

# PENNSYLVANIA BULLETIN

Volume 36

Number 28

Saturday, July 15, 2006 • Harrisburg, PA

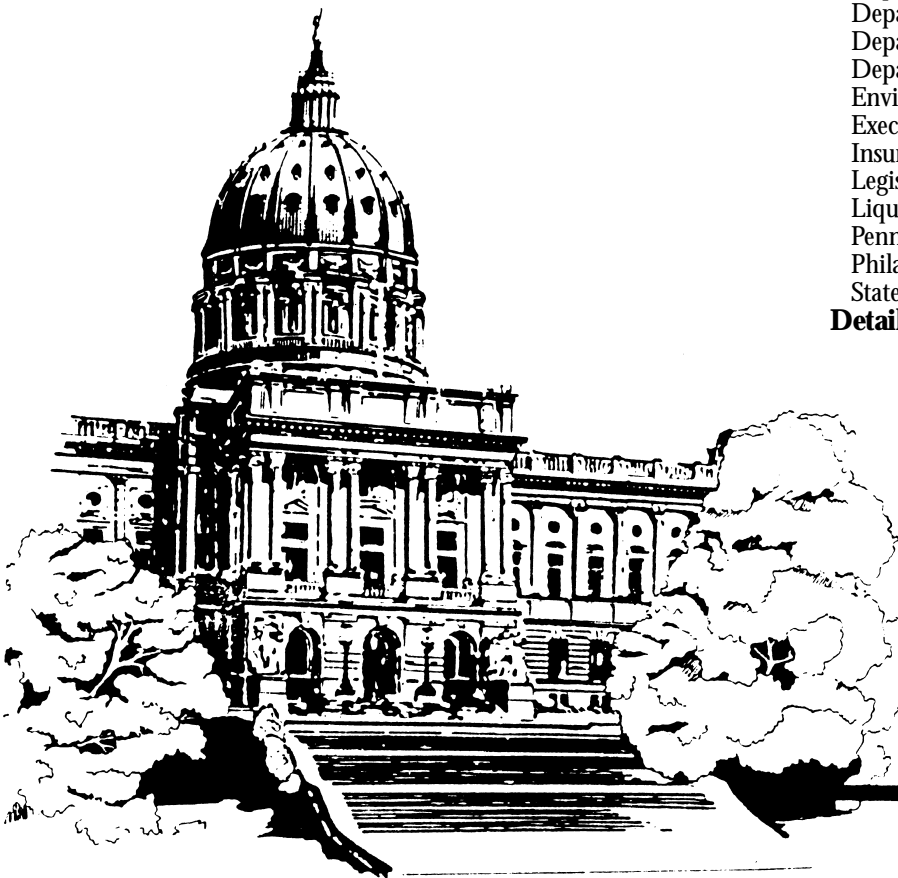
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**Latest Pennsylvania Code Reporter  
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**No. 380, July 2006**

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**BULLETIN**

(ISSN 0162-2137)

published weekly by Fry Communications, Inc. for the Commonwealth of Pennsylvania, Legislative Reference Bureau, 647 Main Capitol Building, State & Third Streets, Harrisburg, Pa. 17120, under the policy supervision and direction of the Joint Committee on Documents pursuant to Part II of Title 45 of the Pennsylvania Consolidated Statutes (relating to publication and effectiveness of Commonwealth Documents). Subscription rate \$82.00 per year, postpaid to points in the United States. Individual copies \$2.50. Checks for subscriptions and individual copies should be made payable to "Fry Communications, Inc." Periodicals postage paid at Harrisburg, Pennsylvania.

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FRY COMMUNICATIONS  
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800 W. Church Rd.  
Mechanicsburg, Pennsylvania 17055-3198  
(717) 766-0211 ext. 2340  
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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 GOVERNOR

## Notice of Enactment

July 5, 2006

Notice is hereby given that by the terms of HB 1992, Printer's No. 4516 (Act of July 5, 2006, No. 66) an amendment to the Act of April 9, 1929 (P. L. 343, No. 176), known as The Fiscal Code, was enacted, having been signed by the Governor on July 5, 2006.

PEDRO A. CORTES,  
*Secretary of the Commonwealth*

[Pa.B. Doc No. 06-1305. Filed for public inspection July 5, 2006, 6:22 p.m.]

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## GOVERNOR'S OFFICE

### Proclamation of Disaster Emergency

June 28, 2006

*Whereas*, Heavy and continuous rainfall throughout the Commonwealth that began on June 23, 2006, and has continued over the past several days has resulted in severe flooding in numerous central and eastern counties; and

*Whereas*, the heavy rainfall has caused severe and widespread flash flooding in Adams, Armstrong, Bedford, Berks, Blair, Bradford, Bucks, Carbon, Centre, Chester, Clinton, Columbia, Cumberland, Dauphin, Delaware, Franklin, Fulton, Huntingdon, Indiana, Jefferson, Juniata, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Lycoming, Mifflin, Monroe, Montgomery, Montour, Northampton, Northumberland, Perry, Philadelphia, Pike, Potter, Schuylkill, Snyder, Sullivan, Susquehanna, Tioga, Union, Wayne, Wyoming, and York Counties, resulting in extensive damage to public and private property; and

*Whereas*, ongoing monitoring and projections made at my direction have disclosed that the rainfall will continue to cause severe flooding throughout the Commonwealth; and

*Whereas*, heavy rains and flash flooding have already resulted and may result in additional extensive damage to roads, streets, and bridges, private homes, businesses, and may cause other adverse impacts upon the general population of Pennsylvania; and

*Whereas*, the emergency situation caused by the rainfall may be of such magnitude and severity as to render essential the Commonwealth's supplementation of county and municipal efforts and resources and the activation of all applicable state, county, and municipal emergency response plans.

*Now Therefore*, Pursuant to the provisions of Subsection 7301(c) of the Emergency Management Services Code (35 Pa.C.S. Section 7101 et seq.), I do hereby proclaim the existence of a disaster emergency in the Commonwealth of Pennsylvania and I direct all Commonwealth departments and agencies to utilize all available resources and personnel as is deemed necessary to cope with the magnitude and severity of this emergency situation.

*Further*, I hereby transfer up to \$2 million in unused appropriated funds to the Pennsylvania Emergency Management Agency. The aforementioned funds shall be used for disaster-related expenses that may be incurred by various state agencies and departments. These funds shall be credited to a special account established by the Office of the Budget. All Commonwealth agencies purchasing supplies or services in response to this emergency are authorized to utilize the emergency procurement procedures set forth in Section 516 of the Commonwealth Procurement Code, 62 Pa.C.S. § 516. This Proclamation shall serve as the written determination of the basis for the emergency under Section 516.

*Further*, I hereby direct the Pennsylvania Emergency Management Agency to activate and fully staff the State Emergency Operations Center for the duration of this emergency situation and to augment it with personnel from other state agencies and departments. I also authorize the Agency to coordinate and direct the emergency preparedness and response activities of other state agencies and departments as deemed necessary to deal with the exigencies of this impending emergency situation through implementation of the State Emergency Operations Plan.

*Further*, I hereby authorize the Secretary of Transportation to use all available equipment, resources, and personnel of the Department, in whatever manner that he deems necessary, to ensure that all state highways in the disaster affected areas are cleared of debris and any other obstructions resulting from this severe storm and to ensure that highways, bridges, roadbeds, and related facilities and structures, including federal-aid highways, that have sustained damage in the disaster affected area are immediately repaired, maintained, reconstructed, or replaced or that new construction is undertaken where necessary. In addition, I hereby waive any laws or regulations that would restrict the application and use of the Department's equipment, resources, and personnel to assist local jurisdictions in the repairs and clearing and removal of debris and other types of obstructions from non-state-owned highways. This assistance to local jurisdictions may be provided solely at the discretion of the Secretary of Transportation. This assistance, however, does not apply to privately owned highways, roads, streets, or other types of property; and I hereby authorize the Secretary of Transportation, in his sole discretion, to waive any provision of the Vehicle Code or any other law or regulation which he is authorized by law to administer or enforce as may be necessary to respond to this emergency.

*Further*, I have directed that the emergency response and recovery aspects of the Commonwealth and all applicable county, municipal, and other disaster emergency response and recovery plans be activated and that all state, county, and municipal actions taken to implement those plans be coordinated through the Pennsylvania Emergency Management Agency.

*Further*, pursuant to the powers vested in me by the Constitution and laws of this Commonwealth, I hereby authorize the Adjutant General of Pennsylvania to place on state active duty for the duration of the emergency/disaster proclamation, such individuals and units of the Pennsylvania National Guard, as requested by the Pennsylvania Emergency Management Agency, to alleviate the potential danger to public health and safety caused by the aforementioned emergency.

*Still Further*, I hereby urge the governing bodies and executive officers of all political subdivisions that may be affected by this emergency to act as necessary to meet the current exigencies as legally authorized under this proclamation, namely: by the employment of temporary workers; by the rental of equipment; and by entering into such contracts and agreements as

## THE GOVERNOR

may be required to meet the emergency, all without regard to those time-consuming procedures and formalities normally prescribed by law, mandatory constitutional requirements excepted.

*Given* under my hand and the Seal of the Governor, in the City of Harrisburg, on this twenty-eighth day of June in the year of our Lord, two thousand and six and of the Commonwealth, the two hundred and thirtieth.

*Edmund G. Rendell*

*Governor*

[Pa.B. Doc. No. 06-1306. Filed for public inspection July 14, 2006, 9:00 a.m.]

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# THE GENERAL ASSEMBLY

## Recent Actions during the 2006 Regular Session of the General Assembly

The following is a summary of recent actions of the General Assembly during the 2006 Regular Session.

<i>Doc. No.</i>	<i>Date of Action</i>	<i>Bill Number</i>	<i>Printer's Number</i>	<i>Effective Date</i>	<i>Subject Matter</i>
<b>2006 GENERAL ACTS OF REGULAR SESSION ENACTED—ACT 050 through 062</b>					
050	Jun 29	HB0901	PN3978	60 days	Vehicle Code (75 Pa.C.S.)—motorcycle lighting
051	Jun 29	HB1580	PN4009	60 days	Agriculture Code (3 Pa.C.S.)—regulation of Cervidae livestock operations
052	Jun 29	HB1637	PN4229	Jan. 1, 2007	Mechanics' Lien Law of 1963—omnibus amendments
053	Jun 29	HB2026	PN2803	60 days	Specialist Mike Franklin Memorial Bridge—designation
054	Jun 29	HB2210	PN3074	60 days	Sergeant William V. Fernandez Highway—designation
055	Jun 29	HB2315	PN3276	60 days	Transportation (74 Pa.C.S.)—Aviation Advisory Committee reappointments
056	Jun 29	HB2457	PN3569	30 days	Sergeant Donald S. Oaks Memorial Bridge—designation
057	Jun 29	HB2468	PN4279	Immediately	Highway Capital Budget Project Itemization Act of 2005-2006—enactment
058	Jun 29	SB0235	PN1261	60 days	Professional Nursing Law—continuing nursing education
059	Jun 29	SB0303	PN1780	60 days	Judicial Code (42 Pa.C.S.)—constables' fees
060	Jun 29	SB0601	PN1791	180 days	Privacy of Social Security Numbers Law—enactment
061	Jun 29	SB1056	PN1809	Immediately	Vehicle Code (75 Pa.C.S.)—commercial driver's license requirements and operation of all-terrain vehicles and snowmobiles by persons under sixteen years of age
062	Jun 29	SB1068	PN1467	Immediately	Conveyance—Commonwealth property in Susquehanna Township, Dauphin County
<b>2006 GENERAL ACTS OF SPECIAL SESSION ENACTED—ACT 001</b>					
001	Jun 27	HB0039	PN0093	Immediately	Taxpayer Relief Act—enactment

\*denotes an effective date with exceptions

### Effective Dates of Statutes

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

### Advance Copies of Statutes

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

Requests for annual subscriptions for advance copies of statutes should be sent to the State Bookstore, Commonwealth Keystone Building, 400 North Street, Harrisburg, PA 17120, accompanied by a check or money order in the sum of \$20, payable to the "Commonwealth of Pennsylvania."

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

[Pa.B. Doc. No. 06-1307. Filed for public inspection July 14, 2006, 9:00 a.m.]

### Recent Actions during the 2006 Regular Session of the General Assembly

The following is a summary of recent actions of the General Assembly during the 2006 Regular Session.

<i>Doc. No.</i>	<i>Date of Action</i>	<i>Bill Number</i>	<i>Printer's Number</i>	<i>Effective Date</i>	<i>Subject Matter</i>
<b>2006 GENERAL ACTS OF REGULAR SESSION ENACTED—ACT 063 through 065</b>					
063	Jun 30	SB1150	PN1835	60 days	Crimes Code (18 Pa.C.S.) and Judicial Code (42 Pa.C.S.)—offense of demonstrating at commemorative service and commemorative service demonstration action
064	Jun 30	HB2542	PN4003	Immediately	Commercial Code (13 Pa.C.S.)—effectiveness of actions related to secured transactions and continued effectiveness of financing statements
065	Jul 2	HB0153	PN4212	Immediately	Organ and Bone Marrow Donor Act—enactment
<b>2006 APPROPRIATION ACTS OF REGULAR SESSION ENACTED—ACT 2A through 9A</b>					
2A	Jul 2	HB2499	PN4513	Immediately*	General Appropriation Act of 2006—enactment
3A	Jul 2	SB1159	PN1608	Immediately	Office of Consumer Advocate—operation
4A	Jul 2	SB1160	PN1599	Immediately	Office of Small Business Advocate—operation
5A	Jul 2	SB1161	PN1600	Immediately	Department of Labor and Industry and Department of Community and Economic Development—workers' compensation, occupational diseases and Office of Small Business Advocate
6A	Jul 2	SB1162	PN1601	Immediately	Pennsylvania Public Utility Commission—operation
7A	Jul 2	SB1163	PN1602	Immediately	Bureau of Professional and Occupational Affairs—operation of professional licensure boards
8A	Jul 2	SB1164	PN1603	Immediately	Public School Employees' Retirement Board—administrative expenses, etc.
9A	Jul 2	SB1165	PN1604	Immediately	State Employees' Retirement Board—administrative expenses, etc.

\*denotes an effective date with exceptions

#### Effective Dates of Statutes

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

#### Advance Copies of Statutes

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

Requests for annual subscriptions for advance copies of statutes should be sent to the State Bookstore, Commonwealth Keystone Building, 400 North Street, Harrisburg, PA 17120, accompanied by a check or money order in the sum of \$20, payable to the "Commonwealth of Pennsylvania."

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

[Pa.B. Doc. No. 06-1308. Filed for public inspection July 14, 2006, 9:00 a.m.]

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# THE COURTS

## Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

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

Amendment of Rule 208(g) of the Pennsylvania Rules of Disciplinary Enforcement; No. 53 Disciplinary Rules; Doc. No. 1

#### Order

*Per Curiam:*

And Now, this 28th day of June, 2006, Rule 208(g) of the Pennsylvania Rules of Disciplinary Enforcement is amended to read as follows.

This Order shall be processed in accordance with Rule 103(b) of the Pennsylvania Rules of Judicial Administration. The amendments adopted hereby shall take effect upon publication in the *Pennsylvania Bulletin* and shall govern all matters thereafter commenced and, insofar as just and practicable, matters then pending.

#### Annex A

### TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

#### PART V. PROFESSIONAL ETHICS AND CONDUCT

##### Subpart B. DISCIPLINARY ENFORCEMENT

#### CHAPTER 83. PENNSYLVANIA RULES OF DISCIPLINARY ENFORCEMENT

##### Subchapter B. MISCONDUCT

#### Rule 208. Procedure.

\* \* \* \* \*

(g) *Costs.*

\* \* \* \* \*

(3) The expenses taxable under paragraph (1) or (2) may include an administrative fee except that an administrative fee shall not be included where the discipline imposed is an informal admonition. The administrative fee shall be \$250.

\* \* \* \* \*

[Pa.B. Doc. No. 06-1309. Filed for public inspection July 14, 2006, 9:00 a.m.]

## Title 210—APPELLATE PROCEDURE

### PART II. INTERNAL OPERATING PROCEDURES [210 PA. CODE CH. 67]

Amendment to Commonwealth Court Internal Operating Procedures

#### Annex A

### TITLE 210. APPELLATE PROCEDURE

#### PART II. INTERNAL OPERATING PROCEDURES

#### CHAPTER 67. INTERNAL OPERATING PROCEDURES OF THE COMMONWEALTH COURT DECISIONS

#### § 67.55. Reporting of Opinions; Certain Decisions not to be Cited.

Unreported opinions of [ the ] this court shall not be [ relied upon or cited by a Court or a party in any other action or proceeding, except that such a memorandum decision ] cited in any opinion of this court or in any brief or argument addressed to it, except that such unreported opinion may be relied upon or cited when it is relevant under the doctrine of law of the case, *res judicata*[ , ] or collateral estoppel. When an unreported memorandum opinion is relied upon pursuant to this rule, a copy of the memorandum must be attached to the brief. A single-judge opinion, even if reported, shall be cited only for its persuasive value, not as a binding precedent. This rule shall be effective retroactively, so as to apply to opinions filed before the effective date of this section, as well as to opinions filed in the future.

[Pa.B. Doc. No. 06-1310. Filed for public inspection July 14, 2006, 9:00 a.m.]

## Title 255—LOCAL COURT RULES

### LANCASTER COUNTY

Adoption of Rule of Criminal Procedure No. 150 Bench Warrants; No. 1 AD 2006; CPJ. No. 7 Page 1357

#### Administrative Order

And Now, this 30th day of June, 2006, Lancaster County Rule of Criminal Procedure 150 is adopted as follows:



**Rule 150. Bench Warrants**

A. In all cases where a bench warrant is executed, the case shall proceed in accordance with the following procedures:

1. In all cases where the Defendant is lodged in the Lancaster County Prison pursuant to the bench warrant, the Warden or his designee shall notify the District Court Administrator within twelve hours of commitment.

2. After notice from the Warden or his designee, the District Court Administrator shall schedule a hearing within the time permitted by Pa.R.Crim.P. 150.

3. The District Court Administrator shall give prompt notice of the hearing to the Office of the Public Defender, District Attorney's Office, and the Clerk of Courts for Lancaster County. The District Attorney and Public Defender shall each assign an attorney for the hearing.

4. The daily Business Judge shall conduct hearings on bench warrants held pursuant to this Rule.

This Rule shall be effective for individuals detained on or after August 1, 2006.

*By the Court*

LOUIS J. FARINA,  
*President Judge*

[Pa.B. Doc. No. 06-1311. Filed for public inspection July 14, 2006, 9:00 a.m.]

**MERCER COUNTY****Provision of Continuous Coverage of Issuing Authority; No. CP-43-AD-3-2006****Administrative Order**

*And Now*, this 26th day of June, 2006, *It Is Hereby Ordered and Directed* that the President Judge of Mercer County, Thirty-fifth Judicial District of Pennsylvania, shall issue annually an order for Temporary Assignment of Issuing Authority for the upcoming calendar year. Pursuant to the Pennsylvania Rules of Criminal Procedure, and particularly Rule 117, this order shall provide continuous coverage on a 24 hour/seven day period for services for the judicial district by designating an "on-call" Magisterial District Judge to be available for those time periods outside of normal business hours. This order continues the long-standing procedure in this Judicial District of providing a continuous on-call system of Magisterial District Judges as set forth in prior Administrative orders.

*By the Court*

FRANCIS J. FORNELLI,  
*President Judge*

[Pa.B. Doc. No. 06-1312. Filed for public inspection July 14, 2006, 9:00 a.m.]

**NORTHAMPTON COUNTY****Administrative Order 2006-6—In Re: Bench Warrants; AD-203-2006****Administrative Order**

*And Now*, this 30th day of June, 2006, the court adopts the following Rule N150, Bench Warrants, effective August 1, 2006.

*By The Court:*

ROBERT A. FREEDBERG,  
*President Judge*

**N150 BENCH WARRANTS**

(a) Bench warrant hearings required by PA.R.CRIM.P. 150(A)(1) shall be conducted by the motions judge if the judge who issued the bench warrant is unavailable.

(b) The Warden of Northampton County Prison promptly shall notify the Court Administrator that an individual is being held on a bench warrant.

(c) The Court Administrator shall schedule the bench warrant hearing so that the individual is not held prior to hearing longer than 72 hours, or until the close of the next business day, if the 72 hours expires on a non-business day. The Court Administrator promptly shall notify the District Attorney, the Public Defender or defendant's attorney if an appearance has been entered, and the Office of Pre-trial Services of the bench warrant hearing.

[Pa.B. Doc. No. 06-1313. Filed for public inspection July 14, 2006, 9:00 a.m.]

**SCHUYLKILL COUNTY****Administrative Order 2006.4; No. AD-102-2006**

*And Now*, this 27th day of June, 2006, at 12:30 p.m., pursuant to Pa.R.Crim.P. 117, it is hereby *Ordered* that the following procedures shall be utilized to ensure sufficient availability of Magisterial District Judges to provide, within the Twenty-First Judicial District, those services required by the Rules of Criminal Procedure and the Protection from Abuse Act:

1. During Normal Business Hours

(a) Normal business hours shall be construed as Monday through Friday from 8:30 a.m. to 4:30 p.m. except when a Court holiday has been declared on such day.

(b) All court proceedings normally conducted before a Magisterial District Judge, which occur during normal business hours of the Court, shall be conducted at the established office of the appropriate Magisterial District Judge as determined by the rules relating to venue.

2. Duty On-Call Magisterial District Judge

(a) The Criminal Court Administrator shall establish a rotating schedule assigning a duty Magisterial District Judge to be on-call outside of the normal business hours of the Court to fulfill all duties of an issuing authority within the County as required by the Rules of Criminal Procedure and the Protection from Abuse Act.

(b) On weekdays when the Court is open for business, the duty Magisterial District Judge shall be on duty from 4:30 p.m. until 8:30 a.m. the following morning. On weekends and holidays, he or she shall be on duty from 8:30 a.m. until 8:30 a.m. the following day.

### 3. Bail and Warrants

(a) The duty Magisterial District Judge shall be available without unreasonable delay throughout the hours of his or her duty assignment at the established office of the duty Magisterial District Judge for the purpose of accepting the posting of a defendant's bail.

(b) The duty Magisterial District Judge shall be available without unreasonable delay at his or her established office throughout the hours of his or her duty assignment for the issuance of search warrants pursuant to Pa.R.Crim.P. 203 and arrest warrants pursuant to Pa.R.Crim.P. 513. In the discretion of the duty Magisterial District Judge, advanced communication technology may be utilized to submit the warrant application and affidavit(s) and to issue the warrant in accordance with the requirements of Rules 203 and 513.

### 4. Preliminary Arraignments Outside Normal Hours

(a) Weekdays—when an individual is placed under arrest by law enforcement and requires arraignment:

(1) Between the hours of 4:30 p.m. and 11:00 p.m., the duty Magisterial District Judge shall be available without unreasonable delay at his or her established office. In the discretion of the duty Magisterial District Judge, advanced communication technology may be utilized for the arraignment.

(2) Between the hours of 11:00 p.m. and 8:30 a.m. the following day, individuals placed under arrest and requiring arraignment shall be temporarily detained at the Schuylkill County Prison. Personnel of the Prison shall make the individual(s) available at the prison video conferencing site by 8:30 a.m., at which time the duty Magisterial District Judge shall conduct the preliminary arraignment through the use of advanced communication technology. In the event of technological failure, the duty Magisterial District Judge shall conduct the preliminary arraignment in person at the Schuylkill County Prison.

(b) Saturdays, Sundays and Holidays—When an individual is placed under arrest by law enforcement and requires arraignment:

(1) Between the hours of 7:00 a.m. and 12:00 p.m. (noon), the duty Magisterial District Judge shall be available without unreasonable delay at his or her established office. In the discretion of the duty Magisterial District Judge, advanced communication technology may be utilized for the arraignment.

(2) Between the hours of 12:00 p.m. (noon) and 8:30 a.m. the following day, individuals placed under arrest and requiring arraignment shall be temporarily detained at the Schuylkill County Prison. Individuals so detained between the hours of 12:00 p.m. (noon) and 10:30 p.m. shall, by prison personnel, be made available at the prison video conferencing site at 10:30 p.m. for preliminary arraignment. Individuals so detained between the hours of 10:30 p.m. and 8:30 a.m. the next day shall be made available at the prison video conferencing site by 8:30 a.m. for preliminary arraignment. The duty Magisterial District Judge shall conduct a preliminary arraignment through the use of advanced communication technology of all individuals so detained. Individuals detained between the hours of 12:00 p.m. (noon) and 10:30 p.m. shall be preliminarily arraigned by 10:30 p.m. Individuals

detained between the hours of 10:30 p.m. and 8:30 a.m. the next day shall be preliminarily arraigned by 8:30 a.m. that next day. In the event of technological failure, the duty of Magisterial District Judge shall conduct the preliminary arraignment in person at the Schuylkill County Prison at the times stated.

5. Emergency Protection From Abuse Orders—When an individual seeks an emergency protection from abuse order outside normal Court business, the duty Magisterial District Judge shall speak with the individual and a representative of Schuylkill Women in Crisis by phone to establish a time at which the individual will be available at the Schuylkill Women in Crisis video conferencing site. At the agreed time the duty Magisterial District Judge shall receive the petition for relief, conduct an ex parte hearing and either issue or deny the requested order by the use of advance communication technology. In the event of technological failure, the duty Magisterial District Judge shall conduct the proceedings at his or her established office without unreasonable delay.

6. The effective date of this Order shall be August 18, 2006.

*By the Court*

WILLIAM E. BALDWIN,  
*President Judge*

[Pa.B. Doc. No. 06-1314. Filed for public inspection July 14, 2006, 9:00 a.m.]

## SUSQUEHANNA COUNTY

### New Rule of the Criminal Division of the Court of Common Pleas; No. 1992-59 CR

#### Order

*Now To Wit*, this 3rd day of July, 2006,

*It Is Ordered And Decreed* that the following rule of the Criminal Division of the Court of Common Pleas of Susquehanna County, Rule 117. Coverage Magisterial District Judges be and the same is hereby promulgated herewith to become effective thirty (30) days after the publication of the rule in the *Pennsylvania Bulletin*; that seven (7) certified copies shall be filed with the Administrative Office of Pennsylvania Courts; that two (2) certified copies and a computer diskette shall be filed with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*; that one (1) certified copy shall be filed with the Criminal Procedural Rules Committee; and that one (1) copy shall be filed with the Prothonotary of the Court of Common Pleas of Susquehanna County.

*By the Court*

KENNETH W. SEAMANS,  
*President Judge*

#### Susq.Crim.Rule 117. COVERAGE MAGISTERIAL DISTRICT JUDGES

(1) All Magisterial District Judge Offices shall be open for regular business on Mondays through Fridays from 9:00 A.M. to 4:30 P.M. prevailing time.

(2) Magisterial District Judges shall be available twenty-four hours per day, every day of the calendar year to provide continuous coverage for the issuance of search warrants, pursuant to Pa.R.Crim.P. No 203, arrest warrants pursuant to Pa.R.Crim.P., No. 513, request to accept bail and emergency orders under the Protection From Abuse Act.

The Magisterial District Judges shall satisfy this rule by remaining on-call during non-regular business hours on a rotating basis pursuant to a schedule prepared by the District Court Administrator. The schedule shall be distributed and publicized pursuant to past practice.

(3) The Magisterial District Judges shall be available during the normal business hours for all other business.

(4) This rule shall be effective thirty (30) days after the date of publication in the *Pennsylvania Bulletin*.

[Pa.B. Doc. No. 06-1315. Filed for public inspection July 14, 2006, 9:00 a.m.]

### WASHINGTON COUNTY

**Local Civil Rule: L-1018.1 Notice to Defend; No. 2006-1**

#### Order

*And Now*, this 27th day of June, 2006; *It Is Hereby Ordered* that the previously stated Washington County Local Rule be amended as follows.

These changes shall become effective thirty days after publication in the *Pennsylvania Bulletin*.

DEBBIE O'DELL SENECA,  
*President Judge*

#### L-1018.1 Notice to Defend

The notice required by Pa.R.C.P. No. 1018.1 shall include the following names, addresses, and telephone numbers:

a. Lawyer Referral Service, 119 South College Street, Washington, Pennsylvania 15301, telephone number 724-225-6710

b. Southwestern Pennsylvania Legal Aid Society, 10 West Cherry Avenue, Washington, Pennsylvania 15301, telephone number 724-225-6170

[Pa.B. Doc. No. 06-1316. Filed for public inspection July 14, 2006, 9:00 a.m.]

## DISCIPLINARY BOARD OF THE SUPREME COURT

### Notice of Disbarment

Notice is hereby given that Jerry F. Palmer having been disbarred from the practice of law in the State of Louisiana by Order of the Supreme Court of Louisiana dated December 4, 2002, the Supreme Court of Pennsylvania issued an Order on June 29, 2006, disbaring Jerry F. Palmer from the Bar of this Commonwealth, effective July 29, 2006. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

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

[Pa.B. Doc. No. 06-1317. Filed for public inspection July 14, 2006, 9:00 a.m.]

### Notice of Suspension

Notice is hereby given that Ronald Alonzo Wright having been suspended from the practice of law in the District of Columbia for a period of one year by Opinion and Order of the District of Columbia Court of Appeals decided October 20, 2005, the Supreme Court of Pennsylvania issued an Order dated June 23, 2006, suspending Ronald Alonzo Wright from the practice of law in this Commonwealth consistent with the Opinion and Order of the District of Columbia Court of Appeals decided October 20, 2005. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

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

[Pa.B. Doc. No. 06-1318. Filed for public inspection July 14, 2006, 9:00 a.m.]

# RULES AND REGULATIONS

## Title 22—EDUCATION

### STATE BOARD OF EDUCATION

#### [22 PA. CODE CH. 31]

#### Higher Education General Provisions

The State Board of Education (Board) amends Chapter 31 (relating to general provisions) to read as set forth in Annex A. Notice of proposed rulemaking was published at 35 Pa.B. 6242 (November 12, 2005) with an invitation to submit written comments.

Chapter 31 sets forth requirements that all degree-granting higher education institutions must follow to operate in this Commonwealth. The overarching purposes of this final-form rulemaking are to align the regulations with State statutory provisions, reflect increased use of technology and distance-learning and update the regulations.

#### *Statutory Authority*

The Board takes this action under section 2603-B of the Public School Code of 1949 (code) (24 P. S. § 26-2603-B).

#### *Background*

The purpose of amending Chapter 31 is to update and clarify the regulations that establish requirements for the approval and operation of postsecondary degree-granting institutions in this Commonwealth.

The final-form rulemaking addresses requirements for the governance, academic program, admissions and student services, facilities, maintenance of quality, honorary degrees and major corporate change of postsecondary institutions.

#### *Summary of Public Comments and Responses to Proposed Rulemaking*

The Board received comments from the Independent Regulatory Review Commission (IRRC). Letters were also received from the Pennsylvania Association of Independent Colleges and Universities and the Pennsylvania Association of Private School Administrators after the conclusion of the 30-day public comment period.

Following is a summary of the comments and the Board's responses to these comments.

#### *§ 31.1. Purpose and scope.*

*Comment:* IRRC recommended revisions to the numbering in this section. It also suggested that the Board reference the specific operational requirements that higher education institutions must meet under this provision.

*Response:* The Board renumbered this section and has also clarified the requirements that postsecondary institutions must meet to be permitted to conduct more than 50% of their degree granting programs through distance education.

#### *§ 31.2. Definitions.*

*Comment:* IRRC shared concerns that the definition of "CEC—Community Education Council" contains substantive provisions and that substantive provisions in a definition are not enforceable. In addition, IRRC shared concerns that the definition is not consistent with that outlined in statute.

*Response:* The Board deleted the substantive provisions of the definition. It also revised the definition to have the same meaning as defined in the statute.

*Comment:* Since the Board added the term "corrective action status" to the final-form rulemaking, a definition in this section has been included. The Board also revised the definition of "foreign corporation" to align it with its current use and meaning in this chapter.

#### *§ 31.12. President and board or council of trustees.*

*Comment:* The Association of Independent Colleges and Universities of Pennsylvania commented that oversight of institution-wide assessment should be determined by the institution, not directed by this regulation was proposed in subsection (a)(4).

*Response:* The Board concurs and has deleted the proposed language.

#### *§ 31.21. Curricula.*

*Comment:* IRRC echoed concerns raised by the Pennsylvania Association of Private School Administrators that questioned the meaning of the term "general education" in subsection (b) as it applies to "specialized degrees." IRRC also suggested that the section be renumbered and the regulations and policies referred to in subsection (d) be listed.

*Response:* The Board has revised its language regarding general education, which now meets with approval by the Pennsylvania Association of Private School Administrators. The section has been renumbered and the listing of applicable regulations added.

#### *§ 31.24. Faculty.*

*Comment:* The Association of Independent Colleges and Universities suggested that subsection (d) be clarified as to the requirements for professional development, particularly as they apply to part-time and adjunct faculty.

*Response:* The Board revised the regulation to require that an institution address its own policy for providing professional development to members of its faculty in its plan. This places the responsibility on the institution to determine whether and how it will address professional development for its faculty.

#### *§ 31.33. Student records and services.*

*Comment:* IRRC suggested that the specific references to the laws or local policies that could require updates in the student record plans of institutions be listed in subsection (a).

*Response:* The language in this section has been revised to have the Department of Education (Department) provide guidance as to the applicable Federal, State and local laws, regulations and directives regarding student records. There are numerous laws that apply and they are frequently amended.

*Comment:* IRRC suggested that in subsection (b)(7) the specific laws and regulation that are pertinent to students with special needs at the covered institutions be identified.

*Response:* The Board revised the subsection to specify that institutions shall comply with the Americans with Disabilities Act of 1990 (42 U.S.C.A. §§ 12101—12210) and 34 Pa. Code Chapter 47, Subchapter D (relating to facilities for handicapped).

*Affected Parties*

The final-form rulemaking affects the students and professional employees of the degree-granting postsecondary institutions in this Commonwealth. This includes institutions of postsecondary education, domestic or foreign (including both out-of-State and out-of-country), that are legally authorized to award college credits or grant degrees in this Commonwealth.

*Fiscal Impact and Paperwork Requirements*

Since the final-form rulemaking is designed to be aligned with current statutory requirements and merely clarify current requirements, it does not impose any new costs or savings for the Department or to postsecondary institutions.

*Effective Date*

The final-form rulemaking is effective upon publication in the *Pennsylvania Bulletin*.

*Sunset Date*

In accordance with its policy and practice respecting all regulations promulgated by the Board, the Board will review the effectiveness of Chapter 31 every 4 years. Therefore, no sunset date is necessary.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on October 27, 2005, the Board submitted a copy of the notice of proposed rulemaking, published at 35 Pa.B. 6242, to IRRC and the Chairpersons of the House and Senate Committees on Education for review and comment.

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

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on May 31, 2006, the final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on June 1, 2006, and approved the final-form rulemaking.

*Contact Person*

The official responsible for information on these final-form regulations is Jim Buckheit, Executive Director, State Board of Education, 333 Market Street, Harrisburg, PA 17126-0333, telephone (717) 787-3787 or TDD (717) 787-7367.

*Findings*

The Board finds that:

- (1) Public notice of the intention to adopt this final-form rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.
- (2) A public comment period was provided as required by law and all comments were considered.
- (3) The final-form rulemaking is necessary and appropriate for the administration of the code.

*Order*

The Board, acting under authorizing statute, orders that:

(a) The regulations of the Board, 22 Pa. Code Chapter 31, are amended by amending §§ 31.13, 31.14, 31.23, 31.32, 31.41, 31.43, 31.52 and 31.72 and by adding § 31.34 to read as set forth at 35 Pa.B. 6242; and by amending §§ 31.1, 31.2, 31.12, 31.21, 31.24, 31.33 and 31.62 to read as set forth in Annex A.

(b) The Executive Director will submit this order, 35 Pa.B. 6242 and Annex A to the Office of General Counsel and the Office of Attorney General for review and approval as to legality and form as required by law.

(c) The Executive Director shall certify this order, 35 Pa.B. 6242 and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(d) This order is effective upon publication in the *Pennsylvania Bulletin*.

JIM BUCKHEIT,  
*Executive Director*

*(Editor's Note: For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 36 Pa.B. 3051 (June 17, 2006).)*

**Fiscal Note:** Fiscal Note 6-297 remains valid for the final adoption of the subject regulations.

**Annex A**

**TITLE 22. EDUCATION**

**PART I. STATE BOARD OF EDUCATION**

**Subpart C. HIGHER EDUCATION**

**CHAPTER 31. GENERAL PROVISIONS**

**PRELIMINARY PROVISIONS**

**§ 31.1. Purpose and scope.**

(a) This chapter provides protection for students and citizens of this Commonwealth, guides the orderly development of postsecondary education in this Commonwealth and offers direction to those intending to establish new institutions of postsecondary education in this Commonwealth.

(b) This chapter does not apply to Chapter 35 (relating to community colleges), except for the following:

- (1) Section 31.6 (relating to information).
- (2) Section 31.23 (relating to program data base).
- (3) Section 31.24(e) (relating to faculty).
- (4) Section 31.52 (relating to accreditation).
- (5) Sections 31.61—31.63 (relating to honorary degrees).
- (6) Section 31.71 (relating to notification).
- (7) Section 31.72 (relating to obligations).
- (8) The definition of "major corporate change" under § 31.2 (relating to definitions).
- (9) Section 31.21(a) and (b) (relating to curricula).

(c) Exclusive of community colleges, this chapter applies to an institution of postsecondary education, domestic or foreign, including both out-of-State and out-of-country, legally authorized to award college credits or grant degrees in this Commonwealth, and to an institution or chartering group applying for authorization. An entity is required to be approved as a postsecondary institution under this chapter to award college credits or grant degrees in this Commonwealth. An institution is prohibited by law to operate in this Commonwealth and award college credits or grant degrees unless legally authorized to do so. Provisions of Board regulations in

this part that are in conflict with this chapter do not affect the applicability of this chapter unless specified by another provision of Board regulations in this part.

(d) This subpart establishes the minimum standards for achieving and maintaining approval of institutions and programs.

(e) Only a postsecondary degree-granting institution having more than 50% of its degree programs consisting of resident-based instruction may be established or operate in this Commonwealth. For combination programs, the residential portion of the program shall be offered on a regularly scheduled basis. An approved postsecondary degree-granting institution that has operated for 10 years within this Commonwealth, or a private licensed school offering AST or ASB degrees that has operated for 10 years within this Commonwealth, may petition the Department to be established to operate as a college or university with more than 50% of its degree programs offered through distance education, if it has demonstrated the following:

(1) Accreditation by a regional accreditation agency approved by the United States Department of Education.

(2) Graduated a minimum of 25 students each from 10 degree programs in place at the time of petitioning for approval.

(3) Is not in corrective action status.

(4) The Department has not initiated the process to revoke its approval of the institution.

(f) Except as specifically provided in this chapter, this chapter does not apply to private licensed schools or other proprietary institutions of postsecondary education that do not offer degrees. These institutions are governed by the Private Licensed Schools Act (24 P. S. §§ 6501–6518) and Chapters 42 and 73 (relating to program approval; and private licensed schools—general provisions).

### § 31.2. Definitions.

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

*ASB*—Associate in Specialized Business.

*AST*—Associate in Specialized Technology.

*CEC*—*Community Education Council*—A nonprofit educational organization as defined in Article XIX-D of the School Code (24 P. S. §§ 19-1901-D—1905-D).

*Chartered status*—Classification of a 2-year college, college, seminary or university established under one of the following:

(i) 15 Pa.C.S. Part II, Subpart B (relating to Business Corporation Law of 1988).

(ii) 15 Pa.C.S. Part II, Subpart C (relating to Nonprofit Corporation Law of 1988).

(iii) Section 2601-H of the School Code (24 P. S. § 26-2601-H).

(iv) 24 Pa.C.S. Chapter 65 (relating to private colleges, universities and seminaries).

*College*—An institution which, in accordance with its charter or articles of incorporation, offers 2-year, 4-year or 5-year postsecondary educational programs or their equivalent and which grants associate, baccalaureate or first professional degrees. In some instances, a 4-year college may offer graduate programs culminating with

graduate degrees when it has the appropriate approval under Chapter 42 (relating to program approval).

*Combination program*—An academic degree program that uses both distance learning and classroom instruction to deliver instructional content.

*Community college*—A college or technical institute which offers 2-year, secondary and postsecondary, transfer, college parallel, terminal-general, terminal-technical, out-of-school youth or adult education programs or a combination of these; grants certificates and associate degrees; and is established and operated in accordance with Article XIX-A of the School Code (24 P. S. §§ 19-1901-A—19-1918-A). A community college also may offer upper-division programs not culminating in a baccalaureate degree when it has the appropriate approval under Chapter 42.

*Corrective action status*—A period during which an institution is required by the Department to correct deficiencies identified during the Department's institutional review. Corrective action status begins upon receipt of written notification from the Department. Corrective action status ends upon receipt of written notification from the Department that the institution has resolved all deficiencies.

*Distance education*—An alternate format to resident-based instruction for offering education courses or series of courses by an approved postsecondary educational institution, consortium of institutions or educational enterprise, for which credit is offered or awarded toward a certificate, diploma or degree, which has as its primary mode of delivery one or more of the following:

(i) Correspondence.

(ii) Television.

(iii) Videocassette or disk.

(iv) Film.

(v) Radio.

(vi) Computer.

(vii) Devices built upon an audio-video format.

(viii) Other supportive devices using current or future technology.

*Education enterprise*—An educational activity in this Commonwealth that is sponsored by a foreign corporation and for which college credits or continuing education units are awarded, continuing professional education is offered (culminating in awards such as Continuing Education Unit (CEU), Continuing Medical Education (CME) or Continuing Professional Education (CPE)), or tuition or fees are charged or collected.

*Employment area*—A geographic area wherein persons who complete vocational education programs are most likely to be employed.

*Foreign corporation*—A corporation, entity or institution that is incorporated or authorized by other means in a state other than this Commonwealth and is approved and authorized to operate an education enterprise in this Commonwealth under 15 Pa.C.S. Part II, Subparts B or C, and 24 Pa.C.S. Chapter 65.

*Graduate program*—A program which is beyond the baccalaureate level from the master's to the postdoctoral levels and which provides advanced study and exploration in a particular discipline or the application of knowledge to professional ends.

*Independent status*—Classification of an institution which is legally authorized to grant degrees but which is not statutorily established as an instrumentality of the Commonwealth.

*Licensed status*—Classification of a school or classes providing resident instruction in the skilled trades, industry or business, or systematic instruction by correspondence or telecommunication, which school, classes or systematic instruction are established and licensed or registered under the Private Licensed Schools Act (24 P. S. §§ 6501—6518).

*Long-range vocational education plan*—A plan for directing resources toward the improvement of vocational education programs and services to meet labor market needs, which plan is based upon data compiled on the supply of and demand for trained workers in business and industry.

*Major corporate change*—A restructuring of the postsecondary institution's corporation, including, but not limited to, the following:

- (i) Merger.
- (ii) Federation.
- (iii) Consolidation.
- (iv) Sale of assets.
- (v) Change of sponsorship.
- (vi) Division.
- (vii) Dissolution or closure.
- (viii) Bankruptcy.

*Physical presence*—The operation of an entity that offers courses, programs, or degrees or maintains a campus, or an administrative, corporate or other address, including a post office box, telephone number, recruiters, instructors, advertising in local media and publications at a location in this Commonwealth.

*Professional program*—A program which culminates with a baccalaureate, first professional or graduate degree; provides preparation for practice in professions, including medicine, allied health, dentistry, law, engineering, architecture, ministry and teaching; and educates persons in the field of study.

*Professional school*—An organized administrative unit of a school, college, university or seminary offering one or more professional programs.

*Resident-based instruction*—A course or series of courses or programs offered by a postsecondary educational institution and taught by faculty at a specific physical location where students physically attend the courses or programs.

*School Code*—The Public School Code of 1949 (24 P. S. §§ 1-101—27-2702).

*Seminary*—An institution which offers one or more professional programs to candidates for the priesthood, ministry or rabbinate.

*Specialized associate degree program*—A program culminating in an occupational degree, either an ASB degree or AST degree, that is designed to prepare a student for employment in an area requiring specialized instruction beyond secondary education.

*State-aided status*—Classification of a nonprofit institution which is legally authorized to grant degrees; offers needed, specified higher education services in the public

interest of the Commonwealth; and receives a direct Commonwealth appropriation.

*State-related status*—Classification of a nonprofit institution which is legally authorized to grant degrees; offers needed, specified higher education services in the public interest of the Commonwealth; is statutorily established as an instrumentality of the Commonwealth; and receives a direct annual Commonwealth appropriation.

*State System*—Classification of universities established under Article XX-A of the School Code (24 P. S. §§ 20-2001-A—20-2019-A).

*State System status*—Classification of a nonprofit institution which is legally authorized to grant degrees; offers needed, specified higher education services in the public interest of the Commonwealth; and receives a direct annual Commonwealth appropriation.

*Two-year college*—An institution that offers full 2-year postsecondary educational programs culminating with associate degrees. A 2-year college also may offer upper-division programs not culminating in a baccalaureate degree when it has the appropriate approval under Chapter 42.

*University*—A multiunit institution with a complex structure and diverse educational functions, including instruction, promotion of scholarship, preservation and discovery of knowledge, research and service. A university meets the following criteria:

- (i) Consists of a minimum of three units.
  - (A) The first unit provides for study of the arts and sciences at the undergraduate level.
  - (B) The second unit provides advanced degree programs through the doctorate in the arts and sciences, with an adequate number of majors in the various disciplines.
  - (C) The third unit provides a minimum of five professional programs at the graduate level.
- (ii) Has a broad foundation in the arts and sciences, which is instilled in the philosophy and implementation of the undergraduate and graduate education curriculum.
- (iii) Provides access to cultural facilities and opportunities to the community and utilizes similar assets of the community.

*Vocational education*—Programs which provide an organized process of learning experience designed to develop skills, knowledge, attitudes, work habits and leadership skills for entry into and advancement within various levels of employment in current or emerging occupational areas.

**GOVERNANCE**

**§ 31.12. President and board or council of trustees.**

(a) For an institution, the minimum and maximum number of trustees shall be stated in the articles of incorporation of the institution. The composition, selection, term of office, and the like, of the board or council of trustees shall be stated in the bylaws of the corporation. The composition of the board or council must include members of the professions, business, industry and other organizations or lay persons. The board of trustees shall have as its main function the legal operation of the institution. The primary areas of responsibility of the board are:

- (1) Formulation of basic institutional policy.
- (2) Selection of the president and maintenance of constructive relationships with the president and the administrative staff.
- (3) Conservation, use and development of the resources of the institution.
- (b) For a State System university subject to the authority of the Board of Governors, the chancellor, the president, together with the council of trustees, shall give overall policy direction to the institution. The president shall administer and manage the institution under Article XX-A of the School Code (24 P. S. §§ 20-2001-A—20-2019-A).

### ACADEMIC PROGRAM

#### § 31.21. Curricula.

- (a) The curricula must provide the opportunity for the achievement of the stated objectives of the institution, as related to its statement of philosophy and mission, and must be structured in a group of coherent, integrated degree programs.
- (b) Degree requirements stated in this section may be stated in terms of semester credit hours or quarter credit hours, as determined by the institution and conforming to generally accepted academic practices. General education, as defined in this section, refers to the curricular inclusion of humanities, arts, communications, social sciences, mathematics, technology and science courses in support of the mission of the institution. A semester credit hour represents a unit of curricular material that normally can be taught in a minimum of 14 hours of classroom instruction, plus appropriate outside preparation or the equivalent as determined by the faculty. A quarter credit hour represents a unit of curricular material that normally can be taught in a minimum of 10 hours of classroom instruction, plus appropriate outside preparation or the equivalent as determined by the faculty.

(1) An associate degree exclusive of a specialized associate degree must require the satisfactory completion of a minimum of 60 semester credit hours, which includes a minimum of 20 semester credit hours of general education, or a minimum of 90 quarter credit hours, which must include a minimum of 30 quarter credit hours of general education.

(2) A specialized associate degree must require the satisfactory completion of at least 60 semester credit hours with a minimum of 1,500 clock hours or a minimum of 90 quarter credit hours. At least 70%, but no more than 80%, of the program must consist of specialized instruction that bears directly upon the employment objectives of the program; and at least 20% of the program must consist of general education.

(3) A baccalaureate degree must require the satisfactory completion of a minimum of 120 semester credit hours or a minimum of 180 quarter credits. Of the total baccalaureate degree program course requirements, at least 40 semester credit hours or 60 quarter credit hours must be in general education and represent a broad spectrum of disciplines in general education.

(4) A first professional degree, except those for the preparation of professional educators, must require the satisfactory completion of a minimum of 60 semester credit hours or 90 quarter credit hours for admission to

the degree program and the satisfactory completion of a total minimum of 150 semester credit hours or 225 quarter credit hours for the program. Professional educator preparation programs must comply with Chapter 354 (relating to preparation of professional educators).

(5) A master's degree must require the satisfactory completion of a minimum of 30 semester credit hours or 45 quarter credit hours beyond the baccalaureate level.

(6) The number of semester or quarter credit hours for a degree beyond a first professional or master's degree shall be determined by the faculty and reflect the recommendations of professional associations or National learned societies.

(c) An institution may enter into agreements with other institutions, individuals or other providers of educational services to provide all or part of certain programs on behalf of the institution. A course offered for institutional credit shall be operated directly by or under the control of the institution granting the credit.

(d) To assure academic integrity, an institution shall provide students in a distance education program access to academic and student services, including textbooks, study guides, library and other learning resources, personal interaction with faculty, tutors or other educational personnel by computer, telephone, mail or face-to-face meetings. The institution shall assure integrity of student work and provide opportunity for student assessment. These programs must comply with the regulations that apply to resident-based programs as prescribed in this chapter and Chapters 35, 36, 40 and 42 and conform to generally accepted academic practices for delivery of instruction through distance education.

#### § 31.24. Faculty.

(a) To provide for the achievement of stated institutional objectives, the faculty shall be sufficient in number to meet instructional needs and provide student advisement appropriate to the level of instruction.

(b) Both full-time and part-time faculty members shall be employed and qualified to teach in their fields of specialization. At a college or university, a majority of the faculty members shall hold a master's degree or a doctorate or an equivalent, in the field in which they are teaching. Faculty members offering graduate and professional instruction shall, in most instances, have experience or professional accomplishment supplementing the attainment of the highest degree.

(c) Full-time faculty members shall constitute a majority of the total number of full-time-equivalent faculty employed by the institution. Care shall be taken to ensure that total commitments of part-time faculty do not impair the quality of the program.

(d) Faculty development must be in accordance with the institution's faculty development plan. The institution's faculty development plan must include policies for providing levels of support for all faculty ranks and status levels. The institution should encourage publication, travel, attendance at professional seminars and conferences, research and similar developmental activities when feasible by the granting of reduced teaching loads, the purchase of needed equipment, and the granting of or assistance in obtaining needed funds.



(e) Each institution of higher education operating in this Commonwealth shall comply with the English Fluency in Higher Education Act (24 P. S. §§ 6801—6806), by filing the certification required by the act by September 1 of each year in the form requested by the Department. Failure to comply with the act and with this subsection shall subject the institution to the penalties under the act.

**ADMISSIONS AND STUDENT SERVICES**

**§ 31.33. Student records and services.**

(a) An academic record, including credits or courses completed under § 31.21 (relating to curricula) and grades earned, shall be maintained on a current transcript for each student. Institutions shall adopt a plan for the collection, maintenance and dissemination of student academic, counseling, health and other records. Copies of the plan shall be maintained by the institution and updated periodically to ensure compliance with all Federal, State and local laws. The plan for student records must conform to applicable Federal, State and local laws, regulations and directives identified in guidelines issued by the Department. Student records shall be maintained in a readily accessible format. Appropriate standards of confidentiality for the records shall be defined in the college policies and official publications and administered accordingly. Students shall be granted the right of access, under the requirements of law, to their official records.

(b) There shall be a program of student services to provide for the following:

- (1) Health protection and emergency health care.
- (2) Personal, social and academic counseling.
- (3) Remedial or developmental programs, when required, for adjustment to collegiate demands.
- (4) Career counseling, follow-up services for graduates and professional placement.
- (5) Financial aid and orientation programs.
- (6) Student activities, extracurricular programs and recreational programs.
- (7) Reasonable accommodation for students with special needs in compliance with the Americans with Disabilities Act of 1990 (42 U.S.C.A. §§ 12101—12213) and with 34 Pa. Code Chapter 47, Subchapter D (relating to facilities for handicapped).

**HONORARY DEGREES**

**§ 31.62. Approval procedure.**

(a) An institution that desires to award honorary degrees and does not have legal authorization allowing this privilege may petition the Secretary for approval to award the degrees. In the petition, the institution shall set forth the degrees to be awarded and the procedures for the selection of candidates and be prepared to support awards of honorary degrees on the basis of meritorious service to mankind.

(b) An institution approved to award honorary degrees under subsection (a) is not required to submit complete petitions to award additional honorary degrees, but shall apply to the Secretary to be permitted to award types of honorary degrees not previously approved.

[Pa.B. Doc. No. 06-1319. Filed for public inspection July 14, 2006, 9:00 a.m.]

**STATE BOARD OF EDUCATION**

**[22 PA. CODE CH. 49]**

**Certification of Professional Personnel**

The State Board of Education (Board) amends Chapter 49 (relating to certification of professional personnel). Notice of proposed rulemaking was published at 35 Pa.B. 5988 (October 29, 2005) with an invitation to submit written comments.

Chapter 49 sets forth requirements for certification of professional personnel in public schools. The overarching purpose of the final-form rulemaking is to align the regulations with State and Federal statutory requirements and Department of Education (Department) policies and practices. The final-form rulemaking also adds policies and clarifies others.

*Statutory Authority*

The Board takes this action under section 2603-B of the Public School Code of 1949 (code) (24 P. S. § 26-2603-B) and other sections of the code.

*Background*

Chapter 49 sets forth requirements for the certification of professional personnel necessary to be employed in the public schools of this Commonwealth. Chapter 49 sets forth requirements for substitute permits, changes in certification, out-of-State credentials, instructional certificates, temporary teaching permits, educational specialist certificates and vocational education certificates. The final-form rulemaking updates the regulations to reflect statutory changes that have been made since Chapter 49 was last amended in 1999, to align or clarify certification policies necessary to comply with the highly qualified teacher provisions of the No Child Left Behind Act of 2001 (Pub. L. No. 107-110, 115 Stat. 1425) and to conform the regulations to Department policies and practices. In addition, the Board is amending some provisions to afford public schools and teachers additional flexibility.

*Summary of Public Comments and Responses to Proposed Rulemaking*

The proposed rulemaking was published at 35 Pa.B. 5988. The proposed rulemaking was also available on the Department's website at [www.pde.state.pa.us](http://www.pde.state.pa.us). The Board accepted formal written comments during a 30-day public comment period that began after publication of the proposed rulemaking.

The Board received comments from the Independent Regulatory Review Commission (IRRC), the Education Law Center and seven individuals during the public comment period. The individual commentators were: Dr. Clythera S. Hornung; Richard M. Kardon; Binny Silverman; David F. Piperato; Christopher Hey; Joseph J. Roy; and Renee Kerr. The Board also met with representatives from the Department who suggested additional modifications to the regulations. Comments were also received from additional private citizens after the official comment period, but before the Board adopted the final-form rulemaking.

Following is a summary of the comments and the Board's response to the comments.

*§ 49.1. Definitions.*

*Comment:* IRRC raised four issues concerning this section. First, IRRC recommended that substantive provision in the definitions of "continuing professional education," "intern certificate" and "prekindergarten" be

removed from this section and located elsewhere in the regulations. IRRC also recommended that the definition of "continuing professional education" reflects the statutory provision that equates one college credit with 30 hours of professional education. IRRC also commented that the definitions of "day-to-day substitute permit," "emergency permit" and "long-term substitute permit" were not clearly written.

IRRC and the Education Law Center both suggested that the Board add a definition of "diverse learners." IRRC also suggested that language be added to several sections of the regulations to address the needs of diverse learners. The Education Law Center also commented that the proposed definition of "prekindergarten" excluded students with disabilities and suggested that the definition violates State and Federal laws.

Department staff suggested that the definition of "educational specialist" be revised to provide examples of educational specialist rather than to have the definition enumerate each specialty to allow for the addition or deletion of categories of certificates in the future.

*Response:* The Board has deleted the substantive provisions from definitions in § 49.1 and revised the definitions of "day-to-day substitute permit," "emergency permit" and "long-term substitute permit" as suggested by IRRC. The Board added definitions of "articulation agreement," "diverse learners" and "exceptional case permit." The Board determined that rather than include a lengthy description of credits and professional education hours required in the definition of "continuing professional education," the description would best serve its purposes in § 49.11(a) (relating to general).

The Board disagrees with the comment from the Education Law Center that the definition of "prekindergarten" excludes students with disabilities. The definition, as it applies to this chapter, relates to the ages of all children enrolled in the program and the qualifications required for professional educators to teach students enrolled in a prekindergarten program. The Board revised the definition of "educational specialist" as suggested by the Department.

Regarding the suggestion from IRRC that the Board explain how the regulations sufficiently accommodate diverse learners, the Board responds that it is currently engaged in a separate review and analysis of teacher preparation and certification requirements for early childhood, elementary, middle school and special education teachers with emphasis on meeting the needs of diverse learners. In addition, significant research and policy analysis are underway on the use of induction, Level I to Level II conversions, professional education plans and ongoing professional education requirements for currently certified professional educators.

The Education Law Center's comments submitted in response to these regulations, on which IRRC's recommendation is based, come from draft documents and discussions held by the Board in public stakeholder meetings, Board committee meetings and from other Board documents circulated at public meetings and posted on the Board's website. These are complex, significant issues that will be addressed in proposed regulations that will be submitted by the Board for regulatory review and approval in the future. In addition, final Federal regulations for the Individuals With Disabilities Education Improvement Act of 2004 (Pub. L. No. 108-446) are not expected to be issued by the United States Department of Education until later this year.

Rather than further delay the important amendments in this final-form rulemaking, the Board has chosen to adopt this final-form rulemaking while simultaneously conducting the necessary research and discussions with stakeholders to develop policies designed to better prepare current and future professional educators to address the diverse learning needs of students while considering potential significant costs to teacher candidates, current teachers, teacher training institutions and public schools.

#### § 49.11. General.

*Comment:* IRRC recommended that deleted language regarding the term of validity of professional certificates in this section be retained.

*Response:* The Board restored the original language but updated it to reflect the statutory requirement that professional educators participate in specified amounts of professional education activities for their certificate to remain active.

#### § 49.13. Policies.

*Comment:* Dr. Hornung commented that school districts are requiring applicants for teaching positions to submit PRAXIS test scores as part of the application requirements and asked what can be done about this. The Department suggested that subsection (b)(4) be amended to permit program approval reviews to be performed by professional educators from basic and higher education, rather than teams. The Department also suggested changing the major program review cycle from 5 to 7 years to be performed by professional educators. This amendment will align the Department's review cycle with that of the National Council for Accreditation of Teacher Education, which is the major accreditation agency for teacher education programs.

*Response:* Under the code, employment policies and practices fall within the purview of the governing boards of local school entities. Disclosures of PRAXIS test scores are at the discretion of each teacher candidate and applicant for teaching position. School entities may consider test scores when determining which candidates for a position are most highly qualified. The Board concurred with the Department's recommendations to remove the requirement that a team perform the program approval review and also that the reviews should be performed every 7 years.

#### § 49.14. Approval of institutions.

*Comment:* IRRC recommended that the term "articulation agreement" be defined. The Education Law Center suggested adding the ability to teach diverse learners to the requirements for program approval of professional educator preparation programs. The Education Law Center also suggested requiring that at least 24 credit hours address the capacity to teach diverse learners in an inclusive setting with 12 of these in special education and 3 in teaching English language learners. Dr. Hornung questioned the meaning in paragraph (4)(x) of what an acceptable percentage of candidates applying for certification as determined by the Secretary and Board achieve at a satisfactory level. She asked what was an acceptable percentage and whether it could change from program to program and from year to year or by area of certification.

In paragraph (4)(iii), the Board deleted reference to the academic standards for environment and ecology since all academic standards are viewed equally important. Department representatives suggested replacing "early and frequent" with "sequential" in paragraph (4)(iv), believing it more clearly describes the intent of the regulation.

Department representatives also recommended that “certification assessment assistance” be added to the list of areas for which institutions should provide ongoing assessment of educator candidates’ knowledge, skills and dispositions to assure that the programs are assisting students to be prepared to be successful in taking the battery of teacher licensing tests.

*Response:* The comments from the Education Law Center relate to the ongoing work of the Board on a separate set of amendments to Chapter 49 that will be submitted for regulatory review in the future. The Board believes the Education Law Center’s suggested revisions reflect significant and substantial changes that must be thoroughly analyzed and considered through both the Board’s and regulatory review public comment process.

In response to Dr. Hornung, the Department already establishes cut scores for each of the required tests. These do vary by certificate and level based on a variety of factors and are periodically reviewed and adjusted as appropriate. The Board concurs with the recommendations made by the Department.

*§ 49.16. Approval of induction plans.*

*Comment:* The Education Law Center recommended that at least 1/3 of induction activities address the teaching of diverse learners in an inclusive setting. The Education Law Center also recommended that parents be included as participants in the development of the induction plan and that specific new requirements for mentors and supervision of first year teachers be addressed in the induction plan. Dr. Hornung suggested that induction plans currently stress the logistical needs and demands of school districts and suggested more can be done to strengthen the induction process.

*Response:* In response to comments from the Education Law Center regarding requiring 1/3 of induction activities to address the needs of diverse learners, see the Board’s response in this preamble to § 49.1 (relating to definitions). In response to the Education Law Center’s suggestion that parents be included in the development of the induction plan, the Board believes that since induction plans are training plans for new employees, this is not an appropriate role for parents. In response to Dr. Hornung’s comments, the Board recently sponsored research on the effectiveness of induction programs and the Governor’s Commission on Preparing America’s Teachers is exploring options to strengthen induction programs. The Board anticipates that it will address this issue once the research is completed and the Governor’s Commission on Preparing America’s Teachers completes its work.

*§ 49.17. Continuing professional education.*

*Comment:* IRRC recommended that the list of persons who develop the continuing professional education plan be made consistent with that in section 1205.1(b) of the code (24 P. S. § 12-1205.1(b)). The Education Law Center suggested adding language providing that the Secretary of Education promulgate and enforce guidelines requiring at least 1/3 of professional education focus on the teaching of diverse learners in an inclusive setting. The Education Law Center also recommended that parents of children enrolled in the school entity participate in the development of the continuing professional education plan. The Department recommended that subsection (e) include a requirement that certified personnel notify the Department of any changes to their home mailing address as provided by section 1205.2(h.1) of the code (24 P. S. § 12-1205.2(h.1)).

*Response:* The Board agrees with the comments from IRRC and revised the language consistent with the code. In this preamble, see the response to § 49.1 in response to comments by the Education Law Center that 1/3 of professional education focus on teaching diverse learners. Since section 1205.1 of the code already requires that parents of children attending school in the district be represented on the plan development committee, it is not necessary to add this requirement to the final-form rulemaking as suggested by the Education Law Center. The Board added language as suggested by the Department that professional educators are responsible for notifying the Department of changes to their mailing address.

*§ 49.18. Assessment.*

*Comment:* The Education Law Center recommended that language be added to subsections (a) and (b) that candidates for certification be assessed in their ability to teach diverse learners in an inclusive setting. As a result of discussions with the Department, the Board has removed from subsection (e) early childhood and elementary education certificates from the list of certificates precluded from being added to the certificates of currently certified staff by their passing the appropriate subject area test.

*Response:* See the response in the preamble to comments made to § 49.1 in response to the comments made by the Education Law Center. The Board removed early childhood and elementary certificates from the list of certificates that would be prohibited, by regulation, from being added to an existing professional educator’s teaching certificate through the testing program. The removal of these certificates from the list does not imply that the Board wants to make these certificate areas available through testing at this time. The intent of the Board is to provide the Secretary of Education with additional flexibility to add these areas should circumstances dictate a need in the future.

*§ 49.31. Criteria for eligibility.*

*Comment:* The Education Law Center recommended that time limit restrictions be included for emergency, long-term and day-to-day substitute permits when the teaching assignment involves self-contained classroom with students with disabilities, English language learners or disciplinary alternative education students. The Department suggested that the Board require that school entities make a genuine effort to identify qualified personnel before requesting a long-term substitute permit be issued.

*Response:* See the response in this preamble to § 49.1 in reaction to comments from the Education Law Center. In response to the Department’s suggestion, the Board has added a requirement that applications for emergency, long-term and day-to-day substitute permits not be granted until a vacancy has been posted on a school entity’s website for at least 10 days and no qualified candidate has been identified.

*§ 49.32. Exceptional Case Permits.*

*Comment:* IRRC recommended the term “exceptional case permit” be defined in § 49.1.

*Response:* The definition was added to § 49.1.

*§ 49.34. Locally issued Day-to-Day Substitute Permits.*

*Comment:* The Department suggested adding subsection (e) to reflect that emergency permits are available for

a total of 3 consecutive years as provided by section 1204 of the code (24 P. S. § 12-1204).

*Response:* The Board added subsection (e) as suggested by the Department.

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

*Comment:* IRRC outlined two concerns with this proposed section. It suggested clarifying what is meant by "cogent request." It also suggested clarifying what triggers the start of the 150-day period in subsection (d).

*Response:* The Board concurs with IRRC's comments and has revised the final-form rulemaking by replacing "cogent" with "written" and clarified what triggers the 150 day timeline for action by the Board.

*§ 49.62a. Program Specialist Certificate.*

*Comment:* The Department suggested deleting the clause in subsection (a) that states "at the request of the employing school entity" to permit the Department to issue a program specialist certificate without the request of the employing school entity.

*Response:* The Board revised this section as suggested by the Department.

*§ 49.62b. Program Endorsement Certificate.*

*Comment:* The Department suggested clarifying that the program endorsement certificate is not required to perform service in the areas for which the certificate is issued.

*Response:* The Board deleted the "intended to be" to be clear that the program endorsement certificate is not required to perform service in a particular work assignment.

*§ 49.83. Instructional II.*

*Comment:* The Education Law Center recommended that at least 12 of the 24 credits needed to convert an Instructional I to an Instructional II Certificate focus on the teaching of diverse learners in an inclusive setting including at least 3 credits in special education and 3 credits in teaching English language learners.

*Response:* See the response in this preamble to § 49.1 in response to comments made by the Education Law Center.

*§ 49.84. Collegiate credit acceptable for conversion of the Instructional I Certificate.*

*Comment:* IRRC recommended that the regulation be corrected to reflect the policy that Instructional I Certificates may not be renewed. Several comments were submitted encouraging the Board to permit teachers to earn a portion or all 24 academic credits necessary to move from an Instructional I to Instructional II certificate from a graduate degree granting institution.

*Response:* The Board concurs with IRRC's recommendation and revised the final-form rulemaking accordingly. The Board also concurs with the recommendation submitted by several individuals that credits earned at graduate education institutions be credited towards meeting the 24 credit requirement.

*§ 49.91. Criteria for eligibility.*

*Comment:* IRRC recommended that the Board clarify what is meant by "intensive supervision." The Education Law Center recommended that time limit restrictions be included for emergency, long-term and day-to-day substitute permits when the teaching assignment involves

self-contained classroom with students with disabilities, English language learners or disciplinary alternative education students. Dr. Hornung recommended that subsection (c) be clarified by defining "intensive supervision" and "accelerated pedagogical training." The Department suggested clarifying subsection (d) by inserting "calendar" before "years" in the first sentence, an "accredited" before "4-year college or university" and a statement that requires those holding an Intern Certificate to maintain continued enrollment in a State-approved teacher intern program.

