.us. Under the Quick Links section, click on the link "Rate Filings Published in the PA Bulletin."

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

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, jlaverty@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 06-458. Filed for public inspection March 17, 2006, 9:00 a.m.]

LEGISLATIVE REFERENCE BUREAU

Documents Filed But Not Published

The Legislative Reference Bureau (Bureau) accepted the following documents during the preceding calendar month for filing without publication under 1 Pa. Code § 3.13(b) (relating to contents of Bulletin). The Bureau will continue to publish on a monthly basis either a summary table identifying the documents accepted during the preceding calendar month under this subsection or a statement that no documents have been received. For questions concerning or copies of documents filed, but not published, call (717) 783-1530.

Governor's Office

Management Directive No. 205.15—Memberships in Associations, Organizations, or Societies, Amended February 9, 2006.

Management Directive No. 230.10—Travel and Subsistence Allowances, Amended December 28, 2005.

Management Directive No. 245.13—Strategic Direction for Information Technology Investments, Amended February 8, 2006.

Management Directive No. 245.18—IT Administrator Acceptable Use, Auditing and Monitoring, Incident Notification, and Response Policies and Procedures, Dated February 7, 2006.

Management Directive No. 505.1—Employee Furlough Policy, Amended February 16, 2006.

Management Directive No. 515.16—Appointment to Senior Level Positions, Amended February 14, 2006.

Management Directive No. 515.21—Commonwealth School-to-Work Program, Amended February 14, 2006.

Management Directive No. 525.16—Physicians and Related Occupations Quality Assurance Program, Amended February 14, 2006.

Administrative Circular No. 06-01—Distribution of the 2006-2007 Commonwealth Budget, Dated January 23, 2006.

Administrative Circular No. 06-02—2006-07 Budget Hearing Materials, Dated January 23, 2006.

Administrative Circular No. 06-03—Distribution of the 2006-2007 Commonwealth Budget, Dated January 26, 2006.

Administrative Circular No. 06-04—Computation of Interest Penalties, Act 1982-266 Amended, Dated February 10, 2006.

MARY JANE PHELPS,
Director
Pennsylvania Bulletin

[Pa.B. Doc. No. 06-459. Filed for public inspection March 17, 2006, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by April 10, 2006. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

Applications of the following for approval to *begin* operating as *common carriers* for transportation of *persons* as described under each application.

A-00122482. Jay L. Gardenhour (570 Cleveland Avenue, Waynesboro, PA 17268)—persons, in limousine ser-

vice, from points in the Counties of Franklin, Adams, Fulton and Cumberland, to points in Pennsylvania, and return. *Attorney:* Stephen E. Patterson, Esquire, 239-B East Main Street, Waynesboro, PA 17268-1681.

A-00122416. C & C Elite Services, Inc. (39 Wildflower Circle, Stroudsburg, Monroe County, PA 18360), a corporation of the Commonwealth—persons in limousine service, from points in the Counties of Monroe and Lehigh, to points in Pennsylvania, and return.

A-00122488. Yvonne Nicole George t/a Yvonne George Paratransit Services (857 Rumsey Avenue, Erie, Erie County, PA 16511)—persons in paratransit service, from points in the Counties of Crawford, Erie and Venango, to points in Pennsylvania, and return.

A-00122487. York Medical Supply, Inc. t/a Mobility Transport Services (2844 Bradley Avenue, Dallastown, York County, PA 17313), a corporation of the Commonwealth—persons in paratransit service, from points in the Counties of Adams, Dauphin, Lancaster and York, to points in Pennsylvania, and return.

A-00122486. Nelson A. Diaz (4413 Newton Circle, Emmaus, Lehigh County, PA 18049)—persons, upon call or demand, in the Cities of Allentown, Lehigh County; Easton, Northampton County; and Bethlehem, Lehigh and Northampton Counties.

Applications of the following for amendment to the certificate of public convenience approving the operation of motor vehicles as common carriers for transportation of persons as described under each application.

A-00116384, F.2, Am-A. Richard Wayne Stancombe, Jr. t/d/b/a RIX Limousine Service (5335 Route 259, Indiana, Indiana County, PA 15701)—persons in group and party service, in vehicles with a seating capacity of 11 to 15 passengers, including the driver, from points in the Counties of Armstrong, Blair, Cambria and Indiana, to points in Pennsylvania, and return: *So As To Permit* the transportation of persons in group and party service, in vehicles with a seating capacity of 11 to 15 passengers, including the driver, from points in the Counties of Bedford, Clearfield, Jefferson and Somerset, to points in Pennsylvania, and return.

Application of the following for approval of the additional right and privilege of operating motor vehicles as common carriers for transportation of persons as described under the application.

A-00121390, Folder 4. Ellas Limo, Inc. (19 Jacqueline Circle, Richboro, Bucks County, PA 18954), a corporation of the Commonwealth—persons, in group and party service, in vehicles seating 11 to 15 passengers, including the driver, from points in the Counties of Bucks, Chester, Delaware and Montgomery, to points in Pennsylvania, and return. *Attorney:* David Temple, 1760 Market Street, Suite 1100, Philadelphia, PA 19103.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 06-460. Filed for public inspection March 17, 2006, 9:00 a.m.]

Telecommunications

A-311369F7001. Verizon North Inc. and Americell PA-3, LP. Joint petition of Verizon North Inc. and Americell PA-3, LP for approval of adoption of an interconnection agreement under section 252(i) of the Telecommunications Act of 1996.

Verizon North Inc. and Americell PA-3, LP, by its counsel, filed on March 1, 2006, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of adoption of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon North Inc. and Americell PA-3, LP joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 06-461. Filed for public inspection March 17, 2006, 9:00 a.m.]

Telecommunications

A-311283F7001. Verizon North Inc. and Certainty Tech Telecom, LLC. Joint petition of Verizon North Inc. and Certainty Tech Telecom, LLC for approval of an interconnection agreement and amendment no. 1 under section 252(e) of the Telecommunications Act of 1996.

Verizon North Inc. and Certainty Tech Telecom, LLC, by its counsel, filed on February 24, 2006, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement and amendment no. 1 under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon North Inc. and Certainty Tech Telecom, LLC joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 06-462. Filed for public inspection March 17, 2006, 9:00 a.m.]

Telecommunications

A-310640F7001. Verizon North, Inc. and Covista, Inc. Joint petition of Verizon North, Inc. and Covista, Inc. for approval of amendment no. 1 and amendment no. 2 to the interconnection agreement under section 252(i) of The Telecommunications Act of 1996.

Verizon North, Inc. and Covista, Inc., by its counsel, filed on February 14, 2006, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of amendment no. 1 and amendment no. 2 to the interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon North, Inc. and Covista, Inc. joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 06-463. Filed for public inspection March 17, 2006, 9:00 a.m.]

Telecommunications

A-311405F7001. Verizon North Inc. and Global Link Communications, LLC. Joint petition of Verizon North Inc. and Global Link Communications, LLC for approval of an interconnection agreement and amendment no. 1 under section 252(e) of the Telecommunications Act of 1996.

Verizon North Inc. and Global Link Communications, LLC, by its counsel, filed on February 16, 2006, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement and amendment no. 1 under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon North Inc. and Global Link Communications, LLC joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 06-464. Filed for public inspection March 17, 2006, 9:00 a.m.]

