

PENNSYLVANIA BULLETIN

Volume 36

Number 29

Saturday, July 22, 2006 • Harrisburg, PA

Pages 3791—3966

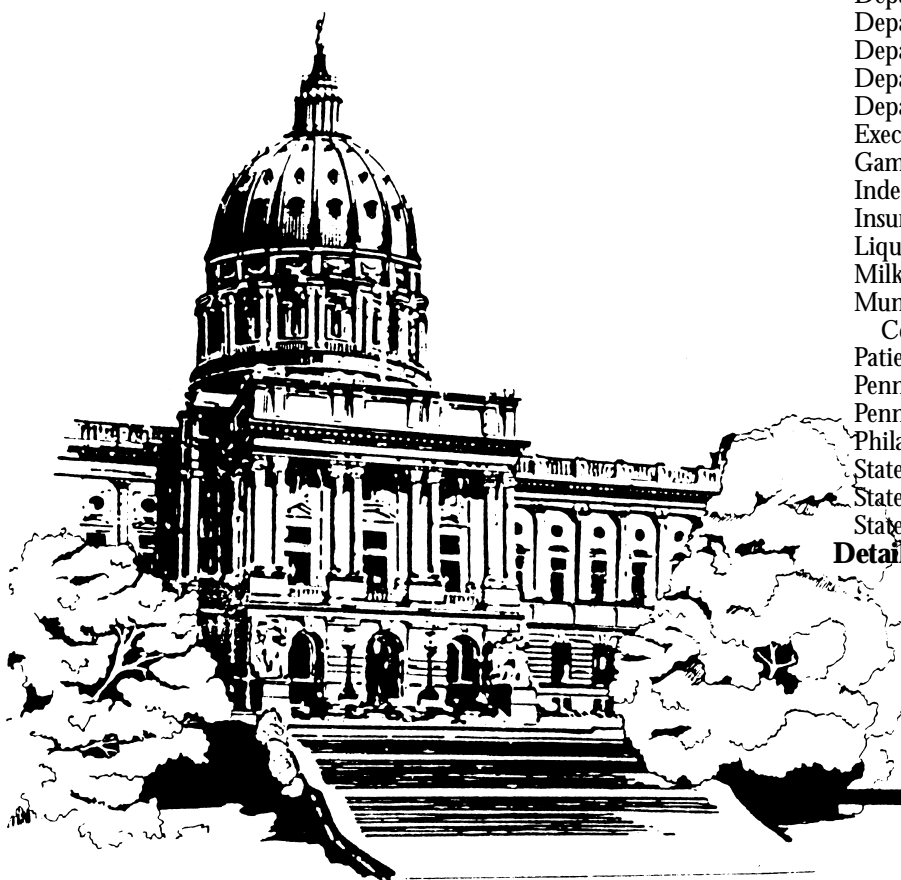
See Part II page 3939
for the Pennsylvania Gaming
Control Board's Temporary
Regulations and Statement of Policy

Part I

Agencies in this issue

The Governor
The General Assembly
The Courts
Department of Banking
Department of Community and Economic
Development
Department of Environmental Protection
Department of Health
Department of Labor and Industry
Department of Revenue
Department of Transportation
Executive Board
Game Commission
Independent Regulatory Review Commission
Insurance Department
Liquor Control Board
Milk Marketing Board
Municipal Police Officers' Education and Training
Commission
Patient Safety Authority
Pennsylvania Gaming Control Board
Pennsylvania Public Utility Commission
Philadelphia Regional Port Authority
State Board of Education
State Employees' Retirement Board
State Board of Psychology

Detailed list of contents appears inside.



PRINTED ON 100% RECYCLED PAPER



**Latest Pennsylvania Code Reporter
(Master Transmittal Sheet):**

No. 380, July 2006

CUT ON DOTTED LINES AND ENCLOSE IN AN ENVELOPE

CHANGE NOTICE

If information on mailing label is incorrect, please make changes in space provided below and mail to:

FRY COMMUNICATIONS, INC.

Attn: *Pennsylvania Bulletin*

800 W. Church Rd.

Mechanicsburg, PA 17055-3198

CUSTOMER NUMBER (6 digit number above name)

NAME OF INDIVIDUAL

OFFICE NAME—TITLE

ADDRESS (Number and Street)

(City)

(State)

(Zip Code)

TYPE OR PRINT LEGIBLY

PENNSYLVANIA



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.

Postmaster send address changes to:

FRY COMMUNICATIONS

Attn: *Pennsylvania Bulletin*

800 W. Church Rd.

Mechanicsburg, Pennsylvania 17055-3198

(717) 766-0211 ext. 2340

(800) 334-1429 ext. 2340 (toll free, out-of-State)

(800) 524-3232 ext. 2340 (toll free, in State)

Orders for subscriptions and other circulation matters should be sent to:

Fry Communications, Inc.

Attn: *Pennsylvania Bulletin*

800 W. Church Rd.

Mechanicsburg, PA 17055-3198

Copyright © 2006 Commonwealth of Pennsylvania

Editorial preparation, composition, printing and distribution of the *Pennsylvania Bulletin* is effected on behalf of the Commonwealth of Pennsylvania by FRY COMMUNICATIONS, Inc., 800 W. Church Road, Mechanicsburg, Pennsylvania 17055-3198.

CONTENTS

THE GOVERNOR

Notice of veto (2 documents)..... 3800, 3801

THE GENERAL ASSEMBLY

Recent actions during the 2006 regular session of the General Assembly..... 3802

COMMISSION ON SENTENCING

Meetings scheduled 3806

THE COURTS

ALLEGHENY COUNTY RULES

Allegheny County

Local rule of criminal procedure 117; administrative docket no. 247-2006, criminal division no. 3-2006..... 3812

JUDICIAL SYSTEM GENERAL PROVISIONS

Amendments to the Pennsylvania rules of professional conduct and the Pennsylvania rules of disciplinary enforcement relating to safekeeping property and funds of clients and third persons—mandatory overdraft notification; notice of change in comment due date..... 3807

LOCAL COURT RULES

Blair County

Administrative order; no. 2006 GN 3575 3812

MINOR COURT CIVIL RULES

Order approving the revision to the official note to rule 1201 and amending rule 1202 of the rules of conduct, office standards and civil procedure for magisterial district judges; no. 232 magisterial doc. no. 1..... 3810

RULES OF CIVIL PROCEDURE

New rule 204.1 governing format of legal papers; no. 459 civil procedural rules; doc. no. 5..... 3807

RULES OF CRIMINAL PROCEDURE

Order amending rule 575; no. 347 criminal procedural rules; doc. no. 2..... 3808

EXECUTIVE AGENCIES

DEPARTMENT OF BANKING

Notices

Action on applications 3842
 Maximum lawful rate of interest for residential mortgages for the month of August 2006 3843

DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

Proposed Rulemaking

Industrial housing and components 3820

Notices

Manufactured housing installation program approved training curriculum for building code officials 3844

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices

Applications, actions and special notices..... 3844
 Availability of the technical guidance..... 3910
 State Water Plan; Statewide Water Resources Committee; Critical Water Planning Area Subcommittee meeting..... 3910

DEPARTMENT OF HEALTH

Notices

Chronic Renal Disease Advisory Committee meeting..... 3910
 Decisions on requests for exceptions to health care facility regulations..... 3911
 Governor's Advisory Council on Physical Fitness and Sports Committee meeting 3916
 Requests for exception; long-term care nursing facilities..... 3916
 Traumatic Brain Injury Advisory Board meeting 3916

DEPARTMENT OF LABOR AND INDUSTRY

Proposed Rulemaking

Registration of sign language interpreters and transliterators..... 3822

DEPARTMENT OF REVENUE

Notices

Pennsylvania Sterling Silver instant lottery game..... 3916

DEPARTMENT OF TRANSPORTATION

Rules and Regulations

Emissions inspection program 3817
 Corrective amendment to 67 Pa. Code § 177.602(a) . 3815

Notices

Finding 3919

EXECUTIVE BOARD

Statements of Policy

Reorganizations:
 Department of Health..... 3829
 Department of Labor and Industry..... 3829
 Department of Public Welfare 3829
 State Police 3829

GAME COMMISSION

Rules and Regulations

Hunting and furtaker licenses 3813

INDEPENDENT REGULATORY REVIEW COMMISSION

Notices

Actions taken by the commission 3919
 Notice of comments issued 3921
 Notice of filing of final rulemakings 3922

Now Available Online at <http://www.pabulletin.com>

INSURANCE DEPARTMENT

Notices

Eligible surplus lines insurer list 3923
 GEICO General Insurance Company; automobile,
 motorcycle and umbrella liability manual revision;
 rate filing 3929

LIQUOR CONTROL BOARD

Notices

Expiration of leases 3929

MILK MARKETING BOARD

Notices

Hearing and presubmission schedule for all milk
 marketing areas; paper containers 3930

**MUNICIPAL POLICE OFFICERS' EDUCATION AND
 TRAINING COMMISSION**

Proposed Rulemaking

Administration of the training program 3828

PATIENT SAFETY AUTHORITY

Notices

Public meeting 3930

PENNSYLVANIA GAMING CONTROL BOARD

Temporary Regulations

Temporary regulations (3 documents) ... 3939, 3943, 3945
 Temporary regulations:
 Emergency orders 3940

Employee status report and notice of employee
 misconduct and offenses 3952
 Labor organizations 3951
 Slot machines 3954
 Supplier licenses 3948

Statements of Policy

Digital video recording formats 3965

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Notices

Service of notice of motor carrier applications 3931
 Telecommunications service (2 documents) ... 3932, 3933
 Wastewater service 3933
 Water service (2 documents) 3933

PHILADELPHIA REGIONAL PORT AUTHORITY

Notices

Request for bids 3934

STATE BOARD OF EDUCATION

Notices

Approval of PSSA performance level descriptors,
 performance level cut scores and assessment
 anchor content standards 3934

STATE EMPLOYEES' RETIREMENT BOARD

Notices

Hearings scheduled 3936

STATE BOARD OF PSYCHOLOGY

Rules and Regulations

Corrective amendment to 49 Pa. Code § 41.31(b)(1) . 3813

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.

**SUBSCRIPTION INFORMATION: (717) 766-0211
GENERAL INFORMATION AND FINDING AIDS: (717) 783-1530**

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.

Reproduction, Dissemination or Publication of Information

Third parties may not take information from the *Pennsylvania Code* and *Pennsylvania Bulletin* and reproduce, disseminate or publish such information except as provided by 1 Pa. Code § 3.44. 1 Pa. Code § 3.44 reads as follows:

§ 3.44. General permission to reproduce content of Code and Bulletin.

Information published under this part, which information includes, but is not limited to, cross references, tables of cases, notes of decisions, tables of contents, indexes, source notes, authority notes, numerical lists and codification guides, other than the actual text of rules or regulations may be reproduced only with the written consent of the Bureau. The information which appears on the same leaf with the text of a rule or regulation, however, may be incidentally reproduced in connection with the reproduction of the rule or regulation, if the reproduction is for the private use of a subscriber and not for resale. There are no other restrictions on the reproduction of information published under this part, and the Commonwealth hereby consents to a reproduction.

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.

4 Pa. Code (Administration)

Adopted Rules

1	1741
6	378, 381, 1039
7	1633
161	194
241	2515
243	2516
249	2517

Statements of Policy

9	29, 397, 724, 1049, 2730, 3565, 3669, 3829
114	2017

7 Pa. Code (Agriculture)

Adopted Rules

128b	3231
------	------

Proposed Rules

49	936
130e	288
145	2016

Statements of Policy

130e	196
------	-----

12 Pa. Code (Commerce, Trade and Local Government)

Adopted Rules

141	283
149	3087

Proposed Rules

143	559
145	3820

22 Pa. Code (Education)

Adopted Rules

4	3528
31	3650
49	3655
171	1645

Proposed Rules

4	2981
11	2981
12	2981
36	3280
339	560
405	3253

25 Pa. Code (Environmental Protection)

Adopted Rules

78	465
83	2636
93	1648
109	465
252	465
261a	705
901	2391
1021	709

Proposed Rules

121	715, 1991
123	3185

126	715
127	1991, 3275
245 (with correction)	1851, 2016
803	3547
804	3547
805	3547

Statements of Policy

16	3117
----	------

28 Pa. Code (Health and Safety)

Adopted Rules

25	1218
----	------

31 Pa. Code (Insurance)

Adopted Rules

73	3665
84a	3667

Proposed Rules

73	391
84a	392
118a	3276

34 Pa. Code (Labor and Industry)

Adopted Rules

3	514
3a	514

Proposed Rules

127	2913
501	3822

Statements of Policy

67	957
----	-----

37 Pa. Code (Law)

Adopted Rules

81	1495
----	------

Proposed Rules

95	3094
203	3828

Statements of Policy

200	957, 2282
-----	-----------

49 Pa. Code (Professional and Vocational Standards)

Adopted Rules

1	1496
17	532
19 (with correction)	536, 714
21	2396, 2402, 2667, 2673
25	3236
27	2518, 3237
29	2675
39	2678
41	2680, 3813
45	1648

Proposed Rules

7	1229, 1231
16	1233, 2411
17	1233

18 2411
 31 578, 1240
 36 2530

52 Pa. Code (Public Utilities)

Adopted Rules

1 2097, 2281
 3 2097, 2281
 5 2097, 2281, 2971
 59 3092
 62 1748

Proposed Rules

54 956
 57 956
 63 1044, 1886, 1897
 64 1897
 71 1897
 73 1897
 75 571, 942

Proposed Statements of Policy

69 824

55 Pa. Code (Public Welfare)

Adopted Rules

601 285
 1187 3207
 1189 3207

Proposed Rules

20 3539
 168 3262
 1181 3539
 2380 3539
 2390 3539
 3130 3539
 3140 3539
 3270 2686, 3539
 3280 2686, 3539
 3290 2686, 3539
 3300 2686
 3680 3539
 3700 3539
 6400 3539
 6500 3539

58 Pa. Code (Recreation)

Adopted Rules

63 1124, 1126
 65 1126
 131 2971
 137 2972
 139 2971, 3244
 141 1990, 2973, 2974, 2975, 3250, 3251
 143 2976, 3813
 147 194, 2976, 2977, 2978, 2979, 3251

Proposed Rules

53 1220
 61 1656, 2708
 63 1220, 1655, 2708
 65 1655, 1656, 2708
 69 2708
 71 1655
 73 1655
 77 1220
 79 1220, 2724
 131 12, 1498
 135 3275
 139 12, 13

141 19, 20, 21, 22, 1400, 1498, 2529
 143 23, 2727
 147 23, 25, 26, 27, 1401
 163 2173

Temporary Regulations

401 679, 909, 1347, 1577, 2615, 2899, 3407, 3939
 403 3940, 3943
 405 2899, 3407, 3939, 3943, 3945
 421 909, 2615, 2899, 3407, 3939, 3943, 3945
 423 681, 1347, 3939, 3945
 431 3948
 435 2615, 2900, 3939, 3943
 436 3409
 437 909, 3411
 438 3951
 440 679
 441 679, 681, 909, 2899, 3407, 3413, 3939, 3945, 3952
 443 3407
 461 3416, 3954
 463 1577
 465 910, 1347, 1577, 3407, 3416, 3954
 466 3416
 467 3954
 481 1347
 491 3943
 492 1578
 493 1578, 3440, 3939, 3943
 494 1578, 2899, 3407
 499 2615, 2899
 501 3407
 503 2902
 511 2905
 513 3441

Statements of Policy

461a 3442, 3965
 465a 919, 1586
 466a 3447

61 Pa. Code (Revenue)

Adopted Rules

31 2525
 46 2525
 60 2525
 111 822
 875 2406

Temporary Regulations

1001 (with correction) 3450, 3789

Statements of Policy

9 3673
 60 1130
 125 (with correction) 959, 1130
 170 1403, 3673

64 Pa. Code (Securities Commission)

Proposed Rules

203 3542
 205 3542
 207 3542
 209 3542
 210 3542
 303 3542
 504 3542
 602 3542
 603 3542
 604 3542
 609 3542
 1001 3542

67 Pa. Code (Transportation)

Adopted Rules

63 2684
 86 1128
 177 3815, 3817
 201 537
 203 537
 204 537
 211 (with correction) 537, 714
 212 537
 217 537

Proposed Rules

105 12
 457 3273

204 Pa. Code (Judicial System General Provisions)

Adopted Rules

71 1642
 81 173, 3807
 83 1490, 1642, 1745, 3646, 3807
 85 929
 87 929
 89 2368
 91 929, 1490
 93 929, 1490, 2368
 207 1491

Proposed Rules

81 2801
 83 1363, 2801

207 Pa. Code (Judicial Conduct)

Adopted Rules

21 1213
 33 2954
 51 1367, 2954

210 Pa. Code (Appellate Procedure)

Adopted Rules

67 1745, 2171, 3646

225 Pa. Code (Rules of Evidence)

Adopted Rules

ART. I 384
 ART. IV 384, 1213

231 Pa. Code (Rules of Civil Procedure)

Adopted Rules

200 272, 1745, 3085, 3807
 1000 1745
 1300 174, 693, 2629
 1350 693
 1400 693
 1480 693

1900 2369
 1910 2629
 3000 176

Proposed Rules

200 272, 934, 3521
 1000 510
 1900 1369
 1910 10, 273, 385, 1381
 1920 273
 1930 693
 2250 272
 3000 386, 3523

234 Pa. Code (Rules of Criminal Procedure)

Adopted Rules

1 181, 694
 2 3085
 3 1385
 4 1385, 1396
 5 181, 694, 1385, 1397, 2279, 2631, 3808
 6 1385
 7 1396
 10 1385, 2631

Proposed Rules

4 2505
 5 814

237 Pa. Code (Juvenile Rules)

Adopted Rules

1 186
 3 186
 6 186
 8 186

246 Pa. Code (Minor Court Civil Rules)

Adopted Rules

200 2955
 300 2955
 400 2955
 500 2955
 1200 3810

249 Pa. Code (Philadelphia Rules)

Unclassified 188, 512, 815, 1643, 1843, 1846

252 Pa. Code (Allegheny Rules)

Unclassified 3812

255 Pa. Code (Local Court Rules)

Unclassified 189, 388, 512, 935, 1043, 1216, 1399, 1491, 1644, 1850, 1986, 2171, 2280, 2381, 2512, 2513, 2960, 2969, 2970, 3086, 3230, 3525, 3526, 3646, 3647, 3648, 3649, 3812

THE GOVERNOR

Notice of Veto

*To the Honorable, the House of Representatives
of the Commonwealth of Pennsylvania*

July 11, 2006

I am returning herewith, without my approval, House Bill 1195.

I take this action because I believe that the current law more appropriately targets limited state resources to underground storage tanks that pose environmental hazards in our communities. This bill expands the purview of this program in a manner that may add little to our efforts to improve environmental quality, and may result in substantial fee increases on our service stations and other entities' assessed fees under the Storage Tank and Spill Prevention Act in connection with the Underground Storage Tank Indemnification Fund (USTIF).

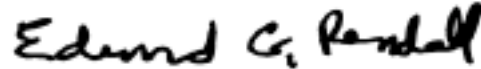
Current law provides that the purpose of the USTIF is to prevent pollution by reimbursing storage tank owners for removing regulated substances from substandard underground storage tanks and sealing these tanks. Given the limited funds in the USTIF, the expansion as provided for in House Bill 1195 may cause a backlog in remediation of truly hazardous tanks.

More troublesome is the expansion of benefits under the USTIF program to retroactively increase the \$1,000,000 limit for remediation costs that was in effect until December 2001. Without revenue to support this expense there are serious financial implications for existing claimants. Identifying which tanks may be eligible and the amount of funding assigned for each tank will also be costly and, perhaps, litigious.

House Bill 1195 also removes the word "underground" from Section 710 of the Act. As a result, the bill includes aboveground heating oil storage tanks under the Underground Storage Tank Environmental Cleanup Program. The expansive new language will mean that those paying the fees to the underground tank fund could now be supporting efforts to remediate aboveground tanks that currently are not regulated, and whose owners are not contributing fees to the fund. Not only would this change require creation of an entirely new program, including significant alterations to the current administrative operations of DEP and possibly USTIF, it may have the unintended consequence of making every home fuel tank eligible for USTIF remediation resources.

The USTIF is required to assess fees in a manner that ensures that the fund is actuarially sound. Removal of funds for any purpose other than those approved when the annual actuarial review is conducted could lead to the USTIF being under-funded, potentially resulting in increased fees for underground storage tank owners and decreased funding for other programs funded at USTIF's discretion. To ensure there is no disruption in other USTIF programs, and to meet the requirements of House Bill 1195 should it become law, the USTIF Board may have to increase assessments on gasoline and diesel fuel, which will be borne by the tank owners, operators, installers and, ultimately, the public through increased fuel costs. As gas prices are extremely unstable, I cannot in good conscience sign this legislation, which will potentially drive the price of fuel even higher.

For the reasons set forth above, I am withholding my signature from House Bill 1195.



Governor

[Pa.B. Doc. No. 06-1259. Filed for public inspection July 21, 2006, 9:00 a.m.]

Notice of Veto

*To the Honorable, the House of Representatives
of the Commonwealth of Pennsylvania*

July 11, 2006

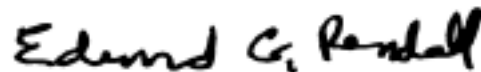
I am returning herewith, without my approval, House Bill 1928.

Under current law, the Pennsylvania Department of Transportation and local authorities have discretionary authority to issue special permits to move modular housing undercarriages subject to statutory limitations, which expressly prohibit movement of these undercarriages at night. The Vehicle Code provides that modular housing undercarriages may only drive our roads between 9:00 am and sunset Monday through Thursday, and between 9:00 am and noon Friday.

House Bill 1928 would allow for permits to be issued for movement of modular housing undercarriages 24 hours a day, seven days a week, except that permits could not be issued for movement during a holiday period or during inclement weather. The bill also permits the carrying of up to three empty modular housing undercarriages stacked on top of another empty modular housing undercarriage if securely fastened.

Signing this bill into law, and thereby allowing by statute the movement of oversized modular housing undercarriages at night, is simply a threat to public safety. Currently, modular housing undercarriages are not subject to Vehicle Code requirements for lighting, safety equipment, or safety inspections; therefore, movement of modular housing undercarriages in darkness, without adherence to established lighting requirements, would be especially dangerous. Additionally, the width of these vehicles, which is approximately 14 to 16 feet, makes them particularly hazardous since they exceed standard lane width. This may result in modular housing undercarriages infringing on the travel lane of opposing traffic and creating an unexpected incursion. It should be noted that current commonwealth law *does not* permit any other vehicle of this size or width to be operated at night under these circumstances.

For the reasons set forth above, I am withholding my signature from House Bill 1928.



Governor

[Pa.B. Doc. No. 06-1260. Filed for public inspection July 21, 2006, 9:00 a.m.]

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>
2006 GENERAL ACTS OF REGULAR SESSION ENACTED—ACT 066 through 113					
066	Jul 5	HB1992	PN4516	Immediately	Fiscal Code—omnibus amendments
067	Jul 6	SB0300	PN1986	Immediately*	Tax Reform Code of 1971—omnibus amendments
068	Jul 7	HB0030	PN0033	Immediately	Workers' Compensation Act—compensation to widows, widowers and children
069	Jul 7	HB0247	PN4415	Immediately*	Health Care Facilities Act—licensure of home care agencies and home care registries, consumer protections, inspections and plans of correction and applicability of act
070	Jul 7	HB0248	PN4277	60 days	Vehicle Code (75 Pa.C.S.)—legislative review of State highway transfers and allocation of proceeds from taxes for highway maintenance and construction
071	Jul 7	HB0456	PN1074	60 days	Crimes Code (18 Pa.C.S.) and Judicial Code (42 Pa.C.S.)—terrorism offenses, controlled substances forfeitures, terrorism forfeitures, procedure with respect to seized property subject to liens and rights of lienholders and penalties
072	Jul 7	HB0496	PN4210	60 days	Crimes Code (18 Pa.C.S.) and Judicial Code (42 Pa.C.S.)—destruction of survey monument and actions relating to land surveying
073	Jul 7	HB0509	PN4505	60 days	Public School Code of 1949—campus police powers and duties
074	Jul 7	HB0801	PN4514	Immediately*	Administrative Code of 1929—fees charged by Insurance Department and establishment of Cervical Cancer Task Force
075	Jul 7	HB1320	PN4308	60 days	Fish and Boat Code (30 Pa.C.S.)—restriction of transport, sale, importation or release of non-native injurious fish
076	Jul 7	HB1326	PN4044	Immediately	At-Risk Elderly Wireless Emergency Telephone Program Act—enactment
077	Jul 7	HB1528	PN4309	90 days	Agriculture Code (3 Pa.C.S.) and Game and Wildlife Code (34 Pa.C.S.)—licenses and fees relating to taxidermists
078	Jul 7	HB1632	PN4284	60 days	Unfair Insurance Practices Act—further defining “abuse,” “unfair methods of competition” and “unfair or deceptive acts or practices”
079	Jul 7	HB1641	PN4392	120 days	Fish and Boat Code (30 Pa.C.S.) and Vehicle Code (75 Pa.C.S.)—boat and marine forfeiture, powers and duties of Pennsylvania Fish and Boat Commission and Department of Transportation and boat, marine equipment and watercraft trailer forfeiture
080	Jul 7	HB1725	PN3757	60 days	Local Tax Collection Law—omnibus amendments

<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>
081	Jul 7	HB1746	PN4389	7 days	Judicial Code (42 Pa.C.S.)—fees and charges, time limitations for other offenses, inspection of court files and records, law enforcement records and expiration of provisions on access to justice
082	Jul 7	HB2295	PN3734	60 days	Vehicle Code (75 Pa.C.S.)—special registration plate for recipients of Korean Defense Service Medal
083	Jul 7	HB2317	PN4338	Immediately	Capital Budget Project Itemization Act of 2005-2006—enactment
084	Jul 7	HB2376	PN4310	Immediately*	Liquor Code—omnibus amendments
085	Jul 7	HB2383	PN4459	Immediately	Liquor Code—Bureau of Alcohol Education reports to General Assembly and special occasion permits
086	Jul 7	HB2425	PN3822	60 days	Requirements for valid recording of documents
087	Jul 7	HB2437	PN3506	60 days	Military and Veterans Code (51 Pa.C.S.)—amounts of part-time student assistance grants
088	Jul 7	HB2441	PN3510	60 days	Procurement (62 Pa.C.S.)—electronic bidding by local government units
089	Jul 7	HB2627	PN4053	Immediately	Retroactivity of death benefit eligibility for firefighters, ambulance service or rescue squad members, law enforcement officers or National Guard members killed in line of duty
090	Jul 7	HB2633	PN4282	60 days	Cpl. Victor Kozares, D.S.C., Bridge—designation
091	Jul 7	HB2740	PN4349	60 days	Sergeant Carl F. Curran II Memorial Bridge—designation
092	Jul 7	HB2802	PN4393	Immediately	Sign Language Interpreter and Transliterator State Registration Act—State registration requirements
093	Jul 7	SB0082	PN1983	30 days	American, Commonwealth and Military Flag Act—enactment
094	Jul 7	SB0151	PN0137	60 days	Public School Code of 1949—State Report Card
095	Jul 7	SB0243	PN1836	Jan. 1, 2007	Enforcement Officer Disability Benefits Law—payment of salary, medical and hospital expenses to sheriffs and deputy sheriffs under certain circumstances
096	Jul 7	SB0332	PN1777	60 days	Domestic Relations Code (23 Pa.C.S.)—foreign decree of adoption
097	Jul 7	SB0651	PN1987	Immediately	Library Code—omnibus amendments
098	Jul 7	SB0660	PN1969	Immediately*	Probate, Estates and Fiduciary Code (20 Pa.C.S.)—Uniform Trust Act, and rule against perpetuities
099	Jul 7	SB0707	PN1971	60 days	Cosmetology Law—omnibus amendments
100	Jul 7	SB0775	PN1795	60 days	Interstate Compact for the Supervision of Adult Offenders Act—application fee and collection and use of application fee
101	Jul 7	SB0809	PN1958	60 days	Second Class Township Code—organization meeting and appointment of secretary and treasurer, duties of township supervisors, county association, and State Association of Township Supervisors
102	Jul 7	SB0868	PN1970	Immediately	Forest Reserves Municipal Financial Relief Law—distribution of annual charge

<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>
103	Jul 7	SB0874	PN1914	Immediately	Highway-Railroad and Highway Bridge Capital Budget Supplemental Act for 2005-2006—enactment
104	Jul 7	SB1007	PN1650	60 days	Insurance Company Law of 1921—fire insurance contracts and standard policy provisions to exclude damage caused by terrorism
105	Jul 7	SB1043	PN1944	60 days	Military and Veterans Code (51 Pa.C.S.)—association group life insurance for Pennsylvania National Guard and tuition costs and fees for children and spouses of deceased soldiers
106	Jul 7	SB1114	PN1782	60 days	Second Class Township Code—county associations and appropriations by townships to counties for land acquisitions
107	Jul 7	SB1169	PN1756	60 days	Pennsylvania State Police Cpl. Joseph R. Pokorny, Jr., Memorial Highway—designation
108	Jul 7	SB1179	PN1982	60 days	Pennsylvania Construction Code Act—training of inspectors and exemptions
109	Jul 7	SB1205	PN1869	60 days	Domestic Relations Code (23 Pa.C.S.)—insurance proceeds intercept and State disbursement unit
110	Jul 7	SB1224	PN1955	60 days	Conservation District Law—Commonwealth appropriations
111	Jul 7	SB1188	PN1985	Immediately*	State Lottery Law—omnibus amendments
112	Jul 9	SB1090	PN1973	Immediately	Minimum Wage Act of 1968—federal changes in wage rates and preemption
113	Jul 10	HB0804	PN4503	60 days	Vehicle Code (75 Pa.C.S.)—omnibus amendments
2006 APPROPRIATION ACTS OF REGULAR SESSION ENACTED—ACT 010A through 039A					
010A	Jul 7	HB2504	PN4465	Immediately	Pennsylvania State University—education and general expenses, agricultural research and extension services, Pennsylvania College of Technology and debt service related to Williamsport Area Community College
011A	Jul 7	HB2505	PN4466	Immediately	University of Pittsburgh—education and general expenses, student life initiatives, Western Psychiatric Institute and Clinic, recruitment and retention of disadvantaged students, and rural education outreach
012A	Jul 7	HB2506	PN4467	Immediately	Temple University—education and general expenses and recruitment and retention of disadvantaged students
013A	Jul 7	HB2507	PN4468	Immediately	Lincoln University—education and general expenses
014A	Jul 7	HB2508	PN4469	Immediately	Drexel University—instruction and student aid
015A	Jul 7	HB2509	PN4470	Immediately	University of Pennsylvania—dental clinics, doctor of medicine program, veterinary activities, center for infectious disease and cardiovascular studies

<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>
016A	Jul 7	HB2510	PN4471	Immediately	Philadelphia Health and Education Corporation—Colleges of Medicine, Public Health, Nursing and Health professions, continuation of pediatric services and handicapped student aid and children's clinic
017A	Jul 7	HB2511	PN4472	Immediately	Thomas Jefferson University—instruction in doctor of medicine program, maintenance, College of Allied Health Sciences, student aid, Children's Heart Hospital and Tay-Sachs Disease
018A	Jul 7	HB2512	PN4473	Immediately	Philadelphia College of Osteopathic Medicine—instruction in doctor of osteopathy program
019A	Jul 7	HB2513	PN4474	Immediately	Lake Erie College of Osteopathic Medicine—instruction in doctor of osteopathy program
020A	Jul 7	HB2514	PN4475	Immediately	Pennsylvania College of Optometry—instruction
021A	Jul 7	HB2515	PN4476	Immediately	University of the Arts, Philadelphia—instruction and student aid
022A	Jul 7	HB2516	PN4477	Immediately	Berean Training and Industrial School—operation and maintenance expenses
023A	Jul 7	HB2517	PN4478	Immediately	Johnson Technical Institute of Scranton—operation and maintenance expenses
024A	Jul 7	HB2518	PN4479	Immediately	Williamson Free School of Mechanical Trades—operation and maintenance expenses
025A	Jul 7	HB2519	PN3699	Immediately	Fox Chase Institute for Cancer Research—operation and maintenance of cancer research program
026A	Jul 7	HB2520	PN3700	Immediately	Wistar Institute—operation and maintenance expenses and AIDS research
027A	Jul 7	HB2521	PN3701	Immediately	Central Penn Oncology Group—operation
028A	Jul 7	HB2522	PN4480	Immediately	Lancaster Cleft Palate—outpatient-inpatient treatment
029A	Jul 7	HB2523	PN3703	Immediately	Burn Foundation, Philadelphia—outpatient and inpatient treatment
030A	Jul 7	HB2524	PN3704	Immediately	Children's Institute—treatment and rehabilitation of certain persons with disabling diseases
031A	Jul 7	HB2525	PN3705	Immediately	Children's Hospital of Philadelphia—comprehensive patient care and general maintenance and operation
032A	Jul 7	HB2526	PN3706	Immediately	Beacon Lodge Camp—services to the blind
033A	Jul 7	HB2527	PN4481	Immediately	Carnegie Museums of Pittsburgh—operations and maintenance expenses and purchase of apparatus, supplies and equipment
034A	Jul 7	HB2528	PN4482	Immediately	Franklin Institute Science Museum—maintenance expenses
035A	Jul 7	HB2529	PN4483	Immediately	Academy of Natural Sciences—maintenance expenses
036A	Jul 7	HB2530	PN4484	Immediately	African-American Museum—operating expenses
037A	Jul 7	HB2531	PN4485	Immediately	Everhart Museum—operating expenses

<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>
038A	Jul 7	HB2532	PN4486	Immediately	Mercer Museum—operating expenses
039A	Jul 7	HB2533	PN4487	Immediately	Whitaker Center for Science and the Arts—operating expenses

*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. 06-1261. Filed for public inspection July 21, 2006, 9:00 a.m.]

COMMISSION ON SENTENCING

Meetings Scheduled

The Commission on Sentencing announces the following public meetings to be held at The Four Seasons Hotel, One Logan Square, Philadelphia, PA 19013:

Tuesday, August 8, 2006	Dinner/Work Session	7 p.m.
Wednesday, August 9, 2006	Quarterly Commission Mtg.	9 a.m.

MARK H. BERGSTROM,
Executive Director

[Pa.B. Doc. No. 06-1262. Filed for public inspection July 21, 2006, 9:00 a.m.]

THE COURTS

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT [204 PA. CODE CHS. 81 AND 83]

Amendments to the Pennsylvania Rules of Professional Conduct and the Pennsylvania Rules of Disciplinary Enforcement Relating to Safekeeping Property and Funds of Clients and Third Persons—Mandatory Overdraft Notification; Notice of Change in Comment Due Date

Notice is hereby given that The Disciplinary Board of the Supreme Court of Pennsylvania previously published a notice of proposed rulemaking in the *Pennsylvania Bulletin* on June 10, 2006, Vol. 36, No. 23, concerning amending the Pennsylvania Rules of Professional Conduct and the Pennsylvania Rules of Disciplinary Enforcement to include definitions which are intended to make them consistent with the Regulations of the IOLTA Board. Rule 1.15 also provides that all Fiduciary Funds shall be invested in a Trust account or in another investment which satisfies the requirements of the Prudent Investor Rule as set forth in the Pennsylvania Probate, Estates and Fiduciaries Code and this Rule.

Interested persons were invited to submit written comments regarding the proposed amendments to the Office of the Secretary, The Disciplinary Board of the Supreme Court of Pennsylvania, First Floor, Two Lemoyne Drive, Lemoyne, PA 17043, on or before July 3, 2006.

In order to provide interested parties with additional time to submit written comments regarding these proposed amendments, The Disciplinary Board has determined that the period to respond shall be extended to August 10, 2006.

*By The Disciplinary Board of the
Supreme Court of Pennsylvania*

ELAINE M. BIXLER,
Secretary

[Pa.B. Doc. No. 06-1263. Filed for public inspection July 21, 2006, 9:00 a.m.]

Title 231—RULES OF CIVIL PROCEDURE

PART I. GENERAL [231 PA. CODE CH. 200]

New Rule 204.1 Governing Format of Legal Papers; No. 459 Civil Procedural Rules; Doc. No. 5

Order

Per Curiam:

And Now, this 7th day of July, 2006, new Pennsylvania Rule of Civil Procedure 204.1 is promulgated to read as follows.

This Order shall be processed in accordance with Pa.R.J.A. 103(b) and shall be effective February 1, 2007.

Annex A

Title 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 200. BUSINESS OF COURTS

Rule 204.1. Pleadings and Other Legal Papers. Format.

All pleadings, motions and other legal papers must conform to the following requirements:

- (1) The document shall be on 8 1/2 inch by 11 inch paper.
- (2) The document shall be prepared on white paper (except for dividers and similar sheets) of good quality.
- (3) The first sheet shall contain a 3-inch space from the top of the paper for all court stampings, filing notices, etc.
- (4) The text must be double spaced, but quotations more than two lines long may be indented and single spaced. Margins must be at least one inch on all four sides.
- (5) The lettering shall be clear and legible and no smaller than point 12. The lettering shall be on only one side of a page, except that exhibits and similar supporting documents may be lettered on both sides of a page.
- (6) Documents and papers shall be firmly bound.

Explanatory Comment

New Rule 204.1 governs the format of pleadings and other legal papers filed with the court in civil actions and proceedings. The new rule is substantially identical to current Pennsylvania Rule of Appellate Procedure 124(a) and to new Rule of Criminal Procedure 575(C).

The criminal rule governs the format of motions, answers and briefs in criminal proceedings. The civil rule is being promulgated contemporaneously with the criminal rule to foster uniformity of format of legal papers in both civil and criminal matters. These rules will promote the objectives of the unified judicial system under the Constitution of 1968 and facilitate the statewide practice of law.

By the Civil Procedural Rules Committee

R. STANTON WETTICK, Jr.,
Chair

[Pa.B. Doc. No. 06-1264. Filed for public inspection July 21, 2006, 9:00 a.m.]

Title 234—RULES OF CRIMINAL PROCEDURE

[234 PA. CODE CH. 5]

Order Amending Rule 575; No. 347 Criminal Procedural Rules; Doc. No. 2

Order

Per Curiam:

Now, this 7th day of July, 2006, upon the recommendation of the Criminal Procedural Rules Committee; the proposal having been published before adoption at 36 Pa.B. 814 (February 18, 2006) and in the *Atlantic Reporter* (Second Series Advance Sheets, Vol. 889), and a Final Report to be published with this *Order*:

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule of Criminal Procedure 575 is amended in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. 103(b), and shall be effective February 1, 2007.

Annex A

TITLE 234. RULES OF CRIMINAL PROCEDURE

CHAPTER 5. PRETRIAL PROCEDURES IN COURT CASES

PART F(1). Motion Procedures

Rule 575. Motions and Answers.

(A) MOTIONS

* * * * *

(5) Rules to Show Cause and Rules Returnable are abolished. Notices of hearings are to be provided pursuant to Rules 114 [(C)] (B) and 577(A)(2).

* * * * *

(C) Format of Motions, Answers, and Briefs

All motions, answers, and briefs must conform to the following requirements:

(1) The document shall be on 8 1/2 inch by 11 inch paper.

(2) The document shall be prepared on white paper (except for dividers and similar sheets) of good quality.

(3) The first sheet shall contain a 3-inch space from the top of the paper for all court stampings, filing notices, etc.

(4) The text must be double spaced, but quotations more than two lines long may be indented and single spaced. Margins must be at least one inch on all four sides.

(5) The lettering shall be clear and legible and no smaller than point 12. The lettering shall be on only one side of a page, except that exhibits and similar supporting documents may be lettered on both sides of a page.

(6) Documents and papers shall be firmly bound.

[(C)] (D) Unified Practice

* * * * *
Comment
* * * * *

Paragraph (C), added in 2006, sets forth the format requirements for all motions, answers, and briefs filed in criminal cases. These new format requirements are substantially the same as the format requirements in Pennsylvania Rule of Appellate Procedure 124(a) and Pennsylvania Rule of Civil Procedure 204.1.

The format requirements in paragraph (C) are not intended to apply to pre-printed and computer-generated forms prepared by the Administrative Office of Pennsylvania Courts; to charging documents; to documents routinely used by court-related agencies; or to documents routinely prepared or utilized by the courts.

Pro se defendants may submit handwritten documents that comply with the other requirements in paragraph (C) and are clearly readable.

Paragraph [(C)] (D), titled "Unified Practice," was added in 2004 to emphasize that local rules must not be inconsistent with the statewide rules. Although this prohibition on local rules that are inconsistent with the statewide rules applies to all criminal rules through Rule 105 (Local Rules), the reference to the specific prohibitions is included because these types of local rules have been identified by practitioners as creating significant impediments to the statewide practice of law within the unified judicial system. See the first paragraph of the Rule 105 Comment. The term "local rule" includes every rule, regulation, directive, policy, custom, usage, form or order of general application. See Rule 105(A).

* * * * *

Although paragraph [(C)] (D) precludes local rules that require a proposed order be included with a motion, a party should consider whether to include a proposed order. Proposed orders may aid the court by defining the relief requested in the motion or answer.

Official Note: Former Rule 9020 adopted October 21, 1983, effective January 1, 1984; renumbered Rule 574 and amended March 1, 2000, effective April 1, 2001; rescinded March 3, 2004, effective July 1, 2004. Former Rule 9021 adopted October 21, 1983, effective January 1, 1984; renumbered Rule 575 and amended March 1, 2000, effective April 1, 2001; Rules 574 and 575 combined as Rule 575 and amended March 3, 2004, effective July 1, 2004; amended July 7, 2006, effective February 1, 2007.

Committee Explanatory Reports:

Final Report explaining the March 1, 2000 reorganization and renumbering of the rules published with the Court's Order at 30 Pa.B. [1477] 1478 (March 18, 2000).

* * * * *

Final Report explaining the July 7, 2006 addition of the format requirements in paragraph (C) published with the Court's Order at 36 Pa.B. 3809 (July 22, 2006).

FINAL REPORT¹***Proposed Amendments of Pa.R.Crim.P. 575*****Requirements for the Format of Pleadings Filed in Criminal Cases**

On July 7, 2006, effective February 1, 2007, upon the recommendation of the Criminal Procedural Rules Committee, the Court amended Pa.R.Crim.P. 575(C). These amendments establish uniform format requirements for all pleadings filed in criminal cases. These format requirements are comparable to the requirements in Pennsylvania Rule of Appellate Procedure 124 and new Pennsylvania Rule of Civil Procedure 204.1.

I. INTRODUCTION

During the course of the Committee's review of local rules pursuant to Rule 105, the Committee noted that there are various local rules establishing requirements for the format of pleadings and other documents filed in the judicial district. We also noted that there is little uniformity in these format requirements. In view of the divergent requirements, the Committee agreed a Rule of Criminal Procedure governing the format of pleadings filed in criminal cases would promote statewide uniformity of practice and procedure and facilitate the statewide practice of law.

In preparation for drafting such a rule, the Committee looked at the statewide and local Pennsylvania rules of procedure² and other jurisdictions to get some idea of what is ordinarily included in format rules. We found that the format rules run the gamut from extremely detailed to minimal detail. These rules include requirements concerning such things as types and size of paper, types, size, and color of print, spacing and margins, binding, headers and footers, page numbering, and captions and titles. From this review, the Committee agreed that the format requirements set forth in Pa.R.A.P. 124(a) provide adequate detail for a criminal format rule. In addition, the members concluded the bench and bar would be best served if, as much as possible, there are uniform format requirements for the documents filed in the different state courts. Accordingly, the new format requirements are substantially the same as Appellate Rule 124.³

DISCUSSION

The first issue the Committee addressed is the placement of new format requirements. Agreeing that the format requirements should apply only to motions, answers, and briefs, the new format requirements are in Rule 575 as new paragraph (C).

New paragraph (C) incorporates without modification the provisions of Appellate Rule 124(a)(1), (2), and (3).⁴

¹ The Committee's Final Reports should not be confused with the official Committee Comments to the rules. Also note that the Supreme Court does not adopt the Committee's Comments or the contents of the Committee's explanatory Final Reports.

² Pennsylvania Rule of Appellate Procedure 124 (Form of Papers; Number of Copies) is the only statewide procedural rule with format requirements.

³ In view of the benefits to the unified judicial system of having uniform format requirements in the state courts, the Committee communicated to the Civil Procedural Rules Committee our plan to propose format requirements substantially the same as Appellate Rule 124. The Civil Rules Committee agreed, and the Court contemporaneously has adopted new Rule of Civil Procedure 204.1 (Pleadings and Other Legal Papers. Format).

⁴ Pennsylvania Rule of Appellate Procedure 124(a) provides:

(a) *Size and other physical characteristics.* All documents filed in an appellate court shall be on 8 1/2 inch by 11 inch paper and shall comply with the following requirements:

(1) The document shall be prepared on white paper (except for covers, dividers and similar sheets) of good quality.

Although Appellate Rule 124(a)(4) provides that the font size of the type be no less than 11 point, recognizing that a font size of 12 point is more frequently utilized for type print, the Committee agreed the requirement for font size in Rule 575(C) should be no smaller than 12 point. In all other respects, Appellate Rule 124(a)(4) is incorporated into Rule 575(C). The only other variance from Appellate Rule 124 is with regard to subdivision (a)(5). The Committee did not think it is necessary to require that any metal fasteners or staples be covered. We did agree that paragraph (C) should include the requirement that the documents must be firmly bound.

The Rule 575 Comment has been revised to provide additional guidance concerning the format requirements. First, recognizing that there are criminal cases in which the defendant is proceeding pro se and might not have access to a word processor or typewriter, the Comment explains that pro se defendants may submit handwritten documents that comply with the other requirements of paragraph (C) if the documents are clearly readable.

During the Committee's discussions, some members questioned whether the new format requirements would apply to documents such as the criminal information or the criminal complaint or preprinted or computer generated documents prepared by the Administrative Office of Pennsylvania Courts, etc. Agreeing that this expansive reading of new paragraph (C) was not the Committee intention, the Comment specifically excludes "pre-printed and computer-generated forms prepared by the Administrative Office of Pennsylvania Courts; charging documents; documents routinely used by court-related agencies; and documents routinely prepared or utilized by the courts."

In addition, as an aide to bench, bar, and others filing documents in Pennsylvania courts, the Comment includes a cross-reference to the comparable format rules in the Rules of Appellate Procedure, Rule 124, and the Rules of Civil Procedure, new Rule 204.1.

A final consideration concerned documents presented for filing that do not comply with the new requirements in Rule 575(C). Although the Committee did not think the amendments to Rule 575 should address nonconforming documents, we noted that Rule 576(A)(3) requires the clerk of courts to accept all documents that are presented for filing. The Rule 576 Comment provides further elaboration by suggesting the judicial district implement procedures to inform the filing party when a document is not in compliance with the rules so the party may correct the problem.

[Pa.B. Doc. No. 06-1265. Filed for public inspection July 21, 2006, 9:00 a.m.]

(2) The first sheet (except the cover of a paperback) shall contain a 3-inch space from the top of the paper for all court stampings, filing notices, etc.

(3) The text must be double spaced, but quotations more than two lines long may be indented and single spaced. Except as provided in subdivision (2). Margins must be at least one inch on all four sides.

(4) The lettering shall be clear and legible and no smaller than point 11. The lettering shall be on only one side of a page, except that exhibits and similar supporting documents and paperbooks may be lettered on both sides of a page.

(5) Any metal fasteners or staples must be covered. Documents and papers must be firmly bound.

Title 246—MINOR COURT CIVIL RULES

PART I. GENERAL

[246 PA. CODE CH. 1200]

Order Approving the Revision to the Official Note to Rule 1201 and Amending Rule 1202 of the Rules of Conduct, Office Standards and Civil Procedure for Magisterial District Judges; No. 232 Magisterial Doc. No. 1

The Minor Court Rules Committee has prepared a Final Report explaining the Supreme Court of Pennsylvania's Order approving the revision to the Official Note to Rule 1201 and amending Rule 1202 of the Rules of Conduct, Office Standards and Civil Procedure for Magisterial District Judges, effective July 7, 2006. These rule changes provide a cross reference to the Older Adult Protective Services Act in Rule 1201 and implement legislative changes relating to the definition of "hearing officer" in Rule 1202. The Final Report follows the Court's Order.

Order

Per Curiam:

And Now, this 7th day of July, 2006, upon the recommendation of the Minor Court Rules Committee, the proposal having been submitted without publication pursuant to Pa.R.J.A. No. 103(a)(3), and a Final Report to be published with this *Order*:

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that the revision to the Official Note to Pa. R.C.P.M.D.J. No. 1201 be, and hereby is, approved in the attached form, and Pa. R.C.P.M.D.J. No. 1202 be, and hereby is, amended in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective immediately.

Annex A

TITLE 246. MINOR COURT RULES

PART I. GENERAL

CHAPTER 1200. EMERGENCY RELIEF UNDER THE PROTECTION FROM ABUSE ACT

Rule 1201. Applicability.

* * * * *

Official Note: See the Protection From Abuse Act set forth in the Domestic Relations Code, 23 Pa.C.S. §§ 6101 [et seq.]—6118.

The court of common pleas of each judicial district is responsible to ensure that a judge or magisterial district judge "is available on a 24-hour-a-day, 365-day-a-year basis to accept and decide on petitions for an emergency court order under" the Older Adult Protective Services Act. 35 P.S. § 10225.307. Actions commenced under the Older Adult Protective Services Act are governed by statute and local procedures, not by these rules.

Rule 1202. Definitions.

As used in [these rules] this chapter:

[(1) *Abuse, adults and family or household members*] "abuse" "adult" and "family or household members" shall have the meanings given to those words in Section 6102 of the Protection From Abuse Act, 23 Pa.C.S. § 6102[.];

[(2) *Court*] "court" means the court of common pleas of the judicial district in which the office of the hearing officer taking action under these rules is located[.];

[(3) *Hearing officer*] "hearing officer" means a magisterial district judge, judge of the Philadelphia Municipal Court, bail commissioner appointed under 42 Pa.C.S. [Section] § 1123 (relating to jurisdiction and venue) [and], master appointed under 42 Pa.C.S. § 1126 (relating to masters), and master for emergency relief appointed under 23 Pa.C.S. § 6110(e) (relating to master for emergency relief).

FINAL REPORT¹

Revision to the Official Note to Rule 1201 and Amendment of Rule 1202 of the Rules of Conduct, Office Standards and Civil Procedure for Magisterial District Judges

Cross Reference to the Older Adult Protective Services Act and Amended Definition of "Hearing Officer"

On July 7th, 2006, effective immediately, upon recommendation of the Minor Court Rules Committee,² the Supreme Court of Pennsylvania approved a revision to the Official Note to Rule 1201 and amended Rule 1202 of the Rules of Conduct, Office Standards and Civil Procedure for Magisterial District Judges.³

I. Background

A. Cross-Reference to the Older Adult Protective Services Act

The Minor Court Rules Committee (the Committee), on its own initiative, undertook a review of the Older Adult Protective Services Act⁴ (the Act) to consider what, if any, procedures may be needed to guide magisterial district judges in carrying out their duties under the Act. Specifically, the Committee noted that the Act provides that

[t]he courts of common pleas of each judicial district shall ensure that a judge or district justice⁵ is available on a 24-hour-a-day, 365-day-a-year basis to accept and decide on petitions for an emergency court order under this section whenever the agency⁶ determines that a delay until normal court hours would significantly increase the danger the older adult faces.⁷

¹ The Committee's Final Report should not be confused with the Official Notes to the Rules. Also, the Supreme Court of Pennsylvania does not adopt the Committee's Official Notes or the contents of the explanatory Final Report.

² Recommendation No. 1 Minor Court Rules 2006.

³ Supreme Court of Pennsylvania Order No. _____, Magisterial Docket No. 1 (July 7th, 2006).

⁴ Act of Nov. 6, 1987, P.L. 381, No. 79 as amended (35 P.S. §§ 10225.101—10225.5102).

⁵ The title "district justice" was changed to "magisterial district judge" effective January 29, 2005, in accordance with the Act of Nov. 30, 2004, P.L. 1618, No. 207 and Supreme Court of Pennsylvania Order No. 269, Judicial Administration Docket No. 1 (January 6, 2005). The Committee notes that SB 273 PN 280, introduced in the Pennsylvania State Senate February 15, 2005 and pending as of this writing, would amend the Older Adult Protective Services Act to, among other things, change "district justice" to "magisterial district judge" in this section.

⁶ The Act defines "Agency" as "[t]he local provider of protective services, which is the area agency on aging or the agency designated by the area agency on aging to provide protective services in the area agency's planning and service area." Act of Nov. 6, 1987, P.L. 381, No. 79, § 3 as amended (35 P.S. § 10225.103). The Committee learned that it is usually the area agency on aging, through its caseworker staff, solicitor, or other designee, that presents emergency petitions to the courts.

⁷ Act of Nov. 6, 1987, P.L. 381, No. 79, § 10 as amended (35 P.S. § 10225.307).

In addition, the Committee noted that the Act defines "Court" as "[a] court of common pleas or a district magistrate court, where applicable."⁸

Because the Act expressly gives authority to magisterial district judges to enter emergency orders and the definition of "court" in the Act includes "district magistrate court[s]," the Committee discussed the possible need for procedural rules to guide magisterial district judges in these cases. Based upon the experiences of the Committee members, as well as informal discussions with magisterial district judges, court administrators, and area agency on aging officials from throughout the Commonwealth, the Committee made the following findings:

- After-hours, emergency petitions under the Act are filed relatively rarely, but in some judicial districts on-call magisterial district judges are occasionally asked to review emergency petitions and enter orders.

- Most judicial districts have no formal procedures or local rules in place governing the filing and consideration of emergency petitions under the Act, and many judicial districts have no formal administrative order or local rule designating a common pleas judge or magisterial district judge to hear after-hours emergency petitions.

- Although there is an "Abuse of the Elderly Emergency Relief Order" form produced by the Magisterial District Judge System (MDJS)⁹, emergency orders under the Act are often entered using the petition and order forms prepared and presented by the area agency on aging or its designee.

- Despite the lack of formal procedures or local rules governing the filing and consideration of emergency petitions under the Act, and the relative rarity of these matters coming before the magisterial district judges, when a magisterial district judge is asked to consider an emergency petition the agency representative is usually able to provide sufficient legal and factual background information to enable the judge to consider the petition and order relief if appropriate.

Given these findings, the Committee determined that statewide rules of procedure governing these actions before magisterial district judges are unnecessary. Rather, the Committee believed that these matters are better governed by the Act itself and by local procedures.

The Committee did, however, believe that president judges of the courts of common pleas and magisterial district judges need to be put on notice of their responsibilities and authority with regard to the handling of after-hours emergency petitions under the Act. To this end, the Committee has done or recommended the following:

- The Committee requested that the Court Administrator of Pennsylvania write to all president judges of the courts of common pleas to advise them of their responsibilities under the Act, particularly relating to after-hours coverage by a judge or magisterial district judge. In response to this request, Court Administrator Pines wrote to all common pleas court president judges on May 24, 2005. In his letter, Court Administrator Pines advised the president judges that "[b]ecause this law is infrequently used and after-hours court operations sometimes are not uniform from county to county, we have determined that

it would be helpful to suggest that you reevaluate your county's resources in this area."¹⁰

- In addition to the reminder letter from the Court Administrator, the Committee recommended that a cross-reference to the Act be inserted in the Official Note to Rule 1201 (Applicability). The Committee recommended that the cross-reference to the Act be included in the Chapter 1200 rules, relating to emergency relief under the Protection From Abuse (PFA) Act, because emergency petitions under the Act are somewhat analogous to PFA actions. The Committee wished to make clear to a user of the rules who may be searching for procedures relating to the Act that emergency petitions under the Act are not governed by the emergency PFA rules, but rather by statute and local procedures.¹¹

B. Amended Definition of "Hearing Officer" in Rule 1202

In addition to the cross-reference to the Older Adult Protective Services Act discussed above, the Committee recommended that the definition of "hearing officer" in Rule 1202 (Definitions) be amended in response to recent legislative amendments to the Protection from Abuse Act (the PFA Act).¹² Act 66 of 2005¹³ amended section 6110 of the PFA Act to provide for emergency relief under the PFA Act by a "master for emergency relief."¹⁴ The definition of "hearing officer" in section 6102 of the PFA Act was amended to include master for emergency relief, and a definition of master for emergency relief ("[a] member of the bar of the Commonwealth appointed under section 6110(e) (relating to emergency relief by minor judiciary)" was added.¹⁵ Accordingly, the Committee recommended that the corresponding definition of "hearing officer" in Rule 1202 be amended to include a master for emergency relief.

II. Approved Rule Changes

A. Rule 1201

To address the issues discussed above relating to the Older Adult Protective Services Act, the Committee recommended that the Official Note to Rule 1201 be revised to include the following cross-reference to the Act:

The court of common pleas of each judicial district is responsible to ensure that a judge or magisterial district judge "is available on a 24-hour-a-day, 365-day-a-year basis to accept and decide on petitions for an emergency court order under" the Older Adult Protective Services Act. 35 P. S. § 10225.307. Actions commenced under the Older Adult Protective Services Act are governed by statute and local procedures, not by these rules.

B. Rule 1202

To implement the amendments to the PFA Act discussed above, the Committee recommended that the definition of "hearing officer" in Rule 1202 be amended to include a "master for emergency relief appointed under 23 Pa.C.S. § 6110(e) (relating to master for emergency relief)."

¹⁰ Letter from Zygmont A. Pines, Esq., Court Administrator of Pennsylvania, to all president judges of the Pennsylvania courts of common pleas (May 24, 2005) (on file with the Minor Court Rules Committee).

¹¹ In addition to the cross-reference in the Official Note to Rule 1201, the Committee will recommend a similar cross-reference in the Official Note to Rule 112 (Temporary Assignments of Magisterial District Judges). This proposed cross-reference, however, will be included in a separate proposal to amend Rule 112 that is beyond the scope of this recommendation.

¹² 23 Pa.C.S. §§ 6101–6118.

¹³ Act of Nov. 10, 2005, P. L. 335, No. 66.

¹⁴ Id. § 10.

¹⁵ Id. § 5.

⁸ Id. § 3 as amended (35 P. S. § 10225.103).

⁹ The MDJS is the statewide judicial computer system that automates all case processing and accounting functions of the magisterial district courts. The MDJS-generated "Abuse of the Elderly Emergency Relief Order" is designated as form AOPC 635-05.

Finally, in addition to the substantive changes discussed above, the Committee recommended other minor editorial revisions to both rules to conform to modern drafting style and to enhance readability.

[Pa.B. Doc. No. 06-1266. Filed for public inspection July 21, 2006, 9:00 a.m.]

Title 252—ALLEGHENY COUNTY RULES

ALLEGHENY COUNTY

Local Rule of Criminal Procedure 117; Administrative Docket No. 247-2006, Criminal Division No. 3-2006

Order of Court

And Now, to-wit this 10th day of July, 2006, it is hereby *Ordered*: Allegheny County local Rule of Criminal Procedure (All.R.Crim.P. 117) Coverage, copy of which follows, is hereby promulgated as a Rule of this Court, effective thirty (30) days after publication in the *Pennsylvania Bulletin*. This rule shall be kept continuously available for public inspection and copying in the Office of the Prothonotary and the Office of the Clerk of Courts. Upon request and payment of reasonable costs of reproduction and mailing, the prothonotary or clerk shall furnish to any person a copy of this rule.

By this Order, the District Court Administrator for the Fifth Judicial District is hereby directed to:

1. File seven (7) certified copies of this Order and the following Rule with the Administrative Office of Pennsylvania Courts.
2. Distribute two (2) certified copies of the following Rule and a computer diskette that complies with the requirements of 1 Pa. Code § 13.11(b) to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
3. File one (1) certified copy of the following Rule with the Criminal Procedural Rules Committee.
4. File the original of this Order of Court and the following Rule in the Office of the Prothonotary and a certified copy of this Order of Court and the following Rule in the Office of the Clerk of Courts.

By the Court

JOSEPH M. JAMES,
President Judge

Allegheny County Local Rule of Criminal Procedure 117—Coverage: Issuing Warrants; Preliminary Arraignments and Summary Trials; and Setting and Accepting Bail

(1) All Magisterial District Judges offices shall be open for regular business on Mondays through Fridays from 8:30 A.M. until 4:30 P.M. prevailing time except court holidays or as otherwise published on the website of the Fifth Judicial District of Pennsylvania at www.alleghencourts.us.

(2) Continuous coverage for issuance of search and arrest warrants, acceptance of criminal complaints, conduct of preliminary arraignments, setting and acceptance of bail, holding of summary trials or setting of collateral therefore shall be provided at Pittsburgh Municipal Court Arraignment Court, Municipal Courts Building, 660 First Avenue, Pittsburgh, PA 15219, staffed by an on-duty issuing authority and staff during regular business hours, if circumstances prevent utilization of the established magisterial district judge office, and during all off-hours. *Note*: Arraignment Court provides off-hours coverage for Protection from Abuse Act cases (see 23 Pa.C.S. § 6110 and Pa.R.C.P.M.D.J. 1203) and issuance of arrest warrants pursuant to Rule 210 and 211 of Pa.R.J.C.P., as well.

(3) Magisterial District Judges and the Clerk of Courts shall be authorized to accept bail in accordance with the provisions of the Pennsylvania Rules of Criminal Procedure and as between both entities shall provide continuous coverage to do so.

[Pa.B. Doc. No. 06-1267. Filed for public inspection July 21, 2006, 9:00 a.m.]

Title 255—LOCAL COURT RULES

BLAIR COUNTY

Administrative Order; No. 2006 GN 3575

Administrative Order

Now, this 3rd of July, 2006, it is hereby *Ordered*, that the Local Court Rule Number 1301 of CIVIL PROCEDURE for Blair County, is amended to increase the Compulsory Arbitration Limits, from \$35,000 to \$50,000, exclusive of interest and costs, in conformity with the provisions of Section 7361(b) of Title 42 of the ***Pennsylvania Consolidated Statutes***, Compulsory Arbitration.

This amendment shall become effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

By the Court

JOLENE GRUBB KOPRIVA,
President Judge

[Pa.B. Doc. No. 06-1268. Filed for public inspection July 21, 2006, 9:00 a.m.]

RULES AND REGULATIONS

Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS

STATE BOARD OF PSYCHOLOGY
[49 PA. CODE CH. 41]

Corrective Amendment to 49 Pa. Code § 41.31(b)(1)

The State Board of Psychology has discovered a discrepancy between the agency text of 49 Pa. Code § 41.31(b)(1) (relating to qualifications for taking licensing examination), as deposited with the Legislative Reference Bureau, and the official text published at 36 Pa.B. 2680, 2684 (June 3, 2006) and scheduled to be codified in the August 2006 *Pennsylvania Code Reporter* (Master Transmittal Sheet No. 381). The text of subsection (b)(1) omitted a reference to the APA.

Therefore, under 45 Pa.C.S. § 901: The State Board of Psychology has deposited with the Legislative Reference Bureau a corrective amendment to 49 Pa. Code § 41.31(b)(1). The corrective amendment to 49 Pa. Code § 41.31(b)(1) is effective as of June 3, 2006, the date the defective text was printed in the *Pennsylvania Bulletin*.

The correct version of 49 Pa. Code § 41.31(b)(1) appears in Annex A, with ellipses referring to the existing text of the regulation.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARD

PART I. DEPARTMENT OF STATE

CHAPTER 41. STATE BOARD OF PSYCHOLOGY

GENERAL

§ 41.31. Qualifications for taking licensing examination.

* * * * *

(b) *Education.* Before an applicant seeking licensure under section 6 of the act (63 P.S. § 1206) shall be permitted to take the licensing examination, the Board must be satisfied that the applicant has complied with the requirements for a doctoral degree in psychology or a field related to psychology as defined in § 41.1 (relating to definitions). The following documentation evidences compliance:

(1) For degree holders from a program in the United States, Canada or United States territories, a Verification of Doctoral Program Approval Status completed by the program's director reflecting accreditation by the APA or CPA or designation by the ASPPB/National Register

Designation Project within 1 year from the award of the doctoral degree, and an official transcript from the registrar.

* * * * *

[Pa.B. Doc. No. 06-1269. Filed for public inspection July 21, 2006, 9:00 a.m.]

Title 58—RECREATION

GAME COMMISSION

[58 PA. CODE CH. 143]

Hunting and Furtaker Licenses

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its June 6, 2006, meeting, adopted the following rulemaking:

Add Chapter 143, Subchapter M (relating to mentored youth hunting program license exemption) to create, define and implement the Mentored Youth Hunting Program within this Commonwealth.

The final-form rulemaking will have no adverse impact on the wildlife resources of this Commonwealth.

The authority for the final-form rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

Notice of proposed rulemaking was published at 36 Pa.B. 2727 (June 3, 2006).

1. Purpose and Authority

Due to today's complex society and all of the competing interests youths have to choose from, it is difficult for our sporting men and women to expose youngsters to the joys of hunting. On December 22, 2005, Governor Rendell signed into law House Bill 1690 to provide a way for parents to better combat these challenges. In effect, this statutory amendment authorized the Commission to create, define and implement a concept aptly named the Mentored Youth Hunting Program (MYHP).

The mission of the MYHP is simple and clear . . . create expanded youth opportunities while maintaining safety afield. The MYHP provides youngsters a chance to develop the love of hunting early and allow that passion to grow as they do. The MYHP promotes the culture and development of the type of one-on-one training, and hands on experience that will help protect our hunting future as well as increase hunting safety through the intimate counseling provided by dedicated mentors. Youths who might otherwise never experience hunting will now have the chance to taste the thrills of past generations as they carry this Commonwealth's hunting heritage into our future. The MYHP may not benefit all youths, however, it does provide a vehicle into the hunting fraternity for many youngsters whose parents feel are mentally, emotionally and physically ready for the rigors of hunting.

It was only with the dedicated assistance of various sportsmen's organizations that the MYHP was even possible. Indeed, the MYHP concept was initially developed and promoted by the determination of organizations such as the National Wild Turkey Federation, Pennsylvania Federation of Sportsmen's Clubs, United Bowhunters of Pennsylvania, Central Counties Concerned Sportsmen, National Rifle Association, Quality Deer Management Association, Rocky Mountain Elk Foundation, Big Bothers/Big Sisters Pass It On Program and U.S. Sportsmen's Alliance.

In a world in which everyone seems to have less and less time, and we never seem to place the proper value on the truly important things, there can be no greater way to instill values, provide the ideal time and place to teach conservation, respect, ethics and responsibilities that we all have as caretakers of our streams and forests, than by adopting the MYHP in this Commonwealth. Therefore, after consideration of the relevant issues, the Commission added Subchapter M to Chapter 143 to create, define and implement the Mentored Youth Hunting Program within this Commonwealth.

Section 2701(a) of the code (relating to license requirements) states that "Except in defense of person or property or pursuant to exemptions authorized by the commission for implementing a mentored youth hunting program, every person, prior to engaging in any of the privileges granted by this title, shall first obtain the applicable license subject to any conditions or other requirements imposed by this title." Section 2102(a) of the code (relating to regulations) provides that "The commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking, the ways, manner, methods and means of hunting or furtaking, and the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth." The addition of Subchapter M to Chapter 143 was adopted pursuant to this authority.

2. Regulatory Requirements

This final-form rulemaking adds Subchapter M (relating to mentored youth hunting program license exemption) to create, define and implement the MYHP within this Commonwealth.

3. Persons Affected

Persons wishing to engage in mentored youth hunting opportunities or those in the vicinity of persons engaging in mentored youth hunting activities will be affected by the final-form rulemaking.

4. Comment and Response Summary

The Commission received two official comments regarding this final-form rulemaking; both in support of expanding the number of species that mentored youth are eligible to hunt under the MYHP.

5. Cost and Paperwork Requirements

The final-form rulemaking should not result in any additional cost or paperwork.

6. Effective Date

The final rulemaking will be effective upon final publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

7. Contact Person

For further information regarding the final rulemaking, contact Michael A. Dubaich, Director, Bureau of Law Enforcement, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

8. Findings

The Commission finds that:

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

(2) The adoption of these regulations of the Commission in the manner provided in this order is necessary and appropriate for the administration and enforcement of the authorizing statute.

9. Order

The Commission, acting under authorizing statute orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 143, are amended by adding §§ 143.241, 143.243 and 143.245—143.247 to read as set forth at 36 Pa.B. 2727 and by adding §§ 143.242 and 143.244 to read as set forth in Annex A.

(b) The Executive Director of the Commission shall certify this order, 36 Pa.B. 2727 and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(c) This order shall become effective upon final-form publication in the *Pennsylvania Bulletin*.

VERNON R. ROSS
Executive Director

Fiscal Note: Fiscal Note 48-230 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 143. HUNTING AND FURTAKER LICENSES

Subchapter M. MENTORED YOUTH HUNTING PROGRAM LICENSE EXEMPTION

§ 143.242. Definitions.

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

Lawful hunting device—Any firearm or implement that is lawful to be possessed during the current season and used to harvest the particular species hunted.

Mentor—A licensed person, 21 years of age or older who is serving as a guide to a mentored youth while engaged in hunting or related activities.

Mentored youth—An unlicensed person, under 12 years of age who is accompanied by a mentor while engaged in hunting or related activities.

Stationary—The state or condition where a person is still, fixed in place or static, indicated by a cessation of all forward, backward or lateral movement, whether in the standing, kneeling, sitting or prone position.

§ 143.244. Safety.

While engaged in mentored youth hunting activities:

(1) A mentored youth shall be stationary, within arms reach and subject to the immediate control of the mentor at all times while in possession of any lawful hunting device.

(2) A mentor may not accompany more than one youth, including junior hunters, at any given time.

(3) A mentor and mentored youth may not collectively possess more than one lawful hunting device at any given time.

(4) A mentor and mentored youth shall both comply with section 2524 of the act (relating to protective material required) and with regulations promulgated by the Commission relating to protective material. See § 141.20 (relating to protective material required).

[Pa.B. Doc. No. 06-1270. Filed for public inspection July 21, 2006, 9:00 a.m.]

Title 67—TRANSPORTATION

DEPARTMENT OF TRANSPORTATION

[67 PA. CODE CH. 177]

Corrective Amendment to 67 Pa. Code § 177.602(a)

The Department of Transportation has discovered a discrepancy between the agency text of 67 Pa. Code § 177.602(a) (relating to schedule of penalties for emis-

sion inspection stations) as deposited with the Legislative Reference Bureau and published at 33 Pa.B. 5706, 5731 and 5732 (November 22, 2003), and the official text published in the *Pennsylvania Code Reporter* (Master Transmittal Sheet No. 351) and as currently appearing in the *Pennsylvania Code*. Amendments to the table in this section were codified incorrectly.

Therefore, under 45 Pa.C.S. § 901: The Department of Transportation has deposited with the Legislative Reference Bureau a corrective amendment to 67 Pa. Code § 177.602(a). The corrective amendment to 67 Pa. Code § 177.602(a) is effective as of February 7, 2004, the date the defective official text was announced in the *Pennsylvania Bulletin*.

The correct version of 67 Pa. Code § 177.602(a) appears in Annex A, with ellipses referring to the existing text of the regulation.

Annex A

TITLE 67. TRANSPORTATION

PART I. DEPARTMENT OF TRANSPORTATION

Subpart A. VEHICLE CODE PROVISIONS

ARTICLE VII. VEHICLE CHARACTERISTICS

CHAPTER 177. EMISSION INSPECTION PROGRAM

Subchapter F. SCHEDULE OF PENALTIES AND HEARING PROCEDURE

SCHEDULE OF PENALTIES AND SUSPENSIONS

§ 177.602. Schedule of penalties for emission inspection stations.