*Response:* The Board clarified its intent by replacing "intensive supervision" with "a minimum of one classroom observation each month." See the response in this preamble to § 49.1 in response to comments from the Education Law Center. The Board believes its intent in using the term "accelerated pedagogical training" provides sufficient guidance to the Department in crafting its guidelines for the approval of Intern Certificate programs. The Board added language to clarify the requirements as suggested by the Department.

*§ 49.103. Educational Specialist II.*

*Comment:* Dr. Hornung suggested that permitting teachers to earn credits from a Pennsylvania intermediate unit towards the 24 credits necessary to convert a Level I to a Level II certificate is lowering the rigor of the requirement implying that intermediate unit programs are not as demanding as those offered by other institutions.

*Response:* The Board believes that intermediate units play a critical role in the support and delivery of professional education to educators. The Department has provided intermediate units with significant new funding and technical resources to establish a new Statewide network for the delivery of professional education services to educators using standards of quality and programs of demonstrated effectiveness.

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

*Comment:* Several comments were submitted encouraging the Board to permit teachers to earn all or a portion of the 24 academic credits necessary to convert a Educational Specialist I to Educational Specialist II certificate from a graduate degree granting institution. Although IRRC did not specifically comment on this section, its comments regarding § 49.84 (relating to collegiate credit acceptable for conversion of the Instructional I Certificate) concerning renewal of Instructional I certificates also apply to Educational Specialist Certificates.

*Response:* The Board concurs with the recommendation submitted by several individuals that credits earned at graduate education institutions be credited towards meeting the 24 credit requirement. In addition, the Board revised the final-form rulemaking to reflect that Educational Specialist I certificates may not be renewed.

*§ 49.111. Supervisory Certificate.*

*Comment:* The Education Law Center recommended that language be added to provide that candidates for Supervisory Certificates understand how children learn and develop and that configures resources to support the intellectual, social and personal growth of all students, including diverse learners in inclusive settings.

*Response:* See the response in this preamble to § 49.1 in response to comments made by the Education Law Center.

§ 49.121. *Administrative Certificate.*

*Comment:* The Education Law Center suggested that candidates for an Administrative Certificate demonstrate instructional leadership that provides purpose and direction for the achievement of students, including teaching diverse learners in an inclusive setting and reducing achievement gaps between students.

*Response:* See the response in this preamble to § 49.1 in response to comments made by the Education Law Center.

§ 49.141. *General.*

*Comment:* The Education Law Center recommended adding language that requires that candidates for the Vocational Teaching Certificate be able to teach diverse learners in an inclusive setting.

*Response:* See the response in this preamble to § 49.1 in response to comments made by the Education Law Center.

§ 49.142. *Vocational Instructional I.*

*Comment:* The Education Law Center suggested that at least 6 credits of the 18 required credits for a Vocational Instructional I Certificate address the teaching of diverse learners in an inclusive setting.

*Response:* See the response in this preamble to § 49.1 in response to comments made by the Education Law Center.

§ 49.143. *Vocational Instructional II.*

*Comment:* The Education Law Center suggested that at least 20 credits of the 60 required for a Vocational Instructional II Certificate address the teaching of diverse learners in an inclusive setting.

*Response:* See the response in this preamble to § 49.1 in response to comments made by the Education Law Center.

*Additional Comments.*

*Comment:* The Education Law Center recommended adding § 49.19, regarding initial teaching responsibilities, to direct the Secretary of Education to promulgate and enforce guidelines ensuring that teachers with Instructional I or Intern Certificates and Emergency or Long-Term Substitute Permits are provided assignments balanced with their responsibilities for professional development and support.

*Response:* The Board believes this recommendation has potential major cost implications and would establish policies in areas not previously addressed by either statute or regulation. Employment and work assignments have been the purview of local school boards. Given the far-reaching implications of this suggestion, the Board believes consideration of a policy shift should proceed only after due consideration and thorough outreach to and comments from stakeholders. The Board does not believe that this change should be made through this final-form rulemaking.

*Fiscal Impact and Paperwork Requirements*

Because this final-form rulemaking largely reflects changes in Federal and State statutes, Federal regulations and current Department policies and practices, costs associated with compliance with the final-form rulemaking should be negligible. The final-form rulemaking is aligned with current statutory provisions and Department practice.

To comport with the new requirements of this final-form rulemaking, professional educator preparation institutions will need to review their programs to ensure that they provide sequential clinical experiences, offer certification assessment assistance and sufficiently include in their curriculum instruction that provides candidates for certification with the skills necessary to address the needs of diverse learners. The Department must review Chapter 354 (relating to preparation of professional educators) standards and related policies to determine if they need to be revised. Review of standards and policies is an ongoing activity of the Department and, therefore, any costs associated with the implementation of changes to this chapter will be limited.

*Effective Date*

The final-form rulemaking is effective upon publication in the *Pennsylvania Bulletin*.

*Sunset Date*

In accordance with its policy and practice, the Board will review the effectiveness of Chapter 49 after 4 years. Therefore, no sunset date is necessary.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on October 17, 2005, the Department submitted a copy of the notice of proposed rulemaking, published at 35 Pa.B. 5988, to IRRC and the Chairpersons of the House and Senate Committees on Education for review and comment.

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

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on May 31, 2006, the final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on June 1, 2006, and approved the final-form rulemaking.

*Contact Person*

The official responsible for information on this final-form rulemaking is Jim Buckheit, Executive Director, State Board of Education, 333 Market Street, Harrisburg, PA 17126-0333, (717) 787-3787 or TDD (717) 787-7367.

*Findings*

The Board finds that:

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

(2) A public comment period was provided as required by law and all comments were considered.

(3) The final-form rulemaking is necessary and appropriate for the administration of the code.

*Order*

The Board, acting under authorizing statute, orders that:

(a) The regulations of the Board, 22 Pa. Code Chapter 49, are amended by amending §§ 49.2, 49.12, 49.16,

49.32, 49.33, 49.42, 49.52, 49.61, 49.62, 49.63, 49.64a, 49.65, 49.69, 49.72, 49.82, 49.83, 49.85, 49.92, 49.101, 49.102, 49.103, 49.121, 49.132, 49.141, 49.153, 49.161, 49.171, 49.172, 49.182 and 49.191 and by adding § 49.90 to read as set forth at 35 Pa.B. 5988; and by amending §§ 49.1, 49.11, 49.13, 49.14, 49.17, 49.18, 49.31, 49.34, 49.62a, 49.64e, 49.84, 49.91, 49.104 and 49.111 and by adding §§ 49.53 and 49.62b to read as set forth in Annex A.

(b) The Executive Director will submit this order, 35 Pa.B. 5988 and Annex A to the Office of General Counsel and the Office of Attorney General for review and approval as to legality and form as required by law.

(c) The Executive Director of the Board shall certify this order, 35 Pa.B. 5988 and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(d) This order is effective upon final publication in the *Pennsylvania Bulletin*.

JIM BUCKHEIT,  
Executive Director

(*Editor's Note:* For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 36 Pa.B. 3051 (June 17, 2006).)

**Fiscal Note:** Fiscal Note 6-293 remains valid for the final adoption of the subject regulations.

#### Annex A

### TITLE 22. EDUCATION

#### PART I. STATE BOARD OF EDUCATION

##### Subchapter C. HIGHER EDUCATION

#### CHAPTER 49. CERTIFICATION OF PROFESSIONAL PERSONNEL

##### Subchapter A. GENERAL PROVISIONS

#### THE PROGRAM

#### § 49.1. Definitions.

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

*Act*—The Public School Code of 1949 (24 P. S. §§ 1-101—27-2702).

*Approved teacher certification program*—A sequence of courses and experiences offered by a preparing institution which is reviewed and approved by the Department.

*Articulation agreement*—A formal agreement between two higher educational institutions, stating specific policies relating to transfer and recognition of academic achievement to facilitate the successful transfer of students without duplication of course work.

*Assessment of basic skills*—A measurement of a candidate's ability to communicate orally and in writing and to demonstrate proficiency in fundamental computational skills.

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

*Assessment of professional knowledge and practice*—A measurement of a candidate's knowledge of educational theory, principles of human growth and development, educational psychology and other subjects directly related to educational practice and their application/demonstration in school settings.

*Assessment of subject matter*—A measurement of a candidate's knowledge of an academic field or discipline to be taught in the public schools of this Commonwealth.

*Candidate*—A person seeking certification in any of the areas outlined in this chapter.

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

*Chief school administrator*—The superintendent, intermediate unit executive director, or equivalent private school administrator.

*Collegiate studies*—Studies pursued at institutions which are entitled to apply to themselves the designation of college or university as defined by 24 Pa.C.S. Chapter 65 (relating to private colleges, universities and seminars).

*Commissioned officer*—District superintendents and assistant district superintendents under section 1078 of the act (24 P. S. § 10-1078) regarding commissions and objections to election.

*Continuing professional education*—The formal acquisition of collegiate or in-service credits designed to improve and expand the expertise of professional personnel.

*Day-to-day substitute permit*—A permit issued for no longer than 20 consecutive days to fill a position due to the absence of professional certified personnel.

*Degree-granting institution*—A public college or technical institute which provides a 2 year, postsecondary college-parallel, terminal-general, terminal-technical, out-of-school youth or adult education program or a combination of these and which is established and operated under the act.

*Diverse learners*—Those students who because of limited English language proficiency or disabilities may have academic needs that require varied instructional strategies to help them learn.

*Educational specialist*—Professional certified personnel whose primary responsibility is to render professional service other than classroom teaching, such as elementary counselor, secondary counselor, school nurse and school psychologist.

*Emergency permit*—A permit issued to fill a vacancy resulting from resignation, termination, retirement, death or the creation of a new position.

*Exceptional case permit*—A permit issued to fill a vacancy due to exceptional conditions.

*Induction*—A process by which a variety of professional support services are provided to newly employed teachers and educational specialists under the guidance of professional personnel to facilitate entry into the education profession.

*Induction plan*—A description of the induction process developed and submitted by the school entity to the Department for approval which describes how a teacher or educational specialist will be introduced to the teaching profession under this chapter.

*Intern certificate*—A professional certificate that entitles the holder to fill a full-time professional teaching position.

*Invalid certificate*—A certificate which no longer enables its holder to perform specific professional duties.

*Long-term substitute permit*—A permit issued for an indeterminate period to fill a position due to the absence of professional certified personnel.

*Occupational competency credential*—A document issued by the Occupational Competency Testing Examiners which signifies that the holder possesses knowledge and skill in a technical field at a journeyman level. When the document is presented to a preparing institution or to the Department, it may be registered by the Department on the holder's vocational intern, vocational instructional or instructional certificate, and it enables the holder to teach that occupational specialty.

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

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

*Prekindergarten*—A program operated by a school district or under contract from a school district that is open to children who are 3 or 4 years of age and who have completed the program prior to the school district's entry age for kindergarten. A school district may make individual exceptions based upon local policy that would permit enrollment of children under 3 years of age or over 5 years of age.

*Preparing institution*—A college or university that offers a program approved by the Department to prepare professional personnel for employment in the public schools.

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

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

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

*Satisfactory achievement*—An acceptable level of performance as determined by the Secretary in consultation with the Board on the Department-prescribed assessments required in this chapter.

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

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

**§ 49.11. General.**

(a) Certificates and letters of eligibility in force in this Commonwealth on September 25, 1999, shall continue in force, subject to all the terms and conditions under which they were issued and the act until they expire by virtue of their own limitations. For certificates or a letter of eligibility to remain active, every 5 years a professional educator shall satisfactorily complete the following:

- (1) Six credits of collegiate study.
- (2) Six credits of continuing professional education courses.

(3) One hundred eighty hours of continuing professional education courses, activities or learning experiences or any combination of collegiate studies, continuing professional education courses or other programs equivalent to 180 hours.

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

(c) This chapter establishes the specific requirements for the certification and permitting of persons serving in the public school entities of this Commonwealth as professional employees, temporary professional employees, substitutes, and commissioned school administrators of the Commonwealth.

**§ 49.13. Policies.**

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

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

- (1) Provision of advisory services to college and school personnel in matters pertaining to teacher education and certification.
- (2) Designation of professional titles for personnel.
- (3) Prescription of procedures for issuance of certificates and permits.
- (4) Evaluation and approval of teacher education programs leading to the certification and permitting of professional personnel. Program approval reviews shall be conducted by professional educators from basic and higher education.
- (5) Registration of certified and permitted persons.
- (6) Maintenance of records of all certificates and permits.
- (7) Assurance that each professional person is properly certified or permitted for the specific position in which the professional person is employed.
- (8) Review and investigation of alleged violations of this chapter.

(9) Prescription of procedures approved by the Board for the appraisal and evaluation of education and experience of applicants for any type of professional certification issued by the Department when the applicant has been denied certification and is prepared by institutions outside this Commonwealth or has appealed in accordance with guidelines approved by the Board in § 49.66 (relating to appeal procedure), a decision pertaining to eligibility for certification rendered by a Commonwealth institution having an approved program. The appellant initially shall have appealed to the institution.

(10) The issuance of administrative agency interpretative policies and directives relating to professional certification and staffing in the schools of this Commonwealth as may be necessary to carry out the intent of this chapter.

(11) Identification and approval of assessment tools, instruments and procedures to measure basic skills and general knowledge; professional knowledge and practice; and subject matter knowledge.

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

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

(d) The Department will have the right to review approved programs at any time. Major evaluations shall be conducted at 7-year intervals, by professional educators appointed by the Department in accordance with subsection (b)(4), to review process and content.

(e) The Department will accept the request of an institution to withdraw from an approved program. The Department will have the right to withdraw the approval of a program from an institution. New students may not be accepted in a program which has lost its approved status after the date of the action.

#### § 49.14. Approval of institutions.

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

(1) Be approved as a baccalaureate or graduate degree granting institution by the Department.

(2) Be evaluated and approved as a teacher-preparing institution to offer specific programs leading to certification in accordance with procedures established by the Department.

(3) Report to the Department, for approval, all planned changes in previously approved programs. This report shall be made 90 days prior to the implementation of the planned changes.

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

(i) Institutions develop clear goals and purposes for each program, including attention to professional ethics and responsibilities.

(ii) Institutions are able to demonstrate how instructional and clinical activities provide educator candidates with the capacity to enable the achievement of all students.

(iii) Institutions are able to demonstrate that educator candidates have participated in instructional activities that enable the candidates to provide instruction to students to meet the provisions of Chapter 4 (relating to academic standards and assessment).

(iv) Institutions are able to demonstrate that educator candidates successfully participate in sequential clinical experiences fully integrated within the instructional program.

(v) Institutions have clearly expressed standards for admission to, retention in and graduation from approved

programs and actively encourage the participation of students from historically underrepresented groups.

(vi) Institutions provide ongoing assessment of educator candidates' knowledge, skills, dispositions and performance with which to identify needs for further study, certification assessment assistance or clinical experience or dismissal from the program.

(vii) Institutions can demonstrate how information from systematic evaluations of their programs, including students and educator evaluators, and achievement levels of candidates for certification in the Department-designed assessment program are used for continual program improvement.

(viii) Institutions, in partnership with local education agencies, provide a school-based experience integrating the teacher candidates' knowledge, skills and dispositions in professional practice. This experience shall be fully supported by institutional faculty, including frequent observation, consultation with supervising teachers and opportunities for formative and summative evaluation.

(ix) Institutions provide ongoing support for novice educators in partnership with local education agencies during their induction period, including observation, consultation and assessment.

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

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

#### § 49.17. Continuing professional education.

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

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

(i) Graduate level coursework.

(ii) Obtaining a professionally related master's degree.

(iii) Department-approved in-service courses.

(iv) Curriculum development work.

(v) Attendance at professional conferences.

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

(i) Professionally related graduate level coursework.

(ii) Professionally related master's degree.

(iii) Curriculum development work.

(iv) Professional conferences.

(3) The continuing professional education plan shall be developed as specified in section 1205.1 of the act. The plan must describe the persons who developed the plan and how the persons were selected.

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



(5) The Secretary will promulgate guidelines which include a process for amending approved continuing professional education plans in accordance with the requirements for initial preparation of the plans. The guidelines will also outline allowable activities for credit earned under sections 1205.1 and 1205.2 of the act (24 P. S. §§ 12-1205.1 and 1205.2) after July 1, 2006.

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

(b) A commissioned officer who obtains a Letter of Eligibility for Superintendent shall present to the Secretary evidence of satisfactory completion of 6 credit hours of continuing professional education courses every 5 years. This subsection will be satisfied by taking collegiate studies or Department-approved in-service courses or a combination thereof.

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

(d) School districts that employ professional personnel or commissioned officers with inactive certificates or commissions are subject to penalties provided for under section 2518 of the act (24 P. S. § 25-2518).

(e) Certified personnel are responsible for monitoring their own progress toward completing the requirements prescribed by sections 1205.1 and 1205.2 of the act and for notifying the Department of any changes to their home mailing address.

**§ 49.18. Assessment.**

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

(1) The assessment program will be based in the standards developed for each certificate.

(2) The assessment program will measure the candidate's abilities across the domains of basic skills knowledge, professional knowledge and practice, and subject matter knowledge employing a variety of measures at a minimum of three points:

- (i) During the candidate's preparation program.
- (ii) Upon application for initial certification.
- (iii) Upon application for Level II, supervisory or administrative certification.

(3) The assessment program will be developed in consultation with teachers, administrators, teacher educators and educational specialists with relevant certification.

(4) The assessment program will employ, when appropriate, available assessment tools, instruments and procedures.

(b) The Secretary, in consultation with the Board, will establish a satisfactory achievement level for the assessments in subsection (a).

(c) The assessments in basic skills and general knowledge; professional knowledge and practice; and subject matter knowledge will be given, and satisfactory achievement levels shall be reached, prior to the issuance of a certificate.

(d) A periodic review of the assessment program will be made by the Board every 3 years.

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

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

**§ 49.31. Criteria for eligibility.**

The Department may issue an emergency, Long-Term or Day-to-Day Substitute Permit for service in the public schools, at the request of the employing public school entity, to an applicant who is a graduate of a 4-year college or university to fill a vacant position or to serve as a long-term or day-to-day substitute teacher, when a fully qualified and properly certificated applicant is not available. The permit is issued on the basis of terms and conditions agreed upon between the requesting public school entity and the Department. Each July, the Department will report to the Board the number and nature of emergency, Long-Term and Day-to-Day Substitute Permits issued during that year. A long-term substitute permit may be issued only after the position has been posted a minimum of 10 days on the school entity's website and no qualified candidate has been identified.

**§ 49.34. Locally issued Day-to-Day Substitute Permits.**

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

(1) The person for whom the permit is sought holds a valid Pennsylvania certificate or its equivalent from another state.

(2) An appropriately certified individual is not available to fill the substitute position.

(3) The person for whom the permit is sought consents to an assignment outside the area of the person's certification.

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

(c) This permit will not qualify the holder to serve in a vacant position which must be filled by a temporary professional employee or professional employee or to serve as a substitute for a regularly appointed professional employee or temporary professional employee on an approved leave of absence. Issuance by the Department is used to qualify persons for this service.

(d) A permit may not be issued or used during a work stoppage.

(e) Emergency permits are available for a total of 3 consecutive years.

#### CHANGES IN CERTIFICATION

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

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

(b) The Department will conduct an investigation into a written request to eliminate/change a type/category of certificate. The PSPC on its own initiative may conduct an investigation.

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

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

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

#### MISCELLANEOUS PROVISIONS

##### § 49.62a. Program Specialist Certificate.

(a) The Department may issue a Program Specialist Certificate upon verification that the applicant meets the requirements established for that certificate.

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

(c) Program Specialist Certificates are valid only for the position described in the approved position description and will be annotated on the teaching certificate of the individual. They will be valid throughout this Commonwealth.

##### § 49.62b. Program Endorsement Certificate.

Following approval by the Department, baccalaureate or graduate degree granting institutions, alone or in cooperation with other institutions, community colleges or school entities, may offer short programs (12 credits

maximum) that lead to the Program Endorsement Certificate in new and emerging areas where formal certification does not exist but would improve the teachers' skills in dealing with complex classroom settings. Areas include, but are not limited to, classroom management, classroom technology and disruptive youth. These endorsements would be added to existing Level I or Level II Certificates but are not required to perform service in these areas.

##### § 49.64e. Mandatory reports from schools.

The chief school administrator or the administrator's designee shall report to the Department dismissals, resignations to avoid dismissal for cause and criminal charges and convictions of educators on forms provided by the Department as follows:

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

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

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

#### Subchapter B. CERTIFICATION OF GRADUATES FROM COMMONWEALTH INSTITUTIONS

##### INSTRUCTIONAL CERTIFICATES

##### § 49.84. Collegiate credit acceptable for conversion of the Instructional I Certificate.

(a) College credit acceptable for conversion to the Instructional II Certificate shall be earned at a State-approved baccalaureate or graduate degree granting institution.

(b) Credits earned in programs designed to prepare for professional fields such as law, medicine or theology, when relevant to the area of certification, will be considered acceptable for purposes of renewing or converting the Instructional I Certificate.

(c) Credits shall be earned subsequent to the conferring of the baccalaureate degree.

##### INTERN CERTIFICATES

##### § 49.91. Criteria for eligibility.

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

(b) The applicant will be issued an Instructional I Certificate upon completion of the approved intern program and satisfactory achievement on the assessment of professional knowledge and practice.

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

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

**EDUCATIONAL SPECIALIST CERTIFICATES**

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

(a) College credit acceptable for conversion to the Educational Specialist II shall be earned at a State-approved baccalaureate or graduate degree granting institution.

(b) Credits earned in programs designed to prepare for professional fields such as law, medicine or theology, when relevant to the area of certification, will be considered acceptable for purposes of converting the Educational Specialist I Certificate.

(c) Credits shall be earned subsequent to the conferring of the baccalaureate degree.

**SUPERVISORY CERTIFICATES**

**§ 49.111. Supervisory Certificate.**

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

(1) Have completed 5 years of satisfactory professional experience in the area in which the supervisory certificate is sought.

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

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

(4) Are able to help students achieve under Chapter 4 (relating to academic standards and assessment).

(5) Meet the following standards:

(i) The supervisor understands the central concepts of organizational leadership, tools of research and inquiry and principles of teaching and learning that make supervision effective and efficient.

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

(iii) The supervisor knows and understands effective instructional strategies and encourages and facilitates employment of them by teachers.

(iv) The supervisor uses an understanding of individual and group motivation to create a professional development environment that engages teachers to develop and apply effective instructional techniques for all students.

(v) The supervisor is an effective communicator with various school communities.

(vi) The supervisor organizes resources and manages programs effectively.

(vii) The supervisor understands and uses formative and summative assessment strategies to gauge effectiveness of people and programs on student learning.

(viii) The supervisor understands the process of curriculum development, implementation and evaluation and uses this understanding to develop high quality curricula for student learning in collaboration with teachers, administrators, parents and community members.

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

(x) The supervisor thinks systematically about practice, learns from experience, seeks the advice of others, draws upon educational research and scholarship and actively seeks out opportunities to grow professionally.

(xi) The supervisor contributes to school effectiveness by collaborating with other professionals and parents, by using community resources, and by working as an advocate to improve opportunities for student learning.

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

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

(2) Have completed an approved graduate program preparing the applicant for the broad area, districtwide supervisory functions specified by the endorsement area of the certificate.

(3) Present evidence of satisfactory achievement in assessments prescribed by the Department under § 49.18(a).

[Pa.B. Doc. No. 06-1320. Filed for public inspection July 14, 2006, 9:00 a.m.]

**Title 31—INSURANCE**

**INSURANCE DEPARTMENT**

**[31 PA. CODE CH. 73]**

**Credit Life Insurance and Credit Accident and Health Insurance**

The Insurance Department (Department) amends Chapter 73 (relating to credit life insurance and credit accident and health insurance).

*Statutory Authority*

The final-form rulemaking is adopted under sections 206, 506, 1501 and 1502 of The Administrative Code of 1929 (71 P. S. §§ 66, 186, 411 and 412) and sections 301.1 and 311.1 of The Insurance Department Act (act) (40 P. S. §§ 71.1 and 93).

*Comments and Response*

Notice of proposed rulemaking was published at 36 Pa.B. 391 (January 28, 2006) with a 30-day comment period. During the 30-day comment period, comment was received from the Insurance Federation of Pennsylvania, Inc. indicating no opposition to the proposed amendments. During its regulatory review, the Independent Regulatory Review Commission (IRRC) did not submit comments to the Department.

*Affected Parties*

The final-form rulemaking applies to life insurance companies, property and casualty insurance companies and fraternal benefit societies marketing and soliciting the sale of credit life insurance and credit accident and health insurance in this Commonwealth.

*Fiscal Impact**State Government*

There will be no increase in cost to the Department as a result of this final-form rulemaking. As part of its solvency monitoring responsibilities, the Department currently reviews the methodology used by an insurer to calculate credit life insurance reserves to ensure that the reserves are adequate and comply with the minimum standard requirements. Therefore, this final-form rulemaking will not require additional staff time or resources to perform the analysis.

*General Public*

Since the final-form rulemaking concerns the solvency requirements applied to insurers, the public will benefit from a financially sound insurance industry in the ability of insurers to fulfill their contractual obligations under credit life insurance and credit accident and health insurance policies.

*Political Subdivisions*

The final-form rulemaking will not impose additional costs on political subdivisions. However, because the final-form rulemaking promotes stability in this Commonwealth's insurance industry, political subdivisions' tax revenues will benefit as a result of fewer insurer insolvencies. Fewer insolvencies would result in less unemployment and would also increase incentives for insurers to market new insurance products in this Commonwealth.

*Private Sector*

The final-form rulemaking does not apply to policies issued prior to the adoption of the final-form rulemaking. There may be some expense incurred by an insurer in modifying the reserve calculation system to comply with amended minimum reserve standards.

*Paperwork*

The adoption of this final-form rulemaking does not impose additional paperwork on the Department or the insurance industry. The amendment to the minimum standards applies to the reserve calculation, but will not result in additional paperwork.

*Effectiveness/Sunset Date*

The final-form rulemaking takes effect on January 1, 2007. The Department continues to monitor the effectiveness of regulations on a triennial basis. Therefore, no sunset date has been assigned.

*Contact Person*

Questions regarding this final-form rulemaking should be directed to Peter J. Salvatore, Regulatory Coordinator, Office of Special Projects, 1326 Strawberry Square, Harrisburg, PA 17120, (717) 787-4429, fax (717) 772-1969, psalvatore@state.pa.us.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on January 13, 2006, the Department submitted a copy of the notice of proposed rulemaking, published at 36 Pa.B. 391, to IRRC and the Chairpersons of the House Insurance Committee and the Senate Banking and Insurance Committee for review and comment.

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

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on June 14, 2006, the final-form rulemaking was deemed approved by the House and Senate Committees. In accordance with section 5(g) of the Regulatory Review Act, the final-form rulemaking was deemed approved by IRRC, effective June 14, 2006.

*Findings*

The Insurance Commissioner (Commissioner) finds that:

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

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

*Order*

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

(a) The regulations of the Department, 31 Pa. Code Chapter 73, are amended by amending §§ 73.103 and 73.138 to read as set forth at 36 Pa.B. 391.

(b) The Commissioner shall submit this order and 36 Pa.B. 391 to the Office of General Counsel and Office of Attorney General for approval as to form and legality as required by law.

(c) The Commissioner shall certify this order and 36 Pa.B. 391 and deposit them with the Legislative Reference Bureau as required by law.

(d) The regulation adopted by this order shall take effect January 1, 2007.

M. DIANE KOKEN,  
Insurance Commissioner

(*Editor's Note:* For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 36 Pa.B. 3391 (July 1, 2006).)

**Fiscal Note:** Fiscal Note 11-227 remains valid for the final adoption of the subject regulations.

[Pa.B. Doc. No. 06-1321. Filed for public inspection July 14, 2006, 9:00 a.m.]

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**INSURANCE DEPARTMENT**  
**[31 PA. CODE CH. 84a]**

**Minimum Reserve Standards for Individual and Group Health and Accident Insurance Contracts**

The Insurance Department (Department) amends Chapter 84a (relating to minimum reserve standards for individual and group health and accident insurance contracts).

*Statutory Authority*

The final form rulemaking is adopted under sections 206, 506, 1501 and 1502 of The Administrative Code of 1929 (71 P. S. §§ 66, 186, 411 and 412) and sections 301.1 and 311.1 of The Insurance Department Act (act) (40 P. S. §§ 71.1 and 93).

*Comments and Response*

Notice of proposed rulemaking was published at 36 Pa.B. 392 (January 28, 2006) with a 30-day comment period. During the 30-day comment period, comment was received from the Insurance Federation of Pennsylvania, Inc. indicating no opposition to the proposed amendments. During its regulatory review, the Independent Regulatory Review Commission (IRRC) did not submit comments to the Department.

*Affected Parties*

The final-form rulemaking applies to life insurance companies, property and casualty insurance companies and fraternal benefit societies marketing and soliciting health and accident insurance contracts.

*Fiscal Impact*

*State Government*

There will be no increase in cost to the Department as a result of this final-form rulemaking. As part of its solvency monitoring responsibilities, the Department currently reviews the methodology used by an insurer to calculate health and accident reserves to ensure that the reserves are adequate and comply with the minimum standard requirements. Therefore, this final-form rulemaking will not require additional staff time or resources to perform the analysis.

*General Public*

Since the final-form rulemaking concerns the solvency requirements applied to insurance companies, the public will benefit from a financially sound insurance industry and the ability of insurers to fulfill their contractual obligations under individual and group accident and health contracts.

*Political Subdivisions*

The final-form rulemaking will not impose additional costs on political subdivisions. However, because the final-form rulemaking promotes stability in this Commonwealth's insurance industry, political subdivisions' tax

revenues should benefit as a result of fewer insurer insolvencies. Fewer insolvencies would result in less unemployment and would increase incentives for insurers to market new insurance products in this Commonwealth.

*Private Sector*

The final-form rulemaking does not apply to claims incurred prior to the adoption of the final-form rulemaking unless elected on an optional basis by the insurance company. There may be some expense incurred by an insurance company in modifying the claim reserve calculation system to comply with amended minimum claim reserve standards.

*Paperwork*

The adoption of this final-form rulemaking does not impose additional paperwork on the Department or the insurance industry. The amendment to the reserve minimum standards applies to the claim reserve calculation, but will not result in additional paperwork.

*Effectiveness/Sunset Date*

The final-form rulemaking takes effect on January 1, 2007. The Department continues to monitor the effectiveness of regulations on a triennial basis. Therefore, no sunset date has been assigned.

*Contact Person*

Questions regarding this final-form rulemaking should be directed to Peter J. Salvatore, Regulatory Coordinator, Office of Special Projects, 1326 Strawberry Square, Harrisburg, PA 17120, (717) 787-4429, fax (717) 772-1969, psalvatore@state.pa.us.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on January 13, 2006, the Department submitted a copy of the notice of proposed rulemaking, published at 36 Pa.B. 391, to IRRC and the Chairpersons of the House Insurance Committee and the Senate Banking and Insurance Committee for review and comment.

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

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on June 14, 2006, the final-form rulemaking was deemed approved by the House and Senate Committees. In accordance with section 5(g) of the Regulatory Review Act, the final-form rulemaking was deemed approved by IRRC, effective June 15, 2006.

*Findings*

The Insurance Commissioner (Commissioner) finds that:

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

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

*Order*

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

(a) The regulations of the Department, 31 Pa. Code Chapter 84a, are amended by amending §§ 84a.2—84a.6 and Appendix A to read as set forth at 36 Pa.B. 392.

(b) The Commissioner shall submit this order and 36 Pa.B. 392 to the Office of General Counsel and Office of Attorney General for approval as to form and legality as required by law.

(c) The Commissioner shall certify this order and 36 Pa.B. 392 and deposit them with the Legislative Reference Bureau as required by law.

(d) The amendment adopted by this order shall take effect January 1, 2007.

M. DIANE KOKEN,  
*Insurance Commissioner*

*(Editor's Note: For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 36 Pa.B. 3391 (July 1, 2006).)*

**Fiscal Note:** Fiscal Note 11-228 remains valid for the final adoption of the subject regulations.

[Pa.B. Doc. No. 06-1322. Filed for public inspection July 14, 2006, 9:00 a.m.]

# STATEMENTS OF POLICY

## Title 4—ADMINISTRATION

### PART II. EXECUTIVE BOARD

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

#### Reorganization of the Department of Conservation and Natural Resources

The Executive Board approved a reorganization of the Department of Conservation and Natural Resources effective June 27, 2006.

The organization chart at 36 Pa.B. 3670 (July 15, 2006) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of Code).

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

[Pa.B. Doc. No. 06-1323. Filed for public inspection July 14, 2006, 9:00 a.m.]

### PART II. EXECUTIVE BOARD

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

#### Reorganization of the Department of General Services

The Executive Board approved a reorganization of the Department of General Services effective June 20, 2006.

The organization chart at 36 Pa.B. 3671 (July 15, 2006) is published at the request of the Joint Committee on

Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of Code).

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

[Pa.B. Doc. No. 06-1324. Filed for public inspection July 14, 2006, 9:00 a.m.]

### PART II. EXECUTIVE BOARD

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

#### Reorganization of the Department of Transportation

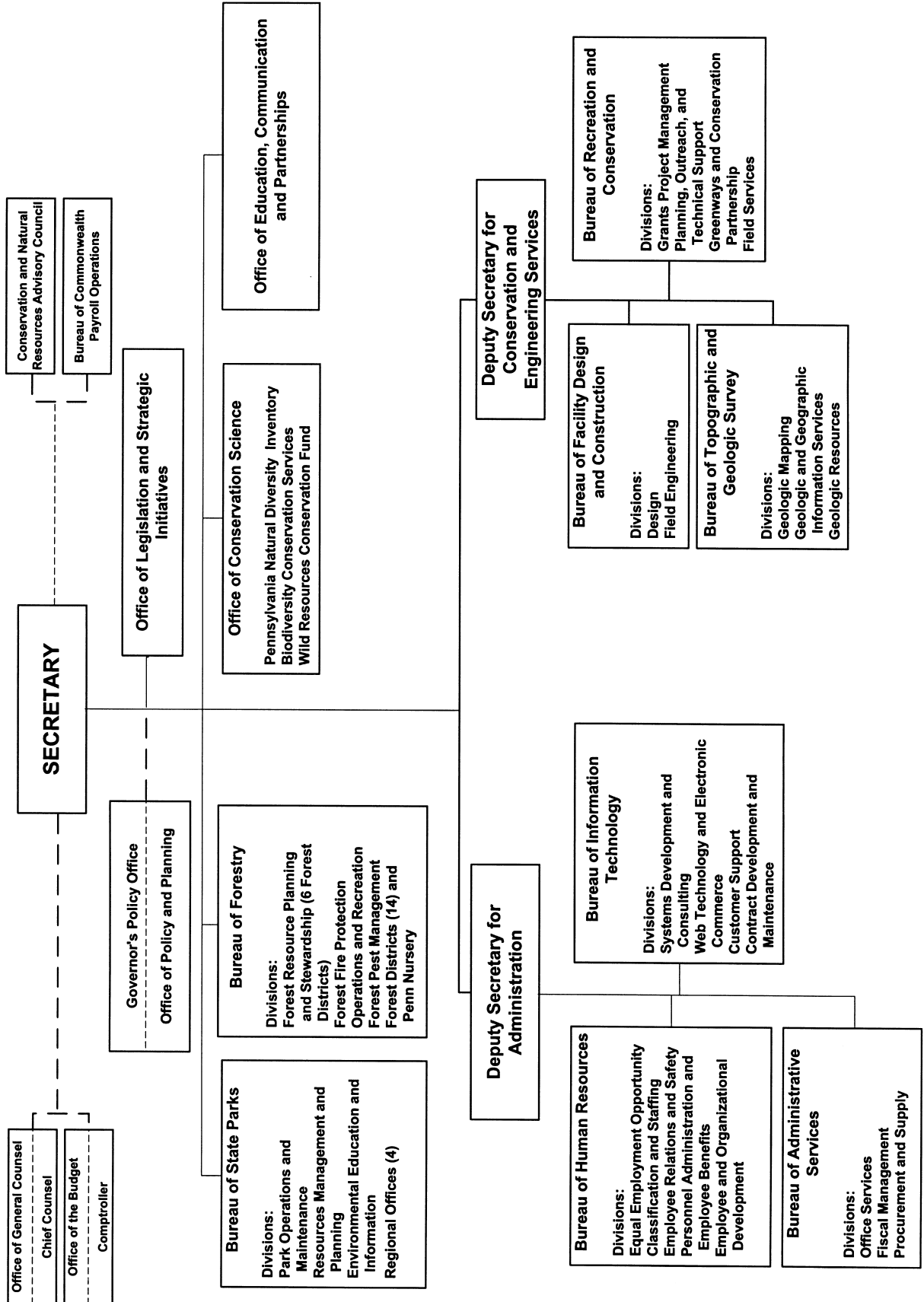
The Executive Board approved a reorganization of the Department of Transportation effective June 27, 2006.

The organization chart at 36 Pa.B. 3672 (July 15, 2006) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of Code).

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

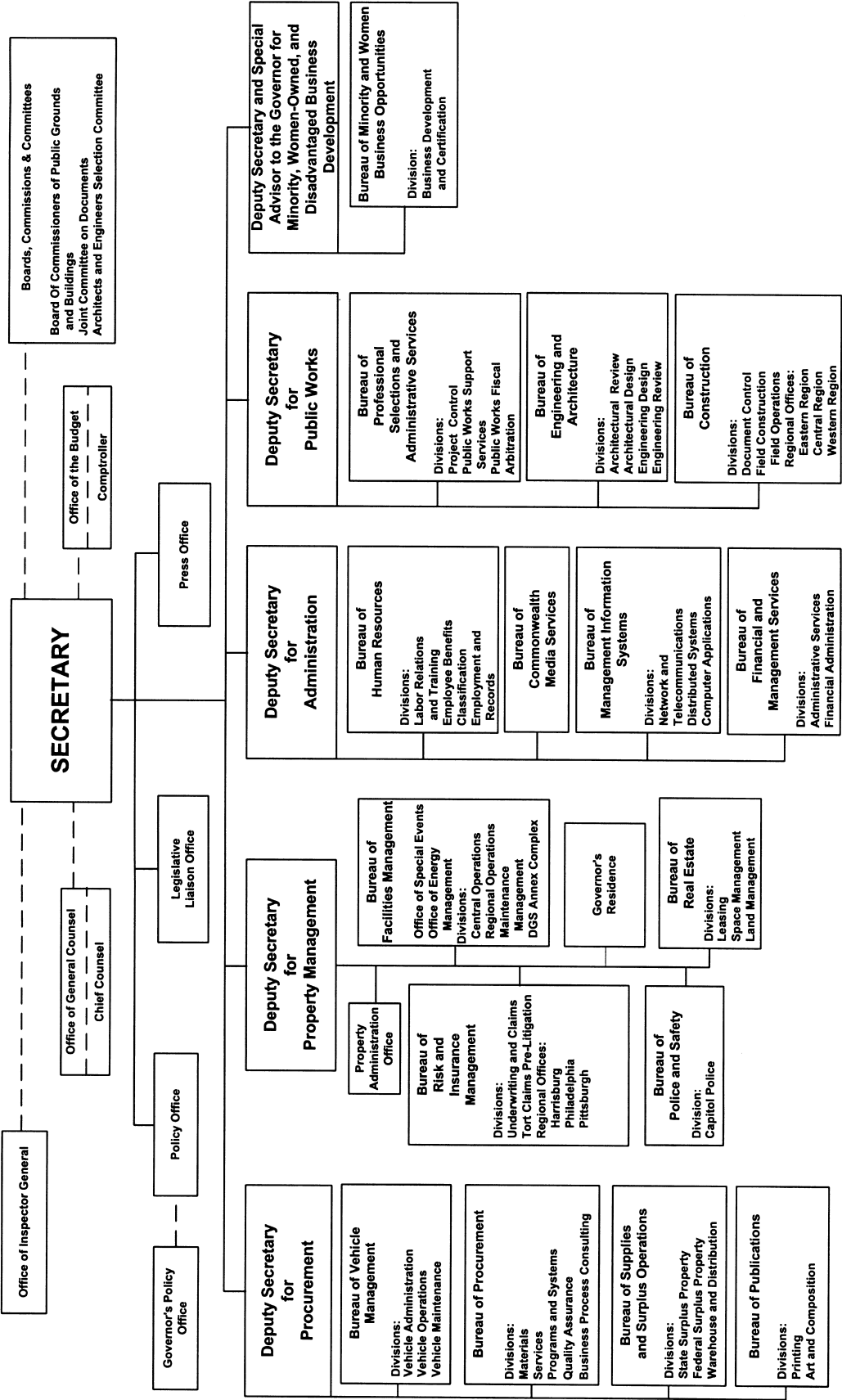
[Pa.B. Doc. No. 06-1325. Filed for public inspection July 14, 2006, 9:00 a.m.]

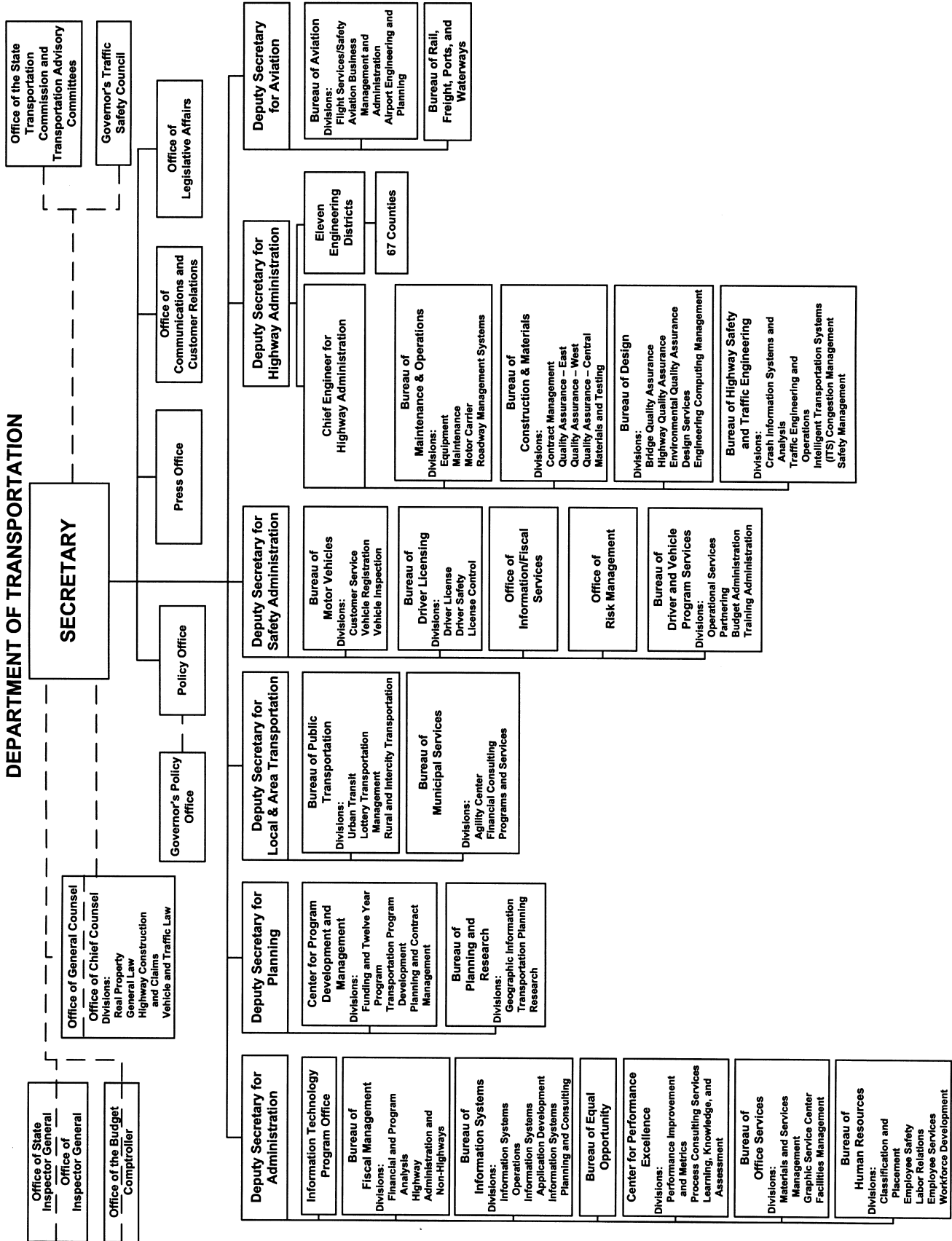
DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES





DEPARTMENT OF GENERAL SERVICES





# Title 61—REVENUE

## DEPARTMENT OF REVENUE

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

#### Cost of Collection

The Department of Revenue (Department) has adopted a statement of policy under § 3.2 (relating to statements of policy). The statement of policy adds § 9.18 (relating to cost of collection) and takes effect immediately upon publication in the *Pennsylvania Bulletin*.

This statement of policy is promulgated by the Department to address the scope and the application of all costs of collection incurred by the Department or the Office of Attorney General on taxes administered by the Department.

Specific questions regarding information provided in this statement of policy may be directed to the Department of Revenue, Office of Chief Counsel, Dept. 281061, Harrisburg, PA 17128-1061.

(*Editor's Note:* Title 61 of the *Pennsylvania Code* is amended by adding a statement of policy in § 9.18 to read as set forth in Annex A.)

GREGORY C. FAJT,  
Secretary

**Fiscal Note:** 15-437. No fiscal impact; (8) recommends adoption.

#### Annex A

### TITLE 61. REVENUE

#### PART I. DEPARTMENT OF REVENUE

##### Subpart A. GENERAL PROVISIONS

#### CHAPTER 9. REVENUE

#### PRONOUNCEMENTS—STATEMENTS OF POLICY

##### § 9.18. Cost of collection.

(a) *Definition.* The following term, when used in this section, has the following meaning:

*Cost of collection*—Limited only to lien filing costs, costs imposed under a Federal or other State tax refund offset program, or costs incurred by the Department or the Office of Attorney General in paying commissions or other remuneration, such as private attorneys' fees, or fees to private collection agencies to collect the Department collectible tax liabilities.

(b) *Reimbursement for cost of collection.*

(1) The costs of collection incurred by the Department or the Office of Attorney General on a liability for taxes administered by the Department, in addition to all tax principal, interest, penalties and fees, must be paid in full before the delinquent taxpayer's liability will be extinguished by the Department on its records unless the cost of collection is discharged by operation of law.

(2) Exceptions are as follows:

(i) Fuels tax liabilities.

(ii) Motor Carrier Road Tax liabilities. The fuel tax system is excluded from these provisions because statutory provisions in 75 Pa.C.S. § 9014(b) (relating to collection of unpaid taxes) already establish a commission that shall be paid by a delinquent distributor when a delinquent fuel tax liability is paid by the distributor, after institution of a suit by the Office of Attorney General and

the commissions under 75 Pa.C.S. § 9014(b) already constitute a lien on a delinquent distributor's property.

(c) *Cost of collection.*

(1) The costs of collection shall be added to the amount of the liability for taxes administered by the Department and constitute a lien against the real and personal property of the person, with or without any evidence of the specific itemized breakdown of the costs of collection being stated on the underlying filed tax lien or on the State tax lien certificate itself. The tax lien will not be satisfied until all of the tax, interest, penalty and cost of collection directly associated with the liened tax liability have been entirely paid or discharged by operation of law.

(2) Private attorneys' fees or expenses incurred by a private attorney to file and argue the need for a supersedeas bond or any other form of adequate security while the private attorney is still litigating the underlying merits of a contested State tax appeal will not be deemed a cost of collection.

(3) The costs of collection may be collected by the Commonwealth in any other lawful way or method that the underlying tax liability can be collected.

[Pa.B. Doc. No. 06-1326. Filed for public inspection July 14, 2006, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### [61 PA. CODE CH. 170]

#### Documentation Requirements to Establish Out-of-State Sales after *Gilmour Manufacturing* Decision

The Department of Revenue (Department) has adopted a statement of policy under § 3.2 (relating to statements of policy). The statement of policy adds § 170.11 (relating to documentation requirements to establish out-of-State sales after *Gilmour Manufacturing* decision) and takes effect immediately upon publication in the *Pennsylvania Bulletin*.

This statement of policy is promulgated by the Department to clarify the scope and application of *Commonwealth v. Gilmour Manufacturing Corporation*, 822 A.2d 676 (Pa. 2003) to the Corporate Net Income Tax and Pennsylvania activities. In addition, the Department is identifying and clarifying what documentation will be acceptable to the Department to establish that deliveries of goods in this Commonwealth were destined to an out-of-State location.

Specific questions regarding information provided in this statement of policy should be directed to the Department of Revenue, Office of Chief Counsel, Dept. 281061, Harrisburg, PA 17128-1061.

(*Editor's Note:* Title 61 of the *Pennsylvania Code* is amended by adding a statement of policy in § 170.11 to read as set forth in Annex A.)

GREGORY C. FAJT,  
Secretary

**Fiscal Note:** 15-438. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 61. REVENUE**

**PART I. DEPARTMENT OF REVENUE**

**Subpart B. GENERAL FUND REVENUES**

**ARTICLE VI. CORPORATION TAXES**

**CHAPTER 170. CORPORATION TAX  
PRONOUNCEMENTS—STATEMENTS OF POLICY  
NONBUSINESS INCOME**

- Sec.  
170.1. Nonbusiness income—liquidations; effect of *Laurel Pipe Line* decision.  
170.2. (Reserved).  
170.3. Nonbusiness income—application of *Canteen Corporation* decision.

**SALES APPORTIONMENT FACTOR**

**§ 170.11. Documentation requirements to establish out-of-State sales after *Gilmour Manufacturing* decision.**

(a) In *Commonwealth v. Gilmour Manufacturing Corporation*, 573 Pa. 143, 822 A.2d 676 (2003), the Supreme Court held that for purposes of calculating its Pennsylvania sales apportionment factor for the Corporate Net Income Tax, a Pennsylvania corporation is not required to include in the numerator sales of goods to out-of-State buyers who retrieve the goods at the seller's place of business in this Commonwealth and then transport the goods out of this Commonwealth. The Court determined that section 401(3)2(a)(16) of the Tax Reform Code (72 P. S. § 7401(3)2(a)(16)) mandated that conclusion with regard to the "dock sales," regardless of whether the buyer personally retrieves the item using his own means of transport or by engaging the services of a for-hire motor carrier. The Court ruled that the Department regulation on the subject, § 153.26(b)(2) (relating to sales factor), was inconsistent with the statutory requirement insofar as it required the inclusion of the sales in the numerator of the taxpayer's sales factor.

(b) The Court's holding excludes from the Pennsylvania portion of the apportionment factor only sales to out-of-State buyers who transport the goods out of this Commonwealth. Sales to purchasers who do not transport the goods outside of this Commonwealth for use or resale are Pennsylvania sales for purposes of calculating the sales factor numerator. Thus, in the absence of sufficient evidence establishing an ultimate destination to an out-of-State location, sales of goods in which delivery is made to the buyer at a Pennsylvania location must be reported as Pennsylvania sales and included in the numerator of the Pennsylvania sales apportionment fraction.

(c) Documentation sufficient to establish an out-of-State sale includes:

(1) Bills of lading of the carrier establishing that the goods were destined for or delivered to an out-of-State location.

(2) Delivery instructions from the purchaser to the carrier establishing that the goods were to be transported out of this Commonwealth.

(3) Warehouse receipts of the purchaser showing that the goods were delivered to an out-of-State location.

(4) Invoices issued by the taxpayer/seller to the purchaser showing an out-of-State delivery address.

(d) Documentation which will be deemed insufficient to establish that the ultimate destination of goods is to an out-of-State location:

(1) Invoices issued by the taxpayer/seller to the purchaser showing an out-of-State mailing address.

(2) Affidavits or other declarations from the seller, its employees or agents that the ultimate destination of goods was an out-of-State location.

(e) Examples of documentation are as follows: A taxpayer sells plumbing fixtures to Company X, a New Jersey corporation which has retail stores in New Jersey and Pennsylvania.

(1) *Examples of sufficient documentation:*

Example 1. Company X uses a carrier to pick the goods up at A's warehouse in Pennsylvania. Company X provides documentation it procured from the carrier showing that the merchandise was delivered to X's warehouse in New Jersey.

Example 2. A taxpayer secures a copy of the delivery instructions from Company X to the carrier directing that the fixtures be taken to Company X's warehouse in New Jersey.

Example 3. Company X uses a carrier to pick up the merchandise. The taxpayer secures a copy of the bill of lading showing the fixtures were delivered to the New Jersey location.

(2) *Examples of insufficient documentation:*

Example 1. A taxpayer produces invoices submitted to Company X at its headquarters in New Jersey and a remittance letter accompanying the check from X's New Jersey headquarters.

Example 2. The same as Example 1, except the taxpayer provides an affidavit from its sales manager asserting that the merchandise sold to Corporation X was delivered to X's warehouse in New Jersey.

[Pa.B. Doc. No. 06-1327. Filed for public inspection July 14, 2006, 9:00 a.m.]



<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
	Application represents a conversion from a National banking association to a State-chartered bank and trust company. All branches operated by Omega Bank, N. A. prior to the conversion became branches of Omega Bank upon the effective date of the conversion.		

**Branch Applications**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
6-7-06	S & T Bank Pittsburgh Allegheny County	603 Stanwix Street Pittsburgh Allegheny County	Opened
6-23-06	First Commonwealth Indiana Indiana County	198 Park Manor Drive Pittsburgh Allegheny County	Opened
6-23-06	Northwest Savings Bank Warren Warren County	605 East DuBois Avenue Dubois Clearfield County	Filed
6-23-06	Northwest Savings Bank Warren Warren County	36 West Main Street Rochester, NY Monroe County	Opened
6-23-06	Northwest Savings Bank Warren Warren County	Warren Commons Shopping Center Intersection Routes 62 and 63 Conewango Township Warren County	Filed
6-26-06	Republic First Bank Philadelphia Philadelphia County	Frankford Avenue Philadelphia Philadelphia County	Opened
6-27-06	Fulton Bank Lancaster Lancaster County	2009-2017 North Atherton Street Patton Township Centre County	Filed

**SAVINGS INSTITUTIONS**

No activity.

**CREDIT UNIONS****Consolidations, Mergers and Absorptions**

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
6-30-06	White Rose Credit Union, York, and Flinchbaugh Credit Union, Red Lion Surviving Institution— White Rose Credit Union, York	York	Effective

The Department's website at [www.banking.state.pa.us](http://www.banking.state.pa.us) includes public notices for more recently filed applications.

A. WILLIAM SCHENCK, III,  
*Secretary*

[Pa.B. Doc. No. 06-1328. Filed for public inspection July 14, 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**

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0029343	Chatham Acres Nursing Center P. O. Box 1 Chatham PA 19318-001	Chester County London Grove Township	East Branch of White Clay Creek	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA-0062235	JAI MAI, Inc. d/b/a Drums Sewage Treatment Plant 1064 SR 93 Drums, PA 18222	Sugarloaf Township Luzerne County	UNT to Nescopeck Creek 5D	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed#)</i>	<i>EPA Waived Y/N ?</i>
PA0080900 (Sewage)	Berrysburg Municipal Authority First and Hickory Streets Berrysburg, PA 17005	Dauphin County Berrysburg Borough	UNT Wiconisco Creek 6C	Y

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed#)</i>	<i>EPA Waived Y/N ?</i>
PA0084468 (IW)	Dura-Bond Pipe, LLC 2716 S. Front Street Steelton, PA 17133	Dauphin County Steelton Borough	Laurel Run 7C	Y
PA0081221 (SEW)	COD Investments, LLC Bailey Run MHP P. O. Box 20062 York, PA 17402	Perry County Miller Township	UNT Bailey Run 12-B	Y
PA0087025 (Sew)	David M. Ott Dave & Jane's Crabhouse Restaurant 2989 Tract Road Fairfield, PA 17320	Adams County Carroll Valley Borough	Flat Run 13-D	Y
PA0022179 (Sew)	Mercersburg Sewer Authority 113 South Main Street Mercersburg, PA 17236	Franklin County Mercersburg Borough	Johnston Run 13-C	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed#)</i>	<i>EPA Waived Y/N ?</i>
PA00228249 (Sewage)	Eagle Creek Partnership 1901 East College Ave. State College, PA 16801	Union Township Centre County	Bald Eagle Creek TSF	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0222020	Kuhl Road Property Owners Association 5775 Kuhl Road Erie, PA 16510	Harborcreek Township Erie County	Four Mile Creek 15-FM	Y
PA0093378	Associated Ceramics & Technology, Inc. 400 North Pike Road	Winfield Township Butler County	UNT to Sarver Run 18-F	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.*

**PA0012432, Industrial Waste, SIC 2033, Sunny Dell Foods, Inc.,** 135 North Fifth Street, Oxford, PA 19363. This facility is a mushroom cannery located in Oxford Borough, **Chester County**.

Description of Proposed Activity: This application requests approval of a renewal NPDES permit for the discharge of 0.05 mgd of noncontact cooling water from cooling cans after sterilization.

The receiving stream, a UNT to West Branch Big Elk Creek, is in the State Water Plan Watershed 7K and is classified for HQ-TSF, aquatic life, water supply and recreation. There are no downstream public water supply intakes identified in this Commonwealth. The State Line with Maryland is approximately 13 river miles downstream from the discharge point.

The proposed effluent limits for Outfall 001 are, based on a discharge flow of 0.05 mgd, as follows:

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Annual</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>			Report		
Total Suspended Solids			Report		
Dissolved Oxygen			4.0 (Instantaneous Minimum)		
pH (Standard Units)			6.0 (Instantaneous Minimum)		9.0
Total Residual Chlorine			0.5		1.2
NH <sub>3</sub> -N			Report		
Kjeldahl-N			Report		



<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Annual</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum (mg/l)</i>
Nitrate-N			Report		
Nitrite-N			Report		
Total Nitrogen	Report	Report	Report		
Total Phosphorus	Report	Report	Report		
<i>Temperature</i>			<i>Daily Avg °F</i>	<i>Instantaneous Maximum °F</i>	
January 1—31			60		110
February 1—29			58		110
March 1—31			97		110
April 1—15			81		110
April 16—30			110		110
May 1—15			96		110
May 16—31			110		110
June 1—15			79		110
June 16—30			88		110
July 1—31			76		110
August 1—15			93		110
August 16—31			110		110
September 1—15			106		110
September 16—30			93		110
October 1—15			93		110
October 16—31			80		110
November 1—15			81		110
November 16—30			60		110
December 1—31			57		110

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

1. Effective disinfection.
2. Remedial measures if unsatisfactory effluent.
3. BAT/ELG reopener.
4. Thermal requirements.
5. 2°F temperature change in 1-hour.
6. No chemical additives.
7. Change in Ownership.
8. I-Max.
9. 2/Month Monitoring Requirements.
10. Chesapeake Bay Tributary Strategy.
11. Discharge to small stream.

**PA0052256**, IW, SIC 3231, **The Fredericks Company**, 2400 Philmont Avenue, Huntingdon Valley, PA 19006. This proposed facility is located in Lower Moreland Township, **Montgomery County**.

Description of Proposed Activity: The application is for renewal of an NPDES permit to discharge noncontact cooling water from a specialty glass manufacturing facility in Lower Moreland Township, Montgomery County. This is an existing discharge to Huntingdon Valley Creek.

The receiving stream, Huntingdon Valley Creek, is in the State Water Plan Watershed Pennypack Watershed 3J and is classified for trout stocking and migratory fishery, aquatic life, water supply and recreation. There are no water supply intakes downstream of this facility on Huntingdon Valley Creek or Pennypack Creek.

The proposed effluent limits for Outfall 001, based on an average flow of 0.0028 mgd are as follows:

<i>Parameters</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum (mg/l)</i>
Temperature			110°F
pH	within limits of 6.0 to 9.0 standard units at all times		

The proposed effluent limits for Outfall 002 are based on a design flow of one storm event is as follows:

<i>Parameters</i>	<i>Maximum Daily (mg/l)</i>
CBOD <sub>5</sub>	Monitor and Report
COD	Monitor and Report
Oil and Grease	Monitor and Report
pH	Monitor and Report
Total Suspended Solids	Monitor and Report

<i>Parameters</i>	<i>Maximum Daily (mg/l)</i>
Total Kjeldahl Nitrogen	Monitor and Report
Total Phosphorous	Monitor and Report
Dissolved Iron	Monitor and Report

In addition to the effluent limits, the permit contains the following other requirements:

1. Remedial Measures if Public Nuisance.
2. No Chemical Addition.
3. Temperature Requirement.
4. Stormwater Only Outfalls.

The EPA waiver is in effect.

**No. PA0027103**, Sewage, **Delaware County Regional Water Quality Control Authority**, 100 East Fifth Street, P. O. Box 999, Chester, PA 19016-0999. This application is for renewal of an NPDES permit to discharge 44 million gallons per day of treated sewage to the Delaware River, Zone 4. This is an existing discharge to the Delaware River.

The receiving stream is classified for the following uses: WWF (maintenance only), migratory fishes (passage only), aquatic life and recreation.

The proposed effluent limits for Outfall 001, based on an average flow of 44 mgd, are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
pH (Std)		9.0
BOD <sub>5</sub>	30	60
BOD <sub>5</sub> Percent Removal	89 1/4	
Total Suspended Solids	30	60
Suspended Solids		
Percent Removal	85	
Oil and Grease	15	30
Fecal Coliform	200 #100 ml	
Total Residual Chlorine	0.5	1.0
Chlorodibromomethane	Monitor and Report	
Dichlorobromomethane	Monitor and Report	

Authorization to the discharge stormwater from areas around the sewage treatment plant through three separate Outfalls 028—030 to the Delaware River, Zone 4.

*Other Requirements:*

1. DMR to DEP.
2. DMR to EPA and DRBC.
3. Average Weekly Definition.
4. Remedial Measures if Unsatisfactory Effluent.
5. Acquire Necessary Property Rights.
6. BOD<sub>5</sub> Percent Removal Requirements.
7. Pretreatment Program.
8. Proper Sludge Disposal.
9. Watershed TMDL/WLA Data.
10. WET Testing Requirements.
11. TRC Requirements.
12. CSO Requirements.
13. Maximize Flow to Treatment Plant.
14. CSO Reopener.
15. I-Max Definition.
16. Required Test Method.

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

**Application No. PA 0008150**, Industrial Waste, SIC Code 2621, **MH Technologies, LLC**, One Mountain Street, Mount Holly Springs, PA 17065-1406. This facility is located in Mount Holly Springs Borough, **Cumberland County**.

Description of activity: The application is for renewal of an NPDES permit for existing discharge of treated industrial waste.

The receiving stream, Mountain Creek is in Watershed 7-E and classified for TSF, water supply, recreation and fish consumption. The nearest downstream public water supply intake is United Water Company located on the Yellow Breeches Creek, approximately 26.4 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 based on a design flow of 2.304 mgd are:

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
pH				from 6.0 to 9.0 inclusive	
D.O.				minimum 5.0 mg/l at all times	
Total Suspended Solids	284	568	15	30	37
CBOD <sub>5</sub>	288	576	15	30	37
Temperature			Monitor and Report	Monitor and Report	
Total Residual Chlorine			Monitor and Report	Monitor and Report	

Persons may make an appointment to review the Department of Environmental Protection's files on this case by calling the file review coordinator at (717) 705-4732.

The EPA waiver is in effect.

**Application No. PA 0087912**, Industrial Waste, SIC Code 5171, **Arnold Fuel Oil Company**, P. O. Box 2621, Harrisburg, PA 17105. This facility is located in Silver Spring Township, **Cumberland County**.

Description of activity: The application is for issuance of an NPDES permit for an existing and new surface drainage to Trindle Spring Run discharge of treated industrial waste.

The receiving stream Trindle Spring Run is in Watershed 7-B and classified for CWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake is Steelton Municipal Waterworks located on the Susquehanna River, approximately 23 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall Outfalls 001 and 002 are:

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Total Recoverable Petroleum Hydrocarbons			15	30	

Persons may make an appointment to review the Department of Environmental Protection's files on this case by calling the file review coordinator at (717) 705-4732.

The EPA waiver is in effect.

**Application No. PA 0247057**, Concentrated Animal Feeding Operation (CAFO), **Hetrickdale Farms**, 69 Hetrick Road, Bernville, PA 19506. Hetrickdale Farms has submitted an application for issuance of an Individual NPDES permit for its dairy farm located in Jefferson Township, **Berks County**.

The CAFO is situated near a UNT of Mill Creek, which is classified as a WWF. The CAFO is designed to maintain an animal population of approximately 1,958 animal equivalent units (AEUs) consisting of 1,350 adult milking and dry cows, 100 heifers and 300 calves. Liquid dairy manure is stored in three HDPE-lined manure impoundments with a combined storage capacity of approximately 7.4 million gallons with 2 feet of freeboard. A release or discharge to waters of this Commonwealth under normal operating conditions is not expected. Normal operating conditions are defined as conditions below a 25-year, 24-hour storm event.

The Department of Environmental Protection (Department) has conducted administrative and technical reviews of the application. Based on the preliminary review and application of lawful standards and regulations, the Department has made a tentative determination to issue the NPDES permit for the operation subject to the terms and conditions and monitoring and reporting requirements specified in the permit.

The permit application and draft permit are on file at the Southcentral Regional Office of the Department. Persons may make an appointment to review the files by calling the file review coordinator at (717) 705-4732.

Persons wishing to comment on the proposed permit are invited to submit written comments to the previous address within 30 days from the date of this public notice. Comments received within this 30-day period will be considered in formulating the Department's final determination regarding the application. All comments should include the name, address and telephone number of the writer and a concise statement to inform the Department of the basis of the comment and the relevant facts upon which it is based.

Following the 30-day comment period, the Watershed Management Program Manager will make a final determination regarding the proposed permit. Notice of this determination will be published in the *Pennsylvania Bulletin* at which time the determination may be appealed to the Environmental Hearing Board.

The Environmental Protection Agency permit waiver provision under 40 CFR 123.24(e) does not apply to this NPDES permit.

*Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701 (570) 327-3664.*

**PA0021652**, Sewerage SIC, 4952, **Kreamer Municipal Authority**, P. O. Box 220, Kreamer, PA 17833-0220. This existing facility is located in Middlecreek Township, **Snyder County**.

Description of Proposed Activity: This proposed action is for amendment of an NPDES permit for an existing discharge of treated sewage wastewater.

The receiving stream Middle Creek is in the State Water Plan Watershed 6A and classified for TSE. The nearest downstream public water supply intake for United Water Pennsylvania is located on the Susquehanna River 50 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on an existing design flow of 0.09 mgd.

Parameter	Concentration mg/l				Mass lbs	
	Monthly Average	Weekly Average	Daily Maximum	Instantaneous Maximum	Monthly Load	Annual Load
pH	within the range of 6.0 to 9.0					
CBOD <sub>5</sub>	25	40		50		
TSS	30	45		60		
Total Residual Chlorine	1.0			2.3		
Fecal Coliforms: (5-1 to 9-30)	200 #/100 ml geometric mean and not greater than 1,000 #/100 ml in more than 10% of the samples tested					
(10-1 to 4-30)	2,000 #/100 ml geometric mean					
Ammonia-N	Report					
Kjeldahl-N	Report				Report	
Nitrate/Nitrite-N	Report				Report	
Total Nitrogen	Report				Report	Report
Total Phosphorus	Report				Report	Report

The proposed effluent limits for Outfall 001 based on a design flow of 0.165 mgd.