Telecommunications

A-310608F7000. Verizon Pennsylvania Inc. (f/k/a Bell Atlantic-Pennsylvania, Inc.) and American Cellular Corporation (f/k/a ACC of Pennsylvania, LLC f/k/a Amro Cellular Corporation d/b/a CellularOne of Fayette and Green Counties). Joint petition of Verizon Pennsylvania Inc. (f/k/a Bell Atlantic-Pennsylvania, Inc.) and American Cellular Corporation (f/k/a ACC of Pennsylvania, LLC f/k/a Amro Cellular Corporation d/b/a CellularOne of Fayette and Green Counties) for approval of Amendment No. 3 to the interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania Inc. (f/k/a Bell Atlantic-Pennsylvania, Inc.) and American Cellular Corporation (f/k/a ACC of Pennsylvania, LLC f/k/a Amro Cellular Corporation d/b/a CellularOne of Fayette and Green Counties), by its counsel, filed on February 20, 2006, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of amendment no. 3 to the interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania Inc. (f/k/a Bell Atlantic-Pennsylvania, Inc.) and American Cellular Corporation (f/k/a ACC of Pennsylvania, LLC f/k/a Amro Cellular Corporation d/b/a CellularOne of Fayette and Green Counties) joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 06-465. Filed for public inspection March 17, 2006, 9:00 a.m.]

Telecommunications

A-311369F7000. Verizon Pennsylvania Inc. and Americell PA-3, LP. Joint petition of Verizon Pennsylvania Inc. and Americell PA-3, LP for approval of adoption of an interconnection agreement under section 252(i) of the Telecommunications Act of 1996.

Verizon Pennsylvania Inc. and Americell PA-3, LP, by its counsel, filed on March 1, 2006, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of adoption of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania Inc. and Americell PA-3, LP joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 06-466. Filed for public inspection March 17, 2006, 9:00 a.m.]

Telecommunications

A-311283F7000. Verizon Pennsylvania Inc. and Certainty Tech Telecom, LLC. Joint petition of Verizon Pennsylvania Inc. and Certainty Tech Telecom, LLC for approval of an interconnection agreement and amendment no. 1 under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania Inc. and Certainty Tech Telecom, LLC, by its counsel, filed on February 24, 2006, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement and amendment no. 1 under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania Inc. and Certainty Tech Telecom, LLC joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 06-467. Filed for public inspection March 17, 2006, 9:00 a.m.]

Telecommunications

A-310640F7000. Verizon Pennsylvania, Inc. and Covista, Inc. Joint petition of Verizon Pennsylvania, Inc. and Covista, Inc. for approval of amendment no. 1 and amendment no. 2 to the interconnection agreement under section 252(i) of the Telecommunications Act of 1996.

Verizon Pennsylvania, Inc. and Covista, Inc., by its counsel, filed on February 14, 2006, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of amendment no. 1 and amendment no. 2 to the interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days

after the date of publication of this notice. Copies of the Verizon Pennsylvania, Inc. and Covista, Inc. joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 06-468. Filed for public inspection March 17, 2006, 9:00 a.m.]

Telecommunications

A-311242F7000. Verizon Pennsylvania Inc. and France Telecom Corporate Solutions, LLC. Joint petition of Verizon Pennsylvania Inc. and France Telecom Corporate Solutions, LLC for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania Inc. and France Telecom Corporate Solutions, LLC, by its counsel, filed on February 10, 2006, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania Inc. and France Telecom Corporate Solutions, LLC joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 06-469. Filed for public inspection March 17, 2006, 9:00 a.m.]

Telecommunications

A-311405F7000. Verizon Pennsylvania Inc. and Global Link Communications, LLC. Joint petition of Verizon Pennsylvania Inc. and Global Link Communications, LLC for approval of an interconnection agreement and amendment no. 1 under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania Inc. and Global Link Communications, LLC, by its counsel, filed on February 16, 2006, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement and amendment no. 1 under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania Inc. and Global Link Communications, LLC joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 06-470. Filed for public inspection March 17, 2006, 9:00 a.m.]

Telecommunications

A-310743F7000. Verizon Pennsylvania Inc. and Pae Tec Communications, Inc. Joint petition of Verizon Pennsylvania Inc. and Pae Tec Communications, Inc. for approval of amendment no. 5 to the interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania Inc. and Pae Tec Communications, Inc., by its counsel, filed on February 20, 2006, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of amendment no. 5 to the interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the

Verizon Pennsylvania Inc. and Pae Tec Communications, Inc. joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 06-471. Filed for public inspection March 17, 2006, 9:00 a.m.]

PHILADELPHIA REGIONAL PORT AUTHORITY

Request for Bids

The Philadelphia Regional Port Authority (PRPA) will accept bids for Project #06-021.P (Audio Visual Equipment) until 2 p.m. on Thursday, March 30, 2006. The bid documents can be obtained from the Director of Procurement, PRPA, 3460 N. Delaware Ave., 2nd Floor, Philadelphia, PA 19134, (215) 426-2600 and will be available March 21, 2006. PRPA is an equal opportunity employer. Contractors must comply with all applicable equal employment opportunity laws and regulations.

JAMES T. MCDERMOTT, Jr.,
Executive Director

[Pa.B. Doc. No. 06-472. Filed for public inspection March 17, 2006, 9:00 a.m.]

STATE CONTRACTS INFORMATION

DEPARTMENT OF GENERAL SERVICES

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". The penalties apply to invoices for goods or services when payments are not made by the required payment date or within a 15 day grace period thereafter.

Act 1984-196 redefined a "qualified small business concern" as any independently owned and operated, for-profit business concern employing 100 or fewer employees. See 4 Pa. Code § 2.32. The business must include the following statement on every invoice submitted to the Commonwealth: "(name of business) is a qualified small business concern as defined in 4 Pa. Code 2.32."

A business is eligible for payments when the required payment is the latest of:

The payment date specified in the contract.

30 days after the later of the receipt of a proper invoice or receipt of goods or services.

The net payment date stated on the business' invoice.

A 15-day grace period after the required payment date is provided to the Commonwealth by the Act.

For more information: contact: Small Business Resource Center
PA Department of Community and Economic Development
374 Forum Building
Harrisburg, PA 17120
800-280-3801 or (717) 783-5700

Reader's Guide



Legal Services & Consultation

① Service Code Identification Number

② Commodity/Supply or Contract Identification No.

B-54137. Consultant to provide three 2-day training sessions, covering the principles, concepts, and techniques of performance appraisal and standard setting with emphasis on performance and accountability, with a knowledge of State Government constraints.

Department: General Services
Location: Harrisburg, Pa.
Duration: 12/1/93-12/30/93
Contact: Procurement Division 787-0000

③ Contract Information

④ Department

⑤ Location

⑥ Duration

⑦

(For Commodities: Contact:
Vendor Services Section
717-787-2199 or 717-787-4705

REQUIRED DATA DESCRIPTIONS

- ① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.
- ② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.
- ③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.
- ④ Department: State Department or Agency initiating request for advertisement.
- ⑤ Location: Area where contract performance will be executed.
- ⑥ Duration: Time estimate for performance and/or execution of contract.
- ⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.