(a) *Schedule of penalties.* The complete operation of an official emission inspection station shall be the responsibility of the owner. Failure to comply with the appropriate provisions of the Vehicle Code or this chapter will be considered sufficient cause for suspension of emission inspection privileges. In addition, violators are also subject to criminal prosecution. Every general, fleet or Commonwealth emission inspection station shall be subject to the following schedule of penalties and suspension:

Type of Violation	Duration of Suspension		
	1st Offense	2nd Offense	3rd and Subsequent Offenses
<i>Category 1 (Fraudulent Activities)</i>			
(i) Issuance or possession of altered, forged, stolen or counterfeit certificate of emission inspection	1 year and \$2,500 fine	Permanent and \$5,000 fine	
(ii) Furnish, lend, give, sell or receive a certificate of emission inspection without inspection	1 year and \$2,500 fine	Permanent and \$5,000 fine	
(iii) Fraudulent recordkeeping	1 year and \$2,500 fine	Permanent and \$5,000 fine	
<i>Category 2 (Improper Activities)</i>			
(iv) Faulty inspection	3 months and \$1,000 fine	1 year and \$2,500 fine	3 years and \$5,000 fine
(v) Inspecting more subject vehicles per hour per emission inspection inspector than permitted by § 177.408(g)	3 months	6 months	1 year

Type of Violation	Duration of Suspension		
	1st Offense	2nd Offense	3rd and Subsequent Offenses
(vi) Failure to produce records upon demand by Department quality assurance officer or other authorized Commonwealth representative or agent	3 months or until produced, whichever is greater	6 months or until produced, whichever is greater	1 year or until produced, whichever is greater
(vii) Inspection by uncertified inspector	3 months	6 months and \$1,000 fine	1 year and \$2,500 fine
(viii) Improper recordkeeping	2 months	6 months	1 year
(ix) Improper inspection	Warning	2 months and \$250 fine	6 months and \$500 fine
(x) Requiring or indicating unnecessary repairs for purpose of inspection	3 months	6 months	1 year
(xi) Misstatement of fact	1 month	3 months	1 year
(xii) Improper assigning of certificate of inspection	1 month	3 months	1 year
(xiii) Failure to verify registration or emission inspecting a vehicle with an expired registration	2 months	4 months	6 months
(xiv) Failure to affix certificate of inspection immediately upon successful completion of the inspection	2 months	4 months	6 months
<i>Category 3 (Careless Activities)</i>			
(xv) Inspection by emission inspector with suspended, revoked, cancelled, expired or recalled vehicle operating privilege	2 months	4 months	6 months
(xvi) Inspection by emission inspector with expired inspector certification	Warning	4 months	6 months
(xvii) Improper use of emission inspector certification	Warning	2 months and \$250 fine	6 months and \$500 fine
(xviii) Improper security of certificate of inspection	Warning	3 months	1 year
(xix) Unclean inspection area	Warning	Warning	3 months
(xx) Careless recordkeeping	Warning	Warning	3 months
(xxi) Missing or broken tools	Warning, if repaired or replaced; if not, suspension until tools are repaired or replaced	1 month or until tools are repaired or replaced, whichever is greater	6 months or until tools are repaired or replaced, whichever is greater
(xxii) Bad Check	Warning, if amount due is paid within 10 days from date notified. If not, suspension until amount is paid	3 months or until amount due is paid, whichever is greater	6 months or until amount due is paid, whichever is greater
<i>Category 4 (Negligent)</i>			
(xxiii) Failure to report discontinuance of business	1 year	2 years	Permanent
(xxiv) Failure to notify the Department of changes of ownership, location or other changes affecting an official inspection station	3 months	6 months	1 year
(xxv) Failure to make emission inspection test printout available to customer	Warning	Warning and \$100 fine	1 month

(b) *Assignment of points.* If the station owner, manager, supervisor or other management level employee was without knowledge of the violation, the Department may permit the station owner to consent to the acceptance of a point assessment for the station in lieu of suspension.

* * * * *

[Pa.B. Doc. No. 06-1271. Filed for public inspection July 21, 2006, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION
[67 PA. CODE CH. 177]
Emissions Inspection Program

The Department of Transportation (Department), Bureau of Motor Vehicles (Bureau), by this order adopts amendments to 67 Pa. Code Chapter 177 (relating to enhanced emission inspection program). These amendments also modify the emissions inspection station required signage to include the posting of the fee for exemptions and emissions inspection fees for vehicle owners 65 years old or older. A sample sign to be used by the inspection stations is also provided.

The I/M program, implemented under 75 P. S. §§ 4103, 4531, 4701, 4706, 4707, 4710, 6103 and 9104, is required by the Federal Clean Air Act (Clean Air Act), as amended by Pub. L. No. 101-52, 104 Stat. 2399-2712 (42 U.S.C. §§ 7401—26718) and Pub. L. No. 104-59, 109 Stat. 568 (1995) (known as the National Highway System Designation Act of 1995 (NHS Act)). Implementation of emission testing using vehicle OBD systems is required by the Clean Air Act and recent amendments to the Federal Vehicle Inspection/Maintenance Program Requirements, 40 CFR Parts 51 and Control of Air Pollution from Mobile Sources, Part 85.

Proposed rulemaking is omitted under 75 Pa.C.S. § 4706 (relating to prohibition on expenditures for emission inspection program), which exempts these regulations from the proposed rulemaking provisions of section 204 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. § 1204), known as the Commonwealth Documents Law and the Regulatory Review Act (71 P. S. §§ 745.1—745.15), and 75 Pa.C.S. § 4710 (relating to Vehicle Emission System Inspection Program Advisory Committee), which provides for initial submission of final regulations relating to the vehicle emission inspection/maintenance program to the Office of Attorney General for review as to form and legality and thereafter to the Independent Regulatory Review Commission (IRRC) and the designated Committees of the Pennsylvania House of Representatives and the Senate, in accordance with the Regulatory Review Act.

Purpose of this Chapter

The purpose of this chapter is to implement an emission I/M program as required by the Clean Air Act (42 U.S.C.A. §§ 7401—7671q) and the regulations promulgated thereunder, 40 CFR Parts 51 and 85 (relating to regulations for preparation, adoption and submittal of implementation plans; and control of air pollution from mobile sources).

Purpose of these Amendments

The purpose of these amendments is to modify the emissions inspection station required signage to include the posting for exemptions and emissions inspection fees for vehicle owners 65 years old or older. A sample sign to be used by the inspection stations is also provided for inclusion in the appendices to the chapter.

Persons and Entities Affected

The amendment will affect individuals in the business of vehicle inspection and vehicle repair in the affected counties.

Fiscal Impact

These amendments to the I/M regulations will provide motorists with a clearer notice of emissions inspection test, exemption and waiver fees. By requiring inspection stations to post inspection fees, including reduced fees for senior citizens, senior citizens will be able to choose an inspection station providing lower inspection fees and therefore save money. The amendments will have no fiscal impact on the Department or the Commonwealth.

Regulatory Review

Under 75 Pa.C.S. § 4710(e), the Department submitted a copy of this rulemaking to the Office of Attorney General on April 26, 2006. The rulemaking was approved as to form and legality by the Office of Attorney General on May 12, 2006. The Department submitted a copy of this final-omitted rulemaking on May 23, 2006, to IRRC and to the Chairpersons of the House and Senate Transportation Committees for review consistent with section 5 of the Regulatory Review Act (71 P. S. § 745.5). In accordance with section 5(c) of the Regulatory Review Act, this amendment was deemed approved by the Committees on July 5, 2006 and was approved by IRRC on July 6, 2006.

In addition to the final rulemaking, the Committees were provided with a copy of a detailed Regulatory Analysis Form prepared by the Department. A copy of this material is available to the public upon request.

Sunset Provisions

The Department is not establishing a sunset date for this regulation since the regulation is necessary to comply with requirements of Federal laws relating to control of vehicle emissions.

Contact Person

The contact person for this regulation is Peter Gertz, Vehicle Inspection Division, 3rd Floor, Riverfront Office Center, 1101 South Front Street, Harrisburg, PA 17104, or to pgertz@state.pa.us.

Authority

These amendments are adopted under the authority contained in 75 P. S. §§ 4103, 4531, 4701, 4706, 4707, 4710, 6103 and 9104.

Order

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

(a) The regulations of the Department, 67 Pa. Code Chapter 177, are amended by amending § 177.404 and Appendix A to read as set forth in Annex A.

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

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

ALLEN D. BIEHLER, P.E.
Secretary

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 36 Pa.B. (July 22, 2006).)

Fiscal Note: 18-406 (final omitted). No fiscal impact; (8) recommends adoption.

Annex A

TITLE 67. TRANSPORTATION

PART I. DEPARTMENT OF TRANSPORTATION

Subpart A. VEHICLE CODE CHARACTERISTICS

ARTICLE VII. VEHICLE CHARACTERISTICS

CHAPTER 177. EMISSION INSPECTION PROGRAM

Subchapter A. General Provisions

§ 177.404. Required certificates and station signs.

After appointment the owner of an emission inspection station shall prominently display the following:

(1) A certificate of appointment for each type of emission inspection approved for the location.

(2) A sign clearly stating the Program Management Fee (PMF), the fees for exemptions (including labor) and for an inspection, that the inspection fee is the same whether the vehicle passes or fails, that the fee for inspection includes the cost of labor for the inspection,

but not the cost of parts, repairs and adjustments, and that no additional charge shall be made by the inspecting station for one necessary reinspection within 30 days of the original inspection.

(i) The sign must list the fees in the order provided in the sample found in Appendix A as Exhibit B (relating to sample emissions test and exemption fees) and consist of letters and numbers at least 1 inch in height.

(ii) The sign must also indicate whether the emissions inspection station is able to deliver waivers and provide the telephone number of the Customer Hotline.

(iii) If lesser fees are charged to vehicle owner who is 65 years old or older, there shall be a corresponding posting of those fees as illustrated in Appendix A, Exhibit B.

(iv) Fleet and Commonwealth stations are exempt from this paragraph.

(3) The current list of certified emission inspectors.

(4) An approved official emission inspection sign outside of the garage that is clearly visible to the public. This sign must have a keystone design which is at least 24 inches high and 21 inches wide. The background must be navy blue with gold lettering. The station number plate must be at least 3 inches high and at least 13 inches wide. The background must be green with white station numbers. If a keystone designated sign is already present, the station number shall be placed below present plates. If hung from a bracket, the sign must be double faced. Fleet and Commonwealth emission inspection stations are exempt from this paragraph.

Appendix A

**Exhibit B
SAMPLE**

Emissions Test and Exemption Fees

All test fees include the cost of labor for the inspection, but not the cost of parts, repairs and adjustments. No additional charge shall be made for one re-inspection, if necessary, within 30 days of the original inspection at this station.	
All prices include a Program Management Fee (PMF) of \$ _____	
EMISSIONS INSPECTION PASS OR FAIL	EMISSIONS INSPECTION FEES FOR VEHICLE OWNERS 65 YEARS OLD OR OLDER PASS OR FAIL
Tailpipe Test _____	Tailpipe Test _____
Tailpipe with Dynamometer _____	Tailpipe with Dynamometer _____
On-Board-Diagnostic (OBD) Test _____	On-Board-Diagnostic (OBD) Test _____
Visual Inspection _____	Visual Inspection _____
New Car Exemption _____	New Car Exemption _____

5,000 Mile Exemption _____	5,000 Mile Exemption _____
This station has personnel authorized to deliver waivers.	
Customer Hotline Telephone Number—1-800-265-0921	

[Pa.B. Doc. No. 06-1272. Filed for public inspection July 21, 2006, 9:00 a.m.]

PROPOSED RULEMAKING

DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

[12 PA. CODE CH. 145]

Industrial Housing and Components

The Department of Community and Economic Development (Department), under section 5 of Industrialized Housing Act (act) (35 P. S. § 1651.15), proposes to amend Chapter 145 (relating to industrial housing and components). This rulemaking proposes to eliminate the exception for energy conservation for industrialized homes, adopt the model code requirements for energy efficiency bringing industrialized housing on par with the Pennsylvania Construction Code Act (35 P. S. §§ 7210.101—7210.1103) and reduce the number of required inspections by the Department.

Introduction

The act authorizes the Department to promulgate rules and regulations to interpret and make specific the provisions of the act. Under section 5 of the act (35 P. S. § 1651.5), these rules and regulations are to be amended to “assure the health, safety and welfare of the people of Pennsylvania by requiring safe and sanitary industrial housing and shall include provisions imposing requirements reasonably consistent with recognized and accepted model codes.” The purpose of this proposed rulemaking is to provide parity with conventional housing constructed under the Pennsylvania Construction Code Act and industrialized housing constructed for other states. Adoption of model energy standards will improve energy efficiency in housing produced and allow manufacturers to utilize newer technology in designing heating and cooling systems.

Analysis

Proposed amendments to § 145.41 (relating to adoption of standards) add the ICC International Energy Conservation Code and the ICC International Residential Code as additional standards applicable to the industrialized housing and housing components for purposes of this chapter and to remove the energy conservation and stair geometry exceptions to the ICC International Building Code.

Proposed amendments to § 145.42 (relating to alternate standards) provide the International Energy Conservation Code and Pennsylvania’s Alternative Residential Energy Provisions as alternatives to § 145.41 with respect to energy efficiency. The ICC International Residential Code is deleted as an alternative because it will be adopted as a standard in § 145.41. The proposed amendment also provides alternate standards regarding stairway construction.

Proposed amendments to § 145.93 (relating to factory inspections; right of entry) replace the biannual inspection requirement with an annual inspection requirement.

Fiscal Impact

Commonwealth. While striving to reduce the number of required inspections per year at each plant, the Department estimates the total number of inspections will remain unchanged. This is, in part, a result of additional

production facilities seeking approval each year and increased inspections at warranted plants once granted the ability to focus Department inspection efforts.

Political subdivisions. There will be no fiscal impact on political subdivisions.

Public. Increased costs to the industry would be negligible. The majority of manufacturers presently exceeds the current provisions and builds homes that comply with the proposed standard. However, the current fees are low in comparison to other states and have not been increased since 1979.

Paperwork

The proposed rulemaking will not change existing paperwork requirements.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on July 7, 2006, the Department submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Commerce and Economic Development Committee and the Senate Community and Economic Development Committee. A copy of this material is available to the public upon request.

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

Effective Date/Sunset Date

The proposed rulemaking will become effective 60 days after final-form publication in the *Pennsylvania Bulletin*. The regulations are monitored on a regular basis and updated as needed.

Contact Person

Interested persons are invited to submit comments, suggestions or objections regarding the proposed rulemaking to Matthew Speicher, Assistant Counsel, Office of Chief Counsel, Department of Community and Economic Development, Commonwealth Keystone Building, 4th Floor, 400 North Street, Harrisburg, PA 17120, (717) 720-7317; or Mark Conte, Chief, Housing Standards Division, Office of Community Development, Department of Community and Economic Development, Commonwealth Keystone Building, 4th Floor, 400 North Street, Harrisburg, PA 17120, (717) 720-7416 within 30 days following publication of this proposed rulemaking in the *Pennsylvania Bulletin*.

DENNIS YABLONSKY,
Secretary

Fiscal Note: 4-85. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 12. COMMERCE, TRADE AND LOCAL GOVERNMENT

PART V. COMMUNITY AFFAIRS AND DEVELOPMENT

Subpart C. COMMUNITY DEVELOPMENT AND HOUSING

CHAPTER 145. INDUSTRIAL HOUSING AND COMPONENTS

STANDARDS

§ 145.41. Adoption of standards.

(a) The following codes, which relate to the design, materials and method of construction of buildings, are adopted as the standards applicable to the industrialized housing and housing components for purposes of this chapter:

(1) The ICC International Building Code[, with the following exceptions:

(i) The specific article on energy conservation.

(ii) A manufacturer may elect to utilize the 1993 BOCA National Building Code, section 1014.6, exception #8, with regard to stair geometry (rise & run).]

* * * * *

(4) The International Energy Conservation Code.

(5) The National Electric Code (NFPA No. 70).

(6) The ICC International Residential Code (for one and two family dwellings and town homes).

(b) Except as provided in § 145.43 (relating to amendment policy), the codes [shall] must be the latest edition [including supplements]. The effective date of all code changes [or supplements shall] must be in accordance with §§ 145.44 and 145.122(b) (relating to adoption and effective dates—code amendments; and effective date).

(c) [Insulation requirements shall have the following minimum thermal resistance (“R” values) through building sections—the total “R” value of a building section may be calculated by simply adding the individual “R” values of a building components—with the exception that the stated “R” value of one assembly, such as roof/ceiling, or wall or floor, may be increased and the “R” value for other components decreased if the overall heat loss for the building envelope does not exceed the total heat loss which would result from conformance to the following individual requirements or the standards:

(1) Ceilings adjacent to unheated areas: R=30.

(2) Exterior walls and partition walls between heated and unheated areas: R=16.

(3) Foundation walls applicable to heated basements and crawl spaces: R=10.

(4) Partition walls between apartments and other heated areas: R=11.

(5) Floors over areas open to the outside and crawl spaces if foundation walls are not insulated in accordance with paragraph (3): R=19.

(6) Floors over unheated basements: R=11.

(7) Entrance doors: R=4.

(8) Supply ducts in unheated areas: R=5.

(9) Return ducts in unheated areas: R=3.5.

(10) Edge insulation for concrete slabs: R=8.

(11) Windows must be double glazed or single glazed plus storm windows.

(12) Vapor barriers, weather stripping and still sealer must be used where applicable.

(13) Ventilation must be provided for the air spaces between insulated ceilings and roofs.

(d)] Insulation technique and installation applicable to the floor or foundation wall is not always practical at the manufacturing facility. Industrialized-modular-housing [dealers,] builders or contractors may supply and install the required floor or foundation wall insulation. If the [dealer,] builder or contractor supplies and installs the required floor or foundation wall insulation, an assignment of responsibility shall be used. The assignment of responsibility shall be signed by the authorized respective [dealer,] builder or contractor prior to the industrialized-modular-housing unit leaving the manufacturing plant. A manufacturer is required to retain the copies of the assignment of responsibility sheets in his files for inspection by the Department. Periodic inspections will be made on units with [dealer,] builder or contractor-installed floor or foundation wall insulation. Assignment of responsibility [shall] must be on forms provided by the Department which will conform to the following:

ASSIGNMENT OF RESPONSIBILITY

To: _____

I HEREBY ASSUME FULL RESPONSIBILITY FOR COMPLYING WITH THE FLOOR AND/OR FOUNDATION WALL INSULATION REQUIREMENTS AS MANDATED BY AMENDMENT TO THE PENNSYLVANIA DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT RULES AND REGULATIONS UNDER THE PENNSYLVANIA INDUSTRIALIZED HOUSING ACT OF MAY 11, 1972.

THIS ASSIGNMENT OF RESPONSIBILITY SHALL APPLY TO THE FOLLOWING HOME(S):

[DEALER] BUILDER NAME: _____

CUSTOMER NAME: _____

MODEL: _____

SERIAL NO.: _____

_____ Date: _____

AUTHORIZED SIGNATURE

[DEALER,] BUILDER, CONTRACTOR

(TO BE COMPLETED AND RETURNED TO THE ABOVE ADDRESS WITH SIGNED CONFIRMATION.)

[(e)] (d) * * *

[(f)] (e) * * *

§ 145.42. Alternate standards.

(a) As an alternative to the primary codes specified in § 145.41 (relating to adoption of standards), a manufacturer may elect to satisfy the requirements of the following

alternate standards. Copies of these documents are available through the respective promulgating agencies as defined in § 145.47 (relating to acquisition of adopted codes and amendments):

(1) [**ICC International Residential Code except that with regard to stair geometry (rise and run), a manufacturer may elect to utilize the 1992 CABO One and Two Family Dwelling Code, Section R-213.1, Figure No. R-213.1; and HUD Minimum Property Standards for One and Two Family Dwellings (24 CFR 200.926 (relating to minimum property standards for one- and two-family dwellings)).**

(2) **Insulation requirements and minimum requirements of § 145.41(c)(1)–(13).**

(3) **Electrical Code for One and Two Family Dwellings, NFPA No. 70.]**

As an alternate to the ICC International Residential Code, Chapter 11 regarding energy efficiency, the manufacturer may use one of the following:

(i) **The prescriptive methods for residential buildings in the International Energy Conservation Code compliance guide containing State maps, prescriptive energy packages and related software published by the United States Department of Energy, Building Standards and Guidelines Program (REScheck™).**

(ii) **Pennsylvania's Alternative Residential Energy Provisions developed by the Pennsylvania Housing Research Center at the Pennsylvania State University.**

(2) **As an alternate to the ICC International Residential Code, Chapter 3-Building Planning, in regards to stairway construction, the manufacturer may use the following standard:**

(i) **The maximum riser height must be 8 1/4 inches. There may be no more than 3/8 inch variation in riser height within a flight of stairs. The riser height is to be measured vertically between leading edges of the adjacent treads.**

(ii) **The minimum tread depth must be 9 inches measured from tread nosing to tread nosing. There may be no more than 3/8 inch variation in tread depth within a flight of stairs.**

(iii) **Treads may have a uniform projection of not more than 1 1/2 inches when solid risers are used.**

(iv) **Stairs may not be less than 3 feet in clear width and clear head room of 6 feet 8 inches must be maintained for the entire run of the stair.**

(v) **Handrails may project from each side of a stairway a distance of 3 1/2 inches into the require width of the stairway.**

(b) Except as provided in § 145.43 (relating to amendment policy), the codes must be the latest edition [**including supplements**]. The effective date of code changes [**or supplements**] must be in accordance with §§ 145.44 and 145.122(b) (relating to adoption and effective dates—code amendments; and effective date).

ADMINISTRATIVE PROVISIONS

§ 145.93. Factory inspections; right of entry.

* * * * *

(b) [**Twice yearly**] **Yearly inspections.** A factory or manufacturing facility with approved building system

documentation [**shall**] **will** be inspected at least [**twice**] **once** each year by the Department. The inspections are to verify the effectiveness of the sponsor's quality program and compliance with approved building systems documentation.

* * * * *

[Pa.B. Doc. No. 06-1273. Filed for public inspection July 21, 2006, 9:00 a.m.]

**DEPARTMENT OF
LABOR AND INDUSTRY**

[34 PA. CODE CH. 501]

Registration of Sign Language Interpreters and Transliterators

Under section 3(4) of the Sign Language Interpreters and Transliterators State Registration Act (act) (63 P. S. § 1725.3(4)), the Office for the Deaf and Hard of Hearing (Office) within the Department of Labor and Industry (Department) is submitting proposed rulemaking for the registration of sign language interpreters and transliterators.

Statutory Authority

The Office is empowered to promulgate regulations that are necessary to carry out the act's provisions. The act also provides specific authority to approve a registration examination and to promulgate rulemaking addressing fees, disciplinary violations and registration reactivation. See sections 5(a)(1)(iii) and (d), 8(a)(6) and 9(c)(1) of the act (63 P. S. §§ 1725.5(a)(1)(iii) and (d), 1725.8(a)(6) and 1725.9(c)(1)).

Background

The act was approved July 2, 2004, and took effect on August 31, 2004. The act requires the Office to register sign language interpreters and transliterators who meet the act's testing requirements. Registration renewal is to occur every 2 years. The act also allows the Office to charge fees, initiate discipline, impose administrative fines for violations, suspend, deny or revoke registrations and to hold hearings concerning alleged violations. The Department may seek an injunction or criminal action against persons engaged in sign language interpretation or transliterator services or representing themselves as being registered without being registered under the act.

Since July 2004, the Office has met with numerous organizations whose membership will be affected by the act and its proposed rulemaking. The Office provided information regarding the regulatory process, answers to frequently asked questions regarding the requirements of the act and received recommendations from the affected community.

The Office met and consulted with the following organizations: the Pennsylvania Registry of Interpreters for the Deaf; Pennsylvania Society for Advancement of the Deaf, Erie County Council for the Deaf, Pennsylvania Training and Technical Assistance Network, NE Technical Assistance Consortium, Office of Deaf and Hard of Hearing Advisory Council, Advisory Council for Persons who are Deaf and Hard of Hearing, Pennsylvania Department of Corrections, Pennsylvania Department of Education, Bureau of Special Education; Berks Deaf and Hard of

Hearing Services Board, Office of Equal Employment, Tobyhanna Army Depot, American Sign Language Teacher Association; Pittsburgh Hearing and Deafness Services; Pittsburgh Association for the Deaf; NW Technical Assistance Consortium and the Educational Resources for Children with Hearing Loss.

Purpose

The proposed rulemaking is necessary to implement and clarify the act's provisions concerning the registration and renewal process, the approved registration examination, fees, the circumstances under which nonregistered individuals are permitted to provide services, discipline, reactivation of suspended registrations and the complaint and appeal process.

Summary of Proposed Rulemaking

§ 501.1. Definitions.

This section provides definitions for the Office-approved examinations which test knowledge and proficiency of interpreting and transliterating required for registration under section 5 of the act. These tests are the NAD-RID NIC; the RID Generalist examination and the NAD National Interpreter Certification test. The NAD-RID NIC is a National certification instrument developed jointly by the Registry of Interpreters of the Deaf (RID) and the National Association of the Deaf (NAD). The NAD-RID NIC will ultimately phase out the use of the RID Generalist examination and the NAD National Interpreter Certification test for national certification. However, the certification bestowed on individuals who previously passed these examinations will remain valid. The examinations will remain viable. Definitions are also provided for the "RID," "NAD," "act," "Department," "Office," "Secretary" and "year."

§ 501.2. Fees.

The Office has the discretion to set fees. The Office will utilize the initial \$100 fee set by section 5(d) of the act for registration and renewal. An additional fee of \$50 is required for late renewal. Under section 9(c) of the act, an additional reactivation after suspension fee of \$100 is set.

§ 501.3. Examination.

This section adopts the NAD National Interpreter Certification, RID Generalist and NAD-RID NIC examinations under section 5(a)(1)(iii) of the act. It also provides procedures for an applicant to take the examination.

§ 501.4. Registration.

This section also enumerates the requirements for registration and the Office's duty to issue registrations. The Office may also deny a registration for failure to comply with the act and regulations and for the violations enumerated in the act.

§ 501.5 Exemptions.

This section clarifies the circumstances under which nonregistered individuals may provide interpreting or transliterating services under section 4(b) of the act (63 P. S. § 1725.4(b)). The exemption in subsection (a) applies to interpreting and transliterating services provided in a religious setting under section 4(b)(1) of the act. The proposed rulemaking clarifies that the services must be related to the religious worship services or religious education. The exemption does not apply to services provided for a religious entity or religiously-affiliated school unrelated to religious education.

The exemption in subsection (b) applies to Nationally-certified individuals from outside this Commonwealth providing services within this Commonwealth under section 4(b)(4) of the act. The proposed rulemaking requires these individuals to provide notice to the Office of the time, date, nature and duration of the services they intend to provide and to further provide evidence of current certification by the RID, NAD or NAD-RID NIC. Additionally, the Office will provide notification when an individual has provided 14 days of services.

Subsection (c) addresses the provision of interpreting or transliterating services by a nonregistered individual who provides services at the request of a deaf or hard of hearing individual under section 4(b)(5) of the act. The interpreter shall provide notice to the client that the individual is not registered with the Office. Additionally, the client is required to sign a form stating that he understands the individual is not registered with the Office. The nonregistered interpreter shall maintain a copy of the client's signed statement for 2 years.

Subsection (d) clarifies that an individual under section 4(b)(7) of the act who provides interpreting or transliterating services in a school-related activity, who is employed by a public or private elementary or secondary school shall achieve a score of at least 70% on the EIPA or be registered with the Office to provide services.

Subsection (e) constitutes an exemption for interpreting and transliterating services provided in physician offices under section 4(b)(8) of the act. A nonregistered individual may provide interpreting and transliterating services in a physician's office. However, the patient must be informed that the individual is not registered and informed of the patient's right to request or provide a registered interpreter. The physician's office shall provide a written notice of the patient's rights. The patient shall sign a statement indicating notification the individual is not registered and that the patient has the right to request or provide the services of a registered interpreter. Additionally, the patient shall be informed that a request for the services of a registered interpreter after the commencement of the office visit may result in a delay of the physician's services. Physician's offices shall provide the notice to a patient who is deaf or hard of hearing at each visit. Additionally, the physician's office shall maintain a copy of the signed statement in the patient's health care file.

§ 501.6. Complaints.

This section outlines the Office's duty to investigate alleged violations of the act and the procedure for a person to file a complaint.

§ 501.7. Hearings/appeals.

This section enumerates the hearing and appeal process for adjudicating alleged violations of the act and for the imposition of disciplinary measures under sections 8 and 9 of the act.

Subsection (a) provides that a respondent has the right to notice, hearing and adjudication under 2 Pa.C.S. (relating to administrative law and procedure). Hearings will be conducted under 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure) and this section.

Subsection (b) requires the service of an order to show cause under 1 Pa. Code § 35.14 (relating to orders to show cause). A respondent may file an answer, under subsection (c), in accordance with 1 Pa. Code § 35.37 (relating to answers to orders to show cause).

Under subsections (d) and (e), the Office will designate a presiding officer to conduct a hearing and prepare a proposed report and order. The presiding officer will have the powers enumerated in 1 Pa. Code §§ 35.185—35.190 (relating to presiding officers).

Subsection (f) contains the procedures for appealing the proposed report and order to the Secretary under section 10 of the act (63 P.S. § 1725.10). A party seeking an appeal shall file exceptions within 20 days of service of the proposed report and order. The presiding officer will certify and transmit the record to the Secretary. The other party may file a response within 20 days. Either party may seek reopening of the record. If a timely appeal is filed, the Secretary or the Secretary's designee will issue a final order. The Secretary or designee may reopen the record and order additional briefs. The proposed report and order will become a final order if a timely appeal is not made under this section.

§ 501.8. Request for reconsideration of registration denial.

Under subsection (a), the Office may deny a registration application if the applicant does not meet the registration requirements of section 5(a) of the act or for the grounds contained in section 8(a) of the act.

An applicant may seek reconsideration of a denial with the Office by filing a written request under subsections (b) and (c). The Office will review the request. If it again denies the application, it will provide reasons for the denial under subsection (d). If the request is granted, the Office will issue a registration if the applicant pays the renewal fee and completes the application under section 5(a)(1) of the act.

Under subsection (f), an applicant may request a hearing and seek appeal of an adverse order under the procedures enumerated in § 501.6 (relating to hearings/appeals).

§ 501.9. Biennial registration renewal.

Section 5(b)(4) of the act provides that registrations may be issued for a period not to exceed 2 years. Accordingly, subsection (a) provides that registrations are to be renewed on a biennial basis. Practicing or holding forth the ability to practice with an expired registration is prohibited under this subsection.

Subsection (b) provides that the biennial registration will expire on December 31 of even-numbered years.

Subsection (c) contains the renewal requirements which include the submission of a completed application and payment of the required fees prior to the expiration of the current biennial period.

Subsection (d) provides that biennial registration forms and other forms or literature to be distributed by the Office are to be forwarded to the last-known mailing address provided to the Board by the registrant. The provision further provides that failure of the Office to send, or of the registrant to receive, a biennial registration application does not relieve the registrant of the biennial registration responsibility.

The Office will issue a biennial registration, under subsection (d) to an individual meeting these requirements.

§ 501.10. Reactivation of registration.

This section provides the requirements for reactivation of a suspended registration under section 9(c) of the act. These requirements are the time period of the suspension term has to be completed; all terms and conditions of the suspension order were complied with; the individual did

not violate the act or this chapter during the suspension; the individual pays reactivation and renewal fees; and the individual complies with the renewal requirements of subsection (c).

§ 501.11. Change of address/name.

In accordance with section 6 of the act (63 P.S. § 1725.6), a registrant shall notify the office of any change of name or mailing address within 15 days of the change. Additionally, a registrant shall notify the office of any change in personal and professional information.

Affected Persons

The Office estimates that approximately 200 individuals will register under this act. These registrants will be impacted by the act's requirements which include a demonstration of competency to provide interpreting and transliterating services and the registration fee. Pennsylvanians who are deaf or hard of hearing who rely on interpreting and transliterating services will benefit from uniform standards relating to knowledge and proficiency.

A physician's office will have to complete and maintain records and provide notification to patients to comply with the exclusion provided in section 4(b)(8) of the act and § 501.3(d) of the proposed rulemaking. A physician's office will have to allow a patient to utilize a registrant, if requested.

Fiscal Impact

It is anticipated that there will be costs to the Department as a result of this proposed rulemaking. These costs should be offset by the registration and renewal fees contained in the rulemaking. It is anticipated that the Department will receive \$20,000 in initial registration fees.

The Department cannot anticipate the costs of investigating, prosecuting and adjudicating alleged violations because there is no basis for comparison for this activity. The Office cannot predict the costs of monitoring compliance with the registration exclusions provided in § 501.4. It is not expected that the levying of administrative fines will demonstrably offset costs.

Paperwork Requirements

The Office will have to develop forms for registration and renewals and for filing complaints. It will develop a registration card or identification for registrants. Related forms include registration denial, and notifications concerning reconsideration. The Office and will have to keep records indicating registration status, hearings and discipline. Many of these records have to be accessible to the public under section 3(3) of the act.

Applicants will have to provide documentation to register and renew registrations, including certification requirements under § 501.3. A physician's office will have to complete and keep records concerning patient notification under § 501.4(d).

Sunset Date

A sunset date is not appropriate for this proposed rulemaking. The Office will periodically monitor this proposed rulemaking and submit amendments as needed.

Effective Date

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

Contact Person

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed rulemaking to Catherine N. Wojciechowski, Deputy Chief Counsel, 10th Floor, Labor and Industry Building, 7th and Forster Streets, Harrisburg, PA 17120, (717) 787-4186; fax (717) 783-1303; e-mail: cwojciecho@state.pa.us within 30 days after publication of this proposed rulemaking in the *Pennsylvania Bulletin*.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on July 10, 2006, the Department submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Labor Relations and Labor and Industry Committees. A copy of this material is available to the public upon request.

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

STEPHEN M. SCHMERIN,
Secretary

Fiscal Note: 12-71. (1) General Fund; (2) Implementing Year 2005-06 is \$27,400; (3) 1st Succeeding Year 2006-07 is \$12,100; 2nd Succeeding Year 2007-08 is \$12,100; 3rd Succeeding Year 2008-09 is \$12,100; 4th Succeeding Year 2009-10 is \$12,100; 5th Succeeding Year 2010-11 is \$12,100 (4) 2004-05 Program—\$15,900; 2003-04 Program—\$N/A; 2002-3 Program—\$N/A; (7) Labor and Industry General Government Operations; (8) recommends adoption

Annex A

TITLE 34. LABOR AND INDUSTRY

PART IX. OFFICE OF THE DEAF AND HARD OF HEARING

CHAPTER 501. REGISTRATION OF SIGN LANGUAGE INTERPRETERS AND TRANSLITERATORS

Sec.	
50.1.	Definitions.
50.2.	Fees.
50.3.	Examination
50.4.	Registration
50.5.	Exemptions.
50.6.	Complaints
50.7.	Hearings/appeals.
50.8.	Request for reconsideration of registration.
50.9.	Biennial registration renewal.
50.10.	Reactivation of registration.
50.11.	Change of address/name/information.

§ 501.1. Definitions.

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

Act—The Sign Language Interpreter and Transliterators State Registration Act (63 P. S. §§ 1725.1—1725.12).

Department—The Department of Labor and Industry of the Commonwealth.

NAD—National Association of the Deaf, 814 Thayer Avenue, Silver Spring, MD 20910. A Nationally-recognized certification organization for interpreters and transliterators.

NAD National Interpreter Certification Test—The written and performance examinations conducted by the NAD for Level IV or V certification as a sign language interpreter or transliterator.

NAD-RID NIC—The National Interpreter Certification test which is the knowledge, interview and performance examination conducted for National certification as a sign language interpreter or transliterator.

Office—The Office for the Deaf and Hard of Hearing within the Department, 1521 North 6th Street, Harrisburg, PA 17102.

RID—Registry of Interpreters of the Deaf, 333 Commerce Street, Alexandria, VA 22314. A Nationally-recognized certification organization for interpreters and transliterators.

RID Generalist examination—The written and performance examination conducted by the RID for certification as a sign language interpreter or transliterator.

Secretary—The Secretary of the Department or the Secretary's designee.

Year—A calendar year.

§ 501.2. Fees.

The Office will charge the following fees:

(1) Registration	\$100
(2) Biennial renewal of existing registration	\$100
(3) Surcharge for late renewal of biennial registration.	\$50
(4) Reactivation following suspension.	\$100
(5) Registration identification card replacement.	\$10

§ 501.3. Examination.

(a) The following examinations are approved as the examination which tests knowledge and proficiency under section 5(a)(1)(iii) of the act (63 P. S. § 1725.5(a)(1)(iii)):

- (1) NAD National Interpreter Certification.
- (2) RID Generalist Examination.
- (3) NAD-RID NIC.

(b) An applicant for any of the approved examinations shall obtain applications directly from and pay the required examination fee directly to the examination provider.

§ 501.4. Registration.

(a) An applicant for registration shall submit the following to the office:

(1) Proof of receiving a passing score on any of the approved examinations. This may include proof of current certification by the NAD, RID or NAD-RID NIC.

(2) A completed registration application. Applications may be obtained from the office or the Department website _____. (*Editor's Note:* The blank refers to the website which will be placed in final-form regulation.)

(3) The required registration fee under § 501.2 (relating to fees). Checks shall be made payable to the Commonwealth of Pennsylvania.

(b) The Office will issue a paper or electronic registration to a registrant if the registrant complies with subsection (c) and meets the requirements of section 5(a) of the act (35 P. S. § 1725.5(a)).

(c) The Office may deny an application for registration if one or more of the following apply:

- (1) The applicant does not comply with this section.
- (2) The applicant fails to meet the requirements of section 5(a) of the act.
- (3) The applicant committed a violation enumerated in section 8(a) of the act 63 P. S. § 1525.8(a)(8).

(d) The Office will comply with the procedures contained in § 501.8 (relating to request for reconsideration of registration denial) if an application for registration is denied.

§ 501.5. Exemptions.

(a) An individual engaged in interpreting or transliterating services in a religious setting is exempt from registration under section 4(b)(1) of the act (63 P. S. § 1725.4(b)(1)) if the services are provided either:

- (1) During a worship service conducted by a religious entity.
- (2) Exclusively for religious-study purposes for a religious entity or religiously affiliated school.

(b) An individual who does not reside in this Commonwealth is exempt from registration under section 4(b)(4) of the act in accordance with the following:

- (1) The individual possesses current certification from a National certifying body.
- (2) The individual provides interpreting or transliterating services in this Commonwealth for no longer than 14 days each year.
- (3) The individual provides the following to the Office before the interpreting or transliterating service is provided:
 - (i) Written notice of the time, date, nature and duration of each sign language or transliterating service that the individual intends to provide within this Commonwealth.
 - (ii) Proof of current certification.

(4) The Office will provide notice to a sign language interpreter or transliterator that he has provided 14 days of services during the year and that the individual is prohibited from providing any further interpreting or transliterating services within this Commonwealth during the year, unless the individual registers with the Office in accordance with section 5 of the act (63 P. S. § 1725.5).

(c) An individual engaged in interpreting or transliterating at the request of a client who is deaf or hard of hearing is exempt from registration under section 4(b)(5) of the act in accordance with the following:

- (1) The individual notifies the client that the individual is not registered with the Office.
- (2) The client signs written confirmation that the individual is not registered.
- (3) The individual providing services shall maintain a copy of the client's signed statement for 2 years.
- (d) An individual is exempt from registration under section 4(b)(7) of the act for a school-related activity if the individual meets the following conditions:
 - (1) Is engaged in interpreting or transliterating services in a school-related activity.
 - (2) Is currently employed by a public or private elementary or secondary school.

(3) Received a score of at least 70% on the EIPA.

(e) An individual is exempt from registration under section 4(b)(8) of the act if the individual provides sign language interpreting or transliterating services to a patient who is deaf or hard of hearing in a physician's office in accordance with the following:

(1) The patient signs a written confirmation that the individual providing the interpreting or transliterating services is not registered and that the patient has the right to request or provide an interpreter or transliterator who is registered with the Office. This confirmation shall be completed during every office visit.

(2) The physician's office informs the patient in writing that a request for a registered interpreter or transliterator made after the commencement of the office visit may result in a delay of physician services.

(3) The physician's office shall maintain a copy of the patient's signed statement in the patient's health care file.

§ 501.6. Complaints.

(a) Upon the receipt of a written complaint or upon its own initiative, the Office may investigate allegations of violations of section 8 of the act (63 P. S. § 1725.8).

(b) Complaints must contain:

- (1) The name and address of complainant.
- (2) The name and address, if known, of the individual against whom the complaint is filed.
- (3) A statement of the facts forming the basis of the complaint or conclusion that there has been a violation of the act.

(4) The name of any witnesses and other information that may be pertinent to an investigation.

(c) Complaints shall be submitted to the Office of Deaf and Hard of Hearing which may commence an investigation.

§ 501.7. Hearings/appeals.

(a) Actions under sections 8 and 9 of the act (63 P. S. §§ 1725.8 and 1725.9) will be taken subject to the right of notice, hearing and adjudication in accordance with 2 Pa.C.S. (relating to administrative law and procedure). Hearings will be conducted under 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure) and this section.

(b) The Office will serve the registrant with an order to show cause under 1 Pa. Code § 35.14 (relating to orders to show cause). The order to show cause will contain notification that the registration may be subject to action and the grounds for the action. The order to show cause will contain notification that the respondent is to respond in writing within 30 days after the date of the service of the order or in accordance with another date designated by the Office.

(c) The registrant may respond in writing to the allegations of the order to show cause under 1 Pa. Code § 35.37 (relating to answers to orders to show cause). If made, the answer shall be filed with the Office within 30 days after the date of the order to show cause or within another time period specified by the Office.

(d) The Office will provide the opportunity for a recorded hearing on the allegations. The Office will designate a presiding officer to conduct the hearing under 1 Pa. Code §§ 35.185—35.190 (relating to presiding officers).

(e) The presiding officer will prepare and issue a proposed report and order under 1 Pa. Code §§ 35.201—35.207 (relating to proposed reports generally). The presiding officer will serve the proposed report upon counsel of record or to the parties in the hearing. The proposed report will contain the Department address where an appeal may be filed.

(f) A party may appeal the proposed report and order to the Secretary within 20 days of service of the proposed report under section 10 of the act (63 P. S. § 1725.10). Appeals are governed by the following:

(1) A party desiring to appeal to the Secretary shall file exceptions to the proposed report and order within 20 days of service in accordance with 1 Pa. Code § 35.211 (relating to procedure to except to proposed report). The party may seek the reopening of the record to present testimony or evidence by filing a request with the exceptions.

(2) A party may file a written response to the exceptions within 20 days of service of the exceptions. The party may seek the reopening of the record to present testimony or evidence by filing a request with the response.

(3) If a timely appeal is filed, the presiding officer will transmit the proposed report and order and the certified record to the Secretary.

(4) If a timely appeal is filed, the Secretary will issue the final order under 1 Pa. Code § 35.226 (relating to final orders). The Secretary may reopen the record and order additional briefs.

(5) The presiding officer's proposed report and order will be the Department's final order under section 11 of the act (63 P. S. § 1725.11) if a timely appeal is not made under this section.

(g) This section supplements 1 Pa. Code §§ 35.14, 35.37, 35.185—35.190, 35.201—35.207, 35.211 and 35.226.

§ 501.8. Request for reconsideration of registration denial.

(a) The Office may deny an application for registration if an applicant does not meet the registration requirements of section 5(a) of the act (63 P. S. § 1725.5(a)) or for the grounds contained in section 8(a) of the act (63 P. S. § 1725.8(a)).

(b) An applicant for registration whose application was denied by the Office may file a request for reconsideration with the Office.

(c) The request for reconsideration must be in writing and include the following:

(1) The applicant's name and address.

(2) The facts supporting the applicant's request for reconsideration.

(3) Supporting documentation demonstrating that the applicant meets the requirements for registration under section 5(a)(2) of the act.

(d) The Office will review the request for reconsideration and issue a written determination containing its decision. If reconsideration is denied, the Office will provide a summary of the reasons in the determination.

(e) If the request is granted, the Office will issue a registration to the applicant if the applicant pays the renewal fee and completes the application under section 5(a)(1) of the act.

(f) An applicant may seek a hearing and appeal the denial of registration under sections 10 and 11 of the act (63 P. S. §§ 1725.10 and 1725.11). The Office and Department will conduct hearings and resolve appeals under § 501.7 (relating to hearings/appeals).

§ 501.9. Biennial registration renewal.

(a) A registrant shall renew the registration biennially to retain the right to continue to provide interpreting or transliterating services, or offer to provide sign language interpreting or transliterating services, or hold himself out as a qualified sign language interpreter or a qualified transliterator or use similar titles or designations under the act.

(b) Registration for a biennium expires December 31 of every even-numbered year.

(c) To renew a registration, a registrant shall submit to the office before the expiration of the renewal period a completed renewal application supplied by the Office along with the required renewal fee and any late or reactivation fees under § 501.2 (relating to fees).

(d) Biennial registration forms and other forms or literature to be distributed by the Office will be forwarded to the last mailing address given to the Office by the registrant. Failure of the Office to send, or of the registrant to receive, a biennial registration application does not relieve the registrant of the biennial registration responsibility.

(e) The Office will issue a nontransferable biennial registration to a registrant who renews registration under this section.

§ 501.10. Reactivation of registration.

An individual may reactivate a suspended registration under section 9(c) of the act (63 P. S. § 1725.9(c)) if the following conditions are met:

(1) The suspension term certain has fully elapsed.

(2) The individual has complied with the terms and conditions of the suspension order.

(3) The individual has not violated the act or this chapter during the suspension term.

(4) The individual pays the reactivation fee under § 501.2 (relating to fees).

(5) The individual complies with the renewal requirements of § 501.9 (relating to biennial registration renewal).

§ 501.11. Change of address/name/information.

A registrant shall notify the Office of any change of name, mailing address or other personal or professional information within 15 days of making the change.

[Pa.B. Doc. No. 06-1274. Filed for public inspection July 21, 2006, 9:00 a.m.]

MUNICIPAL POLICE OFFICERS' EDUCATION AND TRAINING COMMISSION

[37 PA. CODE CH. 203]

Administration of the Training Program

The State Police, Municipal Police Officers' Education and Training Commission (Commission), proposes to amend 37 Pa. Code § 203.11(a)(6) (relating to qualifications) to allow licensed physician's assistants and certified nurse practitioners to conduct physical examinations, which is consistent with current medical practice.

Statutory Authority

The amendment is proposed under 53 Pa.C.S. § 2164 (1), (8) and (14) (relating to powers and duties of the commission).

Effect

The proposed change will affect recruits, out-of-State police officers seeking training waivers and certified schools.

Effective Date/Sunset Date

The amendment will be effective immediately upon final adoption. These regulations are continually monitored and updated as needed. Therefore, no sunset date has been set.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on July 10, 2006, the Commission submitted a copy of the proposed rulemaking and a copy of the Regulatory Analysis Form, to the Independent Regulatory Commission (IRRC) and to the Chairpersons of the House Judiciary Committee and the Senate Law and Justice Committee. A copy of these materials is available to the public upon written request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed rulemaking within 30 days after the close of the public comment period. The comments, recommendations or objections shall specify the regulatory review criteria which have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final-form publication of the regulation by the State

Police, the General Assembly and the Governor of comments, recommendations or objections raised.

Contact Person/Public Comment

Interested persons wishing to comment are invited to submit all written comments within 30 days of the publication of this notice in the *Pennsylvania Bulletin*. Each written comment must include the name, address and telephone number of the interested party and a concise statement with sufficient detail on the subject. Written statements may be directed to Syndi L. Guido, Policy Director, State Police, 1800 Elmerton Avenue, Harrisburg, PA 17110, (717) 772-0905. Persons with a disability who require an alternative format of this document (that is large print, audio tape, Braille) should contact Syndi Guido so that she may make the necessary arrangements.

COLONEL JEFFREY B. MILLER,
Commissioner

Fiscal Note: 17-73. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 37. LAW

PART IV. MUNICIPAL POLICE OFFICERS' EDUCATION AND TRAINING COMMISSION

Subpart A. MUNICIPAL POLICE OFFICERS' TRAINING PROGRAM

CHAPTER 203. ADMINISTRATION OF THE TRAINING PROGRAM

Subchapter B. POLICE OFFICER CERTIFICATION REQUIREMENTS

§ 203.11. Qualifications

(a) Except as provided in subsection (b), persons who are to be employed as police officers by police departments within this Commonwealth from December 21, 1996, shall:

* * * * *

(6) Be personally examined by a [**Pennsylvania licensed**] physician, **physician's assistant or certified nurse practitioner who is licensed in Pennsylvania**. The examination shall include the following:

* * * * *

[Pa.B. Doc. No. 06-1275. Filed for public inspection July 21, 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 Health

The Executive Board approved a reorganization of the Department of Health effective July 6, 2006.

The organization chart at 36 Pa.B. 3830 (July 22, 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. 06-1276. Filed for public inspection July 21, 2006, 9:00 a.m.]

PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

Reorganization of the Department of Labor and Industry

The Executive Board approved a reorganization of the Department of Labor and Industry effective July 6, 2006.

The organization chart at 36 Pa.B. 3831 (July 22, 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. 06-1277. Filed for public inspection July 21, 2006, 9:00 a.m.]

PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

Reorganization of the Department of Public Welfare

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

The organization chart at 36 Pa.B. 3832 (July 22, 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. 06-1278. Filed for public inspection July 21, 2006, 9:00 a.m.]

PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

Reorganization of the State Police

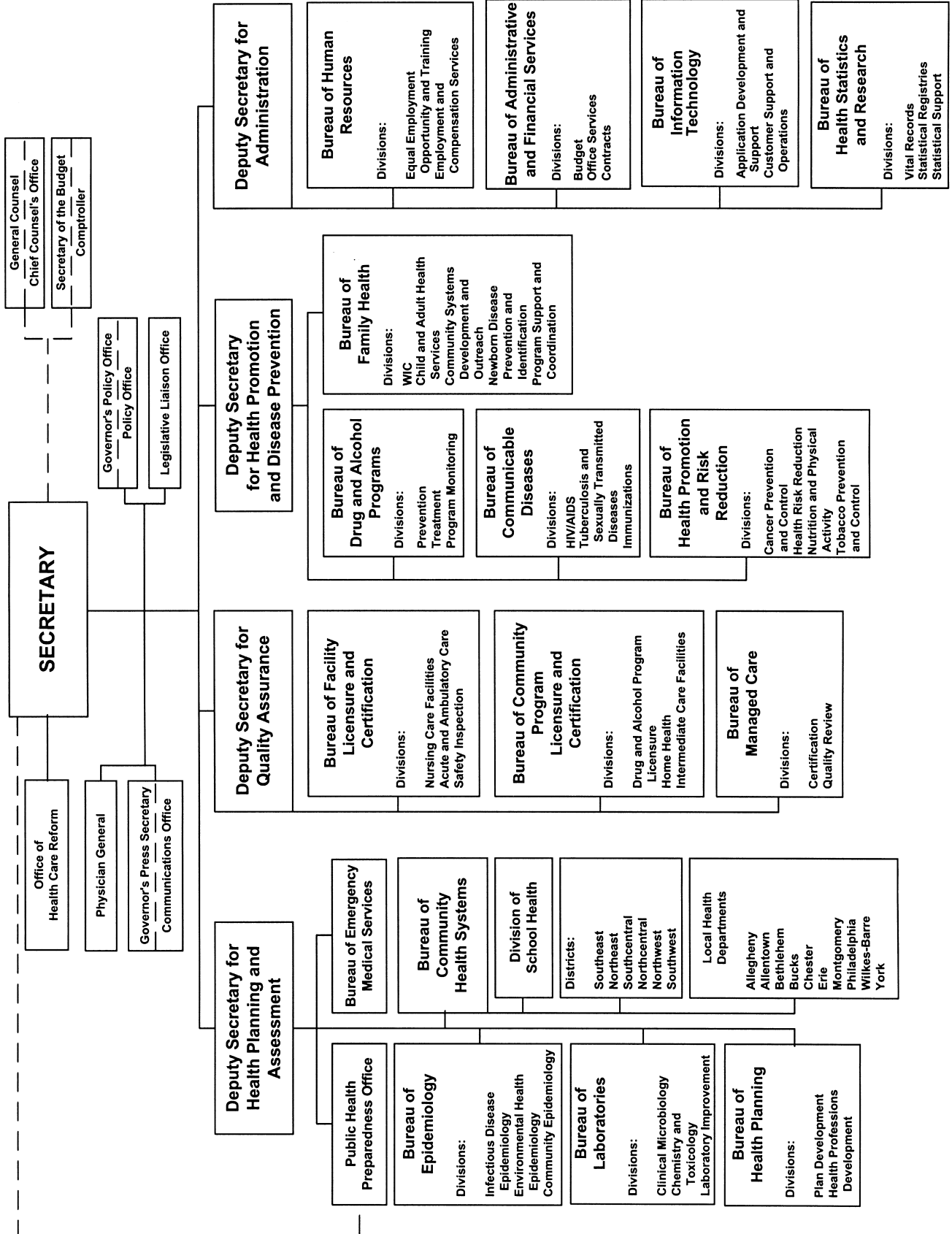
The Executive Board approved a reorganization of the State Police effective July 6, 2006.

The organization chart at 36 Pa.B. 3841 (July 22, 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).

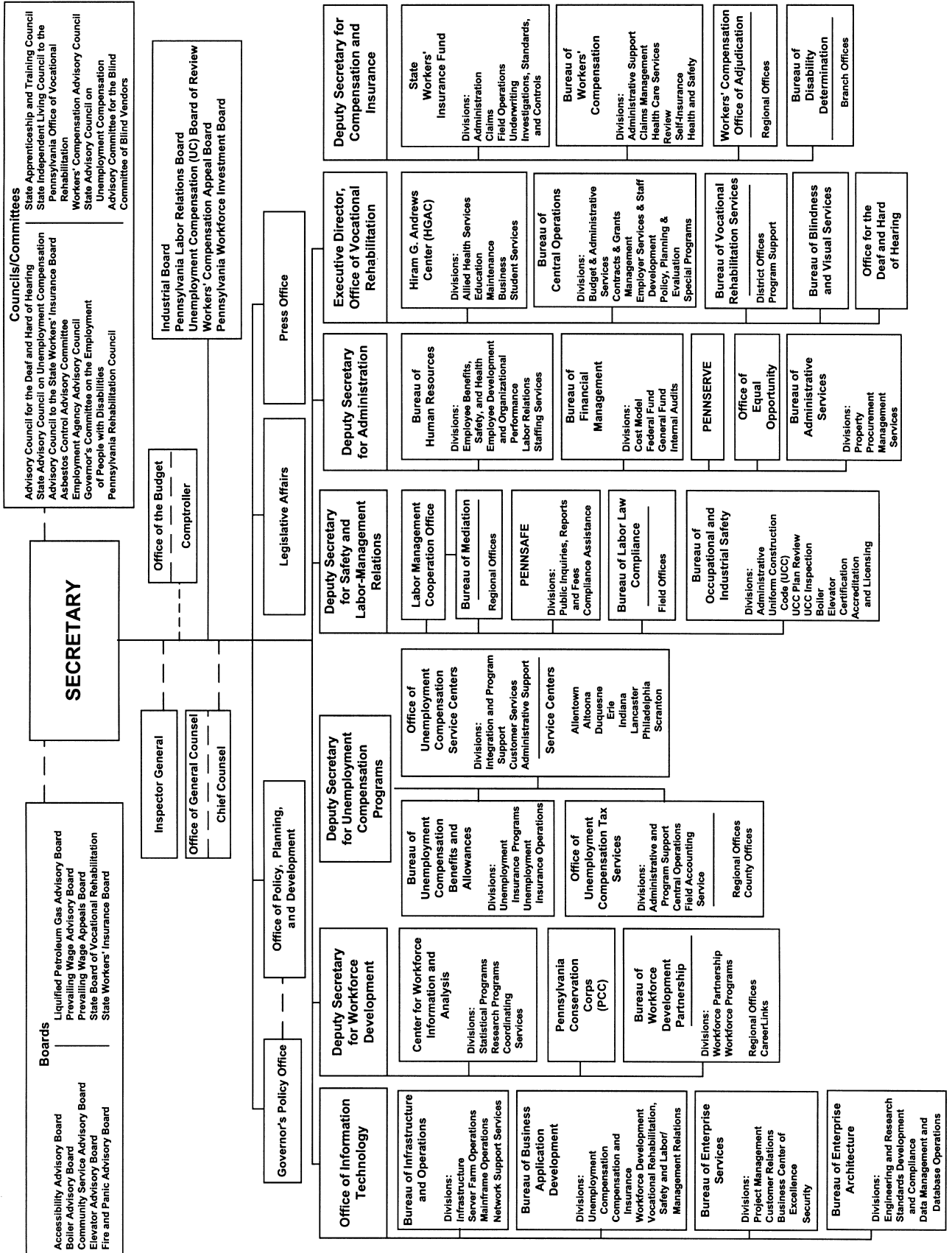
(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) (relating to contents of Pennsylvania Code) as a document general and permanent in nature which shall be codified in the Pennsylvania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

[Pa.B. Doc. No. 06-1279. Filed for public inspection July 21, 2006, 9:00 a.m.]

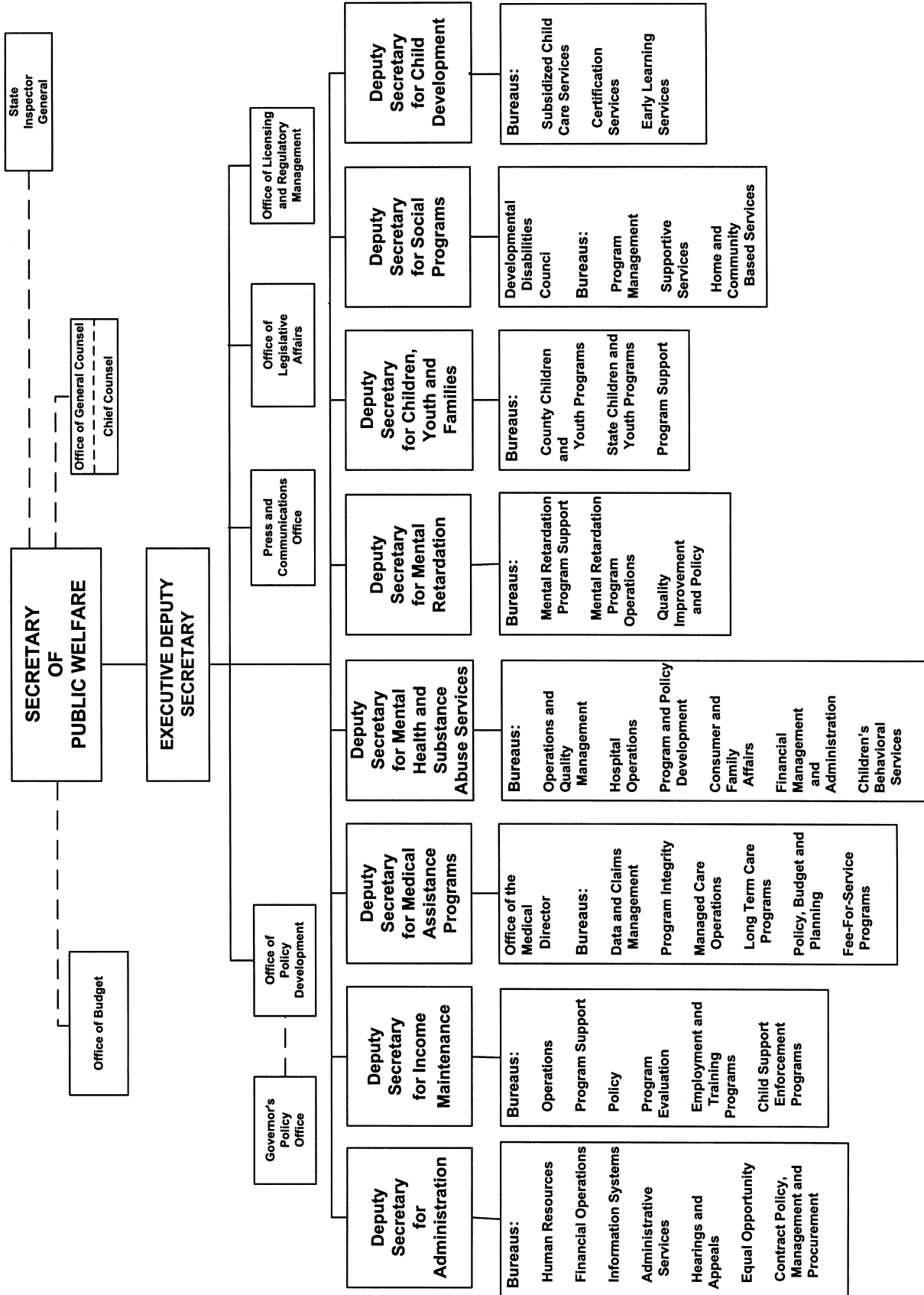
DEPARTMENT OF HEALTH



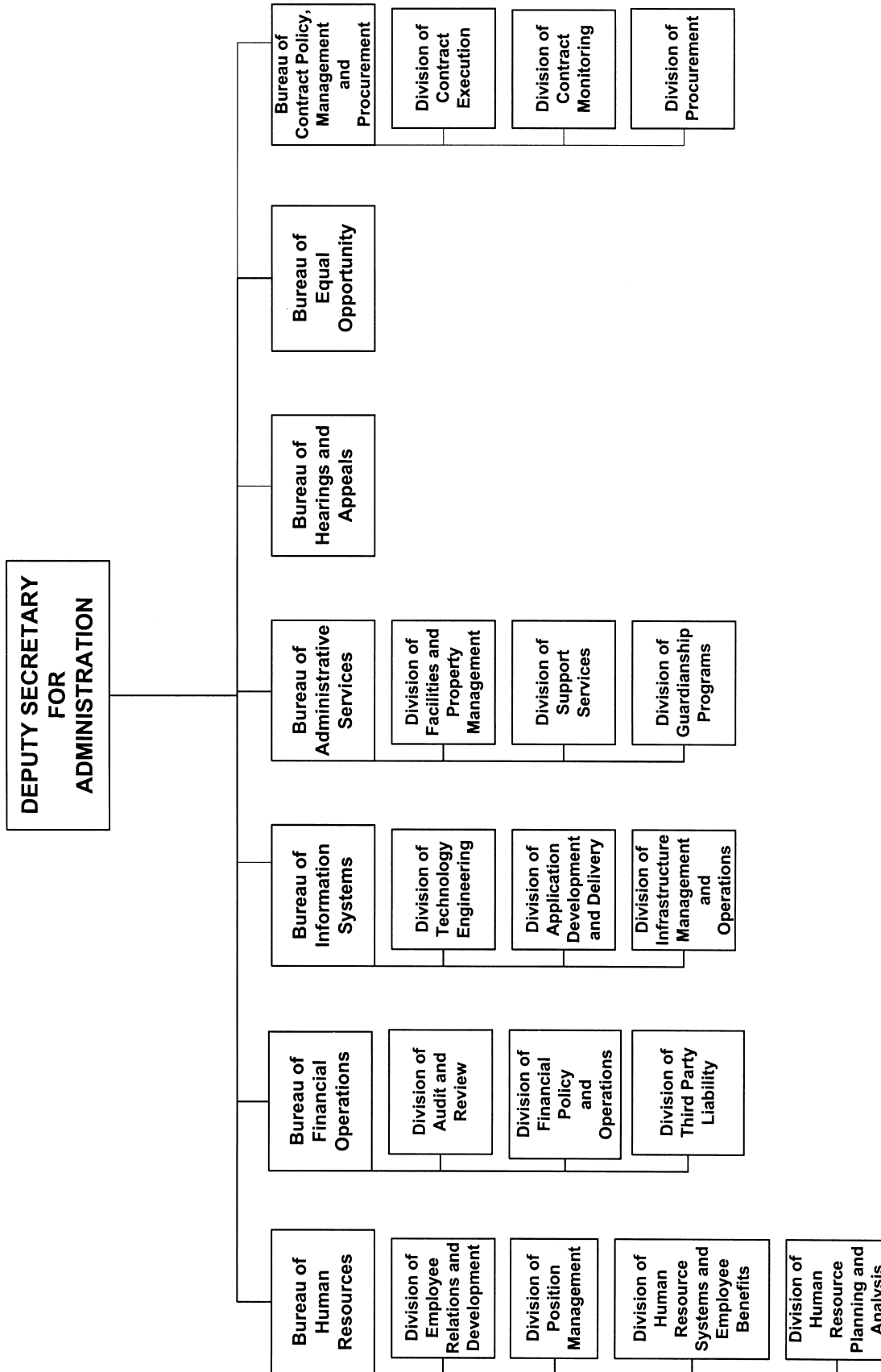
DEPARTMENT OF LABOR AND INDUSTRY



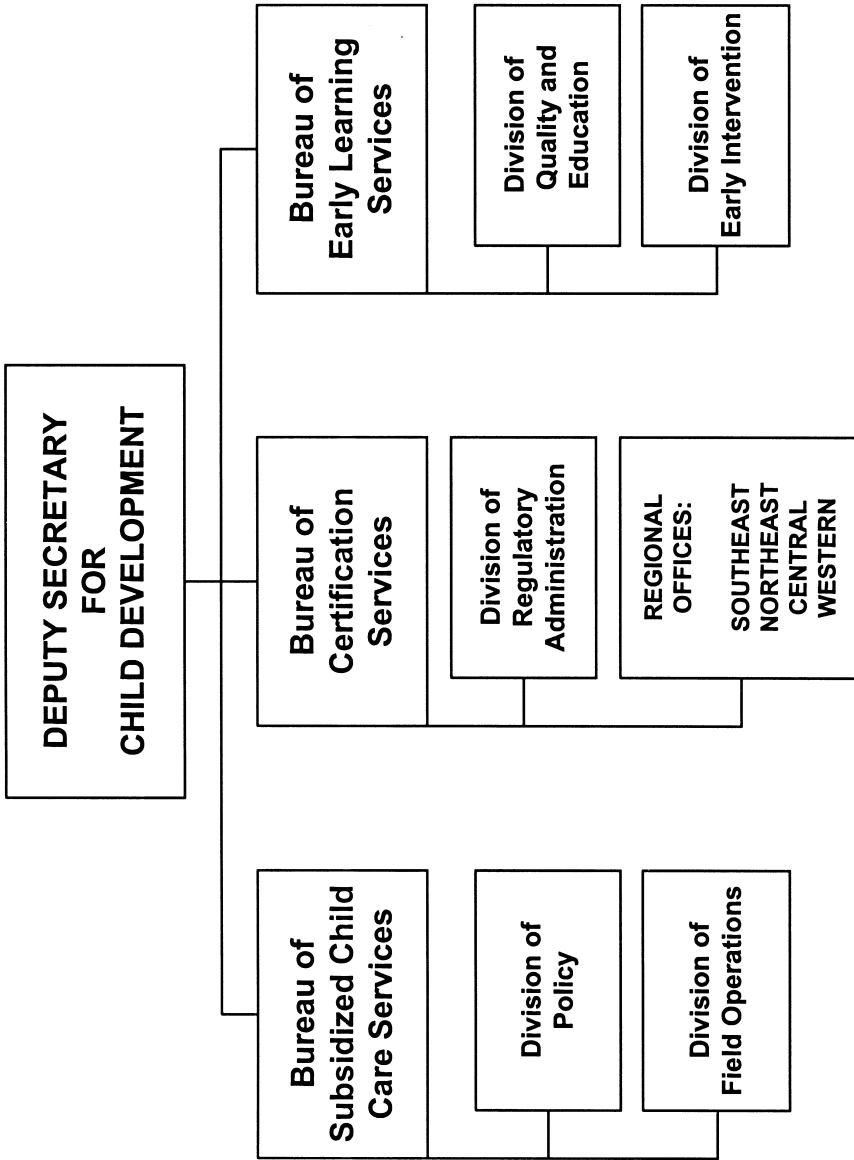
DEPARTMENT OF PUBLIC WELFARE



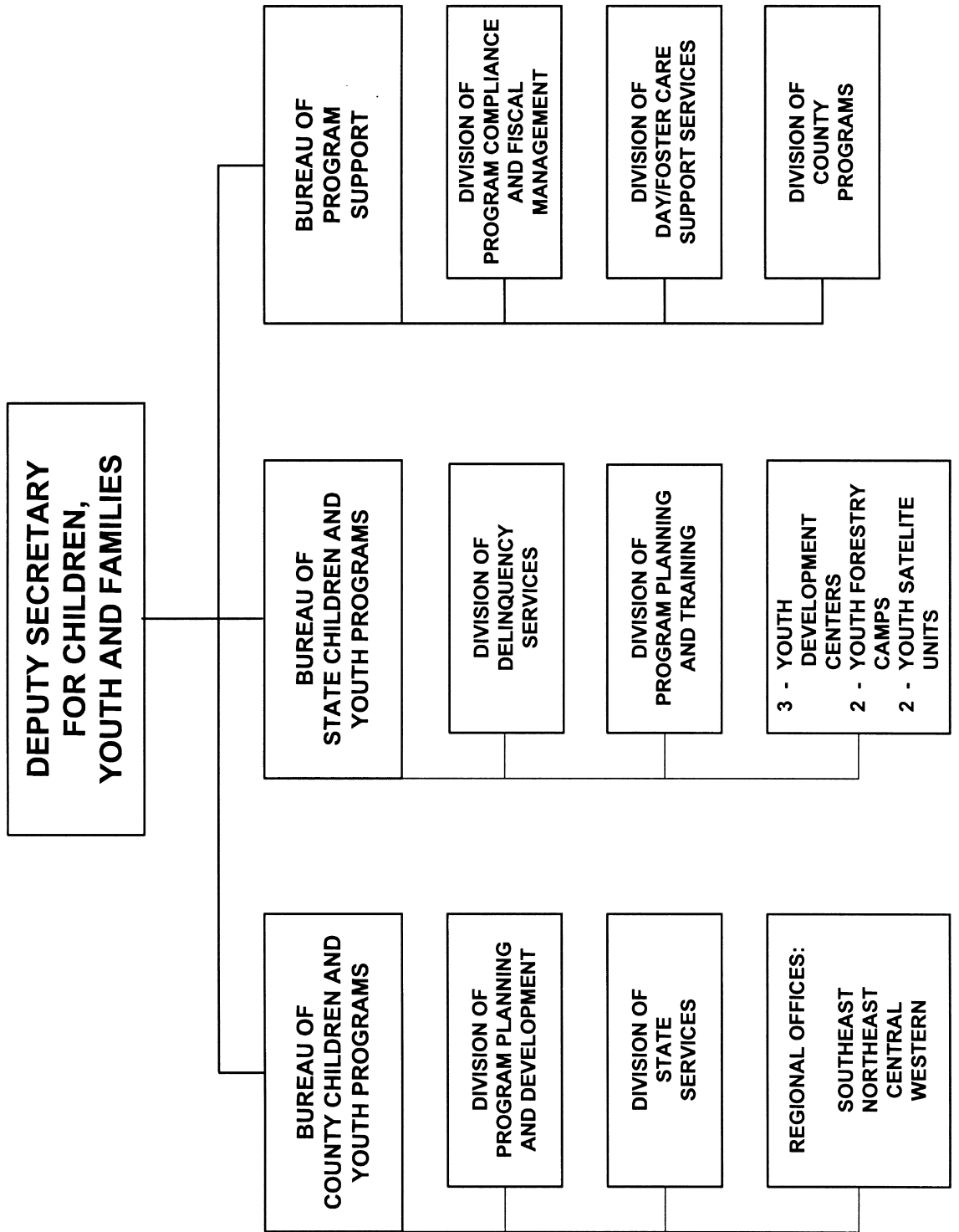
DEPARTMENT OF PUBLIC WELFARE
DEPUTY SECRETARY FOR ADMINISTRATION



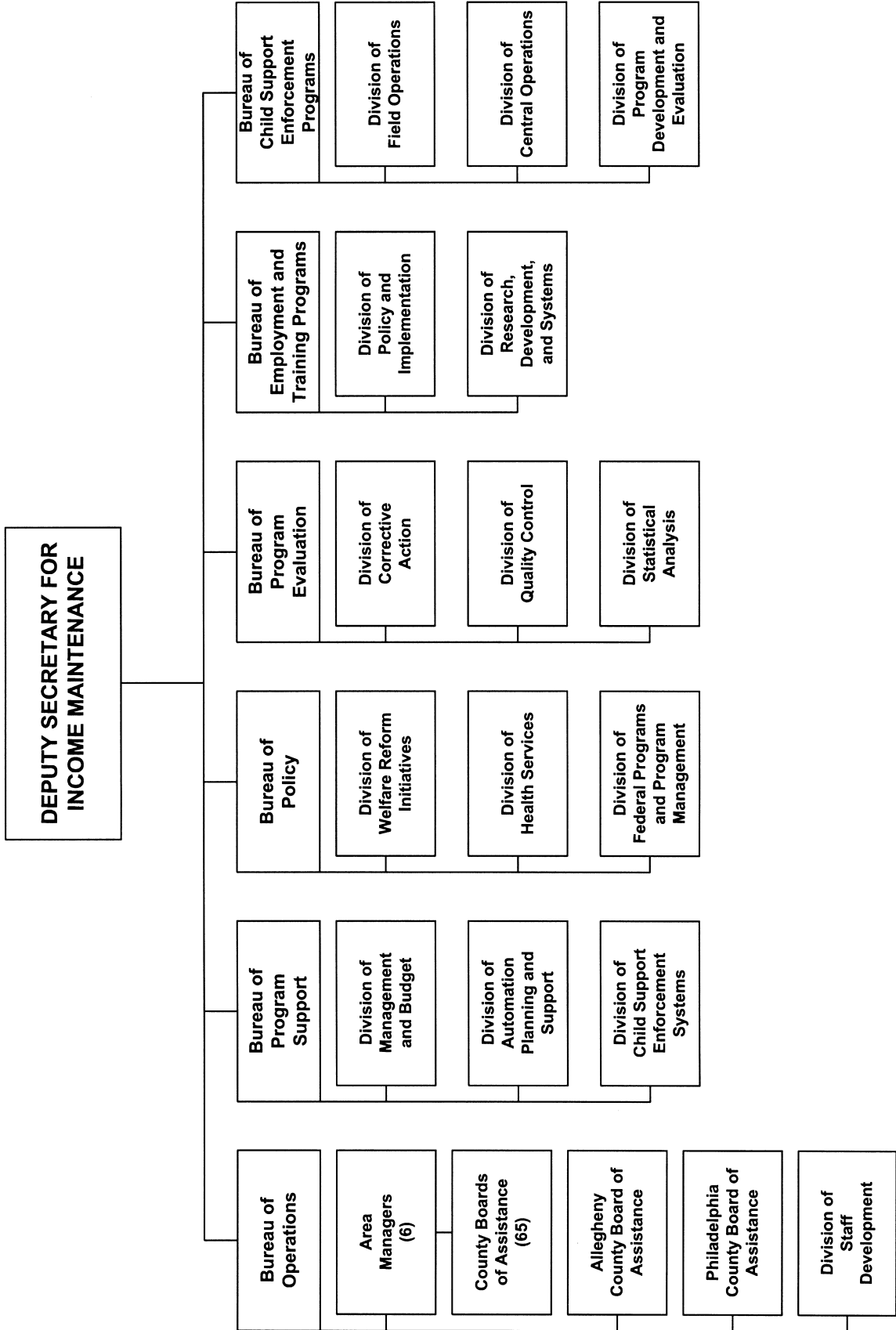
**DEPARTMENT OF PUBLIC WELFARE
DEPUTY SECRETARY FOR CHILD DEVELOPMENT**



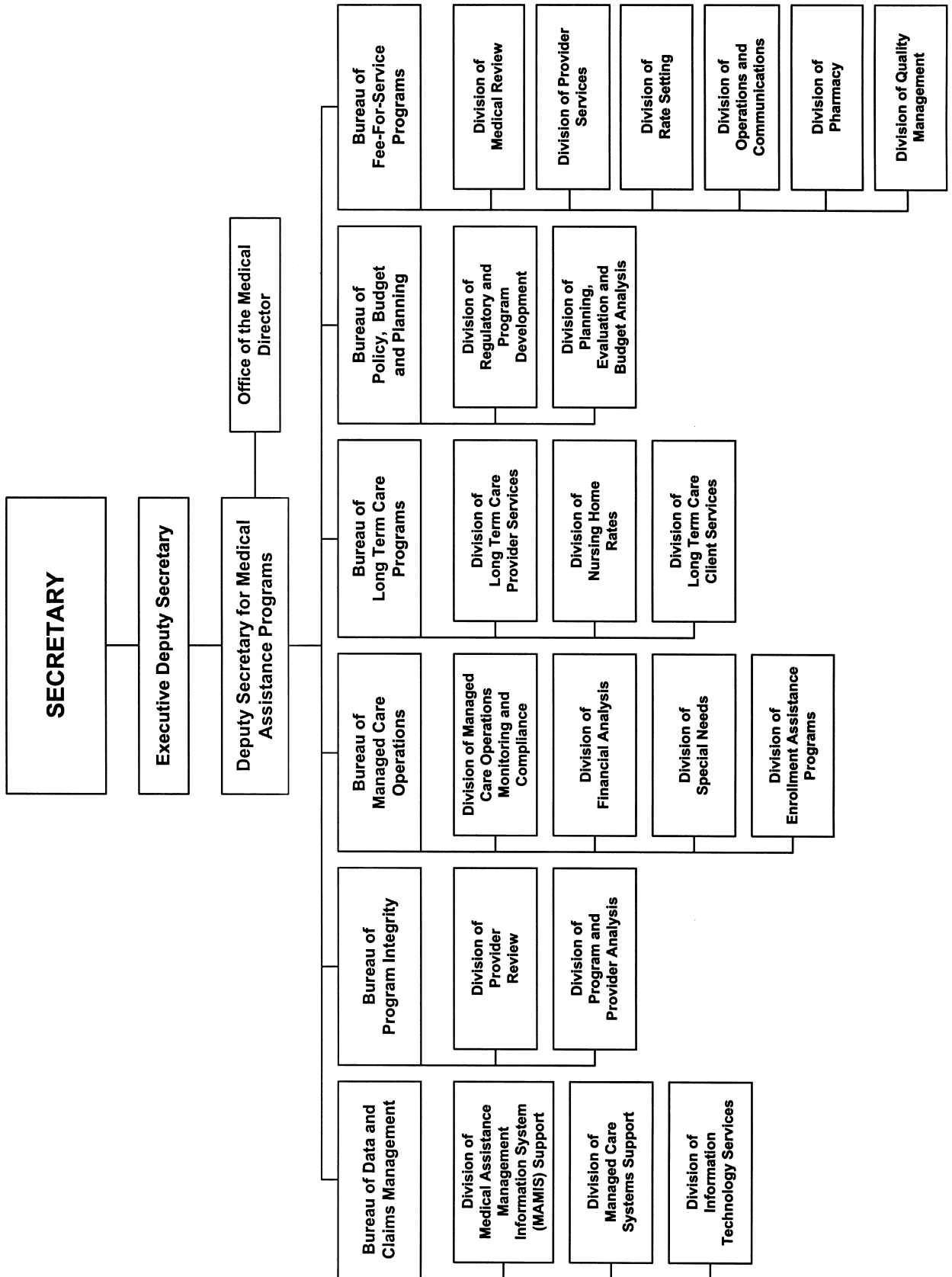
**DEPARTMENT OF PUBLIC WELFARE
DEPUTY SECRETARY FOR CHILDREN, YOUTH AND
FAMILIES**