Parameter	Concentration mg/l				Mass lbs	
	Monthly Average	Weekly Average	Daily Maximum	Instantaneous Maximum	Monthly Load	Annual Load
pH	within the range of 6.0 to 9.0					
CBOD <sub>5</sub>	25	40		50		
TSS	30	45		60		
% UV Transmittance	Report	Minimum				
Fecal Coliforms: (5-1 to 9-30)	200 #/100 ml geometric mean and not greater than 1,000 #/100 ml in more than 10% of the samples tested					
(10-1 to 4-30)	2,000 #/100 ml geometric mean					
Ammonia-N	Report					
Kjeldahl-N	Report				Report	
Nitrate/Nitrite-N	Report				Report	
Total Nitrogen	Report				Report	10,671
Total Phosphorus	Report				Report	967

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

**PA0002984**, Industrial Waste, SIC, 5171, **Pittsburgh Terminals Corporation**, P. O. Box 2621, Harrisburg PA 17105. This application is for renewal of an NPDES permit to discharge treated groundwater, stormwater and untreated stormwater from the Pittsburgh Terminal in Moon Township, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, Thorn Run, classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is Midland Borough Water Authority, located at 10th and Railroad Streets, Midland PA 15059, 25.2 miles below the discharge point.

Outfall 001: existing stormwater discharge.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	Monitor and Report				
Oil and Grease			15		30
pH	not less than 6.0 nor greater than 9.0				

The EPA waiver is in effect.

Outfall 002: new stormwater discharge.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum

This discharge shall consist solely of uncontaminated stormwater runoff.

Outfall 003: new stormwater discharge.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	Monitor and Report				
Oil and Grease			15		30
pH	not less than 6.0 nor greater than 9.0				

Outfall 004: new discharge, design flow of 0.0144 mgd

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	Monitor and Report				
Suspended solids			30		75
Oil and Grease			15		30
Iron, dissolved					7.0
Benzene			0.001		0.0025
Total BTEX			0.1		0.25
Toluene			Monitor and Report		
Ethylbenzene			Monitor and Report		
Xylenes, total			Monitor and Report		
MTBE			Monitor and Report		
pH	not less than 6.0 nor greater than 9.0				

Outfall 005: existing stormwater discharge.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	Monitor and Report				
Oil and Grease			15		30
pH	not less than 6.0 nor greater than 9.0				

**PA0093866**, Industrial Waste, SIC 4953, **Southern Alleghenies Landfill, Inc.**, West Point Corporate Center 1, Suite 200, 1550 Coraopolis Heights Road, Moon Township, PA 15108. This application is for renewal of an NPDES permit to discharge treated leachate and stormwater from the Southern Alleghenies Landfill in Conemaugh Township, **Somerset County**.

The following effluent limitations are proposed for discharge to the receiving waters, Stony Creek and UNT 45265, classified as WWF and CWF, respectively, with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is Buffalo Township Municipal Authority, located on the Allegheny River, approximately 90 miles below the discharge point.

Outfall 001: existing discharge, design flow of 0.066 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>	8.25	16.5	15	30	37.5
BOD <sub>5</sub>	20.35	40.7	37		140
TSS	16.5	30.0	30	60	75
TDS	Monitor and Report				
NH <sub>3</sub> -N					
(5-1 to 10-31)	1.1	2.2	2	4	6
(11-1 to 4-30)	2.7	5.4	4.9	10	15
Antimony	0.25	0.5	0.45	0.9	1.0
Arsenic	0.03	0.06	0.05	0.10	0.1
Beryllium	0.0006	0.0012	0.001	0.002	0.002

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Cadmium	0.003	0.006	0.005	0.010	0.01
Chromium, Hexavalent	0.07	0.14	0.125	0.25	0.3
Copper	0.02	0.04	0.03	0.06	0.07
Lead	0.02	0.04	0.036	0.072	0.09
Nickel	0.08	0.16	0.15	0.3	0.4
Selenium	0.04	0.08	0.075	0.150	0.2
Silver	0.006	0.012	0.010	0.020	0.03
Thallium	0.06	0.12	0.1	0.2	0.3
Zinc	0.06	0.11	0.11	0.20	0.28
Cyanide	0.01	0.02	0.02	0.04	0.05
Barium	0.06	0.12	0.1	0.2	0.3

The EPA waiver is in effect.

*Outfall 001 continued:*

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Boron	5.1	10.2	9.3	18.6	23.3
Cobalt	0.03	0.06	0.05	0.10	0.1
Iron	1.5	3.0	2.7	5.4	6.8
Iron, dissolved		3.9		7.0	
Aluminum	0.15	0.3	0.275	0.550	0.7
Manganese	0.6	1.2	1.0	2.0	2.5
Tin	0.44	0.88	0.8	1.6	2.0
Vanadium	0.005	0.01	0.009	0.018	0.02
Benzene			0.05	0.10	
Chlorobenzene			0.05	0.10	
Chloroform			0.01	0.02	
1,1 Dichloroethane			0.09	0.18	
Chloromethane			0.10	0.20	
Methylene Chloride			0.10	0.20	
Toluene			0.05	0.10	
1,2 Trans-dichloroethylene			0.03	0.06	
1,1,1 Trichloroethane			0.10	0.20	
Phenol			0.015	0.026	
Butyl Benzyl Phthalate			0.01	0.02	
2-Chloro-Naphthalene			0.01	0.02	
Diethyl Phthalate			0.025	0.05	
Isophorone			0.05	0.10	
Lindane (gamma-BHC)			0.01	0.02	
4,4 DDT			0.00001	0.00002	
Acetone			0.11	0.20	
2 Butanone (MEK)			0.21	0.42	
Bis-(Chloromethyl) Ether			0.0001	0.0002	
1,2,3 Trichloropropane			0.10	0.20	
Xylenes			0.01	0.02	
1-Propanol			0.55	1.1	
2-Propanol			0.54	1.08	
Tetrahydrofuran			0.025	0.05	
p-Cresol			0.014	0.025	

*Outfall 001 continued*

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
2-Hexanone			0.015	0.03	
4-Methyl 2-Pentanone			0.015	0.03	
Dibromomethane			0.01	0.02	
Phenols			0.24	0.48	
Mercury	0.0005	0.001	0.0009	0.0018	
Benzidine			0.00009	0.00018	
Hexachlorobenzene			0.00007	0.000175	
Oil and Grease	8.3		15		30

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
2-Terpineol			0.016	0.033	
Benzoic Acid			0.071	0.12	
pH	Not less than 6.0 nor greater than 9.0				

Outfalls 002 to 006: existing discharges, flow of varied mgd

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Chemical Oxygen Demand			Monitor and Report		
BOD <sub>5</sub>			Monitor and Report		
Oil and Grease			Monitor and Report		
Total Dissolved Solids			Monitor and Report		
Barium			Monitor and Report		
Cadmium			Monitor and Report		
Chromium, Hexavalent			Monitor and Report		
Lead			Monitor and Report		
Mercury			Monitor and Report		
Selenium			Monitor and Report		
Silver			Monitor and Report		
Ammonia			Monitor and Report		
Arsenic			Monitor and Report		
Cyanide			Monitor and Report		
Nitrate plus Nitrite Nitrogen			Monitor and Report		
Iron, Dissolved			Monitor and Report		
Total Suspended Solids			Monitor and Report		
Aluminum			Monitor and Report		
Iron, Total			Monitor and Report		
Manganese			Monitor and Report		
pH			Monitor and Report		

**PA0096474**, Industrial Waste, SIC, 4613, **Buckeye Pipe Line Company, LP**, Coraopolis Station, 520 Narrows Run Road, Coraopolis PA 15108. This application is for renewal of an NPDES permit to discharge treated stormwater and untreated hydrostatic test water from the Coraopolis Station in Coraopolis Borough, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters of the Ohio River classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is the Midland Borough Water Authority located at Midland about 25 miles below the discharge point.

Outfall 001: existing discharge, design flow of stormwater.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Oil and Grease			15		30

*Other Conditions:* Special conditions included for stormwater runoff, solids disposal, floating solids and tank hydrotest conditions.

The EPA waiver is in effect.

Outfall 101: existing discharge, design flow of stormwater.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Oil and Grease			15		30

**PA0216011**, Industrial Waste, SIC, 5171, **Luther P. Miller, Inc.**, Segwood Avenue, P. O. Box 714 Somerset, PA 15501. This application is for renewal of an NPDES permit to discharge treated stormwater from the Luther P. Miller Bulk Oil Plant No. 712 in Confluence Borough, **Somerset County**.

The following effluent limitations are proposed for discharge to the receiving waters is Casselman River classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is the Ohiopyle Municipal Water Works located more than 11 miles below the discharge point.

*Outfall 001—003:* existing stormwater discharge.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow	Monitor and Report				
Oil and Grease			15		30
Aluminum			Monitor and Report		
Iron			Monitor and Report		
Chloroform			Monitor and Report		
Magnesium			Monitor and Report		

*Other Conditions:* Solids disposal, floating solids, and petroleum marketing terminal conditions.

The EPA waiver is in effect.

**PA0037940**, Sewage, **Center Township Sewer Authority**, 224 Center Grange Road, Aliquippa, PA 15001. This application is for renewal of an NPDES permit to discharge treated sewage from Elkhorn Run Wastewater Treatment Plant in Center Township, **Beaver County**.

The following effluent limitations are proposed for discharge to the receiving waters known as the Ohio River which are classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Midland Borough Water Works.

*Outfall 001:* existing discharge, design flow of 2 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25	37.5		50
Suspended Solids	30	45		60
Fecal Coliform (5-1 to 10-31)	200/100 ml as a geometric mean			
(11-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	0.5			1.0
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is not in effect.

**PA0095524**, Sewage, **Tri-Community Water and Sewer Authority**, P. O. Box 86, Bolivar, PA 15923. This application is for renewal of an NPDES permit to discharge treated sewage from Tri-Community Water and Sewer Authority STP in West Wheatfield, **Indiana County**.

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

*Outfall 001:* existing discharge, design flow of 0.25 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25	37.5		50
Suspended Solids	30	45		60
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	1			3.3
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA0216941**, Sewage, **Forest Hills Municipal Authority**, 507 Maple Street, P. O. Box 111, South Fork, PA 15956. This application is for renewal of an NPDES permit to discharge treated sewage from South Fork Regional WWTP in Conemaugh Township, **Cambria County**.

The following effluent limitations are proposed for discharge to the receiving waters known as Little Conemaugh River, which are classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the: Municipal Authority of Westmoreland County.



Outfall 001: existing discharge, design flow of 1.2 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>	25	38		50
Suspended Solids	30	45		60
Ammonia Nitrogen (5-1 to 10-31)	12	18		24
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	not less than 6.0 nor greater than 9.0			

The EPA waiver is not in effect.

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

**PA0239801**, Sewage, **Rory Hamilton SFTF**, 2147 Hare Road, Waterford, PA 16441. This proposed facility is located at 2147 Hare Road in Waterford Township, **Erie County**.

Description of Proposed Activity: The applicant requests an NPDES permit for the discharge of treated domestic sewage from an SFTF serving a single dwelling. Treatment consists of a septic tank, dosing tank, sand filter and ultraviolet light disinfection.

For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride, phenolics, sulfate and chloride, there is no downstream potable water supply to consider between the discharge and French Creek.

The receiving stream, UNT to Wheeler Creek, is in Watershed 16-A and classified for WWF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0004 mgd.

Parameter	Concentrations		
	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
Flow	Monitor and Report		
CBOD <sub>5</sub>	10		20
Total Suspended Solids	10		20
Ultraviolet Light	Monitor and Report		
Fecal Coliform	200/100ml as a geometric average		
pH	6.0 to 9.0 standard units at all times		

The EPA waiver is in effect.

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

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

**WQM Permit No. 1506408**, Sewerage, **New Garden Township Sewer Authority**, 299 Starr Road, Landenberg, PA 19350. This proposed facility is located in New Garden Township, **Chester County**.

Description of Action/Activity: Installation of a new influent screen.

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

**WQM Permit No. 3906402**, **Upper Macungie Township Sewer Authority**, 8330 Schantz Road, Breinigsville, PA 18103. This proposed facility is located in Upper Macungie Township, **Lehigh County**, PA.

Description of Proposed Action/Activity: This project consists of installation of a sanitary sewer pump station to service the Estates at Coldwater Crossings Subdivision.

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

**WQM Permit No. 2806404**, Sewerage, **Rodney Mose**, 2779 Grand Point Road, Chambersburg, PA 17201. This proposed facility is located in Greene Township, **Franklin County**.

Description of Proposed Action/Activity: Application for construction/operation of a spray irrigation denitrification system to serve Lot No. 14 Grand Point Road.

**WQM Permit No. WQG02210602**, Sewerage, **Cumberland Franklin Joint Municipal Authority**, 725 Municipal Drive, Shippensburg, PA 17257. This proposed facility is located in Southampton and Shippensburg Townships, **Cumberland County**.

Description of Proposed Action/Activity: Construction/Operation of sewer extension to serve the Meadowsgreen Land Subdivision/Development.

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

**WQM Permit No. 6576417-A3**, Sewerage, **Unity Township Municipal Authority**, P. O. Box 506, Pleasant Unity, PA 15676. This proposed facility is located in Unity Township, **Westmoreland County**.

Description of Proposed Action/Activity: Application for sewage treatment plant renovations and addition of grit removal building.

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

#### **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 &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI010905028	JC McGinn Construction P. O. Box 237 Lahaska, PA 18931	Bucks	Solebury Township	Aquetong Creek HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI033606005	Martins Land Development, LLC 1357 Kramer Hill Road Denver, PA 17517	Lancaster	East Earl Township and Terre Hill Borough	Black Creek HQ-WWF
PAI032906001	Turnpike Commission P. O. Box 67676 Harrisburg PA 17106-7676	Fulton	Brush Creek, Wells and Taylor Townships	UNT and Lick Branch of Wooden Bridge Creek HQ-CWF
PAI030606006	East Penn Manufacturing Co. Deka Road Lyon Station, PA 19536-0147	Berks	Richmond and Maxatawny Townships	Moselem Creek HW-CWF
PAI033106001	Huntingdon County Business & Industry Inc. 419 14th St. Huntingdon, PA 16652	Huntingdon	Shirley Township	UNT Juniata River HQ
PAI030606003	East Penn Manufacturing Co. Deka Rd. P. O. Box 147 Lyon Station, PA 19536	Berks	Topton and Longswamp Townships	Toad Creek HQ-CWF

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

*Tioga County Conservation District: 50 Plaza Lane, Wellsboro, PA 16901, (570) 724-1801, Ext. 101.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041404002-1	Lindsey Kiefer—Kiefer Fill Site 2990 Ernest Lane State College, PA 16801	Centre	Ferguson Township	UNT to Spruce Creek HQ-CWF
PAI045904002	Wellsboro Municipal Authority 28 Crafton Street Wellsboro, PA 16901	Tioga	Wellsboro Borough and Delmar Township	Marsh Creek WWF UNT to Marsh Creek CWF Baldwin Run HQ-CWF UNT to Baldwin Run HQ-CWF

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

*Somerset County Conservation District, 6024 Glades Pike, Suite 103, Somerset, PA 15501, (814) 445-4652.*

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI055606002	Richard L. Finley 7103 Cresswyck Court Wexford, PA 15090	Somerset	Middlecreek Township	UNT to Laurel Hill 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**

**Applications Received Under the Pennsylvania Safe Drinking Water Act**

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

**Permit No.1506505**, Public Water Supply

Applicant	<b>Pennsylvania American Water Company</b>
Township	West Caln
County	<b>Chester</b>
Responsible Official	David R. Kaufman

Type of Facility	PWS
Consulting Engineer	Gannett Fleming, Inc.
Application Received Date	June 26, 2006
Description of Action	Upgrade existing intake structure and booster pump station from 1.0 mgd to 4.0 mgd.

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

**Application No. 4806502**, Public Water Supply

Applicant	<b>Aqua Pennsylvania, Inc.</b> Moore Township <b>Northampton County</b>
Responsible Official	Karl Kyriss, President Aqua Pennsylvania, Inc. 762 West Lancaster Avenue Bryn Mawr, PA 19010

Type of Facility	PWS
Consulting Engineer	CET Engineering Services 1240 North Mountain Road Harrisburg, PA 17112
Application Received Date	June 26, 2006
Description of Action	The replacement of Well No. 1 with a new well designated Well No. 3 at Christian Springs.

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

**Permit No. 0106511**, Public Water Supply.

Applicant	<b>Anchor Mobile Estates/Goldenville Estates</b>
Municipality	Butler Township
County	<b>Adams</b>
Responsible Official	Irvin H. Peifer, Owner P. O. Box 506 Elizabethown, PA 17022
Type of Facility	Public Water Supply
Consulting Engineer	Terrace L. Kline, P. E. Kline Engineering, PC 449 Cameron Street Marysville, PA 17053
Application Received:	6/14/2006

Description of Action Installation of Well 3 at new Goldenville Estates Development along with 24,000 gallons storage in existing park an complete treatment for chlorination and manganese sequestration.

*Central Office: Bureau Director, Water Standards and Facility Regulation, P. O. Box 8467, Harrisburg, PA 17105-8467.*

**Permit No. 9996491**, Public Water Supply.

Applicant **Nestle Waters North America, Inc.**

Township or Borough Hollis, ME

Responsible Official Brian Boucher, Quality Assurance Manager

Type of Facility Out-of-State Bottled Water System

Application Received Date June 26, 2006

Description of Action Applicant requesting a major permit amendment to use a new spring source (White Cedar Spring) located in Dallas Plantation, ME. Applicant is also requesting use of a Department-approved spring source (Glenwood Spring) located in St. Albans, ME. Bottled water to be sold in this under the brand names: Poland Spring Natural Spring Water, Deer Park Natural Spring Water and Ice Mountain Natural Spring Water.

**Permit No. 9996217**, Public Water Supply.

Applicant **Nestle Waters North America, Inc.**

Township or Borough Poland Spring, ME

Responsible Official Pamela Fisher, Quality Assurance Manager

Type of Facility Out-of-State Bottled Water System

Application Received Date June 26, 2006

Description of Action Applicant requesting Department approval to use a new spring water source (White Cedar Spring) located in Dallas Plantation, ME. Bottled water produced from this source will be sold in Pennsylvania under the brand names; Deer Park Natural Spring Water, Ice Mountain Natural Spring Water, Poland Spring Natural Spring Water and Poland Spring Sparkling Spring Water.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

### PREAMBLE 1

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

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

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

For further information concerning the content of a Notice of Intent to Remediate, contact the environmental cleanup program manager in the Department regional office before which the notice appears. If information concerning this acknowledgment is required in an alternative form, contact the community relations coordinator

at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

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

*Northcentral Region: Environmental Cleanup Program Manager, 208 West Third Street, Williamsport, PA 17701.*

**Weis Market Property**, Mifflinburg Borough, **Union County**. Mountain Research, LLC, 825 25th St., Altoona, PA 16602 on behalf of Weis Market, 1000 South 2nd St., Sunbury, PA 17801 has submitted a Notice of Intent to Remediate soil contaminated with Lead, Benzene, toluene, ethylbenzene, xylenes, phenanthrene and naphthalene. The applicant proposes to remediate the site to meet the Statewide Health Standard.

**Dillon Floral Corporation**, Scott Township, **Columbia County**. EarthRes Group, Inc., P. O. Box 468, Pipersville, PA 18947 on behalf of Dillon Floral Corporation, 933 Columbia Blvd., Bloomsburg, PA 17815 has submitted a revised Notice of Intent to Remediate soil and groundwater contaminated with residual pesticides. The applicant proposes to remediate the site to meet the Site-Specific Standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Press Enterprise* on June 5, 2006.

#### **HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES**

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

*Southeast Region: Regional Solid Waste Manager, 2 East Main Street, Norristown, PA 19401.*

**PAD002292068. Rohm & Haas Chemicals, LLC**, Route 413 and State Road, Bristol, PA 19007, Bristol Township, **Bucks County**. This application was received for the renewal of the permit for the hazardous waste container storage area at the Bristol Plant. Application was received by the Southeast Regional Office on June 26, 2006.

#### **OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE**

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

*Southeast Region: Regional Solid Waste Manager, 2 East Main Street, Norristown, PA 19401.*

**Permit Application No. 100549.** Waste Management Disposal Services of Pennsylvania, Inc. 1425 Sell Road, Pottstown, Pa. 19464, Douglass and West Pottsgrove Townships, **Berks and Montgomery Counties**. This major modification application was received to consolidate the postclosure requirements of the Pottstown Landfill. The application was received by the Southeast Regional Office on June 30, 2006.

#### **DETERMINATION OF APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS**

**Application for Determination of Applicability Received Under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste Other Than Coal Ash**

*Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17101-2301.*

**General Permit Application No. WMGR113. Piney Creek Limited Partnership**, 428 Power Lane, Clarion, PA 16214. Beneficial use of coal tar and oil contaminated waste as a fuel in a circulating fluidized boiler. The application for determination of applicability was accepted as administratively complete by the Division of Municipal and Residual Waste on June 29, 2006.

Persons interested in obtaining more information about the general permit application may contact the General Permits/Beneficial Use Section, Division of Municipal and Residual Waste, Rachel Carson State Office Building, P. O. Box 8472, Harrisburg, PA 17101-8472, (717) 787-7381. 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 operat-

ing 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.*

**28-05020C: T. B. Woods, Inc.** (440 North Fifth Avenue, Chambersburg, PA 17201) for construction of a shake-out system and a no-bake sand reclamation system to be controlled by dedicated existing fabric collectors at their iron foundry in Chambersburg Borough, **Franklin County**.

**36-05027H: RR Donnelly & Sons Co.** (216 Greenfield Road, Lancaster, PA 17601-5885) to install a printing press (Goss S-3000) to replace an existing unit in City of Lancaster, **Lancaster County**. The facility's primary emissions will be VOC.

**67-03033D: The Sheridan Press** (450 Fame Avenue, Hanover, PA 17331) for construction of a 1-unit single web heat-set offset lithographic printing press at its printing facility in Penn Township, **York County**.

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

**41-00010F: Andritz, Inc.** (35 Sherman Street, Muncy, PA 17756) for construction of a shot blasting system and an arc welding station and the installation of an existing fabric collector on four existing grinding stations and four existing plasma arc cutting/welding stations as well as on the new shot blasting system and arc welding station in Muncy Borough and Muncy Creek Township, **Lycoming County**.

**53-00003C: National Fuel Gas Supply Corp.** (1100 State Street, Erie, PA 16501) for modification of a 4445 horsepower natural gas-fired reciprocating internal combustion compressor engine (Engine 1A) by increasing its formaldehyde emission limit from .991 pound per hour to 1.67 pounds per hour at the Ellisburg Compressor Station in Allegany Township, **Potter County**.

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

**20-194D: Lord Corp.** (601 South Street, Saegertown, PA 16433-1050) for installation of a thermal oxidizer and

dust collector to control emissions from miscellaneous coating manufacturing operations at the Saegertown facility, in the Municipality of Saegertown, **Crawford County**. This is a Title V facility.

**Intent to Issue Plan Approvals and Intent to Issue or Amend Operating Permits under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B. These actions may include the administrative amendments of an associated operating permit.**

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401, Thomas McGinley, New Source Review Chief, (484) 250-5920.*

**23-0108: FPI Food Processing International, Inc.** (903 Industrial Highway, Eddystone, PA 19022) for construction of a cocoa processing facility to be located in Eddystone Borough, **Delaware County**. This facility will be a non-Title V facility. The facility will utilize various cyclones and a mist eliminator to control emissions of PM from the facility. PM emissions will be less than 0.04 grain per dry standard cubic feet, and less than 9.54 tons per year. VOC emissions from the process are limited to 33.32 tons per year. NOx emissions from combustion sources associated directly with the process are to remain below 2.4 tons per year. The Plan Approval will contain monitoring, recordkeeping and operating conditions designed to keep the facility operating within the allowable emissions and all applicable air quality requirements.

**09-0050D: Hanson Aggregates BMC, Inc.** (1900 Sullivan Trail Easton, PA 18040) for modification to the existing Drum Mix Asphalt Plant at their Penns Park facility in Wrightstown Township, **Bucks County**. The facility is a non-Title V facility for any of air pollutants. This asphalt plant is subject to CFR Part 60 Subpart I-Standards of Performance for Hot Mix Asphalt Facilities. No emission increase at the facility is expected. The Plan Approval and Operating Permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

**09-0142A: ML 35, LLC** (35 Runway Road, Levittown, PA 19057) for installation of a two MW electric generator (generator) and a Federally Enforceable Emissions Cap, a limit for the facility NOx emissions at the ML 35, LLC data center facility at 35 Runway Road, Levittown, Bristol Township, **Bucks County**. The installation of the generator may result in the emissions of: 22.8 tons per year of NOx; 4.1 tons per year of CO; 2.4 tons per year of SOx; 0.65 tons per year of PM; 0.51 ton per year of VOCs and 0.51 ton per year of HAPs.

In addition to the construction of a generator, this Plan Approval institutes a Federally Enforceable Emissions Cap for Nitrogen Oxides emissions from the ML 35, LLC facility of 24.9 tons per year.

The Plan Approval and Operating Permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

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

**53-399-008: PA Pellets, LLC** (705 South Main Street, Coudersport, PA 16915) for construction of a wood pellet manufacturing operation in Ulysses Borough, **Potter County**.

The wood pellet manufacturing operation will incorporate a 19 ton per hour rotary sawdust/wood chip dryer equipped with a 45 million Btu per hour wood-fired burner, two pellet mills, a hammermill, a pellet cooler, two dried sawdust/wood chip storage bins and one wood pellet storage bin. The PM emissions from the rotary dryer will be controlled by a multiclone collector, the PM emissions from the hammermill will be controlled by a cartridge collector and the PM emissions from the pellet cooler will be controlled by a cyclone collector. The air contaminant emissions from the wood pellet manufacturing operation are not expected to exceed 36.53 tons of PM including PM10, 22.78 tons of NOx and 28.91 tons of CO 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 PA Pellets, LLC indicates that the proposed wood pellet manufacturing operation 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 wood pellet manufacturing operation.

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

1. The wood pellets are to be manufactured of hardwood sawdust and wood chips only.
2. Dried sawdust from the dryer shall not be stored outside of a building nor shall it be conveyed or otherwise handled outside of a building other than with an enclosed system.
3. The rotary dryer shall be fired only on dryer product.
4. The rotary dryer shall be equipped with instrumentation to monitor the dryer exhaust temperature on a continuous basis.
5. The multiclone collector used to control the PM emissions from the dryer, the cartridge collector used to control the PM from the hammermill and the cyclone collector used to control the PM from the pellet cooler shall each be equipped with instrumentation to monitor the pressure differential across the respective air cleaning device on a continuous basis.
6. The PM collected in the multiclone collector, cartridge collector and cyclone collector shall be removed from the respective air cleaning devices by means of enclosed systems.
7. Spare cartridges shall be kept on hand for the cartridge collector.
8. The PM including PM10 emissions from the rotary dryer shall not exceed .02 grain per dry standard cubic foot of effluent gas volume.
9. The NOx and CO emissions from the rotary dryer shall not exceed 5.2 pounds per hour and 6.6 pounds per hour, respectively.
10. The PM including PM10 emissions from the hammermill shall not exceed .02 grain per dry standard cubic foot of effluent gas volume.

11. The PM including PM10 emissions from the pellet cooler shall not exceed .02 grain per dry standard cubic foot of effluent gas volume.

12. Within 180 days of commencement of operation, stack testing shall be performed on the rotary dryer and associated multiclone collector to determine the PM, NOx and CO emission rates and on the pellet cooler and associated cyclone collector to determine the PM emission rate. Testing is to be done while operating at maximum capacity using test methods and procedures which are acceptable to the Department. The multiclone collector and the cyclone collector shall both incorporate exhaust stacks or ducts which will allow for the performance of this required stack testing.

13. Records shall be maintained of the amount of sawdust/wood chips burned in the rotary dryer's burner each month, the amount of wood pellets produced each month and the number of hours the rotary dryer operates each month.

14. This plan approval does not authorize the construction, installation or operation of any diesel, gasoline, natural gas or propane-fired stationary engines, generators or engine-generator sets.

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

**PA-30-00099F: Allegheny Energy Supply Company, Inc.** (800 Cabin Hill Drive, Greensburg, PA 15601) for installation of Flue Gas Desulfurization (FGD) scrubbers to control SO<sub>2</sub> emissions from three existing pulverized coal-fired boilers at their Hatfield's Ferry Power Station in Monongahela Township, **Greene County**.

Under 25 Pa. Code § 127.44(a), the Department of Environmental Protection (Department) intends to issue a Plan Approval to Allegheny Energy Supply Company, Inc. to allow the installation of FGD scrubbers to control SO<sub>2</sub> emissions from three existing pulverized coal-fired boilers at their Hatfield's Ferry Power Station located in Monongahela Township, Greene County.

The applicant has provided information to demonstrate that the FGD scrubbers will remove approximately 94% of the pollutant SO<sub>2</sub> from boiler stack emissions. PM10 emissions are also expected to decrease as a result of this project. Data provided by the applicant indicates that CO, NOx and VOC emission rates will not be impacted by this project. Estimated emission rates for all other PSD pollutants such as lead, fluorides and sulfuric acid mist are also either expected to decrease or not expected to increase as a result of the scrubber installation. Stack testing to confirm emission rates of the above pollutants will be required. Therefore, since the emission rates of those pollutants listed in 40 CFR 52.21(23) are expected to either decrease or remain unaffected by the installation of the FGD scrubbers, this project is not subject to 40 CFR 52 requirements.

The Department requested that Allegheny Energy conduct a modeling analysis to demonstrate that the operation of the proposed scrubbers will not cause or contribute to violations of the national ambient air quality standards (NAAQS). Allegheny energy's modeling analysis adequately demonstrates the proposed scrubbers will not cause or contribute to a NAAQS violation or violation of any Pennsylvania standards. The plan approval special conditions listed as follows contain emission limitations which are consistent with the modeled rates.

Copies of the application, Department's analysis and other documents used in evaluation of the application are available for public inspection during normal business hours at Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222.

For the Department to assure compliance with all applicable standards, Department proposes to place the following Special Conditions on the Plan Approval:

1. This Plan Approval is to allow the installation of FGD on each of the three existing 5,766 mmBtu/hr Babcock & Wilcox boilers exhausting through a single stack at the Allegheny Energy Supply Company, LLC, Hatfield's Ferry Power Station located in Monongahela Township, Greene County (25 Pa. Code § 127.12b).

2. This Plan Approval does not authorize the installation or operation of limestone handling equipment for the FGD project. As part of the limestone handling equipment application, Allegheny Energy shall provide the information necessary to conduct an applicability determination, under 25 Pa. Code §§ 127.211(b), for PM10 (25 Pa. Code § 127.12b).

3. Visible emissions from the FGD stack shall not equal or exceed 20% opacity for a period or periods aggregating more than 3 minutes in any 1 hour or equal or exceed 60% opacity at any time (25 Pa. Code § 123.41).

4. In accordance with 25 Pa. Code § 123.46(c), each unit, after the installation of the FGD systems, is exempt from the requirements of 25 Pa. Code § 123.46(b), relating to the installation and operation of a continuous opacity monitoring device.

5. The owner/operator shall read and record Visible Emissions for at least 1 hour each calendar week from the FGD stack, using EPA Reference Method 9, found at 40 CFR 60, Appendix A, unless atmospheric conditions make the readings impossible (25 Pa. Code § 127.12b).

6. The owner/operator shall continue to, certify, maintain and operate a CEM system for monitoring SO<sub>2</sub>, NO<sub>2</sub> and stack gas flow from each boiler. O<sub>2</sub> or CO<sub>2</sub> shall be monitored at each location where SO<sub>x</sub> and NO<sub>x</sub> are monitored in accordance with the requirements of 25 Pa. Code Chapter 139.

7. The SO<sub>2</sub> emission rate from each FGD system shall not exceed (25 Pa. Code § 127.12b):

(a) 0.39 lb/mmBtu of heat input on an annual average basis; this requirement shall not take effect until 1 year from the date of commencement of operation (after 12-months of operating data has been collected).

(b) 0.45 lb/mmBtu of heat input on a 3-hour average at any time.

8. Total annual SO<sub>2</sub> emissions from the three existing 5,766 mmBtu/hr Babcock & Wilcox boilers shall not exceed 29,548 tons after the installation of flue gas desulfurization units; this requirement shall not take effect until one year from the date of commencement of operation (after 12-months of operating data has been collected) (25 Pa. Code § 127.12b).

9. The PM emission rate from each FGD system shall not exceed 0.1 lb/mmBtu of heat input (25 Pa. Code § 123.11).

10. The PM10 emission rate from each FGD system shall not exceed 0.1 lb/mmBtu of heat input (25 Pa. Code § 127.12b).

11. Stack testing to determine the mass emission rate of PM10, H<sub>2</sub>SO<sub>4</sub>, Hg, CO, VOC, lead, fluorides and HCL

shall be conducted within 180 days of commencement of operation of the FGD system on each boiler (25 Pa. Code §§ 127.12b and 139.11):

a) Filterable PM10 testing shall be by EPA Method 5, 5B, 201 or 201A; condensible PM10 testing shall be by EPA Method 202 or other Department approved methods.

b) Stack testing shall be conducted in accordance with the provisions of 25 Pa. Code Chapter 139 and the Department's Source Testing Manual.

c) The owner/operator shall submit three copies of a pretest protocol to the Department for review at least 60 days prior to performance of any stack test. Stack test methods shall be identified in the pretest protocol.

d) The owner/operator shall notify the Regional Air Quality Manager at least 15 days prior to any stack test so that an observer may be present at the time of the test.

e) All relevant operating parameters (such as boiler steam flow, exhaust gas, gross megawatts, heat input and stack flue gas volumetric flow rate; pressure drop across absorber and mist eliminator, pH and flow rate of scrubbing liquid, and the like) shall be recorded at appropriate intervals throughout the duration of stack test. Operating data recorded shall be sufficient to establish that the units and the air cleaning devices are operating at maximum routine operating conditions. A discussion of the recorded operating parameters and values shall be included in the test report.

f) The owner/operator shall submit three copies of the stack test report to the Department within 60 days of the completion of testing.

12. The owner/operator shall install, operate and maintain devices to monitor and record the following parameters at a frequency of at least once per day (25 Pa. Code § 127.12b):

a) Pressure differential across the absorber.

b) Flue gas pressure across the mist eliminator.

c) Scrubber inlet and outlet temperatures.

d) pH of the scrubbing liquid.

e) Density of the reactor tank slurry.

f) Flow rate of scrubbing liquid to the absorber and scrubbing liquid make up rate.

13. The owner/operator shall develop an operation and maintenance (O & M) plan for the new FGD systems and submit the information to the Department for approval within 180 days after startup (25 Pa. Code § 127.12b).

14. The owner/operator shall submit a compliance monitoring (CAM) plan for the operation of each of the FGD systems. The CAM plan shall be submitted with the application for an administrative amendment to the facility's Title V Operating Permit to incorporate the changes authorized under this Plan Approval (25 Pa. Code § 127.12b).

15. Logs and required records shall be maintained on site for a minimum of 5 years and shall be made available to the Department upon request (25 Pa. Code § 127.12b).

16. If construction, modification or installation is not commenced within 18 months of the issuance of the 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 this subchapter and Subchapters D and E shall be submitted (25 Pa. Code § 127.13).

17. This Plan Approval authorizes the temporary operation of the sources covered by this Plan Approval provided the following conditions are met (25 Pa. Code § 127.12b):

(a) The owner/operator shall submit written Notice of the Completion of Construction and the Operator's intent to commence operation at least 5 days prior to the completion of construction. The Notice shall state the date when construction will be completed and the date when the operator expects to commence operation.

(b) Operation of the sources covered by this Plan Approval is authorized only to facilitate the start-up and shakedown of sources and air cleaning devices, to permit operations pending the issuance of an Operating Permit, or to permit the evaluation of the source for compliance with all applicable regulations and requirements.

(c) Upon receipt of the Notice of the Completion of Construction from the owner/operator the Department shall authorize a 180-day Period of Temporary Operation of the sources from the date of commencement of operation. The notice submitted by the owner/operator, prior to the expiration of this Plan Approval, shall modify the Plan Approval expiration date. The new Plan Approval expiration date shall be 180 days from the date of commencement of operation.

(d) Upon determination by the owner/operator that the sources covered by this Plan Approval are in compliance with all conditions of the Plan Approval the owner/operator shall contact the Department's reviewing engineer and schedule the Initial Operating Permit Inspection.

(e) Upon completion of Initial Operating Permit Inspection and determination by the Department that the sources covered by this Plan Approval are in compliance with all conditions of the Plan Approval the owner/operator shall submit an administrative amendment to the Title V Operating Permit to the Department at least 60 days prior to the expiration date of the Plan Approval.

(f) The owner/operator may request an extension of the 180-day Period of Temporary Operation if compliance with all applicable regulations and Plan Approval requirements has not been established. The extension request shall be submitted in writing at least 15 days prior to the end of the Period of Temporary Operation and shall provide a description of the compliance status of the source. The extension request shall include a detailed schedule for establishing compliance and the reasons compliance has not been established. This period of temporary operation may be extended for additional limited periods, each not to exceed 120-days, by submitting an extension request as described previously.

(g) 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 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.

Persons wishing to provide the Department with additional information that they believe should be considered prior to the issuance of the Plan Approval may submit the information to the Department at the address shown as follows. A 30-day comment period, from the date of this publication, will exist for the submission of comments. Each written comment must contain the following:

- Name, address and telephone number of the person submitting the comments.
- Identification of the proposed Plan Approval (specify the Plan Approval number).
- Concise statements regarding the relevancy of the information or objections to issuance of the Plan Approval. Written comments should be directed to Mark A. Wayner, P. E., Regional Air Quality Program Manager, Department of Environmental Protection, Southwest Region—Field Operation, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

For additional information you may contact the following at the same address Mark R. Gorog, P. E., Air Quality Program, (412) 442-4333.

#### 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.**

*Department of Public Health, Air Management Services, 321 University Avenue, Philadelphia, PA 19104, Edward Braun, Chief, (215) 685-9476.*

**V06-006: Catalyst International/ Gasket Material Corporation** (80-88 Morris Street, Philadelphia, PA 19148) for issuance of a Title V State Operating Permit in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include two adhesive coaters, a hot melt coater, two water-based laminators and a solvent cleaning process.

The operating permit will be issued under the 25 Pa. Code, Philadelphia Code Title 3 and Air Management Regulation XIII. Permit copies and other supporting information are available for public inspection at AMS, 321 University Avenue, Philadelphia, PA 19104. For further information, contact Edward Wiener (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. Any protests or comments filed with AMS must include a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based. Based upon the information received during the public comment period, AMS may modify the operating permit or schedule a public hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a local newspaper at least 30 days before the hearing.

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

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

**23-00101: Justi Group, Inc.—Esschem** (4000 Columbia Avenue, Linwood, PA 19061) for a Non-Title V Facility, State-only, Natural Minor Permit in Lower Chichester Township, **Delaware County**. Esschem Div. of Justi Group Inc. manufactures acrylic polymers and monomers

for medical devices and the cosmetic industry. The sources of emissions include boilers, the Methacrylate Polymerization process and a scrubber. The facility has a potential to emit less than 25 tons per year of VOCs and less than 10 tons per year of HAPs, (Methyl Methacrylate). Monitoring, recordkeeping and reporting requirements have been added to the permit to address applicable limitations.

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

**35-00003: Chamberlain Manufacturing Corp.** (156 Cedar Avenue, Scranton, PA 18505) for operation of boilers, furnaces and paint spray booths in the City of Scranton, **Lackawanna County**. This action is a renewal of the State-only (Synthetic Minor) Operating Permit for this facility. This Operating Permit shall include emission restrictions, monitoring, recordkeeping and reporting requirements designed to ensure this facility complies with all applicable air quality regulations.

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

**06-05077: Can Corporation of America, Inc.** (P. O. Box 170, Blandon, PA 19510) for operation of a three piece metal can manufacturing facility in Maiden Creek Township, **Berks County**. This action is a renewal of the State-only Operating Permit issued in 2001.

**28-03008: Edge Rubber** (811 Progress Road, Chambersburg, PA 17201) for operation of their rubber recycling facility in Chambersburg Borough, **Franklin County**. This action is a renewal of the operating permit issued to the facility in 2001. The operation of this facility will result in estimated emissions of 25.17 tons per year of PM. The renewal operating permit contains all the sources and requirements in the original permit, as well as additional monitoring, recordkeeping and reporting requirements designed to keep the sources operating within all applicable air quality requirements.

**36-03055: Martin Limestone, Inc.** (P. O. Box 550, Blue Ball, PA 17506) for operation of the limestone crushing/screening plant at their Limeville Quarry in Salisbury Township, **Lancaster County**. The State-only operating permit will include emission restrictions, work practice standards, monitoring recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality requirements. This is a renewal of the facility's previous operating permit.

**36-03095: Martin Limestone, Inc.** (P. O. Box 550, Blue Ball, PA 17506) for operation of the clay minerals processing plant at their Narvon Minerals Quarry in Caernarvon Township, **Lancaster County**. The State-only operating permit will include emission restrictions, work practice standards, monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality requirements. This is a renewal of the facility's previous operating permit.

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

**43-00308: Ergon Trucking, Inc.** (944 New Castle Mercer Road, Mercer, PA 16137) to operate crude oil storage and dispensing plant in East Lackawannock Township, **Mercer County**. The sources include three crude oil storage tanks and one loading rack.

**43-00280: Chevron Inc.** (7230 West Market Street, Mercer, PA 16137) for issuance of a natural minor operating permit in Lackawannock Township, **Mercer County**. The facility's emission sources include a surface coating operation, assembly cleaning, and miscellaneous natural gas usage. All appropriate conditions from previous plan approvals and operating permits have been incorporated into this permit.

*Department of Public Health, Air Management Services, 321 University Avenue, Philadelphia, PA 19104, Edward Brawn, Chief, (215) 685-9476.*

**S04-014: Kraft Foods Global, Inc.** (12000 East Roosevelt Boulevard, Philadelphia, PA 19116) for operation of a baking facility in the City of Philadelphia, **Philadelphia County**. The facility's air emission source includes two 38.0 mmBtu/hr boilers, six nonyeast baking ovens, two yeast-baking ovens controlled by a catalytic oxidizer and material handling with a central vacuuming system, particulate controls and baghouse.

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 applica-

tion within 30 days of this publication, or within 30 days after the last publication of the applicant's newspaper advertisement, as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34.

Where any of the mining activities listed will have discharges of wastewater to streams, the Department will incorporate NPDES permits into the mining activity permits issued in response to these applications. NPDES permits will contain, at a minimum, technology-based effluent limitations as identified in this notice for the respective coal and noncoal applications. In addition, more restrictive effluent limitations, restrictions on discharge volume or restrictions on the extent of mining which may occur will be incorporated into a mining activity permit, when necessary, for compliance with water quality standards (in accordance with 25 Pa. Code Chapters 93 and 95). Persons or agencies who have requested review of NPDES permit requirements for a particular mining activity within the previously mentioned public comment period will be provided with a

30-day period to review and submit comments on the requirements.

Written comments or objections should contain the name, address and telephone number of the person submitting comments or objections; the application number; and a statement of sufficient detail to inform the Department on the basis of comment or objection and relevant facts upon which it is based. Requests for an informal conference must contain the name, address and telephone number of requestor; the application number; a brief summary of the issues to be raised by the requestor at the conference; and a statement whether the requestor wishes to have the conference conducted in the locality of the proposed mining activities.

*Coal Applications Received*

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

<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Iron (total)	3.0 mg/l	6.0 mg/l	7.0 mg/l
Manganese (total)	2.0 mg/l	4.0 mg/l	5.0 mg/l
Suspended solids	35 mg/l	70 mg/l	90 mg/l
pH*		greater than 6.0; less than 9.0	
Alkalinity greater than acidity*			

\* The parameter is applicable at all times.

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

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

**30841319 and NPDES Permit No. PA0043559. Consolidation Coal Company** (1800 Washington Road, Pittsburgh, PA 15241), to renew the permit for the Blacksville Mine No. 1 in Wayne Township, **Greene County** and related NPDES permit for reclamation only. No additional discharges. Application received: May 4, 2006.

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, (814) 472-1900.*

**11060102 and NPDES No. PA0262200. E. P. Bender Coal Company, Inc.** (P. O. Box 594, Carrolltown, PA 15722) commencement, operation and restoration of a bituminous surface-auger mine in Reade Township, **Cambria County**, affecting 73.0 acres. Receiving streams: Fallentimber Run and UNTs to Fallentimber Run classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received: June 20, 2006.

**32970105 and NPDES No. PA0234419. TLH Coal Company** (4401 Pollock Road, Marion Center, PA 15759), revision of an existing bituminous surface mine to change the land use from wildlife habitat to pastureland in Grant Township, **Indiana County**, affecting 54.2 acres. Receiving stream: East Run classified for the following use:

HQ-CWF. There are no potable water supply intakes within 10 miles downstream. Application received: June 26, 2006.

**32990103 and NPDES No. PA0212687. TLH Coal Company** (4401 Pollock Road, Marion Center, PA 15759), revision of an existing bituminous surface mine to change the land use from woodland and wildlife habitat to unmanaged natural habitat in Grant Township, **Indiana County**, affecting 30.1 acres. Receiving streams: UNT to/and East Run classified for the following use: HQ-CWF. There are no potable water supply intakes within 10 miles downstream. Application received: June 26, 2006.

**32950108 and NPDES No. PA0213241. TLH Coal Company** (4401 Pollock Road, Marion Center, PA 15759), revision of an existing bituminous surface mine to change land use from wildlife habitat to unmanaged natural habitat in East Mahoning Township, **Indiana County**, affecting 52.6 acres. Receiving streams: Dixon Run and UNTs to Rayne Run classified for the following use: CWF. The first downstream potable water supply intake from the point of discharge is Indiana County Municipal Authority Crooked Creek SWW and Pa. American Water Company Two Lick Creek. Application received: June 26, 2006.

**17960101 and NPDES No. PA0220256. Sky Haven Coal, Inc.** (5510 State Park Road, Penfield, PA 15849), permit renewal for the continued operation and restoration of a bituminous surface mine in Morris Township, **Clearfield County**, affecting 184.8 acres. Receiving streams: Hawk Run and two UNTs. There are no potable water supply intakes within 10 miles downstream. Application received: June 15, 2006.

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, (814) 342-8200.*

**14940101 and NPDES No. PA0219932. Junior Coal Contracting, Inc.** (2330 Six Mile Road, Philipsburg, PA

16866), permit renewal for the continued operation and restoration of a bituminous surface mine in Rush Township, **Centre County**, affecting 522.0 acres. Receiving streams: UNT to Moshannon Creek to the West Branch of the Susquehanna River. There are no potable water supply intakes within 10 miles downstream. Application received: June 16, 2006.

**17060106 and NPDES No. PA0256386. King Coal Sales, Inc.** (P. O. Box 712, Philipsburg, PA 16866), commencement, operation and restoration of a bituminous surface mine in Morris Township, **Clearfield County**, affecting 29.0 acres. Receiving streams: Flat Run; UNT to Sulphur Run; UNT to Moshannon Creek; classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received: June 1, 2006.

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

<sup>1</sup> The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applied to surface runoff resulting from a precipitation event of less than or equal to a 10-year 24-hour event. If coal will be extracted incidental to the extraction of noncoal minerals, at a minimum, the technology-based effluent limitations identified under coal applications will apply to discharges of wastewater to streams.

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, (814) 342-8200.*

**08970821. Taylor Flagstone** (R. R. 2, Box 60, Wysox, PA 18854). Transfer permit from Thomas J. Bolles for continued operation of a small non-coal (bluestone) surface mine permit in Warren Township, **Bradford County**, affecting 5.0 acres. Receiving stream: Wappasening Creek, tributary to Susquehanna River. Transfer application received: June 16, 2006.

**08940806. Johnson Quarries, Inc.** (P. O. Box 136, LeRaysville, PA 18829). Transfer permit from Jerry L. Johnson for continued operation of a small noncoal (flagstone/bluestone) surface mine permit in Stevens Township, **Bradford County**, affecting 2.0 acres. Receiving stream: UNT to Wyalusing Creek. Transfer application received: June 19, 2006.

**08010803. Johnson Quarries, Inc.** (P. O. Box 136, LeRaysville, PA 18829). Transfer permit from Jerry L. Johnson for continued operation of a small noncoal (flagstone) surface mine permit in Wilmet Township, **Bradford County**, affecting 5.0 acres. Receiving stream: Sugar Run Creek, tributary to Susquehanna River. Transfer application received: June 19, 2006.

**08012801. Johnson Quarries, Inc.** (P. O. Box 136, LeRaysville, PA 18829). Transfer permit from Jerry L. Johnson for continued operation of a small noncoal (flagstone) surface mine permit in Tuscarora Township, **Bradford County**, affecting 1.0 acre. Receiving stream: Wyalusing Creek, tributary to Susquehanna River. Transfer application received: June 19, 2006.

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

**7475SM3A1C8 and NPDES Permit No. PA0612308. Keystone Cement Company** (P. O. Box A, Route 329,

**17030120 and NPDES No. PA0243663. Sky Haven Coal, Inc.** (5510 State Park Road, Penfield, PA 15849), revision of an existing bituminous surface-auger mine in Beccaria Township, **Clearfield County**, affecting 79.4 acres. Receiving streams: UNT to Banian Run, classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received: June 23, 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:

Bath, PA 18014). Renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in East Allen Township, **Northampton County**, receiving stream: Monocacy Creek classified for the following use: cold water fishes. Application received: June 20, 2006.

**58920804. Michael Mordovancey** (R. R. 1 Box 1542, Friendsville, PA 18818). Stages I and II bond release for a quarry operation in Choconut Township, **Susquehanna County** affecting 3.0 acres on property owned by Albert and Doris Stickney. Application received: June 26, 2006.

**58060301 and NPDES Permit No. PA0224553. BS Quarries, Inc.** (R. R. 3, Box 324A-1, Montrose, PA 18801). Commencement, operation of a quarry operation and NPDES Permit for discharge of treated mine drainage in Lanesboro Borough and Harmony Township, **Susquehanna County** affecting 465.6 acres, receiving stream: intermittent tributary to Starrucca Creek, classified for the following use: CWF. There are no potable drinking water supplies within 10 miles. Application received: June 26, 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 accommodation to participate in the proceedings should contact the specified program. TDD users should contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

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

**WATER OBSTRUCTIONS AND ENCROACHMENTS**

*Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701, (570) 327-3636.*

**E18-409. Department of Transportation, Engineering District 2-0**, 1924-30 Daisy Street Extension, P. O. Box 342, Clearfield, PA 16830. SR 2004, Section A03, Structure Replacement over Duck Run in Lamar Township, **Clinton County**, ACOE Baltimore District (Mill Hall, PA Quadrangle N: 11.75 inches; W: 12.75 inches).

To remove the existing bridge, then to construct, operate and maintain a prestressed concrete spread box beam bridge with a 47-foot 9 1/4-inch clear span, a minimum underclearance of 7.05 feet and on a 70° skew across Duck Run located immediately south of the SR 2004 and T-352 Duck Run Road intersection. This project proposes to permanently impact 80 linear feet of Duck Run, which is classified as HQ-CWF, to permanently impact 0.028 acre of wetland and temporarily impact 0.010 acre of wetland.

**E59-478. Signor Brothers**, Box 98, Arnot, PA 16911. Water Obstruction and Encroachment Joint Permit Application, in Bloss Township, **Tioga County**, ACOE Susquehanna River Basin District (Blossburg, PA Quadrangle N: 6.54 inches; W: 13.98 inches).

To construct and maintain a metal culvert 9-feet in diameter, 40 feet long and a CMP overflow culvert 4-feet in diameter, 35 feet long on a skew of 90° in Johnson Creek, 0.7 mile north of the int. of SR 2016 and proposed access road. This project proposes to permanently impact 40 linear feet of Johnson Creek, which is, designated a CWF stream and does not propose to impact any jurisdictional wetlands.

**ENVIRONMENTAL ASSESSMENTS**

*Cambria District: Environmental Program Manager, 286 Industrial Pike Road, Ebensburg, PA 15931-4119.*

**EA1009-005. Department of Environmental Protection, Bureau of Abandoned Mine Reclamation**, Cambria Office, 286 Industrial Park Rd., Ebensburg, PA

15931. Abandoned Mine Land Reclamation Project, in Cherry Township, **Butler County**, Pittsburgh ACOE District.

The applicant proposes to backfill an abandoned surface mine, which includes a total of 1,600 linear feet of dangerous highwall. The project will include the backfilling of 0.51 acre of PEM wetland that has developed within the open surface mine pits. (Eau Claire Quadrangle N: 5.2 inches, W: 6.5 inches).

**EA0309-001. Department of Environmental Protection, Bureau of Abandoned Mine Reclamation**, Cambria Office, 286 Industrial Park Road, Ebensburg, PA 15931. Abandoned Mine Land Reclamation Project, in Redbank Township, **Armstrong County**, Pittsburgh ACOE District.

The applicant proposes to backfill an abandoned surface mine, which includes a total of 1,600 linear feet of dangerous highwall. The project will include the backfilling of 0.2 acre of PEM wetland that has developed within the open surface mine pit. (Distant Quadrangle N: 15 inches, W: 1.5 inches).

*Central Office: Bureau of Waterways Engineering, Rachel Carson State Office Building, Floor 3, 400 Market Street, Harrisburg, PA 17105.*

**D55-044EA. Department of Conservation and Natural Resources, Bureau of State Parks**, P. O. Box 8451, Harrisburg, PA 17105-8451 Monroe and Upper Augusta Townships, **Snyder and Northumberland Counties**, ACOE Baltimore District.

Project proposes to repair the Adam T. Bower Memorial Dam across the Susquehanna River (WWF) for recreational purposes. The project will involve replacing Bag Nos. 4 and 5 and repairing Bag No. 2. The project proposes to place 1.9 acres of rock into the Susquehanna River to construct a causeway and workpad downstream of the dam to perform the repairs. The dam is located approximately 3,000 feet east of the intersection of US 11 and SR 61 (Sunbury, PA Quadrangle, N: 18.2", W: 7.8").

**D35-053EA. Aqua Pennsylvania, Inc.**, 204 East Sunbury Street, Shamokin, PA 17872-4859 Covington Township, **Lackawanna County**, ACOE Baltimore District.

Project proposes to breach and remove a unnamed dam across a tributary to Roaring Brook (HQ-CWF) for the purpose of eliminating a threat to public safety and restoring the stream to a free flowing condition. The project will restore approximately 400 linear feet of stream channel. The dam is located approximately 1,000 feet east of the intersection of SR 435 and Fox Hound Road (T-343) (Moscow, PA Quadrangle N: 12.90 inches; W: 0.90 inch).

**D35-081EA. Pennsylvania-American Water Company**, 100 Pennsylvania Avenue, Wilkes-Barre, PA 18701 Spring Brook Township, **Lackawanna County**, ACOE Baltimore District.

Project proposes to modify Watres Dam across Spring Brook (HQ-CWF). The project proposes to re-grade the downstream slope of the embankment with rock to improve issues associated with slope stability, incorporate a drainage blanket and relief wells to address issues associated with embankment seepage and widen the spillway to address issues associated with spillway capacity. The project will permanently impact 0.06 acre of Palustrine Emergent wetlands (PEM) and 228 linear feet of stream channel. The applicant proposes to construct 0.07 acre of replacement wetlands onsite. The dam is located approximately 3800 feet southwest of the intersection of SR 502 and SR 690 (Moscow, PA Quadrangle, N: 8.0", W: 16.2").

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**ACTIONS**


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

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

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

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

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

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

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

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**I. NPDES Renewal Permit Actions**


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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0012998 (IW)	Atlas Minerals & Chemicals, Inc. 1227 Valley Road P. O. Box 38 Mertztown, PA 19539-0038	Berks County Longswamp Township	Toad Creek 2-C	Y
PA0084328 (SEW)	LWB Refractories Company P. O. Box 1189 York, PA 17405	York County West Manchester Township	UNT of Honey Run 7-F	Y
PA0083704 (IW)	Shippensburg Borough Authority P. O. Box 129 Shippensburg, PA 17257-0129	Franklin County Lurgan Township	Trout Run 7-B	Y

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0088111 (IW)	Fire Chiefs and Fire Fighters Association of York County 330 Emig Road Emigsville, PA 17318	York County Manchester Township	UNT Codorus Creek 7-H	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N</i>
PA0092525 Sewage	Scottdale Manor Rehabilitation Center, LLC 900 Porter Avenue Scottdale, PA 15683	Westmoreland County East Huntingdon Township	UNT of Jacobs Creek	Y
PA0218910 Sewage	Charles J. Vrabel, Jr. 13 Dewey Lane Gibsonia, PA 15044	Allegheny County Richland Township	UNT to South Branch Glade Run	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0238619	Chestnut Grove Master Homeowners Association 198 Saxonburg Road Butler, PA 16001	Franklin township Butler County	Mulligan Run 20-C	Y
PA0104108	North Beaver Township Municipal Authority—Hickory View Terrace 861 Mount Jackson Road New Castle, PA 16102	North Beaver Township Lawrence County	Hickory Run 20-B	Y
PA0001481	Marcegaglia USA, Inc.—Damascus Tube Company 1001 East Waterfront Drive Munhall, PA 15120	Pymatuning Township Mercer County	Shenango River 20-A	Y

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

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

**NPDES Permit No. PA0057479**, Industrial Waste, **Metro Machine Corporation**, P. O. Box 1860, Norfolk, VA 23501. This proposed facility is located in City of Philadelphia, **Philadelphia County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge from a facility located at 5120 South 17th Street into the Delaware River Estuary (Zone 4).

**NPDES Permit No. PA0054241**, Industrial Waste, **121 Point Breeze Terminal, LLC**, 4350 Haddonfield Road, Suite 200, Pennsauken, NJ 08109. This proposed facility is located in City of Philadelphia, **Philadelphia County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge treated stormwater from the Petroleum Marketing Terminal into the Schuylkill River in Watershed 3F.

**NPDES Permit No. PA0026859 Amendment No. 2**, Sewage, **Pennsylvania American Water Company**, 4 Wellington, Boulevard, Wyomissing, PA 19610. This proposed facility is located in South Coatesville Borough, **Chester County**.

Description of Proposed Action/Activity: Approval for the amendment to expand and upgrade sewage treatment facility to increase the annual discharge rate to 7.0 mgd into the West Branch Brandywine Creek in Watershed 3H.

**NPDES Permit No. PA0025437 Amendment No. 1**, Sewage, **North Coventry Municipal Authority**, 1485 East Schuylkill Road, P. O. Box 833, Pottstown, PA 19464-0833. This proposed facility is located in North Coventry Township, **Chester County**.

Description of Proposed Action/Activity: Approval for the amendment to increase the wastewater flow to 2.01 mgd into the Schuylkill River in Watershed 3D—Manatawny.

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

**NPDES Permit No. PA0247308, Amendment No. 2**, Sewage, Paul T. Mummau, Jr., 345 North Deodate Road, Middletown, PA 17057. This proposed facility is located in Londonderry Township, **Dauphin County**.

Description of Proposed Action/Activity: Authorization to discharge to UNT Lynch Run in Watershed 7-G.

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

**PA0253103, Industrial Waste, Great Lakes Energy Partners, LLC**, P. O. Box 235, Route 85 and Northern Avenue, Yatesboro, PA 16263. This proposed facility is located in Allegheny Township, **Cambria County**.

Description of Proposed Action/Activity: Permit issuance for authorization to discharge from the Ashville Treatment Facility.

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

**NPDES Permit No. PA0239755**, Sewage, **Linda J. Gilson**, 5785 Lunger Road, Erie, PA 16510. This proposed facility is located in Harborcreek Township, **Erie County**.

Description of Proposed Action/Activity: This is a single residence sewage treatment plant discharging to a UNT to Six Mile Creek.

**NPDES Permit No. PA0239852**, Sewage, **Andrew P. Terwilliger**, 99 Little Gilbert Lane, Bradford, PA 16701. This proposed facility is located in Bradford Township, **McKean County**.

Description of Proposed Action/Activity: This is a single residence sewage treatment plant discharging to a UNT to Willow Creek in Watershed 16C.

### **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. 0906402**, Sewerage, **The Municipal Authority of the Borough of Morrisville**, 35 Union Street, Morrisville, PA 19067. This proposed facility is located in Morrisville Borough, **Bucks County**.

Description of Action/Activity: Rehabilitation of existing wetwell/drywell sewage pump station replacement of pumps, piping and valves electrical equipment.

**WQM Permit No. WQG02230615**, Sewerage, **Middletown Township Sewer Authority**, P. O. Box 9, Lima, PA 19037-0009. This proposed facility is located in Middletown Township, **Delaware County**.

Description of Action/Activity: Construction and operation of a pump station and sewer extension.

**WQM Permit No. 2300404**, Sewerage, **White Horse Village, Inc.**, 535 Gradyville Road, Newtown Square, PA 19073. This proposed facility is located in Edgmont Township, **Delaware County**.

Description of Action/Activity: Upgrades to the existing wastewater treatment plant.

**WQM Permit No. 4601406, Amendment No. 3**, Sewerage, **Lower Salford Township Authority**, P. O. Box 243, Mainland, PA 19451. This proposed facility is located in Lower Salford Township, **Montgomery County**.

Description of Action/Activity: Construction of a 540,000 gallon side-line influent equalization tank.

**WQM Permit No. 1505426**, Sewerage, **New London Township**, 902 State Road, P. O. Box 1002, New London, PA 19360. This proposed facility is located in New London Township, **Chester County**.

Description of Action/Activity: Construction and operation of a pump station and sewage treatment plant.

**WQM Permit No. 0906403**, Sewerage, **Bedminster Municipal Authority**, P. O. Box 92, Bedminster, PA 18910. This proposed facility is located in Bedminster Township, **Bucks County**.

Description of Action/Activity: Construction and operation of a wastewater treatment plant.

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

**WQM Permit No. WQG022205, Pocono Mountains Industrial Park Authority**, 300 Community Drive, Suite D, Tobyhanna, PA 18466.

Description of Proposed Action/Activity: This project is for construction of a sewer extension to convey wastewater from Pocono Mountains Corporate Center West to onsite treatment plant.

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

**WQM Permit No. 0185405, Amendment 06-1**, Sewerage, **Biglerville Borough Authority**, 33 Musselman Avenue, P. O. Box 631, Biglerville, PA 17307. This proposed facility is located in Biglerville Borough and Butler Township, **Adams County**.

Description of Proposed Action/Activity: Approval of the construction and modification of sewerage facilities consisting of replacement of a portion of the East and West Interceptor with larger diameter pipes, the existing influent pumps will be replaced with higher capacity pumps, improvements in the SBR include new influent valves, floating decanters, blowers and chemical feed equipment, Solids Management improvements includes rehabilitation of the both digesters, new aeration system and sludge screen replacement.

**WQM Permit No. WQG01380601**, Sewerage, **Scheri Whitcomb, Laborer's District Council of Eastern Pennsylvania**, 6740 Allentown Boulevard, Harrisburg, PA 17112. This proposed facility is located in East Hanover Township, **Lebanon County**.

Description of Proposed Action/Activity: Approval for the construction/operation of the Laborer's District Council of Eastern Pennsylvania Small Flow Treatment Facility.

**WQM Permit No. 0506402**, Sewerage, **Bedford Township Municipal Authority**, P. O. Box 371, Bedford, PA 15522. This proposed facility is located in Bedford Township, **Bedford County**.



Description of Proposed Action/Activity: Approval for the construction of sewerage facilities consisting of the installation of 12,500 linear feet of 10-inch and 8-inch sanitary sewer piping and all necessary appurtenances.

**WQM Permit No. 2105402 Amendment No. 06-1**, Sewerage, **Shippensburg Borough Authority**, 111 North Fayette Street, P. O. Box 129, Shippensburg, PA 17259. This proposed facility is located in Shippensburg Borough, **Cumberland County**.

Description of Proposed Action/Activity: A permit amendment correcting the permittee name for the sewerage facilities consisting of an addition of BNR by converting the nitrification tanks and building new tanks using a five-stage BNR process with D.O. control. The trickling filters and secondary clarifiers are removed from the process. The lime system components are demolished. Ferric chloride and methanol systems are installed. The trickling filters and secondary clarifiers are abandoned.

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

**WQM Permit No. 3005201**, Industrial Waste, **CNX Gas Company, LLC**, 4000 Brownsville Road, South Park, PA 15129. This proposed facility is located in Jackson Township, **Greene County**.

Description of Proposed Action/Activity: Permit issuance for the construction and operation of industrial wastewater facilities.

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

**WQM Permit No. WQG018469**, Sewerage, **Wayne L. Hepler**, 309 Hill City Road, Cranberry, PA 16319. This proposed facility is located in Richland Township, **Venango County**.

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

**WQM Permit No. 2506401**, Sewerage, **Linda J. Gilson**, 5785 Lunger Road, Erie, PA 16510. This proposed facility is located in Harborcreek Township, **Erie County**.

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

**WQM Permit No. WQG018465**, Sewerage, **Joseph E. and Caroline Swaton**, 7755 Macedonia Road, Bedford, OH 44146. This proposed facility is located in Barnett Township, **Forest County**.

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

**WQM Permit No. WQG018461**, Sewerage, **Andrew Terwilliger**, 99 Little Gilbert Lane, Bradford, PA 16701. This proposed facility is located in Bradford Township, **McKean County**.

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

**WQM Permit No. WQG018473**, Sewerage, **Eric W. Sproveri**, 304 1/2 E. Main Street, Youngsville, PA 16371. This proposed facility is located in Pittsfield Township, **Warren County**.

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

**WQM Permit No. WQG018468**, Sewerage, **Brian A. Miller**, 23511 Fry Road, Venango, PA 16440. This proposed facility is located in Cussewago Township, **Crawford County**.

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

**WQM Permit No. WQG018470**, Sewerage, **Connie C. Todryk**, 12905 California Street, Yucaipa, CA 92399. This proposed facility is located in Pine Grove Township, **Warren County**.

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

**WQM Permit No. 4304410**, Sewerage, **Gary M. Chizmar**, 4639 Pitts Road, Adamsville, PA 16110. This proposed facility is located in Sugar Grove Township, **Mercer County**.

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

**WQM Permit No. WQG018458**, Sewerage, **Michael R. Sorze**, 3144 West 23rd Street, Erie, PA 16506. This proposed facility is located in Girard Township, **Erie County**.

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

**WQM Permit No. WQG018463**, Sewerage, **Gary E. Hawk**, 17632 S. Norrisville Road, Conneautville, PA 16406. This proposed facility is located in Hayfield Township, **Crawford County**.

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

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

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

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI011506035	Margaret Hart Williamson 322 Little Elk Creek Lincoln University, PA 19352	Chester	East Nottingham Township	East Branch Big Elk Creek (HQ-TSF-MF)

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; 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
PAI030506003	Bedford Township Municipal Authority P. O. Box 371 Bedford, PA 15522	Bedford	Bedford Township	Shober's Run HQ-CWF
PAI030605007	Stephen Cushman Robert Sharp 503 West Lincoln Highway Exton, PA 19341	Berks	Ruscombmanor Township	Furnace Creek Willow Creek HQ-CWF, CWF
PAI0306030071	Mark Schroetel Bear Creek Mountain Real Estate, LLC 101 Doe Mountain Road Macungie, PA 18062	Berks	Longswamp Township	Swabia Creek/Little Lehigh Creek HQ-CWF

#### **VII. Approvals to Use NPDES and/or Other General Permits**

The EPA Region III Administrator has waived the right to review or object to this permit action under the waiver provision 40 CFR 123.23(d).