(For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

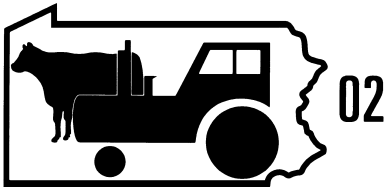
DO BUSINESS WITH STATE AGENCIES

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.patreasury.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



Agricultural Services

CN00019481 Contractor to provide ground application of herbicide at specifically designated locations in forested areas of Pennsylvania with a 20 percent gradient or more (steep). This will aid in the establishment of stands of high-value trees by eliminating competing understory vegetation consisting primarily of hay scented fern, striped maple, beech brush and various species of grass. Ground application of herbicide for this contract will be provided by spray vehicle. Contractor to provide the herbicide. The Department will reimburse contractor for the actual cost of herbicide applied to each spray block based upon the invoiced cost to the contractor from the herbicide supplier. The awarded contractor must furnish the Department with a performance bond in the form of a surety bond or letter of credit in the amount of \$10,000.00. Bid Opening Date/Time: March 21, 2006; 2:00 p.m.

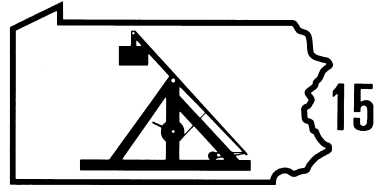
Department: Conservation and Natural Resources
Location: Elk, Potter, Cameron, Clinton, Lycoming and Tioga Counties
Duration: Commence July 1, 2006, and terminate March 31, 2007. Parties may renew for 2 additional consecutive annual terms with final termination date of March 31, 2009.
Contact: Nancy Weibley, 717-783-4884

CN00019596 Spray application of chemicals for various crops - 2006 season. Bid Opening Date: 03/13/06. Bid Opening Time: 1:30 p.m. Request bid packages via fax (814) 355-6026, or e-mail jpackard@state.pa.us. Bidders must be registered with the DGS Central Vendor Management Unit and possess a vendor number in order to receive bid packages.

Department: Corrections
Location: State Correctional Institution at Rockview, State Route 26, Box A, Bellefonte, PA 16823
Duration: March 24 through December 31, 2006.
Contact: Janine E. Packard, PUR AGT 2, 814-355-4874, X425

CN00019482 Contractor to provide ground application of herbicide at specifically designated locations in forested areas of Pennsylvania with a 20 percent gradient or more (steep). This will aid in the establishment of stands of high-value trees by eliminating competing understory vegetation consisting primarily of hay scented fern, striped maple, beech brush and various species of grass. Application of herbicide for this contract may be applied by either a spray vehicle and/or hand applied by mist-blower. Contractor to provide the herbicide. The Department will reimburse contractor for the actual cost of herbicide applied to each spray block based upon the invoiced cost to the contractor from the herbicide supplier. The awarded contractor must furnish the Department with a performance bond in the form of a surety bond or letter of credit in the amount of \$5,000.00. Bid Opening Date/Time: March 23, 2006; 2:00 p.m.

Department: Conservation and Natural Resources
Location: Fulton and Fayette Counties
Duration: Commence July 1, 2006, and terminate March 31, 2007. Parties may renew or 2 additional consecutive annual terms with final termination date of March 31, 2009. Upon each renewal, unit price may be increased by 5 percent.
Contact: Nancy Weibley, 717-783-4884



Environmental Maintenance Service

Mauch Chunk Lake Dam Installation of a new sluice gate (valve) in the control tower of Mauch Chunk Lake Dam, Borough of Jim Thorpe, Carbon County, PA. Work must be completed by June 30, 2006.

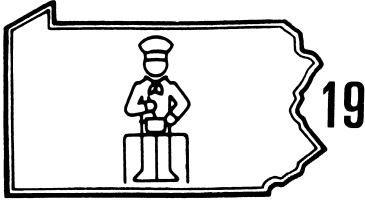
Department: Fish and Boat Commission
Location: Mauch Chunk Lake Dam, Borough of Jim Thorpe, Carbon County, PA
Duration: Work must be completed by June 30, 2006.
Contact: Kathi Loewen, Purchasing Agent, 814-359-5130



Financial and Insurance Consulting

25-317-5016 The Pennsylvania Economic Development Financing Authority is seeking a contractor to perform general trustee services for the Pennsylvania Community Development Bank Program, including investment and disbursement of funds. The Community Development Bank Program provides grant and loan assistance to Community Development Financial Institutions as a means of addressing the capital needs for local community and economic development.

Department: Community and Economic Development
Location: Statewide
Duration: Five years
Contact: Irina Khachaturova, 717-720-1435

**Food**

1150-EGGS-2006 Shell Eggs: Purchase orders shall cover the months of July 2006 through June 2007 with issuance of bid proposals made on an annual, semi-annual, or more frequent basis. Delivery of the product(s) specified shall be made approximately one time each two weeks, or more often if deemed necessary by the Institution. Listing of specific commodities and estimated quantities can be obtained by contacting the institutional contact person.

Department: Corrections
Location: State Correctional Institution at Greensburg, RR #10, Box 10, Route 119 South, Greensburg, PA 15601-8999
Duration: July 1, 2006 to June 30, 2007
Contact: Gena Hainesworth, 724-837-4397

CN00019495 Frozen Vegetables.

Department: Public Welfare
Location: Danville State Hospital, 200 State Hospital Drive, Danville, PA 17821
Duration: April 1, 2006 - June 30, 2006
Contact: Tina Robbins, 570-271-4578

Beverage Carbonated and non-carbonated beverages, approximately 2,000 5-gallon boxes per year for the next 3 years. Equipment needed for the dispensing of carbonated and non-carbonated beverages.

Department: Corrections
Location: SCI-Fayette, 50 Overlook Drive, LaBelle, PA 15450
Duration: 7/1/06 through 6/30/09
Contact: Judith Cook, 724-364-2200 Ext: 1029

CN00019496 Meat and Meat Products.

Department: Public Welfare
Location: Danville State Hospital, 200 State Hospital Drive, Danville, PA 17821
Duration: April 1, 2006 - June 30, 2006
Contact: Tina Robbins, 570-271-4578

CN00019497 Miscellaneous Perishable Foods.

Department: Public Welfare
Location: Danville State Hospital, 200 State Hospital Drive, Danville, PA 17821
Duration: April 1, 2006 - June 30, 2006
Contact: Tina Robbins, 570-271-4578

CN00019494 Poultry.

Department: Public Welfare
Location: Danville State Hospital, 200 State Hospital Drive, Danville, PA 17821
Duration: April 1, 2006 - June 30, 2006
Contact: Tina Robbins, 570-271-4578

Food Pierogies, frozen, 225 cases and Waffles, frozen.

Department: Corrections
Location: SCI-Fayette, 50 Overlook Drive, LaBelle, PA 15450
Contact: Judith Cook, 724-364-2200 ext: 1029

CN00019498 Dairy Products.

Department: Public Welfare
Location: Danville State Hospital, 200 State Hospital Drive, Danville, PA 17821
Duration: April 1, 2006 - June 30, 2006
Contact: Tina Robbins, 570-271-4578

30111162 & 30111186 This bid is for miscellaneous foods (frozen). A copy of the bid jacket is available by contacting the Purchasing Department by phone at 610-740-3427 or 3425 or by fax at 610-740-3424.