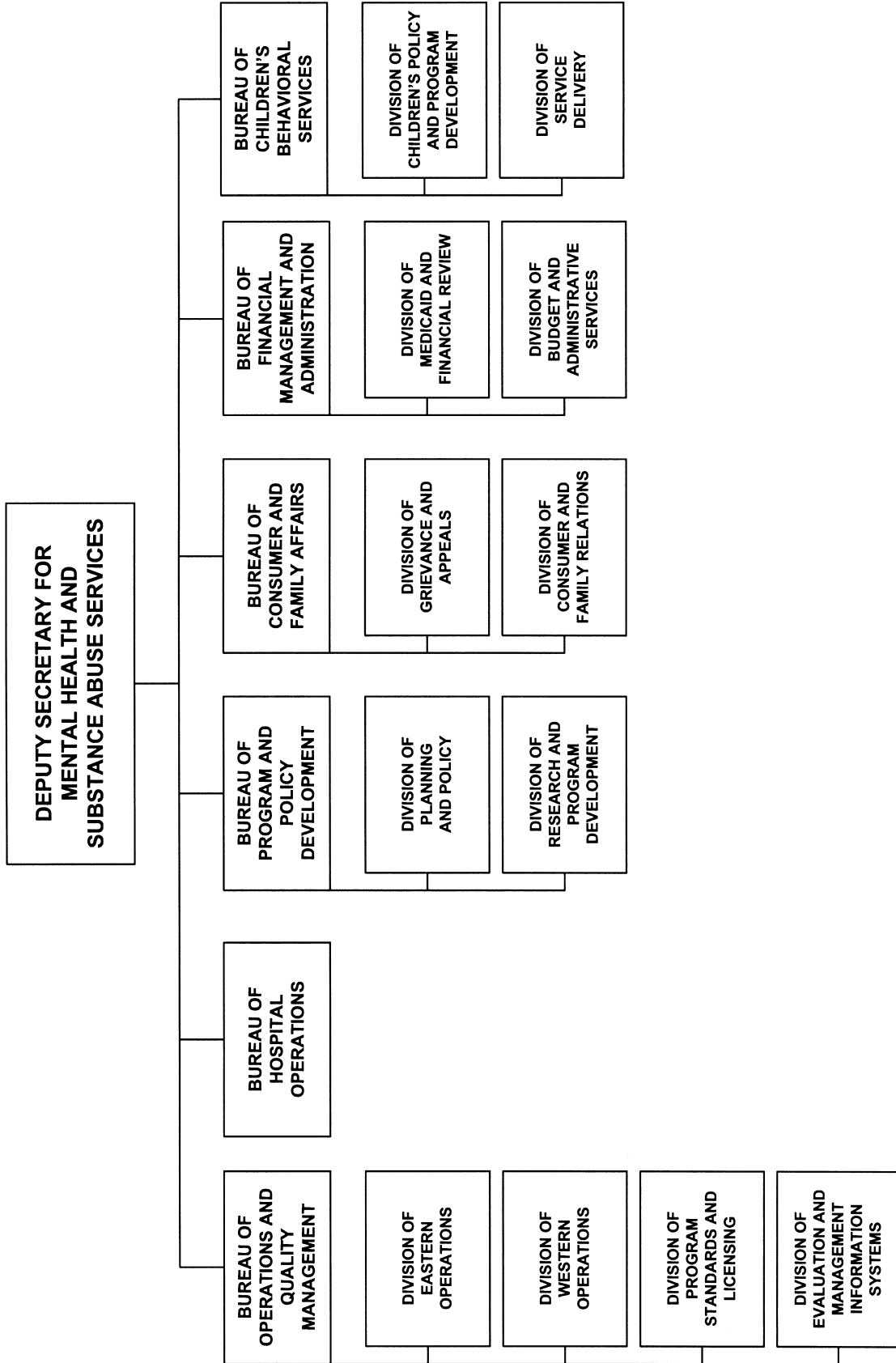
DEPARTMENT OF PUBLIC WELFARE
DEPUTY SECRETARY FOR INCOME MAINTENANCE



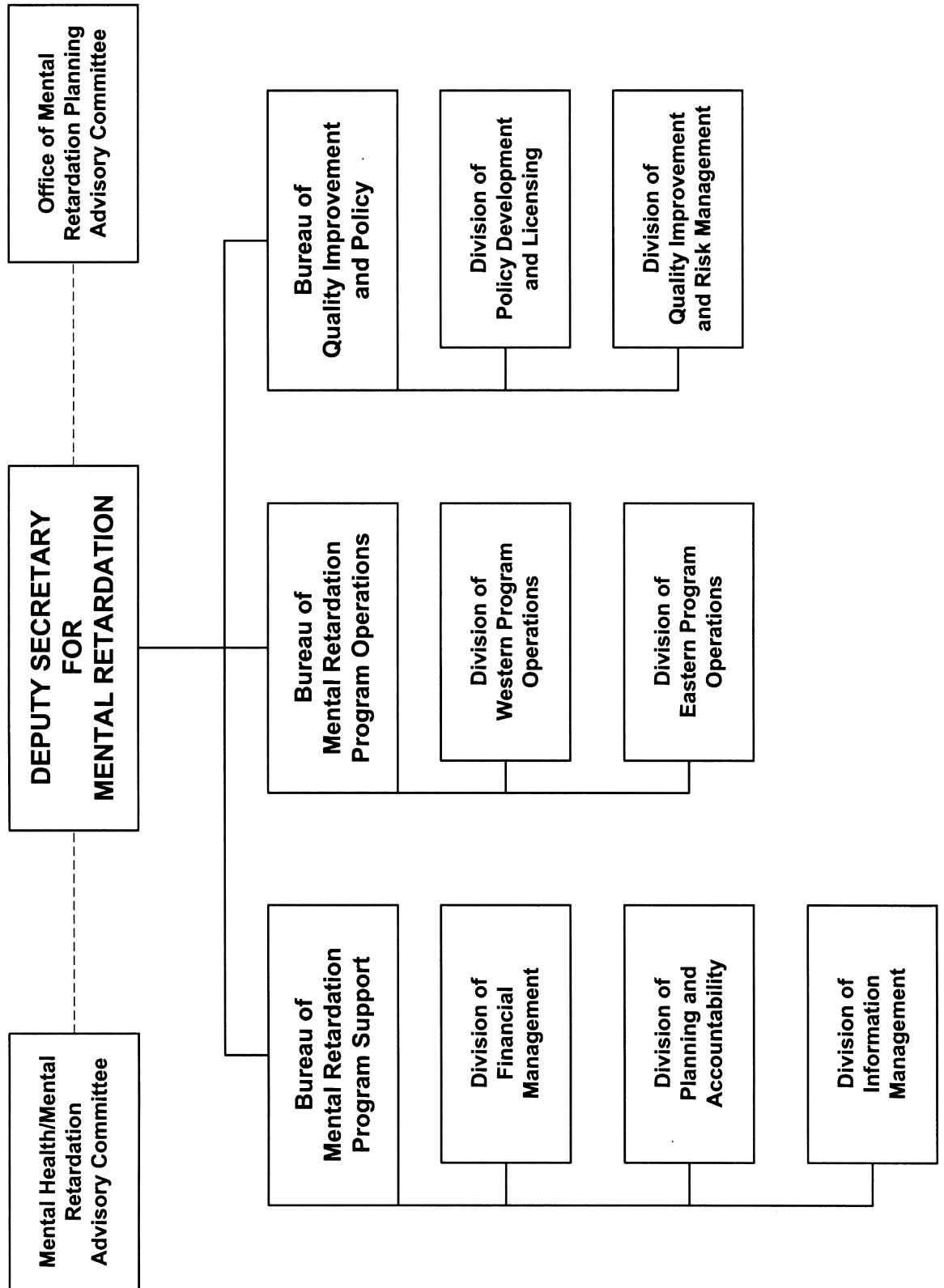
**DEPARTMENT OF PUBLIC WELFARE
DEPUTY SECRETARY FOR MEDICAL ASSISTANCE PROGRAMS**



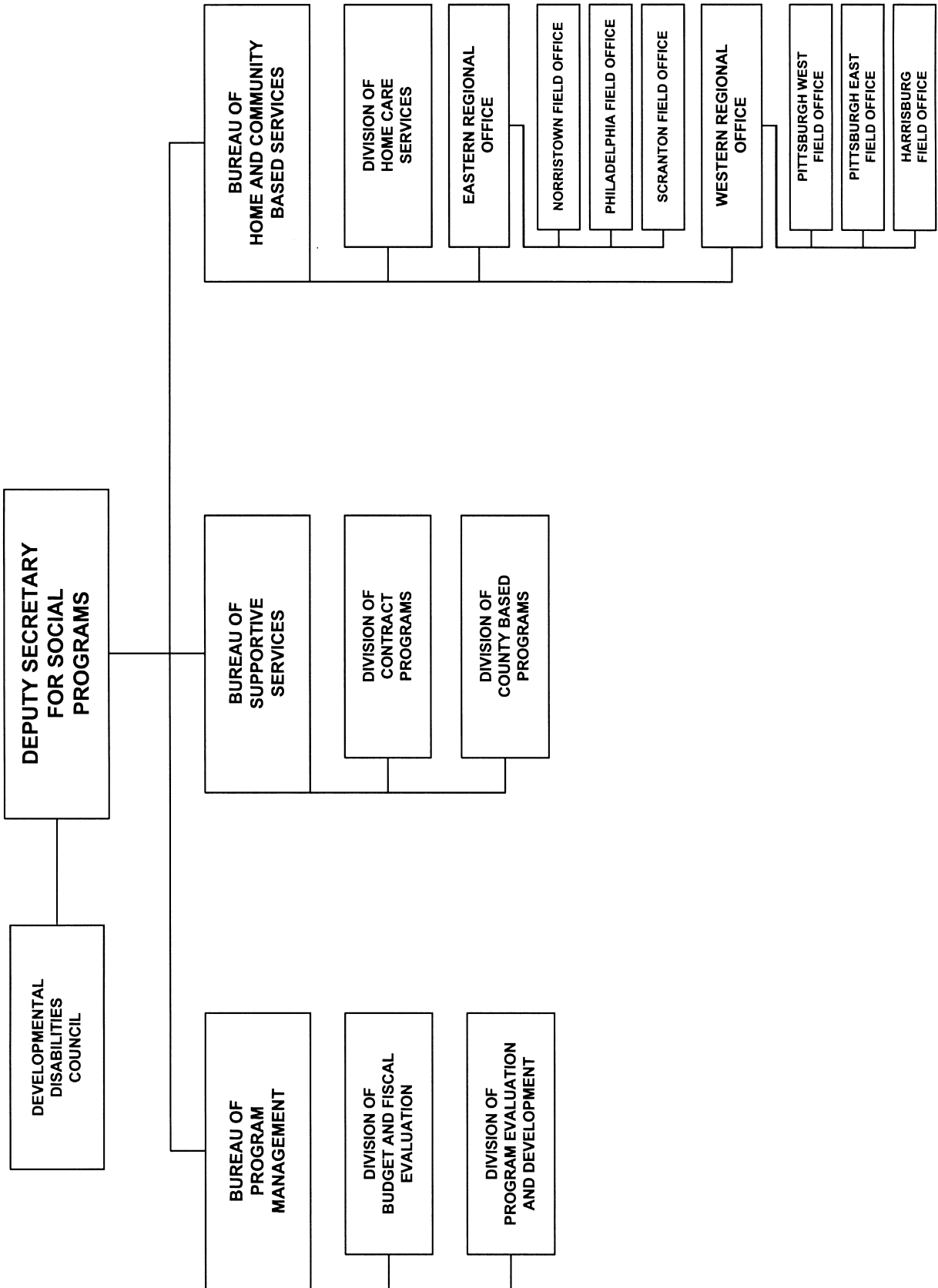
DEPARTMENT OF PUBLIC WELFARE
DEPUTY SECRETARY FOR MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES



**DEPARTMENT OF PUBLIC WELFARE
DEPUTY SECRETARY FOR MENTAL RETARDATION**



DEPARTMENT OF PUBLIC WELFARE
DEPUTY SECRETARY FOR SOCIAL PROGRAMS



NOTICES

DEPARTMENT OF BANKING

Action on Applications

The Department of Banking (Department), under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 9, 2002 (P. L. 1572, No. 207), known as the Credit Union Code, has taken the following action on applications received for the week ending July 11, 2006.

BANKING INSTITUTIONS

New Charter Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
7-5-06	TriState Capital Bank Pittsburgh Allegheny County <i>Correspondent:</i> James F. Bauerle, Esq. Keevican Weiss, Bauerle & Hirsch, LLC 1001 Liberty Avenue Pittsburgh, PA 15222	Pittsburgh	Filed

Interim Charter Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
7-5-06	Graystone Interim Bank Lancaster Lancaster County Interim bank being incorporated solely to facilitate the reorganization of Graystone Bank, Lancaster, into a holding company structure.	Lancaster	Filed

Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
7-7-06	Republic First Bank, Philadelphia, PA, and Republic First Bank of New Jersey, Voorhees, NJ Surviving Institution—Republic First Bank, Philadelphia, PA Application is being filed to facilitate the expansion of operations of Republic First Bank into the State of New Jersey by chartering as a subsidiary, Republic First Bank of New Jersey, a new New Jersey commercial bank.	Philadelphia	Approved

Section 112 Applications

<i>Date</i>	<i>Name of Individual</i>	<i>Location</i>	<i>Action</i>
7-7-06	Linlo Investment, LP, Lemoyne, to acquire an additional 39,000 shares of common stock of Community Financial, Inc., Camp Hill	Lemoyne	Approved

Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
10-17-05	S & T Bank Indiana Indiana County (Revised From Summary No. 27)	603 Stanwix Street Pittsburgh Allegheny County	Opened
6-17-06	Republic First Bank Philadelphia Philadelphia County (Revised From Summary No. 27)	7300 Frankford Avenue Philadelphia Philadelphia County	Opened
6-19-06	Harleysville Savings Bank Harleysville Montgomery County	1889 Ridge Pike Upper Providence Township Montgomery County	Opened

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
6-19-06	Northwest Savings Bank Warren Warren County (Revised From Summary No. 27)	36 West Main Street Rochester Monroe County, MD	Opened
6-19-06	First Commonwealth Bank Indiana Indiana County (Revised From Summary No. 27)	198 Park Manor Drive Pittsburgh Allegheny County	Opened
7-5-06	York Traditions Bank York York County	2305 Susquehanna Trail North York Manchester Township York County	Opened
7-6-06	Abington Savings Bank Jenkintown Montgomery County	407 South Broad Street Lansdale Montgomery County	Filed
7-7-06	Northwest Savings Bank Warren Warren County	2470 Longstone Lane Woodstock Howard County, MD	Filed
7-10-06	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	209 Lancaster Avenue Devon Chester County	Opened

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>
6-19-06	North Districts Community Credit Union, Gibsonia and Glenshaw Federal Credit Union, Glenshaw Surviving Institution—North Districts Community Credit Union, Gibsonia	Gibsonia	Filed

Branch Applications

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
7-11-06	Corry Jamestown Credit Union Corry Erie County	315 Main Street Spartansburg Crawford County	Approved

Branch Relocations

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
7-5-06	Franklin—Oil Region Franklin Venango County	<i>To:</i> 102 State Street Oil City Venango County <i>From:</i> 101 State Street Oil City Venango County	Filed

The Department's website at www.banking.state.pa.us includes public notices for more recently filed applications.

A. WILLIAM SCHENCK, III,
Secretary

[Pa.B. Doc. No. 06-1280. Filed for public inspection July 21, 2006, 9:00 a.m.]

Maximum Lawful Rate of Interest for Residential Mortgages for the Month of August 2006

The Department of Banking (Department), under the authority contained in section 301 of the act of January 30, 1974 (P. L. 13, No. 6) (41 P. S. § 301), hereby determines that the maximum lawful rate of interest for residential mortgages for the month of August 2006 is 7 3/4%.

The interest rate limitations under the State's usury statute were preempted to a great extent by Federal law, the Depository Institutions Deregulation and Monetary Control Act of 1980 (Pub. L. No. 96-221). Further preemption was instituted with the signing of Pub. L. No. 96-399, which overrode State interest rate limitations on any individual who finances the sale or exchange of residential real property which the individual owns and which

the individual occupies or has occupied as a principal residence.

Each month the Department is required by State law to compute and announce the ceiling rate on residential mortgages in this Commonwealth. This maximum rate is determined by adding 2.50 percentage points to the yield rate on long-term government bonds as published by the Federal Reserve Board and/or the United States Treasury. The latest yield rate on long-term government securities is 5.20 to which was added 2.50 percentage points for a total of 7.70 that by law is rounded off to the nearest quarter at 7 3/4%.

A. WILLIAM SCHENCK, III,
Secretary

[Pa.B. Doc. No. 06-1281. Filed for public inspection July 21, 2006, 9:00 a.m.]

DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

Manufactured Housing Installation Program Approved Training Curriculum for Building Code Officials

Under 12 Pa. Code § 149.5(d) (relating to building code official training), the Department of Community and Economic Development publishes the list of approved

training curriculum for those building code officials who inspect the installation of manufactured homes. Persons that successfully complete the training curriculum listed as follows will have satisfied the requirement set forth at Section 149.5(e). See 36 Pa.B. 3087 (June 24, 2006) for the adopted text of 12 Pa. Code Chapter 149 (relating to manufactured housing improvement program).

- *Spec 101—Pennsylvania Manufactured Housing Installer Certification Course*, administered by the Pennsylvania Construction Codes Academy.
- *IRC 101—International Residential Code Building Essentials*, administered by the Pennsylvania Construction Codes Academy.
- *IRC 103—How to Inspect Manufactured and Modular Housing*, administered by the Pennsylvania Construction Codes Academy.

In addition to the approved training programs listed, the Department, upon request, may provide a workshop for code officials who request training. Code officials may contact the Department to request more information on scheduling a workshop.

Program inquiries should be directed to Mark A. Conte, Chief, Housing Standards Division, Department of Community and Economic Development, 4th Floor, Commonwealth Keystone Building, 400 North Street, Harrisburg, PA 17120-0225, (717) 720-7416, mconte@state.pa.us.

DENNIS YABLONKSY,
Secretary

[Pa.B. Doc. No. 06-1282. Filed for public inspection July 21, 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

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0029874 (Minor Sewage)	Skytop Lodge Corporation 1 Skytop Skytop, PA 18357	Barrett Township Monroe County	Leavitt Branch 1E	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed#)</i>	<i>EPA Waived Y/N ?</i>
PA0081744 (IW)	York County Solid Waste and Refuse Authority 2700 Blackbridge Road York, PA 17406-7901	York County Hopewell Township	UNT to Rambo Run 7-I	Y
PA0086916 (IW)	Gerald L. Wolfe Wolfe's Auto Service 3063 Lebanon Road Manheim, PA 17545-8941	Lancaster County Rapho Township	Shearer's Creek 7-G	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0036994	Pleasantville Borough Sewage Treatment Plant 114 West State Street P. O. Box 150 Pleasantville, PA 16341-9741	Pleasantville Borough Venango County	West Pithole Creek 16-E	Y
PA0030104	Frenchcreek Township 4507 Georgetown Road Franklin, PA 16323	Polk Borough Venango County	Little Sandy Creek 16-G	Y
PA0023957	McKean Township Georgetown Heights Subdivision 9231 Edinboro Road P. O. Box 62 McKean, PA 16426	McKean Township Erie County	UNT to Elk Creek 15-EC	Y

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

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

Application No. PA 0248096, Concentrated Animal Feeding Operation (CAFO), **Esbenshade Farms**, 220 Eby Chiques Road, Mount Joy, PA 17552. Esbenshade Farms has submitted an application for issuance of an Individual NPDES permit for an existing CAFO known as the Esbenshade North Farm, located in Mount Joy Township, **Lancaster County**.

The CAFO is situated near a UNT of Little Chiques Creek, which is classified for WWF. The CAFO is designed to maintain an animal population of approximately 1,977 animal equivalent units consisting of approximately 568,000 laying hens. Semisolid poultry manure is stored within each of the seven layer houses. Eggs are processed onsite and egg washwater is discharged to an irrigation system.

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 reissue 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. 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.

Application No. PA 0248100, Concentrated Animal Feeding Operation (CAFO), **Esbenshade Farms**, 220 Eby Chiques Road, Mount Joy, PA 17552. Esbenshade Farms has submitted an application for issuance of an Individual NPDES permit for an existing CAFO known as the Esbenshade Maytown Farm, located in East Donegal Township, **Lancaster County**.

The CAFO is situated near a UNT of the Susquehanna River, which is classified for WWF. The CAFO is designed to maintain an animal population of approximately 2,400 animal equivalent units consisting of approximately 690,000 laying hens. Semisolid poultry manure is stored within each of the six layer houses. Eggs are processed onsite and egg washwater is stored in an HDPE-lined impoundment.

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 reissue 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. 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.

Application No. PA 0088731, Concentrated Animal Feeding Operation (CAFO), **Longacre Farms, LLC**, 419 W. High Street, Elizabethtown, PA 17022. Longacre Farms, LLC has submitted an Individual NPDES permit renewal application for Longacre Farm located in Fannett Township, **Franklin County**. The CAFO is situated near a UNT of Dry Run (Watershed 13-C), which is classified for CWF and migratory fishes. The CAFO has a target animal population of approximately 609 animal equivalent units consisting of 4,400 finishing swine and 50 heifers. Manure is stored in two concrete manure storage structures below the swine barns. 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 an 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. 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.

Application No. PA 0247251, Concentrated Animal Feeding Operation (CAFO), **Esbenshade Farms**, 220 Eby Chiques Road, Mount Joy, PA 17552. Esbenshade Farms has submitted an application for issuance of an Individual NPDES permit for an existing CAFO known as the Esbenshade Mount Joy Farm, located in Rapho Township, **Lancaster County**.

The CAFO is situated near a UNT of the Susquehanna River, which is classified for WWF. The CAFO is designed to maintain an animal population of approximately 3,199 animal equivalent units consisting of approximately 919,000 laying hens. Semisolid poultry manure is stored within each of the six layer houses. Eggs are processed onsite and egg washwater is stored in an HDPE-lined impoundment.

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 reissue 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. 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.

Application No. PA 0247863, Concentrated Animal Feeding Operation, (CAFO) **Brubaker Farms Partnership**, 493 Musser Road, Mount Joy, PA 17552. Brubaker Farms Partnership has submitted an application for reissuance of an Individual NPDES permit for its dairy and poultry farm located in East Donegal Township, **Lancaster County**.

The CAFO is situated near a UNT of Donegal Creek, which is classified as a CWF. The CAFO is designed to maintain an animal population of approximately 1,208 animal equivalent units consisting of 605 adult milking and dry cows, 465 heifers and calves, 2 bulls and 50,000 broilers on the home farm and two satellite farms. Poultry manure is stored in the broiler houses and liquid dairy manure is stored in two circular concrete manure storage facilities and one HDPE-lined manure impoundment with a combined storage capacity of approximately 6.5 million gallons. 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 reissue 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. 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.

Application No. PA 0247456, Concentrated Animal Feeding Operation (CAFO), **Hillandale Gettysburg, LP**, 370 Spicer Road, Gettysburg, PA 17325. Hillandale Gettysburg, LP has submitted an application for issuance of an Individual NPDES permit for an existing CAFO known as the Hillandale Site 3 Farm, located in Tyrone Township, **Adams County**.

The CAFO is situated near a UNT of Plum Run, which is classified for WWF. The CAFO designed to maintain an animal population of approximately 4,205 animal equivalent units consisting of 1,260,000 laying hens. Dry poultry manure is stored in a centralized manure storage building. Eggs are processed onsite and egg washwater is stored in a storage impoundment with a capacity of approximately 200,000 gallons.

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 reissue 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. 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.

Application No. PA 0247481, Concentrated Animal Feeding Operation (CAFO), **Noah W. Kreider & Sons** (Mount Pleasant Farm), 1461 Lancaster Road, Manheim, PA 17545. Noah W. Kreider & Sons have submitted an application for issuance of an Individual NPDES permit for an existing CAFO known as Mount Pleasant Farm, located in South Annville Township, **Lebanon County**.

The CAFO is situated near Gingrich Run and Bachman Run, which are classified for TSF. The CAFO is designed to maintain an animal population of approximately 7,871 animal equivalent units consisting of 2,385,000 laying hens. Dry poultry manure is stored at the end of each of six layer houses. Eggs are processed onsite and egg washwater is stored in an HDPE-lined storage impoundment with a capacity of approximately 2 million gallons. A release or discharge to waters of the 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 reissue 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. 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.

PA0008451, Industrial Waste SIC, 4911, **Sunbury Generation, LLC**, 1088 Springhurst Drive, Green Bay, WI 54304-5495. This existing facility is located in Monroe Township, **Snyder County**.

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

The receiving stream, Susquehanna River, UNT to Susquehanna River And Rolling Green Run, is in the State Water Plan watershed 6A and classified for WWF. The nearest downstream public water supply intake for United Water Pennsylvania is located on Susquehanna River is 60 miles below the point of discharge.

The proposed effluent limits for Outfall 030 based on a design flow of 252 mgd.

Parameter	Heat Million British Thermal Unit (mBtu)/day		Temperature Degree Fahrenheit		Concentration mg/l
	Average Monthly	Maximum Daily	Temperature Discharge	Temperature Intake	Instantaneous Maximum
Heat 1-1 to 1-31		209,600	Report	Report	
Heat 2-1 to 2-29		229,200	Report	Report	
Heat 3-1 to 3-31		550,100	Report	Report	
Heat 4-1 to 4-30		609,000	Report	Report	
Heat 5-1 to 5-15		400,800	Report	Report	
Heat 5-16 to 5-30		668,000	Report	Report	
Heat 6-1 to 6-30		510,800	Report	Report	

Parameter	Heat Million British Thermal Unit (mBtu)/day		Temperature Degree Fahrenheit		Concentration mg/l
	Average Monthly	Maximum Daily	Temperature Discharge	Temperature Intake	Instantaneous Maximum
Heat 7-1 to 7-31		267,200	Report	Report	
Heat 8-1 to 8-31		238,400	Report	Report	
Heat 9-16 to 9-30		187,300	Report	Report	
Heat 10-1 to 10-31		188,600	Report	Report	
Heat 11-1 to 11-15		209,600	Report	Report	
Heat 11-16 to 11-30		167,700	Report	Report	
Heat 12-1 to 12-31		157,200	Report	Report	
Total Residual Halogen					0.2

The proposed effluent limits for Outfall 031 based on a design flow of 4.6 mgd.

Parameter	Mass Units lbs/day			Concentration (mg/l)		
	Average Monthly	Maximum Daily	Minimum	Average Monthly	Daily Maximum	Instantaneous Maximum
pH			6.0			9.0
TSS				30	100	130
Oil and Grease				15	20	30
Total PCB's					Non Detect	
Total Aluminum				0.49	0.76	
Dissolved Iron				0.31	0.48	

The proposed effluent limits for Outfalls 032, 034, 035, 038 based on a design flow of N/A mgd.

pH					Report
TSS					Report
Oil and Grease					Report
Total Iron					Report
Total Zinc					Report
Total Nickel					Report
Total Copper					Report

The proposed effluent limits for Outfall 130 based on a design flow of 1.52 mgd.

pH			6.0			9.0
TSS				30	100	130
Oil and Grease				15	20	30
Total PCB's					Non Detect	

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

PA0253235, Industrial Waste, SIC, 4961, **Tarentum Housing Limited Partnership**, 4415 5th Avenue, Pittsburgh, PA 15213. This application is for an NPDES permit to discharge untreated noncontact cooling water from the proposed Tarentum Senior Housing in Tarentum and Brackenridge Borough, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, Allegheny 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 considered during the evaluation is located on the Allegheny River 0.2 mile below the discharge point.

Outfall 001: new discharge to the Allegheny River, design flow of 0.91 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	Monitor and Report				
Temperature °F				110	
Manganese			Monitor and Report		
Iron			Monitor and Report		
Dissolved Iron				7.0	
pH	not less than 6.0 nor greater than 9.0				

Outfall 002: new discharge to Allegheny River, design flow of 1.03 mgd

<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 (mgd)	Monitor and Report				
Temperature °F	110				
Manganese	Monitor and Report				
Iron	Monitor and Report				
Dissolved Iron	7.0				
pH	not less than 6.0 nor greater than 9.0				

The EPA waiver is in effect.

PA0026522, Sewage, **West Mifflin Sanitary Sewer Municipal Authority**, 1302 Lower Bull Run Road, West Mifflin PA 15122-2902. This application is for renewal of an NPDES permit to discharge treated sewage from New England Sewage Treatment Plant in West Mifflin Borough, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as UNT of Monongahela River, which is 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: Western PA Water Company located on the Monongahela River.

Outfall 001: existing discharge, design flow of 1.2 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 ₅	25	37.5		50
Suspended Solids	30	45		60
Ammonia Nitrogen				
(5-1 to 10-31)	2.0	3.0		4.0
(11-1 to 4-30)	3.0	4.5		6.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	1.0			3.3
Dissolved Oxygen	not less than 5 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is not in effect.

PA0034258, Sewage, **Hopewell Area School District**, 2354 Broadhead Road, Aliquippa, PA 15001-4501. This application is for renewal of an NPDES permit to discharge treated sewage from Independence Elementary School STP in Independence Township, **Beaver County**.

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

Outfall 001: existing discharge, design flow of 0.006 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	25			50
Suspended Solids	30			60
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	1.4			3.3
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA0093718, Sewage, **Karns City School District**, 1446 Kittanning Pike, Karns City, PA 16041. This application is for renewal of an NPDES permit to discharge treated sewage from Sugar Creek Elementary School in Sugarcreek Township, **Armstrong County**.

The following effluent limitations are proposed for discharge to the receiving waters known as UNT to Huling Run, which are classified as a TFS 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 PA American Water Company.

Outfall 001: existing discharge, design flow of 0.0075 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD ₅	15			30
Suspended Solids	25			50
Ammonia Nitrogen				
(5-1 to 10-31)	10.0			20.0
(11-1 to 4-30)	25.0			50.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	1.4			3.3
Dissolved Oxygen	not less than 3.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA0203777, Sewage, **Ductmate Industries**, 1502 Industrial Drive, Monongahela PA 15063-9700. This application is for renewal of an NPDES permit to discharge treated sewage from Ductmate Industries STP in Forward Township, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Monongahela 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: PA American Water Company.

Outfall 001: existing discharge, design flow of 0.006 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD ₅	25			50
Suspended Solids	30			60
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	1.4			3.3
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

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

PA0239810, Sewage, **Charles Callahan SFTF**, 6767 Station Road, Erie, PA 16510. This proposed facility is located at 6767 Station Road in Harborcreek 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, NO₂-NO₃, fluoride, phenolics, sulfate and chloride, there is no downstream potable water supply to consider between the discharge and Lake Erie.

The receiving stream, UNT to Six Mile Creek is in watershed 15-6M and classified for CWF, MF, 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 ₅	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.

WQM Permit No. 1506409, Sewerage, **Little Washington Wastewater Company**, 762 West Lancaster Avenue, Bryn Mawr, PA 19010-3402. This proposed facility is located in Thornbury Township, **Chester County**.

Description of Action/Activity: Construction and operation of a sewage treatment plant with drip irrigation disposal for 22 single family dwellings.

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

WQM Permit No. 2197406 T-2, Sewerage, **Sandra M. Baksi**, 371 Bobcat Road, Newville, PA 17241. This proposed facility is located in Upper Frankford Township, **Cumberland County**.

Description of Proposed Action/Activity: Approval for the operation of sewage treatment system for a single-family dwelling.

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

WQM Permit No. 1806403, Sewerage, **Borough of Flemington**, 126 High Street, Flemington, PA 17745. This proposed project is located in Borough of Flemington, **Clinton County**.

Description of Proposed Action/Activity: The applicant proposes to replace the older sections of Woods Avenue Sanitary Sewer Interceptor from Frederick Street to Middle Lane. The old sections of sewer line are cracked and disjointed and are believed to cause hydraulic backups during wet weather flows. In addition to the new sewer line, a new open channel metering system will be installed.

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 & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10G420R	Toll Brothers, Inc. 250 Gibraltar Road Horsham, PA 19044	Chester	Upper Uwchlan Township	UNT March Creek HQ-TSF
PAI011506045	Apex Constructors, Inc. P. O. Box 1405 Malvern, PA 19355	Chester	Upper Uwchlan Township	UNT Marsh Creek HQ-TSF-MF
PAI011506046	Frank Piliero 704 Haywood Road Exton, PA 19341	Chester	Charlestown Township	Pigeon Run HQ
PAI011506047	LeBoutillier Road Associates Acquisition Corp and Toad Hill Associates, LP 700 South Henderson Road King of Prussia, PA 19406	Chester	Tredyffrin Township	Valley Creek EV
PAI011506048	Virginia F. Betz 18 Normandy Circle Glenmoore, PA 19343	Chester	East Nantmeal Township	UNT Black Horse Creek HQ-TSF

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024506017	Mark Styczen 1786 Spruce Road Saylorsburg, PA 18353	Monroe	Pocono Township	Pocono Creek HQ-CWF

NOTICES

3853

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024506016	Hirshland & Co. 1055 West Lakes Drive Berwyn, PA 19312	Monroe	Mt. Pocono Borough	Swiftwater Creek HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024806017	Kerry Claire Ventures, LLP Attn: Brian Regan 2019 Majestic Overlook Dr. Bethlehem, PA 18015	Northampton	Lower Saucon Township	Cooks Creek EV
PAI024806018	Bushkill Professional Center 724 South Delps Rd. Bath, PA 18014	Northampton	Bushkill Township	Bushkill Creek HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023906013	F & M Land Co. 1486 Hampton Road Allentown, PA 18104	Lehigh	Weisenberg Township	Hassen Creek HQ-CWF, MF
PAI023905024	Robert Bender Heritage Bldg. Group 2500 York Rd. Jamison, PA 18929	Lehigh	Upper Macungie Township	Spring Creek HQ-CWF

Luzerne County Conservation District: Smith Pond Rd., Lehman, PA 18627-0250, (570) 674-7991.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024006003	Eldon Dietterick Blue Ridge Real Estate Co. P. O. Box 707 Blakeslee, PA 18610-0707	Luzerne	Buck Township	Choke Creek HQ-CWF
PAI024006002	David S. Lamm Energy Unlimited Inc. 100 Four Falls Corp. C Suite 215 West Conshohocken, PA 19428-2960	Luzerne	Bear Creek Township	Big Wapwallopen Creek CWF Little Nescopeck Creek CWF Wright Creek HQ-CWF Geneceda Creek HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI025206006	Gotham Industries PA, LLC 460 Greenwich St. New York, NY 10013	Pike	Shohola Township	Tributaries to Panther and Shohola Creeks HQ-CWF
PAI025206007	Blue Heron, LLC 205 Windsor Way Moscow, PA 18444	Pike	Blooming Grove Lackawaxen Palmyra Townships	Decker Creek HQ-CWF, MF Blooming Grove Creek HQ-CWF, MF

Susquehanna County Conservation District: County Office Bldg., 31 Public Ave., Montrose, PA 18801, (570) 278-4600.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI025806001	Elk Mountain Ski Resort, Inc. R. R. 2 Box 3328 Union Dale, PA 18470	Susquehanna	Herrick Township	East Branch Tunkhannock Creek HQ-CWF

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

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI024506015	Fairfield Resorts 8427 South Park Circle Suite 200 Orlando, FL 32819	Monroe	Smithfield Township	Tributary to Marshalls Creek HQ-CWF
PAI024506018	Suburban Realty, LP 233 Oakford Rd. Clarks Summit, PA 18411	Monroe	Stroud Township	Wigwam Run HQ-CWF

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

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

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAS10L025(R)	NWL Company 1001 LaFayette Drive Farmington, PA 15437	Fayette	Wharton Township	Deadmans Run 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

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

Application No. 4506503 , Public Water Supply	
Applicant	The Chateau Resort Pocono Township Monroe County
Responsible Official	David Kraft 300 Camelback Road Tannersville, PA
Type of Facility	PWS
Consulting Engineer	Niclaus Engineering Corp. 804 Sarah Street Stroudsburg, PA
Application Received Date	July 6, 2006
Description of Action	The addition of soda ash and aqua mag feeds to meet the lead copper rule for corrosion control.

Application No. 3906505 , Public Water Supply	
Applicant	City of Bethlehem City of Bethlehem Lehigh County
Responsible Official	David L. Brong, Director of Water and Sewer Services City of Bethlehem 10 East Church Street Bethlehem, PA 18018
Type of Facility	PWS

Consulting Engineer Robert J. Velekei, P. E.
Liberty Engineering, Inc.
7535 Windsor Drive
Suite B-203
Allentown, PA 18195

Application Received Date June 27, 2006

Description of Action Application proposes the construction of the Central Park West City of Bethlehem water distribution system and appurtenances, utilizing the City of Allentown public drinking water as a bulk source of supply to a residential development consisting of 54 twin homes including a new road and utility extensions.

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

Application No. 4006503, Public Water Supply.

Applicant **Pennsylvania-American Water Company**
Dallas Township
Luzerne County

Responsible Official David R. Kaufman, P. E.,
Director—Engineering
PA-AM Water Company
800 West Hersheypark Drive
P. O. Box 888
Hershey, PA 17033
717-531-3303

Type of Facility Community Water System

Consulting Engineer James C. Elliott, P. E., VP
Gannett Fleming, Inc.
P. O. Box 67100
Harrisburg, PA 17106-7100
(717) 763-7211, Ext. 2380

Application Received Date June 30, 2006

Description of Action Application for modification of the Huntsville WTP to replace the existing Roberts contact clarification system with a U.S. Filter system.

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

Permit No. 6706510, Public Water Supply.

Applicant **The York Water Company**

Municipality Jackson Township

County **York**

Responsible Official Jeffrey R. Hines, Vice
President—Engineering
130 E. Market St.
P. O. Box 15089
York, PA 17405-7089

Type of Facility Public Water Supply

Consulting Engineer Ryan M. Ural, P. E.
The York Water Company
130 East Market Street
P. O. Box 15089
York, PA 17405-7089

Application Received: 5/15/2006

Description of Action This permit application is for the LaBott booster pump station in Jackson Township.

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

Application No. 3706501, Public Water Supply

Applicant **Bessemer Borough**

Township or Borough Bessemer Borough
Lawrence County

Responsible Official Stanley Grebenz, Borough
Council President

Consulting Engineer John L. Schaude, III, P. E.
Senior Project Manager
Gannett Fleming, Inc.
Foster Plaza 3
601 Holiday Drive
Pittsburgh, PA 15220

Application Received Date 07/03/2006

Description of Action Construction of Pressure Booster Pump Station, and the installation of approximately 900 LF of 8-inch waterline along SR 3001.

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:

Northeast Regional Field Office: Ronald S. Brezinski, Regional Environmental Cleanup Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.

A & E Automotive, Borough of Hallstead, **Susquehanna County**. Dawn Washo, President, Resource Environmental Management, Inc., 8 Ridge Street, Montrose, PA 18801 has submitted a Notice of Intent to Remediate (on behalf of her client, A & E Automotive, 238 Main Street, Hallstead, PA 18822) concerning the remediation of a soils and/or groundwater found or suspected to have been impacted by leaded and unleaded gasoline and used motor oil. The applicant proposes to meet the nonresidential Statewide Health Standard. A summary of the Notice of Intent to Remediate was expected to be published in the *Susquehanna County Transcript* on or about July 5, 2006. The proposed future use of the property was not specified.

Holy Family Manor Property—Bethlehem, City of Bethlehem, **Lehigh County**. Thomas Martinelli, Environmental Scientist, JMT Environmental Technologies, 3353-C Gun Club Road, Nazareth, PA 18064 has submitted a Notice of Intent to Remediate (on behalf of his client, The Diocese of Allentown, P. O. Box F, 1729 Turner Street, Allentown, PA 18105) concerning the remediation of a soils found or suspected to have been impacted by No. 2 home heating oil related to a former underground storage tank. The applicant proposes to meet the residential Statewide Health Standard. A summary of the Notice of Intent to Remediate was published in the *Easton Express-Times* on June 13, 2006. The proposed future use of the property will be for senior citizen housing.

848 East Blakeslee Boulevard, Mahoning Township, **Carbon County**. Toby Kessler, P. G., Gilmore &

Associates 350 East Butler Avenue, New Britain, PA 18901 has submitted a Notice of Intent to Remediate (on behalf of his clients, Norman Frantz and Grace Rudelich, East Blakeslee Boulevard, Lehigh, PA 18235) concerning the remediation of a small quantity of soils found have been impacted by lead and arsenic. The applicant proposes to meet the residential Statewide Health Standard. A summary of the Notice of Intent to Remediate was published in *The Hazleton Standard Speaker* on June 20, 2006. The proposed future use of the property will be part of St. Luke's hospital construction project.

Ahmed Residence, East Stroudsburg Borough, **Monroe County**. Thomas Dalton, P. G., EMS Environmental, 4550 Bath Pike, Bethlehem, PA 18017 has submitted a Notice of Intent to Remediate (on behalf of his client, Ahmed Ahmed, Prospect Street, East Stroudsburg, PA 18301) concerning the remediation of soils and/or groundwater found or suspected to have been impacted by the release of No. 2 fuel oil and unleaded gasoline. The applicant proposes to meet a combination of the residential Statewide health and site-specific standards. A summary of the Notice of Intent to Remediate was reportedly published in the *Pocono Record* on or about June 30, 2006. The proposed continued future use of the property was not specified but is expected to continue to be used as a private residence.

Neal Residence (Lake Roy Circle), Franklin Township, **Susquehanna County**. Kevin Van Kuren, P. G., Hydrocon Services, Inc., P. O. Box 565, Emmaus, PA 18049 has submitted a Notice of Intent to Remediate (on behalf of his clients, Betty and Armstrong Neal, Homosassa Springs, FL) concerning the remediation of soils and/or groundwater impacted by an accidental release of No. 2 fuel oil from an above-ground heating oil tank. The applicant proposes to meet the residential Statewide Health Standard. A summary of the Notice of Intent to Remediate is expected to be published in a local newspaper serving the general area in the near future. The proposed continued future use of the property is for residential purposes.

Liberty High School, City of Bethlehem, **Northampton County**. Tippi Polo, Environmental Specialist, MEA, Inc., 1365 Ackermanville Road, Bangor, PA 18013 has submitted a Notice of Intent to Remediate (on behalf of her client, Bethlehem Area School District, 250 East Fairview Street, Bethlehem, PA 18018) concerning the remediation of soils impacted by the historic release of No. 2 fuel oil. The applicant proposes to meet the residential Statewide Health Standard. A summary of the Notice of Intent to Remediate is expected to be published in a local newspaper serving the general area in the near future. The proposed continued future use of the property is as a public high school.

Cantor Property, Jackson Township, **Monroe County**. James P. Sposito, P. G., 11 Archbald Street, Carbondale, PA 18407 has submitted a Notice of Intent to Remediate (on behalf of his client J. Cantor, R. R. 6, Twin Pines Road, Stroudsburg, PA 18360) concerning the remediation of soils impacted by the accidental release of No. 2 fuel oil. The applicant proposes to meet the residential Statewide Health Standard. A summary of the Notice of Intent to Remediate is expected to be published in a local newspaper serving the general area in the near future. The proposed continued future use of the property is residential.

Middle Valley Development, Pittston Township, **Luzerne County**. Dave Fife, Quad Three Group, Inc., 72 Glenmaura National Blvd, Moosic, PA 18507 has submit-

ted a Notice of Intent to Remediate (on behalf of his client, Christopher Langel, Middle Valley Development LLC, Cross Creek Point, 1065 Highway 315, Suite 102, Wilkes-Barre, PA 18702) concerning petroleum related spillage to soils at two locations from handling of waste oil and product supplied to maintenance trucks from ASTs. The applicant proposes to remediate the site to meet the Statewide Health Soil Standard. A summary of the Notice of Intent to Remediate is expected to be published in *The Times Leader* sometime in the near future.

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

StonePointe Center/former Agere Systems, Muhlenberg Township, **Berks County**. Environmental Resources Management, Inc., 350 Eagleview Boulevard, Suite 200, Exton, PA 19341, on behalf of AGR133, LLC, 3360 Visitation Road, Colledgeville, PA 19426, submitted a Notice of Intent to Remediate site soils contaminated with VOCs. Groundwater was addressed in a previous report. The property has been used commercially in the past and will continue to be used commercially. The applicant seeks to remediate to the Statewide Health Standard.

CNH America LLC, Union Township, **Mifflin County**. RMT, Inc., 2025 East Beltline Avenue, Suite 402, Grand Rapids, MI 49546, on behalf of CNH America LLC, 700 State Street, Racine, WI 53404, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with TCE. The site has been an industrial property since the 1900s and will continue to be used as an industrial site. The applicant seeks to remediate to the Site-Specific Standard.

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

Mellisa A. Burns, City of Shamokin, **Northumberland County**. Northridge Group Inc., 1172 Ridge Road, Northumberland, PA 17857 on behalf of Mellisa A. Burns, 122 East Arch St., Shamokin, PA 17872 has submitted a Notice of Intent to Remediate soil contaminated with No. 2 heating oil. The applicant proposes to remediate the site to meet the Statewide Health Standard

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

Corry Multi Tenant Facility, Wayne Township, Corry PA., **Erie County**. Korin Giles, Urban Engineers of Erie, Inc. 1319 Sassafras St., Erie, PA 16501-1720, on behalf of Rick Novotny, Corry Pennsylvania Redevelopment Authority, 1524 Enterprise Road, Corry, PA 16407, has submitted a Notice of Intent to Remediate concerning contamination of soils and groundwater with trichloroethylene. Remediation is expected to comply with the Statewide Health Standard.

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. 400593. Covanta Delaware Valley LP, 10 Highland Avenue, Chester, PA 19103, City

of Chester, **Delaware County**. Application submitted for a major modification, including a request to increase the maximum daily volume, of the Delaware Valley Resource Recovery Facility waste permit. LMIP meeting held on June 29, 2006, and an alternative project timeline of 140 days was negotiated for the review of the application. With the completion of the LMIP under 25 Pa. Code § 271.202(b), the application was received by the Southeast Regional Office on July 6, 2006.

Southwest Region: Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4000.

Permit ID No.301071. MAX Environmental Technologies, Inc., 1815 Washington Road, Pittsburgh, PA 15241-1498. MAX Environmental Technologies, Inc., Yukon Facility, 233 MAX Lane, Yukon, PA 15698. An application for a modification and permit renewal of a residual waste disposal facility in South Huntingdon Township, **Westmoreland County** was received in the Regional Office on June 30, 2006.

Permit ID No. 100620. Allied Waste Systems of Pennsylvania, LLC d/b/a Imperial Landfill, 11 Boggs Road, P. O. Box 47, Imperial, PA 15126-0047. An application for permit reissuance for the new operating entity (formerly BFI Waste Systems of North America, Inc.) in Findlay Township, **Allegheny County**, was received in the Regional Office on July 3, 2006.

AIR QUALITY

PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

NEW SOURCES AND MODIFICATIONS

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

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

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

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

notice will be published in the *Pennsylvania Bulletin* at least 30 days prior the date of the hearing.

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

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

PLAN APPROVALS

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

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

39-309-066: Lafarge North America, Inc. (5160 Main Street, Whitehall, PA 18052) for installation of nine air cleaning devices in the clinker silo area and to the pebble lime silo at their facility in Whitehall Township, **Lehigh County**.

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

28-05020D: T. B. Woods, Inc. (440 North Fifth Avenue, Chambersburg, PA 17201) for control of the existing 1 table blast machine by a reactivated fabric collector at its iron foundry in Chambersburg Borough, **Franklin County**.

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

25-090C: Zurn Industries (1301 Raspberry Street, Erie PA 16502) for construction of a new dip coating operation at the Cast Iron Foundry in the City of Erie, **Erie County**. The facility currently has a State-only Operating Permit.

43-344AJ: Hillcrest Memorial Park (230 East State Street, Sharon, PA 16148) to construct an animal crematory in the City of Hermitage, **Mercer County**.

27-033A: National Forest Products, Ltd. (South Forest Street, Marienville, PA 16239) to construct a surface coating operation in Jenks Township, **Forest County**.

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

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

54-308-023: Alcoa Engineered Products (53 Pottsville Street, Cressona, PA 17929) for replacement of a press billet furnace at Alcoa Extrusions Incorporated facility in Cressona Borough, **Schuylkill County**. This is a replacement of an existing furnace with a new, more efficient unit. No facility-wide emission increases are anticipated as a result of this project. The company will operate the furnace and maintain the equipment in accordance with the good engineering practices to assure proper operation of the system. The expected particulate emission rate will be less than 0.02 grain/dscf. The Plan Approval and Operating permit will contain additional recordkeeping and operating restrictions, that are designed to keep the facility operating within all applicable air quality requirements. The facility has a valid Title V Operating Permit (52-00022). Once the equipment is operational in compliance with all requirements, this plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the Title V Operating Permit.

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

28-05035: St. Thomas Development, Inc. (P. O. Box 1667, 1750 Walton Road, Blue Bell, PA 19422) for installation of a batch asphalt plant in St. Thomas Township, **Franklin County**. The facility has the potential to emit more than 100 tons per year of NO_x, SO_x and CO. The State-only operating permit will limit emissions to levels below the Title V permit thresholds. The permit will contain emission limits, monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

36-05027H: R. R. Donnelly and Sons Co. (216 Greenfield Road, Lancaster, PA 17601-5885) for installation of 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. The source will operate in place of an existing printing press. This Plan Approval will be incorporated into Title V operating permit No. 36-05027 by administrative amendment to the permit in accordance with 25 Pa. Code § 127.450. The Title V permit will contain work practice standards, and restrictions, monitoring, recordkeeping and reporting standards designed to keep the facility operating within all applicable air quality requirements.

67-03033D: The Sheridan Press (450 Fame Avenue, Hanover, PA 17331) for construction of a one-unit single web heat-set offset lithographic printing press at its printing facility in Penn Township, **York County**. The source has the potential to emit 10 tons VOC per year. The plan approval and subsequent State-only operating permit administrative amendment will include emission restrictions, work practice standards, and testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

14-00002H: Graymont (PA), Inc. (965 East College Avenue, Pleasant Gap, PA 16823) to install a semiwet scrubber to control SO_x emissions from kiln No. 7, as well as to construct a waste heat boiler to generate up to 5 MW of electricity and/or a spray tower, to reduce the exhaust gas temperature from kiln No. 7 at the Pleasant Gap Lime Manufacturing plant in Spring Township, **Centre County**.

The installation of kiln No. 7, as well as the semi-wet scrubber, has been approved under Plan Approval 14-00002A, issued July 9, 2004. In addition, no reassessment of any air quality impacts is required since the stack gas temperature will be higher than the stack temperature at which the project was modeled. A higher stack gas temperature results in a greater plume rise and better dispersion.

The Department of Environmental Protection's (Department) review of the information provided by Graymont (PA), Inc. indicates that the proposed installation and construction will comply with all air quality requirements, including the best available technology (BAT) requirement of 25 Pa. Code §§ 127.1 and 127.12 pertaining to air contamination sources and the emission of air contaminants. The semiwet scrubber will also comply with the Prevention of Significant Deterioration of Air Quality regulations of 40 CFR 52.21. Based on these findings, the Department intends to issue a plan approval for the proposed project. The following is a summary of the conditions that the Department proposes to place in the plan approval to ensure compliance with all applicable regulatory requirements.

1. All conditions contained in TVOP 14-00002 and Plan Approval 14-00002A remain in effect unless superseded or amended by conditions contained in Plan Approval 14-00002H. If there is a conflict between a condition contained in Plan Approval 14-00002H and a condition contained in TVOP 14-00002 or Plan Approval 14-00002A, the permittee shall comply with the condition contained in Plan Approval 14-00002H.

2. The SO_x emission from kiln No. 7 shall be controlled by a semiwet scrubbing system, consisting of the following equipment:

- One Solios model VVR-14-82 Venturi reactor (or equivalent, as approved by the Department)
- Two 35 ton per hour capacity conditioning drums
- One 35 ton per hour capacity pre-conditioning drum
- One 65 ton capacity recycle bin
- One 10 ton capacity lime kiln dust surge bin
- One 25 ton capacity fresh lime bin
- Conveyors and bucket elevators as described in the application and supplemental materials for Plan Approval 14-00002H

3. The PM emission from kiln No. 7 shall be controlled by a SONAIR Model 8-121-336-50668 fabric collector (or equivalent, as approved by the Department). The fabric collector shall have a minimum fabric area of 46,998 square feet and handle no more than 146,000 actual cubic feet of gas per minute. Should the permittee install and operate a spray tower to be used in lieu of a waste heat boiler, the fabric collector shall handle no more than 152,000 actual cubic feet of gas per minute.

4. The permittee shall only use 22 weight (ounces per square yard) woven fiberglass fabric filter bags with expanded polytetrafluoroethylene (ePTFE) membrane, or another bag as approved by the Department that offers equivalent or better control PM emissions, in the fabric collector.

5. Under BAT provisions in 25 Pa. Code §§ 127.1 and 127.12, the semiwet scrubbing system shall achieve a minimum SO_x removal efficiency of 93%, based on an hourly average. This condition supersedes Condition No. 19 of Plan Approval 14-00002A.

6. Under BAT provisions in 25 Pa. Code §§ 127.1 and 127.12, the semi-wet scrubbing system associated with kiln No. 7 shall be equipped with instrumentation to monitor the temperature of the gas flow at the inlet to the Venturi reactor, the temperature of the gas flow at the outlet of the fabric collector, and the recycle rate of LKD, and the instrumentation shall be operated on a continuous basis at all time kiln No. 7 is in operation.

7. The permittee shall keep records of the temperature of the gas flow at the inlet to the Venturi reactor, the temperature of the gas flow at the outlet of the fabric collector, and the recycle rate of LKD, for each valid 1 minute reading and each resulting block hourly average, when the semiwet scrubbing system is in operation. These records shall be retained for a minimum of 5 years and shall be made available to the Department upon request.

8. Under BAT provisions in 25 Pa. Code §§ 127.1 and 127.12, the fabric collector associated with kiln No. 7 shall be equipped with instrumentation to monitor the differential pressure across the fabric collector and the instrumentation shall be operated on a continuous basis at all times kiln No. 7 is in operation.

9. The permittee shall keep records of the differential pressure across the fabric collector associated with kiln No. 7, for each valid 1 minute reading and each resulting block hourly average, when the fabric collector is in operation. These records shall be retained for a minimum of 5 years and shall be made available to the Department upon request.

10. Under BAT provisions in 25 Pa. Code §§ 127.1 and 127.12, the differential temperature between the inlet to the Venturi reactor and the outlet of the fabric collector shall be established as minimum and maximum (range) limitations on an hourly average from the minimum and maximum values of the SO_x removal efficiency test runs upon the semiwet scrubbing system.

11. Under BAT provisions 25 Pa. Code §§ 127.1 and 127.12, the differential pressure across the fabric collector shall be established as minimum and maximum (range) limitations on an hourly average from the minimum and maximum values of the SO_x removal efficiency and particulate matter emissions test runs upon the fabric collector.

12. Under BAT provisions in 25 Pa. Code §§ 127.1 and 127.12, the permittee shall develop and submit to the Department for approval at least 4 months prior to the anticipated startup date of kiln No. 7, a quality control program for the instrumentation to monitor the temperature of the gas flow at the inlet to the Venturi reactor, the temperature of the gas flow at the outlet of the fabric collector, and the recycle rate of LKD, as well as the differential pressure across the fabric collector. The quality control program shall include, at a minimum, a written protocol that describes how each monitor will be installed, calibrated and maintained in accordance with good engineering and operating practices and the manufacturer's recommendations at all time kiln No. 7 is in operation. In addition, the quality control program shall include the calibration and maintenance records to be kept to ensure compliance with the written protocols. These records shall be retained for the life of kiln No. 7, except for the calibration and maintenance records, which shall be retained for a minimum of 5 years, and shall be made available to the Department upon request.

13. Within 120 days of achieving maximum production, but no later than 180 days after the initial startup of kiln

No. 7, the permittee shall perform testing on the semiwet scrubbing system to demonstrate compliance with the SO_x removal efficiency requirement. This testing shall be performed at the inlet of the waste heat boiler and at the outlet of the fabric collector, unless otherwise approved by the Department. The testing shall be performed while kiln No. 7 is operating at a minimum of 90% of its rated capacity. This testing shall be performed using test methods and procedures deemed acceptable by the Department. This condition supersedes Condition No. 41 of Plan Approval 14-00002A.

14. Under BAT provisions in 25 Pa. Code §§ 127.1 and 127.12, the permittee shall submit a monitoring plan for the semiwet scrubbing system that describes the design parameters to be monitored and the minimums and/or maximums of each to ensure compliance with the 93% SO_x reduction efficiency requirements and the short-term and long-term SO_x emission limitations for kiln No. 7. The plan shall be submitted to the Department at least 4 months prior to the anticipated startup date of kiln No. 7. This condition supersedes Condition No. 48 of Plan Approval 14-00002A.

15. The permittee shall construct and operate a waste-heat boiler and associated operations as described in the application and supplemental materials for plan approval application 14-00002H. Should the waste-heat boiler not be capable of sufficiently cooling the exhaust gas from kiln No. 7, the permittee may construct and operate a spray tower and associated operations as described in the application and supplemental materials for plan approval application 14-00002H.

16. The permittee shall monitor the total solids content of the water used by the cooling tower associated with the waste heat boiler on a semiannual basis and the particulate matter emissions from cooling tower shall not exceed 1 ton in any 12-consecutive month period.

17. The permittee shall keep records of the total solids content of the water used by the cooling tower associated with the waste heat boiler on a semiannual basis. Additionally, the permittee shall keep records of the supporting calculations for particulate matter emissions from the cooling tower associated with the waste heat boiler on a monthly basis and shall verify compliance with the particulate matter emission limitation in any 12-consecutive month period. These records shall be retained for a minimum of 5 years and shall be made available to the Department upon request.

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

53-00001C: Tennessee Gas Pipeline Company (1001 Louisiana Street, Houston, TX 77002) has submitted an application (No. 53-00001C) to the Department of Environmental Protection (Department) for the installation of a new fuel injection system to control NO_x emissions from an existing 3,000 horsepower reciprocating internal engine (Source ID P111) at their Coudersport facility (Station 313) located in Hebron Township, **Potter County**.

The respective facility is a major facility for which a Title V operating permit No. 53-00001 has been issued.

The Department's review of the information submitted by Tennessee Gas Pipeline Company indicates that the proposed installation satisfies all applicable air quality regulatory requirements pertaining to air contamination sources and the emission of air contaminants. Based on these findings, the Department intends to issue a plan approval for the installation of a new fuel injection system on Source ID P111. Additionally, if the Department determines that the source and the proposed installation are operating in compliance with all plan approval conditions, the conditions established in the plan approval will be incorporated into Title V operating permit No. 53-00001 by means of an administrative amendment in accordance with 25 Pa. Code § 127.450.

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

1. Conditions contained in TVOP 53-00001 remain in effect unless superseded or amended by conditions contained in Plan Approval 53-00001C. If there is a conflict between a condition contained in TVOP 53-00001 or Plan Approval 53-00001C, the permittee shall comply with the condition contained in Plan Approval 53-00001C.

2. Source ID P111 shall comply with all requirements as specified in the Title V Operating Permit No. 53-00001

3. Within 30 days prior to the installation of the new fuel injection system, the permittee shall perform a CO stack test upon Source ID P111 to establish a baseline CO emission rate from Source ID P111. Within 60 days after installation of the new fuel injection system, the permittee shall perform CO and NO₂ stack tests upon Source ID P111 to determine the CO emission rate and verify the compliance with the NO_x emission limitation of Source ID P111.

a. The performance test shall consist of three separate test runs and each run shall last at least in one 1 hour in duration.

b. All testing is to be done using reference method test procedures acceptable to the Department and all testing is to be performed while Source ID P111 is operating at full load.

4. The Department will require the permittee to install a control device to control CO emissions from Source ID P111 if the results from the CO testing determine that the CO emissions increased from the baseline CO emission rate of Source ID P111. Within 60 days after the results of the testing have been approved by the Department, the permittee will be required to submit a plan approval application for a control device to control CO emissions if warranted.

5. The new fuel injection system shall be operated in accordance with the manufacturer specifications and good air pollution control practices.

6. Under 25 Pa. Code § 145.113, the permittee shall perform a NO₂ test upon Source ID P111 every 735 hours of operation during the ozone season (May 1 through September 30) for each year.

7. Under 25 Pa. Code §§ 145.111—145.113, Source ID P111 is subject to the requirements of 25 Pa. Code §§ 145.111—145.113. The permittee shall comply with all applicable requirements of 25 Pa. Code §§ 145.111—145.113.

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

Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104, Edward Braun, Chief, (215) 685-9476.

S06-003: Commander Navy Region Mid-Atlantic (700 Robbins Avenue, Philadelphia, PA 19111) for operation of office building in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include one 40 mmBtu/hr boiler, one 36 mmBtu/hr boiler, one 29.3 mmBtu/hr boiler, two 1.3 mmBtu/hr boilers, one 0.75 mmBtu/hr boiler, fifteen boilers and water heaters less than 0.25 mmBtu/hr, 10 emergency generators, a fire pump, a carpentry shop, a paint booth and a gasoline storage and dispersion tank.

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 this 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.

OPERATING PERMITS

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

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

01-05009: Department of the Army (201 Beasley Drive, Suite 100, Fort Detrick, MD 21702) for operation of defense activities at the Raven Rock Mountain Complex in Liberty Township, **Adams County**. This action is a renewal of the Title V Operating Permit issued in 2000.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, Mark Wayner, Facilities Permitting Chief, (412) 442-4174.

63-00014: Reliant Energy (121 Champion Way, Suite 200, Canonsburg, PA 15317) for management and operation of electrical generation units at the Elrama Power Plant in Elrama Borough, Union Township in **Washington County**. This is a Title V Operating Permit Renewal.

03-00027: Reliant Energy Northeast Management Co. (121 Champion Way, Canonsburg, PA 15317) for a renewal of their Title V Operating Permit for the Keystone Power Plant in Plumcreek Township, **Armstrong County**. The facility includes two 850-MW steam turbine generators, two oil-fired auxiliary boilers and four oil-fired diesel generators. The facility is subject to Title V requirements because its potential to emit NOx, SOx, CO, PM and HAPs exceeds Title V thresholds. This is a Title V Operating Permit Renewal.

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

42-00158: TIN Inc.—Temple Inland—Mt. Jewett Complex (147 Temple Drive, Mt. Jewett, PA 16740) for a Title V Operating Permit to operate a Reconstituted Wood Products manufacturing facility in Sergeant Township, **McKean County**.

Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104, Edward Braun, Chief, (215) 685-9476.

V05-005: Philadelphia Prison System (8001 SR, Philadelphia, PA 19136) for operation of a correctional institute in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include 51 boilers and hot water heaters that burn natural gas or No. 2 fuel oil, all are rated under 15 mmBtu/hr. Other air emission sources include a 365 hp natural gas fired chiller, nine emergency generators and a spray booth.

The operating permit will be reissued under 25 Pa. Code, Philadelphia Code Title 3 and Air Management Regulation XIII. Permit copies and other supporting information are available for public inspection at AMS, 321 University Avenue, Philadelphia, PA 19104. For further information, contact Edward Wiener at (215) 685-9426.

Persons wishing to file protest or comments on the 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.

V06-007: Trigen—Philadelphia Energy Corp.—Schuylkill Station (2600 Christian Street, Philadelphia, PA 19146) for operation of a steam and electric generating facility in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include two 795 mmBtu/hr No. 6 fuel oil-fired (No. 2 fuel oil ignition) boilers and a 761 mmBtu/hr natural gas or No. 6 fuel oil-fired boiler.