#### **List of NPDES and/or Other General Permit Types**

PAG-1	General Permit for Discharges from Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated with Construction Activities (PAR)
PAG-3	General Permit for Discharges of Stormwater from Industrial Activities
PAG-4	General Permit for Discharges from Single Residence Sewage Treatment Plants
PAG-5	General Permit for Discharges from Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges from Combined Sewer Systems
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Nonexceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines
PAG-11	(To Be Announced)
PAG-12	CAFOs
PAG-13	Stormwater Discharges from MS4

*General Permit Type—PAG-2*

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Doylestown Township Bucks County	PAG2000906050	Central Bucks School District 320 West Swamp Road Doylestown, PA 18901	Cooks Run (WWF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900

## NOTICES

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<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Warminster Township Bucks County	PAG2000906042	Centennial School District 433 Centennial Road Warminster, PA 18974	Southampton Creek (TSF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Radnor Township Delaware County	PAG2002305048	Proclamation Presbyterian Church 278 South Bryn Mawr Road Bryn Mawr, PA 19010	Darby Creek (TSF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Upper Darby Township Delaware County	PAG2002306020	Monsignor Bonner High School Lansdowne Ave. and Garrett Road Drexel Hill, PA 19026	Cobbs Creek (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Ridley Township Delaware County	PAG2002306026	Ridley School District 901 Martin Avenue Folsom, PA 19033	Little Crum Creek (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Lower Providence Township Montgomery County	PAG2004606002	B & D Land Development, LLC 265 Carmen Drive Collegetown, PA 19426	UNT Perkiomen Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Worcester Township Montgomery County	PAG20046048741	Homsher Hill, LLC 1805 Berks Road Worcester, PA 19490	Stony Creek (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Worcester Township Montgomery County	PAG2004606006	Richard D. Zaveta 4030 Sky Run, Suite H Doylestown, PA 18901	Zacharias Creek (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Cheltenham Township Montgomery County	PAG2004606092	Cheltenham Township School District 100 Ashborne Road Elkins Park, PA 19027	Tacony Creek (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
New Hanover Township Montgomery County	PAG2004604193	Tevl Corporation 528 Main Street Suite 101 Harleysville, PA 19438	Swamp Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Lower Gwynedd Township Montgomery County	PAG2004606022	Gwynedd Gate, Ltd. 120 South Main Street Doylestown, PA 18901	UNT Trewellyn Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Upper Moreland Township Montgomery County	PAG2004605226	Bruce Michaels Realty Partners, LP 636 Old York Road 2nd Floor Jenkintown, PA 19046	Pennypack Creek (TSF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Abington Township Montgomery County	PAG2004606011	Abington Township 1176 Old York Road Abington, PA 19001	Pennypack Creek (TSF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Lower Salford Township Montgomery County	PAG2004605206	Lower Electric, Inc. 8 Cherry Street Hatfield, PA 19440	UNT Skippack Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Shrewsbury Township York County	PAG2006706056	Presidential Heights Stephen Anderson 10883 Oak Ridge Ave. Red Lion, PA 17356	Deer Creek CWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Windsor Township York County	PAG2006706028	Shawnee Manor Kenneth Stoltzfus 3375 Cape Horn Road Red Lion, PA 17356	Kreutz Creek WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Dover Township York County	PAR10Y3361R	Ashcombe Farms Sub. Country Square Partnership Vernon Anderson 1613 S. Mountain Road Dillsburg, PA 17019	Fox Run TSF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Springettsbury Township York County	PAG2006706036	Tim Rutter CHR Corp 2295 Susquehanna Tr. York, PA 17404	Mill Creek WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
North Codorus Twp York County	PAG2006705072	Steve Moore Department of Transportation 2140 Herr Street Harrisburg, PA 17103	Codorus Creek WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Manchester Borough York County	PAG2006706035	Dr. Dennis Baughman Northeastern School Dist. 21 Harding St. Manchester, PA 17345	Hartman Run WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Dover Township York County	PAG2006705112	Donald Zeigler Donwood Estates 2395 Belair Drive Dover, PA 17315	UNT to Fox Run TSF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Bud Avenue Residential Subdivision New Oxford Borough Adams County	PAG2000105015	Steven L. King 322-R Main Street McSherrystown, PA 17344	UNT to South Branch of Conewago Creek WWF	Adams County Conservation District 670 Old Harrisburg Road, Suite 201 Gettysburg, PA 17325 (717) 334-0636
Arendtsville Elementary New Bus Drop Off and Parking Lot Arendtsville Borough Adams County	PAG2000106017	Michael Cline Upper Adams School District 161 N. Main Street Biglerville, PA 17307	UNT to West Branch of Conewago Creek WWF	Adams County Conservation District 670 Old Harrisburg Road, Suite 201 Gettysburg, PA 17325 (717) 334-0636
Proposed Bridge Replacement, SR 0234, Section 008 East Berlin Borough Adams County	PAG2000106009	Jon Ulring, P. E. PA DOT, District 8-0 2140 Herr Street Harrisburg, PA 17103-1699	Beaver Creek WWF	Adams County Conservation District 670 Old Harrisburg Road, Suite 201 Gettysburg, PA 17325 (717) 334-0636
Oxford Glen New Oxford Oxford Township Adams County	PAG2000106014	Tom Darragh TCY Enterprises, LLC 43-R Fredrick Street Hanover, PA 17331	Pine Run WWF	Adams County Conservation District 670 Old Harrisburg Road, Suite 201 Gettysburg, PA 17325 (717) 334-0636
Simme Valley Estates (June 2006) Oxford Township Adams County	PAG2000606022	Harry P. McKean Palmer Development Group, Inc. 209 Locust Street P. O. Box 644 East Berlin, PA 17316	South Branch of Conewago Creek WWF	Adams County Conservation District 670 Old Harrisburg Road, Suite 201 Gettysburg, PA 17325 (717) 334-0636

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<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
HADCO Products Inc. Littlestown Borough Adams County	PAG2000106011	Mark Batey HADCO Products, Inc. 100 Craftway Drive Littlestown, PA 17340	Piney Creek WWF	Adams County Conservation District 670 Old Harrisburg Road, Suite 201 Gettysburg, PA 17325 (717) 334-0636
Bethel Township Lebanon County	PAG2003806016	Dr. Don Bell North Lebanon School District P. O. Box 100 Fredericksburg, PA 17026	Little Swatara Creek WWF	Lebanon County Conservation District 2120 Cornwall Road, Suite 5 Lebanon, PA 17042 (717) 272-3908, Ext. 4
Union Township Lebanon County	PAG2003806004	Kenneth E. Boltz Col, FI PAARNG—Contracting Officer PFO-RM-PEVE/FTIG Annville, PA 17003-5003	Aires Run WWF	Lebanon County Conservation District 2120 Cornwall Road, Suite 5 Lebanon, PA 17042 (717) 272-3908, Ext. 4
Centre County Patton Township	PAG2001406009	United Entertainment Crop.—Premiere Theatre 2700 1st Street, North Suite 200 St. Cloud, MN 56303	Big Hollow Run CWF	Centre County Conservation District 414 Holmes Avenue Suite 4 Bellefonte, PA 16823 (814) 355-6817
Clearfield County Curwensville Borough	PAG2001706007	Department of Transportation 1924-30 Daisy St. Clearfield, PA 16830	Anderson Creek CWF	Clearfield County Conservation District 650 Leonard Street Clearfield, PA 16830 (814) 765-2629
Clearfield County Wallaceton Borough and Boggs Township	PAG2001706009	R. B. Krise Development 5949 Shiloh Road Woodland, PA 16881	Laurel Run CWF	Clearfield County Conservation District 650 Leonard Street Clearfield, PA 16830 (814) 765-2629
Snyder County Monroe Township	PAG2005506009	Cindy Romig P. O. Box 632 Shamokin Dam, PA 17876	UNT to Susquehanna River WWF	Snyder County Conservation District 403 W. Market St. Middleburg, PA 17842 (570) 837-0007, Ext. 112
Snyder County Penn Township	PAG2005506010	Ricky Romig P. O. Box 183 Shamokin Dam, PA 17876	Trib. to Penns Creek CWF Trib. to Monongahela Creek CWF	Snyder County Conservation District 403 W. Market St. Middleburg, PA 17842 (570) 837-0007, Ext. 112
Beaver County Center Township	PAG2000406008	Tony Amadio Center Township Board of Sup. 224 Center Grange Road Aliquippa, PA 15001	UNT to Ohio River (WWF)	Beaver County CD 724-378-1701
Beaver County Hopewell Township	PAG2000406015	Chris Passodellis Arctic Partners, L.P 230 Adams Point Boulevard, Suite 10 Mars, PA 16046	UNT to Raredon Run (WWF)	Beaver County CD 724-378-1701
Washington County Union Township	PAG2006304017	Quaker Engineering Company P. O. Box 459 Bridgeville, PA 15017	Peters Creek (TSF)	Washington County CD 724-228-6774

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Westmoreland County Rostraver Township	PAG2006506007	Eugene Lakin Westmoreland County Airport 200 Pleasant Unity Road Latrobe, PA 15650	Beckets Run (WWF)	Westmoreland County CD 724-837-5271
Westmoreland County Penn Township	PAG2006506013	Advanced Man. Tech. 9001 Corporate Circle Export, PA 15632	UNT to Turtle Creek (TSF)	Westmoreland County CD 724-837-5271
Westmoreland County Murrysville	PAG2006506014	Forest Ridge Development P. O. Box 42 Murrysville, PA 15668	UNT to Turtle Creek (WWF)	Westmoreland County CD 724-837-5271
Westmoreland County Upper Burrell Township	PAG2006506015	General Industries 15 Artzen Boulevard Charleroi, PA 15022	UNT to Pucketa Creek (TSF)	Westmoreland County CD 724-837-5271
Westmoreland County Mt. Pleasant Township.	PAG2006506016	S & A Homes 421 Route 228 Valencia, PA 16059	Shoup Run (WWF)	Westmoreland County CD 724-837-5271
Westmoreland County Penn Township	PAG2006506022	Pennekamp Enterprises, Inc. 6001 Enterprise Drive Export, PA 15632	UNT to Turtle Creek (TSF)	Westmoreland County CD 724-837-5271
Westmoreland County Upper Burrell Township	PAG2006506023	Shawn P. Connelly 616 H. Beatty Road Monroeville, PA 15146	UNT to Pucketa Creek (TAF)	Westmoreland County CD 724-837-5271
Butler County Slippery Rock Borough	PAG2001006001	K. C. Lezzer Stonecrest Development Group, LP 332 Schofield Street P. O. Box 163 Curwensville, PA 16833	UNT Slippery Rock Creek CWF	Butler Conservation District (724) 284-5270
Butler County Adams Township	PAG2001006003	Morning Grove Manor James C. Rumbaugh Meritage Group, LP 772 Pine Valley Drive Pittsburgh, PA 15239	UNT Breakneck Creek WWF	Butler Conservation District (724) 284-5270
Clarion County Madison Township	PAG2061605006	Union School District 354 Baker Street Suite 2 Rimersburg, PA 16248	Tributary Wildcat Run (CWF)	Department of Environmental Protection, Watershed Management 230 Chestnut Street Meadville, PA 16335
Elk County City of St. Marys	PAG2002406003	Joe Bologna St. Marys Municipal Airport 119 Airport Road P. O. Box 89 St. Marys, PA 15857	Tributary Trout Run CWF	Elk Conservation District (814) 776-5373
McKean County Port Allegany Borough	PAG2064206003	Seneca Highlands Area Vocational Technical School 119 Mechanic Street Smethport, PA 16749	Lillibridge Creek (CWF)	Department of Environmental Protection, Watershed Management 230 Chestnut Street Meadville, PA 16335
Mercer County City of Hermitage	PAG2004306004	Sharon Regional Health System 740 E. State Street Sharoin, PA 16146	Baker Run WWF	Mercer Conservation District (724) 662-2242

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<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Warren County Sugar Grove Township and Sugar Grove Borough	PAG2006205002	Peter Landin T. P. Bohica, LLC 523 S. Washington Street Easton, MD 21601	UNT Stillwater Creek CWF	Warren Conservation District (814) 563-3117
<i>General Permit Type—PAG-3</i>				
<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
City of Philadelphia Philadelphia County	PAR600030	Orthodox Auto Co., Inc. 5247 Unruh Ave Philadelphia, PA 19135	Schuylkill River 3J Watershed	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5970
Hatfield Township Montgomery County	PAR120016	Hatfield Quality Meats 2700 Clements Rd. Hatfield, PA 19440	UNT to Skippack Creek 3E Watershed	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5970
Cheltenham Township Montgomery County	PAR800141	Laidlaw Transit Inc. 827 E. Glenside Ave. Wyncote, PA 19095	Pennypack Creek 3J Watershed	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5970
Bristol Township Bucks County	PAR800139	Laidlaw Transit Inc. 2201 Green Lane Levittown, PA 19057	UNT to Delaware River 2E Watershed	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5970
Bristol Township Bucks County	PAR230015	Graham Packaging Co., LP 6300 S. Bristol Pk. Levittown, PA 19057	Delaware River 2E Watershed	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5970
Pine Grove Township Schuylkill County	PAR502204	Pine Grove Landfill, Inc. 193 Schultz Road Pine Grove, PA 17963	UNT to Swatara Creek	DEP—NERO Water Mgmt. Program 2 Public Square Wilkes-Barre, PA 18711-2511 (570) 826-2511
York County Manchester Township	PAR213555	Old Castle APG Northeast, Inc. Trenwyth Industries (Astra Glaze Plant) 7920 Notes Drive Manassas, VA 20109	Codorus Creek WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
York County Manchester Township	PAR213556	Old Castle APG Northeast, Inc. Trenwyth Industries (Trendstone Plant) 7920 Notes Drive Manassas, VA 20109	UNT Codorus Creek WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Berks County Spring Township	PAR803693	Reading Terminals Corporation Sinking Spring West Bulk Petroleum Storage Terminal 900 Eisenhower Blvd. P. O. Box 2621 Harrisburg, PA 17105	Cacoosing Creek WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Juniata County Susquehanna Township	PAR223531	Excel Homes, LLC R. R. 2, Box 683 Liverpool, PA 17045-9518	Susquehanna River WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707

*Facility Location:  
Municipality &  
County*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Berks County Caernarvon Township	PAR233526	Richardsapex Inc. Morgantown Plant 4202-24 Main Street Philadelphia, PA 19127-1698	UNT Conestoga River WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Parker City Armstrong County	PAR226119	Universal Forest Products Eastern Division, Inc. 2801 East Beltline Grand Rapids, MI 49525	Allegheny River	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Oil Creek Township Crawford County	PAR228339	Weyerhaeuser Choicewood Inc. 11117 Skyline Drive Titusville, PA 16354	Pine Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Pymatuning Township Mercer County	PAR228338	Woodcraft Industries, Inc. 62 Grant Road Greenville, PA 16148	UNT tributary to Big Run	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
City of New Castle, Lawrence County	PAR808382	Laidlaw Transit, Inc. 150 Grossman Drive Braintree, MA 02184-4952	Shenango River	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

*General Permit Type—PAG-4**Facility Location &  
Municipality*

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Berks County Douglass Township	PAG043538	Walter A. and Stacia K. Jablonski, Jr. 186 Hill School Road Douglass, PA 19518	UNT Schuylkill River WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Richland Township Venango County	PAG049258	Wayne L. Hepler 309 Hill City Road Cranberry, PA 16319	UNT to Mill Creek 16-G	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Shenango Township Mercer County	PAG049246	Emily and Peter Daloni SFTF 2646 Mercer-West Middlesex Road	UNT to Hogback Run 20-A	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Barnett Township Forest County	PAG049254	Joseph E. and Caroline Swaton 7755 Macedonia Road Bedford, OH 44146	Henry Run 17B	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Venango Township Crawford County	PAG049264	Gary D. Hope 20268 Gospel Hill Road Saegertown, PA 16433	UNT to French Creek 16-A	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942



*General Permit Type—PAG-5*

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
City of Pittsburgh Allegheny County	PAG056124	On Line, Inc. 12000 Frankstown Road Suite 104 Pittsburgh, PA 15235	UNT to Moon Run	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh PA 15222-4745 (412) 442-4000

*General Permit Type—PAG-9 (SSN)*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Site Name &amp; Location</i>	<i>Contact Office &amp; Phone No.</i>
City of St. Marys Elk County	PAG098309	John Buerk 1039 Brusselles Street St. Marys, PA 15857	Buerk's Septic Service 1039 Brusselles Street St. Marys, PA 15857	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

**PUBLIC WATER SUPPLY (PWS)  
PERMITS**

The Department of Environmental Protection has taken the following actions on applications received under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17) for the construction, substantial modification or operation of a public water system.

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

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

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

**SAFE DRINKING WATER**

**Actions taken under the Pennsylvania Safe Drinking Water Act**

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

<b>Permit No. 4606501</b>	Public Water Supply.
Applicant	<b>Exelon Nuclear Limerick Generating Station</b> 3146 Sanatoga Road Pottstown, PA 19464
Township	Limerick
County	<b>Montgomery</b>
Type of Facility	PWS
Consulting Engineer	Ruby Engineering 3605 Island Club Drive, No. 9 North Port, FL 34288-8672
Permit to Construct Issued	June 21, 2006
<b>Permit No. 2305505</b>	Public Water Supply.
Applicant	<b>Chester Water Authority</b> 415 Welsh Street Chester, PA 19016
Townships	Little Britain and Fulton
County	<b>Lancaster</b>
Type of Facility	PWS
Consulting Engineer	CET Engineering Services 1240 North Mountain Road Harrisburg, PA 17112
Permit to Construct Issued	June 21, 2006
<b>Permit No. 4606503</b>	Public Water Supply.
Applicant	<b>Superior Water Company</b> 2960 Skippack Pike Worcester, PA 19490-0127
Township	Pottsgrove
County	<b>Montgomery</b>
Type of Facility	PWS
Consulting Engineer	Entech Engineering, Inc. 4 S. Fourth Street Reading, Pa 19603
Permit to Construct Issued	June 23, 2006

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

**Permit No. 2450119**, Public Water Supply.

Applicant **Pennsylvania-American Water Co**  
Middle Smithfield Township  
**Monroe County**

Responsible Official Nick Rowe, VP  
Service Delivery  
PAWC  
800 West Hersheypark Drive  
Hershey, PA 17033

Type of Facility PWS

Consulting Engineer William J. Malos, P. E.  
PAWC  
100 Pennsylvania Avenue  
Wilkes-Barre, PA 18701

Permit Issuance Date June 26, 2006

Description of Action Operations permit for PWS facilities constructed under Permit 4503508 issued 2/1/05 (Well No. 5) and a partial operations permit for PWS facilities constructed under Permit 4503505 issued 2/1/05 (Treatment Building).

**Permit No. 2520037**, Public Water Supply.

Applicant **Aqua PA Inc.**  
Lackawaxen Township  
**Pike County**

Responsible Official Steve Clark  
Aqua PA Inc.  
HC 6, Box 6040  
Hawley, PA 18428

Type of Facility PWS

Consulting Engineer Douglas Berg, P. E.  
Entech Engineering Inc  
P. O. Box 32  
Reading, PA 19603

Permit Issuance Date June 23, 2006

Description of Action Operations permit for PWS facilities constructed under Minor Permit Amendments issued 6/21/02 (interconnection and 0.5 mg storage tank) and 4/12/03 (disinfectant change)

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

**Permit No. 5206501**, Public Water Supply.

Applicant **Pennsylvania-American Water**  
Lehman Township  
**Pike County**

Responsible Official Michael Youshock, Project Engineer  
PA-American Water  
Saw Creek Estates  
Box 1083  
Bushkill, PA 18324  
(570) 830-6538

Type of Facility Community Water System

Permit Issuance Date June 23, 2006

Description of Action PWS permit issued for construction of a second booster pump station to serve the Timothy Lake service area at Saw Creek Estates and construction of a booster pump station to replace Booster Station 2A at Saw Creek Estates.

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

**Permit No. 2805501**, Public Water Supply.

Applicant **Washington Township Municipal Authority**

Municipality Washington Township

County **Franklin**

Type of Facility Construction of a 1.267 million gallon storage tank and related appurtenances.

Consulting Engineer Harry E. Bingaman, P. E.  
Glace Assoc., Inc.  
3705 Trindle Rd.  
Camp Hill, PA 17011

Permit to Construct Issued: 4/24/2006

**Permit No. 2205504**, Public Water Supply.

Applicant **United Water Pennsylvania**

Municipality Hummelstown Borough

County **Dauphin**

Type of Facility Construction of a new microfiltration treatment plant.

Consulting Engineer Gary W. Snyder, P. E.  
Black & Veatch  
Curtis Center  
Philadelphia, PA 19106

Permit to Construct Issued: 1/11/2006

**Permit No. 2206501**, Public Water Supply.

Applicant **United Water Pennsylvania**

Municipality Susquehanna Township

County **Dauphin**

Type of Facility Installation of sodium bicarbonate and potassium permanganate feed systems at the Rockville Pump Station.

Consulting Engineer Arthur Saunders, P. E.  
United Water Pennsylvania  
4211 East Park Circle  
Harrisburg, PA 17111

Permit to Construct Issued: 6/8/2006

**Permit No. 3806501**, Public Water Supply.  
 Applicant **Palm City Mobile Home Park**  
 Municipality South Annville Township  
 County **Lebanon**  
 Type of Facility Installation of a nitrate treatment system.  
 Consulting Engineer Stephen R Morse, P. E.  
 Skelly and Loy, Inc.  
 2601 North Front Street  
 Harrisburg, PA 17110-1185

Permit to Construct Issued: 6/8/2006

**Permit No. 0106503 E**, Public Water Supply.  
 Applicant **New Oxford Manor MHP**  
 Municipality Mt. Pleasant Township  
 County **Adams**  
 Type of Facility Emergency permit for installation of a 2,300-gallon tank for additional chlorine contact.  
 Consulting Engineer Randolph S. Bailey, P. E.  
 Navarro & Wright Consulting Engineers, Inc.  
 151 Reno Avenue  
 New Cumberland, PA 17070

Permit to Construct Issued: 2/15/2006

**Operations Permit** issued to **Warriors Mark General Authority**, 4310031, Warriors Mark Township, **Huntingdon County** on 6/9/2006 for the operation of facilities approved under Construction Permit No. 3104504 MA.

**Operations Permit** issued to **Valley View Mobile Home Park**, 3060011, Amity Township, **Berks County** on 6/20/2006 for the operation of facilities approved under Construction Permit No. 0605511.

**Operations Permit** issued to **Glen Rock Water Authority**, 7670050, Glen Rock Borough, **York County** on 6/22/2006 for the operation of facilities approved under Construction Permit No. 6706509 MA.

**Operations Permit** issued to **ARC DAM Monroe, LLC.**, 7380009, Swatara Township, **Lebanon County** on 5/17/2006 for the operation of facilities approved under Transfer Permit No. 7380009.

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

**Permit No. 1704501—Construction** Public Water Supply.

Applicant **Houtzdale Municipal Authority**  
 Township or Borough Gulich Township  
 County **Clearfield**

Responsible Official John Gallagher, Manager  
 Houtzdale Municipal Authority  
 561 Kirk Street  
 P. O. Box 97  
 Houtzdale, PA 16651-1209

Type of Facility Public Water Supply—Construction

Consulting Engineer Jeffery Garrigan, P. E.  
 Uni-Tec Consulting Engineers  
 2007 Cato Avenue  
 State College, PA 16801

Permit Issued Date 6/28/06

Description of Action Construction of Well Th-14, surface water intake, raw water pumping station, transmission line, treatment plant modifications, Henderson booster pump station and storage tank.

**Permit No. 265W19-T1—Transfer** Public Water Supply.

Applicant **Miles Township Water Authority East**

Township or Borough Miles Township  
 County **Centre**

Responsible Official Philip Meyer  
 Miles Township Water Authority East  
 P. O. Box 157  
 Rebersburg, PA 16872

Type of Facility Public Water Supply—Operation

Consulting Engineer Dave Swisher  
 Herbert, Rowland and Grubic, Inc.  
 474 Windmere Drive  
 State College, PA 16801

Permit Issued Date 6/28/06

Description of Action Transfer of Well No. 1 from Rebersburg Water Association to Miles Township Water Authority East.

**Permit No. 1486502T1—Transfer** Public Water Supply.

Applicant **Miles Township Water Authority East**

Township or Borough Miles Township  
 County **Centre**

Responsible Official Philip Meyer  
 Miles Township Water Authority East  
 P. O. Box 157  
 Rebersburg, PA 16872

Type of Facility Public Water Supply—Operation

Consulting Engineer Dave Swisher  
 Herbert, Rowland and Grubic, Inc.  
 474 Windmere Drive  
 State College, PA 16801

Permit Issued Date 6/28/06

Description of Action Transfer of Well No. 2 (also known as the Smullton Well) from Rebersburg Water Association to Miles Township Water Authority East.

**Permit No. 1497502-T1—Transfer** Public Water Supply.

Applicant **Miles Township Water Authority East**  
 Township or Borough Miles Township  
 County **Centre**  
 Responsible Official Philip Meyer  
 Miles Township Water Authority East  
 P. O. Box 157  
 Rebersburg, PA 16872

Type of Facility Public Water Supply—Operation

Consulting Engineer Dave Swisher  
 Herbert, Rowland and Grubic, Inc.  
 474 Windmere Drive  
 State College, PA 16801

Permit Issued Date 6/28/06

Description of Action Transfer of Well No. 3 from Rebersburg Water Association to Miles Township Water Authority East.

**Permit No. M. A.—Operation** Public Water Supply.

Applicant **Walker Township Water Association**

Township or Borough Walker Township  
 County **Centre**  
 Responsible Official David Foreman, President  
 Walker Township Water Association  
 P. O. Box 160  
 Mingoville, PA 16856

Type of Facility Public Water Supply—Operation

Consulting Engineer N/A

Permit Issued Date 6/28/06

Description of Action Operation of the 250,000 gallon finished water storage tank at Sand Ridge and the associated distribution lines.

**Permit No. 1706501—Construction** Public Water Supply.

Applicant **PA American Water Company**  
 Township or Borough Boggs Township  
 County **Clearfield**  
 Responsible Official Paul A. Zielinski  
 Director, Environmental Management & Compliance  
 PA American Water Company  
 800 West Hersheypark Drive  
 Hershey, PA 17033

Type of Facility Public Water Supply—Construction

Consulting Engineer Scott Russell  
 Buchart-Horn, Inc.  
 1200 West College Avenue  
 State College, PA 16801

Permit Issued Date 6/30/06

Description of Action Construction of a booster pump station, elevated storage tank, pressure reducing vaults and distribution piping.

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

**Operations Permit** issued to **Municipal Authority of the Township of Robinson**, P. O. Box 15539, Pittsburgh, PA 15244-0539 (PWS ID 5020045) Robinson Township, **Allegheny County** on June 21, 2006 for the operation of facilities approved under Construction Permit No. 0204503.

**Permit No. 0206503MA, Minor Amendment.** Public Water Supply.

Applicant **Fox Chapel Authority**  
 255 Alpha Drive  
 Pittsburgh, PA 15238

Borough or Township Fox Chapel Borough

County **Allegheny**

Type of Facility South Tank—water storage tank

Consulting Engineer Bankson Engineers, Inc.  
 267 Blue Run Road  
 Indianola, PA 15051

Permit to Construct Issued June 27, 2006

**EMERGENCY Operations Permit** issued to **Eastern Orthodox Foundation**, P. O. Box 432, Indiana, PA 15701, (PWS ID 5320100) Cherryhill Township, **Indiana County** on June 29, 2006.

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

**Permit No. 4297502-MA1**, Public Water Supply

Applicant **Aiken Water Company**

Borough or Township Keating Township

County **McKean**

Type of Facility Public Water Supply

Permit to Construct Issued 06/27/2006

## 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:

*Northcentral Region: Environmental Cleanup Program Manager, 208 West Third Street, Williamsport, PA 17701.*

**Former Ames Plaza**, Bald Eagle Township, **Clinton County**. Converse Consultants, 2738 West College Ave., State College, PA 16801 on behalf of Mill Hall Development, LLC, 121 Prosperous Place, Lexington, KY 40065 has submitted a Remedial Investigation Report and a Final Report concerning remediation of site soil and groundwater contaminated with volatile and semi-VOCs. The report is intended to document remediation of the site to meet the Statewide Health Standard and the Site-Specific Standard.

**Dillon Floral Corporation**, Scott Township, **Columbia County**. EarthRes Group, Inc., P.O. Box 468, Pipersville, PA 18947 on behalf of Dillon Floral Corporation, 933 Columbia Blvd., Bloomsburg, PA 17815 has submitted a Final Report concerning remediation of site soil and groundwater contaminated with residual pesticides. The report is intended to document remediation of the site to meet the Site-Specific Standard.

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

**Halstead Metal Products**, Zelienople, **Butler County**. Michael Wilson, Shaw Environmental, 1950 South Florence, Wichita, KS 67209-2833, on behalf of Mueller Industries, Highway 1 North, Wynne, AR 72396, submitted a Final Report and Summary on June 26, 2006 for remediation of groundwater contaminated with solvents at the Halstead West New Castle Street site. The report is intended to document remediation of the site to meet a Site Specific Health Standard as stipulated in the Land Recycling and Environmental Remediation Standards Act of 1995.

## 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.*

**Sheetz Store No. 348**, West Manchester Township, **York County**. Mountain Research, LLC, 825 25th Street, Altoona, PA 16601, on behalf of Sheetz, Inc., 5700 Sixth

Avenue, Altoona, PA 16602, submitted a Final Report concerning the remediation of site soils contaminated with gasoline. The site was determined to qualify for the Department's low-risk sites program, and the findings of the Final Report were based upon the judgment of David E. Field, P. G., who is the Pennsylvania licensed professional under whose seal the Report was submitted. A thorough technical review was not performed by the Department staff on this report. The site was afforded liability protection as outlined in Chapter 5 of Act 2 in a letter dated June 23, 2006.

*Northcentral Region: Environmental Cleanup Program Manager, 208 West Third Street, Williamsport, PA 17701.*

**Centre Chemical Fire Site**, Bellefonte Borough, **Centre County**. Mountain Research, 825 25th St., Altoona, PA 16601 on behalf of Centre Chemical, 238 South Potter St., Bellefonte, PA 16823 has submitted a Final Report concerning remediation of site soil contaminated with Trichloroethylene. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on June 15, 2006.

**Robert F. Mitchell Oil Co. (Former)**, Decatur Township, **Clearfield County**. MM&A, 3913 Hartzdale Drive, Suite 1306, Camp Hill, PA 17011 on behalf of Carl Wright, 532 Bryn Mawr Ave., Swarthmore, PA 19801 has submitted a Remedial Investigation Report and Cleanup Plan concerning the remediation of site soil and groundwater contaminated with gasoline. The Remedial Investigation Report and Cleanup Plan were approved by the Department on June 21, 2006.

**Borough of Emporium Former Waste Disposal Area**, Emporium Borough, **Cameron County**. Malcolm Pirnie, Inc., 43 British American Blvd., Latham, NY 12100 on behalf of GTE Operations Support Incorporated, One Verizon Way, VC 34W414, Basking Ridge, NJ 07920-1097 and the Borough of Emporium, 421 North Broad St., Emporium, PA 15834 has submitted a Remedial Investigation Report and Cleanup Plan concerning remediation of site soil and groundwater contaminated with VOCs and organics. The Remedial Investigation Report and Cleanup Plan were approved on June 29, 2006.

#### DETERMINATION FOR APPLICABILITY FOR MUNICIPAL WASTE GENERAL PERMITS

**Permits issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and municipal waste regulations for a General Permit to operate municipal waste processing facilities and the beneficial use of municipal waste.**

*Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17105-8472.*

**General Permit Application No. WMGM008D001. Hatfield Quality Meats**, 2700 Clemens Road, Hatfield, PA 19440-0902.

General Permit No. WMGM008D001 is limited to the beneficial use of restaurant oil and animal fat/vegetable oil generated at the Pork Processing facility located in Hatfield Township, **Montgomery County**, as an alternative fuel. The general permit was issued by Central Office on June 29, 2006.

Persons interested in reviewing the general permit may contact Ronald C. Hassinger, Chief, General Permits and Beneficial Use Section, Division of Municipal and Re-

sidual waste, Bureau of Waste Management, P. O. Box 8472, Harrisburg, PA 17105-8472, (717) 787-7381. TDD users may contact the Department through the Pennsylvania Relay Service, (800) 654-5984.

## 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.**

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401; Thomas McGinley, New Source Review Chief, (484) 250-5920.*

**23-302-140GP: Chester Downs and Marina, LLC—Harrah's Entertainment, Inc.** (777 Harrah's Boulevard, Atlantic City, NJ 08401) on June 30, 2006, to operate four hot water boilers in City of Chester, **Delaware County**.

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

**GP3-06-03113E: Haines & Kibblehouse, Inc.** (P. O. Box 196, Skippack, PA 19474) on June 27, 2006, for Portable Nonmetallic Mineral Processing Plants under GP3 in Robeson Township, **Berks County**.

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

**GP-37-326: Heritage Excavating and Stone Neely Mine** (Mason Road, Volant, PA 16156) on June 30, 2006, for a portable nonmetallic processing plant in Plain Grove Township, **Lawrence County**.

**GP-43-325: Imperial Dry Cleaner, Inc.** (1910 State Street, Hermitage, PA 16148) on June 30, 2006, for a petroleum dry cleaning unit in Hermitage, **Mercer County**.

**GP-27-034: PA General Energy LLC—Fegley Compressor** (SR 3004, Marienville, PA 16239) on June 30, 2006, for a natural gas fired compressor engine in Kingsley Township, **Forest 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.*

**09-0165: Boekel Industries, Inc.** (855 Pennsylvania Boulevard, Feasterville, PA 19053) on June 30, 2006, to operate a degreaser in Lower Southampton Township, **Bucks County**.

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

**48-328-006A: Conectiv Bethlehem, LLC** (2254 Applebutter Road, Bethlehem, PA 18015) on June 20, 2006, to amend the Plan Approval conditions relating to startup and shutdown modes of the combustion turbines operation in Bethlehem, **Northampton County**.

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

**07-03034D: Fry Metals, Inc.—Cookson American Assembly Materials** (4100 6th Avenue, Altoona, PA 16602) on June 30, 2006, to install a hydrogen fluoride control system in City of Altoona, **Blair County**.

**36-05026C: R. R. Donnelley & Sons Co.** (1375 Harrisburg Pike, Lancaster, PA 17601-2699) on June 29, 2006, to install a new heatset web offset printing press controlled by two existing regenerative thermal oxidizers at the Lancaster West facility in City of Lancaster, **Lancaster County**.

**38-05004A: Kountry Kraft, Inc.** (P. O. Box 570, Newmanstown, PA 17073-0570) on June 27, 2006, to install a new spray booth to apply stains at the existing custom cabinet manufacturing facility in Millcreek Township, **Lebanon County**.

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

**42-197E: M & M Royalty, Ltd.** (Forest Road 207, Lewis Run, PA 16738) on June 21, 2006, to construct a 500 HP caterpillar engine with a catalyst at the Irishtown gas stripping plant in Lafayette Township, **McKean County**. The facility has a State-only Operating Permit.

**43-343A: Woodcraft Industries, Inc.** (62 Grant Road, Pymatuning, PA 16148) on June 22, 2006, to install a 14.33 mmBtu wood-fired boiler at Pymatuning Lumber Yard, in the Township of Pymatuning, **Mercer County**.

**10-230C: IA Construction** (158 Lindsey Road, Zelienople, PA 16063) on June 22, 2006, to modify a plan approval to burn alternative fuels including Nos. 2 and 4—6, fuel oil or any combination of Nos. 2 and 4—6 fuel oil and reprocessed/recycled at Zelienople plant in Jackson Township, **Butler County**.

*Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104; Edward Braun, Chief, (215) 685-9476.*

**AMS 04213: Philadelphia Gas Works, Richmond Plant** (3100 East Venango Street, Philadelphia, PA 19122) on June 30, 2007, to install a 91.5 mmBtu/hr ethylene glycol heater in the City of Philadelphia, **Philadelphia County**.

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**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.**

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*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401; Thomas McGinley, New Source Review Chief, (484) 250-5920.*

**15-0078B: Centocor, Inc.** (200 Great Valley Parkway, Malvern, PA 19355) on June 27, 2006, to operate two natural gas fired boilers in East Whiteland Township, **Chester County**.

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

**01-05016G: ISP Minerals, Inc.** (P. O. Box O, 1455 Old Waynesboro Road, Blue Ridge Summit, PA 17214-0914)

on April 23, 2006, to install a new Headlap Plant in Hamiltonban Township, **Adams County**. This plan approval was extended.

**01-05029: Reliant Energy Wholesale Generation, LLC** (121 Champion Way, Suite 200, Canonsburg, PA 15317) on June 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.

**06-05099A: Rolling Hills Landfill Gas, LLC** (1300 North 17th Street, Arlington, VA 22209) on June 17, 2006, to construct a landfill gas combustion turbine to generate electricity at their Rolling Hills Landfill in Earl Township, **Berks County**. This plan approval was extended.

**36-03155: L & S Sweeteners, Inc.** (388 East Main Street, Leola, PA 17540) on June 28, 2006, to use treated landfill gas in two facility boilers in West Earl Township, **Lancaster County**. This plan approval was extended.

**36-05081A: Lancaster County Solid Waste Authority** (1299 Harrisburg Pike, Lancaster, PA 17604) on June 11, 2006, to construct a landfill gas collection and control system at their Frey Farm-Creswell Landfill in Manor Township, **Lancaster County**. This plan approval was extended.

**36-05141: PPL Distributed Generation, LLC** (2 North 9th Street, Allentown, PA 18101) on June 12, 2006, to construct a landfill gas treatment system and two internal combustion landfill engines in Manor Township, **Lancaster County**. This plan approval was extended.

**67-02004: P. H. Glatfelter Company** (228 South Main Street, Spring Grove, PA 17362) on June 29, 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.

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

**17-305-050: Penfield Collieries, LLC** (301 Market Street, Kittanning, PA 16201) on June 27, 2006, to operate a coal preparation plant on a temporary basis until October 25, 2006, in Huston Township, **Clearfield County**. The plan approval has been extended.

**53-0009D: National Fuel Gas Supply Corporation** (1100 State Street, Erie, PA 16501) on June 30, 2006, to operate a 4445 horsepower natural gas-fired reciprocating internal combustion compressor engine (Engine 1A) on a temporary basis to October 28, 2006, at the Ellisburg Compressor Station in Allegany Township, **Potter County**. The plan approval has been extended.

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

**30-00150A Wellington Development—WVDT, LLC** (1620 Locust Avenue, Fairmont, WV 26554) on June 12, 2006, to modify two waste coal fired, circulating fluidized bed boilers with a net generating capacity of 525 megawatts at the Greene Energy Resource Recovery Project in Cumberland Township, **Greene County**.

The Department has modified Plan Approval No. 30-00150A to correct the number of NOx ERCs the facility is required to purchase before initiating operation under Condition 4k. Wording on the cover page of the Plan

Approval, under Air Cleaning Devices, was also changed from "Spray Dryer Absorber" to "Dry Polishing Scrubber" to reflect the actual wording of Condition 3b(i).

The correction is as follows:

- Revised Condition 4k. Corrected tons of NOx ERC's required to be purchased by the Owner/Operator from 1,950 tons to 2,242 tons.

The modified Condition 4k now reads:

The Owner/Operator shall secure 2,242 tons of NOx ERCs and 144 tons of VOC ERCs. ERCs shall be properly generated, certified by the Department and processed through the registry in accordance with Pa. Code Title 25 § 127.206(d)(1). Upon transfer, owner/operator shall provide the Department with documentation clearly specifying the details of the ERC transaction. This facility may not commence operation until the Department certifies the required emissions reductions (25 Pa. Code § 127.205).

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**Title V Operating Permits Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter G.**

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*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745; Mark Wayner, Facilities Permitting Chief, (412) 442-4174.*

**11-00332: Northern Star Generation Services Co., LLC** (243 Rubisch Road, Ebensburg, PA 15931) for renewal of their Title V operating permit for the operation of a waste coal fired, electric power generation plant, in Cambria Township, **Cambria County**. The facility includes two 560 million Btu/hour recirculating fluidized bed boilers and associated support equipment. The facility is subject to Title V requirements because its' potential to emit particulate, SO<sub>2</sub> and NOx is greater than 100 tons per year, for each pollutant.

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

**24-00012: C/G Electrodes, LLC** (800 Theresia Street, Saint Marys, PA 15857-1831) on June 29, 2006, to reissue the Title V Operating Permit in the City of Saint Marys, **Elk County**. The facility manufactures carbon and graphite products. The facility's major emission sources include storage, preheaters, screening and crushing, petroleum coke flour mill, pitch impregnation, mixer-feeder-scale, shot blast machine, material handling and screening, 48-inch extrusion press system, scrap electrode process, burn off oven, liquid pitch storage, air/vegetable oil quench system, pitch storage plant, coke handling plant, carbotoms, longitudinal graphitizers, 25 inch press, shot blast (LG Rods), sagger sand handling system, parts cleaning, graphite bagging system, mass bake furnaces, sagger bake furnaces and machining operation. The facility is a major facility due to its potential to emit of oxides of nitrogen and oxides of sulphur. The facility is subject to the Compliance Assurance Monitoring Rule (CAM) found in 40 CFR Part 64. Appropriate permit conditions to address the applicable CAM requirements have been included in the permit.

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**Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F.**

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*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401; Edward Jurdones Brown, Facilities Permitting Chief, (484) 250-5920.*

**15-00052: Allan A. Myers, LP** (1805 Berks Road, P. O. Box 98, Worcester, PA 19490) on June 30, 2006, to operate a facility Synthetic Minor Operating Permit in Valley Township, **Chester County**.

**09-00164: Haines and Kibblehouse—H & K Materials Division** (P. O. Box 196, 2052 Lucon Road, Skippack, PA 19474) on June 30, 2006, to operate the facility Natural Minor Operating Permit in Hilltown Township, **Bucks County**.

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

**48-00090: PPL Interstate Energy** (214 Shoemaker Road, Pottstown, PA 19464) on June 28, 2006, to issue a state only (synthetic minor) operating permit in Lower Mt. Bethel Township, **Northampton County**.

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

**01-03013: Zeigler Brothers Inc.** (P. O. Box 95, Gardners, PA 17324-0095) on June 27, 2006, to operate an animal feed manufacturing facility in Tyrone Township, **Adams County**.

**38-05025: Beck Aluminum Alloys LTD** (24 Keystone Drive, Lebanon, PA 17042-9791) on June 19, 2006, to operate their secondary aluminum production facility in South Lebanon Township, **Lebanon County**.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745; Mark Wayner, Facilities Permitting Chief, (412) 442-4174.*

**63-00884: DBT America, Inc.** (2045 West Pike Street, Houston, PA 15342) on June 26, 2006, for a mine machinery manufacturing and repair operation at their Houston Facility in Chartiers Township, **Washington County**.

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

**61-00188: National Fuel Gas Supply Corporation—Van Compressor Station** (Route 322 West of Van, Cranberry Township, PA 16301) on June 22, 2006, to operate a Natural Gas Compressor Station in Cranberry Township, **Venango County**.

*Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104; Edward Braun, Chief, (215) 685-9476.*

**S04-014: Kraft Foods Global, Inc.** (12000 East Roosevelt Boulevard, Philadelphia, PA 19116) for operation of a baking facility in the City of Philadelphia, **Philadelphia County**. The facility's air emission source includes two 38.0 mmBtu/hr boilers, six nonyeast baking ovens, two yeast-baking ovens controlled by a catalytic oxidizer, and material handling with a central vacuuming system, particulate controls and baghouse.

The operating permit will be issued under 25 Pa. Code, Philadelphia Code Title 3 and Air Management Regulation XIII. Permit copies and other supporting information are available for public inspection at 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. Any protests or comments filed with AMS must include a



concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based. Based upon the information received during the public comment period, AMS may modify the operating permit or schedule a public hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a local newspaper at least thirty days before the hearing.

**Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.**

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401; Edward Jurdones Brown, Facilities Permitting Chief, (484) 250-5920.*

**09-00150: Union Roto-Graving, Inc.** (180 Penn Am Drive, Quakertown, PA 18951) on June 30, 2006, to amend the facility Title V Operating Permit in Richland Township, **Bucks County**.

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

**60-00007: U. S. Penitentiary—Lewisburg** (2400 Robert F. Miller Drive, Lewisburg, PA 17837) on June 26, 2006, by means of the administrative amendment provisions contained in the Department of Environmental Protection's "General Plan Approval and/or General Operating Permit for Diesel or No. 2 fuel-fired Internal Combustion Engines for two 1,817 brake horsepower diesel-fired emergency generators in Kelly Township, **Union County**.

**14-00014: Glenn O. Hawbaker, Inc.** (711 East College Avenue, Bellefonte, PA 16823) on June 26, 2006, by means of the administrative amendment provisions of 25 Pa. Code § 127.450, to incorporate conditions previously established in Plan Approval 14-00014B for a recycled asphalt pavement crusher and two associated conveyors and a double deck screen in an asphalt plant, a vertical impact crusher and two conveyors in a primary stone crushing operation and a new fabric collector in a secondary stone crushing operation in Spring Township, **Centre County**.

**ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS**

**Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the request for 401 Water Quality Certification and the NPDES permit application. Mining activity permits issued in response to the applications will also address the application permitting requirements of the following statutes: the Air Quality Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).**

*Coal Permits Actions*

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

**11841601 and NPDES Permit No. PA0069143. EP Bender Coal Company, Inc.** (P. O. Box 594, Carrolltown, PA 15722). To renew the permit for the Fallen Timber Preparation Plant in Reade Township, **Cambria County** and related NPDES permit. No additional discharges. Application received: February 17, 2006. Permit issued: June 25, 2006.

**30743711 and NPDES Permit No. PA0033511. Cumberland Coal Resources, LP** (158 Portal Road, P. O. Box 1020, Waynesburg, PA 15370). To renew the permit for the Cumberland Mine Coal Refuse Disposal Facility in Whiteley Township, **Greene County** and related NPDES permit. No additional discharges. Application received: June 9, 2005. Permit issued: June 26, 2006.

**30841302 and NPDES Permit No. PA0213918. Consolidation Coal Company** (1800 Washington Road, Pittsburgh, PA 15241). To renew the permit for the Humphrey Mine No. 7 in Perry Township, **Greene County** and related NPDES permit for reclamation only. No additional discharges. Application received: May 5, 2005. Permit issued: June 28, 2006.

**03031301 and NPDES Permit No. PA0235563. Rosebud Mining Company** (301 Market Street, Kittanning, PA 16201). To revise the permit for the Keystone East Mine in Plumcreek Township, **Armstrong County** to modify the subsidence control plan. No additional discharges. Application received: May 1, 2006. Permit issued: June 29, 2006.

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, (814) 472-1900.*

**32050106 and NPDES No. PA0249823. Beth Contracting, Inc.** (815 Rock Run Road, Glen Campbell, PA 15742). Commencement, operation and restoration of a bituminous surface mine in Glen Campbell Borough, **Indiana County**, affecting 56.1 acres. Receiving streams: Brady Run and UTs to Cush Creek classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received: July 6, 2005. Permit issued: June 27, 2006.

*Greensburg District Mining Office: Armbrust Professional Center, 8205 Route 819, Greensburg, PA 15601, (724) 925-5500.*

**03000106 and NPDES Permit No. PA0202843. P & N Coal Co., Inc.** (240 West Mahoning Street, P. O. Box 322, Punxsutawney, PA 15767). Revision permit to add 1.4 acres and to change land use from forestland to wildlife habitat for an existing bituminous surface mine, located in Plumcreek Township, **Armstrong County**, affecting 82.1 acres. Receiving stream: UNT to Cherry Run. Revision application received: March 23, 2006. Revision permit issued: June 23, 2006.

**65970105 and NPDES Permit No. PA0202053. Britt Energies, Inc.** (2450 Philadelphia Street, Indiana, PA 15701). Permit revised to allow auger mining at a bituminous surface mining site located in Derry Township, **Westmoreland County**, affecting 146.0 acres. Receiving stream: UNT to Union Run. Application received: March 27, 2006. Revised permit issued: June 29, 2006.

*Knox District Mining Office: P. O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, (814) 797-1191.*

**16050110 and NPDES Permit No. PA0257982. Original Fuels, Inc.** (P. O. Box 343, Punxsutawney, PA

15767). Transfer of an existing bituminous strip and auger operation from H. W. Truitt Coal Company in Redbank Township, **Clarion County** affecting 65.0 acres. Receiving streams: UNTs to Pine Creek. Application received: April 19, 2006. Permit Issued: June 22, 2006.

**33820149 and NPDES Permit No. PA0605557. Strishock Coal Company** (220 Hillcrest Drive, DuBois, PA 15801). Transfer of an existing bituminous strip and limestone removal operation from Rosio Coal Company in Washington Township, **Jefferson County** affecting 54.0 acres. Receiving streams: UNT to Mill Creek. Application received: April 10, 2006. Permit Issued: June 23, 2006.

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

**54850103R4 and PA0614491. Michael Coal Company** (P. O. Box 11, Tremont, PA 17981). Renewal of an existing anthracite surface mine operation in Tremont and Frailey Townships, **Schuylkill County** affecting 217.6 acres, receiving stream: Lower Rausch Creek and Good Springs Creek. Application received: September 2, 2005. Renewal issued: June 28, 2006.

#### *Noncoal Permits Actions*

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, (814) 342-8200.*

**14050302 and NPDES No. PA0256285. Raducz Stone Corporation** (284 Rockdale Road, Butler, PA 16002). Commencement, operation and restoration of a large, noncoal surface mine in Howard Township, **Centre County**, affecting 117.5 acres. Receiving waters: Bald Eagle Creek, classified for the following use: WWF. Application received: September 14, 2005. Permit issued: June 21, 2006.

**08990804. Quarry Services, LLC** (R. R. 1, Box 22, Wyalusing, PA 18853). Transfer of an existing noncoal (bluestone) surface mine from Donald E. Johnson, Sr. (R. R. 1, Box 257A, Monroeton, PA 18832), located in Asylum Township, **Bradford County**, affecting 1.0 acres. Receiving streams: UNT to Durell Creek. Application received: February 27, 2006. Permit issued: June 13, 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.**

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, (814) 472-1900.*

**29064001. Douglas Explosives** (P. O. Box 77, Philipsburg, PA 16866). Blasting activity permit issued for Fulton County Medical Center in Todd Township, **Fulton County**. Permit issued for 360 days. Permit issued: June 29, 2006.

*Greensburg District Mining Office: Armbrust Professional Center, 8205 Route 819, Greensburg, PA 15601, (724) 925-5500.*

**26064006. Penn Development Services, Inc.** (732 McClelland Road, Uniontown, PA 15401). Blasting activity permit for Fayette Crossings, located in South Union Township, **Fayette County**, with an expected duration of one year. Blasting activity permit issued: June 29, 2006.

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

**09064120. Silver Valley Drilling & Blasting, Inc.** (R. R. 4, Box 4196, Saylorsburg, PA 18353). Construction blasting for Richland Market Place in Richland Township, **Bucks County** with an expiration date of May 15, 2007. Permit issued: June 22, 2006.

**09064121. Allan A. Myers, Inc. d/b/a Independence Construction Materials** (P. O. Box 98, Worcester, PA 19490). Construction blasting for Hilltown Ridge in Hilltown Township, **Bucks County** with an expiration date of December 31, 2007. Permit issued: June 22, 2006.

**13064102. Hayduk Enterprises, Inc.** (257 Riverside Drive, Factoryville, PA 18419). Construction blasting for Laurelwoods at Big Boulder in Kidder Township, **Carbon County** with an expiration date of July 31, 2007. Permit issued: June 22, 2006.

**45064144. Silver Valley Drilling & Blasting, Inc.** (R. R. 4, Box 4196, Saylorsburg, PA 18353). Construction blasting for Winona Lakes in Middle Smithfield Township, **Monroe County** with an expiration date of June 15, 2007. Permit issued: June 22, 2006.

**45064145. Hayduk Enterprises, Inc.** (257 Riverside Drive, Factoryville, PA 18419). Construction blasting for Kettle Ridge Estates in Hamilton Township, **Monroe County** with an expiration date of July 31, 2007. Permit issued: June 22, 2006.

**48064116. American Rock Mechanics, Inc.** (7531 Chestnut Street, Zionsville, PA 18092). Construction blasting for TREO in Upper and Lower Nazareth Townships, **Northampton County** with an expiration date of June 15, 2007. Permit issued: June 22, 2006.

**52064123. Hayduk Enterprises, Inc.** (257 Riverside Drive, Factoryville, PA 18419). Construction on blasting for Saw Creek Estates in Middle Smithfield and Lehman Townships, **Pike County** with an expiration date of July 31, 2007. Permit issued: June 22, 2006.

**52064124. Silver Valley Drilling & Blasting, Inc.** (R. R. 4, Box 4196, Saylorsburg, PA 18353). Construction blasting for Wild Acres Development in Delaware Township, **Pike County** with an expiration date of June 10, 2007. Permit issued: June 22, 2006.

**66064103. Hayduk Enterprises, Inc.** (257 Riverside Drive, Factoryville, PA 18419). Construction blasting for a pool/pond in Washington Township, **Wyoming County** with an expiration date of December 31, 2006. Permit issued: June 23, 2006.

**21064146. Hayduk Enterprises, Inc.** (257 Riverside Drive, Factoryville, PA 18419). Construction blasting for Trindle Springs Heights in Hampden Township, **Cumberland County** with an expiration date of July 30, 2007. Permit issued: June 26, 2006.

**21064150. Keystone Blasting Service** (381 Reifsnyder Road, Lititz, PA 17543). Construction blasting for Glen Newswenger Animal Waste Storage in North Newton Township, **Cumberland County** with an expiration date of September 30, 2006. Permit issued: June 26, 2006.

**67064020. ABEL Construction Co., Inc.** (P. O. Box 476, Mountville, PA 17554). Construction blasting at Stone Hill Subdivision in York Township, **York County** with an expiration date of July 31, 2007. Permit issued: June 27, 2006.

**36064166. Warren's Excavating & Drilling, Inc.** (P. O. Box 189, Bowmansville, PA 17507). Construction

blasting for The Farm at Quarry Road in Manheim Township, **Lancaster County** with an expiration date of June 22, 2006. Permit issued: June 28, 2006.

**46064125. Rock Work, Inc.** (1257 DeKalb Pike, Blue Bell, PA 19422). Construction blasting for Rydal Waters in Abington Township, **Montgomery County** with an expiration date of July 7, 2007. Permit issued: June 28, 2006.

**36064008. Abel Construction Co., Inc.** (P. O. Box 476, Mountville, PA 17554). Construction blasting at Watson Run Development in Leacock Township, **Lancaster County** with an expiration date of July 31, 2007. Permit issued: June 30, 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

*Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701, (570) 327-3636.*

**E08-438. Howard Mahady**, R. R. 3, Box 213, Columbia Cross Roads, PA 16914. Water Obstruction and Encroachment Joint Permit. Bentley Creek Stabilization Project U/S of SR 4018 Bridge, in Ridgebury Township, ACOE Baltimore District (Bentley Creek, PA Quadrangle N: 8.79 inches; W: 9.62 inches).

To realign the stream channel and to construct, operate and maintain 270 linear feet of rip-rap protection, six rock barbs, and three rock weirs for grade control or stabilization of Bentley Creek, a WWF. The channel relocation and stream restoration project shall be limited to a maximum length of 1,000 feet in Bentley Creek. The rock barb and weir structures shall be constructed of a minimum of R-6 rock. The restoration project will impact 1,000 feet of Bentley Creek that is located along the southern right-of-way of SR 4018 Ridgebury Road. This permit also authorizes the construction, operation, maintenance and removal of temporary access roads, channel diversions, cofferdams and stockpiles in and along Bentley Creek. All temporary facilities used for project construction shall be removed from floodplain areas; upon project completion, all areas of disturbance shall be restored and stabilized within 20 days. This permit does not authorize any temporary or permanent impact to the wetlands adjacent to project area.

**E41-565. Ronald E. Tenerovich**, 812 Bush Hill Road, Williamsport, PA 17701. Water Obstruction and Encroachment Joint Permit, in Plunketts Creek Township, **Lycoming County**, ACOE Susquehanna River Basin District (Barbours, PA Quadrangle N: 9.90 inches; W: 5.15 inches).

To construct and maintain a 36-foot long by 12-foot wide steel I-beam bridge with a minimum underclearance of 9.5 feet on a skew of 90° over Plunketts Creek, 1.1 mi. north of the intersection of SR 1006 and SR 1005 along SR 1005. This project proposes to permanently impact 20 linear feet of Plunketts Creek, which is, designated a HQ-CWF stream and does not propose to impact any jurisdictional wetlands. This permit was issued under Section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

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

**E65-881. Westmoreland County Industrial Development Corporation**, Suite 601, 2 North Main Street, Greensburg, PA 15601-2405. To extend a culvert and construct a temporary road crossing in East Huntingdon Township, **Westmoreland County**, Pittsburgh ACOE District. (Mt. Pleasant, PA Quadrangle N: 11.5 inches; W: 13.15 inches and Latitude: 40° 11' 19"—Longitude: 79° 35' 39"). To extend and maintain an existing 50-foot long, 48-inch HDPE culvert in kind in a UNT to Belson Run (WWF) 150 feet downstream, to construct and maintain a 45-foot long temporary roadway crossing consisting of two 48-inch diameter HDPE culverts in Belson Run (WWF), and to place and maintain fill in 0.1 acre of wetlands and 165-feet of watercourse for the purpose of providing developable industrial/commercial building pads. The project is located off of old 119 west of Sony Technology Center. The permittee will construct approximately 0.13 acre of replacement wetlands.

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

**E10-410, Richard Dorothy, Bayberry North Association**, 3468 Broadhead Road, Monaca, PA 15061. Donovan Property Subdivision, in Adams Township, **Butler County**, ACOE Pittsburgh District (Mars, PA Quadrangle Latitude: 40° 40' 26.6"; Longitude: 80° 3' 0").

To construct and maintain a 138' plate arch stream enclosure having a clear span of 20'-0" and a maximum height of 6'-4" in Kaufman Run (WWF) and to place and maintain fill in 0.88 acre of Forested and Emergent Wetlands also tributary to Kaufman Run for the purpose of constructing a residential subdivision approximately one mile south of SR 0228 along the eastern side of Adams Ridge Road.

The permittee is required to provide 0.88 acre of replacement wetlands.

#### ENVIRONMENTAL ASSESSMENTS

*Central Office: Bureau of Waterways Engineering, Rachel Carson State Office Building, Floor 3, 400 Market Street, Harrisburg, PA 17105.*

**D06-508EA, Robert Ciccone and Sons**, P. O. Box 86, Bath, PA 18014. Maxatawney Township **Berks County**, ACOE Philadelphia District.

Project proposes to breach and remove Arrowhead Business and Industrial Park Dam across a tributary to Mill Creek (TSF) and to construct an off-stream stormwater detention basin within the former reservoir. The purpose of the project is to restore the stream to a free flowing condition and to provide stormwater detention for the Arrowhead Business and Industrial Park. The project will restore approximately 325 linear feet of stream channel. The dam is located immediately east of Long Lane approximately 1,000 feet north of the intersection of Long Lane (SR 1024) and US 222 (Topton, PA Quadrangle N: 7.0 inches; W: 15.5 inches).

**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 nonjurisdictional 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").

#### DAM SAFETY

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

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

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

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## SPECIAL NOTICES

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### Notice of Intent to Issue a Hazardous Waste Permit under the Resource Conservation and Recovery Act and the Hazardous and Solid Waste Amendments of 1984 and Opportunity for a Public Hearing

#### Draft Hazardous Waste Permit

*Permittee:* AERC.com, Inc.

*Permit No.:* PAD987367216

*Facility:* AERC Recycling Solutions, City of Allentown, Lehigh County.

The Department of Environmental Protection (Department), intends to reissue to AERC.com, Inc. a Solid Waste Management Act Permit. This draft permit is to operate a hazardous waste facility located in the City of Allentown, Lehigh County.

*Public Review, Public Comment, Public Hearing*

Under 25 Pa. Code § 270a.80(a)(2) (relating to public notice and comment requirements) the Department is required to give public notice of the following action: A draft permit is prepared under 25 Pa. Code § 270a.10(c) (relating to general application requirements).

Under 25 Pa. Code § 270a.80(b) it is required that the public be given 45 days to comment on each draft permit prepared under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003). The comment period will begin on June 28, 2006, and will end on August 11, 2006. Persons interested in commenting on the application or draft permit must do so within this comment period. Copies of the application, draft permit and fact sheet for the hazardous waste facility may be reviewed at the Department of Environmental Protection, Bethlehem District Office, 4530 Bath Pike (Route 512), Bethlehem, PA 18017 or at Department of Environmental Protection, Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA 18711. Contact Robert C. Wallace at (570) 826-2516 for further information.

#### Further Information

Persons wishing to comment on the permit renewal application should submit their comments in writing to the Department of Environmental Protection, Waste Management Program, 2 Public Square, Wilkes-Barre, PA 18711-0790, Attention: William Tomayko, Regional Solid Waste Manager. Comments should include all reasonably available references, factual grounds and supporting materials.

A public hearing is scheduled for Tuesday, August 8, 2006, at 7 p.m. The hearing will be held at the City of Allentown Municipal Building, 5th Floor 435 Hamilton Street, Allentown, PA. The public hearing will be held on the draft permit for hazardous waste storage and processing.

#### Final Determination

When making a determination regarding the issuance of a hazardous waste permit to AERC.com, Inc., the Department will consider all written comments received during the comment period and oral or written statements received during the public hearing, the requirements of the hazardous waste regulations at 25 Pa. Code Chapters 260—270 and the Department's permitting policies.

*Facility Description*

The City of Allentown, PA facility of AERC.com, Inc. located in Lehigh County is a treatment and storage facility for primarily mercury bearing materials.

The facility manufactures and refurbishes mercury-containing apparatus. In addition to the recycling/reclamation of mercury bearing hazardous waste and the manufacturing and refurbishing of mercury containing apparatus, the facility also refines by distillation liquid elementary mercury for sale to commercial and industrial users. The treatment process for mercury bearing waste results in the generation of residual and/or hazardous waste, which no longer contain mercury, as well as recovering mercury contained within the waste material into its elemental form. The facility currently has an office area, a receiving dock, an incoming material sorting area, a container storage area, mercury reclamation

retorts and associated equipment. All storage and treatment operations take place within the enclosed building.

**Certification to Perform Radon-Related Activities in this Commonwealth**

In the month of June 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>
James F. Andrews Enterprises	333 Loveville Road Warriors Mark, PA 16877	Mitigation
Gerald Aubrey	1517 Daws Road Blue Bell, PA 19422	Testing
William Barroner	R. R. 2, Box 231A Williamsburg, PA 16693	Testing
Don Cessna	407 West Sample Street Ebensburg, PA 15931	Testing
Michael Cush	P. O. Box 273 Gilbert, PA 18331	Mitigation
Richard DiSylvestro	1341 N. Delaware Avenue Suite 205 Philadelphia, PA 19125	Testing
Gregory Gibson	P. O. Box 733 Tannersville, PA 18372	Testing
Harold S. Hill	R. R. 3, Box 141 East Wyoming, PA 18644	Testing & Mitigation
Shane Hissem	2721 Route 982 Mt. Pleasant, PA 15666	Testing
Richard Hoffman	2843 North Front Street Harrisburg, PA 17110	Testing
Timothy Kennedy	P. O. Box 492 Dallas, PA 18612	Testing
John Kerrigan	100 Old Kennett Road Wilmington, DE 19807	Mitigation
L & J Marketing, Inc.	706 East Street West Easton, PA 18042	Testing
Harry Lehman Delaware Valley Radon Technologies, Inc.	108-1 West Butler Avenue New Britain, PA 18901	Mitigation
Michael Lione	112 Warren Street Tunkhannock, PA 18657	Testing
John Pattison	310 Kerry Court Cranberry Township, PA 16066	Testing
Roman Paul	P. O. Box 731 Valley Forge, PA 19482	Testing
Peter Piazza	1133 Brookside Drive Greensburg, PA 15601	Testing

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Quality Home Services of Delaware Valley, Inc.	700 Braxton Road Ridley Park, PA 19078	Testing
Jon Selko	1276 Bethel Green Drive Bethel Park, PA 15102	Testing
Michael Stabile	2 Stonecrest Road Blakeslee, PA 18610	Testing
Swindell Enterprises, Inc.	227 Locust Street Box 12 Alum Bank, PA 15521	Testing
Michael Tokarczyk	753 Lutzville Road Everett, PA 15537	Mitigation
Daniel Tupek	3112 Colonial Avenue Erie, PA 16506	Mitigation
Jody Viscomi	1304 Eynon Street Scranton, PA 18504	Testing
David Welker	12 James Street Mill Hall, PA 17751	Testing
Dennis Workman	P. O. Box 100 Kimberton, PA 19442	Testing

### Special Notice under The Clean Streams Law

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

A Consent Order and Agreement ("CO&A") was executed by and between the Department of Environmental Protection and the Clarion Area Authority (Authority) on March 23, 2006. This document lays out tasks the Authority must complete to address ongoing noncompliance with the Sewage Facilities Act and The Clean Streams Law (35 P. S. §§ 691.1—691.1001). Copies of the executed March 23, 2006 CO&A are available in the Department of Environmental Protection, Meadville Regional Office, 230 Chestnut Street, Meadville, PA 16335 for public review.

[Pa.B. Doc. No. 06-1329. Filed for public inspection July 14, 2006, 9:00 a.m.]

### Availability of the Final General Plan Approval and/or General Operating Permit for Human or Animal Crematories (BAQ-GPA/GP-14)

The Department of Environmental Protection (Department) has finalized the General Plan Approval and/or General Operating Permit for Human or Animal Crematories (BAQ-GPA/GP-14 or General Permit). On January 28, 2006, the Department published notice of availability of the proposed General Permit at 36 Pa.B. 447 (January 28, 2006) and provided a 45-day public comment period. Comments were submitted on the proposed General Permit by the United States Environmental Protection Agency, Region III, concerning trained operators and adjustments to the burners when switching between "approved fuels." The Department has prepared a Comment and Response Document that summarizes the comments and the changes that were made to the proposed General Permit.

This General Permit applies to the construction, operation and modification of both new and existing human or animal crematories. Prior to commencing construction and/or operation under this General Permit, the permittee must notify the Department in writing, using the General Permit application provided by the Department, and receive prior written approval. The applicant seeking authorization to use the General Permit must also provide a letter from the local municipality and a letter from the county in which the units are located, or are proposed to be located, signed by public officials on their respective letterheads, stating that "the installation and/or operation of this crematory is not inconsistent with applicable comprehensive plans and zoning ordinances" or "all required zoning approvals or variances have been secured for the installation and/or operation of this crematory." Owners or operators of permitted crematories may either continue to operate under an existing operating permit or may elect to apply for authorization to use this General Permit. The General Permit for Human or Animal Crematories has been approved by the Department and is now available for use by qualifying applicants.

Contact Jeanette Van Skike, Bureau of Air Quality, Rachel Carson State Office Building, P. O. Box 8468, Harrisburg, PA 17105-8468, (717) 787-4325, to obtain copies of BAQ-GPA/GP-14 and related documents.

The documents have also been placed on the Department's website: [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (DEP Keywords: Air Permits).

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 06-1330. Filed for public inspection July 14, 2006, 9:00 a.m.]

## Dam Safety and Waterway Management

### Water Quality Certification under Section 401 of the Federal Clean Water Act and Coastal Zone Management Consistency under the Coastal Zone Management Act of 1972 for the Army Corps of Engineers Pennsylvania State Programmatic General Permit (PASPGP-3)

On December 27, 2005, the Baltimore, Philadelphia and Pittsburgh Districts of the Army Corps of Engineers, under the authority of section 404(e) of the Federal Clean Water Act (33 U.S.C.A. § 1344(e)), proposed by its Special Public Notice 05-54, to reissue with modifications the State Programmatic General Permit to the Commonwealth (PASPGP-3). Section 401(a) of the Federal Clean Water Act (33 U.S.C.A. § 1341(a)) requires the State to certify that any activity requiring a Federal license or permit, which may result in a discharge into the waters of the United States, will comply with the applicable provisions of the Federal Clean Water Act as well as applicable State law related to water quality protection. In addition, section 307 of the Federal Coastal Zone Management Act of 1972 (33 U.S.C.A. § 1456) requires that any Federal action that has reasonable foreseeable effects on a state's coastal zone must be consistent with the enforceable policies of a coastal state's Federally approved coastal management program. On June 12, 2006, the Army Corps of Engineers published Special Public Notice No. 06-35, reissuing the Pennsylvania State Programmatic General Permit (PASPGP-2) as PASPGP-3 for a 5-year period with an effective date of July 1, 2006. The PASPGP-3 is available for use as of July 15, 2006.