Department: Public Welfare
Location: Allentown State Hospital, 1600 Hanover Avenue, Allentown, PA 18109-2498
Duration: April 3, 2006 through June 30, 2006
Contact: Mary D Maskornick, 610-740-3427

1150-BREAD-2006 Bread and Related Products: Purchase orders shall cover the months of July 2006 through June 2007 with issuance of bid proposals made on an annual, semi-annual, or more frequent basis. Delivery of the product(s) specified shall be made as needed and requested by the Institution. Listing of specific commodities and estimated quantities can be obtained by contacting the institutional contact person.

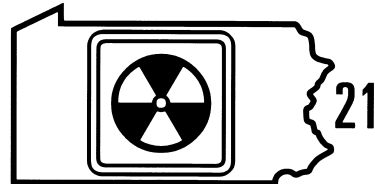
Department: Corrections
Location: State Correctional Institution at Greensburg, RR #10, Box 10, Route 119 South, Greensburg, PA 15601-8999
Duration: July 1, 2006 to June 30, 2007
Contact: Gena Hainesworth, 724-837-4397

1150-MILK-2006 PMBB Controlled Milk Products: Purchase orders shall cover the months of July 2006 through June 2007 with issuance of bid proposals made on an annual, semi-annual, or more frequent basis. Delivery of the product(s) specified shall be made approximately one or two days each week, or more often is deemed necessary by the Institution. Listing of specific commodities and estimated quantities can be obtained by contacting the institutional contact person.

Department: Corrections
Location: State Correctional Institution at Greensburg, RR 10, Box 10, Route 119 South, Greensburg, PA 15601-8999
Duration: July 1, 2006 to June 30, 2007
Contact: Gena Hainesworth, 724-837-4397

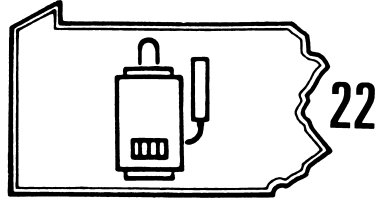
10098942 GRN Vendor to provide fountain service (bag in a box) carbonated beverages to SCI Greene, 7/01/06 through 6/30/09. Vendor will be responsible for supplying and maintaining all applicable equipment and providing minimum of five flavors of beverages.

Department: Corrections
Location: SCI Greene, 169 Progress Dr., Waynesburg, PA 15370
Duration: 7/01/06 through 6/30/09
Contact: Laura Mohr, Purchasing Agent, 724/852-5534

**Hazardous Material Services**

1161000328 The Department of Corrections is seeking bids for the testing and monitoring of asbestos/lead levels, chemical levels and environmental soil, air and water quality at structures operated by the Department of Corrections statewide. Also included is the dielectric testing and certification services. All of named services will be performed on an as needed basis.

Department: Corrections
Location: Various state correctional institutions as well as Community Corrections Centers statewide.
Duration: Anticipated start date July 1, 2006 and to run for 36 months
Contact: Russ Ilgenfritz, 717-975-4988

**HVAC Services**

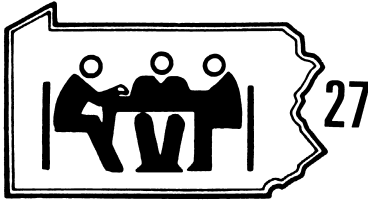
6500-183 Furnish and install replacement refrigeration systems for two Walk in Freezers and three Walk in Coolers located at the State Correctional Institution at Retreat. One system to be out of service at any one time.

Department: Corrections
Location: State Correctional Institution at Retreat, 660 State Route 11, Hunlock Creek, PA 18621
Duration: 04/01/06 - 06/30/06
Contact: Barbara Swiatek, 570-674-2717

**Laundry/Dry Cleaning & Linen/Uniform Rental**

L3106 Vendor to supply laundry service to a 200 bed Veteran's Nursing Home. Contractor will be responsible for cleaning of all Linens.

Department: Military Affairs
Location: Gino J Merli Veterans Center, 401 Penn Ave., Scranton, PA 18503
Duration: July 1, 2006 through June 30, 2008
Contact: Robert J Casey, 570-961-4317



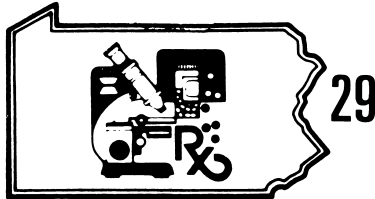
Lodging/Meeting Facilities

CN00019590 The Pennsylvania Commission on Crime and Delinquency is soliciting bids for a facility to conduct a Technology Conference to be held within a 15 mile radius of State College on March 5, 6 and 7, 2007.

Department: Commission on Crime and Delinquency
Location: 15 mile radius of State College, PA
Duration: 3 Days
Contact: Luanne Melia, (717) 705-0904, ext. 3102

CN00019509 Department of Public Welfare, Bureau of Equal Opportunity is seeking bidders for their Fall 2006 Conference to be held in the Harrisburg, PA vicinity during the months of September 2006 or October 2006. Bidders must be able to accommodate approximately 250 people for the conference and lodging. Vendors will need to be registered with the Commonwealth of Pennsylvania Central Vendor Master Unit in order to be awarded a bid. Vendors may register on-line at www.vendor-registration.state.pa.us or by calling the toll-free number 1-866-775-2868. Bids may be requested by calling or e-mailing the Procurement Agent below. Please provide the following information when requesting bids: Name of Vendor, Address, Phone Number, Point of Contact (and their phone number) and Vendor Number. All Bids must arrive prior to the Bid opening date and time to be considered, and become property of the Commonwealth once submitted. Bid Opening Date will be March 30, 2006 at 2:00 p.m. Prospective vendors must register with the Integrated Enterprise System (IES) at www.vendorregistration.state.pa.us or by calling the toll-free number 1-866-775-2868. DPW utilizes the information contained in the vendor master file for its procurement activities. Registered vendors who need to update or change the existing information in this file must contact IES and provide the changes or updates to IES. It is the vendor's responsibility to contact IES for changes, as DPW is unable to change vendor information. If you fail to update or change information, you may not receive requested bid information. Please provide the following information when requesting bids: Name of Vendor, Address, Phone Number, Point of Contact (and their phone number) and Vendor Number. All Bids must arrive prior to the Bid opening date and time to be considered, and become property of the Commonwealth once submitted. Alternate contact for copy of a Bid Danni Wertz at 717 783-5675.

Department: Public Welfare
Location: Harrisburg Area
Duration: Conference Services for dates selected.
Contact: David E. Kern, 717 783-9281



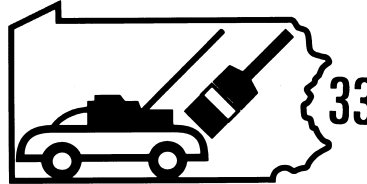
Medical Services

SU-05-19 Psychiatric Services. Shippensburg University is seeking proposals from psychiatrists interested in providing psychiatric services on site at Shippensburg University to registered students. Requests for proposal packages should be faxed to Deborah K. Martin at fax: 717-477-4004.