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 Ave., 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.

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

35-00016: Sandvik Materials Technology (P. O. Box 1220, Scranton, PA 18501) for operation of boilers, process tanks and saws in Scott Township, **Lackawanna County**. This action is a renewal of the State-only (Natural 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.

01-03025: Valley Quarries, Inc. (P. O. Box J, Chambersburg, PA 17201-0809) for operation of a crushed and broken stone facility in Hamiltonban Township, **Adams County**. This is a non-Title V (State-only) facility. The operating permit will contain appropriate conditions designed to keep the facility operating within all applicable air quality requirements. This is a renewal of the facility's previous operating permit.

06-05003: Stone Pointe Management Corp. (2525 North 12th Street, Reading, PA 19605-2749) for operation of a convention center including four boilers and two emergency generators in Muhlenberg Township, **Berks County**. The facility is a non-Title V (State-only) facility. This amendment involves a change in ownership of the facility and sources from Agere Systems, Inc.

22-05029: AmerGen Energy Company, LLC (Route 441 South, Middletown, PA 17057-0441) for a synthetic minor operating permit renewal for standby units comprising of two boilers, three engine generators and other sources located in Londonderry Township, **Dauphin County**. The facility's primary emissions are NOx. The synthetic minor operating permit will contain work practice standard, emissions restrictions and monitoring and recordkeeping requirements to keep the facility operating within all applicable air quality requirements.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-348, Devendra Verma, New Source Review Chief, (814) 332-6940.

10-00312: Purvis Brothers, Inc.—Mars Facility (321 Mars-Valencia Road, Mars, PA) for operation of a Petroleum Bulk Station in Adams Township, **Butler County**.

Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104, Edward Brawn, Chief, (215) 685-9476.

V06-004: Philadelphian Condominium (2401 Pennsylvania Avenue, Philadelphia PA 19130) for operation of condominiums in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include a 2,200-hp engine, two 600-Hp boilers, and two 200-Hp boilers.

The operating permit will be reissued under 25 Pa. Code, Philadelphia Code Title 3 and Air Management Regulation XIII. Permit copies and other supporting information are available for public inspection at AMS, 321 University Avenue, Philadelphia, PA 19104. For further information, contact Edward Wiener at (215) 685-9426.

Persons wishing to file protest or comments on the 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.

COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). Mining activity permits issued in response to applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

The following permit applications to conduct mining activities have been received by the Department of Environmental Protection (Department). A copy of an application is available for inspection at the district mining office indicated before an application. Where a 401 Water Quality Certification is needed for any aspect of a particular proposed mining activity, the submittal of the permit application will serve as the request for certification.

Written comments, objections or requests for informal conferences on applications may be submitted by any person or any officer or head of any Federal, State or local government agency or authority to the Department at the district mining office indicated before an application within 30 days of this publication, or within 30 days after the last publication of the applicant's newspaper advertisement, as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34.

Where any of the mining activities listed will have discharges of wastewater to streams, the Department will incorporate NPDES permits into the mining activity permits issued in response to these applications. NPDES permits will contain, at a minimum, technology-based effluent limitations as identified in this notice for the

respective coal and noncoal applications. In addition, more restrictive effluent limitations, restrictions on discharge volume or restrictions on the extent of mining which may occur will be incorporated into a mining activity permit, when necessary, for compliance with water quality standards (in accordance with 25 Pa. Code Chapters 93 and 95). Persons or agencies who have requested review of NPDES permit requirements for a particular mining activity within the previously mentioned public comment period will be provided with a 30-day period to review and submit comments on the requirements.

Written comments or objections should contain the name, address and telephone number of the person submitting comments or objections; the application num-

ber; 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.

11841603 and NPDES Permit No. PA0235377. AMFIRE Mining Company, LLC (One Energy Place, Latrobe, PA 15650). To revise the permit for the Portage Plant in Portage Township, **Cambria County** to add acreage to relocate and build ponds and add and relocate NPDES discharge points. Surface Acres Proposed 19.0. Receiving stream: UNT to Spring Run, classified for the following use: CWF. Application received: June 2, 2006.

Knox District Mining Office: P. O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, (814) 797-1191.

10060103 and NPDES Permit No. PA0258172. Amerikohl Mining, Inc. (202 Sunset Drive, Butler, PA 16001). Commencement, operation, and restoration of a bituminous surface strip operation in Clay and Center Townships, **Butler County** affecting 218.0 acres. Receiving streams: three UNTs to Muddy Creek to Muddy Creek, classified for the following use: HQ-CWF. Two UNTs to Stony Run and Stony Run, classified for the following use: WWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: July 2, 2006.

1475-10060103-E-1. Amerikohl Mining, Inc. (202 Sunset Drive, Butler, PA 16001). Application for stream encroachment to encroach to within 25 feet of UNT 4 to Muddy Creek in Clay and Center Townships, **Butler County**. The 100-foot stream barrier of UNT 4 to Muddy Creek will be encroached upon to within 25 feet for support activities and 50 feet for mineral extraction. Receiving streams: three UNTs to Muddy Creek to Muddy

Creek, classified for the following uses: HQ-CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: July 3, 2006.

1475-10060103-E-2. Amerikohl Mining, Inc. (202 Sunset Drive, Butler, PA 16001). Application for stream encroachment to encroach to within 25 feet of UNT 6 to Stony Run in Clay and Center Townships, **Butler County**. The 100-foot stream barrier of UNT 6 to Stony Run will be encroached upon to within 25 feet for support activities and 50 feet for mineral extraction. Receiving stream: HQ-CWF. Two UNTs to Stony Run and Stony Run, classified for the following use: WWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: July 3, 2006.

1475-10060103-E-3. Amerikohl Mining, Inc. (202 Sunset Drive, Butler, PA 16001). Application for stream encroachment to encroach to within 100 feet of UNT 7 to Stony Run in Clay and Center Townships, **Butler County**. The 100 foot stream barrier of UNT 7 to Stony Run will be encroached upon to construct a permanent stream crossing over UNT 7 to Stony Run and within 25 feet for support activities and 50 feet for mineral extraction. Receiving streams: three UNTs to Muddy Creek to Muddy Creek, classified for the following use: HQ-CWF. Two UNTs to Stony Run and Stony Run, classified for the following use: WWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: July 3, 2006.

37010103. Amerikohl Mining, Inc. (202 Sunset Drive, Butler, PA 16001). Renewal of an existing bituminous surface strip and auger operation in New Beaver Borough and Little Beaver Township, **Lawrence County** affecting 53.9 acres. Receiving streams: UNTs to Beaverdam Run, classified for the following use: HQ-CWF. There are no potable surface water supply intakes within 10 miles downstream. Application for reclamation only. Application received: July 6, 2006.

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

54683045R4. Blaschak Coal Corp. (P. O. Box 12, Mahanoy City, PA 17948). Renewal of an existing anthracite surface mine operation in Bulter, Union and West Mahanoy Townships, **Schuylkill County** affecting 743.0 acres. Receiving stream: none. Application received: June 28, 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 ¹			
pH ¹		greater than 6.0; less than 9.0	

¹ The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applied to surface runoff resulting from a precipitation event of less than or equal to a 10-year 24-hour event. If coal will be extracted incidental to the extraction of noncoal minerals, at a minimum, the technology-based effluent limitations identified under coal applications will apply to discharges of wastewater to streams.

Greensburg District Mining Office: Armbrust Professional Center, 8205 Route 819, Greensburg, PA 15601, (724) 925-5500.

26060605 and NPDES Permit No. PA0250937. John Joseph (470 Vanderbilt Road, Connellsville, PA 15425). Application received for commencement, operation and reclamation of a large noncoal (sandstone) surface mining site located in Jefferson Township, **Fayette County**, affecting 16.6 acres. Receiving streams: UNTs to Little Redstone Creek, classified for the following use: WWF. The first downstream potable water supply intake from the point of discharge is the Municipal Authorities of Washington Township, Belle Vernon and Charleroi. Application received: June 29, 2006.

02850302 and NPDES Permit No. PA0590371. Lafarge North American, Inc. (5160 Main St., Whitehall, PA 18052-1827). Renewal application for reclamation only of an existing noncoal surface mine, located in West Mifflin Borough, **Allegheny County**, affecting 70.3 acres. Receiving streams: UNT to Streets Run, classified for use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received: July 3, 2006.

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

8275SM3C5 and NPDES Permit No. PA0117986. Martin Limestone, Inc. (P. O. Box 550, Blue Ball, PA 17506), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Caernarvon Township, **Lancaster County**. Receiving stream: UNT to Conestoga Creek, classified for the following use: WWF. There are no potable drinking water supplies within 10 miles. Application received: June 28, 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)

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:

(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

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

E54-326. Commonwealth Environmental Systems, P. O. Box 249, Dunmore, PA 18512-0249, in Frailey Township, **Schuylkill County**, United States Army Corps of Engineers, Baltimore District.

To place fill in approximately 0.96 acre of PFO Wetlands for the purpose of expanding an existing municipal solid waste landfill. The project is located approximately one mile east of SR 0081, on the north side of SR 0025. (Tremont, PA Quadrangle N: 7.3 inches; W: 0.7 inch).

Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701, (570) 327-3636.

E14-490. Stephen T Letterman, P. O. Box 217, Milesburg, PA 16853-0217. Ardery Hollow Run Culvert, in Worth Township, **Centre County**, ACOE Baltimore District (Port Matilda, PA Quadrangle N: 15.5 inches; W: 2.5 inches).

To: 1) remove an existing culvert; 2) construct, operate and maintain a 35-foot long, 14-foot by 6-foot precast reinforced concrete box culvert with the invert depressed 1.5 feet below the streambed of Ardery Hollow with flared concrete wingwalls/apron projecting 8.75 feet upstream and a concrete "U" wall/apron projecting 20 feet downstream; 3) place and maintain an existing pedestrian walk bridge on the downstream wingwalls, all of which is located 2,150 feet up Ardery Hollow Road from SR 220. This project may permanently impact 63.75 linear feet of Ardery Hollow Run, which is classified as a CWF, and should have no wetland impacts.

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

E10-418. Sing Hosanna, 310 West Airport Road, Butler, PA 16001. Church expansion project, in Penn Township, **Butler County**, ACOE Pittsburgh District. (Butler, PA Quadrangle N: 40° 47' 3.7"; W: 79° 56' 38.9").

To place and stabilize fill material over an area of .08 acre, for a parking lot expansion, within the regulatory floodway of a UNT of Thorn Creek (CWF). The project does not propose to impact any wetlands.

ENVIRONMENTAL ASSESSMENTS

Central Office: Bureau of Waterways Engineering, Rachel Carson State Office Building, Floor 3, 400 Market Street, Harrisburg, PA 17105.

D36-300EA. Green Hill Sportsmens Association, 6111 River Road, P. O. Box 68, Conestoga, PA 17516, Conestoga Township, ACOE Baltimore District.

Project proposes to repair and maintain Green Hill Sportsmens Association Dam located across a tributary to Little Conestoga Creek (WWF) for recreational purposes. The project involves repairing a partially breached section of the dam, dredging the impoundment, modifying and dredging the East Sediment Basin and constructing a sediment basin at the north end of the Pond. The project will involve the filling of approximately 0.014 acre of open water and dredging approximately 0.56 acre of accumulated silts and sediments. The dam is located approximately 2,000 feet northeast of the intersection of Spring Run Road (T432) and River Road (T440) (Conestoga, West, PA Quadrangle, N: 9.5", W: 15.9").

STORAGE TANKS

SITE-SPECIFIC INSTALLATION PERMITS

The following Storage Tank Site-Specific Installation Permit application has been received by the Department of Environmental Protection (Department) and is currently under review. Persons wishing to comment on the proposed permit are invited to submit a statement to the Bureau of Waste Management, Division of Storage Tanks, P. O. Box 8763, Harrisburg, PA 17105-8763, within 30 days from the date of this publication. Comments received within this 30-day period will be considered in the formulation of the final determinations regarding this application. Responses should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of the comment and the relevant facts upon which it based.

The following applications have been received for Storage Tank Site-Specific Installation Permits under the authority of the Storage Tank Spill Prevention Act (35 P. S. §§ 6021.304, 6021.504, 6021.1101 and 6021.1102) and under 25 Pa. Code Chapter 245, Subchapter C.

<i>SSIP Application No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Tank Type</i>	<i>Tank Capacity</i>
06012	Durapax, LLC 400 Old Reading Pike Suite 304 Pottstown, PA 19464 Attn: Reuben Clark	Montgomery	West Pottsgrove Township	Two ASTs storing Coal Tar	18,000 gallons total

ACTIONS

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

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

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

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

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

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

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

I. NPDES Renewal Permit Actions

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0209996	Salvation Army Camp Allegheny The Salvation Army 424 Third Avenue Pittsburgh, PA 15219	Wayne Township Lawrence County	Slippery Rock Creek 20-C	Y
PA0102288	Rustick, LLC McKean County Landfill 19 Ness Lane Kane, PA 16735	Sergeant Township McKean County	UNT to Little Sicily Run (Outfalls 001 and 002) UNT to Seven Mile Run (Outfall 003)	Y

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

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

NPDES Permit No. PA-0060941-A1, Sewage, **Crestwood School District**, 3700 Church Road, Mountain Top, PA 18707. This proposed facility is located in Rice Township, **Luzerne County**.

Description of Proposed Action: Issuance of NPDES Permit for decreased discharge of 2,000 gpd to Turner Swamp, a tributary to Wapwallopen Creek from the Rice Elementary School.

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

NPDES Permit No. PA0081043, Sewage, **Guardian Elder Care, Bridges at Brookline**, R. R. 1, Box 463, Mifflintown, PA 17059. This proposed facility is located in Fermanagh Township, **Juniata County**.

Description of Proposed Action/Activity: Authorization to discharge to Big Run in Watershed 12-A.

NPDES Permit No. PA0248134, Industrial Waste, **Little Britain Store, Inc.**, 10 North Little Britain Road, Quarryville, PA 17566. This proposed facility is located in Little Britain Township, **Lancaster County**.

Description of Proposed Action/Activity: Authorization to discharge to a UNT of Reynolds Run in Watershed 7-K.

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

PA 0253286, Industrial Waste, SIC 4925, **CNX Gas Company, LLC**, 1800 Washington Road, Pittsburgh, PA 15241. This proposed facility is located in Center Township, **Greene County**.

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

The receiving stream, South Fork Tenmile Creek, in watershed 19B, is a WWF classified for aquatic life, water supply, and recreation. For the purpose of evaluating effluent requirements for TDS and chloride, the point of analysis considered during the evaluation is located on the Monongahela River at River mile 61.2.

The proposed effluent limits for Outfall 001 are:

<i>Parameter</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow		0.055 mgd	
Iron (total)	3.5 mg/l		7 mg/l
Oil and Grease	15 mg/l		30 mg/l
TSS	30 mg/l		60 mg/l
Acidity	Monitor Only	Monitor Only	Monitor Only
Alkalinity	Greater than Acidity	Greater than Acidity	Greater than Acidity
pH	6 to 9 s. u.	6 to 9 s. u.	6 to 9 s. u.
Chloride	Monitor Only	Monitor Only	Monitor Only
TDS	Monitor Only	Monitor Only	Monitor Only
Osmotic Pressure	Monitor Only	Monitor Only	Monitor Only
Cadmium	Monitor Only	Monitor Only	Monitor Only
Copper	Monitor Only	Monitor Only	Monitor Only
Lead	Monitor Only	Monitor Only	Monitor Only

The EPA waiver is in effect

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

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.

WQM Permit No. 1505428, Sewerage, **Borough of Spring City**, 6 South Church Street, Spring City, PA 19475. This proposed facility is located in Spring City Borough, **Chester County**.

Description of Action/Activity: Installation of wastewater flow equalization tank and appurtenances and maximum monthly flow rate.

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

WQM Permit No. 4506404, Sewerage, **Mount Airy No. 1, LLC**, 299 Main Street—Sturges, Olyphant, PA 18447-2319. This proposed facility is located in Paradise Township, **Monroe County**.

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

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

WQM Permit No. 3806405, Sewerage, **Clair Elk, Chairperson, West Cornwall Township Municipal Authority**, P. O. Box 1262, Quentin, PA 17083-1262. This proposed facility is located in West Cornwall Township, **Lebanon County**.

Description of Proposed Action/Activity: Permit approves the construction/operation of the Butler Road Pump Station and Mine Road Sewer System.

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

WQM Permit No. 1792403-T1, Sewerage 4952, **Chris E. Young, Sr.**, 2960 Egypt Road, Woodland, PA 16881. This facility is located in Bradford Township, **Clearfield County**.

Description of Proposed Action/Activity: Transfer of a WQM Part II Permit for small flow sewage treatment facilities serving a single residence.

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

WQM Permit No. 6504405, Sewage, **Sutersville—Sewickley Municipal Sewer Authority**, 320 Municipal Avenue, Sutersville, PA 15083. This proposed facility is located in Sutersville Borough and Sewickley Township, **Westmoreland County**.

Description of Proposed Action/Activity: Permit issuance for the construction and operation of pump stations and sanitary sewers to serve Sutersville Borough and a portion of Sewickley Township.

The Pennsylvania Infrastructure Investment Authority which administers the Commonwealth's State Revolving Fund has been identified as a possible funding source. The Department's review of the sewage facilities plan revision has not identified any significant environmental impacts resulting from this proposal.

WQM Permit No. 6506401, Sewerage, **Mt. Pleasant Municipal Authority**, 653 Main Street, Mt. Pleasant, PA 15666. This proposed facility is located in Mt. Pleasant Borough, **Westmoreland County**

Description of Proposed Action/Activity: Permit issuance for the replacement and operation of existing combined sewers.

The Pennsylvania Infrastructure Investment Authority which administers the Commonwealth's State Revolving Fund has been identified as a possible funding source. The Department's review of the sewage facilities plan revision has not identified any significant environmental impacts resulting from this proposal.

WQM Permit No. 6575411, Sewerage, **Richard E. Robidoux**, 16 Priscilla Drive, Lakeville, MA 02347. This proposed facility is located in Rostraver Township, **Westmoreland County**.

Description of Proposed Action/Activity: Permit issuance for expansion of existing sewage treatment plant to serve the Todd Manor Plan of Lots.

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

WQM Permit No. WQG018462, Sewerage, **Theodore Finn**, 13600 Colver Road, West Springfield, PA 16443. This proposed facility is located in Springfield Township, **Erie County**.

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

WQM Permit No. WQG018467, Sewerage, **Edward J. Leppold**, P. O. Box 4771, Harrisburg, PA 17111. This proposed facility is located in Liberty Township, **Mercer County**.

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

WQM Permit No. WQG018476, Sewerage, **Jeffrey L. Oswalt**, 12021 Church Run Road, Titusville, PA 16354. This proposed facility is located in Oil Creek Township, **Crawford County**.

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

WQM Permit No. WQG018464, Sewerage, **Scott A. Poole**, 8280 Crane Road, Craneville, PA 16410. This proposed facility is located in Elk Creek Township, **Erie County**.

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

WQM Permit No. 1096407, Sewerage, **Amendment No. 1, West Sunbury Borough Municipal Authority**, 142 Main Street, P. O. Box 202, West Sunbury, PA 16061. This proposed facility is located in Clay Township, **Butler County**.

Description of Proposed Action/Activity: This project is for the reconstruction of sludge drying beds..

IV. NPDES Stormwater Discharges from MS4 Permit Actions

V. NPDES Waiver Stormwater Discharges from MS4 Actions

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI012306005	White Horse Development Co, Inc. 950 West Valley Forge Road King of Prussia, PA 19406	Delaware	Newtown Township	UNT Crum Creek (HQ-CWF)
PAI010905005	28 Mechanic Street Investors, LP 328 South Main Street New Hope, PA 18938	Bucks	New Hope Borough	Aquetong Creek (HQ-CWF)

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024505025	Mount Airy No. 1, LLC 299 Main St. Sturges Olyphant, PA 18447	Monroe	Paradise Township	Forest Hills Run HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI063705003(1)	Donald Kleine Vortex Recycling 526 S. Jefferson Street New Castle, PA 16101	Lawrence	City of New Castle	Shenango River WWF

VII. Approvals to Use NPDES and/or Other General Permits

The EPA Region III Administrator has waived the right to review or object to this permit action under the waiver provision 40 CFR 123.23(d).

List of NPDES and/or Other General Permit Types

PAG-1	General Permit for Discharges from Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated with Construction Activities (PAR)
PAG-3	General Permit for Discharges of Stormwater from Industrial Activities
PAG-4	General Permit for Discharges from Single Residence Sewage Treatment Plants
PAG-5	General Permit for Discharges from Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges from Combined Sewer Systems
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Nonexceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines
PAG-11	(To Be Announced)
PAG-12	CAFOs
PAG-13	Stormwater Discharges from MS4

General Permit Type—PAG-2

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Highland, West Sadsbury, Londonderry Townships Chester County	PAG2001506031	Eastern Shore Natural Gas Co. 417 Bank Lane Dover, DE 19904	Valley Creek and UNTs Valley Creek (CWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
East Nottingham Township Chester County	PAG2001506032	Larry Harnish 410 Barnsley Road Oxford, PA 19353	UNT Northeast Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
City of Philadelphia Philadelphia County	PAG2015106006	Urban Outfitters 1809 Walnut Street Philadelphia, PA 19103	Delaware River (WWF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
City of Philadelphia Philadelphia County	PAG2015106008	Gedalia Group P. O. Box 448 Huntingdon Valley, PA 19006	Wooden Bridge Run (TSF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
City of Philadelphia Philadelphia County	PAG2015106012	Temple University 1101 West Montgomery Avenue Philadelphia, PA 19122	Delaware River (CWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
City of Philadelphia Philadelphia County	PAG2015106018	Philadelphia Housing Authority 12 South 23rd Street Philadelphia, PA 19103	Schuylkill River (WWF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
City of Allentown Lehigh County	PAG2003906014	Rite Aid Corp. Attn: Roger Hoffman 914 S. Meadow Ln. Palmyra, PA 17078	Lehigh River TSF	Lehigh County Conservation District (610) 391-9583
Whitehall Township Lehigh County	PAG2003906017	Amy Park Simon Property Group 115 West Washington St. Indianapolis, IN 46204	Jordan Creek TSF,MF	Lehigh County Conservation District (610) 391-9583
Whitehall Township Lehigh County	PAG2003906018	Dominic Farole Accent Homes 1005 Chestnut St. Suite 105 Coplay, PA 18037	Coplay Creek CWF	Lehigh County Conservation District (610) 391-9583
Hazle Township Luzerne County	PAG2004006011	Equilibrium Equities, Inc. Attn: John Morris One West First Ave. Conshohocken, PA 19087	Tributary to Black Creek CWF	Luzerne County Conservation District (570) 674-7991
City of Easton Northampton County	PAG2004806015	Steve Heiss 758 Main St. Hellertown, PA 18055	Delaware River (Lehigh River to Head of Tide) WWF, MF	Northampton County Conservation District (610) 746-1971
Lehigh Township Northampton County	PAG2004806019	Nordel, LP 623 Selvaggio Dr., Suite.200 Nazareth, PA 18064	Tributary to Lehigh River (PA 903 Bridge to Allentown Dam) CWF	Northampton County Conservation District (610) 746-1971
Borough of Dunmore and City of Scranton Lackawanna County	PAG2003506016	Wendy Yankelitis Marywood University 2300 Adams Ave. Scranton, PA 18509	Lackawanna River CWF	Lackawanna County Conservation District (570) 281-9495
Plainfield Township Northampton County	PAG2004806028	David Seyfried Nazareth Development, LLC 25 South Main St. Nazareth, PA 18064	Waltz Creek (Source to Greenwalk Creek) CWF	Northampton County Conservation District (610) 746-1971

NOTICES

3871

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Lower Saucon Township Northampton County	PAG2004806027	Charles R. Foster Bethlehem Renewable Energy, LLC 1300 North 17th St. Suite 1800 Arlington, VA 22209	Tributary to Saucon Creek CWF	Northampton County Conservation District (610) 746-1971
Dickson City Borough Lackawanna County	PAG2003506012	John Grow 950 Main St. Dickson City, PA 18519	Lackawanna River CWF	Lackawanna County Conservation District (570) 281-9495
Bradford County North Towanda Township	PAG2000806004	Northern Tier Career Center Walter Becker R. R. 1, Box 157A Towanda, PA 18848	Susquehanna River WWF	Bradford County Conservation District Stoll Natural Resource Center R. R. 5, Box 5030-C Towanda, PA 18848 (570) 265-5539, Ext. 205
Montour County Derry Township	PAG2004706004	Robert B. Domermuth Two North Ninth Street Allentown, PA 18101-1179	Chillisquaque Creek WWF	Montour County Conservation District 112 Woodbine Lane, Suite 2 Danville, PA 17821 (570) 271-1140
Snyder County Monroe Township	PAG2005506011	Aqua Pennsylvania Inc. Patrick Burke 204 East Sunbury Street Shamokin, PA 17872	UNT to Rolling Green Run WWF	Snyder County Conservation District 403 W. Market St. Middleburg, PA 17842 (570) 837-0007, Ext. 112
Washington County Cecil Township	PAG2006306022	Consol Energy, Inc. 1800 Washington Road Pittsburgh, PA 15241	Chartiers Creek (WWF)	Washington County Conservation District (724) 228-6774
Clarion County Clarion Township	PAG2061606001	Department of Transportation 10-0 2550 Oakland Avenue Indiana, PA 15701-0429	Little Piney Creek CWF	Department of Environmental Protection (814) 332-6984
Jefferson County Pine Creek Township	PAG2003306002	Brookville Congregation of Jehovah's Witnesses 262 Franklin Avenue Brookville, PA 15825	UNT Mill Creek CWF	Jefferson Conservation District (814) 849-7463
Erie County Lawrence Park Township City of Erie	PAG2002505019	Nancy Dusckas 2607 Buffalo Road Erie, PA 16510	McDannel Run WWF: MF	Erie Conservation District (814) 825-6403
Erie County Elk Creek Township	PAG2002505033	William Zelina 7000 Route 6N Edinboro, PA 16412	UNT Cussewago Creek WWF	Erie Conservation District (814) 825-6403
Erie County Fairview Township	PAG2002506018	William Vorsheck 9293 Winfield Ct. Weeki Wachee, FL 34613	Walnut Creek CWF: MF	Erie Conservation District (814) 825-6403
Warren County Pine Grove Township	PAG2006206002	Warren General Hospital 2 Crescent Part West Warren, PA 16365	UNT Conewango Creek WWF	Warren Conservation District (814) 563-3117

General Permit Type—PAG-3

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Lower Moreland Township Montgomery County	PAR800140	Laidlaw Transit, Inc. 587 Red Lion Rd. Huntingdon Valley, PA 19066	UNT to Pennypack Creek 3J Watershed	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5970

Facility Location:

<i>Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Downingtown Borough Chester County	PAR130007	Alcoa Flexible Packaging, LLC 520 Lincoln Ave. Downingtown, PA 19335	UNT to East Branch of Brandywine Creek 3H Watershed	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5970
City of Philadelphia Philadelphia County	PAR600015	Waste Management of PA, Inc. 305 Grays Ferry Ave. Philadelphia, PA 19146	Schuylkill River 3F Watershed	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5970
City of Philadelphia Philadelphia County	PAR600092	Dave's Delaware Valley Towing, Inc. 6159 Passyunk Ave. Philadelphia, PA 19153	Schuylkill River 3F Watershed	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5970
Bristol Township Bucks County	PAR800021	Waste Management of PA, Inc. 2505 Old Rodgers Rd. Bristol, PA 19007	Neshaminy Creek 2F Watershed	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5970
York County York City	PAR133503	Danskin, Inc. 305 State Street York, PA 17403-1316	UNT to Codorus Creek WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Point Township Northumberland County	PAR704803	Viking Energy Northumberland 909 Cannery Road Northumberland, PA 17857	UNT to West Branch Susquehanna River WWF	Water Management Program Manager 208 West Third Street Williamsport, PA 17701 (570) 327-3664
Asylum Township Bradford County	PAR224843	Towanda Dry Kilns & Specialties, Inc. R. R. 2, Box 146B Towanda, PA 18848-9626	Susquehanna River WWF	Northcentral Regional Office Water Management Program 208 West Third Street, Suite 101 Williamsport, PA 17701 (570) 327-3664

General Permit Type—PAG-4

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Bradford Township Clearfield County	PAG044962	Chris E. Young, Sr. 2960 Egypt Road Woodland, PA 16881	UNT West Branch Susquehanna River WWF	Water Management Program 208 West Third Street Williamsport, PA 17701 (570) 327-3664
Springfield Township Erie County	PAG049251	Theodore Finn 13600 Colver Road West Springfield, PA 16443	UNT to Conneaut Creek 15-CC	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Liberty Township, Mercer County	PAG049256	Edward J. Leppold P. O. Box 4771 Harrisburg, PA 17111	UNT to Slippery Rock Creek 20C	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Oil Creek Township Crawford County	PAG049268	Jeffrey L. Oswalt 12021 Church Run Road Titusville, PA 16354	Church Run 16-E	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Elk Creek Township Erie County	PAG049253	Scott A. Poole 8280 Crane Road Cranesville, PA 16410	UNT to the West Branch of Cussewago Creek 16-D	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

General Permit Type—PAG-5

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Berks County Amity Township	PAG053590	Speedway Oil Company 1392 Ben Franklin Highway East Douglasville, PA 19518	Schuylkill River 3-D	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707

General Permit Type—PAG-7

<i>Facility Location & County/Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Site Name & Location</i>	<i>Contact Office & Phone No.</i>
Centre County Benner Township	PAG074826	University Area Joint Authority 1576 Spring Valley Road State College, PA 16801	University Area Joint Authority Biosolids Processing Centre County Benner Township	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666

General Permit Type—PAG-8

<i>Facility Location & County/Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Site Name & Location</i>	<i>Contact Office & Phone No.</i>
Rush Township Centre County	PAG-084819	Moshannon Valley Joint Sewer Authority 829 North Ninth Street P. O. Box 581 Philipsburg, PA 16866	Moshannon Valley Joint Sewer Authority Rush Township Centre County	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666

General Permit Type—PAG-10

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Statewide: Discharge points to be provided to Department of Environmental Protection (Department) and the Fish and Boat Commission (Commission) at least 15 days before any discharge.	PAG109617	Tennessee Gas Pipeline Company Mark A. Johnson Rom S1156A Houston, TX 77002	Statewide Use—water/use information to be provided to Department and the Commission before at least 15 days before any discharge.	Department of Environmental Protection Central Office NPDES Permits Section Division of Permits and Planning Bureau of Water Standards and Facility Regulation 400 Market Street Rachel Carson State Office Building Harrisburg, PA 17105 (717) 787-8184

PUBLIC WATER SUPPLY (PWS) PERMITS

The Department of Environmental Protection has taken the following actions on applications received under the Pennsylvania Safe Drinking Water Act (35 P.S. §§ 721.1—721.17) for the construction, substantial modification or operation of a public water system.

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing

Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

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

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

SAFE DRINKING WATER

Actions taken under the Pennsylvania Safe Drinking Water Act

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

Operations Permit issued to **Exelon Nuclear Limerick Generating Station**, 3146 Sanatoga Road, Pottstown, PA, 19464, (PWS ID 1460847) Limerick Township, **Montgomery County**, Permit Issued on June 30, 2006, for the operation of facilities approved under Construction Permit No. 4606501 for the newly installed Arsenic Reduction System for Alley Deep Well No. 1 on June 14, 2006.

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

Permit No. 0605518, Public Water Supply.

Applicant	Maidencreek Township Authority
Municipality	Maidencreek Township
County	Berks
Type of Facility	Addition of Well No. 5 and treatment building.
Consulting Engineer	Gregory T. Unger, P. E. Systems Design Engineering, Inc. 1032 James Drive Leesport, PA 19533
Permit to Construct Issued:	6/29/2006

Permit No. 0605523, Public Water Supply.

Applicant	Mohrsville Water Supply Authority
Municipality	Centre Township
County	Berks
Type of Facility	Installation of arsenic treatment to existing water system.

Consulting Engineer	Michael W. Wellet, P. E. Hammerhead Engineering & Environmental Services, LL 107 Hillside Terrace Califon, NJ 4119
---------------------	---

Permit to Construct Issued:	6/12/2006
-----------------------------	-----------

Operations Permit issued to **Pennsylvania-American Water**, 3060069, Lower Heidelberg Township, **Berks County** on 6/29/2006 for the operation of facilities approved under Construction Permit No. 0605502.

Operations Permit issued to **Aqua Pennsylvania, Inc.**, 7010057, Mt. Joy Township, **Adams County** on 6/15/2006 for the operation of facilities approved under Construction Permit No. 0105507 MA.

Operations Permit issued to **Pennsylvania-American Water Company**, 7220017, Derry Township, **Dauphin County** on 6/30/2006 for the operation of facilities approved under Construction Permit No. 2205506 MA.

Operations Permit issued to **York Springs Municipal Authority**, 7010030, Huntington Township, **Adams County** on 7/10/2006 for the operation of facilities approved under Construction Permit No. 0105511.

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

Permit No. 0888502—T1-Transfer Public Water Supply.

Applicant	Jackson Mobile Home Park, LP
Township or Borough	Wysox Township
County	Bradford
Responsible Official	Clair Hoover, Partner Jackson Mobile Home Park, LP P. O. Box 173 Manheim, PA 17545
Type of Facility	Public Water Supply—Transfer
Consulting Engineer	Stephen Gilbert HDC, Inc. 700 Campbell Street Williamsport, PA 17701
Permit Issued Date	7/7/2006
Description of Action	Transfer of permit from Jackson Realty and Mobile Homes, Inc. to Jackson Mobile Home Park, LP.

Permit No. 0888502—T1-Transfer Public Water Supply.

Applicant	Jackson Mobile Home Park, LP
Township or Borough	Wysox Township
County	Bradford
Responsible Official	Clair Hoover, Partner Jackson Mobile Home Park, LP P. O. Box 173 Manheim, PA 17545
Type of Facility	Public Water Supply—Transfer

Consulting Engineer Stephen Gilbert
HDC, Inc.
700 Campbell Street
Williamsport, PA 17701

Permit Issued Date 7/7/2006

Description of Action Transfer of permit from Jackson Realty and Mobile Homes, Inc. to Jackson Mobile Home Park, LP.

Permit No. M.A.—Construction Public Water Supply.

Applicant **Wellsboro Municipal Authority**

Township or Borough Borough of Wellsboro

County **Tioga**

Responsible Official John Orr, Chairperson
Wellsboro Municipal Authority
28 Crafton Street
Wellsboro, PA 16901

Type of Facility Public Water Supply—Construction

Consulting Engineer Edward Brown, P. E.
Larson Design Group
P. O. Box 487
Williamsport, PA 17703-0487

Permit Issued Date 7/7/2006

Description of Action Construction of an 810,000 gallon finished water storage tank.

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

Rescission of Operations Permit issued to **Aqua Pennsylvania, Inc.**, 664 North Water Avenue, Sharon, PA 16146, PWS ID 6270004, Marienville Water Company, Jenks Township, **Forest County**, on July 7, 2006. Permit No. 2705501, issued February 21, 2006, Well No. 5 is now an abandoned source, and in accordance with Department of Environmental Protection Well Abandonment Procedures, will be abandoned by tremmie grouting from the bottom of the well to the surface using neat cement grout.

Rescission of Operations Permit issued to **Aqua Pennsylvania, Inc.**, 664 North Water Avenue, Sharon, PA 16146, PWS ID 6270004, Marienville Water Company, Jenks Township, **Forest County**, on July 7, 2006. Permit No. 2702501-T1, issued September 5, 2002, source and service to SCI, Marienville. Source of supply including Wells 2, 3A and 4 are abandoned sources in accordance with Department of Environmental Protection Well Abandonment Procedures; the water treatment plant has been physically disconnected from the old Marienville supply system.

Rescission of Operations Permit issued to **Aqua Pennsylvania, Inc.**, 664 North Water Avenue, Sharon, PA 16146, PWS ID 6270004, Marienville Water Company, Jenks Township, **Forest County**, on July 7, 2006. Permit No. 2970-T1, for the Collection Reservoir and Distribution

System for Springs, are now abandoned and physically disconnected from the old Marienville supply system.

Rescission of Operations Permit issued to **Aqua Pennsylvania, Inc.**, 664 North Water Avenue, Sharon, PA 16146, PWS ID 6270004, Marienville Water Company, Jenks Township, **Forest County**, on July 7, 2006. Permit No. 6370-T1, for Well No. 1, Spring No. 1 and 2 are now abandoned sources, and in accordance with Department of Environmental Protection Well Abandonment Procedures, Well No. 1 will be abandoned by tremmie grouting from the bottom of the well to the surface using neat cement grout.

Rescission of Operations Permit issued to **Aqua Pennsylvania, Inc.**, 664 North Water Avenue, Sharon, PA 16146, PWS ID 6270004, Marienville Water Company, Jenks Township, **Forest County**, on July 7, 2006. Permit No. 364W022—T1, issued April 30, 1965, for Wells Nos. 3-6; Spring 3 and all appurtenances and treatment systems associated with these sources. Wells and Spring source are abandoned. Well sources are abandoned in accordance with Department of Environmental Protection Well Abandonment Procedures; all treatments and the spring source have been physically disconnected from the old Marienville supply system.

Rescission of Operations Permit issued to **Aqua Pennsylvania, Inc.**, 664 North Water Avenue, Sharon, PA 16146, PWS ID 6270004, Marienville Water Company, Jenks Township, **Forest County**, on July 7, 2006. Permit No. 364W022-MA-T1, issued August 25, 2004, for Greensand Filters. Marienville Water Company sources, are abandoned, facilities and treatment systems physically disconnected from the old system.

WATER ALLOCATIONS

Actions taken on applications received under the act of June 24, 1939 (P. L. 842, No. 365) (35 P. S. §§ 631—641) relating to the acquisition of rights to divert waters of this Commonwealth

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

WA 05-895, Water Allocations. Bedford Township Municipal Authority, Bedford County. Modification of existing Water Allocation service area to include Bedford Springs Area. Consulting Engineer: Timothy A Cooper, P. E., Stiffler McGraw & Associates, Inc. Permit Issued: 6/28/2006.

SEWAGE FACILITIES ACT PLAN APPROVAL

Plan Approvals Granted under the Pennsylvania Sewage Facilities Act (35 P. S. §§ 750.1—750.20a)

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Delano Township	P. O. Box 103 Delano, PA 18220	Schuylkill

Project Description: The Plan Update provides for conveying sewage from the Village of Delano, including Mahanoy Area Joint Industrial Corporation (MAJIC) and the Quakake area of Delano Township, to the Northeastern Schuylkill Joint Municipal Authority's (NSJMA) existing wastewater treatment plant located in Rush Town-

ship, Schuylkill County, for treatment and discharge to Pine Creek instead of building a new plant as proposed in the previous plan. Also, the Plan Update provides for construction of new sewer systems for MAJIC and the Quakake area, in addition to a sewer system approved in the previous plan for the Village of Delano. The Department's review of the Plan Update has not identified any significant environmental impacts resulting from this proposal. WQM Permits must be obtained in the name of the municipality or authority as appropriate.

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Walker Township	P. O. Box 116 McConnellstown, PA 16660	Huntingdon

Plan Description: The approved plan provides for the construction of a single family residence on an existing lot served by a small flow treatment facility with discharge to Crooked Creek. The development is located along SR 3037 approximately 0.86 mile north east of SR 3011. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

CATEGORICAL EXCLUSION

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

Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Elkland Borough	105 Parkhurst St. Elkland PA 16920	Tioga

Description: The Pennsylvania Infrastructure Investment Authority, which administers the Commonwealth's State Revolving Fund, is intended to be the funding source for this project. The Borough of Elkland (Borough) proposes constructing a pump station on Pattison Avenue in conjunction with the Department of Transportation's road replacement and Borough sewer replacement project. This pump station is needed, as the road project will not allow use of a gravity sewer connection as previously approved. The Department of Environmental Protection's (Department) review of the project and the information received has not identified any significant, adverse environmental impacts resulting from this proposal. The Department has categorically excluded this project from the State Environmental Review Process.

SEWAGE FACILITIES ACT PLAN DISAPPROVAL

Plan Disapprovals Granted Under the Pennsylvania Sewage Facilities Act(35 P. S. §§ 750.1—750.20a)

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
North Codorus Township	1986 Stoverstown Road Spring Grove, PA 17362	York

Plan Description: Ellen Essock, A3-67946-311-2: The plan consists of a two lot single-family residential subdivision on 49.79 acres with total proposed sewage flows of 400 gpd to be treated by an individual onlot disposal system. The proposed development is located on the south side of Bentz Road, approximately 0.2 mile west of Myers Road in North Codorus Township, York County. The plan was disapproved because the sample results for the preliminary hydrogeologic study are almost 2 years old. The calculations that determine the lot sizes should be based on new sample results, and not historical groundwater values.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 2

The following plans and reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).

Provisions of Chapter 3 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, shall also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a site-specific standard remediation. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media; benefits of refuse of the property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

For further information concerning plans or reports, contact the Environmental Cleanup Program manager in the Department regional office after which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the Community Relations Coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

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

Citgo Petroleum Corp., Bristol Township, **Bucks County**. Tiffani Doerr, GES, 410 Eagleview Blvd., Suite, 110, Exton, PA 19341 on behalf of Bettie Altman, Raymond-Penn Co., c/o Bettie Altman, 3400 S. Ocean Blvd., Suite, 14J, Highland Beach, FL 33487 has submitted a Remedial Investigation Report and Cleanup Plan concerning remediation of site soil and groundwater contaminated with petroleum hydrocarbons. The report is intended to document remediation of the site to meet the Site-Specific Standard.

Giles Res., Easttown Township, **Chester County**. Richard D. Trimpi, CHMM, P. G., Trimpi Assoc., Inc., 1635 Old Plains Rd., Pennsburg, PA 18073 on behalf of Mr. and Mrs. Joseph W. Giles, 681 Wetherby Ln., Devon, PA 19333 has submitted a Final Report concerning remediation of site soil contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Pottstown Metal Welding, Borough of Pottstown, **Montgomery County**. Michael Raffoni, Gemchem, Inc., 53 N. Cedar St., Litiz, PA 17543 on behalf of Ray Lopez, Borough of Pottstown, 100 E. Main St. Pottstown, PA 19464 has submitted a Final Report concerning remediation of site soils and groundwater contaminated with unleaded and leaded gasoline. The report is intended to document remediation of the site to meet the Site-Specific Standard and Statewide Health Standard.

Former Northern Shipping Site, City of Philadelphia, **Philadelphia County**. Jamey Stynchula, Pennoni Assoc., Inc., 3001 Market St., Philadelphia, PA 19104 has submitted a Remedial Investigation Report and Cleanup Plan concerning remediation of site soil contaminated with inorganics and lead. The report is intended to document remediation of the site to meet the Site-Specific Standard.

Northeast Regional Field Office, Joseph A. Brogna, Environmental Cleanup Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.

Holy Family Manor Property—Bethlehem, City of Bethlehem, **Lehigh County**. Thomas Martinelli, Environmental Scientist, JMT Environmental Technologies, 3353-C Gun Club Road, Nazareth, PA 18064 has submitted a Final Report (on behalf of his client, The Diocese of Allentown, P. O. Box F, 1729 Turner Street, Allentown, PA 18105) concerning the remediation of a soils found or suspected to have been impacted by No. 2 home heating oil related to a former underground storage tank. The report was submitted in order to demonstrate attainment of the residential Statewide Health Standard.

848 East Blakeslee Boulevard, Mahoning Township, **Carbon County**. Toby Kessler, P. G., Gilmore & Associates 350 East Butler Avenue, New Britain, PA 18901 18017 has submitted a Final Report (on behalf of his clients, Norman Frantz and Grace Rudelich, East Blakeslee Boulevard, Lehigh, PA 18235) concerning the remediation of a small quantity of soils found have been impacted by lead and arsenic. The report was submitted to demonstrate attainment of the residential Statewide Health Standard under the Department's Low Risk Sites Program, but was determined to be ineligible.

Liberty High School, City of Bethlehem, **Northampton County**. Tippi Polo, Environmental Specialist,

MEA Inc., 1365 Ackermanville Road, Bangor, PA 18013 has submitted a Final Report (on behalf of her client, Bethlehem Area School District, 250 East Fairview Street, Bethlehem, PA 18018) concerning the remediation of soils impacted by a historic release of No. 2 fuel oil. The report was submitted in order to demonstrate attainment of the residential Statewide Health Standard.

Former Penn Fuel Gas Manufactured Gas Plant—Ashland site, Ashland Borough, **Schuylkill County**. John Mahfood, Corporate Environmental Solutions, 260 Millers Run Road, Bridgeville, PA 15017 has submitted a Final Report (on behalf of its client, PPL Gas Utilities, Inc, Two North Ninth St., Allentown, PA 18101) concerning the remediation of soils and groundwater found or suspected to have been contaminated with inorganics, polycyclic aromatic hydrocarbons and other organic compounds related to historic manufactured gas plant operations. The report was submitted in order to demonstrate attainment of both the Statewide Health and the Site-Specific Standards.

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

Domestic Casting/Shippensburg University Property, Shippensburg Township, **Cumberland County**. Gannett Fleming, P. O. Box 67100, Harrisburg, PA, 17106-7100, on behalf of Thomas James, Liberty Casting Company, LLC, 550 Liberty Road, P. O. Box 1368, Delaware, OH, 43015, submitted a Final Report concerning remediation of site soils contaminated with metals and PAHs from foundry sand. The report is intended to document remediation of the site to the Statewide Health Standard.

Fort Indiantown Gap National Guard Training Center, East Hanover Township, **Lebanon County**. Weston Solutions Inc., 1400 Weston Way, West Chester, PA, 19380, on behalf of PA Army National Guard, Dept. of Military and Veteran Affairs, Environmental Division, Fort Indiantown Gap National Guard Training Center, Annville, PA 17003, submitted a Final Report concerning remediation of site soils and groundwater contaminated with lead. The report is intended to document remediation of the site to the Statewide Health Standard.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 3

The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).

Provisions of 25 Pa. Code § 250.8, administration of the Land Recycling and Environmental Remediation Standards Act (act), require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate

that the remediation has attained the cleanup standard selected. Plans and reports required by provisions of the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media, benefits of refuse of the property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by provisions of the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the Environmental Cleanup Program manager in the Department regional office before which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the Community Relations Coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

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

Sunoco Inc., R & M Andover Rd., West Brandywine Township, **Chester County**. Lisa Holderbach, Aquaterra Technologies, Inc., P. O. Box 744, West Chester, PA 19381 on behalf of Thomas Finley, 40 Andover Rd., Glenmore, PA 19343, John and Fay Searle, 44 Andover Rd., Glenmoore, PA 19343, Steve and Colleen Brown, 48 Andover Rd., Glenmoore, PA 19343 and Reginald and Barbara Owens, 51 Andover Rd., Glenmoore, PA 19343 has submitted a Remedial Investigation, Risk Assessment Report and Cleanup Plan concerning the remediation of site soil contaminated with leaded gasoline. The Remedial Investigation, Risk Assessment Report and Cleanup Plan was approved by the Department on June 5, 2006.

Pottstown Metal Welding, Borough of Pottstown, **Montgomery County**. Michael Raffoni, GemChem, Inc., 53 N. Cedar St., Lititz, PA 17543 on behalf of Herb McDonald, The Fulcrum Group, 110 Pugh Rd., Wayne, PA 19087 has submitted a Remedial Investigation Report and Cleanup Plan concerning the remediation of site soil and groundwater contaminated with gasoline and unleaded gasoline. The Remedial Investigation Report and Cleanup Plan was approved by the Department on June 7, 2006.

Sunoco 00004-8413, Uwchlan Township, **Chester County**. Susan E. Dameron, GES, Inc., 410 Eagleview Blvd., Suite 110, Exton, PA 19341 on behalf of North Point Prop., Owners Assoc., 15 E. Uwchlan Ave., Exton, PA 19341 has submitted a Remedial Investigation Report,

Risk Assessment Report and Cleanup Plan concerning the remediation of site soil and groundwater contaminated with lead and BTEX. The Remedial Investigation Report, Risk Assessment Report and Cleanup Plan was approved by the Department on June 30, 2006.

William H. Ziegler School, City of Philadelphia, **Philadelphia County**. Gloria Hunsberger, Powell-Harpstead, Inc. 800 E. Washington St., West Chester, PA 19380 on behalf of Francine Locke, School Dist., of Philadelphia, 440 N. Broad St., 3rd Floor, Room 3052, Philadelphia, PA 19103 has submitted a Remedial Investigation Report and Cleanup Plan concerning the remediation of site soil contaminated with arsenic, lead and inorganics. The Remedial Investigation and Cleanup Plan was approved by the Department on April 19, 2006.

Liberty Knoll Apts, New Garden Township, **Chester County**. Joseph Diamadi, Marshall Geoscience, Inc., 170 E. First Ave., Collegeville, PA 19426 on behalf of Clyde Spinelli, Media Real Estate Co. Inc., 203 E. Baltimore Ave., Media, PA 19063 has submitted a Final Report concerning the remediation of site soil contaminated with No. 2 fuel oil. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on July 5, 2006.

Northeast Regional Field Office: Ronald S. Brezinski, Environmental Cleanup Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.

Proposed Dickson City CVS, Borough of Dickson City, **Lackawanna County**. Paul Ladd, P. G., Ransom Environmental consultants, Inc., Brown's Wharf, Newburyport, MA 01950 submitted a combined Remedial Investigation Report/Final Report (on behalf of Carrier Coal Enterprises, 103 E. Drinker Street, Dunmore, PA 18512) concerning the remediation of soil and groundwater found to be impacted by petroleum hydrocarbons. The report demonstrated attainment of the Site-Specific Standard through pathway elimination standard and was approved on June 5, 2006.

Cranberry Creek Gateway Park Project—Southern Parcel, Hazle Township, **Luzerne County**. Lori Girvan, Senior Environmental Scientist, Barry Isett & Associates, Inc. (100 West Broad Street, Suite 200, Hazleton, 18201-2562) submitted a Final Report (on behalf of her client, CAN DO Inc., 1 South Church Street, Hazleton, 18201) concerning the remediation of soils found to have been impacted by lead as the result of historic transformer releases at the former railroad substation. The report documented attainment of the Residential Statewide Health Soil Standard and was approved on May 22, 2006.

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

Lebo Residence, North Annville Township, **Lebanon County**. Environmental Management Associates, Inc., 209 Winding Way, Morrisville, PA 19067, on behalf of James and Regina Lebo, 10 Towpath Road, Annville, PA 17003, submitted a Final Report concerning remediation of site soils contaminated with No. 2 fuel oil. The final report demonstrated attainment of the Residential Statewide Health Standard, and was approved by the Department on July 6, 2006.

Greg's Automotive Repair, Gettysburg Borough, **Adams County**. Alliance Environmental Services, Inc., 1820 Linglestown Road, 17110, on behalf of Greg's Automotive Repair, 500 York Street, Gettysburg, PA 17325, submitted a Remedial Investigation Report concerning remediation of site soils and groundwater contaminated

with gasoline constituents. The applicant is seeking to remediate the site to a Site-Specific Standard. The report was disapproved by the Department on July 6, 2006.

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

J & J Sales & Service Inc., Benton Township, **Columbia County**. United Environmental Services, Inc., 86 Hillside Drive, Drums, PA 18222 on behalf of Gerald Houseweart II, 146A Dotyville Road, Benton, PA 17814 has submitted a work plan and Baseline Environmental Report concerning remediation of site soil and groundwater contaminated with leaded and unleaded gasoline. The Work Plan was approved by the Department on April 28, 2006, and the Baseline Environmental Report was approved by the Department on July 3, 2006.

FCI USA, Inc., Clearfield Borough and Lawrence Township, **Clearfield County**. Economic Development Corp., 250 Technology Drive, Suite 1, Clearfield, PA 16830 on behalf of FCI USA, Inc., 825 Old Trail Road, Etters, PA 17319-9392 has submitted a Final Report concerning the remediation of site soil contaminated with chlorinated volatile organic compounds. The Final Report demonstrated attainment of the Site-Specific Standard and was approved by the Department on July 7, 2006.

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. WMGM027. Zwicky Processing & Recycling, Inc., 10 Zwicky Lane, Robesonia, PA 19551-8880.

General Permit No. WMGM027 is for the: (1) processing (that is, shredding, grinding, screening, mixing, decomposition and storage) and beneficial use of wood waste (clean and uncontaminated land clearing, grubbing and excavation waste, yard waste and residual and municipal wood scrap) to produce mulch for landscaping purposes; (2) processing (that is, shredding, grinding, screening, mixing and storage prior to beneficial use) and beneficial use of leaf and yard waste, food processing residuals and spent mushroom substrate (SMS) to produce compost; (3) processing, storage and beneficial use of organic, nonorganic residuals with a BTU value of at least 5,000/lb for use as alternative fuels; (4) processing (that is, shredding, grinding, screening and storage prior to beneficial use) and beneficial use of compost, drinking water treatment plant sludge, biomass fuel ash, waste gypsum, foundry sand and SMS with nonwaste soils to produce topsoil for landscaping purposes; and (5) processing (that is, crushing, grinding, screening, mixing and storage) and beneficial use of clean, uncontaminated rock, stone, gravel, brick, block, concrete and used asphalt) for use as a construction material solely by Zwicky. The general permit was issued by Central Office on July 6, 2006.

Persons interested in reviewing the general permit should contact Ronald C. Hassinger, Chief, General Permits and Beneficial Use Section, Division of Municipal

and Residual 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.

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. WMGM019D005. Main Line Paving Company, Inc., 70 Old Lancaster Road, Devon, PA 19333-1397.

General Permit No. WMGM019D005 is for the processing of concrete and asphalt waste, leaf and yard waste, wood waste and soil for beneficial use as: (1) construction material; and (2) topsoil and mulch for commercial purposes generated at Pottstown Recycling Material Co. facility, located in Montgomery County. The general permit was issued by Central Office on July 10, 2006.

Persons interested in reviewing the general permit should contact Ronald C. Hassinger, Chief, General Permits and Beneficial Use Section, Division of Municipal and Residual Waste, Bureau of Land Recycling and Waste Management, P. O. Box 8472, Harrisburg, PA 17105-8472, (717) 787-7381. TDD users may contact the Department through the Pennsylvania Relay Service, (800) 654-5984.

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.

15-302-096GP: PPL Distributed Generation LLC (2 North Ninth Street, Allentown, PA 18101) on July 11, 2006, to operate a No. Fuel-Fired Internal Combustion in East Whiteland Township, **Chester County**.

15-302-097GP: PPL Distributed Generation LLC (2 North Ninth Street, Allentown, PA 18101) on July 11, 2006, to operate a No. 2 Oil Fired Combustion Unit in East Whiteland Township, **Chester County**.

23-302-143GP: FPI Food Processing International, Inc. (903 Industrial Highway, Eddystone, PA 19022) on July 11, 2006, to operate a boiler to convert to 70,000 SF in Eddystone Borough, **Delaware County**.

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

39-310-026GP3: Brubacher Excavating, Inc. (825 Reading Road, Bowmanstown, PA 17507) on July 7, 2006, to construct and operate a portable stone crushing plant and associated air cleaning device at the Boulder West

construction sited at Grimm and Moser Roads, Upper Macungie Township, **Lehigh County**.

39-329-002GP9: Brubacher Excavating, Inc. (825 Reading Road, Bowmanstown, PA 17507) on July 7, 2006, to construct and operate 4 portable diesel generators at the Boulder West construction sited at Grimm and Moser Roads, Upper Macungie Township, **Lehigh County**.

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

GP1-22-03067: Milton Hershey School (P. O. Box 830, Hershey, PA 17033) on July 10, 2006, for Small Gas and No. 2 Oil Fired Combustion Units under GP1 in Derry Township, **Dauphin County**.

GP3-06-03139: H. B. Mellott Estate, Inc. (100 Mellott Drive, Suite 100, Warfordsburg, PA 17267) on July 6, 2006, for Portable Nonmetallic Mineral Processing Plants under GP3 in Oley Township, **Berks County**.

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

GP3-18-01: R. S. Services (119 Falls Road, Beech Creek, PA 16822) on June 27, 2006, to construct and operate a portable concrete crusher pursuant to the General Plan Approval And/Or General Operating Permit For Portable Nonmetallic Mineral Processing Plants (BAQ-PGPA/GP-3) in Castanea Township, **Clinton County**.

GP1-18-01: R. S. Services (119 Falls Road, Beech Creek, PA 16822) on June 27, 2006, to construct and operate a 366 horsepower diesel engine under the General Plan Approval And/Or General Operating Permit For Nonroad Engines (BAQ-GPA/GP 11) in Castanea Township, **Clinton County**.

Plan Approvals Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.

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

46-0198K: Blommer Chocolate Co. (1101 Blommer Drive, East Greenville, PA 18041) on July 7, 2006, to operate a new process line thermal oxidizer in Upper Hanover Township, **Montgomery County**.

46-0222A: Bostik, Inc. (1740 County Line Road, Huntingdon Valley, PA 19006) on July 6, 2006, to operate a new adhesive mixing vessel in Upper Moreland Township, **Montgomery County**.

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

40-303-026: Wilkes-Barre Materials, LLC (500 Chase Road, Shavertown, PA 18708) on July 3, 2006, to modify a batch asphalt plant to utilize recycled asphalt pavement in the material mix at the facility in Plains Township, **Luzerne County**.

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

38-05003D: Carmeuse Lime, Inc. (P. O. Box 37, Saginaw, AL 35137-0037) on July 7, 2006, to use a petroleum coke—coal fuel blend in the plant's five lime kilns in North Londonderry Township, **Lebanon County**.

67-05024G: Lehigh Cement Co. (200 Hokes Mill Road, York, PA 17404-5540) on July 7, 2006, for limited use of tire fluff as fuel in the rotary kiln at the cement plant in West Manchester Township, **York County**.

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

41-302-050: Wirerope Works, Inc. (100 Maynard Street, Williamsport, PA 17701) on June 6, 2006, to construct two 15 million Btu per hour anthracite coal-fired boilers and associated air cleaning devices (multiclones) in the City of Williamsport, **Lycoming County**.

49-00020C: Truck Accessories Group, Inc. d/b/a Leer East (3560 Housels Run Road, Milton, PA 17847) on June 26, 2006, to transfer and use 41.7 tons of VOC emission reduction credits in Milton Borough, **Northumberland County**.

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

30-00164A: Tennant Wilbert Vault Co., Inc. (P. O. Box 7, Blairsville, PA 15717) on July 6, 2006, to install a crematorium at their facility in the municipality of Mt. Morris, **Greene County**.

Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code §§ 127.13, 127.13a and 127.32.

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

09-0015F: Rohm and Haas Co. (727 Norristown Road, P. O. Box 0904, Spring House, PA 19477-0904) on July 10, 2006, to operate four boilers in Bristol Township, **Bucks County**.

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

22-05007B: The Harrisburg Authority (One Keystone Plaza, Suite 104, Harrisburg, PA 17101) on June 29, 2006, to construct the Harrisburg Materials, Energy, Recycling and Recovery Facility, 1670 South 19th Street, City of Harrisburg, **Dauphin County**. This plan approval was extended.

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

59-00005E: Dominion Transmission, Inc. (625 Liberty Avenue, Pittsburgh, PA 15222) on July 3, 2006, to operate a 2,000 horsepower natural gas-fired reciprocating internal combustion compressor engine (Engine 6) on a temporary basis until October 21, 2006, at the Sabinsville Compressor Station in Clymer Township, **Tioga County**. The plan approval has been extended.

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

32-00297D: Creps United Publications (1163 Water Street, P. O. Box 746, Indiana, PA) on June 30, 2006, to prepare the operating permit application and to conduct an initial operation permit inspection at Christy Park Drive Facility in White Township, **Indiana County**. This plan approval was extended.

65-00966A: Greensburg Thermal, LLC (755 Opossum Lake Road, Carlisle, PA 17013) on July 6, 2006, to complete stack testing at their facility in Hempfield Township, **Westmoreland County**. This plan approval was extended.

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

42-206A: Holm Industries (700 1/2 Elk Avenue, Kane, PA 16735) on June 30, 2006, to modify two existing calcining furnaces and associated control equipment at the Kane facility in the Borough of Kane, **McKean County**.

Title V Operating Permits Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter G.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401; Edward Jurdones Brown, Facilities Permitting Chief, (484) 250-5920.

15-00045: Sealed Air Corp. (450 River Front Drive, Reading, PA 19602) on July 11, 2006, to renew the facility Title V Renewal Operating Permit in Modena Borough, **Chester County**.

23-00023: United Parcel Service, Inc. (1 Hog Island Rd, Philadelphia, PA 19153) on July 11, 2006, to renew the facility Title V Operating Permit in Tincum Township, **Delaware County**.

Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401; Edward Jurdones Brown, Facilities Permitting Chief, (484) 250-5920.

23-00033: Dee Paper Co. (100 Broomall Street, Chester, PA 19013) on July 11, 2006, to operate the cardboard box printing facility of a Synthetic Minor Operating Permit in City Of Chester, **Delaware County**.

15-00099: MultiServ (8050 Rowan Road, Suite 600, P. O. Box 5003, Cranberry, PA 16066) on July 11, 2006, to operate a scrap metal cutting/reprocessing plant of a Natural Minor Operating Permit in East Fallowfield Township, **Chester County**.

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

67-05082: David Edward, Ltd. (252 North Franklin Street, Red Lion, PA 17356-1503) on June 29, 2006, to operate their wood furniture manufacturing facility in Red Lion Borough, **York County**. This is a renewal of the state-only operating permit.

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

17-00053: Prism Enterprises, LLC d/b/a Permagrain (1191 Venture Drive, Forest, VA 24551) on

June 27, 2006, to operate a specialty wood flooring products manufacturing facility in Karthaus Township, **Clearfield County**.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745; Mark Wayner, Facilities Permitting Chief, (412) 442-4174.

65-00914: Preform Specialties, Inc. (176 Cherry St., Blairsville, PA 15717) on June 26, 2006, to operate a powder processing plant. The facility's major sources of emissions include batch attritors, vacuum dryers and hammer mills with associated dust collectors. The facility is in Derry Township, **Westmoreland County**.

63-00884: DBT America, Inc. (2045 West Pike Street, Houston, PA 15342) on June 28, 2006, for a mine machinery manufacturing and repair operation at their Houston Facility in Chartiers Township, **Washington County**.

11-00285: HRI, Inc. (1750 West College Avenue, State College, PA 16801) on June 28, 2006, to operate a Batch Process and Hot Mix Asphalt Concrete Plant in Richland Township, **Cambria County**.

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

25-00967: Spectrum Control Inc.—Fairview Township (8061 Avonia Road, Fairview, PA 16415) on June 23, 2006, to operate the Electronic Connector Manufacturing Plant in Fairview Township, **Erie County**.

16-00094: IA Construction Corp.—Paint Township (Route 66, Shipperville, PA 16254) on June 23, 2006, to operate the Asphalt Paving Plant in Paint Township, **Clarion County**.

37-00319: Ennstone, Inc. d/b/a Three Rivers Aggregate—Carvella Plant (3118 Wampum Road, Wampum, PA 16157) on June 29, 2006, to operate a construction sand and gravel plant in North Beaver Township, **Lawrence County**. The sources include crushers, vibrating screens, conveyor belts and a diesel generator.

43-00316: Ennstone, Inc. d/b/a Three Rivers Aggregate—Mercer Plant (840 Perry Highway, Mercer, PA 16137-0269) on June 29, 2006, to operate a sand and gravel plant in East Lackawannock Township, **Mercer County**. The sources include sand and aggregate processing equipment and a diesel generator.

25-00456: United Brass Works Inc.—Keystone Foundry Division (944 West 12th Street, Erie, PA 16501-1515) on July 5, 2006, to operate a nonferrous foundry operation, in the City of Erie, **Erie County**. The facility's primary emission sources include three Electric Induction Furnaces, Molding Operations and Grinding Operations. The emissions of criteria pollutants from this facility are below major source levels.

42-00184: Keystone Powdered Metal Company—Lewis Run Plant (8 Hanley Drive, Lewis Run, PA 16738) on July 5, 2006, to operate a powdered metal part manufacturing facility, in the Borough of Lewis Run, **McKean County**. The facility's primary emission sources include Sintering and Heat Treating Furnaces. The emissions of criteria pollutants from this facility are below major source levels.

37-00299: IMS Division—Tube City IMS (Cherry Street, Taylor Township, New Castle, PA) on July 5, 2006, for the slag processing operation in Taylor Township,

Lawrence County. All of the applicable requirements from Plan Approval No. 37-0299A have been incorporated into this permit.

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.

46-00025: Lonza Inc. (900 River Road, Conshohocken, PA 19428-2647) on July 11, 2006, Title V Operating Permit Minor Modification issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code § 127.462 in Upper Merion Township, **Montgomery County.** Modification to increase annual emissions of selected compounds from reactor train 11 and 12. The permit will include monitoring, record keeping, and reporting requirements designed to keep the facility within all applicable air quality requirements.

15-00027: Johnson Matthey, Inc.—Catalyst Systems Division (456 Devon Park Drive, Wayne, PA 19087-1816) on July 11, 2006, for a minor modification to the Title V Operating Permit at their facility in Tredyfrin Township, **Chester County.** The company operates a catalytic converter manufacturing research and development facility. The revised Title V Operating Permit will contain additional monitoring, recordkeeping, reporting and work practice standards to keep the facility operating within all applicable air quality requirements. The conditions that have been addressed in the revised Title V Operating Permit are outlined as follows:

- Relocate one of the four ovens identified as Line Nos. 3 and 4 Drying Process (Source ID 103) Devon I. This required that the oven be disconnected from the Devon II SCR/Scrubber System (Source IDs CO2A and CO11) and relocated to the Devon III SCR/Scrubber System (Source IDs CO12B and CO9).

- Relocate the PSG Impregnation Coater identified with the Scrubber System III (Devon II) (Source CO9) to the Pilot Plant Process (Source 116) in the Devon I facility. This source will vent directly to the atmosphere de minimis emissions of volatile organic compounds (VOCs) and nitrogen oxides (NOx).

- Redirect the exhaust stream from the driers of Line No. 11 Coating Process (Devon III) (Source ID 130) from to the Devon III SCR/Scrubber System (Source IDs CO12B and CO9) to the atmosphere.

- Include Alternative Operating Scenarios in Section E (Alternative Operation Requirements) that will conditionally allow the exhaust from Line Nos. 7, 10 and 11 Coating Processes (Source Ids 128, 129, and 130) to bypass of the Devon III Acid Scrubber (Source ID CO12A).

Revise proposed source designators for insignificant and reportable sources and equipment in Section G (Miscellaneous) for a more accurate listing and description.

23-00058: Haverford College (370 Lancaster Ave., Haverford, PA 19041) on July 11, 2006, for an administrative amendment to the issued State Only Operating Permit (Synthetic Minor) 23-00058 in Haverford Township, **Delaware County.** The facility operates three 1,000 kilowatt peak shaving generators and five boilers

firing natural gas only, or either natural gas or No. 2 fuel. The generators can use either diesel oil and/or No. 2 oil as fuel.

The issued State-only Operating Permit has been amended to correct capacity/throughput data for the 3-1,000kW generators (Sources 101—103) to 62 gph.

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

41-00016: Plastic Development Co. (75 Palmer Industrial Road, Williamsport, PA 17701) on July 5, 2006, via the minor operating permit modification provisions of 25 Pa. Code 127.462, to increase the volatile organic compound emission limit for a PVC cementing operation from 2.5 tons in any 12-consecutive month period to 5.0 tons in any 12-consecutive month period, to increase the volatile organic compound and hazardous air pollutant emission limits for a polyurethane foam operation from 1.0 pound in any 12-consecutive month period to 3.0 pounds in any 12-consecutive month period and to increase the volatile organic compound emission limit for a touchup and spray can operation from 500 pounds in any 12-consecutive month period to 897 pounds in any 12-consecutive month period in Woodward Township, **Lycoming County.**

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745; Mark Wayner, Facilities Permitting Chief, (412) 442-4174.

63-00105: MIMCO Products Division (731 East Main Street, Monongahela, PA 15063) on June 30, 2006, to change ownership from the former Monco Products, Inc. to MIMCO Products Division in the City of Monongahela, **Washington County.**

ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the request for 401 Water Quality Certification and the NPDES permit application. Mining activity permits issued in response to the applications will also address the application permitting requirements of the following statutes: the Air Quality Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

Coal Permits Actions

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, (814) 472-1900.

Permit No. 11960101 and NPDES No. PA0213276. Cloe Mining Company, Inc. (P. O. Box I, Grampian, PA 16838). Permit renewal for reclamation only of a bituminous surface auger mine in Reade Township, Cambria County, affecting 107.9 acres. Receiving streams: UNTs to/and Muddy Run, classified for the following use: CWF.

There are no potable water supply intakes within 10 miles downstream. Application received: May 3, 2006. Permit issued: July 7, 2006.

Greensburg District Mining Office: Armbrust Professional Center, 8205 Route 819, Greensburg, PA 15601, (724) 925-5500.

65990101 and NPDES Permit No. PA0202428. Gary Gioia Coal Company (319 Karen Drive, Elizabeth, PA 15037). Permit revised to add 5.0 acres to an existing bituminous surface mine located in South Huntingdon Township, **Westmoreland County**, now affecting 19.0 acres. Receiving stream: UNT to Youghiogheny River. Application received: September 3, 2004. Revision issued: June 30, 2006.

Knox District Mining Office: P. O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, (814) 797-1191.

61020102. Amerikohl Mining, Inc. (202 Sunset Drive, Butler, PA 16001). Revision to an existing bituminous strip operation to change the postmining land use from cropland to industrial/commercial on the property of Dave and Edna Mae Kasmoch in Scrubgrass Township, **Venango County**. Receiving streams: UNTs to the Allegheny River. Application received: May 19, 2006. Permit issued: July 5, 2006.

43850105 and NPDES Permit No PA0208758. Grove City Materials, LP (R. D. 6, Box 344, New Castle, PA 16101) Renewal of an existing bituminous strip and limestone removal operation in Pine and Mercer Townships, **Mercer and Butler Counties** affecting 103.0 acres. Receiving streams: Two UNTs to Swamp Run. Application received: April 10, 2006. Permit Issued: July 7, 2006.

Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, (814) 342-8200.

17010104 and NPDES No. PA0243060. Sky Haven Coal, Inc. (5510 State Park Road, Penfield, PA 15849). Transfer of an existing bituminous surface mine from Larson Enterprises, Inc. (P. O. Box 96, Kylertown, PA 16847), located in Morris Township, **Clearfield County**, affecting 55.9 acres. Receiving stream: UNT to Moshannon Creek classified for the following use: CWF. Application received: March 6, 2006. Permit issued: June 28, 2006.

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

54850104T and NPDES Permit No. PA0614530. Bell Corporation (739 Broad Street, Tuscarora, PA 17982). Transfer of an existing anthracite surface mine operation and NPDES Permit for discharge of treated mine drainage in Schuylkill Township, **Schuylkill County** affecting 102.5 acres. Receiving stream: UNT to East Branch Schuylkill River. Application received: February 17, 2006. Transfer issued: July 6, 2006.

GOVERNMENT FINANCED CONSTRUCTION CONTRACT

Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, (814) 342-8200.