This action by the Army Corps of Engineers continues the present Federal permitting process undertaken jointly with the State process for activities affecting waterways, water bodies, and wetlands authorized under the State's Dam Safety and Encroachment Act. PASPGP-3 places the Department of Environmental Protection (Department) regional offices and delegated county conservation districts in the lead for the majority of permit actions. Through the incorporation of Federal and State permitting standards in one process, the PASPGP-3 continues a streamlined process for permit applicants without compromising comprehensive environmental protection.

At 36 Pa.B. 2772 (June 3, 2006), the Department requested public comment on the proposed 401 Water Quality Certification and Coastal Zone Management Consistency for PASPGP-3. No comments were submitted to the Department during the 30-day public comment period, which concluded on July 3, 2006; therefore, the Department hereby provides public notice that 401 Water Quality Certification has been issued for the construction, operation and maintenance of an encroachment or water obstruction as proposed in PASPGP-3 and that those projects were determined to comply with the applicable provisions of sections 301—303, 306 and 307 of the Clean Water Act (33 U.S.C.A. §§ 1311—1313, 1316 and 1317). The Department has further certified that the construction, operation and maintenance of the projects complies with applicable State laws related to water quality protection and that the construction, operation and maintenance of the projects does not violate applicable State water quality standards provided that the construction, operation and maintenance of the projects complies with the criteria and conditions of the permit.

Finally, the Department has concurred with the Army Corps of Engineers' determination that the use of the PASPGP-3 is consistent with the Coastal Resources Man-

agement Program of this Commonwealth. Copies of the PASPGP-3, the 401 Water Quality Certification and the Coastal Resources Management Program's consistency concurrence may be obtained by contacting Kenneth Murin, Chief, Division of Waterways, Wetlands, and Stormwater Management, Bureau of Watershed Management, P. O. Box 8775, Harrisburg, PA 17105-8775, (717) 787-6827 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD).

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 06-1331. Filed for public inspection July 14, 2006, 9:00 a.m.]

### Stormwater Manual Oversight Committee Meeting Cancellation

The Stormwater Manual Oversight Committee (Committee) meeting scheduled for July 25, 2006, is cancelled. The next meeting of the Committee is scheduled for 10 a.m. on August 29, 2006, in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. The meeting materials for the August 29, 2006, meeting will be available on the Department of Environmental Protection's (Department) Public Participation website at [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (select "Public Participation Center," then "DEP Advisory Committee Agendas, Minutes and Handouts," then "Stormwater Manual Oversight Committee").

Questions concerning the cancellation of the July 25, 2006, meeting should be directed to Dennis Stun, Bureau of Watershed Management, P. O. Box 8775, Harrisburg, PA 17105-8775, (717) 772-5963, [dstum@state.pa.us](mailto:dstum@state.pa.us).

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact the Department at (717) 772-5963 or through the AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 06-1332. Filed for public inspection July 14, 2006, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Application of Ambulatory Surgery Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Ambulatory Surgery Center has requested an exception to the requirements of 28 Pa. Code §§ 553.3(13) and (14), 559.1 and 559.2 (relating to governing body responsibilities; nursing department; 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](mailto: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. 06-1333. Filed for public inspection July 14, 2006, 9:00 a.m.]

### **Application of Brandywine Cosmetic Surgery Center for Exception**

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Brandywine Cosmetic Surgery Center has requested an exception to the requirements of 28 Pa. Code § 553.31 (relating to administrative responsibilities).

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. 06-1334. Filed for public inspection July 14, 2006, 9:00 a.m.]

### **Application of Children's Hospital Pittsburgh—North Surgery Center for Exception**

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Children's Hospital Pittsburgh—North Surgery Center has requested an exception to the requirements of 28 Pa. Code §§ 551.21(d)(2), 553.31(a), 567.2 and 569.1.

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. 06-1335. Filed for public inspection July 14, 2006, 9:00 a.m.]

### **Application of Children's Hospital Pittsburgh—South Surgery Center for Exception**

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Children's Hospital Pittsburgh—South Surgery Center has requested an exception to the requirements of 28 Pa. Code §§ 551.21(d)(2), 553.31(a), 567.2 and 569.1.

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. 06-1336. Filed for public inspection July 14, 2006, 9:00 a.m.]



### Application of Elk Regional Health Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Elk Regional Health Center has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards) which requires compliance with minimum standards contained in *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exemption from the following standards contained in this publication: 7.10 (relating to cardiac catheterization lab).

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. 06-1337. Filed for public inspection July 14, 2006, 9:00 a.m.]

### Application of Kindred Hospital Havertown for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Kindred Hospital Havertown has requested an exception to the requirements of 28 Pa. Code §§ 101.31(1) and 103.1 (relating to hospital requirements; 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. 06-1338. Filed for public inspection July 14, 2006, 9:00 a.m.]

### Application of Mountain Laurel Surgery Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Mountain Laurel Surgery Center has requested an exception to the requirements of 28 Pa. Code § 555.31 (relating to 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. 06-1339. Filed for public inspection July 14, 2006, 9:00 a.m.]

### Application of Nason Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Nason 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: 7.8.A3 (relating to cesarean/delivery suite).

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. 06-1340. Filed for public inspection July 14, 2006, 9:00 a.m.]

### Application of Susquehanna Valley Surgery Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Susquehanna Valley Surgery Center has requested an exception to the requirements of 28 Pa. Code § 551.21 (relating to criteria for ambulatory surgery).

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. 06-1341. Filed for public inspection July 14, 2006, 9:00 a.m.]

### Application of Tri County Surgery Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Tri County Surgery Center has requested an exception to the requirements of 28 Pa. Code § 555.31 (relating to 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.

The facility has requested a waiver of the comment period, as set forth in 28 Pa. Code § 51.33(c).

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. 06-1342. Filed for public inspection July 14, 2006, 9:00 a.m.]

### Application of Uniontown Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Uniontown Hospital has requested an exception to the requirements of 28 Pa. Code § 127.32 (relating to written orders).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and 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. 06-1343. Filed for public inspection July 14, 2006, 9:00 a.m.]

### Application of UPMC Horizon for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that UPMC Horizon has requested an exception to the requirements of 28 Pa. Code § 107.32 (relating to meetings and attendance).

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. 06-1344. Filed for public inspection July 14, 2006, 9:00 a.m.]

### Application of Wellspan Endoscopy Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Wellspan Endoscopy Center has requested an exception to the requirements of 28 Pa. Code § 551.3 (relating to definitions).

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. 06-1345. Filed for public inspection July 14, 2006, 9:00 a.m.]

### Application of The Western Pennsylvania Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that The Western Pennsylvania 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: 7.2.A4 (relating to handwashing stations).

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. 06-1346. Filed for public inspection July 14, 2006, 9:00 a.m.]

### Laboratories Approved to Determine Analyses of Blood and/or Serum for Controlled Substances

The following laboratories are licensed by the Department of Health (Department) under the Clinical Laboratory Act (35 P. S. §§ 2151—2165) and/or the Federal Clinical Laboratory Improvement Act of 1967 (42 U.S.C.A. § 263a) and are currently approved by the Department under 28 Pa. Code § 5.50 (relating to approval to provide special analytical services) to perform analyses of blood and/or serum for the determination of controlled substances. This approval is based on demonstrated proficiency in tests conducted by the Bureau of Laboratories of the Department. These laboratories are also approved and designated for purposes of the Vehicle Code, 75 Pa.C.S. §§ 1547 and 3755 (relating to chemical testing to determine amount of alcohol or controlled substance; and reports by emergency room personnel), the Fish and Boat Code, 30 Pa.C.S. § 5125 (relating to chemical testing to determine amount of alcohol or controlled substance) and the Game and Wildlife Code, 34 Pa.C.S. § 2502 (relating to chemical test to determine amount of alcohol), as qualified to perform the types of services which will reflect the presence of controlled substances or their biotransformation products in blood and/or serum.

Depending upon their capability and performance in proficiency surveys, laboratories are approved to perform

screening and/or confirmatory analyses on blood and/or serum. Laboratories approved to perform screening analyses are designated on the approval list by an "S" followed by the letters "B" for blood and/or "Se" for serum. Laboratories approved to screen both blood and serum would therefore have "SBSe" listed after their laboratory name. Laboratories approved to offer confirmatory analyses will be designated on the approval list by a "C" followed by the letters "B" for blood and/or "Se" for serum. Laboratories approved to perform confirmatory analyses on both serum and blood would therefore have "CBSe" listed after the name of their laboratory.

Screening analyses provide a presumptive indication that a controlled substance is present. Confirmatory testing is used to substantiate screening results.

Persons seeking forensic blood and/or serum analysis services from any of the listed laboratories should determine that the laboratory employs techniques and procedures acceptable for the medicolegal purposes. They should also determine that the director of the facility is agreeable to performing analyses for forensic purposes. Persons seeking the analyses are responsible for specifying the extent to which the presence of a controlled substance is to be verified. That specification should be predicated upon the purpose for which the analysis is being sought.

The name of a laboratory is sometimes changed but the location, personnel and testing procedures of the facility remain unchanged. When changes of this type occur, the Clinical Laboratory Permit number does not change. If questions arise about the identity of a laboratory due to a name change, the Clinical Laboratory Permit number should be used as the primary identifier. To assist in identifying a laboratory that performed a test if the name of the facility changed, the Clinical Laboratory Permit numbers of the facilities are included in the lists of approved laboratories above the name of the laboratory at the time the list was prepared.

The list of approved laboratories will be revised approximately semiannually and published in the *Pennsylvania Bulletin*. Questions regarding this list should be directed to M. Jeffery Shoemaker, Ph.D., Director, Division of Chemistry and Toxicology, Department of Health, Bureau of Laboratories, P. O. Box 500, Exton, PA 19341-0500, (610) 280-3464.

Persons with a disability who require an alternative format of this notice (for example, large print, audiotope, Braille) should contact Dr. Shoemaker at the previously referenced address or phone number. Persons who are speech or hearing impaired may use V/TT: (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

000671  
ALLEG CNTY CORONERS DIV OF LABS—SBSe, CBSe  
542 FORBES AVENUE  
ROOM 10 COUNTY OFFICE BUILDING  
PITTSBURGH, PA 15219  
412-350-6873

000452  
ANALYTIC BIO-CHEMISTRIES INC—SBSe, CBSe  
1680-D LORETTA AVENUE  
FEASTERVILLE, PA 19053  
215-322-9210

000266  
DEPT OF PATHOLOGY & LAB MED-HUP—SSe, CSe  
3400 SPRUCE STREET  
PHILADELPHIA, PA 19104  
215-662-6882

000977  
DRUGSCAN INC—SBSe, CBSe  
1119 MEARNS RD, PO BOX 2969  
WARMINSTER, PA 18974  
215-674-9310

000654  
GUTHRIE CLINIC PATH LAB—SSe  
GUTHRIE SQUARE  
SAYRE, PA 18840  
570-888-5858

024655  
HEALTH NETWORK LABORATORIES—SBSe, CBSe  
2024 LEHIGH STREET  
ALLENTOWN, PA 18103-4798  
610-402-8150

020512  
LABCORP OCCUPATIONAL TESTING SER—SBSe,  
CBSe  
1904 ALEXANDER DRIVE  
PO BOX 12652  
RESRCH TRINGL PARK, NC 27709  
919-572-7465

009003  
MAYO CLINIC DEPT LAB MED & PATH—SBSe, CBSe  
200 FIRST STREET SW HILTON 530  
ROCHESTER, MN 55905  
507-284-3018

005574  
MEDTOX LABORATORIES INC—SBSe, CBSe  
402 WEST COUNTY ROAD D  
ST PAUL, MN 55112  
651-636-7466

000504  
NATIONAL MED SERVICES INC LAB—SBSe, CBSe  
3701 WELSH ROAD  
WILLOW GROVE, PA 19090  
215-657-4900

029741  
NORTHERN TIER RESEARCH—SBSe, CBSe  
1300 OLD PLANK ROAD  
MAYFIELD, PA 18433  
570-351-6153

000520  
PITTSBURGH CRIMINALISTICS LABORATORY—SBSe,  
CBSe  
1320 FIFTH AVENUE  
PITTSBURGH, PA 15219  
412-391-6118

001136  
QUEST DIAGNOSTICS NICHOLS INSTITUTE—SBSe,  
CBSe  
14225 NEWBROOK DRIVE  
PO BOX 10841  
CHANTILLY, VA 20153-0841  
703-802-6900

000482  
QUEST DIAGNOSTICS OF PA INC—SBSe, CBSe  
875 GREENTREE RD 4 PARKWAY CENTER  
PITTSBURGH, PA 15220-3610  
412-920-7600

025461  
 QUEST DIAGNOSTICS VENTURE LLC—SBSe, CBSe  
 875 GREENTREE ROAD  
 4 PARKWAY CENTER  
 PITTSBURGH, PA 15220-3610  
 412-920-7631

000151  
 ST JOSEPH QUALITY MEDICAL LAB—SBSe, CBSe  
 215 NORTH 12TH STREET BOX 316  
 READING, PA 19603  
 610-378-2200

007731  
 WESTERN RESERVE CARE SYSTEM—SSe, CSe  
 500 GYPSY LANE  
 YOUNGSTOWN, OH 44501  
 330-884-3767

000018  
 WVHCS HOSP DBA PENNANT LABORATORY—SSe  
 575 NORTH RIVER STREET  
 WILKES BARRE, PA 18764  
 570-829-8111

000141  
 YORK HOSPITAL—SSe  
 1001 SOUTH GEORGE STREET  
 YORK, PA 17405  
 717-851-2345

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

[Pa.B. Doc. No. 06-1347. Filed for public inspection . July 14, 2006, 9:00 a.m.]

**Laboratories Approved to Determine Blood Alcohol Content Under the Clinical Laboratory Act, the Vehicle Code, the Fish and Boat Code and the Game and Wildlife Code**

The following laboratories are licensed by the Department of Health (Department) under the Clinical Laboratory Act (35 P.S. §§ 2151—2165) and are currently approved by the Department under 28 Pa. Code §§ 5.50 and 5.103 (relating to approval to provide special analytical services; and blood tests for blood alcohol content) to perform alcohol analyses of blood and/or serum and plasma. This approval is based on demonstrated proficiency in periodic tests conducted by the Department's Bureau of Laboratories.

Since procedures for determining the alcohol content of serum and plasma are identical and results obtained from serum or plasma derived from a blood sample are the same, laboratories that demonstrate reliability in the analysis of serum proficiency testing specimens are approved to analyze both serum and plasma. These laboratories are also approved and designated under the provisions of the Vehicle Code, 75 Pa.C.S. §§ 1547 and 3755 (relating to chemical testing to determine amount of alcohol or controlled substance; and reports by emergency room personnel), the Fish and Boat Code, 30 Pa.C.S. § 5125 (relating to chemical testing to determine amount of alcohol or controlled substance) and the Game and Wildlife Code, 34 Pa.C.S. § 2502 (relating to chemical test to determine amount of alcohol) as qualified to perform the types of specialized services which will reflect the presence of alcohol in blood and/or serum and plasma. Laboratories located outside the Commonwealth may not

provide blood and/or serum and plasma alcohol testing services in this Commonwealth unless they are specifically licensed by the Department under the Clinical Laboratory Act.

Persons seeking forensic blood and/or serum and plasma analysis services from the following designated laboratories should determine that the laboratory employs techniques and procedures acceptable for forensic purposes and that the director of the facility is agreeable to performing determinations for this purpose. The list of approved laboratories will be revised approximately semi-annually and published in the *Pennsylvania Bulletin*.

The name of a laboratory is sometimes changed but the location, personnel and testing procedures of the facility remain unchanged. When changes of this type occur, the Clinical Laboratory Permit number does not change. If questions arise about the identity of a laboratory due to a name change, the Clinical Laboratory Permit number should be used as the primary identifier. To assist in identifying a laboratory that performed a test if the name of the facility changed, the Clinical Laboratory Permit numbers of the facilities are included in the lists of approved laboratories above the name of the laboratory at the time the list was prepared.

The Department's blood alcohol and serum/plasma alcohol proficiency testing programs are approved by the United States Department of Health and Human Services (HHS) in accordance with the requirements contained in the Clinical Laboratory Improvement Amendments of 1988 (42 CFR §§ 493.901 and 493.937) which are administered by the Centers for Medicare and Medicaid Services. Participation in these programs may therefore be used to demonstrate acceptable performance for approval purposes under both Federal and Commonwealth statutes.

Questions regarding this list should be directed to Dr. M. Jeffery Shoemaker, Division of Chemistry and Toxicology, Department of Health, Bureau of Laboratories, P. O. Box 500, Exton, PA 19341-0500, (610) 280-3464.

Persons with a disability who require an alternative format of this notice (for example, large print, audiotape, Braille) should contact Dr. Shoemaker at the previously referenced address or phone number, or persons who are speech or hearing impaired may use V/TT (717) 783-6514 or the Pennsylvania AT & T Relay Service at (800) 654-5984 (TT).

The symbols S and B indicate the following:

S = approved for serum and plasma analyses  
 B = approved for blood analyses  
 SB = approved for serum, plasma and blood analyses

000212  
 ABINGTON MEMORIAL HOSPITAL—S  
 1200 OLD YORK ROAD  
 ABINGTON, PA 19001  
 215-576-2350

027180  
 ADVANCED TOXICOLOGY NETWORKB—B  
 3560 AIR CENTER COVE SUITE 101  
 MEMPHIS, TN 38118  
 901-794-5770

000233  
 ALBERT EINSTEIN MEDICAL CENTER—S  
 5501 OLD YORK ROAD  
 PHILADELPHIA, PA 19141  
 215-456-6100

- 000040  
ALIQUIPPA COMMUNITY HOSPITAL  
LABORATORY—S  
2500 HOSPITAL DRIVE  
PATHOLOGY DEPT  
ALIQUIPPA, PA 15001  
724-857-1240
- 000671  
ALLEG CNTY CORONERS DIV OF LABS—SB  
542 FORBES AVENUE  
ROOM 10 COUNTY OFFICE BUILDING  
PITTSBURGH, PA 15219  
412-350-6873
- 000094  
ALLEGHENY GEN HOSP SUBURBAN CAMPUS  
LAB—S  
100 SOUTH JACKSON AVENUE  
BELLEVUE, PA 15202  
412-734-6020
- 028233  
ALLEGHENY GENERAL HOSP DEPT OF LAB MED—B  
320 E NORTH AVENUE  
PITTSBURGH, PA 15212  
412-359-6886
- 000077  
ALLEGHENY GENERAL HOSPITAL—B  
1307 FEDERAL STREET  
PITTSBURGH, PA 15212  
412-359-3521
- 000100  
ALLEGHENY VALLEY HOSPITAL LAB—S  
1300 CARLISLE ST  
NATRONA HEIGHTS, PA 15065  
724-224-5100
- 000120  
ALTOONA REGIONAL HEALTH SYSM—BON  
SECOURS CAMPUS—SB  
2500 SEVENTH AVENUE  
ALTOONA, PA 16602-2099  
814-949-4495
- 000119  
ALTOONA REGIONAL HEALTH SYSTEM LAB—SB  
620 HOWARD AVENUE  
ALTOONA, PA 16601-4899  
814-946-2340
- 000452  
ANALYTIC BIO-CHEMISTRIES INC—SB  
1680-D LORETTA AVENUE  
FEASTERVILLE, PA 19053  
215-322-9210
- 000041  
ARMSTRONG COUNTY MEMORIAL HOSP—S  
1 NOLTE DRIVE  
KITTANNING, PA 16201  
724-543-8500
- 000047  
ASSOCIATED CLINICAL LABORATORIES—SB  
1526 PEACH STREET  
ERIE, PA 16501  
814-461-2400
- 000320  
BARNES KASSON HOSPITAL LAB—S  
400 TURNPIKE STREET  
SUSQUEHANNA, PA 18847  
570-853-3135
- 000033  
BRADFORD REGIONAL MEDICAL CENTER—SB  
116-156 INTERSTATE PKWY  
BRADFORD, PA 16701-0218  
814-362-8247
- 000296  
BRANDYWINE HOSPITAL—S  
201 REECEVILLE ROAD ATTN: LABORATORY  
COATESVILLE, PA 19320  
610-383-8000
- 000301  
BUTLER MEMORIAL HOSPITAL—S  
911 EAST BRADY STREET  
BUTLER, PA 16001  
724-284-4510
- 000107  
CANONSBURG GENERAL HOSPITAL—S  
100 MEDICAL BOULEVARD  
CANONSBURG, PA 15317  
724-745-3916
- 000131  
CARLISLE REGIONAL MEDICAL CENTER—S  
45 SPRINT DRIVE  
CARLISLE, PA 17013  
717-249-1212
- 000215  
CENTRAL MONTGOMERY MEDICAL CENTER—S  
100 MEDICAL CAMPUS DRIVE  
LANSDALE, PA 19446  
215-368-2100
- 000132  
CHAMBERSBURG HOSPITAL DEPT OF  
PATHOLOGY—S  
112 NORTH SEVENTH STREET  
CHAMBERSBURG, PA 17201  
717-267-7153
- 000310  
CHARLES COLE MEMORIAL HOSPITAL—S  
1001 EAST SECOND STREET  
COUDERSPORT, PA 16915  
814-274-9300
- 000198  
CHESTER COUNTY HOSPITAL—S  
701 E MARSHALL ST  
WEST CHESTER, PA 19380  
610-431-5182
- 000227  
CHESTNUT HILL HOSPITAL—S  
8835 GERMANTOWN AVENUE  
DEPT OF PATHOLOGY  
PHILADELPHIA, PA 19118  
215-248-8630
- 000228  
CHILDRENS HOSP OF PHILADELPHIA—S  
ONE CHILDREN'S CENTER 34TH & CIVIC  
PHILADELPHIA, PA 19104  
215-590-1000
- 000329  
CLARION HOSPITAL—SB  
1 HOSPITAL DRIVE  
CLARION, PA 16214  
814-226-9500

- 000026  
CLEARFIELD HOSPITAL LABORATORY—S  
809 TURNPIKE AVE PO BOX 992  
CLEARFIELD, PA 16830  
814-768-2280
- 000034  
COMMUNITY HOSPITAL—B  
NORTH FRALEY STREET  
KANE, PA 16735  
814-837-4575
- 000005  
COMMUNITY MEDICAL CENTER—S  
1800 MULBERRY STREET  
SCRANTON, PA 18510  
570-969-8000
- 000125  
CONEMAUGH VALLEY MEMORIAL HOSP—SB  
1086 FRANKLIN STREET  
JOHNSTOWN, PA 15905-4398  
814-534-9000
- 000326  
CORY MEMORIAL HOSPITAL—S  
612 WEST SMITH STREET  
CORY, PA 16407  
814-664-4641
- 000201  
CROZER CHESTER MED CENTER—S  
1 MEDICAL CENTER BOULEVARD  
UPLAND, PA 19013  
610-447-2000
- 000209  
CROZER-CHESTER MED CTR—SPRINGFLD—S  
190 WEST SPROUL ROAD  
SPRINGFIELD, PA 19064  
610-447-2000
- 000204  
DELAWARE COUNTY MEMORIAL HOSP—S  
501 NORTH LANSDOWNE AVENUE  
DREXEL HILL, PA 19026-1186  
610-284-8100
- 000266  
DEPT OF PATHOLOGY & LAB MED-HUP—SB  
3400 SPRUCE STREET  
PHILADELPHIA, PA 19104  
215-662-6882
- 000194  
DOYLESTOWN HOSPITAL—S  
595 WEST STATE STREET  
DOYLESTOWN, PA 18901  
215-345-2250
- 000977  
DRUGSCAN INC—SB  
1119 MEARNES RD, PO BOX 2969  
WARMINSTER, PA 18974  
215-674-9310
- 000027  
DUBOIS REG MED CTR—WEST UNIT—S  
100 HOSPITAL AVE  
DUBOIS, PA 15801  
814-371-2200
- 000175  
EASTON HOSPITAL—B  
250 SOUTH 21ST ST  
EASTON, PA 18042-3892  
610-250-4140
- 000332  
ELLWOOD CITY HOSPITAL—S  
724 PERSHING ST  
ELLWOOD CITY, PA 16117  
724-752-0081
- 000164  
EPHRATA COMMUNITY HOSPITAL—S  
169 MARTIN AVE PO BOX 1002  
EPHRATA, PA 17522  
717-733-0311
- 000032  
ERHC ST MARYS LABORATORY—B  
763 JOHNSONBURG RD  
SAINT MARYS, PA 15857  
814-788-8525
- 000181  
EVANGELICAL COMMUNITY HOSPITAL—S  
1 HOSPITAL DRIVE  
LEWISBURG, PA 17837  
570-522-2510
- 000192  
FRANKFORD HOSP BUCKS CO CAMPUS—S  
380 NORTH OXFORD VALLEY ROAD  
LANGHORNE, PA 19047-8304  
215-934-5227
- 000341  
FRANKFORD HOSP TC LAB—S  
RED LION & KNIGHTS ROADS  
ATTN P FARANO MD  
PHILADELPHIA, PA 19114  
215-612-4000
- 000236  
FRANKFORD HOSPITAL FRANK DIV—S  
FRANKFORD AVE & WAKELING ST  
PHILADELPHIA, PA 19124  
215-831-2068
- 000115  
FRICK HOSPITAL—S  
508 SOUTH CHURCH STREET  
MOUNT PLEASANT, PA 15666  
724-547-1500
- 000330  
FULTON COUNTY MEDICAL CENTER—S  
216 SOUTH FIRST STREET  
MCCONNELLSBURG, PA 17233  
717-485-3155
- 000173  
GEISINGER MEDICAL CENTER—SB  
N ACADEMY RD  
DANVILLE, PA 17822  
570-271-6338
- 000017  
GEISINGER SOUTH WILKES BARRE HOSPITAL—S  
25 CHURCH STREET  
PO BOX 658  
WILKES BARRE, PA 18765  
570-826-3100
- 000019  
GEISINGER WYOMING VALLEY MED CTR—S  
1000 E MOUNTAIN DRIVE  
WILKES BARRE, PA 18711  
570-826-7830

000237  
GERMANTOWN COMM HLTH WILLOW TERR—S  
ONE PENN BOULEVARD  
PHILADELPHIA, PA 19144  
215-951-8800

000122  
GETTYSBURG HOSPITAL—SB  
147 GETTYS STREET  
GETTYSBURG, PA 17325  
717-334-2121

000152  
GNADEN HUETTEN MEMORIAL HOSP—S  
211 NORTH 12TH STREET  
LEHIGHTON, PA 18235  
610-377-7083

000299  
GOOD SAMARITAN HOSPITAL—B  
4TH & WALNUT STS PO BOX 1281  
LEBANON, PA 17042-1218  
717-270-7500

000182  
GOOD SAMARITAN REGIONAL MED CTR—S  
700 EAST NORWEGIAN STREET  
POTTSVILLE, PA 17901  
570-621-4032

000238  
GRADUATE HOSPITAL—S  
1800 LOMBARD STREET  
PHILADELPHIA, PA 19146  
215-893-7496

000196  
GRAND VIEW HOSPITAL—S  
700 LAWN AVE  
SELLERSVILLE, PA 18960  
215-453-4528

000061  
GROVE CITY MEDICAL CENTER—SB  
631 NORTH BROAD STREET EXT  
GROVE CITY, PA 16127  
724-450-7125

000654  
GUTHRIE CLINIC PATH LAB—S  
GUTHRIE SQUARE  
SAYRE, PA 18840  
570-888-5858

000239  
HAHNEMANN UNIVERSITY HOSPITAL—S  
BROAD & VINE STS MS 113  
PHILADELPHIA, PA 19102  
215-762-1783

000046  
HAMOT MEDICAL CENTER—S  
201 STATE STREET  
ERIE, PA 16550  
814-877-3131

000139  
HANOVER HOSPITAL, INC.—SB  
300 HIGHLAND AVE  
HANOVER, PA 17331  
717-637-3711

000155  
HARRISBURG HOSPITAL LABORATORY—SB  
MEDICAL SCIENCES BUILDING  
100 2ND STREET  
HARRISBURG, PA 17105  
570-782-2832

000010  
HAZLETON GENERAL HOSPITAL—S  
700 EAST BROAD  
HAZLETON, PA 18201  
570-501-4152

000169  
HEALTH NETWORK LABORATORIES—S  
1627 WEST CHEW STREET  
ALLENTOWN, PA 18102  
610-402-2236

000549  
HEALTH NETWORK LABORATORIES—S  
1200 SOUTH CEDAR CREST BLVD  
ALLENTOWN, PA 18103  
610-402-8150

000600  
HEALTH NETWORK LABORATORIES—S  
2545 SCHOENERSVILLE ROAD  
BETHLEHEM, PA 18017-7384  
484-884-2259

0246551  
HEALTH NETWORK LABORATORIES—SB  
2024 LEHIGH STREET  
ALLENTOWN, PA 18103-4798  
610-402-8150

000166  
HEART OF LANCASTER REGIONAL MEDICAL  
CENTER—S  
1500 HIGHLANDS DRIVE  
LITITZ, PA 17543  
717-625-5605

000103  
HIGHLANDS HOSPITAL—S  
401 EAST MURPHY AVENUE  
CONNELLSVILLE, PA 15425  
724-628-1500

000130  
HOLY SPIRIT HOSPITAL—S  
503 N 21ST STREET  
CAMP HILL, PA 17011-2288  
717-763-2206

000052  
INDIANA REGIONAL MEDICAL CENTER—S  
HOSPITAL ROAD PO BOX 788  
INDIANA, PA 15701-0788  
724-357-7167

000135  
J C BLAIR MEMORIAL HOSPITAL—S  
1225 WARM SPRINGS AVENUE  
HUNTINGDON, PA 16652  
814-643-8645

000054  
JAMESON MEMORIAL HOSPITAL—S  
1211 WILMINGTON AVENUE  
NEW CASTLE, PA 16105  
724-656-4080



000240  
JEANES HOSPITAL—S  
7600 CENTRAL AVE  
PHILADELPHIA, PA 19111  
215-728-2347

000038  
JEFFERSON REGIONAL MED CTR—S  
565 COAL VALLEY ROAD  
BIBRO BLDG 4TH FLOOR  
PITTSBURGH, PA 15236  
412-469-5723

000200  
JENNERSVILLE REGIONAL HOSPITAL—S  
1015 WEST BALTIMORE PIKE  
WEST GROVE, PA 19390  
610-869-1080

000053  
JRHS BROOKVILLE—S  
100 HOSPITAL RD  
BROOKVILLE, PA 15825  
814-849-2312

000532  
KENSINGTON HOSPITAL—S  
136 WEST DIAMOND STREET  
PHILADELPHIA, PA 19122  
215-426-8100

005618  
LAB CORP OF AMERICA HOLDINGS—SB  
6370 WILCOX ROAD  
DUBLIN, OH 43016-1296  
800-282-7300

001088  
LABCORP OF AMERICA HOLDINGS—SB  
69 FIRST AVE PO BOX 500  
RARITAN, NJ 08869  
908-526-2400

022715  
LABONE INC—SB  
10101 RENNER BOULEVARD  
LENEXA, KS 66219-9752  
913-888-1770

000165  
LANCASTER GENERAL HOSPITAL—S  
555 N DUKE STREET  
PO BOX 3555  
LANCASTER, PA 17604  
717-299-5511

000167  
LANCASTER REGIONAL MED CENTER—S  
250 COLLEGE AVENUE  
PO BOX 3434  
LANCASTER, PA 17604  
717-291-8022

000114  
LATROBE AREA HOSPITAL—S  
121 W SECOND AVENUE  
LATROBE, PA 15650  
724-537-1550

000138  
LEWISTOWN HOSPITAL—B  
400 HIGHLAND AVENUE  
LEWISTOWN, PA 17044  
717-248-5411

000030  
LOCK HAVEN HOSPITAL—B  
24 CREE DRIVE  
LOCK HAVEN, PA 17745  
570-893-5000

000242  
MAIN LINE CLIN LABS LANKENAU CP—S  
100 EAST LANCASTER AVENUE  
WYNNEWOOD, PA 19096  
610-645-2615

000199  
MAIN LINE CLIN LABS PAOLI MEM CP—S  
255 WEST LANCASTER AVENUE  
PAOLI, PA 19301  
610-648-1000

000213  
MAIN LINE HOSPITAL BRYN MAWR—S  
130 BRYN MAWR AVENUE  
BRYN MAWR, PA 19010  
610-526-3554

000004  
MARIAN COMMUNITY HOSPITAL—S  
100 LINCOLN AVENUE  
CARBONDALE, PA 18407  
717-281-1042

009003  
MAYO CLINIC DEPT LAB MED & PATH—SB  
200 FIRST STREET SW HILTON 530  
ROCHESTER, MN 55905  
507-284-3018

000049  
MEADVILLE MED CTR-LIBERTY ST—S  
751 LIBERTY STREET  
MEADVILLE, PA 16335  
814-336-5000

005574  
MEDTOX LABORATORIES INC—SB  
402 WEST COUNTY ROAD D  
ST PAUL, MN 55112  
651-636-7466

000140  
MEMORIAL HOSPITAL CLINICAL LAB—SB  
325 S BELMONT ST PO BOX 15118  
YORK, PA 17403  
717-843-8623

000023  
MEMORIAL HOSPITAL LAB—SB  
1 HOSPITAL DRIVE  
TOWANDA, PA 18848  
570-265-2191

000126  
MEMORIAL MEDICAL CENTER LAB—SB  
320 MAIN STREET  
JOHNSTOWN, PA 15901  
814-533-0130

000203  
MERCY FITZGERALD HOSPITAL—S  
1500 LANSDOWNE AVENUE  
DARBY, PA 19023  
610-237-42621

000247  
MERCY HEALTH LAB/MHOP—S  
54TH & CEDAR AVENUE  
PHILADELPHIA, PA 19143  
215-748-9181

000219  
MERCY HEALTH LAB/MSH—S  
2701 DEKALB PIKE  
NORRISTOWN, PA 19401  
610-278-2090

000336  
MERCY HOSPITAL—S  
746 JEFFERSON AVENUE  
SCRANTON, PA 18510  
570-348-7100

000082  
MERCY HOSPITAL OF PITTSBURGH—S  
PRIDE & LOCUST STREETS  
PITTSBURGH, PA 15219  
412-232-7831

000113  
MERCY JEANNETTE HOSPITAL—S  
600 JEFFERSON AVENUE  
JEANNETTE, PA 15644  
724-527-9330

028436  
METHODIST HOSP DIV TJUH INC ER LAB—S  
2301 SOUTH BROAD STREET  
PHILADELPHIA, PA 19148  
215-952-9055

000245  
METHODIST HOSP DIVISION/TJUH INC—S  
1900 S BROAD STREET  
PHILADELPHIA, PA 19145  
215-952-9059

000231  
MEYERSDALE COMMUNITY HOSPITAL—S  
200 HOSPITAL DR  
MEYERSDALE, PA 15552  
814-634-5911

000269  
MIDVALLEY HOSPITAL—S  
1400 MAIN STREET  
PECKVILLE, PA 18452  
570-383-5520

000128  
MINERS MEDICAL CENTER—S  
290 HAIDA AVENUE  
PO BOX 689  
HASTINGS, PA 16646  
814-247-3100

000108  
MONONGAHELA VALLEY HOSPITAL INC—S  
1163 COUNTRY CLUB ROAD  
MONONGAHELA, PA 15063  
724-258-1021

000217  
MONTGOMERY HOSPITAL LAB—S  
POWELL & FORNANCE STS  
NORRISTOWN, PA 19401  
610-270-2173

000007  
MOSES TAYLOR HOSPITAL—S  
700 QUINCY AVENUE  
SCRANTON, PA 18510  
570-340-2100

000214  
MOSS REHAB EINSTEIN AT ELKINS PARK—S  
60 EAST TOWNSHIP LINE ROAD  
ELKINS PARK, PA 19027  
215-663-6102

000025  
MOUNT NITTANY MEDICAL CENTER—B  
1800 PARK AVENUE  
STATE COLLEGE, PA 16803  
814-234-6117

000035  
MUNCY VALLEY HOSPITAL—S  
215 EAST WATER ST  
MUNCY, PA 17756  
570-546-8282

000304  
NASON HOSPITAL—B  
NASON DRIVE  
ROARING SPRING, PA 16673  
814-224-6215

000504  
NATIONAL MED SERVICES INC LAB—SB  
3701 WELSH ROAD  
WILLOW GROVE, PA 19090  
215-657-4900

000248  
NAZARETH HOSPITAL—S  
2601 HOLME AVE  
PHILADELPHIA, PA 19152  
215-335-6245

029741  
NORTHERN TIER RESEARCH—SB  
1300 OLD PLANK ROAD  
MAYFIELD, PA 18433  
570-351-6153

029067  
NORTHWEST TOXICOLOGY, A LABONE  
COMPANY—SB  
2282 SOUTH PRESIDENTS DRIVE  
SUITE C  
WEST VALLEY CITY, UT 84120  
801-293-2300

000099  
OHIO VALLEY GENERAL HOSPITAL—S  
25 HECKEL RD  
MCKEES ROCKS, PA 15136  
412-777-6161

000334  
PALMERTON HOSPITAL—SB  
135 LAFAYETTE AVE  
PALMERTON, PA 18071  
610-826-3141

000258  
PENN PRESBYTERIAN MEDICAL CENTER—S  
51 NORTH 39TH ST 5TH FLR RM 530  
DEPARTMENT OF PATHOLOGY & LAB  
PHILADELPHIA, PA 19104-2640  
215-662-3435

000316  
PENN STATE MILTON S HERSHEY MED CTR—S  
500 UNIVERSITY DRIVE  
DEPT OF PATHOLOGY & LAB MEDICINE  
HERSHEY, PA 17033  
717-531-8353

022533  
PENNSYLVANIA DEPT OF HEALTH—SB  
110 PICKERING WAY  
LIONVILLE, PA 19353  
610-280-3464

- 000251  
PENNSYLVANIA HOSP OF THE UNIV OF PA HLTH—S  
800 SPRUCE STREETS  
PHILADELPHIA, PA 19107  
215-829-3541
- 000197  
PHOENIXVILLE HOSPITAL LABORATORY—S  
140 NUTT ROAD  
DEPT OF PATHOLOGY  
PHOENIXVILLE, PA 19460-0809  
610-983-1612
- 000157  
PINNACLEHLTH/COMM GEN OSTEO HOSP—S  
4300 LONDONDERRY RD PO BOX 3000  
HARRISBURG, PA 17109  
717-657-72141
- 000520  
PITTSBURGH CRIMINALISTICS LABORATORY—SB  
1320 FIFTH AVENUE  
PITTSBURGH, PA 15219  
412-391-6118
- 000022  
POCONO MEDICAL CENTER LAB—SB  
206 EAST BROWN STREET  
EAST STROUDSBURG, PA 18301  
570-476-3544
- 000221  
POTTSTOWN HOSPITAL COMPANY, LLC—S  
1600 EAST HIGH STREET  
POTTSTOWN, PA 19464  
610-327-7000
- 000183  
POTTSVILLE HOSP AND WARNE CLINIC—SB  
420 SOUTH JACKSON STREET  
POTTSVILLE, PA 17901  
570-621-5262
- 000300  
PUNXSUTAWNEY AREA HOSPITAL—S  
81 HILLCREST DRIVE  
PUNXSUTAWNEY, PA 15767  
814-938-4500
- 000315  
QUEST DIAGNOSTICS CLINICAL LABS INC—SB  
900 BUSINESS CENTER DRIVE  
HORSHAM, PA 19044  
215-957-9300
- 027461  
QUEST DIAGNOSTICS INC—SB  
400 EGYPT ROAD  
NORRISTOWN, PA 19403  
610-631-4219
- 001136  
QUEST DIAGNOSTICS NICHOLS INSTITUTE—SB  
14225 NEWBROOK DRIVE  
PO BOX 10841  
CHANTILLY, VA 20153-0841  
703-802-6900
- 000482  
QUEST DIAGNOSTICS OF PA INC—SB  
875 GREENTREE RD 4 PARKWAY CENTER  
PITTSBURGH, PA 15220-3610  
412-920-7600
- 025461  
QUEST DIAGNOSTICS VENTURE LLC—SB  
875 GREENTREE ROAD  
4 PARKWAY CENTER  
PITTSBURGH, PA 15220-3610  
412-920-7631
- 000150  
READING HOSPITAL & MED CTR—S  
6TH AND SPRUCE STREETS  
WEST READING, PA 19611  
610-988-8080
- 000206  
RIDDLE MEMORIAL HOSPITAL—S  
BALTIMORE PIKE HIGHWAY 1  
MEDIA, PA 19063  
610-566-9400
- 000243  
ROXBOROUGH MEMORIAL HOSPITAL—S  
5800 RIDGE AVE  
PHILADELPHIA, PA 19128  
215-487-4394
- 000171  
SACRED HEART HOSPITAL—S  
4TH & CHEW STS  
ALLENTOWN, PA 18102  
610-776-4727
- 000087  
SAINT CLAIR MEMORIAL HOSPITAL—S  
1000 BOWER HILL RD  
PITTSBURGH, PA 15243  
412-561-4900
- 000174  
SAINT LUKES HOSPITAL—S  
801 OSTRUM ST  
BETHLEHEM, PA 18015  
610-954-4558
- 000328  
SAINT MARY MEDICAL CENTER—S  
LANGHORNE - NEWTOWN RD  
LANGHORNE, PA 19047  
215-710-2162
- 000048  
SAINT VINCENT HEALTH CENTER—S  
232 WEST 25TH STREET  
ERIE, PA 16544  
814-452-5383
- 000101  
SEWICKLEY VALLEY HOSPITAL LAB—S  
BLACKBURN RD & FITCH DRIVE  
SEWICKLEY, PA 15143  
412-741-6600
- 000064  
SHARON REGIONAL HEALTH SYSTEM—SB  
740 EAST STATE STREET  
SHARON, PA 16146  
724-983-3911
- 000039  
SOLDIERS & SAILORS MEM HOSP—S  
CENTRAL AVE  
WELLSBORO, PA 16901  
570-723-0133
- 000297  
SOMERSET HOSPITAL CENTER FOR HEALTH—B  
225 S CENTER AVENUE  
SOMERSET, PA 15501  
814-443-5000

000105  
SOUTHWEST REGIONAL MEDICAL CENTER—S  
350 BONAR AVENUE  
WAYNESBURG, PA 15370  
724-627-2608

022376  
SPECIALTY LABORATORIES INC—S  
27027 TOURNEY ROAD  
VALENCIA, CA 91355  
661-799-6543

000260  
ST CHRISTOPHERS HOSP FOR CHILDREN—S  
3601 A STREET  
PHILADELPHIA, PA 19134  
215-427-5337

000151  
ST JOSEPH QUALITY MEDICAL LAB—SB  
215 NORTH 12TH STREET BOX 316  
READING, PA 19603  
610-378-2200

000261  
ST JOSEPH'S HOSPITAL-DIV NPHS—S  
16TH ST & GIRARD AVE  
PHILADELPHIA, PA 19130  
215-787-9000

0003181  
ST LUKES HOSP ALLENTOWN CAMPUS—S  
1736 HAMILTON STREET  
ALLENTOWN, PA 18104  
610-770-8300

000180  
ST LUKES MINERS MEMORIAL HOSPITAL—S  
360 WEST RUDDLE STREET  
PO BOX 67  
COALDALE, PA 18218  
570-645-2131

000195  
ST LUKES QUAKERTOWN HOSPITAL—S  
1021 PARK AVENUE  
QUAKERTOWN, PA 18951  
215-538-4681

000207  
TAYLOR HOSPITAL DIV OF CCMC—S  
175 E CHESTER PIKE  
RIDLEY PARK, PA 19078  
610-595-6450

000249  
TEMPLE EAST INC NE—S  
2301 EAST ALLEGHENY AVENUE  
PHILADELPHIA, PA 19134  
215-291-3671

000193  
TEMPLE LOWER BUCKS HOSPITAL LAB—S  
501 BATH ROAD  
BRISTOL, PA 19007  
215-785-9300

000235  
TEMPLE UNIV HOSPITAL EPISCOPAL CAMPUS—S  
100 EAST LEHIGH AVENUE  
PHILADELPHIA, PA 19125-1098  
215-707-0977

000265  
TEMPLE UNIVERSITY HOSPITAL—S  
3401 N BROAD ST  
PHILADELPHIA, PA 19140  
215-707-4353

000205  
THE MEDICAL CENTER BEAVER PA—SB  
1000 DUTCH RIDGE ROAD  
BEAVER, PA 15009-9700  
724-728-7000

000104  
THE UNIONTOWN HOSPITAL LABORATORY—S  
500 WEST BERKELEY STREET  
UNIONTOWN, PA 15401  
724-430-5143

000085  
THE WESTERN PA HOSP-FORBES REGIONAL  
CAMPUS—SB  
2570 HAYMAKER ROAD  
MONROEVILLE, PA 15146  
412-858-2560

000241  
THOMAS JEFFERSON UNIVERSITY HOSP—S  
125 SOUTH 11TH ST 204 PAVILION  
PHILADELPHIA, PA 19107  
215-955-6374

000051  
TITUSVILLE AREA HOSPITAL—S  
406 WEST OAK STREET  
TITUSVILLE, PA 16354  
814-827-1851

000313  
TYLER MEMORIAL HOSPITAL—S  
880 SR 6 W  
TUNKHANNOCK, PA 18657-6149  
570-836-4705

000124  
TYRONE HOSPITAL—SB  
CLAY AVENUE EXTENSION  
TYRONE, PA 16686  
814-684-0484

000121  
UPMC BEDFORD MEMORIAL—SB  
10455 LINCOLN HIGHWAY  
EVERETT, PA 15537  
814-623-3506

000096  
UPMC BRADDOCK—S  
400 HOLLAND AVENUE  
BRADDOCK, PA 15104  
412-636-5291

000059  
UPMC HORIZON GREENVILLE—SB  
110 NORTH MAIN STREET  
GREENVILLE, PA 16125  
724-588-2100

000057  
UPMC HORIZON SHENANGO—SB  
2200 MEMORIAL DRIVE  
FARRELL, PA 16121  
724-981-3500

000098  
UPMC MCKEESPORT LABORATORY—S  
1500 FIFTH AVENUE  
MCKEESPORT, PA 15132  
412-664-2233

000084  
UPMC PASSAVANT—S  
9100 BABCOCK BLVD  
PITTSBURGH, PA 15237  
412-367-6700

0057841  
UPMC PASSAVANT LABORATORY CRANBERRY—S  
ONE ST FRANCIS WAY  
CRANBERRY TOWNSHIP, PA 16066  
724-772-5370

000083  
UPMC PRESBYTERIAN SHADYSIDE CP PUH—S  
ROOM 5929 MAIN TOWER CHP  
200 LOTHROP STREET  
PITTSBURGH, PA 15213-2582  
412-648-6000

000091  
UPMC SAINT MARGARET HOSPITAL—S  
815 FREEPORT ROAD  
PITTSBURGH, PA 15215  
412-784-4000

000092  
UPMC SHADYSIDE—S  
5230 CENTRE AVENUE  
GROUND FLOOR WEST WING  
PITTSBURGH, PA 15232  
412-623-5950

000093  
UPMC SOUTH SIDE—S  
2000 MARY STREET  
PITTSBURGH, PA 15203  
412-488-5731

000622  
WARMINSTER HOSPITAL—S  
225 NEWTOWN ROAD  
WARMINSTER, PA 18974  
215-441-6700

000066  
WARREN GENERAL HOSPITAL—B  
2 CRESCENT PARK  
WARREN, PA 16365  
814-723-3300

000111  
WASHINGTON HOSPITAL—S  
155 WILSON AVE  
WASHINGTON, PA 15301  
724-223-3136

000298  
WAYNE MEMORIAL HOSPITAL—S  
601 PARK STREET  
HONESDALE, PA 18431  
570-253-1300

000133  
WAYNESBORO HOSPITAL—S  
501 E MAIN STREET  
WAYNESBORO, PA 17268  
717-765-3403

000095  
WESTERN PENNSYLVANIA HOSPITAL—S  
4800 FRIENDSHIP AVE  
PITTSBURGH, PA 15224  
412-578-5779

007731  
WESTERN RESERVE CARE SYSTEM—S  
500 GYPSY LANE  
YOUNGSTOWN, OH 44501  
330-884-3767

000112  
WESTMORELAND REGIONAL HOSPITAL—S  
532 W PITTSBURGH ST  
GREENSBURG, PA 15601  
724-832-4365

000037  
WILLIAMSPORT HOSP & MED CENTER—SB  
777 RURAL AVENUE  
WILLIAMSPORT, PA 17701-3198  
570-321-2300

000106  
WINDBER HOSPITAL—B  
600 SOMERSET AVE  
WINDBER, PA 15963  
814-467-6611

000018  
VWHCS HOSP DBA PENNANT LABORATORY—SB  
575 NORTH RIVER STREET  
WILKES BARRE, PA 18764  
570-829-8111

025064  
WVU HOSPITAL CLINICAL LABS—S  
1 MEDICAL CENTER DR PO BOX 8009  
MORGANTOWN, WV 26506-8009  
304-598-4241

000141  
YORK HOSPITAL—SB  
1001 SOUTH GEORGE STREET  
YORK, PA 17405  
717-851-2345

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

[Pa.B. Doc. No. 06-1348. Filed for public inspection July 14, 2006, 9:00 a.m.]

### Laboratories Approved to Determine Urine Controlled Substance Content

The following laboratories are licensed by the Department of Health (Department) under the Clinical Laboratory Act (35 P. S. §§ 2151—2165) and/or the Federal Clinical Laboratory Improvement Act of 1967 (42 U.S.C.A. § 263a) and are currently approved by the Department under 28 Pa. Code § 5.50 (relating to approval to provide special analytical services) to perform analyses of urine for the determination of controlled substances or their biotransformation products. This approval is based on demonstrated proficiency in tests conducted by the Bureau of Laboratories of the Department. These laboratories are also approved and designated for purposes of the Vehicle Code, 75 Pa.C.S. §§ 1547 and 3755 (relating to chemical testing to determine amount of alcohol or controlled substance; reports by emergency room personnel), the Fish and Boat Code, 30 Pa.C.S. § 5125 (relating to chemical testing to determine amount of alcohol or controlled substance) and the Game and Wildlife Code, 34 Pa.C.S. § 2502 (relating to chemical test to determine amount of alcohol), as qualified to perform the types of services which will reflect the presence of controlled substances or their biotransformation products in urine.

Depending upon their capability and performance in proficiency surveys, laboratories are approved to perform screening and/or confirmatory urine drug analyses. Laboratories approved to perform screening tests only are

designated on the approval list by an "S" after the laboratory's name. Laboratories approved to perform confirmatory testing only are designated by a "C" following the laboratory's name. Those approved to perform both screening and confirmatory analyses are designated by the letters "SC." Screening analyses provide a presumptive indication that a controlled substance is present. Confirmatory testing is used to substantiate screening results.

Persons seeking forensic urine drug analysis services from any of the listed laboratories should determine that the laboratory employs techniques and procedures acceptable for the purpose. They should also determine that the director of the facility is agreeable to performing analyses for that purpose. Persons seeking the analyses are responsible for specifying the extent to which the presence of a controlled substance is to be verified. That specification should be predicated upon the purpose for which the analysis is being sought.

The list of approved laboratories will be revised approximately semiannually and published in the *Pennsylvania Bulletin*. The name of a laboratory is sometimes changed but the location, personnel, and testing procedures of the facility remain unchanged. When changes of this type occur, the Clinical Laboratory Permit number does not change. If questions arise about the identity of a laboratory due to a name change, the Clinical Laboratory Permit number should be used as the primary identifier. To assist in identifying a laboratory that performed a test if the name of the facility changed, the Clinical Laboratory Permit numbers of the facilities are included in the lists of approved laboratories above the name of the laboratory at the time the list was prepared.

Questions regarding this list should be directed to M. Jeffery Shoemaker, Ph.D., Director, Division of Chemistry and Toxicology, Department of Health, Bureau of Laboratories, P. O. Box 500, Exton, PA 19341-0500, (610) 280-3464.

Persons with a disability who require an alternative format of this notice (for example, large print, audiotape, Braille) should contact Dr. Shoemaker at the previously referenced address or phone number. Persons who are speech or hearing impaired may use V/TT: (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

000212  
ABINGTON MEMORIAL HOSPITAL—S  
1200 OLD YORK ROAD  
ABINGTON, PA 19001  
215-576-2350

027908  
ACM MEDICAL LABORATORY—SC  
160 ELMGROVE PARK  
ROCHESTER, NY 14624  
716-429-2264

023114  
ACT LAB SERVICES INC—SC  
345 DRESHER ROAD  
HORSHAM, PA 19044  
215-674-0420

027180  
ADVANCED TOXICOLOGY NETWORK—SC  
3560 AIR CENTER COVE SUITE 101  
MEMPHIS, TN 38118  
901-794-5770

000233  
ALBERT EINSTEIN MEDICAL CENTER—S  
5501 OLD YORK ROAD  
PHILADELPHIA, PA 19141  
215-456-6100

000040  
ALIQUIPPA COMMUNITY HOSPITAL  
LABORATORY—S  
2500 HOSPITAL DRIVE  
PATHOLOGY DEPT  
ALIQUIPPA, PA 15001  
724-857-1240

000116  
ALLE KISKI MED CNTR NEW KENSINGTON—S  
651 FOURTH AVENUE  
NEW KENSINGTON, PA 15068  
724-337-5031

000671  
ALLEG CNTY CORONERS DIV OF LABS—S  
542 FORBES AVENUE  
ROOM 10 COUNTY OFFICE BUILDING  
PITTSBURGH, PA 15219  
412-350-6873

000094  
ALLEGHENY GEN HOSP SUBURBAN CAMPUS  
LAB—S  
100 SOUTH JACKSON AVENUE  
BELLEVUE, PA 15202  
412-734-6020

028233  
ALLEGHENY GENERAL HOSP DEPT OF LAB MED—S  
320 E NORTH AVENUE  
PITTSBURGH, PA 15212  
412-359-6886

000077  
ALLEGHENY GENERAL HOSPITAL—S  
1307 FEDERAL STREET  
PITTSBURGH, PA 15212  
412-359-3521

000100  
ALLEGHENY VALLEY HOSPITAL LAB—S  
1300 CARLISLE ST  
NATRONA HEIGHTS, PA 15065  
724-224-5100

000120  
ALTOONA REGIONAL HEALTH SYSM-BON SECOURS  
CAMPUS—S  
2500 SEVENTH AVENUE  
ALTOONA, PA 16602-2099  
814-949-4495

000119  
ALTOONA REGIONAL HEALTH SYSTEM LAB—S  
620 HOWARD AVENUE  
ALTOONA, PA 16601-4899  
814-946-2340

026620  
AMMON ANALYTICAL LABORATORY—SC  
1622 SOUTH WOOD AVENUE  
LINDEN, NJ 07036  
908-862-4404

000452  
ANALYTIC BIO-CHEMISTRIES INC—SC  
1680-D LORETTA AVENUE  
FEASTERVILLE, PA 19053  
215-322-9210

000047  
ASSOCIATED CLINICAL LABORATORIES—SC  
1526 PEACH STREET  
ERIE, PA 16501  
814-461-2400

000320  
BARNES KASSON HOSPITAL LAB—S  
400 TURNPIKE STREET  
SUSQUEHANNA, PA 18847  
570-853-3135

021553  
BENDINER & SCHLESINGER INC—SC  
140 58TH STREET SUITE 8D  
BROOKLYN, NY 11220  
212-254-2300

027615  
BIOLOGICAL SPECIALTY CORPORATION—S  
2165 NORTH LINE STREET  
COLMAR, PA 18915  
215-997-8771

027616  
BIOLOGICAL SPECIALTY CORPORATION—S  
1236 NEW RODGERS RD #851  
BRISTOL, PA 19007  
215-245-9855

027617  
BIOLOGICAL SPECIALTY CORPORATION—S  
22 SOUTH 4TH STREET  
READING, PA 19602  
610-375-9862

022757  
BIOREFERENCE LABORATORIES INC—SC  
481B EDWARD H ROSS DRIVE  
ELMWOOD PARK, NJ 07407  
201-791-3600

000033  
BRADFORD REGIONAL MEDICAL CENTER—S  
116-156 INTERSTATE PKWY  
BRADFORD, PA 16701-0218  
814-362-8247

000296  
BRANDYWINE HOSPITAL—S  
201 REECEVILLE ROAD ATTN: LABORATORY  
COATESVILLE, PA 19320  
610-383-8000

000472  
BROOKSIDE CLINICAL LAB INC—S  
4000 EDGMONT AVENUE  
BROOKHAVEN, PA 19015  
610-872-6466

000301  
BUTLER MEMORIAL HOSPITAL—S  
911 EAST BRADY STREET  
BUTLER, PA 16001  
724-284-4510

029116  
CALLOWAY DRUG TESTING LABORATORIES INC—S  
27 WATER STREET  
SUITE 210  
WAKEFIELD, MA 01880  
781-224-9899

000107  
CANONSBURG GENERAL HOSPITAL—S  
100 MEDICAL BOULEVARD  
CANONSBURG, PA 15317  
724-745-3916

000131  
CARLISLE REGIONAL MEDICAL CENTER—S  
45 SPRINT DRIVE  
CARLISLE, PA 17013  
717-249-1212

000751  
CEDAR CREST EMERGICENTER—S  
1101 SOUTH CEDAR CREST BOULEVARD  
ALLENTOWN, PA 18103  
610-433-4260

000215  
CENTRAL MONTGOMERY MEDICAL CENTER—S  
100 MEDICAL CAMPUS DRIVE  
LANSDALE, PA 19446  
215-368-2100

000132  
CHAMBERSBURG HOSPITAL DEPT OF  
PATHOLOGY—S  
112 NORTH SEVENTH STREET  
CHAMBERSBURG, PA 17201  
717-267-7153

000310  
CHARLES COLE MEMORIAL HOSPITAL—S  
1001 EAST SECOND STREET  
COUDERSPORT, PA 16915  
814-274-9300

000198  
CHESTER COUNTY HOSPITAL—S  
701 E MARSHALL ST  
WEST CHESTER, PA 19380  
610-431-5182

000227  
CHESTNUT HILL HOSPITAL—S  
8835 GERMANTOWN AVENUE  
DEPT OF PATHOLOGY  
PHILADELPHIA, PA 19118  
215-248-8630

000228  
CHILDRENS HOSP OF PHILADELPHIA—S  
ONE CHILDREN'S CENTER 34TH & CIVIC  
PHILADELPHIA, PA 19104  
215-590-1000

000329  
CLARION HOSPITAL—S  
1 HOSPITAL DRIVE  
CLARION, PA 16214  
814-226-9500

024916  
CLINICAL SCIENCE LABORATORY INC—SC  
51 FRANCIS AVENUE  
MANSFIELD, MA 02048  
508-339-6106

000005  
COMMUNITY MEDICAL CENTER—S  
1800 MULBERRY STREET  
SCRANTON, PA 18510  
570-969-8000

000125  
CONEMAUGH VALLEY MEMORIAL HOSP—S  
1086 FRANKLIN STREET  
JOHNSTOWN, PA 15905-4398  
814-534-9000

025256  
CORPORATE HEALTH SERVICES—S  
295 NORTH KERRWOOD DRIVE  
SUITE 104  
HERMITAGE, PA 16148  
724-346-6425

000326  
CORRY MEMORIAL HOSPITAL—S  
612 WEST SMITH STREET  
CORRY, PA 16407  
814-664-4641

000201  
CROZER CHESTER MED CENTER—S  
1 MEDICAL CENTER BOULEVARD  
UPLAND, PA 19013  
610-447-2000

000363  
DE JOHN MED LABORATORY INC—S  
1570 GARRETT ROAD  
UPPER DARBY, PA 19082  
610-626-2112

000204  
DELAWARE COUNTY MEMORIAL HOSP—S  
501 NORTH LANSDOWNE AVENUE  
DREXEL HILL, PA 19026-1186  
610-284-8100

000266  
DEPT OF PATHOLOGY & LAB MED-HUP—SC  
3400 SPRUCE STREET  
PHILADELPHIA, PA 19104  
215-662-6882

028893  
DOMINION DIAGNOSTICS LLC—SC  
211 CIRCUIT DRIVE  
NORTH KINGSTOWN, RI 02852  
401-667-0800

000194  
DOYLESTOWN HOSPITAL—S  
595 WEST STATE STREET  
DOYLESTOWN, PA 18901  
215-345-2250

000977  
DRUGSCAN INC—SC  
1119 MEARN RD, PO BOX 2969  
WARMINSTER, PA 18974  
215-674-9310

000175  
EASTON HOSPITAL—S  
250 SOUTH 21ST ST  
EASTON, PA 18042-3892  
610-250-4140

000164  
EPHRATA COMMUNITY HOSPITAL—S  
169 MARTIN AVE PO BOX 1002  
EPHRATA, PA 17522  
717-733-0311

000031  
ERHC RIDGWAY LABORATORY—S  
94 HOSPITAL STREET  
RIDGWAY, PA 15853  
814-788-8525

000032  
ERHC ST MARYS LABORATORY—S  
763 JOHNSONBURG RD  
SAINT MARYS, PA 15857  
814-788-8525

000181  
EVANGELICAL COMMUNITY HOSPITAL—S  
1 HOSPITAL DRIVE  
LEWISBURG, PA 17837  
570-522-2510

021431  
FITNESS FOR DUTY CENTER—S  
PPL SUSQUEHANNA LLC  
769 SALEM BLVD  
BERWICK, PA 18603  
570-542-3336

000192  
FRANKFORD HOSP BUCKS CO CAMPUS—S  
380 NORTH OXFORD VALLEY ROAD  
LANGHORNE, PA 19047-8304  
215-934-5227

000341  
FRANKFORD HOSP TC LAB—S  
RED LION & KNIGHTS ROADS  
ATTN P FARANO MD  
PHILADELPHIA, PA 19114  
215-612-4000

000236  
FRANKFORD HOSPITAL FRANK DIV—S  
FRANKFORD AVE & WAKELING ST  
PHILADELPHIA, PA 19124  
215-831-2068

000115  
FRICK HOSPITAL—S  
508 SOUTH CHURCH STREET  
MOUNT PLEASANT, PA 15666  
724-547-1500

020644  
FRIENDS HOSPITAL—S  
4641 ROOSEVELT BOULEVARD  
PHILADELPHIA, PA 19124-2399  
215-831-4600

009163  
FRIENDS MEDICAL LAB INC—SC  
5820 SOUTHWESTERN BLVD  
BALTIMORE, MD 21227  
412-247-4417

000330  
FULTON COUNTY MEDICAL CENTER—S  
216 SOUTH FIRST STREET  
MCCONNELLSBURG, PA 17233  
717-485-3155

000173  
GEISINGER MEDICAL CENTER—SC  
N ACADEMY RD  
DANVILLE, PA 17822  
570-271-6338

000017  
GEISINGER SOUTH WILKES BARRE HOSPITAL—S  
25 CHURCH STREET  
PO BOX 658  
WILKES BARRE, PA 18765  
570-826-3100

000019  
GEISINGER WYOMING VALLEY MED CTR—S  
1000 E MOUNTAIN DRIVE  
WILKES BARRE, PA 18711  
570-826-7830



- 000237  
GERMANTOWN COMM HLTH WILLOW TERR—S  
ONE PENN BOULEVARD  
PHILADELPHIA, PA 19144  
215-951-8800
- 026799  
GHHA OCCUPATIONAL HEALTH CENTER LAB—S  
1000 ALLIANCE DRIVE  
HAZLETON, PA 18202  
570-459-1028
- 000152  
GNADEN HUETTEN MEMORIAL HOSP—S  
211 NORTH 12TH STREET  
LEHIGHTON, PA 18235  
610-377-7083
- 000299  
GOOD SAMARITAN HOSPITAL—S  
4TH & WALNUT STS PO BOX 1281  
LEBANON, PA 17042-1218  
717-270-7500
- 000182  
GOOD SAMARITAN REGIONAL MED CTR—S  
700 EAST NORWEGIAN STREET  
POTTSVILLE, PA 17901  
570-621-4032
- 000238  
GRADUATE HOSPITAL—S  
1800 LOMBARD STREET  
PHILADELPHIA, PA 19146  
215-893-7496
- 025957  
GRAHAM-MASSEY ANALYTICAL LABS—SC  
60 TODD ROAD  
SHELTON, CT 06484  
203-926-1100
- 000061  
GROVE CITY MEDICAL CENTER—S  
631 NORTH BROAD STREET EXT  
GROVE CITY, PA 16127  
724-450-7125
- 000654  
GUTHRIE CLINIC PATH LAB—S  
GUTHRIE SQUARE  
SAYRE, PA 18840  
570-888-5858
- 000239  
HAHNEMANN UNIVERSITY HOSPITAL—S  
BROAD & VINE STS MS 113  
PHILADELPHIA, PA 19102  
215-762-1783
- 000139  
HANOVER HOSPITAL, INC.—S  
300 HIGHLAND AVE  
HANOVER, PA 17331  
717-637-3711
- 000155  
HARRISBURG HOSPITAL LABORATORY—S  
MEDICAL SCIENCES BUILDING  
100 2ND STREET  
HARRISBURG, PA 17105  
570-782-2832
- 000010  
HAZLETON GENERAL HOSPITAL—S  
700 EAST BROAD  
HAZLETON, PA 18201  
570-501-4152
- 000169  
HEALTH NETWORK LABORATORIES—S  
1627 WEST CHEW STREET  
ALLENTOWN, PA 18102  
610-402-2236
- 000549  
HEALTH NETWORK LABORATORIES—S  
1200 SOUTH CEDAR CREST BLVD  
ALLENTOWN, PA 18103  
610-402-8150
- 000600  
HEALTH NETWORK LABORATORIES—S  
2545 SCHOENERSVILLE ROAD  
BETHLEHEM, PA 18017-7384  
484-884-2259
- 024655  
HEALTH NETWORK LABORATORIES—SC  
2024 LEHIGH STREET  
ALLENTOWN, PA 18103-4798  
610-402-8150
- 000166  
HEART OF LANCASTER REGIONAL MEDICAL  
CENTER—S  
1500 HIGHLANDS DRIVE  
LITITZ, PA 17543  
717-625-5605
- 000216  
HOLY REDEEMER HOSPITAL—S  
1648 HUNTINGDON PIKE  
MEADOWBROOK, PA 19046  
215-947-3000
- 000130  
HOLY SPIRIT HOSPITAL—SC  
503 N 21ST STREET  
CAMP HILL, PA 17011-2288  
717-763-2206
- 000052  
INDIANA REGIONAL MEDICAL CENTER—S  
HOSPITAL ROAD PO BOX 788  
INDIANA, PA 15701-0788  
724-357-7167
- 022201  
INTERNATIONAL MEDICAL SYSTEMS—S  
1430 DEKALB STREET  
MONT CO DEPT OF HEALTH LABS  
NORRISTOWN, PA 19404  
610-292-0613
- 000135  
J C BLAIR MEMORIAL HOSPITAL—S  
1225 WARM SPRINGS AVENUE  
HUNTINGDON, PA 16652  
814-643-8645
- 000054  
JAMESON MEMORIAL HOSPITAL—S  
1211 WILMINGTON AVENUE  
NEW CASTLE, PA 16105  
724-656-4080
- 000240  
JEANES HOSPITAL—S  
7600 CENTRAL AVE  
PHILADELPHIA, PA 19111  
215-728-2347

000038  
JEFFERSON REGIONAL MED CTR—S  
565 COAL VALLEY ROAD  
BIBRO BLDG 4TH FLOOR  
PITTSBURGH, PA 15236  
412-469-5723