Department: State System of Higher Education
Location: Shippensburg, PA
Duration: One year, with option to renew for 4 additional years
Contact: Deborah K. Martin, 717-477-1121

CN000019554 Orthopedic Services: custom molded shoes and customized adjustments (lifts, brace attachment, etc.) as requested. Fax requests to 570.372.5675 or e-mail for bid package.

Department: Public Welfare
Location: Selinsgrove Center, 1000 U.S. Highway 522, Selinsgrove, PA 17879
Duration: 3 years with 2 year renewals.
Contact: Patti Kreamer, 570.372.5670



Property Maintenance

FENCE01 Provide all labor, material, devices and equipment required for installation of fencing and gates. For a copy of the bid package, please fax your request to 717-861-2932. Bid opening will be Wednesday, March 29, 2006 at 2:00 PM.

Department: Military Affairs
Location: Motor Vehicle Storage Compounds, Areas 5, 12, 13 and 14, Ft. Indiantown Gap, Annville, PA 17003-5002.
Duration: Date of Award - 30 June 2006
Contact: Brenda Lower, 717-861-2118

IN-891 SUT-SFR-DAV Entrance Repairs This project consists of the removal of existing concrete walkways, retaining walls, stairs, stair railings, stair support structures and tunnel roof and replacement of same; removal and replacement of exterior doors; installation of stair snow melt systems; installation of new building and site lighting and associated landscaping. Work locations include Sutton Hall, Stouffer Hall, and Davis Hall on the main campus of Indiana University of Pennsylvania. See www.iup.edu/engconstruction/list.shtm for complete notice.

Department: State System of Higher Education
Location: Indiana University of Pennsylvania, Indiana, PA
Duration: Anticipate issuing Notice to Proceed by May 22, 2006. Completion of construction by August 11, 2006.
Contact: Ray Wygonik, Project Manager, 724-357-2289

CN00018405 Pesticide spraying in the counties of Berks, Carbon, Lehigh, Monroe, Northampton, and Schuylkill as directed by the District Roadside Specialist or his designee. Shall include the men and equipment to apply the pesticides. All requests for a bid proposal shall be requested by close of business March 24, 2006.

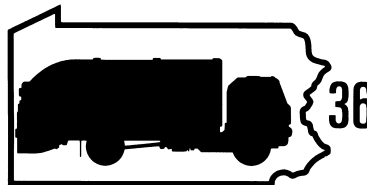
Department: Transportation
Location: Throughout Engineering District 5-0 (Berks, Carbon, Lehigh, Monroe, Northampton, and Schuylkill Counties.)
Duration: Three year contract with (1) two year renewal.
Contact: Jenn Ruth, 610-791-6001

W-0502-0501 Furnish all material, tools, equipment, labor and supervision to install a 1,500 gallon pre-cast concrete grease interceptor in the driveway outside of Dietary Bldg. at Clarks Summit State Hospital. To request a bid package, please fax your request to: 570-587-7108 on company letterhead that includes name, address, telephone, fax number, Federal ID Number and PA State Vendor Number. PA State vendor numbers can be obtained by calling: 866-775-2868 or online at: www.vendorregistration.state.pa.us/. Bids cannot be accepted without a PA State vendor number. Bid packages cannot be faxed.

Department: Public Welfare
Location: Clarks Summit State Hospital, 1451 Hillside Drive, Clarks Summit, PA 18411-9505
Duration: April 1, 2006 through September 30, 2006
Contact: Stanley Rygelski, PA, 570-587-7291

10090784 Bloomsburg University is seeking vendors to do resurfacing of 95 tubs and enclosures in the Montgomery Apartments on Bloomsburg University of Pennsylvania. To obtain a copy of the bid proposal, please contact Diann Shamburg, phone 570-389-4312, fax 570-389-2017, or e-mail dshamburg@bloomu.edu. The bids will be due March 22, 2006 at 1:00 p.m., Bloomsburg University, Purchasing Department.

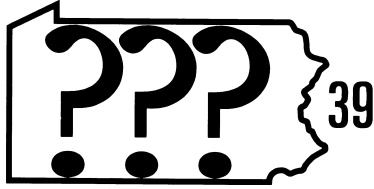
Department: State System of Higher Education
Location: Bloomsburg University, 400 E. Second Street, Bloomsburg, PA 17815
Duration: Start date is May 15, 2006 and completion date is July 14, 2006.
Contact: Diann Shamburg, 570-389-4312



Sanitation

cn0001965 Trash and Waste removal from the correctional institution.

Department: Corrections
Location: State Correction Institution/Camp Hill, 2500 Lisburn Road, Camp Hill, PA 17001
Duration: 07/01/06 to 06/30/07
Contact: Selena Runk, 717-975-5200



Miscellaneous

CN00019528 The State Correctional Institution at Somerset will be soliciting bids for annual preventative maintenance and repair service to three (3) Carrier Centrifugal Chillers (19XL) located in the Central Plant of the Institution. Interested vendors must be registered to do business with the Commonwealth of PA and should contact the individual listed below for a bid package.

Department: Corrections
Location: State Correctional Institution at Somerset, 1590 Walters Mill Road, Somerset, PA 15510-0001
Duration: 7/1/06 through 6/30/07
Contact: Jackie Albright, Purchasing Agent, (814) 445-6501 X1334

03062006 The object of this contract is for window washing services. The contractor shall furnish all labor, material, and equipment for the execution of this contract. Services will be for a one time cleaning inside and out. Bid packets may be obtained by contacting the Purchasing Department, 610-740-3425 or fax 610-740-3424.

Department: Public Welfare
Location: Allentown State Hospital, 1600 Hanover Avenue, Allentown, 18109-2498
Duration: 7/1/2006 to 6/30/2007
Contact: Robert Mitchell, 610-740-3425

CN00015975 Professional curriculum development and planning services to design, present and administer six (6) one-day regional training workshops for professional staff of County Mental Health/Mental Retardation (MH/MR) Offices and/or local Early Intervention agencies who provide early intervention services under Part C of the Individuals with Disabilities Education Act (IDEA). In Pennsylvania, the Part C, IDEA program is operated through the Pennsylvania Department of Public Welfare's (DPW) Office of Child Development. Local Part C programs are run through DPW's County MH/MR Offices. Additional professions making up the audience may include: community health nurses, social workers, and audiologists. The purpose of the regional training workshops is to provide training to those professionals primarily involved in providing early intervention services to infants diagnosed with hearing loss about the unique needs of such infants and the various communication options and assistive technology typically used to prevent developmental delay and enhance social, emotional and cognitive outcomes. The regional training workshops are also intended to strengthen the early intervention linkage process with respect to programs for deaf and hard of hearing infants and their families. Prospective vendors must register with the Integrated Enterprise System (IES) at www.vendorregistration.state.pa.us or by calling the toll free number 1-866-775-2868. Registered vendors who need to update or change the existing information in this file must contact IES and provide the changes, as DOH is unable to change vendor information. If you fail to update or change information, you may not receive requested bid information. Please provide the following information when requesting bids: Name of Vendor, Address, Phone Number, Point of Contact (and their phone number) and Vendor Number. All bids must arrive prior to the Bid opening date and time to be considered, and become property of the Commonwealth once submitted.

Department: Health
Location: One training workshop in each of the six Department of Health Community Health Districts
Duration: 3 1/2 months
Contact: Arthur Florio, 717-783-8143

CN0001960 The scope of work requires the Contractor to furnish all labor, materials, equipment, tools and on-site supervision to install two (2) packaged steam to hot water converter units that generate domestic hot water at 160 degrees F. Fax requests to 570.372.5675 or e-mail for bid package. Mandatory site visit.