Lee Coal Contracting, Inc., GFCC No. 14-05-01, Snow Shoe Township, Centre County (North Fork Beech Creek—Upper West Branch Watershed): A Government-Financed Construction Contract (GFCC) has been awarded to Lee Coal Contracting that will result in the reclamation of over 6.5 acres of abandoned mine lands and underground mine subsidence in Snow Shoe Township, Centre County. The site will be reclaimed and

regraded to approximate original contour. The value of this reclamation is estimated at \$46,800. (Contact: John Varner; (814) 342-8200, Moshannon)

Noncoal Permits Actions

Greensburg District Mining Office: Armbrust Professional Center, 8205 Route 819, Greensburg, PA 15601, (724) 925-5500.

26050401 and NPDES Permit No. PA0250643. Laurel Aggregates, Inc. (P. O. Box 1209, Morgantown, WV 26507). Permit issued for commencement, operation, and reclamation of a noncoal surface mining site located in Springhill Township, **Fayette County**, affecting 107.0 acres. Receiving streams: UNTs to Rubles Run. Application received: November 11, 2005. Permit issued: June 30, 2006

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

4873SM8C5 and NPDES Permit No. PA0594644. O-N Minerals (PenRoc) Co., LP (P. O. Box 1967, York, PA 17405), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in West Manchester Township, **York County**. Receiving stream: UNT to Codorus Creek. Application received: May 15, 2006. Renewal issued: July 5, 2006.

7574SM5A3C10 and NPDES Permit No. PA0613711. Pennsy Supply, Inc. (P. O. Box 3331, Harrisburg, PA 17105), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Dickinson Township, **Cumberland County**. Receiving stream: UNT to Yellow Breeches Creek. Application received: May 17, 2006. Renewal issued: July 5, 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.

Knox District Mining Office: P. O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, (814) 797-1191.

27064003. Appalachian Geophysical Services, LLC (2659 Star Route 60, P. O. Box 426, Killbuck, OH 44637-0426). Blasting activity permit for gas and oil exploration in Green Township, **Forest County**. This blasting activity permit will expire on September 1, 2006. Application received: July 5, 2006. Application issued: July 5, 2006.

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

15064119. M & J Explosives, Inc. (P. O. Box 608, Carlisle, PA 17013). Construction blasting for Meadow View Development in West Bradford Township, **Chester County** with an expiration date of June 30, 2007. Permit issued: June 29, 2006.

36064167. J. Roy's, Inc. (Box 125, Bowmansville, PA 17507). Construction blasting for Main Street Center in Mt. Joy Borough, **Lancaster County** with an expiration date of July 7, 2007. Permit issued: June 29, 2006.

45064003. Dynatec Drilling & Blasting, LLC (100 Deerfield Drive, Moscow, PA 18444). Construction blasting at Dancing Ridge Estates in Middle Smithfield Township, **Monroe County** with an expiration date of July 11, 2007. Permit issued: July 6, 2006.

36064009. Mazzuca Enterprises, Inc. (14th and Laurel Boulevard, P. O. Box 443, Pottsville, PA 17901). Construction blasting for Paradise Township Sewer Authority Vintage Phase II Extension in Paradise Township, **Lancaster County** with an expiration date of December 30, 2006. Permit issued: July 6, 2006.

06064119. Schlouch, Inc. (P. O. Box 69, Blandon, PA 19510). Construction blasting for Brookshire Development in Hereford and Upper Milford Townships, **Berks and Lehigh Counties** with an expiration date of June 1, 2007. Permit issued: July 6, 2006.

15064120. Hall Explosives, Inc. (2981 Elizabethtown Road, Hershey, PA 17033). Construction blasting for Mountain View in Honey Brook and Caernarvon Townships, **Chester and Berks Counties** with an expiration date of July 30, 2007. Permit issued: July 6, 2006.

21064151. Newville Construction Services, Inc. (408 Mohawk Road, Newville, PA 17241). Construction blasting for a single dwelling at 185 Lawrence Lane in West Pennsboro Township, **Cumberland County** with an expiration date of June 30, 2007. Permit issued: July 6, 2006.

35064110. Hayduk Enterprises, Inc. (257 Riverside Drive, Factoryville, PA 18419). Construction blasting for Scranton Label in Newton Township, **Lackawanna County** with an expiration date of December 31, 2006. Permit issued: July 6, 2006.

40064117. Austin Powder Company (25800 Science Park Drive, Cleveland, OH 44122). Construction blasting for Harte Hanks Direct Marketing in Hanover Township, **Luzerne County** with an expiration date of June 16, 2007. Permit issued: July 6, 2006.

40064118. Hayduk Enterprises, Inc. (257 Riverside Drive, Factoryville, PA 18419). Construction blasting for a single dwelling in Foster Township, **Luzerne County** with an expiration date of December 31, 2007. Permit issued: July 6, 2006.

40064119. Hayduk Enterprises, Inc. (257 Riverside Drive, Factoryville, PA 18419). Construction blasting for College Crest Colony in Sugarloaf Township, **Luzerne County** with an expiration date of July 31, 2007. Permit issued: July 6, 2006.

40064120. Hayduk Enterprises, Inc. (257 Riverside Drive, Factoryville, PA 18419). Construction blasting at Crestwood Industrial Park in Wright Township, **Luzerne County** with an expiration date of December 31, 2006. Permit issued: July 6, 2006.

45064146. Explosive Services, Inc. (7 Pine Street, Bethany, PA 18431). Construction blasting for Lake in the Pines in Middle Smithfield Township, **Monroe County** with an expiration date of June 25, 2007. Permit issued: July 6, 2006.

45064148. Explosive Services, Inc. (7 Pine Street, Bethany, PA 18431). Construction blasting for a Dairy Queen in Smithfield Township, **Monroe County** with an expiration date of July 31, 2007. Permit issued: July 6, 2006.

45064149. Explosive Services, Inc. (7 Pine Street, Bethany, PA 18431). Construction blasting for New Ventures Park in Tobyhanna Township, **Monroe County** with an expiration date of July 31, 2007. Permit issued: July 6, 2006.

45064150. Explosive Services, Inc. (7 Pine Street, Bethany, PA 18431). Construction blasting for Penn Estates in Pocono and Stroud Townships, **Monroe County** with an expiration date of July 31, 2007. Permit issued: July 6, 2006.

48064113. Schlouch, Inc. (P. O. Box 69, Blandon, PA 19510). Construction blasting for Eagles Landing in Upper Nazareth Township, **Northampton County** with an expiration date of February 1, 2007. Permit issued: July 6, 2006.

64064109. Explosive Services, Inc. (7 Pine Street, Bethany, PA 18431). Construction blasting for Wal-lenpaupack Lake Estates in Paupack Township, **Wayne County** with an expiration date of July 31, 2007. Permit issued: July 6, 2006.

28064159. M & J Explosives, Inc. (P. O. Box 608, Carlisle, PA 17013). Construction blasting for Brimington Farms Development in Washington Township, **Franklin County** with an expiration date of July 31, 2006. Permit issued: July 7, 2006.

45064147. Explosive Services, Inc. (7 Pine Street, Bethany, PA 18431). Construction blasting for Country Club of Poconos in Smithfield Township, **Monroe County** with an expiration date of July 31, 2007. Permit issued: July 7, 2006.

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department of Environmental Protection (Department) has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with the applicable provisions of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

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

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

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

Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and The Clean Streams Law (35 §§ 691.1—691.702) and Notice of Final Action for Certification under section 401 of the FWPCA (33 U.S.C.A. § 1341).

Permits, Environmental Assessments and 401 Water Quality Certifications Issued

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E45-487. East Stroudsburg Area School District, P. O. Box 298, East Stroudsburg, PA 18301. East Stroudsburg Borough, **Monroe County**, Army Corps of Engineers Philadelphia District.

To remove an abandoned wooden bridge across Sambo Creek (CWF, MF) and to restore and stabilize the stream banks, and to construct and maintain the following water obstructions as part of the East Stroudsburg Area School District South Campus Senior H.S. Addition and Alterations Project: 1) a bridge having a single span of 80 feet and an underclearance of 6.1 feet across Sambo Creek; 2) various utility lines attached to the superstructure of the new bridge between the concrete box beams; and 3) an 11.0-foot R.C.P. extension of an existing 36-inch diameter R.C.P. stream enclosure in a tributary to Brodhead Creek for the purpose of widening an existing road on the south side of the school. The project is located on the west side of the North Courtland Street, approximately 0.5 mile south of S.R. 0447. (East Stroudsburg, PA Quadrangle N: 1.0 inches; W: 8.8 inches). (Subbasin: 1D)

E13-152. Lansford Borough, 26 East Patterson Street, P. O. Box 126, Lansford, PA 18232-0126. Lansford Borough, **Carbon County**, Army Corps of Engineers Philadelphia District.

To remove an existing outfall and to construct and maintain two stormwater outfalls to Panther Creek (CWF), the first consisting of a 6-foot by 3-foot concrete box culvert with a Reno mattress apron and outfall channel, and the second consisting of a 36-inch HDPE pipe with an endwall and a Reno mattress apron and outfall channel. The two projects are located approximately 50 feet and 400 feet upstream of Edgemont Drive (Tamaqua, PA Quadrangle N: 15.2 inches; W: 1.4 inches). (Subbasin: 2B)

E45-477. Adrian and Maria Dumitru, 1232 Pine Ridge, Bushkill, PA 18324. Smithfield Township, **Monroe County**, Army Corps of Engineers Philadelphia District.

To construct and maintain a bridge having a single span of 110 feet with a minimum underclearance of approximately 9.0 feet across Marshalls Creek (HQ-CWF) for the purpose of providing an access road to two proposed medical buildings. The project is located on the east side of S.R. 0209, approximately 1.5 miles north of Buttermilk Falls Road (East Stroudsburg, PA Quadrangle N: 2.3 inches; W: 0.7 inches). (Subbasin: 1E)

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

E02-584. Hanson Aggregates PMA, Inc., Hanson Aggregates PMA, Inc. 2200 Springfield Pike, Connelville, PA 15425. To perform commercial sand and gravel dredging in select areas of the Allegheny River (WWF) and the Ohio River (WWF) (starting in East Brady, PA Quadrangle N: 20.9 inches; W: 15.7 inches and ending at East Liverpool North, OH-PA-WV Quadrangle N: 2.2 inches; W: 2.7 inches) and (starting at Latitude: 40° 51' 54"—Longitude: 79° 36' 49" and ending at Latitude: 40° 30' 44" and Longitude: 80° 31' 10"), subject to review of mussel and fish surveys and prescribed setbacks in Allegheny, Armstrong, Beaver and Westmoreland Counties. For a site-specific identification of the dredging locations refer to Attachments 1 (Allegheny County), 2 (Beaver County) and 3 (Armstrong County). *

E02-919. Tri-State River Products, Inc., Box 218, Beaver, PA 15009-0218. To perform commercial sand and gravel dredging in select areas of the Allegheny River (WWF) and the Ohio River (WWF), (starting in East Brady, PA Quadrangle N: 20.9 inches; W: 15.7 inches and ending at East Liverpool North, OH-PA-WV Quadrangle N: 2.2 inches; W: 2.7 inches) and (starting at Latitude: 40° 51' 54"—Longitude: 79° 36' 49" and ending at Latitude: 40° 30' 44" and Longitude: 80° 31' 10") subject to review of mussel and fish surveys and prescribed setbacks in Allegheny, Armstrong, Beaver and Westmoreland Counties. For a site-specific identification of the dredging locations refer to Attachments 1 (Allegheny County), 2 (Beaver County) and 3 (Armstrong County). *

E02-1326. Glacial Sand and Gravel Company, P. O. Box 1022, Kittanning, PA 16201-1022. To perform commercial sand and gravel dredging in select areas of the Allegheny River (WWF) and the Ohio River (WWF), (starting in East Brady, PA Quadrangle N: 20.9 inches; W: 15.7 inches and ending at East Liverpool North, OH-PA-WV Quadrangle N: 2.2 inches; W: 2.7 inches) and (starting at Latitude: 40° 51' 54"—Longitude: 79° 36' 49" and ending at Latitude: 40° 30' 44" and Longitude: 80° 31' 10") subject to review of mussel and fish surveys and prescribed setbacks in Allegheny, Armstrong, Beaver and Westmoreland Counties. For a site specific identification of the dredging locations refer to Attachments 1 (Allegheny county), 2 (Beaver County) and 3 (Armstrong County).*

* The following tables identified as Attachments 1, 2 and 3 along with Appendixes A, B, C and D apply to all three sand and gravel permits: (E02-584) Hanson Aggregate PMA, Inc., (E02-919) Tri-State River Products, Inc. and (E02-1326) Glacial Sand and Gravel Company.

NOTICES

Permit No. E02-584, E02-919 and E02-1326
Attachment No. 1 Approved Dredging Areas by River Mile

County	River	Pool	River Miles	Municipalities	Comments/ Restrictions	Mussel Survey Expiration Date
Allegheny	Allegheny	4	25.2 to 26.4 L&R	Harrison Township City of Lower Burrell		07/01/07
			26.4 to 26.7 L	Harrison Township Allegheny Township (Westmoreland County)		01/18/11
			26.5 to 26.6 L & R	Harrison Township Allegheny Township		07/01/07
			26.6 to 26.7 R	Harrison Township		07/01/07
			26.7 to 26.8 L & R	Harrison Township Allegheny Township		07/01/07
			26.8 to 27.0 L	Allegheny Township (Westmoreland County)		07/01/07
			26.8 to 27.2 R	Harrison Township		01/18/11
			27.0 to 27.1 L & R	Harrison Township Allegheny Township		07/01/07
			27.2 to 27.9 R	Harrison Township		07/01/07
NOTES: "R" refers to Right Descending Bank and "L" refers to Left Descending Bank.						

Permit No. E02-584, E02-919 and E02-1326

Attachment No. 2 Approved Dredging Areas by River Mile

County	River	Pool	River Miles	Municipalities	Comments/ Restrictions	Mussel Survey Expiration Date
Beaver	Ohio	Montgomery	19.2 to 20.2 R	Baden Borough		04/12/11
			20.6 to 21.6R	Conway Borough Economy Borough		03/21/10
			21.0 to 21.1L	Hopewell Township	Minimum 250 ft. Setback from NP shoreline.	05/16/09
			21.1 to 21.3L	Hopewell Township		05/16/09
			21.3 to 21.4L	Hopewell Township Center Township	Minimum 250 ft. setback from NP shoreline.	05/16/09
			21.4 to 21.6L	Center Township	Minimum 200 ft. setback from NP shoreline.	05/16/09
			21.6 to 21.7L	Center Township		05/16/09
			22.1 to 22.3L & R	Center Township, Conway Borough		07/01/07
			26.2 to 27.2L & R	Beaver Borough, Center Township, Potter Township, Vanport Borough		04/12/11
			30.1 to 30.3L & R	Industry Borough, Potter Township		07/01/07
			30.4 to 31.4L	Potter Township		10/06/07
			31.0 to 31.4R	Industry Borough		07/26/10
		New Cumberland	35.5 to 36.0 L&R	Greene Township Midland Borough Shippingport Borough		03/21/10
			36.5 to 36.6 R	Midland Borough		10/06/07
			36.6 to 36.8 R	Midland Borough		05/22/08
			36.8 to 37.1 R	Midland Borough, Ohio Borough		10/06/07
			37.1 to 37.2 R	Midland Borough, Ohio Borough		01/02/08
NOTES: "R" refers to Right Descending Bank and "L" refers to Left Descending Bank. "NP" – refers to normal pool						

NOTICES

Permit No. E02-584, E02-919 and E02-1326
 Attachment No. 3 Approved Dredging Areas by River Mile

County	River	Pool	River Miles	Municipalities	Comments/ Restrictions	Mussel Survey Expiration Date
Armstrong	Allegheny	5	30.7 to 31.6 L & R	South Buffalo Township Gilpin Township		10/06/07
		7	46.5 to 46.6 R	East Franklin Township		07/01/07
			46.5 to 46.7 L	Kittanning Borough		07/01/07
			47.6 to 48.0 L & R	Rayburn Township East Franklin Township Kittanning Borough		07/01/07
			48.2 to 49.0 L & R	East Franklin Township Rayburn Township		12/05/07
			49.1 to 49.3 L	Rayburn Township		12/05/07
			51.7 to 52.4 L & R	East Franklin Township Boggs Township, Washington Township		07/01/07
		8	52.8 to 53.3L	Boggs Township Washington Township		09/17/08
			53.3 to 54.0 L & R	Boggs Township, Pine Township, Washington Township		01/02/08
			57.7 to 58.05*	Madison Township Washington Township	*Dredging is limited to the area in the left bank and within the navigation channel.	07/01/07
NOTES: "R" refers to Right Descending Bank and "L" refers to Left Descending Bank.						

The Commonwealth of Pennsylvania Protocol for Mussel Sampling**Ohio and Allegheny Rivers****June 29, 2006**

PHASE 1 SURVEY

The objectives of the Phase 1 survey are to determine mussel presence and distribution within the area likely to be directly or indirectly affected by activities related to commercial sand and gravel dredging. The Phase 1 survey minimizes search effort while documenting concentrations of mussels that indicate potential habitat for endangered species. This phase assumes that searching the substrate surface, with minimal hand disturbance, will not uncover all the mussels that are present in the substrate.

Prior to conducting the survey, acquire a scientific collector's permit valid for the location and period of the survey.

The following methods should be utilized in the area likely to be directly or indirectly affected, which includes the proposed dredging area, an area extending at least 500 feet upstream and laterally from the proposed dredging area, and an area 1500 feet downstream of the dredging area.

1. This survey will be overseen by a qualified surveyor for the Ohio River basin, who has experience in successfully locating and identifying freshwater mussels, and successfully locating and identifying species in their river habitat. The qualified surveyor must be present on site at all times during the investigation. Any assistants who conduct searches for mussels must have at least some previous experience successfully conducting mussel surveys.
2. Surveys can be performed between May 1 and October 15, contingent upon suitable and safe weather (air and water temperatures should be a minimum of 55o F) and river discharge conditions. Most freshwater mussels native to the Ohio and Allegheny Rivers are likely to be more active during this period and, therefore, more likely to be visible to divers. During this active period mussels are better able to reburrow when returned to the river.
3. Transects will be established perpendicular to river flow throughout the proposed dredging area and buffer zones. Parallel transects will be spaced no farther than 328 feet (100 meters) apart. Reduced transect spacing may be used to meet specific permit information needs.
4. Each transect will be subdivided into 10-meter segments.
5. Along each transect, diver(s) will visually search an area one meter wide for mussels (0.5 meter on each side of the transect). A visual search includes moving substrate rocks* and woody debris, hand-sweeping away silt and small detritus, and disturbing/probing the upper one to two inches of substrate to better view the mussels that may be partially buried. Since this is a qualitative survey of the substrate surface relying primarily on visual cues, minimum visibility is one-half meter (approx. 20 inches), with or without lights, at the depth of the survey. This distance is approximately the length of one side of a quarter-meter square sampling frame.
6. A minimum of ten diver-minutes of visual searching will be spent in each segment in which mussels and/or suitable mussel habitat is present (paired divers would each spend half the time, or at least five minutes, searching half of the segment). For any 10-meter segment determined to be unsuitable habitat and not searched, the reasons for this determination must be documented. Unsuitable habitat includes bedrock or areas with at least 10 inches of silt deposition. Some habitats and conditions are more complex and difficult to search (e.g., due to the presence of overlying silt, zebra mussel colonization, larger cobble/boulder surface material) and will likely require additional search time to collect all visible mussels.

7. In each 10-meter segment, mussels observed will be bagged and brought to the surface for further processing and positive identification. All mussels will be recorded as occurring on a particular segment of a transect.
8. If no mussels are observed in two adjacent transects, with at least one of the transects containing apparently suitable mussel habitat, a dive search of at least 10 minutes will occur between the two transects in the area of suitable mussel habitat. If any live and/or fresh dead mussels are found between the two transects during the search dives, an additional transect will be placed at that location and a search conducted as described above.
9. All listed mussels must be returned to the point of capture as soon as possible on the same day as capture. No listed mussels may be removed from the subject river reach without permission from the United States Fish and Wildlife Service ("Service") and Pennsylvania Fish and Boat Commission ("Commission"). They should only be held long enough to identify, measure and photograph them, during which time they must not be exposed to temperature extremes. Photo-documentation of each mussel species located will be required. The photos should be in color and of sufficient detail and clarity to identify the species. Therefore, photographs of the side, anterior, and posterior of the shell should be taken of each individual listed mussel, and at least one representative of all other species found.
10. A voucher specimen of each mussel species observed dead will be provided to the appropriate Service or Commission representative for deposit at Carnegie Museum of Natural History.
11. The Service and Commission will be sent a copy of survey results for review and comment, including the following required data: persons collecting information, diver(s) and mussel identifier, surface weather conditions, air and water temperature, visibility (see aforementioned visibility requirements), survey methodology; a site map; a description of the river within the project area (e.g., river miles, past river bed disturbance if known, substrate description, water clarity); river discharge at the nearest USGS gage; collecting time, river location, dates of sampling; time spent per transect segment; GPS coordinates of ends of dive transects, substrate information (use Wentworth size scale to determine percent silt, sand, gravel, cobble, boulder, bedrock, scoured substrate, etc.), relative compaction of the sand and gravel substrate, an estimate of the percent zebra mussel coverage of the substrate, and identification of mussels, both live and dead, to species. Optional data includes the presence/absence of live snails, the size range of mussels (to help determine recruitment), photographs of state listed species, and other information the collector deems worthy to include.
12. Bathymetric monitoring via side scan sonar will be submitted to the appropriate resource agencies including "Service", US Army Corps of Engineers ("Corps"), "PFBC" and the Department of Environmental Protection ("DEP") offices. The data will be collected according to Special Condition AA of the dredging permit.

Restriction Criteria

Restriction will be placed on dredging if analysis of the mussel samples meets the criteria below. The restriction will include the segment, which meets the criteria plus 1500 feet (3 segments) upstream of that segment, 500 feet (1 segment) downstream of that segment and 500 feet lateral of that segment commencing at the centerline of the navigation channel.

1. Presence of live Federally threatened or endangered species.
2. Presence of significant mussel resources.

Significant mussel Resources

1. A density of 3 mussels per square meter (includes all species); AND
2. The density must be present in at least half of the 10-meter intervals of the two adjacent transects; AND

- a) Ohio River:
Include at least 3 species, not including *Leptodea fragilis*, *Potamilus alatus* or *Utterbackia imbecillus*
- b) Allegheny River:
Include at least 4 species, not including *Actinonaias ligamentina*, *Elliptio dilatata*, or *Lamigona costata*.

*Substrate rocks that should be moved include flat ones under which mussels may live, and cobble sized rocks that are on top of finer substrate. Cobble stacked like bowling balls should not be moved.

APPENDIX B

Commonwealth of Pennsylvania Fish Community Sampling Protocol June 29, 2006

The Pennsylvania Department of Environmental Protection shall require Pre Dredging Fish Sampling for the 2006 permit cycle. This sampling, protocol and criteria shall be used to satisfy the requirements of the Pennsylvania National Diversity Index process ("PNDI") search, survey and resolution conflict. The sampling study parameters, protocol and criteria are as follows:

PRE DREDGING

The industry shall conduct electrofishing and benthic trawling sampling of fish in areas proposed for dredging according to the Department's protocol. This shall require one electrofishing sample for every four segments proposed for dredging (including buffers segments) and four (2 minute) un-snagged benthic trawls per segment (including buffer segments). All sampling detailed below must occur between May 1 and October 1. Mussel surveys shall be conducted before fish community surveys are completed.

Solely for the sampling year 2006, the Department shall authorize Permittees' to extend the sampling time frame to the entire months of October, November, and December 2006 provided that water temperatures are conducive to effective sampling.

Sampling Methods and Procedures

Gear Type

Benthic Trawl

The trawl to be utilized is an extremely effective gear for sampling benthic lithophils (Herzog et al. 2005). The effectiveness of the benthic trawl shall vary based on the bottom substrate, river bed obstructions, boat speed (this shall determine the opening size of the net), and reaction of the fish. In the event that the trawl becomes snagged or turns over, this shall constitute a failed sampling event. The operators must retrieve the trawl, discard the contents of the failed trawl, and reset the trawl for a new sampling event.

The Missouri-type 8 ft. wide trawl design described by Herzog et al (2005) shall be the standard trawl employed during these surveys. The trawl's cod end is manufactured of 2.14meters (7.02 ft) long 1.5 mm (1/17 in) diameter nylon twine with 19.05mm (3/4 in) bar mesh and is lined with 3.18mm (1/8 in) ace-style mesh. The body is manufactured with No. 7 (1-3/8 in. sq. mesh) netting and the bag is manufactured with No. 12 (1-1/4 in. sq. mesh) netting. The two trawl boards are 40.64 cm (16 in.) by 34.13 cm (9.5 in.) and equipped with 1.59cm (5/8 in.) diameter twisted nylon tow lines 30.48 m (100 ft) in length. The footrope is 1.59 cm in diameter and 5.48 m (17.9 ft) long. The trawl chain is 44 mm (1 3/4") L x 25.4mm (1") H x 6.4mm (1/4") diameter. Ideally, the trawl shall be fished from a Jon boat 5.49-6.4m (18-21 ft in length). The trawl shall be attached to two hard points on the boat with 9.5mm (3/8in) braided nylon rope. To effectively fish the trawl, ropes of various lengths should be used, depending on water depth. In water depths of 5m (16.4 ft) or less, 15.24m (50 ft) towlines should be used and at water depths between 5m (16.4 ft) and 10m (32.8ft) towlines 30.48m (100 feet) in length should be used. The length of rope utilized should be recorded on the data sheets provided in addition to river depth at the time of sampling. A small float should be attached to the end of the codpiece with a braided nylon rope. The rope should be longer than the maximum depth to be sampled. In the event the trawl has to be disconnected from the boat, the float shall mark the location of the trawl, facilitating recovery. The trawl shall be towed for 2-minutes un snagged moving backwards downstream just faster than the current.

Electrofishing

For a one-tenth mile permit application a 500-meter (1600 ft) shoreline night electrofishing survey shall be performed, with a 100 meter (328 ft) traveling zone for each additional one-tenth mile segment that is proposed. The data from each additional 100-meter (328 ft) section shall be maintained separately. While specific electrofishing boats may vary, settings for Ohio River basin sampling events should produce a target of 8 amperes (ORSANCO 2003). This can be achieved by altering the pulse width accordingly. In lower conductivity situations, the operator may need to increase or decrease the voltage where conductivity is high. ORSANCO (2003) reports that the Ohio River's normal conductivity range of 280 to 330 mmhos/cm generally require a voltage selection of 354 volts at 60 pulses/sec, with a pulse width of four. Electrofishing should be done in a downriver direction using the attached ORSANCO protocols. Alternating current (AC) output is not permitted. The only exception would be in Section 6.0 in which voucher specimens for T&E species shall be provided to the PFBC at the following address: Chief, Natural Diversity Section, Division of Environmental Services, 450 Robinson Lane, Bellefonte, PA 16823.

A sampling crew shall consist of a minimum of three persons, including two netters and an operator. Required safety equipment for each crew member shall include rubber boots, ear protectors, and a Type I personal flotation device. The netters shall also wear rubber gloves. Boats shall be equipped with all necessary fish collection and safety gear. All electrofishing sampling events must be completed within the time window.

General Sampling Design

Using a depth finder or other appropriate gear type, the 6-foot depth contour shall be located at a minimum of three contiguous points along the proposed standard 0.1-mi linear sampling zone. Perpendicular to these points, the 150-foot no dredge area (buffer) shall be determined using an appropriate method (e.g., laser range finder). This distance shall be marked with additional buoys to demark the edge of the buffer zone and the beginning of the dredge zone. The location of each sampling event shall be indexed by river mile and marked with a global positioning system device.

Any permit request shall include a one-segment upriver and a one segment downriver station which must also be sampled. For example, if (5)-0.1 mile segments are requested then (7)-0.1 mile segments need to be sampled. All benthic trawling events must be completed within the time window between 2 hours after sunrise and 2 hours before sunset. Benthic trawl sampling shall occur within each 0.1 mi. reach as follows: three benthic trawls shall be performed within the proposed dredge zone and one benthic trawl shall be performed within the 45.72m (150 ft) buffer. In addition, one benthic trawl shall be performed 0.1-mi upriver and 0.1-mi downriver from the proposed dredge zone (Figure 2). These 2 additional up- and downriver trawls shall be performed within the buffer area (2 trawls total) and in the adjacent up- and downriver dredge zones (6 trawls total). Therefore, a minimum total of 12 trawls shall be required to cover the 0.3-river mile sampling area. Data shall be recorded and reported for each individual trawl sample.

Criteria

If the benthic lithophils identified in Table 2 are collected during the surveys several outcomes are possible. If any Category 1 fishes are collected during electrofishing or benthic trawling sampling events, the permit area shall be restricted from dredging, and a 0.3-mile upriver and 0.1-mile downriver no-dredge buffer shall be established; If any Category 2 species are collected during Phase 1 benthic trawling, then Phase 2 sampling shall be completed within 30 days (see Phase 2 sampling protocol). If three or more Category 3 species are collected during Phase 1 benthic trawling, then Phase 2 sampling shall be completed within 30 days (see Phase 2 sampling protocol). If no Category 1, 2 or 3 species are collected during Phase 1 trawl sampling events dredging for that river segment shall be authorized.

Phase 2

If fish species listed in Category 2 (Table 2) are collected during Phase 1 sampling, then additional sampling under Phase 2 shall be required. Phase 2 sampling shall consist of benthic trawl sampling only, 0.30-mi upriver and 0.20-mi downriver from the proposed dredged area (Figure 3). If permittees do not seek authorization to dredge on the opposite side of the river then that area may be sampled with benthic trawling in Phase 2. The additional sampling shall occur in 0.1-mi increments and shall consist of a maximum of three trawls for each 0.1-mi increment. Data shall be recorded and reported for each individual trawl sample. Hence, the standard sampling unit is three benthic trawls for Phases 1 and 2 sampling. During Phase 2 sampling, a minimum of 6 trawls is required. If any Category 2 fishes are collected, the same species of Category 2 fish shall be documented within a 0.5-mi reach, and they shall be in at least 50% of their abundance (rounded to the nearest whole fish) from Phase 1 sampling.

If 3 or more Category 3 (Table 2) fishes are collected during Phase 1 sampling, then additional sampling under Phase 2 shall be required. Phase 2 sampling shall consist of benthic trawl sampling only, 0.30-mi upriver and 0.20-mi downriver from the proposed dredged area (Figure 3). If permittees do not seek authorization to dredge on the opposite side of the river then that area may be sampled with benthic trawling in Phase 2. The additional sampling shall occur in 0.1-mi increments and shall consist of a maximum of three trawls for each 0.1-mi increment. Data shall be recorded and reported for each individual trawl sample. Hence, the standard sampling unit is three benthic trawls for Phases 1 and 2 sampling. During Phase 2 sampling, a minimum of 6 trawls is required. Phase 2 sampling must document an equal or greater number of Category 3 species per sampling and at least 50% of the most abundant species collected during Phase 1 sampling must be found in the .5-mile Phase 2 area to permit dredging to occur in the proposed area. If additional sampling does not demonstrate that these benthic fishes occur in equivalent abundance or in nearby habitats, then dredging shall not be permitted in the proposed area.

Category 2 and 3 fishes are a resource that requires protection due to their rarity; however, the dredging industry applicant may complete a Phase 2 assessment of the proposed project area in order to document that impacts to these fishes shall not be significant. If the applicant provides this Phase 2 information to document the widespread distribution of these Category 2 and 3 species then dredging shall be approved in the designated area. If additional sampling does not demonstrate that these benthic fishes occur in equivalent abundance or in nearby habitats, then dredging shall not be permitted in the proposed area.

Fishes captured during each sampling event shall be retrieved, identified to enumerated species, and returned (if not held for further analysis). Species composition (see attached data sheet as Table 1) shall be recorded for each transect with each gear type used. The consultant shall retain appropriate voucher and questionable species (stored in 10% formalin). At least one specimen of each fish species shall be photographed, documented, and returned. Voucher specimens for T&E species shall be provided to the PFBC at the following address: Chief, Natural Diversity Section, Division of Environmental Services, 450 Robinson Lane, Bellefonte, PA 16823.

Fish that do not survive a sampling procedure and that are not retained as vouchers shall be buried on shore or returned to deep water for nutrient recycling by puncturing the swim bladder. Fish community sampling protocols shall be conducted by qualified fisheries scientists. All surveyors shall obtain a valid PFBC scientific collectors permit and a special for the collection of threatened and endangered fish species. The contact for these permits is Chris Urban at the PFBC (814) 359-5113.

References

Dryer, M. 1996. Protocol on collecting, tagging, holding, transporting, and data recording for researchers and managers handling pallid sturgeon. U.S. Fish and Wildlife Service. Bismarck, North Dakota.

Emery, E. B., Thomas P. Simon, Frank H. McCormick, Paul L. Angermeier, Jeffrey E. Deshon, Chris O. Yoder, Randall E. Sanders, Shaliam D. Pearson, Gary D. Hickman, Robin J. Reash and Jeffrey A. Thomas. 2003: Development of a Multimetric Index for Assessing the Biological Condition of the Ohio River. *Transactions of the American Fisheries Society* 132(4):791–808.

Grisak, G. G. 1994. Procedure for using a trawl to sample deep-water zones of the Missouri River in Montana. Unpublished Report. Montana Department Fish, Wildlife and Parks. (<http://infolink.cr.usgs.gov/Science/BenthicFish/index.htm>)

Herzog, D. P., V. A., Barko, J. S., Scheibe, R. A. Hrabik, and D. E. Ostendorf. 2005. Efficacy of a benthic trawl for sampling small-bodied fishes in large river systems. *North America Journal of Fisheries Management* 25:594-603.

Murphy, B. R., and D. W. Shallis, eds. 1996. *Fisheries Techniques*, 2nd ed. American Fisheries Society Publication, Bethesda, Maryland.

Nielsen, L.A. and D.L. Johnson. 1983. *Fisheries Techniques*. American Fisheries Society Publication, Bethesda, Maryland.

Ohio River Valley Water Sanitation Commission (ORSANCO). 2003. Standard operating procedures for the boat electrofishing population survey. Ohio River Valley Water Sanitation Commission, Cincinnati, Ohio.

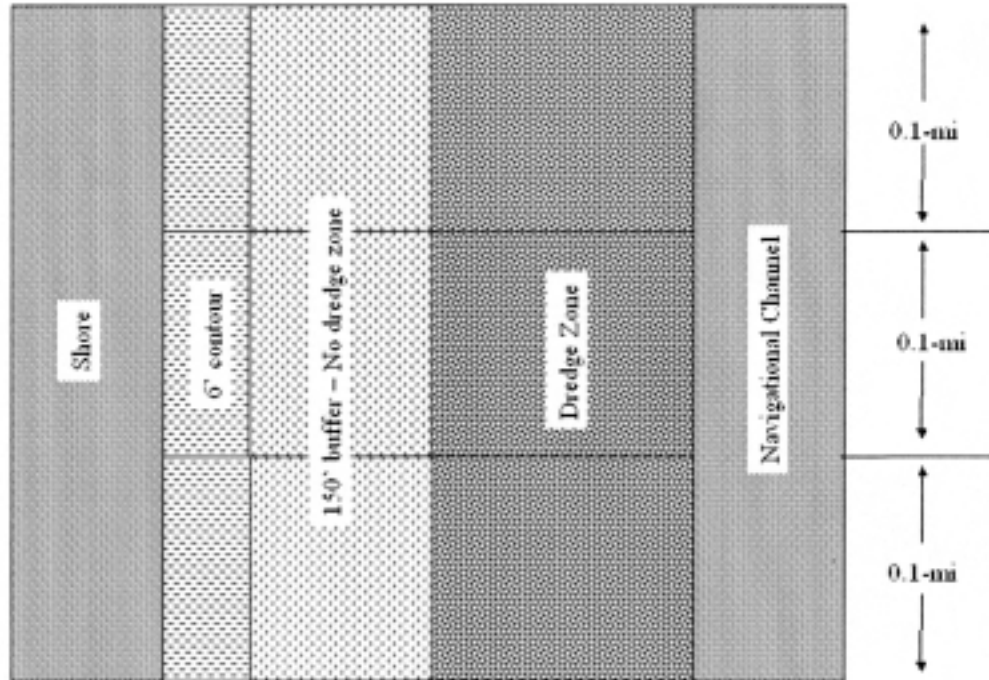


Figure 1. – River schematic diagram from shore to navigation channel denoting the area to be sampled with benthic trawls and shoreline electrofishing. Note the 6-foot contour is to be determined using an appropriate method (e.g., depth finder) and the 150-foot no-dredge area is to be determined from the 6-foot contour to establish the edge of a sampling zone

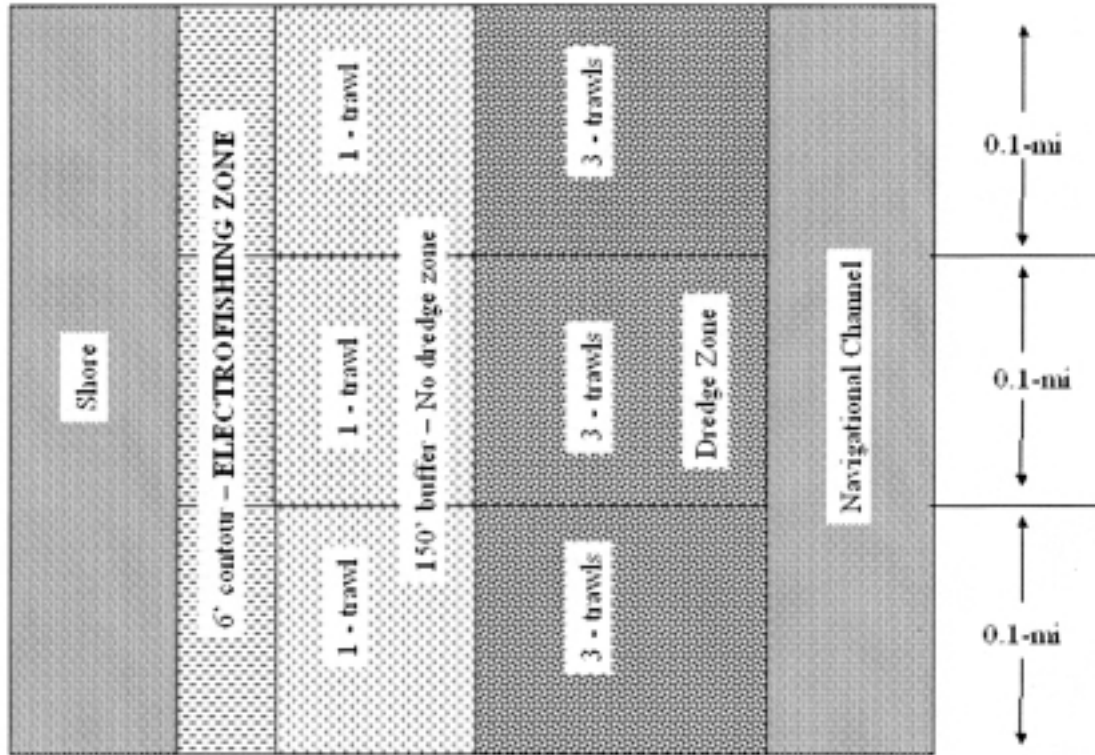


Figure 2 – Shoreline electrofishing is to be conducted within an area from shore to the 6-foot contour, three trawls are to be conducted within the 150-ft buffer area, and a total of nine trawls are to be conducted within, above and below the proposed dredged area.

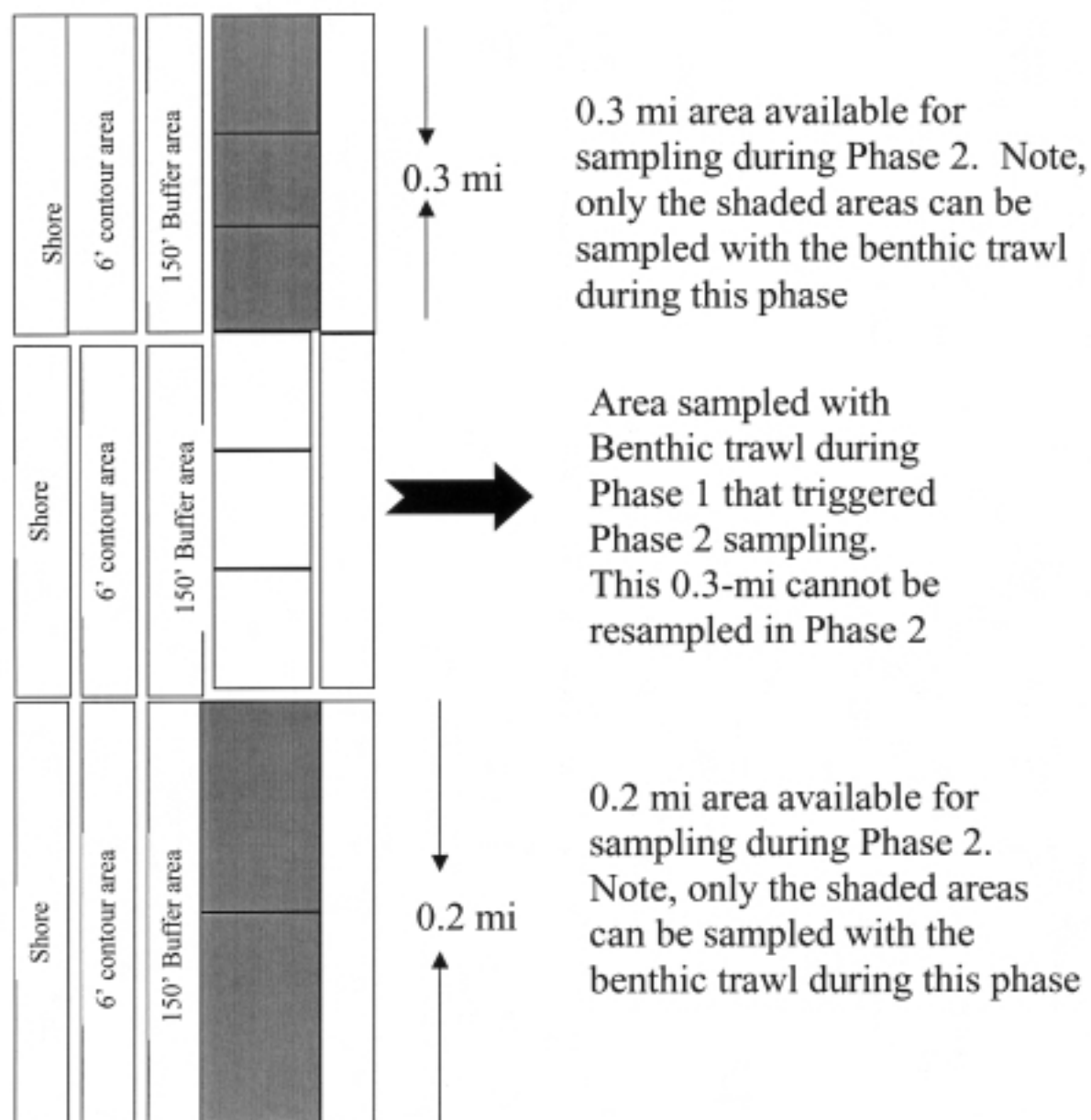


Figure 3– Area for Phase 2 sampling to document distribution and partial abundance of benthic species. Note the shaded areas are the only areas that can be sampled using the benthic trawl.

Table 2 – Benthic lithophilic fishes that, if collected during Phase 1 sampling, could trigger Phase 2 sampling.

Category 1 species		Outcome if fishes are collected and/or de as a Hit
Sturgeon sp.		
Gravel Chub		
Mountain Madtom		If Phase 1 Electrofishing Hit of One Spe Phase 1 Trawling Hit of One Species,
Tadpole Madtom		Then No dredging shall occur.
Northern Madtom		
Brindled Madtom		
Eastern Sand Darter		
Longnose Sucker		
Iowa Darter		
Category 2 species		
N. Brook Lamprey		
Mountain Brook Lamprey		If Phase 1 Trawling Hit of One Species c More, then Phase 2
Spotted Darter		sampling shall be required.
Spotted Sucker		
Category 3 species		
Silver Chub		
River Shiner		If Phase 1 Trawling Hit of 3 or More Spe then
Bluebreast Darter		Phase 2 sampling
Tippecanoe Darter		will be required.
Gilt Darter		
Longhead Darter		

APPENDIX 1

STANDARD OPERATING PROCEDURES
FOR THE
BOAT ELECTROFISHING POPULATION SURVEY

Ohio River Valley Water Sanitation Commission
5735 Kellogg Avenue
Cincinnati, Ohio 45228
(513) 231-7719

INTRODUCTION

This document describes the procedures for ORSANCO's Boat Electrofishing Population Survey and provides guidelines for the proper collection and processing of Ohio River Basin Fish harvested during electrofishing activities. This SOP has been developed to maintain continuity and ensure the quality of the data collected.

1.0 FIELD EQUIPMENT

The following equipment is used to conduct the electrofishing surveys:

- 1.1 Electrofishing Boat Unit
 - 1.1.1 18-ft. aluminum jon boat
 - 1.1.2 5000-watt generator
 - 1.1.3 Smith-Root Type VI-A Electrofisher
 - 1.1.4 Standard Straight Electrode Array
 - 1.1.5 (6) 75-watt floodlamp lighting system
 - 1.1.6 Positive pressure cut-off foot pedal switch
 - 1.1.7 90-gallon galvanized "live well" with aerator
 - 1.1.8 Marine radio
- 1.2 Fish Collection
 - 1.2.1 Fiberglass handled nets with 0.25-in mesh
 - 1.2.2 Rubber boots for each crew member
 - 1.2.3 Personal Floatation Device for each crew member
 - 1.2.4 Rubber gloves for each crew member
 - 1.2.5 Ear protection for each crew member
- 1.3 Fish Processing
 - 1.3.1 Fish identification reference keys
 - 1.3.2 Fish measuring board
 - 1.3.3 Weighing scales
 - 1.3.4 Voucher collection containers
 - 1.3.5 Sorting buckets and trays
- 1.4 Water Chemistry Measurements
 - 1.4.1 YSI Model 54 Dissolved Oxygen Meter
 - 1.4.2 YSI Model 33 S-C-T Meter
 - 1.4.3 Secchi Disk
 - 1.4.4 Chainman II All-Terrain Measuring Instrument

2.0 Electrofishing Fish Survey Procedures**2.1 Training**

- 2.1.1 Each ORSANCO staff member involved in the electrofishing program shall be trained in electrofishing procedures by a staff member having at least one year of electrofishing experience on the Ohio River. This staff member should have U.S. Fish & Wildlife certification in electrofishing.
- 2.1.2 Staff shall perform at least two training sessions to the satisfaction of the Principal Investigator before performing any program sampling.
- 2.1.3 Each staff member involved in electrofishing activities should be certified in cardiopulmonary resuscitation (CPR) and basic first aid procedures.

2.2 Field Methods**2.2.1 Site Selection**

Sampling zones are selected along the shoreline with the most diverse macrohabitat features within the designated sampling area.

2.2.2 Zone Measurement

Electrofishing zones are 1.0-km length. Distance is measured with a Chainman II All Terrain Measuring Instrument. Sampling Zones are measured by securing the thread of the instrument to a stationary object and then measuring the length of the zone by slowly maneuvering the boat to the end of the zone.

2.2.3 Zone Delineation

The boundaries of each electrofishing zone are clearly marked on stationary object (e.g. trees, rocks, etc.) with florescent orange paint and/or orange surveyor's flagging. This enables accurate location of the site on subsequent sampling dates. Care must be taken not to mark objects on private property without consent of the owner.

2.2.4 Site Indexing

The location of each sampling zone is indexed by river mile and marked on US COE navigational charts. A Global Positioning System (GPS) (if available) shall be utilized to obtain long/lat coordinates. These coordinates shall be used in designating each zone in ORSANCO's Geographic Information System. The coordinates should be taken at the upstream boundary, midpoint, and downstream boundary of the zone.

2.3 Water Chemistry Parameters

- 2.3.1 Dissolved oxygen, conductivity, temperature, pH, and secchi depth are recorded at the upstream end of each electrofishing zone immediately prior to sampling. River stage and general weather conditions shall be recorded at this time. This information is recorded at the appropriate locations on the data sheet (Attachment A-1).

2.4 Fish Sampling Procedures

2.4.1 Electrofishing Boat Design

A description of the electrofishing boat is given in Section 1.1

2.4.2 Smith-Root Type VI-A Electrofisher Settings

The Ohio River's relative conductivity values normally range from 280 to 330 mmhos/cm. This generally results in a voltage selection of 354 volts dc at 60 pulses/sec with a pulse width of 4. These settings shall generally produce the target amperage of 8 amperes. The operator may adjust pulse width to produce 8 amperes if necessary; other setting should not need changing. The operator may try higher voltage settings at lower conductivity readings and lower voltage settings at higher conductivity readings to obtain the desired 8 amperes.

2.4.3 Pulsed DC Electrofishing

Pulsed DC is transmitted through the water by a Standard Straight electrode array. The safety aspects of this type of apparatus are a positive pressure cut-off switch located on the bow of the boat controlled by a netter and an emergency shutdown switch held by the operator of the boat.

- 2.4.4 The surveys shall be conducted at night beginning just after dusk. Night electrofishing is conducted because of the increased foraging that occurs along the shoreline in the evening hours. Night electrofishing also eliminates glare that may result in fish not being collected. Lighting is supplied by six 75-watt flood bulbs attached to the bow railing of the boat, powered by the onboard generator.

- 2.4.5 Individual sampling zones are electrofished from upstream to downstream by slowly and steadily maneuvering the boat close to the shore and structure in a "zig zag" pattern.

- 2.4.6 Time electrofished (seconds) is recorded from the electrofisher time meter immediately after electrofishing.

- 2.4.7 A sampling crew consists of two netters and a driver. All personnel are clad in rubber boots, ear protectors, and a Type I personal floatation device. The netters also wear rubber gloves.

- 2.4.8 As the driver maneuvers the boat through the electrofishing zone, the netters remove the stunned fish from the water. The fish are then placed into the live well to be processed immediately after electrofishing.

3.0 Fish Processing Procedures

- 3.1 Fish are sorted into five-gallon bucket by family or species

- 3.2 Processing priority is as follows:
1. threatened and/or endangered species
 2. game species
 3. general population

- 3.3 Total length of each fish is measured to the nearest millimeter using a standard 1.0 meter fish measuring board.

- 3.4 Total weight of each fish is recorded to the nearest gram using either a 1.0-kg scale or a 4.0-kg scale, depending on the weight of the fish.
- 3.5 Small individuals of a given species may be sorted into 3-cm size classes and a total weight recorded for all individuals. Large fish (>30-cm) should be measured and weighed individually, even if in large numbers.
- 3.6 All areas of the data sheet are filled out completely and legibly for each individual or size class.

4.0 Fish Disposal Procedures

- 4.1 All living specimens, except voucher and questionable specimens are returned to the water.
- 4.2 Fish not surviving shall be buried on shore or returned to deep water for "nutrient recycling". If many fish are not surviving, the project leader must investigate probable causes and implement immediate corrective action. Probable causes to be examined (but not limited to) are:
 1. lack of sufficient aeration,
 2. fish processing not quick enough,
 3. fish handled improperly, and/or
 4. electrofisher settings incorrect (Section 2.4.2).

5.0 Data Handling and Analysis

- 5.1 Field data sheets are collected at the conclusion of each study by the Principal Investigator. Upon return to the office, copies are produced and forwarded to participating state agency personnel upon request
- 5.2 ORSANCO staff compiles and reviews the data prior to entry into the ORSANCO database. Data reduction procedures are documented in the Boat Electrofishing Population Survey Quality Assurance Program Plan, Section 9.
- 5.3 For specific routine procedures to assess the data, see Section 12 of the Boat Electrofishing Population Survey Quality Assurance Program Plan.

6.0 Reference and Voucher Collections

- 6.1 All voucher specimens shall be retained at ORSANCO headquarters for a period of not less than two years.
- 6.2 Any species contained in the voucher collection but not in the reference collection shall be properly labeled and added to the reference collection.
- 6.3 The reference collection shall be stored at ORSANCO headquarters.

7.0 References

Kolz, A.L., J.B. Reynolds, and J. Boardman. 1991. Principles and Techniques of Electrofishing. U. S. Fish & Wildlife Service Instructional Course Packet #2101

Ohio Environmental Protection Agency. 1989. Biological Criteria for the protection of aquatic life: Volume III. Standardized Biological Field Sampling and Laboratory Methods for assessing Fish and Macroinvertebrate Communities. Division of Water Quality Monitoring and Assessment. Columbus, Ohio.

Pflieger, W.L. 1975. The Fishes of Missouri. Western Publishing Co. 343 pp.

Tennessee Valley Authority. 1987. Field Operations Biological Resources Procedures Manual. Tennessee Valley Authority, Division of Natural Resource Operations. Knoxville, Tennessee.

Trautman, M.B. 1981. The Fishes of Ohio. Revised Edition. Ohio State University Press. Columbus, Ohio. 782 pp.

Appendix C

Dissolved Oxygen Study

June 26, 2006

1. By January 30, 2009 Permittee shall provide to the Department a fully calibrated and validated copy of the Environmental Fluid Dynamics Code model ("model") capable of accurately predicting dissolved oxygen concentrations in the Allegheny and Ohio rivers over the range of possible meteorological conditions and river conditions. By that date Permittee shall also provide a report of the work done in fulfillment of this permit requirement, summarizing key findings and recommending dredging practices which will maximize in-stream dissolved oxygen concentrations.
2. Permittee shall collect data, for the purpose of calibrating the model, in accordance with the following schedule:
 - a. Within 45 days of permit issuance, provide to the Department for its review and approval a list of locations on the Allegheny, Monongahela and Ohio Rivers where water quality data shall be collected. The locations shall be designated by milepoint and GPS coordinates in decimal of minutes format (ddd°mm.mmm') and marked on a navigation chart or topographic map. For each proposed sampling location Permittee shall provide a rationale for its selection, bottom depth, and actual or estimated date of last dredging activity. Upon Department approval the list of locations shall become an obligation of this permit.
 - b. At each location, during the summer of 2006 measure water depth, river width and determine the lateral bottom profile depth at approximately 10 foot intervals across the river. This information shall be submitted to the Department by January 30, 2007.
 - c. Once during each summer of 2006, 2007 and 2008, collect the following data at each of the approved locations:
 - i. A vertically composited sample, to be analyzed for ammonia nitrogen, nitrite nitrogen, nitrate nitrogen, total Kjeldahl nitrogen, soluble orthophosphate, total phosphorus, total organic carbon, dissolved organic carbon, and chlorophyll A concentration.
 - ii. Temperature and dissolved oxygen measured at one foot vertical intervals.
 - iii. River flow rate, either measured at intervals across the river or determined from the nearest USGS gaging station.
 - d. Permittee shall collect meteorological data including air temperature, atmospheric pressure, relative humidity, rainfall, cloud cover, solar radiation, wind speed, and wind direction from weather stations as near as possible to the sampling locations.
 - e. The model shall be validated by measuring dissolved oxygen in the Allegheny and Ohio rivers at the earliest occurrence of dissolved oxygen conditions below state water quality criteria and verifying the model accurately predicts those conditions.
3. Within 45 days of permit issuance, provide to the Department a copy of the model which has been calibrated using all data collected to date.

4. By January 30 of 2007 and 2008 Permittee shall provide an updated copy of the model which has been calibrated using all data collected to date, and a report of the work done in fulfillment of this permit condition the prior year.
5. Permittee shall provide support to the Department in operating the model and/or shall use the model to evaluate various scenarios at the Department's request.

Appendix D

The Murphy's Bottom Project June 26, 2006

BACKGROUND

The Department regulates sand and gravel extraction from the Allegheny and Ohio Rivers through the issuance of Water Obstruction and Encroachment Permits and Sand and Gravel License Agreements. For the next permitting cycle (5 years), the Department has implemented a mitigation requirement for the commercial sand and gravel industry. After consideration of mitigation alternatives, the Department has determined that a large project that addresses habitat restoration rather than a series of small projects or studies would provide the most benefit to the Commonwealth's rivers. One such large project is Murphys Bottom. This parcel of floodplain land in Pool 5 of the Allegheny River (shown on the far right of the Leechburg topographic map), Armstrong County, was used in the past as a processing site for sand and gravel extracted from the river. There is a 37-acre lake on the site. The land is owned by an affiliate of Glacial Sand and Gravel Company and was leased by a predecessor corporation of Hanson, PMA Aggregates, Inc., for a processing plant. The latter company holds a surface mining permit and is obligated to reclaim the property or forfeit the bonds it posted. This mitigation proposes the creation of a partnership comprised of Industry, government and local groups and universities to reclaim this property, establish a backwater habitat, and provide for public access and long-term studies to document changes at the mitigation site. The concept of developing a backwater resulted from studies conducted by the Department in the early 1990's that identified backwaters as the least represented fish habitat on these river systems.

CONCEPTUAL FRAMEWORK FOR THE PROJECT

The mitigation property is composed mainly of alluvial sand and gravel. The lake on the site is isolated from the river by a 100-foot berm.

The lake on the property is not physically connected to the river at this time. The project proposes connecting the lake to the river at the downstream end by dredging a channel. This modification is subject to change after consulting geomorphologists. The lake is about 4 meters deep at the downstream end, and becomes shallower at the upstream end. The shallow end of the lake would be planted to emergent vegetation, and the shorelines planted in native vegetation. Surrounding land formerly used for gravel processing will be restored as wetlands as shall other obvious wetland areas. A trail(s) will be built to allow public access to environmentally interesting significant locations within the project boundaries. The riverbank is currently altered to allow barges to dock. Depending upon the consensus of the mitigation partners, there may be a restoration of the riverbank to a natural condition, including removal of the sunken barges. The Department expects that the mitigation shall include a general "clean up" of the surrounding area, with improvements to the access road. As part of the mitigation, the Department believes it is imperative that a project of this scope include provisions for studying the changes in fish, amphibians, reptiles, invertebrates, birds and vegetation that occur over time. To accomplish this goal of the mitigation, the Department shall establish a partnership with a local university with a strong environmental program. (Duchesne University has expressed a strong interest in undertaking that aspect). Since the studies will be comprehensive and to further facilitate the biological studies, the Department envisions the construction of a lab/visitors center on or near the site.

SOURCES OF FUNDS, MATERIALS AND MANPOWER

Industry Mitigation funds will be assessed based upon a payment of \$.05 per ton of sold aggregate materials removed from the river, for the duration of the dredging permit, as more specifically provided for in Condition CC of Glacial's

Permit. In addition to Murphy's Bottom Mitigation, other mitigation projects may be identified by the Department and may include river habitat restoration projects, potentially eligible for matching funds.

The Land shall be conveyed subject to local requirements relating to the sub-division of property in Armstrong County, in the manner discussed more specifically in Condition EE of Glacial's Permit. Funds earmarked for mining reclamation shall be paid asset forth in accordance with Condition EE of Hanson's Permit.

Department The Department shall seek to obtain civil penalty monies from a prior local oil spill and add this to the mitigation funds.

The Department shall seek to obtain available funds from the wetland restoration program.

PFBC The PFBC shall provide funds from spill assessments.

Partnership Expertise Needed

Department Will provide oversight from its Regional and District Mining Offices.

Industry Will provide land, funds and stakeholder participation.

University (Duquesne) shall consult on fish habitat aspects of the Project and develop and conduct a long-term study plan for assessing the backwater and wetlands.

EPA May provide wetland expertise and recommendations on the overall project.

PFBC Shall consult on fish, amphibian and reptile habitat aspects of the project.

The Department may contact other potential stakeholders including the Armstrong County Conservancy.

Conceptual Timeline for Project

May 06 – July 06	Develop project partners committee.
May 06 – December 06	Produce a land survey, maps and drawings, conduct site reconnaissance by proposed partners, and refine project concepts.
December 06 – September 07	Develop a Master Plan with drawings, obligations, funding agreements and activities needed to accomplish project.
September 07 – April 08	Develop detailed construction activities, and refine timeline.
April 09 – October 08	Obtain necessary permits and approvals.
October 08-December 08	Enter into necessary contracts.
March 09- April 2010	Initiate construction by March 09 and complete project by April 2010. Three (3) months after completion of construction, submittal of the final report to the Department by project partners committee.

E02-1520. Michael Joseph Development Company, 105 Bradford Road, Suite 310, Wexford, PA 15090. To place fill in wetlands in Harrison Township, **Allegheny County**, Pittsburgh ACOE District. (Freeport, PA Quadrangle N: 3.93 inches; W: 12.37 inches and Latitude: 40° 38' 48"—Longitude: 79° 42' 51"). To place and maintain fill in 0.46 acre of PEM wetlands and to place and maintain fill in 643.0 linear feet of a UNT to Little Bull Creek (TSF) for the purpose of constructing a Walmart Super Center as part of the redevelopment of the Highlands Mall. The project is located on the west side of Freeport Road (Route 28), approximately 800.0 feet northwest from the intersection of Freeport Road (Route 28) and Old Freeport Road. To compensate for the environmental impacts, the permittee will construct 0.55 acre of replacement wetlands (PEM/PSS) off site, relocate, reconstruct and maintain approximately 120.0 linear feet of watercourse below a new outfall structure onsite and restore approximately 600.0 linear feet of watercourse offsite.

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

E20-542, Nye's Marina Service, Ltd., 12318 Conneaut Lake Road, Conneaut Lake, PA 16316. Nye's Marina Expansion, in Sadsbury Township, **Crawford County**, ACOE Pittsburgh District (Conneaut Lake, PA Quadrangle N: 19.2 inches; W: 5.7 inches).

The applicant proposes to conduct the following activities at Nye's Marina facility (Conneaut Lake, PA Quadrangle N: 19.2 inches; W: 5.7 inches) adjacent to and in Conneaut Lake approximately 0.2 mile west of the intersection of SR 18 and SR 322 in Sadsbury Township, Crawford, County: 1) to conduct maintenance dredging of sediment to an approximate normal water depth of 7 feet in the west marina area (approximately 1.7 acres and 6,458 cubic yards), east marina area (approximately 0.52 acres and 3,565 cubic yards) and eastern lakeshore area (approximately 0.46 acres and 2,052 cubic yards); 2) to expand the east marina area by excavating an approximately 0.54 acre area to a depth 10 feet (7,761 cubic yards) east of and adjacent to the existing east marina area; and 3) to operate and maintain existing and proposed marina areas. The project includes future maintenance dredging, creation of spoil areas on the marina property, operation and maintenance of existing docks in the marina and installation, operation and maintenance of docks in the east marina portion of the marina. Conneaut Lake is a perennial body of water classified as a HQ-WWF. The project proposes to temporarily impact 3.2 acres of Conneaut Lake and adjacent excavated areas.

Department of Environmental Protection, Bureau of Waterways Engineering, Water Management Program Manager, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8554, Harrisburg, PA 17105-8554.

E4914-001, Department of General Services, Bureau of Engineering and Architecture, 18th and Herr Streets, Harrisburg, PA 17125, Shamokin Creek Flood Protection Project, Borough of Mount Carmel and Mount Carmel Township, **Northumberland County**, ACOE Baltimore District.

The permit is requested for a flood protection project with the following activates associated with the construction of the project in and along approximately 7,740 linear feet (~2.5 acres) of Shamokin Creek (perennial, WWF):

1. The upstream end of the project is on the east end of the Borough of Mount Carmel approximately 620-feet

upstream of Pine Street. The upstream end of the project is a debris basin and open channel inlet. A rectangular concrete channel (16 feet wide) will run for 160 linear feet from the debris basin.

2. A 16-foot wide rectangular concrete box culvert will connect the new rectangular concrete channel to an existing concrete box culvert at Pine Street. This culvert will extend for a distance of 485 feet.

3. An existing concrete box culvert runs for a distance of 1,702 linear feet from Pine Street to Locust Street. This culvert was constructed in three sections from 1977 to 1987. Water Obstruction and Encroachment Permits 4977710, ENC49:17 and E49-111 were issued for this existing culvert. The existing culvert will become part of the overall flood protection project.

4. A rectangular concrete channel will be constructed from the existing culvert outlet at Locust Street to the football stadium on the west end of Mount Carmel. The channel will run for a distance of 4,929 linear feet in an overall stream length of 5,393 linear feet. The width of the concrete channel is 20 feet.

5. A precast concrete box culvert will replace the existing bridge at Walnut Street. The box culvert is 75 linear feet long with interior dimensions of 20 feet wide and 9 feet high.

6. A precast concrete box culvert will replace the existing bridge at Chestnut Street. The box culvert is 70 linear feet long with interior dimensions of 20 feet wide and 10 feet high.

7. A precast concrete box culvert will replace the existing corrugated metal pipe culvert at Market Street. The box culvert is 80 linear feet long with interior dimensions of 20 feet wide and 10 feet high.

8. A precast concrete box culvert will replace the existing masonry arch culvert at Hickory Street. The box culvert is 101 linear feet long with interior dimensions of 20 feet wide and 10 feet high.

9. The existing concrete box culvert at Vine Street will remain. The invert of this culvert will be paved with concrete for a length of 138 linear feet. The box culvert has interior dimensions of 20 feet wide and a minimum 10 feet high.

The project is located along Shamokin Creek (Mount Carmel, PA Quadrangle N: 8.9 inches, W: 5.5 inches) in the Borough of Mount Carmel and Mount Carmel Township, Northumberland County.

E4614-001, Department of General Services, Bureau of Engineering and Architecture, 18th and Herr Streets, Harrisburg, PA 17125, Ardsley Drainage Channel Flood Protection Project, Township of Upper Dublin, **Montgomery County**, ACOE Philadelphia District.

The permit is requested for a flood protection project with the following activates associated with the construction of the project in and along approximately 2,500 linear feet (~1.7 acres) of the Ardsley Drainage Channel (intermittent, WWF):

1. The upstream end of the project is at Penn Street in Abington Township. The upstream end of the project connects to an existing elliptical concrete pipe under Penn Street. A concrete box culvert (10 feet wide) will run for 305 linear feet from the Penn Street pipe.

2. The concrete box culvert empties into a 10-foot wide rectangular concrete channel. This channel will extend for a distance of 340 feet to an area near the intersection of

Spear Avenue and Avenue G. The channel transitions to a 14-foot width and continues for a distance of 188 feet to Avenue H.

3. The existing corrugated metal pipe arch under Avenue H will be replaced with a new concrete box culvert that is 14 feet wide. The new concrete box culvert is 63 feet long.

4. A rectangular concrete channel will be constructed from Avenue H to Avenue J. The channel will run for a distance of 172 linear feet. The width of the concrete channel is 10 feet.

5. A precast concrete box culvert will replace the existing corrugated metal pipe under Avenue J. The box culvert also replaces a riprap lined channel between Avenue J and North Hills Avenue. The box culvert is 252 feet long with interior dimensions of 10 feet wide and 4 feet high.

6. A precast concrete box culvert will replace the existing box culvert under North Hills Avenue down to Fitzwatertown Road. The box culvert is 895 feet long with interior dimensions that vary between widths of 10 and 14 feet width depths between 4 feet and 3 feet 9 inches.

7. An existing concrete box culvert under Fitzwatertown Road will remain. The existing box culvert is 100 feet long.

8. A trapezoidal riprap channel will be constructed downstream of the existing Fitzwatertown Road culvert. The riprap channel will have a bottom width of 12 feet and a bank height of 5 feet. This channel will extend for a distance of 145 feet to the stream junction with Sandy Run.

The project is located along the Ardsley Drainage Channel (Ambler, PA Quadrangle N: 0.0 inch, W: 5.0 inches) in Upper Dublin Township, Montgomery County.

E3514-001, Department of General Services, Bureau of Engineering and Architecture, 18th and Herr Streets, Harrisburg, PA 17125, Meadow Brook Flood Control Project, City of Scranton, **Lackawanna County**, USACOE Baltimore District.

This permit is requested for a flood protection project in and along approximately 3,524 linear feet (approximately 4.5 acres) of Meadow Brook. Permit No. E35-356, which was previously issued for this work, inadvertently expired December 31, 2005. The project begins 180 feet upstream of Green Ridge Street (USGS "Scranton" Quadrangle, North 9.5 inches, West 3.2 inches) and extends to Meadow Brook's confluence with the Lackawanna River (USGS "Scranton" Quadrangle, North 9.0 inches, West 4.6 inches).

In November 2005, under a Federal contract, the United States Army Corps of Engineers (Corps) began construction of an earthen levee flood protection project along the east bank of the Lackawanna River. That work is scheduled to be complete in March 2007. Since the levee system will cross the Meadow Brook outfall, the pipe sections at the outfall of the Commonwealth's Meadow Brook project must be installed before the Corps can extend their levee across and beyond Meadow Brook. Therefore, it is imperative that the Meadow Brook project begins as soon as possible. Delays in starting construction of the Meadow Brook project will almost certainly result in delays and cost increases in the Corps project.

The following activities are associated with the Meadow Brook project:

- Remove existing culverts and stream enclosures along a 3,524-foot reach of Meadow Brook.
- Construct and maintain a 16-foot long concrete transition culvert between the upstream end existing culvert and a new 10-foot wide by 7-foot high concrete box culvert.
- Construct and maintain 1,806 linear feet of 10-foot wide by 7-foot high concrete box culvert.
- Construct and maintain 231 linear feet of 10-foot wide by 7-foot high concrete open channel.
- Construct and maintain a 14-foot-long concrete transition structure between the 10-foot wide by 7-foot high concrete open channel and a new 10.5-foot diameter concrete pipe culvert.
- Install and maintain 360 linear feet of 10.5-foot diameter concrete pipe culvert.
- Construct and maintain a 22-foot long concrete transition culvert between the 10.5-foot diameter concrete pipe culvert and a new 12-foot wide by 8.5-foot high concrete box culvert.
- Construct and maintain 188 linear feet of 12-foot wide by 8.5-foot high concrete box culvert.
- Construct and maintain a 22-foot long concrete transition culvert between the 12-foot wide by 8.5-foot high concrete box culvert and a new 12-foot diameter concrete pipe culvert.
- Install and maintain 814 linear feet of 12-foot diameter concrete pipe culvert. At pipe outlet, construct and maintain concrete end walls and a 53-foot long grouted R-7 riprap apron.
- Construct and maintain approximately 11 stormwater outfall penetrations varying in size from 18-inch diameter to 48-inch diameter at various locations along the flood control project.

Anticipated construction time is 18 months.

DAM SAFETY

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

D35-001. Natural Lands Trust, Inc., 1031 Palmers Mill Road, Media, PA 19063. Plan for initial drawdown and stabilization of sediments within the impoundment created by Glenburn Pond Dam, located across Ackerly Creek (TSF). This work is considered Phase I of the eventual breach and removal plan and includes initial drawdown of the impoundment using siphons, redirecting Ackerly Creek to discharge to the center of the impoundment area, constructing a berm within the reservoir impacting approximately 0.9 acre for access and sediment management, and creating a spillway notch to reduce the spillway elevation and normal pool from 1,022.79 to 1,019.0. (Dalton, PA Quadrangle N: 3.4 inches; W: 3.0 inches) in Glenburn Township, **Lackawanna County**.

SPECIAL NOTICES

Reclamation of Abandoned Strip Mine Project; Washington, Jefferson County

Knox District Mining Office: P. O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, (814) 797-1191.

Under Act 181 of 1984, the Department of Environmental Protection solicits letters of interest from the landowners and licensed mine operators for the reclamation of the following abandoned strip mine project:

<i>Project No.</i>	<i>Municipality</i>	<i>County</i>	<i>Acres</i>
PBF 33990907.1	Washington	Jefferson	15.0

Dale Hollobaugh, SMP No. 33990907, on the Steve Gertz and Gloria Austin et al properties requires backfilling and revegetation.

Letters of interest must be received by Javed I. Mirza, District Mining Manager, Department of Environmental Protection, P. O. Box 669, Knox, PA 16232, no later than 4:30 p.m., July 31, 2006, to be considered.