000200  
JENNERVILLE REGIONAL HOSPITAL—S  
1015 WEST BALTIMORE PIKE  
WEST GROVE, PA 19390  
610-869-1080

000312  
JERSEY SHORE HOSPITAL—S  
1020 THOMPSON STREET  
JERSEY SHORE, PA 17740  
570-398-0100

000532  
KENSINGTON HOSPITAL—S  
136 WEST DIAMOND STREET  
PHILADELPHIA, PA 19122  
215-426-8100

026008  
KROLL LABORATORY SPECIALISTS—SC  
1111 NEWTON STREET  
GRETNA, LA 70053  
504-361-8989

021306  
LAB CORP OCCUPATIONAL TEST SRVCS—SC  
1120 STATELINE ROAD WEST  
SOUTHAVEN, MS 38671  
886-827-8042

020512  
LABCORP OCCUPATIONAL TESTING SER—SC  
1904 ALEXANDER DRIVE  
PO BOX 12652  
RESRCH TRNGL PARK, NC 27709  
919-572-7465

001088  
LABCORP OF AMERICA HOLDINGS—SC  
69 FIRST AVE PO BOX 500  
RARITAN, NJ 08869  
908-526-2400

022715  
LABONE INC—SC  
10101 RENNER BOULEVARD  
LENEXA, KS 66219-9752  
913-888-1770

000165  
LANCASTER GENERAL HOSPITAL—S  
555 N DUKE STREET  
PO BOX 3555  
LANCASTER, PA 17604  
717-299-5511

000167  
LANCASTER REGIONAL MED CENTER—S  
250 COLLEGE AVENUE  
PO BOX 3434  
LANCASTER, PA 17604  
717-291-8022

000114  
LATROBE AREA HOSPITAL—S  
121 W SECOND AVENUE  
LATROBE, PA 15650  
724-537-1550

000138  
LEWISTOWN HOSPITAL—S  
400 HIGHLAND AVENUE  
LEWISTOWN, PA 17044  
717-248-5411

000030  
LOCK HAVEN HOSPITAL—S  
24 CREE DRIVE  
LOCK HAVEN, PA 17745  
570-893-5000

000639  
MAGEE-WOMENS HOSPITAL OF UPMC HEALTH  
SYSTEM—S  
300 HALKET STREET  
PITTSBURGH, PA 15213  
412-647-4651

000242  
MAIN LINE CLIN LABS LANKENAU CP—S  
100 EAST LANCASTER AVENUE  
WYNNEWOOD, PA 19096  
610-645-2615

000199  
MAIN LINE CLIN LABS PAOLI MEM CP—S  
255 WEST LANCASTER AVENUE  
PAOLI, PA 19301  
610-648-1000

000213  
MAIN LINE HOSPITAL BRYN MAWR—S  
130 BRYN MAWR AVENUE  
BRYN MAWR, PA 19010  
610-526-3554

000004  
MARIAN COMMUNITY HOSPITAL—S  
100 LINCOLN AVENUE  
CARBONDALE, PA 18407  
717-281-1042

027684  
MARWORTH—S  
BOX 36 LILLY LAKE ROAD  
WAVERLY, PA 18471  
570-563-1112

009003  
MAYO CLINIC DEPT LAB MED & PATH—SC  
200 FIRST STREET SW HILTON 530  
ROCHESTER, MN 55905  
507-284-3018

000049  
MEADVILLE MED CTR-LIBERTY ST—S  
751 LIBERTY STREET  
MEADVILLE, PA 16335  
814-336-5000

005574  
MEDTOX LABORATORIES INC—SC  
402 WEST COUNTY ROAD D  
ST PAUL, MN 55112  
651-636-7466

000023  
MEMORIAL HOSPITAL LAB—S  
1 HOSPITAL DRIVE  
TOWANDA, PA 18848  
570-265-2191

000203  
MERCY FITZGERALD HOSPITAL—S  
1500 LANSDOWNE AVENUE  
DARBY, PA 19023  
610-237-4262

000247  
MERCY HEALTH LAB/MHOP—S  
54TH & CEDAR AVENUE  
PHILADELPHIA, PA 19143  
215-748-9181

000219  
MERCY HEALTH LAB/MSH—S  
2701 DEKALB PIKE  
NORRISTOWN, PA 19401  
610-278-2090

000336  
MERCY HOSPITAL—S  
746 JEFFERSON AVENUE  
SCRANTON, PA 18510  
570-348-7100

000082  
MERCY HOSPITAL OF PITTSBURGH—S  
PRIDE & LOCUST STREETS  
PITTSBURGH, PA 15219  
412-232-7831

000113  
MERCY JEANNETTE HOSPITAL—S  
600 JEFFERSON AVENUE  
JEANNETTE, PA 15644  
724-527-9330

028436  
METHODIST HOSP DIV TJUH INC ER LAB—S  
2301 SOUTH BROAD STREET  
PHILADELPHIA, PA 19148  
215-952-9055

000245  
METHODIST HOSP DIVISION/TJUH INC—S  
1900 S BROAD STREET  
PHILADELPHIA, PA 19145  
215-952-9059

000128  
MINERS MEDICAL CENTER—S  
290 HAIDA AVENUE  
PO BOX 689  
HASTINGS, PA 16646  
814-247-3100

028907  
MIRMONT TREATMENT CENTER—S  
100 YEARSLEY MILL ROAD  
LIMA, PA 19063  
610-744-1400

000108  
MONONGAHELA VALLEY HOSPITAL INC—S  
1163 COUNTRY CLUB ROAD  
MONONGAHELA, PA 15063  
724-258-1021

000217  
MONTGOMERY HOSPITAL LAB—S  
POWELL & FORNANCE STS  
NORRISTOWN, PA 19401  
610-270-2173

000214  
MOSS REHAB EINSTEIN AT ELKINS PARK—S  
60 EAST TOWNSHIP LINE ROAD  
ELKINS PARK, PA 19027  
215-663-6102

000025  
MOUNT NITTANY MEDICAL CENTER—S  
1800 PARK AVENUE  
STATE COLLEGE, PA 16803  
814-234-6117

000035  
MUNCY VALLEY HOSPITAL—S  
215 EAST WATER ST  
MUNCY, PA 17756  
570-546-8282

000304  
NASON HOSPITAL—S  
NASON DRIVE  
ROARING SPRING, PA 16673  
814-224-6215

000504  
NATIONAL MED SERVICES INC LAB—SC  
3701 WELSH ROAD  
WILLOW GROVE, PA 19090  
215-657-4900

000248  
NAZARETH HOSPITAL—S  
2601 HOLME AVE  
PHILADELPHIA, PA 19152  
215-335-6245

027246  
NORCHEM DRUG TESTING LABORATORY—SC  
1760 EAST ROUTE 66, SUITE 1  
FLAGSTAFF, AZ 86004  
928-526-1011

029741  
NORTHERN TIER RESEARCH—SC  
1300 OLD PLANK ROAD  
MAYFIELD, PA 18433  
570-351-6153

029067  
NORTHWEST TOXICOLOGY, A LABONE  
COMPANY—SC  
2282 SOUTH PRESIDENTS DRIVE  
SUITE C  
WEST VALLEY CITY, UT 84120  
801-293-2300

000099  
OHIO VALLEY GENERAL HOSPITAL—S  
25 HECKEL RD  
MCKEES ROCKS, PA 15136  
412-777-6161

000250  
PARKWAY CLINICAL LABORATORIES—S  
3494 D PROGRESS DRIVE  
BENSALEM, PA 19020  
215-245-5112

000258  
PENN PRESBYTERIAN MEDICAL CENTER—S  
51 NORTH 39TH ST 5TH FLR RM 530  
DEPARTMENT OF PATHOLOGY & LAB  
PHILADELPHIA, PA 19104-2640  
215-662-3435

000316  
PENN STATE MILTON S HERSHEY MED CTR—S  
500 UNIVERSITY DRIVE  
DEPT OF PATHOLOGY & LAB MEDICINE  
HERSHEY, PA 17033  
717-531-8353

022533  
PENNSYLVANIA DEPT OF HEALTH—SC  
110 PICKERING WAY  
LIONVILLE, PA 19353  
610-280-3464

000251  
PENNSYLVANIA HOSP OF THE UNIV OF PA HLTH—S  
800 SPRUCE STREETS  
PHILADELPHIA, PA 19107  
215-829-3541

000197  
PHOENIXVILLE HOSPITAL LABORATORY—S  
140 NUTT ROAD  
DEPT OF PATHOLOGY  
PHOENIXVILLE, PA 19460-0809  
610-983-1612

000157  
PINNACLEHLTH/COMM GEN OSTEO HOSP—S  
4300 LONDONDERRY RD PO BOX 3000  
HARRISBURG, PA 17109  
717-657-7214

000520  
PITTSBURGH CRIMINALISTICS LABORATORY—SC  
1320 FIFTH AVENUE  
PITTSBURGH, PA 15219  
412-391-6118

000022  
POCONO MEDICAL CENTER LAB—S  
206 EAST BROWN STREET  
EAST STROUDSBURG, PA 18301  
570-476-3544

000221  
POTTSTOWN HOSPITAL COMPANY, LLC—S  
1600 EAST HIGH STREET  
POTTSTOWN, PA 19464  
610-327-7000

000183  
POTTSVILLE HOSP AND WARNE CLINIC—S  
420 SOUTH JACKSON STREET  
POTTSVILLE, PA 17901  
570-621-5262

000516  
PRINCETON BIOMEDICAL LABS INC—S  
2921 NEW RODGERS ROAD  
BRISTOL, PA 19007  
215-785-5200

021648  
PSYCHEMEDICS CORPORATION—SC  
5832 UPLANDER WAY  
CULVER CITY, CA 90230  
800-522-7424

000300  
PUNXSUTAWNEY AREA HOSPITAL—S  
81 HILLCREST DRIVE  
PUNXSUTAWNEY, PA 15767  
814-938-4500

028675  
QUEST DIAGNOSTICS—SC  
506 E STATE PKWY  
SCHAUMBURG, IL 60173  
847-885-2010

009620  
QUEST DIAGNOSTICS CLIN LABS INC—SC  
8401 FALLBROOK AVENUE  
WEST HILLS, CA 91304  
800-877-2520

000315  
QUEST DIAGNOSTICS CLINICAL LABS INC—S  
900 BUSINESS CENTER DRIVE  
HORSHAM, PA 19044  
215-957-9300

027461  
QUEST DIAGNOSTICS INC—SC  
400 EGYPT ROAD  
NORRISTOWN, PA 19403  
610-631-4219

001136  
QUEST DIAGNOSTICS NICHOLS INSTITUTE—SC  
14225 NEWBROOK DRIVE  
PO BOX 10841  
CHANTILLY, VA 20153-0841  
703-802-6900

000482  
QUEST DIAGNOSTICS OF PA INC—SC  
875 GREENTREE RD 4 PARKWAY CENTER  
PITTSBURGH, PA 15220-3610  
412-920-7600

025461  
QUEST DIAGNOSTICS VENTURE LLC—SC  
875 GREENTREE ROAD  
4 PARKWAY CENTER  
PITTSBURGH, PA 15220-3610  
412-920-7631

024249  
QUINTILES LABORATORIES LTD—SC  
5500 HIGHLANDS PARKWAY SUITE 600  
SMYRNA, GA 30082  
770-434-8492

000150  
READING HOSPITAL & MED CTR—S  
6TH AND SPRUCE STREETS  
WEST READING, PA 19611  
610-988-8080

025348  
REDWOOD TOXICOLOGY LABORATORY—SC  
3650 WESTWIND BOULEVARD  
SANTA ROSA, CA 95403  
707-577-7958

000206  
RIDDLE MEMORIAL HOSPITAL—S  
BALTIMORE PIKE HIGHWAY 1  
MEDIA, PA 19063  
610-566-9400

000243  
ROXBOROUGH MEMORIAL HOSPITAL—S  
5800 RIDGE AVE  
PHILADELPHIA, PA 19128  
215-487-4394

000171  
SACRED HEART HOSPITAL—S  
4TH & CHEW STS  
ALLENTOWN, PA 18102  
610-776-4727

000087  
SAINT CLAIR MEMORIAL HOSPITAL—S  
1000 BOWER HILL RD  
PITTSBURGH, PA 15243  
412-561-4900

- 000174  
SAINT LUKES HOSPITAL—S  
801 OSTRUM ST  
BETHLEHEM, PA 18015  
610-954-4558
- 000328  
SAINT MARY MEDICAL CENTER—S  
LANGHORNE - NEWTOWN RD  
LANGHORNE, PA 19047  
215-710-2162
- 024496  
SCIENTIFIC TESTING LABS INC—SC  
450 SOUTHLAKE BOULEVARD  
RICHMOND, VA 23236  
804-378-9130
- 028471  
SECON A DIVISION OF CIVIGENICS—S  
260 LA RUE FRANCE  
LAFAYETTE, LA 70508  
337-291-9501
- 029038  
SECON OF NEW ENGLAND—SC  
415 MAIN STREET  
4TH FLOOR  
WORCESTER, MA 01608  
508-831-0703
- 000101  
SEWICKLEY VALLEY HOSPITAL LAB—S  
BLACKBURN RD & FITCH DRIVE  
SEWICKLEY, PA 15143  
412-741-6600
- 000064  
SHARON REGIONAL HEALTH SYSTEM—S  
740 EAST STATE STREET  
SHARON, PA 16146  
724-983-3911
- 027649  
SMA MEDICAL LABORATORIES—S  
940 PENNSYLVANIA BOULEVARD UNIT E  
UPPER HOLLAND, PA 19053  
215-322-6590
- 000039  
SOLDIERS & SAILORS MEM HOSP—S  
CENTRAL AVE  
WELLSBORO, PA 16901  
570-723-0133
- 000297  
SOMERSET HOSPITAL CENTER FOR HEALTH—S  
225 S CENTER AVENUE  
SOMERSET, PA 15501  
814-443-5000
- 022376  
SPECIALTY LABORATORIES INC—S  
27027 TOURNEY ROAD  
VALENCIA, CA 91355  
661-799-6543
- 000260  
ST CHRISTOPHERS HOSP FOR CHILDREN—S  
3601 A STREET  
PHILADELPHIA, PA 19134  
215-427-5337
- 000151  
ST JOSEPH QUALITY MEDICAL LAB—SC  
215 NORTH 12TH STREET BOX 316  
READING, PA 19603  
610-378-2200
- 000261  
ST JOSEPH'S HOSPITAL-DIV NPBS—S  
16TH ST & GIRARD AVE  
PHILADELPHIA, PA 19130  
215-787-9000
- 000318  
ST LUKES HOSP ALLENTOWN CAMPUS—S  
1736 HAMILTON STREET  
ALLENTOWN, PA 18104  
610-770-8300
- 000180  
ST LUKES MINERS MEMORIAL HOSPITAL—S  
360 WEST RUDDLE STREET  
PO BOX 67  
COALDALE, PA 18218  
570-645-2131
- 029015  
STERLING REFERENCE LABORATORIES—SC  
624 MARTIN LUTHER KING JR WAY  
TACOMA, WA 98405  
253-552-1551
- 000187  
SUNBURY COMMUNITY HOSP & OUTPATIENT  
CTR—S  
350 N 11TH ST  
SUNBURY, PA 17801  
570-286-3333
- 000207  
TAYLOR HOSPITAL DIV OF CCMC—S  
175 E CHESTER PIKE  
RIDLEY PARK, PA 19078  
610-595-6450
- 024997  
TECHNOW INC—S  
31 INDUSTRIAL HIGHWAY  
ESSINGTON, PA 19029  
610-362-0610
- 000249  
TEMPLE EAST INC NE—S  
2301 EAST ALLEGHENY AVENUE  
PHILADELPHIA, PA 19134  
215-291-3671
- 000193  
TEMPLE LOWER BUCKS HOSPITAL LAB—S  
501 BATH ROAD  
BRISTOL, PA 19007  
215-785-9300
- 000235  
TEMPLE UNIV HOSPITAL EPISCOPAL CAMPUS—S  
100 EAST LEHIGH AVENUE  
PHILADELPHIA, PA 19125-1098  
215-707-0977
- 000265  
TEMPLE UNIVERSITY HOSPITAL—S  
3401 N BROAD ST  
PHILADELPHIA, PA 19140  
215-707-4353
- 000205  
THE MEDICAL CENTER BEAVER PA—S  
1000 DUTCH RIDGE ROAD  
BEAVER, PA 15009-9700  
724-728-7000

000104  
THE UNIONTOWN HOSPITAL LABORATORY—S  
500 WEST BERKELEY STREET  
UNIONTOWN, PA 15401  
724-430-5143

000085  
THE WESTERN PA HOSP—FORBES REGIONAL  
CAMPUS—S  
2570 HAYMAKER ROAD  
MONROEVILLE, PA 15146  
412-858-2560

000241  
THOMAS JEFFERSON UNIVERSITY HOSP—S  
125 SOUTH 11TH ST 204 PAVILION  
PHILADELPHIA, PA 19107  
215-955-6374

000051  
TITUSVILLE AREA HOSPITAL—S  
406 WEST OAK STREET  
TITUSVILLE, PA 16354  
814-827-1851

000121  
UPMC BEDFORD MEMORIAL—S  
10455 LINCOLN HIGHWAY  
EVERETT, PA 15537  
814-623-3506

000096  
UPMC BRADDOCK—S  
400 HOLLAND AVENUE  
BRADDOCK, PA 15104  
412-636-5291

000059  
UPMC HORIZON GREENVILLE—S  
110 NORTH MAIN STREET  
GREENVILLE, PA 16125  
724-588-2100

000057  
UPMC HORIZON SHENANGO—S  
2200 MEMORIAL DRIVE  
FARRELL, PA 16121  
724-981-3500

000098  
UPMC MCKEESPORT LABORATORY—S  
1500 FIFTH AVENUE  
MCKEESPORT, PA 15132  
412-664-2233

000058  
UPMC NORTHWEST—S  
100 FAIRFIELD DRIVE  
SENECA, PA 16346  
814-676-7120

005784  
UPMC PASSAVANT LABORATORY CRANBERRY—S  
ONE ST FRANCIS WAY  
CRANBERRY TOWNSHIP, PA 16066  
724-772-5370

000083  
UPMC PRESBYTERIAN SHADYSIDE CP PUH—SC  
ROOM 5929 MAIN TOWER CHP  
200 LOTHROP STREET  
PITTSBURGH, PA 15213-2582  
412-648-6000

000091  
UPMC SAINT MARGARET HOSPITAL—S  
815 FREEPORT ROAD  
PITTSBURGH, PA 15215  
412-784-4000

000092  
UPMC SHADYSIDE—S  
5230 CENTRE AVENUE  
GROUND FLOOR WEST WING  
PITTSBURGH, PA 15232  
412-623-5950

000093  
UPMC SOUTH SIDE—S  
2000 MARY STREET  
PITTSBURGH, PA 15203  
412-488-5731

027225  
US DRUG TESTING LABORATORIES INC—SC  
1700 SOUTH MOUNT PROSPECT ROAD  
DES PLAINES, IL 60018  
847-375-0770

000335  
VALLEY FORGE MED CTR & HOSP—S  
1033 W GERMANTOWN PIKE  
NORRISTOWN, PA 19403  
610-539-8500

000622  
WARMINSTER HOSPITAL—S  
225 NEWTOWN ROAD  
WARMINSTER, PA 18974  
215-441-6700

000066  
WARREN GENERAL HOSPITAL—S  
2 CRESCENT PARK  
WARREN, PA 16365  
814-723-3300

000133  
WAYNESBORO HOSPITAL—S  
501 E MAIN STREET  
WAYNESBORO, PA 17268  
717-765-3403

000095  
WESTERN PENNSYLVANIA HOSPITAL—S  
4800 FRIENDSHIP AVE  
PITTSBURGH, PA 15224  
412-578-5779

007731  
WESTERN RESERVE CARE SYSTEM—SC  
500 GYPSY LANE  
YOUNGSTOWN, OH 44501  
330-884-3767

000112  
WESTMORELAND REGIONAL HOSPITAL—S  
532 W PITTSBURGH ST  
GREENSBURG, PA 15601  
724-832-4365

000037  
WILLIAMSPORT HOSP & MED CENTER—S  
777 RURAL AVENUE  
WILLIAMSPORT, PA 17701-3198  
570-321-2300

000018  
WVHCS HOSP DBA PENNANT LABORATORY—SC  
575 NORTH RIVER STREET  
WILKES BARRE, PA 18764  
570-829-8111

000141  
 YORK HOSPITAL—S  
 1001 SOUTH GEORGE STREET  
 YORK, PA 17405  
 717-851-2345

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

[Pa.B. Doc. No. 06-1349. Filed for public inspection July 14, 2006, 9:00 a.m.]

### Laboratories Approved to Perform Blood Lead and/or Erythrocyte Protoporphyrin Determinations

The following laboratories are licensed in accordance with the Clinical Laboratory Act (35 P. S. §§ 2151—2165) and/or the Federal Clinical Laboratory Improvement Act of 1967 (42 U.S.C.A. § 263a), and are currently approved under 28 Pa. Code § 5.50 (relating to approval to provide special analytical services) to perform analyses of blood for lead or erythrocyte protoporphyrin content. This approval is based on demonstrated proficiency in periodic evaluations conducted by the Bureau of Laboratories of the Department of Health (Department).

Lead poisoning is a reportable noncommunicable disease. Approved laboratories which offer blood lead testing services are required to inform the Department of actual or possible incidents of this condition in accordance with 28 Pa. Code § 27.34 (relating to reporting cases of lead poisoning.) These regulations specify the following requirements for reporting by clinical laboratories.

(1) A clinical laboratory shall report all blood lead test results on both venous and capillary specimens for persons under 16 years of age to the Department's Childhood Lead Poisoning Prevention Program, Division of Maternal and Child Health, Bureau of Family Health.

(2) A clinical laboratory shall report an elevated blood lead level in a person 16 years of age or older to the Department's Division of Environmental Health Epidemiology, Bureau of Epidemiology or to other locations as designated by the Department. An elevated blood lead level is defined by the National Institute for Occupational Safety and Health (NIOSH). As of January 26, 2002, NIOSH defines an elevated blood lead level as a venous blood lead level of 25 micrograms per deciliter ( $\mu\text{g}/\text{dL}$ ) or higher. The Department will publish in the *Pennsylvania Bulletin* any NIOSH update of the definition within 30 days of NIOSH's notification to the Department.

(3) A clinical laboratory which conducts blood lead tests on 100 or more specimens per month shall submit results electronically in a format specified by the Department.

(4) A clinical laboratory which conducts blood lead tests on less than 100 blood lead specimens per month shall submit results either electronically or by hard copy in the format specified by the Department.

(5) A laboratory which performs blood lead tests on blood specimens collected in this Commonwealth shall be licensed as a clinical laboratory and shall be specifically approved by the Department to conduct those tests.

(6) Blood lead analyses requested for occupational health purposes on blood specimens collected in this Commonwealth shall be performed only by laboratories which are licensed and approved as specified in paragraph (5), and which are also approved by the Occupa-

tional Safety and Health Administration of the United States Department of Labor under 29 CFR 1910.1025(j)(2)(iii) (relating to lead).

(7) A clinical laboratory shall complete a blood lead test within 5 work days of the receipt of the blood specimen and shall submit the case report to the Department by the close of business of the next work day after the day on which the test was performed. The clinical laboratory shall submit a report of lead poisoning using either the hardcopy form or electronic transmission format specified by the Department.

(8) When a clinical laboratory receives a blood specimen without all of the information required for reporting purposes, the clinical laboratory shall test the specimen and shall submit the incomplete report to the Department.

Erythrocyte protoporphyrin determinations may be performed as an adjunct determination to substantiate blood lead levels of 25 micrograms per deciliter or higher. Since erythrocyte protoporphyrin concentrations may not increase as a result of low-level exposures to lead, direct blood lead analysis is the only reliable method for identifying individuals with blood lead concentrations below 25 micrograms per deciliter.

Persons seeking blood lead or erythrocyte protoporphyrin analyses should determine that the laboratory employs techniques and procedures acceptable for the purpose for which the analyses are sought. Laboratories offering blood lead analysis only are designated with the letter "L" following the name of the laboratory. Those offering erythrocyte protoporphyrin analysis only are designated with the letter "P." Laboratories offering both services are designated with the letters "LP."

The list of approved laboratories will be revised approximately semiannually and published in the *Pennsylvania Bulletin*. The name of a laboratory is sometimes changed but the location, personnel, and testing procedures of the facility remain unchanged. When changes of this type occur, the Clinical Laboratory Permit number does not change. If questions arise about the identity of a laboratory due to a name change, the Clinical Laboratory Permit number should be used as the primary identifier. To assist in identifying a laboratory that performed a test if the name of the facility changed, the Clinical Laboratory Permit numbers of the facilities are included in the lists of approved laboratories above the name of the laboratory at the time the list was prepared.

The Department's blood lead proficiency testing program is approved by the United States Department of Health and Human Services (HHS) in accordance with the requirements contained in the Clinical Laboratory Improvement Amendments of 1988 (42 CFR 493.901 and 493.937) which are administered by the Centers for Medicare and Medicaid Services (CMS). Participation in these programs may therefore be used to demonstrate acceptable performance for approval purposes under both Federal and Commonwealth statutes.

Questions regarding this list should be directed to Dr. M. Jeffery Shoemaker, Director, Division of Chemistry and Toxicology, Department of Health, Bureau of Laboratories, P. O. Box 500, Exton, PA 19341-0500, (610) 280-3464.

Persons with a disability who require an alternative format of this notice (for example, large print, audiotape, Braille) should contact Dr. Shoemaker at the previously referenced address or phone number. Persons who are speech or hearing impaired may use V/TT: (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

022912

ACL LABORATORIES—LP  
8901 WEST LINCOLN AVE  
WEST ALLIS, WI 53227  
414-328-7945

000016

ANGELINE KIRBY MEM HEALTH CENTER—L  
71 NORTH FRANKLIN STREET  
WILKES BARRE, PA 18701  
570-823-5450

020506

CENTRAL PA ALLIANCE LABORATORY—LP  
1803 MT ROSE AVENUE  
SUITE C3-C4  
YORK, PA 17403  
717-851-1426

000228

CHILDRENS HOSP OF PHILADELPHIA—L  
ONE CHILDREN'S CENTER 34TH & CIVIC  
PHILADELPHIA, PA 19104  
215-590-1000

027845

CLINICAL REFERENCE LABORATORY—LP  
8433 QUIVIRA ROAD  
LENEXA, KS 66215  
913-492-3652

000561

EAST PENN MFG CO INC—LP  
DEKA RD KELLER TECH CENTER  
PO BOX 147  
LYONS STATION, PA 19536  
610-682-6361

000332

ELLWOOD CITY HOSPITAL—LP  
724 PERSHING ST  
ELLWOOD CITY, PA 16117  
724-752-0081

000173

GEISINGER MEDICAL CENTER—L  
N ACADEMY RD  
DANVILLE, PA 17822  
570-271-6338

25914

GENOVA DIAGNOSTICS—L  
63 ZILICOA STREET  
ASHEVILLE, NC 28801  
828-253-0621

020802

HAGERSTOWN MEDICAL LABORATORY—L  
11110 MEDICAL CAMPUS RD STE 230  
HAGERSTOWN, MD 21742  
301-790-8670

024655

HEALTH NETWORK LABORATORIES—LP  
2024 LEHIGH STREET  
ALLENTOWN, PA 18103-4798  
610-402-8150

005618

LAB CORP OF AMERICA HOLDINGS—LP  
6370 WILCOX ROAD  
DUBLIN, OH 43016-1296  
800-282-7300

021885

LAB CORP OF AMERICA HOLDINGS—LP  
1447 YORK COURT  
BURLINGTON, NC 27215  
800-334-5161

001088

LAB CORP OF AMERICA HOLDINGS—LP  
69 FIRST AVE PO BOX 500  
RARITAN, NJ 08869  
908-526-2400

022715

LABONE INC—LP  
10101 RENNER BOULEVARD  
LENEXA, KS 66219-9752  
913-888-1770

009523

LABORATORY CORP OF AMERICA—L  
13900 PARK CENTER ROAD  
HERNDON, VA 20171  
703-742-3100

000242

MAIN LINE CLIN LABS LANKENAU CP—L  
100 EAST LANCASTER AVENUE  
WYNNEWOOD, PA 19096  
610-645-2615

029685

MAYO CLINIC DEPARTMENT OF LAB MEDICINE &  
PATHOLOGY—L  
200 FIRST STREET SW  
ROCHESTER, MN 55905  
507-284-0453

009003

MAYO CLINIC DEPT LAB MED & PATH—P  
200 FIRST STREET SW HILTON 530  
ROCHESTER, MN 55905  
507-284-3018

029251

MAYO MEDICAL LABORATORIES NEW  
ENGLAND—LP  
265 BALLARDVALE STREET  
WILMINGTON, MA 01887  
978-658-3600

026302

MEDICAL ASSOCIATES PC—P  
935 HIGHLAND BLVD SUITE 4400  
BOZEMAN, MT 59715  
406-587-5123

005574

MEDTOX LABORATORIES INC—LP  
402 WEST COUNTY ROAD D  
ST PAUL, MN 55112  
651-636-7466

000203

MERCY FITZGERALD HOSPITAL—L  
1500 LANSDOWNE AVENUE  
DARBY, PA 19023  
610-237-4262



000504  
NATIONAL MED SERVICES INC LAB—LP  
3701 WELSH ROAD  
WILLOW GROVE, PA 19090  
215-657-4900

023801  
PACIFIC TOXICOLOGY LABORATORIES—LP  
9348 DE SOTO AVENUE  
CHATSWORTH, CA 91311  
818-598-3110

022533  
PENNSYLVANIA DEPT OF HEALTH—LP  
110 PICKERING WAY  
LIONVILLE, PA 19353  
610-280-3464

000022  
POCONO MEDICAL CENTER LAB—L  
206 EAST BROWN STREET  
EAST STROUDSBURG, PA 18301  
570-476-3544

000324  
PRIMARY CARE HLTH SERV INC LAB—L  
7227 HAMILTON AVE  
PITTSBURGH, PA 15208  
412-244-4728

000255  
PUBLIC HEALTH LAB CITY OF PHILA—L  
500 SOUTH BROAD STREET  
ROOM 359  
PHILADELPHIA, PA 19146  
215-685-6815

000315  
QUEST DIAGNOSTICS CLINICAL LABS INC—LP  
900 BUSINESS CENTER DRIVE  
HORSHAM, PA 19044  
215-957-9300

001136  
QUEST DIAGNOSTICS NICHOLS INSTITUTE—LP  
14225 NEWBROOK DRIVE  
PO BOX 10841  
CHANTILLY, VA 20153-0841  
703-802-6900

000482  
QUEST DIAGNOSTICS OF PA INC—LP  
875 GREENTREE RD 4 PARKWAY CENTER  
PITTSBURGH, PA 15220-3610  
412-920-7600

025461  
QUEST DIAGNOSTICS VENTURE LLC—LP  
875 GREENTREE ROAD  
4 PARKWAY CENTER  
PITTSBURGH, PA 15220-3610  
412-920-7631

000150  
READING HOSPITAL & MED CTR—L  
6TH AND SPRUCE STREETS  
WEST READING, PA 19611  
610-988-8080

022376  
SPECIALTY LABORATORIES INC—L  
27027 TOURNEY ROAD  
VALENCIA, CA 91355  
661-799-6543

000151  
ST JOSEPH QUALITY MEDICAL LAB—L  
215 NORTH 12TH STREET BOX 316  
READING, PA 19603  
610-378-2200

000104  
THE UNIONTOWN HOSPITAL LABORATORY—L  
500 WEST BERKELEY STREET  
UNIONTOWN, PA 15401  
724-430-5143

000083  
UPMC PRESBYTERIAN SHADYSIDE CP PUH—L  
ROOM 5929 MAIN TOWER CHP  
200 LOTHROP STREET  
PITTSBURGH, PA 15213-2582  
412-648-6000

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

[Pa.B. Doc. No. 06-1350. Filed for public inspection July 14, 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).

Southwestern Nursing Center  
500 Lewis Run Road  
Pittsburgh, PA 15122

Green Acres  
595 Biglerville Road  
Gettysburg, PA 17325  
FAC ID 071702

ManorCare Health Services—North Hills  
1105 Perry Highway  
Pittsburgh, PA 15237

Mountain City Nursing and Rehabilitation Center  
1000 West 27th Street  
Hazelton, PA 18202  
FAC ID 1378

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 require an alternative format of this document or who wish to comment in an alternative format (for example, large print, audiotape, Braille) should contact the Division of Nursing Care

Facilities at the address listed previously 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. 06-1351. Filed for public inspection July 14, 2006, 9:00 a.m.]

## DEPARTMENT OF PUBLIC WELFARE

### Designated Exceptional Durable Medical Equipment

On February 9, 2002, the Department of Public Welfare (Department) announced the adoption of amendments to 55 Pa. Code Chapter 1187 (relating to nursing facility services). The amendments were adopted under sections 201 and 443.1 of the Public Welfare Code (62 P. S. §§ 201 and 443.1) and sections 1396a and 1396r of the Social Security Act (42 U.S.C.A. §§ 1396a and 1396r). The amendments expand the Department's exceptional payment policy to authorize additional payments to nursing facilities for nursing facility services provided to certain Medical Assistance (MA) residents who require medically necessary exceptional durable medical equipment (DME). See 32 Pa.B 734 (February 9, 2002).

The amendments require the Department to publish an annual list of exceptional DME by notice in the *Pennsylvania Bulletin* in July of each year. Interested persons may petition the Department to consider additions to the exceptional DME list by submitting a written request to the Department. Requests received on or before December 31 will be considered in developing the list for the following July.

During calendar year 2005, the Department received no written requests to add or remove items of DME from the list of exceptional DME. Therefore, this notice makes no changes in either the acquisition cost or the list of qualifying DME.

"Exceptional DME" is defined as DME that has an acquisition cost of \$5,000 or more and is either Specially Adapted DME or other DME that is designated as Exceptional DME by the Department annually by notice in the *Pennsylvania Bulletin*.

"Specially Adapted" DME is DME that is uniquely constructed or substantially adapted or modified in accordance with the written orders of a physician for the particular use of one resident, making its contemporaneous use by another resident unsuitable.

The list of Exceptional DME that has been designated by the Department is as follows:

(1) *Air fluidized beds*. The pressure relief provided by this therapy uses a high rate of airflow to fluidize fine particulate material (for example, beads or sand) to

produce a support medium that has characteristics similar to liquid. May have a Gortex cover.

(2) *Powered air flotation bed (low air loss therapy)*. A semi-electric or total electric bed with a fully integrated powered pressure-reducing mattress which is characterized by all of the following:

(a) An air pump or blower with a series of interconnected woven fabric air pillows which provides sequential inflation and deflation of the air cells or a low interface pressure throughout the mattress allowing some air to escape through the support surface to the resident. May have a Gortex cover.

(b) Inflated cell height of the air cells through which air is being circulated is 5 inches or greater.

(c) Height of the air chambers, proximity of the air chambers to one another, frequency of air cycling (for alternating pressure mattresses) and air pressure provide adequate patient lift, reducing pressure and prevent bottoming out.

(d) A surface designed to reduce friction and shear.

(e) May be placed directly on a hospital bed frame.

(f) Automatically readjusts inflation pressures with change in position of bed (for example, head elevation, and the like).

(3) *Augmentative communication devices*. Used by residents who are unable to use natural oral speech as a primary means of communication. The specific device requested must be appropriate for use by the resident and the resident must demonstrate the abilities or potential abilities to use the device selected. Portable devices need to supplement, aid or serve as an alternative to natural speech for residents with severe expressive communication disorders. Nonportable devices may be covered only if required for visual enhancement or physical access needs that cannot be accommodated by a portable device.

(4) *Ventilators (and related supplies)*.

(a) Used by residents 21 years of age and older who require full ventilator support for a minimum of 8 hours per day to sustain life.

(b) Used by residents 20 years of age and younger who require ventilator support to sustain life (no minimum time requirement).

#### *Effective Date*

This notice is effective upon publication in the *Pennsylvania Bulletin*.

#### *Public Comments*

Interested persons are invited to submit written comments regarding this notice to Gail Weidman, Chief, Program Analysis and Review Section, Department of Public Welfare, Division of Long-Term Care Client Services, P. O. Box 2675, Harrisburg, PA 17105. Comments received within 30 days will be reviewed and considered for any subsequent revision of the notice.

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

ESTELLE B. RICHMAN,  
Secretary

**Fiscal Note:** 14-NOT-480. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 06-1352. Filed for public inspection July 14, 2006, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania Fast 5's '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 Fast 5's '06.
2. *Price:* The price of a Pennsylvania Fast 5's '06 instant lottery game ticket is \$1.
3. *Play Symbols:* Each Pennsylvania Fast 5's '06 instant lottery game ticket will contain one play area. The play symbols and their captions, located in the play area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN) and 55 (FIVFIV).
4. *Prize Symbols:* The prize symbols and their captions, located in the play area are: \$1<sup>00</sup> (ONE DOL), \$2<sup>00</sup> (TWO DOL), \$5<sup>00</sup> (FIV DOL), \$10<sup>00</sup> (TEN DOL), \$15\$ (FIFTN), \$20\$ (TWENTY), \$50\$ (FIFTY), \$100 (ONE HUN) and \$5,000 (FIV THO).
5. *Prizes:* The prizes that can be won in this game are: \$1, \$2, \$5, \$10, \$15, \$20, \$50, \$100 and \$5,000. The player can win up to 5 times on the ticket.
6. *Approximate Number of Tickets Printed for the Game:* Approximately 12,000,000 tickets will be printed for the Pennsylvania Fast 5's '06 instant lottery game.
7. *Determination of Prize Winners:*
  - (a) Holders of tickets with a play symbol of 5 (FIVE), and a prize symbol of \$5,000 (FIV THO) appearing in the prize area under that 5 (FIVE) play symbol, on a single ticket, shall be entitled to a prize of \$5,000.
  - (b) Holders of tickets with a play symbol of 5 (FIVE), and a prize symbol of \$100 (ONE HUN) appearing in the prize area under that 5 (FIVE) play symbol, on a single ticket, shall be entitled to a prize of \$100.

(c) Holders of tickets with a play symbol of 55 (FIVFIV), and a prize symbol of \$50\$ (FIFTY) appearing in the prize area under that 55 (FIVFIV) play symbol, on a single ticket, shall be entitled to a prize of \$100.

(d) Holders of tickets with a play symbol of 5 (FIVE), and a prize symbol of \$50\$ (FIFTY) appearing in the prize area under that 5 (FIVE) play symbol, on a single ticket, shall be entitled to a prize of \$50.

(e) Holders of tickets with a play symbol of 55 (FIVFIV), and a prize symbol of \$20\$ (TWENTY) appearing in the prize area under that 55 (FIVFIV) play symbol, on a single ticket, shall be entitled to a prize of \$40.

(f) Holders of tickets with a play symbol of 5 (FIVE), and a prize symbol of \$20\$ (TWENTY) appearing in the prize area under that 5 (FIVE) play symbol, on a single ticket, shall be entitled to a prize of \$20.

(g) Holders of tickets with a play symbol of 55 (FIVFIV), and a prize symbol of \$10<sup>00</sup> (TEN DOL) appearing in the prize area under that 55 (FIVFIV) play symbol, on a single ticket, shall be entitled to a prize of \$20.

(h) Holders of tickets with a play symbol of 5 (FIVE), and a prize symbol of \$15\$ (FIFTN) appearing in the prize area under that 5 (FIVE) play symbol, on a single ticket, shall be entitled to a prize of \$15.

(i) Holders of tickets with a play symbol of 5 (FIVE), and a prize symbol of \$10<sup>00</sup> (TEN DOL) appearing in the prize area under that 5 (FIVE) play symbol, on a single ticket, shall be entitled to a prize of \$10.

(j) Holders of tickets with a play symbol of 55 (FIVFIV), and a prize symbol of \$5<sup>00</sup> (FIV DOL) appearing in the prize area under that 55 (FIVFIV) play symbol, on a single ticket, shall be entitled to a prize of \$10.

(k) Holders of tickets with a play symbol of 5 (FIVE), and a prize symbol of \$5<sup>00</sup> (FIV DOL) appearing in the prize area under that 5 (FIVE) play symbol, on a single ticket, shall be entitled to a prize of \$5.

(l) Holders of tickets with a play symbol of 5 (FIVE), and a prize symbol of \$2<sup>00</sup> (TWO DOL) appearing in the prize area under that 5 (FIVE) play symbol, on a single ticket, shall be entitled to a prize of \$2.

(m) Holders of tickets with a play symbol of 55 (FIVFIV), and a prize symbol of \$1<sup>00</sup> (ONE DOL) appearing in the prize area under that 55 (FIVFIV) play symbol, on a single ticket, shall be entitled to a prize of \$2.

(n) Holders of tickets with a play symbol of 5 (FIVE), and a prize symbol of \$1<sup>00</sup> (ONE DOL) appearing in the prize area under that 5 (FIVE) 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>Find a "5" Win With Prize(s) of:</i>	<i>Win:</i>	<i>Approximate Odds of 1 In:</i>	<i>Approximate No. of Winners Per 12,000,000 Tickets</i>
\$1	\$1	10	1,200,000
\$1 x 2	\$2	60	200,000
\$1 w/55	\$2	33.33	360,000
\$2	\$2	50	240,000

<i>Find a "5" Win With Prize(s) of:</i>	<i>Win:</i>	<i>Approximate Odds of 1 In:</i>	<i>Approximate No. of Winners Per 12,000,000 Tickets</i>
\$1 × 5	\$5	75	160,000
\$5	\$5	75	160,000
\$2 × 5	\$10	600	20,000
\$5 × 2	\$10	600	20,000
\$5 w/55	\$10	300	40,000
\$10	\$10	300	40,000
\$5 × 3	\$15	1,000	12,000
\$5 w/55 + \$5	\$15	1,000	12,000
\$15	\$15	750	16,000
\$5 × 4	\$20	3,000	4,000
\$10 × 2	\$20	3,000	4,000
\$10 w/55	\$20	1,500	8,000
\$20	\$20	3,000	4,000
\$10 × 5	\$50	9,600	1,250
\$20 w/55 + \$10	\$50	4,800	2,500
\$50	\$50	9,600	1,250
\$50 × 2	\$100	80,000	150
\$50 w/55	\$100	48,000	250
\$100	\$100	60,000	200
\$5,000	\$5,000	1,200,000	10

55 (FIVFIV) = Win double the prize shown under it 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 Fast 5's '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 Fast 5's '06, prize money from winning Pennsylvania Fast 5's '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 Fast 5's '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 Fast 5's '06 or through normal communications methods.

GREGORY C. FAJT,  
*Secretary*

[Pa.B. Doc. No. 06-1353. Filed for public inspection July 14, 2006, 9:00 a.m.]

### Pennsylvania Jewels Of The Nile 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 Jewels Of The Nile.

2. *Price:* The price of a Pennsylvania Jewels Of The Nile instant lottery game ticket is \$10.

3. *Play Symbols:* Each Pennsylvania Jewels Of The Nile instant lottery game ticket will contain one play area featuring a "LUCKY NUMBERS" area and a "YOUR NUMBERS" area. The play symbols and their captions located in the "LUCKY NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN) and 30 (THIRTY). The play symbols and their captions located in the "YOUR NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRTY), Palm Tree symbol (PALM), 10X symbol (10TIMES) and an Eye symbol (EYE).

4. *Prize Symbols:* The prize symbols and their captions located in the "YOUR NUMBERS" area are: \$5<sup>00</sup> (FIV DOL), \$10<sup>00</sup> (TEN DOL), \$15\$ (FIFTN), \$20\$ (TWENTY), \$25\$ (TWY FIV), \$50\$ (FIFTY), \$100 (ONE HUN), \$200 (TWO HUN), \$500 (FIV HUN), \$1,000 (ONE THO), \$25,000 (TWYFIVTHO), \$250,000 (TWHNFYTH) and \$500,000 (FIVHUNTHO).

5. *Prizes:* The prizes that can be won in this game are: \$5, \$10, \$15, \$20, \$25, \$50, \$100, \$200, \$500, \$1,000, \$25,000, \$250,000 and \$500,000. The player can win up to 15 times on the ticket.

6. *Approximate Number of Tickets Printed for the Game:* Approximately 6,600,000 tickets will be printed for the Pennsylvania Jewels Of The Nile instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "LUCKY NUMBERS" play symbols and a prize symbol of \$500,000 (FIVHUNTHO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$500,000.

(b) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "LUCKY NUMBERS" play symbols and a prize symbol of \$250,000 (TWHNFYTH) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$250,000.

(c) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "LUCKY 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.

(d) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "LUCKY NUMBERS" play symbols and a prize symbol of \$1,000 (ONE THO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(e) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "LUCKY NUMBERS" play symbols and a prize symbol of \$500 (FIV HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$500.

(f) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Palm Tree symbol (PALM), and a prize symbol of \$500 (FIV HUN) appears under the Palm Tree symbol (PALM) on a single ticket, shall be entitled to a prize of \$500.

(g) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 10X symbol (10TIMES), and a prize symbol of \$50\$ (FIFTY) appears under the 10X symbol (10TIMES) on a single ticket, shall be entitled to a prize of \$500.

(h) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is an Eye symbol (EYE), and a prize symbol of \$25\$ (TWY FIV) appears in ten of the "prize" areas, and a prize symbol of \$50\$ (FIFTY) appears in five of the "prize" areas on a single ticket, shall be entitled to a prize of \$500.

(i) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "LUCKY NUMBERS" play symbols and a prize symbol of \$200

(TWO HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$200.

(j) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Palm Tree symbol (PALM), and a prize symbol of \$200 (TWO HUN) appears under the Palm Tree symbol (PALM) on a single ticket, shall be entitled to a prize of \$200.

(k) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 10X symbol (10TIMES), and a prize symbol of \$20\$ (TWENTY) appears under the 10X symbol (10TIMES) on a single ticket, shall be entitled to a prize of \$200.

(l) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is an Eye symbol (EYE), and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in five of the "prize" areas, and a prize symbol of \$15\$ (FIFTN) appears in ten of the "prize" areas on a single ticket, shall be entitled to a prize of \$200.

(m) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "LUCKY 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.

(n) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Palm Tree symbol (PALM), and a prize symbol of \$100 (ONE HUN) appears under the Palm Tree symbol (PALM) on a single ticket, shall be entitled to a prize of \$100.

(o) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 10X symbol (10TIMES), and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears under the 10X symbol (10TIMES) on a single ticket, shall be entitled to a prize of \$100.

(p) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is an Eye symbol (EYE), and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in ten of the "prize" areas, and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in five of the "prize" areas on a single ticket, shall be entitled to a prize of \$100.

(q) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "LUCKY 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.

(r) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Palm Tree symbol (PALM), and a prize symbol of \$50\$ (FIFTY) appears under the Palm Tree symbol (PALM) on a single ticket, shall be entitled to a prize of \$50.

(s) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 10X symbol (10TIMES), and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears under the 10X symbol (10TIMES) on a single ticket, shall be entitled to a prize of \$50.

(t) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "LUCKY 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.

(u) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Palm Tree symbol

(PALM), and a prize symbol of \$25\$ (TWY FIV) appears under the Palm Tree symbol (PALM) on a single ticket, shall be entitled to a prize of \$25.

(v) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "LUCKY 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.

(w) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "LUCKY NUMBERS" play symbols and a prize symbol of \$15\$ (FIFTN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$15.

(x) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Palm Tree symbol (PALM), and a prize symbol of \$15\$ (FIFTN) appears under the Palm Tree symbol (PALM) on a single ticket, shall be entitled to a prize of \$15.

(y) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "LUCKY NUMBERS" play symbols and a prize symbol of \$10.<sup>00</sup> (TEN DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(z) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Palm Tree symbol (PALM), and a prize symbol of \$10.<sup>00</sup> (TEN DOL) appears under the Palm Tree symbol (PALM) on a single ticket, shall be entitled to a prize of \$10.

(aa) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "LUCKY NUMBERS" play symbols and a prize symbol of \$5.<sup>00</sup> (FIV DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$5.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

<i>When Any of Your Numbers Match Any of the Lucky Numbers, Win With Prize(s) of:</i>	<i>Win:</i>	<i>Approximate Odds of 1 In:</i>	<i>Approximate No. of Winners Per 6,600,000 Tickets</i>
\$5 x 2	\$10	28.57	231,000
\$10 w/PALM TREE	\$10	14.63	451,000
\$5 x 3	\$15	100	66,000
\$15 w/PALM TREE	\$15	42.86	154,000
\$5 x 4	\$20	150	44,000
\$10 x 2	\$20	60	110,000
\$20	\$20	30	220,000
\$5 x 5	\$25	150	44,000
\$5 x 3 + \$10	\$25	150	44,000
\$15 + \$10	\$25	150	44,000
\$25 w/PALM TREE	\$25	75	88,000
\$5 x 10	\$50	300	22,000
\$10 x 5	\$50	600	11,000
\$25 x 2	\$50	600	11,000
\$5 w/10X	\$50	200	33,000
\$50 w/PALM TREE	\$50	200	33,000
\$10 x 10	\$100	480	13,750
\$50 x 2	\$100	480	13,750
\$10 w/10X	\$100	480	13,750
EYE w/(\$5 x 10) + (\$10 x 5)	\$100	480	13,750
\$100 w/PALM TREE	\$100	240	27,500
\$20 x 10	\$200	2,400	2,750
\$20 W/10X	\$200	2,400	2,750
EYE w/(\$10 x 5) + (\$15 x 10)	\$200	2,400	2,750
\$200 w/PALM TREE	\$200	1,200	5,500
\$50 x 10	\$500	8,000	825
\$100 x 5	\$500	8,000	825
\$50 w/10X	\$500	8,000	825
\$500 w/PALM TREE	\$500	8,000	825
EYE w/(\$25 x 10) + (\$50 x 5)	\$500	8,000	825
\$100 x 10	\$1,000	440,000	15
\$200 x 5	\$1,000	440,000	15
\$500 x 2	\$1,000	440,000	15
\$1,000	\$1,000	440,000	15
\$25,000	\$25,000	220,000	30
\$250,000	\$250,000	1,320,000	5
\$500,000	\$500,000	1,320,000	5

PALM TREE (PALM) = Win prize shown under it automatically.

EYE (EYE) = Win all 15 prizes shown.

10X (10TIMES) = Win 10 times 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 Jewels Of The Nile 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 Jewels Of The Nile, prize money from winning Pennsylvania Jewels Of The Nile 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 Jewels Of The Nile 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 Jewels Of The Nile or through normal communications methods.

GREGORY C. FAJT,  
*Secretary*

[Pa.B. Doc. No. 06-1354. Filed for public inspection July 14, 2006, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Sale of Land No Longer Needed for Transportation Purposes; Lehigh County SR 0222, Section 001

The Department of Transportation (Department), under section 2003(e)(7) of The Administrative Code of 1929 (71 P. S. § 513(e)(7)), intends to sell certain land owned by the Department.

The parcel is rectangular shaped, located on the southern side of Schaefer Run Road between Brookdale Road (SR 3005) and Weilers Road (T-478) at stations 20 + 300 and 20 + 400 in Upper Macungie Township, Lehigh County. The parcel is approximately 1.129 acres. The sale of the property is in an as is condition. Interested public agencies are invited to express their interest in purchasing the parcel within 30 calendar days from this notice.

For further information, contact Bruce Kern, District Property Manager, Department of Transportation, 1713 Lehigh Street, Allentown, PA 18103, (610) 798-4271.

ALLEN D. BIEHLER, P. E.,  
*Secretary*

[Pa.B. Doc. No. 06-1355. Filed for public inspection July 14, 2006, 9:00 a.m.]

## ENVIRONMENTAL HEARING BOARD

### Upper Merion Municipal Utility Authority v. DEP; EHB Doc. No. 2006-161-K

Upper Merion Municipal Utility Authority has appealed the issuance by the Department of Environmental Protection of an NPDES Permit No. PA0026131 to same for a facility in Upper Merion Township, Montgomery County, PA.

A date for the hearing on the appeal has not yet been scheduled.

The appeal is filed with the Environmental Hearing Board (Board) at its office on the Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457 and may be reviewed by interested parties on request during normal business hours. If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the AT&T Pennsylvania Relay Center at (800) 654-5984.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code § 1021.81 (relating to intervention). Copies of the Board's rules of practice and procedure are available upon request from the Board.

MICHAEL L. KRANCER,  
*Chairperson*

[Pa.B. Doc. No. 06-1356. Filed for public inspection July 14, 2006, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Application for Approval to Redomesticate

Bankers Independent Insurance Company, a Maryland stock casualty insurance company, has submitted a Plan of Redomestication, whereby it proposes to redomesticate from the State of Maryland to the Commonwealth. The filing was made under 15 Pa.C.S. §§ 1101—4162 (relating to the Business Corporation Law of 1988). Persons wishing to comment on the redomestication are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Written statements must include the name, address and telephone number of the interested party, identification of the application to which the statement is addressed and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Robert Brackbill, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, by fax to (717) 787-8557 or to rbrackbill@state.pa.us.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 06-1357. Filed for public inspection July 14, 2006, 9:00 a.m.]

### Repeal of Outdated Bulletins and Notices; Notice No. 2006-08

The Insurance Commissioner hereby formally repeals the following Bulletin Notices. The notices were issued to provide general information, guidance in advance of the promulgation of a regulation, or announce a change in law or Insurance Department practice. The insurance industry is now familiar with the information contained in these Notices or the information is outdated and no longer relevant or necessary for the proper regulation of the insurance industry in this Commonwealth.

<i>Notice No.</i>	<i>Date</i>	<i>Title</i>
2005-08	07/23/2005	Repeal of Outdated Bulletins and Notices
2005-06	05/21/2005	Per Diem Charges for Market Conduct Examinations of Insurance Companies
2005-05	05/21/2005	Per Diem Charges for Financial Examinations Conducted by the Department
2004-10	12/25/2004	Financial Regulation Updates
2004-09	10/30/2004	Medical Care Availability and Reduction of Error Fund; Notice of and Amount of Assessment Action
2004-03	04/24/2004	Officers Required to Certify Financial Statements
2003-09	11/01/2003	Medical Care Availability and Reduction of Error Fund; Notice of and Amount of Assessment Action
2003-02	01/19/2003	Federal Terrorism Risk Insurance Act of 2002
2002-07	09/07/2002	2003 MCare Fund Assessment
2000-07	06/10/2000	Record Retention

Questions regarding this notice may be addressed to Peter J. Salvatore, Regulatory Coordinator, 1326 Strawberry Square, Harrisburg, PA 17120, (717) 787-4429. Questions may also be e-mailed to psalvatore@state.pa.us or faxed to (717) 705-3873.

M. DIANE KOKEN,  
*Insurance Department*

[Pa.B. Doc. No. 06-1358. Filed for public inspection July 14, 2006, 9:00 a.m.]

### *Executive Board*

Resolution #CB-06-139, Dated June 7, 2006. Authorizes the Side Letter of Understanding with AFSCME that implements compensation provisions for the period July 1, 2005, through June 30, 2008, for employees compensated on the Corrections Supervisory Pay Schedule (Pay Scale Type CS). The side letter encompasses approximately 173 first-level supervisory employees who supervise H1 bargaining unit employees. The approximate cost of salary and wage increases over the 3-year period is \$2.04 million including the cost of salary sensitive benefits.

### *Governor's Office*

Management Directive No. 210.5—Records Management, Amended May 22, 2006.

Management Directive No. 310.28—Use of One-Time Vendor Records in SAP, Dated June 16, 2006.

Management Directive No. 310.29—Using Value (Service) Date in SAP, Dated June 28, 2006.

Management Directive No. 570.15—Public Employee Pension Forfeiture Act No. 1978-140, Amended June 6, 2006.

Management Directive No. 580.6—Tabulation of Classified Service Employees, Amended June 16, 2006.

Management Directive No. 590.3—Deduction of Union Dues/Fair Share Fees, Amended May 22, 2006.

Management Directive No. 590.5—Guidelines to be Followed During Legal or Illegal Strikes, Amended May 25, 2006.

Management Directive No. 590.7—Labor Relations—Grievance Administration, Amended June 8, 2006.

Management Directive No. 625.2—Inventory of Commonwealth Real Property, Amended May 22, 2006.

Management Directive No. 720.5—Energy Conservation and Electrical Devices in Commonwealth-Owned or Leased Buildings, Amended June 7, 2006.

Administrative Circular No. 06-09—SAP Fund Changes for Restricted Receipts, Restricted Revenues, and Non-Budgeted Appropriations Effective FY 2006-07, Dated June 21, 2006.

MARY JANE PHELPS,  
*Director*  
*Pennsylvania Bulletin*

[Pa.B. Doc. No. 06-1359. Filed for public inspection July 14, 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.

## LIQUOR CONTROL BOARD

### Expiration of Leases

The following Liquor Control Board lease will expire:

Centre County, Wine & Spirits Shoppe #1403, 15 West Olive Street, Snow Shoe, PA 16874.

*Lease Expiration Date:* 90-day status since 12/1/88

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 1,100 net useable square feet of new or existing retail commercial space serving Snow Shoe and surrounding area. The site must have free off-street parking and access for tractor-trailer deliveries.



*Proposals due:* August 4, 2006, at 12 p.m.

**Department:** Liquor Control Board  
**Location:** Real Estate Division, State Office Building, Room 408, 300 Liberty Avenue, Pittsburgh, PA 15222  
**Contact:** Bruce VanDyke, (412) 565-5130

The Liquor Control Board seeks the following new site:

Philadelphia County, Wine & Spirits Shoppe #5128, 5th Street & Olney Avenue, Philadelphia, PA 19120.

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 5,000 net useable square feet of new or existing retail commercial space within a 1/4-mile radius of the intersection of 5th Street and Olney Avenue, Philadelphia.

*Proposals due:* August 4, 2006, at 12 p.m.

**Department:** Liquor Control Board  
**Location:** Real Estate Division, 8305 Ridge Avenue, Philadelphia, PA 19128-2113  
**Contact:** James M. Bradley, (215) 482-9671

JONATHAN H. NEWMAN,  
*Chairperson*

[Pa.B. Doc. No. 06-1360. Filed for public inspection July 14, 2006, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Order

Public Meeting held  
 June 22, 2006

*Commissioners Present:* Wendell F. Holland, Chairperson; James H. Cawley, Vice Chairperson, statement follows; Bill Shane; Kim Pizzigrilli; Terrance J. Fitzpatrick, statement follows

*Buffalo Valley Telephone Company; Supplement No. 54 to Tariff PA PUC No. 7; Supplement No. 8 to Tariff PA PUC No. 8; R-00061375*

*2006 Annual Price Stability Index/Service Price Index Filing of Buffalo Valley Telephone Company; P-00981428F1000*

### Order

*By The Commission*

### BACKGROUND

Before us for disposition are the Buffalo Valley Telephone Company ("Buffalo Valley" or "Company") annual 2006 Annual Price Stability Index/Service Price Index (PSI/SPI) Filing and the associated tariffs to effectuate increases to local and access revenues. Buffalo Valley is a rural telephone company and the filing was made under the provisions of the new Chapter 30 law, Act 183 of 2004, P. L. 1398 (66 Pa.C.S. §§ 3011—3019) ("Act 183") and pursuant to the Company's Alternative Regulation and Network Modernization Plan ("Chapter 30 Plan").

As a result of the passage of Act 183, companies with Chapter 30 Plans are entitled to significantly lower inflation offset values within their respective price cap formulas in exchange for a commitment to accelerated

broadband deployment. Inflation offsets previously ranging from 2% to 2.93% were reduced to either 0% or 0.5%, depending on each company's Chapter 30 Plan. In Buffalo Valley's case, the inflation offset was reduced from 2% to 0%. Accordingly, annual Price Stability Plan ("Plan") filings have the potential for substantial revenue and rate impacts on end-user consumers.

Under the Company's Plan, the allowable change (increase or decrease) in rates for noncompetitive services is based on the annual change in the Gross Domestic Product Price Index ("GDP-PI"). The Plan also contains special provisions for protected services and addresses revenue neutral adjustments to the rates of noncompetitive services. The Plan set forth in Buffalo Valley's Chapter 30 Plan is a complete substitution of the rate base/rate of return regulation. Noncompetitive services are defined as regulated services or business activities that have not been determined or declared to be competitive. The following services are defined as protected services: Service provided to residential consumers or business consumers that is necessary to complete a local exchange call; Touch Tone; Switched Access service; Special Access service; and Ordering installation, restoration and disconnection of these services. 66 Pa.C.S. § 3012

### COMPANY FILING

Pursuant to the Plan, Advance Notice was issued on March 14, 2006, informing the Commission of the forthcoming rate changes. On May 3, 2006, Buffalo Valley filed its annual Plan filing using the change in 2004 and 2005 third quarter GDP-PI (Gross Domestic Product—Price Index) of 4.016% that produced an overall 3.70% increase allowable for noncompetitive revenues.

Buffalo Valley proposes to implement its Plan by increasing rates mainly for Switched Access Services through rate changes in Tariff-Telephone Pa. PUC No. 8, and basic and Non-Basic local services in Tariff-Telephone Pa. PUC No. 7. The overwhelming majority of the rate increases are targeted towards switched access services amounting to 77%, compared to 23% for non-basic local services. The proposal to increase switched access service rates is accomplished by an increase of \$0.97 to the Carrier Common Line (CCL) charge, and an increase of \$0.002402 per Minutes of Use (MOU) for Tandem Switching and \$0.000247 MOU for Local Switching. The Company proposes a per line rate increase of \$0.30 for basic local services, PBX and Pay Telephone rates. The Company also proposes to increase non-basic local services rates for Return Check Charge, Foreign Exchange Mileage charges, and charges for Business Private Line Services for non-mileage related services. The proposed tariff revisions are filed to become effective July 1, 2006.

On June 1, 2006, and June 9, 2006, Buffalo Valley submitted certain responses and additional information to Staff inquiries relating to the filing. The additional information includes actual annual intrastate revenue figures for the period ending December 2005, and the Company's composite and individual access services rates per MOU for interstate as well as intrastate traffic. Buffalo Valley also responded to a staff inquiry regarding why an overwhelming majority of the rate increases are directed towards access charges despite the industry trend to move in the opposite direction by reducing access service charges so they are closer to their actual cost. According to the Company, it has aggressively implemented local service rate increases over the past five years through a combination of price cap filings and rate rebalancing filings and it believes that additional local service rate increases would accelerate access line loss.

The Company states in its response that certain aspects of the *Global Order* addressed access charge reductions, but the overriding theme was mirroring intrastate access service rates with interstate access service rates. The Company also states that it has previously reduced its CCL rates and has been aggressive in reducing access services rates. The Company believes that it is in its customers' best interest to have their rates in line with other ILECs so that when intercarrier compensation and access reform is implemented, it will be implemented in a similar fashion for all ILECs. In response to Staff request for a cost study for access services, the Company responded that it is an average schedule company and does not have any cost studies available to prove that the proposed access services rates were equal to or less than the cost for the Company to provide them.

### DISCUSSION

#### 1. Plan Calculations and Rate Increases

The annual Buffalo Valley Plan submissions under Chapter 30 law must conform to its Commission-approved Amended Chapter 30 Plan. Buffalo Valley submitted calculations it used to arrive at the PSI and SPI for the year 2006 based on the third quarter Gross Domestic Product Price Index for the years 2004 and 2005. Section 3015(a)(1)(iii) of the Public Utility Code (Code), 66 Pa.C.S. § 3015(a)(1)(iii), enabled Buffalo Valley to remove the productivity offset, thus allowing the Company to increase rates for every positive change to the Company's PSI.

Our review of the calculations submitted by Buffalo Valley indicates that the 2006 SPI is calculated to be 1.0623 allowing for a 3.70% rate increase calculated on the prior year total intrastate revenue.

As an initial matter, we disagree with the 2005 annual revenues that Buffalo Valley used in its PSI/SPI calculation. Rather than using actual 2005 year-end revenues, Buffalo Valley calculated its eligible revenue increase amount using the revenue for the month of December 2005. Buffalo Valley then annualized the eligible increase by 12 to arrive at the annual rate increase for which it is seeking approval. As such, Buffalo Valley's calculated annualized 2005 annual revenues are 4% higher than its actual 2005 annual revenues,<sup>1</sup> allowing the Company to increase rates more than it is actually entitled.

Accordingly, we find the Company's PSI/SPI calculations to be only partially consistent with the terms of the Company's Price Stability Plan formula approved in its Chapter 30 Plan at Docket No. P-00981428F1000. As such, we will require Buffalo Valley to amend its calculations in Attachments 2 to 4 to its filing based on the actual intrastate revenue for the 12 month period ending December 2005, and adjust the eligible rate increases in Company's Exhibit 1.

#### 2. Local Service Rate Increase

A review of the proposed rate changes to local services was found to be consistent with the Company's Plan. Accordingly, these rates will be allowed to go into effect as filed.

#### 3. Access Services Rate Increase

Upon consideration, we believe that the proposed increase in access service charges as a vehicle to recover the Company's allowable PSI revenues should be resolved as set forth below. The proposal appears to contradict long-

standing access service reform in Pennsylvania including Docket No. I-00040105, the Pennsylvania Universal Service Fund rules and policies, and the Company's current Amended Chapter 30 Plan. For these reasons and the reasons set forth in more detail below, we shall give the Company the alternative to either allocate increase to local rates or bank the remaining amount until a further date.

Switched Access charges are the rates charged by LECs to other companies seeking access to the LEC's facilities in order to provide toll services to the end-user. Inter exchange carriers (IXC) rely on the switched and special access facilities of the LECs to transmit calls between customers and IXC facilities. Accordingly, access services are "protected services" pursuant to the listing of "switched access service" as a protected service under Chapter 30. 66 Pa.C.S. § 3012

Traditionally, in the ILEC monopoly environment ILECs priced access service charges above cost as a means of generating additional revenues that were used to support local rates and thus keep basic local services affordable. The current laws require that the Commission promote and encourage the provisions of competitive services by a variety of service providers on equal terms and throughout the geographic areas of this Commonwealth, without jeopardizing reasonableness of rates or the provision of universal telecommunications service at affordable rates. 66 Pa.C.S. §§ 3011(2), 3011(8).

Buffalo Valley's proposed rate increases for switched access service charges may be contrary to these provisions. Switched access rate increases contradict Pennsylvania's long-standing attempt to reduce local carriers' dependence on access revenues and preserving the affordability of local rates. An increase in switched access services rates may avoid an increase in local rates that could attract more service providers. In addition, an increase in switched access service charges may also undermine the obligation to promote the competition that could occur if ILEC access service charges were priced closer to costs.

By the same token, however, 66 Pa.C.S. § 3011(2) and (8) empowers the Commission to maintain universal telecommunications service at affordable rates while encouraging the accelerated provision of advanced services deployment of broadband telecommunications network in rural, suburban and urban areas. Finally, the Commission must also ensure that rates, terms and conditions for protected services are reasonable and do not impede development of competition. 66 Pa.C.S. § 3011.

In furtherance of these objectives, the Commission established a Pennsylvania Universal Services Fund (PaUSF). Buffalo Valley will collect approximately \$651,288 support for the year 2006 from the PaUSF to support its current access service charges. The current rate, reduced from the rates in effect prior to creation of the PaUSF, is consistent with the goals of access reform, the promotion of competition, maintenance of universal service, and the obligation to ensure that rates, terms, and conditions are just and reasonable. Buffalo Valley has already rebalanced rates by decreasing intrastate access and toll rates and increasing local service rates in furtherance of access reform and to reduce any possible subsidization from toll and access service charges that may have existed prior to toll competition. All jurisdictional Pennsylvania telecommunications service providers are contributing to the PaUSF based on their intrastate end-user revenues. The rural Companies, including Buf-

<sup>1</sup> Upon request from Staff, Buffalo Valley provided its annual revenue amounts for the year ending December 2005.

falo Valley, are encouraged and permitted to restructure their access, toll and local rates, accordingly.