Department: Public Welfare
Location: Selinsgrove Center, 1000 U.S. Highway 522, Selinsgrove, PA 17870
Duration: 120 calendar days from the effective date of the approved contract
Contact: Patti Kreamer, 570.372.5670

CN00019559 Box Culvert. Bid Opening Date - 3/22/2006 at 1:30 p.m.

Department: Transportation
Location: Clarion, PA
Duration: FY 2005-06
Contact: Sandi Verbos, 717-346-8188

05-0005 Thaddeus Stevens College of Technology is soliciting proposals to replace six copiers whose 36 month lease has expired.

Department: State
Location: 750 East King Street, Lancaster, PA 17602
Contact: Nancy Froeschle, 717 299-7787

CN00019621 Contractor to furnish all materials, tools, labor, supervision, and all other related work and material items necessary to smoke test, televise, and if necessary, clean the sanitary sewer system to determine the extent of the deterioration of the piping, manholes, and all other associated equipment and/or features of the sanitary sewer system at Wernersville State Hospital located in South Heidelberg Township, Berks County, Pennsylvania. For a complete bid package, supply your company's name, address, telephone number, to the Purchasing Office at (610) 670-4128 or e-mail at: mhein@state.pa.us. Prospective vendors must register with the Integrated Enterprise System (IES) at: www.vendorregistration.state.pa.us. DPW utilizes the information contained in the Vendor Master File for its procurement activities. Registered vendors who need to update or change the existing information in this file must contact IES and provide the changes or updates to IES. It is the vendor's responsibility to contact IES for changes, as DPW is unable to change vendor information. If you fail to update or change information, you may not receive requested bid information.

Department: Public Welfare
Location: Wernersville State Hospital, Route 422 West and Sportsman Road, Wernersville, PA 19565
Duration: Anticipated Bid Opening Date: March 31, 2006
Contact: Mary Hein, (610) 670-4128

MI-925 Water System Interconnection Upgrade: The Project upgrades two (2) existing water interconnects between Millersville University and Lancaster City Water. The work includes the installation of one new meter pit, two new above grade heated enclosures, all valves, meters, backflow prevention, additional plumbing and new electrical service to the new enclosures. Issue Date: March 3, 2006. Prebid Meeting: March 8, 2006, 10:30 AM, Dilworth Bldg., Room 203.

Department: State System of Higher Education
Location: Millersville University of Pennsylvania, Millersville, PA
Duration: Start Date: May 1, 2006 - Completion Date: June 9, 2006
Contact: Ruth Sheetz, 717-872-3829

CN00019561 The State Correctional Institution at Somerset will be soliciting bids for as needed maintenance, technical support, and repair parts for the Robertshaw DMS Automatic Temperature Control System at the Institution. Interested vendors must be authorized representatives capable of providing these services and should contact the Institution directly for a bid package. Vendors must be registered with the Commonwealth of PA to receive bids and purchase orders.

Department: Corrections
Location: State Correctional Institution at Somerset, 1590 Walters Mill Road, Somerset, PA 15510-0001
Duration: 7/1/06 through 6/30/07
Contact: Theresa Solarczyk, Purchasing Agent II, 814-445-6501 X1232

38636K Brown Roll Paper Towels - Georgia Pacific Envision No. 26301 - No substitutes - 900 Cases.

Department: State System of Higher Education
Location: West Chester University of Pennsylvania, West Chester, PA 19383
Duration: Bid due March 6, 2006 at 2:00 PM EST
Contact: Karen Kehler, 610-436-2603

RFP #2006-FA-01 The Pennsylvania State System of Higher Education, Office of the Chancellor (PASSHE) is interested in selecting a firm that can provide consultant coordinator services to conduct the planning, development and implementation of a building Disaster Resistant Universities/Hazard Mitigation Planning Project (DRU Plan/HMP) and necessary updates/revisions to each university's existing emergency operations plan. For a copy of ITQ #2006-FA-01, please contact the issuing office at lvneri@passhe.edu or go to www.passhe.edu/content/?office/finance/procurement/opportunities/2006-fa-01. Proposals are due at the issuing office no later than April 19, 2006.

Department: State System of Higher Education
Location: Harrisburg, PA
Contact: Linda Venneri, 717-720-4135

6500-182 (1) Furnish Drum/Disc Brake Trainer (4 Wheel) with Courseware; (2) Furnish ABSTCS System Trainer with Courseware. Trainers are to be used in Automotive Technology Program for inmate instruction leading to ASE Certification.

Department: Corrections
Location: State Correctional Institution at Retreat, 660 State Route 11, Hunlock Creek, PA 18621
Duration: 04/01/2006 - 06/30/2006
Contact: Barbara Swiatek, 570-674-2717

SU-05-16 Shippensburg University is seeking vendors who are interested in cleaning and degreasing kitchen equipment, i.e., canopies, stacks and exhaust fans in the various dining facilities on campus. Bidders can request a bid package by faxing a request to (717) 477-1350 or e-mail to kmsmit@ship.edu. Non-Discrimination and Equal Opportunity are the policies of the Commonwealth and of the PA State System of Higher Education.

Department: State System of Higher Education
Location: Shippensburg University, 1871 Old Main Drive, Shippensburg, PA 17257
Duration: July 1, 2006 to June 30, 2007 with renewal option for 4 additional 1 year periods
Contact: Karen Smith, (717) 477-1386

1100-28514 The Department of Corrections is soliciting proposals to provide a confidential records storage and management service. Selected firm must be able to provide the following services: transferring the records to the storage location, creating an index of records, storage and any requested monthly activity. Also, must provide service to retrieve and refile records as needed.

Department: Corrections
Location: 55 Utley Drive, Camp Hill, PA 17011
Duration: 3 years with an option of two (1) year renewals.
Contact: Bonnie Osterling, 717-975-4992

Training equip Training equipment: Preparatory Electricity Training Equipment to be used in class rooms.

Department: Corrections
Location: SCI-Fayette, 50 Overlook Drive, LaBelle, PA 15450
Contact: Judith Cook, 724-364-2200 ext: 1029

CN00019553 Provide Non-Emergency Ambulance Transportation 24 hours, 7 days a week upon request. Fax requests to 570.372.5675 or e-mail for bid package.

Department: Public Welfare
Location: Selinsgrove Center, 1000 U.S. Highway 522, Selinsgrove, PA 17870
Duration: 3 years with 2 year renewals.
Contact: Patti Kreamer, 570.372.5670

CN00019538 Fire extinguishers tested and recharged.

Department: Public Welfare
Duration: 7/1/06 - 6/3/08
Contact: Nancy E. Byers

CN00019557 Refuse Removal Service. Fax request to 570.372.5675 or e-mail for bid package.

Department: Public Welfare
Location: Selinsgrove Center, 1000 U.S. Highway 522, Selinsgrove, PA 17870
Duration: 1 year with 2 year renewals
Contact: Patti Kreamer, 570.372.5670

CN0019537 The Pennsylvania Fish and Boat Commission wishes to conduct a survey of a representative sample of youth in Pennsylvania. Survey is of the opinions, attitudes and needs of Pennsylvania's Youth Anglers and their parents. Bid Opening 3/27/06.