Telephone inquiries should be directed to Javed I. Mirza at (814) 797-1191.

[Pa.B. Doc. No. 06-1283. Filed for public inspection July 21, 2006, 9:00 a.m.]

Availability of Technical Guidance

Technical guidance documents are available on the Department of Environmental Protection's (Department) website at www.depweb.state.pa.us (DEP Keyword: Technical Guidance). The "Final Documents" heading is the link to a menu of the various Department bureaus where each bureau's final technical guidance documents are posted. The "Draft Technical Guidance" heading is the link to the Department's draft technical guidance documents.

The Department will continue to revise its nonregulatory documents, as necessary, throughout 2006.

Ordering Paper Copies of Department Technical Guidance

The Department encourages the use of the Internet to view and download technical guidance documents. When this option is not available, persons can order a paper copy of any of the Department's draft or final technical guidance documents by contacting the Department at (717) 783-8727.

In addition, bound copies of some of the Department's documents are available as Department publications. Check with the appropriate bureau for more information about the availability of a particular document as a publication.

Changes to Technical Guidance Documents

Following is the current list of recent changes. Persons who have questions or comments about a particular document should call the contact person whose name and phone number is listed with each document.

Final Technical Guidance

DEP ID: 362-4000-006. Title: Guidelines for Identifying, Tracking and Resolving Violations for Water Quality. Description: This document establishes guidelines for the implementation and execution of compliance and enforcement activities used by the Department for the Water

Quality Program. The document was developed in conformance with the Department's policy on Standards and Guidelines for Identifying, Tracking and Resolving Violations and is issued under the authority of the Federal Clean Water Act, The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and 25 Pa. Code Chapters 91 and 92 (relating to general provisions; and National pollutant discharge elimination system permitting, monitoring and compliance). Notice of a 30-day public comment period for the draft version of the document was published at 35 Pa.B. 3601 (June 25, 2005). Forty-eight commentators provided the Department with comments on the draft technical guidance. The Department addressed those comments in a separate Comment and Response document. Contact: Questions regarding this technical guidance document should be directed to Stanley Rudisill, Department of Environmental Protection, Bureau of Water Standards and Facility Regulation, P. O. Box 8774, Harrisburg, PA 17105-8774, (717) 772-4018, srudisill@state.pa.us. Effective Date: July 22, 2006.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 06-1284. Filed for public inspection July 21, 2006, 9:00 a.m.]

State Water Plan; Statewide Water Resources Committee; Critical Water Planning Area Subcommittee Meeting

The Critical Water Planning Area Subcommittee of the Act 220 State Water Plan Statewide Committee has scheduled a meeting to discuss the development of guidelines for writing Critical Area Resource Plans. The meeting will be held at 10 a.m. on August 3, 2006, in the 10th Floor Conference Room, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17105.

Questions concerning this meeting should be directed to Susan Weaver, Division of Water Use Planning, P. O. Box 8555, Harrisburg, PA 17105-8555, (717) 783-8055, suweaver@state.pa.us.

Persons with a disability who require accommodations to attend the meeting should contact the Department of Environmental Protection (Department) at (717) 783-6118 or through the Pennsylvania AT&T Relay Services at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 06-1285. Filed for public inspection July 21, 2006, 9:00 a.m.]

DEPARTMENT OF HEALTH

Chronic Renal Disease Advisory Committee Meeting

The Chronic Renal Disease Advisory Committee, established by section 4 of the act of June 23, 1970 (P. L. 419, No. 140) (35 P. S. § 6204), will hold a public meeting on Friday, July 28, 2006, from 10 a.m. to 3 p.m. in Hearing Room 1, Commonwealth Keystone Building, Commonwealth Avenue at Forster Street, Harrisburg, PA.

For additional information, contact Carolyn S. Cass, Director, Division of Child and Adult Health, Department of Health, Health and Welfare Building, Seventh Floor, East Wing, Seventh and Forster Streets, Harrisburg, PA 17120, (717) 772-2762. Persons who wish to attend this meeting or persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so should contact Carolyn S. Cass at

(717) 772-2762. Speech and/or hearing impaired persons may contact TDD (717) 783-6514 or TT (800) 654-5984.

This meeting is subject to cancellation without notice.

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

[Pa.B. Doc. No. 06-1286. Filed for public inspection July 21, 2006, 9:00 a.m.]

Decisions on Requests for Exceptions to Health Care Facility Regulations

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), effective June 6, 1998, the Department of Health (Department) has published in the *Pennsylvania Bulletin* all requests by entities licensed under the Health Care Facilities Act (35 P. S. §§ 448.101—448.904b) for exceptions to regulations contained in 28 Pa. Code Part IV Health Facilities, Subparts B—G.

Section 51.33(d) provides that the Department will publish notice of all approved exceptions on a periodic basis. The Department has determined that it will publish notice of all exceptions, both approved and denied. The following list contains the decisions made on exception requests published in the *Pennsylvania Bulletin* from March 2006, through June 2006. Future publications of decisions on exception requests will appear on a quarterly basis.

Requests for additional information on the exception requests and the Department's decision should be made to the relevant division of the Department. Inquiries regarding hospitals and ambulatory surgical facilities shall be addressed to the Division of Acute and Ambulatory Care, Sandra Knoble, Director, Room 532 Health and Welfare Building, Harrisburg, PA 17120. Inquiries regarding long-term care facilities should be addressed to the Division of Nursing Care Facilities, William Bordner, Director, Room 526 Health and Welfare Building, Harrisburg, PA 17120. Those persons requiring special assistance for speech and/or hearing impairment should call V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984 (TT).

Hospitals

<i>Facility Name</i>	<i>Regulation</i>	<i>Relating to</i>	<i>Request Published</i>	<i>Decision</i>
Southwest Regional Medical Center	28 Pa. Code § 51.23	PET services	05/20/06	granted
UPMC Presbyterian Shadyside	28 Pa. Code § 51.23	PET scanning	06/24/06	granted
Albert Einstein Medical Center	28 Pa. Code § 51.23	PET scanning	06/03/06	granted
Somerset Hospital	28 Pa. Code § 51.23	PET scanning	06/03/06	granted
UPMC Passavant Cranberry	28 Pa. Code § 101.4	outpatient services	04/15/06	denied
Kindred Hospital Pittsburgh—North Shore	28 Pa. Code § 101.31(1)	hospital requirements	05/20/06	granted
St. Joseph Medical Center	28 Pa. Code § 101.191	multiple—clinical facilities	05/20/06	denied
Kindred Hospital Pittsburgh—North Shore	28 Pa. Code § 103.1	principle—governing	05/20/06	granted
Kindred Hospital Pittsburgh—North Shore	28 Pa. Code § 107.1	principle—organized	05/20/06	granted
Southwest Regional Medical Center	28 Pa. Code § 107.2	medical staff membership	02/25/06	granted
Clarion Hospital	28 Pa. Code § 107.2	medical staff membership	03/18/06	granted
St. Agnes Long-Term Intensive Care Hospital	28 Pa. Code § 107.2	medical staff membership	05/06/06	granted
Kindred Hospital Philadelphia—Havertown	28 Pa. Code § 107.2	medical staff membership	06/17/06	granted
Kindred Hospital Pittsburgh—North Shore	28 Pa. Code § 107.2	medical staff membership	06/17/06	granted
Kindred Hospital Philadelphia—Havertown	28 Pa. Code § 107.3	requirements for membership	06/17/06	granted
Kindred Hospital Pittsburgh—North Shore	28 Pa. Code § 107.3	requirements for membership	06/17/06	granted
Kindred Hospital Pittsburgh—North Shore	28 Pa. Code § 107.4	medical staff status	06/17/06	granted
Kindred Hospital Philadelphia—Havertown	28 Pa. Code § 107.4	medical staff status	06/17/06	granted

<i>Facility Name</i>	<i>Regulation</i>	<i>Relating to</i>	<i>Request Published</i>	<i>Decision</i>
Kindred Hospital Philadelphia—Havertown	28 Pa. Code § 107.5	membership appointment	06/17/06	granted
Kindred Hospital Pittsburgh—North Shore	28 Pa. Code § 107.5	membership appointment	06/17/06	granted
Kindred Hospital Philadelphia—Havertown	28 Pa. Code § 107.11	principle—medical staff	06/17/06	granted
Kindred Hospital Pittsburgh—North Shore	28 Pa. Code § 107.11	principle—medical staff	05/20/06	granted
Kindred Hospital Philadelphia—Havertown	28 Pa. Code § 107.12	content of bylaws, rules	06/17/06	granted
Kindred Hospital Pittsburgh—North Shore	28 Pa. Code § 107.12	content of bylaws, rules	06/17/06	granted
Kane Community Hospital	28 Pa. Code § 107.12a	specified professional	04/01/06	not needed
Kindred Hospital Pittsburgh—North Shore	28 Pa. Code § 107.12a	specified professional	06/17/06	granted
Kindred Hospital Philadelphia—Havertown	28 Pa. Code § 107.12a	specified professional	06/17/06	granted
Aliquippa Community Hospital	28 Pa. Code § 107.26(b)(2)	tissue committee	04/15/06	granted
Kindred Hospital Philadelphia—Havertown	28 Pa. Code § 107.51	medical staff	06/17/06	granted
Kindred Hospital Pittsburgh—North Shore	28 Pa. Code § 107.51	medical staff	05/20/06	granted
Kindred Hospital Pittsburgh—North Shore	28 Pa. Code § 107.52	criteria for medical care	06/17/06	granted
Kindred Hospital Philadelphia—Havertown	28 Pa. Code § 107.52	criteria for medical care	06/17/06	granted
Kindred Hospital Philadelphia—Havertown	28 Pa. Code § 107.53	utilization review	06/17/06	granted
Kindred Hospital Pittsburgh—North Shore	28 Pa. Code § 107.53	utilization review	06/17/06	granted
Kindred Hospital Philadelphia—Havertown	28 Pa. Code § 107.54	medical audit	06/17/06	granted
Kindred Hospital Pittsburgh—North Shore	28 Pa. Code § 107.54	medical audit	05/20/06	granted
Select Specialty Hospital—Danville	28 Pa. Code § 107.62(b)	oral orders	06/17/06	granted
York Hospital	28 Pa. Code § 107.64	administration of drugs	06/17/06	denied
Kane Community Hospital	28 Pa. Code § 127.32	written orders—radiology	04/01/06	not needed
Wyoming Valley Health Care System	28 Pa. Code § 138.1	cardiac catheterization	04/15/06	denied
Magee Womens Hospital	28 Pa. Code § 139.12c	perinatal guidelines	06/17/06	not needed
Kindred Hospital Pittsburgh—North Shore	28 Pa. Code § 146.1	infection control	05/20/06	granted
Kindred Hospital Philadelphia—Havertown	28 Pa. Code § 146.1	principle—infection	06/17/06	granted
Kindred Hospital Philadelphia—Havertown	28 Pa. Code § 146.2	isolation procedures	06/17/06	granted
Kindred Hospital Pittsburgh—North Shore	28 Pa. Code § 146.2	isolation procedures	05/20/06	granted
Allegheny General	28 Pa. Code § 151.21	fire drills	06/03/06	denied
Coordinated Health Orthopedic Hospital	28 Pa. Code § 153.1	7.7.A1, 7.7.B1, 7.7.B2	01/14/06	not needed
York Hospital	28 Pa. Code § 153.1	7.7.B2 PACU space	03/18/06	denied

<i>Facility Name</i>	<i>Regulation</i>	<i>Relating to</i>	<i>Request Published</i>	<i>Decision</i>
Westmoreland Regional Hospital	28 Pa. Code § 153.1	7.2.A4; 7.2.B1; 7.2.B3;	04/01/06	granted/not needed
SCCI Hospital—Easton	28 Pa. Code § 153.1	7.2.B19 showers and tubs	04/22/06	granted
Hospital of the University of Pennsylvania	28 Pa. Code § 153.1	7.10.E1—space for MRI	05/06/06	granted
Williamsport Hospital and Medical Center	28 Pa. Code § 153.1	7.22C and 7.22D general	05/06/06	granted
Kindred Hospital Pittsburgh—North Shore	28 Pa. Code § 153.1	7.2.A4 handwashing	05/20/06	granted
Bloomsburg Hospital	28 Pa. Code § 153.1	7.7.B1 min clearance	05/20/06	granted
Warminster Hospital	28 Pa. Code § 153.1	7.2.A1 maximum room	05/20/06	denied
St. Mary Medical Center	28 Pa. Code § 153.1	9.1.C facility access	05/20/06	granted
St. Clair Memorial Hospital	28 Pa. Code § 153.1	7.6 psychiatric nursing	06/03/06	granted
Kindred Hospital Philadelphia—Havertown	28 Pa. Code § 153.1	7.2.A4 handwashing	06/17/06	granted
Magee Womens Hospital	28 Pa. Code § 153.1	7.3.A6b	06/17/06	not needed
St. Lukes Hospital—Allentown Campus	28 Pa. Code § 153.1	7.10.H9 soiled workroom	06/17/06	granted/denied
St. Lukes Hospital—Bethlehem	28 Pa. Code § 153.1	7.2.A4 handwashing	06/17/06	withdrawn
Ambulatory Surgical Facilities				
Tri-County Surgery Center	28 Pa. Code § 551.3	classification—PS3	11/05/05	granted
Bryn Mawr Medical Specialists Endoscopy Associates	28 Pa. Code § 551.3	classification—PS3	03/18/06	granted
Main Line Spine Surgery Center	28 Pa. Code § 551.3	classification—PS3	03/18/06	granted
Brandywine Valley Endoscopy Center	28 Pa. Code § 551.3	classification—PS3	04/15/06	denied
Penn Medicine At Radnor Endoscopy Facility	28 Pa. Code § 551.3	classification—PS3	04/15/06	granted
PRISM Center for Spine and Pain Care	28 Pa. Code § 551.3	classification—PS3	04/15/06	denied
AFP Surgery Center, Inc.	28 Pa. Code § 551.3	classification—PS3	04/22/06	granted
Gastrointestinal Specialist Inc.	28 Pa. Code § 551.3	classification—PS3	04/22/06	granted
Bucks County GI Endoscopy Surgical Center, LLC	28 Pa. Code § 551.3	classification—PS3	05/06/06	denied
West Shore Endoscopy Center	28 Pa. Code § 551.3	classification—PS3	05/06/06	granted
Tri-County Surgery Center	28 Pa. Code § 551.3	classification—PS3	05/20/06	granted
St. Joseph Medical Center	28 Pa. Code § 551.3	classification—PS3	05/20/06	denied
Pottstown Surgical Center	28 Pa. Code § 551.3	classification—PS3	06/03/06	granted
Lancaster Gastroenterology Procedure Center, LLC	28 Pa. Code § 551.3	classification—PS3	06/17/06	granted
Village SurgiCenter of Erie	28 Pa. Code § 551.21(d)(2)	criteria for ambulatory surgery	02/11/06	granted
Lebanon Outpatient Surgical Center	28 Pa. Code § 551.21(d)(2)	criteria for ambulatory surgery	04/15/06	denied
Hershey Outpatient Surgery/Center	28 Pa. Code § 551.21(d)	criteria for surgery	05/20/06	granted
Apple Hill Surgical Center	28 Pa. Code § 551.21(d)(2)	criteria for ambulatory	06/17/06	denied
Children's Hospital of Pittsburgh—South Surgery Center	28 Pa. Code § 551.22	criteria for pediatric surgery	03/18/06	granted
Ambulatory Surgery	28 Pa. Code § 553.1, 553.3, 553.4	governing body	04/22/06	granted

<i>Facility Name</i>	<i>Regulation</i>	<i>Relating to</i>	<i>Request Published</i>	<i>Decision</i>
Children's Hospital of Pittsburgh—South Surgery Center	28 Pa. Code § 553; 553.1; 553.3; 553.4	governing body	03/18/06	granted
The Surgery Center at Brinton Lake, LLC	28 Pa. Code § 553.31(a)	administrative responsibilities	03/18/06	denied
AFP Surgery Center, Inc.	28 Pa. Code § 553.31(a)	administrative responsibilities	04/15/06	granted
Berkshire Eye Surgery Center	28 Pa. Code § 553.31(a)	administrative responsibilities	04/15/06	granted
Dermatologic SurgiCenter—Drexel Hill	28 Pa. Code § 553.31(a)	administrative responsibilities	04/15/06	granted
Manoa Diagnostic Center	28 Pa. Code § 553.31(a)	administrative responsibilities	04/22/06	denied
Wyomissing Surgical Services	28 Pa. Code § 553.31(a)	administrative responsibilities	05/06/06	granted
Plaza Surgical Center	28 Pa. Code § 553.31(a)	administrative responsibilities	05/06/06	granted
The Surgery Center at Brinton Lake	28 Pa. Code § 553.31(a)	administrative responsibilities	06/17/06	granted
Children's Hospital of Pittsburgh—South Surgery Center	28 Pa. Code § 555; 555.3 and 555.4	medical staff	03/18/06	granted
Ambulatory Surgery	28 Pa. Code § 555.3, 555.4	medical staff	04/22/06	granted
Elmwood Endoscopy Center, PC	28 Pa. Code § 555.31(a)	anesthesia services	01/21/06	granted
Endoscopic Associates, Hershey Endoscopy	28 Pa. Code § 555.31(a)	anesthesia services	03/18/06	granted
Brandywine Valley Endoscopy Center	28 Pa. Code § 555.31(a)	anesthesia services	04/15/06	granted
Penn Medicine at Radnor Endoscopy Facility	28 Pa. Code § 555.31(a)	anesthesia services	04/15/06	granted
Endoscopy Center of Delaware County	28 Pa. Code § 555.31(a)	anesthesia services	04/22/06	granted
AFP Surgery Center	28 Pa. Code § 555.31(a)	anesthesia services	04/22/06	granted
Gastrointestinal Specialist Inc.	28 Pa. Code § 555.31(a)	anesthesia services	04/22/06	granted
West Chester Endoscopy, LLC	28 Pa. Code § 555.31(a)	anesthesia services	05/06/06	granted
Wellspan Endoscopy Center	28 Pa. Code § 555.31(a)	anesthesia services	05/06/06	granted
Plaza Surgical Center	28 Pa. Code § 555.31(a)	anesthesia services	05/06/06	granted
Bucks County GI Endoscopic Surgical Center, LLC	28 Pa. Code § 555.31(a)	anesthesia services	05/06/06	granted
Regional Gastroenterology Associates of Lancaster, Ltd.	28 Pa. Code § 555.31(a)	anesthesia services	05/06/06	granted
Chambersburg Endoscopy Center	28 Pa. Code § 555.31(a)	anesthesia services	05/06/06	granted
Valley View Surgical Center	28 Pa. Code § 555.31(a)	anesthesia services	05/06/06	granted
Pottstown Surgical Center	28 Pa. Code § 555.31(a)	anesthesia services	05/20/06	granted
Endoscopy Center of Central Pennsylvania, LLC	28 Pa. Code § 555.31(a)	anesthesia services	05/20/06	granted
Carlisle Endoscopy Center, Ltd.	28 Pa. Code § 555.31(a)	anesthesia services	05/20/06	granted
York Endoscopy Center	28 Pa. Code § 555.31(a)	anesthesia services	05/20/06	granted
Plastic Surgical Associates of Johnstown, Inc.	28 Pa. Code § 555.31(a)	anesthesia services	05/20/06	granted
Digestive Disease Institute	28 Pa. Code § 555.31(a)	anesthesia services	06/03/06	granted
Guthrie clinic, Ltd.	28 Pa. Code § 555.31(a)	anesthesia services	06/17/06	granted
Children's Hospital of Pittsburgh—South Surgery Center	28 Pa. Code § 557	quality assurance	03/18/06	granted
Ambulatory Surgery	28 Pa. Code § 557	quality assurance	04/22/06	granted

<i>Facility Name</i>	<i>Regulation</i>	<i>Relating to</i>	<i>Request Published</i>	<i>Decision</i>
The Surgery Center at Brinton Lake, LLC	28 Pa. Code § 559.2	director of nursing	03/18/06	denied
Ambulatory Surgery	28 Pa. Code § 559.2	director of nursing	04/22/06	denied
Ambulatory Surgery	28 Pa. Code § 563	medical records	04/22/06	granted
Lewisburg Plastic Surgery and Laser Center	28 Pa. Code § 567.43	ventilation system	04/01/06	denied
Street Road Surgery Center	28 Pa. Code § 571.1	9.5.F3c recovery stations	04/15/06	granted
Valley Ambulatory Surgical Center	28 Pa. Code § 571.1	9.5.F2(d) Class C OR	04/22/06	granted

Exceptions Requests—Nursing Care Facilities

Altoona Center for Greensburg Care Center	28 Pa. Code § 201.3	definitions	04/08/06	granted
Laurelwood Care Center	28 Pa. Code § 201.3	definitions	04/08/06	granted
Harmon House Care	28 Pa. Code § 201.3	definitions	04/08/06	granted
Garden Spot Village	28 Pa. Code § 201.3	definitions	05/06/06	granted
Garden Spot Village	28 Pa. Code § 201.3	definitions	05/27/06	granted
Cross Keys Village—The Brethren Home Community	28 Pa. Code § 201.3	definitions	06/17/06	granted
UPMC Magee—Womens	28 Pa. Code § 201.18(e)	management	04/15/06	temp granted
UPMC, Transitional	28 Pa. Code § 201.18(e)	management	04/15/06	temp granted
HealthSouth—Mechanicsburg	28 Pa. Code § 201.18(e)	management	05/06/06	granted
Emmanuel Center for	28 Pa. Code § 205.6(a)	function of building	03/18/06	granted
William Penn Care	28 Pa. Code § 205.6(a)	function of building	03/18/06	granted
Manor Care Health—York North	28 Pa. Code § 205.6(a)	function of building	03/18/06	granted
Orchard Manor, Inc.	28 Pa. Code § 205.6(a)	function of building	04/01/06	granted
Donahoe Manor	28 Pa. Code § 205.6(a)	function of building	04/08/06	granted
Charles M. Morris	28 Pa. Code § 205.6(a)	function of building	04/08/06	granted
Harmon House Care	28 Pa. Code § 205.6(a)	function of building	04/08/06	granted
Altoona Center for	28 Pa. Code § 205.6(a)	function of building	04/15/06	granted
Lock Haven Extended	28 Pa. Code § 205.6(a)	function of building	05/27/06	granted
Manor Care Jersey	28 Pa. Code § 205.6(a)	function of building	05/27/06	granted
Messiah Village	28 Pa. Code § 205.6(a)	function of building	06/17/06	granted
Nugent Convalescent	28 Pa. Code § 205.19(b)	windows and	03/18/06	granted
Beverly-Camp Hill	28 Pa. Code § 205.19(b)	windows and	04/08/06	granted
Conestoga View	28 Pa. Code § 205.20(a)	resident bedrooms	04/15/06	granted
Mary Evans Extended	28 Pa. Code § 205.24(a)	dining room	04/01/06	granted
Rolling Fields, Inc.	28 Pa. Code § 205.28(b)	nurses' station	03/18/06	granted
Pinecrest Manor	28 Pa. Code § 205.36(e)	bathing facilities	04/15/06	granted
Pinecrest Manor	28 Pa. Code § 205.37(d)	equipment for	04/15/06	granted
Mary Evans Extended	28 Pa. Code § 205.39(b)	toilet room equipment	04/01/06	granted
Moravian Village	28 Pa. Code § 205.67(k)	electric requirements	05/27/06	granted
Grandview Health	28 Pa. Code § 205.67(k)	electric requirements	05/27/06	granted
Conestoga View	28 Pa. Code § 205.71	bed and furnishings	04/15/06	granted

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

[Pa.B. Doc. No. 06-1287. Filed for public inspection July 21, 2006, 9:00 a.m.]

Governor's Advisory Council on Physical Fitness and Sports Committee Meeting

The Governor's Advisory Council on Physical Fitness and Sports Committee will hold a public meeting on Tuesday, July 25, 2006, from 10 a.m. to 3 p.m. at the Living Center, 110 Henderson Building, Penn State, University Park, PA 16802.

For additional information, contact Cyndi Malinen, Physical Activity Program Consultant, Bureau of Chronic Diseases and Injury Prevention, Room 1011, Health and Welfare Building, Harrisburg, PA, (717) 346-3975.

Persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so should contact Cyndi Malinen, Physical Activity Program Consultant at (717) 346-3975. Speech and/or hearing impaired persons may contact V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

This meeting is subject to cancellation without notice.

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

[Pa.B. Doc. No. 06-1288. Filed for public inspection July 21, 2006, 9:00 a.m.]

Requests for Exception; Long-Term Care Nursing Facilities

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.6(a) (relating to function of building).

Colonial Manor Nursing Home
970 Colonial Avenue
York, PA 17403
FAC ID 033402

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.38(a) (relating to toilet facilities).

Hospitality Care Center of Hermitage, Inc.
3726 East State Street
Hermitage, PA 16148

These requests are on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 15 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation

to do so should contact V/TT (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

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

[Pa.B. Doc. No. 06-1289. Filed for public inspection July 21, 2006, 9:00 a.m.]

Traumatic Brain Injury Advisory Board Meeting

The Traumatic Brain Injury Advisory Board, established under the Federal Traumatic Brain Injury Act of 1996 (42 U.S.C.A. § 300d-52), will hold a public meeting on Thursday, August 3, 2006, from 10 a.m. to 3 p.m. in the Susquehanna Room, PaTTAN, Harrisburg Office, 6340 Flank Drive, Harrisburg, PA 17112.

For additional information, or persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so, contact Carolyn S. Cass, Director, Division of Child and Adult Health Services at (717) 783-5436. Speech and/or hearing impaired persons may contact V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

This meeting is subject to cancellation without notice.

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

[Pa.B. Doc. No. 06-1290. Filed for public inspection July 21, 2006, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania Sterling Silver 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 Sterling Silver.

2. *Price:* The price of a Pennsylvania Sterling Silver instant lottery game ticket is \$5.

3. *Play Symbols:* Each Pennsylvania Sterling Silver instant lottery game ticket will contain one play area featuring a "SILVER NUMBERS" area and a "YOUR NUMBERS" area. The play symbols and their captions located in the "SILVER 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) and 24 (TWYFOR). 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) and a Money Bag symbol (MNYBG).

4. *Prize Symbols:* The prize symbols and their captions located in the "YOUR NUMBERS" area are: \$2⁰⁰ (TWO DOL), \$5⁰⁰ (FIV DOL), \$6⁰⁰ (SIX DOL), \$10⁰⁰ (TEN DOL), \$15\$ (FIFTN), \$25\$ (TWY FIV), \$50\$ (FIFTY), \$100 (ONE HUN), \$250 (TWOHUNFTY), \$1,000 (ONE THO), \$50,000 (FTY THO) and \$100,000 (ONEHUNTHO).

5. *Prizes:* The prizes that can be won in this game are: \$2, \$5, \$6, \$10, \$15, \$25, \$50, \$100, \$250, \$1,000, \$50,000 and \$100,000. A player can win up to ten times on a ticket.

6. *Approximate Number of Tickets Printed for the Game:* Approximately 7,200,000 tickets will be printed for the Pennsylvania Sterling Silver 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 "SILVER NUMBERS" play symbols and a prize symbol of \$100,000 (ONEHUNTHO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100,000.

(b) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "SILVER NUMBERS" play symbols and a prize symbol of \$50,000 (FTY THO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$50,000.

(c) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "SILVER NUMBERS" play symbols and a prize symbol of \$1,000 (ONE THO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(d) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Money Bag symbol (MNYBG), and a prize symbol of \$250 (TWOHUNFTY) appears under the Money Bag symbol (MNYBG) on a single ticket, shall be entitled to a prize of \$250.

(e) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "SILVER NUMBERS" play symbols and a prize symbol of \$250 (TWOHUNFTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$250.

(f) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Money Bag symbol (MNYBG), and a prize symbol of \$100 (ONE HUN) appears under the Money Bag symbol (MNYBG) on a single ticket, shall be entitled to a prize of \$100.

(g) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "SILVER 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.

(h) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Money Bag symbol (MNYBG), and a prize symbol of \$50\$ (FIFTY) appears under the Money Bag symbol (MNYBG) on a single ticket, shall be entitled to a prize of \$50.

(i) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "SILVER 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.

(j) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Money Bag symbol (MNYBG), and a prize symbol of \$25\$ (TWY FIV) appears under the Money Bag symbol (MNYBG) on a single ticket, shall be entitled to a prize of \$25.

(k) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "SILVER 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.

(l) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Money Bag symbol (MNYBG), and a prize symbol of \$15\$ (FIFTN) appears under the Money Bag symbol (MNYBG) on a single ticket, shall be entitled to a prize of \$15.

(m) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "SILVER 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.

(n) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Money Bag symbol (MNYBG), and a prize symbol of \$10⁰⁰ (TEN DOL) appears under the Money Bag symbol (MNYBG) on a single ticket, shall be entitled to a prize of \$10.

(o) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "SILVER NUMBERS" play symbols and a prize symbol of \$10⁰⁰ (TEN DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(p) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Money Bag symbol (MNYBG), and a prize symbol of \$6⁰⁰ (SIX DOL) appears under the Money Bag symbol (MNYBG) on a single ticket, shall be entitled to a prize of \$6.

(q) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "SILVER NUMBERS" play symbols and a prize symbol of \$6⁰⁰ (SIX DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$6.

(r) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Money Bag symbol (MNYBG), and a prize symbol of \$5⁰⁰ (FIV DOL) appears under the Money Bag symbol (MNYBG) on a single ticket, shall be entitled to a prize of \$5.

(s) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "SILVER NUMBERS" play symbols and a prize symbol of \$5⁰⁰ (FIV DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$5.

(t) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "SILVER NUMBERS" play symbols and a prize symbol of \$2.⁰⁰ (TWO DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$2.

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 the Your Numbers Match Any of the Silver Numbers, Win With Prize(s) of:</i>	<i>Win:</i>	<i>Approximate Odds 1 In:</i>	<i>Approximate No. of Winners Per 7,200,000 Tickets</i>
\$5	\$5	20	360,000
\$5 w/MONEY BAG	\$5	20	360,000
\$6	\$6	40	180,000
\$6 w/MONEY BAG	\$6	40	180,000
\$2 × 5	\$10	120	60,000
\$5 × 2	\$10	600	12,000
\$10	\$10	600	12,000
\$10 w/MONEY BAG	\$10	46.15	156,000
\$5 × 3	\$15	300	24,000
\$10 + \$5	\$15	300	24,000
\$15	\$15	300	24,000
\$15 w/MONEY BAG	\$15	300	24,000
\$5 × 5	\$25	75	96,000
\$25	\$25	200	36,000
\$25 w/MONEY BAG	\$25	66.67	108,000
\$25 × 2	\$50	300	24,000
\$15 × 3 + \$5	\$50	600	12,000
\$5 × 10	\$50	300	24,000
\$10 × 5	\$50	300	24,000
\$50	\$50	300	24,000
\$50 w/MONEY BAG	\$50	600	12,000
\$10 × 10	\$100	1,200	6,000
\$50 × 2	\$100	1,200	6,000
\$100	\$100	1,200	6,000
\$100 w/MONEY BAG	\$100	1,200	6,000
\$25 × 10	\$250	40,000	180
\$50 × 5	\$250	40,000	180
\$250	\$250	40,000	180
\$250 w/MONEY BAG	\$250	40,000	180
\$100 × 10	\$1,000	120,000	60
\$1,000	\$1,000	120,000	60
\$50,000	\$50,000	1,200,000	6
\$100,000	\$100,000	1,200,000	6

MONEY BAG (MNYBG) = Win prize shown under it automatically.

Prizes, including the top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Sterling Silver 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 Sterling Silver, prize money from winning Pennsylvania Sterling Silver 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 Sterling Silver 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 Sterling Silver or through normal communications methods.

GREGORY C. FAJT,
Secretary

[Pa.B. Doc. No. 06-1291. Filed for public inspection July 21, 2006, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Finding

Perry County

Under section 2002(b) of The Administrative Code of 1929 (71 P. S. § 512(b)), the Deputy Secretary for Highway Administration makes the following written finding:

The Department of Transportation (Department) plans to construct SR 2002, Section 004, the Dellville Road Bridge No. 1 Replacement Project in Perry County.

The purpose of this bridge replacement project is to eliminate weight restrictions, improve horizontal geometry and maintain safe and adequate movement of various modes of travel while minimizing disruption to established travel patterns and farming operations.

The proposed action is to replace the existing one-lane Pratt truss bridge that carries SR 2002, Dellville Road, over Sherman's Creek in Penn and Wheatfield Townships in Perry County. Alternate 3, the preferred alternative, begins at the vicinity of the intersection of Glutz Hole Road and Dellville Road in Wheatfield Township, shifts the alignment to the south, traverses Sherman's Creek south of the existing bridge with a new 300-foot bridge, with two 11-foot lanes and 4-foot shoulders, realigns the intersection with Ebersole Road and ties into the existing roadway approach approximately 300 feet east of Ebersole Road in Penn Township.

Alternatives were evaluated as required by section 2002 of Act 120. Alternate 3 has been identified as the alternative that satisfies the purpose and needs associated with this project and best balances impacts to the socio-economic, cultural and natural environment in the study area. Alternate 3 will require the acquisition of 0.21 hectare (0.53 acre) of land from the Augustine McKinzie Farm property, a section 2002 resource determined eligible for listing on the National Register of Historic Places. Under section 106 of the National Historic Preservation Act, it has been determined that the construction of Alternate 3, which includes vegetative screening and narrowed shoulders to minimize impacts, will have no adverse effect on this section 2002 resource.

The Deputy Secretary for Highway Administration has considered the environmental, economic, social and other effects of the proposed project as enumerated in section 2002 of The Administrative Code of 1929 and has concluded that there is no feasible and prudent alternative to the project as designed, and all reasonable steps have been taken to minimize effects.

RICHARD H. HOGG, P. E.,
Deputy Secretary for Highway Administration

[Pa.B. Doc. No. 06-1292. Filed for public inspection July 21, 2006, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Actions Taken by the Commission

The Independent Regulatory Review Commission met publicly at 10:30 a.m., Thursday, July 6, 2006, and announced the following:

Regulations Deemed Approved under section 5(g) of the Regulatory Review Act—Effective July 5, 2006

State Board of Veterinary Medicine #16A-5717: Biennial Renewal Fees (amends 49 Pa. Code § 31.41)

Regulations Approved:

Department of Community and Economic Development #4-86: Building Energy Conservation Standards (deletes 12 Pa. Code Chapter 147)

Department of Transportation #18-406: Emissions Inspection Program (amends 67 Pa. Code § 177.404)

Department of Revenue #15-425: Local Option Small Games of Chance (amends 61 Pa. Code Chapter 901)

State Board of Landscape Architects #16A-618: General Revisions (amends 49 Pa. Code Chapter 15)

State Board of Social Workers, Marriage and Family Therapists and Professional Counselors #16A-691: Sexual Misconduct (amends 49 Pa. Code Chapters 47—49)

State Board of Medicine #16A-4921: Respiratory Care Continuing Education (amends 49 Pa. Code Chapter 18)

Pennsylvania Public Utility Commission #57-233: Passenger Service and Property and Household Goods (amends 52 Pa. Code Chapters 29 and 31)

Approval Order

Public Meeting held
July 6, 2006

Commissioners Voting: Alvin C. Bush, Chairperson; Arthur Coccodrilli; David J. DeVries, Esq.; John F. Mizner, Esq., by phone

Department of Community and Economic Development—Building Energy Conservation Standards; Regulation No. 4-86

On May 24, 2006, the Independent Regulatory Review Commission (Commission) received this regulation from the Department of Community and Economic Development (Department). This rulemaking deletes 12 Pa. Code Chapter 147. Notice of proposed rulemaking was omitted for this regulation; it will become effective upon publication in the *Pennsylvania Bulletin*.

This regulation deletes the existing Chapter 147. This is necessary because Chapter 147 is outdated and inconsistent with the existing statutes. Chapter 147 was promulgated to implement the Building Energy Conservation Standards Act (Act 222 of 1980). This Act was repealed by the Pennsylvania Construction Code Act (Act 45 of 1999).

We have determined this regulation is consistent with the statutory authority of the Department (71 P. S. § 1709.306(a)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

Approval Order

Public Meeting held
July 6, 2006

Commissioners Voting: Alvin C. Bush, Chairperson; Arthur Coccodrilli; David J. DeVries, Esq.; John F. Mizner, Esq., by phone

Department of Transportation—Emissions Inspection Program; Regulation No. 18-406

On May 23, 2006, the Independent Regulatory Review Commission (Commission) received this regulation from the Department of Transportation (Department). This rulemaking amends 67 Pa. Code § 177.404. Notice of proposed rulemaking was omitted for this regulation; it will become effective upon publication in the *Pennsylvania Bulletin*.

This final-omitted rulemaking modifies signage requirements to include the posting of the fees for exemptions and emissions inspections.

We have determined this regulation is consistent with the statutory authority of the Department (75 Pa.C.S. §§ 4706 and 6103) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

Approval Order

Public Meeting held
July 6, 2006

Commissioners Voting: Alvin C. Bush, Chairperson; Arthur Coccodrilli; David J. DeVries, Esq.; John F. Mizner, Esq., by phone

Department of Revenue—Local Option Small Games of Chance; Regulation No. 15-425

On September 29, 2004, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Department of Revenue (Department). This rulemaking amends 61 Pa. Code Chapter 901. The proposed regulation was published in the October 9, 2004 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on May 26, 2006.

This regulation makes comprehensive changes to the Department's Small Games of Chance regulations. The changes incorporate legislative amendments made to the

Local Option Small Games of Chance Act in 1990 and 2000 and codify current policy and administrative practice of the Department.

We have determined this regulation is consistent with the statutory authority of the Department (10 P. S. § 319) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

Approval Order

Public Meeting held
July 6, 2006

Commissioners Voting: Alvin C. Bush, Chairperson; Arthur Coccodrilli; David J. DeVries, Esq.; John F. Mizner, Esq., by phone

State Board of Landscape Architects—General Revisions; Regulation No. 16A-618

On March 29, 2005, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Board of Landscape Architects (Board). This rulemaking amends 49 Pa. Code Chapter 15. The proposed regulation was published in the April 23, 2005 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on May 25, 2006.

This final-form rulemaking amends Chapter 15 to improve clarity, conform the regulation to actual Board practice and revise provisions related to registration without examination.

We have determined this regulation is consistent with the statutory authority of the Board (63 P. S. § 904(9)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

Approval Order

Public Meeting held
July 6, 2006

Commissioners Voting: Alvin C. Bush, Chairperson; Arthur Coccodrilli; David J. DeVries, Esq.; John F. Mizner, Esq., by phone

State Board of Social Workers, Marriage and Family Therapists and Professional Counselors—Sexual Misconduct; Regulation No. 16A-691

On August 23, 2004, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Board of Social Workers, Marriage and Family Therapists and Professional Counselors (Board). This rulemaking amends 49 Pa. Code Chapters 47, 48 and 49. The proposed regulation was published in the September 4, 2004 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on May 25, 2006.

This regulation prohibits sexual intimacies between licensees regulated by the Board and their clients or clients' immediate family members. It also prohibits a

licensee from accepting an individual as a client when the licensee has previously engaged in sexual intimacies with the individual.

We have determined this regulation is consistent with the statutory authority of the Board (63 P. S. § 1906(2)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

Approval Order

Public Meeting held
July 6, 2006

Commissioners Voting: Alvin C. Bush, Chairperson; Arthur Coccodrilli; David J. DeVries, Esq.; John F. Mizner, Esq., by phone

State Board of Medicine—Respiratory Care Continuing Education; Regulation No. 16A-4921

On September 26, 2005, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Board of Medicine (Board). This rulemaking amends 49 Pa. Code Chapter 18. The proposed regulation was published in the October 8, 2005 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on May 25, 2006.

This regulation implements Act 55 of 2004, which requires the Board to institute continuing education requirements for certified respiratory care practitioners.

We have determined this regulation is consistent with the statutory authority of the Board (63 P. S. § 422.36a(f)(1)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

Approval Order

Public Meeting held
July 6, 2006

Commissioners Voting: Alvin C. Bush, Chairperson; Arthur Coccodrilli; David J. DeVries, Esq.; John F. Mizner, Esq., by phone

Pennsylvania Public Utility Commission—Passenger Service and Property and Household Goods Carriers; Regulation No. 57-233

On June 16, 2004, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Pennsylvania Public Utility Commission (PUC). This rulemaking amends 52 Pa. Code Chapters 29 and 31. The proposed regulation was published in the June 26, 2004 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on May 17, 2006.

This regulation amends the PUC's existing regulations relating to common carriers of passengers and property, including household goods. The amendments are intended to delete obsolete provisions, make the regulations consistent with current industry practices and enhance consumer protection and safety.

We have determined this regulation is consistent with the statutory authority of the PUC (66 Pa.C.S.A. § 501(b)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

ALVIN C. BUSH,
Chairperson

[Pa.B. Doc. No. 06-1293. Filed for public inspection July 21, 2006, 9:00 a.m.]

Notice of Comments Issued

Section 5(g) of the Regulatory Review Act (71 P. S. § 745.5(g)) provides that the Independent Regulatory Review Commission (Commission) may issue comments within 30 days of the close of the public comment period. The Commission comments are based upon the criteria contained in section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b).

The Commission has issued comments on the following proposed regulation. The agency must consider these comments in preparing the final-form regulation. The final-form regulation must be submitted within 2 years of the close of the public comment period or it will be deemed withdrawn.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Close of the Public Comment Period</i>	<i>IRRC Comments Issued</i>
57-242	Pennsylvania Public Utility Commission Extended Area Service 36 Pa.B. 1886 (April 22, 2006)	6/6/06	7/6/06

**Pennsylvania Public Utility Commission Regulation #57-242 (IRRC #2534)
Extended Area Service
July 6, 2006**

We submit for your consideration the following comments on the proposed rulemaking published in the April 22, 2006 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P. S. § 745.5a(a)) directs the Pennsylvania Public Utility Commission (PUC) to respond to all comments received from us or any other source.

1. Section 63.71. Definitions.—Clarity.

Commentators have suggested that a definition for "Lost revenue" be added to this section. We agree and suggest the PUC define this term in the final-form regulation.

2. Section 63.72. Traffic usage studies.—Reasonableness; Clarity.

The terms “EAS complaint proceeding,” “EAS proceeding” and “proceeding” are used interchangeably throughout this section. The PUC should define “EAS Complaint Proceeding” or “EAS Proceeding” and use that term consistently.

Subsection (a)(4)

This subsection requires that the results of a traffic usage study be provided to the PUC or “an entity designated by the Commission.” PUC staff has indicated that, in most instances, the Incumbent Local Exchange Carrier (ILEC) would be the designated entity. This should be clearly stated in the final-form regulation.

Also, this subsection requires that the traffic usage study “measure calling in March or October preceding the date on which an administrative law judge directs that a traffic usage study be conducted.” Commentators have questioned the validity of measuring the preceding March or October traffic in every instance. We request that the PUC explain the basis for requiring data from the preceding March or October.

Subsection (c)

This subsection provides that an additional traffic usage study need not be conducted unless “unique circumstances” exist. What unique circumstances would require an additional traffic usages study?

Subsection (e)

This subsection is filled with sentences that start “The Commission staff will” It would be clearer if each of the tasks that the PUC staff will perform were enumerated.

3. Section 63.73. Customer polls.—Reasonableness; Clarity.

Under the proposed regulation, it is unclear if a formal complaint is the only way to initiate an EAS proceeding. Office of Consumer Advocate (OCA) suggests that the PUC create an alternative informal petition procedure. Has the PUC considered such a procedure? The final-form regulation should clearly set forth the procedures for initiating an EAS proceeding.

Subsections (f) and (g)

Under these subsections, only 25% of customers in an area need to vote affirmatively in order to prompt EAS. How did the PUC determine that this is the most appropriate percentage?

Subsection (h)

This subsection states “The Commission may specify additional conditions” What are these additional conditions? How will notification of these additional conditions be given?

4. Section 63.74. Cost recovery.—Consistency with statute; Reasonableness; Clarity.

Pennsylvania Telephone Association (PTA) asserts that a Chapter 30 plan supersedes other inconsistent provisions or laws of the Commonwealth. PTA also states that the EAS cost and revenue recovery in this section is already provided for in the ILEC’s Chapter 30 Plans because of the allowance of counting exogeneous events as part of cost and revenue recovery. The PUC should explain how cost recovery in Chapter 30 plans ties in with the provisions of this regulation.

Subsection (a)

This subsection contains the phrase, “. . . the costs must be prudently incurred and reasonable in amount.” What criteria are used to determine if costs were prudently incurred and reasonable?

Subsection (a)(3)

This subsection appears to be inconsistent with 66 P. S. §§ 1301 and 3016(f)(1). We question whether the PUC has the statutory authority to allow recovery of revenues lost through competitive services via an increase in its rates for noncompetitive services. The same concern also applies to Section 63.76(a)(2)(iii).

5. Section 63.76. Evaluation criteria.—Reasonableness; Clarity.

Subsection (a)(3)

OCA asserts that this is not an evaluation criterion and would be more appropriate if it were removed and placed in Section 63.74. We agree and suggest that the PUC make this change.

Subsection (a)(6)

This subsection contains the phrase “adequate and reasonably priced.” What criteria are used to determine if alternatives to EAS are “adequate and reasonably priced”?

ALVIN C. BUSH,
Chairperson

[Pa.B. Doc. No. 06-1294. Filed for public inspection July 21, 2006, 9:00 a.m.]

Notice of Filing of Final Rulemakings

The Independent Regulatory Review Commission (Commission) received the following regulation. It is scheduled to be considered on the date noted. The Commission’s public meetings are held at 333 Market St., 14th Floor, Harrisburg at 10:30 a.m. To obtain a copy of the regulation, interested parties should first contact the promulgating agency. If a copy cannot be obtained from the promulgating agency, the Commission will provide a copy.

This schedule is tentative. Please contact the Commission at (717) 783-5417 or check our website at www.irrc.state.pa.us for updates.

<i>Final- Form Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>	<i>Public Meeting</i>
17-68	Municipal Police Officers Education and Training Commission Administration of the Training Program	7/10/06	8/10/06

ALVIN C. BUSH,
Chairperson

[Pa.B. Doc. No. 06-1295. Filed for public inspection July 21, 2006, 9:00 a.m.]

INSURANCE DEPARTMENT

Eligible Surplus Lines Insurer List

Under section 1605(b) of The Insurance Company Law of 1921 (40 P. S. § 991.1605(b)), the Insurance Department publishes the most recent Eligible Surplus Lines Insurer List. This list replaces in its entirety the Eligible Surplus Lines Insurer List as of January 19, 2006, published at 36 Pa.B. 778 (February 11, 2006).

Persons who have any questions concerning this notice should contact Robert Brackbill, Chief, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, (717) 787-2735.

As of Monday, July 10, 2006

<i>Key No.</i>	<i>Company Name</i>	<i>Statutory Home Address</i>
48123	ACE EUROPEAN GROUP LIMITED	100 LEADENHALL STREET LONDON, Great Britain EC3A 3BP
10512	ADMIRAL INSURANCE COMPANY	1209 ORANGE STREET WILMINGTON, DE 19801
10513	ADRIATIC INSURANCE COMPANY	314 EAST THAYER AVENUE BISMARCK, ND 58501
39908	ALEA LONDON LIMITED	THE CORN EXCHANGE 55 MARK LANE LONDON, Great Britain EC3R7NE
40659	ALEA NORTH AMERICA SPECIALTY INSURANCE COMPANY	1209 ORANGE STREET WILMINGTON, DE 19801-1120
48099	ALLIANZ MARINE & AVIATION VERSICHERUNG AG	GROBER BURSTAH 3 HAMBURG, Germany D-20457
10516	ALLIANZ UNDERWRITERS INSURANCE COMPANY	2350 EMPIRE AVENUE BURBANK, CA 91504-3350
10535	ALLIED WORLD ASSURANCE COMPANY (U.S.) INC.	2711 CENTERVILLE ROAD SUITE 400 WILMINGTON, DE 19808
10519	AMERICAN EMPIRE SURPLUS LINES INSURANCE COMPANY	1209 ORANGE STREET WILMINGTON, DE 19801
10520	AMERICAN EQUITY INSURANCE COMPANY	2401 WEST PEORIA AVENUE PHOENIX, AZ 85029
36855	AMERICAN HEALTHCARE SPECIALTY INSURANCE COMPANY	425 W. CAPITOL AVENUE SUITE 1800 LITTLE ROCK, AR 72201
10521	AMERICAN INTERNATIONAL SPECIALTY LINES INSURANCE COMPANY	1400 WEST BENSON BOULEVARD SUITE 315 ANCHORAGE, AK 99503
63828	AMERICAN MODERN SURPLUS LINES INSURANCE COMPANY	7000 MIDLAND BLVD AMELIA, OH 45102-2607
18146	AMERICAN SAFETY INDEMNITY COMPANY	600 BANK OF OKLAHOMA PLAZA 201 ROBERT S. KERR AVENUE OKLAHOMA CITY, OK 73102
10522	AMERICAN WESTERN HOME INSURANCE COMPANY	600 BANK OF OKLAHOMA PLAZA OKLAHOMA CITY, OK 73102
10524	APPALACHIAN INSURANCE COMPANY	1301 ATWOOD AVENUE JOHNSTON, RI 02919-0500
33748	ARCH EXCESS & SURPLUS INSURANCE COMPANY	10306 REGENCY PARKWAY DRIVE OMAHA, NE 68113
10587	ARCH SPECIALTY INSURANCE COMPANY	300 FIRST STAMFORD PLACE STAMFORD, CT 06902
35611	ASPEN SPECIALTY INSURANCE COMPANY	316 NORTH FIFTH STREET BISMARCK, ND 58502
22348	ASSICURAZIONI GENERALI DI TRIESTE	PIAZZA DUCA DEGLI ABRUZZI, 2 TRIESTE, Italy 34132
22349	ASSOCIATED ELECTRIC & GAS INSURANCE SERVICES LIMITED	LIBERTY INTERNATIONAL 73 FRONT STREET, 3RD FLOOR HAMILTON, Bermuda HM11

<i>Key No.</i>	<i>Company Name</i>	<i>Statutory Home Address</i>
10525	ASSOCIATED INTERNATIONAL INSURANCE COMPANY	TEN PARKWAY NORTH DEERFIELD, IL 60015
41586	ATLANTIC CASUALTY INSURANCE COMPANY	400 COMMERCE COURT GOLDSBORO, NC 27534
10526	AUDUBON INDEMNITY COMPANY	C/O CORPORATION SERVICE COMPANY 506 SOUTH PRESIDENT STREET JACKSON, MS 39201
41562	AXA CORPORATE SOLUTIONS ASSURANCE	4 RUE JULES LEFEBVRE PARIS, France 75009
59554	AXIS SPECIALTY EUROPE LIMITED	MOUNT HERBERT COURT 34 UPPER MOUNT STREET DUBLIN , Ireland
10536	AXIS SPECIALTY INSURANCE COMPANY	ONE STATE STREET SUITE 1700 HARTFORD, CT 06103
10592	AXIS SURPLUS INSURANCE COMPANY	303 WEST MADISON SUITE 500 CHICAGO, IL 60606
63055	BERKSHIRE HATHAWAY INTERNATIONAL INSURANCE LIMITED	BIRCHIN COURT FOURTH FLOOR LONDON, Great Britain EC3V 9DU
22369	BRITISH AVIATION INSURANCE COMPANY LIMITED	FITZWILLIAM HOUSE 10 ST. MARY'S AXE LONDON, Great Britain EC3ABEQ
10528	CANAL INDEMNITY COMPANY	400 EAST STONE AVENUE GREENVILLE, SC 29601
48319	CAPITOL SPECIALTY INSURANCE CORPORATION	1600 ASPEN COMMONS MIDDLETON, WI 53562
48890	CATLIN INSURANCE COMPANY LTD.	CUMBERLAND HOUSE, 6TH FLOOR 1 VICTORIA STREET HAMILTON, Bermuda HM11
10529	CENTENNIAL CASUALTY COMPANY	2200 WOODCREST PLACE SUITE 200 BIRMINGHAM, AL 35209
10531	CENTURY SURETY COMPANY	465 CLEVELAND AVENUE WESTERVILLE, OH 43082
22371	CGU INTERNATIONAL INSURANCE PLC	ST. HELEN'S 1 UNDERSHAFT LONDON, Great Britain EC3P3DQ
10532	CHUBB CUSTOM INSURANCE COMPANY	C/O CORPORATE SERVICE COMPANY 2711 CENTERVILLE ROAD WILMINGTON, DE 19808-1645
18617	CLARENDON AMERICA INSURANCE COMPANY	224 WEST STATE STREET TRENTON, NJ 08608
10533	COLONY INSURANCE COMPANY	9201 FOREST HILL AVENUE SUITE 200 RICHMOND, VA 23235-6865
10582	COLONY NATIONAL INSURANCE COMPANY	9201 FOREST HILL AVENUE SUITE 200 RICHMOND, VA 23235-6865
10534	COLUMBIA CASUALTY COMPANY	CNA PLAZA CHICAGO, IL 60685
22388	COMMONWEALTH INSURANCE COMPANY	595 BURRARD STREET, SUITE 1500 BOX 49115 BENTALL TOWER THREE VANCOUVER, V7X 1G4
37372	CRUM & FORSTER SPECIALTY INSURANCE COMPANY	2999 NORTH 44TH STREET SHITE 250 PHOENIX, AZ 85018

<i>Key No.</i>	<i>Company Name</i>	<i>Statutory Home Address</i>
10600	DARWIN SELECT INSURANCE COMPANY	320 WEST CAPITAL STREET SUITE 1000 LITTLE ROCK, AR 72201-3525
37001	DISCOVER SPECIALTY INSURANCE COMPANY	200 NORTH LASALLE STREET CHICAGO, IL 60661
10541	EMPIRE INDEMNITY INSURANCE COMPANY	630 NE 63RD STREET OKLAHOMA CITY, OK 73105
10542	ESSEX INSURANCE COMPANY	1209 ORANGE STREET WILMINGTON, DE 19801
10543	EVANSTON INSURANCE COMPANY	TEN PARKWAY NORTH DEERFIELD, IL 60015
10544	EVEREST INDEMNITY INSURANCE COMPANY	CORPORATION TRUST CENTER 1209 ORANGE STREET WILMINGTON, DE 19801
10545	EXECUTIVE RISK SPECIALTY INSURANCE COMPANY	82 HOPMEADOW STREET SIMSBURY, CT 06070-7683
10547	FIREMAN'S FUND INSURANCE COMPANY OF OHIO	312 WALNUT STREET SUITE 1100 CINCINNATI, OH 45202
10548	FIRST FINANCIAL INSURANCE COMPANY	528 SOUTH FIFTH STREET SUITE 210 SPRINGFIELD, IL 62701-1822
10549	FIRST MERCURY INSURANCE COMPANY	ONE SOUTH WACKER DRIVE SUITE 2740 CHICAGO, IL 60606
10550	FIRST SPECIALTY INSURANCE CORPORATION	237 EAST HIGH STREET JEFFERSON CITY, MO 65102
18477	GEMINI INSURANCE COMPANY	CORPORATION TRUST CENTER 1209 ORANGE STREET WILMINGTON, DE 19801
10553	GENERAL AGENTS INSURANCE COMPANY OF AMERICA, INC.	115 SOUTHWEST 89TH STREET OKLAHOMA CITY, OK 73139
10552	GENERAL SECURITY INDEMNITY COMPANY OF ARIZONA	3225 NORTH CENTRAL AVENUE PHOENIX, AZ 20559
10554	GENERAL STAR INDEMNITY COMPANY	695 EAST MAIN STREET P. O. BOX 10354 STAMFORD, CT 06904-2354
22411	GENERALI ASSURANCES IARD	7 BOULEVARD HAUSSMAN PARIS, France 75009
10555	GENESIS INDEMNITY INSURANCE COMPANY	316 NORTH FIFTH STREET BISMARCK, ND 58501
44715	GLENCOE INSURANCE LIMITED	RENAISSANCE HOUSE 8 EAST BROADWAY HAMILTON, Bermuda HM GX
10556	GOTHAM INSURANCE COMPANY	919 THIRD AVENUE 10TH FLOOR NEW YORK, NY 10022
10514	GREAT AMERICAN E & S INSURANCE COMPANY	THE CORPORATION TRUST COMPANY 1209 ORANGE STREET WILMINGTON, DE 19801
10518	GREAT AMERICAN FIDELITY INSURANCE COMPANY	THE CORPORATION TRUST COMPANY 1209 ORANGE STREET WILMINGTON, DE 19801
10540	GREAT AMERICAN PROTECTION INSURANCE COMPANY	580 WALNUT STREET CINCINNATI, OH 45204

<i>Key No.</i>	<i>Company Name</i>	<i>Statutory Home Address</i>
22412	GREAT LAKES REINSURANCE (UK) PLC	UPPER GROUND FLOOR 1 MINSTER COURT MINCING LANE LONDON, Great Britain EC3R7AA
36489	GUILFORD INSURANCE COMPANY	528 SOUTH FIFTH STREET SUITE 210 SPRINGFIELD , IL 62701-1822
10557	GULF UNDERWRITERS INSURANCE COMPANY	ONE TOWER SQUARE HARTFORD, CT 06183
44169	HOMELAND INSURANCE COMPANY OF NEW YORK	201 NORTH SERVICE ROAD MELVILLE, NY 11747
10559	HOUSTON CASUALTY COMPANY	13403 NORTHWEST FREEWAY HOUSTON, TX 77040
37373	HUDSON SPECIALTY INSURANCE COMPANY	17 STATE STREET 29TH FLOOR NEW YORK, NY 10004
10560	ILLINOIS EMCASCO INSURANCE COMPANY	717 MULBERRY STREET DES MOINES, IA 50309-3872
10561	ILLINOIS UNION INSURANCE COMPANY	525 WEST MONROE STREET CHICAGO, IL 60631
10562	INDIAN HARBOR INSURANCE COMPANY	CT CORPORATION SYSTEM 314 EAST THAYER AVENUE BISMARCK, ND 58501
10563	INEX INSURANCE EXCHANGE	1 SOUTH WACKER DRIVE SUITE 2720 CHICAGO, IL 60606-4617
45736	INTEGON SPECIALTY INSURANCE COMPANY	500 WEST FIFTH STREET WINSTON-SALEM, NC 27152
28076	INTERNATIONAL INSURANCE CO OF HANNOVER, LTD	L'AVENIR OPLADEN WAY, BRACKNELL BERKSHIRE, Great Britain UK RG12 OPH
10564	INTERSTATE FIRE & CASUALTY COMPANY	33 WEST MONROE CHICAGO, IL 60603
10566	ITT PACIFIC INSURANCE COMPANY	HARTFORD PLAZA HARTFORD, CT 06115
10546	JAMES RIVER INSURANCE COMPANY	52 EAST GAY STREET COLUMBUS, OH 43215
8967	LANDMARK AMERICAN INSURANCE COMPANY	115 S.W. 89TH STREET OKLAHOMA CITY, OK 73139-8501
10567	LANDMARK INSURANCE COMPANY	2730 GATEWAY OAKS DRIVE SUITE 100 SACRAMENTO, CA 95833
45576	LANTANA INSURANCE LTD.	RENAISSANCE HOUSE 8-12 EAST BROADWAY HAMILTON, Bermuda HM 19
10569	LEXINGTON INSURANCE COMPANY	2711 CENTERVILLE ROAD SUITE 400 WILMINGTON, DE 19808
22415	LIBERTY MUTUAL INSURANCE EUROPE LIMITED	3TH FLOOR, TWO MINSTER COURT MINCING LANE LONDON, Great Britain EC3R 7YE
18457	LIBERTY SURPLUS INSURANCE CORPORATION	175 BERKELEY STREET BOSTON, MA 02117
22416	LLOYD'S (UNDERWRITERS AT)	ONE LIME STREET LONDON, Great Britain EC3M7HA
22417	LONDON AND EDINBURGH INSURANCE COMPANY LIMITED	8 SURREY STREET NORWICH NR1 3NG ENGLAND, Great Britain EC3M5BT

<i>Key No.</i>	<i>Company Name</i>	<i>Statutory Home Address</i>
22418	MARINE INSURANCE COMPANY LIMITED	ST MARKS COURT. CHART WAY HORSHAM, WEST SUSSEX ENGLAND, Great Britain RH 12 1XL
22455	MARKEL INTERNATIONAL INSURANCE COMPANY LIMITED	THE MARKEL BUILDING 49 LEADENHALL STREET LONDON, Great Britain EC3A2EA
10527	MAXUM INDEMNITY COMPANY	1209 ORANGE STREET WILMINGTON, DE 19801
10570	MONTICELLO INSURANCE COMPANY	1209 ORANGE STREET WILMINGTON, DE 19801
10571	MT. HAWLEY INSURANCE COMPANY	9025 N. LINDBERGH DRIVE PEORIA, IL 61615
10572	NAMIC INSURANCE COMPANY, INC.	3601 VINCENNES ROAD INDIANAPOLIS, IN 46268
10573	NATIONAL FIRE & MARINE INSURANCE COMPANY	3024 HARNEY STREET OMAHA, NE 68131-3580
10574	NAUTILUS INSURANCE COMPANY	7233 E. BUTHERUS DRIVE SCOTTSDALE, AZ 85260
10575	NIC INSURANCE COMPANY	ONE PENN PLAZA 55TH FLOOR NEW YORK, NY 10119-0002
10537	NOETIC SPECIALTY INSURANCE COMPANY	115 SOUTH LASALLE STREET CHICAGO, IL 60603
10576	NORTH AMERICAN CAPACITY INSURANCE COMPANY	650 ELM STREET MANCHESTER, NH 03101-2524
10577	NORTHFIELD INSURANCE COMPANY	1270 OFFICE PLAZA DRIVE WEST DES MOINES, IA 50266
10578	NUTMEG INSURANCE COMPANY	HARTFORD PLAZA HARTFORD, CT 06115
22421	OCEAN MARINE INSURANCE COMPANY LIMITED	ST. HELEN'S 1 UNDERSHAFT LONDON, Great Britain EC3P3DQ
10579	OLD REPUBLIC UNION INSURANCE COMPANY	307 NORTH MICHIGAN AVENUE CHICAGO, IL 60601
10580	PACIFIC INSURANCE COMPANY	CNA CENTER 333 S. WABASH AVENUE CHICAGO, IL 60685
58179	PENN-PATRIOT INSURANCE COMPANY	11 SOUTH 12TH STREET P. O. BOX 1463 RICHMOND, VA 23218
23150	PRINCETON EXCESS AND SURPLUS LINES INSURANCE COMPANY	2711 CENTERVILLE ROAD SUITE 400 WILMINGTON, DE 19808
10583	PROFESSIONAL UNDERWRITERS LIABILITY INSURANCE COMPANY	50 WEST BROADWAY SALT LAKE CITY, UT 84101
22449	QBE INSURANCE (EUROPE) LIMITED	PLANTATION PLACE 30 FENCHURCH STREET LONDON, Great Britain EC3M 3BD
47448	QBE SPECIALTY INSURANCE COMPANY	314 EAST THAYER AVENUE BISMARCK, ND 58501
53074	QUANTA SPECIALTY LINES INSURANCE COMPANY	3500 DEPAUW BOULEVARD SUITE 3050 INDIANAPOLIS, IN 46268
44436	RED MOUNTAIN CASUALTY INSURANCE COMPANY, INC.	100 BROOKWOOD PLACE SUITE 500 BIRMINGHAM, AL 35209
10603	ROCKHILL INSURANCE COMPANY	40 NORTH CENTRAL AVENUE PHOENIX, AZ 85004

<i>Key No.</i>	<i>Company Name</i>	<i>Statutory Home Address</i>
10588	ROYAL SURPLUS LINES INSURANCE COMPANY	9 FARM SPRINGS ROAD FARMINGTON, CT 06032
10589	SAFECO SURPLUS LINES INSURANCE COMPANY	SAFECO PLAZA SEATTLE, WA 98185
10590	SAVERS PROPERTY AND CASUALTY INSURANCE COMPANY	700 WEST 47TH STREET KANSAS CITY, MO 64112-1802
10591	SCOTTSDALE INSURANCE COMPANY	ONE NATIONWIDE PLAZA COLUMBUS, OH 43215
44276	SENECA SPECIALTY INSURANCE COMPANY	2999 NORTH 44TH STREET SUITE 250 PHOENIX, AZ 85018-7256
33514	SIRIUS INTERNATIONAL INSURANCE CORPORATION	BIRGER JARISGATAN 57B STOCKHOLM, Sweden SE 113 96
10565	SPECIALTY SURPLUS INSURANCE COMPANY	1 KEMPER DRIVE LONG GROVE, IL 60049-0001
22453	SR INTERNATIONAL BUSINESS INSURANCE COMPANY LIMITED	30 ST. MARY AXE LONDON, Great Britain EC3A8EP
10593	ST. PAUL SURPLUS LINES INSURANCE COMPANY	32 LOOCKERMAN SQUARE Suite L-100 DOVER, DE 19901
38980	STARR EXCESS LIABILITY INSURANCE COMPANY, LTD.	2711 CENTERVILLE ROAD SUITE 400 WILMINGTON, DE 19808
10594	STEADFAST INSURANCE COMPANY	SUITE 202 32 LOOCKERMAN SQUARE DOVER, DE 19901
54486	THROUGH TRANSPORT MUTUAL INSURANCE ASSOCIATION (EURASIA) LIMITED	INTERNATIONAL HOUSE CREECHURCH LANE LONDON, Great Britain EC3A 5BA
10596	TIG SPECIALTY INSURANCE COMPANY	777 ARNOLD DRIVE SUITE 200 MARTINEZ, CA 94553
63338	TRADERS & PACIFIC INSURANCE COMPANY	1209 ORANGE STREET WILMINGTON, DE 19801
10597	TRAVELERS EXCESS AND SURPLUS LINES COMPANY	ONE TOWER SQUARE HARTFORD, CT 06183
10598	TUDOR INSURANCE COMPANY	91 COURT STREET KEENE, NH 03431
10599	U. S. UNDERWRITERS INSURANCE COMPANY	316 NORTH FIFTH STREET SIXTH FLOOR BISMARCK, ND 58501
44120	UNITED NATIONAL CASUALTY INSURANCE COMPANY	5253 HOHMAN AVENUE PO BOX 1150 HAMMOND, IN 46320
10558	UNITED NATIONAL SPECIALTY INSURANCE COMPANY	411 EAST WISCONSIN AVENUE SUITE 700 MILWAUKEE, WI 53202
58119	USF&G SPECIALTY INSURANCE COMPANY	1340 SMITH AVENUE SUITE 200 BALTIMORE, MD 21209
52712	VICTORIA INSURANCE COMPANY	2301 E.LAMAR BOULEVARD 5TH FLOOR ARLINGTON, TX 76006
10605	VOYAGER INDEMNITY INSURANCE COMPANY	260 INTERSTATE NORTH CIRCLE NW ATLANTA, GA 30339
63239	WELLINGTON SPECIALTY INSURANCE COMPANY	160 GREENTREE DRIVE SUITE 101 DOVER, DE 19904

<i>Key No.</i>	<i>Company Name</i>	<i>Statutory Home Address</i>
10607	WESTCHESTER SURPLUS LINES INSURANCE COMPANY	500 COLONIAL CENTER PARKWAY SUITE 200 ROSWELL, GA 30076
10608	WESTERN HERITAGE INSURANCE COMPANY	6263 N. SCOTTSDALE ROAD SUITE 240 SCOTTSDALE, AZ 85250
10610	WESTERN WORLD INSURANCE COMPANY	91 COURT STREET KEENE, NH 03431
49219	WILSHIRE INSURANCE COMPANY	702 OBERLIN ROAD RALEIGH, NC 27605-0800
52746	WIND RIVER INSURANCE COMPANY, LTD.	VICTORIA HALL 11 VICTORIA STREET P. O. BOX HM 1826 HAMILTON, Bermuda HM HX
10604	XL SELECT INSURANCE COMPANY	735 FIRST NATIONAL BUILDING OKLAHOMA CITY, OK 73102
10611	ZC SPECIALTY INSURANCE COMPANY	400 WEST 15TH STREET SUITE 710 AUSTIN, TX 78701
22461	ZURICH INTERNATIONAL (BERMUDA) LIMITED	WELLESLEY HOUSE 90 PITT'S BAY ROAD P. O. BOX HM 2268 HAMILTON, Bermuda HMJX
22462	ZURICH SPECIALTIES LONDON LIMITED	THE ZURICH BUILDING 90 FENCHURCH STREET LONDON, Great Britain EC3M4JX

Total Companies: 144

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 06-1296. Filed for public inspection July 21, 2006, 9:00 a.m.]

GEICO General Insurance Company; Automobile, Motorcycle and Umbrella Liability Manual Revision; Rate Filing

On June 22, 2006, the Insurance Department (Department) received from GEICO General Insurance Company a filing for the proposed rate level and rule changes for automobile, motorcycle and umbrella liability manuals.

On July 6, 2006, the Department received an amendment to the filing.

The company requests an overall 1.12% decrease amounting to \$606,000 annually, to be effective August 3, 2006, for new business and October 1, 2006, for renewal business.

Unless formal administrative action is taken prior to August 21, 2006, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Department's website at www.ins.state.pa.us. Under the Quick Links section, click on the link "Rate Filings Published in the PA Bulletin."

A copy of the filing is also available for public inspection, by appointment, during normal working hours at the Department's regional office in Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections to Xiaofeng Lu, Insurance Department, Insurance Product Regulation and

Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, xlu.state.pa.us within 15 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 06-1297. Filed for public inspection July 21, 2006, 9:00 a.m.]

LIQUOR CONTROL BOARD

Expiration of Leases

The following Liquor Control Board leases will expire:

Chester County, Wine & Spirits Shoppe #1519, The Shops at Great Valley, 20 Liberty Boulevard, Malvern, PA 19355.

Lease Expiration Date: March 31, 2007

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 2,250 net useable square feet of new or existing retail commercial space. The location must be within a 1/2-mile radius of the intersection of Routes 202 and 29, Malvern.

Proposals due: August 11, 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

Northampton County, Wine & Spirits Shoppe #4804, Stefko Shopping Center, 1844 Stefko Boulevard, Bethlehem, PA 18017

Lease Expiration Date: 90-day status since 8-2004

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 6,400 net useable square feet of new or existing retail commercial space. The location must be along Stefko Boulevard between Easton Avenue to the north and the Lehigh River to the south, Bethlehem.

Proposals due: August 11, 2006, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, Brandywine Plaza, 2223 Paxton Church Road, Harrisburg, PA 17110-9661
Contact: Matthew L. Sweeney, (717) 657-4228

JONATHAN H. NEWMAN,
Chairperson

[Pa.B. Doc. No. 06-1298. Filed for public inspection July 21, 2006, 9:00 a.m.]

MILK MARKETING BOARD

Hearing and Presubmission Schedule for All Milk Marketing Areas; Paper Containers

Under the Milk Marketing Law (31 P. S. §§ 700j-101—700j-1302), the Milk Marketing Board (Board) will conduct a public hearing for Milk Marketing Areas 1—6 on September 6, 2006, at 10:30 a.m. in Room 202, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA.

The purpose of the hearing is to receive testimony and exhibits concerning the cost of paper containers in each milk marketing area and the effect of paper container costs on minimum wholesale and retail prices.

The staff of the Board is deemed to be a party to this hearing, and the attorney representing staff is deemed to have entered his appearance. Other persons who wish to present evidence may be included on the Board's list of parties by: (1) having their attorney file with the Board on or before 4 p.m. on August 11, 2006, a notice of appearance substantially in the form prescribed by 1 Pa. Code § 31.25 (relating to form of notice of appearance); or (2) if unrepresented by counsel, filing with the Board on or before 4 p.m. on August 11, 2006, notification of their wish to be included as a party. Parties may indicate in their notices of appearance if alternate means of service, that is, e-mail or fax, are acceptable.