The primary purpose of the PaUSF is to maintain the affordability of local service rates for end-user customers while allowing rural telephone companies to reduce their dependency on switched access service revenues and intraLATA toll rate revenues on a revenue neutral basis. See: 52 Pa. Code § 63.161. The Commission is responsible for assuring the maintenance of universal telecommunications services at affordable rates in Pennsylvania. Universal services are those telecommunication services "essential for a resident of this Commonwealth to participate in modern society at any point in time." 52 Pa. Code § 63.162

Buffalo Valley's proposed rate increases to switched access services appear to hinder this participation, as well as contravene its earlier agreement to reduce switched access service charges as stipulated in a Joint Procedural Stipulation (Joint Stipulation) in response to the Commission's Access Charge Investigation —Phase II.<sup>2</sup> That Joint Stipulation calls for further switched access service charge reductions in a revenue-neutral method that are recovered not through an increase in the size of the PaUSF, but through gradual increases to local residential and business rates. The Joint Stipulation envisions a continuation of the current PaUSF support under the existing Regulations codified at 52 Pa. Code §§ 63.161—63.171 until a future rulemaking determines otherwise. This is evident in the fact that, although the fund was originally set to expire by December 31, 2003, the PaUSF was continued pursuant to a Joint Stipulation filed by the parties in the proceeding. Buffalo Valley is a party to the Joint Stipulation.

The Joint Stipulation provides for each ILEC to do what is permitted under their respective Chapter 30 Plans. This includes a restructuring of rates on a revenue-neutral basis in a manner that does not increase local rates by more than \$3.50 per month. While the Joint Stipulation did not necessarily require the rural ILECs to mirror interstate access service charges, we note that mirroring interstate rates is a step towards attaining cost-based intrastate access service charges while avoiding arbitrage and promoting competition.

In the Joint Stipulation,<sup>3</sup> the ILECs reserve the right to change access services rates in order to ensure each access rate element recovers its cost based upon development of a cost study when the ILECs service price index allows for an increase. In the instant filing, Buffalo Valley failed to provide a cost study consistent with the Joint Proposal requirement that a cost study accompany access services rates changes for access services rates below cost.

Moreover, Buffalo Valley's proposal may also contravene the Commission's grant of a recent request of the ILECs, including Buffalo Valley, to suspend the investigation of further reductions in switched access services rates. This request arose in the context of a Commission investigation and rulemaking proceeding at Docket No. I-00040105, by Order entered on December 20, 2004, which was further considering additional intrastate switched access service reform in the service territories of rural ILECs and to address possible modifications to the PaUSF regulations and resulting rate issues should disbursements from the PaUSF be reduced in the future.

<sup>2</sup> Joint Procedural Stipulation regarding Access Charge Investigation per Global Order of September 30, 1999, order entered on July 15, 2003, Docket Nos. M-00021596 et al.

<sup>3</sup> See part 2 paragraph 2 to Attachment A to RTCC/Sprint/OCA/OSBA Joint Access Proposal attached to Commission Order at Docket No. M-00021596 et al. entered on July 15, 2003.

This investigation was instituted as a result of the Commission's prior Order entered July 15, 2003, at Docket No. M-00021596 which, inter alia, discussed implementing continuing access services rate reform in Pennsylvania.

The investigation is also looking into what possible regulatory changes are necessary to 52 Pa. Code §§ 63.161—63.171, given the complex issues involved as well as any necessary changes occasioned by recent amendments to the Public Utility Code.

"Consideration should be given to applicable orders, regulations, policy statements and guidelines of this Commission, including any necessary changes occasioned by recent amendments to the Public Utility Code.<sup>4</sup> The General Assembly has repealed 66 Pa.C.S. § 1325 (limiting local exchange service increases) and added 66 Pa.C.S. §§ 3011—3019 (governing alternative form of regulation of telecommunications services). We would expect, for example, the parties to address the policy and legal ramifications of new sections 3011 (declaring the policy of the Commonwealth), 3015(B) (governing rate changes for rural telecommunications carriers) and 3017 (providing that Commission "may not require a local exchange telecommunications company to reduce access services rates except on a revenue-neutral basis" and limiting a competitive local exchange carrier's ability to charge access rates higher than the ILEC's rate). Act No. 183, P. L. \_\_\_\_\_ (Nov. 30, 2004)."<sup>5</sup>

As indicated above, however, the Commission, at the request of the Rural Telephone Company Coalition, including Buffalo Valley and other ILECs, stayed the proceeding for a period of twelve months or until the FCC issues its ruling in its *Unified Intercarrier Compensation* proceeding (FCC Docket 01-92), whichever occurs earlier. (Docket No. I-00040105 Order entered on August 30, 2005). The Commission established this deadline when granting the request, given the complexity of the federal proceeding, the probable impact in Pennsylvania, and the Commission's involvement in that proceeding. The Commission granted the request with the expectation that this federal proceeding would be completed within a twelve month period.

The Commission's decision also reflected the ILEC's request for a stay from any further access reduction until the FCC acts on its Intercarrier Compensation proceeding at CC Docket No. 01-92. An important consideration for granting this request is the fact that carriers in states with extensive intrastate access service charge reforms in place prior to a federal resolution could be at a disadvantage in securing federal support to lower their rates compared to states that did not engage in intrastate access reform prior to federal action.

Moreover, when granting the stay, we required parties to the investigation to submit appropriate status reports to the Commission and directed Commission Staff to monitor the developments in the FCC Intercarrier proceeding. Accordingly, we ordered:

"10. That, upon the resumption of the investigation, the participating parties shall address and provide evidence on the legal, ratemaking, and regulatory accounting linkage between a) the Federal Communications Commission's ruling in its *Unified Intercarrier Compensation* proceeding; b) the intrastate ac-

<sup>4</sup> If applicable, federal reforms of the intercarrier compensation scheme should be addressed.

<sup>5</sup> Commission Order at Docket No. I-00040105, Page 6.

cess charge reform for rural ILECs in view of the new Chapter 30 law and its relevant provisions at 66 Pa.C.S. § 3015 and 3017; (c) the Pennsylvania Universal Service Fund and d) the potential effect on rates for the basic local exchange services of the rural ILECs.”<sup>6</sup>

We believe Buffalo Valley’s proposed access services rate increases in the instant filing could undermine our decision to suspend this investigation of further access reforms, particularly reductions in access services rates, because the proposal reverses the current reforms by increasing the existing access service rates. Such a result could undermine the progress already achieved in our efforts to reduce and reform access service charges and promote competition in the toll and local arenas. We believe that maintenance of the current regulatory status quo, pending federal action, necessitates preservation of Buffalo Valley’s current access services rates.

In addition, the Commission has consistently promoted competition as required by Chapter 30. Consistent with this obligation, the Commission endorsed reform in ILEC access services rates in order to minimize any access services support for local rates. The transition to cost-based access and local service rates is expected to be achieved using revenue-neutral means while also ensuring there is a provider of last resort available to all consumers within the rural ILECs territories. The Commission’s approach also sought to give the ILECs a reasonable time to modernize their networks and ready themselves for competition.

Given these important and sometimes competing regulatory and legal considerations, we believe that the proposed increase in access services rates as a vehicle to recover PSI revenues may contradict the policy of implementing switched access services reform. Access service rate increases at this time also seem to undermine the promotion of competitive markets by increasing the gap between access service charges and costs. The proposed access services rate increases set forth in this filing appear to be inconsistent with the ILEC agreement to pursue continued access reduction and the Commission’s current policy of promoting competition.

In particular, the proposed Buffalo Valley PSI/SPI submission does not simply implement a revenue and rate increase on services. The proposal unfairly targets access services by subjecting them to an overwhelming majority of the rate increases on IXC’s (2.36% for local switching and 624% for Tandem Switching). As noted, access services are protected services, subject to proof that the rates are just and reasonable under 66 Pa.C.S. § 3109(h), Chapter 13 of the Code, as well as the Company’s amended Chapter 30 Plan. The Company fails to provide adequate justification on whether the proposed rate increase for access services is in the public interest and whether or not it will negatively affect competition and, in addition, universal service in Pennsylvania. Furthermore, since the Company did not submit any cost studies with its filing establishing that the current rates are below cost, we cannot ascertain whether or not access services rate elements are priced below cost or unfairly above cost level.

Moreover, the Company’s proposal represents a departure from the current practice of recovering PSI revenue increases from local rate increases or banking these revenues for future recovery. We recognize that two major sources for recovering PSI revenues are local rates or

access services. The current practice of avoiding increases in access services rates reflects the desire to promote competition by preserving Pennsylvania’s progress on access service charge reform. Increases in access services rates is difficult to accept given that Buffalo Valley is a recipient of PaUSF support and because increases could undermine that access services reform. By the same token, however, increases in local rates that produce the kind of access line losses the Company wants to avoid could contravene the Commission’s legal obligation to preserve universal service in Pennsylvania and unnecessarily increase funding demands on PaUSF in advance of any national intercarrier compensation reform. The Commission’s acceptance of these proposed access services rates increases could also trigger multiple requests for similar increases throughout Pennsylvania. A deluge of access rate increases and local rate increases could erode the precarious gains made on access reform and universal service.

The Commission recognizes that this proposal presents a very difficult issue and that it requires a careful balancing of multiple and sometimes conflicting considerations. The delicate balancing of these considerations is reflected by Commission decisions that promote competition through access reform resulting in access service rate decreases supported by our PaUSF, as opposed to increases, while simultaneously avoiding adverse harm to universal service and triggering funding support demands from the PaUSF for local rates that exceed \$18.00.

The Company recognized as much in consultations with Staff and in their responses to information requests. Consequently, the Commission is extremely reluctant to disturb this very delicate balance absent truly compelling reasons to the contrary and in advance of national intercarrier compensation reform.

For these reasons, we find Buffalo Valley’s proposal to allocate and recover seventy-seven percent (77%) of their 2006 PSI revenue from access services rate increases in Tariff-Telephone Pa. PUC No. 8 as possibly contrary to the above-discussed considerations; *Therefore,*

*It Is Ordered That:*

1. The proposed revenue and rate increase proposed by Buffalo Valley Telephone Company, including increases to basic local rates, PBX, Pay Telephone Services, Return Check Charge, Foreign Exchange Mileage charges, and Business Private Line Services for non mileage related services in its local Tariff-Pa. PUC No. 7 be permitted to go into effect as filed.
2. The Company submit revised Attachments 2 to 4 (from its original filing) using actual 2005 annual year-end revenue for the calculation of revenue increase and adjust the eligible rate increases in Company’s Exhibit 1 within five (5) days of the entry date of this Order.
3. The Company’s 2006 PSI/SPI filing is in partial compliance with its Commission-approved Amended Chapter 30 Plan.
4. The Company be given the alternative to either “bank” the proposed revenue increase associated with the access service or, alternatively, allocate the proposed revenue increase amount associated with access service to the basic local exchange services in accordance with the applicable provisions of the Company’s Amended Chapter 30 Plan.
5. The Company shall provide the appropriate notification to the Commission’s Bureau of Fixed Utilities, within

<sup>6</sup> See Ordering paragraph 10, at I-00040105, entered August 30, 2005.

five (5) days of the date of entry of this Order, of which, if any, alternative they will exercise consistent with Ordering Paragraph No. 4 above.

6. In the event that the Company does not choose either of the alternatives set forth in Ordering Paragraph 4 above, the proposed access services rate increases be permitted to go into effect as filed subject to any final determinations on access reform, including the pending intrastate access reform proceeding in Docket No. I-0004015 as it now exists or changes made by the Commission or at the federal level.

7. The access reform proceeding in Docket No. I-0004015 shall examine, but not be limited to, whether this proposal is consistent with the regulations and policies governing the Pennsylvania Universal Service Fund, the Company's previously granted request for suspension of further intrastate access reform in Docket No. I-00040105, the Company's previously approved Amended Chapter 30 Plan set forth in Docket P-00981430F1000, and the continuing statutory obligations set forth in Sections 3011(1)–(13), 3019(h) and Chapter 13 of the Public Utility Code.

8. The Company file the appropriate modified tariff supplements to become effective on one day's notice in accordance with the determinations made by the Company based on this Order.

9. A copy of this Order be served upon Buffalo Valley Telephone Company, the Office of Consumer Advocate, the Office of Small Business Advocate, and the Office of Administrative Law Judge.

10. A copy of this Order be served on the Office of Trial Staff for such further action as it may deem appropriate.

11. The Commission's Secretary shall publish this Order in the *Pennsylvania Bulletin*.

JAMES J. MCNULTY,  
Secretary

**Statement of Vice Chairman James H. Cawley  
Concurring in Part and Dissenting in Part**

Public Meeting June 22, 2006

*Denver & Ephrata Telephone & Telegraph Company Supplement No. 251 and 10 to Tariff PA PUC No. 15 and Supplement No. 10 to Tariff PA PUC No. 16; JUN-2006-FUS-0455\*, R-00061377*

*2006 Annual Price Stability Index/Service Price Index Filing of Denver and Ephrata Telephone and Telegraph Company; P-00981430F1000*

*Conestoga Telephone & Telegraph Company Supplement No. 206 to Tariff PA PUC No. 10 Supplement No. 7 to Tariff PA PUC No. 11; JUN-2006-FUS-0456\*, R-00061376*

*2006 Annual Price Stability Index/Service Price Index Filing of Conestoga Telephone & Telegraph Company; P-00981429F1000*

*Buffalo Valley Telephone Company Supplement No. 54 to Tariff PA PUC No. 7 Supplement No. 8 to Tariff PA PUC No. 8; JUN-2006-FUS-0457\*, R-00061375*

*2006 Annual Price Stability Index/Service Price Index Filing of Buffalo Valley Telephone Company; P-00981428F1000*

Before us for disposition are the Staff recommendations regarding the 2006 annual price stability mechanism Price Stability Index/Price Service Index ("2006 PSI/SPI") filings of Denver and Ephrata Telephone and Telegraph Company ("D & E"), Conestoga Telephone and Telegraph

Company ("Conestoga"), and Buffalo Valley Telephone Company ("Buffalo Valley"—collectively referred to as the "Companies"). These 2006 PSI/SPI filings have been submitted under the provisions of Section 3015 of the new Chapter 30 law, 66 Pa.C.S. § 3015, and under the provisions of the Companies' respective Amended Alternative Regulation and Network Modernization Plans ("Chapter 30 Plans") that have been previously approved by the Commission. These Companies are rural incumbent local exchange carriers ("ILECs").

Unlike previous Chapter 30 price stability mechanism PSI/SPI filings by various ILECs in the 2005-2006 time frame, these submissions present us with the more unique issue that the majority of the automatic revenue and rate increases to which the Companies are respectively entitled under the operation of the Chapter 30 law is channeled towards proposed increases in intrastate carrier access charges, and especially for switched access services. This proposed allocation of the Chapter 30 2006 PSI/SPI revenue and rate increases presents the Commission with certain issues.

The Commission Staff has engaged in a comprehensive and in-depth examination of these issues. The Staff of the Bureau of Fixed Utility Services Telecommunications Industry Group and the Law Bureau should be commended for bringing to our attention these highly interrelated issues, and I sincerely thank them for their efforts in formulating proposed alternative resolutions. Essentially, in this proceeding the Commission is faced with the problem of how to reconcile the automatic annual revenue and rate increase entitlements for the ILECs with Chapter 30 Plans with past and ongoing Commission regulatory policies and goals that involve ILEC intrastate carrier access charge reform, competition, and the preservation of universal telephone service for end-user consumers within the Commonwealth.

Although I agree with most of the Staff analysis and certain recommendations, I believe that some of the resolution alternatives for the issues presented by the Companies' filings are not the most optimal.

*A. Calculation of the Companies' 2006 PSI/SPI Revenue Amounts*

I am in full agreement with the Staff analysis in this area. The Companies should recalculate their respective 2006 PSI/SPI revenue increases using the full 12-month period historical revenue data for their respective non-competitive revenues as ascertained and recommended by the Commission Staff. It is obvious that although these Companies are under Chapter 30 regulation, they should continue to implement well tried and true principles of conventional regulatory accounting.

*B. Implementation of the Companies' 2006 PSI/SPI Non-Access Rate Increases*

I am in full agreement with the Staff recommendation regarding the Companies' proposed increases to rate elements that do not involve the Companies' intrastate carrier access services. Naturally, these increases must follow the Companies' corrected 2006 PSI/SPI annual revenue increase figures.

*C. Implementation of the Companies' 2006 PSI/SPI Access Rate Increases*

The Companies' 2006 PSI/SPI filings and the incisive Staff analysis point out the divergence that exists between the revenue-driven implementation of the Chapter 30 law requirements, and the sound regulatory policies that this Commission has followed in reforming intrastate

carrier access, enhancing telecommunications competition, protecting the principles of universal telephone service, and maintaining basic local exchange service rates for more price inelastic end-user consumers at reasonable and affordable levels. Indeed, we have to select the very "second best" choices in resolving the issues that the Companies' respective submissions have presented to the Commission. It suffices to point out that the Companies have selected to allocate the majority of their Chapter 30 automatic annual revenue increase entitlement to their respective intrastate carrier access services.

In its landmark *Global Order* this Commission instituted the Pennsylvania Universal Service Fund (Pa. USF) mechanism while implementing intrastate access reform for the rural ILECs. *Joint Petition of Nextlink Pennsylvania Inc., et al.*, Docket Nos. P-00991648, P-00991649, Order entered September 30, 1999, 196 PUR4th 172, *aff'd*, *Bell Atlantic-Pennsylvania v. Pa. Public Util. Comm'n*, 763 A.2d 440 (Pa. Cmwlth. 2000), *vacated in part*, *MCI v. Pa. Public Util. Comm'n*, 844 A.2d 1239 (Pa. 2004). As the Staff analysis correctly points out, the Companies—and other rural ILECs—proceeded with access charge reform while receiving support payments from the Pa. USF. Under the regulatory principles that the Commission established in its various intrastate carrier access reform proceedings, the Pa. USF support levels to the Companies would automatically come into question since the Companies have chosen to reverse course and propose increases to their rates for intrastate carrier switched access services. However, the Companies' 2006 PSI/SPI filings are designed to capture their respective automatic annual revenue increase entitlements under the Chapter 30 law, and this proceeding does not readily lend itself to an easy and most optimal reconciliation between the mandates of the law and the existing regulatory priorities that this Commission has established. In summary, the Commission is faced with a range of very "second best" choices.

I believe that certain of the Staff recommended alternatives do not provide the optimal resolution of the interlinked issues that the Companies' 2006 PSI/SPI submissions have generated. The alternatives to either bank or reallocate the proposed revenue increases to the Companies' respective basic local exchange services, rather than channeling such increases to the Companies' intrastate carrier access services, generate other less than desirable implications. Banking the proposed revenue increases creates the usual problems of inter-generational equity. Eventually, the Companies' non-competitive services and the end-users of such services may have to absorb part or all of the banked revenue increases some time in the future on top of new automatic annual PSI/SPI revenue and rate increases.

Channeling the proposed revenue increases to basic local exchange service rates may go against the price elasticity of demand for basic local exchange services that the Companies have identified. Furthermore, it is unclear if such a resolution may violate the \$18.00 rate cap for residential basic local exchange service for certain of D&E's and Buffalo Valley's exchanges. See generally *Access Charge Investigation per Global Order of September 30, 1999, et al.*, Docket Nos. M-00021596 et al., Order entered July 15, 2003.

I believe that in considering the most optimal among the "second best" choices, the Commission should be guided by principles that first safeguard the interests of the Companies' end-user customers that have a lesser

number of competitive choices and traditionally exhibit a lesser price elasticity of demand. These are the end-user customers for basic local exchange services. The same customers are also the subjects of universal service goals and protections. These customer classes have been largely absorbing the automatic revenue increase entitlements for the Chapter 30 ILECs during the 2005-2006 time frame, where such entitlements have been generated by the ILECs' total non-competitive services revenues, including those from their respective intrastate carrier access services. This has already happened with the Companies' 2005 PSI/SPI submissions that were approved by the Commission.<sup>7</sup>

I have stated this previously and I will state it again. The end-user customers of basic local exchange services do not have an infinite capacity to absorb the Chapter 30 ILEC automatic annual revenue increase entitlements. This is especially true for end-user consumers that are in lesser income brackets. The latest FCC statistics indicate that telephone penetration rates in Pennsylvania—where such statistics capture the availability of wireless telephone service—have declined from 98%—98.2% in 2002 to 95.7%—96.7% in November 2005. Nationally, telephone penetration for households with incomes in the \$20,000-\$24,999 bracket has declined from 93.7%—94.7% in 2000 to 92.8%—94% in 2005.<sup>8</sup> If the implementation of the Chapter 30 automatic revenue increase entitlements has become divorced from such parameters as reasonableness of rates with measures of cost of service being taken into consideration—and it should not in my opinion—then the protection of basic local exchange service ratepayers from continuous rate increases and preservation of universal service in Pennsylvania are of paramount importance.

I believe that the only feasible resolution is to permit the proposed intrastate carrier access charge increases to go into effect until and such a time that the pending *Intrastate Carrier Access Charge Investigation* for rural ILECs comes to a conclusion, and/or when the Commission implements access charge reforms because of federal changes in intercarrier compensation mechanisms and the federal USF. See generally *Investigation Regarding Intrastate Access Charges and IntraLATA Toll Rates of Rural Carriers, and the Pennsylvania Universal Service Fund*, Docket No. I-00040105, Order entered August 30, 2005. Because the intrastate carrier access charges of rural ILECs are interlinked to the intercarrier compensation mechanism and the universal service fund in the federal jurisdiction, the annual Chapter 30 price stability mechanism revenue increases, the Chapter 30 "revenue neutrality" provision for adjusting intrastate carrier access charges under 66 Pa.C.S. § 3017(a), and the Pa. USF, it is better to re-examine this issue in a comprehensive fashion at a later time. I believe that in this manner the Commission can strike an appropriate balance between the new Chapter 30 implementation, the long-standing regulatory goals of intrastate carrier access charge reform, and preserving the principles of universal service in Pennsylvania.

Since the access charges of these Companies' will be subject to the *Intrastate Carrier Access Charge Investigation* for rural ILECs, I do not see the need to refer the

<sup>7</sup> Docket Nos. R-00050520, R-00050521, R-00050522, Secretarial Letters issued July 29, 2005.

<sup>8</sup> Alexander Belifante, *Telephone Subscribership in the United States*, FCC, Industry Analysis and Technology Division, Wireline Competition Bureau, May 2006, Table 3, pp. 18 & 21, Table 4, pp. 27 & 32. Both the respective "unit" and "avail." statistics are included.

Companies' 2006 PSI/SPI submissions to the Office of the Administrative Law Judge for a separate investigative proceeding. I believe that it is sufficient that the Companies are placed on notice that their respectively attained revenue increases for their intrastate carrier access services will be prospectively at risk.

For these reasons, I respectfully concur in part and dissent in part.

#### Statement of Commissioner Terrance J. Fitzpatrick

*Public Meeting June 22, 2006*

*Denver & Ephrata, Conestoga and Buffalo Valley Telephone Companies 2006 Annual Price Stability Index/Service Price Index and Related Tariff Filings; JUN-2006-FUS-0455 R\*, R-00061377, P-00981430F1000; JUN-2006-FUS-0456 R\*, R-00061376, P-00981429F1000; JUN-2006-FUS-0457 R\*, R-00061375, P-00981428F1000*

Before the Commission today are the 2006 annual price stability index/service price index reports and related tariff filings for Denver and Ephrata, Conestoga and Buffalo Valley telephone companies.<sup>9</sup> I am supporting the staff recommendation, but with some reservations.

The companies have proposed increasing rates for non-basic local services and for access services. However, in each case, an overwhelming majority of the rate increases are assigned towards access services. Staff notes that increasing access rates goes against the industry trend of reducing these charges and moving them closer to cost. Staff also notes that raising these rates contradicts this Commission's long-standing policy of access reform which is meant to reduce local phone companies' dependence on access revenue. I agree and support the staff recommendation of providing the companies with the alternatives of either allocating the increases to local exchange rates or banking the increases for future use. If the companies do not accept either alternative, the rates will be permitted to go into effect, subject to the outcome of an access reform proceeding currently before an administrative law judge (ALJ).

I understand the companies' reluctance to assign the rate increases solely to local services or to bank the revenue increases for a future date. However, this Commission has steadily reduced access rates as a matter of policy over the last 10 years, since the passage of the federal Telecommunications Act of 1996. In order to support and promote a competitive market, the subsidies built into access rates must be eliminated so that rates are moved closer to their true cost.

I see no reason to change course now, but I recognize the constraints of Chapter 30 and of the companies' network modernization plans. We simply don't have many options today. Therefore I am supporting the staff recommendation, knowing full well that the companies might increase access rates, but also recognizing that if they do, this issue will be addressed in the ALJ proceeding.

<sup>9</sup> Denver and Ephrata Telephone and Telegraphy Company, Supplement No. 251 and 10 to Tariff PA PUC Nos. 15 and Supplement No. 10 to Tariff PA PUC Nos. 16 (R-00061377), and 2006 Annual Price Stability Index/Service Price Index (P-00981430F1000); Conestoga Telephone and Telegraphy Company, Supplement No. 206 to Tariff PA PUC No. 10 and Supplement No. 7 to Tariff PA PUC No. 11 (R-00061376), and 2006 Annual Price Stability Index/Service Price Index (P-00981429F1000); Buffalo Valley Telephone Company Supplement No. 54 to Tariff PA PUC No. 7 and Supplement No. 8 to PA PUC No. 8 (R-00061375), and 2006 Annual Price Stability Index/Service Price Index (P-00981428F1000).

I also note that while Chapter 30 allows companies to raise rates automatically, companies are not required to always raise rates. That is a decision companies must make based on current market conditions.

[Pa.B. Doc. No. 06-1361. Filed for public inspection July 14, 2006, 9:00 a.m.]

#### Order

Public Meeting held  
June 22, 2006

*Commissioners Present: Wendell F. Holland, Chairperson; James H. Cawley, Vice Chairperson, statement follows; Bill Shane; Kim Pizzingrilli; Terrance J. Fitzpatrick, statement follows*

*Conestoga Telephone & Telegraph Company; Supplement No. 206 to Tariff PA PUC No. 10; Supplement No. 7 to Tariff PA PUC No. 11; R-00061376*

*2006 Annual Price Stability Index/Service Price Index Filing of Conestoga Telephone & Telegraph Company; P-00981429F1000*

#### Order

*By The Commission*

#### BACKGROUND

Before us for disposition are the Conestoga Telephone & Telegraph Company ("Conestoga" or "Company") annual 2006 Annual Price Stability Index/Service Price Index (PSI/SPI) Filing and the associated tariffs to effectuate increases to local and access service revenues. Conestoga is a rural telephone company and the filing was made under the provisions of the new Chapter 30 law, Act 183 of 2004, P. L. 1398 (66 Pa.C.S. §§ 3011—3019) ("Act 183") and pursuant to the Company's Alternative Regulation and Network Modernization Plan ("Chapter 30 Plan").

As a result of the passage of Act 183, companies with Chapter 30 Plans are entitled to significantly lower inflation offset values within their respective price cap formulas in exchange for a commitment to accelerated broadband deployment. Inflation offsets previously ranging from 2% to 2.93% were reduced to either 0% or 0.5%, depending on each company's Chapter 30 Plan. In Conestoga's case, the inflation offset was reduced from 2% to 0%. Accordingly, annual Price Stability Plan ("Plan") filings have the potential for substantial revenue and rate impacts on end-user consumers.

Under the Company's Plan, the allowable change (increase or decrease) in rates for noncompetitive services is based on the annual change in the Gross Domestic Product Price Index ("GDP-PI"). The Plan also contains special provisions for protected services and addresses revenue-neutral adjustments to the rates of noncompetitive services. The Plan set forth in Conestoga's Chapter 30 Plan is a complete substitution of the rate base/rate of return regulation. Noncompetitive services are defined as regulated services or business activities that have not been determined or declared to be competitive. The following services are defined as protected services: Service provided to residential consumers or business consumers that is necessary to complete a local exchange call; Touch Tone; Switched Access service; Special Access service; and Ordering installation, restoration and disconnection of these services. 66 Pa.C.S. § 3012

### COMPANY FILING

Pursuant to the Plan, Advance Notice was issued on March 14, 2006, informing the Commission of the forthcoming rate changes. On May 3, 2006, Conestoga filed its annual Plan filing using the change in 2004 and 2005 third quarter GDP-PI (Gross Domestic Product—Price Index) of 4.016% that produced an overall 3.70% increase allowable for noncompetitive revenues.

Conestoga proposes to implement its Plan by increasing rates mainly for Switched Access Services through rate changes in Tariff-Telephone Pa. PUC No. 11, and certain Non-Basic local services in Tariff-Telephone Pa. PUC No. 10. The overwhelming majority of the rate increases are targeted towards switched access services amounting to 99%, compared to 1% for non-basic local services. The proposal to increase switched access service rates is accomplished by lowering of \$0.33 to the Carrier Common Line (CCL) charge, and an increase of \$0.000962 per Minutes of Use (MOU) for Tandem Switching and \$0.007644 MOU for Local Switching. The non-basic local services rate increases are proposed for Return Check Charge, Foreign Exchange Mileage charges, and charges for Business Private Line Services for non-mileage-related services. The proposed tariff revisions are filed to become effective July 1, 2006.

On June 1, 2006, and June 9, 2006, Conestoga submitted certain responses and additional information to Staff inquiries relating to the filing. The additional information includes actual annual intrastate revenue figures for the period ending December 2005, and the Company's composite and individual access service rates per MOU for interstate as well as intrastate traffic. Conestoga also responded to a staff inquiry regarding why an overwhelming majority of the rate increases are directed towards access service charges, despite the industry trend to move in the opposite direction by reducing access service charges so they are closer to their actual cost. According to the Company, it has aggressively implemented local service rate increases over the past five years through a combination of price cap filings and rate rebalancing filings and it believes that additional local service rate increases would accelerate access service line loss.

The Company states in its response that certain aspects of the *Global Order* addressed access service charge reductions, but the overriding theme was mirroring intrastate access service rates with interstate access service rates. The Company also states that it has previously reduced its CCL rates and has been aggressive in reducing access service rates. The Company believes that it is in its customers' best interest to have their rates in line with other ILECs, so that when intercarrier compensation and access service reform is implemented it will be implemented in a similar fashion for all ILECs. In response to Staff request for a cost study for access service services, the Company responded that it is an average schedule company and does not have any cost studies available to prove that the proposed access service rates were equal to or less than the cost for the Company to provide them.

### DISCUSSION

#### 1. Plan Calculations and Rate Increases

The annual Conestoga Plan submissions under Chapter 30 law must conform to its Commission-approved Amended Chapter 30 Plan. Conestoga submitted calculations it used to arrive at the PSI and SPI for the year 2006 based on the third quarter Gross Domestic Product Price Index for the years 2004 and 2005. Section 3015

(a)(1)(iii) of the Public Utility Code (Code), 66 Pa.C.S. § 3015(a)(1)(iii), enabled Conestoga to remove the productivity offset, thus allowing the Company to increase rates for every positive change to the Company's PSI.

Our review of the calculations submitted by Conestoga indicates that the 2006 SPI is 1.0623, allowing for a 3.70% rate increase calculated on the prior year total intrastate revenue.

As an initial matter, we disagree with the 2005 annual revenues that Conestoga used in its PSI/SPI calculation. Rather than using actual 2005 year-end revenues, Conestoga calculated its eligible revenue increase amount using the revenue for the month of December 2005. Conestoga then annualized the eligible increase by 12 to arrive at the annual rate increase for which it is seeking approval. As such, Conestoga's calculated annualized 2005 annual revenues are 5% higher than its actual 2005 annual revenues,<sup>1</sup> allowing the Company to increase rates more than it is actually entitled.

Accordingly, we find the Company's PSI/SPI calculations to be only partially consistent with the terms of the Company's Price Stability Plan formula approved in its Chapter 30 Plan at Docket No. P-00981429F1000. As such, we will require Conestoga to amend its calculations in Attachments 2 to 4 to its filing based on the actual intrastate revenue for the 12 month period ending December 2005, and adjust the eligible rate increases in Company's Exhibit 1.

#### 2. Local Service Rate Increase

A review of the proposed rate changes to local services was found to be consistent with the Company's Plan. Accordingly, these rates will be allowed to go into effect as filed.

#### 3. Access Services Rate Increase

Upon consideration, we believe that the proposed increase in access service charges as a vehicle to recover the Company's allowable PSI revenues should be resolved as set forth below. The proposal appears to contradict long-standing access service reform in Pennsylvania including Docket No. I-00040105, the Pennsylvania Universal Service Fund rules and policies, and the Company's current Amended Chapter 30 Plan. For these reasons and the reasons set forth in more detail below, we shall give the Company the alternative to either allocate the increase to local rates or bank the remaining amount until a further date.

Switched access service charges are the rates charged by LECs to other companies seeking access to the LEC's facilities in order to provide toll services to the end-user. Inter exchange carriers (IXC) rely on the switched and special access facilities of the LECs to transmit calls between customers and IXC facilities. Accordingly, access services are "protected services" pursuant to the listing of "Switched Access Services" as a protected service under Chapter 30. 66 Pa.C.S. § 3012

Traditionally, in the ILEC monopoly environment, ILECs priced access service charges above cost as a means of generating additional revenues that were used to support local rates and thus keep basic local services affordable. The current laws require that the Commission promote and encourage the provisions of competitive services by a variety of service providers on equal terms and throughout the geographic areas of this Commonwealth without jeopardizing reasonableness of rates or

<sup>1</sup> Upon request from Staff, Conestoga provided its annual revenue amounts for the year ending December 2005.



the provision of universal telecommunications service at affordable rates. 66 Pa.C.S. §§ 3011(2), 3011(8).

Conestoga's proposed rate increases for switched access service charges may be contrary to these provisions. Switched access service rate increases contradict Pennsylvania's long-standing attempt to reduce local carriers' dependence on access service revenues and preserve the affordability of local rates. An increase in switched access service rates may avoid an increase in local rates that could attract more service providers. In addition, an increase in access service charges may also undermine the obligation to promote the competition that could occur if ILEC access service charges were priced closer to costs.

By the same token, however, 66 Pa.C.S. § 3011(2) and (8) empowers the Commission to maintain universal telecommunications service at affordable rates while encouraging the accelerated provision of advanced services deployment of broadband telecommunications network in rural, suburban and urban areas. Finally, the Commission must also ensure that rates, terms and conditions for protected services are reasonable and do not impede development of competition. 66 Pa.C.S. § 3011.

In furtherance of these objectives, the Commission established a Pennsylvania Universal Services Fund (PaUSF). Conestoga's will collect approximately \$1,731,156 support for the year 2006 from the PaUSF to support its current access service charges. The current rate, reduced from the rates in effect prior to creation of the PaUSF, is consistent with the goals of access service reform, the promotion of competition, maintenance of universal service, and the obligation to ensure that rates, terms, and conditions are just and reasonable. Conestoga has already rebalanced rates by decreasing intrastate access service rates and toll rates and increasing local service rates in furtherance of access service reform and to reduce any possible subsidization from toll and access service charges which may have existed prior to toll competition. All jurisdictional Pennsylvania telecommunications service providers are contributing to the PaUSF based on their intrastate end-user revenues. The rural Companies, including Conestoga, were encouraged and permitted to restructure, their access, toll and local rates, accordingly.

The primary purpose of the PaUSF is to maintain the affordability of local service rates for end-user customers while allowing rural telephone companies to reduce their dependency on switched access service revenue and intraLATA toll rate revenues on a revenue-neutral basis. See: 52 Pa. Code § 63.161. The Commission is responsible for assuring the maintenance of universal telecommunications services at affordable rates in Pennsylvania. Universal services are those telecommunication services "essential for a resident of this Commonwealth to participate in modern society at any point in time." 52 Pa. Code § 63.162

Conestoga's proposed rate increases for switched access services appear to hinder this participation as well as contravene its earlier agreement to reduce access service charges as stipulated in a Joint Procedural Stipulation (Joint Stipulation) in response to the Commission's Access Charge Investigation—Phase II.<sup>2</sup> That Joint Stipulation calls for further switched access service charge reductions in a revenue-neutral method that are recovered not through an increase in the size of the PaUSF, but through gradual increases to local residential and business rates.

<sup>2</sup> Joint Procedural Stipulation regarding Access Charge Investigation per Global Order of September 30, 1999, order entered on July 15, 2003, Docket Nos. M-00021596 et al.

The Joint Stipulation envisions a continuation of the current PaUSF support under the existing Regulations codified at 52 Pa. Code §§ 63.161—63.171 until a future rulemaking determines otherwise. This is evident in the fact that, although the fund was originally set to expire by December 31, 2003, the PaUSF was continued pursuant to a Joint Stipulation filed by the parties in the proceeding. Conestoga is a party to the Joint Stipulation.

The Joint Stipulation provides for each ILEC to do what is permitted under their respective Chapter 30 Plans. This includes a restructuring of rates on a revenue-neutral basis in a manner that does not increase local rates by more than \$3.50 per month. While the Joint Stipulation did not necessarily require the rural ILECs to mirror interstate access service charges, we note that mirroring interstate rates is a step towards attaining cost-based intrastate access service charges while avoiding arbitrage and promoting competition.

In the Joint Stipulation,<sup>3</sup> the ILECs reserve the right to change access service rates in order to ensure each access service rate element recovers its cost based upon development of a cost study when the ILECs service price index allows for an increase. In the instant filing, Conestoga failed to provide a cost study consistent with the Joint Proposal requirement to change access service rates that are below cost based on the cost study.

Moreover, Conestoga's proposal may also contravene the Commission's grant of a recent request of the ILECs, including Conestoga, to suspend the investigation of further reductions in switched access service rates. This request arose in the context of a Commission investigation and rulemaking proceeding at Docket No. I-00040105, by Order entered on December 20, 2004, which was further considering additional intrastate access service reform in the service territories of rural ILECs and to address possible modifications to the PaUSF regulations and resulting rate issues should disbursements from the PaUSF be reduced in the future. This investigation was instituted as a result of the Commission's prior Order entered July 15, 2003, at Docket No. M-00021596 which, inter alia, discussed implementing continuing access service charge reform in Pennsylvania.

The investigation is also looking into what possible regulatory changes are necessary to 52 Pa. Code § 63.161—63.171 given the complex issues involved as well as any necessary changes occasioned by recent amendments to the Public Utility Code.

"Consideration should be given to applicable orders, regulations, policy statements and guidelines of this Commission, including any necessary changes occasioned by recent amendments to the Public Utility Code.<sup>4</sup> The General Assembly has repealed 66 Pa.C.S. § 1325 (limiting local exchange service increases) and added 66 Pa.C.S. §§ 3011—3019 (governing alternative form of regulation of telecommunications services). We would expect, for example, the parties to address the policy and legal ramifications of new sections 3011 (declaring the policy of the Commonwealth), 3015(B) (governing rate changes for rural telecommunications carriers) and 3017 (providing that Commission "may not require a local exchange telecommunications company to reduce access service rates except on a revenue-neutral basis" and limiting

<sup>3</sup> See part 2 paragraph 2 to Attachment A to RTCC/Sprint/OCA/OSBA Joint Access Proposal attached to Commission Order at Docket No. M-00021596 et al. entered on July 15, 2003.

<sup>4</sup> If applicable, federal reforms of the intercarrier compensation scheme should be addressed.

a competitive local exchange carrier's ability to charge access rates higher than the ILEC's rate). Act No. 183, P. L. \_\_\_\_\_ (Nov. 30, 2004)."<sup>5</sup>

As indicated above, however, the Commission, at the request of the Rural Telephone Company Coalition, including Conestoga and other ILECs, stayed the proceeding for a period of twelve months or until the FCC issues its ruling in its *Unified Intercarrier Compensation* proceeding, (FCC 01-92) whichever occurs earlier. (Docket No. I-00040105 Order entered on August 30, 2005). The Commission established this deadline when granting the request given the complexity of the federal proceeding, the probable impact in Pennsylvania, and the Commission's involvement in that proceeding. The Commission granted the request with the expectation that this federal proceeding would be completed within a twelve-month period.

The Commission's decision also reflected the ILEC's request for a stay from any further access services rate reduction until the FCC acts on its Intercarrier Compensation proceeding at CC Docket No. 01-92. An important consideration for granting this request is the fact that carriers in states with extensive intrastate access service charge reforms in place prior a federal resolution could be at a disadvantage in securing federal support to lower their rates compared to states that did not engage in intrastate access services rate reform prior to federal action.

Moreover, when granting the stay we required parties to the investigation to submit appropriate status reports to the Commission and directed Commission Staff to monitor the developments in the FCC Intercarrier proceeding. Accordingly, we ordered:

"10. That, upon the resumption of the investigation, the participating parties shall address and provide evidence on the legal, ratemaking, and regulatory accounting linkage between a) the Federal Communications Commission's ruling in its *Unified Intercarrier Compensation* proceeding; (b) the intrastate access charge reform for rural ILECs in view of the new Chapter 30 law and its relevant provisions at 66 Pa.C.S. § 3015 and 3017; (c) the Pennsylvania Universal Service Fund and d) the potential effect on rates for the basic local exchange services of the rural ILECs."<sup>6</sup>

We believe that Conestoga's proposed access service rate increases in the instant filing could undermine our decision to suspend this investigation of further access service reforms, particularly reductions in access service rates, because the proposal reverses the current reforms by increasing the existing access service rates. Such a result could undermine the progress already achieved in our efforts to reduce and reform access service charges and promote competition in the toll and local arenas. We believe that maintenance of the current regulatory status quo, pending federal action, necessitates preservation of Conestoga's current access service rates.

In addition, the Commission has consistently promoted competition as required by Chapter 30. Consistent with this obligation, the Commission endorsed reform in ILEC access service rates in order to minimize any access service charge support for local rates. The transition to cost-based access service and local service rates is expected to be achieved using revenue-neutral means while also ensuring there is a provider of last resort available to

all consumers within the rural ILECs territories. The Commission's approach also sought to give the ILECs a reasonable time to modernize their networks and ready themselves for competition.

Given these important and sometimes competing regulatory and legal considerations, we believe that the proposed increase in access service rates as a vehicle to recover PSI revenues may contradict the policy of implementing switched access service reform. Access service rate increases at this time also seem to undermine the promotion of competitive markets by increasing the gap between access service charges and costs. The proposed access rate increases set forth in this filing appear to be inconsistent with the ILEC agreement to pursue continued access service reduction and the Commission's current policy of promoting competition.

In particular, the proposed Conestoga PSI/SPI submission does not simply implement a revenue and rate increase on services. The proposal unfairly targets access services by subjecting them to an overwhelming majority of the rate increases on IXC's (3.70% for local switching and 50% for Tandem Switching). As noted, access services are protected services, subject to proof that the rates are just and reasonable under 66 Pa.C.S. § 3109(h), Chapter 13 of the Code, as well as the Company's amended Chapter 30 Plan. The Company fails to provide adequate justification on whether the proposed rate increase for access services is in the public interest and whether or not it will negatively affect competition and, in addition, universal service in Pennsylvania. Furthermore, since the Company did not submit any cost studies with its filing establishing that the current rates are below cost, we cannot ascertain whether or not access services rate elements are priced below cost or unfairly above cost level.

Moreover, the Company's proposal represents a departure from the current practice of recovering PSI revenue increases from local rate increases or banking these revenues for future recovery. We recognize that two major sources for recovering PSI revenues are local rates or access service charges. The current practice of avoiding access service rate increases reflects the desire to promote competition by preserving Pennsylvania's progress on access service charge reform. An increase in access service rates is difficult to accept given that Conestoga is a recipient of PaUSF support and because increases could undermine that access service reform. By the same token, however, increases in local rates that produce the kind of access service line losses the Company wants to avoid could contravene the Commission's legal obligation to preserve universal service in Pennsylvania and unnecessarily increase funding demands on PaUSF in advance of any national intercarrier compensation reform. The Commission's acceptance of these proposed access service rates increases could also trigger multiple requests for similar access service rate increases throughout Pennsylvania. A deluge of access service rate increases and local rate increases could erode the precarious gains made on access service reform and universal service.

The Commission recognizes that this proposal presents a very difficult issue and that it requires a careful balancing of multiple and sometimes conflicting considerations. The delicate balancing of these considerations is reflected by Commission decisions that promote competition through access service reform resulting in access service rate decreases supported by our PaUSF, as opposed to increases, while simultaneously avoiding adverse

<sup>5</sup> Commission Order at Docket No. I-00040105, Page 6.

<sup>6</sup> See Ordering paragraph 10, at I-00040105, entered August 30, 2005.

harm to universal service and triggering funding support demands from the PaUSF for local rates that exceed \$18.00.

The Company recognized as much in consultations with Staff and in their responses to information requests. Consequently, the Commission is extremely reluctant to disturb this very delicate balance absent truly compelling reasons to the contrary and in advance of national intercarrier compensation reform.

For these reasons, we find Conestoga's proposal to allocate and recover ninety-nine percent (99%) of their 2006 PSI revenue from access services rate increases in Tariff-Telephone Pa. PUC No. 11 as possibly contrary to the above-discussed considerations; *Therefore*,

*It Is Ordered That:*

1. The proposed revenue and rate increase proposed by Conestoga Telephone and Telegraph Company increases to Return Check Charge, Foreign Exchange Mileage charges, and Business Private Line Services for non-mileage-related services in its local Tariff-Pa. PUC No. 10 be permitted to go into effect as filed.

2. The Company submit revised Attachments 2 to 4 (from its original filing) using actual 2005 annual year-end revenue for the calculation of revenue increase and adjust the eligible rate increases in Company's Exhibit 1 within five (5) days of the entry date of this Order.

3. The Company's 2006 PSI/PSM filing is in partial compliance with its Commission-approved Amended Chapter 30 Plan.

4. The Company be given the alternative to either "bank" the proposed revenue increase associated with the access service or, alternatively, allocate the proposed revenue increase amount associated with access service to the basic local exchange services in accordance with the applicable provisions of the Company's Amended Chapter 30 Plan.

5. The Company shall provide the appropriate notification to the Commission's Bureau of Fixed Utility Services, within five (5) days of the date of entry of this Order, of which, if any, alternative they will exercise consistent with Ordering Paragraph No. 4 above.

6. In the event that the Company does not choose either of the alternatives set forth in Ordering Paragraph 4 above, the proposed access services rate increases be permitted to go into effect as filed subject to any final determinations on access reform, including the pending intrastate access reform proceeding in Docket No. I-0004015 as it now exists or changes made by the Commission or at the federal level.

7. The access reform proceeding in Docket No. I-0004015 shall examine, but not be limited to, whether this proposal is consistent with the regulations and policies governing the Pennsylvania Universal Service Fund, the Company's previously granted request for suspension of further intrastate access reform in Docket No. I-00040105, the Company's previously approved Amended Chapter 30 Plan set forth in Docket P-00981430F1000, and the continuing statutory obligations set forth in Sections 3011(1)–(13), 3019(h) and Chapter 13 of the Public Utility Code.

8. The Company file the appropriate modified tariff supplements to become effective on one day's notice in accordance with the determinations made by the Company based on this Order.

9. A copy of this Order be served upon Conestoga Telephone and Telegraph Company, the Office of Consumer Advocate, the Office of Small Business Advocate, and the Office of Administrative Law Judge.

10. A copy of this Order be served on the Office of Trial Staff for such further action as it may deem appropriate.

11. The Commission's Secretary shall publish this Order in the *Pennsylvania Bulletin*.

JAMES J. MCNULTY,  
*Secretary*

**Statement of Vice Chairman James H. Cawley  
Concurring in Part and Dissenting in Part**

Public Meeting June 22, 2006

*Denver & Ephrata Telephone & Telegraph Company Supplement No. 251 and 10 to Tariff PA PUC No. 15 and Supplement No. 10 to Tariff PA PUC No. 16; JUN-2006-FUS-0455\*, R-00061377*

*2006 Annual Price Stability Index/Service Price Index Filing of Denver and Ephrata Telephone and Telegraph Company; P-00981430F1000*

*Conestoga Telephone & Telegraph Company Supplement No. 206 to Tariff PA PUC No. 10 Supplement No. 7 to Tariff PA PUC No. 11; JUN-2006-FUS-0456\*, R-00061376*

*2006 Annual Price Stability Index/Service Price Index Filing of Conestoga Telephone & Telegraph Company; P-00981429F1000*

*Buffalo Valley Telephone Company Supplement No. 54 to Tariff PA PUC No. 7 Supplement No. 8 to Tariff PA PUC No. 8; JUN-2006-FUS-0457\*, R-00061375*

*2006 Annual Price Stability Index/Service Price Index Filing of Buffalo Valley Telephone Company; P-00981428F1000*

Before us for disposition are the Staff recommendations regarding the 2006 annual price stability mechanism Price Stability Index/Price Service Index ("2006 PSI/SPI") filings of Denver and Ephrata Telephone and Telegraph Company ("D & E"), Conestoga Telephone and Telegraph Company ("Conestoga"), and Buffalo Valley Telephone Company ("Buffalo Valley"—collectively referred to as the "Companies"). These 2006 PSI/SPI filings have been submitted under the provisions of Section 3015 of the new Chapter 30 law, 66 Pa.C.S. § 3015, and under the provisions of the Companies' respective Amended Alternative Regulation and Network Modernization Plans ("Chapter 30 Plans") that have been previously approved by the Commission. These Companies are rural incumbent local exchange carriers ("ILECs").

Unlike previous Chapter 30 price stability mechanism PSI/SPI filings by various ILECs in the 2005-2006 time frame, these submissions present us with the more unique issue that the majority of the automatic revenue and rate increases to which the Companies are respectively entitled under the operation of the Chapter 30 law is channeled towards proposed increases in intrastate carrier access charges, and especially for switched access services. This proposed allocation of the Chapter 30 2006 PSI/SPI revenue and rate increases presents the Commission with certain issues.

The Commission Staff has engaged in a comprehensive and in-depth examination of these issues. The Staff of the Bureau of Fixed Utility Services Telecommunications Industry Group and the Law Bureau should be commended for bringing to our attention these highly interrelated issues, and I sincerely thank them for their efforts

in formulating proposed alternative resolutions. Essentially, in this proceeding the Commission is faced with the problem of how to reconcile the automatic annual revenue and rate increase entitlements for the ILECs with Chapter 30 Plans with past and ongoing Commission regulatory policies and goals that involve ILEC intrastate carrier access charge reform, competition, and the preservation of universal telephone service for end-user consumers within the Commonwealth.

Although I agree with most of the Staff analysis and certain recommendations, I believe that some of the resolution alternatives for the issues presented by the Companies' filings are not the most optimal.

#### A. Calculation of the Companies' 2006 PSI/SPI Revenue Amounts

I am in full agreement with the Staff analysis in this area. The Companies should recalculate their respective 2006 PSI/SPI revenue increases using the full 12-month period historical revenue data for their respective non-competitive revenues as ascertained and recommended by the Commission Staff. It is obvious that although these Companies are under Chapter 30 regulation, they should continue to implement well tried and true principles of conventional regulatory accounting.

#### B. Implementation of the Companies' 2006 PSI/SPI Non-Access Rate Increases

I am in full agreement with the Staff recommendation regarding the Companies' proposed increases to rate elements that do not involve the Companies' intrastate carrier access services. Naturally, these increases must follow the Companies' corrected 2006 PSI/SPI annual revenue increase figures.

#### C. Implementation of the Companies' 2006 PSI/SPI Access Rate Increases

The Companies' 2006 PSI/SPI filings and the incisive Staff analysis point out the divergence that exists between the revenue-driven implementation of the Chapter 30 law requirements, and the sound regulatory policies that this Commission has followed in reforming intrastate carrier access, enhancing telecommunications competition, protecting the principles of universal telephone service, and maintaining basic local exchange service rates for more price inelastic end-user consumers at reasonable and affordable levels. Indeed, we have to select the very "second best" choices in resolving the issues that the Companies' respective submissions have presented to the Commission. It suffices to point out that the Companies have selected to allocate the majority of their Chapter 30 automatic annual revenue increase entitlement to their respective intrastate carrier access services.

In its landmark *Global Order* this Commission instituted the Pennsylvania Universal Service Fund (Pa. USF) mechanism while implementing intrastate access reform for the rural ILECs. *Joint Petition of Nextlink Pennsylvania Inc., et al.*, Docket Nos. P-00991648, P-00991649, Order entered September 30, 1999, 196 PUR4th 172, *aff'd*, *Bell Atlantic-Pennsylvania v. Pa. Public Util. Comm'n*, 763 A.2d 440 (Pa. Cmwlth. 2000), *vacated in part*, *MCI v. Pa. Public Util. Comm'n*, 844 A.2d 1239 (Pa. 2004). As the Staff analysis correctly points out, the Companies—and other rural ILECs—proceeded with access charge reform while receiving support payments from the Pa. USF. Under the regulatory principles that the Commission established in its various intrastate carrier access reform proceedings, the Pa. USF support levels to the Companies would automatically come into

question since the Companies have chosen to reverse course and propose increases to their rates for intrastate carrier switched access services. However, the Companies' 2006 PSI/SPI filings are designed to capture their respective automatic annual revenue increase entitlements under the Chapter 30 law, and this proceeding does not readily lend itself to an easy and most optimal reconciliation between the mandates of the law and the existing regulatory priorities that this Commission has established. In summary, the Commission is faced with a range of very "second best" choices.

I believe that certain of the Staff recommended alternatives do not provide the optimal resolution of the interlinked issues that the Companies' 2006 PSI/SPI submissions have generated. The alternatives to either bank or reallocate the proposed revenue increases to the Companies' respective basic local exchange services, rather than channeling such increases to the Companies' intrastate carrier access services, generate other less than desirable implications. Banking the proposed revenue increases creates the usual problems of inter-generational equity. Eventually, the Companies' non-competitive services and the end-users of such services may have to absorb part or all of the banked revenue increases some time in the future on top of new automatic annual PSI/SPI revenue and rate increases.

Channeling the proposed revenue increases to basic local exchange service rates may go against the price elasticity of demand for basic local exchange services that the Companies have identified. Furthermore, it is unclear if such a resolution may violate the \$18.00 rate cap for residential basic local exchange service for certain of D&E's and Buffalo Valley's exchanges. *See generally Access Charge Investigation per Global Order of September 30, 1999, et al.*, Docket Nos. M-00021596 et al., Order entered July 15, 2003.

I believe that in considering the most optimal among the "second best" choices, the Commission should be guided by principles that first safeguard the interests of the Companies' end-user customers that have a lesser number of competitive choices and traditionally exhibit a lesser price elasticity of demand. These are the end-user customers for basic local exchange services. The same customers are also the subjects of universal service goals and protections. These customer classes have been largely absorbing the automatic revenue increase entitlements for the Chapter 30 ILECs during the 2005-2006 time frame, where such entitlements have been generated by the ILECs' total non-competitive services revenues, including those from their respective intrastate carrier access services. This has already happened with the Companies' 2005 PSI/SPI submissions that were approved by the Commission.<sup>7</sup>

I have stated this previously and I will state it again. The end-user customers of basic local exchange services do not have an infinite capacity to absorb the Chapter 30 ILEC automatic annual revenue increase entitlements. This is especially true for end-user consumers that are in lesser income brackets. The latest FCC statistics indicate that telephone penetration rates in Pennsylvania—where such statistics capture the availability of wireless telephone service—have declined from 98%—98.2% in 2002 to 95.7%—96.7% in November 2005. Nationally, telephone penetration for households with incomes in the \$20,000-\$24,999 bracket has declined from 93.7%—94.7% in 2000

<sup>7</sup> Docket Nos. R-00050520, R-00050521, R-00050522, Secretarial Letters issued July 29, 2005.

to 92.8%—94% in 2005.<sup>8</sup> If the implementation of the Chapter 30 automatic revenue increase entitlements has become divorced from such parameters as reasonableness of rates with measures of cost of service being taken into consideration—and it should not in my opinion—then the protection of basic local exchange service ratepayers from continuous rate increases and preservation of universal service in Pennsylvania are of paramount importance.

I believe that the only feasible resolution is to permit the proposed intrastate carrier access charge increases to go into effect until and such a time that the pending *Intrastate Carrier Access Charge Investigation* for rural ILECs comes to a conclusion, and/or when the Commission implements access charge reforms because of federal changes in intercarrier compensation mechanisms and the federal USF. See generally *Investigation Regarding Intrastate Access Charges and IntraLATA Toll Rates of Rural Carriers, and the Pennsylvania Universal Service Fund*, Docket No. I-00040105, Order entered August 30, 2005. Because the intrastate carrier access charges of rural ILECs are interlinked to the intercarrier compensation mechanism and the universal service fund in the federal jurisdiction, the annual Chapter 30 price stability mechanism revenue increases, the Chapter 30 “revenue neutrality” provision for adjusting intrastate carrier access charges under 66 Pa.C.S. § 3017(a), and the Pa. USF, it is better to re-examine this issue in a comprehensive fashion at a later time. I believe that in this manner the Commission can strike an appropriate balance between the new Chapter 30 implementation, the long-standing regulatory goals of intrastate carrier access charge reform, and preserving the principles of universal service in Pennsylvania.

Since the access charges of these Companies’ will be subject to the *Intrastate Carrier Access Charge Investigation* for rural ILECs, I do not see the need to refer the Companies’ 2006 PSI/SPI submissions to the Office of the Administrative Law Judge for a separate investigative proceeding. I believe that it is sufficient that the Companies are placed on notice that their respectively attained revenue increases for their intrastate carrier access services will be prospectively at risk.

For these reasons, I respectfully concur in part and dissent in part.

#### **Statement of Commissioner Terrance J. Fitzpatrick**

*Public Meeting June 22, 2006*

*Denver & Ephrata, Conestoga and Buffalo Valley Telephone Companies 2006 Annual Price Stability Index/Service Price Index and Related Tariff Filings; JUN-2006-FUS-0455 R\*, R-00061377, P-00981430F1000; JUN-2006-FUS-0456 R\*, R-00061376, P-00981429F1000; JUN-2006-FUS-0457 R\*, R-00061375, P-00981428F1000*

Before the Commission today are the 2006 annual price stability index/service price index reports and related tariff filings for Denver and Ephrata, Conestoga and Buffalo Valley telephone companies.<sup>9</sup> I am supporting the staff recommendation, but with some reservations.

<sup>8</sup> Alexander Belifante, *Telephone Subscribership in the United States*, FCC, Industry Analysis and Technology Division, Wireline Competition Bureau, May 2006, Table 3, pp. 18 & 21, Table 4, pp. 27 & 32. Both the respective “unit” and “avail.” statistics are included.

<sup>9</sup> Denver and Ephrata Telephone and Telegraph Company, Supplement No. 251 and 10 to Tariff PA PUC Nos. 15 and Supplement No. 10 to Tariff PA PUC Nos. 16 (R-00061377), and 2006 Annual Price Stability Index/Service Price Index (P-00981430F1000); Conestoga Telephone and Telegraph Company, Supplement No. 206 to Tariff PA PUC No. 10 and Supplement No. 7 to Tariff PA PUC No. 11 (R-00061376), and 2006 Annual Price Stability Index/Service Price Index (P-00981429F1000); Buffalo Valley Telephone Company Supplement No. 54 to Tariff PA PUC No. 7 and Supplement No. 8 to PA PUC No. 8 (R-00061375), and 2006 Annual Price Stability Index/Service Price Index (P-00981428F1000).

The companies have proposed increasing rates for non-basic local services and for access services. However, in each case, an overwhelming majority of the rate increases are assigned towards access services. Staff notes that increasing access rates goes against the industry trend of reducing these charges and moving them closer to cost. Staff also notes that raising these rates contradicts this Commission’s long-standing policy of access reform which is meant to reduce local phone companies’ dependence on access revenue. I agree and support the staff recommendation of providing the companies with the alternatives of either allocating the increases to local exchange rates or banking the increases for future use. If the companies do not accept either alternative, the rates will be permitted to go into effect, subject to the outcome of an access reform proceeding currently before an administrative law judge (ALJ).

I understand the companies’ reluctance to assign the rate increases solely to local services or to bank the revenue increases for a future date. However, this Commission has steadily reduced access rates as a matter of policy over the last 10 years, since the passage of the federal Telecommunications Act of 1996. In order to support and promote a competitive market, the subsidies built into access rates must be eliminated so that rates are moved closer to their true cost.

I see no reason to change course now, but I recognize the constraints of Chapter 30 and of the companies’ network modernization plans. We simply don’t have many options today. Therefore I am supporting the staff recommendation, knowing full well that the companies might increase access rates, but also recognizing that if they do, this issue will be addressed in the ALJ proceeding.

I also note that while Chapter 30 allows companies to raise rates automatically, companies are not required to always raise rates. That is a decision companies must make based on current market conditions.

[Pa.B. Doc. No. 06-1362. Filed for public inspection July 14, 2006, 9:00 a.m.]

#### **Order**

Public Meeting held  
June 22, 2006

*Commissioners Present:* Wendell F. Holland, Chairperson; James H. Cawley, Vice Chairperson, statement follows; Bill Shane; Kim Pizzingrilli; Terrance J. Fitzpatrick, statement follows

*Denver & Ephrata Telephone & Telegraph Company; Supplement No. 251 to Tariff PA PUC No. 15 and Supplement No. 10 to Tariff PA PUC No. 16; R-00061377*

*2006 Annual Price Stability Index/Service Price Index Filing of Denver and Ephrata Telephone and Telegraph Company; P-00981430F1000*

#### **Order**

*By The Commission*

#### **BACKGROUND**

Before us for disposition are the Denver & Ephrata Telephone & Telegraph Company (“D & E” or “Company”) annual 2006 Annual Price Stability Index / Service Price Index (PSI/SPI) Filing and the associated tariffs to effectuate increases to local and access services revenues. D & E is a rural telephone company and the filing was

made under the provisions of the new Chapter 30 law, Act 183 of 2004, P. L. 1398 (66 Pa.C.S. §§ 3011—3019) (“Act 183”) and pursuant to the Company’s Alternative Regulation and Network Modernization Plan (“Chapter 30 Plan”).

As a result of the passage of Act 183, companies with Chapter 30 Plans are entitled to significantly lower inflation offset values within their respective price cap formulas in exchange for a commitment to accelerated broadband deployment. Inflation offsets previously ranging from 2% to 2.93% were reduced to either 0% or 0.5%, depending on each company’s Chapter 30 Plan. In D & E’s case, the inflation offset was reduced from 2% to 0%. Accordingly, annual Price Stability Plan (“Plan”) filings have the potential for substantial revenue and rate impacts on end-user consumers.

Under the Company’s Plan, the allowable change (increase or decrease) in rates for noncompetitive services is based on the annual change in the Gross Domestic Product Price Index (“GDP-PI”). The Plan also contains special provisions for protected services and addresses revenue-neutral adjustments to the rates of noncompetitive services. The Plan set forth in D & E’s Chapter 30 Plan is a complete substitution of the rate base/rate of return regulation. Noncompetitive services are defined as regulated services or business activities that have not been determined or declared to be competitive. The following services are defined as protected services: Service provided to residential consumers or business consumers that is necessary to complete a local exchange call; Touch Tone; Switched Access service; Special Access service; and Ordering installation, restoration and disconnection of these services. 66 Pa.C.S. § 3012

#### COMPANY FILING

Pursuant to the Plan, Advance Notice was issued on March 14, 2006, informing the Commission of the forthcoming rate changes. On May 3, 2006, D & E filed its annual Plan filing using the change in 2004 and 2005 third quarter GDP-PI (Gross Domestic Product—Price Index) of 4.016% that produced an overall 3.70% increase allowable for noncompetitive revenues.

D & E proposes to implement its Plan by increasing rates mainly for Switched Access Services through rate changes in Tariff-Telephone Pa. PUC No. 16, and certain Non-Basic local services in Tariff-Telephone Pa. PUC No. 15. The overwhelming majority of the rate increases are targeted towards switched access services amounting to 96%, compared to 4% for non-basic local services. The proposal to increase switched access service rates is accomplished by an increase of \$1.20 to the Carrier Common Line (CCL) charge, and an increase of \$0.000939 per Minutes of Use (MOU) for Tandem Switching and \$0.000636 MOU for Local Switching. The non-basic local services rate increases are proposed for Return Check Charge, Foreign Exchange Mileage charges, and charges for Business Private Line Services for non-mileage-related services. The proposed tariff revisions are filed to become effective July 1, 2006.

On June 1, 2006, and June 9, 2006, D & E submitted certain responses and additional information to Staff inquiries relating to the filing. The additional information includes actual annual intrastate revenue figures for the period ending December 2005, and the Company’s composite and individual access services rates per MOU for interstate as well as intrastate traffic. D & E also responded to a staff inquiry regarding why an overwhelming majority of the rate increases are directed towards

access services charges despite the industry trend to move in the opposite direction by reducing access services charges so they are closer to their actual cost. According to the Company, it has aggressively implemented local services rate increases over the past five years through a combination of price cap filings and rate rebalancing filings and it believes that additional local service rate increases would accelerate access services line loss.

The Company states in its response that certain aspects of the *Global Order* addressed access services charge reductions, but the overriding theme was mirroring intrastate access service rates with interstate access service rates. The Company also states that it has previously reduced its CCL rates and has been aggressive in reducing access services rates. The Company believes that it is in its customers’ best interest to have their rates in line with other ILECs, so that when intercarrier compensation and access services reform is implemented it will be implemented in a similar fashion for all ILECs. In response to Staff request for a cost study for access services, the Company responded that it is an average schedule company and does not have any cost studies available to prove that the proposed access services rates were equal to or less than the cost for the Company to provide them.

#### DISCUSSION

##### 1. Plan Calculations and Rate Increases

The annual D & E Plan submissions under Chapter 30 law must conform to its Commission-approved Amended Chapter 30 Plan. D & E submitted calculations it used to arrive at the PSI and SPI for the year 2006 based on the third quarter Gross Domestic Product Price Index for the years 2004 and 2005. Section 3015(a)(1)(iii) of the Public Utility Code (Code), 66 Pa.C.S. § 3015(a)(1)(iii), enabled D & E to remove the productivity offset, thus allowing the Company to increase rates for every positive change to the Company’s PSI.

Our review of the calculations submitted by D & E indicates that the 2006 SPI is 1.0623, allowing for a 3.70% rate increase calculated on the prior year total intrastate revenue.

As an initial matter, we disagree with the 2005 annual revenues that D & E used in its PSI/SPI calculation. Rather than using actual 2005 year-end revenues, D & E calculated its eligible revenue increase amount using the revenue for the month of December 2005. D & E then annualized the eligible increase by 12 to arrive at the annual rate increase for which it is seeking approval. As such, D & E’s calculated annualized 2005 annual revenues are 5% higher than its actual 2005 annual revenues,<sup>1</sup> allowing the Company to increase rates more than it is actually entitled.

Accordingly, we find the Company’s PSI/SPI calculations to be only partially consistent with the terms of the Company’s Price Stability Plan formula approved in its Chapter 30 Plan at Docket No. P-00981430F1000. As such, we will require D & E to amend its calculations in Attachments 2 to 4 to its filing based on the actual intrastate revenue for the 12 month period ending December 2005, and adjust the eligible rate increases in Company’s Exhibit 1.

<sup>1</sup> Upon request from Staff D & E provided its annual revenue amounts for the year ending December 2005.

## 2. Local Service Rate Increase

A review of the proposed rate changes to local services was found to be consistent with the Company's Plan. Accordingly, these rates will be allowed to go into effect as filed.

## 3. Access Services Rate Increase

Upon consideration, we believe that the proposed increase in access service charges as a vehicle to recover the Company's allowable PSI revenues should be resolved as set forth below. The proposal appears to contradict long-standing access service reform in Pennsylvania including Docket No. I-00040105, the Pennsylvania Universal Service Fund rules and policies, and the Company's current Amended Chapter 30 Plan. For these reasons and the reasons set forth in more detail below, we shall give the Company the alternative to either allocate the increase to local rates or bank the remaining amount until a further date.