Department: Fish and Boat Commission
Location: Pennsylvania Fish and Boat Commission, 1601 Elmerton Avenue, Harrisburg, PA 17110
Duration: Expires 6/30/06
Contact: Gay Cartwright, 717-705-7915

ADV # 274 Indiana University of Pennsylvania (IUP), a member of the Pennsylvania State System of Higher Education, is seeking bids to purchase multiple height mobile folding risers for the main campus, Indiana, PA 15705. Requests for a bid package should be made in writing, referencing Advertisement #ADV-274 and directed to Robert L. Bowser, Jr. C.P.M., Director of Purchasing Services, IUP, 650 South 13th Street, Indiana, PA 15705, Fax (724) 357-2670, Telephone (724) 357-3077, or e-mail: rbowser@iup.edu. Requests for a bid package will be accepted until Thursday, March 16, 2006. Bid packages will be mailed to vendors after March 16, 2006. The University encourages responses from small and disadvantaged, minority, and women-owned firms.

Department: State System of Higher Education
Location: Indiana University of Pennsylvania, Purchasing Services, Robertshaw Building, 650 South Thirteenth Street, Indiana, PA 15705-1087
Duration: Two to three weeks after March 16, 2006
Contact: 724-357-3077

CN00019420 Acquisition for a free standing, satellite based, automated weather reporting service and system to be utilized by the Pennsylvania State Police Aviation Section with operations in Reading, Hazleton, Harrisburg, Montoursville, Latrobe, and Franklin, PA. Detailed specifications may be secured from Procurement and Supply Division, 717-705-5924.

Department: State Police
Location: Bureau of Emergency and Special Operations Aviation Patrol Units Statewide
Duration: July 1, 2006 through June 30, 2008 with three (3) optional renewal years.
Contact: Amy Paladino, Procurement and Supply Division, 717-705-5924

CN00019535 Service Automatic Doors (including operators, electric strikes, etc.). Please e-mail or fax request to 570.372.5675 for bid packets.

Department: Public Welfare
Location: Selinsgrove Center, 1000 U.S. Highway 522, Selinsgrove, PA 17870
Duration: Anticipated 5 year contract to begin 7/1/06.
Contact: Patti Kreamer, 570.372.5670

CN00015973 Curriculum development and planning services to design, present and administer six (6) one-day regional training workshops for selected audiences that may include: nurses, nurse midwives, audiologists, community health nurses, and other health care professionals who provide hearing screening and follow-up services to infants under the age of six (6) months. The purpose is to provide information about best practices and quality assurance in newborn hearing screening administered to newborns in health care facilities in accordance with the Infant Hearing Education, Assessment, Reporting and Referral Act (Act 89 of 2001). Birthing facility-based and/or midwife-administered newborn hearing screening is a critical first step in the early identification of infant hearing loss and thus precedes a chain of potential subsequent steps consisting of diagnostic evaluation, treatment and/or linkage to early intervention services. Workshops are intended for professionals primarily involved in administering hearing screening to newborns, which includes initial screening at the birthing facility or in the home if administered by a midwife, as well as follow-up rescreening, which may be conducted prior to discharge or during an outpatient return visit within the first thirty (30) days. Prospective vendors must register with the Integrated Enterprise System (IES) at www.vendorregistration.state.pa.us or by calling the toll free number 1-866-775-2868. Registered vendors who need to update or change the existing information in this file must contact IES and provide the changes, as DOH is unable to change vendor information. If you fail to update or change information, you may not receive requested bid information. Please provide the following information when requesting bids: Name of Vendor, Address, Phone Number, Point of Contact (and their phone number) and Vendor Number. All bids must arrive prior to the Bid opening date and time to be considered, and become property of the Commonwealth once submitted.

Department: Health
Location: One training workshop in each of the six Department of Health Community Health Districts
Duration: 3 1/2 months
Contact: Arthur Florio, 717-783-8143

KURFP-0097 Printing/Duplicating Services, Request for Proposal KURFP-0097: Kutztown University is seeking qualified contractors who are interested in submitting proposals in response to the University's Request for Proposal (RFP) for our Primary Printing and Duplicating Services Operation. The University is interested in reviewing a comprehensive print shop/duplicating services plan to include the management of the operation, provision of equipment, format and nature of service delivery, document management and all other aspects of a successful print shop/duplicating services operation. At present this service is provided out of the Administration Bldg. but will

be relocating to a building on the north campus upon completion of construction. The University also maintains many individual copiers/printers located in departments across campus and those units ARE NOT included in the scope of this project. Interested firms should request a Request for Proposal package(s) by number and submit that request in writing to: Barbara Reitz, Director of Purchasing, Kutztown University, Kutztown, PA 19530, e-mail: reitz@kutztown.edu or by fax at: 610/683-4674. RFP Packages will be available from March 20, 2006 through March 30, 2006. There will be a pre-proposal meeting at 2 p.m. on March 30, 2006. Questions requiring clarification prior to proposal submission must be submitted in writing and are due on/before 12:00 noon on April 3, 2006. Proposal submissions are due no later than 2:00 p.m. on April 20, 2006. Late submissions will not be accepted. Nondiscrimination and Equal Opportunity are the policies of the Commonwealth and the State System of Higher Education.

Department: State System of Higher Education
Location: Kutztown University, Kutztown, PA
Duration: Undetermined, not to exceed five years.
Contact: Barbara Reitz, 610-683-4132

38637K C-fold paper towels, Putney Premium P-100, Natural/white, No substitutes - 720 cases.

Department: State System of Higher Education
Location: West Chester University of Pennsylvania, West Chester, PA 19383
Duration: Bid is due on March 6, 2006 at 2:00 PM EST
Contact: Karen Kehler, 610-436-2603

W-0501-0503 The scope of this contract requires furnishing of all: labor, materials, parts, equipment, tools and supervision to repair and refurbish the stoker for Boiler No. 4, at the Boiler Plant of Allentown State Hospital. It is the facility's intention to salvage existing usable condition parts wherever possible. Stoker Components, including grate keys from abandoned boiler No. 3 may also be salvaged to restore the subject stoker on boiler No. 4. A pre-bid meeting is scheduled for March 17, at 10:00 a.m. at the Boiler Plant. Information and bid packet can be obtained by contacting the Purchasing Department.

Department: Public Welfare
Location: Allentown State Hospital, 1600 Hanover Avenue, Allentown, PA 18109-2498
Duration: 180 days after contract approved.
Contact: Robert Mitchell, 610-740-3425

[Pa.B. Doc. No. 06-473. Filed for public inspection March 17, 2006, 9:00 a.m.]

Title 58—RECREATION

PENNSYLVANIA GAMING CONTROL BOARD

[58 PA. CODE CHS. 401, 423, 465 AND 481]

Temporary Regulations; Bond or Letter of Credit Requirements

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. 2006-2 REG, entitled Adoption of Temporary Regulations for Accounting and Internal Controls Regulations, dated February 2, 2006, the Board has the authority to amend the temporary regulations, adopted on June 16, 2005, and February 2, 2006, 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 February 2, 2006, as deposited with the Legislative Reference Bureau (Bureau) and published at 35 Pa.B. 4045 (July 15, 2005) and 36 Pa.B. 910 (February 18, 2006).