The parties shall observe the following requirements for advance filing of witness information and exhibits:

1. By 4 p.m. on August 23, 2006, each party shall file with the Board, in person or by mail, one original and eight copies and ensure receipt by all other parties of one copy of:

a. A list of witnesses who will testify for the party, along with a statement of the subjects concerning which

each witness will testify. A witness who will be offered as an expert shall be so identified, along with the witness's area or areas of proposed expertise. For expert witnesses there shall also be filed a statement of the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion.

b. Each exhibit to be presented, including testimony to be offered in written form.

2. By 4 p.m. on August 30, 2006, each party shall file and serve as set forth in paragraph 1 information concerning rebuttal witnesses and copies of rebuttal exhibits.

The Board may exclude witnesses or exhibits of a party that fails to comply with these requirements. In addition, the parties shall have available in the hearing room at least 20 additional copies made available for the use of nonparties attending the hearing.

Parties that wish to offer in evidence documents on file with the Board, public documents records in other proceedings before the Board, or wish the Board to take official notice of facts, shall comply with, respectively, 1 Pa. Code § 35.164, § 35.165, § 35.167 or § 35.173. Whenever these rules require production of a document as an exhibit, copies shall be provided to each Board member and to all other parties; in addition, at least 20 copies shall be available for distribution to nonparties attending the hearing.

Requests by parties for Board staff to provide data pertinent to the hearing shall be made in writing and received in the Board office by 4 p.m. on August 16, 2006.

The filing address for the Board is Milk Marketing Board, Room 110, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA 17110.

KEITH BIERLY,
Secretary

[Pa.B. Doc. No. 06-1299. Filed for public inspection July 21, 2006, 9:00 a.m.]

PATIENT SAFETY AUTHORITY

Public Meeting

The Patient Safety Authority (Authority), established by section 303 of the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. § 1303.303), enacted on March 20, 2002, will hold a meeting of the Authority's 11 member Board of Directors on Tuesday, August 8, 2006, at 10:30 a.m. in the Wildwood Conference Center, Harrisburg Area Community College, One HACC Drive, Harrisburg, PA.

Individuals having questions regarding this meeting, which is open to the public, should contact the Authority at (717) 346-0469.

ALAN B. K. RABINOWITZ,
Administrator

[Pa.B. Doc. No. 06-1300. Filed for public inspection July 21, 2006, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by August 14, 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-00122935. Carl E. Hackman (14 Brookside Circle, Myerstown, Lebanon County, PA 17067)—persons, in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in the Borough of Myerstown, Lebanon County, and within an airline distance of 10 statute miles of said borough, to points in Pennsylvania, and return.

A-00122946. Paul A. Bishop (318 Bells Mills Cloe Road, Punxsutawney, Jefferson County, PA 15767)—persons in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in the Counties of Jefferson and Indiana to points in Pennsylvania, and return.

A-00122949. Gerald E. McKee (932 Rife Run Road, Manheim, Lancaster County, PA 17545)—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-00122950. Georgia Ann Stull (127 Poe Street, Belleville, Mifflin County, PA 17004)—persons in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in the County of Mifflin to points in Pennsylvania, and return.

A-00122959. Denise S. Polydor t/a Polydor Services (113 Dairy Lane, Ellwood City, Beaver County, PA 16117)—persons in limousine service, from points in the Counties of Allegheny and Beaver, to points in Pennsylvania, and return.

Application of the following for *amendment to the certificate of public convenience approving the operation of motor vehicles as common carriers for transportation of persons as described under the application.*

A-00121720, F.1, Am-B. Leonard R. Lewandowski t/a D & L Cab Co. (106 Morningside Drive, Red Lion, York County, PA 17356)—a corporation of the Commonwealth for amendment to his common carrier certificate, to transport, by motor vehicle, persons, upon call or

demand in the Boroughs of Red Lion, Dallastown, Jacobus, Windsor, Loganville, Winterstown, Glen Rock, Shrewsbury, Stewartstown, Felton, Cross Roads and Yoe and the Townships of York, Springfield, Shrewsbury, Windsor, North Hopewell, East Hopewell and Hopewell, all located in York County, et al.; *So As To Permit:* persons upon call or demand in the County of York.

Applications of the following for approval of the *beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of persons by transfer of rights as described under each application.*

A-00122951. Jetway Transport, Inc. (2147 Benson Street, 1st Floor, Philadelphia, Philadelphia County, PA 19152), a corporation of the Commonwealth—persons upon call or demand: (1) in the Borough of Narberth, and that portion of Lower Merion Township, Montgomery County, beginning at the joinder of the Schuylkill River and City Line Avenue, thence northwardly along the Schuylkill River to its joinder with Mill Creek Road, thence westward along Mill Creek Road to its intersection with Gulph Road, then southwardly along Gulph Road to its intersection with Gypsy Lane, thence southeastwardly along Gypsy Lane and its merger with Wynnewood Avenue to its intersection with City Line Avenue, thence eastwardly along City Line Avenue to the point of beginning; subject to the following condition: That no right, power or privilege is granted to originate service from City Line Avenue addresses on the Montgomery County side of City Line Avenue from the Route 76 exit to Old Lancaster Road; (2) in the Townships of Marple, Upper Providence and Newtown, Delaware County, and that part of Lower Merion Township, Montgomery County, on and east of a line beginning at Waverly Road and the Schuylkill River, thence southeastwardly along Waverly Road to its intersection with Morris Avenue, then southeastwardly along Morris Avenue to its intersection with Old Gulph Road, then westward along Old Gulph Road to its merger with Roberts Road, then southward along Roberts Road to the Montgomery-Delaware County Line; (3) in the Boroughs of Conshohocken and West Conshohocken, Montgomery County; the Township of Radnor, Delaware County and the Township of Tredyffrin, Chester County, provided, however, that the transportation in Tredyffrin Township, Chester County, be limited to the following: Al E Gators Restaurant, Steak & Ale Restaurant, Chesterbrook Corporate Center, West Lake Business Center, The Woods Center, Crossroads Business Park, Vanguard Corporation and Devon Marriott Courtyard; and (4) in the Townships of Tredyffrin, Easttown, Willistown, East Whiteland, West Whiteland, Charlestown, East Goshen and the Borough of Malvern, all located in Chester County, and the Township of Upper Merion, Montgomery County; which is to be a transfer of all the rights authorized under the certificate issued at A-00120685, F.1 to Sheff Transport, LLC t/a Main Line Taxi, subject to the same limitations and conditions.

A-00122951, F.2. Jetway Transport, Inc. (2147 Benson Street, 1st Floor, Philadelphia, Philadelphia County, PA 19152), a corporation of the Commonwealth—persons in limousine service, between points in this Commonwealth; which is to be a transfer of all the rights authorized under the certificate issued at A-00120685, F.2 to Sheff Transport, LLC t/a Main Line Taxi, subject to the same limitations and conditions.

A-00122958. Richard J. Fluehr t/a Fluehr Funeral Home (864 Bristol Pike, Bensalem, Bucks County, PA 19020)—persons in limousine service, between points in

this Commonwealth; which is to be a transfer of all of the limousine operating rights of Terranova Funeral Home, Inc., under the certificate issued at A-00114012, subject to the same limitations and conditions.

Application of the following for approval of the additional right and privilege of operating motor vehicles as common carriers for transportation of persons as described under the application.

A-00122224, F.3. Donald E. West t/a Don's Taxi Service (P. O. Box 564, Manheim, Lancaster County, PA 17545)—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.

Applications 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 each application.

A-00096669, F.2. Country Trails Bus Company, Inc. (139 Bauer Road, Clarion, Clarion County, PA 16214), a corporation of the Commonwealth—certificate of public Convenience to abandon/discontinue the rights to transport, as a common carrier by motor vehicle, persons in paratransit service, between points in the Counties of Clarion, Jefferson and Forest; subject to the following conditions: (1) The service herein authorized is limited to transportation in vehicles having a seating capacity not to exceed 15 persons, including the driver; (2) The service herein authorized is limited to transportation for which advanced reservations are made for transportation in a vehicle not reserved for individual use; (3) That no right, power or privilege is granted to provide schedule route service as defined in 52 Pa. Code § 29.14; (4) That no right, power or privilege is granted to transport groups and parties of persons or persons on special excursions or tours or sightseeing trips as defined in 52 Pa. Code § 29.16; (5) that no right, power or privilege is granted to transport employees of Chessie System or of the Consolidated Rail Corporation.

A-00096669, F.3. Country Trails Bus Company, Inc. (139 Bauer Road, Clarion, Clarion County, PA 16214), a corporation of the Commonwealth—certificate of public Convenience to abandon/discontinue the rights to transport, as a common carrier by motor vehicle, persons on schedule over the following routes: (1) Beginning at the intersection of Railroad Street and Fourth Avenue to the intersection of Wood Street in the Borough of Clarion, thence on Wood Street to the intersection of Grand Avenue, thence on Grand Avenue to the college dormitory designated as Forest Manor, and vice versa; using South Street, parallel to Wood Street, inasmuch as Wood Street is a one-way street; (2) Beginning at Forest Manor Dormitory in the Borough of Clarion, thence on Grand Avenue to the intersection with Wood Street, thence on Wood Street to the intersection with Ninth Avenue, thence on Ninth Avenue to the intersection with East Main Street, thence on East Main Street to Highway Route 322 to Jamesway Shopping Center in Clarion Township, and vice versa; (3) Beginning at Chandler Hall in the Borough of Clarion, thence on Wood Street to the intersection with Ninth Avenue, thence on Ninth Avenue to the intersection with Liberty Street, thence on Liberty Street to the entrance of Eagles Football Field in the Borough of Clarion, thence on First Street to the intersection with West Main Street, thence on West Main Street to the intersection with Second Avenue, thence on Second Avenue to the intersection with South Street, thence on

South Street to the intersection with Eighth Avenue and Greenville Avenue, thence on Greenville Avenue to the intersection with Payne Street, thence on Payne Street to Chandler Hall, all with the Borough of Clarion; (4) Beginning in the Borough of Brookville, Jefferson County, thence by various Borough streets to Interstate Highway Route 80 (Exit 13), thence west by Interstate Highway Route 80 to Exit 10, thence northwest by unnumbered highway route to the Borough of Clarion, Clarion County, thence southeast by the same unnumbered highway route to its intersection with SR 66, thence southwest by SR 66 to the Borough of New Bethlehem, Clarion County, thence southwest by SR 66 becoming SR 28 to its termination in the City of Pittsburgh, Allegheny County, thence returning over the same routes to the place of beginning.

A-00101691, F.2. Schrock, Inc. (118 Schrock Drive, Berlin, Somerset County, PA 15530)—discontinuance of service—persons, in paratransit service, between points in Somerset County, PA.

A-00118014. Robert Kerr Associates, Inc. t/a United Limousine and Transportation Service (21 School Avenue, Somerset, NJ 08873)—discontinuance of service—persons, in limousine service, between points in Pennsylvania.

A-00109425, F.3. Barker Brothers, Inc. t/a Pittsburgh North Aire Ride (11670 SR 85, Kittanning, Armstrong County, PA 16201), a corporation of the Commonwealth—Certificate of Public Convenience to abandon/discontinue the rights to transport, as a common carrier by motor vehicle, persons in airport transfer service, from points in the Borough of Kittanning, Armstrong County, and within an airline distance of 35 statute miles of the limits thereof, to the Allegheny County Airport, in the Borough of West Mifflin, Allegheny County, and the Greater Pittsburgh International Airport, in the Township of Findlay, Allegheny; subject to the following conditions: that no right, power or privilege is granted to provide service from points in Westmoreland County lying on and south of SR 286, or between points in Allegheny County. *Attorney:* James Norris, 600 Grant Street, 44th Floor, Pittsburgh, PA 15219.

A-00113735, F.2. Valvano's Limousine, Inc. (R. D. 1, Box 476A, Whites Ferry Road, Falls, Wyoming County, PA 18695), a corporation of the Commonwealth—Certificate of Public Convenience to abandon/discontinue the rights to transport, as a common carrier by motor vehicle, persons in group and party service, in vehicles seating 15 passengers or less, including the driver, between points in the Counties of Wyoming, Luzerne, Lackawanna, Susquehanna, Bradford and Sullivan, and from points in said counties, to points in Pennsylvania, and return.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 06-1301. Filed for public inspection July 21, 2006, 9:00 a.m.]

Telecommunications Service

A-311397F0002AMA, A-311397F0002AMB and A-311397F0002AMC. Blue Ridge Digital Phone Company. Application of Blue Ridge Digital Phone Company for approval to provide telecommunications services as a facilities-based competitive local exchange carrier in the service territories of Alltel Pennsylvania, Inc., Commonwealth Telephone Company and Palmerton Telephone Company.

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 August 7, 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: Blue Ridge Digital Phone Company

Through and By Counsel: Pamela C. Polacek, Esquire, McNees Wallace and Nurick, LLC, P. O. Box 1166, 100 Pine Street, Harrisburg, PA 17108-1166

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 06-1302. Filed for public inspection July 21, 2006, 9:00 a.m.]

Telecommunications Service

A-311281F0002AMA, A-311281F0002AMB and A-311281F0002AMC. CityNet Pennsylvania, LLC. Application of CityNet Pennsylvania, LLC for approval to offer, render, furnish or supply telecommunications services as a facilities-based reseller of competitive local exchange services to the public in the service territories of Alltel Pennsylvania, Inc., Commonwealth Telephone Company and North Pittsburgh Telephone Company.

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 August 7, 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: CityNet Pennsylvania, LLC

Through and By Counsel: Brett P. Ferenchak, Esquire, Bingham McCutchen, LLP, 3000 K Street NW, Suite 300, Washington DC 20007

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 06-1303. Filed for public inspection July 21, 2006, 9:00 a.m.]

Wastewater Service

A-230107. Schoolhouse Road Wastewater Company. Application of Schoolhouse Road Wastewater Company for approval to begin to offer, render, furnish or supply wastewater service to the public in Licking Creek Township, Fulton County, PA.

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 August 7, 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: Schoolhouse Road Water Company

Through: Lee and Joyce Mummau, 14192 Day Avenue, Mt. Airy, MD 21771

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 06-1304. Filed for public inspection July 21, 2006, 9:00 a.m.]

Water Service

A-212285F0137. Pennsylvania-American Water Company. Application of Pennsylvania-American Water Company for approval of the right to offer, render, furnish or supply water service to the public in additional portions of Forward Township, Butler County, PA.

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 August 7, 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: Pennsylvania-American Water Company

Through and By Counsel: Velma A. Redmond, Esquire, Susan Simms Marsh, Esquire, 800 West Hersheypark Drive, Hershey, PA 17033

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 06-1305. Filed for public inspection July 21, 2006, 9:00 a.m.]

Water Service

A-210125. Schoolhouse Road Water Company. Application of Schoolhouse Road Water Company for approval to begin to offer, render, furnish or supply water service to the public in Licking Creek Township, Fulton County, PA.

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 August 7, 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: Schoolhouse Road Water Company

Through: Lee and Joyce Mummau, 14192 Day Avenue, Mt. Airy, MD 21771

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 06-1306. Filed for public inspection July 21, 2006, 9:00 a.m.]

PHILADELPHIA REGIONAL PORT AUTHORITY

Request for Bids

The Philadelphia Regional Port Authority (PRPA) will accept bids for Project #06-103.P, (PRPA Diary/Calendar), until 2 p.m. on Thursday, August 10, 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 August 1, 2006. PRPA is an equal opportunity employer. Contractors must comply with all applicable equal employment opportunity laws and regulations.

JAMES T. MCDERMOTT, Jr.,
Executive Director

[Pa.B. Doc. No. 06-1307. Filed for public inspection July 21, 2006, 9:00 a.m.]

STATE BOARD OF EDUCATION

Approval of PSSA Performance Level Descriptors, Performance Level Cut Scores and Assessment Anchor Content Standards

At its regular public meeting held June 29, 2006, the State Board of Education (Board) approved new Pennsylvania System of School Assessment (PSSA) performance level descriptors and performance level cut scores for certain grades recommended to the Board by the Department of Education (Department). The approved performance level descriptors and PSSA performance level cut scores are based upon the recommendations of teachers, administrators, university faculty and intermediate unit staff who participated in multi-day workshops facilitated by the Department's assessment contractor. The Board also adopted two sets of PSSA assessment anchors as the PSSA Assessment Anchor Content Standards that identify the material assessed on the PSSA.

The performance level cut scores for writing in grades 5, 8 and 11 were developed on account of a change in the grade levels at which the writing assessment is administered and also a revision in test design. The writing assessment was previously administered in grades 6, 9 and 11.

The performance level cut scores for reading and mathematics in grades 4, 6 and 7 were established for the first time as 2006 was the first year in which the PSSA reading and mathematics assessments were administered in these grade levels. The Federal No Child Left Behind Act of 2001 requires that states assess reading and mathematics in grades 3 through 8 and once at the high school level.

The Board action was taken under general authority granted to it by the Public School Code of 1949 (24 P. S. §§ 1-101—27-2702) and in accordance with specific provisions of the Board's regulations codified at 22 Pa. Code Chapter 4 (relating to academic standards and assessment). The approved PSSA performance level cut scores are described infra in the Appendix. The performance level descriptors and PSSA assessment anchor content

standards are available for review on the Department's website at www.pde.state.pa.us.

Background

Published at 29 Pa.B. 399 (January 16, 1999), the regulations of the Board now codified at 22 Pa. Code Chapter 4 "establish rigorous academic standards and assessments to facilitate the improvement of student achievement and to provide parents and communities a measure by which school performance can be determined." See 22 Pa. Code § 4.2 (relating to purpose). To help accomplish these goals, the Board established in Chapter 4 a State assessment system. The State assessment system is designed specifically to accomplish the following purposes:

(1) Provide students, parents, educators and citizens with an understanding of student and school performance.

(2) Determine the degree to which school programs enable students to attain proficiency of academic standards under § 4.12 (relating to academic standards).

(3) Provide results to school districts, including charter schools, and AVTSs for consideration in the development of strategic plans under § 4.13 (relating to strategic plans).

(4) Provide information to State policymakers including the General Assembly and the Board on how effective schools are in promoting and demonstrating student proficiency of academic standards.

(5) Provide information to the general public on school performance.

(6) Provide results to school districts, including charter schools, and AVTSs based upon the aggregate performance of all students, for students with an Individualized Education Program (IEP) and for those without an IEP. See 22 Pa. Code § 4.51(a) (relating to State assessment system).

As prescribed by the regulations, the criteria for judging performance on State assessments are the following:

(1) Performance on State reading assessments shall be demonstrated by students' responses to comprehension questions about age-appropriate reading passages and by their written responses to in-depth comprehension questions about the passages.

(2) Performance on State mathematics assessments shall be demonstrated by students' responses to questions about grade-appropriate content and by the quality of their responses to questions which require a written solution to a problem.

(3) Performance on State writing assessments shall be demonstrated by the quality of students' written compositions on a variety of topics and modes of writing. See 22 Pa. Code § 4.51(b)(1)—(3). Levels of proficiency established by the regulations are "advanced, proficient, basic and below basic." See 22 Pa. Code § 4.51(b)(4).

Under the regulations, it is the responsibility of the Department to develop State assessments "based on academic standards in mathematics, reading and writing under § 4.12 [(relating to academic standards)]." See 22 Pa. Code § 4.51(c). In developing assessments, the Department is required "to consult with educators, students, parents and citizens regarding the specific methods of

assessment.” Individual test results from the assessment are to be used in planning instruction “only by parents, teachers, administrators and guidance counselors with a need to know based upon local board policy on testing and in reporting academic progress.” *Id.* The Department and other Commonwealth entities are prohibited from collecting individual student test scores, and may only collect aggregate test scores by school and district. *Id.*

The State assessments must be administered annually and include assessments of the State academic standards in mathematics and reading at grades 3 through 8 and 11 and in writing at grades 5, 8 and 11. See 22 Pa. Code § 4.51(d) and § 403.3(d) (relating to assessments). Students not achieving at the proficient level in the administration of State assessments in grade 11 must be provided one additional opportunity in grade 12 to demonstrate a proficient level on State assessments. See 22 Pa. Code § 4.51(e). The Secretary of Education has the authority to establish guidelines for the administration of the State assessment system. See 22 Pa. Code § 4.51(h).

The performance level cut scores and performance level descriptors for reading and mathematics in grades 5, 8 and 11 were first established and published at 31 Pa.B. 2763 (May 26, 2001). The performance level descriptors and performance level cut scores were updated and revised for reading and mathematics in grades 5, 8 and 11 and newly established for grade 3 in June and September 2005. These revisions were published at 35 Pa.B. 5442 (October 1, 2005).

PSSA Assessment Anchor Content Standards

In January 16, 1999 (29 Pa.B. 399), the Board published the academic standards for Reading, Writing, Speaking and Listening and Mathematics. These standards defined what students should know and be able to do in grades 3, 5, 8 and 11. The PSSA assessments were designed to assess whether students in these grades were proficient in reading, writing and mathematics at these grade levels. In 2005, with the support of the Board, the Department developed assessment anchors that defined a smaller set of these standards to be assessed on the PSSA. These assessment anchors were used as the basis for the 2005 and 2006 PSSA. Based on the findings of an alignment study completed on behalf of the Department by Achieve Inc., the assessment anchors were refined and used to develop the PSSA assessments to be administered beginning in 2007.

Early in 2006 the United States Department of Education conducted a review of the Commonwealth’s compliance with the standards and assessment requirements of the No Child Left Behind Act of 2001. Because the assessment anchors are used to define the academic content assessed on the PSSA rather than the full range of academic content contained in the Board’s academic standards, the United States Department of Education called for formal approval of the assessment anchors for reading and mathematics as the Commonwealth’s academic content standards. To address this request, the Board formally adopted at its June 29, 2006, meeting both the 2005 and 2007 versions of the assessment anchors as the Commonwealth’s PSSA assessment anchor content standards. The PSSA assessment anchor content standards can be accessed under the assessment section of the Department’s website at www.pde.state.pa.us.

Development and Approval of Descriptors and Scores

As part of the State assessment system established by the regulations, the Board delegated to the Department the very important task of developing specific criteria for each of the performance levels prescribed by § 4.51(b)(4)—advanced, proficient, basic and below basic. Specifically, the Department is directed by the regulations to “consult with educators, students, parents and citizens,” and then to “develop and recommend to the Board for its approval specific criteria for each performance level.” *Id.*

As reported to the Board at its June 29, 2006 meeting, the Department met with educators from across this Commonwealth to assist the Department in developing the performance levels descriptors and scores. Based on these efforts as described in detail for the Board at its meeting, the Department recommended the performance level descriptors and scores that the Board ultimately adopted at its June 29, 2006, meeting. Before adopting the performance level descriptors and scores on June 29, 2006, the Board provided members of the public in attendance with the opportunity to comment on the Department’s recommendation.

The approved performance levels (as they appear *infra*) will be applied to the 2006 PSSA test scores, which will be publicly released in September 2006. The Performance Level Descriptors, due to their length, are not included here but may be accessed on the Department’s website: www.pde.state.pa.us. The Department and the Board will review the descriptors and scores periodically based on actual experience in using them and consider revisions as appropriate, using the same process prescribed by § 4.51(b)(4).

Persons with questions or needing additional information regarding the Board’s approval of these performance levels descriptors and scores may contact Jim Buckheit, Executive Director, State Board of Education, 333 Market Street, Harrisburg, PA 17126-0333, (717) 787-3787 or TDD (717) 787-7367. Persons with questions or needing additional information regarding the development and implementation of them should contact Ray Young, Chief, Division of Assessment, 333 Market Street, Harrisburg, PA 17126-0333, (717) 787-4234 or TDD (717) 787-7367.

JIM BUCKHEIT,
Executive Director

Appendix

PSSA Performance Level Scores, as approved by the State Board of Education, are as follows:

Performance Level Cut Scores

Grade 4

	<i>Reading</i>	<i>Mathematics</i>
Advanced	1469 and up	1445 and up
Proficient	1255-1468	1246-1444
Basic	1012-1254	1156-1245
Below Basic	1011 and below	1155 and below

Grade 6

	<i>Reading</i>	<i>Mathematics</i>
Advanced	1456 and up	1476 and up
Proficient	1278-1455	1298-1475
Basic	1121-1277	1174-1297
Below Basic	1120 and below	1173 and below

Title 58—RECREATION

PENNSYLVANIA GAMING CONTROL BOARD

[58 PA. CODE CHS. 401, 405, 421, 423, 435, 441 AND 493]

Temporary Regulations

Under the Pennsylvania Gaming Control Board's (Board) Resolution Nos. 2005-3 REG, 2005-4 REG and 2006-4 REG, the Board has the authority to amend the temporary regulations adopted on June 16, 2005, July 21, 2005, and March 16, 2006, as it deems necessary in accordance with the purpose of the act of July 5, 2004 (P. L. 572, No. 71) (Act 71) and to further the intent of Act 71. Accordingly, the Board has decided to make editorial changes to the temporary regulations, dated June 16, 2005, July 21, 2005, and March 16, 2006, as deposited with the Legislative Reference Bureau (Bureau) and published at 35 Pa.B. 4045 (July 16, 2005), 35 Pa.B. 4543 (August 6, 2005) and 36 Pa.B. 1578 (April 1, 2006).

Therefore, the Board has deposited with the Bureau amendments to §§ 401.4, 401.5, 405.3, 421.1, 423.5, 435.1, 435.7, 441.19 and 493.5. The amendments are effective as of June 28, 2006. The temporary regulations of the Board in Chapters 401, 405, 421, 423, 435, 441 and 493 are amended by amending §§ 401.4, 401.5, 405.3, 421.1, 423.5, 435.1, 435.7, 441.19 and deleting § 493.5 to read as set forth in Annex A.

Order

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

(a) The Board, acting under the authority of Act 71, adopts the amendments to the temporary regulations adopted by resolution at the June 28, 2006, public meeting. The amendments to the temporary regulations pertain to definitions, the Bureau of Investigations and Enforcement, general licensing requirements, employees and hearings and appeals.

(b) The temporary regulations of the Board, 58 Pa. Code Chapters 401, 405, 421, 423, 435, 441 and 493, are amended by amending §§ 401.4, 401.5, 405.3, 421.1, 423.5, 435.1, 435.7, 441.19 and deleting 493.5 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

(c) The amendments are effective June 28, 2006.

(d) The amendments to the temporary regulations shall be posted in their entirety on the Board's website and published in the *Pennsylvania Bulletin*.

(e) The Chairperson of the Board shall certify this order and deposit the amendments to the temporary regulations with the Bureau as required by law.

THOMAS A. DECKER,
Chairperson

Fiscal Note: 125-35. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART VII. GAMING CONTROL BOARD

Subpart A. GENERAL PROVISIONS

CHAPTER 401. PRELIMINARY PROVISIONS

§ 401.4. Definitions.

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

* * * * *

Key employee qualifier—Officers; directors; persons who directly or indirectly hold any beneficial interest in or ownership of an amount equal to 5% or more of an equity interest of an applicant or licensee; a person who has the ability to control the applicant or licensee, has a controlling interest in the applicant or licensee, elects a majority of the board of directors of the applicant or licensee, or otherwise has the ability to control the applicant or licensee; a lender, other than a bank or lending institution which makes a loan or holds a mortgage or other lien acquired in the ordinary course of business; an underwriter, other than an underwriter who will hold a security for less than 90 days; a financial backer whose holdings are valued at an amount equal to 5% or more of an equity interest in the applicant or licensee including holders of convertible bonds, the conversion of which would or does result in the owner holding 5% or more of an equity interest in the applicant or licensee; employees of a slot machine applicant or licensee, manufacturer applicant or licensee or supplier applicant or licensee required to be licensed by the Board as a key employee qualifier; and any other person required to be licensed by the Board as a key employee qualifier.

* * * * *

Publicly traded—An entity that meets one or more of the following criteria:

(i) The entity has a class or series of securities registered under the Securities Exchange Act of 1934 (15 U.S.C.A. §§ 78a—78nn).

(ii) The entity is a registered management company under the Investment Company Act of 1940 (15 U.S.C.A. §§ 80a-1—80a-64).

(iii) The entity is subject to the reporting obligations imposed by section 15(d) of the Securities Exchange Act of 1934 (15 U.S.C.A. § 78o(d)) by reason of having filed a registration statement which has become effective under the Securities Act of 1933 (15 U.S.C.A. §§ 77a—77aa).

(iv) The entity has one or more classes of securities traded in any open market in any foreign jurisdiction or regulated pursuant to a statute of any foreign jurisdiction that the Board determines to be substantially similar to either or both of the statutes referred in subparagraph (iii).

* * * * *

§ 401.5. Jurisdiction.

(a) The Board will have exclusive jurisdiction over all matters within the scope of its powers under the act.

(b) Nothing contained in this part shall be construed to limit the powers and duties of the Board as provided in the act.

CHAPTER 405. BUREAU OF INVESTIGATION AND ENFORCEMENT

§ 405.3. Office of Enforcement Counsel.

(a) The Office of Enforcement Counsel has been established within the Bureau which has the following powers and duties:

* * * * *

(2) Make recommendations and objections relating to the issuance of licenses, certifications, permits and registrations.

* * * * *

(5) Appear at administrative hearings and other proceedings before the Board.

* * * * *

Subpart B. LICENSING, REGISTERING, CERTIFYING AND PERMITTING CHAPTER 421. GENERAL PROVISIONS

§ 421.1. General requirements.

* * * * *

(i) A person holding a license, permit, registration or certification issued by the Board who violates a provision of the act or this part may be held jointly or severally liable for the violation.

CHAPTER 423. APPLICATIONS

§ 423.5. Application withdrawal.

* * * * *

(e) The Board may convert an incomplete application to a request for withdrawal.

(f) Unless the Board otherwise directs, fees or other payments relating to any application will not become refundable by reason of withdrawal of the application or any portion thereof.

CHAPTER 435. EMPLOYEES

§ 435.1. General provisions.

* * * * *

(r) An individual regulated by this part shall demonstrate that he is current and not in arrears on any financial obligation owed to this Commonwealth or any subdivision thereof, including court-ordered child-support payments.

§ 435.7. Employee credentials.

* * * * *

(g) Any employee whose license, permit, registration or certification has been revoked by the Board shall return the Board-issued credentials to the Board following receipt of the Board's final order revoking his license, permit, registration or certification.

Subpart C. SLOT MACHINE LICENSING

CHAPTER 441. SLOT MACHINE LICENSING

§ 441.19. Licensing hearings for slot machine licenses.

* * * * *

(d) The Board will allot each applicant a specified time for its presentation. The length of the presentations,

which shall be the same for each applicant within each category, will be established at the prehearing conferences.

* * * * *

(n) Applicants are prohibited from relying upon or introducing new evidence, including witnesses' testimony, reports or exhibits, not identified under subsection (j) or (o), except in the following circumstances:

(1) Applicants may update or supplement evidence, including witnesses' testimony, reports or exhibits to respond to requests from the Board.

(2) Applicants may update or supplement evidence, including witnesses' testimony, reports or exhibits to respond to issues raised subsequent to the filing of the memorandum required by subsection (j) at a prehearing conference if the issues could not have been reasonably anticipated by the applicant.

* * * * *

Subpart H. PRACTICE AND PROCEDURE CHAPTER 493. PLEADINGS

§ 493.5. (Reserved).

[Pa.B. Doc. No. 06-1310. Filed for public inspection July 21, 2006, 9:00 a.m.]

PENNSYLVANIA GAMING CONTROL BOARD [58 PA. CODE CH. 403]

Temporary Regulations; Emergency Orders

The Pennsylvania Gaming Control Board (Board), under 4 Pa.C.S. § 1203(a) (relating to temporary regulations), adopts temporary regulations to facilitate implementation of 4 Pa.C.S. Part II (relating to gaming), enacted by the act of July 5, 2004 (P. L. 572, No. 71) (Act 71). The Board's temporary regulations will be added to Part VII (relating to Gaming Control Board). Section 403.6, entitled emergency orders, is added to Chapter 403, entitled board operations and organization, under Subpart A, entitled general provisions.

Purpose and Background

Under 4 Pa.C.S. § 1203(a), the Board is authorized to promulgate temporary regulations to facilitate the prompt implementation of Act 71. The regulations are necessary to enhance the credibility of the licensed operation of slot machines and associated equipment within this Commonwealth and to carry out the policy and purposes of the Board. To invite public input, the Board published draft regulations on the Board's website and a 5-day public comment period was provided.

Under 4 Pa.C.S. § 1203(b), the temporary regulations adopted by the Board expire no later than 3 years following the effective date of Act 71 or upon promulgation of regulations as generally provided by the law. These temporary regulations shall not be subject to sections 201—205 of the act of July 31, 1968(P. L. 769, No. 240) (45 P. S. §§ 1201—1208), known as the Commonwealth Documents Law (CDL), or to the Regulatory Review Act (71 P. S. §§ 745.1—745.15).

Financial Impact

Act 71 and the regulations will provide for the implementation and management of gaming within this Commonwealth and the collection of fees and taxes from

entities and individuals authorized by the Board to be employed by, provide gaming related services to or operate gaming facilities. The appropriations from the Commonwealth for the implementation of Act 71 and costs of administering 4 Pa.C.S. Part II will be reimbursed by the licensed entities as specified within Act 71. Individuals and entities that wish to obtain licenses as gaming entities shall pay to the Gaming Fund significant licensing fees to obtain the authority to do business within this Commonwealth. Part of these fees shall reimburse the Board and the Pennsylvania State Police for licensing processes and background investigations. The licensing, registration, certification and permitting of individuals and other classes of applicants will be reimbursed by the applicants through fees established by the Board. It is anticipated that all expenses of the Board and all associated activities shall be reimbursed by the applicants and gaming entities as previously specified. The Board shall have no financial impact on the State budget.

Statutory Authority

The Board is authorized under 4 Pa.C.S. § 1203(a) to adopt and publish temporary regulations to implement the policies and purposes of Act 71.

Regulatory Review

Under 4 Pa.C.S. § 1203(b), the Board's authority to adopt temporary regulations expires 2 years from the effective date of Act 71.

Findings

The Board finds that:

(1) Under 4 Pa.C.S. § 1203(a), the temporary regulations are exempt from the requirements of the Regulatory Review Act and sections 201—205 of the CDL.

(2) A 5-day public comment period was held prior to the adoption of the temporary regulations.

(3) The adoption of the temporary regulations provided by this order is necessary and appropriate for the administration of the authorizing statute.

Order

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

(a) The Board, acting under the authority of Act 71, adopts as its final-form temporary regulation, the draft regulation as amended by resolution at the June 28, 2006, public meeting. The temporary regulation pertains to emergency orders.

(b) The temporary regulation of the Board, 58 Pa. Code Chapter 403, is amended by adding § 403.6 to read as set forth in Annex A.

(c) The temporary regulation is effective June 28, 2006.

(d) The temporary regulation shall be posted in its entirety on the Board's website and published in the *Pennsylvania Bulletin*.

(e) The temporary regulation shall be subject to amendment as deemed necessary by the Board in accordance with the purpose of Act 71 and to further the intent of Act 71.

(f) The Chairperson of the Board shall certify this order and deposit the regulation with the Legislative Reference Bureau as required by law.

THOMAS A. DECKER,
Chairperson

Fiscal Note: 125-38. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART VII. GAMING CONTROL BOARD

Subpart A. GENERAL PROVISIONS

CHAPTER 403. BOARD OPERATIONS AND ORGANIZATION

§ 403.6. Emergency orders.

(a) Upon request of the Office of Enforcement Counsel in accordance with subsection (d), a temporary emergency order may be issued by, or on behalf of, the Executive Director of the Board. A temporary emergency order may be issued without a hearing and without notice and will notify the person to whom the temporary emergency order is issued that he may request a hearing to be held by the Executive Director within 72 hours of the request being filed with the Board.

(b) A temporary emergency order may be issued to suspend a license, certification, permit or registration or to direct that a person refrain from engaging in, or cease and desist engaging in, specific conduct.

(c) A temporary emergency order may be issued if there is insufficient time to provide notice and hearing prior to the issuance of the order; the order is necessary to preserve the public health, welfare or safety or the integrity of gaming in this Commonwealth; and determination of one of the following has occurred:

(1) A person holding a license, certification, permit or registration issued by the Board has been charged with or convicted of a felony, a criminal gaming offense, or crime of dishonesty or false statement or other disqualifying offense.

(2) A licensee has failed to pay required assessments or to satisfy its tax obligations under the act.

(3) The action is necessary to prevent or cure a violation of any provision of the act, this part or other Federal or State laws or regulations.

(d) If the Office of Enforcement Counsel determines that circumstances exist which require that immediate action be taken on behalf of the Board, it may submit a request for a temporary emergency order. The request will include:

(1) The circumstances upon which the determination to request the order was made.

(2) The grounds upon which the order is being requested.

(3) The specific relief sought in the order.

(e) A temporary emergency order will be issued in writing and filed, together with the request for a temporary emergency order required by subsection (d), with the Office of the Clerk no later than the close of the next business day following its issuance.

(f) A temporary emergency order must specify that the person subject to the temporary emergency order may request an informal hearing before the Executive Director within 72 hours of filing the request with the Office of the Clerk.

(g) The Bureau will cause the temporary emergency order and the request for a temporary emergency order required by subsection (d) to be served upon the person named in the temporary emergency order. Service required by this subsection will be made as expeditiously as practicable following the issuance of the order and the request. Service will be made in the manner prescribed by § 491.3 (relating to service by the Board).

(h) Within 72 hours of the filing a request for an informal hearing with the Board, an informal hearing before the Executive Director will be held at the Board headquarters.

(i) The Executive Director or a designee may sign subpoenas to secure the attendance of witnesses and the production of documents.

(j) The procedure for the informal hearing will be as follows:

(1) The Executive Director or a designee will call the hearing to order and present the request for a temporary emergency order filed by the Office of Enforcement Counsel under subsection (d).

(2) The person named in the temporary emergency order may respond by submitting evidence and witnesses supporting the position that the temporary emergency order should be dissolved or modified.

(3) The Executive Director or a designee may require that witnesses testify under oath. All relevant evidence is admissible. The Executive Director or a designee may question witnesses.

(4) The licensee may make a concluding argument as to why the temporary emergency order should be dissolved or modified.

(5) Upon receiving all evidence presented by the person named in the order and hearing the person's final argument, the Executive Director or a designee will render a decision as to whether or not the temporary emergency order will continue, be modified or dissolved. Unless the Executive Director dissolves the temporary emergency order, the matter will be scheduled for a hearing before the Board as provided in subsection (k).

(k) Once a temporary emergency order has been issued under this section, unless it has been subsequently dissolved by the Executive Director, the temporary emergency order will be presented to the Board at its next meeting or within 10 business days, whichever is longer at which time the Board may do one of the following:

(1) Conduct a hearing to determine the validity of the issuance of the order.

(2) Refer the matter to the Office of Hearings and Appeals under § 492.6 (relating to hearings generally) and direct that a hearing be conducted by a hearing officer and a report submitted to the Board.

(l) In all hearings relating to the disposition of a temporary emergency order, whether the hearing is conducted by the Board or by a hearing officer, the following procedure will occur:

(1) The temporary emergency order, the request for the temporary order and any modifications to the temporary order will be made a part of the evidentiary record of the proceeding.

(2) The Office of Enforcement Counsel will present evidence to the Board or the hearing officer in support of the temporary emergency order.

(3) The person named in the order shall have the burden of rebutting the evidence presented by the Office of Enforcement Counsel.

(m) If the hearing is conducted by the Board, the Board may take one of the following actions upon conclusion of oral arguments and evidentiary presentations:

(1) If the Board finds that the un rebutted facts and circumstances presented are sufficient to support the issuance of the temporary emergency order, that dissolution of the temporary emergency order would pose an immediate threat to the public health, safety or welfare, or the public's interest in the effective regulation of gaming demands the action, it may adopt a resolution ratifying or modifying the temporary emergency order.

(2) If the Board finds that there is insufficient cause to continue the temporary emergency order, it may adopt a resolution dissolving the emergency order and the privileges of the person named in the order will be reinstated.

(3) If the Board finds that further hearing is necessary, it may refer the matter to the Office of Hearings and Appeals for additional presentation of evidence and testimony of witnesses. If the matter is referred to the Office of Hearings and Appeals, the temporary emergency order will remain in effect, with or without modification as the Board deems appropriate.

(n) If the Board adopts a resolution, the resolution may establish the length of term for the order by establishing an expiration date, dependent on the completion of specified remedial actions or dependent on the filing of, or final resolution of, a complaint alleging the person violated a provision of the act or this part. If the expiration date is dependent upon specific remedial actions, the Board will provide a detailed description of the remedies in the resolution and will establish procedures whereby the person can demonstrate that it has complied with the required remedies.

(o) Any resolution adopted is a final order of the Board for purposes of appeal.

(p) Resolutions ratifying or dissolving temporary emergency orders adopted by the Board under this section will have no effect upon the power and duty of the Office of Enforcement Counsel to initiate, in its sole discretion, proceedings for violations of the act or this part or upon the outcome of any proceeding so initiated.

(q) Copies of the Board's final order will be served on the person named in the order by certified or overnight express mail, postage prepaid; or by personal delivery in accordance with § 491.3.

(r) If the Board refers the matter to the Office of Hearings and Appeals, the hearing will be subject to the following requirements:

(1) The Chairperson will designate a presiding officer to direct the hearing and rule on evidentiary matters.

(2) The hearing before the presiding officer will occur no more than 10 business days after the Board refers the matter to the Office of Hearings and Appeals, unless a delay is requested by the person named in the temporary emergency order.

(3) Within 10 days following the conclusion of the hearing, the presiding officer will forward a recommendation for action on the temporary emergency order to the Board. A copy of the recommendation will be served on the person named in the temporary order by certified or overnight express mail or by personal delivery in accordance with § 491.3.

[Pa.B. Doc. No. 06-1311. Filed for public inspection July 21, 2006, 9:00 a.m.]

—————

PENNSYLVANIA GAMING CONTROL BOARD
[58 PA. CODE CHS. 403, 405, 421, 435, 491 AND
493]

Temporary Regulations

The Pennsylvania Gaming Control Board (Board), under 4 Pa.C.S. § 1203(a) (relating to temporary regulations), adopts temporary regulations to facilitate implementation of 4 Pa.C.S. Part II (relating to gaming), enacted by the act of July 5, 2004 (P. L. 572, No. 71) (Act 71). The Board's temporary regulations will be added to Part VII (relating to Gaming Control Board). Section 403.5, entitled delegation of powers, is added to Chapter 403, entitled Board operations and organization, under Subpart A, entitled general provisions. Section 405.6, entitled investigatory subpoena, is added to Chapter 405, entitled Bureau of Investigations and Enforcement, under Subpart A. Section 421.1, entitled general requirements, is amended to read as set forth in Annex A. Section 435.1, entitled general provisions, is amended to read as set forth in Annex A. Section 491.3, entitled service by the Board, is added to Chapter 491, entitled general rules of practice, under Subpart H, entitled practice and procedure. Section 493.2, entitled formal complaints, is amended to read as set forth in Annex A. Section 493.12, entitled discovery, is amended to read as set forth in Annex A. Section 493.14, entitled consent agreements, is added to Chapter 493, entitled pleadings, under Subpart H.

Purpose and Background

Under 4 Pa.C.S. § 1203(a), the Board is authorized to promulgate temporary regulations to facilitate the prompt implementation of Act 71. The regulations are necessary to enhance the credibility of the licensed operation of slot machines and associated equipment within this Commonwealth and to carry out the policy and purposes of the Board. To invite public input, the Board published draft regulations on the Board's website and 5-day public comment period was provided.

Under 4 Pa.C.S. § 1203(b), the temporary regulations adopted by the Board expire no later than 3 years following the effective date of Act 71 or upon promulgation of regulations as generally provided by the law. These temporary regulations shall not be subject to sections 201—205 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201—1208), known as the Commonwealth Documents Law (CDL), or to the Regulatory Review Act (71 P. S. §§ 745.1—745.15).

Financial Impact

Act 71 and the regulations will provide for the implementation and management of gaming within this Commonwealth and the collection of fees and taxes from entities and individuals authorized by the Board to be employed by, provide gaming related services to or oper-

ate gaming facilities. The appropriations from the Commonwealth for the implementation of Act 71 and costs of administering 4 Pa.C.S. Part II will be reimbursed by the licensed entities as specified within Act 71. Individuals and entities that wish to obtain licenses as gaming entities shall pay to the Gaming Fund significant licensing fees to obtain the authority to do business within this Commonwealth. Part of these fees shall reimburse the Board and the Pennsylvania State Police for licensing processes and background investigations. The licensing, registration, certification and permitting of individuals and other classes of applicants will be reimbursed by the applicants through fees established by the Board. It is anticipated that all expenses of the Board and all associated activities shall be reimbursed by the applicants and gaming entities as previously specified. The Board shall have no financial impact on the State budget.

Statutory Authority

The Board is authorized under 4 Pa.C.S. § 1203(a) to adopt and publish temporary regulations to implement the policies and purposes of Act 71.

Regulatory Review

Under 4 Pa.C.S. § 1203(b), the Board's authority to adopt temporary regulations expires 2 years from the effective date of Act 71.

Findings

The Board finds that:

- (1) Under 4 Pa.C.S. § 1203(a), the temporary regulations are exempt from the requirements of the Regulatory Review Act and sections 201—205 of the CDL.
- (2) A 5-day public comment period was held prior to the adoption of the temporary regulations.
- (3) The adoption of the temporary regulations provided by this order is necessary and appropriate for the administration of the authorizing statute.

Order

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

(a) The Board, acting under the authority of Act 71, adopts as its final-form temporary regulations, the draft regulations as amended by resolution at the June 28, 2006, public meeting. The temporary regulations pertain to delegation of powers, investigatory subpoena, general licensing requirements, wagering by employees, service by the Board, formal complaints, discovery and consent agreements.

(b) The temporary regulations of the Board, 58 Pa. Code Chapters 403, 405, 421, 435, 491 and 493 amended by amending §§ 421.1, 435.1, 493.2 and 493.12 and by adding §§ 403.5, 405.6, 491.3, and 493.14 to read as set forth in Annex A.

(c) The temporary regulations are effective June 28, 2006.

(d) The temporary regulations shall be posted in their entirety on the Board's website and published in the *Pennsylvania Bulletin*.

(e) The temporary regulations shall be subject to amendment as deemed necessary by the Board in accordance with the purpose of Act 71 and to further the intent of Act 71.

(f) The Chairperson of the Board shall certify this order and deposit the regulations with the Legislative Reference Bureau as required by law.

THOMAS A. DECKER,
Chairperson

Fiscal Note: 125-39. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART VII. GAMING CONTROL BOARD

Subpart A. GENERAL PROVISIONS

CHAPTER 403. BOARD OPERATIONS AND ORGANIZATION

§ 403.5. Delegation of powers.

(a) The Board may, consistent with the act and this part, delegate its authority to perform any of its functions to a Board member or member of the Board's staff.

(b) Any delegation of Board authority will be effected by promulgation of a regulation or the adoption of a formal resolution at a public meeting of the Board. The regulation or resolution will specify:

- (1) The specific authority delegated.
- (2) The Board member or Board staff members to whom the authority is delegated.
- (3) Any limitations or conditions imposed on the authority delegated.

(c) Delegations of authority made under this section will remain in effect indefinitely unless otherwise specified in the implementing regulation or resolution.

(d) A delegation of authority adopted by the Board may be modified or rescinded by the Board through promulgation of a regulation or the adoption of a subsequent formal resolution at a public meeting of the Board.

(e) Notwithstanding any other provision of this section, any matter that has been delegated to the Board staff may alternatively be presented to and determined by the Board on its own motion, at the discretion of the Chairperson or at the request of the Board staff.

CHAPTER 405. BUREAU OF INVESTIGATIONS AND ENFORCEMENT

§ 405.6. Investigatory subpoena.

(a) The Director of the Office of Enforcement Counsel is authorized to require the attendance and testimony of witnesses and the production of any books, accounts, papers, records, documents and files necessary for all action within the authority of the Bureau under the act or this part.

(b) The Director of the Office of Enforcement Counsel or a representative may issue subpoenas.

(c) In case of disobedience of any subpoena or the contumacy of any witness appearing before the Director of the Office of Enforcement Counsel or a representative, the Director of the Office of Enforcement Counsel or the representative may invoke the aid of the Commonwealth Court or any court of record of this Commonwealth to require the person subpoenaed to obey the subpoena or to give evidence or to produce books, accounts, papers, records, documents and files relative to the matter in question.

(d) The issuance of a subpoena under this section will not be required to secure the cooperation of a person who

is an applicant for, or the holder of, a license, permit, certification or registration issued by the Board, or to secure the voluntary cooperation of any person.

Subpart B. LICENSING, REGISTERING, CERTIFYING AND PERMITTING

CHAPTER 421. GENERAL PROVISIONS

§ 421.1. General requirements.

* * * * *

(h) An applicant shall at all times have the burden of proof. It shall be the applicant's affirmative responsibility to establish the facts supporting its suitability under the act and this subpart by clear and convincing evidence, including why a license, certificate, permit or registration should be issued or renewed by the Board.

CHAPTER 435. EMPLOYEES

§ 435.1. General provisions.

* * * * *

(o) An individual who is required to hold a license or permit as a condition of employment or qualification may not wager at any licensed facility in this Commonwealth.

(p) A registrant or employee who is not subject to licensure or permitting may not wager at the licensed facility in which the registrant or employee is employed.

(q) Any licensed, permitted or registered employee shall wait at least 30 days following the date that the employee either leaves employment with a slot machine licensee or is terminated from employment with a slot machine licensee before the employee may wager at the licensed facility in which the employee was formerly employed.

Subpart H. PRACTICE AND PROCEDURE

CHAPTER 491. GENERAL RULES OF PRACTICE

§ 491.3. Service by the Board.

(a) Service by the Board may be made by any competent adult. Service will be made by certified mail or personally delivering a copy:

- (1) Directly to the person named in the notice, pleading or order.
- (2) At the residence of the person named in the notice, pleading or order, to an adult member of the family with whom the person named resides. If no adult member of the family is found, then to an adult person in charge of the residence.

(3) At the residence of the person named in the notice, pleading or order, to the clerk or manager of the hotel, inn, apartment house, boarding house or other place of lodging at which the person named resides.

(4) At any office or usual place of business of the person named in the notice, pleading or order, to his agent or to the person for the time being who is in charge thereof. For purposes of this subsection, the phrase "any office or usual place of business of the person named in the notice, pleading, or order" will include the following locations:

- (i) The licensed facility at which the person named is employed, licensed in connection therewith, or routinely performs his duties of employment.
- (ii) The office of the agent identified by the person named to receive service of process.

(b) Proof of service shall be evidenced by a return of service filed with the Office of the Clerk in the manner and form prescribed by the Board.

CHAPTER 493. PLEADINGS

§ 493.2. Formal complaints.

* * * * *

(l) Except as otherwise expressly provided in the act or this part, a person who holds a license, certification, permit or registration shall at all times have the burden of proof in complaint proceedings. It shall be the person's affirmative responsibility to establish the facts of the case by clear and convincing evidence, including:

(1) Why the person should not be subject to Board-imposed administrative sanction or other discipline.

(2) Why the person does not owe an assessment, cost, fee, fine, penalty, restitution, tax or monetary sanction.

(m) This section supplements 1 Pa. Code §§ 35.9—35.11 and 35.14 (relating to formal complaints; and orders to show cause).

§ 493.12. Discovery.

(a) Upon written request from a party in a proceeding served upon another party in the proceeding, the requesting party shall be entitled to the name and address of any witness who may be called to testify on behalf of the responding party and all documents or other material in the possession or control of the responding party which the responding party reasonably expects will be introduced into evidence. The responding party shall be under a continuing duty to update its response to this request.

(b) The presiding officer may, upon request of a party, permit the testimony of a witness or the introduction of other evidence not disclosed pursuant to a request made under subsection (a), if following proffer by the party seeking to present the evidence, the presiding officer determines that justice so requires.

(c) Upon the request of a party in a proceeding and for good cause shown, the presiding officer may allow other discovery to be conducted, but the information furnished to or obtained by the Board or the Bureau from any source, including information contained in the Bureau of Licensing Suitability Report, or information or files in the possession of the Bureau, or information in the possession or control of an agency which relates to an ongoing civil or criminal investigation, will not be discoverable under this subsection.

(d) Depositions will be conducted in accordance with 1 Pa. Code §§ 35.145—35.152 (relating to depositions).

§ 493.14. Consent agreements.

(a) Parties in a proceeding may propose consent agreements to the hearing officer or to the Board at any stage of a proceeding, including prior to the entry of a final order or prior to the initiation of proceedings.

(b) Consent agreements must be in writing, signed by all parties in the proceeding, and accurately reflect the terms of the consent agreement, including the facts agreed to by the parties constituting the grounds for the action proposed in the consent agreement.

(c) If the consent agreement is proposed in a matter that is the subject of a proceeding before a hearing officer, the proposal of the consent agreement will stay the proceeding until the consent agreement is acted upon by the Board.

(d) The consent agreement shall be presented to the Board for its approval or disapproval. If the Board approves the consent agreement, it will become the final order of the Board. If the Board disapproves the consent agreement, the parties will be notified and the consent agreement and any documents solely relating to the consent agreement will not constitute part of the record.

[Pa.B. Doc. No. 06-1312. Filed for public inspection July 21, 2006, 9:00 a.m.]

**PENNSYLVANIA GAMING CONTROL BOARD
[58 PA. CODE CHS 405, 421, 423 AND 441]
Temporary Regulations**

The Pennsylvania Gaming Control Board (Board), under 4 Pa.C.S. § 1203(a) (relating to temporary regulations), adopts temporary regulations to facilitate implementation of 4 Pa.C.S. Part II (relating to gaming), enacted by the act of July 5, 2004 (P. L. 572, No. 71) (Act 71). The Board's temporary regulations will be added to Part VII (relating to Gaming Control Board). Section 405.7, entitled enforcement action, is added to Chapter 405, entitled Bureau of Investigations and Enforcement, under Subpart A, entitled general provisions. Section 421.5, entitled monopolization of economic opportunities and control, is added to Chapter 421, entitled general provisions, under Subpart B, entitled licensing, registering, certifying and permitting. Section 423.6, entitled restriction on application after denial or revocation, is added to Chapter 423, entitled applications, under Subpart B. Section 441.23, entitled slot machine license agreements, is added to Chapter 441, entitled slot machine licenses, under Subpart C, entitled slot machine licensing.

Purpose and Background

Under 4 Pa.C.S. § 1203(a), the Board is authorized to promulgate temporary regulations to facilitate the prompt implementation of Act 71. The regulations are necessary to enhance the credibility of the licensed operation of slot machines and associated equipment within this Commonwealth and to carry out the policy and purposes of the Board.

Under 4 Pa.C.S. § 1203(b), the temporary regulations adopted by the Board expire no later than 3 years following the effective date of Act 71 or upon promulgation of regulations as generally provided by the law. These temporary regulations shall not be subject to sections 201—205 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201—1208), known as the Commonwealth Documents Law (CDL), or to the Regulatory Review Act (71 P. S. §§ 745.1—745.15).

Financial Impact

Act 71 and the regulations will provide for the implementation and management of gaming within this Commonwealth and the collection of fees and taxes from entities and individuals authorized by the Board to be employed by, provide gaming related services to or operate gaming facilities. The appropriations from the Commonwealth for the implementation of Act 71 and costs of administering 4 Pa.C.S. Part II will be reimbursed by the licensed entities as specified within Act 71. Individuals and entities that wish to obtain licenses as gaming entities shall pay to the Gaming Fund significant licensing fees to obtain the authority to do business within this

Commonwealth. Part of these fees shall reimburse the Board and the Pennsylvania State Police for licensing processes and background investigations. The licensing, registration, certification and permitting of individuals and other classes of applicants will be reimbursed by the applicants through fees established by the Board. It is anticipated that all expenses of the Board and all associated activities shall be reimbursed by the applicants and gaming entities as previously specified. The Board shall have no financial impact on the State budget.

Statutory Authority

The Board is authorized under 4 Pa.C.S. § 1203(a) to adopt and publish temporary regulations to implement the policies and purposes of Act 71.

Regulatory Review

Under 4 Pa.C.S. § 1203(b), the Board's authority to adopt temporary regulations expires 2 years from the effective date of Act 71.

Findings

The Board finds that:

(1) Under 4 Pa.C.S. § 1203(a), the temporary regulations are exempt from the requirements of the Regulatory Review Act and sections 201—205 of the CDL.

(2) The adoption of the temporary regulations provided by this order is necessary and appropriate for the administration of the authorizing statute.

Order

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

(a) The Board, acting under the authority of Act 71, adopts as its final-form temporary regulations the temporary regulations pertain to enforcement actions, monopolization of economic opportunities and control, restrictions on application after denial or revocation and slot machine license agreements.

(b) The temporary regulations of the Board, 58 Pa. Code Chapters 405, 421, 423 and 441 are amended by adding §§ 405.7, 421.5, 423.6 and 441.23 to read as set forth in Annex A.

(c) The temporary regulations are effective June 28, 2006.

(d) The temporary regulations shall be posted in their entirety on the Board's website and published in the *Pennsylvania Bulletin*.

(e) The temporary regulations shall be subject to amendment as deemed necessary by the Board in accordance with the purpose of Act 71 and to further the intent of Act 71.

(f) The Chairperson of the Board shall certify this order and deposit the regulations with the Legislative Reference Bureau as required by law.

THOMAS A. DECKER,
Chairperson

Fiscal Note: 125-42. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART VII. GAMING CONTROL BOARD

Subpart A. GENERAL PROVISIONS

CHAPTER 405. BUREAU OF INVESTIGATIONS AND ENFORCEMENT

§ 405.7. Enforcement action.

(a) Upon a determination by the Office of Enforcement Counsel that sufficient facts exist to support enforcement action against a person holding a license, permit, certification or registration issued by the Board, the Office of Enforcement Counsel will serve the person with a notice of enforcement action in accordance with § 491.3 (relating to service by the Board), including a proposed order for enforcement action.

(b) The proposed order for enforcement action will include a statement of the facts supporting the proposed enforcement action, the statute, regulation or statement of conditions that the person is being charged with violating and the proposed penalty. The proposed order will be accompanied by a certificate of service demonstrating the date of service.

(c) Within 15 days from the date of service of the proposed order for enforcement action, the person may file a request for a hearing with the Clerk to the Board and serve a copy of the request on the Office of Enforcement Counsel. Failure to request a hearing within 15 days will be deemed:

(1) A waiver by the person of any right to an administrative hearing before the Board.

(2) An admission by the person of all matters and facts alleged in the proposed order for enforcement action.

(3) Consent by the person to the entry of a final order by the Board disposing of the enforcement matter.

(d) Upon the person's failure to request a hearing within the prescribed 15 days, the matters and facts deemed admitted by the person and the proposed enforcement order will be presented to the Board. The Board may, by resolution, adopt the proposed enforcement order.

(e) The Clerk to the Board will notify the person of the Board's final order by certified mail.

Subpart B. LICENSING, REGISTERING, CERTIFYING AND PERMITTING

CHAPTER 421. GENERAL PROVISIONS

§ 421.5. Monopolization of economic opportunities and control.

(a) In accordance with section 1102(5) of the act (relating to legislative intent), a slot machine license, management company license or other license may not be issued to or held by a person if the Board determines that the issuance or holding will result in the monopolization of economic opportunities and control of the licensed gaming facilities in this Commonwealth by that person.

(b) For purposes this section, monopolization of economic opportunities and control of the licensed gaming facilities means that a person:

(1) Would have actual or potential domination of the gaming market in the Commonwealth contrary to the legislative intent.

(2) Could substantially impede or suppress competition among licensees.

(3) Could adversely impact the economic stability of the gaming industry in this Commonwealth.

(c) In determining whether the issuance or holding of a license by a person will result in monopolization of economic opportunities and control of the licensed gaming facilities in the Commonwealth, the Board will consider the following criteria:

(1) The percentage share of the market presently controlled by the person in each of the following categories:

(i) Total number of slot machine licenses available under section 1307 of the act (relating to number of slot machine licenses).

(ii) Total gaming floor square footage.

(iii) Number of slot machines.

(iv) Net revenue.

(v) Slot machine win.

(vi) Slot machine drop.

(vii) Number of persons employed by the licensee.

(2) The estimated increase in the market share in the categories in paragraph (1) if the person is issued or permitted to hold the license.

(3) The relative position of other persons who hold licenses, as evidenced by the market share of each person in the categories in paragraph (1).

(4) The current and projected financial condition of the industry.

(5) Current market conditions, including level of competition, consumer demand, market concentration, any consolidation trends in the industry and other relevant characteristics of the market.

(6) Whether the gaming facilities held or to be held by the person have separate organizational structures or other independent obligations.

(7) The potential impact of licensure on the projected future growth and development of the gaming industry in this Commonwealth and the growth and development of the host communities.

(8) The barriers to entry into the gaming industry, including the licensure requirements of the act, and whether the issuance or holding of a license by the person will operate as a barrier to new companies and individuals desiring to enter the market.

(9) Whether the issuance or holding of the license by the person will adversely impact consumer interests, or whether the issuance or holding is likely to result in enhancing the quality and customer appeal of products and services offered by slot machine licensees to maintain or increase their respective market shares.

(10) Whether a restriction on the issuance or holding of an additional license by the person is necessary to encourage and preserve competition and to prevent monopolization of economic opportunities and control of the licensed gaming facilities.

(11) Other evidence deemed relevant by the Board.

CHAPTER 423. APPLICATIONS

§ 423.6. Restriction on application after denial or revocation.

(a) Any person whose application has been denied or whose license, certification, registration or permit has been revoked, may not apply for a license, certification, registration or permit for 5 years from the date that the

application was denied or the license, certification, registration or permit was revoked.

(b) After 2 years from the date that the application was denied or the license, certification, registration or permit was revoked, a person may file a petition for permission to reapply for a license, certification, registration or permit before the expiration of the 5-year period.

(c) A petition filed under subsection (b) shall be filed in accordance with § 493.4 (relating to petitions generally).

(d) Petitions filed under subsection (b) may contain:

(1) An explanation of how the conditions that were the basis for denial or revocation have been corrected or no longer exist.

(2) Supporting materials that demonstrate that the person meets the requirements for a license, certification, registration or permit.

(3) If the denial or revocation was the result of a conviction, evidence of rehabilitation, such as:

(i) The nature and seriousness of the offense or conduct.

(ii) The circumstances under which the offense or conduct occurred.

(iii) The date of the offense or conduct.

(iv) The age of the applicant when the offense or conduct was committed.

(v) Whether the offense or conduct was an isolated or repeated incident.

(vi) Social conditions which may have contributed to the offense or conduct.

(vii) Evidence of rehabilitation, including good conduct in prison or in the community, counseling or psychiatric treatment received, acquisition of additional academic or vocational schooling, successful participation in correctional work-release programs, or the recommendation of persons who have or have had the applicant under their supervision.

(viii) Evidence that all obligations for restitution, fines and penalties have been met.

(e) If a petition filed under subsection (b) is denied, a person may not file another petition under subsection (b) for 1 year from the date of the denial of that petition.

(f) The 5-year restriction in subsection (a) will not apply if the denial or revocation was based on pending charges for a disqualifying offense under section 1213 or section 1518 of the act (relating to license or permit prohibition; and prohibited acts and penalties), 18 Pa.C.S. (relating to crimes and offenses) or the criminal laws of any other jurisdiction and the pending charges do not result in conviction of a disqualifying offense.

Subpart C. SLOT MACHINE LICENSING

CHAPTER 441. SLOT MACHINE LICENSES

§ 441.23. Slot machine license agreements.

(a) An agreement or noncontractual relationship between a person and a slot machine licensee which provides for a payment to the person or any arrangement under which a person receives payment, however defined, of any direct or indirect interest, percentage or share of earnings, profits or receipts from slot machines and associated equipment of a licensed facility, shall require Board approval, regardless of the amount or percentage.

(b) An agreement will not receive Board approval if it, or if it when viewed in the aggregate as related to any of the persons who receive payment as a result of the agreement, creates a monopolization of economic opportunities or control of the licensed gaming facilities in this Commonwealth under § 421.5 (relating to monopolization of economic opportunities and control).

(c) Notwithstanding the definition of a key employee qualifier, persons who receive payments pursuant to the agreements or arrangements shall be licensed by the Board prior to receiving the payments, unless the agreement or person is exempted under subsection (d).

(d) The following are exempt from the requirements of this section:

- (1) Fixed sum and hourly payments.
- (2) Junket agreements.
- (3) Employee profit sharing agreements administered by class or category.
- (4) Management agreements.
- (5) Slot system agreements for wide area progressive slot systems.
- (6) Horsemen's organizations.
- (7) Labor organizations.
- (8) Other agreements determined by the Board.

[Pa.B. Doc. No. 06-1313. Filed for public inspection July 21, 2006, 9:00 a.m.]

—

PENNSYLVANIA GAMING CONTROL BOARD
[58 PA. CODE CH. 431]
Temporary Regulations; Supplier Licenses

The Pennsylvania Gaming Control Board (Board), under 4 Pa.C.S. § 1203(a) (relating to temporary regulations), adopts temporary regulations to facilitate implementation of 4 Pa.C.S. Part II (relating to gaming), enacted by the act of July 5, 2004 (P. L. 572, No. 71) (Act 71). The Board's temporary regulations will be added to Part VII (relating to Gaming Control Board). Chapter 431, entitled supplier licenses, is added to Subpart B, entitled Licensing, Registering, Certifying and Permitting.

Purpose and Background

Under 4 Pa.C.S. § 1203(a), the Board is authorized to promulgate temporary regulations to facilitate the prompt implementation of Act 71. The regulations are necessary to enhance the credibility of the licensed operation of slot machines and associated equipment within this Commonwealth and to carry out the policy and purposes of the Board. To promulgate the temporary regulations in accordance with customary rulemaking procedure, the Board published draft regulations at 35 Pa.B. 2569 (April 23, 2005). A 30-day public comment period was provided.

Under 4 Pa.C.S. § 1203, the temporary regulations adopted by the Board expire no later than 3 years following the effective date of Act 71 or upon promulgation of regulations as generally provided by the law. These temporary regulations shall not be subject to sections 201—205 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201—1208), known as the Commonwealth Documents Law (CDL), or to the Regulatory Review Act (71 P. S. §§ 745.1—745.15).

Financial Impact

Act 71 and the regulations will provide for the implementation and management of gaming within this Commonwealth and the collection of fees and taxes from entities and individuals authorized by the Board to be employed by, provide gaming related services to or operate gaming facilities. The appropriations from the Commonwealth for the implementation of Act 71 and costs of administering 4 Pa.C.S. Part II will be reimbursed by the licensed entities as specified within Act 71. Individuals and entities that wish to obtain licenses as gaming entities shall pay to the Gaming Fund significant licensing fees to obtain the authority to do business within this Commonwealth. Part of these fees shall reimburse the Board and the Pennsylvania State Police for licensing processes and background investigations. The licensing, registration, certification and permitting of individuals and other classes of applicants will be reimbursed by the applicants through fees established by the Board. It is anticipated that all expenses of the Board and all associated activities shall be reimbursed by the applicants and gaming entities as previously specified. The Board shall have no financial impact on the State budget.

Statutory Authority

The Board is authorized under 4 Pa.C.S. § 1203(a) to adopt and publish temporary regulations to implement the policies and purposes of Act 71.

Regulatory Review

Under 4 Pa.C.S. § 1203(b), the Board's authority to adopt temporary regulations expires 2 years from the effective date of Act 71.

Findings

The Board finds that:

- (1) Under 4 Pa.C.S. § 1203(a), the temporary regulations are exempt from the requirements of the Regulatory Review Act and sections 201—205 of the CDL.
- (2) A 30-day public comment period was held prior to the adoption of the temporary regulations.
- (3) The adoption of the temporary regulations provided by this order is necessary and appropriate for the administration of the authorizing statute.

Order

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

(a) The Board, acting under the authority of Act 71, adopts as its final-form temporary regulations, the draft regulations as adopted by resolution at the June 28, 2006, public meeting. The temporary regulations pertain to supplier licenses.

(b) The temporary regulations of the Board, 58 Pa. Code, are amended by adding §§ 431.1—431.4 to read as set forth in Annex A.

(c) The temporary regulations are effective June 28, 2006.

(d) The temporary regulations shall be posted in their entirety on the Board's website and published in the *Pennsylvania Bulletin*.

(e) The temporary regulations shall be subject to amendment as deemed necessary by the Board in accordance with the purpose of Act 71 and to further the intent of Act 71.

(f) The Chairperson of the Board shall certify this order and deposit the regulations with the Legislative Reference Bureau as required by law.

THOMAS A. DECKER,
Chairperson

Fiscal Note: 125-43. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART VII. GAMING CONTROL BOARD

Subpart B. LICENSING, REGISTERING, CERTIFYING AND PERMITTING

CHAPTER 431. SUPPLIER LICENSES

Sec.

- 431.1. Supplier license requirements.
431.2. Supplier licensing standards and application.
431.3. Supplier requirements and prohibitions.
431.4. Supplier log books.

§ 431.1. Supplier license requirements.

(a) In determining whether an applicant will be licensed as a supplier under this section, the Board will consider whether the applicant satisfies the criteria in this section and whether the applicant is seeking to sell, lease, offer or otherwise provide, distribute or service slot machines or associated equipment at a licensed gaming facility which meet one or more of the following criteria:

- (1) Are specifically designed for use in the operation of a slot machine.
- (2) Are needed to conduct an authorized game.
- (3) Have the capacity to affect the outcome of the play of a game.
- (4) Have the capacity to affect the calculation, storage, collection or control of gross terminal revenue.

(b) An applicant for or holder of a supplier license shall have a continuing duty to promptly:

(1) Notify the Board of a material change in the information, materials and documents submitted in the license application or renewal application submitted by the applicant or licensee or a change in circumstances that may render the applicant or licensee ineligible, unqualified or unsuitable to hold the license under the licensing standards and requirements of the act.

(2) Provide information requested in writing by the Board relating to licensing or regulation; cooperate with the Board in investigations, hearings, and enforcement and disciplinary actions; and comply with all conditions, restrictions, requirements, orders and rulings of the Board in accordance with the act.

(c) In accordance with section 1317 of the act (relating to supplier and manufacturer licenses application), neither an applicant for or the holder of a manufacturer license or slot machine license nor any of the applicant's or holder's affiliates, intermediaries, subsidiaries or holding companies, is eligible to apply for or hold a supplier license.

(d) Computerized casino management systems, player tracking systems, including slot machine interface boards, card readers and displays, wide-area progressive systems and slot monitoring systems, including gaming voucher systems, bonusing systems and electronic transfer promotional credit systems are not required to be provided through a licensed supplier. Manufacturers or suppliers providing these systems to slot machine licensees may

only employ individuals with occupation permits issued under § 435.4 (relating to occupation permits) to service and repair such excluded systems.

§ 431.2. Supplier licensing standards and application.

(a) The standards and requirements for qualification for a supplier license are set forth in this section and in section 1317 of the act (relating to supplier and manufacturer licenses application). An applicant shall submit:

(1) A nonrefundable application processing fee.

(2) An original and three copies of the Supplier Application and Disclosure Information Form for the applicant and each of the applicant's affiliated entities.

(3) A diversity plan as set forth in section 1325(b) of the act (relating to license or permit issuance) and Chapter 481 (relating to general provisions) which shall be signed by the chief executive officer of the applicant.