Switched access service charges are the rates charged by LECs to other companies seeking access to the LEC's facilities in order to provide toll services to the end-user. Inter exchange carriers (IXC) rely on the switched and special access facilities of the LECs to transmit calls between customers and IXC facilities. Accordingly, access services are "protected services" pursuant to the listing of "Switched Access Service" as a protected service under Chapter 30. 66 Pa.C.S. § 3012.

Traditionally, in the ILEC monopoly environment, ILECs have priced access services above cost as a means of generating additional revenues that were used to support local rates and thus keep basic local services affordable. The current laws require that the Commission promote and encourage the provisions of competitive services by a variety of service providers on equal terms and throughout the geographic areas of this Commonwealth without jeopardizing reasonableness of rates or the provision of universal telecommunications service at affordable rates. 66 Pa.C.S. §§ 3011(2), 3011(8).

D & E's proposed rate increases for switched access service charges may be contrary to these provisions. Switched access services rate increases contradict Pennsylvania's long-standing attempt to reduce local carriers' dependence on switched access service revenues and preserve the affordability of local rates. An increase in switched access service rates may avoid an increase in local rates that could attract more service providers. In addition, an increase in switched access services charges may also undermine the obligation to promote the competition that could occur if ILEC access services were priced closer to costs.

By the same token, however, 66 Pa.C.S. §§ 3011(2) and (8) empowers the Commission to maintain universal telecommunications service at affordable rates while encouraging the accelerated provision of advanced services deployment of broadband telecommunications network in rural, suburban and urban areas. Finally, the Commission must also ensure that rates, terms and conditions for protected services are reasonable and do not impede development of competition. 66 Pa.C.S. § 3011.

In furtherance of these objectives, the Commission established a Pennsylvania Universal Services Fund (PaUSF). D & E's will collect approximately \$143,232 support for the year 2006 from the PaUSF to support its current access service charges. The current rate, reduced from the rates in effect prior to creation of the PaUSF, is consistent with the goals of access services reform, the promotion of competition, maintenance of universal ser-

vice, and the obligation to ensure that rates, terms, and conditions are just and reasonable. D & E has already rebalanced rates by decreasing intrastate access and toll rates and increasing local services rates in furtherance of access services reform and to reduce any possible subsidization from toll and access services which may have existed prior to toll competition. All jurisdictional Pennsylvania telecommunications service providers are contributing to the PaUSF based on their intrastate end-user revenues. The rural Companies, including D & E, were encouraged and permitted to restructure their access, toll and local rates, accordingly.

The primary purpose of the PaUSF is to maintain the affordability of local services rates for end-user customers while allowing rural telephone companies to reduce their dependency on switched access services revenue and intraLATA toll rate revenues on a revenue-neutral basis. See: 52 Pa. Code § 63.161. The Commission is responsible for assuring the maintenance of universal telecommunications services at affordable rates in Pennsylvania. Universal services are those telecommunication services "essential for a resident of this Commonwealth to participate in modern society at any point in time." 52 Pa. Code § 63.162

D & E's proposed rate increases to switched access services appears to hinder this participation as well as contravene its earlier agreement to reduce switched access service as stipulated in a Joint Procedural Stipulation (Joint Stipulation) in response to the Commission's Access Charge Investigation—Phase II.<sup>2</sup> That Joint Stipulation calls for further switched access services charge reductions in a revenue-neutral method that are recovered not through an increase in the size of the PaUSF, but through gradual increases to local residential and business rates. The Joint Stipulation envisions a continuation of the current PaUSF support under the existing Regulations codified at 52 Pa. Code §§ 63.161—63.171 until a future rulemaking determines otherwise. This is evident in the fact that, although the fund was originally set to expire by December 31, 2003, the PaUSF was continued pursuant to a Joint Stipulation filed by the parties in the proceeding. D & E is a party to the Joint Stipulation.

The Joint Stipulation provides for each ILEC to do what is permitted under their respective Chapter 30 Plans. This includes a restructuring of rates on a revenue-neutral basis in a manner that does not increase local rates by more than \$3.50 per month. While the Joint Stipulation did not necessarily require the rural ILECs to mirror interstate access services charges, we note that mirroring interstate rates is a step towards attaining cost-based intrastate access services charges while avoiding arbitrage and promoting competition.

In the Joint Stipulation,<sup>3</sup> the ILECs reserve the right to change access services rates in order to ensure each access services rate element recovers its cost based upon development of a cost study when the ILECs service price index allows for an increase. In the instant filing, D & E failed to provide a cost study consistent with the Joint Proposal.

Moreover, D & E's proposal may also contravene the Commission's grant of a recent request of the ILECs, including D & E, to suspend the investigation of further

<sup>2</sup> Joint Procedural Stipulation regarding Access Charge Investigation per Global Order of September 30, 1999, order entered on July 15, 2003, Docket Nos. M-00021596 et al.

<sup>3</sup> See part 2 paragraph 2 to Attachment A to RTCC/Sprint/OCA/OSBA Joint Access Proposal attached to Commission Order at Docket No. M-00021596 et al. entered on July 15, 2003.

reductions in access services rates. This request arose in the context of a Commission investigation and rule-making proceeding at Docket No. I-00040105, by Order entered on December 20, 2004, which was further considering additional intrastate switched access services reform in the service territories of rural ILECs and to address possible modifications to the PaUSF regulations and resulting rate issues should disbursements from the PaUSF be reduced in the future. This investigation was instituted as a result of the Commission's prior Order entered July 15, 2003, at Docket No. M-00021596 that, inter alia, discussed implementing continuing access services rate reform in Pennsylvania.

The investigation is also looking into what possible regulatory changes are necessary to 52 Pa. Code §§ 63.161—63.171, given the complex issues involved as well as any necessary changes occasioned by recent amendments to the Public Utility Code.

“Consideration should be given to applicable orders, regulations, policy statements and guidelines of this Commission, including any necessary changes occasioned by recent amendments to the Public Utility Code.<sup>4</sup> The General Assembly has repealed 66 Pa.C.S. § 1325 (limiting local exchange service increases) and added 66 Pa.C.S. §§ 3011—3019 (governing alternative form of regulation of telecommunications services). We would expect, for example, the parties to address the policy and legal ramifications of new sections 3011 (declaring the policy of the Commonwealth), 3015(B) (governing rate changes for rural telecommunications carriers) and 3017 (providing that Commission “may not require a local exchange telecommunications company to reduce access service rates except on a revenue-neutral basis” and limiting a competitive local exchange carrier's ability to charge access rates higher than the ILEC's rate). Act No. 183, P. L. \_\_\_\_\_ (Nov. 30, 2004).”<sup>5</sup>

As indicated above, however, the Commission, at the request of the Rural Telephone Company Coalition, including D & E and other ILECs, stayed the proceeding for a period of twelve months or until the FCC issues its ruling in its *Unified Intercarrier Compensation* proceeding (FCC 01-92), whichever occurs earlier. (Docket No. I-00040105; Order entered on August 30, 2005). The Commission established this deadline when granting the request, given the complexity of the federal proceeding, the probable impact in Pennsylvania, and the Commission's involvement in that proceeding. The Commission granted the request with the expectation that this federal proceeding would be completed within a twelve month period.

The Commission's decision also reflected the ILEC's request for a stay from any further access services reduction until the FCC acts on its Intercarrier Compensation proceeding at CC Docket No. 01-92. An important consideration for granting this request is the fact that carriers in states with extensive intrastate access services charge reforms in place prior to a federal resolution could be at a disadvantage in securing federal support to lower their rates compared to states that did not engage in intrastate access services reform prior to federal action.

Moreover, when granting the stay, we required parties to the investigation to submit appropriate status reports to the Commission and directed Commission Staff to

<sup>4</sup> If applicable, federal reforms of the intercarrier compensation scheme should be addressed.

<sup>5</sup> Commission Order at Docket No. I-00040105, Page 6.

monitor the developments in the FCC Intercarrier proceeding. Accordingly, we ordered:

“10. That, upon the resumption of the investigation, the participating parties shall address and provide evidence on the legal, ratemaking, and regulatory accounting linkage between a) the Federal Communications Commission's ruling in its *Unified Intercarrier Compensation* proceeding; (b) the intrastate access charge reform for rural ILECs in view of the new Chapter 30 law and its relevant provisions at 66 Pa.C.S. § 3015 and 3017; (c) the Pennsylvania Universal Service Fund and d) the potential effect on rates for the basic local exchange services of the rural ILECs.”<sup>6</sup>

We believe that D & E's proposed access services rate increases in the instant filing could undermine our decision to suspend this investigation of further access services reforms, particularly reductions in access services rates, because the proposal reverses the current reforms by increasing the existing access service rates. Such a result could undermine the progress already achieved in our efforts to reduce and reform access services charges and promote competition. We believe that maintenance of the current regulatory status quo, pending federal action, necessitates preservation of D & E's current access services rates.

In addition, the Commission has consistently promoted competition as required by Chapter 30. Consistent with this obligation, the Commission endorsed reform in ILEC access services rates in order to minimize any access services support for local rates. The transition to cost-based access services and local services rates is expected to be achieved using revenue-neutral means while also ensuring there is a provider of last resort available to all consumers within the rural ILECs territories. The Commission's approach also sought to give the ILECs a reasonable time to modernize their networks and ready themselves for competition.

Given these important and sometimes competing regulatory and legal considerations, we believe that the proposed increase in access services rates as a vehicle to recover PSI revenues may contradict the policy of implementing switched access services reform. Switched access service rate increases at this time also seem to undermine the promotion of competitive markets by increasing the gap between access services rates and costs. The proposed access services rate increases set forth in this filing appear to be inconsistent with the ILEC agreement to pursue continued access services reduction and the Commission's current policy of promoting competition.

In particular, the proposed D & E PSI/SPI submission does not simply implement a revenue and rate increase on services. The proposal unfairly targets access services by subjecting them to an overwhelming majority of the rate increases on IXCs (3.70% for local switching and 50% for Tandem Switching). As noted, access services are protected services, subject to proof that the rates are just and reasonable under 66 Pa.C.S. § 3109(h), Chapter 13 of Code, as well as the Company's amended Chapter 30 Plan. The Company fails to provide adequate justification on whether the proposed rate increase for access services is in the public interest and whether or not it will negatively affect competition and, in addition, universal service in Pennsylvania. Furthermore, since the Company did not submit any cost studies with its filing establishing that the current rates are below cost, we cannot ascertain

<sup>6</sup> See Ordering paragraph 10, at I-00040105, entered August 30, 2005.



whether or not access services rate elements are priced below cost or unfairly above cost level.

Moreover, the Company's proposal represents a departure from the current practice of recovering PSI revenue increases from local rate increases or banking these revenues for future recovery. We recognize that two major sources for recovering PSI revenues are local rates or access services. The current practice of avoiding access services rate increases reflects the desire to promote competition by preserving Pennsylvania's progress on access services charge reform. An increase in access services rates is difficult to accept because D & E is a recipient of PaUSF support and because increases could undermine that access service reform. By the same token, however, increases in local rates that produce the kind of access services line losses the Company wants to avoid could contravene the Commission's legal obligation to preserve universal service in Pennsylvania and unnecessarily increase funding demands on PaUSF in advance of any national intercarrier compensation reform. The Commission's acceptance of these proposed access services rates increases could also trigger multiple requests for similar access services rate increases throughout Pennsylvania. A deluge of access services rate increases and local rate increases could erode the precarious gains made on access services reform and universal service.

The Commission recognizes that this proposal presents a very difficult issue and that it requires a careful balancing of multiple and sometimes conflicting considerations. The delicate balancing of these considerations is reflected by Commission decisions that promote competition through access services reform resulting in switched access service rate decreases supported by our PaUSF, as opposed to increases, while simultaneously avoiding adverse harm to universal service and triggering funding support demands from the PaUSF for local rates that exceed \$18.00.

The Company recognized as much in consultations with staff and in their responses to information requests. Consequently, the Commission is extremely reluctant to disturb this very delicate balance absent truly compelling reasons to the contrary and in advance of national intercarrier compensation reform.

For these reasons, we find D & E's proposal to allocate and recover ninety-six percent (96%) of their 2006 PSI revenue from access services rate increases in Tariff-Telephone Pa. PUC No. 16 as possibly contrary to the above-discussed considerations; *Therefore,*

*It Is Ordered That:*

1. The proposed revenue and rate increase proposed by D & E Telephone and Telegraph Company increases to Return Check Charge, Foreign Exchange Mileage charges, and Business Private Line Services for non-mileage-related services in its local Tariff-Pa. PUC No. 15 be permitted to go into effect as filed.

2. The Company submit revised Attachments 2 to 4 (from its original filing) using actual 2005 annual year-end revenue for the calculation of revenue increase and adjust the eligible rate increases in Company's Exhibit 1 within five (5) days of the entry date of this Order.

3. The Company's 2006 PSI/PSM filing is in partial compliance with its Commission-approved Amended Chapter 30 Plan.

4. The Company be given the alternative to either "bank" the proposed revenue increase associated with the access services or, alternatively, allocate the proposed

revenue increase amount associated with access services to the basic local exchange services in accordance with the applicable provisions of the Company's Amended Chapter 30 Plan.

5. The Company shall provide the appropriate notification to the Commission's Bureau of Fixed Utility Services, within five (5) days of the date of entry of this Order, of which, if any, alternative they will exercise consistent with Ordering Paragraph No. 4 above.

6. In the event that the Company does not choose either of the alternatives set forth in Ordering Paragraph 4 above, the proposed access services rate increases be permitted to go into effect as filed subject to any final determinations on access reform, including the pending intrastate access reform proceeding in Docket No. I-0004015 as it now exists or changes made by the Commission or at the federal level.

7. The access reform proceeding in Docket No. I-0004015 shall examine, but not be limited to, whether this proposal is consistent with the regulations and policies governing the Pennsylvania Universal Service Fund, the Company's previously granted request for suspension of further intrastate access reform in Docket No. I-00040105, the Company's previously approved Amended Chapter 30 Plan set forth in Docket P-00981430F1000, and the continuing statutory obligations set forth in Sections 3011(1)–(13), 3019(h) and Chapter 13 of the Public Utility Code.

8. That the Company file the appropriate modified tariff supplements to become effective on one day's notice in accordance with the determinations made by the Company based on this Order.

9. That a copy of this Order be served upon D & E Telephone and Telegraph Company, the Office of Consumer Advocate, the Office of Small Business Advocate, and the Office of Administrative Law Judge.

10. That a copy of this Order be served on the Office of Trial Staff for such further action as it may deem appropriate.

11. That the Commission's Secretary shall publish this Order in the *Pennsylvania Bulletin*.

JAMES J. MCNULTY,  
*Secretary*

**Statement of Vice Chairman James H. Cawley  
Concurring in Part and Dissenting in Part**

*Public Meeting June 22, 2006*

*Denver & Ephrata Telephone & Telegraph Company Supplement No. 251 and 10 to Tariff PA PUC No. 15 and Supplement No. 10 to Tariff PA PUC No. 16; JUN-2006-FUS-0455,\* R-00061377*

*2006 Annual Price Stability Index/Service Price Index Filing of Denver and Ephrata Telephone and Telegraph Company; P-00981430F1000*

*Conestoga Telephone & Telegraph Company Supplement No. 206 to Tariff PA PUC No. 10 Supplement No. 7 to Tariff PA PUC No. 11; JUN-2006-FUS-0456,\* R-00061376*

*2006 Annual Price Stability Index/Service Price Index Filing of Conestoga Telephone & Telegraph Company; P-00981429F1000*

*Buffalo Valley Telephone Company Supplement No. 54 to Tariff PA PUC No. 7 Supplement No. 8 to Tariff PA PUC No. 8; JUN-2006-FUS-0457,\* R-00061375*

*2006 Annual Price Stability Index/Service Price Index Filing of Buffalo Valley Telephone Company; P-00981428F1000*

Before us for disposition are the Staff recommendations regarding the 2006 annual price stability mechanism Price Stability Index/Price Service Index ("2006 PSI/SPI") filings of Denver and Ephrata Telephone and Telegraph Company ("D & E"), Conestoga Telephone and Telegraph Company ("Conestoga"), and Buffalo Valley Telephone Company ("Buffalo Valley"—collectively referred to as the "Companies"). These 2006 PSI/SPI filings have been submitted under the provisions of Section 3015 of the new Chapter 30 law, 66 Pa.C.S. § 3015, and under the provisions of the Companies' respective Amended Alternative Regulation and Network Modernization Plans ("Chapter 30 Plans") that have been previously approved by the Commission. These Companies are rural incumbent local exchange carriers ("ILECs").

Unlike previous Chapter 30 price stability mechanism PSI/SPI filings by various ILECs in the 2005-2006 time frame, these submissions present us with the more unique issue that the majority of the automatic revenue and rate increases to which the Companies are respectively entitled under the operation of the Chapter 30 law is channeled towards proposed increases in intrastate carrier access charges, and especially for switched access services. This proposed allocation of the Chapter 30 2006 PSI/SPI revenue and rate increases presents the Commission with certain issues.

The Commission Staff has engaged in a comprehensive and in-depth examination of these issues. The Staff of the Bureau of Fixed Utility Services Telecommunications Industry Group and the Law Bureau should be commended for bringing to our attention these highly interrelated issues, and I sincerely thank them for their efforts in formulating proposed alternative resolutions. Essentially, in this proceeding the Commission is faced with the problem of how to reconcile the automatic annual revenue and rate increase entitlements for the ILECs with Chapter 30 Plans with past and ongoing Commission regulatory policies and goals that involve ILEC intrastate carrier access charge reform, competition, and the preservation of universal telephone service for end-user consumers within the Commonwealth.

Although I agree with most of the Staff analysis and certain recommendations, I believe that some of the resolution alternatives for the issues presented by the Companies' filings are not the most optimal.

*A. Calculation of the Companies' 2006 PSI/SPI Revenue Amounts*

I am in full agreement with the Staff analysis in this area. The Companies should recalculate their respective 2006 PSI/SPI revenue increases using the full 12-month period historical revenue data for their respective non-competitive revenues as ascertained and recommended by the Commission Staff. It is obvious that although these Companies are under Chapter 30 regulation, they should continue to implement well tried and true principles of conventional regulatory accounting.

*B. Implementation of the Companies' 2006 PSI/SPI Non-Access Rate Increases*

I am in full agreement with the Staff recommendation regarding the Companies' proposed increases to rate elements that do not involve the Companies' intrastate carrier access services. Naturally, these increases must follow the Companies' corrected 2006 PSI/SPI annual revenue increase figures.

*C. Implementation of the Companies' 2006 PSI/SPI Access Rate Increases*

The Companies' 2006 PSI/SPI filings and the incisive Staff analysis point out the divergence that exists between the revenue-driven implementation of the Chapter 30 law requirements, and the sound regulatory policies that this Commission has followed in reforming intrastate carrier access, enhancing telecommunications competition, protecting the principles of universal telephone service, and maintaining basic local exchange service rates for more price inelastic end-user consumers at reasonable and affordable levels. Indeed, we have to select the very "second best" choices in resolving the issues that the Companies' respective submissions have presented to the Commission. It suffices to point out that the Companies have selected to allocate the majority of their Chapter 30 automatic annual revenue increase entitlement to their respective intrastate carrier access services.

In its landmark *Global Order* this Commission instituted the Pennsylvania Universal Service Fund (Pa. USF) mechanism while implementing intrastate access reform for the rural ILECs. *Joint Petition of Nextlink Pennsylvania Inc., et al.*, Docket Nos. P-00991648, P-00991649, Order entered September 30, 1999, 196 PUR4th 172, *aff'd*, *Bell Atlantic-Pennsylvania v. Pa. Public Util. Comm'n*, 763 A.2d 440 (Pa. Cmwlth. 2000), *vacated in part*, *MCI v. Pa. Public Util. Comm'n*, 844 A.2d 1239 (Pa. 2004). As the Staff analysis correctly points out, the Companies—and other rural ILECs—proceeded with access charge reform while receiving support payments from the Pa. USF. Under the regulatory principles that the Commission established in its various intrastate carrier access reform proceedings, the Pa. USF support levels to the Companies would automatically come into question since the Companies have chosen to reverse course and propose increases to their rates for intrastate carrier switched access services. However, the Companies' 2006 PSI/SPI filings are designed to capture their respective automatic annual revenue increase entitlements under the Chapter 30 law, and this proceeding does not readily lend itself to an easy and most optimal reconciliation between the mandates of the law and the existing regulatory priorities that this Commission has established. In summary, the Commission is faced with a range of very "second best" choices.

I believe that certain of the Staff recommended alternatives do not provide the optimal resolution of the interlinked issues that the Companies' 2006 PSI/SPI submissions have generated. The alternatives to either bank or reallocate the proposed revenue increases to the Companies' respective basic local exchange services, rather than channeling such increases to the Companies' intrastate carrier access services, generate other less than desirable implications. Banking the proposed revenue increases creates the usual problems of inter-generational equity. Eventually, the Companies' non-competitive services and the end-users of such services may have to absorb part or all of the banked revenue increases some time in the future on top of new automatic annual PSI/SPI revenue and rate increases.

Channeling the proposed revenue increases to basic local exchange service rates may go against the price elasticity of demand for basic local exchange services that the Companies have identified. Furthermore, it is unclear if such a resolution may violate the \$18.00 rate cap for residential basic local exchange service for certain of D & E's and Buffalo Valley's exchanges. *See generally*

*Access Charge Investigation per Global Order of September 30, 1999, et al.*, Docket Nos. M-00021596 et al., Order entered July 15, 2003.

I believe that in considering the most optimal among the "second best" choices, the Commission should be guided by principles that first safeguard the interests of the Companies' end-user customers that have a lesser number of competitive choices and traditionally exhibit a lesser price elasticity of demand. These are the end-user customers for basic local exchange services. The same customers are also the subjects of universal service goals and protections. These customer classes have been largely absorbing the automatic revenue increase entitlements for the Chapter 30 ILECs during the 2005-2006 time frame, where such entitlements have been generated by the ILECs' total non-competitive services revenues, including those from their respective intrastate carrier access services. This has already happened with the Companies' 2005 PSI/SPI submissions that were approved by the Commission.<sup>7</sup>

I have stated this previously and I will state it again. The end-user customers of basic local exchange services do not have an infinite capacity to absorb the Chapter 30 ILEC automatic annual revenue increase entitlements. This is especially true for end-user consumers that are in lesser income brackets. The latest FCC statistics indicate that telephone penetration rates in Pennsylvania—where such statistics capture the availability of wireless telephone service—have declined from 98%—98.2% in 2002 to 95.7%—96.7% in November 2005. Nationally, telephone penetration for households with incomes in the \$20,000-\$24,999 bracket has declined from 93.7%—94.7% in 2000 to 92.8%—94% in 2005.<sup>8</sup> If the implementation of the Chapter 30 automatic revenue increase entitlements has become divorced from such parameters as reasonableness of rates with measures of cost of service being taken into consideration—and it should not in my opinion—then the protection of basic local exchange service ratepayers from continuous rate increases and preservation of universal service in Pennsylvania are of paramount importance.

I believe that the only feasible resolution is to permit the proposed intrastate carrier access charge increases to go into effect until and such a time that the pending *Intrastate Carrier Access Charge Investigation* for rural ILECs comes to a conclusion, and/or when the Commission implements access charge reforms because of federal changes in intercarrier compensation mechanisms and the federal USF. See generally *Investigation Regarding Intrastate Access Charges and IntraLATA Toll Rates of Rural Carriers, and the Pennsylvania Universal Service Fund*, Docket No. I-00040105, Order entered August 30, 2005. Because the intrastate carrier access charges of rural ILECs are interlinked to the intercarrier compensation mechanism and the universal service fund in the federal jurisdiction, the annual Chapter 30 price stability mechanism revenue increases, the Chapter 30 "revenue neutrality" provision for adjusting intrastate carrier access charges under 66 Pa.C.S. § 3017(a), and the Pa. USF, it is better to re-examine this issue in a comprehensive fashion at a later time. I believe that in this manner the Commission can strike an appropriate balance between the new Chapter 30 implementation, the long-

standing regulatory goals of intrastate carrier access charge reform, and preserving the principles of universal service in Pennsylvania.

Since the access charges of these Companies' will be subject to the *Intrastate Carrier Access Charge Investigation* for rural ILECs, I do not see the need to refer the Companies' 2006 PSI/SPI submissions to the Office of the Administrative Law Judge for a separate investigative proceeding. I believe that it is sufficient that the Companies are placed on notice that their respectively attained revenue increases for their intrastate carrier access services will be prospectively at risk.

For these reasons, I respectfully concur in part and dissent in part.

**Statement of Commissioner Terrance J. Fitzpatrick**

*Public Meeting June 22, 2006*

*Denver & Ephrata, Conestoga and Buffalo Valley Telephone Companies 2006 Annual Price Stability Index/Service Price Index and Related Tariff Filings; JUN-2006-FUS-0455 R\*, R-00061377, P-00981430F1000; JUN-2006-FUS-0456 R\*, R-00061376, P-00981429F1000; JUN-2006-FUS-0457 R\*, R-00061375, P-00981428F1000*

Before the Commission today are the 2006 annual price stability index/service price index reports and related tariff filings for Denver and Ephrata, Conestoga and Buffalo Valley telephone companies.<sup>9</sup> I am supporting the staff recommendation, but with some reservations.

The companies have proposed increasing rates for non-basic local services and for access services. However, in each case, an overwhelming majority of the rate increases are assigned towards access services. Staff notes that increasing access rates goes against the industry trend of reducing these charges and moving them closer to cost. Staff also notes that raising these rates contradicts this Commission's long-standing policy of access reform which is meant to reduce local phone companies' dependence on access revenue. I agree and support the staff recommendation of providing the companies with the alternatives of either allocating the increases to local exchange rates or banking the increases for future use. If the companies do not accept either alternative, the rates will be permitted to go into effect, subject to the outcome of an access reform proceeding currently before an administrative law judge (ALJ).

I understand the companies' reluctance to assign the rate increases solely to local services or to bank the revenue increases for a future date. However, this Commission has steadily reduced access rates as a matter of policy over the last 10 years, since the passage of the federal Telecommunications Act of 1996. In order to support and promote a competitive market, the subsidies built into access rates must be eliminated so that rates are moved closer to their true cost.

I see no reason to change course now, but I recognize the constraints of Chapter 30 and of the companies' network modernization plans. We simply don't have many options today. Therefore I am supporting the staff recommendation, knowing full well that the companies might

<sup>7</sup> Docket Nos. R-00050520, R-00050521, R-00050522, Secretarial Letters issued July 29, 2005.

<sup>8</sup> Alexander Belifante, *Telephone Subscribership in the United States*, FCC, Industry Analysis and Technology Division, Wireline Competition Bureau, May 2006, Table 3, pp. 18 & 21, Table 4, pp. 27 & 32. Both the respective "unit" and "avail." statistics are included.

<sup>9</sup> Denver and Ephrata Telephone and Telegraphy Company, Supplement No. 251 and 10 to Tariff PA PUC Nos. 15 and Supplement No. 10 to Tariff PA PUC Nos. 16 (R-00061377), and 2006 Annual Price Stability Index/Service Price Index (P-00981430F1000); Conestoga Telephone and Telegraphy Company, Supplement No. 206 to Tariff PA PUC No. 10 and Supplement No. 7 to Tariff PA PUC No. 11 (R-00061376), and 2006 Annual Price Stability Index/Service Price Index (P-00981429F1000); Buffalo Valley Telephone Company Supplement No. 54 to Tariff PA PUC No. 7 and Supplement No. 8 to PA PUC No. 8 (R-00061375), and 2006 Annual Price Stability Index/Service Price Index (P-00981428F1000).

increase access rates, but also recognizing that if they do, this issue will be addressed in the ALJ proceeding.

I also note that while Chapter 30 allows companies to raise rates automatically, companies are not required to always raise rates. That is a decision companies must make based on current market conditions.

[Pa.B. Doc. No. 06-1363. Filed for public inspection July 14, 2006, 9:00 a.m.]

### Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by August 7, 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-00122928. Laurie A. Hartford** (102-A North Hollander Road, Gordonville, Lancaster County, PA 17529)—persons in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in the County of Lancaster to points in Pennsylvania, and return.

**A-00122931. Daimon Parrish** (P. O. Box 328, Wayne, Delaware County, PA 19087)—an individual—persons in limousine service, from points in the Townships of Radnor and Haverford, Delaware County, and Tredyffrin, Chester County, to points in Pennsylvania, and return.

### Application of the following for the approval of the right and privilege to *discontinue/abandon operating as common carriers by motor vehicle and for cancellation of the certificate of public convenience as described under the application.*

**A-00103585. F.3. McCarter Transit, Inc.** (2569 Darlington Road, Beaver Falls, Beaver County, PA 15010)—certificate of public convenience to discontinue the right to transport, as a common carrier, persons in paratransit service, between points in the County of Beaver and from points in said county to points in the Counties of Lawrence, Butler, Allegheny and Washington, and the return of persons to the place of origin. *Attorney:* John A. Pillar, 680 Washington Road, Suite B101, Pittsburgh, PA 15228.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 06-1364. Filed for public inspection July 14, 2006, 9:00 a.m.]

### Telecommunications

**A-311149F7004. Alltel Pennsylvania, Inc. and NPCR, Inc.** Joint petition of Alltel Pennsylvania, Inc. and NPCR, Inc. for approval of adoption of an interconnection agreement under section 252(i) of the Telecommunications Act of 1996.

Alltel Pennsylvania, Inc. and NPCR, Inc., by its counsel, filed on June 28, 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 Alltel Pennsylvania, Inc. and NPCR, Inc. joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 06-1365. Filed for public inspection July 14, 2006, 9:00 a.m.]

### Telecommunications

**A-310190F7002. The United Telephone Company of Pennsylvania d/b/a Embarq and Comcast Business Communications, LLC d/b/a Comcast Long Distance.** Joint petition of The United Telephone Company of Pennsylvania d/b/a Embarq and Comcast Business Communications, LLC d/b/a Comcast Long Distance for approval of a master interconnection and collocation agreement under section 252(e) of the Telecommunications Act of 1996.

The United Telephone Company of Pennsylvania d/b/a Embarq and Comcast Business Communications, LLC d/b/a Comcast Long Distance, by its counsel, filed on June 28, 2006, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of a master interconnection and collocation 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 The United Telephone Company of Pennsylvania d/b/a Embarq and Comcast Business Communications, LLC d/b/a Comcast Long Distance 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. 06-1366. Filed for public inspection July 14, 2006, 9:00 a.m.]

## Telecommunications

**A-311410F7001. Verizon North Inc. and Magellan Hill Technologies, LLC.** Joint petition of Verizon North Inc. and Magellan Hill Technologies, 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 Magellan Hill Technologies, LLC, by its counsel, filed on June 29, 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 Magellan Hill Technologies, 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. 06-1367. Filed for public inspection July 14, 2006, 9:00 a.m.]

## Telecommunications

**A-311410F7000. Verizon Pennsylvania Inc. and Magellan Hill Technologies, LLC.** Joint petition of Verizon Pennsylvania Inc. and Magellan Hill Technologies, 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 Magellan Hill Technologies, LLC, by its counsel, filed on June 29, 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 Magellan Hill Technologies, 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. 06-1368. Filed for public inspection July 14, 2006, 9:00 a.m.]

## Wastewater Service

**A-230240F0030. Little Washington Wastewater Company.** Application of Little Washington Wastewater Company for approval to begin to offer, render, furnish and provide wastewater service to the public in portions of Londonderry Township, Chester County, PA, known as New Daleville.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before July 31, 2006. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

*Applicant:* Little Washington Wastewater Company

*Through and By Counsel:* Thomas T. Niesen, Esquire, Thomas Thomas Armstrong & Niesen, 212 Locust Street, Suite 500, P. O. Box 9500, Harrisburg, PA 17108

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 06-1369. Filed for public inspection July 14, 2006, 9:00 a.m.]

## PHILADELPHIA REGIONAL PORT AUTHORITY

### Request for Bids

The Philadelphia Regional Port Authority (PRPA) will accept sealed bids for Project #06-085.4, Electrical Connect/Disconnect, LMSR at the Tioga Marine Terminal until 2 p.m. on Thursday, August 17, 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 July 25, 2006. Additional information and project listings may be found at [www.philaport.com](http://www.philaport.com). The cost of the bid document is \$35 (includes 7% Pennsylvania Sales Tax). The cost is nonrefundable. PRPA is an equal opportunity employer. Contractors must comply with all applicable equal opportunity laws and regulations. Bidders must provide to the Procurement Department in writing the names of individuals that will be attending prebid meetings. This information is needed 24 hours prior to the meeting. Fax to (215) 426-6800, Attn: Procurement Department.

A mandatory prebid job site meeting will be held August 3, 2006, 10 a.m. at the Tioga Marine Terminal, South Guard House, Philadelphia, PA.

JAMES T. MCDERMOTT, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 06-1370. Filed for public inspection July 14, 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



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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

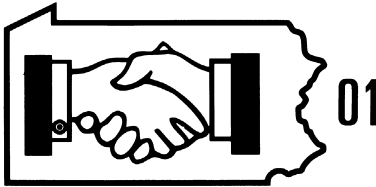
## DO BUSINESS WITH STATE AGENCIES

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.patreaury.org](http://www.patreaury.org).

Contact: **Bureau of Contracts and Public Records**  
 Pennsylvania Treasury Department  
 201 Finance Building  
 Harrisburg, PA 17120  
 Phone: (717) 787-2990 or 1-800-252-4700  
 Fax: (717) 772-0977

ROBERT P. CASEY, Jr.,  
*State Treasurer*

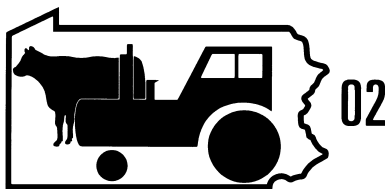
## SERVICES



### Advertising

**RFP 20060314** The PLCB is seeking a contractor to provide a comprehensive independent evaluation to assess the public perception of the performance of the PLCB in the operation of its retail stores and the effectiveness of its advertising and initiatives. The selected proposer will provide the PLCB with a detailed evaluation tool and subsequent reporting which will measure the attitudes and perceptions of consumers towards the PLCB brand as well as an analysis of the current advertising campaign programs and e-commerce website.

**Department:** Liquor Control Board  
**Location:** HARRISBURG, PA  
**Duration:** Approximately six (6) months  
**Contact:** Tanya L. Readinger, (717) 705-2238



### Agricultural Services

**PGC-2882** Agency seeking contractor to deliver 400 tons of Game Bird Pheasant Grower Feed to Loyalsock Game Farm, 136 Game Farm Road, Montoursville, PA 17754. Complete specifications and requirements can be obtained by contacting the agency.

**Department:** Game Commission  
**Location:** Pennsylvania Game Commission, Bureau of Administrative Services, Automotive & Procurement Division, 2001 Elmerton Ave., Harrisburg, PA 17110-9797.  
**Duration:** July 3, 2006 through January 19, 2007.  
**Contact:** Diane Shultz or Barb Kline, 717/787-6594

**CN00021332** Greenhouse: complete; to include all materials and equipment for YDC staff to construct a complete and operational greenhouse.

**Department:** Public Welfare  
**Duration:** One Time Delivery  
**Contact:** Kathleen A Zeigler, 724-656-7308

**Dairy Barn-Stalls** Manufacture and Delivery of Comfort Stalls, Water Bowls, Gutter Grates, for renovations to the dairy barn at PDA.

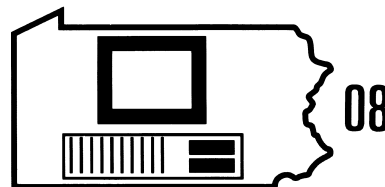
**Department:** Agriculture  
**Location:** Farm Operations, Harrisburg, PA 17110  
**Duration:** Bid closes June 23, 2006 at 2:00 PM  
**Contact:** Sheila Strubhar, 717-787-1467

**PGC-2883** Agency seeking contractor to deliver 260 tons of Game Bird Pheasant Grower Feed to Western Game Farm, 25761 Highway 408, Cambridge Springs, PA 16403. Complete specifications and requirements can be obtained by contacting the agency.

**Department:** Game Commission  
**Location:** Pennsylvania Game Commission, Bureau of Administrative Services, Automotive & Procurement Division, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797  
**Duration:** July 3, 2006 through January 19, 2007  
**Contact:** Diane Shultz or Barb Kline, 717/787-6594

**PGC-2881** Agency is seeking contractor to deliver 180 tons of Game Bird Pheasant Grower Feed to the Southwest Game Farm, RD 1 Box 51-A, New Bethlehem, PA 16242. Complete specifications and requirements can be obtained by contacting the agency.

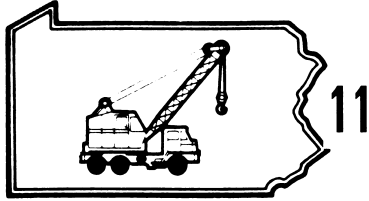
**Department:** Game Commission  
**Location:** Pennsylvania Game Commission, Automotive & Procurement, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.  
**Duration:** July 3, 2006 through January 19, 2007.  
**Contact:** Diane Shultz or Barb Kline, 717/787-6594



### Computer Related Services

**CN00021480** Request bids for "Academic Pricing" for the purchase of 17 AutoCad 2006 Full System Standalone software

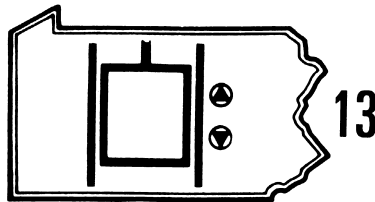
**Department:** Corrections  
**Location:** State Correctional Institution at Coal Township, 1 Kelley Drive, Coal Township, PA 17866  
**Contact:** Nancy A. Lasko, 570-644-7890 x 142



### Demolition—Structural Only

**00885-A03** The Pennsylvania Department of Transportation will be accepting sealed bids for the sale and removal of both commercial and residential dwellings located along State Route 00885(also known as the Boulevard of the Allies) in the City of Pittsburgh, Allegheny County. Contractors will be required to demolish or remove all structure(s), outbuildings, and site improvements. The Contractor will also be required to comply with all Local, State, and FHWA regulations. For bid information, specifications, and further information, please contact Mr. Michael Sudar, District Property Manager, at 412-429-4830.

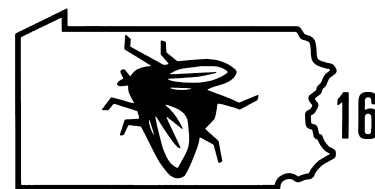
**Department:** Transportation  
**Location:** City of Pittsburgh  
**Duration:** 30 days from Notice to Proceed.  
**Contact:** Demolition, 412-429-4830



### Elevator Maintenance

**CN00021445** Elevator Repair Services. Fax request for bid package to 570-271-4593. Include SAP Vendor Number. Prospective vendors must register with the Integrated Enterprise System (IES) at [www.vendorregistration.state.pa.us](http://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.

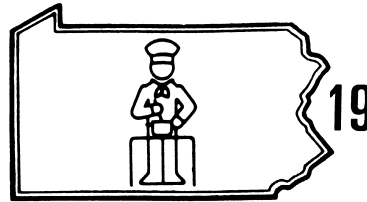
**Department:** Public Welfare  
**Location:** Danville State Hospital, 200 State Hospital Drive, Danville, PA 17821  
**Duration:** October 1, 2006 through September 30, 2011  
**Contact:** Arletta K. Ney, Purchasing Agent, 570-271-4579



### Extermination Services

**1146-002** Contractor to provide pest control service to the State Correctional Institution at Dallas for the period of July 1, 2006 to June 30, 2007. To be eligible to bid, contractor must be registered with Imagine, PA. This pest service will be required to be done 3 times per month, the first, second and fourth Wednesday of each month. This service is to control rats, mice, roaches(all types), ants, silverfish, bedbugs, firebrats and fleas.

**Department:** Corrections  
**Location:** State Correctional Institution, 1000 Follies Road, Dallas, PA 18612  
**Duration:** July 1, 2006 through to June 30, 2007  
**Contact:** Linda Davenport, 570-674-2710



### Food

**CN00021455** Perishable Food - Miscellaneous Frozen. Prospective vendors must register with the Integrated Enterprise System (IES) at [www.vendorregistration.state.pa.us](http://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:** Norristown State Hospital, 1001 Sterigere Street, Norristown, PA 19401  
**Duration:** Deliveries are for the time period of July, August, and September, 2006. Bid opening date is 6/19/06 @ 2 p.m.  
**Contact:** Debbie Jones, 610-313-1025

**CN00021305** Perishable Foods - Dairy Products (Cheese, Yogurt, Margarine). Prospective vendors must register with the Integrated Enterprise System (IES) at [www.vendorregistration.state.pa.us](http://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:** Norristown State Hospital, 1001 Sterigere Street, Norristown, PA 19401  
**Duration:** Deliveries are for the time period of July, August, and September, 2006. Bid opening date/time is 6/15/06 @ 2 p.m.  
**Contact:** Debbie Jones, 610-313-1025

**CN00021360** Drinks - Orange Drink, Fruit Punch, Tea Decaf.8 oz. Refer to DPW special instructions & conditions. Prospective vendors must register with the Integrated Enterprise System (IES) at [www.vendorregistration.state.pa.us](http://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. For additional information please contact the Purchasing Office via email or phone.

**Department:** Public Welfare  
**Location:** Wernersville State Hospital, Route 422 & Sportsman Road, P.O. Box 300, Wernersville, PA 19565  
**Duration:** July - December 2006  
**Contact:** Elsie Millington, 610-927-4700

**DRIED/CANNED-QBC** Vendor shall supply dried/canned foodstuffs as needed and specified. MBE/WBE vendors encouraged to request bid packets. Vendor must have a valid SAP vendor # to receive bid packets.

**Department:** Corrections  
**Location:** Quehanna Boot Camp, 4395 Quehanna Highway, Karthaus PA 16845  
**Duration:** June 01, 2006 through December 2006  
**Contact:** Peggy Baughman, PA2, 814-378-1000

**06-01** Dairy products - cheeses, ice cream, orange drink, ice tea, etc.

**Department:** Corrections  
**Location:** State Correctional Institution, 2500 Lisburn Road, Camp Hill, PA  
**Duration:** July 1, 2006 through June 30, 2007  
**Contact:** Donna Veigle, 717-975-5214

**CN00021357** Non-Perishable Foods; canned and dry; to build up Warehouse Inventory.

**Department:** Public Welfare  
**Location:** Youth Development Center @ New Castle  
**Duration:** One Time Delivery  
**Contact:** Kathleen A Zeigler, 724-656-7308

**CN00021358** Bread, Various Rolls, Muffins. Please refer to DPW special instructions & conditions. Prospective vendors must register with the Integrated Enterprise System (IES) at [www.vendorregistration.state.pa.us](http://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. For additional information please contact the Purchasing Office via email or phone.

**Department:** Public Welfare  
**Location:** Wernersville State Hospital, Route 422 & Sportman Road, P.O. Box 300, Wernersville, PA 19565  
**Duration:** July 1, 2006 - June 30, 2007  
**Contact:** Elsie Millington, 610-927-4700



**CN00021390** Meat and meat products for delivery July through September 2006.

**Department:** Public Welfare  
**Location:** Torrance State Hospital, Dietary Department, State Route 1014, Torrance PA 15779  
**Duration:** July through September 2006  
**Contact:** Kristina Meighan, 724 459 4678

**1146-001** Assorted dry and canned goods to be supplied to the State Correctional Institution at Dallas on an as needed basis.

**Department:** Corrections  
**Location:** State Correctional Institution, 1000 Follies Road, Dallas, PA 18612  
**Duration:** July 1, 2006 to June 30, 2007  
**Contact:** Linda Davenport, 570-674-27101

**MILK- 1146** Milk 2% - pasteurized and homogenized milk, skim plain. Packaged in 5 gallon plastic containers and 1/2 pint containers. \*\*\*\*Award is for one year\*\*\*\* Deliveries on Tuesdays and Fridays. Successful vendor to agree with monthly prices and discounts controlled by the PMMB. We are a State Institution using SAP accounting software Bulletin No. 1326 dated 19 November 2002 applies. To Include any other related item that may be required during this period.

**Department:** Corrections  
**Location:** State Correctional Institution, 1000 Follies Road, Dallas, PA 18612  
**Duration:** JULY 1, 2006 TO JUNE 30, 2007  
**Contact:** Patti Rovinski, 570-674-2722

**CN00021362** Poultry-Frozen - Please refer to DPW special instructions and conditions. 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. For additional information please contact Purchasing Office via email or phone.

**Department:** Public Welfare  
**Location:** Wernersville State Hospital, Route 422 and Sportsman Road, PO Box 300, Wernersville, PA 19565  
**Duration:** July - September 2006  
**Contact:** Elsie Millington, 610-927-4700

**06-09** Tofu

**Department:** Corrections  
**Location:** State Correctional Institution, 2500 Lisburn Road, Camp Hill, PA  
**Duration:** July 1, 2006 through June 30, 2007  
**Contact:** Donna Veigle, 717-975-5214

**06-03** Breads, and rolls

**Department:** Corrections  
**Location:** State Correctional Institution, 2500 Lisburn Road, Camp Hill, PA  
**Duration:** July 1, 2006 through June 30, 2007  
**Contact:** Donna Veigle, 717-975-5214

**06-04** Beverage, Milk 2%, 1/2 pint, low fat 2%, B.F. with Vitamin A & D added. 1/2 pint containers only.

**Department:** Corrections  
**Location:** State Correctional Institution, 2500 Lisburn Road, Camp Hill, PA  
**Duration:** July 1, 2006 through June 30, 2007  
**Contact:** Donna Veigle, 717-975-5214

**06-05** Stuffing, traditional herb bread stuffing.

**Department:** Corrections  
**Location:** State Correctional Institution, 2500 Lisburn Road, Camp Hill, PA  
**Duration:** July 1, 2006 through June 30, 2007  
**Contact:** Donna Veigle, 717-975-5214

**06-06** Poultry products - turkey, chicken products fresh and frozen.

**Department:** Corrections  
**Location:** State Correctional Institution, 2500 Lisburn Road, Camp Hill, PA  
**Duration:** July 1, 2006, through June 30, 2007  
**Contact:** Donna Veigle, 717-975-5214

**CN00021453** Vendor to provide and maintain dispensing units and bag in box syrup for non-carbonated beverages.

**Department:** Corrections  
**Location:** State Correctional Institution at Albion, 10745 Route 18, Albion, PA 16475  
**Duration:** July 1, 2006 through June 30, 2007  
**Contact:** Lesley S. Hill, 814-756-5778

**1146** Eggs, Shell, White, Grade A - Medium Class 2, weekly deliveries (Wednesday), quarterly bids. Grading certificate required with each delivery. Quantities and delivery dates to be established by the institution.

**Department:** Corrections  
**Location:** State Correctional Institution, 1000 Follies Road, Dallas, PA 18612  
**Duration:** JULY 1, 2006 through JUNE 30, 2007  
**Contact:** Patti Rovinski, 570-674-2722

**06-10** Margarine patties, margarine bulk

**Department:** Corrections  
**Location:** State Correctional Institution, 2500 Lisburn Road, Camp Hill, PA  
**Duration:** July 1, 2006 through June 30, 2007  
**Contact:** Donna Veigle, 717-975-5214

**CN00021306** Perishable Foods - Fresh Fruits and Vegetables. Prospective vendors must register with the Integrated Enterprise System (IES) at www.vendor-registration.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:** Norristown State Hospital, 1001 Sterigere Street, Norristown, PA 19401

**Duration:** Deliveries are for the time period of July, August, and September, 2006. Bid opening date/time is 6/14/06 @ 2 p.m.

**Contact:** Debbie Jones, 610-313-1025

**06-07** Seafood products. Imitation crab, breaded & unbreaded fish, etc.

**Department:** Corrections  
**Location:** State Correctional Institution, 2500 Lisburn Road, Camp Hill, PA  
**Duration:** July 1, 2006 through June 30, 2007  
**Contact:** Donna Veigle, 717-975-5214

**06-08** Meats - kielbasa, meatballs, wafer steaks, beef, ham, etc.

**Department:** Corrections  
**Location:** State Correctional Institution, 2500 Lisburn Road, Camp Hill, PA  
**Duration:** July 1, 2006 through June 30, 2007  
**Contact:** Donna Veigle, 717-975-5214

**06-11** Fresh Produce, Fruits and vegetables.

**Department:** Corrections  
**Location:** State Correctional Institution, 2500 Lisburn Road, Camp Hill, PA  
**Duration:** July 1, 2006 through June 30, 2007  
**Contact:** Donna Veigle, 717-975-5214

**DRIED/CANNED-HOU** Vendor shall supply dried/canned foodstuffs as needed and specified. MBE/WBE vendors encouraged to request bid packets. Vendor must have a valid SAP vendor # to receive bid packets.

**Department:** Corrections  
**Location:** SCI-Houtzdale, 209 Institution Drive, Houtzdale PA 16698-1000  
**Duration:** June 01, 2006 through December 2006  
**Contact:** Peggy Baughman, PA2, 814-378-1000

**HOU-CANNED/DRIED** Vendor shall supply dried/canned foodstuffs as needed and specified. MBE/WBE vendors encouraged to request bid packets. Vendor must have a valid SAP vendor # to receive bid packets.

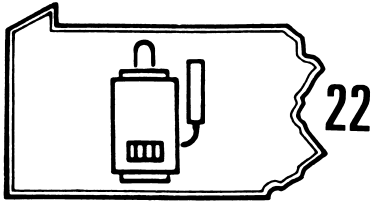
**Department:** Corrections  
**Location:** SCI-Houtzdale, 209 Institution Drive, Houtzdale PA 16698-1000  
**Duration:** June 01, 2006 through December 2006  
**Contact:** Peggy Baughman, PA2, 814-378-1000

**06-02** Shell and Frozen eggs.

**Department:** Corrections  
**Location:** State Correctional Institution, 2500 Lisburn Road, Camp Hill, PA  
**Duration:** July 1, 2006 through June 30, 2007  
**Contact:** Donna Veigle, 717-975-5214

**10106785** Produce: bi-monthly or quarterly bids will be sent out for produce needs at SCI-Forest. Approximate quantities of the following will be bid: 315 cases salad mix, chopped, iceberg lettuce (4-5 lb case); 225 bags of onions (50 Lb. bag); 234 cases of cabbage (50 lb. case); 225 cases sweet peppers (22-25 lb. case); 108 cases pascal celery (50-60# case); 18 cases broccoli florets (4-3 lb/case); 18 cases cauliflower heads (25-30# case); 54 cases tomatoes (25 LB. case); 9 cases radishes (14-1 lb/case); 27 cases cucumbers (50-55 lb case); 180 cases bananas (full hands, 40 lb case); 720 cases apples (Gold Delicious, Red, etc, 113 ct, 38-42 lb case); 720 cases oranges (38-40#case); 180 cases pears(45 lb/case); 540 EA. watermelons wt 22 LBS.(seasonal); 351 cases corn on the cob (4-5 doz/case) (seasonal); 36 bags carrots (50 lb. bags); 180 cases grapefruit (40 lb. case); 1530 cases potatoes (50 lb/case) and similar items or approved equals. Interested bidders should call to be placed on bidder's list for upcoming bids. Vendors should be registered with the Commonwealth and have a State vendor number to be able to receive bids.

**Department:** Corrections  
**Location:** State Correctional Institution at Forest, One Woodland Drive, Marienville, PA 16239  
**Duration:** June 01, 2006 to May 31, 2007  
**Contact:** Nancy Keller, 814-621-2110 x1109



### HVAC Services

**cn00021465** Plumbing services for Penndot Fulton County at the locations: Crystal springs rest area, Warfordsburg rest area, and McConnellsburg maintenance building. Quantities are estimated.

**Department:** Transportation  
**Location:** Crystal Springs, Warfordsburg, and McConnellsburg PA.  
**Duration:** 3 years  
**Contact:** Dennis L Douglas, 717-485-3515

**30119543** Breakdown, transport and install two freezers, from facility located in Altoona, PA to Ebensburg Center; Ebensburg, PA. "Prospective vendors must register with the Integrated Enterprise System (IES) at [www.vendorregistration.state.pa.us](http://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:** Ebensburg Center, 4501 Admiral Peary Highway, Rt. 22 West, PO Box 600, Ebensburg, PA 15931  
**Contact:** Marilyn A., Cartwright, 814-472-0259

**HVAC6106** Contractor to provide service of a total Maintenance Contract for HVAC System at the Gino J Merli Veterans Center. For complete specifications please send request via email to [rcasey@state.pa.us](mailto:rcasey@state.pa.us) or by fax (570)961-4400 attn Bob Casey

**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

**PR0010103877** Comprehensive service, repair, and preventive and predictive maintenance services for refrigeration equipment at the Philadelphia State Office Building.

**Department:** General Services  
**Location:** Philadelphia State Office Building, 1400 West Spring Garden Street, Philadelphia, PA 19130  
**Duration:** No earlier than July 1, 2006, and shall expire on June 30, 2009.  
**Contact:** Thomas E. Stanback, 215-560-1052

**FM9012** Provide emergency and routine repair work for the heating, air-conditioning, electrical, and plumbing systems. Contractor to respond to call within four (4) hours of receipt, either directly or via a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty of parts, where applicable, and further agree to guarantee workmanship and replacement parts provided by their firm for ninety (90) days. Materials and parts are to be billed at cost. Remarks: Bidding to be done on labor rate per hour for Mechanic and Helper plus travel.

**Department:** State Police  
**Location:** Pennsylvania State Police, Troop N, Hazleton, 250 Dessen Drive, Hazleton, PA 18201  
**Duration:** August 1, 2006 through June 30, 2009  
**Contact:** Helen Fuhrman, 717-705-5952

**FM9013** Provide emergency and routine repair work for the heating, air-conditioning, electrical, and plumbing systems. Contractor to respond to call within four (4) hours of receipt, either directly or via a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty of parts, where applicable, and further agree to guarantee workmanship and replacement parts provided by their firm for ninety (90) days. Materials and parts are to be billed at cost. Remarks: Bidding to be done on labor rate per hour for Mechanic and Helper plus travel.

**Department:** State Police  
**Location:** Pennsylvania State Police, Troop F, Montoursville, 899 Cherry Street, Montoursville, PA 17701  
**Duration:** August 1, 2006 through June 30, 2009  
**Contact:** Helen Fuhrman, 717-705-5952



### Janitorial Services

**CN00019887** Janitorial Services for the Equipment Division, 17th Street & Arsenal Blvd., Harrisburg PA 17120. This is a "Re-Bid" for Janitorial Services Contract No. CN00019887.

**Department:** Transportation  
**Location:** PA Department of Transportation, 17th Street & Arsenal Blvd., Harrisburg PA 17120  
**Duration:** Five (5) Year Contract  
**Contact:** Sherri Linen, 717-787-3959



### Laundry/Dry Cleaning & Linen/Uniform Rental

**1010-055** PA Department of Transportation in Armstrong County Kittanning is in need of vendor for rental of uniforms for 11 garage employees. Vendor must comply with specifications for uniforms.

**Department:** Transportation  
**Location:** PA Department of Transportation, Armstrong County District 10-1, 504 South Water Street, Kittanning, PA 16201-1016  
**Duration:** 3 year period  
**Contact:** Susan Carson, 724-543-0120



### Medical Services

**CN00021327** To provide electroconvulsive (ect) services at the contractor's facility. Types of service include both uni-lateral and bi-lateral treatments with anesthesia.

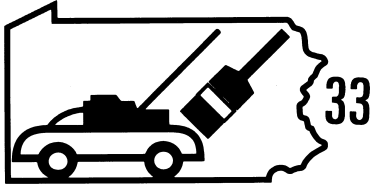
**Department:** Public Welfare  
**Location:** Mayview State Hospital, 1601 Mayview Road, Bridgeville PA 15017  
**Duration:** 07/01/2006 through 12/31/2010  
**Contact:** Vevette I. McCaskey, Purchasing Agent I, 412-257-6216

**Psy061906** Vendor to supply psychiatric and psychological services to all residents of the Gino J Merli Veteran Center. For complete specifications, email [rcasey@state.pa.us](mailto:rcasey@state.pa.us) or fax request to Bob Casey at 570-961-4400.

**Department:** Military Affairs  
**Location:** Gino J Merli Veterans Center, 401 Penn Ave., Scranton PA 18503  
**Duration:** July 1, 2006 thru June 30, 2009  
**Contact:** Robert J Casey, 570-961-4317

**CN00021375** Contractor to provide Podiatry Services as needed for Warren State Hospital patients.

**Department:** Public Welfare  
**Location:** Warren State Hospital, 33 Main Dr., N. Warren, PA 16365-5099  
**Duration:** 08/16/2006 - 06/30/2007  
**Contact:** Bobbie Muntz, PA III, 814-726-4496



### Property Maintenance

**FM 9011** Furnish all labor, materials and equipment to cut, trim and maintain grass area at the Pa State Police, Pittston Consolidated Dispatch Center (CDC), THREE (3) cuttings per month, or as required by the Officer in Charge. Detailed Work Schedule and Bid must be obtained from the Facility Management Division at 717-705-5951.

**Department:** State Police  
**Location:** Pittston CDC, 1400 Southers Road, Pittston, PA 18640  
**Duration:** 08/01/06 to 06/30/09  
**Contact:** Sandy Wolfe, 717-705-5951

**REBID DAIRY BARN CONCRETE** This is a rebid. The work is the installation of concrete curbing, cattle stalls, water bowls, steel posts and various other items. Call Peter Witmer at 717-346-9905 To arrange a site visit and for directions.

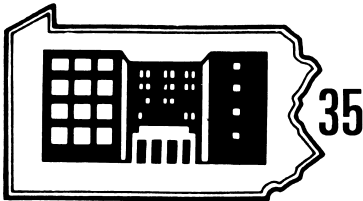
**Department:** Agriculture  
**Location:** Harrisburg State Farm  
**Duration:** 3 months  
**Contact:** Mike Mesaris, 717-787-5674



### Security Services

**CN00021245** Furnish, install and maintain a burglar alarm system, a sprinkler supervisory system and an Alarmnet Radio System or equivalent cellular communications system (including opening and closing reports), to include: control panels, keypads, hardwired transformer, cabinet enclosures, tamper kit, power supplies, SIM gateways, transformers, batteries, door contacts, long range motion detectors, wide angle motion detectors, 360 degree motion detectors, short range motion detectors, beam detector, overhead door contacts, overhead door curtains, standalone SIM modules, and room temperature devices to be located in the "pump room", main warehouse and bottle pick areas.

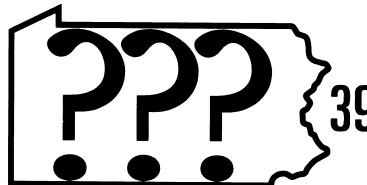
**Department:** Liquor Control Board  
**Location:** Philadelphia Distribution Center, 8201 Enterprise Avenue, Philadelphia, PA 19153-3896  
**Duration:** 5 years  
**Contact:** Nicole D. Thomas, (717) 783-2647



### Real Estate Services

**CN00021392** Rebid for Rental of Office Trailer approximately 22 feet by 56 feet. To request a bid package email to [jamiel@state.pa.us](mailto:jamiel@state.pa.us) your company name, address, contact person, phone, and fax.

**Department:** Transportation  
**Location:** 1924 Daisy Street Extension, (Corner of Route 322 and Leonard Street), Clearfield, PA 16830  
**Duration:** Approximately six months to one year.  
**Contact:** Janis Miele, 814-765-0404



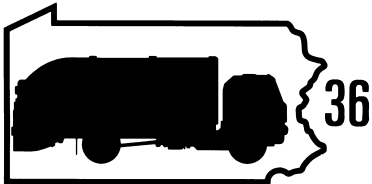
### Miscellaneous

**Timber Sale 1,2,3,4,5,6** The Department offers for sale saw timber and pulpwood stumpage on six (6) areas located at Ft Indiantown Gap, Annville, PA ranging from 2 acres to 308 acres. For a copy of the bid package, please fax your request to 717-861-2932 or e-mail to the address below. Group tours are scheduled for June 12th, 13th, 19th, and 20th. Bid opening will be Wednesday, July 12th & July 19th, 2006 at 2:00 PM.

**Department:** Military Affairs  
**Location:** Fort Indiantown Gap  
**Contact:** Eugene Ollar, 717-861-2921

**CN00021354** Quarter Lining Material Aqualine, Silon, 1.0mm, 27 wide multidirectional cut, Color: Chrome. Delivery To be in 3 shipments, 1st shipment 60 days ARO, 2nd shipment 45 days after 1st, 3rd shipment 45 days after 2nd.

**Department:** Corrections  
**Location:** Correctional Industries, SCI- Graterford, P.O. Box 246, Route 29, Graterford, PA 19426  
**Duration:** One time purchase- bid opening date: June 28, 2006 @ 4 PM  
**Contact:** Sonya Schurtz, 717-731-7134



### Sanitation

**CN00018678** Garbage/Refuse Service

**Department:** Public Welfare  
**Location:** Polk Center, Main Street, P. O. Box 94, Polk, PA 16342  
**Duration:** November 1, 2006 through June 30, 2007  
**Contact:** Marty DuPont, Purchasing Agent, 814-432-0326

**CN00018669** "Roll Off" Rectangular Dumpster, 30 cubic yard, to be used at Polk Center. Estimate: 17 loads yearly.

**Department:** Public Welfare  
**Location:** Polk Center, Main Street, P. O. Box 94, Polk, PA 16342  
**Duration:** September 1, 2006 through June 30, 2007  
**Contact:** Marty DuPont, Purchasing Agent, 814-432-0326

**CN00021409** Butler County Maint. Dist. 1020, is soliciting bids to purchase of a 8" Dri-Prime trash pump, with diesel engine, with suction hoses, discharge hoses, with cam locking fittings. As per of the bid package specifications. All vendor must be register online @[www.dgs.state.pa.us](http://www.dgs.state.pa.us) to do business with the Commonwealth of PA.

**Department:** Transportation  
**Location:** 351 New Castle Road, Butler, PA 16001  
**Duration:** December 31, 2006  
**Contact:** Andy Skunda, 724 284 8226

**CN00021471** Clandestine Methamphetamine Training in support of National Guard Counterdrug and Emergency Response Operations. This product specifications details the type of supplies and equipment intended for use by the NCTC for the Program. The successful vendor shall be required to provide all requested supplies and equipment to support the training program. For a copy of the bid package, please fax your request to 717-861-2932 or e-mail to the address below.

**Department:** Military Affairs  
**Location:** Northeast Counterdrug Training Center, Bldg. 8-80, Ft. Indiantown Gap, Annville PA 17003-5002  
**Duration:** Date of Award - 30 December 2005  
**Contact:** Brenda Lower, 717-861-2118

[Pa.B. Doc. No. 06-1371. Filed for public inspection July 14, 2006, 9:00 a.m.]

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## DESCRIPTION OF LEGEND

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|--|---|
| <p><b>1</b> Advertising, Public Relations, Promotional Materials</p> <p><b>2</b> Agricultural Services, Livestock, Equipment, Supplies &amp; Repairs: Farming Equipment Rental &amp; Repair, Crop Harvesting &amp; Dusting, Animal Feed, etc.</p> <p><b>3</b> Auctioneer Services</p> <p><b>4</b> Audio/Video, Telecommunications Services, Equipment Rental &amp; Repair</p> <p><b>5</b> Barber/Cosmetology Services &amp; Equipment</p> <p><b>6</b> Cartography Services</p> <p><b>7</b> Child Care</p> <p><b>8</b> Computer Related Services &amp; Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p><b>9</b> Construction &amp; Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p><b>10</b> Court Reporting &amp; Stenography Services</p> <p><b>11</b> Demolition—Structural Only</p> <p><b>12</b> Drafting &amp; Design Services</p> <p><b>13</b> Elevator Maintenance</p> <p><b>14</b> Engineering Services &amp; Consultation: Geologic, Civil, Mechanical, Electrical, Solar &amp; Surveying</p> <p><b>15</b> Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core &amp; Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p><b>16</b> Extermination Services</p> <p><b>17</b> Financial &amp; Insurance Consulting &amp; Services</p> <p><b>18</b> Firefighting Services</p> <p><b>19</b> Food</p> <p><b>20</b> Fuel Related Services, Equipment &amp; Maintenance to Include Weighing Station Equipment, Underground &amp; Above Storage Tanks</p> <p><b>21</b> Hazardous Material Services: Abatement, Disposal, Removal, Transportation &amp; Consultation</p> | <p><b>22</b> Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental &amp; Repair</p> <p><b>23</b> Janitorial Services &amp; Supply Rental: Interior</p> <p><b>24</b> Laboratory Services, Maintenance &amp; Consulting</p> <p><b>25</b> Laundry/Dry Cleaning &amp; Linen/Uniform Rental</p> <p><b>26</b> Legal Services &amp; Consultation</p> <p><b>27</b> Lodging/Meeting Facilities</p> <p><b>28</b> Mailing Services</p> <p><b>29</b> Medical Services, Equipment Rental and Repairs &amp; Consultation</p> <p><b>30</b> Moving Services</p> <p><b>31</b> Personnel, Temporary</p> <p><b>32</b> Photography Services (includes aerial)</p> <p><b>33</b> Property Maintenance &amp; Renovation—Interior &amp; Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning &amp; Planting, etc.)</p> <p><b>34</b> Railroad/Airline Related Services, Equipment &amp; Repair</p> <p><b>35</b> Real Estate Services—Appraisals &amp; Rentals</p> <p><b>36</b> Sanitation—Non-Hazardous Removal, Disposal &amp; Transportation (Includes Chemical Toilets)</p> <p><b>37</b> Security Services &amp; Equipment—Armed Guards, Investigative Services &amp; Security Systems</p> <p><b>38</b> Vehicle, Heavy Equipment &amp; Powered Machinery Services, Maintenance, Rental, Repair &amp; Renovation (Includes ADA Improvements)</p> <p><b>39</b> Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
|--|---|

JAMES P. CREEDON,  
*Secretary*

# Title 61—REVENUE

## DEPARTMENT OF REVENUE

### [61 PA. CODE CH. 1001]

[Correction]

#### **Pennsylvania Gaming Cash Flow Management; Temporary Regulations**

An error occurred in the document which appeared at 36 Pa.B. 3450, 3452 (July 1, 2006), in which the Department of Revenue adopted a temporary regulation in § 1001.5(b)(5)(iv) (relating to administration and distribution of moneys held by licensed gaming entities and the Commonwealth). The number of banking days in the first sentence of subparagraph (iv) was reflected inaccurately. It should have read "within 15 banking days."

The correct version of § 1001.5(b)(5)(iv) is as follows, with ellipses referring to the existing text of that section:

#### **Annex A**

#### **TITLE 61. PENNSYLVANIA GAMING CASH FLOW MANAGEMENT**

#### **CHAPTER 1001. PENNSYLVANIA GAMING CASH FLOW MANAGEMENT**

#### **GENERAL PROVISIONS**

**§ 1001.5. Administration and distribution of moneys held by licensed gaming entities and the Commonwealth.**

\* \* \* \* \*

(b) *Deposits and transfers to Treasury by licensed gaming entities.*

\* \* \* \* \*

(5) The administration of assessments will be as follows:

\* \* \* \* \*

(iv) *Distributions of local share assessments to municipalities.* If a licensed gaming entity fails to reach the requisite annual minimum distribution as required under the act within 15 banking days following the end of the municipality's fiscal year, the Department will notify the licensed gaming entity of the shortfall and the amount to be remitted. A licensed gaming entity shall remit the difference required to meet the requisite annual minimum distribution as required under the act within 15 banking days following the end of the municipality's fiscal year. The licensed gaming entity shall remit the required payment to the Department for distribution in accordance with the act. Distributions specified in this chapter shall be made by the licensed gaming entity to the Department or the respective municipality, no later than 15 banking days from the Department's notice of the shortfall.

\* \* \* \* \*

[Pa.B. Doc. No. 06-1258. Filed for public inspection June 30, 2006, 9:00 a.m.]

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