Therefore, the Board has deposited with the Bureau amendments to §§ 401.3, 423.3, 465.1 and 481.1. The amendments are effective as of February 28, 2006.

The temporary regulations of the Board, Chapters 401, 423, 465 and 481, are amended by amending §§ 401.3, 423.3, 465.1 and 481.1 to read as set forth in Annex A.

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

(a) The Board acting under the authority of the Act 71, adopts the amendments to the temporary regulations, adopted by resolution at the February 28, 2006, public meeting. The amendments to the temporary regulations pertain to definitions and the bond or letter of credit requirements.

(b) The following temporary regulations of the Board, 58 Pa. Code, are amended: §§ 401.3, 423.3, 465.1 and 481.1, to read as set forth in Annex A.

(c) These amendments are effective on February 28, 2006.

(d) The amendments to the temporary regulations shall be posted in their entirety on the Board's website and in the *Pennsylvania Bulletin*.

(e) The Chairperson of the Board shall certify the preceding order and deposit the regulations with the Legislative Reference Bureau as required by law.

THOMAS A. DECKER,
Chairperson

Fiscal Note: 125-17. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART VII. GAMING CONTROL BOARD

Subpart A. GENERAL PROVISIONS

CHAPTER 401. PRELIMINARY PROVISIONS

§ 401.3. Construction.

(a) This part shall be liberally construed to secure the just, speedy and efficient determination of every action,

proceeding or issue presented to which it is applicable. The Board at any stage of an action, proceeding or issue presented may disregard an error or defect of procedure which does not affect the substantive rights of the participants.

(b) The Board at any stage of an action, proceeding or issue presented may permit deviations from a requirement of this part when necessary or appropriate, if the deviation does not adversely affect a substantive right of a participant as determined by the Board.

(c) Subsections (a) and (b) supersede 1 Pa. Code § 31.2 (relating to liberal construction).

Subpart B. LICENSING, REGISTERING, CERTIFYING AND PERMITTING

CHAPTER 423. APPLICATIONS

§ 423.3. License issuance and Statement of Conditions.

(a) *License issuance criteria.*

(1) In addition to any other criteria contained in the act, the Board will not issue or renew a license, certification, permit, registration or other authorization unless the Board finds that the following criteria have been established by the applicant:

(i) The applicant has developed and implemented or agreed to develop and implement a diversity plan, in accordance with Chapter 481 (relating to general provisions).

(ii) The applicant has paid all applicable fees.

(iii) The applicant has fulfilled each prerequisite condition set by the Board or contained in the act, including the execution of a Statement of Conditions.

(iv) The applicant in all other respects is found suitable consistent with the laws of the Commonwealth and is otherwise qualified to be issued a license, certification, permit, registration or other authorization.

(2) Nothing contained in the act or this part is intended or shall be construed to create an entitlement to a license, certification, permit, registration or other authorization by any person.

(b) *Statement of conditions.*

(1) In addition to any other conditions required or imposed by the Board, the Board may require that the following occur prior to the issuance of a license, certification, permit, registration or other authorization to any applicant:

(i) If the Board approves an entity's application for a license, certification, registration or other authorization from the Board, or for the renewal of a license, certification, registration or other authorization, the executive officer of the entity whose application has been approved, or other competent individual designated by the entity in accordance with paragraph (2), shall execute a Statement of Conditions in the manner and form required by the Board. Execution of the Statement of Conditions shall constitute the acceptance of each provision contained in the Statement of Conditions by both the entity and the executive officer. The executive officer shall ensure that the entity fully complies with each provision contained in the Statement of Conditions.

(ii) If the Board approves an individual's application for a license, certification, permit, registration or other authorization from the Board, or for the renewal of a license, certificate, registration or other authorization, the

individual whose application has been approved by the Board will execute a Statement of Conditions in the manner and form required by the Board. The execution of the Statement of Conditions shall constitute the acceptance of each provision contained in the Statement of Conditions by the individual. The individual shall fully comply with each provision contained in the Statement of Conditions.

(2) Prior to the issuance of a license, certification, permit, registration or other authorization to an entity, the entity shall determine whether its executive officer will execute the Statement of Conditions or whether the entity will designate another competent individual with a direct reporting relationship to its executive officer to execute the Statement of Conditions on behalf of both the entity and its executive officer. If the entity determines that it will designate another competent individual with a direct reporting relationship to its executive officer to execute the Statement of Conditions on behalf of the entity and its executive officer, the entity shall adopt a resolution identifying the individual so designated, authorizing that individual to execute the Statement of Conditions on behalf of both the entity and its executive officer, and evidencing the executive officer's concurrence in that individual's designation. A copy of the resolution, certified as true and correct, shall be provided to the Board and attached to the Statement of Conditions.

(3) Failure to fully comply with any provision contained in an executed Statement of Conditions shall constitute a violation of the Statement of Conditions and may result in the imposition of Board-imposed administrative sanctions against the person to whom the license, certification, permit, registration or other authorization was issued, and, in the case of an entity, against the entity and its executive officer.

(4) The term "executive officer" means the individual holding the highest ranking management position within the entity and authorized to contract on behalf of the entity.

**Subpart E. SLOT MACHINE TESTING,
CERTIFICATION AND CONTROL
CHAPTER 465. ACCOUNTING AND
INTERNAL CONTROLS**

§ 465.1. Definitions.

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

Gaming day—A period of time not to exceed 24 hours corresponding to the beginning and ending times of gaming activities for the purpose of accounting reports and determination by the central control computer system of gross terminal revenue. The beginning and ending times of the gaming day will be determined by the Board and will be uniform for all slot machine licensees.

(i) Prior to commencing gaming operations, each slot machine licensee shall submit to the Board, in writing, its hours of operation, which times must correspond to the portion of its gaming day it will be open to the public for the purpose of gaming activities. A slot machine licensee may not commence gaming operations until its hours of operation are approved by the Board.

(ii) Any change in a slot machine licensee's hours of operation must be noticed to the Board in advance of the change in writing or in an electronic format as approved by the Board.

**Subpart G. MINORITY AND WOMEN'S BUSINESS
ENTERPRISES**

CHAPTER 481. GENERAL PROVISIONS

§ 481.1. Statement of purpose, policy and applicability.

(a) This part establishes and prescribes the procedures for promoting and ensuring that licensed entities and applicants for licensure foster participation and diversity in all aspects of their operations in this Commonwealth.

(b) It is the policy of the Board to promote and ensure that licensed entities and applicants for licensure conduct all aspects of their operations in a manner that assures diversity of opportunity as follows:

(1) In the ownership, participation and operation of licensed entities in this Commonwealth.

(2) Through the ownership, participation and operation of business enterprises associated with or utilized by licensed entities.

(3) Through the provision of goods and services utilized by licensed entities.

(c) It is further the policy of the Board to promote and ensure diversity in employment and contracting by each licensed entity or applicant for a license, certification or registration and its contractors, subcontractors, assignees, lessees, agents, vendors and suppliers.

(d) This chapter is applicable to an applicant for or holder of the following:

- (1) Slot machine license.
- (2) Manufacturer license.
- (3) Supplier license.
- (4) Vendor registration.
- (5) Vendor certification.
- (6) Junket license.
- (7) Management company license.

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