(4) An application from every key employee and each natural person who is a key employee qualifier as specified by the Supplier Application and Disclosure Information Form or as determined by the Board, which must consist of the following:

(i) An original and three copies of the Multi Jurisdictional Personal History Disclosure Information Form and Pennsylvania Supplement with a nonrefundable deposit to be set by the Board and provided in a fee schedule for each key employee and key employee qualifier.

(ii) The applicant may be subject to additional fees based on the actual expenses incurred by the Board in conducting the background investigation.

(5) If applicable, copies of all filings required by the United States Securities and Exchange Commission during the 2 immediately preceding fiscal years, including all annual reports filed under section 13 or section 15(d) of the Securities Exchange Act of 1934 (15 U.S.C.A. §§ 78a and 78o(d)), quarterly reports filed under section 13 or section 15(d) of the Securities Exchange Act of 1934, current reports filed under section 13 or section 15(d) of the Securities Exchange Act of 1934, and proxy statements issued by the applicant.

(6) Properly executed forms for consents to inspections, searches and seizures; waivers of liability for disclosures of information; and consents to examination of accounts and records in forms as prescribed by the Board.

(7) An affirmation that neither it nor any of its affiliates, subsidiaries, intermediaries and holding companies holds any direct or indirect ownership interest in any applicant for or holder of a manufacturer license or slot machine licensee, or employs, directly or indirectly, any person who satisfies the definition of a key employee qualifier or key employee of a manufacturer or slot machine applicant or licensee. In applying this provision to an applicant for a supplier license, the Board will not include interests that are held by individuals in any of the following manners:

(i) In mutual funds when the value of the interest owned does not exceed 1% of the total fair market value of the manufacturer or slot machine applicant or licensee and provided that the mutual fund is not a nondiversified fund invested primarily in entities operating in, or connected with, the gaming industry.

(ii) Through defined benefit pension plans.

(iii) Through deferred compensation plans organized and operated under section 457 of the Internal Revenue Code of 1986 (26 U.S.C.A. § 457).

(iv) In blind trusts over which the holder may not exercise any managerial control or receive income during the time period the holder is subject to these provisions.

(v) Through tuition account plans organized and operated under section 529 of the Internal Revenue Code (26 U.S.C.A. § 529).

(vi) Through plans described in section 401(k) of the Internal Revenue Code (26 U.S.C.A. § 401(k)).

(vii) An interest held by a spouse if an action seeking a divorce and dissolution of marital status has been initiated in any jurisdiction by either party to the marriage.

(8) A statement as to whether the supplier is a certified minority- or women-owned and controlled and the supplier's enterprise certification number, if any, as required by § 481.3 (relating to diversity participation).

(9) Other information or documentation as may be requested in writing by the Board.

(b) Each application for a supplier license must include the production of copies of financial books, records, information, documentation and assurances to satisfy the Board of the following:

(1) The financial fitness, good character, honesty, integrity and responsibility of the applicant.

(2) That all key employee qualifiers individually qualify under the standards of section 1317 of the act.

(3) The integrity of all financial backers.

(4) The suitability of the applicant and all key employee qualifiers of the applicant based on the satisfactory results of:

(i) A background investigation of all owners, officers, members of the board of directors and key employees or their equivalent in other jurisdictions.

(ii) A current tax clearance and lien review performed by the Department.

(iii) A current Unemployment Compensation Tax clearance review and a Workers Compensation Tax clearance review performed by the Department of Labor and Industry.

(c) A sworn or affirmed statement that the applicant has developed and implemented internal safeguards and policies to prevent a violation of section 1513 of the act (relating to political influence).

§ 431.3. Supplier requirements and prohibitions.

(a) Supplier licensees shall be the sole and exclusive authorized sources of slot machines or associated equipment, as provided in section 1317 of the act (relating to supplier and manufacturer licenses application), that are sold, leased, offered, installed or otherwise provided for use or play, distributed, serviced or repaired at licensed facilities.

(b) Nothing in this section prohibits a licensed gaming entity from servicing or repairing slot machines or associated equipment at its licensed facility pursuant to a written agreement between the licensed gaming entity and the supplier licensee that provided the slot machines or associated equipment for use or play at the licensed facility.

(c) Nothing in this section prohibits a licensed gaming entity from performing routine maintenance directly related to the availability of slot machines for play, customer service or a clean and gracious playing environment. The routine maintenance must include installation

or replacement of the following: batteries, hardware, including hinges, screws, bolts and custom handles, light bulbs, locks on slot machines and slot cash storage boxes, including the rekeying of the locks, printers, exclusive of printer software and paper stock. Routine maintenance also includes external cleaning and the clearing of paper, bill and coin jams which do not require removal or dismantling of the mechanisms.

(d) Nothing in this section prohibits a licensed manufacturer from installing, servicing or repairing slot machines or associated equipment at a designated licensed facility pursuant to a written agreement between the manufacturer licensee and the supplier licensee that provided the slot machines or associated equipment for use or play at the designated licensed facility.

(e) Every supplier licensee shall be subject to the following requirements:

(1) Within 1 year of the Board's issuance of the supplier license, a supplier shall establish and maintain a principal place of business in this Commonwealth.

(2) Under section 1306 of the act (relating to order of initial license issuance), the Board will license a sufficient number of suppliers to adequately meet the installation, service and repair needs of the licensed facilities.

(3) Nothing in this part requires that a manufacturer and a supplier enter into either an exclusive or nonexclusive contractual agreement.

(4) A supplier may only employ permitted technicians that have been trained and issued a certification according to procedures or policies established by licensed manufacturers whose equipment that supplier will service, install or repair.

(5) A supplier shall maintain at all times equipment and a physical facility in this Commonwealth approved by the Board adequate to house necessary inventory of replacement parts and supplies for slot machine operation and support, equipment necessary for transporting and delivering inventory, and equipment for the servicing, repairing and installing of all slot machines and associated equipment.

(6) At the time of licensure, a supplier shall have assets or available lines of credit to support the sale, financing, servicing and repair of all slot machines to be placed in service by the supplier. The assets and available lines of credit shall be from a source independent of slot machine manufacturers and licensed gaming entities. Notwithstanding the forgoing, a licensed manufacturer may extend financing or payment terms to a licensed supplier, at prevailing market rates and terms, for the acquisition or leasing of slot machines, to be secured by the slot machines sold, leased or transferred.

(7) A supplier shall submit to the Board for review any agreements with a licensed manufacturer or with a licensed gaming entity and detailed business plans. The Board's review may include, but not be limited to, financing arrangements, inventory requirements, warehouse requirements, warehouse space, technical competency, compensative agreements and other terms or conditions to ensure the financial independence of the licensed supplier from any licensed manufacturer or licensed gaming entity.

(8) Nothing in this chapter shall be construed as creating a franchise for the purposes of any franchise statutes, rules or regulations.

§ 431.4. Supplier log books.

(a) A supplier licensee shall maintain a log book to register all individuals who enter the licensee's principal place of business and each physical facility utilized by the licensee to house inventory, replacement parts, supplies, transportation or delivery equipment.

(b) The supplier licensee shall record or cause to be recorded in the log book the following:

(1) The date, entrance time and departure time of each individual.

(2) The name of each individual entering the place of business or physical facility and who they represent.

(3) The signature of each individual.

(4) The purpose for the visit.

(5) If applicable, the individual's Board license number.

(c) Licensed, permitted or registered employees of a supplier are not required to register in the log book.

(d) Each log book required by this section shall be maintained at the entrance of the location to which it pertains and shall be made readily accessible for examination and inspection upon the demand of any agent, employee or representative of the Board, the Department of Revenue or the Pennsylvania State Police.

[Pa.B. Doc. No. 06-1314. Filed for public inspection July 21, 2006, 9:00 a.m.]

PENNSYLVANIA GAMING CONTROL BOARD [58 PA. CODE CH. 438] Temporary Regulations; Labor Organizations

The Pennsylvania Gaming Control Board (Board), under 4 Pa.C.S. § 1203(a) (relating to temporary regulations), adopts temporary regulations to facilitate implementation of 4 Pa.C.S. Part II (relating to gaming), enacted by the act of July 5, 2004 (P. L. 572, No. 71) (Act 71). The Board's temporary regulations will be added to Part VII (relating to Gaming Control Board). Chapter 438, entitled Labor Organizations, is added to Subpart B, entitled Licensing, Registering, Certifying and Permitting.

Purpose and Background

Under 4 Pa.C.S. § 1203(a), the Board is authorized to promulgate temporary regulations to facilitate the prompt implementation of Act 71. The regulations are necessary to enhance the credibility of the licensed operation of slot machines and associated equipment within this Commonwealth and to carry out the policy and purposes of the Board. To invite public input, the Board published draft regulations on the Board's website and a 5-day public comment period was provided.

Under 4 Pa.C.S. § 1203(b), the temporary regulations adopted by the Board expire no later than 3 years following the effective date of Act 71 or upon promulgation of regulations as generally provided by the law. These temporary regulations shall not be subject to sections 201—205 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201—1208), known as the Commonwealth Documents Law (CDL), or to the Regulatory Review Act (71 P. S. §§ 745.1—745.15).

Financial Impact

Act 71 and the regulations will provide for the implementation and management of gaming within this Commonwealth and the collection of fees and taxes from entities and individuals authorized by the Board to be employed by, provide gaming related services to or operate gaming facilities. The appropriations from the Commonwealth for the implementation of Act 71 and costs of administering 4 Pa.C.S. Part II will be reimbursed by the licensed entities as specified within Act 71. Individuals and entities that wish to obtain licenses as gaming entities shall pay to the Gaming Fund significant licensing fees to obtain the authority to do business within this Commonwealth. Part of these fees shall reimburse the Board and the Pennsylvania State Police for licensing processes and background investigations. The licensing, registration, certification and permitting of individuals and other classes of applicants will be reimbursed by the applicants through fees established by the Board. It is anticipated that all expenses of the Board and all associated activities shall be reimbursed by the applicants and gaming entities as previously specified. The Board shall have no financial impact on the State budget.

Statutory Authority

The Board is authorized under 4 Pa.C.S. § 1203(a) to adopt and publish temporary regulations to implement the policies and purposes of Act 71.

Regulatory Review

Under 4 Pa.C.S. § 1203(b), the Board's authority to adopt temporary regulations expires 2 years from the effective date of Act 71.

Findings

The Board finds that:

(1) Under 4 Pa.C.S. § 1203(a), the temporary regulations are exempt from the requirements of the Regulatory Review Act and sections 201—205 of the CDL.

(2) A 5-day public comment period was held prior to the adoption of the temporary regulations.

(3) The adoption of the temporary regulations provided by this order is necessary and appropriate for the administration of the authorizing statute.

Order

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

(a) The Board, acting under the authority of Act 71, adopts as its final-form temporary regulations, the draft regulations as amended by resolution at the June 28, 2006, public meeting. The temporary regulations pertain to labor organizations.

(b) The temporary regulations of the Board, 58 Pa. Code, are amended by adding §§ 438.1—438.4 to read as set forth in Annex A.

(c) The temporary regulations are effective June 28, 2006.

(d) The temporary regulations shall be posted in their entirety on the Board's website and published in the *Pennsylvania Bulletin*.

(e) The temporary regulations shall be subject to amendment as deemed necessary by the Board in accordance with the purpose of Act 71 and to further the intent of Act 71.

(f) The Chairperson of the Board shall certify this order and deposit the regulations with the Legislative Reference Bureau as required by law.

THOMAS A. DECKER,
Chairperson

Fiscal Note: 125-40. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART VII. GAMING CONTROL BOARD

Subpart B. LICENSING, REGISTERING, CERTIFYING AND PERMITTING

CHAPTER 438. LABOR ORGANIZATIONS

- 438.1. Definitions.
438.2. Labor organization notification.
438.3. Permitting of labor organization officers, agents and principal employees.
438.4. Enforcement.

§ 438.1. Definitions.

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

Labor organization—Any organization, union, agency, employee representation committee, group, association, or plan in which employees participate which exists for the purpose, in whole or in part, of dealing with a licensed gaming facility concerning grievances, labor disputes, wages, rates of pay, hours, or other terms or conditions of employment, including any conference, general committee, joint or systems board or international labor organization.

Labor organization agent—A person, compensated or not, who is authorized to represent a labor organization in any employment matter relating to employees who are employed by a licensed gaming entity, or who undertakes on behalf of the labor organization to promote, facilitate or otherwise influence the relations between the labor organization and a licensed gaming entity.

Labor organization officer—An officer or person authorized to perform the functions of president, vice president, secretary/treasurer or other executive function of a labor organization, and a member of its executive board or similar governing body who exercises any authority, discretion or influence with regard to any matter relating to employees who are employed in a licensed gaming facility.

Labor organization principal employee—An employee of a labor organization who serves in a management, supervisory or policy making position, which exercises authority, discretion or influence with regard to any matter relating to employees who are employed in a licensed gaming facility.

§ 438.2. Labor organization notification.

(a) Each labor organization shall file a completed Labor Organization Notification Form in a format prescribed by the Board.

(b) Labor organizations shall file an updated version of the Labor Organization Notification Form within 30 days of any change in the information contained on the form.

§ 438.3. Permitting of labor organization officers, agents and principal employees.

(a) Every labor organization officer, agent and principal employee shall be permitted in accordance with this section.

(b) Every labor organization officer, agent and principal employee shall file a completed Union Permit Application Form with the licensing fee established by the Board.

(c) Applicants and permittees under this section shall be subject to the general application and licensing requirements of Chapters 421 and 423 (relating to general provisions and applications).

(d) Permits issued under this section will be valid for 1 year from the date on which the permit is approved by the Board. Renewals will be valid for 1 year and shall be filed no later than 60 days prior to the expiration of the current permit. A permit for which a completed renewal application and fee has been received by the Board will continue in effect unless the Board sends written notification to the permittee that the Board has denied renewal of the permit.

§ 438.4. Enforcement.

The Office of Enforcement Counsel may initiate proceedings against any labor organization, or labor organization officer, agent or principal employee for violations of any provisions of this chapter.

[Pa.B. Doc. No. 06-1315. Filed for public inspection July 21, 2006, 9:00 a.m.]

PENNSYLVANIA GAMING CONTROL BOARD [58 PA. CODE CH. 441]

Temporary Regulations; Employee Status Report and Notice of Employee Misconduct and Offenses

The Pennsylvania Gaming Control Board (Board), under 4 Pa.C.S. § 1203(a) (relating to temporary regulations), adopts temporary regulations to facilitate implementation of 4 Pa.C.S. Part II (relating to gaming), enacted by the act of July 5, 2004 (P. L. 572, No. 71) (Act 71). The Board's temporary regulations will be added to Part VII (relating to Gaming Control Board). Sections 441.21 and 441.22, entitled employee status report and notice of employee misconduct and offenses, are added to Chapter 441, entitled slot machine licenses, under Subpart C, entitled slot machine licensing.

Purpose and Background

Under 4 Pa.C.S. § 1203(a), the Board is authorized to promulgate temporary regulations to facilitate the prompt implementation of Act 71. The regulations are necessary to enhance the credibility of the licensed operation of slot machines and associated equipment within this Commonwealth and to carry out the policy and purposes of the Board. To invite public input, the Board published draft regulations on the Board's website and 5-day public comment period was provided.

Under 4 Pa.C.S. § 1203(b), the temporary regulations adopted by the Board expire no later than 3 years following the effective date of Act 71 or upon promulgation of regulations as generally provided by the law. These temporary regulations shall not be subject to sections 201–205 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201–1208), known as the Commonwealth Documents Law (CDL), or to the Regulatory Review Act (71 P. S. §§ 745.1–745.15).

Financial Impact

Act 71 and the regulations will provide for the implementation and management of gaming within this Commonwealth and the collection of fees and taxes from entities and individuals authorized by the Board to be employed by, provide gaming related services to or operate gaming facilities. The appropriations from the Commonwealth for the implementation of Act 71 and costs of administering 4 Pa.C.S. Part II will be reimbursed by the licensed entities as specified within Act 71. Individuals and entities that wish to obtain licenses as gaming entities shall pay to the Gaming Fund significant licensing fees to obtain the authority to do business within this Commonwealth. Part of these fees shall reimburse the Board and the Pennsylvania State Police for licensing processes and background investigations. The licensing, registration, certification and permitting of individuals and other classes of applicants will be reimbursed by the applicants through fees established by the Board. It is anticipated that all expenses of the Board and all associated activities shall be reimbursed by the applicants and gaming entities as previously specified. The Board shall have no financial impact on the State budget.

Statutory Authority

The Board is authorized under 4 Pa.C.S. § 1203(a) to adopt and publish temporary regulations to implement the policies and purposes of Act 71.

Regulatory Review

Under 4 Pa.C.S. § 1203(b), the Board's authority to adopt temporary regulations expires 2 years from the effective date of Act 71.

Findings

The Board finds that:

(1) Under 4 Pa.C.S. § 1203(a), the temporary regulations are exempt from the requirements of the Regulatory Review Act and sections 201—205 of the CDL.

(2) A 5-day public comment period was held prior to the adoption of the temporary regulations.

(3) The adoption of the temporary regulations provided by this order is necessary and appropriate for the administration of the authorizing statute.

Order

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

(a) The Board, acting under the authority of Act 71, adopts as its final-form temporary regulations, the draft regulations as amended by resolution at the June 28, 2006, public meeting. The temporary regulations pertain to employee status report and notice of employee misconduct and offenses.

(b) The temporary regulations of the Board, 58 Pa. Code Chapter 441, are amended by adding §§ 441.21 and 441.22 to read as set forth in Annex A.

(c) The temporary regulations are effective June 28, 2006.

(d) The temporary regulations shall be posted in their entirety on the Board's website and published in the *Pennsylvania Bulletin*.

(e) The temporary regulations shall be subject to amendment as deemed necessary by the Board in accordance with the purpose of Act 71 and to further the intent of Act 71.

(f) The Chairperson of the Board shall certify this order and deposit the regulations with the Legislative Reference Bureau as required by law.

THOMAS A. DECKER,
Chairperson

Fiscal Note: 125-41. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART VII. GAMING CONTROL BOARD

Subpart C. SLOT MACHINE LICENSING

CHAPTER 441. SLOT MACHINE LICENSES

§ 441.21. Employee status report.

(a) Each slot machine licensee shall maintain a complete, accurate and current record of each employee that includes the information in subsection (b)(1)—(4).

(b) Each month each slot machine licensee shall generate a monthly employee status report for all slot machine licensee employees. The report shall be submitted to the Board's Bureau of Licensing no later than the 15th calendar day of the following month. The report must include the following information:

(1) An alphabetical listing of the individuals currently employed by the slot machine licensee and the following information with respect to each employee listed:

(i) The name of the employee.

(ii) The address of record of the employee on file with the slot machine licensee.

(iii) The employee's license, permit or registration number.

(iv) The employee's title or position.

(v) Whether the employee is full-time or part-time.

(vi) The date of hire of the employee.

(vii) The access code, if any, assigned to the employee, which designates the restricted areas that the employee is permitted to enter and remain in for the purposes of performing his normal duties.

(2) The total number of persons employed by the slot machine applicant or licensee during the preceding month.

(3) An alphabetical listing of all employees who have discontinued or terminated employment with the slot machine licensee during the preceding month and the following information with respect to each employee listed:

(i) The information listed in paragraph (1)(i)—(vii).

(ii) The date on which the employee discontinued or terminated employment with the slot machine licensee.

(iii) The employee's address of record.

(4) The total number of employees who have discontinued or terminated employment with the slot machine licensee during the preceding month.

(5) The date on which the information provided in the report was compiled.

(c) The reports shall be signed by the slot machine licensee and transmitted to the Board's Bureau of Licensing by means of electronic data transmission or in a form prescribed by the Board.

(d) The Board may, at its discretion, request interim employee status reports from a slot machine licensee.

§ 441.22. Notice of employee misconduct and offenses.

(a) A slot machine licensee is under a continuing obligation to notify the Board within 5 days of the termination of any employee, of any information surrounding the termination of the employee that could be cause for suspension or revocation of the employee's license, permit or registration or any enforcement action related thereto.

(b) The notice must include the following information:

- (1) The employee's name.
- (2) The address of record of each employee on file with the slot machine licensee.
- (3) The employee's license, permit or registration number.
- (4) The employee's title or position.
- (5) A summary of the incident or misconduct by the employee, including any violations of this part or the act.
- (6) The date of termination of the employee.
- (7) The access code, if any, assigned to the employee, which designates the restricted areas that the employee is permitted to enter and remain in for the purposes of performing his normal duties.

(c) Notwithstanding subsection (a), a slot machine licensee is under a continuing obligation to immediately notify the Board upon learning of the charging, indictment or conviction of any of its affiliates, intermediaries, subsidiaries, holding companies, key employee qualifiers, key employees, permittees or registrants, for any of the following:

- (1) An offense or violation under the act or this part.
- (2) The willful and knowing violation or attempt to violate an order of the Board by an employee.
- (3) An offense or violation of another applicable law which would otherwise disqualify the person from holding the license, permit or registration.
- (4) An offense or violation of any criminal law or ordinance of the United States or the Commonwealth or a comparable offense or violation in other states or foreign jurisdictions.

[Pa.B. Doc. No. 06-1316. Filed for public inspection July 21, 2006, 9:00 a.m.]

PENNSYLVANIA GAMING CONTROL BOARD
[58 PA. CODE CH. 461, 465 AND 467]
Temporary Regulations; Slot Machines

The Pennsylvania Gaming Control Board (Board), under 4 Pa.C.S. § 1203(a) (relating to temporary regulations), adopts temporary regulations to facilitate implementation of 4 Pa.C.S. Part II (relating to gaming), enacted by the act of July 5, 2004 (P. L. 572, No. 71) (Act 71). The Board's temporary regulations will be added to Part VII (relating to Gaming Control Board). Section 461.7 of Chapter 461, entitled slot machine testing and certification requirements, is amended to read as set forth in Annex A. Sections 461.4, 461.7, 461.18a and 461.22 are added to Chapter 461. Sections 465.1, 465.10, 465.12,

465.13 and 465.15 of Chapter 465, entitled accounting and internal controls, are amended to read as set forth in Annex A. Sections 465.21—465.31 are added to Chapter 465. Chapter 467, entitled commencement of slot operations, is added to Subpart E, entitled Slot machine testing, certification and control.

Purpose and Background

Under 4 Pa.C.S. § 1203(a), the Board is authorized to promulgate temporary regulations to facilitate the prompt implementation of Act 71. The regulations are necessary to enhance the credibility of the licensed operation of slot machines and associated equipment within this Commonwealth and to carry out the policy and purposes of the Board.

Under 4 Pa.C.S. § 1203(b), the temporary regulations adopted by the Board expire no later than 3 years following the effective date of Act 71 or upon promulgation of regulations as generally provided by the law. These temporary regulations shall not be subject to sections 201—205 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201—1208), known as the Commonwealth Documents Law (CDL), or to the Regulatory Review Act (71 P. S. §§ 745.1—745.15).

Financial Impact

Act 71 and the regulations will provide for the implementation and management of gaming within this Commonwealth and the collection of fees and taxes from entities and individuals authorized by the Board to be employed by, provide gaming related services to or operate gaming facilities. The appropriations from the Commonwealth for the implementation of Act 71 and costs of administering 4 Pa.C.S. Part II will be reimbursed by the licensed entities as specified within Act 71. Individuals and entities that wish to obtain licenses as gaming entities shall pay to the Gaming Fund significant licensing fees to obtain the authority to do business within this Commonwealth. Part of these fees shall reimburse the Board and the Pennsylvania State Police for licensing processes and background investigations. The licensing, registration, certification and permitting of individuals and other classes of applicants will be reimbursed by the applicants through fees established by the Board. It is anticipated that all expenses of the Board and all associated activities shall be reimbursed by the applicants and gaming entities as previously specified. The Board shall have no financial impact on the State budget.

Statutory Authority

The Board is authorized under 4 Pa.C.S. § 1203(a) to adopt and publish temporary regulations to implement the policies and purposes of Act 71.

Regulatory Review

Under 4 Pa.C.S. § 1203(b), the Board's authority to adopt temporary regulations expires 2 years from the effective date of Act 71.

Findings

The Board finds that:

(1) Under 4 Pa.C.S. § 1203(a), the temporary regulations are exempt from the requirements of the Regulatory Review Act and sections 201—205 of the CDL.

(2) The adoption of the temporary regulations provided by this order is necessary and appropriate for the administration of the authorizing statute.

Order

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

(a) The Board, acting under the authority of Act 71, adopts as its final-form temporary regulations, the proposed regulations by resolution at the June 28, 2006, public meeting. The temporary regulations pertain to slot machine testing and certification requirements, accounting and internal controls and commencement of slot operations.

(b) The temporary regulations of the Board, 58 Pa. Code, are amended by amending §§ 461.4, 461.7, 465.1, 465.10, 465.12, 465.13 and 465.15 and by adding §§ 461.22, 461.23, 465.21—465.31, 467.1 and 467.2 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

(c) The temporary regulations are effective June 28, 2006.

(d) The temporary regulations shall be posted in their entirety on the Board's website and published in the *Pennsylvania Bulletin*.

(e) The temporary regulations shall be subject to amendment as deemed necessary by the Board in accordance with the purpose of Act 71 and to further the intent of Act 71.

(f) The Chairperson of the Board shall certify this order and deposit the regulations with the Legislative Reference Bureau as required by law.

THOMAS A. DECKER,
Chairperson

Fiscal Note: 125-36. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART VII. GAMING CONTROL BOARD

Subpart E. SLOT MACHINE TESTING, APPROVAL AND CONTROL

CHAPTER 461. SLOT MACHINES AND ASSOCIATED EQUIPMENT

§ 461.4. Submission for testing and approval.

* * * * *

(k) A slot machine licensee is prohibited from installing in its licensed facility any slot machine or associated equipment, or modification thereto, required to be tested and approved under subsection (b) unless the equipment, device or software has been approved by the Board. A slot machine licensee may not modify, alter or tamper with any approved slot machine or associated equipment. Any slot machine or associated equipment installed in a licensed facility in contravention of this requirement will be subject to seizure by the Board.

(m) A slot machine licensee shall immediately notify the Board, in a manner and form the Board prescribes, of any known or suspected defect or malfunction in any slot machine or associated equipment installed in its licensed facility. The slot machine licensee shall comply with any instructions issued by the Board with regard to the continued operation of the slot machine or associated equipment.

(n) If a dispute arises with a patron concerning payment of alleged winnings, the slot machine licensee shall notify the patron in writing, concurrent with its initial

receipt of notice of the dispute, that the patron has the right to contact the Board with regard to the dispute.

(o) When a slot machine licensee refuses to pay winnings claimed by a patron and the patron and the slot machine licensee remain unable to resolve the dispute after 7 days, the slot machine licensee shall, on the next day, notify the Board in writing of the dispute in a manner and form the Board prescribes. The notice must identify all parties to the dispute and state all known relevant facts regarding the dispute.

(p) Concurrent with the initial receipt of slot machines, an applicant for, or holder of, a slot machine license shall file a slot machine master list as required by § 463.5 (relating to slot machine master list).

(q) The testing of equipment, devices or software under this subpart may require the dismantling of the product and testing that may result in damage to, or destruction of, one or more systems or components. Once submitted for testing, equipment, devices or software will not be returned to the manufacturer unless otherwise determined by the Board.

§ 461.7. Slot machine minimum design standards.

* * * * *

(v) Each slot machine must be equipped with a lock controlling access to the card cage door securing its microprocessor, the key to which must be different from any other key securing access to the slot machine's components including its belly door or main door, bill validator or slot cash storage box. Access to the key securing the microprocessor shall be limited to a supervisor in the slot operations department, which department shall establish a sign out and sign in procedure with regard to this key.

(w) Each slot machine must be equipped with a mechanism for detecting and communicating to a slot monitoring system any activity with regard to access to the card cage door securing its microprocessor.

(x) The Board may waive one or more of the slot machine minimum design standards in this section or technical standards adopted by the Board applicable to slot machine design, upon a determination that a slot machine prototype or modification as configured nonetheless meets the operational integrity standards of the act, this subpart and technical standards adopted by the Board.

§ 461.22. Automated jackpot payout machines.

(a) An automated jackpot payout machine is the collective hardware, software, communications technology and other ancillary equipment used to facilitate the payment of a jackpot that is not totally and automatically paid directly from a slot machine.

(b) An automated jackpot payout machine must comply with the act, this subpart and technical standards on automated jackpot payout machines adopted by the Board.

(c) A slot machine licensee is prohibited from utilizing an automated jackpot payout machine which has not been tested and approved by the Board under § 461.4 (relating to submission for testing and approval).

(d) Prior to commencing use of an automated jackpot payout machine, each slot machine licensee shall establish a comprehensive system of internal controls addressing the payment of jackpot payouts utilizing an automated jackpot payout machine and the distribution of currency or coin, or both, to the machines. The internal

controls shall be submitted to, and approved by the Board under § 465.3 (relating to internal control systems and audit protocols.

(e) The Board may waive one or more of the requirements of this section or a technical standards applicable to automated jackpot payout machines adopted by the Board upon a determination that the automated jackpot payout machine as configured nonetheless meets the operational integrity requirements of the act, this subpart and any technical standards adopted by the Board.

§ 461.23. Slot machines and associated equipment utilizing alterable storage media.

(a) *Definition.* The following term, when used in this section, has the following meaning, unless the context clearly indicates otherwise:

Alterable storage media—Memory or other storage medium, such as an EEPROM, flash, optical or magnetic storage device, which is contained in a slot machine or associated equipment subject to approval under § 461.4 (relating to submission for testing and approval), that allows the modification of programs or data on the storage media during the normal operation of the slot machine or associated equipment. The term does not include:

(1) Memory or other storage medium typically considered to be alterable but through either software or hardware means approved by the Board have been rendered unalterable and remain verifiable by the central control computer system.

(2) Associated equipment using alterable storage media that the Board determines are incapable of influencing the integrity or outcome of game play.

(b) *Use of alterable storage media.* Any use of alterable storage media in a slot machine or associated equipment must be in compliance with the act, this subpart and technical standards on alterable storage media adopted by the Board.

CHAPTER 465. ACCOUNTING AND INTERNAL CONTROLS

§ 465.1. Definitions.

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

* * * * *

Signature—The written name of an employee of a slot machine licensee signifying that the employee has prepared forms, records and documents or authorized, observed or participated in a transaction to a sufficient extent to attest to the accuracy of the information recorded thereon, in conformity with this subpart and the slot machine licensee's system of internal controls and which is in either of the following formats:

(i) The employee's first initial, last name and Board license number, written by the employee, immediately adjacent to or above the clearly printed or preprinted title of the employee.

(ii) The employee's identification number or other computer identification code issued to the employee by the slot machine licensee, if the document to be signed is authorized by the Board to be generated by a slot computer system and the method of signature is approved or required by the Board.

§ 465.10. Surveillance system; surveillance department control; surveillance department restrictions.

* * * * *

(l) In accordance with § 465.3(a)(5), each slot machine licensee shall be required to submit, for Board approval, a minimum staffing submission with regard to its surveillance monitor rooms. The minimum staffing submission must consider the size and layout of the licensed facility as well as the number of slot machines and must at all times provide for adequate and effective surveillance of activities inside and outside the licensed facility. A slot machine licensee may not implement a change or amendment in its surveillance monitor room minimum staffing submission without Board approval of the change or amendment.

* * * * *

§ 465.12. Slot machine licensee's organization.

* * * * *

(b) In addition to satisfying the requirements of subsection (a), each slot machine licensee's system of internal controls must include, at a minimum, the following departments and supervisory positions, each of which must be categorized as mandatory and cooperate with, yet perform independently of, all other mandatory departments and supervisory positions of the slot machine licensee. Notwithstanding the foregoing, a department or supervisor of a slot machine licensee that required or authorized by this section may operate under or in conjunction with a mandatory department or supervisor provided the organizational structure is not inconsistent with the standards contained within the act and subsection (a). Mandatory departments and supervisory positions are as follows:

(1) A surveillance department supervised by a person located at the licensed facility who functions, for regulatory purposes, as the director of surveillance. The director of surveillance shall be subject to the reporting requirements specified in subsection (c) and shall be licensed as a key employee. The surveillance department shall be responsible for the following:

* * * * *

(viii) Providing immediate notice to appropriate supervisors, the Bureau and the Pennsylvania State Police upon detecting, and also upon commencing video recording of, any person who is engaging in or attempting to engage in, or who is reasonably suspected of cheating, theft, embezzlement, a violation of this part or other illegal activities, including any person who is required to be excluded or ejected from the licensed facility under section 1514 of the act, who may be excluded or ejected from the licensed facility under section 1515 of the act or is self excluded from the gaming floor and gaming activities at all licensed facilities under section 1516 of the act.

* * * * *

(5) A security department supervised by a person located at the licensed facility who functions, for regulatory purposes, as the director of security. The security department must be licensed as a key employee and be responsible for the overall security of the licensed facility including the following:

* * * * *

(ix) Providing immediate notice to the Pennsylvania State Police upon detecting the presence in the licensed

facility of a person possessing a firearm or handgun in violation of § 465.14 (relating to firearms; possession within a licensed facility).

(x) Providing immediate notice to appropriate supervisors, the Bureau and the Pennsylvania State Police upon detecting any person who is engaging in or attempting to engage in, or who is reasonably suspected of cheating, theft, embezzlement, a violation of this part or other illegal activities, including any person who is required to be excluded or ejected from the licensed facility under section 1514 of the act, who may be excluded or ejected from the licensed facility under section 1515 of the act or is self excluded from the gaming floor and gaming activities at all licensed facilities under section 1516 of the act.

* * * * *

§ 465.13. Access badges and temporary access badges.

(a) For the purposes of this section, an access badge is any form of identification issued by a slot machine licensee and worn by a slot machine licensee employee, for purposes of identifying the areas of the licensed facility where the employee may obtain access in the course of the performance of his normal duties.

(b) Each slot machine licensee shall establish procedures, in writing, for readily and effectively identifying each person permitted, during the normal course of performing his duties, to have access to one or more restricted areas within the licensed facility.

(1) The procedures must include the requirement that persons wear, in a visible location, an access badge.

(2) The procedures must also include a methodology for updating the access badge procedures to reflect changes and amendments in the slot machine licensee's table of organization and the positions approved with respect thereto.

(3) The procedures must further include provisions expressly addressing access by employees of licensed manufacturers, licensed suppliers and registered and certified vendors.

(c) Each slot machine licensee shall also establish procedures, in writing, for readily and effectively identifying each person permitted, under temporary or emergency circumstances, to have access to one or more restricted areas within the licensed facility.

(1) The procedures must include the requirement that those persons wear, in a visible location, a temporary access badge.

(2) The procedures must also include a methodology for updating the temporary access badge procedures to reflect changes and amendments in the slot machine licensee's table of organization and the positions approved with respect thereto.

(3) The procedures must further include provisions expressly addressing temporary or emergency access by licensed manufacturers, licensed suppliers and registered and certified vendors.

(d) The procedures required in subsection (b) are to be designed, implemented and enforced by the security department in collaboration with the human resources department or its functional equivalent. The procedures in subsection (c) are to be designed, implemented and enforced by the security department. Procedures addressing both access badges and temporary access badges shall be retained in the security department and be made

immediately available to the Board and the Pennsylvania State Police upon request. The slot machine licensee shall cooperate with the Board in making amendments to its procedures to improve the effectiveness of its access badge and temporary access badge systems.

§ 465.15. Security department minimum staffing.

In accordance with § 465.3(d)(5) (relating to internal control systems and audit protocols), each slot machine licensee shall be required to submit, for Board approval, a minimum staffing submission with regard to its security department. The minimum staffing submission must consider the size and layout of the licensed facility as well as the number and configuration of slot machines on the gaming floor and must at all times provide for adequate and effective security of the gaming floor and any restricted areas servicing the gaming operation. A slot machine licensee may not implement a change or amendment in its security department minimum staffing submission without Board approval of the change or amendment.

§ 465.21. Personal check cashing.

(a) Personal checks accepted by a slot machine licensee under § 501.8 (relating to prohibition on check cashing) to enable a person to take part in gaming must be:

(1) Drawn on a commercial bank, savings bank, saving and loan association, or credit union and payable on demand.

(2) Drawn for a specific amount.

(3) Made payable to the slot machine licensee.

(4) Currently dated, but not post dated.

(b) Personal checks accepted under subsection (a) shall be presented by the patron directly to a slot cashier who shall:

(1) Restrictively endorse the check "for deposit only" to the bank account designated by the slot machine licensee.

(2) Initial the check.

(3) Date and time stamp the check.

(4) Verify that the signature of the patron on the personal check and the patron's physical appearance agree with information recorded in a patron signature file created and maintained by the slot machine licensee in accordance with subsection (c) or with the signature and photograph or physical description contained on a government-issued identification credential presented by the patron. The slot machine licensee shall retain adequate documentation evidencing the signature verification performed in connection with the acceptance of each personal check.

(5) For personal checks equaling or exceeding \$500, verify the validity of the check directly with the commercial bank, savings bank, saving and loan association or credit union upon which it is drawn or with a check verification service registered or certified as a vendor with the Board. The slot machine licensee shall retain adequate documentation evidencing the check verification performed in connection with the acceptance of each personal check.

(6) Immediately exchange the personal check for cash in an amount equal to the amount for which the check is drawn, not to exceed \$2,500 per patron per gaming day.

(c) To record a patron's signature in a patron signature file, a slot cashier shall require the person for whom the file is to be created to present for examination the following:

(1) If the identity of the patron is to be confirmed in accordance with subsection (d)(1), one identification credential.

(2) If the identity of the patron is to be confirmed in accordance with subsection (d)(2), two identification credentials, at least one of which must contain a photograph or general physical description of the patron.

(d) Before a slot machine licensee may use a signature recorded in a patron signature file to verify the identity of a patron or the validity of a signature on a document, the slot machine licensee shall confirm the identity of the patron by either:

(1) Comparing the signature on the identification credential presented by the patron under subsection (c)(1) with the signature obtained from the patron and verifying the address of the patron's residence with a credit bureau, commercial bank or, if neither of these sources has the person's address on file or will not provide the information, with an alternative source, which does not include any documentation presented by the patron at the cashiers' cage.

(2) Comparing the signature on each of the identification credentials presented by the patron under subsection (c)(2) with the signature obtained from the patron and comparing the photograph or general physical description contained on at least one of the identification credentials with the patron's actual physical appearance.

(e) Any patron signature file established and maintained by a slot machine licensee under subsection (c) must include, in addition to the patron's signature, the following:

- (1) The patron's name.
- (2) The address of the patron's residence.
- (3) The type of each identification credential examined under subsection (d) and an indication whether the identification credential contained a photograph or physical description of the person.
- (4) For the purposes of this section, a physical description of the patron which includes:
 - (i) Date of birth.
 - (ii) Approximate height.
 - (iii) Approximate weight.
 - (iv) Hair color.
 - (v) Eye color.
- (5) The date and time that the patron signature file was established.
- (6) The procedure by which the identity of the person was confirmed under subsection (d), including:
 - (i) The source of confirmation, date and time if confirmed under subsection (d)(1).
 - (ii) The date and time of confirmation if confirmed under subsection (d)(2).
- (7) The signature of the slot cashier or cashiers' cage supervisor who examined the identification credentials of the patron and established the patron signature file, which signature evidences that:
 - (i) The signature of the patron recorded in the patron signature file is consistent with the signature on each identification credential that was examined.
 - (ii) The physical description recorded in the patron signature file is consistent with both the actual appear-

ance of the person and any photograph or physical description that may be contained on an identification credential that was examined.

(f) Prior to accepting personal checks, each slot machine licensee shall establish a comprehensive system of internal controls applicable to the acceptance of personal checks. The internal controls shall be submitted to and approved by the Board under § 465.3 (relating to internal control systems and audit protocols). The internal controls submitted by the slot machine licensee must address procedures for complying with this section including the dollar limitation per gaming day contained in subsection (b)(6).

§ 465.22. Wire transfers.

(a) A wire transfer accepted by a slot machine licensee on behalf of a patron under § 501.8 (relating to prohibition on check cashing) to enable a patron to take part in gaming shall be recorded in the slot machine licensee's cashiers' cage accountability no later than the next gaming day.

(b) Prior to commencing acceptance of wire transfers for gaming purposes, each slot machine licensee shall establish a comprehensive system of internal controls addressing the acceptance, verification, accounting for and sending of wire transfers. The internal controls shall be submitted to and approved by the Board under § 465.3 (relating to internal control systems and audit protocols).

(c) The internal control procedures developed and implemented by the slot machine licensee under subsection (b) must include:

- (1) A cashiers' cage log to record the following information with regard to wire transfers accepted:
 - (i) A sequential number assigned by the slot machine licensee to the wire transfer transaction.
 - (ii) The date and time of notification.
 - (iii) The name of the financial institution and account number to which the funds were transferred.
 - (iv) The amount of funds transferred.
 - (v) The name of the patron for whose benefit the funds were transferred.
 - (vi) The name and address of the financial institution from which the funds were transferred and the account number from which the funds were debited.
 - (vii) The method by which the slot machine licensee was notified of the receipt of the wire transfer and, if noticed by telephone, the name and title of the person providing notice.
 - (viii) The signature of the cashiers' cage employee receiving and recording the information required by this subsection.
 - (ix) When applicable, a notation that the wire transfer has been reversed under subsection (d).

(2) A requirement that a cashiers' cage supervisor other than the cashiers' cage employee who initially documented receipt of the wire transfer verify receipt of the wire transfer.

(3) A requirement that the cashiers' cage supervisor verifying receipt of the wire transfer document the verification process performed in the log required under subparagraph (1) including:

(i) The method by which the receipt of the wire transfer was verified and, if verified by telephone, the name and title of the person providing the verification.

(ii) The date and time of verification.

(iii) The signature of the cashiers' cage supervisor verifying receipt of the wire transfer.

(4) The procedures pursuant to which the identity of the patron is established, verified and documented, the wire transfer proceeds made available to the patron at the cashiers' cage and the cashiers' cage accountability adjusted.

(5) A cashiers' cage log to record the following information with regard to wire transfers sent on behalf of a patron:

(i) The name of the patron.

(ii) The date of the transaction.

(iii) The amount of funds transferred.

(iv) The source of funds transferred (cash, cash equivalent, jackpot payout).

(v) The name and address of the financial institution to which the funds will be transferred and the account number to which the funds will be credited.

(vi) The signature of the patron if the request to send a wire transfer is made in person at the cashiers' cage.

(vii) Documentation supporting the receipt of a request by the slot machine licensee to send a wire transfer on behalf of a patron if the request was not made in person at the cashiers' cage.

(viii) The signature of the cashiers' cage employee receiving and recording the information required by this subsection.

(ix) The signature of the cashiers' cage supervisor or accounting department supervisor authorizing the wire transfer.

(6) When sending a wire transfer on behalf of a patron, the procedures pursuant to which the identity of the patron is verified and documented and the cashiers' cage accountability adjusted.

(d) If, at the expiration of 14 gaming days following the deposit into its operating account of a wire transfer which has no documented business purpose other than having been accepted to enable a patron to take part in gaming, the wired funds remain in a slot machine licensee's operating account or cashiers' cage accountability, the slot machine licensee shall, on the next gaming day, take all steps necessary to return to the patron by wire transfer the amount initially accepted. The wire transfer shall be sent to the financial institution and to the account number from which the funds were debited. This reversal of the wire transfer shall be recorded in the wire transfer log maintained under subsection (c)(1).

§ 465.23. Cash equivalents.

(a) Cash equivalents such as recognized traveler's checks, cashiers' checks and money orders may be accepted by a slot machine licensee under § 501.8 (relating to prohibition on check cashing) to enable a person to take part in gaming.

(b) Prior to commencing acceptance of cash equivalents for gaming purposes, each slot machine licensee shall establish a comprehensive system of internal controls addressing the acceptance and verification of cash equivalents. The internal controls shall be submitted to and

approved by the Board under § 465.3 (relating to internal control systems and audit protocols).

(c) The internal control procedures developed and implemented by the slot machine licensee under subsection (b) must include:

(1) A requirement that cashiers' cage employees perform the specific verification procedures required by the issuer of each cash equivalent accepted. The slot machine licensee shall retain adequate documentation evidencing the verification of each cash equivalent.

(2) A requirement that cashiers' cage employees examine each cash equivalent for counterfeiting, forgery or alteration.

(3) When a slot machine licensee elects to incorporate into its verification procedures a level of reliance on previously accepted cash equivalents, the procedures must articulate the general parameters governing the reliance.

(4) Criteria for cashiers' cage supervisor involvement in the verification process.

(5) Procedures for verifying any patron signature on the cash equivalent. Signature verification must be accomplished in accordance with the signature verification procedures in § 465.21 (relating to personal checks). The slot machine licensee shall retain adequate documentation evidencing each signature verification.

§ 465.24. Customer deposits.

(a) At the request of a patron, a slot machine licensee may hold cash, funds accepted by means of wire transfer in accordance with § 465.22 (relating to wire transfers) or cash equivalents accepted in accordance with § 465.23 (relating to cash equivalents) for a patron's subsequent use for gaming purposes. For the purposes of this section, after complying with this subpart for acceptance and verification, noncash items shall be considered converted to cash and deposited as cash for credit to the patron in a customer deposit account maintained in the cashiers' cage.

(b) Prior to agreeing to hold a patron's cash, funds accepted by means of wire transfer in accordance with § 465.22 or cash equivalents accepted in accordance with § 465.23 for a patron's subsequent use for gaming purposes, each slot machine licensee shall establish a comprehensive system of internal controls addressing the receipt and withdrawal of a customer deposit. The internal controls shall be submitted to and approved by the Board under § 465.3 (relating to internal control systems and audit protocols).

(c) The internal control procedures developed and implemented by the slot machine licensee under subsection (b) must include:

(1) A requirement that customer deposits be accepted at the cashiers' cage.

(2) A requirement that customer deposits be withdrawn by the patron at the cashiers' cage or upon receipt by the slot machine licensee of a written request for withdrawal whose validity has been established.

(3) A requirement that the patron receive a receipt for any customer deposit accepted reflecting the total amount deposited, the date of the deposit and the signature of the cashiers' cage employee accepting the customer deposit.

(4) Procedures for verifying the identity of the patron at the time of withdrawal. Signature verification must be accomplished in accordance with the signature verifica-

tion procedures under § 465.21 (relating to personal checks). The slot machine licensee shall retain adequate documentation evidencing the patron identification process and signature verification.

§ 465.25. Count room characteristics.

(a) Each slot machine licensee shall have adjacent or reasonably proximate to the cashiers' cage a room, to be known as a count room, specifically designated, designed and used for counting the contents of slot cash storage boxes.

(b) The count room shall be designed and constructed to provide maximum security for the materials housed therein and for the activities conducted therein. Each slot machine licensee shall design and construct a count room with the following security measures:

(1) A metal door installed on each entrance and exit equipped with an alarm device which audibly signals the surveillance department monitoring room and the security department whenever a door to the count room is opened at times other than those times for which the slot machine licensee has provided prior notice under § 465.26 (relating to counting of slot cash storage boxes).

(2) Each entrance and exit door must be equipped with two separate locks, the keys to which must be different from each other and different from the lock securing the contents of each slot cash storage box. The key to one of the locks shall be maintained and controlled by the security department and the key to the other lock shall be maintained and controlled by slot accounting. Sign-out and sign-in procedures must be established for both keys.

(c) Located within the count room must be:

(1) A table constructed of clear glass or similar material for the emptying, counting and recording of the contents of slot cash storage boxes.

(2) Surveillance cameras capable of the following:

(i) Effective video monitoring of the entire count process.

(ii) Effective video monitoring of the interior of the count room, including any storage cabinets or trolleys used to store slot cash storage boxes and any Board-approved trolley storage area located adjacent to the count room.

§ 465.26. Counting and recording of slot cash storage boxes.

(a) Each slot machine licensee shall place on file with the Board, in the manner prescribed by the Board, a schedule setting forth the specific times during which the contents of slot cash storage boxes are to be counted and recorded. Any deviation from the schedule shall be noticed to the Board in advance in a manner prescribed by the Board.

(b) Computerized equipment utilized to count and strap currency, gaming vouchers and coupons must:

(1) Automatically provide two separate counts of the funds at different stages of the count process and, if the separate counts are not in agreement, document the discrepancy.

(2) Be capable of determining the value of a gaming voucher or coupon by independently examining information printed on the gaming voucher or coupon. The information is used by the counting equipment to either calculate the value internally or obtain the value directly from the gaming voucher system or coupon system in a secure manner as approved by the Board. If the gaming

voucher system is utilized to obtain the value of a gaming voucher or coupon, the gaming voucher system must perform a calculation or integrity check to ensure that the value has not been altered in the system in any manner since the time of issuance.

(c) Persons accessing the count room when uncounted funds are present shall wear clothing without any pockets or other compartments with the exception of representatives of the Board, the Department, the Pennsylvania State Police, the security department and the internal audit department.

(d) Persons present in the count room may not:

(1) Carry a handbag or other container unless it is transparent.

(2) Remove their hands from or return them to a position on or above the count table or counting equipment unless the backs and palms of the hands are first held straight out and exposed to the view of other members of the count team and a surveillance camera.

(e) Immediately prior to the commencement of the count, a count room employee shall notify the surveillance department that the count is about to begin to facilitate the recording, under § 465.10(e) (relating to surveillance system; surveillance department control; surveillance department restrictions), of the entire count process.

(f) Prior to commencing gaming operations, each slot machine licensee shall establish a comprehensive system of internal controls addressing the opening, counting and recording of the contents of slot cash storage boxes. The internal controls shall be submitted to and approved by the Board under § 465.3 (relating to internal control systems and audit protocols).

(g) The internal controls developed and implemented by the slot machine licensee under subsection (f) must include a description of the computer equipment used in the counting and recording process and other systems, if any, that communicate with that computer equipment for purposes related to the counting of gross terminal revenue.

(h) Any gaming voucher or coupon deposited in a slot cash storage box shall be counted and included in the calculation of gross terminal revenue without regard to the validity of the gaming voucher or coupon.

(i) Any coupon which has not already been canceled upon acceptance or during the count shall be canceled prior to the conclusion of the count, in a manner approved by the Board.

(j) Any variance between the value of cash gaming vouchers and coupons in a slot cash storage box as determined in the count room and the value for that particular slot cash storage box recorded on corresponding reports generated by the gaming voucher system or coupon system shall be disclosed to the Board in a detailed written report citing each variance, the reason for the variance and the corrective action taken. This variance report shall be filed by the slot machine licensee with the Board within 72 hours of the count that is the subject of the comparison and shall be filed in the manner prescribed by the Board.

§ 465.27. Jackpot payouts.

(a) Prior to commencing gaming operations, each slot machine licensee shall establish a comprehensive system of internal controls addressing jackpot payouts that are not paid directly from a slot machine. The internal

controls shall be submitted to and approved by the Board under § 465.3 (relating to internal control systems and audit protocols).

(b) The internal control procedures developed and implemented by the slot machine licensee under subsection (a) must include:

(1) A request for jackpot payout document or, in the alternative, an electronic entry into a slot computer system generating jackpot payouts, by a slot attendant or slot supervisor, evidencing the observation by the slot attendant or slot supervisor of the winning combination of characters on the slot machine and a determination as to the appropriate amount of the jackpot payout based on the observed winning combinations.

(2) A requirement that the preparer of the request for jackpot payout document or, in the alternative, the employee performing the electronic entry into the slot computer system, be a slot supervisor if the hand paid jackpot is \$10,000 or more.

(3) A requirement that the following information be on the request for jackpot payout document or electronically entered into the slot computer system and maintained in stored data:

(i) The date and time of the jackpot.

(ii) The asset number of the slot machine on which the jackpot was registered.

(iii) The winning combination of characters constituting the jackpot or a code corresponding to the winning combination of characters constituting the jackpot.

(iv) The amount of the jackpot payout.

(v) The method of payment requested by the patron (that is, cash, slot licensee check).

(vi) The signature or identification code of the preparer.

(vii) The following additional signatures or identification codes shall be required if the slot machine or the progressive meter is reset prior to the patron being paid or if payment is made directly to the patron by a slot cashier:

(A) The signature or identification code of a security department member or slot attendant other than the preparer attesting to the winning combination of characters constituting the jackpot and the amount of the jackpot payout.

(B) The signature or identification code of the slot shift manager attesting to the winning combination of characters constituting the jackpot and the amount of the jackpot payout when the jackpot amount is \$25,000 or more.

(4) A requirement that following preparation the request for jackpot payout document be immediately transported by the preparer, or the information made available by the slot computer system, to the cashiers' cage where it will serve to authorize the preparation of a jackpot payout document.

(5) A requirement that if the winning patron will not be paid before the slot machine or progressive meter is reset, the preparer of the request for jackpot payout document or the employee performing the electronic entry required by paragraph (1) shall also prepare a two part receipt document containing the following information:

(i) The date and time of the jackpot.

(ii) The asset number of the slot machine on which the jackpot was registered.

(iii) The winning combination of characters constituting the jackpot or a code corresponding to the winning combination of characters constituting the jackpot.

(iv) The amount of the jackpot payout.

(v) The signature of the winning patron on the original form only.

(vi) The signature of the preparer attesting that the information on the receipt document is correct and agrees with the information on the request for jackpot payout document or in stored data.

(6) A requirement that the receipt document be distributed as follows:

(i) The original shall be immediately delivered to the slot cashier by the preparer, security department member or verifying slot attendant along with the request for jackpot payout document if manually generated in accordance with paragraph (1).

(ii) The duplicate shall be immediately presented to the winning patron who shall be required to present the duplicate receipt document before being paid the jackpot in accordance with the procedures set forth in this section.

(7) A requirement that the information in subparagraphs (i)—(vi) be on any jackpot payout document generated by the slot computer system. The data may not be susceptible to change or removal by any personnel after preparation of a jackpot payout document:

(i) The asset number of the slot machine on which the jackpot was registered.

(ii) The winning combination of characters constituting the jackpot or a code corresponding to the winning combination of characters constituting the jackpot.

(iii) The date on which the jackpot occurred.

(iv) The amount that is to be paid from cashiers' cage funds. However, this amount may, in the slot machine licensee's discretion, be rounded up to the nearest whole dollar.

(v) The date, time and method of payment (that is, cash, slot licensee casino).

(vi) The signature or identification code of the preparer.

(8) A requirement that whenever the winning patron is paid directly by the slot cashier the following procedures be followed:

(i) A jackpot payout document be generated by the slot computer system in accordance with paragraph (7).

(ii) If a one-part request for jackpot payout document is involved and a security department member or verifying slot attendant other than the preparer has not signed the one part request for jackpot payout document, the slot cashier shall summon a security department member or slot attendant other than the preparer of the request for jackpot payout document and provide that employee with the request for jackpot payout document. The security department member or verifying slot attendant shall proceed to the slot machine identified on the request for jackpot payout document and sign the request for jackpot payout document attesting that the winning combination of characters on the slot machine and the amount to be paid match those which appear on the request for jackpot payout document. If the jackpot amount is \$25,000 or more, a slot shift manager shall similarly sign the request for jackpot payout document attesting that the winning combination of characters on the slot machine and the

amount to be paid match those which appear on the request for jackpot payout document. The request for jackpot payout document shall then be immediately returned to the slot cashier.

(iii) After the slot cashier determines that the required signatures verifying the winning combination of characters on the slot machine and the amount to be paid have been placed on the one part request for jackpot payout document, if the amount being paid is less than \$10,000, the slot cashier shall pay the winning patron in the presence of the preparer of the request for jackpot payout document. If the amount being paid is \$10,000 or more but less than \$25,000, the slot cashier shall pay the winning patron in the presence of the slot attendant supervisor who prepared the request for jackpot payout document. If the amount being paid by the cashier is \$25,000 or more, the slot cashier shall pay the winning patron in the presence of the slot attendant supervisor and slot shift manager who prepared the request for jackpot payout document in accordance with this subsection. Personnel required by this subsection to witness the payment shall sign the duplicate jackpot payout document attesting to the accuracy of the information on the duplicate jackpot payout document and the disbursement of the payment to the patron.

(iv) If a receipt document under paragraph (5) was issued, the duplicate receipt document shall be signed by the patron in the presence of the slot cashier. The slot cashier shall compare the signature on the duplicate receipt document to that on the original receipt document and make the payment only if the signatures are in agreement.

(v) Once payment has been made and the required signatures obtained, the slot cashier shall give the duplicate jackpot payout document to a security department member or slot attendant who shall expeditiously deposit it into a locked accounting box.

(vi) The slot cashier shall attach the request for jackpot payout document, if applicable, the original and duplicate receipt document, if applicable, to the original copy of the jackpot payout document. All documents shall be forwarded by the end of the gaming day to the main bank for reimbursement.

(9) A requirement that whenever a winning patron is paid by a slot attendant or slot attendant supervisor, the following procedures are followed:

(i) A jackpot payout document be generated by the slot computer system in accordance with paragraph (7).

(ii) The slot cashier shall disburse the cash or slot licensee check to a slot attendant or slot attendant supervisor if the amount of the jackpot is less than \$10,000 and to a slot attendant supervisor if the amount of the jackpot is \$10,000 or more. The employee receiving the payment shall verify the amount received and sign the original and duplicate of the jackpot payout document attesting to the accuracy of the information on the jackpot payout document and the receipt of the payment from the slot cashier. The slot cashier shall retain the original jackpot payout document and the duplicate jackpot payout document shall be transported with the payment to the slot machine.

(iii) If a one-part request for jackpot payout document is involved and a security department member or verifying slot attendant other than the preparer has not signed the one-part request for jackpot payout document, the slot attendant or slot attendant supervisor shall provide the duplicate jackpot payout document to the security department member or verifying slot attendant other than the preparer at the slot machine who shall verify that the winning combination of characters on the slot machine and the amount to be paid match those which appear on the duplicate jackpot payout document. If the jackpot amount is \$ 25,000 or more, and the slot shift manager has not signed the request document, the slot shift manager shall similarly verify that the winning combination of characters on the slot machine and the amount to be paid match those which appear on the duplicate jackpot payout document.

(iv) Once the verifications required by subparagraph (iii) have been completed, if the payment is less than \$10,000, the slot attendant or slot attendant supervisor shall pay the winning patron in the presence of the security department member or second slot attendant who verified the winning combination of characters on the slot machine and the amount to be paid. If the payment is \$10,000 or more, but less than \$25,000, the payment shall be made by a slot attendant supervisor in the presence of the security department member or verifying slot attendant who verified the winning combination of characters on the slot machine and the amount to be paid. If the payment is \$25,000 or more, the payment shall be made by a slot attendant supervisor in the presence of the security department member or verifying slot attendant and the slot shift manager who verified the winning combination of characters on the slot machine and the amount to be paid. Once the patron has been paid, all personnel required by subparagraph (iii) to witness the payment shall sign the duplicate jackpot payout document attesting that the winning combination of characters on the slot machine and the amount to be paid match those which appear on the duplicate jackpot payout document and the disbursement of the payment to the winning patron.

(v) If a receipt document under paragraph (5) was issued, the slot cashier must give the slot attendant or slot attendant supervisor the original receipt document along with the duplicate jackpot payout document to be transported with the payment. The patron shall be required to sign the duplicate receipt document in the presence of the slot attendant or slot attendant supervisor. The slot attendant or supervisor shall compare the signature on the duplicate receipt document to that on the original receipt document and make the payment only if the signatures are in agreement.

(vi) Once payment has been made and the required signatures obtained, the security department member or slot attendant shall expeditiously deposit the duplicate jackpot payout document into a locked accounting box.

(vii) The slot attendant or slot attendant supervisor shall immediately return the original and duplicate receipt document, if applicable, to the cashiers' cage.

(viii) The slot cashier shall attach the request for jackpot payout document, if applicable, the original and duplicate receipt document, if applicable, to the original copy of the jackpot payout document. All documents shall be forwarded by the end of the gaming day to the main bank for reimbursement.

(10) A requirement that the slot machine licensee's accounting department perform, at the conclusion of each gaming day, effective income control audit procedures over the issuance of jackpot payouts including adequate comparisons to gaming voucher system data.

(11) Details with regard to processing of system overrides or adjustments.

(c) Nothing in this section precludes the use of a slot computer system, as approved by the Board, that electronically records the information required on a request for jackpot payout document or facilitates through the slot computer system the verifications and comparisons as to winning combination of characters on the slot machine or amount to be paid required under this section.

(d) Nothing in this section precludes a slot machine licensee from implementing procedures pursuant to which a slot attendant, in the presence of a member of the security department, utilizes an imprest inventory of funds secured in a pouch or wallet to pay a jackpot of less than \$1,200 that is not totally and automatically paid directly from a slot machine.

(e) Prior to the payment of a jackpot payout under subsection (d), each slot machine licensee shall establish a comprehensive system of internal controls addressing this method of jackpot payout, the replenishment of the imprest pouch and the attendant reconciliation process. The internal controls shall be submitted to and approved by the Board under § 465.3 (relating to internal control systems and audit protocols).

§ 465.28. Annuity jackpots.

(a) *Definition.* The following term, when used in this section, has the following meaning, unless the context clearly indicates otherwise:

Annuity jackpot—A slot machine jackpot pursuant to which a patron wins the right to receive fixed cash payments at specified intervals in the future.

(b) *Annuity jackpots.* A slot machine licensee offering an annuity jackpot payable over 10 years or more may offer a winning patron the option to be paid in a single cash payout, in lieu of the annuity jackpot, in an amount that is equal to the present value of the face amount of the jackpot payout as calculated in subsection (c).

(c) *Cash payment option.* The present value of the cash payout option on an annuity shall be determined by applying a discount rate to each of the future annuity jackpot payments, taking into consideration the number of years until each jackpot payment would otherwise have been received and adding to that amount the amount of the first cash payment that would otherwise have been received. For the purposes of this subsection, the discount rate must equal the United States Treasury constant maturity rate for 20 year United States government securities for the week ending prior to the date of the jackpot, as identified in the applicable H.15 Statistical Release issued by the Federal Reserve Board plus 0.5%.

(d) *Restriction on annuity payout.* A slot machine licensee may not offer an annuity jackpot payout unless:

(1) The terms and conditions of the annuity jackpot, including the effect on the calculation of the theoretical payout percentage, comply with the act, this subpart and technical standards on jackpot payouts approved by the Board.

(2) The Board has approved the specific offer of the annuity jackpot.

(e) *Cash payout with an annuity jackpot.* A cash payout made in connection with an annuity jackpot must be made in accordance with § 465.27 (relating to jackpot payouts).

(f) *Internal controls.* Prior to the payment of an annuity jackpot, each slot machine licensee shall establish a comprehensive system of internal controls addressing the payment of an annuity jackpot. The internal controls shall be submitted to and approved by the Board under § 465.3 (relating to internal control systems and audit protocols).

(1) The internal control procedures developed and implemented by the slot machine licensee must include:

(i) Procedures to be followed by a winning patron to exercise a cash payout option.

(ii) Procedures with regard to the administration of the trust agreement established to insure the future cash payments due pursuant to the annuity jackpot award.

(iii) A requirement that the trustee for the trust fund established by the trust agreement be a slot machine licensee or, for a wide area progressive system offering an annuity jackpot, the slot system operator for that wide area progressive system.

(2) A slot machine licensee may not offer an annuity jackpot until its supporting trust agreement and the internal controls required under this subsection have been approved in writing by the Board.

§ 465.29. Merchandise jackpots.

(a) *Definition.* The following term, when used in this section, has the following meaning, unless the context clearly indicates otherwise:

Merchandise jackpot—A slot machine jackpot in the form of:

(i) Merchandise or a thing of value.

(ii) A cash payout and a payout of merchandise or a thing of value.

(iii) An option to choose between a cash payout and a payout of merchandise or a thing of value.

(b) *Restriction.* A slot machine licensee may not offer a merchandise jackpot payout unless:

(1) The terms and conditions of the merchandise jackpot, including the effect on the calculation of the theoretical payout percentage, comply with the act, this subpart and technical standards on jackpot payouts approved by the Board.

(2) The Board has approved the specific offer of the merchandise jackpot.

(c) *Cash payout.* Any cash payout made in connection with a merchandise jackpot must be made in accordance with § 465.27 (relating to jackpot payouts).

(d) *Internal controls.* Prior to the payment of a merchandise jackpot, each slot machine licensee shall establish a comprehensive system of internal controls addressing the payment of a merchandise jackpot. The internal controls shall be submitted to and approved by the Board under § 465.3 (relating to internal control systems and audit protocols).

§ 465.30. Automated teller machines.

Automated teller machines may be placed at any location within the licensed facility.

§ 465.31. Waiver of requirements.

The Board may waive one or more of the requirements of this chapter or technical standards applicable to accounting and internal controls adopted by the Board upon a determination that the nonconforming control or procedure nonetheless meets the operational integrity requirements of the act, this subpart and technical standards adopted by the Board.

CHAPTER 467. COMMENCEMENT OF SLOT OPERATIONS

Sec.

467.1. Gaming floor plan.

467.2. Commencement of slot operations generally.

§ 467.1. Gaming floor plan.

(a) Each applicant for, or holder of a slot machine license, shall submit to the Board, in a manner the Board requires, a floor plan of its gaming floor and the restricted areas servicing the slot operation. Each floor plan shall be drawn to 1/8 inch scale or other scale approved by the Board, shall be certified by an architect licensed to practice in this Commonwealth and depict the following:

- (1) The gaming floor with notations as to:
 - (i) Proposed total square footage.
 - (ii) The perimeter of the gaming floor.
 - (iii) A clearly delineated route for underage persons to transverse the gaming floor.
- (2) Each slot machine area on the gaming floor and each slot machine location within each slot machine area. Slot machine locations shall be identified by number in accordance with § 463.3 (relating to slot machine location).
- (3) The number of slot machines on the gaming floor, in total and by slot area. The number must be in compliance with section 1210 of the act (relating to number of slot machines).
- (4) Each slot seat on the gaming floor in compliance with § 461.7(t) (relating to slot machine minimum design standards).
- (5) Each surveillance camera installed in compliance with § 465.10(a) (relating to surveillance system; surveillance department control, surveillance department restrictions), noting its type and camera number.
- (6) The cashiers' cage and any satellite cashiers' cage, inclusive of each cashiers' cage window and window number, ancillary offices and areas.
- (7) Each count room and any trolley storage area.
- (8) Each automated bill breaker, gaming voucher redemption, coupon redemption and jackpot payout machine.
- (9) Each automated teller machine.

(10) Each area designated for the storage or repair of slot machines.

(11) Vault and armored car bay locations.

(12) Additional documentation as requested by the Board.

(b) A slot machine licensee may not commence slot operations until the floor plan depicting its gaming floor and all restricted areas servicing the slot operation has been approved in writing by the Board. The approval by the Board will expressly authorize the maximum square footage of gaming floor and maximum number of slot machines which may be operated by the slot machine licensee.

(c) A slot machine licensee may not change or revise the square footage of its gaming floor or the number of slot machines on the floor plan approved under subsection (b) without prior written approval of the Board.

§ 467.2. Commencement of slot operations generally.

(a) In addition to obtaining a slot machine license, prior to the commencement of slot operations at a licensed facility each slot machine licensee shall demonstrate that:

- (1) The licensed facility, including the gaming floor and the restricted areas servicing the slot operation, complies in all respects with the act, this subpart and technical standards adopted by the Board.
- (2) Slot machines and associated equipment installed in the licensed facility and utilized in the conduct of slot machine operations have been tested and approved by the Board in compliance with the act, this subpart and technical standards adopted by the Board.
- (3) The gaming floor plan required under § 467.1(a) (relating to gaming floor plan) has been approved by the Board in compliance with the act, this subpart and technical standards adopted by the Board.
- (4) The slot machine licensee's proposed site plan and internal control systems and audit protocols have been approved by the Board in compliance with the act, this subpart and technical standards adopted by the Board.
- (5) The slot machine licensee is prepared to implement necessary management controls, surveillance and security precautions to insure the efficient conduct of slot operations.
- (6) The slot machine licensee's employees are licensed and trained in the performance of their responsibilities.
- (7) The slot machine licensee has complied with any conditions prerequisite to commencement of slot operations contained in the Statement of Conditions executed under § 423.3 (relating to license issuance and statement of conditions).
- (8) The licensed facility is prepared in all respects to receive the public.
- (9) The slot machine licensee has successfully completed a test period in accordance with the terms and conditions required by the Board.

(b) Upon a slot machine licensee's successful demonstration of the criteria enumerated in subsection (a), the Board may authorize the date and time at which the slot machine licensee may commence slot operations at the licensed facility and will fix the maximum square footage of gaming floor and maximum number of slot machines which may be operated by the slot machine licensee pursuant to that authorization.

[Pa.B. Doc. No. 06-1317. Filed for public inspection July 21, 2006, 9:00 a.m.]

PENNSYLVANIA GAMING CONTROL BOARD

[58 PA. CODE CH. 461a]

Digital Video Recording Formats

On June 15, 2006, the Pennsylvania Gaming Control Board (Board) adopted a statement of policy in § 461a.2 (relating to slot machine tower lights and error conditions) which provided technical standards for slot machine tower lights for use at a licensed facility. The Board has decided to make editorial changes to this statement of policy.

Therefore, the Board has deposited with the Legislative Reference Bureau an amendment to § 461a.2. The amendment is effective upon publication in the *Pennsylvania Bulletin*.

This technical standard, § 461a.2, under Chapter 461a, is amended to read as set forth in Annex A, with ellipses referring to the existing text of this statement of policy.

Fiscal Impact

This technical standard will have no appreciable fiscal impact upon the Commonwealth.

Contact Person

Further information is available by contacting the Pennsylvania Gaming Control Board, P. O. Box 69060, Harrisburg, PA 17106-9060.

Effective Date

This statement of policy will take effect upon publication in the *Pennsylvania Bulletin*.

THOMAS A. DECKER,
Chairperson

Fiscal Note: 125-37. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART VII. GAMING CONTROL BOARD

Subpart E. SLOT MACHINE TESTING, APPROVAL AND CONTROL

CHAPTER 461A. TECHNICAL STANDARDS—STATEMENT OF POLICY

§ 461a.2. Slot machine tower lights and error conditions.

* * * * *

(b) A slot machine tower light must consist of two separate lights, one on top of the other, that function in accordance with this section.

* * * * *

(2) The top light of the two lights must be white. The color of the bottom light must indicate the default denomination of the slot machine to which it is attached:

* * * * *

(vii) Purple means a \$10 or higher denomination slot machine.

(3) A slot machine licensee may, with the approval of the Board, utilize an alternative color scheme for the bottom light of the slot machine tower light in paragraph (2). The alternative color scheme may include:

(i) Assignment of a unique color to identify any single denomination or combination of denominations of slot machines in paragraph (2)(i) provided that the 5c denomination or any combination that includes the 5c denomination will always be the color red.

(ii) Assignment of a unique color to identify any single denomination or combination of denominations of slot machines in paragraph (2)(vii) provided that the \$100 denomination or any combination that includes the \$100 denomination will always be the color purple.

(iii) Assignment of the color yellow to identify all 25c and 50c denomination slot machines.

(iv) Assignment of the color blue to identify combinations of all \$1 and \$2 denomination slot machines or all \$1, \$2 and \$5 denomination slot machines.

* * * * *

[Pa.B. Doc. No. 06-1318. Filed for public inspection July 21, 2006, 9:00 a.m.]

A Business Opportunity for You. . . .

The publication of the Pennsylvania Code and Bulletin has always been accomplished by contracts between the Commonwealth and private contractors.

The Commonwealth is preparing bid documents for a multi-year contract to begin July 1, 2007. The Commonwealth seeks your input and participation.

Further information can be obtained from:
Pennsylvania Code and Bulletin
Legislative Reference Bureau
647 Main Capitol Building
Harrisburg, PA 17120
(Telephone: 717-783-1530)